

Regular Session, 2008
HOUSE BILL NO. 258
BY REPRESENTATIVE LITTLE

ACT No. 718

1 AN ACT

2 To enact R.S. 48:390(G), relative to railroad grade crossings; to provide for prescription
3 regarding certain crossings; to require re-opening of certain crossings; to provide for
4 retroactivity; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 48:390(G) is hereby enacted to read as follows:

7 §390. Railroad grade crossing improvement and elimination

8 * * *

9 G.(1) Notwithstanding the provisions of this Section, R.S. 48:390.1, or any
10 other provision of law or rule to the contrary, the closing of a railroad grade crossing
11 by a railroad company shall not be considered interruption for purposes of
12 acquisitive prescription, and any crossing closed by a railroad since January 1, 2006,
13 shall be re-opened upon the attainment of thirty years peaceful and otherwise
14 uninterrupted use or possession of servitude of use or passage across the railroad
15 grade crossing with or without just title.

16 (2) For the purposes of this Subsection, a crossing shall include a private
17 rural residence or agricultural crossing or other means of access over the railroad
18 right-of-way.

19 Section 2. The provisions of this Act shall be retroactive.

20 Section 3. If any provision or item of this Act, or the application thereof, is held
21 invalid, such invalidity shall not affect other provisions, items, or applications of the act
22 which can be given effect without the invalid provision, item, or application and to this end
23 the provisions of this Act are hereby declared severable.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____