

2023 Regular Session

SENATE BILL NO. 50

BY SENATOR ABRAHAM

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

TRANSPORTATION/DEV DEPT. Creates and provides relative to the Calcasieu Parish I-10 Bridge Authority. (8/1/23)

1 AN ACT

2 To enact Chapter 38 of Title 48 of the Louisiana Revised Statutes of 1950, to be comprised  
3 of R.S. 48:2221 through 2234, relative to the creation of the Calcasieu Parish I-10  
4 Bridge Authority; to provide for definitions; to establish a board of directors; to  
5 specify the purpose, powers, jurisdiction, and duties of the authority; to provide  
6 relative to the ethics code and public records; to provide relative to tolls, bonds, and  
7 other revenue; to provide relative to certain projects, acquisition of land, and utilities;  
8 to provide relative to public-private partnership projects; and to provide for related  
9 matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Chapter 38 of Title 48 of the Louisiana Revised Statutes of 1950,  
12 comprised of R.S. 48:2221 through 2234, is hereby enacted to read as follows:

13 **CHAPTER 38. CALCASIEU PARISH I-10 BRIDGE AUTHORITY**

14 **§2221. Short title**

15 **This Chapter shall be known and may be referred to as the "Calcasieu**  
16 **Parish I-10 Bridge Authority Act"** and derives its statutory authority for  
17 **creation and implementation from the provisions contained in Chapter 26 of**

1 this Title of the Louisiana Revised Statutes of 1950, more specifically referenced  
2 as the Louisiana Transportation Development Act. Any provision not contained  
3 or addressed in the Calcasieu Parish I-10 Bridge Authority Act shall be  
4 governed by the Louisiana Transportation Development Act.

5 §2222. Purpose; legislative findings

6 A. The legislature hereby finds and declares that the development,  
7 construction, and maintenance of an efficient, safe, and well-maintained  
8 intermodal transportation system is essential to improve safety, relieve  
9 congestion, promote continued economic growth, and provide an increased  
10 quality of life for the people of this state.

11 B. Public revenue, including federal funds, has not kept pace with the  
12 state's growing transportation system needs. The legislature hereby finds and  
13 declares that it is a matter of public necessity to create the Calcasieu Parish I-10  
14 Bridge Authority to pursue alternative and innovative funding sources,  
15 including but not limited to public-private partnerships and tolls, to supplement  
16 public revenue sources and improve the state transportation system.

17 C. The legislature further finds that authorizing the Calcasieu Parish  
18 I-10 Bridge Authority to contract with private entities for the development or  
19 operation of a tollway equipped with tolls will provide significant public benefit  
20 for the citizens of Louisiana and minimize the need for the imposition of  
21 additional taxes. The public need for timely and cost-efficient development or  
22 operation of transportation facilities within the state may not be wholly satisfied  
23 by existing methods utilized by public entities to develop and operate qualifying  
24 transportation facilities.

25 D. It is the intent of this Chapter to encourage investment in the state of  
26 Louisiana by private entities to develop and operate qualifying transportation  
27 facilities.

28 §2223. Definitions

29 Unless the text clearly indicates otherwise, the following words or

1 phrases shall have the meanings ascribed to them:

2 (1) "Act" means the Calcasieu Parish I-10 Bridge Authority Act.

3 (2) "Authority" means the Calcasieu Parish I-10 Bridge Authority  
4 created by this Chapter.

5 (3) "Board" means the board of directors of the authority.

6 (4) "Department" means the Louisiana Department of Transportation  
7 and Development.

8 (5) "Federal government" means the United States of America and any  
9 agency or instrumentality, corporate or otherwise, of the United States of  
10 America.

11 (6) "Person" means any individual, partnership, firm, corporation,  
12 company, cooperative, association, society, trust, or any other business unit or  
13 entity, including any state or federal agency.

14 (7) "Private entity" means a corporation, limited partnership, general  
15 partnership, limited liability company, joint venture, business trust, or other  
16 business entity.

17 (8) "Project" means any capital project undertaken pursuant to this  
18 Chapter, including the acquisition of real property, construction,  
19 reconstruction, improvement, extension, installation, development, landscaping,  
20 or operation of a tollway.

21 (9) "Project costs" means all costs associated with and necessary to plan,  
22 design, acquire property rights, and construct a project, and other expenses as  
23 may be necessary or incidental to the construction, financing, and operation of  
24 the project.

25 (10) "Public utility facilities" means tracks, pipes, mains, conduits,  
26 cables, wires, towers, poles, and other equipment and appliances which are  
27 either publicly or privately owned.

28 (11) "Real property" means lands, waters, rights in lands or waters,  
29 structures, franchises, and interests in land, including lands under water,

1 riparian rights, property rights in air space or subsurface, and any and all other  
2 things and rights usually included within said term, including any and all  
3 interests in the property less than full title.

4 (12) "Revenue" means:

5 (a) Any income, revenue, toll, and receipt derived or to be derived from  
6 the construction and operation of projects by the authority or received by the  
7 authority from any other sources.

8 (b) Monies generated by way of contract, pledge, donation, or bequest.

9 (13) "Secretary" means the secretary of the Louisiana Department of  
10 Transportation and Development.

11 (14) "State" means the state of Louisiana or any agency or  
12 instrumentality of the state.

13 (15) "State procurement project" means the procurement of any project  
14 initiated by the department, including the construction of the bridge to replace  
15 the existing Interstate 10 Calcasieu River Bridge and the subsequently executed  
16 contract.

17 (16) "Toll" means any fee or charge for the use of a tollway.

18 (17) "Tollway" means any limited access highway, bridge, or other  
19 transportation facility constructed or operated by the authority.

20 §2224. Calcasieu Parish I-10 Bridge Authority; creation; board of directors;  
21 quorum; compensation; meetings

22 A. The Calcasieu Parish I-10 Bridge Authority, hereafter referred to as  
23 the "authority", is hereby created possessing full corporate powers to promote,  
24 plan, finance, develop, construct, control, regulate, operate, and maintain any  
25 limited access tollway or transitway to be constructed within its jurisdiction,  
26 except for a state procurement project.

27 B. The domicile of the authority shall be Calcasieu Parish.

28 C.(1) The board shall consist of seven directors who shall be the  
29 governing body of the authority, with full power to promulgate rules and

1 regulations for the maintenance and operation of the authority, and shall be  
2 composed as follows:

3 (a) One director who resides in Calcasieu Parish selected by the  
4 Calcasieu Parish Police Jury.

5 (b) Two directors who reside in Lake Charles, one of which shall be a  
6 minority, selected by the Lake Charles City Council.

7 (c) One director who resides in Sulphur selected by the municipal  
8 governing authority of the city of Sulphur.

9 (d) One director who resides in Westlake selected by the municipal  
10 governing authority of the city of Westlake.

11 (e) Two directors selected by the legislative delegation representing  
12 Calcasieu Parish, one of whom shall be a minority.

13 (2) The authority shall elect from its directors a chairman, a vice  
14 chairman, and a secretary-treasurer who shall serve one-year terms.

15 D. The appointed directors shall take and subscribe to the oath of office  
16 required of public officials. Appointed directors shall serve until their  
17 successors are appointed and sworn into office. Directors may be removed from  
18 office for cause by a district court having jurisdiction.

19 E. A majority of the directors shall constitute a quorum for the  
20 transaction of official business. All official actions of the authority shall require  
21 an affirmative vote of the directors present and voting at any meeting.

22 F. Directors of the authority shall not be entitled to any salary for the  
23 performance of their duties as directors, but each member shall be reimbursed  
24 for actual expenses necessarily incurred in the performance of all duties in  
25 connection with business of the authority. Appointed directors may be  
26 reimbursed for mileage expenses incurred for attendance at meetings of the  
27 authority. The mileage allowance shall be fixed by the authority in an amount  
28 not to exceed the mileage allowance authorized under state travel regulations,  
29 at rates and standards as promulgated by the division of administration subject

1 to the availability of funds.

2 G. The authority shall meet at least quarterly and may meet more  
3 frequently upon call of the chairman.

4 H. The boundary and jurisdiction of the authority shall be coextensive  
5 with the boundaries of Calcasieu Parish.

6 I. The authority may perform or procure from the department, with the  
7 consent of its secretary, or procure from outside service providers any service  
8 or portion of services necessary to fulfill the duties and obligations of the  
9 authority.

10 §2225. Conflict of interest; ethics code

11 Any authority created pursuant to this Chapter, and all directors and  
12 officers of the authority, shall be subject to the provisions of R.S. 42:1101 et.  
13 seq., more specifically referenced as the Code of Governmental Ethics.

14 §2226. Right of public agencies to material

15 The authority created pursuant to this Chapter shall be subject to and  
16 fully comply with the Public Records Law pursuant to R.S. 44:1 et seq. and the  
17 Open Meetings Law pursuant to R.S. 42:11 et seq. The proceedings and  
18 documents of the authority shall be public record. All reports, maps, or other  
19 technical documents produced in whole or in part by the authority may be  
20 utilized by the authority or any other public agency in any manner that it  
21 considers necessary and advisable in the conduct of its duties.

22 §2227. Establish feasibility; prior written approval

23 A. The authority may construct new additional highway tolls or  
24 transitway toll facilities only with the prior express written consent of the  
25 affected governing bodies within the geographic boundaries of the authority  
26 after public hearing, including but not limited to the department.

27 B. Prior to the creation of the authority and the initiation of  
28 environmental impact statements, feasibility studies must first be conducted  
29 under sponsorship or approval of the department or the metropolitan planning

1 organization, if applicable, to substantiate project need and justification.

2 §2228. Jurisdiction; powers of the authority

3 In addition to having all of the powers granted it by virtue of it being a  
4 nonprofit corporation created pursuant to the Louisiana Nonprofit Corporation  
5 Law, the authority may exercise powers necessary, appurtenant, convenient, or  
6 incidental to the carrying out of its purposes, including but not limited to the  
7 following rights and powers:

8 (1) To adopt and amend bylaws, rules, and regulations necessary to carry  
9 out the purposes of the authority, for the governance of its affairs, and for the  
10 conduct of its business.

11 (2) To adopt, use, and alter at will an official seal.

12 (3)(a) To plan, construct, reconstruct, maintain, improve, install, extend,  
13 develop, repair, operate, own, or lease projects within its jurisdiction in the  
14 manner to be determined by the authority and to pay any project costs.

15 (b) Notwithstanding any provision of law to the contrary, any authority  
16 project that includes the construction or reconstruction of an existing state or  
17 federal highway shall have the express written consent of the department and  
18 federal government prior to the commencement of any development,  
19 construction, or reconstruction activities.

20 (c) Notwithstanding the provisions of Subparagraph (a) of this  
21 Paragraph, the authority shall not have any rights and powers with respect to  
22 any state procurement project.

23 (4) To sue and be sued in its own name.

24 (5) To fix, impose, revise, and occasionally adjust tolls, fees, and charges  
25 in connection with authority projects sufficient to pay all maintenance,  
26 operation, debt service and reserve or replacement costs, and other necessary  
27 or usual charges.

28 (6) To regulate speed limits on the tollways consistent with state speed  
29 limits.

1           **(7) To contract with any person, partnership, association, or corporation**  
2           **desiring the use of any part of a project, including the right-of-way adjoining**  
3           **the paved portion, for placing thereon telephone, fiber optic, telegraph, electric**  
4           **light, or power lines, gas stations, garages, and restaurants, or for any other**  
5           **purpose, and to fix the terms, conditions, rents, and rates of charges for use.**

6           **(8) To acquire, hold, and dispose of real and personal property in the**  
7           **exercise of its powers and the performance of its duties under this Chapter and**  
8           **in accordance with existing law.**

9           **(9) To acquire public or private lands in the name of the authority by**  
10           **purchase, donation, exchange, foreclosure, lease, or otherwise, including rights**  
11           **or easements, in the manner provided by this Chapter, as it may consider**  
12           **necessary for carrying out the provisions of this Chapter.**

13           **(10) To hold, sell, assign, lease, or otherwise dispose of any real or**  
14           **personal property or any interest therein; to release or relinquish any right,**  
15           **title, claim, lien, interest, easement, or demand however acquired, including any**  
16           **equity or right of redemption in property foreclosed by it; take assignments of**  
17           **leases and rentals; proceed with foreclosure actions; or take any other actions**  
18           **necessary or incidental to the performance of its corporate purposes.**

19           **(11) To establish control of access, designate the location, and establish,**  
20           **limit, and control points of ingress and egress for each project as may be**  
21           **necessary or desirable in the judgment of the authority to ensure its proper**  
22           **operation and maintenance and to prohibit entrance to the projects from any**  
23           **point or points not so designated, subject to the prior written concurrence of the**  
24           **department, when the state highway system is affected.**

25           **(12) To relocate parish, municipal, or other public roads affected or**  
26           **severed by authority projects with equal or better facilities at the expense of the**  
27           **authority.**

28           **(13) To enter or authorize its agents to enter, upon any lands, waters,**  
29           **and premises within the geographic boundaries of the authority for the purpose**



1 of making surveys, soundings, drillings, and examinations as it may consider  
2 necessary or appropriate for the purposes of this Chapter. Entry shall not be  
3 considered a trespass or unlawful. The authority shall make reimbursement for  
4 any actual damages resulting to lands, waters, and premises as a result of the  
5 activities.

6 (14) To procure insurance in an amount or amounts appropriate to the  
7 size of the project, as determined by the board, insuring the authority against  
8 all losses, risk, and liability arising out of the construction, operation,  
9 maintenance, and ownership of any project.

10 (15) To apply for, receive, and accept grants, loans, advances, and  
11 contributions from any source of money, property, labor, or other things of  
12 value, to be held, used, and applied for its corporate purposes.

13 (16) To open accounts at financial institutions necessary to conduct its  
14 business and to invest any funds held in reserves or sinking funds, or any funds  
15 not required for immediate disbursement in investments as may be provided in  
16 any financing document relating to the use of the funds, or, if not so provided,  
17 as the board may determine, subject to compliance with state laws relative to  
18 investments by political subdivisions.

19 (17) To borrow money and issue bonds for any corporate purpose.

20 (18) To enter into contracts and agreements and execute all instruments  
21 necessary or convenient for accomplishing the purposes of the authority.

22 (19) To enter into agreements with a public or private entity to construct,  
23 maintain, repair, or operate authority projects.

24 (20) To authorize the investment of public and private money to finance  
25 authority projects, subject to compliance with state law relative to the use of  
26 public funds.

27 (21) To employ consultants, engineers, attorneys, accountants,  
28 construction and financial experts, superintendents, managers, and other  
29 employees and agents as may be necessary for the accomplishment of its

1 purposes and to fix their compensation.

2 (22) To perform all acts necessary or convenient to execute the powers  
3 granted to the authority by law.

4 (23) To receive and utilize monies identified within the Megaprojects  
5 Leverage Fund, R.S. 48:77.1(1)(a), designated as the I-10 Calcasieu River  
6 Bridge and I-10 Improvements Account, and the authority may utilize the  
7 monies to reduce or eliminate the cost of tolling for citizens within the five  
8 parish area of southwest Louisiana including Allen, Beauregard, Calcasieu,  
9 Cameron, and Jefferson Davis Parish and in accordance with applicable state  
10 and federal law.

11 §2229. Acquisition of lands and property

12 A. For the purposes of this Chapter, the authority may acquire private  
13 or public property and property rights by donation, purchase, or exchange in  
14 the transportation corridor designated by the authority, as the authority may  
15 consider necessary for any of the purposes provided in this Chapter.

16 B. In the acquisition of land and property rights, the authority may  
17 acquire an entire lot, block, or tract of land, if, by so doing, the acquisition cost  
18 to the authority will be equal to or less than the cost of acquiring only that  
19 portion of the property necessary for the project.

20 C. The authority may sell, lease, or otherwise dispose of all or any  
21 portion of a project, provided that the sale, lease, or other disposition of a  
22 state-designated project shall require department approval. Notwithstanding  
23 any law to the contrary, any surplus property may be sold in accordance with  
24 procedures adopted by the authority that maximize the price received for the  
25 property.

26 D. When the authority acquires property for a project, it is not subject  
27 to any liability imposed by preexisting conditions. This Subsection does not,  
28 however, affect the rights or liabilities of any past or future owners of the  
29 acquired property, nor does it affect the liability of any governmental entity for

1 the results of its actions which create or exacerbate a pollution source. The  
2 authority and the Louisiana Department of Environmental Quality may enter  
3 into interagency agreements for the performance, funding, and reimbursement  
4 of the investigative and remedial acts necessary for property acquired by the  
5 authority.

6 §2230. Public utilities

7 A.(1) The authority shall have the power to make reasonable regulations  
8 for the installation, construction, maintenance, repair, renewal, relocation, and  
9 removal of any public utility, railroad, or pipeline company, in, on, along, over,  
10 or under a project.

11 (2) If the authority determines that it is necessary for any public utility  
12 facilities to be relocated, removed, or carried along or across an authority  
13 project by grade separation, the owner or operator of the facilities shall relocate  
14 or remove the same in accordance with the order of the authority; however, the  
15 cost and expense of the relocation, removal, or grade separation, including the  
16 cost of installing the facilities in a new location or locations, and the cost of any  
17 land, or any rights or interest in lands, and any other rights acquired to  
18 accomplish such relocation or removal, shall be paid as project costs by the  
19 authority.

20 (3) In the case of any relocation or removal, the owners or operators of  
21 public utility facilities, their successors or assigns, may use and operate said  
22 public utility facilities in the new location or locations upon the same terms and  
23 conditions enjoyed prior to relocation or removal.

24 B. Notwithstanding the provisions of Subsection A of this Section, any  
25 utility allowed to exist on an authority's right-of-way shall be responsible for  
26 any cost of relocation, removal, or grade separation and all expenses related  
27 thereto.

28 §2231. Contracts; construction; project development; law enforcement

29 A. Contracts of the authority for the construction, improvement, repair,

1 or maintenance of any authority project shall be made and awarded under the  
2 same conditions, terms, requirements, and provisions as are provided by law  
3 with respect to contracts of the state, parish, or municipality.

4 B. Notwithstanding any law to the contrary, the authority may contract  
5 with a private entity to provide services for design, cost estimate, feasibility  
6 studies, operations, management, and construction management services,  
7 provided that any contract awarded for the services be awarded only after the  
8 authority drafts and uses a request for proposal seeking proposals from  
9 qualified providers.

10 C. The authority shall contract with either the state police, a law  
11 enforcement district, or municipal law enforcement agency to perform law  
12 enforcement and patrol functions on any authority project.

13 §2232. Bonds

14 A. Without reference to any provision of the Constitution of Louisiana  
15 and the laws of Louisiana, and as a grant of power in addition to any other  
16 general or special law, the authority created pursuant to this Chapter may issue  
17 bonds for any corporate purpose and pledge revenues for the payment of the  
18 principal and interest of the bonds. The authority is further authorized, in its  
19 discretion, to pledge all or any part of any gift, grant, donation, or otherwise  
20 any sum of money, aid, or assistance from the United States, the state, or any  
21 political subdivision of the state, unless otherwise restricted, all or any part of  
22 the proceeds of bonds, credit agreements, instruments, or any other money of  
23 the authority, from any source derived, for the further securing of the payment  
24 of the principal and interest of the bonds.

25 B. Bonds issued pursuant to the provisions of this Chapter shall not be  
26 considered a pledge of the full faith and credit of the state or of any  
27 governmental unit of the state. All bonds shall contain a statement on their face  
28 substantially to the effect that neither the full faith and credit of the state nor  
29 the full faith and credit of any public entity of the state are pledged to the

1 payment of the principal of or the interest on the bonds. The issuance of bonds  
2 in accordance with the provisions of this Chapter shall not directly, indirectly,  
3 or contingently obligate the state or any governmental unit of the state to levy  
4 any taxes or make any appropriation for their payment, other than obligations  
5 to make payments by the state or any public entity to the authority arising out  
6 of contracts authorized by this Chapter.

7 C. Prior to the issuance of any bonds for a project, a business plan shall  
8 be prepared detailing the estimated expenditures for and revenues from the  
9 operation of all capital improvements and the time schedule for the  
10 expenditures and receipts. The business plan shall be approved by the authority  
11 and considered fiscally sound by the financial advisor employed by the  
12 authority.

13 D. Bonds shall be authorized by a resolution of the authority and shall  
14 be of a series, bear a date or dates, mature at a time or times, bear interest at  
15 a rate or rates, including but not limited to fixed, variable, or zero rates, be  
16 payable at a time or times, be in denominations, be in a form, carry a  
17 registration and exchangeability privilege, be payable in a medium of payment  
18 and at a place or places, be subject to terms of redemption prior to maturity at  
19 a price or prices as determined by the authority, and be entitled to priority on  
20 the revenues as a resolution or resolutions may provide.

21 E. Bonds shall be sold by the authority at public sale by competitive bid  
22 or negotiated private sale and at a price as the authority may determine to be  
23 in the best interest of the authority.

24 F.(1) The issuance of bonds shall not be subject to any limitations,  
25 requirements, or conditions contained in any other law, and bonds, may be  
26 issued without obtaining the consent of the state or any political subdivision, or  
27 of any agency, commission, or instrumentality of the state or any political  
28 subdivision, except that the issuance shall be subject to the approval of the State  
29 Bond Commission.

1           **(2) The bonds shall be issued in compliance with the provisions of this**  
2           **Chapter.**

3           **G.(1) For a period of thirty days after the date of publication of a notice**  
4           **of intent to issue bonds in the official journal of the authority authorizing the**  
5           **issuance of bonds, as provided in this Section, any interested person shall have**  
6           **the right to contest the legality of the resolution and the legality of the bond**  
7           **issue for any cause. After that time, no one shall have any cause or right of**  
8           **action to contest the legality of the resolution or of the bonds or the security of**  
9           **the bonds for any cause.**

10           **(2) If no suit, action, or proceeding is initiated contesting the validity of**  
11           **the resolution, the bonds, or the security for the bonds within the thirty days,**  
12           **as provided by this Subsection, the authority to issue and provide for the**  
13           **payment and legality of the bonds and all provisions of the resolution or other**  
14           **proceedings authorizing the issuance of the bonds shall be conclusively**  
15           **presumed, and no court shall have authority to inquire into the matters.**

16           **(3) Any notice of intent published shall provide, in reasonable detail, the**  
17           **purpose, security, amount, duration, and interest rates for the bond. The**  
18           **authority may designate any paper of general circulation in its geographical**  
19           **jurisdiction to publish the notice of intent or may utilize electronic media**  
20           **available to the general public.**

21           **(4) Any suit to determine the validity of bonds issued by the commission**  
22           **shall be brought only in accordance with the provisions of R.S. 13:5121 et seq.**

23           **H. All bonds issued pursuant to this Chapter shall have all the qualities**  
24           **of negotiable instruments under the commercial laws of the state.**

25           **I. Any pledge of revenues or other monies made by the authority shall**  
26           **be valid and binding from the time the pledge is made. The revenues or monies**  
27           **pledged and subsequently received by the authority shall immediately be**  
28           **subject to the lien of the pledge, without any physical delivery of the pledge or**  
29           **further act, and the lien of any pledge shall be valid and binding against all**

1 parties having claims of any kind in tort, contract, or otherwise against the  
2 authority, regardless of whether the parties received notice of the claims.

3 J. Neither the members of the authority nor any person executing the  
4 bonds shall be liable personally for the bonds or be subject to any personal  
5 liability or accountability by reason of the issuance of the bonds.

6 K.(1) Bonds of the authority, their transfer, and the income arising from  
7 the bonds shall, at all times, be exempt from all taxation by the state or any  
8 political subdivision of the state and may or may not be exempt for federal  
9 income tax purposes.

10 (2) The bonds issued pursuant to this Chapter shall be considered legal  
11 and authorized investments for banks, savings banks, trust companies, building  
12 and loan associations, insurance companies, fiduciaries, trustees, and guardians  
13 and shall be eligible to secure the deposit of any and all public funds of the state  
14 and any and all public funds of municipalities, parishes, school districts, or  
15 other political corporations or subdivisions of the state. The bonds shall be  
16 lawful and sufficient security for deposits to the extent of their value.

17 L. The authority is authorized to provide for the issuance of refunding  
18 bonds, then outstanding and issued, by resolution. The issuance of refunding  
19 bonds, the maturities, and other relevant details, the rights and remedies of the  
20 bondholders, and the rights, powers, privileges, duties, and obligations of the  
21 authority with respect to the same, shall be governed by the provisions of  
22 Chapter 26 of this Title.

23 M. The holders of any bonds issued, as provided in this Section, shall  
24 have rights and remedies as may be provided in the resolution or trust  
25 agreement authorizing the issuance of the bonds, including but not limited to  
26 appointment of a trustee for the bondholders and any other available civil  
27 action to compel compliance with the terms and provisions of the bonds and the  
28 resolution or trust agreement.

29 N. The authority is authorized to employ all professionals it considers

1 necessary in the issuance of its bonds.

2 O. The authority shall be considered a public entity for purposes of  
3 Chapters 13, 13-A, 14, 14-A, 14-B, and 15-A of Title 39 of the Louisiana Revised  
4 Statutes of 1950, as amended, which statutes shall apply to bonds of the  
5 authority, provided that in the event of a conflict with the provisions of this  
6 Chapter, the provisions of Chapter 26 of this Title shall control.

7 §2233. Conveyance of project; maintenance

8 A. When the bonds issued for any project and the interest on any bond  
9 issued have been paid in full, or sufficient funds have been deposited in trust for  
10 that purpose, and the project is in a condition which meets department  
11 standards for structural condition and geometric design and is in a condition of  
12 maintenance satisfactory to the department, the project and any property  
13 acquired for the project may be transferred by the authority in full ownership  
14 to the state.

15 B. The department shall assume jurisdiction and control of the project  
16 as a part of the state highway system, provided that the legislature authorizes  
17 an increase in mileage of the state highway system equal to the length of the  
18 authority project to be transferred. Any authority project transferred to and  
19 accepted by the department shall be operated and maintained by the  
20 department as an integral part of the state highway system and the department,  
21 at the discretion of the secretary, may continue to collect any toll or fee for the  
22 purpose of maintenance of the project.

23 §2234. Public-private partnership projects

24 A. With the exception of a state procurement project, any proposal to  
25 develop or operate a transportation facility as a public-private partnership  
26 project pursuant to this Chapter shall be approved by the authority and the  
27 department. Prior to the authority approving a proposal to develop or operate  
28 a transportation facility as a public-private partnership, the authority shall  
29 submit the proposal to the House and Senate committees on transportation,



1 highways and public works. The chairman of each committee shall call a public  
2 hearing within thirty days of receiving the proposal from the authority for the  
3 purpose of receiving information and public comments on the proposal.  
4 Transportation facility proposals may be initiated by a private entity, the  
5 authority, or the department.

6 B. A private entity may submit an unsolicited proposal to the authority  
7 to develop or operate a qualifying transportation facility; however, the private  
8 entity shall apply to the authority for approval. The authority shall advertise  
9 any unsolicited proposal submitted by a private entity for the purposes of  
10 receiving competitive proposals for the same proposed qualifying transportation  
11 facility. Competitors shall have ninety days from the date of advertisement to  
12 submit competitive proposals to the authority. The authority shall charge a  
13 reasonable fee to cover its costs to process, review, and evaluate an unsolicited  
14 proposal submitted by a private entity. An unsolicited proposal for a qualifying  
15 transportation facility submitted by a private entity shall include all the  
16 following:

17 (1) A topographic map with a scale of 1:2,000, or other appropriate scale,  
18 that delineates the location of the proposed transportation facility.

19 (2) A detailed description of the proposed qualifying transportation  
20 facility, including a conceptual design of the facility and all proposed  
21 interconnections with existing or planned transportation facilities.

22 (3) The proposed date for acquisition, construction, or improvement of  
23 the proposed transportation facility.

24 (4) A statement setting forth the private entity's planned method of  
25 acquisition of all property interests required for the proposed qualifying  
26 transportation facility, including the nature of the property interests to be  
27 acquired and a description of any property the private entity expects to request  
28 the authority to acquire.

29 (5) The transportation plan of each affected local jurisdiction, including

1 a statement of the status of the proposed qualifying transportation facility.

2 (6) A preliminary list of local, state, or federal agency permits or  
3 approvals expected to be required in order to develop or operate the proposed  
4 qualifying transportation facility and a projected schedule for obtaining permits  
5 or approvals.

6 (7) A preliminary list of public utility facilities expected to be crossed or  
7 relocated by the proposed qualifying transportation facility and a statement of  
8 the plans of the private entity to accommodate or relocate the crossings.

9 (8) A statement detailing the private entity's plan to finance, develop,  
10 and operate the proposed qualifying transportation facility, including  
11 identification of dedicated revenue sources and proposed debt or equity  
12 investments by the private entity or applicable public entities.

13 (9) The names and addresses of the persons who may be contacted for  
14 further information concerning the request.

15 (10) Any additional material and information reasonably requested by  
16 the authority.

17 C. In the case of solicited proposals, the authority is authorized to  
18 request proposals from private entities to develop or operate a transportation  
19 facility. The authority may charge a reasonable fee to cover its costs to process,  
20 review, and evaluate solicited proposals received in response to the requests.

21 D.(1) The authority may approve the proposal of a private entity to  
22 develop or operate a qualifying transportation facility after consultation with  
23 the department and a determination is made that the proposal serves a public  
24 purpose. The authority shall consider the following factors to determine if a  
25 private entity proposal serves a public purpose:

26 (a) There is a public need for a transportation facility or facilities of the  
27 type the private entity proposes to develop or operate as a transportation  
28 facility.

29 (b) The transportation facility or facilities and the proposed

1 interconnections with existing transportation facilities and the private entity's  
2 plans for operation of the qualifying transportation facility or facilities are  
3 reasonable and not incompatible with the state transportation plan and with the  
4 local governmental entity's comprehensive plan or plans.

5 (c) The estimated cost of the transportation facility or facilities is  
6 reasonable in relation to other similar facilities.

7 (d) The private entity's proposal will result in the timely development or  
8 more efficient operation of the transportation facility.

9 (2) In evaluating any request, the authority may rely upon internal staff  
10 reports prepared by personnel familiar with the operation of similar facilities  
11 or the advice of outside advisors or consultants having relevant experience.

12 E.(1) Approval by the authority shall be subject to the private entity's  
13 entering into a comprehensive agreement with the authority.

14 (2) The authority shall establish a date to commence the acquisition of  
15 property for the construction of a new transportation facility or a date to  
16 commence construction of improvements to an established transportation  
17 facility. The authority, in its discretion, may grant extensions of these dates.

18 F. The authority shall take appropriate action to protect trade secrets  
19 and other confidential, privileged, and proprietary information received from  
20 a private entity, including but not limited to information exempt from  
21 disclosure under the federal Freedom of Information Act or the Public Records  
22 Law. The authority may enter into confidentiality agreements in connection  
23 with any private entity proposal, comprehensive agreement, service contract,  
24 lease, or agreement for a qualifying transportation facility.

25 G. The authority shall further operate in accordance with the provisions  
26 of R.S. 48:2084.1 through 2084.15 and any other applicable provision of law  
27 relative to public-private partnership projects.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Archana D. Cadge.

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## DIGEST

SB 50 Engrossed

2023 Regular Session

Abraham

Proposed law establishes the "Calcasieu Parish I-10 Bridge Authority Act".

Proposed law specifies that any provision not contained or addressed in the Calcasieu Parish I-10 Bridge Authority Act will be governed by the La. Transportation Development Act.

Proposed law authorizes the Calcasieu Parish I-10 Bridge Authority to contract with private entities for the development or operation of a tollway equipped with tolls.

Proposed law provides for definitions relative to the Calcasieu Parish I-10 Bridge Authority Act. Proposed law further provides for the difference between a state procurement project and an authority project.

Proposed law establishes the composition of the board as nine individuals, two of which must be minority; and provides for the creation of the board of directors for the authority and how the board shall operate, elect members, and term limits. Proposed law further provides the authority the power to promulgate rules and regulations for the maintenance and operation of the authority.

Proposed law specifies that the boundary and jurisdiction of the authority is coextensive with the boundaries of Calcasieu Parish.

Proposed law provides relative to the authority's operations and abilities to contract; and the powers and duties of the authority relative to carrying out its purpose. Proposed law further provides the authority has powers granted by virtue of it being a nonprofit corporation and may exercise powers necessary, appurtenant, convenient, or incidental to the carrying out of its purposes. Proposed law further provides for the use of funds from the Megaprojects leverage fund to reduce or eliminate the toll of citizens from the five parish area including Allen, Beauregard, Calcasieu, Cameron and Jefferson.

Proposed law provides the authority may only construct new addition highway tolls or transit toll facilities with the prior express written consent of the affected governing bodies within the geographic boundaries of the authority after public hearing.

Proposed law provides that any proposal to develop or operate a transportation facility as a public-private partnership project pursuant to proposed law must be approved by the authority and the department and prior to the authority approving a proposal to develop or operate a transportation facility as a public-private partnership, the authority must submit the proposal to the House and Senate committees on transportation, highways and public works for hearing and public comment.

Proposed law requires the authority to operate in accordance with the provisions of law relative to public-private partnership projects.

Effective August 1, 2023.

(Adds R.S. 48:2221- 2234)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Transportation,  
Highways, and Public Works to the original bill

1. Changes the name of the entity from the "Calcasieu Parish Tolling Authority" to the "Calcasieu Parish I-10 Bridge Authority".
2. Adds the definition and exception of "state procurement project".
3. Adds provision that the megaprojects leverage fund may be used to reduce or eliminate the toll of citizens in five parish area.
4. Makes technical changes.