

SENATE BILL NO. 243

BY SENATORS MCPHERSON, ADLEY, ALARIO, AMEDEE, BROOME, CASSIDY, CHAISSON, CHEEK, CRAVINS, CROWE, DONAHUE, DORSEY, DUPRE, ERDEY, B. GAUTREAUX, N. GAUTREAUX, HEBERT, HEITMEIER, JACKSON, LAFLEUR, LONG, MARIONNEAUX, MORRISH, MOUNT, MURRAY, NEVERS, RISER, SHAW, SMITH, THOMPSON AND WALSWORTH

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AN ACT

To enact R.S.48:394, relative to private railroad crossings; to provide a procedure relative to the closure or removal of private crossings; to provide for notice to the Louisiana Public Service Commission and owner of record; to provide for a public hearing; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 48:394 is hereby enacted to read as follows:

§394. Private crossing elimination

A.(1) Any railroad company operating in this state which desires to close or remove a private crossing shall, no less than one hundred eighty days prior to the proposed closing or removal, provide a written request by registered or certified mail to the Louisiana Public Service Commission and to the owner or owners of record of the private crossing traversed by the rail line. The written request shall state the reason the railroad company proposes to close such crossing.

(2) The Louisiana Public Service Commission shall publish the written request from the railroad company in the commission's official bulletin for no less than twenty-five days.

B. No private crossing shall be closed or removed by any railroad company until after a public hearing by the Louisiana Public Service Commission at which parties in interest have had an opportunity to be heard.

1 Notice of the time and place of the hearing shall be published in the official
 2 journal of the parish and the commission's official bulletin and at least fifteen
 3 days shall elapse between the publication and the date of the hearing. In
 4 addition to notice by publication, and at least ten days prior to the hearing, a
 5 good faith attempt to notify the owner or owners of record of the property
 6 where the private crossing is located shall be made by the commission by
 7 sending an official notice by registered or certified mail of the time and place of
 8 the hearing to the address or addresses indicated in the mortgage and
 9 conveyance records of the parish. The public hearing shall be held not less than
 10 sixty days after receipt of request of the railroad company as provided in
 11 Subsection A of this Section.

12 C. If, after such public hearing, the commission determines that closure
 13 or removal of such private crossing is necessary for safety and in the best
 14 interest of the public, the commission shall publish in the official journal of the
 15 parish where such crossing is located and in the commission's official bulletin
 16 a notice stating the manner in which such closure or removal shall be made and
 17 the date of such.

 PRESIDENT OF THE SENATE

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____