

Regular Session, 2012

HOUSE BILL NO. 1212 (Substitute for House Bill No. 935 by Representative St. Germain)

BY REPRESENTATIVE ST. GERMAIN

TRANSPORTATION DEPT: Provides relative to the Crescent City Connection Bridge

1 AN ACT

2 To enact R.S. 47:820.5.8, Chapter 2 of Subtitle VIII of Title 47 of the Louisiana Revised
3 Statutes of 1950, to be comprised of R.S. 47:7011 through 7018, and R.S. 48:954 and
4 954.1, relative to the Department of Transportation and Development; to provide for
5 an election to determine if tolls are collected on the Crescent City Connection
6 Bridge; to provide relative to collection of tolls; to provide relative to the distribution
7 of toll collections; to create a fund; to provide for an advisory body; to provide for
8 ferry fares; to provide for privatization; to authorize the State Bond Commission to
9 issue bonds secured by certain funds; to provide for the use of the proceeds of the
10 bonds; to provide for a special fund; to provide for certain requirements and
11 limitations on the issuance of bonds; to provide for a procedure to contest the
12 validity of issuance of the bonds; to provide for the rights of bondholders; to
13 authorize the issuance of refunding bonds; and to provide for related matters.

14 Be it enacted by the Legislature of Louisiana:

15 Section 1. R.S. 47:820.5.8 is hereby enacted to read as follows:

16 §820.5.8. Toll collection on the Crescent City Connection Bridge; proposition

17 A. The governor shall call an election to be held at the same time as the
18 statewide election held on November 6, 2012, in the election area to determine
19 whether tolls shall be collected starting at 12:01 a.m. on January 1, 2013, on the
20 Crescent City Connection Bridge, at the rate currently collected.

1 B. As used in this Section, the following terms shall mean:

2 (1) "Crescent City Connection Bridge" collectively shall mean Bridges No.
3 1 and No. 2, comprising the Crescent City Connection.

4 (2) "Election area" shall mean House of Representatives District Nos. 83, 84,
5 85, 87, 102, and precincts within Jefferson Parish and Orleans Parish that are within
6 House District No. 105.

7 C. The ballot for the election shall state as follows:

8 "PROPOSITION ON CRESCENT CITY CONNECTION BRIDGE TOLL

9 Shall a toll be collected on the Crescent City Connection Bridge at the rate
10 provided by law beginning at 12:01 a.m., January 1, 2013, and ending at midnight,
11 December 31, 2033, with the toll revenue dedicated solely for the following purposes
12 along U.S. 90Z from Interstate 10 to U.S. 90: operations, maintenance, landscaping,
13 grass cutting, trash pickup, functional and ornamental lighting, police functions,
14 inspections, motorist assistance patrols, and capital projects on the bridges,
15 approaches, and roadways?"

16 D.(1) If a majority of the qualified electors voting on the proposition approve
17 the proposition, the tolls shall be collected for passage over the Crescent City
18 Connection Bridge, at the rate of twenty cents per axle for toll tag users and fifty
19 cents per axle for cash users, such collection beginning at 12:01 a.m. on January 1,
20 2013.

21 (2) If a majority of the qualified electors voting on the proposition vote
22 against such proposition, then no such toll shall be collected for passage over the
23 Crescent City Connection Bridge.

24 E. The secretary of state shall prepare the ballot for the election.

25 F. Except as otherwise provided, the election required pursuant to this
26 Section shall be conducted in accordance with the Louisiana Election Code.

27 G. Notwithstanding Chapter 8-A of the Louisiana Election Code, the costs
28 of the election required pursuant to this Section shall be borne by the state.

Section 2. Chapter 2 of Subtitle VIII of Title 47 of the Louisiana Revised Statutes of 1950, comprised of R.S. 47:7011 through 7018, is hereby enacted to read as follows:

CHAPTER 2. CRESCENT CITY CONNECTION BRIDGE

§7011. Definitions

As used in this Section, the following terms shall mean:

(1) "Crescent City Connection Bridge" collectively shall mean Bridges No. 1 and No. 2, comprising the Crescent City Connection.

(2) "Department" shall mean the Department of Transportation and Development.

(3) "Regional Planning Commission of New Orleans" shall mean the regional planning commission for Jefferson, Orleans, Plaquemines, St. Bernard, and St. Tammany parishes.

§7012. Collection of tolls on the Crescent City Connection Bridge

A. Tolls on the Crescent City Connection Bridge shall be collected until December 31, 2033, at the rate in effect as of December 31, 2012. The rates shall be twenty cents per axle for toll tag users and fifty cents per axle for cash or credit users. Automatic Vehicular Identification tags may be sold to patrons. All toll revenue collected pursuant to this Section shall be deposited into the Crescent City Connection Toll Fund provided for in this Chapter and used for the sole purposes described therein.

B. The Department of Transportation and Development shall collect the tolls and issue Automatic Vehicular Identification tags authorized by this Section if and until such time such collection of tolls and issuance tags is transferred or contracted out to another entity.

§7013. Crescent City Connection toll violations

A. The Department of Transportation and Development may adopt such rules and regulations for the method of taking tolls and enforcing violations.

B. Definitions of terms included in R.S. 32:1 apply to terms used in this Section which are not specifically defined in this Subsection. As used in this

Section, unless the context otherwise indicates, the following terms shall have the following meanings:

(1) "Electronic toll collection" or "ETC" means a system of collecting tolls or charges that is capable of charging an account holder for the appropriate toll by transmission of information between a device on a motor vehicle and a toll collection facility.

(2) "Pay" means paying a toll by cash, by permitting a charge against a valid toll tag account, or by another means of payment approved by the department as applicable at the time.

(3) "Photo-monitoring system" means a motor vehicle sensor installed to work in conjunction with a toll collection facility that automatically produces a photograph, microphotograph, videotape, or other recorded image of a motor vehicle or trailer when the operator of the motor vehicle or trailer fails to pay a toll.

(4) "Registered owner" means a person in whose name a motor vehicle or trailer is registered under the law of a jurisdiction, including a person issued a dealer or transporter registration plate or a lessor of motor vehicles or trailers for public lease.

(5) "Toll" or "tolls" means tolls or charges prescribed by law for passage over the Crescent City Connection Bridge.

(6) "Toll tag" means the electronic device issued for use with the ETC on the Crescent City Connection Bridge.

(7) "Valid toll tag account" means an existing toll tag account with a balance of not less than the minimum toll required for the vehicle.

C. No motor vehicle shall be driven and no motor vehicle or trailer shall be towed through a toll collection facility on the Crescent City Connection without payment of the proper toll. In the event of nonpayment of the proper toll, as evidenced by video or electronic recording, the registered owner of such vehicle or trailer shall be liable to make prompt payment of the proper toll and, in certain

1 circumstances, an administrative fee of twenty-five dollars to recover the cost of
2 collecting the toll.

3 D. A motor vehicle that is not toll-tag equipped may not pass through a
4 dedicated toll-tag lane. A toll-tag equipped motor vehicle that passes through any
5 toll lane incurs a toll, and the account holder shall pay the appropriate toll. Valid toll
6 tag accounts shall not be charged the administrative fee of twenty-five dollars.

7 E. The registered owner is prima facie responsible for the payment of the
8 tolls, administrative fees, and late charges assessed in accordance with this Section,
9 and it is not a defense to liability under this Section that a registered owner was not
10 operating the motor vehicle at the time of the failure to pay. However, if a report
11 that the motor vehicle or trailer was stolen is given to a law enforcement officer or
12 agency before the failure to pay a toll due pursuant to this Chapter occurs or within
13 forty-eight hours after the registered owner becomes aware of the theft, the registered
14 owner shall not be liable under this Section.

15 F. The following procedures shall be taken for the collection of tolls,
16 administrative fees, and late charges under this Section:

17 (1) A violation notice shall be sent by first class mail to a person alleged to
18 be liable as a registered owner at the address shown on the records of the Louisiana
19 Department of Public Safety and Corrections, office of motor vehicles. Multiple
20 violations may be aggregated in one violation notice. A manual or automatic record
21 of the mailing prepared in the ordinary course of business shall be prima facie
22 evidence of the mailing of the notice.

23 (2) The violation notice shall include the name and address of the person
24 alleged to be liable as a registered owner for the failure to pay a toll or tolls under
25 this Section, the amount of the toll or tolls not paid, the registration number of the
26 vehicle or trailer involved, the date and the approximate time of the failure or failures
27 to pay the toll or tolls, the administrative fees due, and such other information
28 deemed appropriate.

1 (3) The violation notice shall also include a warning that the registered
2 owner must pay the toll or tolls and administrative fees stated in the notice or appeal
3 the violation within thirty days after issuance and describe the means and content of
4 the response for payment or appeal. The failure of the registered owner to appeal the
5 violation in the manner provided and within the delays allowed shall be deemed to
6 be an admission of liability and a waiver of available defenses.

7 (4) Within thirty calendar days after the date of the issuance of the violation
8 notice, the registered owner to whom the violation notice is issued must either pay
9 the tolls and administrative fees provided by this Section, send a written dispute by
10 mail as provided by this Section, or request a hearing as provided by this Section.

11 (5) The registered owner may, without waiving the right to a hearing as
12 provided by this Section, and also without waiving judicial review, appeal a violation
13 notice and receive a review and disposition of the violation from a violation clerk by
14 mail. The appeal by mail must contain a signed statement from the registered owner
15 explaining the basis for the appeal. The signed statement may be accompanied by
16 signed statements from witnesses, police officers, government officials, or other
17 relevant parties or photographs, diagrams, maps, or other relevant documents that the
18 registered owner determines to submit. Statements or materials sent to a violation
19 clerk for review must have attached to them the name and address of the registered
20 owner as well as the number of the violation notice and the date of the violation. All
21 information submitted by the registered owner becomes part of the violation record.
22 The violation clerk shall, within sixty days of receipt of such material, review the
23 material and dismiss or uphold the violation and notify the registered owner of the
24 disposition of the hearing in writing by mail. If the appeal by mail is denied, the
25 violation clerk shall explain the reasons for the determination. The violation clerk
26 shall have the authority to waive administrative fees, in whole or in part, for good
27 cause shown.

28 (6) A registered owner issued a violation notice may make a written request
29 for an appeal hearing before a designated agent. The violation clerk shall, within

1 thirty days of receipt of a request for an appeal, notify the registered owner in writing
2 by first class mail of the date, time, and place of the hearing. The hearing shall be
3 informal, the rules of evidence shall not apply, the Administrative Procedure Act
4 shall not apply, and the decision of the agent shall be final, subject to judicial review.
5 The parties to the appeal hearing shall be notified in person or by mail of the decision
6 following the hearing. Each written appeal decision shall contain a statement of
7 reasons for the decision including a determination of each issue of fact necessary to
8 the decision. Failure to appear at the date, time, and place specified on the hearing
9 notice shall automatically result in the denial of the appeal. The hearing agent shall
10 have the authority to waive administrative fees, in whole or in part, for good cause
11 shown.

12 (7) These provisions do not apply to traffic citations and moving violations
13 issued by law enforcement personnel.

14 G. Failure to comply with the requirements of this Section shall result in the
15 following late charges or sanctions or both against the registered owner:

16 (1) The following late charges for late payment, failure to pay, or for
17 otherwise failing to respond to a violation notice as provided by this Section may be
18 assessed:

19 (a) A registered owner who fails to pay the administrative fees specified in
20 a violation notice and who fails to appeal a violation notice as provided by this
21 Section within thirty calendar days after the date of the issuance of the violation
22 notice shall incur a late charge of five dollars. The violation clerk shall notify the
23 registered owner by first class mail of this first notice of delinquency.

24 (b) A registered owner who fails to respond to a violation notice as provided
25 by this Section within forty-five calendar days after the date of the issuance of the
26 violation notice shall incur an additional late charge of fifteen dollars. The violation
27 clerk shall notify the registered owner by first class mail of this notice of
28 delinquency.

1 (c) A registered owner who fails to respond to a violation notice as provided
2 by this Section within sixty calendar days after the date of the issuance of the
3 violation notice shall incur an additional late charge of twenty dollars. The violation
4 clerk shall notify the registered owner by first class mail of this notice of
5 delinquency and, in addition, notify the Louisiana office of motor vehicles. Upon
6 notice from a violation clerk, the office of motor vehicles shall place the matter on
7 record and shall not renew the driver's license of the registered owner or the
8 registration of the vehicle until after notice from the violation clerk that the matters
9 have been disposed of in accordance with law.

10 (d) After a notice to the office of motor vehicles provided in Subparagraph
11 (c) of this Paragraph, violation notices or notices of delinquency to registered owners
12 with ten or more toll violations shall not be required to be mailed. However, the tolls
13 and administrative fees of such registered owner shall continue to accumulate.

14 (2) Civil and criminal action may be pursued as appropriate to collect the
15 tolls and administrative fees assessed in the violation notice as well as such
16 subsequent late charges assessed in accordance with this Section.

17 H.(1) A photograph, microphotograph, videotape, or other recorded image
18 produced by a photo-monitoring device is admissible in a proceeding to collect a toll
19 or other charge, to collect criminal penalties imposed, or to impose criminal liability
20 for a failure to pay the toll or charge.

21 (2) An original or facsimile of a certificate, sworn to or affirmed by an agent
22 of the toll collector that states that a failure to pay has occurred and states that it is
23 based upon a personal inspection of a photograph, microphotograph, videotape, or
24 other recorded image produced by a photo-monitoring system, as defined in this
25 Section, is prima facie evidence of the facts contained in the certificate.

26 (3) Notwithstanding any other provision of law to the contrary, a photograph,
27 microphotograph, videotape, or other recorded image prepared for enforcement of
28 tolls is for the exclusive use of the Department of Transportation and Development
29 or contracting entity in the discharge of its duties under this Section.

1 I. The Department of Transportation and Development may hire or designate
2 such personnel and organize such sections as the department may deem necessary,
3 or contract for such services, in order to carry out the provisions of this Section.

4 J. The tolls, administrative fees, and any late charges provided by law which
5 are collected shall be deposited into the Crescent City Connection Toll Fund
6 provided for in R.S. 47:7014 and used for the sole purposes described therein.

7 §7014. New Orleans Regional Planning Commission; advisory authority

8 A. The New Orleans Regional Planning Commission shall serve as an
9 advisory body for the collection of tolls on the Crescent City Connection Bridge. It
10 shall recommend best practices for operations, maintenance, landscaping, grass
11 cutting, trash pickup, functional and ornamental lighting, motorist assistance patrols,
12 inspection, and capital projects on bridges, approaches, and roadways, including
13 ingress and egress points to the Crescent City Connection Bridge along US 90Z from
14 Interstate 10 to US 90.

15 B. In furtherance of this purpose, the commission shall have access to the
16 accounting of all expenditures, revenues, project priorities, status of ongoing
17 projects, and any other matters which relate to the Crescent City Connection Bridge,
18 its operations, and related projects.

19 §7015. Crescent City Connection Toll Fund; bonds

20 A. There is hereby created, as a special fund in the state treasury, the
21 Crescent City Connection Toll Fund, hereinafter referred to as the "fund". The
22 source of monies for the fund shall be tolls collected for passage over the Crescent
23 City Connection Bridge, and any administrative fees, and any late charges provided
24 by law which are collected pursuant to R.S. 47:7012, in such amounts as remain after
25 the deposit of monies into a special fund for the payment of amounts due on bonds
26 and related expenses pursuant to the requirements of R.S. 47:7015(B).

27 B. After compliance with the requirements of Article VII, Section 9(B) of
28 the Constitution of Louisiana, relative to the Bond Security and Redemption Fund,
29 an amount equal to that deposited into the state treasury from the foregoing sources

1 shall be deposited in and credited to the fund. The monies in the fund shall be
2 invested by the treasurer in the same manner as the state general fund, and interest
3 earnings shall be deposited into the fund. All unexpended and unencumbered
4 monies remaining in the fund at the end of each fiscal year shall remain in the fund.

5 C.(1) Monies in the fund shall be subject to annual appropriation as set forth
6 herein by the legislature for use by the Department of Transportation and
7 Development and the Department of Public Safety and Corrections, public safety
8 services.

9 (2) Funds shall be allocated to and disbursed by Department of Public Safety
10 and Corrections, public safety services, for police functions along the span of the
11 bridge.

12 (3) Funds shall be allocated to and disbursed by the secretary of the
13 Department of Transportation and Development solely for operations, maintenance,
14 landscaping, grass cutting, trash pickup, functional and ornamental lighting,
15 inspections, motorist assistance patrols, and capital projects on the bridges,
16 approaches and roadways, along U.S. 90Z from Interstate 10 to U.S. 90, including
17 ingress and egress points to the Crescent City Connection Bridge.

18 (4) No monies in the fund shall be used for any of the following purposes:

19 (a) As a part of the Transportation Trust Fund.

20 (b) To fund the operations of any office, section, division, or other entity
21 under the authority of the department for anything other than the purposes for which
22 this Chapter authorizes for the Crescent City Connection Bridge.

23 (c) To finance, supplement, or in any manner fund any Louisiana
24 Transportation Authority project, other than those related to the Crescent City
25 Connection Bridge.

26 (d) To finance, supplement, or in any manner fund any other projects in the
27 state of Louisiana, particularly those contained in Title 47, Part IV, Section 820.1
28 through 820.5, the Transportation Infrastructure Model for Economic Development
29 Account.

1 (e) To finance, supplement, or in any manner fund any ferry operated in the
2 state.

3 §7016. Bonds

4 A.(1) Notwithstanding any provision of law to the contrary, and as a grant
5 of power in addition to any other general or special law, the State Bond Commission,
6 hereinafter referred to as the "commission", on behalf of the Department of
7 Transportation and Development, hereinafter referred to as the "department", shall
8 issue bonds, notes, certificates, or other evidences of indebtedness, hereinafter
9 collectively referred to as the "bonds". Monies available for pledge and dedication
10 for payment of the bonds shall be the first ten million dollars in toll revenues
11 collected in each fiscal year, other funds collected pursuant to this Chapter, and any
12 other fees, rates, rentals, charges, grants, or other receipts or income derived by or
13 in connection with an undertaking, facility, project, or any combination thereof, all
14 of such sources being hereinafter referred to as "revenues". The bonds shall be
15 issued for capital projects for the Crescent City Connection, with the first priority on
16 the expenditure of bond proceeds for capital projects related to the Crescent City
17 Connection Bridge along U.S. 90Z from Interstate 10 to U.S. 90, specifically:

18 (a) Repainting the downriver span of the Crescent City Connection Bridge.

19 (b) Increasing and expanding ingress and egress capacity at the following
20 locations:

21 (i) Annunciation Street;

22 (ii) Barataria Boulevard; and

23 (iii) Tchoupitoulas Street.

24 (2) The commission is further authorized, in its discretion, to pledge all or
25 any part of any gift, grant, donation, or other sum of money, aid, or assistance from
26 the United States, the state, or any political subdivision thereof, unless otherwise
27 restricted by the terms thereof, all or any part of the proceeds of bonds, credit
28 agreements, instruments, or any other money of the commission, from whatever

1 source derived, for the further securing of the payment of the principal and interest
2 of the bonds.

3 (3) Any bonds issued pursuant to the provisions of this Section shall
4 constitute revenue bonds under Article VII, Section 6 of the Constitution of
5 Louisiana, and such bonds shall be payable solely from an irrevocable pledge and
6 dedication of the revenues without a pledge of the full faith and credit of the state.

7 B. In accordance with the provisions of Article VII, Section 9(A)(6) of the
8 Constitution of Louisiana, there is hereby established a special fund for the purpose
9 of providing for the securitization of any bonds which may be issued pursuant to the
10 provisions of this Section which shall include requirements for reserves and credit
11 enhancement devices, all as may be provided in any resolution, trust agreement,
12 indenture, or other instrument pursuant to which such bonds were issued. The fund
13 shall be administered by a trustee as designated by the commission. The source of
14 monies for the fund shall be those revenues pledged for payment of bonds pursuant
15 to the provisions of Subsection A of this Section. All such revenues shall be
16 classified and set aside in a separately identifiable fund or account outside of the
17 state treasury but maintained by the state treasury, and such revenues shall be
18 assigned and pledged to the trustee under the documents pursuant to which the bonds
19 were issued for the benefit of the holders of the bonds. Only after satisfaction of all
20 requirements of this Section shall any revenues pledged herein be available for any
21 other purposes, and specifically for the purposes provided for in this Chapter.

22 C. Bonds issued under the provisions of this Section shall not be deemed to
23 constitute a pledge of the full faith and credit of the state or of any governmental unit
24 thereof. All such bonds shall contain a statement on their face substantially to the
25 effect that neither the full faith and credit of the state nor the full faith and credit of
26 any public entity of the state are pledged to the payment of the principal of or the
27 interest on such bonds. The issuance of bonds under the provisions of this Section
28 shall not directly, indirectly, or contingently obligate the state or any governmental

1 unit of the state to levy any taxes whatsoever therefore or to make any appropriation
2 for their payment.

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

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

14 F. Except for the provisions of R. S. 39:1367, the issuance of the bonds shall
15 not be subject to any limitations, requirements, or conditions contained in any other
16 law, and bonds may be issued without obtaining the consent of any political
17 subdivision of the state or of any agency, commission, or instrumentality of the state.
18 The bonds shall be issued in compliance with the provisions of this Section.

19 G. For a period of thirty days after the date of publication of a notice of intent
20 to issue bonds in the official journal of the commission authorizing the issuance of
21 bonds hereunder, any person in interest shall have the right to contest the legality of
22 the resolution and the legality of the bond issue for any cause, but after that time no
23 one shall have any cause or right of action to contest the legality of the resolution or
24 of the bonds or the security therefore for any cause whatsoever. If no suit, action, or
25 proceeding is begun contesting the validity of the resolution, the bonds or the security
26 therefore within the thirty days herein prescribed, the authority to issue the bonds and
27 to provide for the payment thereof, the legality thereof, and all of the provisions of the
28 resolution authorizing the issuance of the bonds shall be conclusively presumed to be
29 legal and shall be incontestable. Any notice of intent so published shall set forth in

1 reasonable detail the purpose of the bonds, the security therefore, and the parameters
2 of amount, duration, and interest rates. Any suit to determine the validity of bonds
3 issued by the commission shall be brought only in accordance with the provisions of
4 R. S. 13:5121 et seq.

5 H. All bonds issued pursuant to this Section shall have all the qualities of
6 negotiable instruments under the commercial laws of the state.

7 I. Any pledge of the revenues or other monies made by the commission shall
8 be valid and binding from the time when the pledge is made. The revenues or monies
9 so pledged and thereafter received by the commission shall immediately be subject
10 to the lien of such pledge without any physical delivery thereof or further act, and the
11 lien of any such pledge shall be valid and binding as against all parties having claims
12 of any kind in tort, contract, or otherwise against the commission irrespective of
13 whether such parties have notice thereof. Any trust agreement or other instrument by
14 which a pledge is created need not be filed or recorded except in the official records
15 of the commission.

16 J. Neither the member of the commission nor any person executing the bonds
17 shall be personally liable for the bonds or be subject to any personal liability or
18 accountability by reason of the issuance thereof.

19 K. Bonds of the commission, their transfer, and the income thereof shall at
20 all times be exempt from all taxation by the state or any political subdivision thereof,
21 and may or may not be exempt for federal income tax purposes. The bonds issued
22 pursuant to this Section shall be and are hereby declared to be legal and authorized
23 investments for banks, savings banks, trust companies, building and loan associations,
24 insurance companies, fiduciaries, trustees, and guardians. Such bonds shall be
25 eligible to secure the deposit of any and all public funds of the state and any and all
26 public funds of municipalities, parishes, school districts, or other political
27 corporations or subdivisions of the state. Such bonds shall be lawful and sufficient
28 security for said deposits to the extent of their value. When any bonds shall have
29 been issued pursuant to Subsection A of this Section, neither the legislature, the state,

1 nor any other entity may act to impair any obligation or contract for the benefit of the
2 holders of the bonds or discontinue or decrease the tolls pledged to the payment of the
3 bonds authorized hereunder or permit to be discontinued or decreased said tolls in
4 anticipation of the collection of which such bonds have been issued, or in any way
5 make any change in the allocation and dedication of any fee which would diminish
6 the amount of tolls to be received by the commission, until all such bonds shall have
7 been retired as to principal and interest, and there is hereby vested in the holders from
8 time to time of such bonds a contract right in the provisions of this Section.

9 L. The commission may provide by resolution for the issuance of refunding
10 bonds pursuant to R.S. 39:1444 et seq.

11 M. The holders of any bonds issued hereunder shall have such rights and
12 remedies as may be provided in the resolution or trust agreement authorizing the
13 issuance of the bonds, including but not by way of limitation, appointment of a trustee
14 for the bondholders, and any other available civil action to compel compliance with
15 the terms and provisions of the bonds and the resolution or trust agreement.

16 N. Subject to the agreements with the holders of bonds, all proceeds of bonds
17 and all revenues pledged under a resolution or trust agreement authorizing or securing
18 such bonds shall be deposited and held in trust in a fund or funds separate and apart
19 from all other funds of the state treasury or of the department. Subject to the
20 resolution or trust agreement, the trustee shall hold the same for the benefit of the
21 holders of the bonds for the application and disposition thereof solely to the respective
22 uses and purposes provided in such resolution or trust agreement.

23 O. The commission is authorized to employ all professionals it deems
24 necessary in the issuance of the bonds.

25 P. The commission is authorized to enter into any and all agreements or
26 contracts, execute any and all instruments, and do and perform any and all acts
27 necessary, convenient, or desirable for the issuance of the bonds or to carry out any
28 power expressly given in this Section.

1 Q. Any other provision of law to the contrary notwithstanding, any revenues
2 deposited in the bond fund that are pledged to the repayment of any bonds issued in
3 accordance with this Section may be collected and disbursed in accordance with the
4 documents pursuant to which such bonds were issued.

5 §7017. Ferry operation at New Orleans; rates

6 A. Should the ferry service formerly operated by the Crescent City
7 Connection Division of the Department of Transportation and Development not be
8 privatized as allowed pursuant to R.S. 48:25, the department shall use best practices
9 and establish and collect fares as follows:

10 (1) A commuter fare for pedestrians of not less than one dollar per each
11 passage.

12 (2) A commuter pass for motor vehicle commuters not less than four dollars
13 per each passage.

14 (3) A tourist rate or non-commuter rate may be set by the department under
15 the direction of the New Orleans Regional Planning Commission pursuant to the
16 authority granted to it pursuant to R.S. 47:7013.

17 (4) All fares collected shall be used solely for ferry operations formerly
18 operated by the Crescent City Connection Division of the Department of
19 Transportation and Development.

20 B. The department is hereby authorized to adjust the fees permitted by this
21 Section annually in accordance with increases in the Consumer Price Index.

22 §7018. Termination

23 The provisions of this Chapter shall be null, void, and of no effect should the
24 majority of the qualified electorate voting in the election provided for in R.S.
25 47:820.5.8, vote not to have tolls collected on the Crescent City Connection Bridge.

26 Section 3. R.S. 48:954 and 954.1 are hereby enacted to read as follows:

1 §954. Crescent City Connection Bridge; toll collection, maintenance, operations, and
2 other services; privatization

3 A. Notwithstanding any provision to the contrary, the department is hereby
4 authorized to privatize, let franchises, or enter into contracts for the collection of tolls,
5 operations, maintenance, and all associated activities, for the Crescent City
6 Connection Bridge. Operations and maintenance shall include inspection,
7 landscaping, grass cutting, trash pickup, and functional and ornamental lighting.

8 B. The department shall hold at least one public meeting in the New Orleans
9 metropolitan area prior to issuing any solicitation.

10 C. Adequate public notice of any solicitation shall be given by advertising in
11 the official journal of the state and the official journals of the parishes of Orleans,
12 Jefferson, and Plaquemines, at least once. In addition, written notice may be provided
13 to persons, firms, or corporations who are known to be in a position to furnish such
14 service requested.

15 D. The department shall determine which offer for a desired service is the
16 most advantageous to the state which meets all the qualitative restrictions established
17 in any privatization solicitation.

18 E. The department shall give updates on its efforts to privatize the operations
19 and maintenance of the Crescent City Connection Bridge upon request of the Senate
20 Committee on Transportation, Highways and Public Works or the House Committee
21 on Transportation, Highways and Public Works, or both.

22 F. The provisions of this Section shall be null, void, and of no effect on July
23 1, 2014, should the department have not awarded a contract or contracts for Crescent
24 City Connection Bridge toll collection and operations and maintenance.

25 G. "Crescent City Connection Bridge" as used in this Section shall
26 collectively mean Bridges No. 1 and No. 2, comprising the Crescent City Connection.
27 §954.1. Crescent City Connection; best practices

28 The department shall utilize industry recognized best practices not in conflict
29 with applicable laws in executing procurement contracts, engineering contracts, and

1 other contracts entered into which affect the Greater New Orleans Mississippi River
2 Bridges No. 1 and 2, referred to as the Crescent City Connection Bridge, with a public
3 or nonpublic entity.

4 Section 4. The legislative auditor of the state of Louisiana shall perform an audit of
5 the Department of Transportation and Development's operations of the Crescent City
6 Connection Bridge and provide a written report to the House and Senate committees on
7 transportation, highways, and public works by March 1, 2014. Such report shall include but
8 not be limited to a determination of the Department of Transportation and Development's
9 compliance with the statutes, rules, and regulations of the state concerning procurement of
10 supplies and materials and obtaining professional services such as engineering, inspection,
11 and examination services.

12 Section 5. The Legislative Fiscal Office shall issue an opinion by March 1, 2014, as
13 to whether the Department of Transportation and Development's procurement policies and
14 systems as they relate to the Crescent City Connection Bridge have resulted in the most cost-
15 effective expenditure of public funds, in particular whether the amounts expended on
16 administration is out of line when compared with public and private entities performing the
17 same function. The Legislative Fiscal Office shall also make a determination of the sources
18 of revenue for the operation of the Crescent City Connection Bridge by the Department of
19 Transportation and Development.

20 Section 6. This Section and Sections 1 and 7 of this Act shall become effective upon
21 signature by the governor or, if not signed by the governor, upon expiration of the time for
22 bills to become law without signature by the governor, as provided by Article III, Section 18
23 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by
24 the legislature, this Act shall become effective on the day following such approval.

25 Section 7. Sections 2 and 3 of this Act shall be effective January 1, 2013, 12:01 a.m.,
26 should the election provided for in Section 1 of this Act result in the collection of tolls on the
27 Crescent City Connection Bridge as defined in Section 1 of this Act.

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)]

St. Germain

HB No. 1212

Abstract: Authorizes an election to be held on the question of whether tolls shall be collected on the Crescent City Connection Bridge. The bill provides that the DOTD shall collect the tolls and operate and maintain the bridge.

Proposed law provides that an election shall be held on Nov. 6, 2012, in House of Representatives District Nos. 83, 84, 85, 87, 102, and precincts within Jefferson Parish and Orleans Parish that are within House District No. 105, for the purpose of determining whether tolls shall be collected on the Crescent City Connection Bridge until 2033. Proposed law provides for the ballot language, which provides for the rate to be collected to be provided by law and the uses of the toll revenue.

Proposed law provides that upon a majority of the qualified electorate approving the collection of tolls, the tolls shall be collected at the present law rates. Proposed law maintains all present law manners of toll collection, but allows for tolls to be paid by credit, and makes changes to the enforcement of toll violations.

Proposed law provides for the creation of the "Crescent City Connection Toll Fund", as follows:

- (1) Monies for the fund shall be tolls collected for passage over the Crescent City Connection Bridge, and any administrative fees, and any late charges after payment of amounts due on bonds and related expenses issued under proposed law.
- (2) After compliance with the requirements of Article VII, Section 9(B) of the Constitution of La., relative to the Bond Security and Redemption Fund, an amount equal to that deposited into the state treasury from the foregoing sources shall be deposited in and credited to the fund. The monies in the fund shall be invested by the treasurer in the same manner as the state general fund, and interest earnings shall be deposited into the fund. All unexpended and unencumbered monies remaining in the fund at the end of each fiscal year shall remain in the fund.
- (3) Monies in the fund shall be subject to annual appropriation by the legislature for use by the Department of Transportation and Development and the Department of Public Safety and Corrections, public safety services.
- (4) Monies in the fund shall be allocated and disbursed by the Department of Public Safety and Corrections, public safety services, for police functions along the span of the bridge.
- (5) Monies in the fund shall be allocated and disbursed by the secretary of the Department of Transportation and Development solely for operations, maintenance, landscaping, grass cutting, trash pick up, functional and ornamental lighting, motorist assistance patrols, inspection, and capital projects on the bridges, approaches, and roadways along U.S. 90Z from Interstate 10 to U.S. 90.

Proposed law provides that bonds shall be issued with the monies available to pay for the bonds to be the first \$10 million in toll revenues collected in each fiscal year, other funds collected pursuant to proposed law, and any other fees, rates, rentals, charges, grants, or other

receipts or income derived by or in connection with an undertaking, facility, projects, or any combination thereof.

Proposed law provides that the bonds shall be issued for capital projects for the Crescent City Connection, with the first priority on the expenditure of bond proceeds for capital projects related to the Crescent City Connection Bridge along U.S. 90Z from Interstate 10 to U.S. 90, specifically, repainting the downriver span of the Crescent City Connection Bridge and increasing and expanding ingress and egress capacity at Annunciation Street, Barataria Boulevard, and Tchoupitoulas Street.

Proposed law provides that the New Orleans Regional Planning commission shall serve as an advisory body for the collection of tolls. Proposed law provides that the commission shall have access to the accounting of all expenditures, revenues, project priorities, status of ongoing projects, and any other matters which relate to the Crescent City Connection, its operations, and related projects.

Proposed law provides for the authorization to privatize the operations and maintenance of and toll collections on the Crescent City Connection Bridge as follows:

- (1) Authorizes the department to privatize, let franchises, or enter into contracts for the collection of tolls, operations, and maintenance, and all associated activities, on the Crescent City Connection Bridge.
- (2) Requires the department to hold at least one public meeting in the New Orleans metropolitan area prior to issuing any solicitation.
- (3) Adequate public notice of any requests for proposals shall be given by advertising in the official journal of the state and the official journals of the parishes of Orleans, Jefferson, and Plaquemines, at least once. In addition, written notice may be provided to persons, firms, or corporations who are known to be in a position to furnish such service requested.
- (4) The department shall determine which proposal for a desired service is the most advantageous to the state which meets all the qualitative restrictions established in any requests for proposal.
- (5) Requires the department to give updates on its efforts to privatize the operations and maintenance of the Crescent City Connection Bridge upon request of the Senate Committee on Transportation, Highways, and Public Works or the House Committee on Transportation, Highways and Public Works, or both.
- (6) Provides that the proposed law shall be null, void, and of no effect on July 1, 2014, should the department have not awarded a contract or contracts for Crescent City Connection Bridge toll collection, operation, and maintenance.

Proposed law provides that the Dept. of Transportation and Development shall utilize industry recognized best practices that are not in conflict with applicable laws in executing procurement contracts, engineering contracts, and other contracts entered into which affect the Crescent City Connection Bridge.

Proposed law provides that should the Crescent City Connection ferries not be privatized, then the department shall use best practices and establish and collect fares as follows:

- (1) A commuter fare for pedestrians of not less than one dollar per each passage.
- (2) A commuter pass for motor vehicle commuters not less than four dollars per each passage.

- (3) A tourist rate or non-commuter rate may be set by the department under the direction of the New Orleans Regional Planning Commission.

Proposed law provides that all fares collected pursuant to proposed law shall be used solely for ferry operations formerly operated by the Crescent City Connection Division of the Department of Transportation and Development.

Proposed law provides that DOTD is authorized to adjust the fares charged pursuant to proposed law annually in accordance with increases in the Consumer Price Index.

Proposed law provides that the legislative auditor perform an audit of the Dept. of Transportation and Development's operation of the Crescent City Connection Bridge and provide a written report to the Senate and House committees on Transportation, Highways and Public Works by March 1, 2014.

Proposed law requires the Legislative Fiscal Office to issue an opinion as to whether the Dept. of Transportation and Development's procurement policies and systems as they relate to the Crescent City Connection Bridge have resulted in the most cost-effective expenditure of public funds by March 1, 2014.

Sections 1, 6, and 7 are effective upon signature of governor or lapse of time for gubernatorial action.

Sections 2 and 3 are effective Jan. 1, 2013, 12:01 a.m., should the election provided for in Section 1 of this Act results in the collection of tolls on the Crescent City Connection Bridge.

(Adds R.S. 47:820.5.8 and 7011-7018 and R.S. 48:954 and 954.1)

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

1. Changed area election will be held in House of Representatives District Nos. 83, 84, 85, 87, 102, and precincts within Jefferson parish and Orleans parish that are within House District No. 105.
2. Changed ballot language.
3. Provided that the toll collection would sunset on Dec. 31, 2033, should the voters approve the collection of the tolls.
4. Made revisions to toll violation provisions.
5. Added motorist assistance patrols and inspections to items that toll revenue can be used to pay.
6. Provided for bonds to be issued with the first \$10 million in toll revenue and other monies collected pursuant to proposed law.
7. Provided that the bonds shall be issued for specific capital projects related to the Crescent City Connection Bridge.
8. Made changes to privatization of toll collection, maintenance, and operations provision.

9. Provided that DOTD shall utilize industry recognized best practices that are not in conflict with applicable laws in executing procurement contracts, engineering contracts, and other contracts entered into which affect the Crescent City Connection Bridge.
10. Provided for the Legislative Auditor to audit DOTD's operation of the Crescent City Connection Bridge.
11. Provided for the Legislative Fiscal Office to issue an opinion as to whether DOTD's policies have resulted in the most cost-effective expenditure of public funds.