

Regular Session, 2014

SENATE BILL NO. 389

BY SENATOR CHABERT

TRANSPORTATION/DEV DEPT. Provides relative to jurisdiction and authority over, and administration of, state multimodal transportation. (8/1/14)

AN ACT

To amend and reenact R.S. 48:2072(A), 2077(1), (9), and (24), and 2078(A), (C), and (E), relative to multimodal transportation; to provide for jurisdiction and authority over, and administration of, state multimodal transportation; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 48:2072(A), 2077(1), (9), and (24), and 2078(A), (C), and (E) are hereby amended and reenacted to read as follows:

§2072. Purpose; legislative findings

A. The legislature hereby finds and declares that the development, construction, improvement, expansion, and maintenance of an efficient, safe, and well-maintained ~~intermodal~~ **multimodal** transportation system is essential to promote Louisiana's economic growth and the ability of business and industry to compete in regional, national, and global markets and to provide a high quality of life for the people of this state.

* * *

§2077. Jurisdiction; powers of authority

The authority may exercise powers necessary, appurtenant, convenient, or incidental to the carrying out of its purposes, including but not limited to the following rights and powers:

(1) The authority may adopt rules and regulations in accordance with the Administrative Procedure Act, subject to oversight by the House and Senate Transportation, Highways and Public Works Committees **transportation, highways and public works committees**, necessary to carry out the purposes of the authority, for the governance of its affairs, and for the conduct of its business.

* * *

(9) To acquire public or private lands in the name of the authority by purchase, donation, exchange, foreclosure, lease, or otherwise, including rights or easements, or by the exercise of the power of eminent domain in the manner hereinafter provided, as it may deem necessary for carrying out the provisions of this Chapter.

* * *

(24) To administer and disburse the funds deposited into the Transportation Mobility Fund. Such funds shall be used solely to fund projects which qualify for funding according to the provisions of R.S. 48:2112 and shall not be disbursed or used by the authority for any other purpose. Additionally, the funds deposited into the Transportation Mobility Fund shall not be commingled with any other funds administered by the Louisiana Transportation Authority **authority**.

* * *

§2078. State-designated projects; department approval

A. The authority may, upon obtaining the approval of the ~~department~~ **Department of Transportation and Development**, undertake a state-designated project as a project under this Chapter.

* * *

C. The department shall serve as ~~the~~ agent for the authority for the purpose of constructing and completing improvements and extensions to a state-designated

1 project. In ~~such~~ **that** event, the authority shall provide the department with complete
2 copies of all documents, agreements, resolutions, contracts, and instruments relating
3 thereto; shall request the department to do such construction work, including the
4 planning, surveying, and actual construction of the completion, extensions, and
5 improvements thereto; and shall transfer to the credit of an account of the department
6 in the state treasury the necessary funds therefor. The department shall thereupon
7 proceed with such construction and use the funds for such purpose in the same
8 manner as it is ~~now~~ authorized to use the funds otherwise provided by law for its use
9 in the construction of roads and bridges.

10 * * *

11 E. Notwithstanding any other law to the contrary, the authority organized
12 pursuant to ~~the provisions of~~ this Chapter shall have full power to carry out all of the
13 powers and duties set forth in this Chapter, without the necessity of obtaining the
14 approval or consent of the state, or any state agency, political subdivision, district,
15 authority, or other public entity except as expressly provided for in this Chapter.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Jerry J. Guillot.

DIGEST

Chabert (SB 389)

Present law, relative to multimodal transportation and the Louisiana Transportation
Authority, provides that:

- (1) The legislature hereby finds and declares that the development, construction, improvement, expansion, and maintenance of an efficient, safe, and well-maintained intermodal transportation system is essential to promote Louisiana's economic growth and the ability of business and industry to compete in regional, national, and global markets and to provide a high quality of life for the people of this state.
- (2) The authority may exercise powers necessary, appurtenant, convenient, or incidental to the carrying out of its purposes, including but not limited to:
 - (a) Adopting rules and regulations in accordance with the APA, subject to oversight by the House and Senate Transportation, Highways and Public Works Committees, necessary to carry out the purposes of the authority, for the governance of its affairs, and for the conduct of its business.
 - (b) Acquiring public or private lands in the name of the authority by purchase, donation, exchange, foreclosure, lease, or otherwise, including rights or easements, or by the exercise of the power of eminent domain in the manner hereinafter provided, as it may deem necessary for carrying out present law.

- (c) Administering and disbursing the funds deposited into the Transportation Mobility Fund which funds shall be used solely to fund projects which qualify for funding according to present law and shall not be disbursed or used by the authority for any other purpose. Further, the funds deposited into the Transportation Mobility Fund shall not be commingled with any other funds administered by the authority.

Proposed law makes technical revisions. Otherwise retains present law.

Present law, regarding state-designated projects, provides that the authority may, upon obtaining the approval of DOTD, undertake a state-designated project. Provides that DOTD shall serve as the agent for the authority for the purpose of constructing and completing improvements and extensions to such project. In such event, the authority shall provide DOTD with complete copies of all documents, agreements, resolutions, contracts, and instruments relating thereto; shall request DOTD to do such construction work, including the planning, surveying, and actual construction of the completion, extensions, and improvements thereto; and shall transfer to the credit of an account of DOTD in the state treasury the necessary funds therefor. Then DOTD shall proceed with such construction and use the funds for such purpose in the same manner as it is now authorized to use the funds otherwise provided by law for its use in the construction of roads and bridges. Provides that notwithstanding any other law to the contrary, the authority shall have full power to carry out all of the powers and duties set forth in present law, without the necessity of obtaining the approval or consent of the state, or any state agency, political subdivision, district, authority, or other public entity except as expressly provided for in present law.

Proposed law make technical revisions. Otherwise retains present law.

Effective August 1, 2014.

(Amends R.S. 48:2072(A), 2077(1), (9), and (24), and 2078(A), (C), and (E))