

Existing 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.

New law requires DOTD to notify any and all affected persons owning land which is within a two-mile radius of the public grade crossing proposed to be improved, changed, or closed and post a notice at the grade crossing proposed to be improved, changed, or closed.

Existing 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.

New law requires DOTD to notify any and all affected persons owning land which is within a two-mile radius of the public grade crossing proposed to be closed and post a notice at the grade crossing proposed to be closed.

New law requires DOTD, no later than Dec. 31, 2012, to 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 new law.

Effective August 1, 2012.

(Amends R.S. 48:390(B) and 390.1(A)(2); Adds R.S. 48:390(I) and 390.1(D))