

Regular Session, 2014

SENATE BILL NO. 8

BY SENATOR MARTINY

TRANSPORTATION/DEV DEPT. Authorizes DOTD as the sole state agency to enter into agreements with the federal government to establish and administer the federal railroad safety and inspection program. (8/1/14)

1 AN ACT
2 To amend and reenact R.S. 48:212(D) and to repeal R.S. 45:561 and 562, relative to federal
3 railroad safety and inspection; to authorize the Department of Transportation and
4 Development as the only state agency to enter into agreements to administer a
5 railroad safety and inspection program with the federal government or its agency as
6 provided by federal law; to repeal authority of the Public Service Commission
7 relative to such railroad safety and inspection program; and to provide for related
8 matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 48:212(D) is hereby amended and reenacted to read as follows:

11 §212. Agreements with federal government

12 * * *

13 D. The department ~~may~~ **shall be the sole state agency authorized to** enter
14 into any agreements with the federal government or with any federal agency for the
15 purpose of establishing and administering a railroad safety and inspection program
16 to the extent that the federal government or its agency is authorized by federal
17 statutes to enter into such agreements, and with the same limitations.

1 Section 2. R.S. 45:561 and 562 are hereby repealed.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Sharon F. Lyles.

DIGEST

Martiny (SB 8)

Present law (R.S. 48:212(D)) authorizes DOTD to enter into agreements with the federal government or any federal agency to establish and administer a railroad safety and inspection program to the extent authorized by federal law.

Present law (R.S. 45:561 and 562) authorizes the Louisiana Public Service Commission (LPSC) to perform any act and issue any rules or orders as permitted by the Federal Railroad State Safety Participation regulations (49 C.F.R. Part 212) but prohibits the LPSC from requiring a railroad facility owner or operator to alter or cease rail operations and requires any inspection, investigation, or surveillance performed on the site of a manufacturing facility by the LPSC to comply with safety rules or regulations of such facility, including security clearance at the front gate if appropriate.

Proposed law provides DOTD is the sole state agency authorized to enter into such agreements to establish and administer a railroad safety and inspection program.

Proposed law repeals conflicting authority of the LPSC in present law.

Effective August 1, 2014.

(Amends R.S. 48:212(D); repeals R.S. 45:561 and 562)