

2022 Regular Session

SENATE BILL NO. 435

BY SENATOR CORTEZ

TRANSPORTATION/DEV DEPT. Provides relative to the Louisiana Highway Regulatory Act. (8/1/22)

1 AN ACT

2 To enact R.S. 32:57(J) and 239, relative to the Louisiana Highway Regulatory Act; to

3 establish the Atchafalaya Basin Bridge as a highway safety corridor; to provide for

4 camera safety devices; to provide relative to traffic regulations; to provide relative

5 to speed limits; to provide relative to driving on the right side, overtaking, and

6 passing; to provide for signs; to provide for penalties; and to provide for related

7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 32:57(J) and 239 are hereby enacted to read as follows:

10 §57. Penalties; alternatives to citation

11 * * *

12 **J. If a person operating a motor vehicle violates the provisions of this**

13 **Chapter while on the Atchafalaya Basin Bridge, the fine shall be two times the**

14 **standard fine imposed. For purposes of this Subsection, the Atchafalaya Basin**

15 **Bridge shall mean the Atchafalaya Elevated Expressway designated by Act 793**

16 **of 1989 as the Louisiana Airborne Memorial Bridge.**

17 * * *

1 **§239. Atchafalaya Basin Bridge; highway safety corridor; camera usage; signs**

2 **A.(1) The legislature finds and declares that the Atchafalaya Basin**
3 **Bridge shall be identified as a highway safety corridor based on data analytics**
4 **that have identified this segment of highway as a high collision crash zone**
5 **resulting in severe injury and fatality due primarily to driver behavior such as**
6 **speeding, aggressive driving, impairment, and distracted driving.**
7 **Notwithstanding any provision of law to the contrary, including R.S. 32:267 et**
8 **seq., the Department of Transportation and Development shall take all steps**
9 **necessary to implement the provisions of this Section.**

10 **(2) The legislature further finds and declares that the department shall**
11 **implement measures to reduce safety risks to both law enforcement and**
12 **individuals driving across the Atchafalaya Basin Bridge including but not**
13 **limited to the implementation of camera safety devices and installation of**
14 **additional signage.**

15 **(3) For purposes of implementation of this Section, the Atchafalaya Basin**
16 **Bridge shall mean the Atchafalaya Elevated Expressway designated by Act 793**
17 **of 1989 as the Louisiana Airborne Memorial Bridge.**

18 **B.(1) The department shall install camera safety devices on the**
19 **Atchafalaya Basin Bridge. The department may consult with the Safety**
20 **Corridor Advisory Group to determine the quantity, placement, duration of**
21 **use, and operation of the cameras. The department may monitor the cameras**
22 **or may contract with a third-party to monitor the cameras. The department**
23 **may determine whether the cameras should be utilized continuously or only**
24 **during certain hours.**

25 **(2) The department shall establish a process for identification of motor**
26 **vehicles traveling in excess of the posted speed limit, issuance of citations, and**
27 **collection of fines.**

28 **(3) The department shall adopt policies and procedures for the issuance**
29 **of citations and the collection of fines authorized pursuant to this Section in**

1 accordance with the Administrative Procedure Act.

2 C. The department shall place the following signs, in compliance with the
3 standards set forth in the Manual of Uniform Traffic Control Devices, on the
4 Atchafalaya Basin Bridge:

5 (1) Signs placed at the eastbound entrance of the bridge and signs placed
6 at the westbound entrance of the bridge that state "Safety Corridor, Fines
7 Doubled for Speeding and Other Violations". The department shall design the
8 color, size, and shape of the signs in a manner that safely alerts and informs
9 drivers that they are entering a highway safety corridor. The department may
10 place additional signs designed pursuant to this Paragraph along the bridge as
11 necessary.

12 (2) Eight sets of speed limit signs equally spaced on the eastbound
13 portion of the bridge and eight sets of speed limit signs equally spaced on the
14 westbound portion of the bridge.

15 (3) Six sets of "Trucks Right Lane Only" signs equally spaced on the
16 eastbound portion of the bridge and six sets of "Trucks Right Lane Only" signs
17 equally spaced on the westbound portion of the bridge.

18 D. Nothing in this Section shall be construed as precluding any police
19 officer from enforcing traffic laws on the Atchafalaya Basin Bridge. However,
20 no person shall be subject to a citation issued pursuant to this Section if a
21 citation for the same offense was also issued by a police officer.

22 E.(1) There is hereby created in the state treasury a special fund to be
23 designated and hereafter referred to as the Atchafalaya Basin Bridge Safety
24 Fund, hereinafter referred to as the "fund".

25 (2) Any monies collected as fines pursuant to R.S. 32:57(J), as a result of
26 traffic camera safety device data, shall be deposited into the fund.

27 (3) Subject to legislative appropriation, monies in the fund shall be used
28 first to fund the department's expenditures necessary to carry out the
29 provisions of this Section. Then any unexpended monies in the fund shall be

- 1 remitted at the end of the fiscal year proportionally based on the civil fines
 2 attributable to each parish. The parishes of Iberville and St. Martin shall use
 3 the civil fines in the same manner as fines collected by the parishes when traffic
 4 violations are issued by a law enforcement officer.
- 5 (4) All unexpended and unencumbered monies in the fund at the end of
 6 the fiscal year shall remain in the fund.

The original instrument was prepared by Michelle D. Ridge. The following digest, which does not constitute a part of the legislative instrument, was prepared by Martha Hess.

DIGEST

SB 435 Reengrossed

2022 Regular Session

Cortez

Present law provides relative to the La. Highway Regulatory Act, which includes provisions relating to speed limits and driving on the right side of the road, overtaking, and passing.

Present law provides for penalties for a violation of the La. Highway Regulatory Act with the first offense being a fine of not more than \$175 or imprisonment of not more than 30 days, or both, unless otherwise provided by law. A subsequent violation will result in a fine of not more than \$500 or imprisonment for not more than 90 days, or both.

Proposed law retains present law and provides that if a person operating a motor vehicle violates the provisions of present law while on the Atchafalaya Basin Bridge, the fine shall be two times the standard fine imposed.

Proposed law provides that the Atchafalaya Basin Bridge means the Atchafalaya Elevated Expressway designated by Act 793 of 1989 as the Louisiana Airborne Memorial Bridge.

Proposed law provides legislative intent designating the Atchafalaya Basin Bridge as a highway safety corridor and directs DOTD to take all steps necessary to implement proposed law including but not limited to the implementation of camera safety devices and installation of additional signage.

Proposed law authorizes DOTD to install camera safety devices on the bridge, provides certain parameters, and provides for rulemaking.

Proposed law provides for signage on the bridge to include speed limit signs, "Trucks Right Lane Only" signs, and "Safety Corridor, Fines Doubled for Speeding and Other Violations" signs.

Proposed law provides for the number and placement of the signs.

Proposed law provides that the signs are in compliance with the Manual of Uniform Traffic Control Devices.

Proposed law provides that no person shall be subject to a citation issued pursuant to proposed law if a citation for the same offense was also issued by a police officer.

Proposed law provides for the creation of the Atchafalaya Basin Bridge Safety Fund and for the management of money in the fund. Further provides for monies from the fund to be used to cover expenditures of the department in setting up required signage and cameras. Changes

pro rata distribution from the fund to the parishes to proportional distribution based on the civil fines attributable to each parish.

Effective August 1, 2022.

(Adds R.S. 32:57(J) and 239)

Summary of Amendments Adopted by Senate

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

1. Reduces the fine from five times the standard amount to two times.
2. Clarifies that the Atchafalaya Basin Bridge means the Atchafalaya Elevated Expressway designated by Act 793 of 1989 as the Louisiana Airborne Memorial Bridge.
3. Provides legislative intent.
4. Requires DOTD to implement safety measures including cameras and increased signage.
5. Provides that no person shall be subject to a citation issued from a camera if they were also issued a citation for the same offense by a police officer.
6. Creates the Atchafalaya Basin Bridge Safety Fund.

Committee Amendments Proposed by Senate Committee on Finance to the engrossed bill

1. Provides for monies from the fund to be used to cover expenditures of the department in setting up required signage and cameras.
2. Changes pro rata distribution from the fund to the parishes to proportional distribution based on the civil fines attributable to each parish.