

RÉSUMÉ DIGEST

ACT 380 (HB 556)

2025 Regular Session

Bourriague

Prior law (R.S. 48:23) specified that in order to properly discharge its functions, the Dept. of Transportation and Development (DOTD) could employ engineering, drafting, accounting, legal, and other help and labor, subject to any applicable civil service laws and regulations. Further, specified that the dept., at its discretion, could hire persons with disabilities in the position of Bridge Tender I.

New law specifies that the DOTD may employ professional assistance to the fullest extent permitted by law. Further, removes the dept.'s ability to hire persons with disabilities in the position of Bridge Tender I.

Prior law (R.S. 48:76(C)) required the accounting procedure or system used by the dept., except as required by the Bureau of Public Roads and to comply with the uniform accounting system used by the commissioner of administration.

New law changes the Bureau of Public roads to the Federal Hwy. Administration.

Prior law (R.S. 48:79) required the dept. utilize toll credits generated by past toll collections on the Crescent City Connection Bridge and not obligated on or before April 3, 2015, to meet the state share requirement on transportation infrastructure projects on the Crescent City Connection Bridge itself, the Westbank Expressway or its approaches, the LA Hwy. 23 bridge and tunnel replacement project, the Fourth Street extension, or any combination thereof, and for no other purpose.

New law repealed prior law.

Existing law (R.S. 48:92) requires that chief engineer or his designated representative approve all plans, specifications, and estimates for the construction of all hwys. Prior law specified that he also has such other duties assigned to him by the secretary of DOTD or by the provisions of existing law and must report the proceedings of his office annually to the secretary. Further, required that the chief engineer have direct supervision of the maintenance of the hwys. and other facilities of the dept.

New law allows the assistant secretary for project delivery to assign duties to the chief engineer. Further, requires the chief engineer to report the proceedings of his office annually to the assistant secretary of project delivery.

Existing law (R.S. 48:94) requires each dept. district office publish weekly on the dept.'s internet website information by parish regarding the construction and maintenance work performed, including but not limited to a description and location of the construction project or maintenance work performed.

New law (R.S. 48:94(B)) requires the dept. make available to the public an interactive online system to conveniently and accurately monitor the status of the projects statewide.

Prior law (R.S. 48:105.1(C)) specified that the rules and regulations authorized the chief engineer or his duly authorized representative to assess reduced fees for governmental personnel and faculty and staff of colleges and universities, provided those entities met all state and federal requirements for a fee reduction.

New law replaces the chief engineer with the assistant secretary for project delivery.

Existing law (R.S. 48:196) created the State Hwy. Improvement Fund.

New law (R.S. 48:196(D)) requires, effective July 1, 2025, the State Hwy. Improvement Fund, its indebtedness, and all nonfederal aid routes within La. fall under the exclusive purview of the office of La. Hwy. Construction.

New law (R.S. 48:196(E)) authorizes the office of La. Hwy. Construction to redeem any bonds of the State Hwy. Improvement Fund prior to their maturity date.

Existing law (R.S. 48:203(B)) requires allotments unexpended during the fiscal year be carried over to the next fiscal year and remain allotted to the same project until completion of the project and liquidation of the costs.

New law requires the dept. report to the Joint Legislative Committee on the Budget annually describing reasons for unexpended allotments and identifying delays experienced in the associated projects.

Prior law (R.S. 48:207(A)) specified that when recommended by the chief engineer, the assistant secretaries, or the executive directors of the various offices and divisions of the dept. and when in the opinion of the secretary the best interest of the state would be served, emergency purchases of commodities, materials, supplies, equipment and miscellany, or purchases or leases of noncompetitive or patented articles, devices, equipment, or commodities may be negotiated and made without requesting bids. Existing law specifies that the essential documents authorizing these purchases or leases must have written on their face the explicit reasons supporting the necessity for these leases or purchases.

New law changes the chief engineer to the assistant secretary for project delivery.

New law (R.S. 48:224.1(E)) specifies that effective July 1, 2025, the office of La. Hwy. Construction has exclusive authority to enter into agreements provided for in new law for non-federal-aid eligible routes in the states' hwy. system.

Existing law (R.S. 48:229.1(A)) specifies that the legislature declares it to be in the public interest that a prioritization process for construction be utilized to develop a Hwy. Priority Program that accomplishes the following:

- (1) Bringing the state hwy. system into a good state of repair and optimizing the usage and efficiency of existing transportation facilities.
- (2) Improving safety for motorized and nonmotorized hwy. users and communities.
- (3) Supporting resiliency in the transportation system, including safe evacuation of populations when necessitated by catastrophic events such as hurricanes and floods.
- (4) Increasing accessibility for people, goods, and services.
- (5) Fostering diverse economic development and job growth, international and domestic commerce, and tourism.
- (6) Fostering multimodalism, promoting a variety of transportation and travel options, and encouraging intermodal connectivity.
- (7) Encouraging innovation and the use of technology.
- (8) Protecting the environment, reducing emissions, and improving public health and quality of life.

New law adds prioritizing above all else, transparency to the public and the accuracy of project delivery timelines, financial means, and the nature and scope of projects. Additionally, adds fostering reliability and efficiency of the state hwy. network for workforce development and access by enhancing connections to employment clusters and institutions of higher education through integration with local roads, transit, rail, and other intermodal options.

Prior law (R.S. 48:229.1(B)) specified that beginning with the Hwy. Priority Program for Fiscal Year 2017-2018, the dept. had to provide the legislature and public with this program which list projects to be constructed in the ensuing fiscal year in an order of priority that was determined after projects selected pursuant existing law are analyzed and prioritized based upon the factors set forth in existing law.

New law removes the initial project list phase for Fiscal Year 2017-2018.

Existing law (R.S. 48:229.1(D)) specifies that prior to selecting a project for inclusion in the program based on the factors set forth in existing law, the dept. must screen all projects submitted for inclusion in the program to determine whether they are consistent with the most recent Statewide Transportation Plan and warrant inclusion in the program.

New law specifies that the results must be published on the dept.'s website in a format that identifies submitted projects that were not included in the program.

Prior law (R.S. 48:229.1(E)) required that no later than Oct. 1st of each year, the dept. make public, in an accessible format, the results of the screening and analysis of projects pursuant to existing law.

New law requires the format, in addition to being accessible, be accurate.

Prior law (R.S. 48:229.1(F)) required the dept. initially identify prospective outcomes of each program and report these prospective outcomes to the legislature and make them available to the public on or before June 6, 2016. Additionally, required the dept. evaluate the actual outcomes of each program and establish revised prospective outcomes of each program on a biennial basis. Further, specified beginning in 2018, the dept. had to report the results of these biennial evaluations to the legislature and make them available to the public on the dept. website on a biennial basis when the dept. presents a proposed program of construction to the Joint Hwy. Priority Construction Committee in accordance with existing law.

New law requires the dept. include in its annual submission of the hwy. priority program a detailed list of changes to the previous year's program, along with an explanation of the reasons such changes were made. Further, specifies that the goal of the dept. is to ensure at least 90% of its projects progress as provided for in the previous years program submission. Additionally, requires the legislative auditor monitor the program and make an annual determination of the percentage of accuracy.

Prior law (R.S. 48:229.1(G)) authorized the dept. to consult with the La. Economic Development when fixing the priorities of projects as required by existing law.

New law requires the dept. to consult with the La. Economic Development to understand and achieve site development goals.

New law (R.S. 48:229.1(H)) requires the dept. provide an annual report on the status of projects included in the Hwy. Priority Program to the House and Senate committees on Transportation, Hwys. and Public Works.

Prior law (R.S. 48:231(A)(1)) required that beginning on Oct. 1, 2010, and not later than Oct. 1st of each year thereafter, the dept. provide a proposed program of construction for the coming fiscal year to the Joint Hwy. Priority Construction.

New law removes the Oct. 1, 2010 start date and requires the dept. to provide a proposed program of construction to the Joint Committee on Transportation, Hwys. and Public Works.

Existing law (R.S. 48:231(A)(5)) requires a report based on the testimony received at the hearings be sent to the dept. Additionally, requires the dept. to then create the final construction program for the coming fiscal year for submission to the legislature.

New law requires the report be sent to House and Senate committees on Transportation, Hwys. and Public Works and any projects discussed at the hearing that are not included in the final construction program for the upcoming fiscal year be given numerical identification and the dept. provide the aforementioned committees with a list of the projects along with written justification for the exclusion of each individual project.

Existing law (R.S. 48:231(A)(6)) specifies that 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 existing law may be deleted by the legislature. Prior law specified that the legislature cannot add any projects to this final construction program, nor can it make substitutions for projects which have been removed.

New law removes the provision that specifies that the legislature cannot add any projects to this final construction program or make substitutions for projects which have been removed and adds any project discussed at the public hearing that is excluded from the final construction program by the dept. for more than one consecutive fiscal year will become eligible to be added to the program.

Prior law (R.S. 48:250.3(E)(1)) specified that the chief engineer, with concurrence of the secretary, must establish a design-build qualifications evaluation committee for evaluation of the responses to the request for qualifications received by the dept. Existing law specifies the following general criteria used by the committee in evaluating responses must apply to both the design and construction components of any responding entity.

New law requires the assistant secretary for project delivery to carry out required tasks, instead of chief engineer.

Existing law (R.S. 48:250.3(E)(2)) requires the qualifications evaluation committee evaluate the qualifications of responding design-builders on the basis of the criteria identified in the request for qualifications and set forth in existing law, and select a short list of the highest rated entities in a number to be determined by the dept. Additionally, specifies that if fewer than three responses are received, the secretary or designated representative may approve proceeding with the design-build process. Specifies, that the qualifications evaluation committee may, at its discretion, be assisted by other dept. personnel in its evaluation of an entity's qualifications. Further, requires that the design-build qualifications evaluation committee present its short list to the chief engineer for recommendation to the secretary. Additionally, requires the shortlisted entities be invited by the secretary or designated representative to submit a detailed technical and cost proposal for the design-build project and invitation to the shortlisted entities specify a deadline for submission of proposals.

New law includes the assistant secretary for project management to carry out provisions in existing law, in addition to the chief engineer.

Prior law (R.S. 250.3(G)) required the chief engineer, with concurrence of the secretary, to establish a proposal review committee for evaluation of design-build proposals. Additionally, required the proposal review committee be identified in the request for proposals (RFP). Further, required the chief engineer, with concurrence of the secretary, to assign a project manager, who becomes the chairman of the proposal review committee for the project. Existing law specifies that the RFP must identify technical elements of the project, depending on the characteristics of the project, to be included in the technical score. Prior law specified that the chief engineer, with concurrence of the secretary, could select additional dept. engineering and technical experts, and nationally recognized design-build experts to serve as committee members to score each technical element of the project and members of the proposal review committee must not have served as members of the qualifications evaluation committee. Existing law specifies that each member of the proposal review committee must make his scoring of assigned elements available for public review and such scores must be considered public record.

New law requires the assistant secretary for project delivery to carry out provisions in existing law, instead of the chief engineer.

Prior law (R.S. 48:250.3.1(F)) specified that the chief engineer, with the concurrence of the secretary, must establish a design-build qualifications evaluation committee for evaluation of the responses to the RFQ received by the dept. Further, required the chief engineer, with the concurrence of the secretary, assign a project manager who becomes the chairman of the qualifications evaluation committee for the project. Existing law authorizes, the qualifications evaluation committee, at its discretion, to be assisted by other dept. personnel in its evaluation of a design-builder's SOQ.

New law requires the assistant secretary for project delivery to carry out required tasks, instead of the chief engineer.

Prior law (R.S. 48:251(C)) required every contract for the construction of or improvements to hwy. include a warranty by the contractor as to the quality of materials and workmanship for a duration of three years. Additionally, required the DOTD submit a report on its

implementation of the warranty requirements to the Joint Legislative Committee on Transportation, Hwys. and Public Works no later than July 1, 1998.

New law changes the duration from three years to one year and removes the reporting requirement.

Prior law (R.S. 48:255(B)(6)) specified that if two or more responsive bids from responsible bidders are received for exactly the same price and no preference or other method exists to determine the lowest bidder, the chief engineer had to notify the tied bidders of a time and place where the lowest bidder on the project will be chosen by flipping a coin or by lots, as appropriate in the determination of the chief engineer. Existing law authorizes the dept. to readvertise the projects in its discretion.

New law requires the assistant secretary for project delivery to carry out required tasks, instead of the chief engineer.

Existing law (R.S. 48:259) requires the dept. maintain the hwys. forming the state hwy. system, together with the other facilities of the dept. to the extent that the revenues of the dept. will permit. Prior law required the selection of the hwys., facilities, or parts thereof to be maintained and the order of that selection be made by the secretary upon the recommendation of the chief engineer and may be changed from time to time as the case demands. Existing law requires in this selection, these officials be guided by volume and character of traffic and the convenience, safety, and necessity of the traveling public.

New law designates the district administrator to select the hwys., facilities, or parts thereof, instead by the decision of the secretary upon the recommendation of the chief engineer.

Prior law (R.S. 48:261(A)(1)) required that all maintenance operations be performed by the employees of the dept. Additionally, specified the dept. may, by contract or other means, arrange for the maintenance of any section or sections of hwys. or any of the facilities of the DOTD when, in the sole discretion of the secretary, there are not adequate employees to perform the maintenance work required by either federal or state law or sound engineering practices. Further, required the secretary give due consideration to budgetary constraints and employment restrictions prior to entering into any contract to perform maintenance work. Additionally, required all such contracts to individuals or private concerns, except individuals with disabilities or organizations serving individuals with disabilities, be in accordance with the public bid provisions of existing law.

New law requires the dept. maximize third-party contracts for the maintenance of the state hwy. system and removes the remainder of prior law.

Prior law (R.S. 48:261(B)) authorized the dept. to contract with the Dept. of Public Safety and Corrections for use of prison labor to perform maintenance on hwys. in parishes that the dept. was unable to employ sufficient labor to perform the duties.

New law removes the provision referencing parishes in which the dept. is unable to employ sufficient labor.

Prior law (R.S. 48:261(C)) specified that the use of prison labor could in no way reduce the work force of any hwy. maintenance gang or cause the layoff of any classified employee.

New law removes prior law.

Prior law (R.S. 48:286) specified the conditions of retaining consultants warranted authorization.

New law specifies that there are no conditions that limit or prohibit the retention of services of consultants by the dept.

Prior law (R.S. 48:292(B)) required that the section head, after ascertaining the need for a noncompetitive selection, request approval from the secretary or his authorized designee through 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 were applicable to the project, to engage a specific firm to perform the required services.

New law replaces the chief engineer, assistant secretary for planning and programming, or assistant secretary of public works, hurricane flood protection, and intermodal transportation with the assistant secretary for project delivery in consultation with chief engineer or the commissioner of the office of multimodal commerce as the possible section head.

Existing law (R.S. 48:292.1(E)(1)(f)) requires that the dept. not prequalify or remove prequalified consultant when a prequalified consultant firm requests removal from the program in writing. Further, specifies that written requests for removal be addressed to the dept.'s chief engineer or his designee.

New law requires the written request be addressed to the dept.'s assistant secretary for project delivery, in addition to the chief engineer.

Prior law (R.S. 48:292.1(E)(2)) specified that a prequalified consultant removed from the program could 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 dept.'s project manager and the plan was to be approved by the chief engineer or his designee.

New law requires the assistant secretary for project delivery, or his designee, in consultation with the chief engineer approve the corrective action plan.

Prior law (R.S. 48:295.1(3)) defined "debarment committee" as the committee consisting of the following persons acting upon a unanimous vote: the chief engineer of the dept. or his designee; the deputy secretary of the dept. or his designee; and the general counsel of the dept. or his designee.

New law modified prior law by adding a designee of the chief engineer and the assistant secretary for project delivery.

Prior law (R.S. 48:381(C)(3)(a)) authorized the chief engineer to negotiate utility relocation agreements with liquidated damages clauses equal to .05 percent per day of estimated relocation costs, regarding utility delays.

New law increases the liquidated damages rate from .05% to .15% per day.

New law (R.S. 48:381(C)(6)) requires the dept. use all practical means in consultation with utility operators during the planning, design, and execution of hwy. projects to avoid the need for utility relocation. Additionally, requires the timeframe for operator response prior to the accrual of penalties not be determined through this consultation.

Prior law (R.S. 48:381(D)) authorized the chief engineer, or his duly authorized representative, to require a deposit in the form of a certified check or other guaranty in a form and in an amount deemed by him necessary for the proper protection of the state prior to the issuing of a permit when the installations require excavations, or at other times when he believed a deposit or guaranty was necessary to protect the dept's interests.

New law requires the assistant secretary for project delivery, in consultation with the chief engineer, discretion to require a deposit or guaranty to protect the state's interests prior to issuing a permit.

Prior law (R.S. 48:381(E)(1)(a)) specified that except for rural water districts, the chief engineer or his duly authorized representative may assess reasonable utility operator's annual permit fees in connection with the issuance of permits. Existing law requires that fees as determined by the dept. not exceed the maximum fees as set.

New law replaces the chief engineer with the assistant secretary for project delivery.

Prior law (R.S. 48:381(E)(2)) authorized the chief engineer or his duly authorized representative assess reasonable operator's fees for rural water districts in connection with the issuance of permits to defray the expense of inspections by the dept's employees.

New law changes the chief engineer to the assistant secretary of project delivery.

Prior law (R.S. 48:381(D)) specified that the chief engineer may waive fees for governmental entities, political subdivisions, colleges and universities, provided that said entities derived no income directly from the use of hwy. rights-of-way, and provided that said entities met any and all state and federal requirements for a fee waiver.

New law changes the chief engineer to the assistant secretary for project delivery.

Prior law (R.S. 48:381.4) authorized the chief engineer or his duly authorized representative to enter into agreements with a wireless telecommunications tower manager to manage such towers for specified periods.

New law changes the chief engineer to the assistant secretary for project delivery.

Effective August 1, 2025.

(Amends 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)(intro. para.) and (2) and (G), 250.3.1(F), 251(C), 255(B)(6), 259, 261(A)(1), (B), and (C), 286, 292(B)(intro.para.), 292.1(E)(1)(f) and (2), 295.1(3), 381(C)(3)(a) and (6) and (D), and (E)(1)(a)(intro.para.) and (2), 381.1(D), and 381.4(intro.para); Adds R.S. 48:196(D) and (E), 224.1(E) and 229.1(H); Repeals R.S. 48:79)