

Regular Session, 2012

HOUSE BILL NO. 623

BY REPRESENTATIVE ST. GERMAIN

RAILROADS: Requires DOTD to provide notification to landowners about crossing closures

1 AN ACT

2 To amend and reenact R.S. 48:390(B) and 390.1(A)(2), relative to closure of railroad  
3 crossings; to require the Department of Transportation and Development to notify  
4 affected landowners prior to the closing of any railroad crossings; and to provide for  
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 48:390(B) and 390.1(A)(2) are hereby amended and reenacted to  
8 read as follows:

9 §390. Railroad grade crossing improvement and elimination; notification

10 \* \* \*

11 B.(1) The department, when it determines that it is necessary for the safety  
12 of the public, may improve, change the location of or abolish any existing public  
13 grade crossing on any state-maintained highway; however, prior to taking such  
14 action, the department shall notify any and all affected landowners.

15 (2) No provisions of this Section shall impose any liabilities of any nature  
16 upon the state of Louisiana or any agency thereof, nor shall any action or omission  
17 of the department be discoverable or admissible in any state court in Louisiana, and  
18 no record or document of the department compiled or prepared in connection with  
19 actions taken by the department pursuant to this Section, R.S. 48:390.1 or ~~23 USC~~  
20 U.S.C. 130 shall be discoverable or admissible in any state court in Louisiana.

21 \* \* \*

1 §390.1. Railroad grade crossing elimination; parish and municipal roads

2 A.

3 \* \* \*

4 (2) If the evaluation suggests that closure of a public grade crossing on a  
5 non-state maintained highway is necessary for safety and in the best interest of the  
6 public, the department shall encourage public participation in accordance with the  
7 following procedure:

8 (a) Provide written notice to the local governing authority with jurisdiction  
9 over the non-state maintained highway, the railroad company whose railroad tracks  
10 are crossed at grade by the highway, any affected landowner, and any other party  
11 deemed by the department to be interested in the necessity to close a public grade  
12 crossing.

13 (b) The notice shall establish a set time period of not less than thirty days for  
14 the local governing authority, railroad, any affected landowner, or other interested  
15 party to respond to the department.

16 (c) The department shall attempt to address concerns of the local governing  
17 authority, the railroad, any affected landowner, or other interested party timely  
18 communicated to the department in writing or received at any public hearing held by  
19 the local governing authority relative to closure.

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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)]

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St. Germain

HB No. 623

**Abstract:** Requires DOTD to notify affected landowners prior to the closure of a railroad crossing.

Present law provides that DOTD, when it has determined that it is necessary for the safety of the public, may improve, change the location of, or abolish any existing public grade crossing on any state-maintained highway.

Proposed law requires DOTD to notify any and all affected landowners before taking such action.

Present law provides that if an evaluation of a need to close a public railroad crossing suggests the closure of a public grade crossing on a non-state maintained highway is necessary for safety and in the best interest of the public, the department shall encourage public participation in accordance with the following procedure:

- (1) Provide written notice to the local governing authority with jurisdiction over the non-state maintained highway, the railroad company whose railroad tracks are crossed at grade by the highway, and any other party deemed by the department to be interested in the necessity to close a public grade crossing.
- (2) The notice shall establish a set time period of not less than 30 days for the local governing authority, railroad, or other interested party to respond to the department.
- (3) The department shall attempt to address concerns of the local governing authority, the railroad, or other interested party timely communicated to the department in writing or received at any public hearing held by the local governing authority relative to closure.

Proposed law requires DOTD to notify any and all affected landowners.

(Amends R.S. 48:390(B) and 390.1(A)(2))