

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

TRANSPORTATION DEPT. Provides relative to the Crescent City Connection Bridge

DIGEST

Proposed law provides that an election shall be held on Nov. 6, 2012, in precincts within Jefferson Parish and Orleans Parish, for the purpose of determining whether tolls shall be collected on the Crescent City Connection Bridge until 2033. Proposed law provides for the ballot language, which provides for the rate to be collected to be provided by law and the uses of the toll revenue and authorizes use of such tolls to be funded into revenue bonds for capital projects.

Proposed law provides that upon a majority of the qualified electorate approving the collection of tolls, the tolls shall be collected at the present law rates. Proposed law maintains all present law manners of toll collection, but allows for tolls to be paid by credit, and makes changes to the enforcement of toll violations.

Proposed law provides for the creation of the "Crescent City Connection Toll Fund", as follows:

1. The source of monies in the fund shall be tolls collected for passage over the Crescent City Connection Bridge, and any administrative fees, and any late charges after payment of amounts due on bonds and related expenses issued under proposed law which shall be not less than \$10 million in toll revenues.
2. After compliance with the requirements of Article VII, Section 9(B) of the Constitution of La., relative to the Bond Security and Redemption Fund, and after the deposit of not less than \$10 million annually to the Crescent City Connection Capital Projects Fund, an amount equal to that deposited into the state treasury from the foregoing sources shall be deposited in and credited to the fund. The monies in the fund shall be invested by the treasurer in the same manner as the state general fund, and interest earnings shall be deposited into the fund. All unexpended and unencumbered monies remaining in the fund at the end of each fiscal year shall be transferred by the treasurer to the Crescent City Connection Capital Projects Fund.
3. Monies in the fund shall be subject to annual appropriation by the legislature for use by the Department of Transportation and Development and the Department of Public Safety and Corrections, public safety services.
4. Monies appropriated from the fund to the Department of Public Safety and Corrections, public safety services, shall not exceed two million dollars annually and shall be allocated and disbursed solely for police functions on the Crescent City Connection Bridge and along US 90Z between Interstate 10 and US 90.
5. Monies appropriated from the fund to the Department of Transportation and Development shall be allocated and disbursed solely for the operations, maintenance, landscaping, grass cutting, trash pick up, functional and ornamental lighting, motorist assistance patrols, inspection, and capital projects on the bridges, approaches, and roadways along U.S. 90Z from Interstate 10 to U.S. 90.

Proposed law provides that Transportation Trust Fund monies shall not be utilized to fund any police functions to be provided by DPS&C, or for services and capital projects by DOTD in proposed law which are to be funded from the Crescent City Connection Toll Fund. Proposed law prohibits Transportation Trust Fund - Regular monies from being expended to provide special, dedicated police functions on the Crescent City Connection.

Proposed law creates the Crescent City Connection Capital Projects Fund as a special fund in the state treasury. Provides that the source of monies in the fund shall be not less than \$10 million annually of tolls and all unexpended and unencumbered monies in the Crescent City Connection Toll Fund. Monies in the fund are subject to legislative appropriation to pay bond debt service, to fund pay-as-you-go projects or to provide federal matching funds.

Proposed law provides that bonds shall be issued with the monies available to pay for the bonds not less than \$10 million dollars annually in toll revenues collected in each fiscal year, other funds collected pursuant to proposed law, and any other fees, rates, rentals, charges, grants, or other receipts or income derived by or in connection with an undertaking, facility, projects, or any combination thereof.

Proposed law provides that bonds issued under proposed law shall be revenue bonds and shall not be considered as "net tax supported debt".

Proposed law provides that the bonds shall be issued for capital projects for the Crescent City Connection, with bond proceeds used for capital projects related to the Crescent City Connection Bridge along U.S. 90Z from Interstate 10 to U.S. 90, specifically, repainting the downriver span of the Crescent City Connection Bridge and improving ingress and egress capacity at Annunciation Street, Barataria Boulevard, and Tchoupitoulas Street.

Proposed law provides that the New Orleans Regional Planning Commission shall serve as an advisory body for the collection of tolls. Proposed law provides that the commission shall have access to the accounting of all expenditures, revenues, project priorities, status of ongoing projects, and any other matters which relate to the Crescent City Connection, its operations, and related projects.

Proposed law provides for the authorization to privatize the operations and maintenance of and toll collections on the Crescent City Connection Bridge as follows:

1. Authorizes the department to privatize, let franchises, or enter into contracts for the collection of tolls, operations, and maintenance, and all associated activities, on the Crescent City Connection Bridge.
2. Requires the department to hold at least one public meeting in the New Orleans metropolitan area prior to issuing any solicitation.
3. Adequate public notice of any requests for proposals shall be given by advertising in the official journal of the state and the official journals of the parishes of Orleans, Jefferson, and Plaquemines, at least once. In addition, written notice may be provided to persons, firms, or corporations who are known to be in a position to furnish such service requested.
4. The department shall determine which proposal for a desired service is the most advantageous to the state which meets all the qualitative restrictions established in any requests for proposal.
5. Requires the department to give updates on its efforts to privatize the operations and maintenance of the Crescent City Connection Bridge upon request of the Senate Committee on Transportation, Highways, and Public Works or the House Committee on Transportation, Highways and Public Works, or both.
6. Provides that the proposed law shall be null, void, and of no effect on July 1, 2014, should the department have not awarded a contract or contracts for Crescent City Connection Bridge toll collection, operation, and maintenance.

Proposed law provides that the Dept. of Transportation and Development shall utilize industry recognized best practices that are not in conflict with applicable laws in executing procurement contracts, engineering contracts, and other contracts entered into which affect the Crescent City Connection Bridge.

Proposed law provides that should the Crescent City Connection ferries not be privatized, then the department shall use best practices and establish and collect fares as follows:

1. A commuter fare for pedestrians of not less than one dollar per each passage.
2. A commuter pass for motor vehicle commuters not less than four dollars per each passage.
3. A tourist rate or non-commuter rate may be set by the department under the direction of the New Orleans Regional Planning Commission.

Proposed law provides that all fares collected pursuant to proposed law shall be used solely for ferry operations formerly operated by the Crescent City Connection Division of the Department of Transportation and Development.

Proposed law provides that DOTD is authorized to adjust the fares charged pursuant to proposed law annually in accordance with increases in the Consumer Price Index.

Proposed law provides for creation of the Algiers-Canal Street Ferry Fund and dedicates registration and licensure fees and taxes on trucks on trucks and trailers pursuant to R.S. 47:462 which are collected in Orleans Parish, subject to appropriation, to DOTD for operation of the Algiers-Canal Street Ferry.

Proposed law provides that the legislative auditor perform an audit of the Dept. of Transportation and Development's operation of the Crescent City Connection Bridge and provide a written report to the Senate and House committees on Transportation, Highways and Public Works by March 1, 2014.

Proposed law requires the legislative fiscal office to issue an opinion as to whether the Dept. of Transportation and Development's procurement policies and systems as they relate to the Crescent City Connection Bridge have resulted in the most cost-effective expenditure of public funds by March 1, 2014.

Sections 1, 6, and 7 are effective upon signature of governor or lapse of time for gubernatorial action.

Sections 2 and 3 are effective Jan. 1, 2013, 12:01 a.m., should the election provided for in Section 1 of this Act results in the collection of tolls on the Crescent City Connection Bridge.

(Adds R.S. 47:820.5.8 and 7011-7018 and R.S. 48:954 and 954.1)

#### Summary of Amendments Adopted by House

##### House Floor Amendments to the engrossed bill.

1. Changed area election will be held in House of Representatives District Nos. 83, 84, 85, 87, 102, and precincts within Jefferson parish and Orleans parish that are within House District No. 105.
2. Changed ballot language.
3. Provided that the toll collection would sunset on Dec. 31, 2033, should the voters approve the collection of the tolls.
4. Made revisions to toll violation provisions.
5. Added motorist assistance patrols and inspections to items that toll revenue can be used to pay.

6. Provided for bonds to be issued with the first \$10 million in toll revenue and other monies collected pursuant to proposed law.
7. Provided that the bonds shall be issued for specific capital projects related to the Crescent City Connection Bridge.
8. Made changes to privatization of toll collection, maintenance, and operations provision.
9. Provided that DOTD shall utilize industry recognized best practices that are not in conflict with applicable laws in executing procurement contracts, engineering contracts, and other contracts entered into which affect the Crescent City Connection Bridge.
10. Provided for the legislative auditor to audit DOTD's operation of the Crescent City Connection Bridge.
11. Provided for the legislative fiscal office to issue an opinion as to whether DOTD's policies have resulted in the most cost-effective expenditure of public funds.

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Transportation, Highways, and Public Works to the reengrossed bill

1. Provided that bonds issued secured by toll revenues are not to be considered as "net tax supported debt".
2. Create a special fund to provide funds to operate the Algiers-Canal Street Ferry from certain motor vehicle license taxes and fees collected in Orleans Parish.
3. Provided that TTF-Regular monies shall not be used to fund police functions and services and capital projects to be funded by toll revenue.
4. Prohibits use of TTF money for police functions provided by DPS&C or for services and capital projects by DOTD set forth in proposed law which are funded from toll revenue.
5. Revised ballot language to authorize use of toll revenue for bonds.

##### Committee Amendments Proposed by Senate Committee on Finance to the reengrossed bill

1. Changes election area definition to mean precincts within Jefferson Parish and Orleans Parish.
2. Changes the amount of toll revenues available for payment of the bonds from the first \$10 million to not less than \$10 million.
3. Provides that after compliance with the constitutional provision relative to the Bond Security and Redemption Fund, \$10 million from tolls shall be deposited into the Crescent City Connection Capital Projects Fund to pay bond debt service, to fund pay-as-you-go projects or to provide federal matching funds.
4. Changes provision regarding unexpended and unencumbered balances in the Capital City Connection Toll Fund at the end of the fiscal year from remaining in that fund to being transferred to the Crescent City Connection Capital Projects Fund.

5. Prohibits TTF - Regular monies from being expended to provide special, dedicated police functions on the Crescent City Connection.
6. Provides for the creation of the Crescent City Connection Capital Projects Fund.
7. Technical Amendments.