

2016 Regular Session

HOUSE BILL NO. 407

BY REPRESENTATIVE HAVARD

TRANSPORTATION: Provides for conditions that may be placed on the transfer of roads from the state highway system to a parish or municipality

1 AN ACT

2 To amend and reenact R.S. 48:224.1(A), relative to transfer of roads from the state highway
3 system to governmental subdivisions; to provide for certain conditions of such
4 transfers; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 48:224.1(A) is hereby amended and reenacted to read as follows:

7 §224.1. Transfer and exchange of state and local roads

8 A. Upon receipt of a proper resolution submitted by a parish or municipal
9 governing authority to the secretary indicating its conditions, willingness, and desire
10 to incorporate into the parish or municipal road system a road on the state highway
11 system and to assume the maintenance thereof and with the approval by a majority
12 of the legislative delegation from such parish or municipality, the secretary may at
13 his discretion accept the resolution and remove the road from the state highway
14 system and it shall thereafter form a part of the parish or municipal road system. The
15 secretary may determine that a condition of such transfer be payment by the
16 department to the parish or municipality of an amount no greater than the present
17 value of the projected four-year maintenance cost of the road to be transferred. Any
18 such payment may be deducted from the department's capital outlay budget for the
19 year in which the payment is made. Any such payment is hereby deemed to be made
20 with the reasonable expectation that the department will be relieved of liabilities

1 equal to or greater than the amount of the payment, and the payment shall not be
2 considered a donation of state property under Article VII, Section 14 of the
3 Louisiana Constitution.

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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)]

HB 407 Original

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Havard

Abstract: Allows the secretary of the Dept. of Transportation and Development (DOTD) to determine that payment of anticipated maintenance costs be a condition of transferring a road from the state highway system to a parish or municipal system.

Present law authorizes the secretary of DOTD, upon request by a parish or municipality indicating its conditions, willingness, and desire to incorporate into the parish or municipal road system a road on the state highway system and to assume the maintenance thereof and with the approval by a majority of the legislative delegation from such parish or municipality, to transfer the road from the state highway system to the parish or municipal road system

Proposed law provides that the secretary may determine that a condition of such transfer be payment by the department to the parish or municipality of an amount no greater than the present value of the projected four-year maintenance cost of the road to be transferred. Authorizes such payment to be deducted from the department's capital outlay budget for the year in which the payment is made and provides that such payment is deemed to be made with the reasonable expectation that the department will be relieved of liabilities equal to or greater than the amount of the payment, and the payment shall not be considered a prohibited donation of state property under Art. VII, §14 of the Louisiana Constitution.

(Amends R.S. 48:224.1(A))