
DIGEST

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HB 528 Re-Reengrossed

2025 Regular Session

Bourriaque

Abstract: Reforms the organizational structure for the Department of Transportation and Development and provides for the duties, powers, and responsibilities of officers and employees.

Proposed law (R.S.36:4(B)(38)) adds the office of La. Highway Construction, under the division of administration, to the list of agencies in which the governor may allocate certain powers, duties, functions, and responsibilities.

Present law (R.S. 36:501(B)) requires the Dept. of Transportation and Development (DOTD), through its offices and officers, to be responsible for developing and implementing programs to assure adequate, safe, and efficient transportation and other public works facilities and services in the state in accordance with the transfer of agencies and functions made by present law. Additionally, requires the DOTD to develop and implement programs in all areas of transportation, including highways, airports, waterways, flood protection, and mass transit, as well as public works activities, in accordance with such transfers.

Present law (R.S. 36:501(C)(1)) requires that the DOTD be composed of the executive office of the secretary, the office of management and finance, the office of engineering, the office of planning, the office of operations, the office of multimodal commerce, and such other offices to be created by law.

Proposed law removes the office of planning and engineering from the composition of the DOTD and instead requires that the DOTD be composed of the office of transformation and the office of project delivery, but otherwise retains present law.

Present law (R.S. 36:502(A)(1)) requires the officers of the DOTD be composed of the secretary, undersecretary, deputy secretary, chief engineer, assistant secretary of planning, commissioner of multimodal commerce, and assistant secretary of operations, each of which must be selected and obligated to perform functions as provided in present law.

Proposed law modifies present law by removing the chief engineer and the assistant secretary of planning and instead adds the assistant secretary for project delivery, but otherwise retains present law.

Present law (R.S. 36:502(A)(2)) requires that the secretary, undersecretary, deputy secretary, assistant secretary of planning, assistant secretary of operations, executive director of the Offshore

Terminal Authority, commissioner of multimodal commerce, and such other positions which may be authorized by the State Civil Service Commission or the state constitution be the only unclassified positions in the DOTD. Additionally, requires other positions in the DOTD be in the classified state service. Further, requires the secretary fill such positions as in his opinion and judgment are necessary to the operation of the DOTD in accordance with applicable rules and regulations of present law.

Proposed law removes the assistant secretary of planning, adds the assistant secretary of project delivery, and allows all other positions in the DOTD to have the discretion to be in classified state service, but otherwise retains present law.

Present law (R.S. 36:502(B)) specifies that no persons serving as a secretary, undersecretary, deputy secretary, chief engineer, assistant secretary of planning, assistant secretary of operations, commissioner of multimodal commerce, or in any other office in the DOTD must receive any additional salary from the state other than the salary which he receives by virtue of serving in any one of such offices. Additionally, specifies that any statewide elected official appointed to serve as a secretary or deputy secretary cannot receive any additional salary from the state other than that salary which he receives as a statewide elected official.

Proposed law removes the assistant secretary of planning and adds the assistant secretary of project delivery, but otherwise retains present law.

Present law (R.S. 36:504(A)(2) and (8)) requires that in addition to the functions, powers, and duties vested in the secretary by law, the secretary must do the following:

- (1) Determine the policies of the DOTD, except as specifically provided for agencies transferred to the DOTD as otherwise provided in present law.
- (2) Provide for the ongoing merger and consolidation of the agencies and functions transferred to his dept. and submit a report to the governor and the legislature, which must accompany the budget statement he submits under provisions of present law. Specifies that the report must include a statement of the goals of the DOTD and to the programs and must summarize the accomplishments of the DOTD in meeting such goals and implementing such programs. Specifies that the report must also contain a specific statement of the reorganization and consolidation plan for the DOTD for the next year and include a report on the implementation of such reorganization and consolidation plan for the previous year. Requires the report concerning reorganization detail the extent to which the department has achieved goals stated the previous year with respect to merger and consolidation of functions, abolition of agencies, consolidation of offices, elimination of job positions, and efficiency and economy in delivery of services. Requires the report contain any recommendations with respect to reorganization which may require legislative action under the provisions of present law. Requires a copy of the report and recommended legislation be submitted by the secretary to the presiding officer of both houses of the legislature. Requires the presiding officer refer the report to the appropriate committee having jurisdiction of the subject matter as provided in the rules of the respective house.

Proposed law retains present law.

Proposed law (R.S. 36: 504(B)(6) and (7)) allows the secretary to have the authority to, except as otherwise specifically provided in present law, to eliminate positions, in accordance with civil service rules, within the DOTD deemed unnecessary in fulfilling the goals of the office of transformation and to enter into agreements with other state agencies for the purpose of developing and implementing programs that ensure adequate, safe, and efficient transportation and public works infrastructure and services throughout the state.

Present law (R.S. 36:505(A)) authorizes a deputy secretary of the DOTD, who must be appointed by the secretary. Further, specifies that the deputy secretary serves at the pleasure of the secretary at a salary fixed by the governor, which salary must not exceed the amount approved for such position by the legislature while in session. Additionally, requires the duties and functions of the deputy secretary be determined and assigned by the secretary who must serve as acting secretary in the absence of the secretary.

Proposed law requires a deputy secretary be appointed by the governor who serves as the appointing authority for the office of transformation. Further, requires the duties and functions of the deputy secretary be to oversee the office of transformation and its duties, responsibilities, and authorities necessary to optimize the DOTD and those otherwise assigned by the secretary or the governor.

Present law (R.S. 36:505(B)) specifies that if the position of deputy secretary is not filled during the absence of the secretary, the secretary can designate the undersecretary or the chief engineer to serve as acting secretary in his absence. Additionally, requires that the secretary notify the governor in writing of his temporary appointment of an acting secretary in his absence. Further, specifies that the governor has the full authority to revoke the appointment and in no event will the temporary appointment exceed 30 days in length, except with the specific written approval of the governor. Allows the governor to appoint a temporary secretary to act in the absence or incapacity of the secretary if an acting secretary has not been appointed.

Proposed law removes the chief engineer and adds the assistant secretary for project delivery as an option for the secretary to designate to the position of deputy secretary.

Proposed law (R.S. 36:505(C) and (D)) requires the deputy secretary to assess all of the DOTD reports and annually submit one single report to the legislature.

Proposed law (R.S. 36:506(E)(1)) requires the undersecretary ensure that no direct or indirect costs associated with any full or part-time employee of the DOTD is funded in the capital budget. Further, requires the capital budget include costs that are directly associated with construction, such as land acquisition and right-of-way costs, construction engineering, construction and reconstruction, resurfacing, rehabilitation, and restoration, system preservation, and installation or modification of traffic service facilities. Additionally, requires the undersecretary itemize costs in the capital budget to maximize the Legislature's and public's understanding and awareness of the department's capital budget.

Proposed law (R.S. 36:506(E)(2)) requires the operating budget clearly and concisely itemize every cost associated with past and present employees of the DOTD and all other costs in the operating budget be separated and itemized apart from those associated with past or present employees of the DOTD.

Proposed law (R.S. 36:506(E)(3)) specifies that the Transportation Trust Fund, the Construction Subfund, and any one-time funding allocation be a prohibited means of financing for all costs associated with past and present employees of the department effective July 1, 2026.

Proposed law (R.S. 36:506(F)) specifies that in the event of budgetary layoffs, the undersecretary must consult with each assistant secretary of the DOTD and, in consultation with the secretary, and the office of transformation, initiate and execute layoffs in a manner that minimizes impacts to services to the public.

Present law (R.S. 36:508(A)) created within the DOTD, the office of engineering, to administer engineering matters related to the state's highway program with respect to project development, design, construction, maintenance, extension, improvement, and regulation of roads, highways, expressways, bridges, and related matters, and any other special highway engineering program as may be directed by the secretary. Additionally, requires the office administer the public works functions of the state related to flood and drainage control, reclamation, water resources, soil conservation, mapping, disaster relief, and related matters, the state's participation in the National Flood Insurance Program, and other special programs as directed by the secretary.

Proposed law removes the office of engineering and adds the office of project delivery and adds planning design, but otherwise retains present law.

Present law (R.S. 36:508(B)) requires the office of engineering to be under the immediate supervision of the chief engineer, who must be appointed by the secretary. Additionally, requires the chief engineer serve at the pleasure of the secretary in accordance with present law. Further, requires the chief engineer to be a competent engineer of recognized ability and standing who is experienced in the engineering duties of the department and licensed to practice civil engineering in La. and must give his whole time to the duties of his office.

Proposed law modifies present law by requiring the office of project delivery to be under the immediate supervision of the assistant secretary. Additionally, requires the assistant secretary to serve at the pleasure of the secretary. Further, requires the assistant secretary be a competent project manager who may be licensed to practice civil engineering in La. Requires the assistant secretary give his whole time to the duties of the office.

Present law (R.S. 36:508(C)) requires the chief engineer have authority subject to approval of the secretary and in accordance with applicable rules and regulations of the civil service commission to employ, appoint, transfer, assign, and promote such personnel as is necessary for the efficient administration of the office of engineering.

Proposed law modifies present law by requiring the assistant secretary to have authority subject to

approval of the secretary in accordance to present law as necessary as for the efficient administration of the office of project delivery.

Present law (R.S. 36:508(D)) requires the chief engineer to receive an annual salary fixed in accordance with civil service rules, payable monthly out of funds appropriated therefor and be allowed his actual and necessary traveling expenses incurred in the discharge of his official duties.

Proposed law modifies present law by requiring that the assistant secretary receive an annual salary fixed by the governor and shall not exceed the amount approved by the legislature while in session.

Present law (R.S. 36:508(F)) requires the chief engineer approve all plans, specifications, and estimates for the construction of all facilities and projects for which his office is responsible. Specifies that he has other duties as may be assigned to him by the secretary, by the provisions present law, or by the laws of this state. Additionally, requires he report the proceedings of his office annually to the secretary of the DOTD and at such other times as the secretary may designate, and make any additional reports as are required by the secretary.

Proposed law modifies present law by authorizing the assistant secretary to assign duties to the chief engineer, in addition to the secretary.

Present law (R.S. 36:508(G)) specifies that the secretary or the chief engineer with approval of the secretary may designate a licensed engineer in the office of engineering to perform any duties required of the chief engineer when the chief engineer is absent or incapacitated.

Proposed law modifies present law by specifying that the secretary or assistant secretary with approval of the secretary may designate a licensed engineer in the office of project delivery to perform any duties required of the chief engineer when the assistant secretary is absent or incapacitated.

Proposed law (R.S. 36:508(H)) requires the assistant secretary to, whenever possible employ individuals skilled in project and contract delivery who are not licensed professional engineers.

Proposed law (R.S. 36:508(I)) requires that the assistant secretary and the direct reports under his direction maximize services and functions of the office.

Present law (R.S. 36:508.1) created the office of planning; functions; assistant secretary powers and duties.

Proposed law repeals the entirety of present law.

Proposed law (R.S. 36:508.2(A)) specifies that created within the DOTD, the office of operations, which must administer all matters related to the operations of the department's district offices, the Crescent City Connection Bridge, the Sunshine Bridge, and other matters as may be directed by the secretary.

Proposed law modifies present law by removing the Crescent City Connection Bridge and the Sunshine bridge from being administered, otherwise retains present law.

Present law (R.S. 36:508.2(B)) requires that the office of operations be under the immediate supervision of the assistant secretary, appointed by the governor and must serve at the pleasure of the secretary. Additionally, requires the assistant secretary be a competent engineer of recognized ability and standing who is experienced in the operations of the dept. and licensed to practice engineering in La. Further, requires the assistant secretary give his whole time to the duties of his office.

Proposed law requires the assistant secretary to be a competent professional in organizational operations and removes the requirement of the assistant secretary to be licensed to practice engineering in La.

Proposed law modifies present law by specifying that the secretary will set the assistant secretary's salary and removes the legislature's limitation on salary.

Present law (R.S. 36:508.2(F)) specifies that secretary is specifically authorized and empowered to perform any of the duties of the assistant secretary when the assistant secretary is absent or incapacitated or when in the opinion of the secretary it would be in the best interest of the department. Further, specifies that the assistant secretary with approval of the secretary may designate a licensed engineer in the office of operations to perform any duties required of the assistant secretary.

Proposed law modifies present law by specifying that the assistant secretary with the approval of the secretary may designate a senior staff member, instead of a licensed engineer, in the office of operations to perform any duties required of the assistant secretary.

Present law (R.S. 36:508.3(A)(2)) requires the office of multimodal commerce advise the office of planning on intermodal issues and implement the master plan as it relates to intermodal transportation.

Proposed law changes the office of planning to the office of project delivery, but otherwise retains present law.

Present law (R.S. 36:508.3(A)(3)) specifies any powers, duties, responsibilities and corresponding department employees, equipment, facilities, and funding of the DOTD with respect to federal programs on rail safety and the administration of federal rail safety and hazard mitigation funds and the like must remain with the office of engineering of the DOTD.

Proposed law requires that the administration of federal rail safety and hazard mitigation funds and the like remain with office of project delivery of the DOTD instead of the office of engineering.

Proposed law (R.S. 36:508.5) establishes the office of transformation and provides for its powers and duties. Requires the office of transformation to terminate on Jan. 1, 2026, unless reauthorized

by the legislature.

Proposed law (R.S. 36:508.6) directs the department to optimize functions and efficiencies through the office of transformation by enacting comprehensive reforms.

(Amends R.S. 36:501(C)(1), 502(A) and (B), 505, 508(A)-(D) and (F) and (G), 508.1, 508.2(A), (B), and (F), and 508.3(A)(2) and (3); Adds R.S. 36:4(B)(38), 504(B)(6) and (7), 506(E)-(F), 508(H) and (I), 508.5, and 508.6)

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. Add the office of Louisiana Highway Construction under the division of administration.
3. Remove the office of engineering.
4. Change project management to project delivery.
5. Prohibit the Transportation Trust Fund, the Construction Subfund, and any one-time funding allocation as a means of financing for all costs associated with past and present employees of the department effective July 1, 2026.
6. Specify that the chief engineer have other duties assigned to him by the secretary or the assistant secretary.
7. Authorize the assistant secretary to assign a manager the duties of administering the planning and programming matters of the department.
8. Authorize the deputy secretary to perform any of the duties of the assistant secretary when the assistant secretary is absent or incapacitated.
9. Specify that the assistant secretary, with the approval of the secretary may designate any member of senior staff to perform any duties required of the assistant secretary.
10. Require that there be nine district offices within the department of operations each led by a district administrator who is to report directly to the assistant secretary. Additionally, require that each district's lab report directly to the dept.'s material engineer administrator.

The Committee Amendments Proposed by House Committee on Appropriations to the engrossed bill:

1. Create the office of transformation within DOTD and provides for the purpose and duties of the office of transformation.
2. Requires the office of transformation to terminate on Jan. 1, 2026, unless reauthorized by the legislature.
3. Remove requirement that the deputy secretary of the office of transformation manage all day-to-day oversight and authority of the department.
4. Add requirement that any positions eliminated within DOTD be in accordance with civil service rules.
5. Remove requirement that the undersecretary ensure that no direct or indirect costs associated with construction are included in the operating budget of the department.
6. Change the name of the office of project management on intermodal issues to the office of project delivery on intermodal issues.
7. Change the name of the Louisiana Highway Construction Authority to the office of Louisiana Highway Construction.
8. Eliminate the nine district offices within the office of operations each led by a district administrator who is to report directly to the assistant secretary.
9. Make technical changes.

The House Floor Amendments to the reengrossed bill:

1. Authorize the secretary to enter into agreement with other state agencies to develop and implement programs that ensure adequate, safe, and efficient transportation and public works infrastructure and services throughout the state.