

Regular Session, 2012

ACT No. 406

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

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

* * *

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

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

A.

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(2) If the evaluation suggests that 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:

(a) 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, any and all affected persons owning land that
is within a two-mile radius of the public grade crossing proposed to be closed, and
any other party deemed by the department to be interested in the necessity to close
a public grade crossing.

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

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

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GOVERNOR OF THE STATE OF LOUISIANA

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