

2019 Regular Session

HOUSE BILL NO. 394

BY REPRESENTATIVE CARMODY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

RAILROADS: Provides for the Rail Infrastructure Improvement Program

1 AN ACT

2 To amend and reenact R.S. 48:388.1(A)(1), (2), and (3)(d), (B), and (D), to enact R.S.  
3 48:388.1(E), and to repeal R.S. 48:388.1(C), relative to the rail infrastructure  
4 improvement program; to create the rail infrastructure improvement program; to  
5 provide project goals and eligible project examples for the program; to provide for  
6 the use of monies from the Transportation Trust Fund; to provide reporting  
7 requirements; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 48:388.1(A)(1), (2), and (3)(d), (B), and (D) are hereby amended and  
10 reenacted and R.S. 48:388.1(E) is enacted to read as follows:

11 §388.1. ~~Freight Railroad Intermodal Grant Program~~ Rail Infrastructure  
12 Improvement Program

13 A.(1) The ~~Freight Railroad Intermodal Grant~~ Rail Infrastructure  
14 Improvement Program is hereby created within the department.

15 (2) ~~Grants through the program shall be made available for intermodal needs~~  
16 ~~of state freight rail services.~~ The program shall be made available for rail  
17 improvement needs to maintain efficient rail service on the rail network and to  
18 implement recommendations in the State Freight Plan and State Rail Plan. Eligible  
19 project include but are not limited to:

1           (a) Track, equipment, signaling, and right-of-way acquisition and  
2 preservation.

3           (b) Rail line relocation and improvement.

4           (c) Multimodal connector enhancements and supporting facilities.

5           (d) Highway-rail grade crossing and associated equipment improvements.

6           (e) Planning, engineering, and design for selected projects.

7           (3) Funding through the grant program shall be subject to, but not limited to,  
8 the following criteria:

9   \*       \*       \*

10           (d) A minimum fifty percent match provided from ~~other sources by the~~  
11 ~~successful candidate for a project~~ other than the Transportation Trust Fund.

12           ~~B.(1) The grant program shall be implemented not later than January 1,~~  
13 ~~1998. Transportation Trust Fund money may be used for this program subject to~~  
14 ~~annual appropriations. Only new sources of revenue for the Transportation Trust~~  
15 ~~Fund may be appropriated as the departments share funding for a project approved~~  
16 ~~under this Program. However, non-Transportation Trust Funds may be utilized and~~  
17 ~~appropriated for funding projects pursuant to this Program.~~

18           ~~(2) The grant program shall continue for a period of ten years after the date~~  
19 ~~of implementation. The need for continuing the program shall be reevaluated at the~~  
20 ~~end of the initial ten-year program.~~

21   \*       \*       \*

22           D. The department shall, in accordance with the Administrative Procedures  
23 Act, promulgate rules and regulations to implement this Section, which shall include,  
24 but not necessarily be limited to, the following:

25           (1) Project submission.

26           (2) Project evaluation, ~~including but not limited to financial feasibility,~~  
27 ~~benefit/cost analysis, and economic impact~~ and selection.

28           (3) Program administration.

29           ~~(4) Prioritization of projects.~~

- 1                   ~~(5)~~ (4) Distribution of ~~fund~~ing ~~fund~~s.
- 2                   E.(1) The department shall submit to the Joint Committee on Transportation,
- 3                   Highways, and Public Works, a prioritized list of projects for the ensuing fiscal year,
- 4                   which shall be based upon the anticipated revenues to be appropriated.
- 5                   (2) The department also shall annually provide to the Joint Committee on
- 6                   Transportation, Highways, and Public Works, a list of projects proposed to be
- 7                   commenced within the ensuing four years.
- 8                   Section 2. R.S. 48:388.1(C) is hereby repealed in its entirety.

## DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 394 Original

2019 Regular Session

Carmody

**Abstract:** Provides for the Rail Infrastructure Improvement Program. Renames the existing program, provides for its purpose, modifies existing requirements, and adds additional requirements.

Present law provides for the Freight Railroad Intermodal Grant Program.

Proposed law modifies present law to rename the Freight Railroad Intermodal Grant Program the Rail Infrastructure Improvement Program.

Present law provides that the program is made available for intermodal needs of state freight rail services.

Proposed law modifies present law to make the program available for rail improvement needs to maintain efficient rail service on the rail network and implement recommendations in the State Freight Plan and State Rail Plan.

Proposed law provides that eligible projects include but are not be limited to the following: (1) track, equipment, signaling, and right-of-way acquisition and preservation; (2) rail line relocation and improvement; (3) multimodal connector enhancements and supporting facilities; (4) highway-rail grade crossing and associated equipment improvements; and (5) planning, engineering, and design for selected projects.

Present law provides that funding is subject to, but not limited to, the following: (1) the availability of funds; (2) a comparative needs analysis of requested projects as determined by the department; (3) demonstrable public benefits to be achieved by the project; and (4) a 50% match provided from other sources by the successful candidate for a project.

Proposed law modifies present law by requiring the match be a minimum of 50% from sources other than the Transportation Trust Fund (TTF).

Present law provides that the grant program must be implemented no later than January 1, 1998 and continue for a period of 10 years after the date of implementation.

Proposed law repeals present law.

Present law provides that no TTF monies may be used for this program.

Proposed law repeals present law and provides that only new sources of revenue for the TTF may be used subject to annual appropriations as the department's share for a project under this program. Proposed law further provides that non-TTF monies may be utilized and appropriated under this program.

Present law requires the department to promulgate rules and regulations to implement the provisions of present law and include but not be limited to the following: (1) project submission; (2) project evaluation, including but not limited to financial feasibility, benefit/cost analysis, and economic impact; (3) program administration; (4) prioritization of projects; and (5) distribution of funding.

Proposed law modifies present law by removing financial feasibility, benefit/cost analysis, economic impact, and prioritization of projects.

Proposed law requires the department to submit to the Joint Committee on Transportation, Highways, and Public Works, a prioritized list of project for the ensuing fiscal year and a list of projects proposed to be commenced within the ensuing four years.

(Amends R.S. 48:388.1(A)(1), (2), and (3)(d), (B), and (D); Adds R.S. 48:388.1(E); Repeals R.S. 48:388.1(C))