

2025 Regular Session

HOUSE BILL NO. 616

BY REPRESENTATIVE WRIGHT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

TRANSPORTATION DEPT: Authorizes the Port of New Orleans to utilize public private partnerships for certain projects

1 AN ACT

2 To enact Subpart D of Part I of Chapter 1 of Title 34 of Louisiana Revised Statutes of 1950,
3 to be comprised of R.S. 34:51 through 58, relative to the St. Bernard Transportation
4 Corridor and the Louisiana International Terminal; to provide for cooperation with
5 government entities; to designate powers and duties to the board; to designate joint
6 authorities with the Department of Transportation and Development; to provide for
7 the acquisition of property; to provide for an effective date; and to provide for related
8 matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Subpart D of Part I of Chapter 1 of Title 34 of Louisiana Revised Statutes
11 of 1950, comprised of R.S. 34:51 through 58 is hereby amended and reenacted to read as
12 follows:

13 SUBPART D. ST. BERNARD TRANSPORTATION CORRIDOR ROADWAY AND
14 LOUISIANA INTERNATIONAL TERMINAL

15 §51. Declaration of public necessity; authorization for public-private partnerships

16 A. The development, construction, operation, maintenance, and
17 improvement of the St. Bernard Transportation Corridor roadway, including elevated
18 sections, by the board of commissioners of the Port of New Orleans, to connect the
19 Louisiana International Terminal in St. Bernard Parish with other roads on the
20 interstate highway system in Orleans Parish, are hereby declared critical to the

1 success and long-term viability of the terminal. It is determined to be a matter of
2 public necessity to authorize the board to pursue public-private partnerships for the
3 supplementation of public revenue sources for the construction and maintenance of
4 this roadway, as provided in this Subpart.

5 B. The development, construction, operation, maintenance, and enhancement
6 of the Louisiana International Terminal project in St. Bernard Parish, as part of the
7 Port of New Orleans, are critical to fostering Louisiana's economic growth. This
8 project will also enhance the ability of the Port of New Orleans and associated
9 businesses and industries to remain competitive in regional, national, and global
10 markets.

11 §52. St. Bernard Transportation Corridor

12 A. The St. Bernard Transportation Corridor is hereby authorized as a
13 roadway with elevated sections to connect the Louisiana International Terminal in
14 St. Bernard Parish to the interstate highway system in Orleans Parish. The route for
15 this roadway shall be determined by the board, and may include a connection to State
16 Highway No. 47 (Paris Road) and Interstate 510. This roadway project shall
17 encompass the highway and all associated property, servitudes, rights, and the entire
18 area dedicated thereto, including all bridges, overpasses, approaches, structures,
19 appurtenances, drainage canals and ditches, fixtures, accessories, and features
20 necessary, convenient, or associated with its purposes.

21 B. The roadway may be a limited-access highway, specifically designed by
22 the board for through traffic, with no right of access, light, air, or view for owners
23 or occupants of abutting land along its entire route or designated portions thereof,
24 including elevated sections.

25 §53. Board of commissioners; powers and duties

26 A. The board may enter into agreements with parishes, municipalities, road
27 districts, levee boards, school boards, other political subdivisions, and agencies of
28 the state of Louisiana or the United States relating to the construction of the
29 Louisiana International Terminal or the St. Bernard Transportation Corridor, as

1 provided in this Subpart. These entities may appropriate funds, sell or exchange
2 properties, provide grants, servitudes, and rights-of-way, and otherwise cooperate
3 with the board in the construction of the Louisiana International Terminal and the St.
4 Bernard Transportation Corridor.

5 B. The board is authorized to design, study, acquire, construct, maintain,
6 improve, operate, repair, and regulate the St. Bernard Transportation Corridor
7 roadway in the Parishes of St. Bernard and Orleans. The board may carry out all or
8 part of the work itself and may, at its discretion, contract portions of the work to the
9 department. The department is directed to cooperate with the board in the execution
10 of this project.

11 C. The board is authorized to construct canals, ditches, or drains as necessary
12 for the St. Bernard Transportation Corridor roadway project. The land or rights-of-
13 way required for these features may be acquired in the same manner and under the
14 same compensation terms as those used for acquiring properties for the roadway.

15 D.(1) Subject to the provisions of this Subsection, public utilities, service
16 companies, railroads, and cable television providers whose facilities are affected by
17 the roadway project are required to cooperate with the board in planning and
18 executing the relocation or removal of their facilities. If the board determines that
19 relocation, removal, or grade separation is necessary for any public utility facilities
20 located along the project, the facility owner must comply with the board's order. The
21 costs associated with these actions, including relocation, removal, and any required
22 land acquisition, will be paid as part of the roadway project costs by the board.

23 (2) In the event of the relocation or removal of public utility facilities, the
24 owners, operators, and their successors or assigns may continue to use and operate
25 these facilities at the new location under the same terms and conditions that were in
26 place prior to the relocation or removal.

27 (3) The board has the authority to contract with any person who wishes to
28 use the roadway right-of-way, including any bridge or part of it, for placing
29 pipelines, utility cables or wires, and other equipment or appliances for other

1 purposes. The board may establish the terms, conditions, rates, and charges for such
2 use.

3 (4) Any utility which requests and is permitted to occupy the roadway
4 right-of-way shall be responsible for any cost of future relocation, removal, or grade
5 separation of its facilities and all expenses related thereto.

6 E.(1) The board when proceeding under this Subpart may accept any
7 appropriation, loan, gift, assistance, grant, contribution, or allocation from the United
8 States of America or the state of Louisiana, or any agency or instrumentality of
9 either, or any public utility, private corporation, or individual benefitting therefrom,
10 and may enter into any agreement not prohibited by the state constitution which is
11 necessary to obtain any loan, gift assistance, grant, contribution, or allocation.

12 (2) Notwithstanding any provision of law to the contrary, if the board
13 determines it is in the best interest of the public, the board may solicit proposals for
14 a public-private partnership projects related to the roadway facility. The board shall
15 comply with the provisions of R.S. 48:2084 through 2084.15 and R.S. 48:2085,
16 applicable to the public-private partnership projects of the Louisiana Transportation
17 Authority and the provisions of R.S. 48:256.3. The board is the sole public entity
18 responsible for this roadway which qualifies as a transportation facility as defined
19 in R.S. 48:2073. The Louisiana Transportation Authority need not grant any
20 approval for the development of these roadways and shall not be a party to the
21 comprehensive agreement with the private entity. This authorization shall constitute
22 prior approval by the legislature in accordance to R.S. 48:942.

23 §54. Board of commissioners and Department of Transportation and Development;
24 joint authority

25 A. The board of commissioners may exercise and perform any power or
26 function authorized under this Subpart, either independently or at the board's
27 discretion, jointly or in cooperation with the Department of Transportation and
28 Development. The board and the department may make and enter into agreements
29 to jointly engage in all or any portion of the development, acquisition, construction,

1 operation, maintenance, or improvement of the St. Bernard Transportation Corridor
2 roadway, including the promotion and maintenance of related undertakings, or the
3 exercise of any powers pertaining thereto, provided that at least one of the public
4 entities is authorized under a provision of general or special law to perform the
5 activity or exercise the power necessary for the completion of the undertaking.

6 B. The board and the department are authorized to exchange properties of
7 any kind, whether immovable or movable, corporeal or incorporeal, when mutually
8 agreed to be in the best interests of the projects under this Subpart. The board and
9 the department may engage in cooperative endeavors to implement its purposes;
10 however, a cooperative endeavor agreement shall not be a condition to the
11 effectiveness of this Subpart.

12 C. Upon the request of the board in connection with the roadway project, the
13 department may expend available funds and utilize its engineering and other staff as
14 necessary and desirable, in the department's judgment, to conduct traffic surveys,
15 borings, surveys, preparation of plans and specifications, estimates of cost, and other
16 preliminary engineering and studies.

17 D. Notwithstanding any provisions of law to the contrary, all property,
18 property rights, and improvements thereon acquired or constructed shall vest in the
19 board. The board and the department, may mutually agree at any stage in the design,
20 development, construction, or operation of the roadway project for the board to
21 transfer the St. Bernard Transportation Corridor roadway and associated property
22 rights to the department. Upon a mutually agreed transfer, the department shall
23 assume jurisdiction and control of the roadway, which will then become part of the
24 state highway system of Louisiana and be subject to maintenance, control, and
25 operation, as an integral part of the state highway system, including speed limits.
26 Thereafter, any roadway tolls shall continue as required by this Subsection and
27 further as the state, in its discretion, may provide for the purpose of operation,
28 maintenance, improvement and extension of the roadway. Nothing contained in this
29 Subsection, however, shall be construed as making the aforesaid transfer and

1 assumption of jurisdiction and control mandatory. At the time of any proposed
2 transfer, the department shall determine whether the roadway project meets its
3 standards for structural condition, geometric design, and, if applicable, maintenance
4 requirements satisfactory to the department.

5 E. The transfer agreement shall require the department to agree on the
6 following;

7 (1) To continue operating and maintaining the roadway to serve the Port of
8 New Orleans and the industries associated therewith.

9 (2) To assume and comply with the duties and responsibilities for the
10 roadway and associated property rights and contracts, including the payment of any
11 bonds or other indebtedness issued for the roadway, and obligations under the
12 public-private partnership contract for the roadway facility, including the pledge and
13 collection of any toll revenues toward the payment of outstanding indebtedness and
14 any contractual payments required by the public-private partnership agreement.

15 F. Upon the effective date of the transfer agreement, the department shall
16 obtain and exercise the powers granted to the board under this Subpart with respect
17 to the St. Bernard Transportation Corridor. The department shall be deemed a
18 successor party to each contract of the board pertaining to the St. Bernard
19 Transportation Corridor. Any provision in a contract that prohibits, restricts, or
20 requires consent for this substitution and assignment, or that provides for a default,
21 claim, defense, right of termination, or other remedy as a result thereof, shall be
22 deemed ineffective.

23 §55. Design; access, control, and approval of the St. Bernard Transportation
24 Corridor Roadway

25 Following a feasibility study by the Regional Planning Commission, the
26 board shall design and regulate the St. Bernard Transportation Corridor roadway to
27 serve its intended functions, including as a hurricane evacuation route and a primary
28 traffic corridor for the Louisiana International Terminal. The roadway may be
29 separated into different lanes or sections with physical barriers, signage, and

1 markings for efficient traffic management. Access to the roadway will be strictly
2 controlled, allowing entry only at designated points. Connections from municipal,
3 parish, or state highways to the roadway require the board's approval, which shall
4 only be granted if it aligns with the public interest. Additionally, the board shall
5 notify the St. Bernard Parish President and the Mayor of the city before establishing
6 any controlled-access roadways. along with other relevant entities, at least ninety
7 days before beginning construction. The president and mayor shall provide written
8 comments within sixty days regarding any potential conflicts with local
9 transportation plans. After reviewing these comments, the board's decision on the
10 route, design, and controlled access is final and not subject to further consent from
11 local or state governmental entities, except when the roadway project impacts the
12 state highway system, in which case department approval is required. The board is
13 responsible for regulating speed limits on the roadway in accordance with state
14 standards, unless the board and department mutually agree to delegate this authority
15 to the department.

16 §56. Toll rates and collection for the St. Bernard Transportation Corridor Roadway

17 A. The board is authorized to impose toll rates that are sufficient in its
18 judgment to operate and maintain the roadway, pay the debt service on any bonds or
19 other indebtedness issued for the roadway, pay other necessary or usual expenses
20 pertaining to the roadway, provide an adequate fund for depreciation, improvements,
21 and extensions, reimburse prior board expenditures, provide for other board
22 purposes, and fulfill the contractual obligations under any public-private partnership
23 contract for the roadway. Subject to the requirements of any indenture for that
24 indebtedness and to the terms of any public-private partnership contract for the
25 roadway, the board may fix and change the toll rates from time to time and charge
26 and collect the tolls. These tolls are not subject to supervision or regulation by any
27 state or local government commission, board, bureau, or agency.

1 B. The rate of toll shall be determined by the board. Discounts or
2 exemptions may be offered at the board's discretion, subject to terms and restrictions
3 as determined by the board.

4 C. Free and unhampered passage shall be provided to all persons designated
5 by law to receive the same over toll roads and bridges in this state.

6 D. In exercising its authority to impose tolls, the Board shall have the same
7 powers as the Department of Transportation and Development concerning toll
8 collection, administration, enforcement, access to vehicle records, toll tags,
9 electronic toll collection, administrative fees, violation notices, appeal hearings, and
10 the imposition of late charges, penalties, and sanctions, as outlined in R.S.
11 47:820.5.4.

12 E. The exercise of the powers granted by this Subpart for the development
13 and operation of the roadway constitutes the performance of essential government
14 functions, and the roadway, along with all connected property, is designated for
15 public purposes. Regardless of any public-private partnership, the roadway, its
16 associated property, and all tolls and revenues generated are exempt from taxation
17 within the state.

18 §57. Powers of the board to acquire property for the St. Bernard Transportation
19 Corridor

20 A. In addition to its existing powers, the board of commissioners of the Port
21 of New Orleans is granted the authority to acquire property for the St. Bernard
22 Transportation Corridor through donation, purchase, exchange, lease, or
23 expropriation, without the need for competitive bidding. This includes acquiring
24 necessary lands, servitudes, and improvements for the roadway, service roads, and
25 related structures. The board may also acquire property rights for the relocation of
26 utilities and railroad facilities. The board may expropriate public or private property
27 in accordance with Louisiana's expropriation laws, including from political
28 subdivisions and state agencies, and may acquire full ownership or specific property
29 uses as necessary. The board has the discretion to acquire entire lots or tracts of land

1 when it is deemed in the public's best interest. These powers are supplementary to
2 existing expropriation rights and do not alter or limit them.

3 B. If the consent of a property owner has not been obtained, the board and
4 its authorized agents have the power to enter both public and private lands, waters,
5 and premises within the state for the purpose of conducting surveys, soundings,
6 drillings, and examinations deemed necessary for the projects under this Subpart.
7 Any entry shall not be considered trespassing and is not part of any ongoing eminent
8 domain proceedings. However, the board shall provide prior notice at least five days
9 for resident owners and fifteen days for nonresident owners to the property owner's
10 last known address as recorded in parish assessor's records. The board is required
11 to reimburse property owners for any actual direct damages as a result of entry and
12 activities under this Subsection.

13 C. The state of Louisiana grants the board full servitude and right-of-way in,
14 through, across, and under or over any state-owned lands, including lands or
15 property, as well as the waterways of the state, such as lakes, canals, bayous, bays,
16 or inlets owned by the state, that are necessary or convenient for the construction,
17 acquisition, or efficient operation of the St. Bernard Transportation Corridor
18 roadway.

19 §58. Supplemental powers and authority of the board and department

20 A. Nothing contained in this Subpart shall be construed as a restriction or a
21 limitation upon any powers that the board or the department respectively might
22 otherwise have under any other laws of this state. This Subpart shall be regarded as
23 supplemental and as a grant of powers in addition to any other general or special
24 laws.

25 B. The board shall have full authority to exercise all powers and duties
26 outlined in this law, without the need to obtain approval or consent from any political
27 subdivision, district, authority, board, commission, state agency, or other public
28 entity, except as expressly provided for in this Subpart.

1 Section 2. This Act shall become effective upon signature by the governor or, if not
2 signed by the governor, upon expiration of the time for bills to become law without signature
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
5 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, 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)]

HB 616 Original

2025 Regular Session

Wright

Abstract: Authorizes the port of New Orleans to utilize public private partnerships for certain projects.

Proposed law specifies that the board of commissioners of the Port of New Orleans will develop, construct, operate, maintain, and improve the St. Bernard Transportation Corridor to connect the La. International Terminal with the interstate highway system. Further, specifies that this project is deemed critical for the terminal's success and will explore public-private partnerships to support funding.

Proposed law specifies that the development, construction, operation, maintenance, and enhancement of the La. International Terminal project in St. Bernard Parish, part of the Port of New Orleans, are vital for Louisiana's economic growth and will help the port and local businesses remain competitive in regional, national, and global markets.

Proposed law specifies that the St. Bernard Transportation Corridor is authorized as a roadway with elevated sections to connect the La. International Terminal to the interstate highway system. Additionally, specifies that the board will determine the route, which may include connections to State Hwy. 47 (Paris Road) and I- 510. Further, specifies the project includes the highway, associated properties, rights, bridges, structures, drainage, and other necessary features.

Proposed law specifies that the roadway may be a limited-access highway, designed by the board for through traffic, with no rights of access, light, air, or view for owners or occupants of land along its route or designated portions, including elevated sections.

Proposed law authorizes the board to enter into agreements with various local, state, and federal entities for the construction of the La. International Terminal and the St. Bernard Transportation Corridor. Additionally, authorizes these entities to provide funding, properties, grants, servitudes, rights-of-way, and cooperate with the board in the project's development.

Proposed law authorizes the board to design, study, acquire, construct, maintain, improve, operate, repair, and regulate the St. Bernard Transportation Corridor in St. Bernard and Orleans Parishes. Additionally, specifies that the board may handle all or part of the work itself and can contract portions to the dept., which is directed to cooperate in the project.

Proposed law authorizes the board to construct canals, ditches, or drains for the St. Bernard Transportation Corridor. Further, authorizes land or rights-of-way needed for these features be acquired in the same manner and under the same compensation terms as for the roadway.

Proposed law requires public utilities, service companies, railroads, and cable providers affected by the roadway project to cooperate with the board in relocating or removing their facilities. Additionally, specifies that if necessary, facility owners must comply with the board's order for relocation, removal, or grade separation. Further, specifies the board will cover the costs of these actions, including land acquisition, as part of the project.

Proposed law specifies that if public utility facilities are relocated or removed, the owners, operators, and their successors may continue to use and operate these facilities at the new locations under the same terms and conditions as before.

Proposed law authorizes the board to contract with any party wishing to use the roadway right-of-way, including bridges, for placing pipelines, utility cables, wires, or other equipment. Additionally, specifies that the board may set the terms, conditions, rates, and charges for such use.

Proposed law requires any utility granted permission to occupy the roadway right-of-way be responsible for the costs of future relocation, removal, or grade separation of its facilities, along with any related expenses.

Proposed law specifies when proceeding under proposed law the board may accept appropriations, loans, gifts, grants, contributions, or assistance from the U.S., La., their agencies, or any public utility, private corporation, or individual benefitting from the project. Additionally, specifies that the board may also enter into agreements necessary to obtain these funds, as long as they are not prohibited by the state constitution.

Proposed law specifies that the board may solicit proposals for public-private partnership projects related to the roadway if it serves the public interest. Additionally, specifies that it must follow the relevant provisions of present law and the board is solely responsible for the roadway, which qualifies as a transportation facility. Further, specifies that the La. Transportation Authority is not required to approve or be involved in the project, and this authorization constitutes prior legislative approval under present law.

Proposed law grants the board of commissioners and Dept. of Transportation and Development (DOTD) joint authority to do the following:

- (1) The board of commissioners may exercise any power or function authorized under present law independently or with the DOTD. Additionally, the board and the dept. may enter into agreements to jointly develop, acquire, construct, operate, maintain, or improve the St. Bernard Transportation Corridor, as long as one public entity is authorized by law to perform the activity or exercise the necessary power.
- (2) The board and the dept. may exchange properties, whether immovable or movable, when mutually beneficial for the projects and may also engage in cooperative endeavors, though a cooperative agreement is not required for the effectiveness of present law.
- (3) Upon the board's request for the roadway project, the dept. may use available funds and staff for traffic surveys, borings, plans, cost estimates, and other necessary studies.
- (4) Authorizes all property and rights acquired or constructed be vested in the board. Additionally specifies, that if mutually agreed, the board can transfer control of the St. Bernard Transportation Corridor to the dept., which will then include the roadway in the state highway system. Further, specifies that tolls will continue as required, and the dept. will maintain the roadway, ensuring it meets state standards for structural condition and design.
- (5) The transfer agreement will require the department to:

- (a) Continue operating and maintaining the roadway to serve the Port of New Orleans and associated industries.
- (b) Assume responsibility for the roadway and associated contracts; including paying any debts or obligations, and managing toll revenues for the roadway's operation and maintenance.

Proposed law requires that upon the effective transfer date, the dept. will exercise the powers granted to the board for the St. Bernard Transportation Corridor and be considered the successor to the board's contracts. Additionally, requires that any clauses in contracts that prevent or restrict this transfer be deemed ineffective.

Present law requires that after a feasibility study, the board design and regulate the St. Bernard Transportation Corridor as a hurricane evacuation route and primary traffic corridor. Specifies that access will be controlled, with connections to other hwy's requiring the board's approval. Further, specifies the board must notify local officials 90 days before construction and allow 60 days for comments. Specifies, that the board's decision on route and design is final, unless it impacts the state highway system, requiring dept.'s approval. Additionally, specifies that speed limits will be regulated by the board, unless delegated to the dept.

Proposed law authorizes the board to set toll rates to cover roadway operation, maintenance, debt service, expenses, improvements, and contractual obligations under any public-private partnership. Additionally, specifies that the board may adjust toll rates as needed, and these tolls are not subject to state or local government regulation.

Proposed law specifies the rate of toll will be determined by the board and discounts or exemptions may be offered at the board's discretion, subject to terms and restrictions as determined by the board.

Proposed law requires that free and unhampered passage be provided to all persons designated by law to receive the same over toll roads and bridges in this state.

Proposed law specifies that in exercising its authority to impose tolls, the board must have the same powers as the DOTD concerning toll collection, administration, enforcement, access to vehicle records, toll tags, electronic toll collection, administrative fees, violation notices, appeal hearings, and the imposition of late charges, penalties, and sanctions, as outlined in present law.

Proposed law specifies that the development and operation of the roadway are considered essential government functions, and the roadway and its connected property are designated for public purposes. Additionally, specifies that regardless of any public-private partnership, the roadway, associated property, and all tolls and revenues are exempt from state taxation.

Proposed law specifies that in addition to its existing powers, the board of commissioners of the Port of New Orleans is authorized to acquire property for the St. Bernard Transportation Corridor through donation, purchase, exchange, lease, or expropriation without competitive bidding. Further, specifies that this includes land, servitudes, and improvements for the roadway, service roads, structures, and utility or railroad relocations. Additionally, authorizes the board to expropriate public or private property as necessary, in line with Louisiana's expropriation laws and acquire entire tracts of land if deemed in the public's best interest.

Proposed law specifies that if a property owner's consent is not obtained, the board and its agents may enter public and private lands to conduct necessary surveys or examinations. Prior notice must be given to property owners (five days for residents, 15 days for nonresidents). Additionally, requires the board reimburses property owners for direct damages resulting from such activities.

Proposed law specifies that state of La. grants the board full servitude and right-of-way across any state-owned lands and waterways necessary for the construction or operation of the St. Bernard Transportation Corridor.

Proposed law specifies that present law does not limit or restrict any powers the board or the dept. may have under other state laws it is supplemental and grants additional powers beyond other laws.

Proposed law authorizes the board to exercise all powers and duties outlined in this present law without the approval or consent from any political subdivision, district, authority, board, commission, state agency, or public entity, unless specifically stated in proposed law.

(Adds R.S. 34:51-58)