

2025 Regular Session

HOUSE BILL NO. 556

BY REPRESENTATIVES BOURRIAQUE, AMEDEE, BAYHAM, BERAULT, BILLINGS, BOYER, BRAUD, BUTLER, CARLSON, CARRIER, CARVER, CHENEVERT, COATES, CREWS, DESHOTEL, DEVILLIER, DICKERSON, DOMANGUE, EDMONSTON, EGAN, EMERSON, FARNUM, FONTENOT, FREIBERG, GLORIOSO, HEBERT, HORTON, JACKSON, MIKE JOHNSON, JACOB LANDRY, MCMAHEN, MCMAKIN, MELERINE, OWEN, ROMERO, SCHAMERHORN, SCHLEGEL, TAYLOR, THOMPSON, TURNER, VILLIO, WILDER, WILEY, WRIGHT, AND WYBLE

1 AN ACT

2 To amend and reenact R.S. 48:23, 76(C), 92, 94, 105.1(C), 203(B), 207(A), 229.1(A), (B),
3 and (D) through (G), 231(Section heading), (A)(1), (5), and (6),
4 250.3(E)(1)(introductory paragraph) and (2) and (G), 250.3.1(F), 251(C), 255(B)(6),
5 259, 261(A)(1), (B) and (C), 286, 292(B)(introductory paragraph), 292.1(E)(1)(f)
6 and (2), 295.1(3), 381(C)(3)(a), (D), and (E)(1)(a)(introductory paragraph) and (2),
7 381.1(D), and 381.4(introductory paragraph), to enact R.S. 48:196(D) and (E),
8 224.1(E) and 229.1(H), and to repeal R.S. 48:79, relative to the various reform
9 operations within the Louisiana Department of Transportation and Development; to
10 require the assistant secretary of project delivery consult with the chief engineer on
11 matters related to project planning and implementation to improve project oversight
12 and ensure better coordination across all stages of project development and
13 implementation; and to provide for related matters.

14 Be it enacted by the Legislature of Louisiana:

15 Section 1. R.S. 48:23, 76(C), 92, 94, 105.1(C), 203(B), 207(A), 229.1(A), (B), and
16 (D) through (G), 231(Section heading), (A)(1), (5), and (6), 250.3(E)(1)(introductory
17 paragraph) and (2) and (G), 250.3.1(F), 251(C), 255(B)(6), 259, 261(A)(1), (B), and (C),
18 286, 292(B)(introductory paragraph), 292.1(E)(1)(f) and (2), 295.1(3), 381(C)(3)(a), (D),

1 and (E)(1)(a)(introductory paragraph) and (2), 381.1(D), and 381.4(introductory paragraph)
2 are hereby amended and reenacted and R.S. 48:196(D) and (E), 224.1(E), and 229.1(H) are
3 hereby enacted to read as follows:

4 §23. Engineering and other services

5 ~~A.~~ In order to properly discharge its functions, the department may employ
6 engineering, drafting, accounting, legal, and other help and labor, ~~subject to any~~
7 ~~applicable civil service laws and regulations~~ to the fullest extent permitted by
8 applicable law.

9 ~~B. Notwithstanding any provision of law, or any provision of the department,~~
10 ~~or any provision of Civil Service to the contrary, the department, at its discretion,~~
11 ~~may hire persons with disabilities in the position of Bridge Tender I.~~

12 * * *

13 §76. Regulation and control of annual budget

14 * * *

15 C. The accounting procedures or system of accounting to be used by the
16 Department of Transportation and Development, except as otherwise may be
17 required by the ~~Bureau of Public Roads~~ Federal Highway Administration of the
18 United States Department of Transportation, insofar as practical shall conform to and
19 comply with the uniform accounting system prescribed and installed by the
20 commissioner of administration, under the authority of the governor, as authorized
21 to be prescribed and installed by the provisions of R.S. 39:91.

22 * * *

23 §92. Powers and duties

24 The chief engineer or his designated representative shall approve all plans,
25 specifications, and estimates for the construction of all highways under the
26 provisions of this Chapter. He also has such other duties as may be assigned to him
27 by the secretary or the assistant secretary for project delivery by the provisions of
28 this Chapter. He shall report the proceedings of his office ~~annually to the secretary~~
29 ~~of the department.~~ to the assistant secretary for project delivery. Subject to and

1 projects submitted for inclusion in the program to determine whether they are
 2 consistent with the most recent Statewide Transportation Plan and warrant inclusion
 3 in the program. The results shall be published on the department's website in a
 4 format that identifies submitted projects that were not included in the program.

5 E. No later than October first of each year, the department shall make public,
 6 in an accessible and accurate format, the results of the screening and analysis of
 7 projects pursuant to this Section.

8 F. The department shall ~~initially identify prospective outcomes of each~~
 9 ~~program and report these prospective outcomes to the legislature and make them~~
 10 ~~available to the public on or before June 6, 2016. The department shall evaluate the~~
 11 ~~actual outcomes of each program and establish revised prospective outcomes of each~~
 12 ~~program on a biennial basis. Beginning in 2018, the department shall report the~~
 13 ~~results of these biennial evaluations to the legislature and make them available to the~~
 14 ~~public on the department website on a biennial basis when the department presents~~
 15 ~~a proposed program of construction to the Joint Highway Priority Construction~~
 16 ~~Committee in accordance with R.S. 48:231(A)(1) include in its annual submission~~
 17 of the highway priority program a detailed list of any changes to the previous year's
 18 program, along with an explanation of the reasons such changes were made. It shall
 19 be the goal of the department to ensure that at least ninety percent of its projects in
 20 the program progress as provided for in the previous year's program submission.
 21 The legislative auditor shall monitor the program and make an annual determination
 22 of the percentage of accuracy.

23 G. The department ~~may~~ shall consult with Louisiana Economic Development
 24 to understand and achieve site development goals when fixing the priorities of
 25 projects as required by this Section.

26 H. The department shall provide a report on the status of projects included
 27 in the Highway Priority Program to the House and Senate committees on
 28 Transportation, Highways and Public Works annually.

29 * * *

1 ~~Committee on Transportation, Highways and Public Works no later than July 1,~~
2 ~~1998.~~

3 * * *

4 §255. Award of contract; time limitations and exceptions; bond of successful
5 bidder; rejection of certain bidders

6 * * *

7 B.

8 * * *

9 (6) If two or more responsive bids from responsible bidders are received for
10 exactly the same price and no preference or other method exists to determine the
11 lowest bidder, the ~~chief engineer~~ assistant secretary for project delivery shall notify
12 the tied bidders of a time and place where the lowest bidder on the project will be
13 chosen by flipping a coin or by lots, as appropriate in the determination of the ~~chief~~
14 ~~engineer~~ assistant secretary for project delivery. The department may readvertise the
15 projects in its discretion.

16 * * *

17 §259. Maintenance; selection of work

18 The department shall maintain the highways forming the state highway
19 system, together with the other facilities of the department to the extent that the
20 revenues of the department will permit. The selection of the highways, facilities, or
21 parts thereof to be maintained and the order of that selection shall be made by the
22 ~~secretary upon the recommendation of the chief engineer~~ district administrator and
23 may be changed from time to time as the case demands. In this selection, these
24 officials shall be guided by volume and character of traffic and the convenience,
25 safety, and necessity of the traveling public.

26 * * *

27 §261. Maintenance work by department employees; exceptions

28 A.(1) ~~Except as otherwise provided in this Section, all maintenance~~
29 ~~operations shall be performed by the employees of the department. However, the~~
30 ~~department may, by contract or other means, arrange for the maintenance of any~~
31 ~~section or sections of highways or any of the facilities of the~~ The department shall

1 maximize third-party contracts for maintenance of the state highway system.
 2 ~~Department of Transportation and Development when, in the sole discretion of the~~
 3 ~~secretary, there are not adequate employees to perform the maintenance work~~
 4 ~~required by either federal or state law or sound engineering practices. The secretary~~
 5 ~~shall give due consideration to budgetary constraints and employment restrictions~~
 6 ~~prior to entering into any contract to perform maintenance work. All such contracts~~
 7 ~~to individuals or private concerns, except individuals with disabilities or~~
 8 ~~organizations serving individuals with disabilities, shall be in accordance with the~~
 9 ~~public bid provisions of this Title.~~

* * *

11 B. The department may arrange by contract with the Department of Public
 12 Safety and Corrections for the use of prison labor, and with the sheriff of each parish
 13 for the use of labor of its prisoners, to perform any maintenance functions, on the
 14 highways in the state system or any of the department's facilities located in parishes
 15 ~~in which the department is unable, because of the inability to attract applicants, or~~
 16 ~~due to budgetary or financial consideration is unable to employ sufficient labor to~~
 17 ~~perform its maintenance functions. No contract may relieve the Department of~~
 18 ~~Public Safety and Corrections or the sheriff of the duty to supervise and to maintain~~
 19 ~~security of the prisoners at all times.~~

20 C. ~~The use of prison labor shall in no way reduce the work force of any~~
 21 ~~highway maintenance gang or cause the layoff of any classified employee.~~

* * *

23 §286. Retaining Retention of consultants ~~warranted; authorization~~

24 A. There are ~~three~~ no conditions which shall ~~warrant~~ limit or prohibit the
 25 retention of the services of consultants by the department.;

26 (1) ~~The magnitude of the work involved in a project is determined to be so~~
 27 ~~taxing to the department's available manpower that it will be necessary to defer other~~
 28 ~~essential work if the work is performed by the department staff.~~

29 (2) ~~The work required by a project is determined to be of such a specialized~~
 30 ~~nature that the department will be required to go outside its own staff for experts in~~
 31 ~~the appropriate fields to accomplish the work.~~

1 §292. Noncompetitive negotiation selections

2 * * *

3 B. The section head, after ascertaining the need for a noncompetitive
4 selection, shall request approval from the secretary or his authorized designee
5 through the ~~chief engineer~~ assistant secretary for project delivery in consultation with
6 the chief engineer, assistant secretary for operations, ~~assistant secretary for planning~~
7 ~~and programming~~, or assistant secretary of public works, ~~hurricane flood protection,~~
8 ~~and intermodal transportation~~ or commissioner of the office of multimodal
9 commerce, whichever is applicable to the project, to engage a specific firm to
10 perform the required services. The request shall be in written form containing the
11 following information:

12 * * *

13 §292.1. Small Engineering Consultant Program

14 * * *

15 E.(1) The department shall not prequalify or shall remove a prequalified
16 consultant firm under the following circumstances:

17 * * *

18 (f) A prequalified consultant firm requests removal from the program in
19 writing. Written requests for removal shall be addressed to the department's chief
20 engineer and the assistant secretary for project delivery or his designee.

21 * * *

22 (2) A prequalified consultant removed from the program may not requalify
23 for the program for a period of three years from the date of removal unless a written
24 corrective action plan is submitted by the consultant to the department's project
25 manager and the plan is approved by the ~~chief engineer~~ assistant secretary for project
26 delivery, or his designee, in consultation with the chief engineer.

27 * * *

28 §295.1. Definitions

29 When used in this Part, the following words and phrases have the meaning
30 ascribed to them in this Section, unless the context clearly indicates a different

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 meaning:

2 * * *

3 (3) "Debarment committee" means the committee consisting of the following
4 persons acting upon a unanimous vote: the ~~chief engineer of the department~~ chief
5 engineer or his designee, assistant secretary of project delivery or his designee; the
6 deputy secretary of the department or his designee; and the general counsel of the
7 department or his designee.

8 * * *

9 §381. Use and occupancy of highways

10 A. When not inconsistent with the purposes of state highways, the chief
11 engineer may issue permits for the use and occupancy of the rights-of-way of state
12 highways as follows:

13 * * *

14 C.(1)

15 * * *

16 (3)(a) The chief engineer, or his duly authorized representative is hereby
17 authorized to negotiate utility relocation agreements containing liquidated damages
18 clauses, equal to ~~.05~~ .15 percent per day of the estimated utility's relocation costs,
19 regarding delays caused solely by the unjustifiable delinquency of a utility in the
20 completion of relocation work. The chief engineer, or his duly authorized
21 representative, may decline the issuance of a permit to any utility company that is
22 unjustifiably delinquent in completing a relocation project and shall continue to so
23 decline until such a project is completed.

24 * * *

25 (6) The department shall use all practical means in consultation with utility
26 operators during the planning, design, and execution of highway projects to avoid the
27 need for utility relocation. The timeframe for operator response prior to the accrual
28 of penalties shall be determined through this consultation.

29 * * *

30 D. The ~~chief engineer~~ assistant secretary for project delivery, or his duly

1 authorized representative, in consultation with the chief engineer may require a
 2 deposit in the form of a certified check or other guaranty in a form and in an amount
 3 deemed by him to be necessary for the proper protection of the state prior to the
 4 issuing of a permit when the installations require excavations, or at other times when
 5 he believes a deposit or guaranty is necessary to protect the department's interests.

6 E.(1)(a) Except for rural water districts, the ~~chief engineer~~ assistant secretary
 7 for project delivery or his duly authorized representative may also assess reasonable
 8 utility operator's annual permit fees in connection with the issuance of permits. Such
 9 fees as determined by the department shall not exceed the maximum fees as set in
 10 the following schedule:

11 Utility Operators' Maximum Annual Fee Schedule

Operator Type	Customers	Maximum Annual
		Fee
Class 1	0 - 100	\$ 20.00
Class 2	101 - 500	\$ 50.00
Class 3	501 - 6000	\$ 200.00
Class 4	more than 6000	\$ 700.00
Operator of Transmission		
Pipelines and Natural Gas		
Gathering Systems		\$100.00/Parish
		\$1,500.00/Maximum
	* * *	

23 (2) The ~~chief engineer~~ assistant secretary of project delivery or his duly
 24 authorized representative may also assess reasonable operator's fees for rural water
 25 districts in connection with the issuance of permits to defray the expense of
 26 inspections by the department's employees.

27 * * *

28 §381.1. Rights-of-way; joint use agreements; fees

29 * * *

30 D. The ~~chief engineer~~ assistant secretary for project delivery may waive fees
 31 for governmental entities, political subdivisions, colleges and universities, provided

1 that said entities derive no income directly from the use of highway rights-of-way,
2 and provided that said entities meet any and all state and federal requirements for a
3 fee waiver.

4 * * *

5 §381.4. Rights-of-way; wireless telecommunications tower managers

6 The ~~chief engineer~~ assistant secretary for project delivery or his duly
7 authorized representative may enter into agreements with a wireless
8 telecommunications tower manager to manage such towers for specified periods as
9 follows:

10 (1) One or more telecommunication towers owned and operated ~~solely~~ solely
11 by the department may be managed for a period less than set forth in Article 3473
12 of the Civil Code.

13 (2) Telecommunication towers in either of the following categories may be
14 managed for a period less than that set forth in Article 3486 of the Civil Code:

15 (a) One or more telecommunication towers owned or operated by the
16 department which have been strengthened by the wireless telecommunications tower
17 manager.

18 (b) One or more telecommunication towers erected by the wireless
19 telecommunications tower manager on public or highway rights-of-way.

20 Section 2. R.S. 48:79 is hereby repealed in its entirety.

21 Section 3. The Louisiana State Law Institute is hereby authorized and directed to
22 arrange in alphabetical order and renumber the definitions in R.S. 48:1.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____