

2026 Regular Session

SENATE BILL NO. 115

BY SENATOR FOIL

TRANSPORTATION/DEV DEPT. Provides for the Department of Transportation and Development to accept duties of the federal government. (8/1/26)

1 AN ACT

2 To enact R.S. 48:212(E), relative to the Department of Transportation and Development and
3 the federal government; to provide for giving authority to the department to take over
4 duties of the federal government; to provide for allowing limited lawsuits against the
5 department; to provide for the department to accept funds from any federal agency;
6 and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 48:212(E) is hereby enacted to read as follows:

9 §212. Agreements with federal government

10 * * *

11 **E. The department may enter into any agreements with the federal**
12 **government or with any federal agency, including memoranda of**
13 **understanding, to assume responsibility of the United States Department of**
14 **Transportation, pursuant to 23 USC 326 and 327 as authorized under the**
15 **federal Moving Ahead for Progress in the 21st Century Act, the federal Safe,**
16 **Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users,**
17 **and the federal National Environmental Policy Act of 1969.**

1 **(1) State sovereign immunity under the Eleventh Amendment of the**
 2 **United States Constitution is waived for lawsuits in federal court, but only as**
 3 **required by 23 USC 326 and 327. This waiver is limited solely to the compliance,**
 4 **discharge, or enforcement of responsibilities assumed by the department under**
 5 **these agreements and does not create any liability beyond federal law**
 6 **requirements.**

7 **(2) The department may adopt and promulgate any rules and regulations**
 8 **necessary to implement an agreement pursuant to this Subsection and to carry**
 9 **out any duties imposed by the agreement.**

10 **(3) The department may accept and make expenditures of money**
 11 **received from the federal government or any agency of the federal government**
 12 **for any transportation purpose.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, 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)]

DIGEST

SB 115 Engrossed

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Foil

Present law provides for DOTD to work with the federal government on transportation matters including highways, transit, toll roads, emergencies, and rail safety.

Proposed law retains present law and adds permission for DOTD to take over certain federal transportation approval and environmental review duties. Proposed law further allows DOTD to agree to be sued, promulgate administrative rules and accept federal money from any agency of the federal government to carry the agreed upon federal duties.

Proposed law further provides DOTD may accept and make expenditures of money received from any agency of the federal government for any transportation purpose.

Effective August 1, 2026.

(Adds R.S. 48:212(E))