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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 Engrossed

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)