

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 Tolling 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 Tolling

4 Authority; to provide for definitions; to establish a board of directors; to specify the

5 purpose, powers, jurisdiction, and duties of the authority; to provide relative to the

6 ethics code and public records; to provide relative to tolls, bonds, and other revenue;

7 to provide relative to certain projects, acquisition of land, and utilities; to provide

8 relative to public-private partnership projects; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

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

12 **CHAPTER 38. CALCASIEU PARISH TOLLING AUTHORITY**

13 **§2221. Short title**

14 **This Chapter shall be known and may be referred to as the "Calcasieu**

15 **Parish Tolling Authority Act" and derives its statutory authority for creation**

16 **and implementation from the provisions contained in Chapter 26 of this Title**

17 **of the Louisiana Revised Statutes of 1950, more specifically referenced as the**

1 Louisiana Transportation Development Act. Any provision not contained or
2 addressed in the Calcasieu Parish Tolling Authority Act shall be governed by
3 the Louisiana Transportation Development Act.

4 §2222. Purpose; legislative findings

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

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

16 C.(1) The legislature hereby finds and declares that it is a matter of
17 public necessity to authorize the Calcasieu Parish Tolling Authority to pursue
18 public-private partnerships or other authorized methods to supplement public
19 revenue sources and to pursue alternative and innovative funding sources to
20 improve Louisiana's transportation system by funding a six-lane bridge, located
21 parallel to the existing Interstate 10 Calcasieu River Bridge, with shoulders, a
22 pedestrian walkway, and related ingress and egress through tolls.

23 (2) The legislature further finds that authorizing the Calcasieu Parish
24 Tolling Authority to contract with private entities for the development or
25 operation of a tollway equipped with tolls will provide significant public benefit
26 for the citizens of Louisiana and minimize the need for the imposition of
27 additional taxes. The public need for timely and cost-efficient development or
28 operation of transportation facilities within the state may not be wholly satisfied
29 by existing methods utilized by public entities to develop and operate qualifying

1 transportation facilities.

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

5 §2223. Definitions

6 Unless the text clearly indicates otherwise, the following words or
7 phrases shall have the meanings ascribed to them:

8 (1) "Act" shall mean the Calcasieu Parish Tolling Authority Act.

9 (2) "Authority" shall mean the Calcasieu Parish Tolling Authority
10 created by this Chapter.

11 (3) "Board" shall mean the board of directors of the authority.

12 (4) "Department" shall mean the Louisiana Department of
13 Transportation and Development.

14 (5) "Federal government" shall mean the United States of America and
15 any agency or instrumentality, corporate or otherwise, of the United States of
16 America.

17 (6) "Person" shall mean any individual, partnership, firm, corporation,
18 company, cooperative, association, society, trust, or any other business unit or
19 entity, including any state or federal agency.

20 (7) "Private entity" shall mean a corporation, limited partnership,
21 general partnership, limited liability company, joint venture, business trust, or
22 other business entity.

23 (8) "Project" shall mean any capital project undertaken pursuant to this
24 Chapter, including the acquisition of real property, construction,
25 reconstruction, improvement, extension, installation, development, landscaping,
26 or operation of a tollway.

27 (9) "Project costs" shall mean all costs associated with and necessary to
28 plan, design, acquire property rights, and construct a project, and such other
29 expenses as may be necessary or incidental to the construction, financing, and

1 operation of the project.

2 (10) "Public utility facilities" shall mean tracks, pipes, mains, conduits,
3 cables, wires, towers, poles, and other equipment and appliances which are
4 either publicly or privately owned.

5 (11) "Real property" shall mean lands, waters, rights in lands or waters,
6 structures, franchises, and interests in land, including lands under water,
7 riparian rights, property rights in air space or subsurface, and any and all other
8 things and rights usually included within said term, including any and all
9 interests in such property less than full title.

10 (12) "Revenue" shall mean:

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

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

15 (13) "Secretary" shall mean the secretary of the Louisiana Department
16 of Transportation and Development.

17 (14) "State" shall mean the state of Louisiana or any agency or
18 instrumentality of the state.

19 (15) "Toll" shall mean any fee or charge for the use of a tollway.

20 (16) "Tollway" shall mean any limited access highway, bridge, or other
21 transportation facility constructed or operated by the authority.

22 §2224. Calcasieu Parish Tolling Authority; creation; board of directors;
23 quorum; compensation; meetings

24 A. The Calcasieu Parish Tolling Authority, hereafter referred to as the
25 "authority", is hereby created possessing full corporate powers to promote,
26 plan, finance, develop, construct, control, regulate, operate, and maintain any
27 limited access tollway or transitway to be constructed within its jurisdiction.

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

29 C.(1) The board shall consist of nine directors who shall be the

1 governing body of the authority, with full power to promulgate rules and
2 regulations for the maintenance and operation of the authority, and shall be
3 composed as follows:

4 (a) Two directors who reside in Calcasieu Parish, one of which shall be
5 a minority, selected by the Calcasieu Parish Police Jury.

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

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

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

12 (e) Three directors selected by the legislative delegation representing
13 Calcasieu Parish.

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

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

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

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

1 at rates and standards as promulgated by the division of administration subject
2 to the availability of funds.

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

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

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

11 §2225. Conflict of interest; ethics code

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

15 §2226. Right of public agencies to material

16 The authority created pursuant to this Chapter shall be subject to and
17 fully comply with the public records law pursuant to R.S. 44:1 et seq., and the
18 open meetings law pursuant to R.S. 42:4.1 et seq., of the state. The proceedings
19 and documents of the authority shall be public record. All reports, maps, or
20 other technical documents produced in whole or in part by the authority may
21 be utilized by the authority or any other public agency in any manner that it
22 considers necessary and advisable in the conduct of its duties.

23 §2227. Establish feasibility; prior written approval

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

28 B. Prior to the creation of the authority and the initiation of
29 environmental impact statements, feasibility studies must first be conducted

1 under sponsorship or approval of the department or the metropolitan planning
2 organization, if applicable, to substantiate project need and justification.

3 §2228. Jurisdiction; powers of the authority

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

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

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

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

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

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

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

25 (6) To regulate speed limits on the tollways consistent with state speed
26 limits.

27 (7) To contract with any person, partnership, association, or corporation
28 desiring the use of any part of a project, including the right-of-way adjoining
29 the paved portion, for placing thereon telephone, fiber optic, telegraph, electric

1 light, or power lines, gas stations, garages, and restaurants, or for any other
2 purpose, and to fix the terms, conditions, rents, and rates of charges for such
3 use.

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

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

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

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

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

26 (13) To enter or authorize its agents to enter, upon any lands, waters,
27 and premises within the geographic boundaries of the authority for the purpose
28 of making surveys, soundings, drillings, and examinations as it may deem
29 necessary or appropriate for the purposes of this Chapter. Such entry shall not

1 be deemed a trespass or unlawful. The authority shall make reimbursement for
2 any actual damages resulting to such lands, waters, and premises as a result of
3 such activities.

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

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

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

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

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

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

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

25 (21) To employ consultants, engineers, attorneys, accountants,
26 construction and financial experts, superintendents, managers, and such other
27 employees and agents as may be necessary for the accomplishment of its
28 purposes and to fix their compensation.

29 (22) To perform all acts necessary or convenient to execute the powers

1 granted to the authority by law.

2 §2229. Acquisition of lands and property

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

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

11 C. The authority may sell, lease, or otherwise dispose of all or any
12 portion of a project, provided that the sale, lease, or other disposition of a
13 state-designated project shall require department approval. Notwithstanding
14 any law to the contrary, any surplus property may be sold in accordance with
15 procedures adopted by the authority that maximize the price received for such
16 property.

17 D. When the authority acquires property for a project, it is not subject
18 to any liability imposed by preexisting conditions. This Subsection does not,
19 however, affect the rights or liabilities of any past or future owners of the
20 acquired property, nor does it affect the liability of any governmental entity for
21 the results of its actions which create or exacerbate a pollution source. The
22 authority and the Louisiana Department of Environmental Quality may enter
23 into interagency agreements for the performance, funding, and reimbursement
24 of the investigative and remedial acts necessary for property acquired by the
25 authority.

26 §2230. Public utilities

27 A.(1) The authority shall have the power to make reasonable regulations
28 for the installation, construction, maintenance, repair, renewal, relocation, and
29 removal of any public utility, railroad, or pipeline company, in, on, along, over,

1 or under a project.

2 (2) If the authority determines that it is necessary for any public utility
3 facilities to be relocated, removed, or carried along or across an authority
4 project by grade separation, the owner or operator of such facilities shall
5 relocate or remove the same in accordance with the order of the authority;
6 however, the cost and expense of such relocation, removal, or grade separation,
7 including the cost of installing such facilities in a new location or locations, and
8 the cost of any land, or any rights or interest in lands, and any other rights
9 acquired to accomplish such relocation or removal, shall be paid as project costs
10 by the authority.

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

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

19 §2231. Contracts; construction; project development; law enforcement

20 A. Contracts of the authority for the construction, improvement, repair,
21 or maintenance of any authority project shall be made and awarded under the
22 same conditions, terms, requirements, and provisions as are provided by law
23 with respect to contracts of the state, parish, or municipality.

24 B. Notwithstanding any law to the contrary, the authority may contract
25 with a private entity to provide services for design, cost estimate, feasibility
26 studies, operations, management, and construction management services,
27 provided that any contract awarded for such services be awarded only after the
28 authority drafts and uses a request for proposal seeking proposals from
29 qualified providers.

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

4 §2232. Bonds

5 A. Without reference to any provision of the Constitution of Louisiana
6 and the laws of Louisiana, and as a grant of power in addition to any other
7 general or special law, the authority created pursuant to this Chapter may issue
8 bonds for any corporate purpose and pledge revenues for the payment of the
9 principal and interest of such bonds. The authority is further authorized, in its
10 discretion, to pledge all or any part of any gift, grant, donation, or otherwise
11 any sum of money, aid, or assistance from the United States, the state, or any
12 political subdivision of the state, unless otherwise restricted, all or any part of
13 the proceeds of bonds, credit agreements, instruments, or any other money of
14 the authority, from any source derived, for the further securing of the payment
15 of the principal and interest of the bonds.

16 B. Bonds issued pursuant to the provisions of this Chapter shall not be
17 considered a pledge of the full faith and credit of the state or of any
18 governmental unit of the state. All bonds shall contain a statement on their face
19 substantially to the effect that neither the full faith and credit of the state nor
20 the full faith and credit of any public entity of the state are pledged to the
21 payment of the principal of or the interest on such bonds. The issuance of bonds
22 in accordance with the provisions of this Chapter shall not directly, indirectly,
23 or contingently obligate the state or any governmental unit of the state to levy
24 any taxes or make any appropriation for their payment, other than obligations
25 to make payments by the state or any public entity to the authority arising out
26 of contracts authorized by this Chapter.

27 C. Prior to the issuance of any bonds for a project, a business plan shall
28 be prepared detailing the estimated expenditures for and revenues from the
29 operation of all capital improvements and the time schedule for such

1 expenditures and receipts. The business plan shall be approved by the authority
2 and considered fiscally sound by the financial advisor employed by the
3 authority.

4 D. Bonds shall be authorized by a resolution of the authority and shall
5 be of such series, bear such date or dates, mature at such time or times, bear
6 interest at such rate or rates, including but not limited to fixed, variable, or zero
7 rates, be payable at such time or times, be in such denominations, be in such
8 form, carry such registration and exchangeability privilege, be payable in such
9 medium of payment and at such place or places, be subject to such terms of
10 redemption prior to maturity at such price or prices as determined by the
11 authority, and be entitled to such priority on the revenues as such resolution or
12 resolutions may provide.

13 E. Bonds shall be sold by the authority at public sale by competitive bid
14 or negotiated private sale and at such price as the authority may determine to
15 be in the best interest of the authority.

16 F.(1) The issuance of bonds shall not be subject to any limitations,
17 requirements, or conditions contained in any other law, and bonds, may be
18 issued without obtaining the consent of the state or any political subdivision, or
19 of any agency, commission, or instrumentality of the state or any political
20 subdivision, except that the issuance shall be subject to the approval of the State
21 Bond Commission.

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

24 G.(1) For a period of thirty days after the date of publication of a notice
25 of intent to issue bonds in the official journal of the authority authorizing the
26 issuance of bonds, as provided in this Section, any interested person shall have
27 the right to contest the legality of the resolution and the legality of the bond
28 issue for any cause. After that time, no one shall have any cause or right of
29 action to contest the legality of the resolution or of the bonds or the security of

1 the bonds for any cause.

2 (2) If no suit, action, or proceeding is initiated contesting the validity of
3 the resolution, the bonds, or the security for the bonds within the thirty days,
4 as provided by this Subsection, the authority to issue and provide for the
5 payment and legality of the bonds and all provisions of the resolution or other
6 proceedings authorizing the issuance of the bonds shall be conclusively
7 presumed, and no court shall have authority to inquire into such matters.

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

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

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

17 I. Any pledge of revenues or other monies made by the authority shall
18 be valid and binding from the time the pledge is made. The revenues or monies
19 pledged and subsequently received by the authority shall immediately be
20 subject to the lien of such pledge, without any physical delivery of the pledge or
21 further act, and the lien of any pledge shall be valid and binding against all
22 parties having claims of any kind in tort, contract, or otherwise against the
23 authority, regardless of whether the parties received notice of the claims.

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

27 K.(1) Bonds of the authority, their transfer, and the income arising from
28 the bonds shall, at all times, be exempt from all taxation by the state or any
29 political subdivision of the state and may or may not be exempt for federal

1 income tax purposes.

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

9 L. The authority is authorized to provide for the issuance of refunding
10 bonds, then outstanding and issued, by resolution. The issuance of refunding
11 bonds, the maturities, and other relevant details, the rights and remedies of the
12 bondholders, and the rights, powers, privileges, duties, and obligations of the
13 authority with respect to the same, shall be governed by the provisions of
14 Chapter 26 of this Title.

15 M. The holders of any bonds issued, as provided in this Section, shall
16 have such rights and remedies as may be provided in the resolution or trust
17 agreement authorizing the issuance of the bonds, including but not limited to
18 appointment of a trustee for the bondholders and any other available civil
19 action to compel compliance with the terms and provisions of the bonds and the
20 resolution or trust agreement.

21 N. The authority is authorized to employ all professionals it considers
22 necessary in the issuance of its bonds.

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

28 §2233. Conveyance of project; maintenance

29 A. When the bonds issued for any project and the interest on any bond

1 issued have been paid in full, or sufficient funds have been deposited in trust for
2 that purpose, and the project is in a condition which meets department
3 standards for structural condition and geometric design and is in a condition of
4 maintenance satisfactory to the department, such project and any property
5 acquired for the project may be transferred by the authority in full ownership
6 to the state.

7 B. The department shall assume jurisdiction and control of the project
8 as a part of the state highway system, provided that the legislature authorizes
9 an increase in mileage of the state highway system equal to the length of the
10 authority project to be transferred. Any authority project transferred to and
11 accepted by the department shall be operated and maintained by the
12 department as an integral part of the state highway system and the department,
13 at the discretion of the secretary, may continue to collect any toll or fee for the
14 purpose of maintenance of the project.

15 §2234. Public-private partnership projects

16 A. Any proposal to develop or operate a transportation facility as a
17 public private partnership project pursuant to this Chapter shall be approved
18 by the authority and the department. Prior to the authority approving a
19 proposal to develop or operate a transportation facility as a public-private
20 partnership, the authority shall submit the proposal to the House and Senate
21 committees on transportation, highways and public works. The chairman of
22 each committee shall call a public hearing within thirty days of receiving the
23 proposal from the authority for the purpose of receiving information and public
24 comments on the proposal. Transportation facility proposals may be initiated
25 by a private entity, the authority, or the department.

26 B. A private entity may submit an unsolicited proposal to the authority
27 to develop or operate a qualifying transportation facility; however, the private
28 entity shall apply to the authority for approval. The authority shall advertise
29 any unsolicited proposal submitted by a private entity for the purposes of

1 receiving competitive proposals for the same proposed qualifying transportation
2 facility. Competitors shall have ninety days from the date of advertisement to
3 submit competitive proposals to the authority. The authority shall charge a
4 reasonable fee to cover its costs to process, review, and evaluate an unsolicited
5 proposal submitted by a private entity. An unsolicited proposal for a qualifying
6 transportation facility submitted by a private entity shall include all the
7 following:

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

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

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

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

20 (5) The transportation plan of each affected local jurisdiction, including
21 a statement of the status of the proposed qualifying transportation facility.

22 (6) A preliminary list of local, state, or federal agency permits or
23 approvals expected to be required in order to develop or operate the proposed
24 qualifying transportation facility and a projected schedule for obtaining such
25 permits or approvals.

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

29 (8) A statement detailing the private entity's plan to finance, develop,

1 and operate the proposed qualifying transportation facility, including
2 identification of dedicated revenue sources and proposed debt or equity
3 investments by the private entity or applicable public entities.

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

6 (10) Any additional material and information reasonably requested by
7 the authority.

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

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

17 (a) There is a public need for a transportation facility or facilities of the
18 type the private entity proposes to develop or operate as a transportation
19 facility.

20 (b) The transportation facility or facilities and the proposed
21 interconnections with existing transportation facilities and the private entity's
22 plans for operation of the qualifying transportation facility or facilities are
23 reasonable and not incompatible with the state transportation plan and with the
24 local governmental entity's comprehensive plan or plans.

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

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

29 (2) In evaluating any request, the authority may rely upon internal staff

1 reports prepared by personnel familiar with the operation of similar facilities
2 or the advice of outside advisors or consultants having relevant experience.

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

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

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

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

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

DIGEST

SB 50 Original

2023 Regular Session

Abraham

Proposed law establishes the "Calcasieu Parish Tolling Authority Act".

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

Proposed law authorizes the Calcasieu Parish Tolling 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 Tolling Authority Act.

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 Tolling 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 tolling 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 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)