

Regular Session, 2012

HOUSE BILL NO. 623

BY REPRESENTATIVE ST. GERMAIN

1 AN ACT

2 To amend and reenact R.S. 48:390(B) and 390.1(A)(2) and to enact R.S. 48:390(I) and  
3 390.1(D), relative to closure of railroad crossings; to require the Department of  
4 Transportation and Development to notify affected landowners prior to the closing  
5 of any railroad crossings; and to provide for 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 and  
8 R.S. 48:390(I) and 390.1(D) are hereby enacted to 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 take the following actions:

15 (a) Notify any and all affected persons owning land that is within a two- mile  
16 radius of the public grade crossing proposed to be improved, changed, or closed.

17 (b) Post a notice at the grade crossing proposed to be improved, changed, or  
18 closed.

19 (2) No provisions of this Section shall impose any liabilities of any nature  
20 upon the state of Louisiana or any agency thereof, nor shall any action or omission  
21 of the department be discoverable or admissible in any state court in Louisiana, and  
22 no record or document of the department compiled or prepared in connection with

1 actions taken by the department pursuant to this Section, R.S. 48:390.1 or 23 ~~USC~~  
2 U.S.C. 130 shall be discoverable or admissible in any state court in Louisiana.

3 \* \* \*

4 I. The department shall, no later than December 31, 2012, promulgate rules  
5 and regulations pursuant to the Administrative Procedure Act and subject to  
6 oversight of the House and Senate committees on transportation, highways, and  
7 public works, to implement the provisions of Subsections A, B, F, and G of this  
8 Section, including but not limited to notice, whom to notify, methods of notice, and  
9 posting requirements.

10 §390.1. Railroad grade crossing elimination; parish and municipal roads

11 A.

12 \* \* \*

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

17 (a) Provide written notice to the local governing authority with jurisdiction  
18 over the non-state maintained highway, the railroad company whose railroad tracks  
19 are crossed at grade by the highway, any and all affected persons owning land that  
20 is within a two-mile radius of the public grade crossing proposed to be closed, and  
21 any other party deemed by the department to be interested in the necessity to close  
22 a public grade crossing.

23 (b) The notice shall establish a set time period of not less than thirty days for  
24 the local governing authority, railroad, any and all affected persons owning land that  
25 is within a two-mile radius of the public grade crossing proposed to be closed, or  
26 other interested party to respond to the department.

27 (c) The department shall attempt to address concerns of the local governing  
28 authority, the railroad, any and all affected persons owning land that is within a two-  
29 mile radius of the public grade crossing proposed to be closed, or other interested

1 party timely communicated to the department in writing or received at any public  
2 hearing held by the local governing authority relative to closure.

3 \* \* \*

4 D. The department shall, no later than December 31, 2012, promulgate rules  
5 and regulations pursuant to the Administrative Procedure Act and subject to  
6 oversight of the House and Senate committees on transportation, highways, and  
7 public works, to implement the provisions of Subsection A of this Section, including  
8 but not limited to notice, whom to notify, methods of notice, and posting  
9 requirements.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_