

DIGEST

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HB 556 Original

2025 Regular Session

Bourriaque

**Abstract:** Reforms operations for the Louisiana Department of Transportation and Development.

Present law (R.S. 48:1(1)) defines "bicycle facility" as any physical facility provided for the exclusive or semi-exclusive use of bicycles including but not limited to unmarked shared roadways, marked shared roadways, bicycle lanes, shared use trails, and end of trip facilities

Proposed law relocates the definition of "bicycle facility".

Proposed law defines "assistant secretary for project management" as the appointing authority and lead engineer for the office of project management within the Department of Transportation and Development (DOTD).

Present law (R.S. 48:1(2)) defines "chief engineer" as the chief engineer of the DOTD.

Proposed law modifies present law by removing the definition of "chief engineer".

Present law (R.S. 48:23) specifies that in order to properly discharge its functions, the department may employ engineering, drafting, accounting, legal, and other help and labor, subject to any applicable civil service laws and regulations. Further, specifies that the department, at its discretion, may hire persons with disabilities in the position of Bridge Tender I.

Proposed law modifies present law by specifying that the department must immediately and annually petition the Federal Highway Administration for full authority to contract services listed in present law to the fullest extent, and execute the contract by Jan. 1, 2026, and removes the remainder of present law.

Present law (R.S. 48:35(B)) authorizes the chief engineer may designate highways within the state highway system for reconstruction or repair at guidelines which are less than those as approved by the American Association of State Highway and Transportation Officials; however, no reconstruction or repair can be done on any highway under present law which results in a pavement width of less than 18 feet, and all reconstruction or repair done under present law must be accomplished within the existing right-of-way.

Proposed law authorizes the assistant secretary for project management instead of the chief engineer, but otherwise retains present law.

Present law (R.S. 48:35(E)(1)(b)) specifies that when any public road, highway, bridge, or street, or any portion, is maintained, repaired, constructed, or reconstructed in accordance with the regulations or guidelines in effect on the date of approval by the chief engineer, or equivalent official in the case of a political subdivision of the state, of the original or amended design for the construction or major reconstruction, whichever is later, of such public road, highway, bridge, or street, or any portion thereof, there must be a presumption that any public road, highway, bridge, or street, or any portion, is maintained, repaired, constructed, or reconstructed in a reasonably safe condition.

Proposed law modifies present law by requiring the approval of the assistant secretary for project management instead of the chief engineer, but otherwise retains present law.

Present law (R.S. 48:53) authorizes the secretary to abolish positions; transfer duties between positions; and assign duties to, direct and control the work of, and transfer, promote, demote, remove, and otherwise change the status of employees of the dept. and fix their compensation.

Proposed law modifies present law by authorizing the secretary to transfer duties to private parties on a contractual basis in accordance with public bid law. Additionally, authorizes the secretary to eliminate any position within the dept. if he deems it necessary in fulfilling the goals of the office of transformation and in transitioning any departmental function to the 'La. Highway Construction Authority' (LHCA).

Present law (R.S. 48:76(B), (C), and (D)) authorizes the regulation and control of the annual budget for the Dept. of Transportation and Development.

Proposed law (R.S.48:76(D)) prohibits the dept. from financing, or proposing to finance, any of its direct and indirect employees through the Transportation Trust Fund or the Construction Subfund.

Proposed law (R.S.48:76(E) and (F)) prohibits the department from including in the capital budget any costs that are not directly associated with third-party contracts for preconstruction and construction services. Also prohibits the dept. from including any overhead percentage project costs in the capital budget.

Present law (R.S. 48:78(C)) specifies that for fiscal years 2015-2018, no more than a certain amount of Transportation Trust Fund (TTF) monies may be utilized by the Dept. of Public Safety and Corrections, office of state police.

Proposed law removes present law.

Proposed law (R.S. 48:78(C)) specifies that the TTF and the Construction Subfund must be a prohibited means of financing for any direct or indirect cost associated with any employee of the department.

Proposed law (R.S. 48:78(D)) specifies that nothing can be construed to prohibit or limit the use of monies in the TTF and the Construction Subfund for the outsourcing of any aspects of the departments functions and services.

Proposed law (R.S. 48:78(E)) specifies that monies in the TTF and the Construction Subfund cannot be appropriated, dedicated, or otherwise used, directly or indirectly, for the payment of state sales and use taxes.

Proposed law (R.S. 78.1) authorizes departmental reform and directives and authority to restructure and organize.

Present law (R.S. 48:91(A)) specifies that a chief engineer, a maintenance and operations engineer, and such other engineers as are found necessary by the secretary must be appointed. Additionally, specifies that chief engineer must be a competent engineer of recognized ability and standing, experienced in highway construction and maintenance, and shall be licensed to practice civil engineering in La. Further, specifies that the chief engineer and the maintenance and operations engineer must give their whole time to the duties of their offices.

Proposed law modifies present law by changing the chief engineer to the assistant secretary for project management, and makes it optional for the chief engineer to be licensed.

Present law (R.S. 48:91(B)) requires that the chief engineer and the maintenance and operations engineer receive annual salaries fixed by the secretary, payable monthly out of the funds, and must be allowed their actual and necessary traveling expenses incurred in the discharge of their official duties.

Proposed law modifies present law by changing the chief engineer to the assistant secretary for project management.

Present law (R.S. 48:92) requires that chief engineer or his designated representative approve all plans, specifications, and estimates for the construction of all highways under the provisions of present law. Additionally, specifies that he also has such other duties as may be assigned to him by the secretary or by the provisions of present law and he must report the proceedings of his office annually to the secretary of the department. Further, requires that the chief engineer have direct supervision of the maintenance of the highways and other facilities of the department.

Proposed law modifies present law by changing the chief engineer to the assistant secretary for project management.

Present law (R.S. 48:94) requires each dept. district office publish weekly on the department's internet website information by parish regarding the construction and maintenance work performed, including but not limited to a description and location of the construction project or maintenance work performed.

Proposed law (R.S. 48:94(B)) requires the dept., through the through the examination of best national practices, develop and publish a state- of- the- art, interactive online system to enable the public to conveniently monitor the status of the dept. projects statewide.

Present law (R.S. 48:105(B)(2)) specifies that the purpose of the Louisiana Transportation Research

Center (LTRC) is to introduce new technology.

Proposed law modifies present law by specifying that the purpose of the LTRC is to promote new technology.

Proposed law (R.S. 48:105(B)(5)) specifies that the purpose of the LTRC is to serve the private sector in a timely and efficient manner that encourages the advancement of innovation through incentives.

Present law (R.S. 48:105(G)(1)) requires the LTRC policy committee be established and charged with advising and making recommendations to the LTRC as well as reviewing and recommending research and technology transfer programs to be pursued by the center, reviewing and recommending fiscal year budgets, and reviewing the activities and progress of the center. Additionally, requires the committee to meet at least twice a year. Further, requires it be composed of 11 members, one must be the director of LTRC, three appointed by the secretary, one from each of the six public universities that have a college of engineering with a civil engineering department appointed by the president or chancellor of the respective university and one member be a dean of a college of engineering of a nonpublic institution of higher education selected by the committee from a list submitted by the La. Assoc. of Independent Colleges and Universities. The Federal Highway Administration shall be invited to appoint an observer. Requires, the director of LTRC be an ex officio member of the committee.

Proposed law modifies present law by requiring one of the members be the unclassified director of LTRC plus an ex officio member of the committee, and otherwise retains present law.

Present law (R.S. 48:105(G)(6)) requires the director of LTRC be chosen by the secretary of the department and the LTRC policy committee from a slate of nominees submitted by a search committee, the search committee must be selected by the LTRC policy committee.

Proposed law modifies present law by specifying that the director of LTRC is an unclassified role.

Present law (R.S. 48:105(G)(7)) specifies that director must annually develop fiscal year programs designed to implement the functions of LTRC described in present law, and to meet the funding commitments to the university. Additionally, specifies the director must administer the day-to-day activities of the LTRC. Further, requires the director submit an annual written report on the activities of the center to the policy committee, to the dean of the college of engineering at the university, and to the secretary of the department by March 15th of each year. Requires the annual reports address the activities and achievements of the center and provide an assessment of the extent to which the center is fulfilling its functions.

Proposed law modifies present law by changing the director to an unclassified position, but otherwise retains present law.

Present law (R.S. 48:105(G)(8)) requires the personnel of the LTRC consist of full-time classified employees of the department and faculty, staff, and students of the university. University employees

will participate in specific projects, but their activities must not be limited to those being funded by or under the administration of LTRC. Additionally, specifies that short-term appointments may also be made to provide assistance on specific problems or to work on short-term research projects. Further, requires that the university's personnel policies and benefits apply only to its personnel and the personnel policies and benefits of the department apply to the department personnel. Specifies, that accordance with its academic personnel policies and regulations, the university may utilize and recognize the department's professional personnel as active members of its academic community.

Proposed law specifies that the LTRC must consist of full-time unclassified employees, but otherwise retains present law.

Present law (R.S. 48:105.1(C)) specifies that the rules and regulations may authorize the chief engineer or his duly authorized representative to assess reduced fees for governmental personnel and faculty and staff of colleges and universities, provided those entities meet all state and federal requirements for a fee reduction.

Proposed law modifies present law by authorizing the assistant secretary for project management instead of the chief engineer, but otherwise retains present law.

Present law (R.S. 48:141) requires the secretary appoint a certified public accountant, duly qualified in this state, or an experienced cost accountant, to serve as the financial administrator, comptroller and disbursing officer for the department. Additionally, specifies he must give bond in favor of the governor in the amount of ten thousand dollars, conditioned on the faithful performance of his duties.

Proposed law modifies present law by authorizing the secretary to appoint an unclassified certified accountant unclassified financial services.

Present law (R.S. 48:142) specifies that the financial services administrator has general charge of the accounting, disbursing and cost accounting of the department.

Proposed law modifies present law by changing financial services to unclassified financial services.

Present law (R.S. 48:143) specifies that the financial services administrator is the disbursing officer of the department and all checks, vouchers, or warrants in payment of the accounts of the department and the salaries of the employees must be signed by the financial services administrator and countersigned by another officer or employee designated by the secretary, under such rules and regulations as are prescribed by the secretary.

Proposed law modifies present law by changing financial services to unclassified financial services and the salaries of the employees thereof must be signed by unclassified financial services administrator.

Present law (R.S. 48:163.1) establishes rules and regulations for the use of highways funds for bicycle facilities.

Proposed law removes present law in its entirety.

Proposed law (R.S. 48:196(D)) specifies that effective July 1, 2025, the State Highways Improvement Fund, its indebtedness, and all non-federal aid routes within La. must fall under the exclusive purview of the La. Highway Construction Authority (LHCA).

Proposed law (R.S. 48:196(E)) authorizes the LHCA to redeem any bonds of the State Highway Improvement Fund prior to their maturity date.

Present law (R.S. 48:203(B)) requires allotments unexpended during the fiscal year be carried over to the next fiscal year and remain allotted to the same project until completion of the project and liquidation of the costs.

Proposed law requires the dept. report to and appear before the Joint Legislative Committee on the Budget annually providing explanations for all unexpended allotments including but not limited to specific state laws that contributed to delays for such projects.

Present law (R.S. 48:207(A)) specifies that when recommended by the chief engineer, the assistant secretaries, or the executive directors of the various offices and divisions of the department and when in the opinion of the secretary the best interest of the state will be served, emergency purchases of commodities, materials, supplies, equipment and miscellany, or purchases or leases of noncompetitive or patented articles, devices, equipment, or commodities may be negotiated and made without requesting bids. Additionally, specifies that the essential documents authorizing these purchases or leases must have written on their face the explicit reasons supporting the necessity for these leases or purchases.

Proposed law modifies present law by changing the chief engineer to the assistant secretary for project management, but otherwise retains present law.

Present law (R.S. 48:220(A)) requires the width of rights-of-way for highway construction be fixed by the chief engineer of the dept. Additionally, specifies the width may be fixed in a manner sufficient, in the judgment of the chief engineer, to provide presently and in the future for the public interest, safety, and convenience. Further, specifies that the width may be fixed in a manner sufficient to adequately accommodate the future improvement of the highway by the construction of additional lanes of pavement, service roads, intersections, traffic distribution devices, and grade separations. Specifies, that it may be fixed to provide sight distances and insure stability and lateral support for the embankments, structures, and appurtenances to the highway and to provide for proper drainage.

Proposed law modifies present law by changing the chief engineer to the assistant secretary for project management, but otherwise retains present law.

Present law (R.S. 48:223(C)) specifies that the agents and employees of the department, under the direction of the chief engineer, may enter and clean or improve by widening and deepening, if necessary in the opinion of the chief engineer, such natural and public drainage channels, ditches,

or canals that are adjacent to and form part of the drainage system of any state highway.

Proposed law modifies present law by changing the chief engineer to the assistant secretary for project management, and otherwise retains present law.

Proposed law (R.S. 48:224.1(E)) specifies that effective July 1, 2025, the LHCA have exclusive authority to enter into agreements with local governments for the transfer of non-federal- aid eligible routes from the state highway system.

Present law (R.S. 48:229.1(A)) specifies that the legislature declares it to be in the public interest that a prioritization process for construction be utilized to develop a Highway Priority Program that accomplishes the following:

- (1) Brings the state highway system into a good state of repair and optimizes the usage and efficiency of existing transportation facilities.
- (2) Improves safety for motorized and nonmotorized highway users and communities.
- (3) Supports resiliency in the transportation system, including safe evacuation of populations when necessitated by catastrophic events such as hurricanes and floods.
- (4) Increases accessibility for people, goods, and services.
- (5) Fosters diverse economic development and job growth, international and domestic commerce, and tourism.
- (6) Fosters multimodalism, promotes a variety of transportation and travel options, and encourages intermodal connectivity.
- (7) Encourages innovation and the use of technology.
- (8) Protects the environment, reduces emissions, and improves public health and quality of life

Proposed law modifies present law by adding prioritizing above all else, transparency to the public and the accuracy of project delivery timelines, financial means, and the nature and scope of projects to be number one on the list.

Present law (R.S. 48:229.1(B)) specifies that beginning with the Highway Priority Program for Fiscal Year 2017-2018, the dept. must provide the legislature and public with this program which list projects to be constructed in the ensuing fiscal year in an order of priority that is determined after projects selected pursuant present law are analyzed and prioritized based upon the factors set forth in present law.

Proposed law modifies present law by removing the initial project list phase for Fiscal Year 2017-2018, but otherwise retains present law.

Present law (R.S. 48:229.1(D)) specifies that prior to selecting a project for inclusion in the program based on the factors set forth in present law, the dept. must screen all projects submitted for inclusion in the program to determine whether they are consistent with the most recent Statewide Transportation Plan and warrant inclusion in the program.

Proposed law modifies present law by specifying that the results must be published on the dept.'s website in a format that identifies non-prioritized projects, but otherwise retains present law.

Present law (R.S. 48:229.1(E)) requires that no later than Oct. 1st of each year, the dept. make public, in an accessible format, the results of the screening and analysis of projects pursuant to present law.

Proposed law modifies present law by requiring the format, in addition to being accessible, be accurate.

Present law (R.S. 48:229.1(F)) requires the dept. to initially identify prospective outcomes of each program and report these prospective outcomes to the legislature and make them available to the public on or before June 6, 2016. Additionally, requires the dept. evaluate the actual outcomes of each program and establish revised prospective outcomes of each program on a biennial basis. Further, specifies beginning in 2018, the dept. must report the results of these biennial evaluations to the legislature and make them available to the public on the dept. website on a biennial basis when the dept. presents a proposed program of construction to the Joint Highway Priority Construction Committee in accordance with present law.

Proposed law in addition to present law, requires the dept. include in its annual submission of the highway priority program a detailed list of any and all information from the previous years submission that proved to be inaccurate along with detailed and comprehensive explanations as to why the dept. failed to adhere to the previous years attestation. Requires the goal of the dept. to ensure at least 90% of its projects progress as provided for in the previous years program submission. Additionally, requires the legislative auditor monitor the program and make an annual determination of the percentage of accuracy.

Present law (R.S. 48:229.1(G)) authorizes the dept. to consult with the La. Economic Development when fixing the priorities of projects as required by present law.

Proposed law modifies present law by requiring the dept. to consult with the La. Economic Development to understand and achieve site development goals.

Proposed law (R.S. 48:229.1(H)) requires the dept. provide a report on the status of items funded in the prior Highway Priority Program.

Present law (R.S. 48:230) requires the dept. provide to the legislature annually an additional list of projects proposed to be commenced within the ensuing four years which are in various stages of planning and preparation. Additional, requires this list be subject to change by the department until the dept. finally approves each project for construction.



Proposed law removes present law.

Present law (R.S. 48:231(A)(1)) requires that beginning on Oct. 1, 2010, and not later than Oct. 1st of each year thereafter, the dept. provide a proposed program of construction for the coming fiscal year to the Joint Highway Priority Construction Committee.

Proposed law modifies present law by removing the Oct. 1, 2010 date.

Present law (R.S. 48:231(A)(5)) requires a report based on the testimony received at the hearings be sent to the dept. Additionally, requires the dept. to then create the final construction program for the coming fiscal year for submission to the legislature.

Proposed law modifies present law by requiring the report be sent to House and Senate Committees on Transportation, Highways and Public Works and any projects discussed at the hearing that is not included in the final construction program for the upcoming fiscal year be given a numerical identification and the dept. provide the aforementioned committees with a list of the projects along with written justification for the exclusion of each individual project.

Present law (R.S. 48:231(A)(6)) specifies that when this final construction program is communicated to the legislature for funding for the coming fiscal year, any project which the legislature determines is not in the proper order of priority in accordance with the factors stated in present law may be deleted by the legislature. Further, specifies that the legislature can not add any projects to this final construction program, nor can the legislature make substitutions for projects which have been removed.

Proposed law modifies present law by removing the provision that specifies that the legislature cannot add any projects to this final construction program, nor can the legislature make substitutions for projects which have been removed and adds any project discussed at the public hearing that is excluded from the final construction program by the dept. for more than one consecutive fiscal year will become eligible to be added to the program, in accordance with present law.

Proposed law (R.S. 48:231(A)(6)(b)) specifies that only one member from the House and Senate Committees on Transportation, Highways and Public Works may petition the Joint Committee on Transportation, Highways and Public Works to include an eligible project in the program by a favorable 2/3 vote.

Present law (R.S. 48:233) requires that the projects planned for the year for which appropriations have been made be commenced in that year; however, if a project cannot be commenced within the year for which it is planned, the secretary must file with the project records a public statement as to the factors causing the delay, and the next priority project meeting all necessary needed requirements for the same highway classification be substituted therefor. Further, requires when the delaying factors have been overcome, the delayed project be placed in the highest priority for the next ensuing fiscal year. Additionally, requires funds allocated for each construction project remain allocated until the project is completed and the project costs are liquidated.

Proposed law specifies that any employee of the dept. charged with managing projects who fails to deliver 80% of his projects timely must be ineligible for a merit increase or any other pay raise for the next fiscal year.

Present law (R.S. 48:250.3(E)(1)) specifies that the chief engineer, with concurrence of the secretary, must establish a design-build qualifications evaluation committee for evaluation of the responses to the request for qualifications received by the dept. Further, specifies the following general criteria used by the committee in evaluating responses must apply to both the design and construction components of any responding entity.

Present law (R.S. 48:250.3(E)(2)) requires the qualifications evaluation committee evaluate the qualifications of responding design-builders on the basis of the criteria identified in the request for qualifications and set forth in present law, and select a short list of the highest rated entities in a number to be determined by the dept. Additionally, specifies that if fewer than three responses are received, the secretary or designated representative may approve proceeding with the design-build process. Specifies, the qualifications evaluation committee may, at its discretion, be assisted by other dept. personnel in its evaluation of an entity's qualifications. Requires, that the design-build qualifications evaluation committee present its short list to the chief engineer for recommendation to the secretary. Additionally, requires the shortlisted entities be invited by the secretary or designated representative to submit a detailed technical and cost proposal for the design-build project and invitation to the shortlisted entities specify a deadline for submission of proposals.

Proposed law modifies present law by changing the chief engineer to the assistant secretary for project management, but otherwise retains present law.

Present law (R.S. 250.3(G)) requires the chief engineer, with concurrence of the secretary, establish a proposal review committee for evaluation of design-build proposals. Additionally, requires the proposal review committee be identified in the request for proposals (RFP). Further, requires the chief engineer, with concurrence of the secretary, assign a project manager, who becomes the chairman of the proposal review committee for the project. Specifies, that an RFP must identify technical elements of the project, depending on the characteristics of the project, to be included in the technical score. Additionally, the chief engineer, with concurrence of the secretary, may select additional dept. engineering and technical experts, and nationally recognized design-build experts to serve as committee members to score each technical element of the project and members of the proposal review committee must not have served as members of the qualifications evaluation committee. Specifies, that each member of the proposal review committee must make his scoring of assigned elements available for public review. Such scores must be considered public record.

Proposed law modifies present law by changing the chief engineer to the assistant secretary for project management, and otherwise retains present law.

Present law (R.S. 48:250.3.1(F)) specifies that the chief engineer, with the concurrence of the secretary, must establish a design-build qualifications evaluation committee for evaluation of the responses to the RFQ received by the dept. Further, requires the chief engineer, with the concurrence of the secretary, assign a project manager who becomes the chairman of the qualifications evaluation

committee for the project. Additionally, the qualifications evaluation committee may, at its discretion, be assisted by other dept. personnel in its evaluation of a design-builder's SOQ.

Proposed law modifies present law by changing the chief engineer to the assistant secretary for project management, but otherwise retains present law.

Present law (R.S. 48:251(C)) requires every contract for the construction of or improvements to highways include a warranty by the contractor as to the quality of materials and workmanship for a duration of three years. Additionally, requires the dept. implement the submit a report on its implementation of the warranty requirements to the Joint Legislative Committee on Transportation, Highways and Public Works no later than July 1, 1998.

Proposed law modifies present law by changing the duration from three years to one year, and removes the remainder of present law.

Present law (R.S. 48:255(B)(6)) specifies that if two or more responsive bids from responsible bidders are received for exactly the same price and no preference or other method exists to determine the lowest bidder, the chief engineer must notify the tied bidders of a time and place where the lowest bidder on the project will be chosen by flipping a coin or by lots, as appropriate in the determination of the chief engineer. Additionally, specifies that the dept. may readvertise the projects in its discretion.

Proposed law modifies present law by changing the chief engineer to the assistant secretary for project management, but otherwise retains present law.

Present law (R.S. 48:259) requires the dept. maintain the highways forming the state highway system, together with the other facilities of the dept. to the extent that the revenues of the dept. will permit. Additionally, requires the selection of the highways, facilities, or parts thereof to be maintained and the order of that selection be made by the secretary upon the recommendation of the chief engineer and may be changed from time to time as the case demands. Further, requires in this selection, these officials be guided by volume and character of traffic and the convenience, safety, and necessity of the traveling public.

Proposed law modifies present law by changing the chief engineer to the unclassified district administrator.

Present law (R.S. 48:260) specifies that the scope and extent of maintenance operations may include any operation involving employment of labor, purchase of materials, supplies, and equipment, and the severance, processing, and application of materials necessary to maintain the highway system together with the other facilities of the dept. at the maximum level of efficiency for its type. Further, specifies in case of damage to the state highway system caused by flood or other disaster, requiring immediate attention, or for construction urgently needed, or for construction that may be undertaken more efficiently, the secretary may execute such work of improvement with dept. maintenance forces, with the approval of the chief engineer or the assistant secretary of operations

Proposed law modifies present law by changing the approval of the chief engineer to the approval of the assistant secretary for project management.

Present law (R.S. 48:261(A)(1)) requires that all maintenance operations be performed by the employees of the dept. Additionally, specifies the dept. may, by contract or other means, arrange for the maintenance of any section or sections of highways or any of the facilities of the DOTD when, in the sole discretion of the secretary, there are not adequate employees to perform the maintenance work required by either federal or state law or sound engineering practices. Further, requires the secretary give due consideration to budgetary constraints and employment restrictions prior to entering into any contract to perform maintenance work. Requires, all such contracts to individuals or private concerns, except individuals with disabilities or organizations serving individuals with disabilities, be in accordance with the public bid provisions of present law.

Proposed law modifies present law by requiring the dept. maximize third-party contracts for the maintenance of every section or sections of highways or any of the facilities of the department, in lieu of having department employees attempt to conduct work in a timely and effective manner, and removes the remainder of present law.

Present law (R.S. 48:261(B)) authorizes the dept. to contract with the Dept. of Public Safety and Corrections, for use of prison labor to perform maintenance in parishes that the dept. is unable to employ sufficient labor to perform the duties.

Proposed law removes present law.

Present law (R.S. 48:261(C)) specifies that the use of prison labor must in no way reduce the work force of any highway maintenance gang or cause the layoff of any classified employee.

Proposed law modifies present law by clarifying that the use of prison labor may not reduce the workforce of any highway maintenance gang or result in the layoff of any classified employee.

Present law (R.S. 48:263) requires that the dept. establish and maintain its own shops for the servicing, repair, and upkeep of its equipment and must provide, at these shops and elsewhere, adequate standby units for emergency use and replacement of units under repair.

Proposed law modifies present law by requiring the dept. minimize and phase out and instead privatize such functions by June 30, 2026.

Present law (R.S. 48:265) requires that the dept. establish, operate, and maintain a laboratory for such research activities as are of interest to the functions of the dept. and for the routine sampling, inspection, examination, analysis, and testing.

Proposed law modifies present law by setting a date by June 30, 2026 to outsource the functions of the laboratory activities in present law.

Present law requires the methods and procedures in the laboratory and the equipment, machinery,

and devices employed in its operations be patterned upon and as consistently as possible conform to the standards as established by the American Society of Testing Materials, the American Association of State Highway Officials, and the Bureau of Public Roads as approved by the chief engineers of the offices of the dept.

Present law (R.S. 265(D)) modifies present law by changing the chief engineer to the assistant secretary for project management.

Present law (R.S. 48:269(B)) specifies that the procedure in expropriation proceedings filed for these purposes must be in accordance with the provisions present law but, whether an entire tract of land or only a portion thereof is expropriated, must apply and the certificate of the chief engineer required by present law, may be eliminated.

Proposed law modifies present law by changing the chief engineer to the assistant secretary for project management.

Present law (R.S. 48:286) specifies the conditions of retaining consultants warranted authorization.

Proposed law modifies present law specifying that there are no conditions that limit or prohibit the retention of services of consultants by the dept.

Present law (R.S. 48:292(B)) requires that the section head, after ascertaining the need for a noncompetitive selection, request approval from the secretary or his authorized designee through the chief engineer, assistant secretary for operations, assistant secretary for planning and programming, or assistant secretary of public works, hurricane flood protection, and intermodal transportation, whichever is applicable to the project, to engage a specific firm to perform the required services.

Proposed law modifies present law by changing the chief engineer to the assistant secretary for project management.

Present law (R.S. 48:292.1(E)(1)(f)) specifies that a prequalified consultant firm requests removal from the program in writing. Further, specifies that written requests for removal be addressed to the dept's chief engineer or his designee.

Present law (R.S. 48:292.1(E)(2)) specifies that a prequalified consultant removed from the program may not requalify for the program for a period of three years from the date of removal unless a written corrective action plan is submitted by the consultant to the department's project manager and the plan is approved by the chief engineer or his designee

Proposed law modifies present law by changing the chief engineer to the assistant secretary for project management.

Present law (R.S. 48:295.1(3)) defines "debarment committee" as the committee consisting of the following persons acting upon a unanimous vote: the chief engineer of the dept. or his designee; the deputy secretary of the department or his designee; and the general counsel of the dept. or his

designee.

Proposed law modifies the definition in present law by changing the chief engineer of the department to the assistant secretary for project management.

Present law (R.S. 48:342) specifies that the chief engineer may regulate, and, when the safety or convenience of the traveling public requires it, prohibit the parking or loading and unloading of any type of vehicle on any highway within the state highway system. Additionally, specifies that parking on the traveled surfaces and storing of articles or commodities of any kind within the right-of-way area is prohibited.

Present law (R.S. 48:343) specifies that the chief engineer of the dept. may regulate, the moving of tangible movable property across the highways.

Present law (R.S. 48:344) specifies that entrances to and exits from private properties adjacent to the rights-of-way of state highways may be regulated, prohibited, or abolished in the interest of the safety of the traveling public. Additionally, specifies that the chief engineer of the DOTD, from time to time, may prepare and promulgate descriptions and illustrations of various types and styles of entrances and exits consistent with this purpose and must issue permits of necessity and convenience for the installation of entrances and exits in accordance with its promulgated regulations and standards. Further, specifies that the department may apply to the courts for such process as may be necessary to make the provisions present law effective.

Proposed law modifies present law by changing the chief engineer of to the assistant secretary for project management within the DOTD.

Present law (R.S. 48:346) authorizes the assistant secretary of the office of operations or the chief engineer to close any section of highway to all or any class or part of traffic or restrict the use thereof to the extent he thinks expedient for any length of time that, in his judgment.

Proposed law changes the chief engineer to the assistant secretary of project management.

Present law (R.S. 48:381(A)) specifies that when not inconsistent with the purposes of state highways, the chief engineer may issue permits for the use and occupancy of the rights-of-way of state highways.

Proposed law changes the chief engineer to the assistant secretary of project management.

Present law (R.S. 48:381(C)(1)) specifies that no installation may be made except upon the explicit condition that the owner thereof must, at no cost to the dept., remove or relocate the facility when that is necessary to permit the widening, relocation, or other improvement of the highway, when so ordered by the chief engineer of the dept. or his duly authorized representative; however, this condition must not apply to the removal or relocation of municipally owned utility installations located within the limits of the municipality in cases where the necessity of such removal or relocation is created by the construction, repair, or improvement of an interstate highway. Further,

specifies that in such instances the cost of removal or relocation must be paid for by the dept., and such payment must be deemed a valid use of funds appropriated or otherwise made available to the dept. for highway purposes. Additionally, specifies that payment for such relocation or removal of municipally owned utility installations must be made only as to projects in the process of construction on July 1, 1992, and projects begun thereafter and the making of such payments must be conditioned upon the availability of federal aid funds to reimburse the dept. for such expenditures.

Present law (R.S. 48:381(C)(3)(a)) specifies that the chief engineer, or his duly authorized representative, is authorized to negotiate utility relocation agreements containing liquidated damages clauses, equal to .05 percent per day of the estimated utility's relocation costs, regarding delays caused solely by the unjustifiable delinquency of a utility in the completion of relocation work. Further, specifies the chief engineer, or his duly authorized representative, may decline the issuance of a permit to any utility company that is unjustifiably delinquent in completing a relocation project and must continue to so decline until such a project is completed.

Proposed law changes the chief engineer to the assistant secretary of project management.

Present law (R.S. 48:381(D)) authorizes the chief engineer, or his duly authorized representative, may require a deposit in the form of a certified check or other guaranty in a form and in an amount deemed by him to be necessary for the proper protection of the state prior to the issuing of a permit when the installations require excavations, or at other times when he believes a deposit or guaranty is necessary to protect the dept's interests.

Present law (R.S. 48:381(E)(1)(a)) specifies that except for rural water districts, the chief engineer or his duly authorized representative may assess reasonable utility operator's annual permit fees in connection with the issuance of permits. Additionally, requires that fees as determined by the dept. not exceed the maximum fees as set.

Present law (R.S. 48:381(E)(2)) authorizes the chief engineer or his duly authorized representative assess reasonable operator's fees for rural water districts in connection with the issuance of permits to defray the expense of inspections by the dept's employees.

Proposed law changes the chief engineer to the assistant secretary of project management.

Present law (R.S. 48:381(A)) authorizes the chief engineer, or his duly authorized representative, to enter into joint use agreements affecting those highway rights-of-way which consist of elevated sections and other highway rights-of-way which may be deemed suitable and available by the chief engineer. Further, requires the provisions of present law in no way be interpreted to apply to any entity governed by the Public Service Commission.

Present law (R.S. 48:381(D)) specifies that the chief engineer may waive fees for governmental entities, political subdivisions, colleges and universities, provided that said entities derive no income directly from the use of highway rights-of-way, and provided that said entities meet any and all state and federal requirements for a fee waiver.

Proposed law changes the chief engineer to the assistant secretary of project management.

Present law (R.S. 48:381.2(A)(1)) authorizes the chief engineer or his duly authorized representative issue nonexclusive permits, on a competitively neutral and nondiscriminatory basis for use of public rights-of-way, to utility operators for the purpose of installation of fiber-optic cable facilities within controlled-access highway rights-of-way.

Present law (R.S. 48:381.2(B)(1)) specifies that the chief engineer or his duly authorized representative may issue nonexclusive permits, on a competitively neutral and nondiscriminatory basis for use of public rights-of-way, to utility operators for the purpose of installation of wireless telecommunications equipment and facilities within highway rights-of-way.

Proposed law changes the chief engineer to the assistant secretary of project management.

Present law (R.S. 48:381.4) authorizes the chief engineer or his duly authorized representative to enter into agreements with a wireless telecommunications tower manager to manage such towers for specified periods.

Proposed law changes the chief engineer to the assistant secretary of project management.

Present law (R.S. 48:382(A)) specifies that when an existing highway is intersected or proposed to be intersected by a facility or utility used or to be used for the transportation of persons or commodities, as a railway or canal, or when an existing highway is intersected by an artificial waterway for drainage, irrigation, or other purposes, the owner of the facility or utility must provide a means of crossing the highway which in the opinion of the chief engineer or his duly authorized representative is appropriate and adequate and shall provide for the subsequent maintenance and replacement of the crossing in accordance with current maintenance standards.

Proposed law changes the chief engineer to the assistant secretary of project management.

Present law (R.S. 48:383) specifies that where a highway is built across a drainage or irrigation canal dug by a floating dredge or which may be subject to cleaning or recleaning by a floating dredge, a bridge be built at the crossing of a design approved by the chief engineer which permit a quick, easy, and efficient removal and replacing to facilitate the cleaning of the canal.

Proposed law changes the chief engineer to the assistant secretary of project management.

Present law (R.S. 48:385) specifies that no industrial wastes, sewage, septic tanks effluent, nor any noxious or harmful matter, solid, liquid, or gaseous, can be discharged into the side or cross ditches or placed upon the rights-of-way of state highways, without the prior written consent of the chief engineer, or his duly authorized representative, and of the secretary of the La. Dept. of Health.

Proposed law changes the chief engineer to the assistant secretary of project management.

Present law (R.S. 48:386(A)) specifies that whenever a highway crosses a railroad track at grade, and



the grade crossing needs repair and should, in the judgment of the chief engineer or his duly authorized representative, be repaired, and if, after 15 days notice in writing, the railroad company whose tracks are crossed thereby fails to repair it, the department may make the repairs and maintain the crossing and charge the expenses thereof to the railroad company.

Proposed law changes the chief engineer to the assistant secretary of project management.

Present law (R.S. 48:386(B)) specifies that whenever a warning device located at a railroad crossing needs repair or is not being maintained in compliance with federal guidelines and should, in the judgment of the chief engineer or his duly authorized representative, be repaired or receive maintenance, written notice of the necessity of such repair or maintenance must be given to the railroad company owning the track at which the device is located. Further, specifies that if the railroad does not proceed with the repair or maintenance within 30 days after receipt of the notice, the dept. may initiate the performance of the repair or maintenance of the warning device and charge the expenses thereof to the railroad company.

Proposed law changes the chief engineer to the assistant secretary of project management.

Present law (R.S. 48:390.1(A)(4)) requires the department mail a copy of the notice of intent and determination pursuant to present law to the local governing authority with jurisdiction over the non-state maintained highway and the railroad. Additionally, specifies that the local governing authority may submit a written request to the chief engineer for reconsideration of the dept.'s determination. Further, specifies that a reconsideration request must be postmarked within 15 calendar days, excluding weekends and holidays, from the date of mailing of the notice. Requires a rail safety reconsideration board composed of the secretary, the chief engineer, and the executive director of the La. Highway Safety Commission must consider the request and issue a final determination not later than 15 calendar days, excluding weekends and holidays, of the date of receipt of the local governing authority's reconsideration request the determination of the rail safety reconsideration board must be final.

Proposed law changes the chief engineer to the assistant secretary of project management.

Present law (R.S. 48:442(3)(b) and (c)) requires the petition have annexed the following:

- (1) A certificate signed by the chief engineer or, in his absence, his principal assistant, declaring that he has fixed the right-of-way in a manner sufficient in his judgment to provide presently and in the future for the public interest, safety, and convenience.
- (2) A certificate signed by the chief engineer, by the road design engineer, and, if appropriate, by the bridge design engineer, declaring that the location and design of the proposed improvements are in accordance with the best modern practices adopted in the interest of the safety and convenience of the traveling public. In the absence of any of them, his chief assistant may sign for him.

Proposed law modifies present law by changing the chief engineer to the assistant secretary for

project management, and otherwise retains present law.

Present law (R.S. 442.1(3)(b)) requires the petition be accompanied by a certificate signed by the chief engineer or, in his absence, his chief assistant, declaring that he has fixed the right-of-way in a manner sufficient in his judgment to provide presently and in the future for the public interest, safety, and convenience of the traveling public and has made a determination of the amount and location of the property required for the purposes set forth in the petition and that in his opinion the property is neither excessive or inadequate for such purposes.

Proposed law modifies present law by changing the chief engineer to the assistant secretary for project management, and otherwise retains present law.

(Amends 48:1(1) and (2), 23, 35(B), and (E)(1)(b), 53, 76, 78(C), 91(A) and (B), 92, 94, 105(B)(2) and (G)(1) and (6) through (8), 105.1(C), 141, 142, 143, 203(B), 207(A), 220(A), 223(C), 229.1(A), (B), and (D) through (G), 231(A)(1), (5), and (6), 233, 250.3(E)(1)(intro. para.) and (2) and (G), 250.3.1(F), 251(C), 255(B)(6), 259, 260, 261(A)(1), (B) and (C), 263, 265, 269(B), 286, 292(B), 292.1(E)(1)(f) and (2), 295.1(3), 342, 343, 344, 346(intro. para.), 381(A)(intro. para.), (C)(1) and (3)(a), (D), (E)(1)(a)(intro. para.) and (2), and (I), 381.1(A) and (D), 381.2(A)(1) and (B)(1), 381.4(intro. para.), 382(A), 383, 385, 386, 390.1(A)(4), 442(3)(b) and (c), 442.1(3)(b); Adds R.S. 48:78(D) and (E), 78.1, 105(B)(5), 196 (D) and (E), 224.1(E) and 229.1(H); Repeals R.S. 48:79, 163.1, and 230)