

HOUSE SUMMARY OF SENATE AMENDMENTS**HB 394****2019 Regular Session****Carmody**

RAILROADS: Provides for the Rail Infrastructure Improvement Program

Synopsis of Senate Amendments

1. Renames the Rail Infrastructure Improvement Program as the Class II and III Rail Infrastructure Improvement Program.
2. Requires that the program be made available to Class II and III railroads for rail improvement needs to maintain efficient rail service on the rail network and implement recommendations in the La. Freight Mobility Plan and State Rail Plan.
3. Specifies that Transportation Trust Fund (TTF) money may be used for the administrative expenses to promulgate rules and regulations to implement the program.
4. Restricts TTF monies, including the money deposited into the Construction Subfund from being appropriated for a project approved in this program, provided that other state and federal revenue may be utilized and appropriated for approved projects.
5. Requires the department to submit a priority list of projects requesting state funds for the ensuing fiscal year to the Joint Committee on Transportation, Highways and Public Works prior to the convening of each regular session of the legislature beginning with the 2020 Regular Session. Further requires the joint committee to hold a public hearing to review the priority list of projects.
6. Requires the department prepare the final program for the coming fiscal year for submission to the joint committee subsequent to the joint committee hearing and prior to the convening of the regular session.
7. Prevents the legislature from adding projects to the final construction program, except as provided in proposed law, after the final program, as approved by the joint committee, is presented to the legislature for funding for the coming fiscal year.
8. Authorizes the legislature to give priority to funding the remaining amount necessary for a project of a governing authority of a parish, any local unit of government, or a railroad if either is able to obtain 90% or more funding for a railroad project from federal sources or sources other than state funds, even if the project is not on the priority list of projects.
9. Requires no public hearing be held, the department refrain from submitting a final construction program, and notify the joint committee if the department has no projects for the Class II and III Rail Infrastructure Improvement Program.
10. Except as provided in proposed law, requires the department, beginning with the 2020 fiscal year, to submit to the joint committee a final Class II or III Rail Infrastructure Improvement Program to be commenced in the ensuing fiscal year. Further requires the final Class II or III Rail Infrastructure Improvement Program be based upon anticipated revenues appropriated by the legislature, and listed in the order of priority or project.

11. Requires the department provide the joint committee annually, a supplemental list of project proposed to be commenced within the ensuing four years which are in various stages of planning and preparation. Further requires the supplemental list be subject to change be the department until the department finally approves each project for construction.
12. Make a technical change.

Digest of Bill as Finally Passed by Senate

Present law provides for the Freight Railroad Intermodal Grant Program.

Proposed law modifies present law to rename the Freight Railroad Intermodal Grant Program to the Class II and III 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 Class II and III rail improvement needs to maintain efficient rail service on the rail network and to implement recommendations in the La. Freight Mobility 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 Jan. 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 TTF monies may be used for the administrative expenses to promulgate rules and regulations to implement the program.

Proposed law restricts TTF monies, including the money deposited into the Construction Subfund from being appropriated for a project approved in this program, provided that other state and federal revenue may be utilized and appropriated for approved project.

Proposed law authorizes the department to compete for, receive, accept, administer, and manage federal and other funds in furtherance of proposed law.

Present law requires the department to promulgate rules and regulations to implement the provisions of present law which shall 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 a priority list of projects requesting state funds for the ensuing fiscal year to the Joint Committee on Transportation, Highways, and Public Works prior to the convening of each regular session of the legislature beginning with the 2020 Regular Session.

Proposed law further requires the joint committee to hold a public hearing to review the priority list of project.

Proposed law requires the department to prepare the final program for the coming fiscal year for submission to the joint committee subsequent to the hearing and prior to the convening of the regular session.

Proposed law prevents the legislature from adding projects to the final construction program, except as provided in proposed law, after final program, as approved by the joint committee, is presented to the legislature for funding for the coming fiscal year.

Proposed law authorizes the legislature to give priority to funding the remaining amount necessary for a project of a governing authority of a parish, any local unit of government, or a railroad if either is able to obtain 90% or more funding for a railroad project from federal sources or sources other than state funds, even if the project is not on the priority list of projects.

Proposed law requires no public hearing be held, the department refrain from submitting a final construction program, and notify the joint committee if the department has no projects for the Class II and III Rail Infrastructure Improvement Program.

Proposed law except as provided in proposed law, requires the department, beginning with the 2020 fiscal year, to submit to the joint committee a final Class II or III Rail Infrastructure Improvement Program to be commenced in the ensuing fiscal year. Proposed law further requires the final Class II or III Rail Infrastructure Improvement Program be based upon anticipated revenues appropriated by the legislature, and listed in the order of priority or project.

Proposed law requires the department to provide to the joint committee annually, a supplemental list of project proposed to be commenced within the ensuing four years which are in various stages of planning and preparation. Proposed law further requires the supplemental list be subject to change by the department until the department finally approves each project for construction.

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

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Remove a reference to only appropriating new sources of revenue for the Transportation Trust Fund as the department's share of funding for a project approved under proposed law.
3. Add a provision that prevents funds deposited in the Construction Subfund from

being used as the department's share of funding for a project approved under proposed law.

4. Authorize the department to compete for, receive, accept, administer, and manage federal and other funds in furtherance of proposed law.