
The original instrument was prepared by James Benton. The following digest, which does not constitute a part of the legislative instrument, was prepared by Cathy R. Wells.

SB 416 Reengrossed

DIGEST
2020 Regular Session

Carter

Present law provides for the public belt railroad in the city of New Orleans operated by the city through the public belt railroad commission. Provides for commission membership and officers, duties, and responsibilities, and authority to transact business.

Proposed law generally provides for the Port of New Orleans, through a public nonprofit entity formed and owned by the port, to assume control of the assets and liabilities and to take over the duties and responsibilities of the railroad commission.

Proposed law provides that the railroad commission, and any of its successors and assigns that operate, manage and develop the public belt railroad system, will be subject to the provisions of all federal railroad laws to the extent applicable by their terms to the public belt railroad system, including the Railway Labor Act, the Federal Employers Liability Act, the Railroad Retirement Act, the Railroad Retirement Tax Act, the Railroad Unemployment Insurance Act, the Federal Railroad Safety Act, and the Interstate Commerce Act.

Proposed law provides that the railroad commission and the Board of Commissioners of the Port of New Orleans may make agreements between themselves to engage jointly in the construction, finance, acquisition or improvement of any public port or rail project or improvement, the promotion and maintenance of any undertaking, or the exercise of any power, provided that at least one of those political subdivisions is authorized under a provision of general or special law to perform such activity to exercise such power as may be necessary for completion of the undertaking. Such arrangements may provide for the joint use of funds, facilities, or property or any combination thereof necessary to accomplish the purposes of the agreement, and such agreements may include but are not limited to activities concerning the construction, finance, acquisition or improvement, or repair and maintenance, of public port or rail projects or improvements.

Proposed law ratifies the 2018 assignment, transfer, and delivery by the city of New Orleans through the railroad commission of certain rights of way, tracks, locomotives, and other assets and liabilities to a nonprofit corporation formed and owned by the board of commissioners of the port of New Orleans.

Proposed law provides that the employees of the public belt railroad system, which were transferred from the Public Belt Railroad Commission of the city of New Orleans to the New Orleans Public Belt Railroad Corporation and pursuant to proposed law are further transferred to the railroad commission, may continue with the railroad commission, their existing employment arrangements upon such transfer, including but not limited to existing labor contracts. These employees are to be included in the unclassified service of state civil service pursuant to present law. The railroad

commission will recognize and maintain the rights of these employees under existing labor contracts and applicable law. Proposed law will not be interpreted to prohibit future changes as may be permitted by law, contract, or negotiated agreement with employees.

Provisions ratifying the 2018 agreement are effective upon signature of the governor or lapse of time for gubernatorial action. Provisions of this Act do not supersede the obligations set forth in the Cooperative Endeavor Agreement between the City of New Orleans, The Public Belt Railroad Commission for the City of New Orleans, the Board of Commissioners of the Port of New Orleans, and New Orleans Public Belt Railroad Corporation, dated February 1, 2018 including but not limited to Post-Closing Transfers

Other provisions become operative upon the lapse of certain time delays following the effectiveness of the federal Surface Transportation Board authority or exemption for the transfer of the public belt railroad system to the New Orleans Public Belt Rail Commission.

(Amends R.S. 33:4530(A), (B), and (C), 4531, and 4532; adds R.S. 33:4530(D), 4534, 4535, 4536, and 4537; repeals R.S. 33:4533 and Act 279 of the 2011 Regular Session)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Local and Municipal Affairs to the original bill

1. Provides that the railroad commission, and any of its successors and assigns that operate, manage and develop the public belt railroad system, will be subject to the provisions of all federal railroad laws.
2. Provides that the railroad commission and the Board of Commissioners of the Port of New Orleans may make agreements between themselves to engage jointly in the construction, finance, acquisition, or improvement of any public port or rail project or improvement, the promotion and maintenance of any undertaking, or the exercise of any power.
3. Provides that the employees of the public belt railroad system may continue their existing employment arrangements.
4. Makes technical changes.

Senate Floor Amendments to engrossed bill

1. Clarifies that provisions of Act do not supersede certain obligations set forth in a CEA dated Feb. 1, 2018.