

House Committee on Transportation, Highways and Public Works

Minutes of Meeting
2017 Regular Session
May 1, 2017

I. CALL TO ORDER

Representative Kenneth E. Havard, chairman of the House Committee on Transportation, Highways and Public Works, called the meeting to order at 9:43 a.m. in Room 3, in the state capitol in Baton Rouge, Louisiana. Representative Havard announced that the overflow room will be in committee room 2.

II. ROLL CALL

MEMBERS PRESENT:

Representative Kenneth E. Havard, chairman
Representative Terry R. Brown
Representative Barbara W. Carpenter
Representative Stephen F. Carter
Representative A B Franklin
Representative Jerry Gisclair
Representative John E. Guinn
Representative Jeffrey "Jeff" Hall
Representative Dorothy Sue Hill
Representative Frank A. Howard
Representative Terry C. Landry, Sr., vice chairman
Representative H. Bernard LeBas
Representative C. Denise Marcelle
Representative Vincent J. Pierre
Representative John M. Stefanski
Representative Malinda B. White

MEMBERS ABSENT:

Representative Barbara M. Norton
Representative J. Rogers Pope

STAFF MEMBERS PRESENT:

Ashleigh Clare-Kearney, attorney
Craig Cassagne, attorney

Angelique R. Mozee, secretary

ADDITIONAL ATTENDEES PRESENT:

Zachary Lester, committee clerk

Myrtis Jarrell, sergeant at arms

Clementine Johnson, sergeant at arms

III. DISCUSSION OF LEGISLATION

House Bill No. 511 by Representative Pierre

Representative Havard announced that action on House Bill No. 511, which provides relative to the regulation and operation of autonomous vehicles, was voluntarily deferred.

House Bill No. 604 by Representative Havard

Representative Havard announced that action on House Bill No. 604, which revises factors and processes of project development within the Highway Priority Program, was voluntarily deferred.

House Bill No. 598 by Representative Abramson

Representative Abramson presented House Bill No. 598, which provides for changes to the highway priority program and authorizes public-private partnership agreement under certain circumstances.

Representative Havard offered amendments to:

1. Make technical changes.
2. Add specification that the taxes referenced in proposed law are new taxes levied on or after Aug. 1, 2017.
3. Add that in cases where Priority A and B mega-projects would be prioritized equally in accordance with proposed law and present law, consideration must be given to mega-projects that have match monies from non-federal or non-state sources.
4. Change the fiscal year references in present law and proposed law from 2017-2018 to 2018-2019.
5. Add as a prioritization factor of the Highway Priority Program whether or not the project meets the needs of local and planning organizations that ensure equitable distribution among different regions of the state over a three year period.

6. Require the district administrator of each of the nine Dept. of Transportation and Development districts to determine the prioritization of the pavement preservation projects in their respective district.
7. Require, after input from local government officials and metropolitan planning organizations, at least 35% of the avails of the new motor fuel tax to be divided among the Dept. of Transportation and Development districts based on state road mileage and average daily traffic in each district by a formula established by the department.
8. Specify that in an action for civil damages, the Highway Priority Program is not discoverable or admissible as evidence in any civil trial.
9. Require the legislative auditor to ensure new taxes are used in accordance with statutory provisions in addition to the provisions of the Transportation Trust Fund.
10. Change certain Highway Priority Program references to general language regarding applicable programs that require prioritization of projects.
11. Clarify that if the legislative auditor finds a lack of substantial compliance with any three consecutive audits, then the Legislative Audit Advisory Council is required to make recommendations of appropriate action to the Legislature.
12. Delete all provisions relative to public-private partnerships.

Representative Havard offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 15 yeas and 0 nays. Representatives Havard, Terry Brown, Carpenter, Steve Carter, Franklin, Gisclair, Guinn, Hall, Hill, Howard, Terry Landry, Marcelle, Pierre, Stefanski, and White voted yea.

Mr. Shawn Wilson, Department of Transportation and Development, 1201 Capitol Access Road, Baton Rouge, LA 70802, (225) 379-1200, spoke for information only on House Bill No. 598.

Mr. Derrell Cohoon, Associated Builders and Contractors, 714 North 5th Street, Baton Rouge, LA 70804, (225) 921-9233, spoke in support of House Bill No. 598.

Representative Marcelle offered a motion to report House Bill No. 598 with amendments. Without objection, House Bill No. 598 was reported with amendments by a vote of 15 yeas and 0 nays. Representatives Havard, Terry Brown, Carpenter, Steve Carter, Franklin, Gisclair, Guinn, Hall, Hill, Howard, Terry Landry, LeBas, Marcelle, Pierre, and White voted yea.

Witness cards submitted by individuals who did not speak are as follows: 10 in support, and 3 for information only. Witness cards are included in the committee records.

Representative Terry Landry in the chair

House Bill No. 527 by Representative Havard

Representative Havard presented House Bill No. 527, which establishes safety, reliability, and access requirements for Transportation Network Companies.

Representative Terry Landry offered amendments to:

1. Make technical changes.
2. Transfer regulating authority to the Department of Agriculture and Forestry.
3. Require the TNC or a third party to conduct a background check and driving history research report at least once every two years.
4. Prohibit a TNC from authorizing an individual to act as a TNC driver on its digital network if the driving history search report initially conducted reveals that the individual has had more than three moving violations in the prior three-year period.
5. Clarify a provision that prohibits a TNC from authorizing an individual to act as a TNC driver on its digital network if the background check initially conducted reveals that the individual has had one or more violations enumerated in proposed law in the prior three-year period.
6. Specify that a TNC cannot authorize an individual to act as a TNC driver if the person does not possess a valid driver's license to operate a personal vehicle.
7. Permit the department to annually visually inspect a sample of records that the TNC is required to maintain, chosen randomly by the department in a manner agreeable to both parties, at a mutually agreed location in the state and allows for the exclusion of information that would identify specific drivers or riders.
8. Authorize the department to inspect records held by the TNC that are necessary to investigate and resolve any complaint made against a TNC driver or TNC. Provide that the department and TNC have the inspection take place at a mutually agreed location in the state and any record furnished to the department may exclude information that would identify a specific driver or rider, unless such identification is relevant to the complaint.
9. Specify that any records inspected by the department are designated confidential, are not subject to disclosure to a third party by the department without prior written consent of the TNC, and are exempt from disclosure under present law.

10. Delete the requirement that an airport charge reasonable pick-up fees consistent with any such fees charged to taxicab companies at the airport, if the airport elects to charge pick-up fees.

Representative Terry Landry offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 14 yeas and 0 nays. Representatives Havard, Terry Brown, Carpenter, Franklin, Gisclair, Guinn, Hall, Hill, Howard, Terry Landry, Marcelle, Pierre, Stefanski, and White voted yea.

Mr. Nick Juliano, Uber Technologies, 215 North Avenue, Suite 320F, Atlanta, GA 30308, (404) 790-6885, spoke in support of House Bill No. 527.

Mr. Sammy Naim, LYFT, 185 Berry Street, San Francisco, CA 94107, (315) 278-5262, spoke in support of House Bill No. 527.

Ms. Caroline Joiner, Let's Geaux Louisiana, no address provided, (512) 410-9456, spoke in support of House Bill No. 527.

Mr. John Rebstock, LYFT, 933 Aris Avenue, Metairie, LA 70005, (504) 208-8449, spoke in support of House Bill No. 527.

Mr. Victor J. Silvio, Uber, 5927 Elm Grove Road, Port Allen, LA 70767, (225) 614-4912, spoke in support of House Bill No. 527.

Ms. Christy Marino, Jefferson Chamber of Commerce, 3421 North Causeway, Suite 203, Metairie, LA 70002, (225) 772-7742, spoke in support of House Bill No. 527.

Mr. Rodney Braxton, City of New Orleans, 543 Spanish Town, Baton Rouge, LA 70802, (225) 381-0166, spoke in opposition to House Bill No. 527 and provided a handout, Exhibit A, which is included in the committee records.

Mr. Roland Dartez, Police Jury Association, 707 North 7th Street, Baton Rouge, LA 70802, (225) 343-2035, spoke in opposition to House Bill No. 527.

Mr. John Gallagher, Louisiana Municipal Association, 700 North 10th Street, Baton Rouge, LA 70802, (225) 924-0361, spoke in opposition to House Bill No. 527.

Dr. Mike Strain, Commissioner, 900 North Third Street, State Capitol, 3rd Floor, Baton Rouge, LA 70804, (225) 372-7270, spoke for information only on House Bill No. 527.

Mr. Brandon Frey, Louisiana Public Service Commission, P.O. Box 91154, Baton Rouge, LA 70821, (225) 342-5163, spoke for information only on House Bill No. 527.

Mr. Colby Cook, Louisiana Public Service Commission, Galvez Building., 602 North 5th Street, Baton Rouge, LA 70821, (225) 342-4999, spoke for information only on House Bill No. 527.

Representative Stefanski offered a motion to report House Bill No. 527 with amendments. Without objection, House Bill No. 527 was reported with amendments by a vote of 16 yeas and 0 nays. Representatives Havard, Terry Brown, Carpenter, Steve Carter, Franklin, Gisclair, Guinn, Hall, Hill, Howard, Terry Landry, LeBas, Marcelle, Pierre, Stefanski, and White voted yea.

Witness cards submitted by individuals who did not speak are as follows: 15 in support and 14 in opposition. Witness cards are included in the committee records.

House Bill No. 266 by Representative Connick

Representative Connick presented House Bill No. 266, which provides for term limits for members of the nominating committee of certain flood protection authorities.

Representative Terry Landry offered amendments to:

1. Make technical changes.
2. Add provisions that clarify the procedure by which nominating committee members are appointed from their respective entities, as follows:
 - (1) A member of the Public Affairs Research Council of Louisiana appointed by the board of directors of the council.
 - (2) A member of the Council for A Better Louisiana, appointed by the board of directors of the council.
 - (3) A representative of the Louisiana Geological Survey at Louisiana State University, appointed by the advisory board of the survey.
 - (4) A member of the Association of State Floodplain Managers, appointed by the board of directors of the association.
 - (5) A member of the National Society of Black Engineers, appointed by the national executive board of the society.
 - (6) A faculty member of the college of Engineering at the University of New Orleans, appointed by the dean of the School of Science and Engineering in consultation with the faculty.

- (7) A faculty member of the School of Science and Engineering at Tulane University, appointed by the dean of the School of Science and Engineering in consultation with the faculty.
 - (8) A faculty member of the College of Engineering at Southern University and Agricultural and Mechanical College, appointed by the dean of the College of Engineering in consultation with the faculty.
 - (9) A faculty member of the College of Engineering at Louisiana State University, appointed by the dean of the College of Engineering in consultation with the faculty.
 - (10) A member of the American Society of Civil Engineers, appointed by the board of directors of the society.
 - (11) A member of the Louisiana Engineering Society, appointed by the officers of the society.
 - (12) A member of the West Bank Business and Industry Association, appointed by the board of directors of the association.
 - (13) A faculty member of Our Lady of Holy Cross College, appointed by the dean of the college in consultation with the faculty.
3. Add a provision that specifies that the nominating committee is a public body and as such is subject to open meetings laws and public records laws.

Representative Terry Landry offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 13 yeas and 0 nays. Representatives Terry Landry, Terry Brown, Carpenter, Steve Carter, Franklin, Gisclair, Guinn, Hall, Hill, Howard, Marcelle, Pierre, and White voted yea.

Ms. Sandy Rosenthal, LEVEES-ORG, 1421 Soniat, New Orleans, LA 70115, (504) 891-8437, spoke in support of House Bill No. 266 and provided a handout, Exhibit B, which is included in the committee records.

Ms. Ruthie Frierson, Citizens for 1 Greater New Orleans, 384 Walnut Street, New Orleans, LA 70118, (504) 866-8891, spoke in opposition to House Bill No. 266 and provided a handout, Exhibit C, which is included in the committee records.

Ms. Carol Byram, 5310 Bellaire Drive, New Orleans, LA 70124, (504) 881-1392, spoke in opposition to House Bill No. 266.

Mr. Craig Dodey, 975 Valerie Drive, Slidell, LA 70461, (504) 338-3652, spoke in opposition to House Bill No. 266.

Representative Carpenter offered a motion to report House Bill No. 266 with amendments, to which Representative Terry Brown objected. The secretary called the roll, and House Bill No. 266 was reported with amendments by a vote of 12 yeas and 1 nay. Representatives Terry Landry, Carpenter, Steve Carter, Franklin, Gisclair, Hall, Hill, LeBas, Marcelle, Pierre, Stefanski, and White voted yea. Representative Terry Brown voted nay.

Witness cards submitted by individuals who did not speak are as follows: 7 in support and 2 in opposition. Witness cards are included in the committee records.

House Bill No. 558 by Representative Hodges

Representative Hodges presented House Bill No. 558, which provide for judge's discretion to require ignition interlock device for DWI offenders.

Representative Terry Landry offered amendments in the form of a substitute bill. Representative Terry Landry offered a motion to adopt the substitute bill. Without objection, the motion passed by a vote of 12 yeas and 0 nays. Representatives Terry Landry, Terry Brown, Carpenter, Franklin, Gisclair, Guinn, Hall, Hill, Marcelle, Pierre, Stefanski, and White voted yea.

Mr. Mike Barron, Louisiana Highway Safety Commission, 7979 Independence Boulevard, Baton Rouge, LA 70808, (225) 937-3669, spoke for information only on House Bill No. 558.

Ms. Staci Hoyt, office of motor vehicles, P.O. Box 64886, Baton Rouge, LA 70896, (225) 925-4656, spoke for information only on House Bill No. 558.

Representative Terry Brown offered a motion to report House Bill No. 558 by substitute. Without objection, House Bill No. 558 was reported by substitute by a vote of 12 yeas and 0 nays. Representatives Terry Landry, Terry Brown, Carpenter, Franklin, Gisclair, Guinn, Hall, Hill, Marcelle, Pierre, Stefanski, and White voted yea.

Witness cards submitted by individuals who did not speak are as follows: 6 in support and 1 for information only. Witness cards are included in the committee records.

House Bill No. 496 by Representative Norton

Representative Terry Landry announced that action on House Bill No. 496, which provides with respect to special license plates for firefighters with twenty years of service, was voluntarily deferred.

IV. OTHER BUSINESS

There was no other business.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

The meeting was adjourned at 1:01 p.m.

Respectfully submitted,

Chairman Kenneth E. Havard
House Committee on Transportation, Highways and Public Works

Date approved: