

SENATE RESOLUTION NO. 198

BY SENATOR ERDEY

A RESOLUTION

To urge and request all law enforcement agencies throughout Louisiana to educate and train their officers regarding their authority to remove vehicles and cargo from the roadway or shoulder during peak traffic hours and to prioritize opening all roadway lanes to traffic to relieve traffic congestion and minimize delay to the motoring public.

WHEREAS, R.S. 32:155, enacted by Act 781 of the 2014 Regular Session of the Legislature, and effective August 1, 2014, provides authority for any police officer, as the result of a motor vehicle crash or incident, to remove, without consent of the owner, any vehicle, cargo, or other movable property damaged or spilled upon the roadway or its shoulder that constitutes a hazard or obstructs traffic when such removal will improve public health or safety and reduce crash- or incident-related traffic congestion and delay; and

WHEREAS, R.S. 32:155 authorizes vehicle and cargo removal from roadways in Louisiana included in the state and federal highway system and requires a police officer to take immediate action and give priority to opening all roadway lanes to traffic to relieve traffic congestion and minimize delay to the motoring public during peak traffic hours such as from 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. on weekdays provided removal does not impair the protection of public safety; and

WHEREAS, except for gross negligence, no liability attaches to a police officer who exercises his authority to remove vehicles and cargo from a roadway following a motor vehicle crash or incident; and

WHEREAS, motor vehicle crashes and incidents that block travel lanes and obstruct traffic occur frequently on Louisiana's congested state and federal highways; and

WHEREAS, police officers appear to give priority to the crashed vehicles and cargo rather than immediately removing vehicles and cargo from the travel lanes and opening the travel lanes to traffic to relieve traffic congestion and minimize delay to the motoring public.

THEREFORE, BE IT RESOLVED that the Senate of the Legislature of Louisiana does hereby urge and request all law enforcement agencies throughout Louisiana to educate and train their officers regarding their authority to remove vehicles and cargo from the roadway or shoulder during peak traffic hours and to prioritize opening all roadway lanes to traffic to relieve traffic congestion and to minimize delay to the motoring public.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the deputy secretary of the Department of Public Safety and Corrections, public safety services, the Louisiana Municipal Association, the Police Jury Association of Louisiana, the Louisiana Association of Chiefs of Police, and the Louisiana Sheriffs' Association, and that each association disseminate this Resolution to its membership.

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PRESIDENT OF THE SENATE