

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)

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AN ACT

To amend and reenact R.S. 47:481 and R.S. 48:25.1 and the introductory paragraph of R.S. 48:196(A), and to enact R.S. 48:25.2, relative to ferries; to require the Department of Transportation and Development to provide for continued operation of certain ferry service formerly operated by its Crescent City Connection Division; to authorize cooperative agreements for ferry service; to establish ferry fares; to dedicate certain taxes to a special fund for ferry operations; to create the New Orleans Ferry Fund; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

§481. Disposition of collections

Except as provided in R.S. 47:480, all fees and taxes provided for in this Chapter, including the permit fees, shall be paid to the state treasurer on or before the tenth day of each month following their collection and shall be credited to the account of the Transportation Trust Fund, the State Highway Improvement Fund, state highway fund No. 2, and the ~~Algiers-Canal Street~~ **New Orleans** Ferry Fund, as provided by law.

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

3 §25.1. Operation or control of ferries; ~~Crescent City Connection~~ **New Orleans**
4 **ferries; cooperative agreement for ferry service; rates; operating**
5 **agreement**

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

18 B. ~~If the~~ **The** department ~~enters into a contract or franchise agreement with~~
19 ~~a non-public entity to provide such ferry service, such contract shall include a~~
20 ~~contract provision that appoints~~ **may enter into a cooperative endeavor agreement**
21 **for ferry service with a political subdivision of the state** ~~the New Orleans~~
22 ~~Regional Planning Commission as an advisor to such~~ **to provide for the continued**
23 **operation of the Chalmette ferry. The cooperative endeavor agreement may**
24 **include other maritime assets and associated properties formerly operated by**
25 **its Crescent City Connection Division to be managed and operated as a ferry**
26 **system. The political subdivision shall establish ferry fares and may contract**
27 **with a public or private** ferry service contractor. ~~The commission may follow its~~
28 ~~customary procedures to satisfy such advisory function.~~

29 **C. The political subdivision and its ferry service contractor shall use best**

1 practices to operate and manage ferry service and to establish and collect ferry
2 fares. All ferry fares collected shall be used solely to operate and maintain ferry
3 service.

4 §25.2. New Orleans Ferry Fund; ferry operations

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

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

21 C. Monies appropriated from the fund shall be used exclusively by the
22 Department of Transportation and Development to fund operations of the
23 Chalmette ferry and to provide ferry service formerly operated by its Crescent
24 City Connection Division. These monies shall be in addition to monies the
25 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.

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

DIGEST

Heitmeier (SB 215)

Present law provides for DOTD to take over, operate, and regulate the ferries formerly operated by the Crescent City Connection Division (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 more than \$4,000,000 annually from its operating budget for the continued operation of the Chalmette ferry; authorizes DOTD to enter a cooperative endeavor agreement (CEA) with a political subdivision of the state to provide for continued operation of the Chalmette ferry; authorizes CEA to include other marine assets and associated properties formerly operated by the CCCD to be managed and operated as a ferry system; requires the political subdivision to establish ferry fares and to contract with a public or private ferry service operator; requires political subdivision to use best practices to operate and manage ferry service and collect ferry fares; requires that all ferry fares collected be used to operate and maintain ferry service.

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 Chalmette ferry and to provide ferry service formerly operated by the CCCD 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)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Transportation, Highways, and Public Works to the original bill

1. Deletes Canal Street ferry service requirement.
2. Changes New Orleans Regional Planning Commission to political subdivision.
3. Removes authority to set a transit rate or non-commuter rate for ferry services.
4. Makes DOTD's execution of a CEA with a political subdivision to provide ferry service discretionary; authorizes CEA to include other maritime assets and associated properties formerly operated by CCCD for management and operation of a ferry system.