

2018 Regular Session

SENATE BILL NO. 498

BY SENATOR CORTEZ

TRANSPORTATION/DEV DEPT. Provides relative to the Department of Transportation and Development. (See Act)

1 AN ACT

2 To amend and reenact R.S. 24:802(B)(7), R.S. 30:2000.6(A)(7), R.S. 33:4581(D)(1)(f), R.S.

3 34:2303(A)(1), 3107(B), and 3494(A), R.S. 36:501(B) and (C), 502, 503, the

4 introductory paragraph of 504(A) and 504(A)(1), (2), (5), (6), (7), (8), and (9)(b), the

5 introductory paragraph of 504(B), and 504(B)(1)(a) and (d), (2), and (4), 505,

6 506(A), (B), and (C), 507, 508(A), (B), (C), (E), (F), and (G), 508.1, 508.2,

7 508.3(A)(1) and (C)(1) and (3), 508.4(A)(3), and the introductory paragraph of

8 509(F), R.S. 38:330.12.1(C)(6), 3074(A)(4), and 3097.4(A)(8), R.S. 39:21.3(F)(2)(e)

9 and 99.29(A), R.S. 40:600.91(A)(28)(b)(ii)(cc), R.S. 48:1(20), 11, 12, 13, 51, 52, 53,

10 54, 55, 57(A) and (B)(1) and (2)(a), 83(A)(1), 91(A) and (B), 92, 101(A), 105(F) and

11 (G)(1), (2), (6), and (7), 105.1(B), 111, 112, 121, 131, 141, 143, 191(B) and (C), 201,

12 203(A), (C), and (D), 205(C), 206, 207, 208, 212(C), 214(A), 216, 220.1,

13 221(A)(2)(a), the introductory paragraph of (4), and (B), 224(A), (B), (C), and (D),

14 224.1(A) and (B), 225, 231(A)(6), 232, 232.1, 233, 234(A), (B), and (C), 250.1(A),

15 250.2(A), (B), and (C), the introductory paragraph of 250.3(E)(1), (2), and (G),

16 250.4(A), 251(B), 252.1, 255(E), 256.1(A)(2), 256.3(A)(3), 256.4(A), 256.5(B) and

17 (D)(1), 256.6(A)(1), 256.7(C), 259, 260, 261(A)(1), 262(A), 264.1(A) and (B), 268,

1 274.1(D), 274.3(E), 275, 278, 279(B), 286(B)(1), (2), and (4), 291(A), the
 2 introductory paragraph of 292(B) and (D), 293(A)(2) and (C)(2), 295.1(3),
 3 295.2(F)(2), 295.3(A), (B), (C), (D), and (F)(2), 295.4(B), 304, 307(B), the
 4 introductory paragraph of 346, 348, 381(G) and (H), 381.1(B) and (E), the
 5 introductory paragraph of 381.2(C), (D), and the introductory paragraph of (G) and
 6 (10), 390(A), 390.1(A)(4), 421, 425(A), 442(3)(a), 442.1(3)(a), 461.22, 512(C),
 7 757(B), 1403, 1705, 1755, 1805(J), 1806, 1816(A)(5), 1820, 2024(A) and (B),
 8 2073(25), 2074(D)(2) and (L), 2076(A), 2083, 2093(13), 2094(C)(5) and (J), 2102,
 9 2133(12), 2134(C)(5) and (J), 2141, 2153(12), 2154(J), and 2162, R.S.
 10 49:214.5.1(B)(5) and 1053(C)(13), R.S. 51:3136(A)(2), and R.S. 56:360.1(A)(6) and
 11 1948.12(A)(1)(b) and (i), to enact R. S. 36:500, 508.5, and R.S. 48:10 and 10.1, and
 12 to repeal R.S. 48:190, 1001, 1002, and 1818(B), relative to the Department of
 13 Transportation and Development; to create the Louisiana Board of Transportation;
 14 to provide for the appointment, qualifications, and term of board members; to
 15 provide for the powers and duties of the board; to change the titles of the officers of
 16 the department; to make technical corrections; to repeal out of date provisions; and
 17 to provide for related matters.

18 Be it enacted by the Legislature of Louisiana:

19 Section 1. R.S. 24:802(B)(7) is hereby amended and reenacted to read as follows:

20 §802. Creation; composition

21 * * *

22 B. The commission shall be composed of nineteen members as follows:

23 * * *

24 (7) The ~~secretary~~ **executive director** of the Louisiana Department of
 25 Transportation and Development or his designee.

26 * * *

27 Section 2. R.S. 30:2000.6(A)(7) is hereby amended and reenacted to read as follows:

28 §2000.6. Membership of board

29 A. The board shall consist of the following fourteen members:

* * *

(7) The ~~secretary~~ **executive director** of the Department of Transportation and Development or his designee within the department.

* * *

Section 3. R.S. 33:4581(D)(1)(f) is hereby amended and reenacted to read as follows:

§4581. Jefferson Davis Parish Flyway Byway District

* * *

D. Governance. (1) The Flyway Byway District shall be governed by a board of commissioners, referred to in this Section as the "board". The board shall be composed as follows:

* * *

(f) The ~~secretary~~ **executive director** of the Department of Transportation and Development, or his designee, and the secretary of the Department of Culture, Recreation and Tourism, or his designee, neither of whom shall be voting members nor count towards the presence of a quorum for the conduct of business.

* * *

Section 4. R.S. 34:2303(A)(1), 3107(B), and 3494(A) are hereby amended and reenacted to read as follows:

§2303. Membership of commission

A. The corporate powers and authority herein granted shall vest in and be exercised by the commission, a body to be composed of twelve members as follows:

(1) The ~~director of public works of the State of Louisiana~~ **executive director of the Department of Transportation and Development or his designee** who shall be ex-officio chairman of the commission with full voting powers ~~and may duty appoint a representative to represent him at any meeting of the commission with the same effect as though he were in attendance himself.~~

* * *

§3107. Executive director; selection; duties; employees; compensation

* * *

B. The ~~secretary~~ **executive director** of the Department of Transportation and Development shall fix the compensation of the executive director **of the Offshore Terminal Authority**, which shall be reasonable in light of fees charged by the authority to provide for its administrative costs attributable to the authority development program.

* * *

§3494. Board of commissioners; qualifications; term; vacancies; compensation

A. The authority shall be governed by a board of fifteen commissioners, consisting of the secretary of the Department of Economic Development **or his designee**, and the ~~secretary~~ **executive director** of the Department of Transportation and Development **or his designee**, the chairmen of the House and Senate committees on transportation, highways, and public works or their designees and eleven commissioners appointed by the governor to be chosen on the basis of their demonstrated experience in maritime or business leadership, or both, and their stature and ability to act effectively for the best interests of Louisiana. Such commissioners shall not be appointed or elected commissioners or board members of any other Louisiana port.

* * *

Section 5. R.S. 36:501(B) and (C), 502, 503, the introductory paragraph of 504(A) and 504(A)(1), (2), (5), (6), (7), (8), and (9)(b), the introductory paragraph of 504(B), and 504(B)(1)(a) and (d), (2), and (4), 505, 506(A), (B), and (C), 507, 508(A), (B), (C), (E), (F), and (G), 508.1, 508.2, 508.3(A)(1) and (C)(1) and (3), 508.4(A)(3), and the introductory paragraph of 509(F) are hereby amended and reenacted, and R.S. 36:500 and 508.5 are hereby enacted to read as follows:

§500. Louisiana Board of Transportation; creation; powers; executive director

A. There is hereby created the Louisiana Board of Transportation, referred to as the "board", which shall be vested with all the powers and duties now or hereafter imposed by law for the administration of the Department of

1 Transportation and Development, together with all powers necessary or proper
2 to enable the board or any of its officers or employees to carry out fully and
3 effectively the regulations and laws relative to the Department of
4 Transportation and Development.

5 B. Not later than February 15, 2020, the governor, subject to Senate
6 confirmation, shall appoint nine persons who are qualified electors of the state
7 to constitute the Louisiana Board of Transportation as provided in Part II of
8 Chapter 1 of Title 48 of the Louisiana Revised Statutes of 1950.

9 C.(1) The board shall appoint the executive director of the Department
10 of Transportation and Development, subject to approval of the legislature. The
11 board shall submit the name of the executive director to the president of the
12 Senate and the speaker of the House of Representatives. The appointment of
13 the executive director shall be approved by the favorable vote of a majority of
14 the elected members of both houses of the legislature, after having been
15 interviewed by the House Committee on Transportation, Highways and Public
16 Works and the Senate Committee on Transportation, Highways and Public
17 Works and recommended for approval by the legislature by a majority vote of
18 each such committee.

19 (2) The board shall appoint the initial executive director not later than
20 the convening of the 2020 Regular Session of the Legislature. The incumbent
21 secretary of the department shall continue to serve until the appointment by the
22 board of the initial executive director.

23 (3) The executive director shall have such duties as may be prescribed
24 by the board or by law.

25 §501. Department of Transportation and Development; creation; domicile;
26 composition; purposes and functions

27 * * *

28 B. The Department of Transportation and Development, through its offices,
29 ~~and~~ officers, **and board**, shall be responsible for developing and implementing

1 programs to assure adequate, safe, and efficient transportation and other public
 2 works facilities and services in the state in accordance with the transfer of agencies
 3 and functions made by this Chapter. **The department shall be the agency through**
 4 **which the state administers the functions of the Louisiana Board of**
 5 **Transportation.** The ~~department~~ **board, through the department and its officers**
 6 **and offices,** shall develop and implement programs in all areas of transportation,
 7 including highways, airports, waterways, flood protection, and mass transit, as well
 8 as public works activities, in accordance with such transfers.

9 C.(1) The Department of Transportation and Development shall be composed
 10 of the ~~executive~~ office of the ~~secretary~~ **executive director,** the office of management
 11 and finance, the office of engineering, the office of planning, the office of operations,
 12 the office of multimodal commerce, and such other offices as shall be created by law.

13 (2) Whenever the secretary determines that the administration of the
 14 functions of the department may be more efficiently performed by eliminating,
 15 merging, or consolidating existing offices or establishing new offices, he shall
 16 present a plan therefor to the legislature for its approval by statute **subject to**
 17 **approval of the board.**

18 §502. Officers of the department; compensation for one office only

19 A.(1) The officers of the department shall be the ~~secretary~~ **executive**
 20 **director, the deputy executive director, undersecretary the director of**
 21 **management and finance,** ~~deputy secretary,~~ **the** chief engineer, ~~assistant secretary~~
 22 **the director** of planning, **the** commissioner of multimodal commerce, ~~and assistant~~
 23 ~~secretary~~ **the director** of operations, **and the regional directors of the eight**
 24 **department districts,** each of whom shall be selected and shall perform functions
 25 as provided in this Title.

26 (2) The ~~secretary, undersecretary,~~ **executive director, deputy executive**
 27 **director, director of management and finance,** ~~deputy secretary,~~ ~~assistant~~
 28 ~~secretary~~ **director** of planning, ~~assistant secretary~~ **director** of operations, executive
 29 director of the Offshore Terminal Authority, commissioner of multimodal

1 commerce, the regional directors of districts 02, 03, 04, 05, 07, 08, 61, and 62 of
 2 the department, and such other positions which may be authorized by the State
 3 Civil Service Commission or the state constitution shall be the only unclassified
 4 positions in the Department of Transportation and Development. The deputy
 5 executive director, the director of the office of management and finance, the
 6 chief engineer, the director of planning, the commissioner of multimodal
 7 commerce, the director of operations, and the regional directors of districts 02,
 8 03, 04, 05, 07, 08, 61, and 62 shall be appointed by the executive director, subject
 9 to approval by the board and subject to Senate confirmation. All other positions
 10 in the department shall be in the classified state service. The ~~secretary~~ executive
 11 director shall fill such classified positions as in his opinion and judgment are
 12 necessary to the operation of the department in accordance with applicable rules and
 13 regulations of the State Civil Service Commission and applicable law.

14 B. No person serving as a ~~secretary, undersecretary, deputy secretary,~~
 15 executive director, deputy executive director, director of management and
 16 finance, chief engineer, ~~assistant secretary~~ director of planning, ~~assistant secretary~~
 17 director of operations, commissioner of multimodal commerce, regional director,
 18 or in any other office in the department shall receive any additional salary from the
 19 state other than that salary which he receives by virtue of serving in any one of such
 20 offices. Any statewide elected official appointed to serve as a ~~secretary or deputy~~
 21 ~~secretary~~ executive director or deputy executive director shall not receive any
 22 additional salary from the state other than that salary which he receives as a
 23 statewide elected official.

24 C. Notwithstanding any provision herein to the contrary, subject to approval
 25 of the ~~governor~~ board, any person, including any statewide elected official, serving
 26 or appointed to serve as a ~~secretary or deputy secretary~~ executive director or
 27 deputy executive director may receive additional compensation for part-time
 28 services rendered as an instructor in postsecondary educational institutions, or as
 29 member of the National Guard.

1 §503. ~~Secretary~~ **Executive director** of transportation and development

2 There shall be a ~~secretary~~ **an executive director** of transportation and
 3 development who shall be appointed by the ~~governor~~ **Louisiana Board of**
 4 **Transportation** with ~~consent~~ **approval** of the Senate **and the House of**
 5 **Representatives**. He shall serve at the pleasure of the ~~governor~~ **board** at a salary
 6 fixed by the ~~governor~~ **board**, which salary shall not exceed the amount approved for
 7 such position by the legislature while in session. He shall be the appointing authority
 8 for the department in accordance with civil service rules and regulations. ~~The~~
 9 ~~secretary~~ **He** shall serve as the executive head and chief administrative officer of the
 10 Department of Transportation and Development and shall have the responsibility for
 11 **implementation of** the policies of the department **as established by the board**,
 12 except as specifically provided for particular agencies transferred to or placed within
 13 the department by other provisions of this Title. He shall also be responsible for the
 14 administration, control, and operation of the functions, programs, and affairs of the
 15 department; provided that the ~~secretary~~ **executive director** shall perform his
 16 functions under the general control and supervision of the ~~governor~~ **board**.

17 §504. Powers and duties of ~~secretary~~ **the executive director** of transportation and
 18 development

19 A. In addition to the functions, powers, and duties otherwise vested in the
 20 ~~secretary~~ **executive director** by law, he shall:

21 (1) Represent the public interest in the administration of this Chapter and
 22 shall be responsible to the governor, **the board**, the legislature, and the public
 23 therefor.

24 (2) ~~Determine~~ **Implement** the policies of the department **as determined by**
 25 **the board**, except as specifically provided for agencies transferred to the department
 26 as otherwise provided in this Title.

27 * * *

28 (5) Advise the ~~governor~~ **board** on problems concerning the administration
 29 of the department.

1 (6) Act as the sole agent of the state or, in necessary cases, designate one of
2 his subordinates within the department to cooperate with the federal government and
3 with other state and local agencies in matters of mutual concern and in the
4 administration of federal funds granted to the state or directly to the department or
5 an office thereof to aid in the furtherance of any function of the department and its
6 offices. For this purpose he may take such actions, in accordance with any applicable
7 state law, necessary to meet such federal standards as are established for the
8 administration and use of such federal funds, except as otherwise specifically
9 provided by the constitution and laws of this state. The ~~secretary~~ **executive director**
10 shall have full and complete power to perform all duties imposed by law upon the
11 department either directly or through his designated subordinates, except as
12 specifically provided for agencies transferred to the department. This grant of power
13 and authority to the ~~secretary~~ **executive director** shall be liberally construed to
14 effectuate the purposes of this Chapter and the constitution and laws of this state.

15 (7) Make reports and recommendations on his own initiative or upon the
16 request of the **board**, governor, the legislature, or any committee or member thereof.

17 (8) Provide for the ongoing merger and consolidation of the agencies and
18 functions transferred to his department and submit a report thereon to the **board**,
19 governor and the legislature, which report shall accompany the budget statement
20 which he submits under provisions of R.S. 39:33. Such report shall include a
21 statement of the goals of the department and to the programs thereof and shall
22 summarize the accomplishments of the department in meeting such goals and
23 implementing such programs. The report shall also contain a specific statement of
24 the reorganization and consolidation plan for the department for the next year and
25 shall include a report on the implementation of such reorganization and consolidation
26 plan for the previous year. The report concerning reorganization shall specifically
27 detail the extent to which the department has achieved goals stated the previous year
28 with respect to merger and consolidation of functions, abolition of agencies,
29 consolidation of offices, elimination of job positions, and efficiency and economy

1 in delivery of services. The report shall contain any recommendations with respect
 2 to reorganization which may require legislative action under the provisions of this
 3 Title. A copy of the report and recommended legislation shall also be submitted by
 4 the ~~secretary~~ **executive director** to the presiding officer of both houses of the
 5 legislature. The presiding officer shall refer the report to the appropriate committee
 6 having jurisdiction of the subject matter as provided in the rules of the respective
 7 house.

8 (9)(a) * * *

9 (b) The ~~secretary~~ **executive director** may submit the annual report required
 10 by this Paragraph in electronic format and is further authorized, but is not required,
 11 to submit the report at the time of submission of a report pursuant to Paragraph (7)
 12 of this Subsection.

13 B. The ~~secretary~~ **executive director** shall have authority to:

14 (1) Except as otherwise specifically provided in R.S. 36:801, R.S. 36:801.1,
 15 and R.S. 36:803:

16 (a) Employ, appoint, remove, assign, and promote such personnel as is
 17 necessary for the efficient administration of the ~~executive~~ office of the ~~secretary~~
 18 **executive director** and the performance of its powers, duties, functions, and
 19 responsibilities and such other personnel, who are not assigned to an office as may
 20 be necessary for the efficient administration of the department and for the
 21 performance of the responsibilities, powers, duties, and functions of agencies
 22 transferred to it.

23 * * *

24 (d) Negotiate and execute, for meaningful consideration, contracts that permit
 25 the use of bridges under the jurisdiction of the Department of Transportation and
 26 Development for installation of cables for communication systems. "Meaningful
 27 consideration" shall include but not be limited to a specific fee or rental during the
 28 period of the contract. The ~~secretary~~ **executive director** shall promulgate the
 29 necessary rules and regulations to establish and assure a uniform criteria for the

1 negotiation and execution of the aforementioned contracts. As nearly as is
2 practicable such rules and regulations shall be promulgated sixty days after the
3 effective date of this Subparagraph.

4 (2) Appoint, subject to **board and** gubernatorial approval, advisory councils,
5 boards, and commissions necessary in the administration of the department.

6 * * *

7 (4) Formulate and promulgate rules of administration for the department
8 relating to employment and management **subject to board approval**.

9 * * *

10 §505. Deputy ~~secretary~~ **executive director**

11 A. There may be a deputy ~~secretary~~ **executive director** of the department,
12 who shall be appointed by the ~~secretary~~ **executive director with approval of the**
13 **board and subject to Senate confirmation**. He shall serve at the pleasure of the
14 ~~secretary~~ **executive director** at a salary fixed by the ~~governor~~ **board**, which salary
15 shall not exceed the amount approved for such position by the legislature while in
16 session. The duties and functions of the deputy ~~secretary~~ **executive director** shall be
17 determined and assigned by the ~~secretary~~ **executive director**. He shall serve as
18 acting ~~secretary~~ **executive director** in the absence of the ~~secretary~~ **executive**
19 **director**.

20 B. If the position of deputy ~~secretary~~ **executive director** is not filled during
21 the absence of the ~~secretary~~ **executive director**, the ~~secretary~~ **executive director**
22 may designate either the ~~undersecretary~~ **director of management and finance** or
23 the chief engineer to serve as acting ~~secretary~~ **executive director** in his absence. The
24 ~~secretary~~ **executive director** shall notify the ~~governor~~ **board** in writing of his
25 temporary appointment of an acting ~~secretary~~ **executive director** in his absence. The
26 ~~governor~~ **board** shall have the full authority to revoke the appointment. In no event
27 shall the temporary appointment exceed thirty days in length, except with the
28 specific written approval of the ~~governor~~ **board**. The ~~governor~~ **board** may appoint
29 a temporary ~~secretary~~ **executive director** to act in the absence or incapacity of the

1 powers and authority granted to him in this Title subject to the overall direction and
2 control of the ~~secretary~~ **executive director**.

3 C. The duties and functions of the office of management and finance and of
4 the ~~undersecretary~~ **director of management and finance** shall be as provided in this
5 Section, and these duties and functions shall not be subject to change by the ~~secretary~~
6 **executive director**, except that the ~~undersecretary~~ **director of management and**
7 **finance** shall perform such additional duties and functions as are assigned by the
8 ~~secretary~~ **executive director**.

9 * * *

10 §507. Department; purposes and functions

11 A. The ~~secretary~~ **executive director**, or in his discretion a subordinate or
12 subordinates appointed in writing by him, shall administer the programs of the state
13 relating to and affecting aeronautics and aviation facilities within the state; the
14 development and establishment of public mass transit, railroad, and water
15 transportation systems; and other special transportation programs as may be directed
16 by the ~~secretary~~ **executive director**.

17 B. The ~~secretary~~ **executive director**, or in his discretion a subordinate or
18 subordinates appointed by him, shall administer the programs of the state relating to
19 the establishment, design, construction, extension, improvement, repair,
20 maintenance, and regulation of roads, highways, expressways, bridges, and matters
21 pertaining thereto. The ~~secretary~~ **executive director** or his designated subordinate
22 shall develop, prepare, and finalize the annual ~~highway construction program~~
23 ~~authorized by Act 334 of 1974~~ **Highway Priority Program**.

24 C. The ~~secretary~~ **executive director**, or in his discretion a subordinate or
25 subordinates appointed in writing by him, shall perform the public works functions
26 of the state, related to flood and drainage control, the flood plain management
27 program, reclamation, water resources, soil conservation, land surveying and
28 mapping, disaster relief, and related functions.

29 D. The ~~secretary~~ **executive director**, or in his discretion a subordinate or

1 subordinates appointed in writing by him, shall perform the functions necessary to
2 develop the state's multimodal transportation and development plan.

3 E. The ~~secretary~~ **executive director** is hereby granted full power and
4 authority to delegate, assign, or appoint in his discretion any subordinate to perform
5 any function or duties required by law to be performed by the department, except as
6 specifically provided in this Title. This grant of power and authority shall be liberally
7 construed to effectuate the purposes of this Chapter.

8 §508. Office of engineering; functions; chief engineer; powers and duties

9 A. There is hereby created within the Department of Transportation and
10 Development, the office of engineering, which shall administer engineering matters
11 related to the state's highway program with respect to project development, design,
12 construction, maintenance, extension, improvement and regulation of roads,
13 highways, expressways, bridges, and related matters, and any other special highway
14 engineering program as may be directed by the ~~secretary~~ **executive director**. The
15 office shall also administer the public works functions of the state related to flood
16 and drainage control, reclamation, water resources, soil conservation, mapping,
17 disaster relief, and related matters, the state's participation in the National Flood
18 Insurance Program, 42 U.S.C. 4001 et seq., and other special programs as may be
19 directed by the ~~secretary~~ **executive director**.

20 B. The office of engineering shall be under the immediate supervision of the
21 chief engineer, who shall be appointed by the ~~secretary~~ **executive director subject**
22 **to approval by the board**. The chief engineer shall serve at the pleasure of the
23 ~~secretary~~ **executive director** in accordance with civil service rules. The chief
24 engineer shall be a competent engineer of recognized ability and standing who is
25 experienced in the engineering duties of the department. He shall be licensed to
26 practice civil engineering in Louisiana. The chief engineer shall give his whole time
27 to the duties of his office.

28 C. The chief engineer shall have authority subject to approval of the ~~secretary~~
29 **executive director** and in accordance with applicable rules and regulations of the

1 civil service commission to employ, appoint, transfer, assign, and promote such
2 personnel as is necessary for the efficient administration of the office of engineering.

3 * * *

4 E. Before entering upon the duties of his office he shall take the prescribed
5 oath and give bond to the governor in the sum of ten thousand dollars, conditioned
6 upon the faithful performance of his duties. This bond shall be approved by the
7 governor and filed with the secretary of state. The cost of this bond may be paid by
8 the department with approval of the ~~secretary~~ **executive director**.

9 F. The chief engineer shall approve all plans, specifications, and estimates for
10 the construction of all facilities and projects for which his office is responsible. He
11 also shall have such other duties as may be assigned to him by the ~~secretary~~
12 **executive director**, by the provisions of this Chapter, or by the laws of this state. He
13 shall report the proceedings of his office annually to the ~~secretary~~ **executive director**
14 of the department and at such other times as the ~~secretary~~ **executive director** may
15 designate, and he shall make any additional reports as are required by the ~~secretary~~
16 **executive director**.

17 G. The ~~secretary or the~~ chief engineer with approval of the ~~secretary~~
18 **executive director** may designate a licensed engineer in the office of engineering to
19 perform any duties required of the chief engineer when the chief engineer is absent
20 or incapacitated.

21 §508.1. Office of planning; functions; ~~assistant secretary~~ **director**; powers and
22 duties

23 A. There is hereby created within the Department of Transportation and
24 Development, the office of planning, which shall administer the planning and
25 programming matters of the department related to ~~strategic and intermodal issues,~~
26 highways, bridge and pavement management, data collection and analysis,
27 congestion, safety, ~~aviation,~~ public transportation, public mass transit, ~~and railroad~~
28 ~~and water transportation systems,~~ and related matters, and any other special
29 programs as may be directed by the ~~secretary~~ **executive director**.

1 B. The office of planning shall be under the immediate supervision of the
2 ~~assistant secretary~~ **director of planning**, who shall be appointed by the ~~governor~~
3 **executive director with approval by the board and subject to Senate**
4 **confirmation**, and shall serve at the pleasure of the ~~secretary~~ **executive director**.
5 The ~~assistant secretary~~ **director of planning** shall be a competent engineer or an
6 urban or regional transportation planner of recognized ability and standing who is
7 familiar with the operations of public transportation departments and who, at a
8 minimum, has earned a bachelor's degree. ~~The assistant secretary~~ **He** shall give his
9 whole time to the duties of his office.

10 C. The ~~assistant secretary~~ **director** shall have authority subject to approval
11 of the ~~secretary~~ **executive director** and in accordance with applicable rules and
12 regulations of the civil service commission to employ, appoint, transfer, assign, and
13 promote such personnel as is necessary for the efficient administration of the office
14 of planning ~~and programming~~.

15 D. The ~~assistant secretary~~ **director** shall receive an annual salary fixed by the
16 ~~governor~~ **executive director with approval by the board**, which salary shall not
17 exceed the amount approved for such position by the legislature while in session,
18 payable monthly out of funds appropriated therefor and shall be allowed his actual
19 and necessary traveling expenses incurred in the discharge of his official duties.

20 E. The ~~assistant secretary~~ **director** shall administer all department functions
21 and duties for which the office of planning is responsible. He shall also have such
22 other duties as may be assigned to him by the ~~secretary~~ **executive director**, by the
23 provisions of this Chapter, or by the laws of this state. He shall report the
24 proceedings of his office annually to the ~~secretary~~ **executive director** of the
25 department and at such other times as the ~~secretary~~ **executive director** may
26 designate, and he shall make any additional reports as are required by the ~~secretary~~
27 **executive director**.

28 F. ~~The secretary is specifically authorized and empowered to perform any of~~
29 ~~the duties of the assistant secretary when the assistant secretary is absent or~~

1 ~~incapacitated or when in the opinion of the secretary it would be in the best interest~~
2 ~~of the department.~~ The ~~assistant secretary~~ director with approval of the ~~secretary~~
3 executive director may designate a qualified member of the senior staff in the
4 office of planning to perform any duties required of the ~~assistant secretary~~ director
5 when the director is absent or incapacitated.

6 §508.2. Office of operations; functions; ~~assistant~~ director, powers and duties

7 A. There is hereby created within the Department of Transportation and
8 Development, the office of operations, which shall administer all matters related to
9 the operations of the department's district offices, the Crescent City Connection
10 Bridge, the Sunshine Bridge, and other matters as may be directed by the ~~secretary~~
11 executive director.

12 B. The office of operations shall be under the immediate supervision of the
13 ~~assistant secretary~~ director of operations, who shall be appointed by the ~~governor~~
14 executive director with approval by the board and subject to Senate
15 confirmation, and shall serve at the pleasure of the ~~secretary~~ executive director.
16 The ~~assistant secretary~~ director shall be a competent engineer of recognized ability
17 and standing who is experienced in the operations of the department. He shall be
18 licensed to practice engineering in Louisiana. The ~~assistant secretary~~ director shall
19 give his whole time to the duties of his office.

20 C. The ~~assistant secretary~~ director shall have authority, subject to approval
21 of the ~~secretary~~ executive director and in accordance with applicable rules and
22 regulations of the civil service commission, to employ, appoint, transfer, assign, and
23 promote such personnel as is necessary for the efficient administration of the office
24 of operations.

25 D. The ~~assistant secretary~~ director shall receive an annual salary fixed by the
26 ~~governor~~ executive director with approval by the board, which salary shall not
27 exceed the amount approved for such position by the legislature while in session,
28 payable monthly out of funds appropriated therefor and shall be allowed his actual
29 and necessary traveling expenses incurred in the discharge of his official duties.

1 E. The ~~assistant secretary~~ **director** shall administer all department functions
 2 and duties for which the office of operations is responsible. He shall also have such
 3 other duties as may be assigned to him by the ~~secretary~~ **executive director**, by the
 4 provisions of this Chapter, or by the laws of this state. He shall report the
 5 proceedings of his office annually to the ~~secretary~~ **executive director** of the
 6 department and at such other times as the ~~secretary~~ **executive director** may
 7 designate, and he shall make any additional reports as are required by the ~~secretary~~
 8 **executive director**.

9 F. ~~The secretary is specifically authorized and empowered to perform any of~~
 10 ~~the duties of the assistant secretary when the assistant secretary is absent or~~
 11 ~~incapacitated or when in the opinion of the secretary it would be in the best interest~~
 12 ~~of the department.~~ The ~~assistant secretary~~ **director** with approval of the ~~secretary~~
 13 **executive director** may designate a licensed engineer in the office of operations to
 14 perform any duties required of the ~~assistant secretary~~ **director when the director is**
 15 **absent or incapacitated**.

16 §508.3. Office of multimodal commerce; functions; commissioner; deputy
 17 commissioner; powers and duties

18 A.(1) There is hereby created within the Department of Transportation and
 19 Development, the office of multimodal commerce, which shall administer the
 20 planning and programming functions of the department related to strategic and
 21 intermodal issues, aviation, commercial trucking, intercity public mass transit,
 22 railroad expansion and development, port and water transportation systems, and
 23 related matters, and any other special programs as may be directed by the ~~governor~~
 24 **executive director**.

25 * * *

26 C.(1) The office of multimodal commerce shall be under the supervision of
 27 a commissioner of multimodal commerce, who shall administer all department
 28 functions and duties for which the office of multimodal commerce is responsible.
 29 The commissioner shall be appointed by the ~~governor~~; **executive director with**

1 **approval by the board, and** subject to Senate confirmation, and shall serve at the
2 pleasure of the ~~governor~~ **executive director**.

3 * * *

4 (3) The commissioner shall receive an annual salary fixed by the ~~governor~~
5 **executive director**, which salary shall not exceed the amount approved for such
6 position by the legislature while in session, and shall be allowed his actual and
7 necessary traveling expenses incurred in the discharge of his official duties.

8 * * *

9 §508.4. Multimodal Commerce Advisory Commission

10 A. The Multimodal Commerce Advisory Commission is hereby established
11 within the office of multimodal commerce. It shall be composed of the following:

12 * * *

13 (3) The ~~secretary~~ **executive director** of the Department of Transportation and
14 Development, or his designee.

15 * * *

16 **§508.5. Regional directors; department districts**

17 **A. There is hereby created within the Department of Transportation and**
18 **Development, eight regional district offices, which shall administer all matters**
19 **related to the operations of the department's regional district offices, and other**
20 **matters as may be directed by the director of operations.**

21 **B. The department is hereby organized into eight regional district offices,**
22 **as follows:**

23 **(a) District 02 is composed of the parishes of Jefferson, Lafourche,**
24 **Orleans, Plaquemines, St. Bernard, St. Charles, and Terrebonne.**

25 **(b) District 03 is composed of the parishes of Acadia, Evangeline, Iberia,**
26 **Lafayette, St. Landry, St. Martin, St. Mary, and Vermilion.**

27 **(c) District 04 is composed of the parishes of Bienville, Bossier, Caddo,**
28 **Claiborne, DeSoto, Red River, and Webster.**

29 **(d) District 05 is composed of the parishes of Caldwell, East Carroll,**

1 Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas,
2 Union, and West Carroll.

3 (e) District 07 is composed of the parishes of Allen, Beauregard,
4 Calcasieu, Cameron, and Jefferson Davis.

5 (f) District 08 is composed of the parishes of Avoyelles, Catahoula,
6 Concordia, Grant, LaSalle, Natchitoches, Rapides, Sabine, Vernon, and Winn.

7 (g) District 61 is composed of the parishes of Ascension, Assumption,
8 East Baton Rouge, East Feliciana, Iberville, Pointe Coupee, St. James, West
9 Baton Rouge, and West Feliciana.

10 (h) District 62 is composed of the parishes of Livingston, St. Helena, St.
11 John the Baptist, St. Tammany, Tangipahoa, and Washington.

12 C. Each regional district office shall be under the immediate supervision
13 of a regional director, who shall be appointed by the executive director, upon
14 recommendation of the director of operations, and with approval by the board
15 and subject to Senate confirmation, and shall serve at the pleasure of the
16 executive director. Each regional director shall be a competent engineer of
17 recognized ability and standing who is experienced in the operations of the
18 department. Each regional director shall be licensed to practice engineering in
19 Louisiana and shall give his whole time to the duties of his office.

20 D. Each regional director shall have authority, subject to approval of the
21 director of operations, and in accordance with applicable rules and regulations
22 of the civil service commission, to employ, appoint, transfer, assign, and
23 promote such personnel as is necessary for the efficient administration of the
24 regional office.

25 E. Each regional director shall receive an annual salary fixed by the
26 director of operations, with approval by the board, which salary shall not
27 exceed the amount approved for such position by the legislature while in session,
28 payable monthly out of funds appropriated therefor and shall be allowed his
29 actual and necessary traveling expenses incurred in the discharge of his official

1 duties.

2 F. Each regional director shall administer all department functions and
3 duties for which the district office is responsible. He shall also have such other
4 duties as may be assigned to him by the director of operations, by the provisions
5 of this Chapter, or by the laws of this state. He shall report the proceedings of
6 his office annually to the director of operations of the department and at such
7 other times as the director of operations may designate, and he shall make any
8 additional reports as are required by the executive director.

9 G. Each director with approval of the director of operations may
10 designate a licensed engineer in the district office to perform any duties
11 required of the regional director when the regional director is absent or
12 incapacitated.

13 §509. Transfer of agencies to Department of Transportation and Development

14 * * *

15 F. The following agencies, as defined in R.S. 36:3, are hereby abolished, and
16 their powers, duties, functions, and responsibilities are transferred to ~~the secretary~~
17 the Department of Transportation and Development and hereafter shall be exercised
18 and performed as provided in Part IV of Chapter 22 of this Title:

19 * * *

20 Section 6. R.S. 38:330.12.1(C)(6), 3074(A)(4), and 3097.4(A)(8) are hereby
21 amended and reenacted to read as follows:

22 §330.12.1. Non-Flood Protection Asset Management Authority; creation;
23 composition; powers, duties, functions

24 * * *

25 C. The authority shall be composed of the following members who shall be
26 subject to Senate confirmation, provided that no elected official shall be appointed
27 to serve as a member of the authority:

28 * * *

29 (6) One member appointed by the ~~secretary~~ executive director of the

1 Department of Transportation and Development.

2 * * *

3 §3074. Board of commissioners; appointments; tenure; replacement; compensation

4 A. The board of commissioners shall consist of sixteen members who shall
5 be appointed by the governor. Each appointment by the governor shall be submitted
6 to the Senate for confirmation. The members shall be appointed as follows:

7 * * *

8 (4) One member shall be the ~~director~~ **executive director** of the Department
9 of ~~Public Works~~ **Transportation and Development**, or his designee.

10 * * *

11 §3097.4. Water Resources Commission; membership; powers and responsibilities

12 A. The Water Resources Commission is hereby created and shall be
13 composed of the following members:

14 * * *

15 (8) The ~~secretary~~ **executive director** of the Department of Transportation and
16 Development or his designee.

17 * * *

18 Section 7. R.S. 39:21.3(F)(2)(e) and 99.29(A) are hereby amended and reenacted to
19 read as follows:

20 §21.3. Consensus estimating conferences; duties and principals

21 * * *

22 F. Transportation Estimating Conference.

23 * * *

24 (2) Principals. The principals of the Transportation Estimating Conference
25 are as follows:

26 * * *

27 (e) A member of the professional staff of the Department of Transportation
28 and Development who shall have forecasting expertise to be appointed by the
29 ~~secretary~~ **executive director** of the Department of Transportation and Development.

* * *

§99.29. Governing board; membership; terms; compensation and expenses;
chairman and vice chairman; quorum; employees, agents; limitation
of liability

A. The board of the corporation shall exercise all powers, rights, and duties conferred by this Subpart or other provisions of law upon the corporation. The board shall consist of the governor, the state treasurer, attorney general, president of the Senate and speaker of the House of Representatives, chairman of the Coastal Protection and Restoration Authority Board, secretary of the Department of Natural Resources, ~~secretary~~ **executive director** of the Department of Transportation and Development, or their designees, and seven members appointed by the governor with one member appointed from each congressional district and the remaining member or members appointed from the state at large. The members of the board who are appointed by the governor shall represent the state's diverse population as near as practicable, and shall have a background and significant experience in financial management and investments. The members of the board appointed by the governor shall be subject to Senate confirmation and shall serve at the pleasure of the governor for terms of four years each, or until their successors shall have been appointed and qualified, as designated by the governor. Any appointment to fill a vacancy on the board shall be made for the unexpired term of the member whose death, resignation, or removal created such vacancy. Members on the board may be appointed to an additional term.

* * *

Section 8. R.S. 40:600.91(A)(28)(b)(ii)(cc) is hereby amended and reenacted to read as follows:

§600.91. Powers and duties of the corporation

A. The corporation shall have the powers necessary or convenient to carry out and effectuate the purposes and provisions of this Chapter, including the following powers in addition to all other powers granted by other provisions of this

1 Chapter:

2 * * *

3 (28) * * *

4 (b) * * *

5 (ii) The commission shall be comprised of the following members:

6 * * *

7 (cc) The ~~secretary~~ **executive director** of the Department of Transportation
8 and Development, or his designee.

9 * * *

10 Section 9. R.S. 48:1(20), 11, 12, 13, 51, 52, 53, 54, 55, 57(A) and (B)(1) and (2)(a),
11 83(A)(1), 91(A) and (B), 92, 101(A), 105(F) and (G)(1), (2), (6), and (7), 105.1(B), 111, 112,
12 121, 131, 141, 143, 191(B) and (C), 201, 203(A), (C), and (D), 205(C), 206, 207, 208,
13 212(C), 214(A), 216, 220.1, 221(A)(2)(a) and the introductory paragraph of (4) and (B),
14 224(A), (B), (C), and (D), 224.1(A) and (B), 225, 231(A)(6), 232, 232.1, 233, 234(A), (B)
15 and (C), 250.1(A), 250.2(A), (B), and (C), the introductory paragraph of 250.3(E)(1), (2),
16 and (G), 250.4(A), 251(B), 252.1, 255(E), 256.1(A)(2), 256.3(A)(3), 256.4(A), 256.5(B) and
17 (D)(1), 256.6(A)(1), 256.7(C), 259, 260, 261(A)(1), 262(A), 264.1(A) and (B), 268,
18 274.1(D), 274.3(E), 275, 278, 279(B), 286(B)(1), (2), and (4), 291(A), the introductory
19 paragraph of 292(B) and (D), 293(A)(2) and (C)(2), 295.1(3), 295.2(F)(2), 295.3(A), (B),
20 (C), (D), and (F)(2), 295.4(B), 304, 307(B), the introductory paragraph of 346, 348, 381(G)
21 and (H), 381.1(B) and (E), the introductory paragraph of 381.2(C), (D), and the introductory
22 paragraph of (G) and (10), 390(A), 390.1(A)(4), 421, 425(A), 442(3)(a), 442.1(3)(a), 461.22,
23 512(C), 757(B), 1403, 1705, 1755, 1805(J), 1806, 1816(A)(5), 1820, 2024(A) and (B),
24 2073(25), 2074(D)(2) and (L), 2076(A), 2083, 2093(13), 2094(C)(5) and (J), 2102,
25 2133(12), 2134(C)(5) and (J), 2141, 2153(12), 2154(J), and 2162 are hereby amended and
26 reenacted and R.S. 48:10 and 10.1 are hereby enacted to read as follows:

27 §1. Terms defined

28 For purposes of this Chapter, the following terms have the meanings ascribed
29 to them by this Section, except where the context clearly indicates otherwise:

* * *

(20) "Secretary" or "executive director" means the ~~secretary~~ executive director of the Department of Transportation and Development.

* * *

§10. Louisiana Board of Transportation; creation; composition; purposes and functions

A. The Louisiana Board of Transportation, sometimes referred to hereinafter in this Chapter as the "board", is created as a body corporate.

B. The board shall consist of eleven members. There shall be nine voting members and two ad hoc, nonvoting members.

C.(1) Louisiana shall be divided into eight districts for the appointment of eight of the members of the Louisiana Board of Transportation. One member shall be appointed by the governor from each of the following districts:

(a) District 02 is composed of the parishes of Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, and Terrebonne.

(b) District 03 is composed of the parishes of Acadia, Evangeline, Iberia, Lafayette, St. Landry, St. Martin, St. Mary, and Vermilion.

(c) District 04 is composed of the parishes of Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River, and Webster.

(d) District 05 is composed of the parishes of Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, and West Carroll.

(e) District 07 is composed of the parishes of Allen, Beauregard, Calcasieu, Cameron, and Jefferson Davis.

(f) District 08 is composed of the parishes of Avoyelles, Catahoula, Concordia, Grant, LaSalle, Natchitoches, Rapides, Sabine, Vernon, and Winn.

(g) District 61 is composed of the parishes of Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Pointe Coupee, St. James, West Baton Rouge, and West Feliciana.

1 **(h) District 62 is composed of the parishes of Livingston, St. Helena, St.**
2 **John the Baptist, St. Tammany, Tangipahoa, and Washington.**

3 **(2) The ninth member of the board shall be appointed by the governor**
4 **from the state at large.**

5 **(3) The chairman of Senate Committee on Transportation, Highways**
6 **and Public Works, or his designee, shall be an ad hoc, nonvoting member of the**
7 **board.**

8 **(4) The chairman of House Committee on Transportation, Highways and**
9 **Public Works, or his designee, shall be an ad hoc, nonvoting member of the**
10 **board.**

11 **(5) The eight district members and the member appointed from the state**
12 **at large shall be voting members.**

13 **(6) Each member appointed to represent a district shall be a resident of**
14 **the district from which the appointment is made. The member appointed at**
15 **large shall be a resident of the state of Louisiana.**

16 **(7) The governor shall receive nominations for each district member**
17 **from the Louisiana Municipal Association and the Police Jury Association of**
18 **Louisiana. The executive directors of the Louisiana Municipal Association and**
19 **the Police Jury Association of Louisiana, or their designees, shall organize their**
20 **members into eight nominating subcommittees to correspond by location with**
21 **each department district. Each district nominating subcommittee shall submit**
22 **one nominee for its district board member to their respective executive**
23 **directors. The executive directors shall present the district nomination lists to**
24 **the governor on or after January 14, 2020, but not later than February 1, 2020.**
25 **The governor shall appoint one nominee for each district from the district**
26 **nomination lists submitted and one member at large from any submitted**
27 **nomination list. The governor shall appoint the initial nine board members and**
28 **submit the appointments to the Senate for confirmation not later than**
29 **February 15, 2020.**

1 (8) All board members shall be appointed subject to Senate confirmation.

2 (9) No board member or his immediate family shall be affiliated with a
3 business or industry that does business with the Department of Transportation
4 and Development.

5 (10) The board shall have at least one member who is a civil engineer.

6 (11) The board shall have at least one member who is a certified public
7 accountant or an expert in financial or lending services.

8 D.(1) The initial board members shall be appointed by the governor
9 pursuant to the provisions of Subsection C of this Section. Except for the
10 members of the initial board, the term of board members shall be four years.
11 Members shall serve until their successors are appointed.

12 (2) The governor shall appoint the initial board members to serve a term
13 as follows:

14 (a) Three members who shall serve a two-year term ending December 31,
15 2022.

16 (b) Three members who shall serve a three-year term ending
17 December 31, 2023.

18 (c) Three members who shall serve a four-year term ending
19 December 31, 2024.

20 Terms of initial board members shall be determined by drawing lots.
21 Thereafter, any vacancy that occurs on the board by reason of the expiration
22 of the term for which appointed, or by reason of death, resignation, removal, or
23 any other cause shall be filled by appointment of the governor in the same
24 manner as that of the member whose office was vacated.

25 E. Within twenty-four hours after being informed of a vacancy on the
26 board, the chairman of the board or the officer exercising his duties shall notify
27 the governor and the executive directors of the Louisiana Municipal Association
28 and the Police Jury Association of Louisiana of the vacancy and the effective
29 date thereof. Any vacancy on the board shall be filled for the unexpired portion

1 of the term from nominations submitted to the governor by the executive
 2 directors and appointment of the governor pursuant to the same nomination
 3 and appointment procedure set forth in this Section not later than forty-five
 4 days after the effective date of the vacancy.

5 F. The members of the board shall elect one member to serve as
 6 chairman of the board, and one member to serve as vice chairman. The board
 7 shall appoint its secretary.

8 G. Board members may serve no more than three consecutive six-year
 9 terms.

10 H. Board members shall serve without compensation.

11 I. Five voting members shall constitute a quorum for the transaction of
 12 board business. The two ad hoc, nonvoting members shall not be counted to
 13 make a quorum. A favorable vote of a majority of the voting members present
 14 and voting shall be required to take action.

15 J. Each board member shall have a duty to act in the best interest of the
 16 transportation systems of the state and shall serve the board without undue
 17 influence. In case of neglect of duty by any board member or of his failure,
 18 without good cause, to attend three successive regular meetings, or upon
 19 conviction of a felony, upon request of the board, the governor shall remove the
 20 board member.

21 §10.1. District 58 abolished

22 Existing department District 58 is hereby abolished.

23 §11. Department of Transportation and Development; creation; composition

24 The Department of Transportation and Development is created and is
 25 composed of the ~~secretary, undersecretary, deputy secretary and assistant secretaries~~
 26 the Louisiana Board of Transportation, the executive director, the deputy
 27 executive director, the directors of the offices of management and finance,
 28 operations, engineering, and planning, and the commissioner of multimodal
 29 commerce, and such other offices and officers and divisions as may be established

1 under the provisions of R.S. 36:1 through R.S. 36:960.

2 §12. Domicile

3 The domicile of the department is in the city of Baton Rouge, parish of East
4 Baton Rouge. Service of citation and other process directed to the department shall
5 be made by handing the citation or other process to the ~~secretary~~ **executive director**
6 or to the ~~undersecretary~~ **director of management and finance**.

7 §13. Department as body politic and corporate; ~~secretary~~ **executive director**

8 The Department of Transportation and Development is hereby declared to be
9 a body politic and corporate by that title. The department shall function under the
10 control, management, supervision and direction of the ~~secretary~~ **executive director**
11 **subject to approval by the Louisiana Board of Transportation** in the manner and
12 to the extent provided by Title 36 of the Louisiana Revised Statutes of 1950.

13 * * *

14 §51. Head of department

15 The ~~secretary~~ **executive director** is the executive officer of the department.
16 He shall be appointed **by the Louisiana Board of Transportation**, shall serve and
17 his salary shall be fixed, all in accordance with the provisions of Title 36 of the
18 Louisiana Revised Statutes of 1950.

19 §52. Powers of ~~secretary~~ **executive director**

20 The ~~secretary~~ **executive director** as the executive head of the department
21 shall exercise all of the functions of the department through the departmental
22 organizations provided for by law and to the extent provided by applicable law,
23 **subject to approval by the Louisiana Board of Transportation**. Every lawful act
24 of the ~~secretary~~ **executive director** performed in his official capacity is the act of the
25 department.

26 §53. Personnel authority

27 The ~~secretary~~ **executive director**, subject ~~only~~ to the limitations of
28 appropriations thereto and ~~all of~~ the applicable provisions of Title 36 of the
29 Louisiana Revised Statutes of 1950, may abolish positions; transfer duties between

1 positions; and assign duties to, direct and control the work of, and transfer, promote,
2 demote, remove, and otherwise change the status of employees of the department and
3 fix the compensation thereof.

4 §54. Classification of state highways

5 The ~~secretary~~ **executive director**, for the purpose of administering the
6 provisions of this Chapter, may divide or classify the highways of the state highway
7 system by type, volume and kind of traffic, geographical area, mileage, condition,
8 purpose, or otherwise.

9 §55. Department of Culture, Recreation and Tourism rules and regulations;
10 applicability

11 Rules and regulations of the Department of Culture, Recreation and Tourism
12 adopted in pursuance of the aims and purposes of the Louisiana Archaeological
13 Survey and Antiquities Commission and the provisions of R.S. 41:1601-R.S.
14 41:1613 shall not apply to construction, reconstruction, maintenance, or other
15 projects undertaken by the department unless the ~~secretary~~ **executive director**,
16 within his discretion, finds the application of such rules and regulations will not
17 cause any undue or expensive delay in the completion of such projects. This Section
18 shall not apply to federal aid projects. Notwithstanding any other provision in the
19 law to the contrary, before any construction, reconstruction, maintenance, or other
20 project is undertaken by the Department of Transportation and Development, the
21 ~~secretary of such~~ department shall notify the Louisiana Archaeological Survey and
22 Antiquities Commission of its intent to let such contract and furnish complete details
23 of such contract to the commission. If during the construction, reconstruction or
24 maintenance of a project undertaken by the Department of Transportation and
25 Development any artifact is uncovered or found, the department shall suspend that
26 part of the project and notify the Louisiana Archaeological Survey and Antiquities
27 Commission of the find and give the commission reasonable opportunity to protect
28 such find or artifact.

29 * * *

1 §57. Duties of the ~~secretary~~ **executive director**; appointment of traffic control
2 officers

3 A.(1) The ~~secretary~~ **executive director** of the Department of Transportation
4 and Development may, ~~at his discretion~~ **subject to approval by the Louisiana**
5 **Board of Transportation**, appoint, fix salaries of, and pay traffic control officers
6 in accordance with Department of State Civil Service regulations. The ~~secretary~~
7 **executive director** may make and amend rules and regulations for the conduct,
8 management, and control of such officers.

9 (2) The ~~secretary~~ **executive director** shall implement the traffic control
10 officer program provided for in this Section only if and to the extent funds are
11 specifically appropriated or made available for it.

12 B.(1) Persons hired as traffic control officers shall be at least eighteen years
13 of age and of good character. After January 1, 2004, all persons appointed as traffic
14 control officers under this Section shall complete and graduate from a training
15 program as approved and accredited as provided in R.S. 40:2401 et seq., entitled:
16 Peace Officer Standards and Training Law. Each officer so appointed shall furnish
17 bond in accordance with law in a sum to be fixed by the ~~secretary~~ **executive**
18 **director**. The bond shall be conditioned on the faithful performance of the officer's
19 duties, and any person injured or damaged by such officer may sue upon such bond.

20 (2)(a) The traffic control officers shall have, under the direction and control
21 of the ~~secretary~~ **executive director**, the same powers to regulate and enforce traffic
22 laws and make arrests and the power to execute and return all warrants and processes
23 as police officers of the city of New Orleans on the portion of Interstate 10, in the
24 parish of Orleans, from its eastern intersection with Interstate 610 to the St.
25 Tammany Parish line and the approaches and the public ways contiguous thereto.
26 These traffic control officers, under the same direction and control of the ~~secretary~~
27 **executive director**, shall have all other powers of police officers of the city of New
28 Orleans as peace officers, on the portion of Interstate 10, in the parish of Orleans,
29 from its eastern intersection with Interstate 610 to the St. Tammany Parish line and

1 the approaches and the public ways contiguous thereto.

2 * * *

3 §83. Louisiana State Transportation Infrastructure Bank; board of directors

4 A. The Louisiana State Transportation Infrastructure Bank shall be governed,
5 administered, and operated by a board of directors composed of the following
6 members:

7 (1) The ~~secretary~~ **executive director** of the Department of Transportation and
8 Development, or his designee.

9 * * *

10 §91. Qualifications; compensation; oath; bond

11 A. A chief engineer, a maintenance and operations engineer, and such other
12 engineers as are found necessary by the ~~secretary~~ **executive director** shall be
13 appointed. The chief engineer shall be a competent engineer of recognized ability
14 and standing, experienced in highway construction and maintenance, and shall be
15 licensed to practice civil engineering in Louisiana. Both the chief engineer and the
16 maintenance and operations engineer shall give their whole time to the duties of their
17 offices.

18 B. The chief engineer and the maintenance and operations engineer shall
19 receive annual salaries fixed by the ~~secretary~~ **executive director**, payable monthly
20 out of the funds as shall be appropriated therefor, and shall be allowed their actual
21 and necessary traveling expenses incurred in the discharge of their official duties.

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~~ **executive director** or by the provisions of this Chapter. He shall
28 report the proceedings of his office annually to the ~~secretary~~ **executive director** of
29 the department. Subject to and pursuant to the provisions of R.S. 48:259, the chief

1 engineer has direct supervision of the maintenance of the highways and other
2 facilities of the department.

3 * * *

4 §101. Creation of commission, appointment and terms of members; meetings;
5 compensation

6 A. The Mississippi River Parkway Commission of Louisiana is hereby
7 created and established. It shall be composed of ten members appointed by the
8 governor, two of whom shall be from the Department of Transportation and
9 Development upon the recommendation of the ~~secretary~~ **executive director**, who
10 shall be appointed for a term of one year, and the remainder to be from various
11 parishes directly affected by the Mississippi River Parkway. Two members shall be
12 appointed for terms of two years, two shall be appointed for terms of three years, two
13 shall be appointed for terms of four years, and two shall be appointed for terms of
14 five years. All successor members shall be appointed for terms of five years.
15 Immediately upon making any appointment the governor shall so notify the national
16 Mississippi River Parkway Planning Commission, hereinafter called the National
17 Commission, giving the names and addresses of the member or members so
18 appointed. Each appointment by the governor shall be submitted to the Senate for
19 confirmation.

20 * * *

21 §105. Louisiana Transportation Research Center

22 * * *

23 F. LTRC may enter into contractual agreements only with the approval of the
24 ~~secretary~~ **executive director** of the department, or his designee, and said agreements
25 must conform with contracting policies of the department.

26 G.(1) A LTRC policy committee shall be established and charged with
27 advising and making recommendations to the LTRC as well as reviewing and
28 recommending research and technology transfer programs to be pursued by the
29 center, reviewing and recommending fiscal year budgets, and reviewing the activities

1 and progress of the center. The committee shall meet at least twice a year. It shall be
2 composed of eleven members, one of whom shall be the director of LTRC, three who
3 shall be appointed by the ~~secretary~~ **executive director**, one from each of the six
4 public universities that have a college of engineering with a civil engineering
5 department appointed by the president or chancellor of the respective university and
6 one member who shall be a dean of a college of engineering of a nonpublic
7 institution of higher education selected by the committee from a list submitted by the
8 Louisiana Association of Independent Colleges and Universities. The Federal
9 Highway Administration shall be invited to appoint an observer. The director of
10 LTRC shall be an ex officio member of the committee.

11 (2) The term of office of members of the policy committee shall be for two
12 years; however, in order to assure continuity, two of the initial members appointed
13 by the chancellor and two of the initial members appointed by the ~~secretary~~
14 **executive director** shall be appointed to serve for three years. Thereafter each
15 member shall be appointed to a two-year term. Committee members may be
16 reappointed.

17 * * *

18 (6) The director of LTRC shall be chosen by the ~~secretary~~ **executive director**
19 of the department and the LTRC policy committee from a slate of nominees
20 submitted by a search committee, which search committee shall be selected by the
21 LTRC policy committee.

22 (7) The director shall annually develop fiscal year programs designed to
23 implement the functions of LTRC described above, and to meet the funding
24 commitments to the university, also specified above. The director shall administer
25 the day-to-day activities of the LTRC. The director shall submit an annual written
26 report on the activities of the center to the policy committee, to the dean of the
27 college of engineering at the university, and to the ~~secretary~~ **executive director** of
28 the department by March fifteenth of each year. The annual reports shall address the
29 activities and achievements of the center and provide an assessment of the extent to

1 which the center is fulfilling its functions.

2 * * *

3 §105.1. Transportation Training and Education Center Fund; creation

4 * * *

5 B. The ~~secretary~~ **department** shall promulgate rules and regulations in
6 accordance with law to effectuate the provisions of this Section, to implement a
7 registration fee policy, and to provide for the uses and disposition of the fees
8 collected. All fees collected pursuant to this Section and the rules and regulations
9 promulgated by the ~~secretary~~ **department** shall be deposited into the LTRC
10 Transportation Training and Education Center Fund as provided for in Subsection
11 D of this Section.

12 * * *

13 §111. General counsel and assistants; qualifications

14 The ~~secretary~~ **executive director** of the Department of Transportation and
15 Development may employ a general counsel and such assistants as he finds
16 necessary. The general counsel and his assistants shall be duly qualified and admitted
17 to practice law in Louisiana. The ~~secretary~~ **executive director** may fix the
18 compensation of each.

19 §112. Powers and duties

20 The general counsel to the department shall represent the ~~secretary~~ **executive**
21 **director** and the department in all matters for which the attorney general does not
22 provide representation pursuant to R.S. 49:257.

23 §121. Appointment of ex officio notaries; powers

24 The ~~secretary~~ **executive director** of the Department of Transportation and
25 Development and the state director of the Department of Veterans' Affairs may
26 designate as ex officio notaries public a sufficient number of employees of their
27 departments and they may, without charge or other compensation, administer oaths,
28 take acknowledgments, and perform all other duties which any notary public is
29 authorized by law to perform. However, their authority is limited to acts and

1 instruments to which the department, the ~~secretary~~ **executive director**, or the state
2 director is a party and to the administration of oaths, affidavits, and other documents
3 concerning any matter in which the department is interested.

4 The cost of each notarial seal shall be paid by the department.

5 §131. Department purchasing agent; functions; bond

6 The ~~secretary~~ **executive director** shall appoint a purchasing agent, who shall
7 be the head of this section. The purchasing agent shall advertise, let, and execute, on
8 behalf of the department, all contracts for the purchase of supplies, materials, and
9 equipment, in accordance with the provisions of the laws regulating the department.
10 He shall give bond in favor of the governor in the amount of ten thousand dollars,
11 conditioned on the faithful performance of his duties.

12 §141. Financial services administrator to be appointed

13 The ~~secretary~~ **executive director** shall appoint a certified public accountant,
14 duly qualified in this state, or an experienced cost accountant, to serve as the
15 financial administrator, comptroller and disbursing officer for the department. He
16 shall give bond in favor of the governor in the amount of ten thousand dollars,
17 conditioned on the faithful performance of his duties.

18 * * *

19 §143. Financial services administrator is disbursing officer; checks, vouchers, and
20 warrants

21 The financial services administrator is the disbursing officer of the
22 department. All checks, vouchers, or warrants in payment of the accounts of the
23 department and the salaries of the employees thereof shall be signed by the financial
24 services administrator and countersigned by another officer or employee designated
25 by the ~~secretary~~ **executive director**, under such rules and regulations as are
26 prescribed by the ~~secretary~~ **executive director**.

27 * * *

28 §191. State highway system; length; designation

29 * * *

1 and then to the legislature for enactment.

2 * * *

3 C. Disbursements on specific projects shall be budgeted against allotments
4 made for the specific project. The annual budget shall include a capital outlay
5 program for a total of five years which the ~~secretary~~ **executive director** recommends
6 be undertaken within the period, arranged in a manner which will indicate the
7 relative priority of such projects as money becomes available. Copies of the budget
8 shall be made available to the public.

9 D. The adoption of the capital budget act for the first year of the five-year
10 program shall constitute an appropriation or allocation of the sums specified therein
11 for the first year only for the purposes specified. The ~~secretary~~ **executive director**
12 shall be responsible for the enforcement of the capital outlay budget of the
13 department, shall establish procedures, rules and regulations for enforcement, and
14 shall have emergency authority to vary from the budget.

15 §205. Bids

16 * * *

17 C. If, in the judgment of the ~~secretary~~ **executive director**, no satisfactory bid
18 has been received in any case, he may reject all bids. In such case, he shall advertise
19 for new bids as provided in this Section. Until a satisfactory contract is awarded, he
20 may authorize the purchasing agent to make such open market purchases of the
21 commodities involved as are urgently required to meet the requirements for not more
22 than thirty days.

23 §206. Formal contract; checks or money orders forfeited in default; bond

24 **A.** If the ~~secretary~~ **executive director** requires that a formal contract be
25 entered into between the successful bidder and the department, covering any
26 purchase for which bids are required, he may require that the bids submitted be
27 accompanied by a certified or a cashier's check, or by a postal or bank money order,
28 as he may determine, for an amount designated by him. The check or money order
29 shall be forfeited to the department if the bidder to whom the contract is awarded

1 fails to sign the contract within ten days after having received notice of award from
2 the department. Check or money orders of unsuccessful bidders shall be returned to
3 them.

4 **B.** The successful bidder may, in any instance, be required to furnish a bond
5 in an amount determined by the ~~secretary~~ **executive director**, not more than the
6 amount of the bid, conditioned upon the faithful performance of the contract.

7 §207. Emergency purchases; no bids necessary

8 A. When recommended by the chief engineer, the ~~assistant secretaries~~
9 **directors**, or the executive directors of the various offices and divisions of the
10 department and when in the opinion of the ~~secretary~~ **executive director** the best
11 interest of the state will be served, emergency purchases of commodities, materials,
12 supplies, equipment and miscellany, or purchases or leases of noncompetitive or
13 patented articles, devices, equipment, or commodities may be negotiated and made
14 without requesting bids. However, the essential documents authorizing these
15 purchases or leases shall have written on their face the explicit reasons supporting
16 the necessity for these leases or purchases.

17 B. When sections of highway, the component parts thereof, or any facility
18 under the control of the department are damaged, obstructed, or destroyed by storms,
19 floods, collisions, or other occurrences of violence, so as to impede or interrupt the
20 normal use of the highway or facility, the ~~secretary~~ **executive director** may make,
21 or authorize to be made, without requesting bids, such emergency purchases as are
22 required to temporarily repair the highway or facility until permanent repairs can be
23 made. Such temporary repairs shall be held to the minimum necessary and plans
24 shall immediately be started for the permanent rehabilitation of the highway or
25 facility.

26 §208. Surplus federal equipment and material

27 The department may purchase, without advertising, surplus equipment,
28 materials, and supplies offered for sale by the federal government, or its agencies,
29 at the minimum prices established by the federal government or its agencies, when,

1 in the discretion of the ~~secretary~~ **executive director**, the purchases would be to the
2 interest of the state.

3 * * *

4 §212. Agreements with federal government

5 * * *

6 C. During any period that the United States is in a state of war, the ~~secretary~~
7 **executive director**, when so authorized in writing by the governor, may make
8 available to the federal government or its armed forces any property, equipment, or
9 personnel required in the national interest for purposes which the property,
10 equipment, or personnel will appropriately serve. Appropriate commitment records
11 shall be made with and receipt records obtained from commissioned officers of the
12 armed services or other federal officials with authority to so act.

13 * * *

14 §214. Fixed guideway rail systems; safety

15 A. The office of multimodal ~~planning~~ **commerce** of the Department of
16 Transportation and Development is hereby designated as the state safety oversight
17 entity pursuant to 49 U.S.C. § 5329(e)(4).

18 * * *

19 §216. Participation in highway associations

20 The department may join and participate in associations formed by like
21 departments of other states, territories, or foreign governments and with the United
22 States ~~Public Roads Administration~~ **Department of Transportation** or its successor,
23 for the development and propagation of information concerning the construction,
24 maintenance, and operation of public highways and the promotion of ideas
25 concerning the safety and convenience of traffic thereon.

26 * * *

27 §220.1. Width of right of way acquired informally

28 Whenever the department ~~of highways~~, under its statutory authority takes
29 over an existing road from a parish or municipality, unless there is an agreement

* * *

(4) If excess immovable property authorized to be sold pursuant to this Section is not purchased at public or private sale as provided herein, or if the cost of advertisement is greater than the fair market value of the property so that the property lacks a positive net value to the department, the ~~secretary~~ **department** may, within his discretion, do either of the following:

* * *

B. The ~~secretary~~ **department**, in addition, may exchange immovable property as referenced in Subsection A of this Section by private conveyance for immovable property needed for the construction or maintenance of a state highway, provided that the immovable property sought to be acquired by exchange shall have a present appraised market value equal to or greater than the present appraised market value of the excess or surplus immovable property owned by the department which is to be exchanged.

* * *

§224. Abandonment of highway; sale by department; acquisition by governing authority; ratification

A. When the ~~secretary~~ **department** determines that certain sections of the state highway system cease to be used by the public to the extent that the original public purpose is no longer being served, ~~he~~ **it** may by appropriate declaration, accompanied by a plat or sketch duly recorded in the parish where the property is located, declare that the highway is to be abandoned.

B. Prior to declaring the abandonment of a highway or highway section, the ~~secretary~~ **department** shall send notice to the governing authority or authorities as well as all public utilities with recorded right-of-way agreements or permits, and/or recorded holders of right-of-way permits affected by such abandonment through which the highway or highway section passes, of his intention. The ~~secretary~~ **department** shall also send notice to each member of the legislature in whose district the highway or highway section is located. The governing authority or

1 authorities shall indicate a willingness and desire to accept the highway or highway
2 section proposed to be abandoned and to operate and maintain the highway as part
3 of the governing authority's system and shall issue a resolution stating the conditions
4 of the acceptance.

5 C. If the governing authority or authorities are unwilling to accept and
6 maintain the highway or highway section to be abandoned, or in the event of the
7 abandonment of any property acquired and used for right-of-way purposes, the
8 realignment of which has been changed so as to make the right-of-way no longer
9 needed for the original purpose, the ~~secretary~~ **department** may ~~at his discretion~~
10 dispose of the property at either public or private sale. Private sale shall be limited
11 to the original vendor of the property or his successors in title. If the sale is to the
12 original vendor of the property, the consideration for the private sale shall be the
13 original cost to the department or its appraised market value, whichever is greater.
14 If the sale is to the successors in title to the original vendor, the consideration for the
15 private sale shall be the present appraised value. If sold, notice of abandonment of
16 the roadway shall be posted in accordance with Subsection E of this Section. If the
17 property cannot be sold at either public or private sale, then abandonment may be
18 accomplished as provided in Subsection E of this Section or transferred to the
19 Department of Natural Resources, state lands section.

20 D. However, nothing in this Section nor in Section 221 shall be construed as
21 requiring the department to abandon or sell any property or property right, especially
22 where local service or frontage roads, or the closing ~~or~~ **of** portions of lanes in
23 multilane highways are concerned. Further, where the ~~secretary~~ **department**
24 determines there is no market for any area owned by the department or over which
25 it has a servitude, that portion may be abandoned in accordance with the general laws
26 of the state.

27 * * *

28 §224.1. Transfer and exchange of state and local roads

29 A. Upon receipt of a proper resolution submitted by a parish or municipal

1 governing authority to the ~~secretary~~ **department** indicating its conditions,
 2 willingness, and desire to incorporate into the parish or municipal road system a road
 3 on the state highway system and to assume the maintenance thereof and with the
 4 approval by a majority of the legislative delegation from such parish or municipality,
 5 the ~~secretary~~ **executive director** may ~~at his discretion~~ accept the resolution and
 6 remove the road from the state highway system; and, it shall thereafter form a part
 7 of the parish or municipal road system. As a condition of such transfer, the
 8 department may provide a thing of value, including but not limited to credits towards
 9 future construction projects, payment of funds, or satisfaction of debt owed to the
 10 department. Such thing of value shall be equal to the amount of the present value of
 11 the forty-year projected future maintenance cost of the road to be transferred and
 12 may be funded by the department as a capital project. Any such condition of transfer
 13 shall be reduced to writing by the parties.

14 B. Upon receipt of a proper resolution submitted by a parish or municipal
 15 governing authority to the ~~secretary~~ **department** indicating its conditions,
 16 willingness, and desire to exchange one or more roads on the parish or municipal
 17 road system for one or more roads on the state highway system and assume the
 18 maintenance thereof, and with the approval by a majority of the legislative
 19 delegation from such parish or municipality, the ~~secretary~~ **department** may ~~at his~~
 20 ~~discretion~~ accept the resolution, incorporate said roads from the parish or municipal
 21 road system into and remove said roads from the state highway system, and they
 22 shall thereafter form respective parts of said system.

* * *

24 §225. Lease or acquisition of necessary buildings

25 The department may, by lease, donation, purchase, or exchange, acquire or
 26 erect any buildings and structures that, ~~in the opinion of the secretary,~~ are required
 27 in conducting the business of the department.

* * *

29 §231. Final construction program for current fiscal year; public hearings; Joint

1 Highway Priority Construction Committee; reports; review by
2 legislature; restrictions on legislature

3 A. * * *

4 (6) When this final construction program is communicated to the legislature
5 for funding for the coming fiscal year, any project which the legislature determines
6 is not in the proper order of priority in accordance with the factors stated in R.S.
7 ~~48:229~~ 48:229.1 may be deleted by the legislature. However, the legislature shall not
8 add any projects to this final construction program, nor shall the legislature make
9 substitutions for projects which have been removed.

10 * * *

11 §232. Apportionment of appropriated fund by the department; construction
12 restricted to priority listing; ~~secretary's~~ department's emergency
13 fund

14 No construction project shall be undertaken by the Department of
15 Transportation and Development except those included in the priority listing for that
16 fiscal year regardless of the source of the funds for the project, with the exception
17 of projects undertaken and financed out of the ~~secretary's~~ department's emergency
18 fund and projects involving the use of matching funds to meet federal requirements
19 in order to receive federal aid funds. Appropriations for highway construction shall
20 be apportioned by the department to the several highway classifications based on the
21 proportion that the needs in each classification bears to the total needs and shall be
22 allocated by the department to the projects within each classification. Semiannually
23 the ~~secretary~~ department shall provide the Joint Legislative Committee on
24 Transportation, Highways, and Public Works a recapitulation of all emergency
25 projects for the preceding six-month period, outlining the nature and cost of the
26 emergency.

27 §232.1. Apportionment of appropriated funds by the department; tunnel replacement
28 priority

29 The Department of Transportation and Development may give priority and

1 advance to construction as expeditiously as possible any bridge project where a
2 bridge replaces a tunnel. The department may use any available source of funds to
3 finance such projects, and may use any available source of funds, including the
4 ~~secretary's~~ **department's** emergency fund, as matching funds to meet federal
5 requirements in order to receive federal aid funds. Notwithstanding any other
6 provision of law to the contrary, the department may contract for such projects using
7 any contract method provided by law, including design-build or construction
8 management at risk.

9 §233. Delays in construction; public statement; substitution of another project;
10 allocated funds

11 The projects planned for the year for which appropriations have been made
12 shall be commenced in that year; however, if a project cannot be commenced within
13 the year for which it is planned, the ~~secretary~~ **department** shall file with the project
14 records a public statement as to the factors causing the delay, and the next priority
15 project meeting all necessary needed requirements for the same highway
16 classification shall be substituted therefor. When the delaying factors have been
17 overcome, the delayed project shall be placed in the highest priority for the next
18 ensuing fiscal year. Funds allocated for each construction project shall remain so
19 allocated until the project is completed and the project costs are liquidated.

20 §234. Highway construction; authority for set-aside procurement from socially or
21 economically disadvantaged or women owned businesses

22 A. The ~~secretary~~ **department** is hereby authorized and directed, for each
23 fiscal year, to designate and set aside for awarding to socially or economically
24 disadvantaged and/or women owned businesses, as defined in R.S. 39:1732~~(4)~~, and
25 ~~(5)~~, an amount not to exceed ten percent of the funds appropriated for highway
26 construction and for procurement of goods and services for highway construction.
27 This Subsection shall be inapplicable if no socially or economically disadvantaged
28 and/or women owned business exists in the particular category to which the set aside
29 applies.

1 House and Senate transportation, highways, and public works committees, may
2 formulate, develop, and implement a program to combine the design and
3 construction phases of a transportation facility or facilities, including but not limited
4 to highways, interchanges, bridges, ferries on the Mississippi River, or tunnels into
5 a single contract.

6 B. This program shall allow use of the design-build method to construct the
7 new Mississippi River Bridge at St. Francisville (connection to U.S. Hwy. 61)
8 including approach structures and connecting roadways, which project is included
9 in the Transportation Infrastructure Model for Economic Development program. The
10 ~~secretary~~ **executive director** may also select additional projects or combine a
11 program of projects to utilize the design-build method. The Department of
12 Transportation and Development shall submit any project selected for the design-
13 build method to the House and Senate transportation, highways, and public works
14 committees for approval.

15 C. There shall be no challenge by any legal process to the choice of the
16 successful designer-builder other than for fraud, bias for pecuniary or personal
17 reasons not related to the interest of the taxpayers, or arbitrary and capricious
18 selection by the ~~secretary~~ **executive director**. Once the designer-builder has been
19 chosen and a contract for a stipulated schedule and sum certain price executed, the
20 price of the design-build contract shall not be increased other than for inflation as
21 prescribed in the contract and for site or other conditions of which the designer-
22 builder had no knowledge and should not have had knowledge as a reasonable
23 possibility existing at the site or concerning the design and construction.

24 * * *

25 §250.3. Design-build contracts; qualifications of design-build entities; public
26 announcement procedures; letters of interest; selection of short list;
27 bid proposals by competitors; qualifications evaluation committee;
28 proposal review committee; selection and process of award

29 * * *

1 E.(1) The chief engineer, with concurrence of the ~~secretary~~ **executive**
2 **director**, shall establish a design-build qualifications evaluation committee for
3 evaluation of the responses to the request for qualifications received by the
4 department. The following general criteria used by the qualifications evaluation
5 committee in evaluating responses to the request for qualifications for design-build
6 services shall apply to both the design and construction components of any
7 responding entity:

8 * * *

9 (2) The qualifications evaluation committee shall evaluate the qualifications
10 of responding design-builders on the basis of the criteria identified in the request for
11 qualifications and set forth in this Subsection and shall select a short list of the
12 highest rated entities in a number to be determined by the department; however, if
13 fewer than three responses are received, the ~~secretary~~ **executive director** or
14 designated representative may approve proceeding with the design-build process.
15 The qualifications evaluation committee may, at its discretion, be assisted by other
16 department personnel in its evaluation of an entity's qualifications. The design-build
17 qualifications evaluation committee shall present its short list to the chief engineer
18 for recommendation to the ~~secretary~~ **executive director**. The short-listed entities
19 shall be invited by the ~~secretary~~ **executive director** or designated representative to
20 submit a detailed technical and cost proposal for the design-build project. The
21 invitation to the short-listed entities shall specify a deadline for submission of such
22 proposals.

23 * * *

24 G. The chief engineer, with concurrence of the ~~secretary~~ **executive director**,
25 shall establish a proposal review committee for evaluation of design-build proposals.
26 The proposal review committee shall be identified in the request for proposals (RFP).
27 The chief engineer, with concurrence of the ~~secretary~~ **executive director**, shall
28 assign a project manager, who shall become the chairman of the proposal review
29 committee for the project. The request for proposals (RFP) shall identify technical

1 elements of the project, depending on the characteristics of the project, to be
 2 included in the technical score. Additionally, the chief engineer, with concurrence
 3 of the ~~secretary~~ **executive director**, may select additional department engineering
 4 and technical experts, and nationally recognized design-build experts to serve as
 5 committee members to score each technical element of the project. Members of the
 6 proposal review committee shall not have served as members of the qualifications
 7 evaluation committee. Each member of the proposal review committee shall make
 8 his scoring of assigned elements available for public review. Such scores shall be
 9 considered public record.

10 * * *

11 §250.4. Public-private partnership projects

12 A. Notwithstanding any law to the contrary or the requirements of this Part,
 13 if the ~~secretary~~ **executive director** determines it is in the best interest of the
 14 taxpayers, the Department of Transportation and Development, with approval of the
 15 House and Senate transportation, highways, and public works committees, may
 16 solicit proposals for and enter into contracts for public-private partnership projects
 17 for a transportation facility, provided the department shall comply with the
 18 provisions of R.S. 48:2084 through 2084.15 that are applicable to public-private
 19 partnership projects of the Louisiana Transportation Authority. However, R.S.
 20 48:256.3 and 48:256.5 shall be applicable in the same manner as any other
 21 department projects.

22 * * *

23 §251. Contracts for projects

24 * * *

25 B. Every contract exceeding the contract limit, as defined herein, for
 26 construction, maintenance, or improvement of a department facility under the
 27 provisions of this Part shall be made in the name of the department and shall be
 28 signed by the ~~secretary~~ **executive director** of the Department of Transportation and
 29 Development or his duly appointed designee and by the contracting party. The

1 contract limit for this Part is hereby defined to equal five hundred thousand dollars.
2 No such contract shall be entered into nor shall any such work be authorized which
3 will create a liability on the part of the state in excess of the funds available or which
4 will be available for the project.

5 * * *

6 §252.1. Emergency contracting

7 In case of emergency where such emergency has been certified by the
8 **secretary executive director** or his duly appointed designee, the requirements of this
9 Subpart may be waived by the **secretary executive director** or his duly appointed
10 designee to the minimum extent necessary to meet the demands of the emergency.

11 * * *

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

14 * * *

15 E. The **secretary executive director** shall reject any bid submitted by any
16 firm, corporation, individual, or legal entity on any state funded project who, at the
17 time of submission of bid, is prohibited from bidding or working on any federally
18 funded project by the Federal Highway Administration.

19 * * *

20 §256.1. Highway construction contracts; retained amounts; retainage bonds

21 A. * * *

22 (2) Final payment of the retained amounts to the contractor under the contract
23 to which the retained amount relates shall be made after certification by the **secretary**
24 **executive director** or his duly appointed designee that the work has been
25 satisfactorily completed and is accepted in accordance with the contract, plans, and
26 specifications, and forty-five days have lapsed from filing the notice of final
27 acceptance with the office of the recorder of mortgages in the parish where the work
28 has been done. Any interest earned on the retained amounts shall be credited to the
29 Transportation Trust Fund.

* * *

§256.3. Payment bond

A. * * *

(3) The recorded portion of the contract shall state that the ~~undersecretary~~ **director of the office of management and finance** is the official of the department to whom claims against the contractor or surety or both shall be made and shall state with particularity the address for delivery of claims to the department pursuant to R.S. 48:256.5.

* * *

§256.4. Acceptance by the department

A. Whenever the department enters into a contract for the construction, maintenance, alteration, or repair of any public works, in accordance with the provisions of this Subpart, the ~~undersecretary~~ **director of the office of management and finance** or his duly appointed designee ~~of the department~~ shall have recorded in the office of the recorder of mortgages, in the parish where the work has been done, a final acceptance of the work or a partial acceptance of any specified area thereof upon completion of all of the work. The final acceptance shall be executed by the ~~secretary~~ **executive director** or his duly appointed designee within thirty days of completion of all of the work on the project. The recordation of a final acceptance in accordance with the provisions of this Section shall be effective for all purposes under this Chapter.

* * *

§256.5. Claimant defined; filing of sworn statements of amounts due; payment by the department

* * *

B. Any claimant shall, after the maturity of his claim and within forty-five days after the recordation of final acceptance of the work by the department or of notice of default of the contractor or subcontractor, record the original sworn statement of the amount due him in the office of the recorder of mortgages for the

1 parish in which the work is done and file a certified copy of the recorded sworn
2 statement of the amount due, showing the recordation data, with the ~~undersecretary~~
3 **director of the office of management and finance** of the department.

4 * * *

5 D.(1) The department shall withhold from progress payments and the final
6 payment one hundred twenty-five percent of the amount claimed after receipt by the
7 ~~undersecretary~~ **director of the office of management and finance** of the department
8 at the location specified in the recorded contract of a sworn statement of amount due
9 from a claimant to the extent of payments due and owed the contractor after receipt
10 of said claim.

11 * * *

12 §256.6. Authorization to cancel the inscription of claims and privileges;
13 cancellation; lis pendens

14 A.(1) If a statement of claim or privilege is improperly filed or if the claim
15 or privilege preserved by the filing of a statement of claim or privilege is
16 extinguished, the public entity, contractor, or subcontractor, or other interested
17 person may require the person who has filed a statement of claim or privilege to give
18 a written authorization directing the recorder of mortgages to cancel the statement
19 of claim or privilege from his records, or to file an original lien cancellation
20 certificate with the recorder of mortgages and to submit a certified copy of the
21 recorded lien cancellation certificate, showing the recordation data, with the
22 ~~undersecretary~~ **director of the office of management and finance** of the
23 department.

24 * * *

25 §256.7. Filing of bond or other security; cancellation of statement of claim or
26 privilege

27 * * *

28 C. Any party who files a bond or other security to guarantee payment of an
29 obligation secured by a privilege in accordance with the provisions of Subsection A

1 of this Section shall give notice to the department, the claimant, and the contractor
 2 by certified mail, and shall file a certified copy of the cancellation of the statement
 3 of claim or privilege by the recorder of mortgages, showing the recordation data,
 4 with the ~~undersecretary~~ **director of the office of management and finance** of the
 5 department by certified mail.

6 * * *

7 §259. Maintenance; selection of work

8 The department shall maintain the highways forming the state highway
 9 system, together with the other facilities of the department to the extent that the
 10 revenues of the department will permit. The selection of the highways, facilities, or
 11 parts thereof to be maintained and the order of that selection shall be made by the
 12 ~~secretary~~ **executive director** upon the recommendation of the chief engineer and
 13 may be changed from time to time as the case demands. In this selection, these
 14 officials shall be guided by volume and character of traffic and the convenience,
 15 safety, and necessity of the traveling public.

16 §260. Scope and extent of maintenance operations; emergency work

17 The scope and extent of maintenance operations may include any operation
 18 involving employment of labor, purchase of materials, supplies, and equipment, and
 19 the severance, processing, and application of materials necessary to maintain the
 20 highway system together with the other facilities of the Department of
 21 Transportation and Development at the maximum level of efficiency for its type. In
 22 case of damage to the state highway system caused by flood or other disaster,
 23 requiring immediate attention, or for construction urgently needed, or for
 24 construction that may be undertaken more efficiently, the ~~secretary~~ **executive**
 25 **director** may execute such work of improvement with department maintenance
 26 forces, with the approval of the chief engineer or the ~~assistant secretary~~ **director** of
 27 **the office of** operations.

28 §261. Maintenance work by department employees; exceptions

29 A.(1) Except as otherwise provided in this Section, all maintenance

1 operations shall be performed by the employees of the department. However, the
 2 department may, by contract or other means, arrange for the maintenance of any
 3 section or sections of highways or any of the facilities of the Department of
 4 Transportation and Development when, in the ~~sole~~ discretion of the ~~secretary~~
 5 **executive director**, there are not adequate employees to perform the maintenance
 6 work required by either federal or state law or sound engineering practices. The
 7 ~~secretary~~ **executive director** shall give due consideration to budgetary constraints
 8 and employment restrictions prior to entering into any contract to perform
 9 maintenance work. All such contracts to individuals or private concerns, except
 10 individuals with disabilities or organizations serving individuals with disabilities,
 11 shall be in accordance with the public bid provisions of this Title.

12 * * *

13 §262. Maintenance equipment owned by or temporarily leased to the department;
 14 rent or lease to others

15 A. When the ~~secretary~~ **executive director** determines that it is necessary or
 16 economically feasible to use specialized maintenance equipment which will not be
 17 needed on a permanent basis, the department may lease, in accordance with the
 18 provisions of the public bid law, such equipment for the shortest period required
 19 under the circumstances. In all other cases, the department shall own the fixed and
 20 mobile equipment necessary to appropriately maintain and operate the facilities
 21 under its jurisdiction. In the purchase or acquisition of this equipment it is not
 22 required to accept the equipment offered at the lowest price when such a practice
 23 would result in the ownership or use of so many different types or brands that
 24 economic operation and maintenance of the equipment would be impracticable.

25 * * *

26 §264.1. Salvage materials; bridges and roads; coastal protection and restoration
 27 projects

28 A. When, in the opinion of the ~~secretary~~ **executive director** of the
 29 Department of Transportation and Development, it is in the best interest of the state,

1 he may order any materials deemed of no salvage value recovered from the
2 reconstruction or repair of any state road or bridge, or from any other work
3 performed by the department to be disposed of by donation to any political
4 subdivision of the state for its use, such donation to be made in accordance with a
5 procedure established by the ~~secretary~~ **executive director**.

6 B. When, in the opinion of the ~~secretary~~ **executive director** of the department
7 or his designee, it is in the best interest of the state, he may order any materials
8 deemed of no salvage value recovered from the reconstruction or repair of any state
9 road or bridge, or from any other work performed by the department to be disposed
10 of by transfer to the Coastal Protection and Restoration Authority to be utilized for
11 coastal protection and restoration projects, such transfer to be made in accordance
12 with procedures established by the ~~secretary~~ **executive director** or his designee in
13 coordination with the Coastal Protection and Restoration Authority.

14 * * *

15 §268. Tampering with trees or shrubs

16 The felling, topping, or pruning of trees or shrubs to accommodate, operate,
17 or maintain any installation on the right of way, without the prior written approval
18 of the ~~secretary~~ **executive director** or his representative, is prohibited. The ~~secretary~~
19 **executive director** may use his discretion in the granting of this approval.

20 * * *

21 §274.1. Placing of specific information logo signs on interstate highways; contracts
22 with third parties

23 * * *

24 D. All fees collected pursuant to the provisions of this Section shall be
25 considered as self-generated revenues and deposited by the ~~secretary of the~~
26 Department of Transportation and Development into the state treasury for credit to
27 the Department of Transportation and Development. After compliance with the
28 requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative
29 to the Bond Security and Redemption Fund, the monies so deposited shall be

1 appropriated as self-generated revenues to the Department of Transportation and
2 Development.

3 * * *

4 §274.3. Placing of major shopping area guide signs on interstate highways

5 * * *

6 E. All fees collected pursuant to the provisions of this Section shall be
7 considered as self-generated revenues and deposited by the ~~secretary of the~~
8 Department of Transportation and Development into the state treasury for credit to
9 the Department of Transportation and Development. After compliance with the
10 requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative
11 to the Bond Security and Redemption Fund, the monies so deposited shall be
12 appropriated as self-generated revenues to the Department of Transportation and
13 Development.

14 * * *

15 §275. Historic bridges and other structures

16 No bridge, highway, or roadway structure in the state maintained system shall
17 be nominated for inclusion or placed in the National Register of Historic Places or
18 otherwise designated as a permanent fixture not subject to removal or destruction
19 without prior written approval from ~~the secretary of~~ the Department of
20 Transportation and Development.

21 * * *

22 §278. Tourism signs; request by lieutenant governor

23 A. When the Department of Transportation and Development has been
24 requested to erect any signs, markers, or any other type of informational signage
25 related to the functions of the Department of Culture, Recreation and Tourism and
26 such signs have not been erected within a reasonable time period, the lieutenant
27 governor shall contact the ~~secretary~~ **executive director** of the Department of
28 Transportation and Development, in writing, requesting the erection of the signs
29 within thirty days of receipt of such request.

1 members to the ~~secretary~~ **executive director** for all projects except Louisiana
2 Transportation Research Center projects.

3 * * *

4 §292. Noncompetitive negotiation selections

5 * * *

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

14 * * *

15 D. For research projects, the determination for noncompetitive selection shall
16 be based upon a recommendation by the Louisiana Transportation Research Center
17 to the ~~secretary~~ **executive director** and documented as required in R.S. 48:292(B).

18 * * *

19 §293. Competitive selection

20 A. * * *

21 (2) The team shall then prepare and present to the ~~secretary~~ **executive**
22 **director** a short list of the three highest rated consultant firms provided there are at
23 least three qualified firms. The ~~secretary~~ **executive director** or authorized designee
24 shall make the final evaluation and selection from the list. If the ~~secretary~~ **executive**
25 **director** or authorized designee selects other than the first ranked consultant firm
26 from the short list, the ~~secretary~~ **executive director** or authorized designee shall
27 document his reasons for selection of other than the first ranked consultant firm on
28 the short list. All responding firms will be notified of the selection. The team will not
29 consider recommendations by others in their evaluation of the firm's qualifications.

1 subconsultant has timely appealed administratively to the ~~secretary~~ **executive**
2 **director** in accordance with R.S. 48:295.3.

3 * * *

4 §295.3. Appeal to the ~~secretary~~ **executive director**

5 A. The ~~secretary~~ **executive director** or his designee shall have the authority
6 to review and determine any appeal by an aggrieved person from a determination by
7 the debarment committee which is authorized by R.S. 48:295.2.

8 B. This Section applies to a review by the ~~secretary~~ **executive director** of a
9 decision under R.S. 48:295.2.

10 C. The aggrieved person shall file his appeal with the ~~secretary~~ **executive**
11 **director** within fourteen days of the receipt of a decision under R.S. 48:295.2(E).

12 D. The ~~secretary~~ **executive director** or his designee shall decide within
13 fourteen days whether, or the extent to which, the debarment or suspension was in
14 accordance with the constitution, statutes, ordinances, regulations, and the best
15 interest of the department and was fair. Any prior determination by the debarment
16 committee shall not be final or conclusive.

17 * * *

18 F. A decision under Subsection D of this Section shall be final and conclusive
19 unless either of the following occurs:

20 * * *

21 (2) The debarred or suspended person has timely appealed an adverse
22 decision of the ~~secretary~~ **executive director** or his designee to the Nineteenth
23 Judicial District Court in accordance with R.S. 48:295.4.

24 §295.4. Actions by or against the department in connection with contracts

25 * * *

26 B. Any appeal for judicial review of the ~~secretary's~~ **executive director's**
27 decision shall be commenced in the Nineteenth Judicial District Court within sixty
28 days after receipt of the decision of the ~~secretary~~ **executive director** under R.S.
29 48:295.3(E).

* * *

§304. New and existing facilities; grade-crossing eliminations

The highway authorities may designate and establish controlled-access highways as new and additional facilities or may designate and establish an existing street or highway as included within or being a controlled-access facility.

They may provide for the elimination of intersections at grade of controlled-access facilities with existing state and parish roads or municipal streets by grade separation or service roads or by closing off roads and streets at the right of way boundary line of the controlled-access facility. After the establishment of any controlled-access facility, no highway or street which is not part thereof shall intersect it at grade. No municipal, parish or state highway, or street, or other public way shall be opened into or connected with any controlled-access facility without the consent and previous approval of the highway authority having jurisdiction over the facility. Such consent and approval shall be given only if the public interest is served thereby.

Provided however that notice of intent to establish such controlled-access facility within a municipality or within five miles thereof shall be delivered to the executive offices of such municipality together with plats outlining in reasonable detail the proposal not less than thirty days prior to the undertaking of such construction.

Provided further that in the event of objection to such proposal by the governing authorities of such municipality the same shall not be undertaken except after a public hearing by the ~~board of highways~~ **department**.

After such public hearing a decision by the ~~board of highways~~ **department** relative thereto shall be final.

* * *

§307. Controlled-access areas; commercial activities

* * *

B.(1) The ~~secretary~~ **department** may permit the placement of vending

1 machines and concession structures within or on any controlled-access facility or rest
2 area. Such machines or concession structures shall be operated in accordance with
3 applicable state and federal law.

4 (2) The ~~secretary is hereby authorized to~~ **department may** either purchase,
5 install, and operate vending machines or ~~to~~ utilize private contractors, subject to the
6 review and consent of the Louisiana Workforce Commission as the Randolph-
7 Sheppard licensing agency. If private contractors are utilized, the contractors shall
8 be selected in accordance with **the** public bid law.

9 (3) The ~~secretary is further authorized to~~ **department may also** enter into a
10 cooperative agreement with the Louisiana Workforce Commission concerning the
11 division of gross sales or net proceeds derived from the operation of these vending
12 machines and concession structures at interstate rest areas. The construction, general
13 maintenance, upkeep, and improvement of the vending machines and concession
14 structures shall be the responsibility of the private contractor or designated operator.

15 (4) It is the specific intention of this Subsection that the grant of discretion
16 given to the ~~secretary~~ **department** is for the purpose of allowing the state to fully
17 avail itself of the authorization granted by applicable federal law. These provisions
18 shall be liberally construed to attain these purposes.

19 * * *

20 §346. Closing or restricting use of highways

21 The ~~assistant secretary~~ **director** of the office of operations or the chief
22 engineer may close any section of highway to all or any class or part of traffic or
23 restrict the use thereof to the extent he thinks expedient for any length of time that,
24 in his judgment, is appropriate for any of the following reasons:

25 * * *

26 §348. Informational maps and literature

27 The ~~secretary~~ **department** may, from time to time, issue maps of the state
28 highway system, or brochures or pamphlets for the information and education of the
29 traveling public in matters of traffic and safety. All such literature shall be issued

1 in the name of the department and shall not bear the name of any individual
2 employed by the state or seeking an elective office of the state. Reproduction of
3 maps, brochures or pamphlets by any individual, firm or agency without the written
4 approval of the ~~secretary~~ **department** is prohibited.

5 §381. Use and occupancy of highways

6 * * *

7 G. All fees shall be deposited by the ~~secretary of the Department of~~
8 ~~Transportation and Development~~ in **department into** the ~~Right-Of-Way~~
9 **Right-of-Way** Permit Processing Fund in the office of the treasurer and said fees
10 shall be set aside for the use of the Department of Transportation and Development
11 to defray the expenses of the right-of-way permit office connected with the issuance
12 and processing required for permitted activity within state roads and highways
13 rights-of-way.

14 H. The ~~secretary~~ **department** shall promulgate rules and regulations to effect
15 the provisions of this Section as they apply to the fees for utility rights-of-way.

16 * * *

17 §381.1. Rights-of-way; joint use agreements; fees

18 * * *

19 B. The ~~secretary~~ **department** shall promulgate rules and regulations in
20 accordance with law to effectuate the provisions of this Section, to implement a fee
21 schedule, and to provide for the disposition of fees.

22 * * *

23 E. All fees collected pursuant to the provisions of this Section shall be
24 deposited by the ~~secretary of the Department of Transportation and Development~~
25 **department** into the state treasury for credit to the Right-of-Way Permit Processing
26 Fund. After compliance with the requirements of Article VII, Section 9(B) of the
27 Constitution of Louisiana relative to the Bond Security and Redemption Fund, the
28 monies so deposited shall be credited to the fund for the use of the Department of
29 Transportation and Development to defray the expenses of the right-of-way permit

1 office. Excess fees, over and above the expenses of the right-of-way permit office,
2 shall be distributed to federally approved highway projects. All monies existing in
3 this fund at the end of each fiscal year shall be retained in the Right-of-Way Permit
4 Processing Fund and shall not be deposited in the General Fund.

5 * * *

6 §381.2. Rights-of-way; telecommunication installations, including wireless
7 telephone hardware, fiber-optic lines, and telecommunications towers

8 * * *

9 C. The ~~secretary~~ **department** may promulgate rules and regulations in
10 accordance with the Administrative Procedure Act to specify the following:

11 * * *

12 D. All fees shall be deposited by the ~~secretary of the Department of~~
13 ~~Transportation and Development in~~ **department into** the state treasury. After such
14 deposit, an amount equal to the fees collected shall be transferred to the
15 Right-of-Way Permit Processing Fund which is hereby created in the state treasury
16 and said funds shall be set aside for the use of the Department of Transportation and
17 Development to defray the expenses of the right-of-way permit office in connection
18 with the issuance and processing required for permitted activity within the state
19 roads and highway rights-of-way.

20 * * *

21 G. The ~~secretary~~ **department** shall prepare and submit an annual report to
22 the House and Senate Transportation, Highways and Public Works Committees
23 which summarizes the activities, revenues, and expenditures of the right-of-way
24 permit office related to the administration of this Section. The first annual report
25 required under the provisions of this Subsection shall contain a summary of the
26 activities, revenues, and expenditures of the right-of-way permit office from the
27 beginning of the program to date and shall be submitted to the House and Senate
28 Transportation, Highways and Public Works Committees not later than January 30,
29 2002. Each subsequent annual report shall be submitted not later than ninety days

1 following the end of each calendar year and shall contain the following information:

2 * * *

3 (10) Other information the ~~secretary~~ **department** deems helpful regarding
4 fiber-optic cable within highway rights-of-way.

5 * * *

6 §390. Railroad grade crossing improvement and elimination; notification

7 A. The ~~secretary~~ **department** shall complete a study of all public railroad
8 grade crossings to establish priorities for improvement, relocation, or closure in
9 compliance with federal guidelines and shall develop a prioritized plan for
10 implementing railroad grade crossing improvements, relocations or closures pursuant
11 to 23 USC 130, known as the Federal Railroad Crossing Safety Program. The
12 priority list shall be annually revised to reflect any changes made under the
13 provisions of this Section. The department's plan shall be conducted in accordance
14 with federal guidelines and Title 23 of the Code of Federal Regulations Part 646
15 relative to railroad-highway projects.

16 * * *

17 §390.1. Railroad grade crossing elimination; parish and municipal roads

18 A. * * *

19 (4) The department shall mail a copy of the notice of intent and determination
20 pursuant to Paragraph (3) of this Subsection to the local governing authority with
21 jurisdiction over the non-state maintained highway and the railroad. The local
22 governing authority may submit a written request to the chief engineer for
23 reconsideration of the department's determination. A reconsideration request shall
24 be postmarked within fifteen calendar days, excluding weekends and holidays, from
25 the date of mailing of the notice. A rail safety reconsideration board composed of the
26 ~~secretary~~ **executive director**, the chief engineer, and the executive director of the
27 Louisiana Highway Safety Commission shall consider the request and issue a final
28 determination not later than fifteen calendar days, excluding weekends and holidays,
29 of the date of receipt of the local governing authority's reconsideration request. The

1 determination of the rail safety reconsideration board shall be final.

2 * * *

3 §421. Personal interest of department officers or employees in contracts; penalties

4 A. The ~~secretary, undersecretary, assistant secretaries~~ **executive director,**
5 **deputy executive director, directors of the offices of,** or any of the employees of
6 the Department of Transportation and Development and corporations or firms in
7 which the ~~secretary, undersecretary, assistant secretaries~~ **executive director, deputy**
8 **executive director, directors of the offices of,** or any employee of the department
9 are in any way financially interested, are prohibited from bidding on, entering into,
10 or being in any way interested in a contract for the building or improvement of any
11 facility of the Department of Transportation and Development.

12 B. Whoever violates this Section shall be fined not more than one thousand
13 dollars or imprisoned for not more than twelve months, or both, and shall be
14 removed from his position by the governor or by the ~~secretary~~ **executive director.**

15 * * *

16 §425. Purchasing, rules and regulations; intentional violation; penalty

17 A. No person shall intentionally violate the Louisiana Procurement Code or
18 any rule or regulation promulgated by ~~the secretary~~ of the Department of
19 Transportation and Development with respect to purchasing.

20 * * *

21 §442. Contents of petition for expropriation; place of filing

22 The rights of expropriation granted by this Part shall be exercised in the
23 following manner:

24 * * *

25 (3) The petition shall have annexed thereto the following:

26 (a) A certified copy of a certificate of authorization to expropriate executed
27 by the ~~secretary~~ **executive director** of the department, declaring that the taking is
28 necessary or useful for the purposes of this Part.

29 * * *

1 §442.1. Contents of petition for expropriation; property needed for design-build
2 projects; place of filing

3 Notwithstanding the provisions of R.S. 48:442, the rights of expropriation
4 granted by this Part shall be exercised for design-build projects authorized according
5 to the provisions of R.S. 48:250.2 in the following manner:

6 * * *

7 (3) The petition shall have annexed thereto the following:

8 (a) A certified copy of a certificate of authorization to expropriate executed
9 by the ~~secretary~~ **executive director** of the department, declaring that the taking is
10 necessary or useful for the purposes of this Part.

11 * * *

12 §461.22. Advertising and junkyards between Mississippi River and its levees

13 Any other provision of law to the contrary notwithstanding, no outdoor
14 advertising as described in R.S. 48:461.2(A)(4) and (5) and no junkyards as defined
15 in this Part shall be erected or maintained within visual observation of the main
16 traveled way of the interstate and primary highways in this state between the waters
17 of the Mississippi River and the publicly maintained flood protection levees thereon,
18 unless authorized in writing by the ~~Secretary~~ **executive director** of the Department
19 of Transportation and Development.

20 * * *

21 §512. Prohibition against closing, obstruction, or changing legal roads; restoring to
22 former condition; exceptions

23 * * *

24 C. The governing authority of Orleans Parish may authorize a person to close,
25 obstruct, or change a public road or street for a period not to exceed twelve
26 consecutive months, provided that the governing authority determines that it is for
27 a public purpose and in the best interests and for the benefit of the parish or
28 municipality, provided further that such closing shall occur only after consultation
29 with and approval by the ~~secretary~~ **chief engineer or the director of operations** of

1 the department, provided further that all obstructions be removed therefrom and the
 2 public roads or streets be restored for use by the general public at the sole expense
 3 of the person authorized to close, obstruct, or change a public road or street, and
 4 provided further that the removal of obstructions and the restoration of the public
 5 roads or streets be completed within the period authorized by the governing
 6 authority, which period shall not exceed twelve months.

7 * * *

8 §757. Off-system work; prohibitions; exceptions

9 * * *

10 B. In an emergency as found and declared by the governor, the governor may
 11 expend state funds on parish roads. However, the department may stripe parish roads
 12 upon the request of any parish, with the parish bearing the cost of said striping, when
 13 in the opinion of the ~~secretary~~ **executive director** or his designee surplus manpower
 14 and equipment are available and the purchase of new equipment is not required.

15 * * *

16 §1403. Membership

17 The commission shall consist of ten members who shall serve for a term of
 18 four years or until their successors have been made and qualified, as follows: Three
 19 members shall be appointed, one each, by the Sabine River Authority, the ~~secretary~~
 20 **executive director** of the Department of Transportation and Development, and the
 21 director of the Louisiana Tourism Development Commission. The police juries of
 22 Sabine, DeSoto, and Vernon parishes each shall appoint two members, in each
 23 instance one of the appointments to be from the membership of the police jury and
 24 one from the qualified electors residing in the parish. The nine members thus
 25 appointed shall select the remaining member from a panel of four names which shall
 26 be submitted to them, one each, by those landowners who grant to the commission
 27 the four largest servitudes adjacent to the Toledo Bend Forest Scenic Drive, said
 28 member to serve a term concurrent with the other members.

29 * * *

1 §1705. Advice and services of Department of Transportation and Development

2 The commission and the board of commissioners therefor shall have, with
3 respect to all of the powers and functions prescribed by this Chapter, the advice and
4 services of the Department of Transportation and Development. It shall be the duty
5 of the ~~secretary~~ **executive director** of said department to cause to be made available
6 such staff expertise and support as the commission may request.

7 * * *

8 §1755. Advice and services of the Department of Transportation and Development

9 The commission and the board of commissioners therefor shall have, with
10 respect to all of the powers and functions prescribed by this Chapter, the advice and
11 services of the Louisiana Department of Transportation and Development. The
12 ~~secretary~~ **executive director** of the Department of Transportation and Development
13 or his designee shall be an ex officio, voting member of the commission. Within
14 reason, it shall be the duty of the ~~secretary~~ **executive director** of said department to
15 make available such department staff, expertise, and support as the commission may
16 request.

17 * * *

18 §1805. Commission; appointment, term, and related matters

19 * * *

20 J. The ~~secretary~~ **executive director** of the Louisiana Department of
21 Transportation and Development or his designee shall serve as an advisor to the
22 commission. The directors of the Zachary Taylor Parkway Association, a nonprofit
23 corporation, shall also serve as advisors to the commission. Notice of all meetings
24 of the commission shall be given to the ~~secretary~~ **executive director** of the
25 Department of Transportation and Development and to the president of the
26 association.

27 §1806. Advice and services of the Department of Transportation and Development;
28 interstate cooperation

29 The department is authorized to work jointly or in cooperation with the state

1 of Mississippi, and to provide such advice and services to the commission as will,
2 in the opinion of the ~~secretary~~ **executive director** of the department, tend to achieve
3 the objectives of this Chapter.

4 * * *

5 §1816. Board of commissioners; method of appointment, terms, vacancies, and
6 domicile

7 A. The Creole Nature Trail Scenic Byway District shall be governed by a
8 board of commissioners consisting of nine members as follows:

9 * * *

10 (5) The ~~secretary~~ **executive director** of the Department of Transportation and
11 Development, ex officio or his designee.

12 * * *

13 §1820. Advice and services of state departments

14 State departments and agencies, particularly the Department of
15 Transportation and Development, the Department of Culture, Recreation and
16 Tourism, and the Department of Wildlife and Fisheries, are authorized to provide
17 such advice and services to the board of commissioners as will, in the opinion of the
18 respective department ~~secretary~~ or agency head, tend to achieve the objectives of this
19 Chapter.

20 * * *

21 §2024. Directors

22 A. The board of the authority shall consist of such directors as are specified
23 in the articles of incorporation of the authority, provided the board shall consist of
24 at least five directors, including the ~~secretary~~ **executive director** of the department
25 or his designee, and, if any one or more of the parishes or municipalities are within
26 the territorial jurisdiction of the metropolitan planning organization, the chairman of
27 the metropolitan planning organization or his designee.

28 B. All directors, other than the ~~secretary~~ **executive director** of the
29 department and the chairman of the metropolitan planning organization, shall be

1 appointed by the parish or municipality forming the authority, if there is only one.
2 If more than one parish, municipality, or any combination of parishes and
3 municipalities is involved in forming an authority, each parish or municipality shall
4 appoint an equal number of directors.

5 * * *

6 §2073. Definitions

7 Unless the text clearly indicates otherwise, the following words or phrases
8 shall have the following meanings:

9 * * *

10 (25) "Secretary" **or "executive director"** means the secretary **or executive**
11 **director** of the Department of Transportation and Development.

12 * * *

13 §2074. Louisiana Transportation Authority; creation; board of directors; meetings;
14 quorum

15 * * *

16 D. The board shall be composed of nine directors who shall be the governing
17 body of the authority with full power to promulgate rules and regulations for the
18 maintenance and operation of said authority, subject to the approval of the House and
19 Senate Committees on Transportation, Highways and Public Works, as follows:

20 * * *

21 (2) The ~~secretary~~ **executive director** of the Department of Transportation and
22 Development or his designee.

23 * * *

24 L. The authority may perform, procure from the Department of
25 Transportation and Development with the consent of its ~~secretary~~ **executive**
26 **director**, or procure from outside service providers any service or portion of services
27 necessary to fulfill the duties and obligations of the authority.

28 * * *

29 §2076. Establish feasibility; prior written concurrence

1 directors; meetings; quorum

2 * * *

3 C. The board shall be composed of eleven directors who shall be the
4 governing body of the commission with full power to promulgate rules and
5 regulations for the maintenance and operation of said authority as follows:

6 * * *

7 (5) Two members appointed by the ~~secretary~~ **executive director** of the
8 Louisiana Department of Transportation and Development, one of whom shall be the
9 District-03 engineer.

10 * * *

11 J. The commission may perform, procure from the Department of
12 Transportation and Development with the consent of its ~~secretary~~ **executive**
13 **director**, or procure from outside service providers any service or portion of services
14 necessary to fulfill the duties and obligations of the commission.

15 * * *

16 §2102. Conveyance of project; maintenance

17 When the bonds issued for any project and the interest thereon have been
18 paid in full, or sufficient funds have been deposited in trust for that purpose, and the
19 project is in a condition which meets department standards for structural condition
20 and geometric design and is in a condition of maintenance satisfactory to the
21 department, said project and any property acquired for the project may be transferred
22 by the commission in full ownership to the state of Louisiana. The department will
23 assume jurisdiction and control of the project as a part of the state highway system,
24 provided that the legislature authorizes an increase in mileage of the state highway
25 system equal to the length of the commission project to be transferred. Any
26 commission project transferred to and accepted by the department will be operated
27 and maintained by the department as an integral part of the state highway system,
28 and the department, in the discretion of its ~~secretary~~ **executive director**, may
29 continue to collect any toll or fee for the purpose of maintenance of the project.

* * *

§2133. Definitions

Unless the text clearly indicates otherwise, the following words or phrases shall have the following meanings:

* * *

(12) "Secretary" **or "executive director"** means the ~~secretary~~ **executive director** of the Department of Transportation and Development.

* * *

§2134. Ouachita Expressway Authority; creation; board of commissioners; meetings; quorum

* * *

C. The governing body of the authority shall be a board of commissioners which is hereby created. The board shall have full power to promulgate rules and regulations for the maintenance and operation of the authority. The Ouachita Expressway Authority membership shall be representative as near as practicable by race and gender of the Ouachita parish population as of the most recent federal decennial census. The board shall be composed of fifteen commissioners as follows:

* * *

(5) Two members appointed by the ~~secretary~~ **executive director** of the Louisiana Department of Transportation and Development.

* * *

J. The board may perform, procure from the Department of Transportation and Development with the consent of its ~~secretary~~ **executive director**, or procure from outside service providers any service or portion of services necessary to fulfill the duties and obligations of the board or the authority.

* * *

§2141. Conveyance of project; maintenance

When the bonds issued for any project and the interest thereon have been paid in full, or sufficient funds have been deposited in trust for that purpose, and the

1 project is in a condition which meets department standards for structural condition
 2 and geometric design and is in a condition of maintenance satisfactory to the
 3 department, such project and any property acquired for the project may be
 4 transferred by the board, on behalf of the authority, in full ownership to the state of
 5 Louisiana. The department will assume jurisdiction and control of the project as a
 6 part of the state highway system, provided that the legislature authorizes an increase
 7 in mileage of the state highway system equal to the length of the authority project to
 8 be transferred. Any authority project transferred to and accepted by the department
 9 will be operated and maintained by the department as an integral part of the state
 10 highway system, and the department, in the discretion of its ~~secretary~~ **executive**
 11 **director**, may continue to collect any toll or fee for the purpose of maintenance of
 12 the project.

* * *

14 §2153. Definitions

15 Unless the text clearly indicates otherwise, the following words or phrases
16 shall have the following meanings:

17 * * *

18 (12) "Secretary" ~~or~~ **"executive director"** means the ~~secretary~~ **executive**
19 **director** of the Department of Transportation and Development.

20 * * *

21 §2154. Central Louisiana Regional Infrastructure Beltway Commission; creation;

22 board of directors; meetings; quorum

23 * * *

24 J. The commission may perform, procure from the Department of
25 Transportation and Development with the consent of its ~~secretary~~ **executive**
26 **director**, or procure from outside service providers any service or portion of services
27 necessary to fulfill the duties and obligations of the commission.

28 * * *

29 §2162. Conveyance of project; maintenance

1 (13) A representative of the Department of Transportation and Development,
2 appointed by the ~~secretary~~ **executive director**.

3 * * *

4 Section 11. R.S. 51:3136(A)(2) is hereby amended and reenacted to read as follows:
5 §3136. Membership of board

6 A. The board shall consist of the following members:

7 * * *

8 (2) The ~~secretary~~ **executive director** of the Department of Transportation and
9 Development or his designee.

10 * * *

11 Section 12. R.S. 56:360.1(A)(6) and 1948.12(A)(1)(b) and (i) are hereby amended
12 and reenacted to read as follows:

13 §360.1. Louisiana Aquatic Invasive Species Council

14 A. The Louisiana Aquatic Invasive Species Council is hereby created and
15 will be composed of the following members or their designees:

16 * * *

17 (6) The ~~secretary~~ **executive director** of the Department of Transportation and
18 Development.

19 * * *

20 §1948.12. Board of commissioners

21 A.(1) The commission shall be a board of nine members as follows:

22 * * *

23 (b) The ~~secretary~~ **executive director** of the Department of Transportation and
24 Development or his designee.

25 * * *

26 (i) The **chief engineer of the** Department of Transportation and Development
27 ~~highway construction/maintenance manager~~ or his designee.

28 * * *

29 Section 13. R.S. 48:190, 1001, 1002, and 1818(B) are hereby repealed.

1 Section 14. Sections 1 through 12 of this Act shall become effective on January 1,
2 2020. Section 13 shall become effective on August 1, 2018.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Sharon F. Lyles.

DIGEST

SB 498 Original

2018 Regular Session

Cortez

Proposed law creates the Louisiana Board of Transportation, hereafter the "board", and vests in the board all the powers and duties now or hereafter imposed by law for administration of the Department of Transportation and Development, together with all powers necessary or proper to enable the board or any of its officers or employees to carry out fully and effectively the regulations and laws relative to the DOTD. Requires the governor, subject to Senate confirmation, to appoint nine board members not later than February 15, 2020. Requires the board to appoint the initial executive director of the DOTD not later than the convening of the 2020 Regular Session of the Legislature, subject to approval by majority vote of the Senate and the House of Representatives and upon recommendation by the House Committee on Transportation, Highways and Public Works and the Senate Committee on Transportation, Highways and Public Works by a majority vote of each committee.

Proposed law amends present law to make DOTD the agency through which the state administers the functions of the board.

Proposed law provides for a board of eleven members with nine voting members and two ad hoc, nonvoting members.

Proposed law divides Louisiana into eight districts for the appointment of eight members of the board by the governor, subject to Senate confirmation, as follows:

- (1) District 02 is composed of the parishes of Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, and Terrebonne.
- (2) District 03 is composed of the parishes of Acadia, Evangeline, Iberia, Lafayette, St. Landry, St. Martin, St. Mary, and Vermilion.
- (3) District 04 is composed of the parishes of Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River, and Webster.
- (4) District 05 is composed of the parishes of Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, and West Carroll.
- (5) District 07 is composed of the parishes of Allen, Beauregard, Calcasieu, Cameron, and Jefferson Davis.
- (6) District 08 is composed of the parishes of Avoyelles, Catahoula, Concordia, Grant, LaSalle, Natchitoches, Rapides, Sabine, Vernon, and Winn.
- (7) District 61 is composed of the parishes of Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Pointe Coupee, St. James, West Baton Rouge, and West Feliciana.
- (8) District 62 is composed of the parishes of Livingston, St. Helena, St. John the Baptist, St. Tammany, Tangipahoa, and Washington.

Proposed law provides for appointment of one board member from the state at large by the

governor, subject to Senate confirmation.

Proposed law provides that the eight district members and the at-large members are voting members of the board.

Proposed law provides that the chairmen of the house and senate committees on transportation, highways and public works, or their designees, are ad hoc, nonvoting members of the board.

Proposed law requires that district members are residents of the district from which they are appointed and that the at-large member is a resident of Louisiana.

Proposed law requires the governor to appoint not later than February 15, 2020, the district members and the at-large member from nomination lists of one qualified nominee submitted by the executive directors of the Louisiana Municipal Association and the Police Jury Association of Louisiana from district nomination subcommittees for each district to the governor on or after January 14, 2020, but not later than February 1, 2020.

Proposed law provides that no board member or his immediate family shall be affiliated with a business or industry that does business with DOTD; that at least one board member is a civil engineer; and that at least one board member is a certified public accountant or expert in financial or lending services.

Proposed law provides for initial board members to serve two, three, and four-year terms determined by drawing lots. Provides that board members may serve no more than three consecutive four-year terms. Provides that board members serve without compensation.

Proposed law provides that a quorum is five voting members and that the ad hoc members are not counted to make a quorum.

Proposed law abolishes existing department district 58.

Proposed law changes present law titles of DOTD officers as follows:

- (1) From secretary to executive director.
- (2) From deputy secretary to deputy executive director.
- (3) From undersecretary to director of management and finance.
- (4) From assistant secretary of planning to director of planning.
- (5) From assistant secretary of operations to director of operations.

Proposed law adds the administrators of districts 02, 03, 04, 05, 07, 08, 61, and 62 as officers and unclassified positions in DOTD to be appointed by the executive director subject to approval by the board and subject to Senate confirmation.

Proposed law makes title changes in various titles of the Louisiana Revised Statutes to reflect the new titles of DOTD's officers, including but not limited to various boards, commissions, or authorities on which a DOTD officer serves as a member.

Proposed law makes technical corrections and corrects citations, including but not limited to R.S. 48:231(A)(6).

Proposed law repeals R.S. 48:190, 1001, 1002, and 1818(B) as out of date.

Section 13 of proposed law is effective August 1, 2018.

Sections 1 through 12 of proposed law are effective January 1, 2020.

(Amends R.S. 24:802(B)(7), R.S. 30:2000.6(A)(7), R.S. 33:4581(D)(1)(f), R.S. 34:2303(A)(1), 3107(B), and 3494(A), R.S. 36:501(B) and (C), 502, 503, 504(A)(intro para), 504(A)(1), (2), (5), (6), (7), (8), and (9)(b), (B)(intro para), (B)(1)(a) and (d), (2), and (4), 505, 506(A), (B), and (C), 507, 508(A), (B), (C), (E), (F), and (G), 508.1, 508.2, 508.3(A)(1) and (C)(1) and (3), 508.4(A)(3), and 509(F)(intro para), R.S. 38:330.12.1(C)(6), 3074(A)(4), and 3097.4(A)(8), R.S. 39:21.3(F)(2)(e) and 99.29(A), R.S. 40:600.91(A)(28)(b)(ii)(cc), R.S. 48:1(20), 11, 12, 13, 51, 52, 53, 54, 55, 57(A) and (B)(1) and (2)(a), 83(A)(1), 91(A) and (B), 92, 101(A), 105(F) and (G)(1), (2), (6), and (7), 105.1(B), 111, 112, 121, 131, 141, 143, 191(B) and (C), 201, 203(A), (C), and (D), 205(C), 206, 207, 208, 212(C), 214(A), 216, 220.1, 221(A)(2)(a), (4)(intro para), and (B), 224(A), (B), (C), and (D), 224.1(A) and (B), 225, 231(A)(6), 232, 232.1, 233, 234(A), (B), and (C), 250.1(A), 250.2(A), (B), and (C), 250.3(E)(1)(intro para), (2), and (G), 250.4(A), 251(B), 252.1, 255(E), 256.1(A)(2), 256.3(A)(3), 256.4(A), 256.5(B) and (D)(1), 256.6(A)(1), 256.7(C), 259, 260, 261(A)(1), 262(A), 264.1(A) and (B), 268, 274.1(D), 274.3(E), 275, 278, 279(B), 286(B)(1), (2), and (4), 291(A), 292(B)(intro para) and (D), 293(A)(2) and (C)(2), 295.1(3), 295.2(F)(2), 295.3(A), (B), (C), (D), and (F)(2), 295.4(B), 304, 307(B), 346(intro para), 348, 381(G) and (H), 381.1(B) and (E), 381.2(C)(intro para), (D), (G)(intro para) and (10), 390(A), 390.1(A)(4), 421, 425(A), 442(3)(a), 442.1(3)(a), 461.22, 512(C), 757(B), 1403, 1705, 1755, 1805(J), 1806, 1816(A)(5), 1820, 2024(A) and (B), 2073(25), 2074(D)(2) and (L), 2076(A), 2083, 2093(13), 2094(C)(5) and (J), 2102, 2133(12), 2134(C)(5) and (J), 2141, 2153(12), 2154(J), and 2162, R.S. 49:214.5.1(B)(5) and 1053(C)(13), R.S. 51:3136(A)(2), and R.S. 56:360.1(A)(6) and 1948.12(A)(1)(b) and (i); adds R.S. 36:500, 508.5, and R.S. 48:10; repeals R.S. 48:190, 1001, 1002, and 1818(B))