

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