

2015 Regular Session

HOUSE BILL NO. 742

BY REPRESENTATIVE LEGER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

TRANSPORTATION: Revises factors and processes by which projects are selected to be included within the Highway Priority Program

1 AN ACT

2 To enact R.S. 48:229.1 and to repeal R.S. 48:229, relative to programs of construction to be
3 commenced in the coming fiscal year submitted to the legislature by the Department
4 of Transportation and Development; to prescribe the process by which the
5 Department of Transportation and Development shall select and prioritize certain
6 construction projects; to require the Department of Transportation and Development
7 to make certain information public; to repeal the current requirements by which the
8 Department of Transportation and Development prioritizes certain construction
9 projects; to provide for an effective date; and to provide for related matters

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 48:229.1 is hereby enacted to read as follows:

12 §229.1. Statewide prioritization process for the Highway Priority Program

13 A. The legislature declares it to be in the public interest that a prioritization
14 process for construction be utilized to develop a Highway Priority Program that
15 accomplishes the following:

16 (1) Brings the state highway system into a good state of repair and optimizes
17 the usage and efficiency of existing transportation facilities.

18 (2) Improves safety for motorized and nonmotorized highway users and
19 communities.

1 (3) Supports resiliency in the transportation system, including safe
2 evacuation of populations when necessitated by catastrophic events such as
3 hurricanes and floods.

4 (4) Increases accessibility for people, goods, and services.

5 (5) Fosters diverse economic development and job growth, international and
6 domestic commerce, and tourism.

7 (6) Fosters multimodalism, promotes a variety of transportation and travel
8 options, and encourages intermodal connectivity.

9 (7) Encourages innovation and the use of technology.

10 (8) Protects the environment, reduces emissions, and improves public health
11 and quality of life.

12 B. Beginning with the Highway Priority Program for Fiscal Year 2017-2018,
13 the department shall provide the legislature and public with this program which shall
14 list projects to be constructed in the ensuing fiscal year in an order of priority that is
15 determined after projects selected pursuant to Subsection C of this Section are
16 analyzed and prioritized based upon the factors set forth in Subsection A of this
17 Section.

18 C. The projects to be included in the Highway Priority Program shall be
19 selected utilizing a process based on an objective analysis that considers, at
20 minimum, the following factors relative to the cost of the project and anticipated
21 revenues to be appropriated by the legislature:

22 (1) The condition of the roads, streets, and structures making up the state
23 highway system and the relative urgency of the improvements considering in their
24 order of general needs. For purposes of this Subparagraph, "condition" shall include,
25 but not be limited to, the state of repair of the existing roadway and shoulder
26 surfaces, structures and drainage, and other factors of the roadway; such as, signs,
27 signals, markings, and barriers.

28 (2) The type and volume of traffic on a particular segment of roadway,
29 highway, or bridge.

1 (3) The crash records for a particular segment of roadway, highway, or
2 bridge.

3 (4) The technical difficulties in the preparation of plans and the procurement
4 of rights-of-way for a particular segment of roadway, highway, or bridge.

5 (5) Whether unforeseeable emergencies such as floods have created an
6 immediate need for improvement or reconstruction.

7 (6) Whether capacity improvements are warranted due to population or
8 traffic volume increases in specific geographic areas.

9 (7) Whether or not the highway or bridge is or will be on an evacuation route
10 utilized to evacuate large populations due to catastrophic events such as hurricanes
11 or flooding.

12 (8) Whether the improvement to or addition of a highway or bridge will
13 benefit the economic development potential of the state.

14 D. Prior to selecting a project for inclusion in the program based on the
15 factors set forth in Subsection C of this Section, the department shall screen all
16 projects submitted for inclusion in the program to determine whether they are
17 consistent with the most recent Statewide Transportation Plan and warrant inclusion
18 in the program.

19 E. No later than October first of each year, the department shall make public,
20 in an accessible format, the results of the screening and analysis of projects pursuant
21 to this Section.

22 F. The department shall initially identify prospective outcomes of each
23 program and report these prospective outcomes to the legislature and make them
24 available to the public on or before March 14, 2016. The department shall evaluate
25 the actual outcomes of each program and establish revised prospective outcomes of
26 each program on a biennial basis. Beginning in 2018, the department shall report the
27 results of these biennial evaluations to the legislature and make them available to the
28 public on the department website on a biennial basis when the department presents

1 a proposed program of construction to the Joint Highway Priority Construction
2 Committee in accordance with R.S. 48:231(A)(1).

3 G. The department may consult with the Department of Economic
4 Development when fixing the priorities of projects as required by this Section.

5 Section 2. R.S. 48:229 is hereby repealed in its entirety.

6 Section 3. Sections 1 and 2 of this Act shall become effective on March 14, 2016.

7 Section 4. Section 3 of this Act and this Section shall become effective upon
8 signature of the governor or, if not signed by the governor, upon expiration of the time for
9 bills to become law without signature of the governor, as provided by Article III, Section 18
10 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by
11 the legislature, this Act shall become effective on the day following such approval.

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)]

HB 742 Reengrossed

2015 Regular Session

Leger

Abstract: Provides for selection and prioritization of projects to be constructed by the Dept. of Transportation and Development in the ensuing fiscal year.

Present law requires that the Dept. of Transportation and Development (DOTD) provide the legislature with a program of construction for highways, commonly referred to as the "Highway Priority Program", to be commenced in the ensuing year, which is to be based on the anticipated revenues to be appropriated by the legislature and listed in an order of priority of projects for each of the 12 functional classifications of state highways.

Present law provides that the order of priorities are to be based on an illustrative list, but not exclusive, of the following factors:

- (1) Alignment of existing roads.
- (2) The width and/or elevation of the existing roadway and shoulder surfaces.
- (3) The width of the rights-of-way.
- (4) The cost of construction.
- (5) The type and volume of traffic.
- (6) The condition of structures and drainage.
- (7) The accident rate.
- (8) The geographical distribution of the roadways to be constructed or reconstructed.

- (9) Population growth in each parish and the existing state highway transportation infrastructure to support the increase in population.
- (10) Economic development potential.
- (11) The safe evacuation of population when necessitated by catastrophic events such as hurricanes or flooding.

Present law further provides that DOTD shall consider the following conditions in fixing priorities:

"Primarily the condition of the roads, streets, and structures making up the state highway system and the relative urgency of the improvements considering in their order general needs, traffic volume, accident records, technical difficulties in the preparation of plans and the procurement of rights-of-way, as well as unforeseeable emergencies such as floods. In fixing priorities, the department shall also consider and include capacity improvements in geographic areas where population has grown or traffic volume has increased and capacity improvements are necessary. In fixing priorities for bridges, the department may give higher priority to bridges with high volumes of traffic."

Proposed law repeals present law.

Proposed law provides that the legislature declares it to be in the public interest that a prioritization process for construction be utilized to develop a Highway Priority Program (program) that accomplishes certain goals (prioritization factors).

Proposed law requires that projects to be included in the program be selected utilizing a process based on an objective analysis that considers a list of factors relative to the cost of the project and anticipated revenues to be appropriated by the legislature (selection factors).

Proposed law specifies that prior to selecting a project for inclusion in the program based on the selection factors, DOTD shall screen all projects submitted for inclusion in the program to determine whether they are consistent with the most recent Statewide Transportation Plan and warrant inclusion in the program.

Proposed law provides that beginning with the Highway Priority Program for Fiscal Year 2017-2018, DOTD shall provide the legislature and public with this program which shall list projects to be constructed in the ensuing fiscal year in an order of priority that is determined after projects selected to be in the program pursuant to selection factors in proposed law are analyzed and prioritized based upon the prioritization factors in proposed law.

Proposed law requires that DOTD initially identify prospective outcomes of each program and report these prospective outcomes to the legislature and make them available to the public on or before March 14, 2016.

Proposed law requires that DOTD then evaluate the actual outcomes of each program and establish revised prospective outcomes of each program on a biennial basis.

Proposed law requires that beginning in 2018, DOTD report the results of these biennial evaluations to the legislature and make them available to the public on the department website on a biennial basis when the department presents a proposed program of construction to the Joint Highway Priority Construction Committee in accordance with present law.

Proposed law provides that the process in proposed law shall apply to the program presented for Fiscal Year 2017-2018.

Sections 1 and 2 of proposed law are effective on March 14, 2016.

Sections 3 and 4 are effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 48:229.1; Repeals R.S. 48:229)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the original bill:

1. Remove requirement that prior to prioritizing the projects based upon the prioritization factors, the Dept. of Transportation and Development (DOTD) shall assign weights to the prioritization factors for each of the state's highway districts based upon the unique needs and qualities of each.
2. Remove authorization permitting DOTD to assign different weights to the factors within each highway district based on the unique needs and qualities of each highway district.
3. Remove requirement that DOTD shall evaluate the outcomes of each project one year following the end of the fiscal year in which the project is commenced, five years following the end of the fiscal year in which the project is commenced, and 10 years following the end of the fiscal year in which the project is commenced.
4. Add that DOTD shall evaluate the outcomes of each program beginning March 14, 2016, and that the results of these biennial evaluations and programmatic outcomes shall be reported to the legislature and made available to the public on the department website biennially beginning in calendar year 2018.
5. Make technical changes.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Change proposed law regarding reporting of program outcomes to instead require the following:

The Dept. of Transportation and Development initially identify prospective outcomes of each program and report these prospective outcomes to the legislature and make them available to the public on or before March 14, 2016.

The Dept. of Transportation and Development evaluate the actual outcomes of each program and establish revised prospective outcomes of each program on a biennial basis.

Beginning in 2018, the Dept. of Transportation and Development report the results of these biennial evaluations to the legislature and make them available to the public on the department website on a biennial basis when the department presents a proposed program of construction to the Joint Highway Priority Construction Committee in accordance with present law.