

RÉSUMÉ DIGEST

ACT 359 (SB 416)

2020 Regular Session

Carter

Prior law provided for the public belt railroad in the city of New Orleans operated by the city through the public belt railroad commission. Provides for commission membership and officers, duties, and responsibilities, and authority to transact business.

New law generally provides for the Port of New Orleans, through a public nonprofit entity formed and owned by the port, to assume control of the assets and liabilities and to take over the duties and responsibilities of the railroad commission.

New law provides that the railroad commission, and any of its successors and assigns that operate, manage and develop the public belt railroad system, will be subject to the provisions of all federal railroad laws to the extent applicable by their terms to the public belt railroad system, including the Railway Labor Act, the Federal Employers Liability Act, the Railroad Retirement Act, the Railroad Retirement Tax Act, the Railroad Unemployment Insurance Act, the Federal Railroad Safety Act, and the Interstate Commerce Act.

New law provides that the railroad commission and the Board of Commissioners of the Port of New Orleans may make agreements between themselves to engage jointly in the construction, finance, acquisition or improvement of any public port or rail project or improvement, the promotion and maintenance of any undertaking, or the exercise of any power, provided that at least one of those political subdivisions is authorized under a provision of general or special law to perform such activity to exercise such power as may be necessary for completion of the undertaking. Such arrangements may provide for the joint use of funds, facilities, or property or any combination thereof necessary to accomplish the purposes of the agreement, and such agreements may include but are not limited to activities concerning the construction, finance, acquisition or improvement, or repair and maintenance, of public port or rail projects or improvements.

New law ratifies the 2018 assignment, transfer, and delivery by the city of New Orleans through the railroad commission of certain rights of way, tracks, locomotives, and other assets and liabilities to a nonprofit corporation formed and owned by the board of commissioners of the port of New Orleans.

New law provides that the employees of the public belt railroad system, which were transferred from the Public Belt Railroad Commission of the city of New Orleans to the New Orleans Public Belt Railroad Corporation and pursuant to new law are further transferred to the railroad commission, may continue with the railroad commission, their existing employment arrangements upon such transfer, including but not limited to existing labor contracts. These employees are to be included in the unclassified service of state civil service pursuant to prior law. The railroad commission will recognize and maintain the rights of these employees under existing labor contracts and applicable law. New law will not be interpreted to prohibit future changes as may be permitted by law, contract, or negotiated agreement with employees.

Provisions of the Act ratifying the 2018 agreement are effective upon signature of the governor or lapse of time for gubernatorial action. Provisions of this Act do not supersede the obligations set forth in the Cooperative Endeavor Agreement between the city of New Orleans, The Public Belt Railroad Commission for the City of New Orleans, the Board of Commissioners of the Port of New Orleans, and New Orleans Public Belt Railroad Corporation, dated February 1, 2018 including but not limited to Post-Closing Transfers.

Other provisions become operative upon the lapse of certain time delays following the effectiveness of the federal Surface Transportation Board authority or exemption for the transfer of the public belt railroad system to the New Orleans Public Belt Rail Commission.

Effective See Act.

(Amends R.S. 33:4530(A), (B), and (C), 4531, and 4532; adds R.S. 33:4530(D), 4534, 4535, 4536, and 4537; repeals R.S. 33:4533 and Act 279 of the 2011 R.S.)