

ACT No. 222

2019 Regular Session

HOUSE BILL NO. 394

BY REPRESENTATIVE CARMODY

1 AN ACT

2 To amend and reenact R.S. 48:388.1(Section heading), (A)(1), (2), and (3)(d), (B), and (D),
3 to enact R.S. 48:388.1(E), and to repeal R.S. 48:388.1(C), relative to the Rail
4 Infrastructure Improvement Program; to create the Class II and III Rail Infrastructure
5 Improvement Program; to provide project goals and eligible project examples for the
6 program; to provide with respect to monies in the Transportation Trust Fund; to
7 provide reporting requirements; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 48:388.1(Section heading), (A)(1), (2), and (3)(d), (B), and (D) are
10 hereby amended and reenacted and R.S. 48:388.1(E) is hereby enacted to read as follows:

11 §388.1. ~~Freight Railroad Intermodal Grant Program~~ Class II and III Rail
12 Infrastructure Improvement Program

13 A.(1) The ~~Freight Railroad Intermodal Grant~~ Class II and III Rail
14 Infrastructure Improvement Program is hereby created within the department.

15 (2) ~~Grants through the program shall be made available for intermodal needs~~
16 ~~of state freight rail services.~~ The program shall be made available to Class II and III
17 railroads for rail improvement needs to maintain efficient rail service on the rail
18 network and to implement recommendations in the Louisiana Freight Mobility Plan
19 and State Rail Plan. Eligible projects include but are not limited to:

20 (a) Track, equipment, signaling, and right-of-way acquisition and
21 preservation.

22 (b) Rail line relocation and improvement.

1 (c) Multimodal connector enhancements and supporting facilities.

2 (d) Highway-rail grade crossing and associated equipment improvements.

3 (e) Planning, engineering, and design for selected projects.

4 (3) Funding through the grant program shall be subject to, but not limited to,
5 the following criteria:

6 * * *

7 (d) A minimum fifty percent match provided from ~~other~~ sources ~~by the~~
8 ~~successful candidate for a project~~ other than the Transportation Trust Fund.

9 B.(1) ~~The grant program shall be implemented not later than January 1, 1998.~~
10 Transportation Trust Fund money may be used for the administrative expenses to
11 promulgate rules and regulations to implement the program. Transportation Trust
12 Fund monies including the monies deposited into the Construction Subfund shall not
13 be appropriated for a project approved in this program, provided that other state or
14 federal revenue may be utilized and appropriated for projects approved in this
15 program.

16 (2) ~~The grant program shall continue for a period of ten years after the date~~
17 ~~of implementation. The need for continuing the program shall be reevaluated at the~~
18 ~~end of the initial ten-year program.~~ The department is authorized to compete for,
19 receive, accept, administer, and manage federal and other funds in furtherance of this
20 program.

21 * * *

22 D. The department shall, in accordance with the Administrative Procedure
23 Act, promulgate rules and regulations to implement this Section, which shall include,
24 but not necessarily be limited to, the following:

- 25 (1) Project submission.
- 26 (2) Project evaluation, ~~including but not limited to financial feasibility,~~
27 ~~benefit/cost analysis, and economic impact~~ and selection.
- 28 (3) Program administration.
- 29 ~~(4) Prioritization of projects.~~
- 30 ~~(5) (4) Distribution of funding funds.~~

1 E.(1) Prior to the convening of each regular session of the legislature,
2 beginning with the 2020 Regular Session, the department shall prepare and shall
3 submit a priority list of projects requesting state funds for the ensuing fiscal year to
4 the Joint Committee on Transportation, Highways and Public Works which shall
5 hold a public hearing for the purpose of reviewing the priority list of projects for the
6 coming fiscal year. Subsequent to the joint committee hearing and prior to the
7 convening of the regular session, the department shall prepare the final program for
8 the coming fiscal year for submission to the joint committee. When this final
9 program, as approved by the joint committee, is presented to the legislature for
10 funding for the coming fiscal year, the legislature shall not add any projects to this
11 final construction program except as provided in Paragraph (2) of this Subsection.

12 (2) If the governing authority of a parish, or of any local unit of government,
13 or a railroad obtains ninety percent or more funding for a railroad project from
14 federal sources or from sources other than state funds, the legislature may give
15 priority to funding the remaining amount necessary for the project, even if the
16 project is not on the priority list of projects.

17 (3) If the department has no projects for the Class II or III Rail Infrastructure
18 Improvement Program, the department shall notify the joint committee and no public
19 hearing shall be necessary and a final construction program for the ensuing year shall
20 not be furnished to the joint committee.

21 (4) Except as provided in Paragraph (3) of this Subsection, each year,
22 beginning with the fiscal year commencing in 2020, the department shall submit to
23 the joint committee a final Class II or III Rail Infrastructure Improvement Program
24 to be commenced in the ensuing fiscal year, which shall be based upon the
25 anticipated revenues to be appropriated by the legislature, and listed in an order of
26 priority of the projects herein.

27 (5) The department also shall provide to the joint committee annually a
28 supplemental list of projects proposed to be commenced within the ensuing four
29 years which are in various stages of planning and preparation. The supplemental list

1 shall be subject to change by the department until the department finally approves
2 each project for construction.

3 Section 2. R.S. 48:388.1(C) is hereby repealed in its entirety.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____