2022 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 63

BY REPRESENTATIVE FARNUM

BRIDGES/FERRIES: Suspends provisions of law relative to the imposition of tolls and fees

1	A CONCURRENT RESOLUTION		
2	To suspend until sixty days after final adjournment of the 2023 Regular Session of the		
3	Legislature of Louisiana that portion of R.S. 48:2084.5(A), relative to the exception		
4	that allows a private entity to impose tolls or user fees on any existing free road or		
5	system of roads, bridge, tunnel, or overpass, if the road or system of roads, bridge,		
6	tunnel, or overpass is improved or expanded.		
7	WHEREAS, a toll road, also known as a turnpike or tollway, is a road for which a		
8	user fee is assessed for passage; and		
9	WHEREAS, a toll or user fee is essentially a tax only charged to the persons		
10	accessing the road; and		
11	WHEREAS, the citizens of the parish or municipality in which the toll or user fee		
12	is charged are effectively being double taxed when they are required to pay the toll or user		
13	fee; and		
14	WHEREAS, this excessive taxing on citizens of the parish or municipality can have		
15	a negative impact on the spending power of those citizens, the patronage to local businesses,		
16	and the overall health of the local economy; and		
17	WHEREAS, a study conducted by the Washington State Transportation Center		
18	found that the financial costs of tolls and user fees are regressively distributed and thus have		
19	a disproportionate effect on low-income families; and		
20	WHEREAS, according to The Advocate, in 2020 more than half of Louisiana		
21	households are operating either below federal poverty standards or in the realm of "working		

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1	poor" families as defined by ALICE, a United Way measure applied to people who are Asset	
2	Limited, Income Constrained, and Employed; and	
3	WHEREAS, adding an additional burden on these families, through toll or user fee,	
4	may have a chilling effect on an already sluggish economy attempting to rebound from a	
5	pandemic and various natural disasters; and	
6	WHEREAS, the implementation of tolls can limit the mobility of citizens from one	
7	parish or municipality to another which places a burden on intrastate commerce; and	
8	WHEREAS, R.S. 48:2084.5(A) prohibits the implementation of tolls by a private	
9	entity but provides an exception to the general prohibitions; and	
10	WHEREAS, the exception to the general prohibition allows a private entity to	
11	implement a toll or user fee if "such road or system of roads, bridge, tunnel, or overpass i	
12	improved or expanded"; and	
13	WHEREAS, the term "improvement" is not defined in the "Louisiana Transportation	
14	Authority Act" which contains the exception; and	
15	WHEREAS, pursuant to R.S. 1:3, the term shall be read with its context and shall be	
16	construed according to the common and approved usage of the language; and	
17	WHEREAS, the common and approved usage of "improvement" is "to make	
18	something better"; and	
19	WHEREAS, the broad definition of the term would allow private actors to utilize the	
20	exception and charge tolls simply for "making things better"; and	
21	WHEREAS, something as simple as picking up trash could be considered an	
22	"improvement" pursuant to R.S. 48:2084.5(A) and thus allow a private actor to charge a toll	
23	or user fee to Louisiana citizens for picking up a few pieces of litter; and	
24	WHEREAS, considering the potential economic effects of implementing a toll or	
25	user fee in this state, the exception is overly broad and would allow private actors to	
26	fundamentally change aspects of Louisiana's economy and the daily lives of Louisiana	
27	citizens with minimal investment, and those changes could last far into the future.	
28	THEREFORE, BE IT RESOLVED that the Legislature of Louisiana hereby suspends	
29	that portion of R.S. 48:2084.5(A) relative to the exception that allows a private entity to	

- 1 impose tolls or user fees on any existing free road or system of roads, bridge, tunnel, or
- 2 overpass, if the road or system of roads, bridge, tunnel, or overpass is improved or expanded.
- 3 BE IT FURTHER RESOLVED that this suspension shall become effective upon
- 4 adoption of this Resolution and shall extend through the sixtieth day after final adjournment
- 5 of the 2023 Regular Session of the Legislature of Louisiana.

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)]

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Suspends a portion of law that allows a private entity to impose tolls or user fees on any existing free road or system of roads, bridge, tunnel, or overpass, if the road or system of roads, bridge, tunnel, or overpass is improved or expanded.

(Suspends portion of R.S. 48:2084.5(A))