

Regular Session, 2014

HOUSE BILL NO. 446

BY REPRESENTATIVE LEGER

TRANSPORTATION: Provides for fixed guideway rail systems

1 AN ACT

2 To enact R.S. 48:214, relative to public transportation safety; to provide for fixed guideway
3 rail systems; to designate the office of multimodal planning as the state safety
4 oversight entity; to provide for duties and powers of the office; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 48:214 is hereby enacted to read as follows:

8 §214. Fixed guideway rail systems; safety

9 A. The office of multimodal planning of the Department of Transportation
10 and Development is hereby designated as the state safety oversight entity pursuant
11 to 49 U.S.C. 5329(e)(4).

12 B. As the state safety oversight entity, the office shall have the following
13 powers and duties only to the extent necessary to fulfill its obligations under federal
14 law:

15 (1) Enter onto and inspect the property of operators of fixed guideway rail
16 systems receiving federal funds without prior notice to such operators.

17 (2) Audit operators of fixed guideway rail systems receiving federal funds
18 for compliance with federal and state laws regarding the safety of fixed guideway

1 rail systems and compliance with a public transportation agency safety plan adopted
2 by a specific operator pursuant to 49 U.S.C. 5329(d).

3 (3) Direct the operator of a fixed guideway rail system to correct a safety
4 hazard by a specified date and time.

5 (4) Take legal action in a court of competent jurisdiction to compel an
6 operator of a fixed guideway rail system to correct a safety hazard, or to prevent the
7 operation of all or part of a fixed guideway rail system that the office has determined
8 to be unsafe.

9 (5) Audit, review, approve, and oversee operators of fixed guideway rail
10 systems receiving federal funds for compliance with a plan adopted by a specific
11 operator in compliance with Title 49, Section 5329(d) of the United States Code.

12 (6) Enforce statutes, regulations, executive orders, and rules relating to the
13 operation of a fixed guideway rail public transportation system in Louisiana.

14 (7) Implement such rules and regulations as may be necessary in order to
15 comply with this Section, and as may be promulgated by the Louisiana Department
16 of Transportation and Development, in accordance with the Louisiana
17 Administrative Procedure Act.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Leger

HB No. 446

Abstract: Designates the office of multimodal planning as the state safety oversight entity for fixed guideway rail systems and gives them the authority to inspect, audit, review, enforce laws, implement rules and regulations, and take action against unsafe operators and systems.

Proposed law designates the office of multimodal planning in the Dept. of Transportation and Development as the state safety oversight entity for fixed guideway rail systems pursuant to federal law.

Proposed law grants the office the authority to inspect, audit, review, enforce laws, implement rules and regulations, and take action against operators and fixed guideway rail systems.

(Adds R.S. 48:214)

Summary of Amendments Adopted by House

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

1. Made technical changes.
2. Added provisions that expand the powers and duties of the office of multimodal planning of the DOTD to authorize the following: (1) the audit, review, and approval of fixed guideway rail systems; (2) the enforcement of statutes and orders; (3) the implementation and enforcement of rules and regulations.