

Regular Session, 2013

SENATE BILL NO. 215

BY SENATOR HEITMEIER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

WATER/WATERWAYS. Provides for ferries on the Mississippi River. (7/1/13)

1 AN ACT  
2 To amend and reenact R.S. 47:481 and R.S. 48:25.1 and the introductory paragraph of R.S.  
3 48:196(A), and to enact R.S. 48:25.2, relative to ferries; to require the Department  
4 of Transportation and Development to provide for continued operation of the Canal  
5 Street and Chalmette ferries across the Mississippi River near the city of New  
6 Orleans; to require the department to enter into a cooperative agreement with the  
7 New Orleans Regional Planning Commission; to authorize the commission to  
8 establish ferry fares and to contract for continued operation of the ferry system; to  
9 dedicate certain taxes to a special fund for ferry operations; to create the New  
10 Orleans Ferry Fund; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 47:481 is hereby amended and reenacted to read as follows:

13 §481. Disposition of collections

14 Except as provided in R.S. 47:480, all fees and taxes provided for in this  
15 Chapter, including the permit fees, shall be paid to the state treasurer on or before the  
16 tenth day of each month following their collection and shall be credited to the  
17 account of the Transportation Trust Fund, the State Highway Improvement Fund,

1 state highway fund No. 2, and the ~~Algiers-Canal Street~~ New Orleans Ferry Fund, as  
2 provided by law.

3 Section 2. R.S. 48:25.1 an the introductory paragraph of R.S. 48:196(A) are hereby  
4 amended and reenacted and R.S. 48:25.2 is hereby enacted to read as follows:

5 §25.1. Operation or control of ferries; ~~Crescent City Connection~~ New Orleans  
6 ferries; Regional Planning Commission; rates; operating  
7 agreement

8 A. The department ~~may~~ shall take over, ~~control, and regulate~~ own, provide  
9 insurance, and contribute from its operating budget not less than four million  
10 dollars annually for the continued operation of the Canal Street and Chalmette  
11 ferries formerly operated by its Crescent City Connection Division crossing the  
12 Mississippi River near the city of New Orleans. ~~It may prescribe and collect such~~  
13 ~~fees, tolls, fares, or ferry charges as it deems necessary to operate, maintain, and~~  
14 ~~replace such ferry service. To that end, it may privatize, let franchises, or enter into~~  
15 ~~contracts for such ferry service in the name of the state, alone or jointly with the~~  
16 ~~parishes or municipalities of the state. If the department enters into a contract or~~  
17 ~~franchise agreement with a non-public entity to provide ferry service formerly~~  
18 ~~operated by its Crescent City Connection Division, the provisions of R.S. 48:999 and~~  
19 ~~1000 which provide for certain free and unhampered passage on toll ferries shall not~~  
20 ~~apply.~~

21 B. ~~If the~~ The department ~~enters into a contract or franchise agreement with~~  
22 ~~a non-public entity to provide such ferry service, such contract shall include a~~  
23 ~~contract provision that appoints~~ shall enter into a cooperative endeavor agreement  
24 with the New Orleans Regional Planning Commission ~~as an advisor to such~~ to  
25 provide for the continued operation of the Canal Street and Chalmette ferries'  
26 system. The commission shall establish ferry fares and contract with a public  
27 or private ferry service contractor. ~~The commission may follow its customary~~  
28 ~~procedures to satisfy such advisory function.~~

29 C. The commission and its ferry service contractor shall use best

1 practices to operate the ferries' system and to establish and collect ferry fares.  
 2 The commission may set a tourist rate or non-commuter rate. All ferry fares  
 3 collected shall be used solely to operate and maintain the Canal Street and  
 4 Chalmette ferry system.

5 §25.2. New Orleans Ferry Fund; ferry operations

6 A. There is hereby created, as a special fund in the state treasury, the  
 7 New Orleans Ferry Fund, hereinafter referred to as the "fund".  
 8 Notwithstanding any provision of law to the contrary, beginning July 1, 2013,  
 9 and each fiscal year thereafter, after compliance with the requirements of  
 10 Article VII, Section 9(B) of the Constitution of Louisiana, and after making the  
 11 allocation for state highway fund No. 2, the treasurer shall deposit into the fund,  
 12 all of the funds derived from the collection of registration and license fees and  
 13 taxes collected by the state pursuant to R.S. 47:462, and as provided in R.S.  
 14 47:481, in the parish of Orleans.

15 B. The monies in the fund shall be subject to an annual appropriation  
 16 by the legislature and shall be used only as provided in Subsection C of this  
 17 Section. The monies in the fund shall be invested by the treasurer in the same  
 18 manner as the monies in the state general fund, and all interest earned shall be  
 19 deposited and credited to the fund. All unexpended or unencumbered monies  
 20 remaining in the fund at the end of the fiscal year shall remain to the credit of  
 21 the fund.

22 C. Monies appropriated from the fund shall be used exclusively by the  
 23 Department of Transportation and Development to fund operations of the  
 24 Canal Street and Chalmette ferries. These monies shall be in addition to monies  
 25 the department shall contribute from its operating budget as provided by law.

26 D. The provisions of this Section shall terminate on June 30, 2018.

27 \* \* \*

28 §196. State Highway Improvement Fund

29 A. There is hereby created, as a special fund in the state treasury, the State

1 Highway Improvement Fund, hereinafter referred to as the "fund." The source of  
 2 monies in this fund shall be registration and license fees and taxes collected by the  
 3 state pursuant to R.S. 47:462, and as provided in R.S. 47:481, in such amounts as  
 4 remain after payment of amounts due on bonds and related expenses as provided in  
 5 the documents pursuant to which the bonds were issued under the provisions of R.S.  
 6 48:196.1. Beginning July 1, 2007, and each fiscal year thereafter, after satisfaction  
 7 of the requirements of the provisions of R.S. 48:196.1 and compliance with the  
 8 requirements of Article VII, Section 9(B) of the Constitution of Louisiana, and after  
 9 making the allocation for state highway fund No. 2, and the ~~Algiers-Canal Street~~  
 10 **New Orleans** Ferry Fund, the treasurer shall deposit into the fund the following  
 11 amounts:

12 \* \* \*

13 Section 3. This Act shall become effective on July 1, 2013.

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The original instrument and the following digest, which constitutes no part  
 of the legislative instrument, were prepared by Sharon F. Lyles.

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#### DIGEST

Present law provides for DOTD to take over, operate, and regulate the ferries formerly operated by the CCCD and authorizes it to collect fees, tolls, fares, or ferry charges it deems necessary to operate, maintain, and replace the ferry service; provides that DOTD may privatize, franchise, or enter into contracts for ferry service alone or jointly with parishes or municipalities; requires any contract or franchise agreement with a non-public entity to contain a provision which appoints the New Orleans Regional Planning Commission (RPC) as advisor to the ferry service contractor; authorizes RPC to follow its customary procedures to satisfy the advisory function; provides that if DOTD enters into such a contract or agreement with a non-public entity the provisions of law which provide free passage on toll ferries for the Boy and Girls Scouts, the Camp Fire Girls, and all employees of parish governing authorities in official vehicles in their passage to and from work on an official project shall not apply.

Proposed law requires DOTD to own, and provide insurance and contribute not less than \$4,000,000 annually from its operating budget for the continued operation of the Canal Street and Chalmette ferries; requires the RPC to establish ferry fares and to contract with a public or private ferry service operator; requires the RPC to use best practices to operate the ferry system and collect ferry fares; authorizes the RPC to set a tourist rate or a non-commuter rate; requires that all ferry fares collected be used to operate and maintain the Canal Street and Chalmette ferry system.

Proposed law provides for creation of the New Orleans Ferry Fund and dedicates registration and license fees and taxes on trucks and trailers which are collected in Orleans Parish, subject to appropriation, to DOTD for operation of the New Orleans ferries until June 30, 2018; provides that these funds are in addition to but not less than \$4,000,000 DOTD contributes from its operating budget.

(Amends R.S. 47:481; R.S. 48:25.1 and 196(A)(intro para); adds R.S. 48:25.2)