
DIGEST

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HB 436 Original

2019 Regular Session

Jay Morris

Abstract: Provides for the crossing of telecommunication lines near, under, and above railroad tracks and rights-of-way.

Present law (R.S. 45:781) establishes that corporations formed for transmitting intelligence by telegraph, telephone, or other system have the right of use along all public roads or public works, along and parallel to railroads, and along and over the waters of the state if the ordinary use of the roads, works, railroads, and waters are not obstructed, and along city streets with the consent of the city governing authority.

Proposed law retains present law, and also provides that additionally, a telecommunication company may construct lines that cross under or over the tracks of railroads in a manner that does not obstruct use of the railroad.

Proposed law provides that if a telecommunication crossing is to be placed within the right-of-way of a highway or road that crosses the railroad tracks, that the telecommunication company doesn't owe any payment except for their own expenses.

Proposed law provides that if the telecommunications company wishes to construct lines outside of a right-of-way, that they owe the railroad company a one-time crossing fee of up to \$500.

Proposed law requires a telecommunications company to notify a railroad by certified mail at least thirty days before beginning a crossing:

- (1) Notification of the crossing.
- (2) A statement indicating that each party shall maintain and repair its own property and bear responsibility for its own actions or misgivings. The telecommunication company, however, will maintain responsibility for any bodily injury or property damage that would typically be covered under a railroad liability insurance policy.
- (3) Proof of at least two million dollars of insurance.
- (4) An engineering design for the placement of the crossing in conformation with recent accepted guidelines.

Proposed law does not allow a railroad to adopt any additional processes or regulations regarding the telecommunication company's crossing activity.

Proposed law provides that the railroad company has 30 days to review the notice and that they shall allow the construction of the crossing unless they know of a serious threat to safety. Proposed law provides that if a threat exists, the railroad company shall notify the telecommunications company of the threat by certified mail.

Proposed law provides that if the two parties do not agree upon a time of construction within 60 days, that the telecommunication company has a right to commence with the crossing as stated in the notice.

Proposed law provides that complaints can be addressed in district court and that a railroad shall prove that any denial of a proposed crossing fails to comply with proposed law by clear and convincing evidence.

(Adds R.S. 45:781.2)