

ACT No. 596

HOUSE BILL NO. 874

BY REPRESENTATIVES TUCKER, ABRAMSON, ANDERS, ARNOLD, AUSTIN BADON, BOBBY BADON, BALDONE, BARRAS, BARROW, BILLIOT, BURFORD, HENRY BURNS, TIM BURNS, CARTER, CHANDLER, DOVE, FANNIN, GISCLAIR, GUINN, HARDY, HARRISON, HENRY, HINES, HOFFMANN, HOWARD, HUTTER, GIROD JACKSON, LABRUZZO, LAFONTA, LAMBERT, LEGER, LIGI, LITTLE, MARCHAND, MORRELL, NORTON, PETERSON, PUGH, RICHARD, RITCHIE, SCHRODER, SIMON, GARY SMITH, JANE SMITH, ST. GERMAIN, TALBOT, TEMPLET, TRAHAN, WILLIAMS, WILLMOTT, AND WOOTON

1 AN ACT

2 To amend and reenact R.S. 33:3701 through 3705, relative to railroad crossings; to provide
3 applicability to parishes; to provide for acquisition of railroad crossings; to provide
4 relative to access to state highways, streets, or alleys; to provide for dispute
5 resolution by the Louisiana Public Service Commission; to provide for the allocation
6 and payment of costs; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 33:3701 through 3705 are hereby amended and reenacted to read as
9 follows:

10 PART III. RAILROAD CROSSINGS

11 §3701. Railroad crossings; permits; sharing cost

12 A. Where the tracks of a railroad cross or limit access to a state highway or
13 a street or alley of a municipality or parish, the governing authority may require that
14 a railroad company notify the governing authority in writing prior to any work being
15 done on the railroad crossing.

16 B. The governing authority shall have the authority to acquire and construct
17 such public crossings as it deems necessary under its general expropriation authority
18 and may require the railroad to pay one-half of the cost of constructing and

1 maintaining a public crossing or viaduct over their tracks, or of constructing and
 2 maintaining a subway under their tracks, the other one-half of the cost of the
 3 construction and maintenance to be borne by the municipality or parish. The cost of
 4 the construction shall include all expenses incident thereto.

5 §3702. Disagreement between municipality or parish and railroad; decision by
 6 public service commission

7 In cases mentioned in R.S. 33:3701 if the municipal or parish authorities and
 8 the railroads are not able to agree on the plans for the construction, payment for, or
 9 maintenance of, the public crossing, viaduct, or subway, the matter shall be left to
 10 the decision of the Louisiana Public Service Commission, provided, however, that
 11 after the commission's decision, the municipality or parish may defer action on the
 12 project.

13 §3703. Apportionment between railroads crossing street

14 If there are more than one railroad crossing the street or alley or limiting
 15 access to a state highway, the one-half of the cost not paid by the municipality or
 16 parish shall be apportioned between or among the railroads according to the number
 17 of tracks of each railroad crossing the street or alley.

18 §3704. Payments due upon completion of work

19 In carrying out the work provided for in R.S. 33:3701 through ~~R.S. 33:3703,~~
 20 the amount, if any, due to the municipality or parish shall be due and payable
 21 immediately after the work is completed and accepted, and the amount, if any, due
 22 the railroads, from the municipality or parish, shall also be due and payable
 23 immediately after the completion of the work, and either may recover the amounts
 24 due in any court of competent jurisdiction.

25 §3705. Railroads required to maintain lights at crossings

26 Municipalities or parishes which have their streets lighted ~~by electricity or~~
 27 ~~gas~~ may require railroad companies to maintain lights at the intersections of their
 28 tracks within the limits of the municipality or parish, similar to and of equal power
 29 as those in use for the lighting of the streets.

1 Any railroad company affected by the exercise of the power conferred by this
2 Section may appeal to the courts to test the necessity for and the reasonableness of
3 any ordinance passed under the authority of this Section.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____