

2025 Regular Session

HOUSE BILL NO. 556

BY REPRESENTATIVE BOURRIAQUE

Filed pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

TRANSPORTATION: Reforms operations for the Louisiana Department of Transportation and Development

AN ACT

To amend and reenact R.S. 48:1(1) and (2), 23, 35(B) and (E)(1)(b), 53, 76, 78(C), 92, 94, 105(B)(2), 105.1(C), 203(B), 207(A), 229.1(A), (B), and (D) through (G), 231(A)(1), (5), and (6), 250.3(E)(1)(introductory paragraph) and (2) and (G), 250.3.1(F), 251(C), 255(B)(6), 259, 261(A)(1), (B) and (C), 263, 265, 269(B), 286, 292(B), 292.1(E)(1)(f) and (2), 295.1(3), 381(A)(introductory paragraph), (C)(3)(a), (D), (E)(1)(a)(introductory paragraph) and (2), and (I), 381.1(D), and 381.4(introductory paragraph), to enact R.S. 48:78(D) and (E), 78.1, 105(B)(5), 196(D) and (E), 224.1(E), and 229.1(H), and to repeal R.S. 48:79, 163.1, and 230, relative to the various reform operations within the Louisiana Department of Transportation and Development; to define assistant secretary for project delivery; to improve project oversight and ensure better coordination across all stages of project development and implementation; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 48:1(1) and (2), 23, 35(B) and (E)(1)(b), 53, 76, 78(C), 92, 94, 105(B)(2), 105.1(C), 203(B), 207(A), 229.1(A), (B), and (D) through (G), 231(A)(1), (5), and (6), 250.3(E)(1)(introductory paragraph) and (2) and (G), 250.3.1(F), 251(C), 255(B)(6),

259, 261(A)(1), (B), and (C), 263, 265, 269(B), 286, 292(B), 292.1(E)(1)(f) and (2), 295.1(3), 381(A)(introductory paragraph), (C)(3)(a), (D), (E)(1)(a)(introductory paragraph) and (2), and (I), 381.1(D), and 381.4(introductory paragraph) are hereby amended and reenacted and R.S. 48:78(D) and (E), 78.1, 105(B)(5), 196(D) and (E), 224.1(E), and 229.1(H) are hereby enacted to read as follows:

§1. Terms defined

For purposes of this Chapter, the following terms have the meanings ascribed to them by this Section, except where the context clearly indicates otherwise:

(1) "Assistant secretary for project delivery" means the appointing authority for the office of project delivery within the Department of Transportation and Development.

~~(1)~~ (2) "Bicycle facility" means any physical facility provided for the exclusive or semi-exclusive use of bicycles. This includes but is not limited to unmarked shared roadways, marked shared roadways, bicycle lanes, shared use trails, and end of trip facilities.

~~(2) "Chief engineer" means the chief engineer of the Department of Transportation and Development.~~

* * *

§23. Engineering and other services

A. In order to properly discharge its functions, the department ~~may employ~~ shall immediately and annually thereafter petition the Federal Highway Administration for full authority to contract services for engineering, drafting, accounting, legal, and other help and labor, ~~subject to any applicable civil service laws and regulations~~ to the fullest extent permitted by applicable law, and with the obligation to execute these contracts by January 1, 2026.

~~B. Notwithstanding any provision of law, or any provision of the department, or any provision of Civil Service to the contrary, the department, at its discretion, may hire persons with disabilities in the position of Bridge Tender I.~~

* * *

§35. Minimum safety guidelines of highway design, maintenance, and construction;
exemptions

* * *

B. The ~~chief engineer~~ assistant secretary for project delivery 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 shall be done on any highway under this Part which results in a pavement width of less than eighteen feet, and all reconstruction or repair done under this Part shall be accomplished within the existing right-of-way.

* * *

E.(1)

* * *

(b) When any public road, highway, bridge, or street, or any portion thereof, is maintained, repaired, constructed, or reconstructed in accordance with the regulations or guidelines in effect on the date of approval by the ~~chief engineer~~ assistant secretary for project delivery, 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 shall be a presumption that any such public road, highway, bridge, or street, or any portion thereof, is maintained, repaired, constructed, or reconstructed in a reasonably safe condition.

* * *

§53. Personnel authority

The secretary, subject only to the limitations of appropriations thereto and all of the applicable provisions of Title 36 of the Louisiana Revised Statutes of 1950, may abolish positions; transfer duties between positions; to transfer duties to provide to parties on a contractual basis in accordance with public bid laws, and assign duties to, direct and control the work of, and transfer, promote, demote, remove, and otherwise change the status of employees of the department and fix the compensation

* * *

~~D.~~ C. It is the intent and purpose of the provisions of this Section to require that the annual budget of the Department of Transportation and Development and the financial and budgetary functions and operations thereof shall be governed by and be subject to the same conditions and provisions of law that are now or hereafter may be applicable to the budgets and the budgetary and fiscal functions and operations of the other budget units of the state. It therefore is hereby specifically provided and declared that the Department of Transportation and Development is classified as a budget unit, as the term is defined and referred to in Paragraph 7 of Section 2 of Title 39 of the Louisiana Revised Statutes of 1950 and, as such, shall be subject to all of

1 the provisions of Title 39 and any and all other laws, relating or applicable to such
2 budget units.

3 D. The department is hereby prohibited from financing, or proposing to
4 finance, any of its direct and indirect employees through the Transportation Trust
5 Fund or the Construction Subfund.

6 E. The department is hereby prohibited from including in the capital budget
7 any costs that are not directly associated with third-party contracts for
8 preconstruction and construction services.

9 F. The prohibitions in Subsections D and E of this Section shall prohibit the
10 department from including any overhead percentage project costs in the capital
11 budget.

12 * * *

13 §78. Transportation Trust Fund; limitations on appropriations; limitations on
14 utilization

15 * * *

16 ~~C.(1) For Fiscal Year 2015-2016, no more than forty-five million dollars of~~
17 ~~Transportation Trust Fund monies may be utilized by the Department of Public~~
18 ~~Safety and Corrections, office of state police.~~

19 ~~(2) For Fiscal Year 2016-2017, no more than twenty million dollars of~~
20 ~~Transportation Trust Fund monies may be utilized by the Department of Public~~
21 ~~Safety and Corrections, office of state police.~~

22 ~~(3) For Fiscal Year 2017-2018 and thereafter, no more than ten million~~
23 ~~dollars of Transportation Trust Fund monies may be utilized by the Department of~~
24 ~~Public Safety and Corrections, office of state police. The Transportation Trust Fund~~
25 and the Construction Subfund shall be a prohibited means of financing for any direct
26 or indirect cost associated with any employee of the department.

27 D. Notwithstanding any provision of law to the contrary, nothing shall be
28 construed to prohibit or limit the use of monies in the Transportation Trust Fund and
29 the Construction Subfund for the outsourcing of any aspects of the departments
30 functions and services.

E. Notwithstanding any provision of law to the contrary, monies in the Transportation Trust Fund, the Construction Subfund, or state allocated one-time monies shall not be appropriated, dedicated, or otherwise used, directly or indirectly, for the payment of state sales and use taxes.

* * *

§78.1. Departmental reform; directive and authority to restructure and organize

A. The department is hereby directed to fully leverage the office of transformation to hold each office of the department accountable to optimize the respective functions under the direction of the deputy secretary.

B. The office of transformation shall be charged with implementing comprehensive reforms enacted by the Legislature during the 2025 Regular Session and shall be obligated to notify the legislature of any conflicting laws or other issues that impede the department's ability to comply with the reform measures.

C.(1) By fiscal year 2026-2027, it shall be the charge of the office of transformation, to have established and empowered a central Department of Transportation and Development data management role and program, for implementation of a data asset management process, documented and formalized for key products, implemented modern standard data architecture, tools, and practices; for centralized data management and analytics, and enabled collaboration by default.

(2) Alternatively, the department shall examine best practices to develop and implement a state-of-the-art internal information system that conveniently and accurately monitors the status of its functions statewide.

D. The department shall have enacted comprehensive, department wide reforms of the access permit process to include the policy, administrative code, engineering directives and standards manual, and online application processes by June 30, 2026.

E. The department shall modernize and reform project development and execution across the entire department to stabilize letting and to remit payments to vendors and contractors on a bi-monthly basis, consistent with the terms of its contracts no later than June 30, 2026.

* * *

1 §92. Powers and duties

2 The chief engineer or his designated representative shall approve all plans,
3 specifications, and estimates for the construction of all highways under the
4 provisions of this Chapter. He also has such other duties as may be assigned to him
5 by the secretary or the assistant secretary for project delivery by the provisions of
6 this Chapter. He shall report the proceedings of his office ~~annually to the secretary~~
7 ~~of the department.~~ to the assistant secretary for project delivery. Subject to and
8 pursuant to the provisions of R.S. 48:259, the chief engineer has direct supervision
9 of the maintenance of the highways and other facilities of the department.

10 * * *

11 §94. District office transparency; publication of district work

12 A. Each department district office shall publish weekly on the department's
13 internet website information by parish regarding the construction and maintenance
14 work performed, including but not limited to a description and location of the
15 construction project or maintenance work performed.

16 B. The department shall, through the examination of best practices, develop
17 and publish a state-of-the-art, interactive online system to conveniently and
18 accurately monitor the status of the department's projects statewide.

19 * * *

20 §105. Louisiana Transportation Research Center

21 * * *

22 B. The purposes of the LTRC are as follows:

23 * * *

24 (2) ~~Introduce~~ Promote new technology.

25 * * *

26 (5) Serve the private sector in a timely and efficient manner that encourages
27 the advancement of innovation through incentives.

28 * * *

§105.1. Transportation Training and Education Center Dedicated Fund Account;

creation

* * *

C. The rules and regulations may authorize the ~~chief engineer~~ assistant secretary for project delivery 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.

* * *

§196. State Highway Improvement Fund

* * *

D. Effective July 1, 2025, the State Highways Improvement Fund, its indebtedness, and all non-federal aid routes within Louisiana shall fall under the exclusive purview of the Louisiana Highway Construction Authority.

E. Notwithstanding any provision of the law to the contrary, the Louisiana Highway Construction Authority is hereby authorized to redeem any bonds of the State Highway Improvement Fund prior to their maturity date.

* * *

§203. Annual highway budget

* * *

B. Allotments unexpended during the fiscal year shall 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 thereof. The department shall 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.

* * *

§207. Emergency purchases; no bids necessary

A. When recommended by the ~~chief engineer~~ assistant secretary for project delivery, 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. However, the essential documents authorizing these purchases or leases shall have written on their face the explicit reasons supporting the necessity for these leases or purchases.

* * *

§224.1. Transfer and exchange of state and local roads

* * *

E. Effective July 1, 2025, the Louisiana Highway Construction Authority shall have exclusive authority to enter into agreements with local governments for non-federal-aid eligible routes from the states' highway system.

* * *

§229.1. Statewide prioritization process for the Highway Priority Program

A. 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) Prioritizes above all else, transparency to the public and the accuracy of project delivery timelines, financial means, and the nature and scope of projects.

~~(1)~~ (2) Brings the state highway system into a good state of repair and optimizes the usage and efficiency of existing transportation facilities.

~~(2)~~ (3) Improves safety for motorized and nonmotorized highway users and communities.

~~(3)~~ (4) Supports resiliency in the transportation system, including safe evacuation of populations when necessitated by catastrophic events such as hurricanes and floods.

~~(4)~~ (5) Increases accessibility for people, goods, and services.

~~(5)~~ (6) Fosters diverse economic development and job growth, international and domestic commerce, and tourism.

1 ~~(6)~~ (7) Fosters multimodalism, promotes a variety of transportation and travel
2 options, and encourages intermodal connectivity.

3 ~~(7)~~ (8) Encourages innovation and the use of technology.

4 ~~(8)~~ (9) Protects the environment, reduces emissions, and improves public
5 health and quality of life.

6 B. Beginning with the Highway Priority Program for Fiscal Year 2017-2018,
7 the The department shall provide the legislature and public with this program which
8 shall list projects to be constructed in the ensuing fiscal year in an order of priority
9 that is determined after projects selected pursuant to Subsection C of this Section are
10 analyzed and prioritized based upon the factors set forth in Subsection A of this
11 Section.

12 * * *

D. Prior to selecting a project for inclusion in the program based on the factors set forth in Subsection C of this Section, the department shall 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. The results shall be published on the department's website in a format that identifies non-prioritized projects.

19 E. No later than October first of each year, the department shall make public,
20 in an accessible and accurate format, the results of the screening and analysis of
21 projects pursuant to this Section.

F. The department shall 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. The department shall evaluate the actual outcomes of each program and establish revised prospective outcomes of each program on a biennial basis. Beginning in 2018, the department shall report the results of these biennial evaluations to the legislature and make them available to the public on the department website on a biennial basis when the department presents a proposed program of construction to the Joint Highway Priority Construction Committee in accordance with R.S. 48:231(A)(1) include in its annual submission

* * *

* * *

CODING: Words in ~~struck-through~~ type are deletions from existing law; words underscored are additions.

1 (6)(a) When this final construction program is communicated to the
2 legislature for funding for the coming fiscal year, any project which the legislature
3 determines is not in the proper order of priority in accordance with the factors stated
4 in R.S. 48:229.1 may be deleted by the legislature. ~~However, the legislature shall not~~
5 ~~add any projects to this final construction program, nor shall the legislature make~~
6 ~~substitutions for projects which have been removed.~~ Any project discussed at the
7 public hearing that is excluded from the final construction program by the
8 department for more than one consecutive fiscal year shall become eligible to be
9 added to the program, in accordance with Subparagraph (6)(b) of this Subsection.

10 (b) Any one member from the House or Senate committees on
11 Transportation, Highways and Public Works may petition the House and Senate
12 committees on Transportation, Highways and Public Works, meeting jointly, to
13 include an eligible project in the program by a favorable two-thirds vote.

14 * * *

15 §250.3. Design-build contracts; qualifications of design-build entities; public
16 announcement procedures; letters of interest; selection of short list; bid
17 proposals by competitors; qualifications evaluation committee; proposal
18 review committee; selection and process of award

19 * * *

20 E.(1) The chief engineer and assistant secretary for project delivery, with
21 concurrence of the secretary, shall establish a design-build qualifications evaluation
22 committee for evaluation of the responses to the request for qualifications received
23 by the department. The following general criteria used by the committee in
24 evaluating responses shall apply to both the design and construction components of
25 any responding entity:

26 * * *

27 (2) The qualifications evaluation committee shall evaluate the qualifications
28 of responding design-builders on the basis of the criteria identified in the request for
29 qualifications and set forth in this Subsection and shall select a short list of the
30 highest rated entities in a number to be determined by the department. If fewer than

1 three responses are received, the secretary or designated representative may approve
2 proceeding with the design-build process. The qualifications evaluation committee
3 may, at its discretion, be assisted by other department personnel in its evaluation of
4 an entity's qualifications. The design-build qualifications evaluation committee shall
5 present its short list to the chief engineer and the assistant secretary for project
6 delivery for recommendation to the secretary. The shortlisted entities shall be
7 invited by the secretary or designated representative to submit a detailed technical
8 and cost proposal for the design-build project. The invitation to the shortlisted
9 entities shall specify a deadline for submission of proposals.

10 * * *

11 G. The chief engineer and the assistant secretary for project delivery, with
12 concurrence of the secretary, shall establish a proposal review committee for
13 evaluation of design-build proposals. The proposal review committee shall be
14 identified in the request for proposals (RFP). The chief engineer and the assistant
15 secretary for project delivery, with concurrence of the secretary, shall assign a
16 project manager, who shall become the chairman of the proposal review committee
17 for the project. The ~~request for proposals (RFP)~~ RFP shall identify technical
18 elements of the project, depending on the characteristics of the project, to be
19 included in the technical score. Additionally, the chief engineer and the assistant
20 secretary for project delivery, with concurrence of the secretary, may select
21 additional department engineering and technical experts, and nationally recognized
22 design-build experts to serve as committee members to score each technical element
23 of the project. Members of the proposal review committee shall not have served as
24 members of the qualifications evaluation committee. Each member of the proposal
25 review committee shall make his scoring of assigned elements available for public
26 review. Such scores shall be considered public record.

27 * * *

28 §250.3.1. Progressive design-build contracts

29 * * *

1 F. The chief engineer and the assistant secretary for project delivery, with
 2 the concurrence of the secretary, shall establish a design-build qualifications
 3 evaluation committee for evaluation of the responses to the RFQ received by the
 4 department. The chief engineer and the assistant secretary for project delivery, with
 5 the concurrence of the secretary, shall assign a project manager who shall become
 6 the chairman of the qualifications evaluation committee for the project. The
 7 qualifications evaluation committee may, at its discretion, be assisted by other
 8 department personnel in its evaluation of a design-builder's SOQ.

9 * * *

10 §251. Contracts for projects

11 * * *

12 C. Every contract for the construction of or improvements to highways shall
 13 include a warranty by the contractor as to the quality of materials and workmanship
 14 for a duration of ~~three years~~ one year. ~~The Department of Transportation and~~
 15 ~~Development shall implement the purposes of this Subsection and shall submit a~~
 16 ~~report on its implementation of the warranty requirements to the Joint Legislative~~
 17 ~~Committee on Transportation, Highways and Public Works no later than July 1,~~
 18 ~~1998.~~

19 * * *

20 §255. Award of contract; time limitations and exceptions; bond of successful
 21 bidder; rejection of certain bidders

22 * * *

23 B.

24 * * *

25 (6) If two or more responsive bids from responsible bidders are received for
 26 exactly the same price and no preference or other method exists to determine the
 27 lowest bidder, the chief engineer and the assistant secretary for project delivery shall
 28 notify the tied bidders of a time and place where the lowest bidder on the project will
 29 be chosen by flipping a coin or by lots, as appropriate in the determination of the

1 chief engineer and the assistant secretary for project delivery. The department may
 2 readvertise the projects in its discretion.

3 * * *

4 §259. Maintenance; selection of work

5 The department shall maintain the highways forming the state highway
 6 system, together with the other facilities of the department to the extent that the
 7 revenues of the department will permit. The selection of the highways, facilities, or
 8 parts thereof to be maintained and the order of that selection shall be made by the
 9 ~~secretary upon the recommendation of the chief engineer~~ unclassified district
 10 administrator and may be changed from time to time as the case demands. In this
 11 selection, these officials shall be guided by volume and character of traffic and the
 12 convenience, safety, and necessity of the traveling public.

13 * * *

14 §261. Maintenance work by department employees; exceptions

15 A.(1) ~~Except as otherwise provided in this Section, all maintenance~~
 16 ~~operations shall be performed by the employees of the department. However, the~~
 17 No later than June 30, 2026, the department may, by contract or other means, arrange
 18 for shall maximize, by third-party contracts, the maintenance of any every section
 19 or sections of highways or any of the facilities of the department, in lieu of having
 20 department employees attempt to conduct such work in a timely manner.
 21 ~~Department of Transportation and Development when, in the sole discretion of the~~
 22 ~~secretary, there are not adequate employees to perform the maintenance work~~
 23 ~~required by either federal or state law or sound engineering practices. The secretary~~
 24 ~~shall give due consideration to budgetary constraints and employment restrictions~~
 25 ~~prior to entering into any contract to perform maintenance work. All such contracts~~
 26 ~~to individuals or private concerns, except individuals with disabilities or~~
 27 ~~organizations serving individuals with disabilities, shall be in accordance with the~~
 28 ~~public bid provisions of this Title.~~

29 * * *

1 B. The department may arrange by contract with the Department of Public
2 Safety and Corrections for the use of prison labor, and with the sheriff of each parish
3 for the use of labor of its prisoners, to perform any maintenance functions, on the
4 highways in the state system or any of the department's facilities ~~located in parishes~~
5 ~~in which the department is unable, because of the inability to attract applicants, or~~
6 ~~due to budgetary or financial consideration is unable to employ sufficient labor to~~
7 ~~perform its maintenance functions.~~ No contract may relieve the Department of
8 Public Safety and Corrections or the sheriff of the duty to supervise and to maintain
9 security of the prisoners at all times.

10 C. The use of prison labor ~~shall~~ may ~~in no way~~ reduce the work force of any
11 highway maintenance gang ~~or~~ and cause the layoff of any classified employee.

12 * * *

13 §263. Department owns repair shops; standby equipment

14 ~~The~~ No later than June 30, 2026, the department shall ~~establish and maintain~~
15 minimize and phase out its own shops for the servicing, repair, and upkeep of its
16 equipment and shall ~~provide, at these shops and elsewhere, adequate standby units~~
17 ~~for emergency use and replacement of units under repair~~ instead privatize such
18 functions.

19 * * *

20 §265. Laboratory

21 A. By June 30, 2026 ~~The~~ the department shall ~~establish, operate, and~~
22 ~~maintain~~ out source the functions of a laboratory for such research activities as are
23 of interest to the functions of the department and for the routine sampling,
24 inspection, examination, analysis, and testing of:

25 (1) The quality of materials, commodities, and supplies, in place or severed,
26 employed or involved in any operation of the department; and

27 (2) The accuracy, efficiency, and appropriateness of processes, equipment,
28 and devices related to the business and duties of the department.

C. The making of a ruling or opinion in connection with any work other than the work of the Department of Transportation and Development or the undertaking of any work in competition with engineers in private practice or with commercial laboratories is expressly prohibited.

§269. Rest areas; roadside development areas; procedure

B. The procedure in expropriation proceedings filed for these purposes shall be in accordance with the provisions of R.S. 48:441 et seq. but, whether an entire tract of land or only a portion thereof is expropriated, the provisions of R.S. 48:450 instead of R.S. 48:451 shall apply and the certificate of the chief engineer or the assistant secretary for project delivery required by R.S. 48:442(3), may be eliminated.

~~§286. Retaining~~ Retention of consultants warranted; authorization

~~(1) The magnitude of the work involved in a project is determined to be so taxing to the department's available manpower that it will be necessary to defer other essential work if the work is performed by the department staff.~~

~~(2) The work required by a project is determined to be of such a specialized nature that the department will be required to go outside its own staff for experts in the appropriate fields to accomplish the work.~~

~~(3) The time frame within which the work must be completed is determined to be such that the department cannot undertake the work and maintain its program on schedule.~~

~~B.(1) When it is determined by any department section that consulting services are warranted, the section head shall submit a recommendation to 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, stating the need and the supportive reasons for the services, including a description of the project and the estimated cost of the work to be performed.~~

~~(2) 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, shall decide if the need to use consultants for professional services for a project is warranted based upon information provided by the section head and the criteria established by Subsection A of this Section.~~

~~(3) Approval, when granted, shall be considered as being of a general nature, including not only the obvious components of the project which are immediately identifiable, but also ancillary components identified at any time during the life of the project. An additional selection process shall be used for ancillary components when the total of such ancillary components amounts to more than seventy-five percent of the original contract.~~

~~(4) When it is determined by 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, that there is a need for an outside consultant, the selection shall be made in accordance with the provisions of this Part.~~

* * *

1 §292. Noncompetitive negotiation selections

2 * * *

3 B. The section head, after ascertaining the need for a noncompetitive
4 selection, shall request approval from the secretary or his authorized designee
5 through the ~~chief engineer~~ assistant secretary for project delivery in consultation with
6 the chief engineer, assistant secretary for operations, assistant secretary for planning
7 and programming, or assistant secretary of public works, hurricane flood protection,
8 and intermodal transportation, whichever is applicable to the project, to engage a
9 specific firm to perform the required services. The request shall be in written form
10 containing the following information:

11 * * *

12 §292.1. Small Engineering Consultant Program

13 * * *

14 E.(1) The department shall not prequalify or shall remove a prequalified
15 consultant firm under the following circumstances:

16 * * *

17 (f) A prequalified consultant firm requests removal from the program in
18 writing. Written requests for removal shall be addressed to the department's chief
19 engineer and the assistant secretary for project delivery or his designee.

20 * * *

21 (2) A prequalified consultant removed from the program may not requalify
22 for the program for a period of three years from the date of removal unless a written
23 corrective action plan is submitted by the consultant to the department's project
24 manager and the plan is approved by the chief engineer and the assistant secretary
25 for project delivery or his designee.

26 * * *

1 §295.1. Definitions

2 When used in this Part, the following words and phrases have the meaning
3 ascribed to them in this Section, unless the context clearly indicates a different
4 meaning:

5 * * *

6 (3) "Debarment committee" means the committee consisting of the following
7 persons acting upon a unanimous vote: the ~~chief engineer of the department~~ chief
8 engineer, assistant secretary of project delivery or his designee; the deputy secretary
9 of the department or his designee; and the general counsel of the department or his
10 designee.

11 * * *

12 §381. Use and occupancy of highways

13 A. When not inconsistent with the purposes of state highways, the ~~chief~~
14 ~~engineer~~ assistant secretary for project delivery may issue permits for the use and
15 occupancy of the rights-of-way of state highways as follows:

16 * * *

17 (3)(a) The chief engineer, or his duly authorized representative, is hereby
18 authorized to negotiate utility relocation agreements containing liquidated damages
19 clauses, equal to ~~to \$~~ twenty-five percent per day of the estimated utility's relocation
20 costs, regarding delays caused solely by the unjustifiable delinquency of a utility in
21 the completion of relocation work. The chief engineer, or his duly authorized
22 representative, ~~may~~ shall decline the issuance of a permit to any utility company that
23 is unjustifiably delinquent in completing a relocation project and shall continue to
24 ~~so~~ decline until such a project is completed.

25 * * *

26 D. The ~~chief engineer~~ assistant secretary for project delivery, or his duly
27 authorized representative, may require a deposit in the form of a certified check or
28 other guaranty in a form and in an amount deemed by him to be necessary for the
29 proper protection of the state prior to the issuing of a permit when the installations

1 require excavations, or at other times when he believes a deposit or guaranty is
2 necessary to protect the department's interests.

3 E.(1)(a) Except for rural water districts, the ~~chief engineer~~ assistant secretary
4 for project delivery or his duly authorized representative may also assess reasonable
5 utility operator's annual permit fees in connection with the issuance of permits. Such
6 fees as determined by the department shall not exceed the maximum fees as set in
7 the following schedule:

8 Utility Operators' Maximum Annual Fee Schedule

9			Maximum Annual
10	Operator Type	Customers	Fee
11	Class 1	0 - 100	\$ 20.00
12	Class 2	101 - 500	\$ 50.00
13	Class 3	501 - 6000	\$ 200.00
14	Class 4	more than 6000	\$ 700.00
15	Operator of Transmission		
16	Pipelines and Natural Gas		
17	Gathering Systems		\$100.00/Parish
18			\$1,500.00/Maximum

19 (2) The ~~chief engineer~~ assistant secretary of project delivery or his duly
20 authorized representative may also assess reasonable operator's fees for rural water
21 districts in connection with the issuance of permits to defray the expense of
22 inspections by the department's employees.

23 * * *

24 I. The ~~chief engineer~~ assistant secretary for project delivery, or his duly
25 authorized representative, within the limitations stipulated in R.S. 48:381 through
26 386, may issue such other regulations and impose such other limitations as he
27 believes are necessary and desirable.

28 * * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 §381.1. Rights-of-way; joint use agreements; fees

2 * * *

3 D. The ~~chief engineer~~ assistant secretary for project delivery may waive fees
4 for governmental entities, political subdivisions, colleges and universities, provided
5 that said entities derive no income directly from the use of highway rights-of-way,
6 and provided that said entities meet any and all state and federal requirements for a
7 fee waiver.

8 * * *

9 §381.4. Rights-of-way; wireless telecommunications tower managers

10 The ~~chief engineer~~ assistant secretary for project delivery or his duly
11 authorized representative may enter into agreements with a wireless
12 telecommunications tower manager to manage such towers for specified periods as
13 follows:

14 (1) One or more telecommunication towers owned and operated solely by the
15 department may be managed for a period less than set forth in Article 3473 of the
16 Civil Code.

17 (2) Telecommunication towers in either of the following categories may be
18 managed for a period less than that set forth in Article 3486 of the Civil Code:

19 (a) One or more telecommunication towers owned or operated by the
20 department which have been strengthened by the wireless telecommunications tower
21 manager.

22 (b) One or more telecommunication towers erected by the wireless
23 telecommunications tower manager on public or highway rights-of-way.

24 Section 2. R.S. 48:79, 163.1, and 230 are hereby repealed in their entirety.

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)]

HB 556 Engrossed

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 delivery" as the appointing authority for the office of project delivery 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 delivery 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 delivery 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, the Construction Subfund, or state allocated one-time monies 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 under the direction of the deputy secretary.

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. 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 requiring the chief engineer to report the proceedings of his office annually to the secretary.

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. 48:105.1(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 delivery instead of the chief engineer, but otherwise retains present law.

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 delivery, but 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 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 any one member from the House and Senate Committees on Transportation, Highways and Public Works may petition the House and Senate committees Transportation, Highways and Public Works, meeting jointly, 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.

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.

Proposed law modifies present law by requiring the assistant secretary of project management in conjunction with the chief engineer to carry out provisions in present law.

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 requiring the assistant secretary of project management in conjunction with the chief engineer to carry out provisions in 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 requiring the assistant secretary of project management in conjunction with the chief engineer to carry out provisions in 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 requiring the assistant secretary of project management in conjunction with the chief engineer to carry out provisions in 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 requiring the assistant secretary of project management in conjunction with the chief engineer to carry out provisions in 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 designating the district administrator to select the highways, facilities, or parts thereof.

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, no later than June 30, 2026, that 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 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. 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 delivery.

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 delivery in consultation with the chief engineer.

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.

Proposed law modifies present law by requiring the written request be addressed to the departments assistant secretary for project delivery in addition to the chief engineer.

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 requiring the assistant secretary for project delivery in addition to the chief engineer to approve the corrective action plan.

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 adding the assistant secretary for project delivery.

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 delivery.

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 changing the percent per day from .05 to 25 and requires the chief engineer or his duly authorized representative to decline the issuance of a permit.

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 delivery.

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 delivery.

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 delivery.

(Amends R.S. 48:1(1) and (2), 23, 35(B), and (E)(1)(b), 53, 76, 78(C), 92, 94, 105(B)(2), 105.1(C), 203(B), 207(A), 229.1(A), (B), and (D)-(G), 231(A)(1), (5), and (6), 250.3(E)(1)(intro. para.) and (2) and (G), 250.3.1(F), 251(C), 255(B)(6), 259, 261(A)(1), (B), and (C), 263, 265, 269(B), 286, 292(B), 292.1(E)(1)(f) and (2), 295.1(3), 381(A)(intro. para.), (C)(3)(a), (D), (E)(1)(a)(intro. para.) and (2), and (I), 381.1(D), and 381.4(intro. para.); 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)

Summary of Amendments Adopted by House

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

1. Make technical changes.
2. Prohibit monies in the Transportation Trust Fund, the Construction Subfund, or state allocated one-time monies from being appropriated, dedicated, or otherwise used, directly or indirectly, for the payment of state sales use taxes.
3. Specify the departmental reforms under the direction of the deputy secretary.
4. Designate certain powers and duties to the assistant secretary for project management.
5. Authorize any one member from the House or Senate committees on Transportation, Highways and Public Works to petition the House and Senate committees on Transportation, Highways and Public Works to meet jointly to include eligible projects in the program by a favorable two-thirds vote.
6. Require that no later than June 30, 2026, the department 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.
7. Requires the chief engineer to work in collaboration with the assistant secretary for project management for noncompetitive negotiation selections.