

2018 Regular Session

SENATE BILL NO. 496

BY SENATOR WARD

SPECIAL DISTRICTS. Creates and provides for the Capital Region Infrastructure Authority. (8/1/18)

AN ACT

To enact Chapter 36 of Title 48 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 48:2201 through 2211, relative to special districts; to create the Capital Region Infrastructure Authority; to provide for the boundaries of the authority; to provide for the governance of the authority; to provide for the powers and duties of the authority and its governing body; to provide for the levy or assessment of certain fees and tolls; to provide for the issuance of bonds and other evidences of indebtedness; to provide for the imposition of taxes subject to voter approval; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 36 of Title 48 of the Louisiana Revised Statutes of 1950, comprised of R.S. 48:2201 through 2211, is hereby enacted to read as follows:

**CHAPTER 36. CAPITAL REGION INFRASTRUCTURE AUTHORITY**

**§2201. Short title**

**This Chapter shall be known and may be referred to as the "Capital Region Infrastructure Authority Act".**

1        §2202. Purpose; legislative findings

2                A. The legislature hereby finds and declares that the development,  
3        construction, improvement, expansion, and maintenance of an efficient, safe,  
4        and well-maintained system of highways, bridges, and transportation facilities  
5        are essential to relieve traffic congestion, to promote economic growth, and to  
6        improve the quality of life for the people living and traveling within and  
7        through the capital region.

8                B. Public revenue, including federal funds, has not kept pace with the  
9        area's growing transportation system needs. The legislature hereby finds and  
10       declares that it is a matter of public necessity to create the Capital Region  
11       Infrastructure Authority, to pursue alternative and innovative funding sources,  
12       including but not limited to tolls to supplement public revenue sources, and to  
13       improve, expand, and maintain the region's highway, bridge, and  
14       transportation facilities, including but not limited to construction of a new  
15       bridge across the Mississippi River within the authority's boundaries.

16       §2203. Definitions

17                Unless the text clearly indicates otherwise, the following words or  
18       phrases shall have the following meanings:

19                (1) "Act" means the Capital Region Infrastructure Authority Act.

20                (2) "Authority" means the Capital Region Infrastructure Authority  
21       created by this Chapter.

22                (3) "Board" means the board of commissioners of the authority.

23                (4) "Bonds" means any bonds, notes, renewal notes, refunding bonds,  
24       interim certificates, certificates of indebtedness, debentures, warrants,  
25       commercial paper, or other obligations or any other evidence of indebtedness  
26       or evidence of borrowed money issued or entered into by the authority to  
27       finance projects.

28                (5) "Department" means the Department of Transportation and  
29       Development, or its successor.

1           (6) "Federal government" means the United States of America and any  
2           agency or instrumentality, corporate or otherwise, of the United States of  
3           America.

4           (7) "Person" means any individual, partnership, firm, corporation,  
5           company, cooperative, association, society, trust, or any other business unit or  
6           entity, including any state or federal agency.

7           (8) "Project" means a capital project undertaken pursuant to this  
8           Chapter for the acquisition of real property, construction, reconstruction,  
9           improvement, extension, installation, development, landscaping, or operation  
10          of a highway, a bridge, or both, or a transportation facility.

11          (9) "Project costs" means all costs associated with and necessary to plan,  
12          design, acquire property rights, and construct a project, construction costs, and  
13          such other expenses as may be necessary or incidental to the construction,  
14          financing, and operation of the project.

15          (10) "Real property" means lands, waters, rights in lands or waters,  
16          structures, franchises, and interests in land, including lands under water,  
17          riparian rights, property rights in air space or subsurface, and any and all other  
18          things and rights usually included within such term, including any and all  
19          interests in such property less than full title.

20          (11) "Revenue" means:

21               (a) Any income, monies, revenue, toll, and receipt derived or to be  
22               derived from the construction and operation of projects by the authority or  
23               received by the authority from any other sources whatsoever.

24               (b) Monies generated by way of fees, taxes, contract, pledge, donation,  
25               or bequest.

26          (12) "State-designated project" means any proposed capital project  
27          involving the acquisition of land for, or the acquisition, construction,  
28          reconstruction, improvement, installation, extension, development, or equipping  
29          of real property as part of the state highway system or related facilities.

1                   (13) "State government" means the state of Louisiana or any agency or  
2                   instrumentality thereof.

3                   (14) "Toll" means any fee or charge for the use of a highway or bridge,  
4                   or other transportation facility constructed or operated by the authority.

5                   (15) "Tollway" means any limited access highway, bridge, or other  
6                   transportation facility constructed or operated by the authority.

7                   §2204. Capital Region Infrastructure Authority; creation; board of  
8                   commissioners; meetings; quorum

9                   A. The Capital Region Infrastructure Authority, hereafter referred to  
10                  as the "authority", is hereby created possessing full corporate powers to  
11                  promote, plan, finance, develop, construct, control, regulate, operate, and  
12                  maintain any limited access tollway to be constructed or improved within its  
13                  jurisdiction.

14                  B. The domicile of the authority shall be East Baton Rouge Parish.

15                  C. The governing body of the authority shall be a board of  
16                  commissioners which is hereby created. The board shall have full power to  
17                  promulgate rules and regulations for the maintenance and operation of the  
18                  authority. The board shall be composed of five commissioners as follows:

19                  (1) One member appointed by the East Baton Rouge Parish  
20                  Metropolitan Council.

21                  (2) One member appointed by the West Baton Rouge Parish Council.

22                  (3) One member appointed by the Iberville Parish Council.

23                  (4) One member appointed by the Ascension Parish Council.

24                  (5) One member appointed by the Livingston Parish Council.

25                  D. The members of the board shall take and subscribe to the oath of  
26                  office required of public officials. Appointed commissioners shall serve two-year  
27                  terms and shall serve until their successors are appointed and sworn into office.  
28                  Commissioners may be removed from office by their appointing authority.

29                  E. A majority of the members of the board of commissioners shall

1 constitute a quorum for the transaction of official business. All official actions  
2 of the board shall require an affirmative vote of a majority of the  
3 commissioners present and voting at any meeting.

4 F. Members of the board shall not receive any salary for the  
5 performance of their duties as commissioners. Appointed commissioners may  
6 be reimbursed for mileage expenses incurred for attendance at meetings of the  
7 board. The mileage allowance shall be fixed by the board in an amount not to  
8 exceed the mileage allowance authorized under state travel regulations at rates  
9 and standards as promulgated by the division of administration subject to the  
10 availability of funds.

11 G. The board shall meet at least quarterly and may meet more  
12 frequently upon call of the chairman or as provided by a vote of the majority  
13 of the members of the board.

14 H. The boundary and jurisdiction of the authority shall be coextensive  
15 with the boundaries of the parishes of East Baton Rouge, West Baton Rouge,  
16 Iberville, Ascension, and Livingston.

17 I. The board and all members thereof shall be subject to the provisions  
18 of R.S. 42:1101 et seq.

19 J. The board may perform, procure from the Department of  
20 Transportation and Development with the consent of its secretary, or procure  
21 from outside service providers any service or portion of services necessary to  
22 fulfill the duties and obligations of the board or the authority.

23 §2205. Public records; public meetings; right of public agencies to records

24 The board created by this Chapter shall be subject to and fully comply  
25 with the Public Records Law, R.S. 44:1 et seq., and the Open Meetings Law,  
26 R.S. 42:11 et seq., of the state. The proceedings and documents of the board  
27 shall be public record. All reports, maps, or other technical documents  
28 produced in whole or in part by the board may be utilized by the board or any  
29 other public agency in any manner that it deems necessary and advisable in the

1 conduct of its duties.

2 §2206. Feasibility; advice

3 A. The authority, through the board, may construct projects under the  
4 terms and conditions set forth in this Chapter. The board may conduct an  
5 economic feasibility study prior to initiation of any project to substantiate  
6 project need and feasibility.

7 B. The Department of Transportation and Development shall serve in an  
8 advisory capacity to the board relative to any project or projects contemplated  
9 by or to be undertaken by the authority.

10 §2207. Jurisdiction; powers of board

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

14 (1) To adopt rules and regulations necessary to carry out the purposes  
15 of the authority, for the governance of its affairs, and for the conduct of the  
16 business of the board and the authority.

17 (2) To adopt, use, and alter at will an official seal.

18 (3) To plan, construct, reconstruct, maintain, improve, operate, own, or  
19 lease projects within its jurisdiction in the manner determined by the board and  
20 to pay any project costs in connection therewith.

21 (4) To sue and be sued in its own name.

22 (5) To impose, revise, and adjust from time to time tolls, fees, and  
23 charges in connection with projects of the authority sufficient to pay all project  
24 costs, maintenance, operation, debt service and reserve or replacement costs,  
25 and other necessary or usual charges.

26 (6) To regulate speed limits on an authority project consistent with state  
27 speed limits.

28 (7) To contract with any person, partnership, association, or corporation  
29 desiring the use of any part of a project, including the right-of-way adjoining

1 the paved portion, for placing thereon telephone, fiber optic, telegraph, electric  
2 light, or power lines, gas stations, garages, and restaurants, or for any other  
3 purpose, and to fix the terms, conditions, rents, and rates of charges.

4 (8) To acquire, hold, and dispose of real and personal property in the  
5 exercise of its powers and the performance of its duties under this Chapter in  
6 accordance with law.

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

12 (10) To hold, sell, assign, lease, or otherwise dispose of any real or  
13 personal property or any interest therein; to release or relinquish any right,  
14 title, claim, lien, interest, easement, or demand however acquired, including any  
15 equity or right of redemption in property foreclosed by it; to take assignments  
16 of leases and rentals; to proceed with foreclosure actions; or to take any other  
17 actions necessary or incidental to the performance of its corporate purposes.

18 (11) To establish control of access, designate the location, and establish,  
19 limit, and control points of ingress and egress for each project as may be  
20 necessary or desirable in the judgment of the board to ensure its proper  
21 operation and maintenance, and to prohibit entrance to such project from any  
22 point or points not so designated, subject to the prior written concurrence of the  
23 department when the state highway system is affected.

24 (12) To relocate parish, municipal, or other public roads affected or  
25 severed by authority projects with equal or better facilities at the expense of the  
26 authority.

27 (13) To enter, or authorize its agents to enter, upon any lands, waters,  
28 and premises within the geographic boundaries of the authority for the purpose  
29 of making surveys, soundings, drillings, and examinations as it may deem

1 necessary or appropriate for the purposes of this Chapter provided that the  
2 authority shall reimburse any actual damages resulting to such lands, waters,  
3 and premises as a result of such activities; such entry shall not be deemed a  
4 trespass or unlawful.

5 (14) To procure insurance in such amount or amounts appropriate to the  
6 size of the project, as determined by the board, insuring the authority against  
7 all losses, risk, and liability arising out of the construction, operation,  
8 maintenance, and ownership of any project.

9 (15) To apply for, receive, and accept grants, loans, advances, and  
10 contributions from any source of money, property, labor, or other things of  
11 value, to be held, used, and applied for purposes of the authority.

12 (16) To open accounts at financial institutions necessary for the conduct  
13 of authority business and to invest any funds held in reserves or sinking funds,  
14 or any funds not required for immediate disbursement in such investments as  
15 may be provided in any financing document relating to the use of such funds,  
16 or, if not so provided, as the board may determine, subject to compliance with  
17 state laws relative to investments by political subdivisions.

18 (17) To borrow money and issue bonds for any authority purpose.

19 (18) To enter contracts and agreements and execute all instruments  
20 necessary or convenient thereto for accomplishing the purposes of the authority.

21 (19) To enter into agreements with a public or private entity to construct,  
22 maintain, repair, or operate authority projects.

23 (20) To authorize the investment of public and private money to finance  
24 authority projects, subject to compliance with state law relative to use of public  
25 funds.

26 (21) To employ consultants, engineers, attorneys, accountants,  
27 construction and financial experts, superintendents, managers, and such other  
28 employees and agents necessary for the accomplishment of authority purposes,  
29 and to fix their compensation. The authority shall not be deemed to be an



1 instrumentality of the state for purposes of Article X, Section 1(A) of the  
2 Constitution of Louisiana.

3 (22) To exercise the power of eminent domain in accordance with Part  
4 XVIII of Chapter 1 of this Title.

5 (23) To do all acts and perform things necessary or convenient to execute  
6 the powers granted to the authority by law.

7 (24) To impose taxes, subject to the approval of a majority of the voters  
8 in jurisdiction of the authority, in connection with projects of the authority  
9 sufficient to pay all project costs, maintenance, operation, debt service, reserve  
10 or replacement costs, and other necessary or usual charges.

11 §2208. Acquisition of lands and property

12 A. For the purposes of this Chapter, the authority may acquire private  
13 or public property and property rights by donation, purchase, exchange, or  
14 eminent domain proceedings, as the board may deem necessary for any  
15 authority purpose in a transportation corridor designated by the board.

16 B. In the acquisition of land and property rights, the authority may  
17 acquire an entire lot, block, or tract of land, if, by so doing, the acquisition cost  
18 to the authority will be equal to or less than the cost of acquiring only that  
19 portion of the property thereof necessary for the project. This Subsection is a  
20 specific recognition that this means of limiting the rising costs of such property  
21 acquisition is a public purpose and that, without this limitation, the viability of  
22 many public projects will be threatened.

23 C. The authority may sell, lease, or otherwise dispose of all or any  
24 portion of a project, provided that the sale, lease, or other disposition of a  
25 state-designated project shall require department approval. Notwithstanding  
26 any law to the contrary, any surplus property may be sold in accordance with  
27 procedures adopted by the board that maximize the price received for such  
28 property provided that, notwithstanding any other provision of law to the  
29 contrary, whenever any surplus property is acquired by the authority by

1 eminent domain proceedings, the authority first shall offer to sell whatever  
2 rights it acquired back to the original owner or his successors in title, at the fair  
3 market value or at the original price paid, whichever is less.

4 D. When the authority acquires property for a project, it is not subject  
5 to any liability imposed by preexisting conditions. This Subsection does not,  
6 however, affect the rights or liabilities of any past or future owners of the  
7 acquired property, nor does it affect the liability of any governmental entity for  
8 the results of its actions which create or exacerbate a pollution source. The  
9 board, on behalf of the authority, and the Louisiana Department of  
10 Environmental Quality may enter into agreements for the performance,  
11 funding, and reimbursement of the investigative and remedial acts necessary for  
12 property acquired by the authority.

13 §2209. Contracts; construction; project development; law enforcement

14 A. Contracts of the board on behalf of the authority for the construction,  
15 improvement, or maintenance of any authority project shall be made and  
16 awarded pursuant to applicable provisions of state law.

17 B. The board, on behalf of the authority, may contract with either the  
18 state police, a law enforcement district, or municipal law enforcement agency  
19 to perform law enforcement and patrol functions on any authority project.

20 §2210. Bonds

21 A. Without reference to any provision of the Constitution of Louisiana  
22 and the laws of Louisiana, and as a grant of power in addition to any other  
23 general or special law, the authority created pursuant to this Chapter may issue  
24 bonds for any authority purpose and pledge revenues for the payment of the  
25 principal and interest of such bonds. The board is further authorized, in its  
26 discretion, to pledge all or any part of any gift, grant, donation, or other sum of  
27 money, aid, or assistance from the United States, the state, or any political  
28 subdivision thereof, unless otherwise restricted by the terms thereof, all or any  
29 part of the proceeds of bonds, credit agreements, instruments, or any other

1 money of the authority, from whatever source derived, for the further securing  
2 of the payment of the principal and interest of the bonds. Any such bonds shall  
3 be payable solely from revenues and bond proceeds, pending their  
4 disbursement, and investment income thereon.

5 B. Bonds issued under the provisions of this Chapter shall not be deemed  
6 to constitute a pledge of the full faith and credit of the state or of any  
7 governmental unit thereof. All such bonds shall contain a statement on their  
8 face substantially to the effect that neither the full faith and credit of the state  
9 nor the full faith and credit of any public entity of the state are pledged to the  
10 payment of the principal of or the interest on such bonds. The issuance of bonds  
11 under the provisions of this Chapter shall not directly, indirectly, or  
12 contingently obligate the state or any governmental unit of the state to levy any  
13 taxes whatever therefor or to make any appropriation for their payment, other  
14 than obligations to make payments by the state or any public entity to the  
15 authority arising out of contracts authorized under this Chapter.

16 C. Bonds shall be authorized by a resolution of the board and shall be of  
17 such series, bear such date or dates, mature at such time or times, bear interest  
18 at such rate or rates, including but not limited to fixed, variable, or zero rates,  
19 be payable at such time or times, be in such denominations, be in such form,  
20 carry such registration and exchangeability privilege, be payable in such  
21 medium of payment and at such place or places, be subject to such terms of  
22 redemption prior to maturity at such price or prices as determined by the  
23 board, and be entitled to such priority on the revenues as such resolution or  
24 resolutions may provide.

25 D. Bonds shall be sold by the authority at public sale by competitive bid  
26 or negotiated private sale and at such price as the board may determine to be  
27 in the best interest of the authority.

28 E. The issuance of bonds shall not be subject to any limitations,  
29 requirements, or conditions contained in any other law, and bonds may be

1 issued without obtaining the consent of the state or any political subdivision, or  
2 of any agency, commission, or instrumentality thereof, except that the issuance  
3 of such bonds shall be subject to the approval of the State Bond Commission.  
4 The bonds shall be issued in compliance with the provisions of this Chapter.

5 F. For a period of thirty days after the date of publication of a notice of  
6 intent to issue bonds in the official journal of the authority authorizing the  
7 issuance of bonds hereunder, any person in interest shall have the right to  
8 contest the legality of the resolution and the legality of the bond issue for any  
9 cause, but after that time no one shall have any cause or right of action to  
10 contest the legality of the resolution or of the bonds or the security therefor for  
11 any cause whatsoever. If no suit, action, or proceeding is begun contesting the  
12 validity of the resolution, the bonds or the security therefor within the thirty  
13 days herein prescribed, the authority to issue bonds and provide for the  
14 payment thereof, the legality thereof and of all of the provisions of the  
15 resolution, or other proceedings authorizing the issuance of the bonds shall be  
16 conclusively presumed, and no court shall have authority to inquire into such  
17 matters. Any notice of intent so published shall set forth in reasonable detail the  
18 purpose of the bonds, the security therefor, and the parameters of amount,  
19 duration, and interest rates. The board may designate any paper of general  
20 circulation in its geographical jurisdiction to publish the notice of intent or may  
21 utilize electronic media available to the general public. Any suit to determine  
22 the validity of bonds issued by the authority shall be brought only in accordance  
23 with the provisions of R.S. 13:5121 et seq.

24 G. All bonds issued pursuant to this Chapter shall have all the qualities  
25 of negotiable instruments under the commercial laws of the state.

26 H. Any pledge of revenues or other monies made by the board on behalf  
27 of the authority shall be valid and binding from the time when the pledge is  
28 made. The revenues or monies so pledged and thereafter received by the  
29 authority shall immediately be subject to the lien of such pledge without any

1 physical delivery thereof or further act, and the lien of any such pledge shall be  
2 valid and binding as against all parties having claims of any kind in tort,  
3 contract, or otherwise against the authority irrespective of whether such parties  
4 have notice thereof.

5 I. Neither the members of the board nor any person executing the bonds  
6 shall be liable personally for the bonds or be subject to any personal liability or  
7 accountability by reason of the issuance thereof.

8 J. Bonds of the authority, their transfer, and the income therefrom shall  
9 at all times be exempt from all taxation by the state or any political subdivision  
10 thereof and may or may not be exempt for federal income tax purposes. The  
11 bonds issued pursuant to this Chapter shall be and are hereby declared to be  
12 legal and authorized investments for banks, savings banks, trust companies,  
13 building and loan associations, insurance companies, fiduciaries, trustees, and  
14 guardians. Such bonds shall be eligible to secure the deposit of any and all  
15 public funds of the state and any and all public funds of municipalities,  
16 parishes, school districts, or other political corporations or subdivisions of the  
17 state. Such bonds shall be lawful and sufficient security for such deposits to the  
18 extent of their value. When any bonds shall have been issued hereunder, neither  
19 the legislature, the board, nor any other commission may discontinue or  
20 decrease the revenues pledged to the payment of the bonds authorized  
21 hereunder or permit to be discontinued or decreased such revenues in  
22 anticipation of the collection of which such bonds have been issued, or in any  
23 way make any change in the allocation and dedication of the revenues which  
24 would diminish the amount of the revenues to be received by the authority, until  
25 all of such bonds shall have been retired as to principal and interest, and there  
26 is hereby vested in the holders from time to time of such bonds a contract right  
27 in the provisions of this Section.

28 K. The board may provide by resolution for the issuance of refunding  
29 bonds pursuant to R.S. 39:1444 et seq.

1           L. The holders of any bonds issued hereunder shall have such rights and  
2           remedies as may be provided in the resolution or trust agreement authorizing  
3           the issuance of the bonds, including but not limited to appointment of a trustee  
4           for the bondholders and any other available civil action to compel compliance  
5           with the terms and provisions of the bonds and the resolution or trust  
6           agreement.

7           M. Subject to the agreements with the holders of bonds, all proceeds of  
8           bonds and all revenues pledged under a resolution or trust agreement  
9           authorizing or securing such bonds shall be deposited and held in trust in a fund  
10          or funds separate and apart from all other funds of the authority. Subject to the  
11          resolution or trust agreement, the trustee shall hold the same for the benefit of  
12          the holders of the bonds for the application and disposition thereof solely to the  
13          respective uses and purposes provided in such resolution or trust agreement.

14          N. The board, on behalf of the authority, is authorized to employ all  
15          professionals it deems necessary in the issuance of its bonds.

16          O. The authority shall be deemed to be a public entity for purposes of  
17          Chapters 13, 13-A, 14, 14-A, 14-B, and 15-A of Title 39 of the Louisiana Revised  
18          Statutes of 1950, which statutes shall apply to bonds of the authority, provided  
19          that in the event of a conflict with the provisions of this Chapter, the provisions  
20          of this Chapter shall control.

21          §2211. Conveyance of project; maintenance

22          When the bonds issued for any project and the interest thereon have  
23          been paid in full, or sufficient funds have been deposited in trust for that  
24          purpose, and the project is in a condition which meets department standards for  
25          structural condition and geometric design and is in a condition of maintenance  
26          satisfactory to the department, such project and any property acquired for the  
27          project may be transferred by the board, on behalf of the authority, in full  
28          ownership to the state of Louisiana. The department will assume jurisdiction  
29          and control of the project as a part of the state highway system, provided that

1        the legislature authorizes an increase in mileage of the state highway system  
 2        equal to the length of the authority project to be transferred. Any authority  
 3        project transferred to and accepted by the department will be operated and  
 4        maintained by the department as an integral part of the state highway system,  
 5        and the department, in the discretion of its secretary, may continue to collect  
 6        any toll or fee for the purpose of maintenance of the project.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Sharon F. Lyles.

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	DIGEST	
SB 496 Original	2018 Regular Session	Ward

Proposed law states legislative findings that it is a matter of public necessity to create the Capital Region Infrastructure Authority (the authority), to pursue alternative funding sources, and to improve, expand, and maintain the region's highway, bridge, and transportation facilities, including a new bridge across the Mississippi River within the authority's boundaries.

Proposed law creates the authority with jurisdiction coextensive with the parishes of East Baton Rouge, West Baton Rouge, Iberville, Ascension, and Livingston, domiciled in East Baton Rouge Parish, and possessing power related to any limited access tollway within its jurisdiction.

Proposed law creates the authority's board of commissioners (the board), composed of five members, as follows:

- (1) One member appointed by the East Baton Rouge Parish Metropolitan Council.
- (2) One member appointed by the West Baton Rouge Parish Council.
- (3) One member appointed by the Iberville Parish Council.
- (4) One member appointed by the Ascension Parish Council.
- (5) One member appointed by the Livingston Parish Council.

Proposed law provides that appointed commissioners shall serve two-year terms, shall serve until their successors are appointed and sworn in, and may be removed from office by their appointing authority. Provides that a majority of board members shall constitute a quorum and that official actions require an affirmative vote of a majority of commissioners present and voting. Provides that they shall not receive any salary, but that appointed members may be reimbursed for travel. Requires quarterly and permits more frequent meetings upon the chairman's call or by vote of the majority of the board. Subjects the board to existing law requirements relative to governmental ethics. Permits the board to perform or procure from DOTD with the department secretary's consent or from others the services necessary to fulfill board or authority duties. Requires board compliance with public records and open meetings laws. Authorizes the authority, through the board, to construct projects. Defines "project" as a capital project pursuant to new law for acquisition of real property, construction, reconstruction, improvement, extension, installation, development, landscaping, or operation of a highway, bridge, or both, or a transportation facility. Permits the conduct of an economic feasibility study prior to project initiation. Requires the DOTD

to serve in an advisory capacity to the board.

Proposed law provides the following rights and powers for the board:

- (1) To adopt rules and regulations.
- (2) To adopt, use, and alter at will an official seal.
- (3) To provide for projects and to pay project costs.
- (4) To sue and be sued in its own name.
- (5) To impose, revise, and adjust tolls, fees, and charges in connection with projects sufficient to pay all project costs.
- (6) To regulate speed limits consistent with state speed limits.
- (7) To contract with any entity desiring the use of any part of a project and to fix related terms and conditions.
- (8) To acquire, hold, and dispose of real and personal property.
- (9) To acquire public or private lands in the authority's name, including the power of eminent domain.
- (10) To hold, sell, assign, lease, or otherwise dispose of real or personal property; release or relinquish any right, title, claim, lien, interest, easement, or demand; take assignments of leases and rentals; proceed with foreclosure actions; or take actions necessary or incidental to the performance of its purposes.
- (11) To establish control of access, designate the location, and establish, limit, and control points of ingress and egress for each project and to prohibit entrance to such project, subject to DOTD's prior written concurrence when the state highway system is affected.
- (12) To relocate parish, municipal, or other public roads affected or severed by authority projects with equal or better facilities at the authority's expense.
- (13) To enter upon lands, waters, and premises within the authority's boundaries for authority purposes provided that it shall reimburse any actual damages resulting to such areas; such entry shall not be deemed a trespass or unlawful.
- (14) To procure insurance in appropriate amounts that insures the authority against losses, risk, and liability related to any project.
- (15) To apply for, receive, and accept grants, loans, advances, and contributions from any source.
- (16) To open accounts at financial institutions and invest funds held in reserves or sinking funds.
- (17) To borrow money and issue bonds.
- (18) To enter contracts and agreements and execute instruments necessary or convenient for authority purposes.
- (19) To enter into agreements with a public or private entity for authority projects.



- (20) To authorize the investment of public and private money to finance authority projects, subject to compliance with state law.
- (21) To employ individuals necessary for the accomplishment of authority purposes and to fix their compensation. (Provides that the authority is not an instrumentality of the state for purposes of civil service provisions of the constitution.)
- (22) To exercise the power of eminent domain in accordance with existing law.
- (23) To do all acts and perform things necessary or convenient to execute authority powers.
- (24) To impose taxes, subject to voter approval, in connection with projects sufficient to pay all project costs, maintenance, operation, debt service, reserve and replacement costs, and other charges.

Proposed law authorizes the authority to acquire property and property rights for the transportation corridor. Permits acquisition of an entire lot, block, or tract if the acquisition cost is equal or less than that of the property necessary for the project. Authorizes the authority to sell, lease, or dispose of a project or project portion, with DOTD approval if a state-designated project. Permits the sale of surplus property. If acquired by eminent domain, the property must first be offered to the original owner or his successors in title at the lesser of fair market value or the original price. When the authority acquires property, provides it is not subject to liability imposed by preexisting conditions, but such limitation does not affect the rights or liabilities of past or future property owners or the liability of a governmental entity for actions that create or exacerbate a pollution source. Authorizes the board and DEQ to enter into agreements for the investigative and remedial acts necessary for property the authority has acquired. Requires contracts for projects to be made and awarded according to state law. Authorizes the board to enter into contracts with state or local law enforcement. Authorizes the authority to issue bonds and pledge revenue for the payment of their principal and interest that shall not be deemed a pledge of the full faith and credit of the state and which issuance shall not obligate the state or any of its governmental units to provide for their payment. Otherwise provides for such bonds and their issuance. Provides that bonds, their transfer, and related income shall be exempt from state taxation and may be exempt from federal taxation. Authorizes the board to provide for the issuance of refunding bonds and to employ professionals for bond issuance. Provides that when bonds and interest have been paid in full and the project meets DOTD standards, the project and related property may be transferred by the board in full ownership to the state and that, if so transferred, DOTD shall assume control of the project as part of the state highway system if the legislature authorizes the appropriate increase in state highway system mileage. Provides that, in such case, in the discretion of the DOTD secretary, DOTD may continue to collect any toll or fee to maintain the project.

Effective August 1, 2018.

(Adds R.S. 48:2201-2211)