

2025 Regular Session

HOUSE BILL NO. 556

BY REPRESENTATIVES BOURRIAQUE, AMEDEE, BAYHAM, BERAULT,
BILLINGS, BOYER, BRAUD, BUTLER, CARLSON, CARRIER, CARVER,
CHENEVERT, COATES, CREWS, DESHOTEL, DEVILLIER, DICKERSON,
DOMANGUE, EDMONSTON, EGAN, EMERSON, FARNUM, FONTENOT,
FREIBERG, GLORIOSO, HEBERT, HORTON, JACKSON, MIKE JOHNSON,
JACOB LANDRY, MCMAHEN, MCMAKIN, MELERINE, OWEN, ROMERO,
SCHAMERHORN, SCHLEGEL, TAYLOR, THOMPSON, TURNER, VILLIO,
WILDER, WILEY, WRIGHT, AND WYBLE

AN ACT

To amend and reenact R.S. 48:23, 76(C), 92, 94, 105.1(C), 203(B), 207(A), 229.1(A), (B),
and (D) through (G), 231(Section heading), (A)(1), (5), and (6),
250.3(E)(1)(introductory paragraph) and (2) and (G), 250.3.1(F), 251(C), 255(B)(6),
259, 261(A)(1), (B) and (C), 286, 292(B)(introductory paragraph), 292.1(E)(1)(f)
and (2), 295.1(3), 381(C)(3)(a), (D), and (E)(1)(a)(introductory paragraph) and (2),
381.1(D), and 381.4(introductory paragraph), to enact R.S. 48:196(D) and (E),
224.1(E) and 229.1(H), and to repeal R.S. 48:79, relative to the various reform
operations within the Louisiana Department of Transportation and Development; to
require the assistant secretary of project delivery consult with the chief engineer on
matters related to project planning and implementation to improve project oversight
and ensure better coordination across all stages of project development and
implementation; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 48:23, 76(C), 92, 94, 105.1(C), 203(B), 207(A), 229.1(A), (B), and
(D) through (G), 231(Section heading), (A)(1), (5), and (6), 250.3(E)(1)(introductory
paragraph) and (2) and (G), 250.3.1(F), 251(C), 255(B)(6), 259, 261(A)(1), (B), and (C),
286, 292(B)(introductory paragraph), 292.1(E)(1)(f) and (2), 295.1(3), 381(C)(3)(a), (D),

1 and (E)(1)(a)(introductory paragraph) and (2), 381.1(D), and 381.4(introductory paragraph)
2 are hereby amended and reenacted and R.S. 48:196(D) and (E), 224.1(E), and 229.1(H) are
3 hereby enacted to read as follows:

4 §23. Engineering and other services

5 ~~A.~~ In order to properly discharge its functions, the department may employ
6 engineering, drafting, accounting, legal, and other help and labor, ~~subject to any~~
7 ~~applicable civil service laws and regulations~~ to the fullest extent permitted by
8 applicable law.

9 ~~B. Notwithstanding any provision of law, or any provision of the department,~~
10 ~~or any provision of Civil Service to the contrary, the department, at its discretion,~~
11 ~~may hire persons with disabilities in the position of Bridge Tender I.~~

12 * * *

13 §76. Regulation and control of annual budget

14 * * *

15 C. The accounting procedures or system of accounting to be used by the
16 Department of Transportation and Development, except as otherwise may be
17 required by the ~~Bureau of Public Roads~~ Federal Highway Administration of the
18 United States Department of Transportation, insofar as practical shall conform to and
19 comply with the uniform accounting system prescribed and installed by the
20 commissioner of administration, under the authority of the governor, as authorized
21 to be prescribed and installed by the provisions of R.S. 39:91.

22 * * *

23 §92. Powers and duties

24 The chief engineer or his designated representative shall approve all plans,
25 specifications, and estimates for the construction of all highways under the
26 provisions of this Chapter. He also has such other duties as may be assigned to him
27 by the secretary or the assistant secretary for project delivery by the provisions of
28 this Chapter. He shall report the proceedings of his office ~~annually to the secretary~~
29 ~~of the department.~~ to the assistant secretary for project delivery. Subject to and

1 pursuant to the provisions of R.S. 48:259, the chief engineer has direct supervision
2 of the maintenance of the highways and other facilities of the department.

3 * * *

4 §94. District office transparency; publication of district work

5 A. Each department district office shall publish weekly on the department's
6 internet website information by parish regarding the construction and maintenance
7 work performed, including but not limited to a description and location of the
8 construction project or maintenance work performed.

9 B. The department shall make available to the public an interactive online
10 system to conveniently and accurately monitor the status of the department's projects
11 statewide.

12 * * *

13 §105.1. Transportation Training and Education Center Dedicated Fund Account;
14 creation

15 * * *

16 C. The rules and regulations may authorize the ~~chief engineer~~ assistant
17 secretary for project delivery or his duly authorized representative to assess reduced
18 fees for governmental personnel and faculty and staff of colleges and universities,
19 provided those entities meet all state and federal requirements for a fee reduction.

20 * * *

21 §196. State Highway Improvement Fund

22 * * *

23 D. Effective July 1, 2025, the State Highways Improvement Fund, its
24 indebtedness, and all non-federal aid routes within Louisiana shall fall under the
25 exclusive purview of the office of Louisiana Highway Construction.

26 E. Notwithstanding any provision of the law to the contrary, the office of
27 Louisiana Highway Construction is hereby authorized to redeem any bonds of the
28 State Highway Improvement Fund prior to their maturity date.

29 * * *

1 §203. Annual highway budget

2 * * *

3 B. Allotments unexpended during the fiscal year shall be carried over to the
4 next fiscal year and remain allotted to the same project until completion of the
5 project and liquidation of the costs thereof. The department shall report to the Joint
6 Legislative Committee on the Budget annually describing the reasons for such
7 unexpended allotments and identifying any delays experienced in the associated
8 projects.

9 * * *

10 §207. Emergency purchases; no bids necessary

11 A. When recommended by the ~~chief engineer~~ assistant secretary for project
12 delivery, the assistant secretaries, or the executive directors of the various offices and
13 divisions of the department and when in the opinion of the secretary the best interest
14 of the state will be served, emergency purchases of commodities, materials, supplies,
15 equipment and miscellany, or purchases or leases of noncompetitive or patented
16 articles, devices, equipment, or commodities may be negotiated and made without
17 requesting bids. However, the essential documents authorizing these purchases or
18 leases shall have written on their face the explicit reasons supporting the necessity
19 for these leases or purchases.

20 * * *

21 §224.1. Transfer and exchange of state and local roads

22 * * *

23 E. Effective July 1, 2025, the office of Louisiana Highway Construction
24 shall have exclusive authority to enter into agreements provided in this Section for
25 non-federal-aid eligible routes in the states' highway system.

26 * * *

27 §229.1. Statewide prioritization process for the Highway Priority Program

28 A. The legislature declares it to be in the public interest that a prioritization
29 process for construction be utilized to develop a Highway Priority Program that
30 accomplishes the following:

(1) Prioritizes above all else, transparency to the public and the accuracy of project delivery timelines, financial means, and the nature and scope of projects.

~~(1)~~ (2) Brings the state highway system into a good state of repair and optimizes the usage and efficiency of existing transportation facilities.

~~(2)~~ (3) Improves safety for motorized and nonmotorized highway users and communities.

~~(3)~~ (4) Supports resiliency in the transportation system, including safe evacuation of populations when necessitated by catastrophic events such as hurricanes and floods.

~~(4)~~ (5) Increases accessibility for people, goods, and services.

~~(5)~~ (6) Fosters diverse economic development and job growth, international and domestic commerce, and tourism.

~~(6)~~ (7) Fosters multimodalism, promotes a variety of transportation and travel options, and encourages intermodal connectivity.

~~(7)~~ (8) Encourages innovation and the use of technology.

~~(8)~~ (9) Protects the environment, reduces emissions, and improves public health and quality of life.

(10) Fosters reliability and efficiency of the state highway network for workforce development and workforce access purposes by considering and bolstering connection to employment clusters and higher educational institutions through integration with local roads, transit, rail, or other intermodal options.

~~B. Beginning with the Highway Priority Program for Fiscal Year 2017-2018,~~
~~the~~ The department shall provide the legislature and public with this program which shall list projects to be constructed in the ensuing fiscal year in an order of priority that is determined after projects selected pursuant to Subsection C of this Section are analyzed and prioritized based upon the factors set forth in Subsection A of this Section.

* * *

D. Prior to selecting a project for inclusion in the program based on the factors set forth in Subsection C of this Section, the department shall screen all

1 projects submitted for inclusion in the program to determine whether they are
2 consistent with the most recent Statewide Transportation Plan and warrant inclusion
3 in the program. The results shall be published on the department's website in a
4 format that identifies submitted projects that were not included in the program.

5 E. No later than October first of each year, the department shall make public,
6 in an accessible and accurate format, the results of the screening and analysis of
7 projects pursuant to this Section.

8 F. The department shall ~~initially identify prospective outcomes of each~~
9 ~~program and report these prospective outcomes to the legislature and make them~~
10 ~~available to the public on or before June 6, 2016. The department shall evaluate the~~
11 ~~actual outcomes of each program and establish revised prospective outcomes of each~~
12 ~~program on a biennial basis. Beginning in 2018, the department shall report the~~
13 ~~results of these biennial evaluations to the legislature and make them available to the~~
14 ~~public on the department website on a biennial basis when the department presents~~
15 ~~a proposed program of construction to the Joint Highway Priority Construction~~
16 ~~Committee in accordance with R.S. 48:231(A)(1) include in its annual submission~~
17 of the highway priority program a detailed list of any changes to the previous year's
18 program, along with an explanation of the reasons such changes were made. It shall
19 be the goal of the department to ensure that at least ninety percent of its projects in
20 the program progress as provided for in the previous year's program submission.
21 The legislative auditor shall monitor the program and make an annual determination
22 of the percentage of accuracy.

23 G. The department ~~may~~ shall consult with Louisiana Economic Development
24 to understand and achieve site development goals when fixing the priorities of
25 projects as required by this Section.

26 H. The department shall provide a report on the status of projects included
27 in the Highway Priority Program to the House and Senate committees on
28 Transportation, Highways and Public Works annually.

29 * * *

§231. Final construction program for current fiscal year; public hearings; Joint ~~Highway Priority Construction Committee~~ Committee on Transportation, Highways and Public Works; reports; review by legislature; restrictions on legislature

A.(1) ~~Beginning on October 1, 2010, and not~~ Not later than October first of each year ~~thereafter~~, the department shall provide a proposed program of construction for the coming fiscal year to the Joint ~~Highway Priority Construction Committee~~. Committee on Transportation, Highways and Public Works.

* * *

(5) A report based on the testimony received at the hearings shall be sent to the department and the House and Senate committees on Transportation, Highways and Public Works. The department shall then create the final construction program for the coming fiscal year for submission to the legislature. Any project discussed at the hearing that is not included in the final construction program for the upcoming fiscal year shall be given numerical identification and the department shall provide the aforementioned committees with a list of the projects along with written justification for the exclusion of each individual project.

(6) When this final construction program is communicated to the legislature for funding for the coming fiscal year, any project which the legislature determines is not in the proper order of priority in accordance with the factors stated in R.S. 48:229.1 may be deleted by the legislature. ~~However, the legislature shall not add any projects to this final construction program, nor shall the legislature make substitutions for projects which have been removed.~~ Any project discussed at the public hearing that is excluded from the final construction program by the department for more than one consecutive fiscal year shall become eligible to be added to the program.

* * *

§250.3. Design-build contracts; qualifications of design-build entities; public announcement procedures; letters of interest; selection of short list; bid proposals by competitors; qualifications evaluation committee; proposal review committee; selection and process of award

* * *

E.(1) The ~~chief engineer~~ assistant secretary for project delivery, with concurrence of the secretary, shall establish a design-build qualifications evaluation committee for evaluation of the responses to the request for qualifications received by the department. The following general criteria used by the committee in evaluating responses shall apply to both the design and construction components of any responding entity:

* * *

(2) The qualifications evaluation committee shall evaluate the qualifications of responding design-builders on the basis of the criteria identified in the request for qualifications and set forth in this Subsection and shall select a short list of the highest rated entities in a number to be determined by the department. If fewer than three responses are received, the secretary or designated representative may approve proceeding with the design-build process. The qualifications evaluation committee may, at its discretion, be assisted by other department personnel in its evaluation of an entity's qualifications. The design-build qualifications evaluation committee shall present its short list to the chief engineer and the assistant secretary for project delivery for recommendation to the secretary. The shortlisted entities shall be invited by the secretary or designated representative to submit a detailed technical and cost proposal for the design-build project. The invitation to the shortlisted entities shall specify a deadline for submission of proposals.

* * *

G. The ~~chief engineer~~ assistant secretary for project delivery, with concurrence of the secretary, shall establish a proposal review committee for evaluation of design-build proposals. The proposal review committee shall be identified in the request for proposals (RFP). The ~~chief engineer~~ assistant secretary

for project delivery, with concurrence of the secretary, shall assign a project manager, who shall become the chairman of the proposal review committee for the project. The ~~request for proposals (RFP)~~ RFP shall identify technical elements of the project, depending on the characteristics of the project, to be included in the technical score. Additionally, the ~~chief engineer~~ assistant secretary for project delivery, with concurrence of the secretary, may select additional department engineering and technical experts, and nationally recognized design-build experts to serve as committee members to score each technical element of the project. Members of the proposal review committee shall not have served as members of the qualifications evaluation committee. Each member of the proposal review committee shall make his scoring of assigned elements available for public review. Such scores shall be considered public record.

* * *

§250.3.1. Progressive design-build contracts

* * *

F. The ~~chief engineer~~ assistant secretary for project delivery, with the concurrence of the secretary, shall establish a design-build qualifications evaluation committee for evaluation of the responses to the RFQ received by the department. The ~~chief engineer~~ assistant secretary for project delivery, with the concurrence of the secretary, shall assign a project manager who shall become the chairman of the qualifications evaluation committee for the project. The qualifications evaluation committee may, at its discretion, be assisted by other department personnel in its evaluation of a design-builder's SOQ.

* * *

§251. Contracts for projects

* * *

C. Every contract for the construction of or improvements to highways shall include a warranty by the contractor as to the quality of materials and workmanship for a duration of ~~three years~~ one year. ~~The Department of Transportation and Development shall implement the purposes of this Subsection and shall submit a report on its implementation of the warranty requirements to the Joint Legislative~~

1 ~~Committee on Transportation, Highways and Public Works no later than July 1,~~
2 ~~1998.~~

3 * * *

4 §255. Award of contract; time limitations and exceptions; bond of successful
5 bidder; rejection of certain bidders

6 * * *

7 B.

8 * * *

9 (6) If two or more responsive bids from responsible bidders are received for
10 exactly the same price and no preference or other method exists to determine the
11 lowest bidder, the ~~chief engineer~~ assistant secretary for project delivery shall notify
12 the tied bidders of a time and place where the lowest bidder on the project will be
13 chosen by flipping a coin or by lots, as appropriate in the determination of the ~~chief~~
14 ~~engineer~~ assistant secretary for project delivery. The department may readvertise the
15 projects in its discretion.

16 * * *

17 §259. Maintenance; selection of work

18 The department shall maintain the highways forming the state highway
19 system, together with the other facilities of the department to the extent that the
20 revenues of the department will permit. The selection of the highways, facilities, or
21 parts thereof to be maintained and the order of that selection shall be made by the
22 ~~secretary upon the recommendation of the chief engineer~~ district administrator and
23 may be changed from time to time as the case demands. In this selection, these
24 officials shall be guided by volume and character of traffic and the convenience,
25 safety, and necessity of the traveling public.

26 * * *

27 §261. Maintenance work by department employees; exceptions

28 A.(1) ~~Except as otherwise provided in this Section, all maintenance~~
29 ~~operations shall be performed by the employees of the department. However, the~~
30 ~~department may, by contract or other means, arrange for the maintenance of any~~
31 ~~section or sections of highways or any of the facilities of the~~ The department shall

1 maximize third-party contracts for maintenance of the state highway system.
2 ~~Department of Transportation and Development when, in the sole discretion of the~~
3 ~~secretary, there are not adequate employees to perform the maintenance work~~
4 ~~required by either federal or state law or sound engineering practices. The secretary~~
5 ~~shall give due consideration to budgetary constraints and employment restrictions~~
6 ~~prior to entering into any contract to perform maintenance work. All such contracts~~
7 ~~to individuals or private concerns, except individuals with disabilities or~~
8 ~~organizations serving individuals with disabilities, shall be in accordance with the~~
9 ~~public bid provisions of this Title.~~

10 * * *

11 B. The department may arrange by contract with the Department of Public
12 Safety and Corrections for the use of prison labor, and with the sheriff of each parish
13 for the use of labor of its prisoners, to perform any maintenance functions, on the
14 highways in the state system or any of the department's facilities ~~located in parishes~~
15 ~~in which the department is unable, because of the inability to attract applicants, or~~
16 ~~due to budgetary or financial consideration is unable to employ sufficient labor to~~
17 ~~perform its maintenance functions.~~ No contract may relieve the Department of
18 Public Safety and Corrections or the sheriff of the duty to supervise and to maintain
19 security of the prisoners at all times.

20 C. ~~The use of prison labor shall in no way reduce the work force of any~~
21 ~~highway maintenance gang or cause the layoff of any classified employee.~~

22 * * *

23 §286. Retaining Retention of consultants ~~warranted; authorization~~

24 A. There are ~~three~~ no conditions which shall ~~warrant~~ limit or prohibit the
25 retention of the services of consultants by the department;.

26 (1) ~~The magnitude of the work involved in a project is determined to be so~~
27 ~~taxing to the department's available manpower that it will be necessary to defer other~~
28 ~~essential work if the work is performed by the department staff.~~

29 (2) ~~The work required by a project is determined to be of such a specialized~~
30 ~~nature that the department will be required to go outside its own staff for experts in~~
31 ~~the appropriate fields to accomplish the work.~~

~~(3) The time frame within which the work must be completed is determined to be such that the department cannot undertake the work and maintain its program on schedule.~~

~~B.(1) When it is determined by any department section that consulting services are warranted, the section head shall submit a recommendation to the chief engineer, assistant secretary for operations, assistant secretary for planning and programming, or assistant secretary of public works, hurricane flood protection, and intermodal transportation, whichever is applicable to the project, stating the need and the supportive reasons for the services, including a description of the project and the estimated cost of the work to be performed.~~

~~(2) The chief engineer, assistant secretary for operations, assistant secretary for planning and programming, or assistant secretary of public works, hurricane flood protection, and intermodal transportation, whichever is applicable to the project, shall decide if the need to use consultants for professional services for a project is warranted based upon information provided by the section head and the criteria established by Subsection A of this Section.~~

~~(3) Approval, when granted, shall be considered as being of a general nature, including not only the obvious components of the project which are immediately identifiable, but also ancillary components identified at any time during the life of the project. An additional selection process shall be used for ancillary components when the total of such ancillary components amounts to more than seventy-five percent of the original contract.~~

~~(4) When it is determined by the chief engineer, assistant secretary for operations, assistant secretary for planning and programming, or assistant secretary of public works, hurricane flood protection, and intermodal transportation, whichever is applicable to the project, that there is a need for an outside consultant, the selection shall be made in accordance with the provisions of this Part.~~

* * *

§292. Noncompetitive negotiation selections

* * *

B. The section head, after ascertaining the need for a noncompetitive selection, shall request approval from the secretary or his authorized designee through the ~~chief engineer~~ assistant secretary for project delivery in consultation with ~~the chief engineer~~, assistant secretary for operations, ~~assistant secretary for planning and programming~~, or assistant secretary of public works, hurricane flood protection, and intermodal transportation or commissioner of the office of multimodal commerce, whichever is applicable to the project, to engage a specific firm to perform the required services. The request shall be in written form containing the following information:

* * *

§292.1. Small Engineering Consultant Program

* * *

E.(1) The department shall not prequalify or shall remove a prequalified consultant firm under the following circumstances:

* * *

(f) A prequalified consultant firm requests removal from the program in writing. Written requests for removal shall be addressed to the department's chief engineer and the assistant secretary for project delivery or his designee.

* * *

(2) A prequalified consultant removed from the program may not requalify for the program for a period of three years from the date of removal unless a written corrective action plan is submitted by the consultant to the department's project manager and the plan is approved by the ~~chief engineer~~ assistant secretary for project delivery, or his designee, in consultation with the chief engineer.

* * *

§295.1. Definitions

When used in this Part, the following words and phrases have the meaning ascribed to them in this Section, unless the context clearly indicates a different

1 meaning:

2 * * *

3 (3) "Debarment committee" means the committee consisting of the following
4 persons acting upon a unanimous vote: the ~~chief engineer of the department~~ chief
5 engineer or his designee, assistant secretary of project delivery or his designee; the
6 deputy secretary of the department or his designee; and the general counsel of the
7 department or his designee.

8 * * *

9 §381. Use and occupancy of highways

10 A. When not inconsistent with the purposes of state highways, the chief
11 engineer may issue permits for the use and occupancy of the rights-of-way of state
12 highways as follows:

13 * * *

14 C.(1)

15 * * *

16 (3)(a) The chief engineer, or his duly authorized representative is hereby
17 authorized to negotiate utility relocation agreements containing liquidated damages
18 clauses, equal to ~~.05~~ .15 percent per day of the estimated utility's relocation costs,
19 regarding delays caused solely by the unjustifiable delinquency of a utility in the
20 completion of relocation work. The chief engineer, or his duly authorized
21 representative, may decline the issuance of a permit to any utility company that is
22 unjustifiably delinquent in completing a relocation project and shall continue to so
23 decline until such a project is completed.

24 * * *

25 (6) The department shall use all practical means in consultation with utility
26 operators during the planning, design, and execution of highway projects to avoid the
27 need for utility relocation. The timeframe for operator response prior to the accrual
28 of penalties shall be determined through this consultation.

29 * * *

30 D. The ~~chief engineer~~ assistant secretary for project delivery, or his duly

1 authorized representative, in consultation with the chief engineer may require a
2 deposit in the form of a certified check or other guaranty in a form and in an amount
3 deemed by him to be necessary for the proper protection of the state prior to the
4 issuing of a permit when the installations require excavations, or at other times when
5 he believes a deposit or guaranty is necessary to protect the department's interests.

6 E.(1)(a) Except for rural water districts, the ~~chief engineer~~ assistant secretary
7 for project delivery or his duly authorized representative may also assess reasonable
8 utility operator's annual permit fees in connection with the issuance of permits. Such
9 fees as determined by the department shall not exceed the maximum fees as set in
10 the following schedule:

11 Utility Operators' Maximum Annual Fee Schedule

		Maximum Annual	
13	Operator Type	Customers	Fee
14	Class 1	0 - 100	\$ 20.00
15	Class 2	101 - 500	\$ 50.00
16	Class 3	501 - 6000	\$ 200.00
17	Class 4	more than 6000	\$ 700.00
18	Operator of Transmission		
19	Pipelines and Natural Gas		
20	Gathering Systems		\$100.00/Parish
21			\$1,500.00/Maximum
22		* * *	

23 (2) The ~~chief engineer~~ assistant secretary of project delivery or his duly
24 authorized representative may also assess reasonable operator's fees for rural water
25 districts in connection with the issuance of permits to defray the expense of
26 inspections by the department's employees.

27 * * *

28 §381.1. Rights-of-way; joint use agreements; fees

29 * * *

30 D. The ~~chief engineer~~ assistant secretary for project delivery may waive fees
31 for governmental entities, political subdivisions, colleges and universities, provided

* * *

Section 3. The Louisiana State Law Institute is hereby authorized and directed to
e in alphabetical order and renumber the definitions in R.S. 48:1.

GOVERNOR OF THE STATE OF LOUISIANA

CODING: Words in ~~struck-through~~ type are deletions from existing law; words underscored are additions.