DECEMBER 2002

PLAQUEMINES PARISH INTERMODAL FEASIBILITY STUDY

TASK A-8.02

STATE PROJECT #736-38-0001

ST. TAMMANY • JEFFERSON • ORLEANS • PLAQUEMINES • ST. BERNARD
RPC
REGIONAL PLANNING COMMISSION

DMJM HARRIS

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ES.0 Executive Summary

The *Plaquemines Parish Intermodal Feasibility Study* was undertaken by DMJM+HARRIS on behalf of the Regional Planning Commission to examine rail operations from West Bridge Junction to prospective Millennium Port sites.

The term "Millennium Port" is used throughout this study to refer to a large downriver containerized cargo port, similar to those described in the *1999 Millennium Port Comprehensive Feasibility Study*.

An analysis of the potential rail capacity demands of a major containerized cargo hub was performed to determine the rail infrastructure requirements. The physical and operating conditions of the existing route were examined, and it was determined that the existing rail network could not support the demands of the Millennium Port.

The major capacity constraints of the existing route were identified, and alternatives for upgrading the existing railroad were examined. An upgrade of the existing route to raise operating speeds would be required to provide the infrastructure necessary to support initial port operations. It was determined that the upgraded route would provide reliable, cost effective service through 2010, assuming the port opened in 2005. Beyond 2010, the upgraded existing route would become increasingly congested, causing unacceptable levels of service and community disruption.

This study concludes that an alternative rail alignment would be required to provide the infrastructure necessary to meet the growing demands of a large containerized cargo facility downriver. See Exhibit 1.

Alternatives were developed with the following objectives:

- Meet forecasted capacity demands
- Improve operating conditions
- Increase operating speeds and decrease travel time
- Improve public safety
- Minimize community disruption and other impacts

The feasibility of alternative rail alignments from West Bridge Junction to prospective Millennium Port sites were examined in terms of engineering requirements and cost; environmental issues and right-of-way impacts were not examined in detail. Two alternatives were identified as possible routes capable of meeting the demands of the Millennium Port:

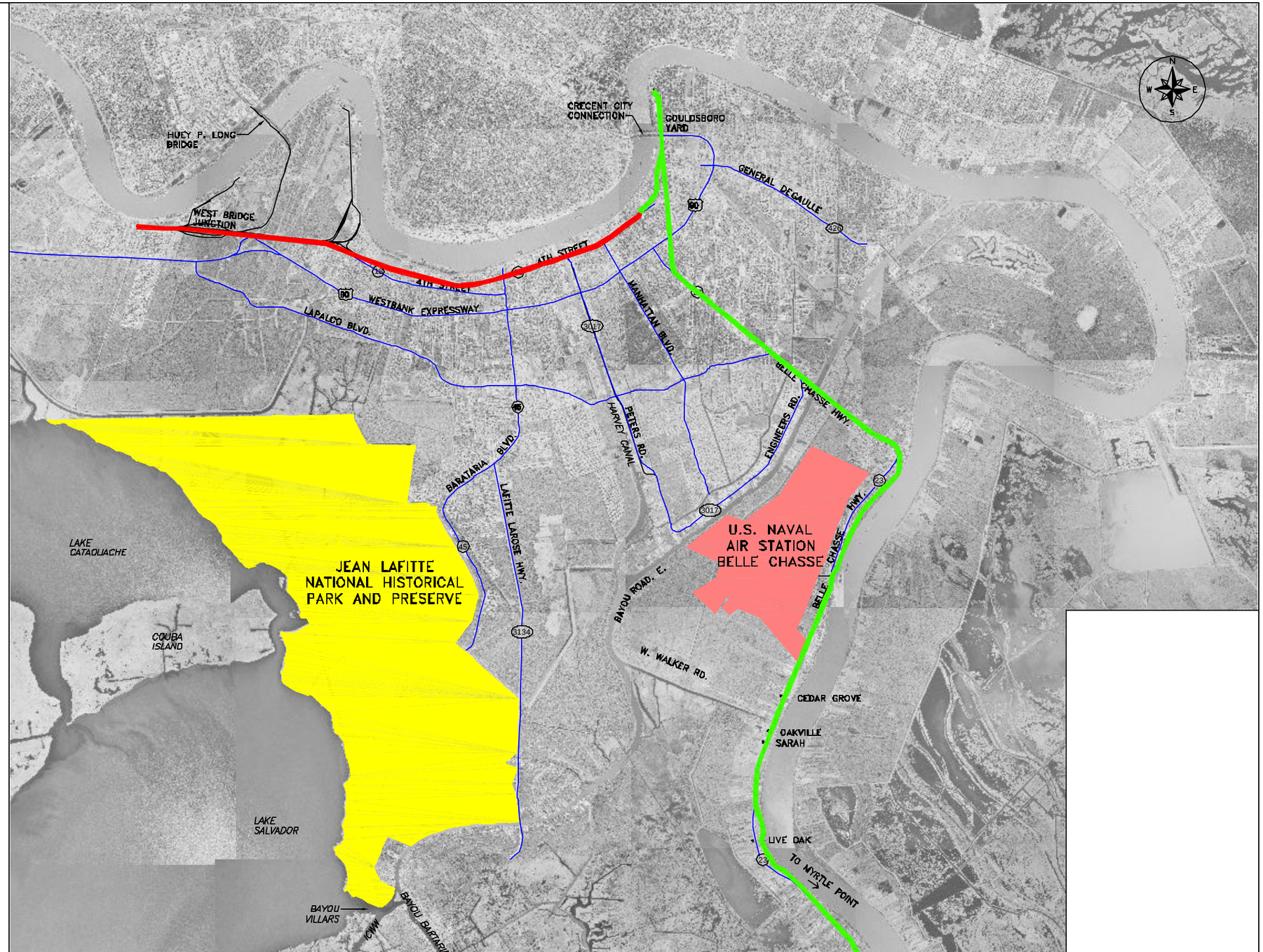
- Western Bypass Alternative
- Harvey Canal Corridor Alternative

EXISTING RAIL NETWORK

NEW ORLEANS AND GULF COAST

UNION PACIFIC

AERIALS OBTAINED FROM LSU/ATLAS



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- U.S. ROUTE
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- EXISTING RAILWAY

SCALE: 1 : 10,000

EXHIBIT 1

PLAQUEMINES PARISH INTERMODAL STUDY

EXISTING RAIL NETWORK

PREPARED BY: DMJM+HARRIS (JULY 2002)

ES.1 Western Bypass Alternative

The Western Bypass Alternative would involve upgrading the existing route from a point between the communities of Sarah and Live Oak, and extending it to the port site. A new track would run to the west from a point in between Sarah and Live Oak in Plaquemines Parish. This alternative would need to cross Bayou Barataria, the Intracoastal Waterway, and Bayou Villars to avoid infringing on the Jean Lafitte National Historical Park and Preserve. Those crossings would require two movable bridge structures. The alignment would then cross Lake Salvador and Lake Cataouache on structure to the east of the border of Jean Lafitte National Historical Park and Preserve in Jefferson Parish. The Western Bypass Alternative would then run through Avondale, crossing other possibly navigable canals to connect with West Bridge Junction. See Exhibit 2.

The construction of the new rail line from Belle Chasse Highway near Sarah to Avondale would cost approximately $721 million, as 75 to 80% of this portion of the alternative would need to be on structure. The upgrade of the existing rail from Sarah, and the extension of the track to a Millennium Port site, would cost approximately $22 million, depending on the port location. Grade separations would be required at Belle Chasse Highway and US 90, which would cost approximately $30 million to construct. Two vertical lift bridges would need to be constructed over Bayou Baratatia and the Intracoastal Waterway, which would cost approximately $72 million. The total cost for the Western Bypass Alternative would be approximately $846 million. This estimate does not include professional engineering fees, environmental work, right-of-way acquisition, or other roadway costs.

The advantages of the Western Bypass Alternative include:

- Maximum operating speeds
- Minimum travel times

Problems associated with the Western Bypass Alternative include:

- Prohibitive construction cost, at approximately $846 million
- Cannot be constructed in functioning phases; a full build-out would be required before the port could open
- The number of crossings over navigable waterways
- Possible environmental impacts associated with its proximity to Jean Lafitte National Historical Park and Preserve
- Possible environmental impacts associated with a structure over Lake Salvador and Lake Catouache

Although the Western Bypass Alternative provides maximum operating speeds and minimum travel times, the problems associated with this alternative make it a less feasible option. The capital investment required for this alternative is a major restriction to its development.

PROPOSED UPGRADES

- CONSTRUCT NEW LINE FROM AVONDALE YARD WEST AND SOUTH OF JEAN LAFITTE NATIONAL PARK TO BELLE CHASSE HWY NEAR SARAH $721 MILLION
- PERMANENT TRACK UPGRADES SARAH TO MILLENNIUM PORT $22 MILLION (DEPENDENT ON MILLENNIUM PORT LOCATION) *
- REQUIRED GRADE SEPARATION AT BELLE CHASSE HWY. AND US 90 $30 MILLION
- VERTICAL LIFT BRIDGES $72 MILLION

TOTAL COST $846 MILLION
(VARIES DEPENDING ON PORT LOCATION)

AERIALS OBTAINED FROM LSU/ATLAS

NOTES: ESTIMATED RAILROAD CONSTRUCTION COST ONLY, OTHER COSTS (ROADWAY, RIGHT-OF-WAY, ENVIRONMENTAL, ENGINEERING) ARE NOT INCLUDED.

* TO ESTIMATE COSTS FOR EXTENDING THE EXISTING RAIL LINE TO A PORT LOCATION, 18 MILES OF NEW TRACK WAS USED.

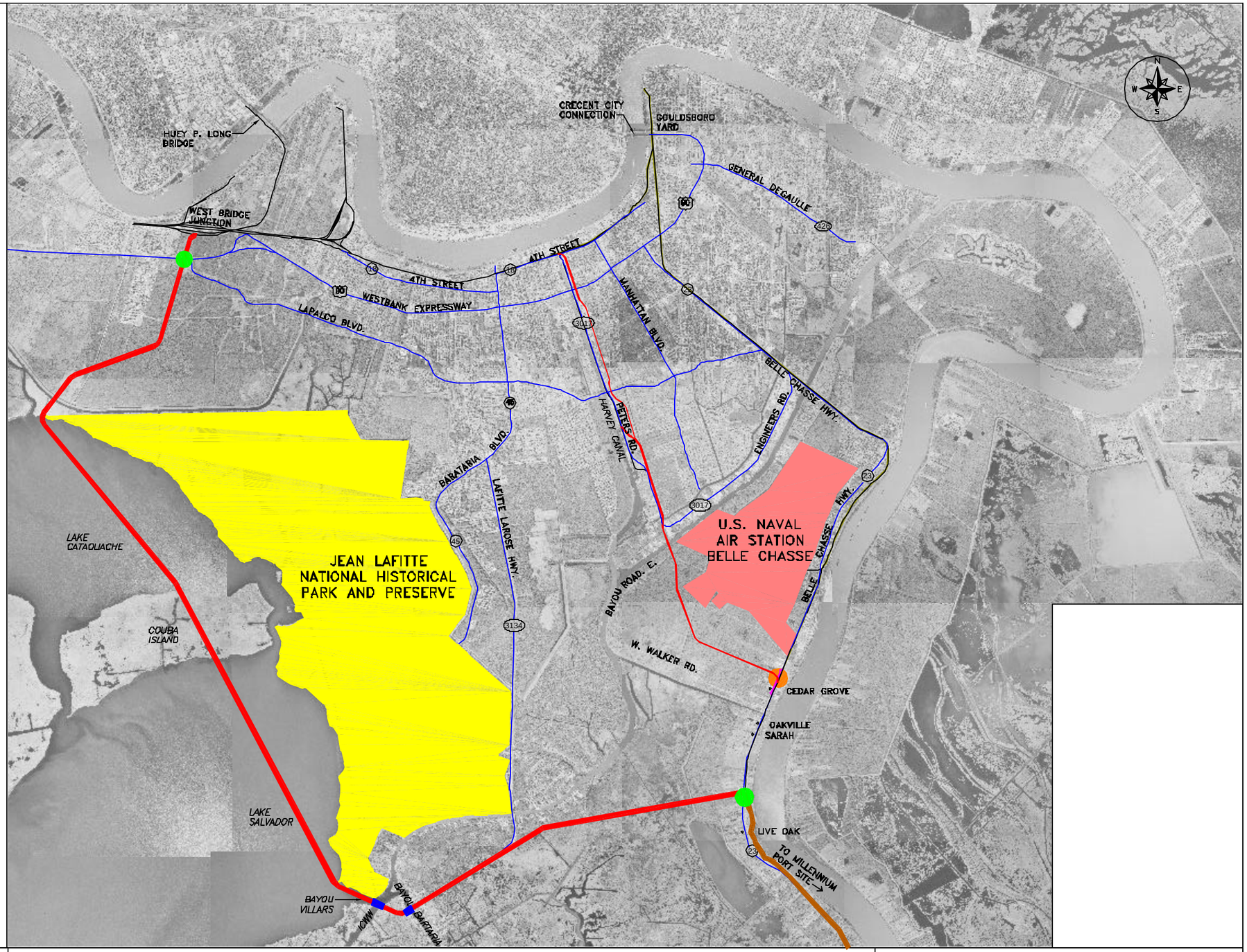

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EXHIBIT 2

PLAQUEMINES PARISH
INTERMODAL STUDY
MILLENNIUM RAIL UPGRADES
WESTERN BYPASS ALTERNATIVE

ES.2 Harvey Canal Corridor Alternative

The Harvey Canal Corridor Alternative is the second option identified for providing access between a potential Millennium Port site and West Bridge Junction. This alternative would upgrade the existing track from West Bridge Junction to its current terminus in Plaquemines Parish, and extend it to the new port site. A new track would be constructed from 4th and St. Joseph Streets in Harvey to the existing track along Belle Chasse Highway at Cedar Drive through largely vacant land. The new track would run along St. Joseph Street in Harvey, passing under the Westbank Expressway and Lapalco Boulevard. After crossing under Lapalco Boulevard, the new track would shift to the east and parallel the Murphy Canal. The new track would then cross the Murphy Canal and run along the east side of the canal, and cross Bayou Barataria into Plaquemines Parish. It would then cross the Algiers Canal/Intracoastal Waterway on a vertical lift bridge. The alignment would shift to the southeast to tie into the existing line along Belle Chasse Highway in the vicinity of Cedar Drive. See Exhibit 3.

This alternative has three proposed phases.

- Phase 1 would consist of upgrading the existing network and extending it to the port site (see Exhibit 3-A). Phase 1 would involve a permanent track upgrade of the existing route from Peters Road to West Bridge Junction, at an approximate cost of $5 million. The existing track from Cedar Drive and Belle Chasse Highway would be permanently upgraded, and an extension to the port site constructed, at an approximate cost of $24 million, depending on the port location. Phase 1 would also include a minimum upgrade of the existing track from Peters Road to Gouldsboro Yard and Gouldsboro to Cedar Drive and Belle Chasse Highway, at a cost of $7 million. The total cost for construction of Phase 1 would be approximately $36 million, and would satisfy the forecasted rail demands for a large container terminal until 2010, assuming a 2005 port opening.

- Phase 2 would consist of upgrading the existing industrial spur along Peters Road and constructing new tracks from the existing track on Belle Chasse Highway at Cedar Drive to connect with the upgraded Peters Road track (see Exhibit 3-B). The approximate cost of upgrading the existing Peters Road line is $2 million. The portion of the new line from Belle Chasse Highway to the connection with the upgraded Peters Road line would be constructed at an approximate cost of $16 million. Grade separations would need to be constructed at Belle Chasse Highway and Peters Road in Phase 2, at a cost of approximately $30 million. A vertical lift bridge would need to be constructed in Phase 2, at an approximate cost of $36 million. Total construction costs for Phase 2 would be approximately $84 million. Phase 2 would satisfy forecasted port demands until 2015.

- Phase 3 would consist of the construction of a new track to 4th Street from the terminus of the track constructed in Phase 2, and the construction of a balloon track at Avondale to allow trains to move from the Huey P. Long Bridge without changing directions (see Exhibit 3-C). The cost of completing the new track would cost

approximately $13 million. This cost includes a structure over the Harvey Tunnel and under the Westbank Expressway. Construction of the balloon track would cost approximately $4 million. Total Phase 3 costs would be approximately $17 million, and would provide the rail infrastructure to meet the forecasted demands of the port until at least 2040.

Costs for the full build out of this alternative are $137 million. However, the construction of this alternate in phases allows the costs to be dispersed over time.

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To support port traffic, the existing roadway network in the area would need to be improved. In conjunction with the new railway, a new road has been proposed to roughly parallel the new track from the Westbank Expressway. The new road has proposed intersections/interchanges with the Westbank Expressway, Lapalco Boulevard, Engineers Road, and Belle Chasse Highway. This new roadway would serve both port and local traffic by diverting some traffic from the other major thoroughfares on the Westbank. The benefits of the new roadway would have to be examined utilizing the MPO regional traffic forecast model. Further planning would be necessary to determine the feasibility of a new roadway pursuant to the results of the analysis, and the resultant determination of requirements for improvements. See Exhibit 3-D for the proposed alignment of the new roadway.

There are a number of other roadway projects being studied in the vicinity that would affect the design of the Harvey Canal Corridor Alternative. The most notable of "Committed Projects" (projects currently adopted in the Transportation Improvement Plans for Jefferson and Plaquemines Parishes) are the extension and widening of Peters Road, and the construction of an interchange between the Westbank Expressway and Peters Road. Coordination of these roadway projects with the proposed Harvey Canal Corridor Alternative is necessary to keep this alternative feasible, and to reduce the possibility of project conflict, community disruption, and the repetition of work.

The Harvey Canal Corridor Alternative has emerged from this study as a feasible option to provide rail infrastructure for the proposed Millennium Port, and merits further investigation.

The next phases of planning, discussed further in section ES.4, would involve:

- A Phase 1 Environmental Site Assessment, with limited Phase 2 testing

- Further analysis of rail operations, which would include:
    1. A valuation of existing rail infrastructure
    2. An assessment of current operating agreements
    3. A determination of potential operating entities
    4. A draft Memorandum of Understanding relating to funding, operation, and ownership of the new route

- A Right-of Way Acquisition Study

PROPOSED UPGRADES

- CONSTRUCT NEW LINE FROM BELLE CHASSE HWY. NEAR CEDAR DR. TO 4TH STREET AND ST. JOSEPH STREET, AND NEW BALLOON TRACK AT WEST BRIDGE JUNCTION.
- PERMANENT TRACK UPGRADES FROM CEDAR DR. AND BELLE CHASSE HWY. TO MILLENNIUM PORT AND WEST BRIDGE JUNCTION TO 4TH STREET AND ST. JOSEPH STREET.
- MINIMUM TRACK UPGRADES HARVEY TO GOULDSBORO GOULDSBORO TO CEDAR DR. AND BELLE CHASSE HWY.
- REQUIRED GRADE SEPARATION AT PETERS RD. AND BELLE CHASSE HWY.
- VERTICAL LIFT BRIDGE

TOTAL COST PHASES 1–3: $137 MILLION

AERIALS OBTAINED FROM LSU/ATLAS

NOTES: ESTIMATED RAILROAD CONSTRUCTION COST ONLY, OTHER COSTS (ROADWAY, RIGHT–OF–WAY, ENVIRONMENTAL, ENGINEERING) ARE NOT INCLUDED

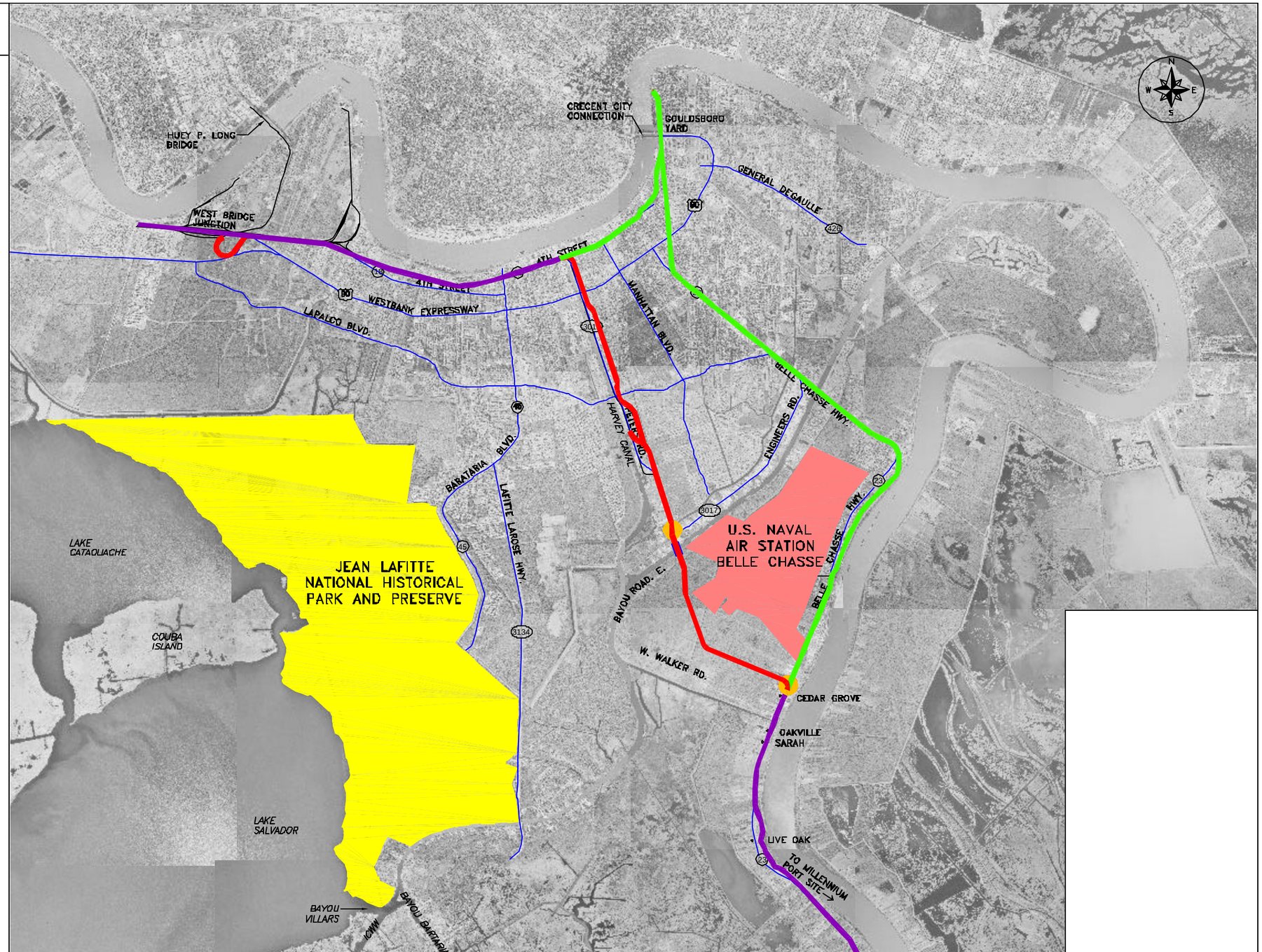

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EXHIBIT 3

PLAQUEMINES PARISH
INTERMODAL STUDY
MILLENNIUM RAIL UPGRADES
HARVEY CANAL CORRIDOR ALTERNATIVE

PREPARED BY: DMJM+HARRIS (JULY 2002)

PROPOSED PHASE 1 UPGRADES

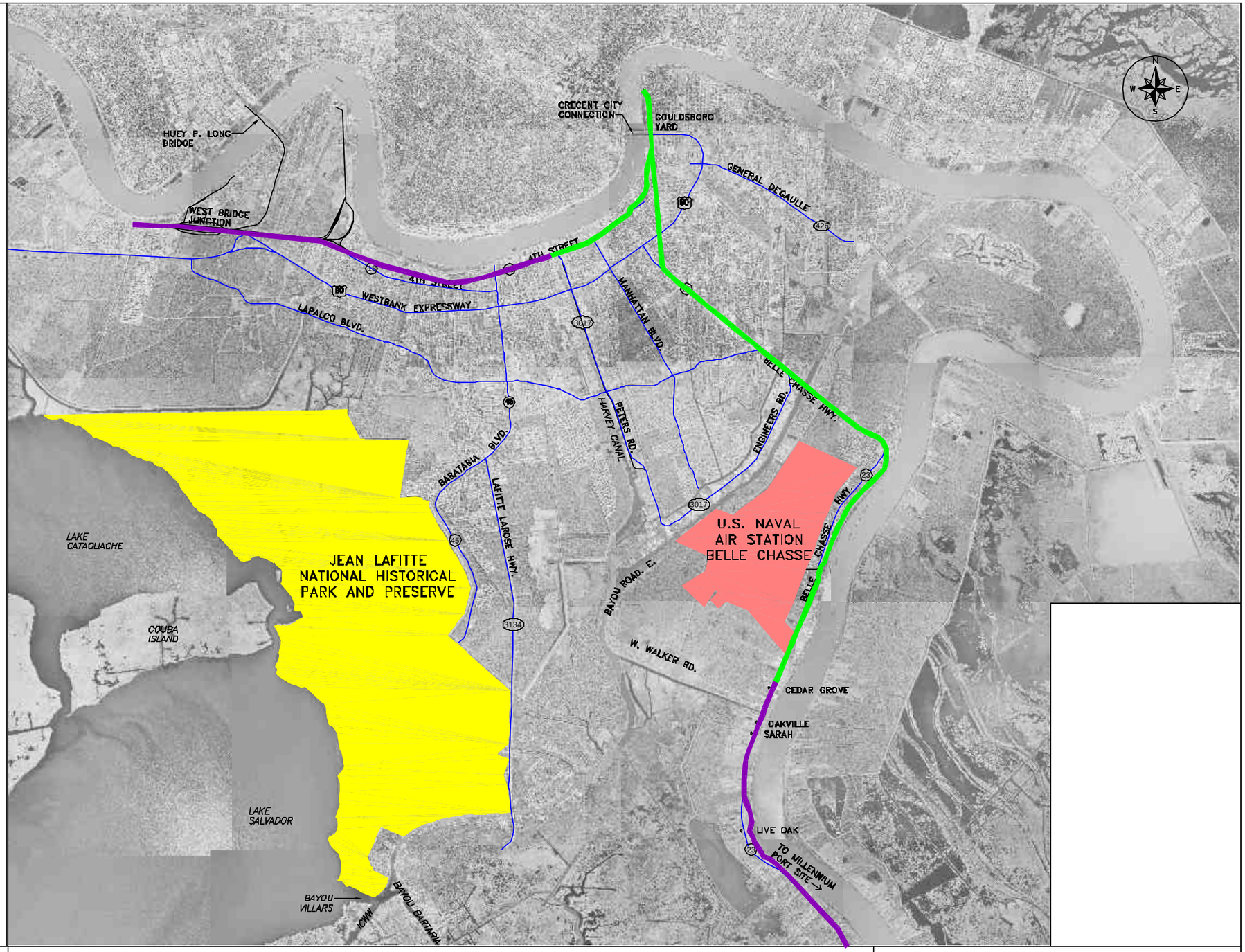
MEETS 0-5 YEAR CAPACITY ESTIMATES

- MINIMUM TRACK UPGRADES
  HARVEY TO GOULDSBORO
  GOULDSBORO TO CEDAR DR.
  AND BELLE CHASSE HWY.
  $7 MILLION

- PERMANENT TRACK UPGRADES
  WEST BRIDGE JUNCTION TO HARVEY
  $5 MILLION

- PERMANENT TRACK UPGRADES
  CEDAR DR. AND BELLE CHASSE
  HWY. TO MILLENNIUM PORT
  $25 MILLION
  (VARIES DEPENDING ON PORT LOCATION)

TOTAL COST PHASE 1: $37 MILLION



AERIALS OBTAINED FROM LSU/ATLAS

NOTES: ESTIMATED RAILROAD CONSTRUCTION COST ONLY, OTHER COST (ROADWAY, ROW, EIS, ENGINEERING) ARE NOT INCLUDED

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EXHIBIT 3-A

PLAQUEMINES PARISH
INTERMODAL STUDY
MILLENNIUM RAIL UPGRADES
PHASE 1

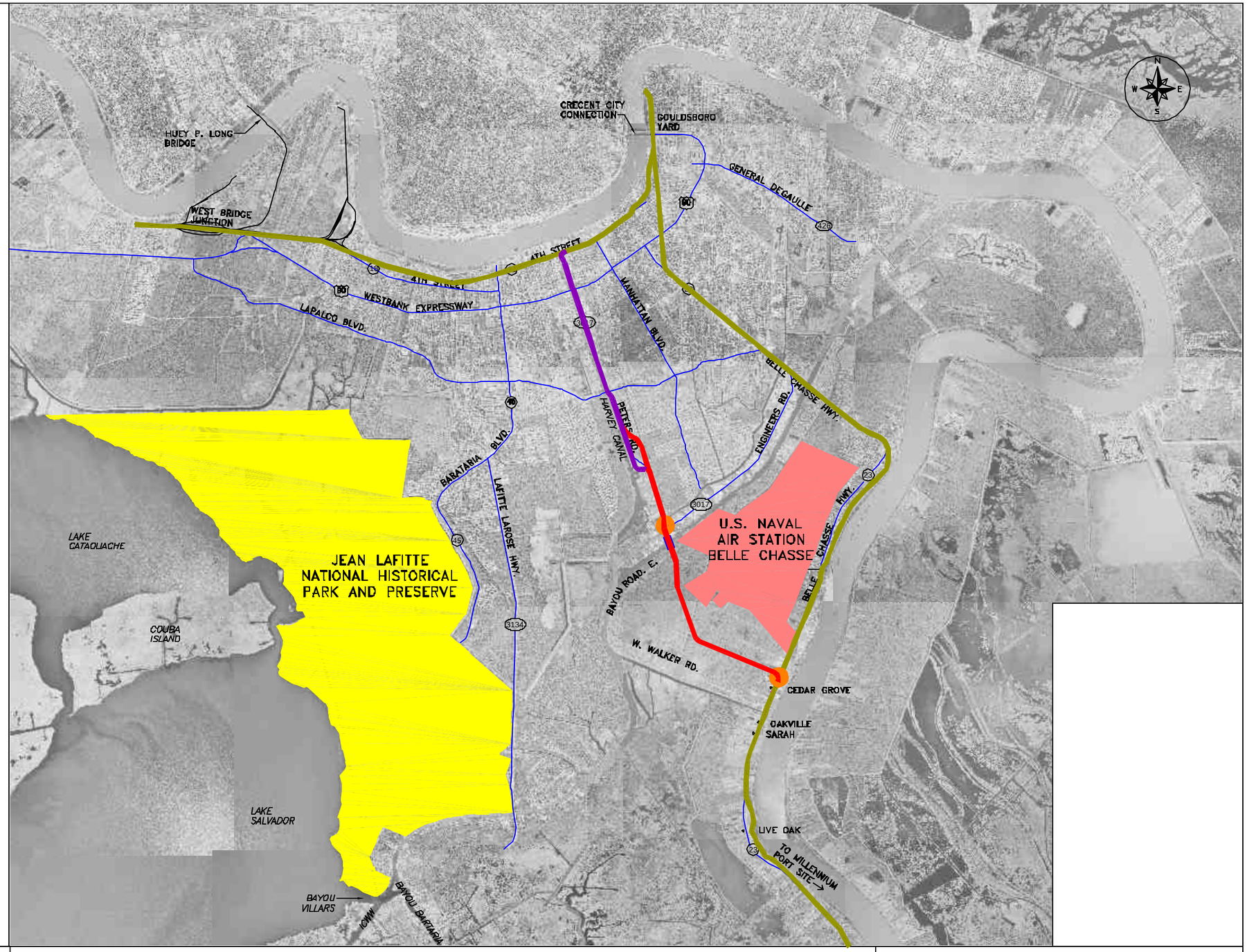
PREPARED BY: DMJM+HARRIS (JULY 2002)

PROPOSED PHASE 2 UPGRADES

MEETS 5–10 YEAR CAPACITY ESTIMATES

- UPGRADE EXISTING PETERS ROAD LINE $2 MILLION
- CONSTRUCT NEW LINE FROM MURPHY CANAL TO CEDAR DR. $16 MILLION
- PREVIOUSLY UPGRADED/CONSTRUCTED RAILROAD
- REQUIRED GRADE SEPARATIONS AT BELLE CHASSE HWY. AND PETERS RD. $30 MILLION
- VERTICAL LIFT BRIDGE $36 MILLION

TOTAL COST PHASE 2: $84 MILLION



AERIALS OBTAINED FROM LSU/ATLAS

NOTES: ESTIMATED RAILROAD CONSTRUCTION COST ONLY, OTHER COSTS (ROADWAY, RIGHT-OF-WAY, ENVIRONMENTAL, ENGINEERING) ARE NOT INCLUDED

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SCALE: 1 : 10,000

EXHIBIT 3-B

PLAQUEMINES PARISH INTERMODAL STUDY MILLENNIUM RAIL UPGRADES PHASE 2

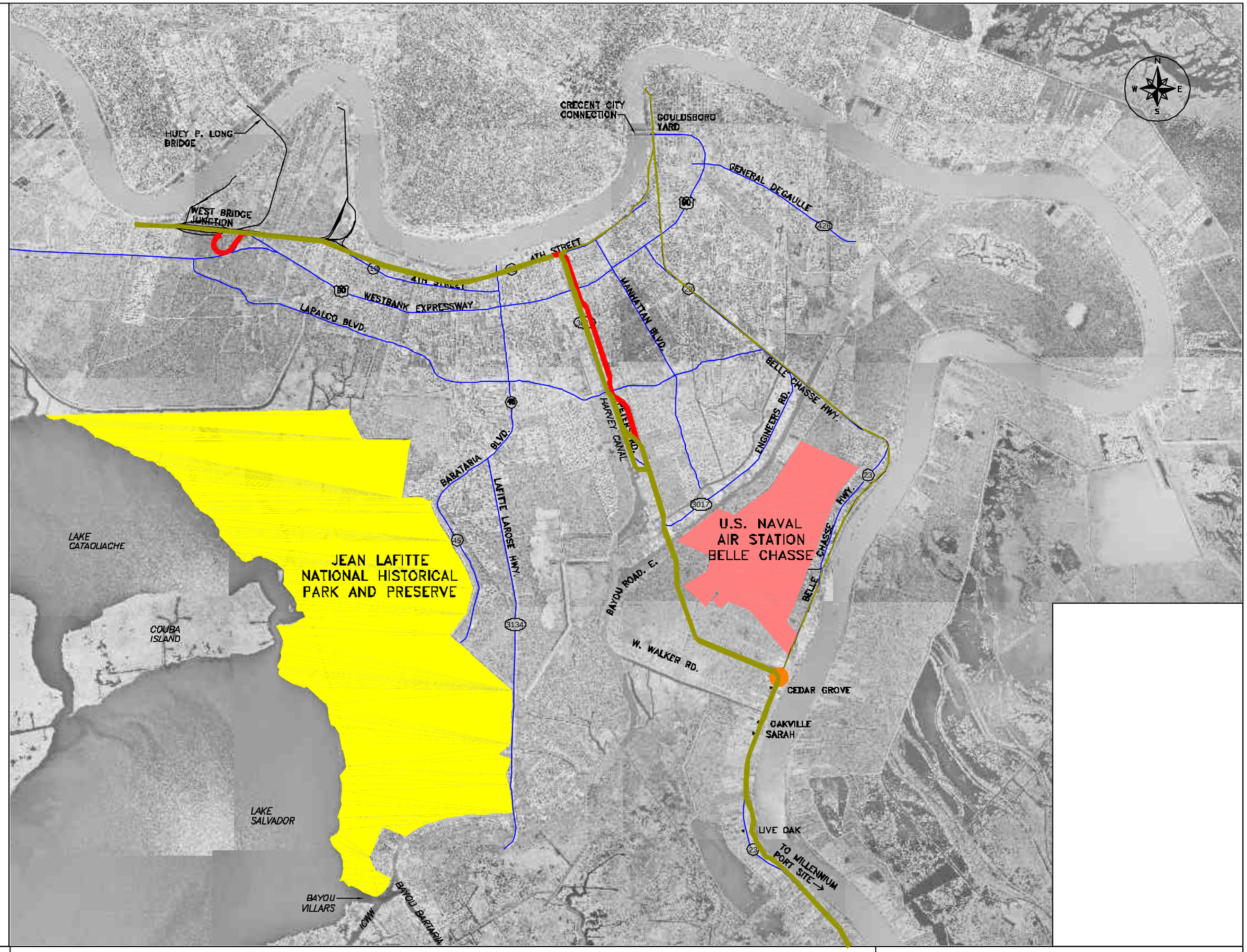
PREPARED BY: DMJM+HARRIS (JULY 2002)

PROPOSED PHASE 3 UPGRADES

MEETS 10–40 YEAR CAPACITY ESTIMATES

- CONSTRUCT NEW LINE TO RELOCATE PETERS ROAD LINE BETWEEN HARVEY AND MURPHY CANAL $13 MILLION.
- CONSTRUCT NEW BALLOON TRACK AT WEST BRIDGE JUNCTION TO ACCESS HUEY P. LONG BRIDGE $4 MILLION
- PREVIOUSLY UPGRADED/ CONSTRUCTED RAIL LINE

TOTAL COST PHASE 3: $17 MILLION



AERIALS OBTAINED FROM LSU/ATLAS

NOTES: ESTIMATED RAILROAD CONSTRUCTION COST ONLY, OTHER COSTS (ROADWAY, RIGHT-OF-WAY, ENVIRONMENTAL, ENGINEERING) ARE NOT INCLUDED

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SCALE: 1 : 10,000

EXHIBIT 3-C

PLAQUEMINES PARISH
INTERMODAL STUDY
MILLENNIUM RAIL UPGRADES
PHASE 3

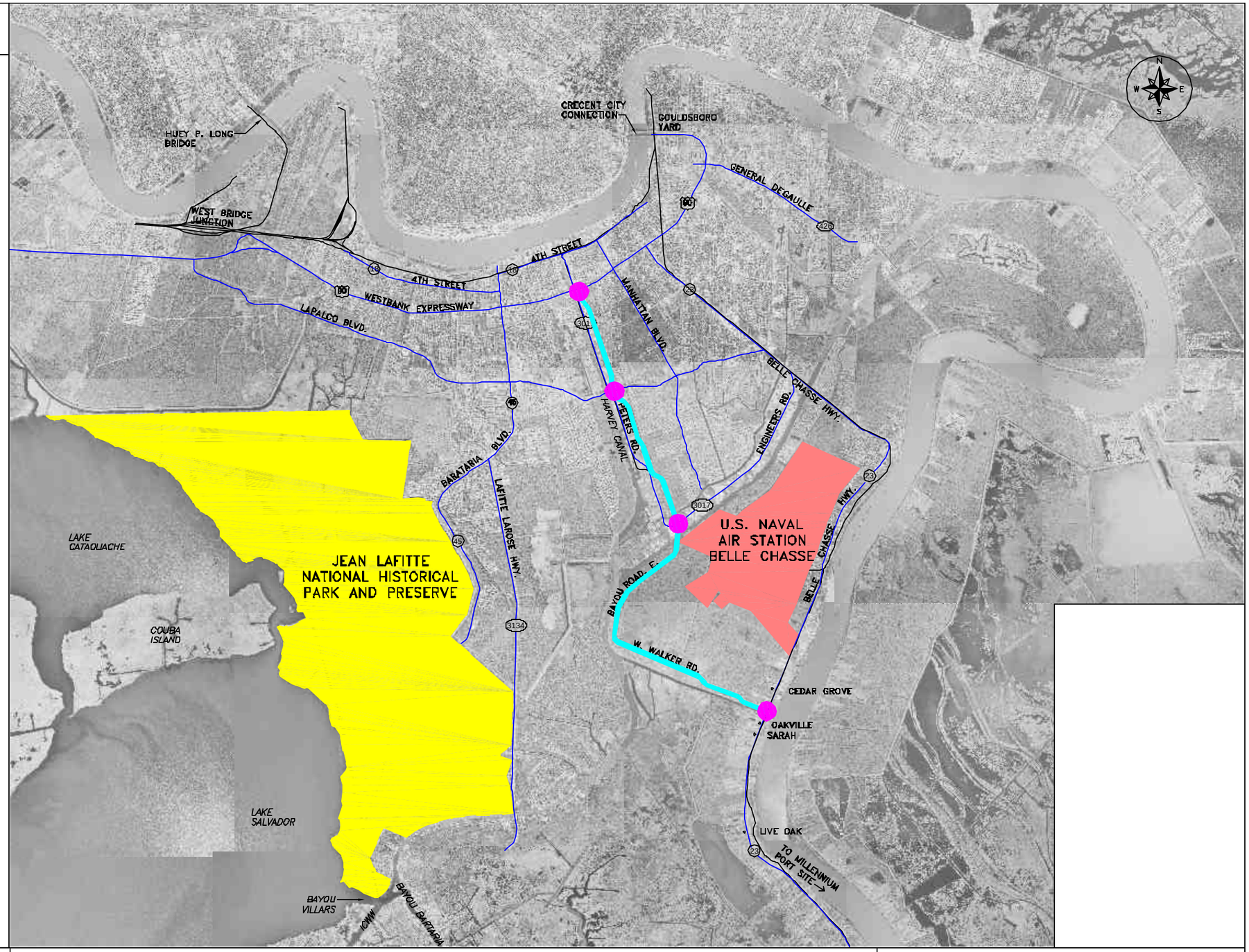
PREPARED BY: DMJM+HARRIS (JULY 2002)

PROPOSED UPGRADES

CONSTRUCT NEW FOUR LANE ROADWAY.
$138 MILLION

AREAS OF FURTHER STUDY.

AERIALS OBTAINED FROM LSU/ATLAS



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EXISTING RAILWAY

SCALE: 1 : 10,000

EXHIBIT 3-D

PLAQUEMINES PARISH
INTERMODAL STUDY
PROPOSED ROADWAY ALIGNMENT
HARVEY CANAL CORRIDOR ALTERNATIVE

PREPARED BY: DMJM+HARRIS (JULY 2002)

ES.3 Benefits of the Proposed Action

The proposed action described was developed to provide transportation infrastructure to support the Millennium Port. Volume IV of the *1999 Millennium Port Comprehensive Feasibility Study* outlines the public benefits of the development of a large containerized cargo port. The proposed action described in this report would have benefits independent of the development of the port, but many significant benefits to the region and the state are the result of the convergence of the two projects. Some of the benefits associated with the two projects are:

- Increased employment
- Increased revenue from taxes
- Increased public safety
- Decrease in community disruption caused by rail traffic

The proposed action described in this report would benefit Plaquemines, Jefferson, and Orleans Parishes as an independent action. Large portions of the existing railway would be abandoned in both alternatives in all three parishes, which would eliminate several grade crossings in highly congested areas, i.e. along Belle Chasse Highway and 4th Street, making this land available for redevelopment. The rail companies would benefit, as the values of the existing program and compensation for loss would be determined, perhaps simply through the use and operating program of the new route. Public safety would be improved by the removal of dangerous grade crossings, and community disruption related to train traffic would significantly decrease. In the Harvey Canal Corridor Alternative, a noise wall would likely be constructed, providing a visual separation of residential and industrial development. The roadway developed in conjunction with this alternative would improve traffic congestion in Jefferson and Plaquemines Parishes.

Jefferson and Plaquemines Parishes, the region, and the entire state, would experience economic benefits from the construction of an alternative rail route, independent from the benefits related to the development of the port. The construction of either alternate would generate employment in the parishes, and revenue to the state through income taxes. Local and state sales taxes would be generated from the construction of an alternative route. Other economic benefits to the individual parishes and/or other local government entities may result from the determinations made in the Memorandum of Understanding that would be developed concerning funding and operating plans.

The region and the entire state would benefit from the development of the Millennium Port. Because the most viable proposed Millennium Port sites are located in Plaquemines Parish, it would experience the greatest economic impact in terms of local property, sales, and general excise taxes. However, the state and the entire region would benefit from increased employment, personal and business related income taxes, and state and local sales taxes.

TABLE ES-1
FORECASTED LOCAL SALES TAX

Millennium Port Development - Mile 40-60

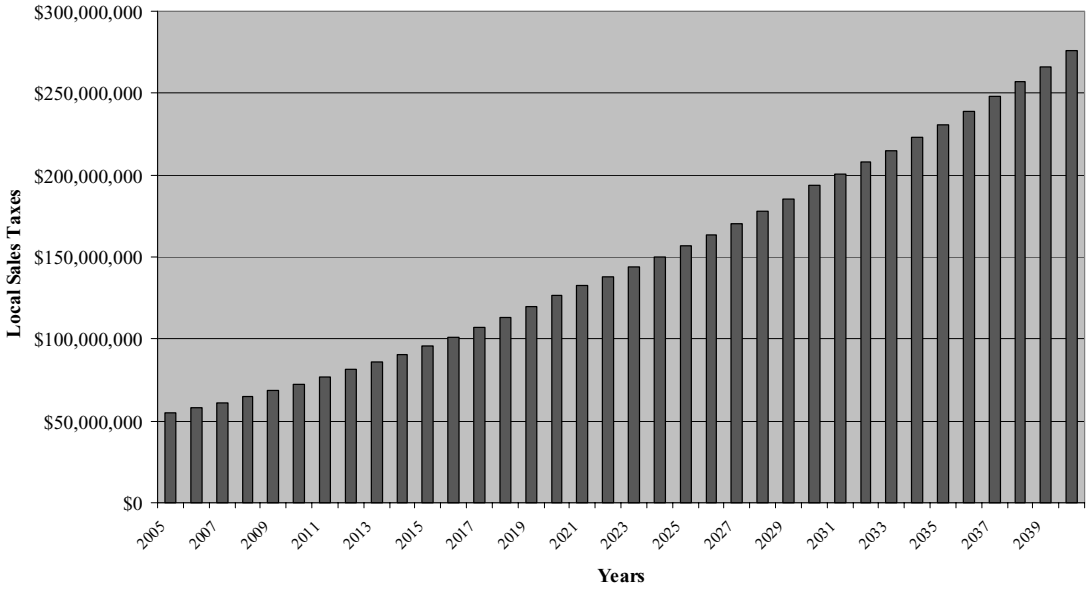
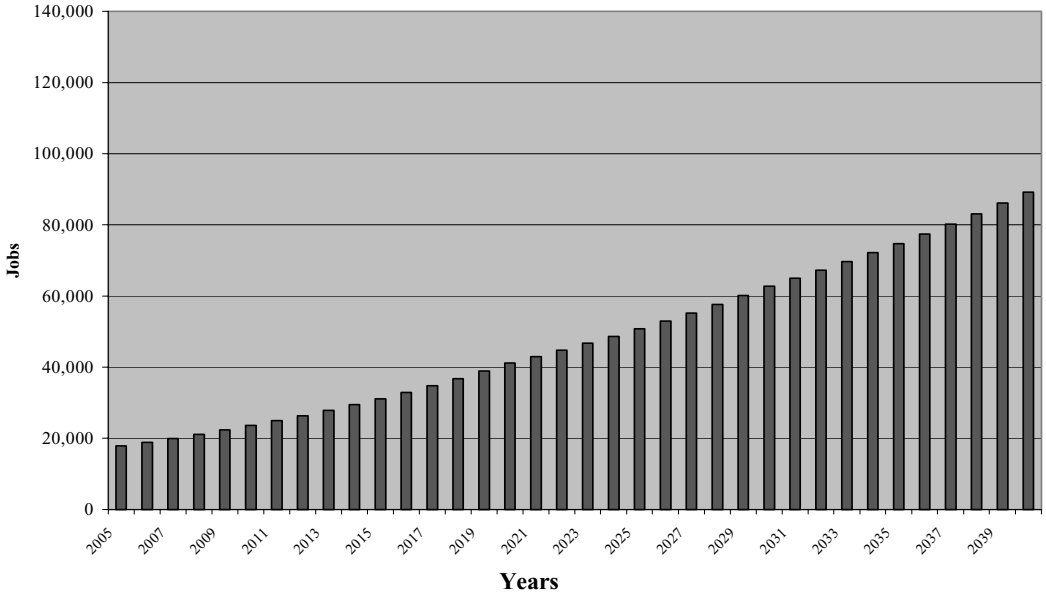


TABLE ES-2
FORECASTED EMPLOYMENT

Millennium Port Development - Mile 40-60



Source: *1999 Millennium Port Comprehensive Feasibility Study*

The development of the port would stimulate economic growth throughout the region. Support industries would grow and generate additional tax revenue throughout the region. Jefferson Parish would benefit from the increase of rail traffic and the additions to the existing facilities in the vicinity of West Bridge Junction. The development of the Millennium Port could be a catalyst for radically improving the economic climate of southeast Louisiana. The economic benefits of the development of the port are discussed further in Section 2.1 of this report.

Additionally, within transportation systems dynamics, a multimodal transportation network can generate a greater economic affect than the sum of the individual transportation system components. The west banks of Jefferson and Plaquemines Parishes are already served by excellent deep draft navigation via the Mississippi River, and shallow draft navigation via the Intracoastal Waterway and the Harvey Canal, (both connected with the Mississippi River by way of navigation locks). An interesting mix of transportation facilities infrastructure is further consolidating to serve the west banks of Jefferson and Plaquemines parishes. These potentially include:

- A downriver container terminal, which has the potential to grow into Millennium Port as described in the Millennium Port Feasibility Study.
- The extension of freight rail downriver with sufficient capacity to serve a major intermodal container terminal.
- The extension of the NAS runway to 10,000 feet. By providing a runway of sufficient length to attract international air cargo flights, this extension will expand the potential market for development of public/private partnerships at the NAS.
- The extension of Peters Road across the Intracoastal Waterway to LA 23, providing an alternate route truck from lower Plaquemines Parish to the West Bank Expressway (future I-49)
- The proposed upgrade of the West Bank Expressway/US 90 to I-49

The integration of these facilities will accomplish on a much smaller scale, many of the transportation objectives fostered by the Louisiana Transportation Center (LTC), which is being proposed as a private sector upriver terminal integrating air, roadway and rail intermodal functions.

Exhibit 4 presents properties in Jefferson and Plaquemines Parish, which may benefit from this expanding intermodal connectivity. These include approximately 1,950 acres of existing industrial properties and 3,575 acres of vacant property.

Prepared For:

Prepared By:

DMJM HARRIS

LEGEND:

- U.S. ROUTE
- STATE ROUTE
- EXISTING RAIL UPGRADED
- PROPOSED ROAD
- EXISTING INDUSTRIAL (APPROX. 1,950 ACRES)
- POTENTIAL AREA FOR NEW DEVELOPMENT (APPROX. 3,575 ACRES)
- PROPOSED RAIL

SCALE: 1 : 4,000

EXHIBIT 4

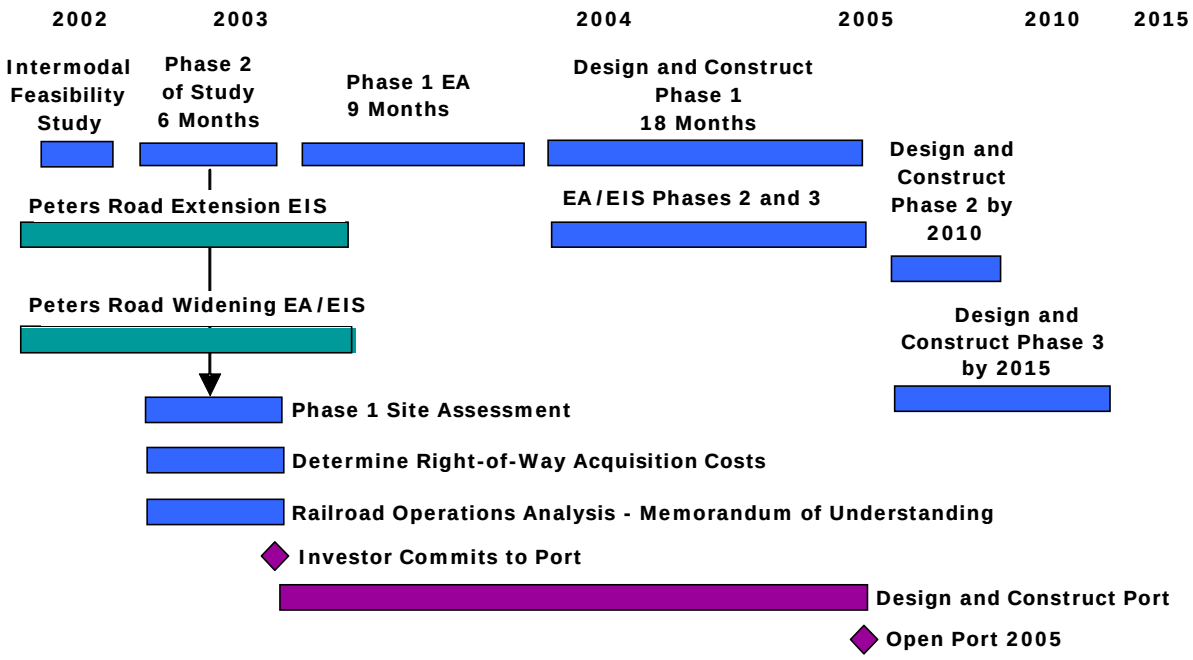
PLAQUEMINES PARISH
INTERMODAL STUDY
MILLENNIUM RAIL UPGRADES
POTENTIAL NEW DEVELOPMENT

PREPARED BY: DMJM+HARRIS (JULY 2002)

ES.4 Requirements for the Continuation of the Proposed Project

The proposed action described in this report is contingent on the development of the Millennium Port. Conversely, the commitment to develop the port may be dependent upon the approval and implementation of a plan to provide the road and rail infrastructure needed to support the facility. Figure ES-1 provides a potential time table for the concurrent development of the port and the infrastructure needed to sustain the port.

FIGURE ES-1
POTENTIAL TIMETABLE



Further study is necessary before definitive determinations with regard to feasibility and constructability can be made. Because of the industrial character of the study area, the next step of this study would involve a Phase 1 Environmental Site Assessment, with limited Phase 2 testing, costing approximately $150,000. A right-of-way acquisition study would need to be performed, at an approximate cost of $75,000. A railroad operations analysis, culminating in a Memorandum of Understanding relating to rail use and public/private investment in capital projects would need to be completed at an approximate cost of $150,000.

A Memorandum of Understanding among the concerned entities needs to be reached relating to the funding, operation, use and ownership of the new route. The value of the existing program needs to be determined, and a resolution determining compensation for the affected parties.

In addition, the Peters Road Projects currently being studied by the Regional Planning Commission need to be developed in conformance with the findings of this study.

The development of an implementation plan is essential to the development of an upgraded rail system and the Millennium Port. A plan needs to be devised that determines how the rail would be improved; when the improvements would occur; how the improvements would be funded; and who would operate the upgraded rail system. The Memorandum of Understanding will resolve some of these issues, and will provide potential investors with the assurances needed to commit to the construction of the port.

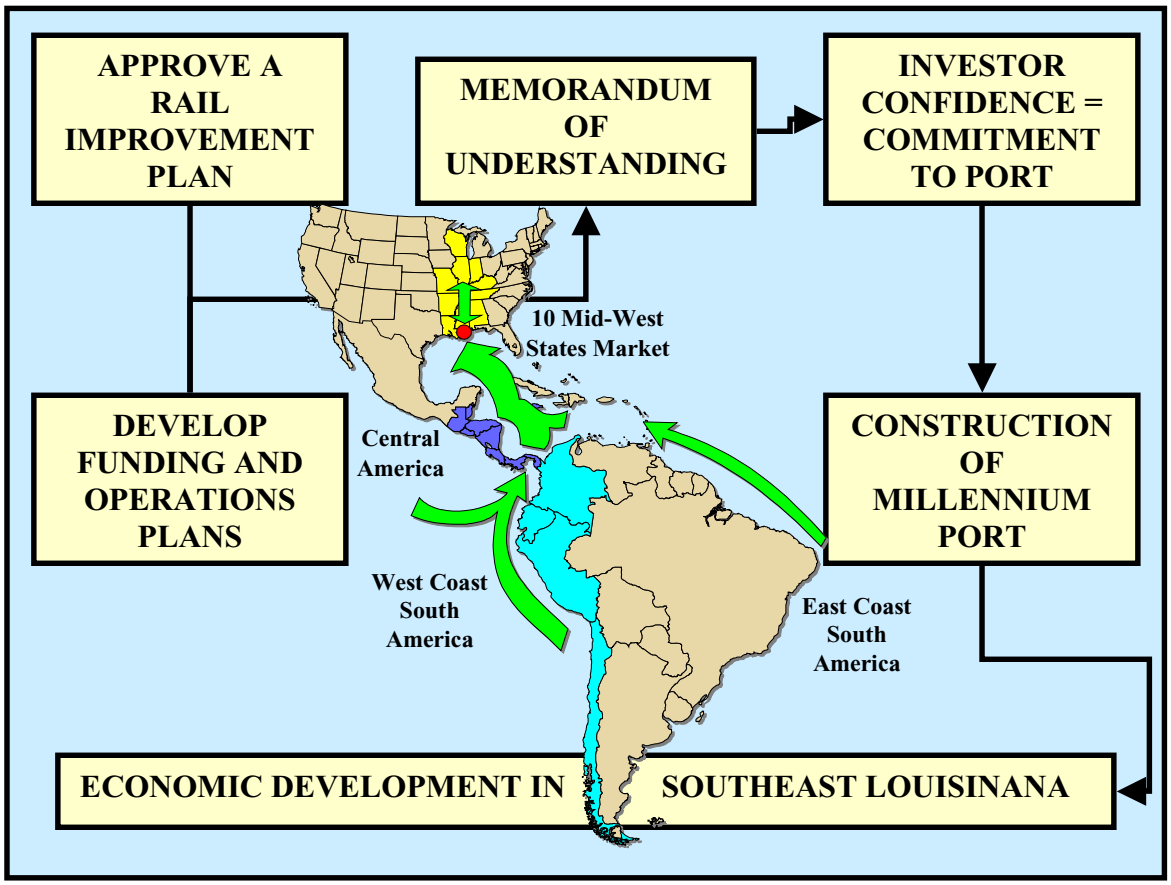


Figure ES-2

1.0 Introduction

This report was undertaken on behalf of the Regional Planning Commission to investigate the feasibility of rail alternatives between West Bridge Junction and potential Millennium Port sites. The term "Millennium Port", is used throughout this study to refer to a major container terminal constructed on a downriver, Westbank site, as described in the *1999 Millennium Port Comprehensive Feasibility Study*. This report investigates the capacity constraints of the existing container handling infrastructure, and alternatives for improving this infrastructure to meet forecasted demands. The feasibility of the alternatives presented in this report are investigated in terms of cost and engineering requirements; environmental issues and right-of-way impacts are not examined, and are not included in cost estimates.

The existing rail network is insufficient to meet the forecasted transportation demands of a major containerized cargo facility. Numerous grade crossings, a lack of signals, and structural issues would result in slow and unreliable operating conditions unable to support the demands of a major container hub. An expanded rail network would be necessary to accommodate future growth as movements of containers to and from the port increase over time.

Without a commitment to improve the rail infrastructure, investors may not have the confidence necessary to construct the Millennium Port. It is essential to the progress of the port to devise and implement a plan to improve the existing rail network. It is likely that a public investment would be required to improve rail access between the Millennium Port and West Bridge Junction. For the Millennium Port to proceed, a plan must be developed and implemented that outlines how the rail will be improved, when the improvements will take place, what operating benefits will result, and who will fund the improvements.

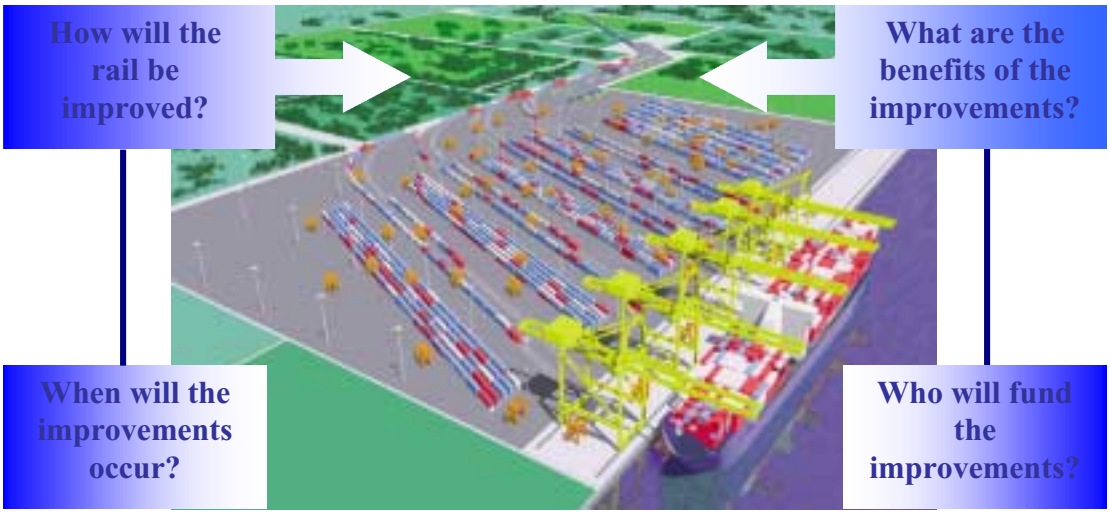


Figure 1-1

This report provides alternatives to address how the rail can be improved over time to meet growing demands. The next step towards the development of the Millennium Port is to determine how the improvements will be funded, and who will operate the upgraded route.

The rail alternatives presented in this report include the existing track through Gretna, an alternative alignment through Harvey, and a new alignment across Lake Salvador and Lake Cataouache west of Jean Lafitte Park. Each rail alternative has been examined in terms of railroad capacity, rail trip times, and order of magnitude capital costs.

In conjunction with rail access, plans for a new roadway have been examined. Improvements to the current road network that separate local residential traffic and industrial truck traffic would facilitate movements to and from the Millennium Port. In preliminary studies, a four-lane divided roadway has been studied. The road would benefit both residential and industrial truck traffic. For preliminary study purposes, a 100 foot right-of-way for the roadway and a 50 foot right-of-way for the railway have been assumed. Further planning would be necessary to determine the feasibility of a new roadway, as network modeling has not been undertaken, and the requirements for improvements have not been determined.

To determine how the rail infrastructure should be improved, the potential capacity requirements need to be determined. The following section uses information from the *1999 Millennium Port Comprehensive Feasibility Study*, and describes the benefits and forecasted demands of the Millennium Port facility.

2.0 Millennium Port Forecasts

The establishment of a Millennium Port represents an opportunity for economic development in southeastern Louisiana by increasing its share of the containerized trade in the Gulf of Mexico. The development of a major container hub near the Gulf of Mexico has two significant infrastructure requirements, the maritime terminal and the associated transportation network. Since the *1999 Millennium Port Comprehensive Feasibility Study* was conducted, public and private investors have expressed interest in the construction of a major containerized cargo facility. However, the Millennium Port could not operate with the existing rail infrastructure, and a commitment to improve the existing transportation network must be made before the development of a port facility can progress. The following section evaluates the prospective benefits of the Millennium Port and the forecasted transportation infrastructure requirements utilizing data from the 1999 reports. Although circumstances and data may have changed since the 1999 reports were published, they are the most reliable source of forecasts currently available.

2.1 Benefits of the Proposed Action

The proposed action was developed to provide transportation infrastructure to support the Millennium Port. The proposed action described in this report would have benefits independent of the development of the port, but many significant benefits to the region and the state are the result of the convergence of the two projects. Some of the benefits associated with the two projects are:

- Increased employment
- Increased revenue from taxes
- Increased public safety
- Decrease in community disruption caused by rail traffic

The proposed action described in this report would benefit Plaquemines, Jefferson, and Orleans Parishes as an independent action. Large portions of the existing railway would be abandoned in both alternatives in all three parishes, which would eliminate several grade crossings in highly congested areas, i.e. along Belle Chasse Highway and 4th Street, making this land available for higher and better uses. Public safety would be improved by the removal of dangerous grade crossings, and community disruption related to train traffic would significantly decrease. The roadway developed in conjunction with this alternative would improve traffic congestion in Jefferson and Plaquemines Parishes.

The construction of the Millennium Port and the associated new railroad would have the greatest impacts in the parishes where it is constructed. Plaquemines Parish, as the site of the new port would have the greatest share of the positive impacts, but

Jefferson and Orleans could also experience significant benefits. In Jefferson Parish, the construction of the new railroad could stimulate new development along the new rail corridor. There are large tracts of land available in the vicinity of the Harvey Canal Corridor Alternative that could be developed and redeveloped as a result of the new rail access (see Exhibit 4 in the Executive Summary). In Orleans, the abandonment of Gouldsboro Yard would allow that area to be redeveloped for higher and better uses. The entire region surrounding the port would benefit from the improved economic climate projected to result from the development of a Millennium Port.

The region and the entire state would benefit from the development of the Millennium Port. Because the most viable proposed Millennium Port sites are located in Plaquemines Parish, it would experience the greatest economic impact in terms of local property, sales, and general excise taxes. However, the state and the entire region would benefit from increased employment, personal and business related income taxes, and state and local sales taxes.

2.2 Economic Benefits of the Millennium Port

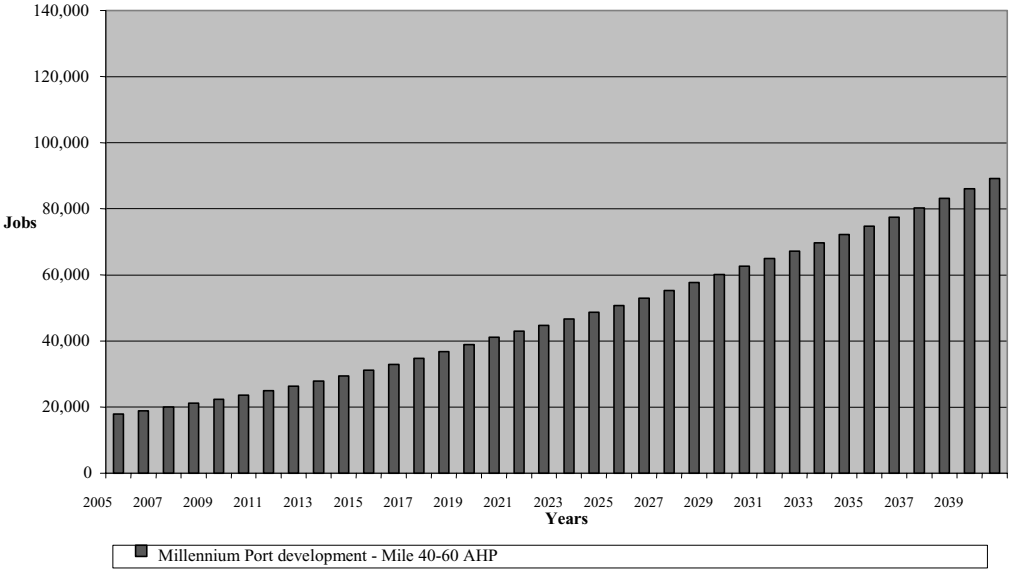
Jefferson and Plaquemines Parishes, the region, and the entire state, would experience economic benefits from the construction of an alternative rail route, independent from the benefits related to the development of the port. The construction of either alternate would generate employment in the parishes, and revenue to the state through income taxes. Local and state sales taxes would be generated from the construction of an alternative route. Other economic benefits to the individual parishes and/or other local government entities may result from the determinations made in the Memorandum of Understanding that would be developed concerning funding and operating plans.

The Millennium Port provides opportunities for economic growth in southeast Louisiana. The construction of the Millennium Port would generate employment, economic activity, and state and local tax revenues. The *1999 Millennium Port Comprehensive Feasibility Study* predicts that employment growth would correspond to containerized cargo growth, and would be roughly 5%.

As the employment grows annually, so do wages. Wages are also projected to increase roughly 5% as development of the Millennium Port progresses. The increase in wages also represents an increase on state income taxes that can be collected. The relationship between personal income and income tax revenues was evaluated for 1998 and the resultant multiplier was 1.57%. Using this figure, estimated additional state income tax dollars are:

- $10.2 million additional dollars in 2005
- $24.5 million additional dollars in 2020
- $49.2 million additional dollars in 2040

Figure 2-1 Projected Employment



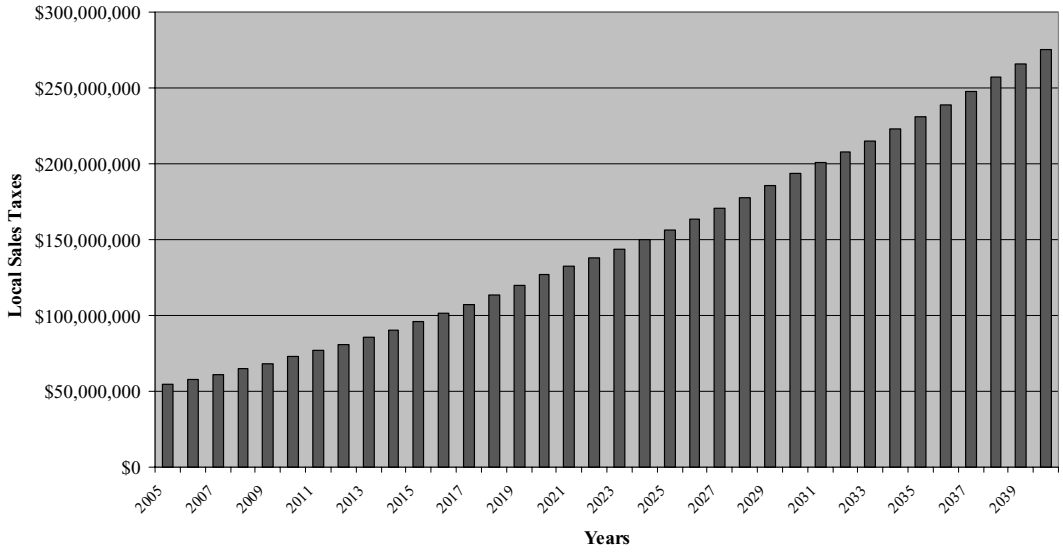
Source: *1999 Millennium Port Comprehensive Feasibility Study*

If the port is owned and operated as a private investment, Plaquemines Parish would collect additional property taxes. Additional revenue in local sales taxes would also be produced by the port. These increases would be distributed throughout the region, although impacts would be concentrated in the parish where the port is constructed. Forecasts extracted from the *1999 Millennium Port Comprehensive Feasibility Report* estimate that in 2005, $54.9 million dollars in additional local sales taxes could be collected. By 2040, the port could be generating $276 million additional dollars in local sales taxes.

Annual state sales taxes would also be increased by the development of the Millennium Port. It is forecasted in the *1999 Millennium Port Comprehensive Feasibility Study* that $10 million additional state sales tax dollars could be generated by the port in 2005. The additional state sales taxes collected as a result of the Millennium Port are forecasted to increase at 6% annually. In 2040, $50 to $75 million additional state sales tax dollars could be collected.

The development of the Millennium Port is also expected to increase the business related income taxes collected. In 2005, additional business related income taxes could be increased by $5.5 million dollars. By 2040, business related income taxes could increase by $40 million dollars as a result of port development.

Table 2-2 Projected Local Sales Tax
Millennium Port Development - Mile 40-60



Source: *1999 Millennium Port Comprehensive Feasibility Study*

General excise taxes would also increase as a result of the development of the Millennium Port. The Millennium Port could increase general excise taxes by:

- $16.3 million additional dollars in 2005
- $36.5 million additional dollars in 2020
- $78 million additional dollars in 2040

Total additional tax dollars generated by the development of the Millennium Port could reach:

- $141 million in 2005
- $327 million in 2020
- $706 million in 2040

2.3 Forecasted Transportation Demands

The forecasts provided in the *1999 Millennium Port Comprehensive Feasibility Study* were developed for maritime measures using twenty foot container equivalents (TEUs). To determine railroad capacity requirements these units must be translated into trains. Assuming that there are 245 TEUs in each 5,000 foot long train, each doublestack rail car would hold 15 TEUs (16.3 equivalent cars per average train). Using these figures and the forecasted growth rates in the *1999 Millennium Port Comprehensive Feasibility Study*, Table 2-1 summarizes rail demands.

TABLE 2-1
PROJECTED ANNUAL RAIL DEMANDS

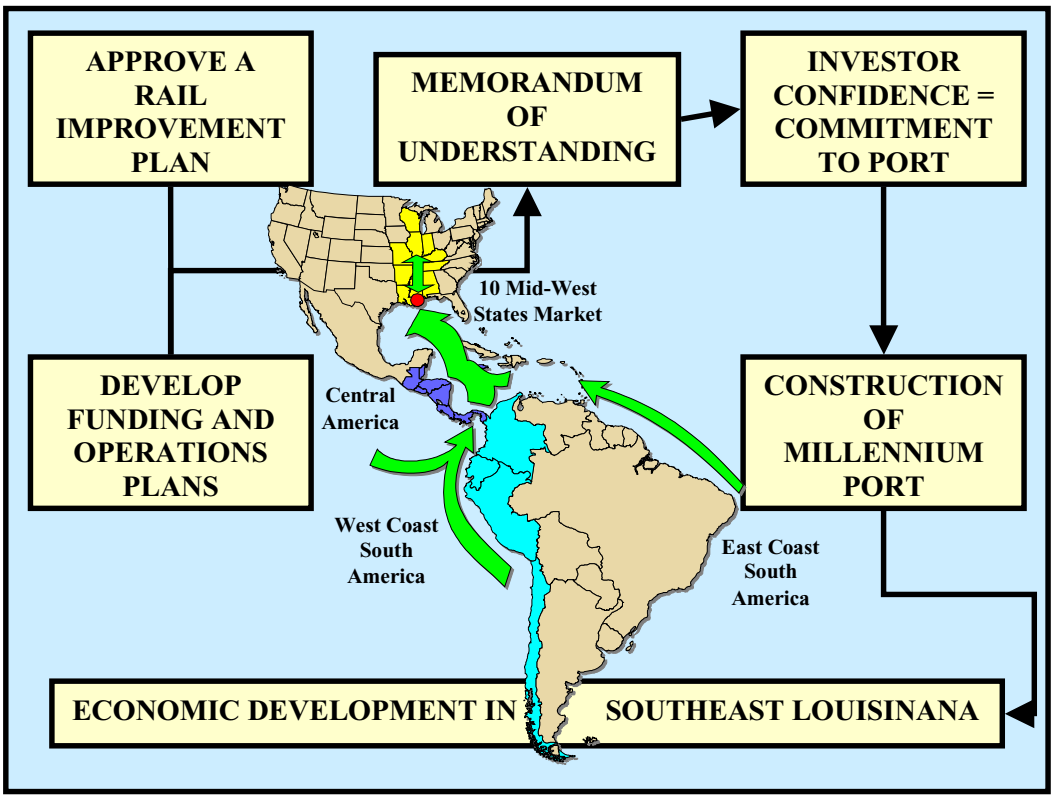
Base Year 2005	269,201 TEUs	=	**1,101 trains**
2010	372,962 TEUs	=	**1,525 trains**
2015	502,899 TEUs	=	**2,057 trains**
2020	678,105 TEUs	=	**2,774 trains**
2030	1,052,827 TEUs	=	**4,306 trains**
2040	1,515,668 TEUs	=	**6,199 trains**

The existing rail network is insufficient to handle the forecasted demands of the Millennium Port (see Section 3.0). Some upgrade of the existing route would be necessary to meet base year demands, and it is unlikely that any amount of improvements to the existing route would provide reliable, cost effective operations on a long term basis. Therefore, it is critical that a commitment be made to the improvement of the rail infrastructure that would support the Millennium Port.

It is likely that investors will not have the necessary confidence to devote resources to the construction of the Millennium Port without sufficient evidence that a plan to improve the existing rail network has been devised and approved. Funding for the rail improvements would probably involve a public investment. There are a number of public entities that may fund such an effort. The next important step towards the development of the Millennium Port is to approve a plan to improve the rail infrastructure, and determine how the project will be funded.

The benefits of the development of a major containerized cargo facility would not be limited to the parish where it is built. The economic improvements would be statewide, with development concentrated in southeast Louisiana. Jefferson and Orleans Parishes would also experience direct, positive economic impacts from the development of the port. Increased employment and business activity would positively influence the economic climate of the entire region.

The Millennium Port provides opportunities for the entities involved to reach mutually beneficial agreements, resulting in widespread benefits throughout the region and the state. To the same extent, the various entities of government and industry will have to work together to develop the port and improve the economic climate of the entire region.



3.0 Evaluation of Existing Route

3.1 Existing Network

The existing rail network that could be utilized to handle the movement of containers to and from the Millennium Port runs along the river from Avondale in Jefferson Parish to Myrtle Point in Plaquemines Parish. West Bridge Junction in Avondale connects the Huey Long Bridge with the Union Pacific (UP) line handling trains between Avondale and Gouldsboro Yard in Gretna. The New Orleans & Gulf Coast (NO & GC) is the carrier from Gouldsboro Yard to Myrtle Point in Plaquemines Parish. The Harvey Canal Corridor Alternative discussed in this report utilizes an existing industrial spur running from 4th Street down Peters Road. See Exhibit 1 in the Executive Summary.

Figure 3-1 Harvey Canal Bridge

The Union Pacific line runs east from West Bridge Junction to Gouldsboro along 4th Street and has twenty-two (22) public at-grade crossings between West Bridge Junction and Gouldsboro. West Bridge Junction consists of several tracks where the interchange of railcars coming to and from the Huey P. Long Bridge occurs. The freight classification yard at Avondale is operated by UP, as well as the intermodal facility at Westwego. This line includes a bascule bridge at the Harvey Canal crossing. See Figure 3-1.

The NO & GC line runs along Belle Chasse Highway to Myrtle Point, and has seventy-three (73) public and 192 private at-grade crossings. This line includes a vertical lift bridge at the Algiers Canal/Intracoastal Waterway crossing in Belle Chasse. See Figure 3-2.

Increased rail traffic would increase the number of daily bridge movements. If the Harvey Canal Corridor Alternative is implemented, the vertical lift bridge in Belle Chasse would no longer be needed after the completion of Phase 2. Improvements to the Harvey Canal Bridge may be necessary as rail capacity increases over time.

Figure 3-2 Intracoastal Waterway Bridge

3.2 Development of Operating Criteria using the Existing Route

3.2.1 Operations Using the Gouldsboro Yard

If rail service to the Millennium Port were to begin on the existing physical plant, the interchange of container railcars to and from the port would take place at Gouldsboro. This yard is currently the facility where Union Pacific, the carrier handling trains to and from Avondale, hands off rail traffic to the New Orleans & Gulf Coast, the line handling traffic to Belle Chasse and Myrtle Point. See Figure 3-3.

Figure 3-3 Gouldsboro Yard

The definition of a "cut" in this analysis is eight (8) doublestack railcars coupled, with a trailing length of about 2,440 feet. With a locomotive, the total length of such a train would be about 2,510 feet, or just under a half-mile. The definition of a train in this analysis is a unit train with sixteen (16) doublestack railcars, plus a locomotive, with a total length of 5,020 feet. This is a small unit train, comparatively speaking: such trains frequently exceed 7,000 feet in length, and may contain twenty-five (25) to twenty-eight (28) doublestack railcars.

The unit lengths used are not arbitrary numbers; one-half mile is the maximum length of a train that can currently be handled at one time into and out of Gouldsboro Yard in Gretna without blocking Madison Street in Gretna or Brooklyn Street in Algiers with standing railcars while switching. Five thousand feet is the length of the typical unit container train required by the operating and demand parameters of the Millennium Port; and thus, the economic unit of measure needed to support the business case for the Port. Therefore, in this analysis, a cut is exactly half a train.

Figure 3-4 Madison Street at Perry Street, South View

Two factors govern rail operations using this yard, one of which leads to the constrained length of the cuts. These two factors are:

1. Traffic to and from the Millennium Port would have to both enter and leave Gouldsboro from and to the south; meaning all "cuts" (or trains) would have to enter the yard, change directions, and leave in the direction from which they entered; and
2. The NO&GC track to the south lies in the middle of Madison Street between Semmes and Cook Streets, in Gretna. The NO&GC track only reaches Gouldsboro Yard at the northeast edge of the yard trackage; it is not laid out so that trains can actually enter the yard tracks at the south end of the yard, which is near the intersection of Weidman and Adams Streets in Gretna.

Consequently, the only way for trains and engines to enter the yard from the NO&GC track in Madison Street, or to leave to the south down Madison Street, is to move past the yard to the north, up Brooklyn Street in Algiers, sufficiently far to clear the connecting turnout, which is near Magellan and Madison Streets in Gretna, and then reverse direction. There is approximately one-half mile of trackage clear of Madison and Brooklyn in which such a switching move can be made without blocking one or both of these streets. Any set of railcars more than one-half mile in length must be staged in a city street. This happens now with long grain trains, and citizens complain; but the frequency of such moves is largely seasonal, and much lower than the train counts required to support the Millennium Port.

Figure 3-5: Madison Street at Perry Street, North View

If a train one mile in length were handled through this interchange at Gouldsboro, it would have to be handled in two pieces. Before the entire train could be reassembled for onward movement, one piece would have to be left in either Madison Street or along Brooklyn Street while the other half is switched.

These extensive and repeated blockages of the streets adjacent to Gouldsboro Yard make the operation of 5,000 foot unit trains so impractical from a public safety point

of view that we conclude operation over the existing trackage in Gretna would be limited to cuts of no more than about 2,500 feet in length each.

3.2.1.1 Additional Restrictions to the Existing Route

In addition to the access problem at Gouldsboro, the track runs down the middle of 4th Street between Dolhonde and Amelia Streets in downtown Gretna. Gretna City Hall and other municipal facilities are located in the vicinity, generating weekday road traffic in this area. Trains are restricted to no more than 10 mph in this environment, and these speeds cannot safely be increased because of close clearances, cross traffic, and pedestrians.

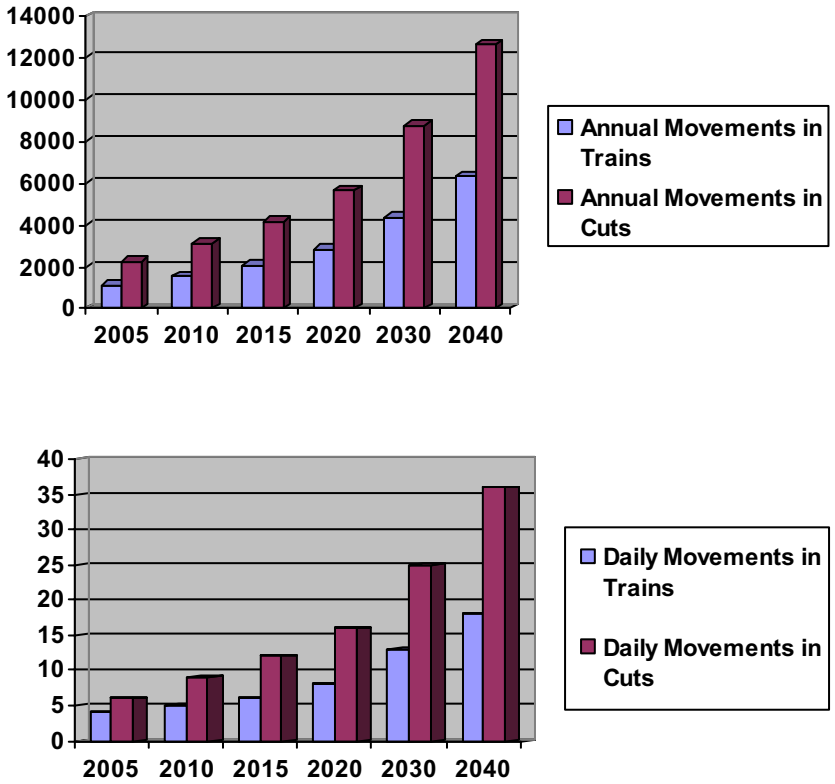
Figure 3-6 4th Street in the Vicinity of Lafayette Street, East Northeast View

At 10 mph, a half-mile long cut takes about three minutes to clear any given point, such as cross street, on the line. A mile-long train would take about six minutes to clear any given point on the route. Furthermore, any train 5,200 feet long would block all cross streets at 4th Street simultaneously for a period of three minutes; even longer blockages would be possible if an accident or a train braking problem suddenly stopped the train at the wrong location. This is likely to be an unacceptable risk to public safety if continued over a long period of time (e.g. fire, police, or medical emergency on the "other" side of the tracks). Statistically, something will eventually go wrong at the worst possible time.

3.2.2 Calculation of Rail Movements to Handle Demand

Because use of the existing trackage would constrain the operation to movements in cuts, we have calculated the total rail movements required to support the Millennium Port in two ways: as multiples of cuts, and as multiples of trains. Figure 3-8 illustrates how the number of rail movements increases with demand. These numbers translate into the following annual and daily movements, based on a 360-day operating year (movement numbers are the sum of in and outbound movements; i.e. the total number of cuts or trains):

FIGURE 3-8 FORECASTED DEMANDS



The community impacts of utilizing the existing rail route would increase as port-related traffic grows. At base demand, using cuts, downtown Gretna would experience six to seven train movements on 4th Street per day, or about one every three to four hours, assuming a random division of movements between daytime and night-time hours. Madison Street would see the same pattern, but displaced in time relative to 4th Street, because of the yard time at Gouldsboro required by the interchange.

At 2015 levels, the movement of cuts almost doubles in frequency, to one cut every two hours, again repeated between Madison and 4th Streets. In 2030, there would be

a movement every hour – if, in fact, the rail line could even handle such density, given its other limitations (see discussion in the following section). Given this analysis, the use of the existing rail line in its present form is impractical.

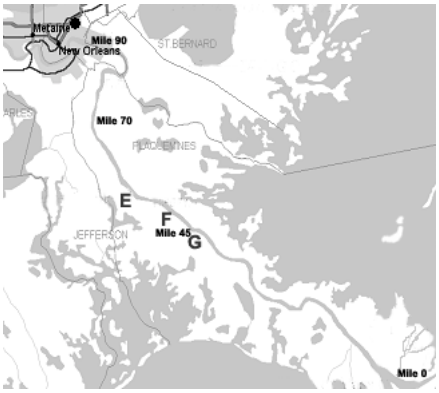
3.3 Rail Operations via the Existing Route

Existing rail alignments are shown on Exhibit 1 in the Executive Summary.

3.3.1 Distances and Running Times on the Existing Route

The rail distances via the existing route between the Millennium Port and Gouldsboro are approximately:

- 25 miles to site E at Ironton
- 30 miles to site F at Point Celeste
- 37 miles to site G at Magnolia



The rail distance between Gouldsboro and the west foot of the Huey Long Bridge at West Bridge Junction is a little less than nine miles. The total rail distance between the Millennium Port and West Bridge Junction is 34 to 46 miles. None of this trackage is currently equipped with railroad block signals. Historically, the route has been operated under what railroads call "Yard Limit" rules. These rules provide that all movements operate at Restricted Speed, which is defined as no speed greater than that which would allow the train or engine to stop short of an obstruction, another train, a misaligned switch, or within half the range of the engineman's vision — whatever distance is most restrictive at a particular point, or under a particular condition. Under no circumstances can Restricted Speed exceed 20 mph, and in most cases on the existing route, it has always been, and would likely remain, much less: 10 mph through all of Gretna, for example.

The option always exists to provide block signal protection on the existing route, and/or to modify the railroad dispatching system to comply with Federal Railroad Administration requirements for higher track speeds. These changes would allow increased speeds for some stretches. The New Orleans & Gulf Coast, for example, has a Track Warrant Control dispatching system in place which would allow trains to travel at speeds up to 49 mph even without block signals, if the roadway and the

grade crossing protection were suitably upgraded, and if other conditions allowed safe operations at the higher speeds.

Even so, the trip times between the Millennium Port and West Bridge Junction via Gouldsboro are likely to remain long and somewhat unpredictable, because of the switching requirement and change of direction at Gouldsboro; and because no change in the applicable railroad rules or dispatching system will ever raise the train speeds in congested areas such as Gretna and Belle Chasse.

Conservative estimates of the time required for representative "cuts" moving between the Millennium Port and West Bridge Junction are:

- NO&GC MP 37 [Site G] and NO&GC MP 12 Belle Chasse 50 minutes
- NO&GC MP 30 [Site F] and NO&GC MP 12 Belle Chasse 35 minutes
- NO&GC MP 25 [Site E] and NO&GC MP 12 Belle Chasse 25 minutes
- NO&GC MP 12 Belle Chasse to NO&GC MP 0 Gouldsboro 60 minutes
- Interchange and switching, Gouldsboro Yard 2 to 6 hours
- UP MP 1.5 Gouldsboro and UP MP 10.2 West Bridge Junction 30 minutes

(NO&GC MP 0, Gouldsboro; and UP MP 1.5 Gouldsboro are the same location)

Thus, elapsed times for cuts of cars moving between the Millennium Port and the railyards at Avondale would likely be somewhere between four and half and nine hours, depending on conditions at Gouldsboro. Even then, the typical move nets only half a trainload. Consequently, the real time required to assemble an entire unit train near West Bridge Junction (the actual switching together of cuts of cars could be done on reconstructed railyard tracks in Westwego) might be twice that or longer: the sum of the time to move whole trains to some point north of the Millennium Port, then move "cuts" in stages through Gouldsboro, then move "cuts" again in stages through Gretna, then assemble them again into a train at Westwego. The actual time for any particular shipment would depend on crew assignments and/or movements coming toward the Port that might delay the cycle.

3.4 Evaluation of the Existing Route Constraints

The Millennium Port could be opened with rail service supported only by the current infrastructure. However, the combination of adverse community impacts and the extra time and cost needed to assemble a unit train near Westwego make rail service to the Millennium Port via the existing rail trackage impractical, unsafe, and uncompetitive. The railroad train and engine crew costs, and the locomotive costs, would easily amount to more than twice the cost of a true unit train operation, and might so severely impact the total rail costs that the railroad prices offered to the steamship carriers might be higher than at competing ports, or higher than drayage, forcing freight onto the local roadways.

Furthermore, the complications in the train operation via the existing trackage make service reliability an issue; it will be perceived by potential customers as at risk for erratic transit times, even if the railroad managers believe they could normalize the performance. Given this analysis, serving the Millennium Port with rail access provided only via the existing route is not likely to be a commercially viable alternative.

3.5 Evaluation of Simple "Fixes" for the Existing Route

Many of the railroad operating constraints associated with the existing route could be resolved by an alternate route around Gouldsboro Yard. Hypothetically, a track connection could be constructed between the NO&GC track at 5th and Stumph, and the UP track near Third and Broad, in Gretna. This would allow full unit trains to move directly between the Millennium Port and West Bridge Junction, removing switching and interchange delays at Gouldsboro. Service reliability would be improved, and trains would not run in Madison Street in Gretna or Brooklyn Street in Algiers. However, this connection would not eliminate the movement of long trains on 4th Street in Gretna at 10 mph, and trains operating along Belle Chasse Highway (LA 23) in Belle Chasse. In addition, land would need to be acquired in Gretna to build the connection track between the NO&GC and UP, which would likely cause unreasonable community impacts. This does not seem to be a feasible option, as it would not resolve all of the capacity constraints of the existing route, and the feasibility of constructing a connection at this location is questionable.

Figure 3-9: Belle Chasse Highway at Terry Parkway

3.6 Capital Costs to Upgrade the Existing Route

Assuming the institutional and environmental objections to the use of the existing route by unit trains of 5,000+ feet could be overcome, the civil engineering required to make the trackage suitable for Millennium Port trains would include:

- Surfacing, ties, and ballast, 34 to 46 track-miles:
- Field-weld 100% of retained jointed rail, NO&GC MP 12 to Millennium Port (13 to 25 track miles);
- Replace 10% of jointed rail on NO&GC, and 80% of jointed rail on UP (11 -13 track miles) with 133 lb cwr. Add one 8,000 foot siding on NO&GC between Belle Chasse and Millennium Port, and one 8,000 foot siding on UP at Marrero; spring switches both ends;
- Reconstruct 10,000 track feet of marshalling trackage at Westwego on existing roadbed and subgrade;
- Construct head-on connection between UP/BNSF trackage in Westwego and Huey Long Bridge at West Bridge Junction;
- Upgrade highway crossings and protection.

These improvements would bring the existing route up to Class 2 standards, which would improve safety conditions and increase operating speeds. The Millennium Port could open and operate for about five years using only the upgraded existing route. However, by 2010, and the forecasted demands would require an alternate route to be in operation.

4.0 Alternate Rail Routes

Any alternate rail route to the Millennium Port would involve construction of at least some new railroad on an alignment not presently used for rail service. Therefore, any new alternate route will be more expensive than simply upgrading the existing route, and will raise environmental impact issues of its own.

However, there are substantial advantages, from the point of view of the affected communities, as well as the railroads, to finding an alternate route. The operation of trains along 4th Street in Gretna and Belle Chasse Highway in Belle Chasse would no longer be required. Furthermore, since there are no rail customers in the Gretna area around Gouldsboro Yard, both the rail trackage that accesses the yard (including the track in 4th Street and in Madison and Brooklyn Streets) could be abandoned and the land redeveloped for higher and better uses. Thus, the residents of Algiers and Gretna could benefit if agreement could be found on an alternate alignment.

4.1 Alternate Rail Route 1 — Western Bypass Alternative

From an engineering perspective, it would be possible to construct an entirely new rail connection between Avondale Yard West Bridge Junction and NO&GC MP 16 near Sarah at Belle Chasse Highway (about Mississippi River Mile 69). See Exhibit 2 in the Executive Summary.

This alignment would run west-southwest from a grade separated crossing with Belle Chasse Highway in Sarah. From the existing rail line in Sarah it would cross Pipeline Canal and continue a west-southwest alignment to the Parish line. The alignment would shift to the south south-west just to the east of the Van Donne Canal, cross the canal, and continue past the termination of Highway 3134 to the south of Jean Lafitte Park. It would then intersect Highway 45 and cross Bayou Barataria on a vertical lift bridge. After this crossing, the alignment would shift to the northwest and cross the Intracoastal Waterway and Bayou Villars on a vertical lift bridge, running along the southern border of Jean Lafitte Park. At Lake Salvador, it would turn north-northwest, on an alignment to the west of Jean Lafitte Park, crossing Lake Salvador and Couba Island in St. Charles Parish on an elevated rail structure. After crossing Couba Island, the alignment would shift slightly more to the west-northwest, crossing Lake Cataouache on an elevated rail structure to Bayou Gaudin. The alignment would then turn north northeast, crossing the Outer and Inner Cataouache Canals. It would then shift to the northeast and parallel the Avondale Gardens Canal for approximately three-quarters (0.75) of a mile. The alignment would then shift back to a north northeasterly track, crossing Nicole Boulevard and US 90 to Avondale. A grade separated structure would need to be constructed at US 90 to maintain the flow of traffic. See Plate 9-A for the area where the new line would tie into the existing line at Belle Chasse Highway (LA 23).

The alignment would require approximately 23 route miles of new railroad, of which some 75-80% would need to be on structure. It would approach West Bridge Junction from the south rather than from the east, so land at Avondale, south of the relocated West Bank Expressway, would need to be available for the siding and future storage trackage required by the operating script.

The structure itself would require a single main track and parallel access road (for maintenance) throughout. Distances are sufficiently short, and trackspeeds sufficiently high, so that meets and passes between trains on the approximately 12 miles of structure would not be required. The siding and main track upgrades between Sarah and the Millennium Port would be as for the other options.

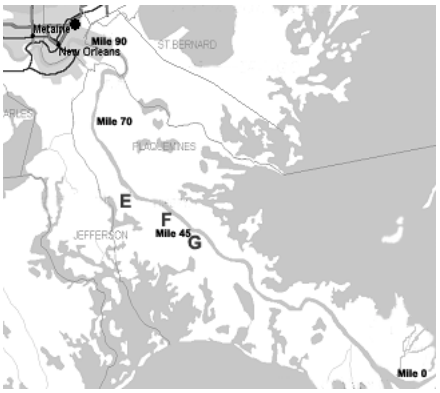
Movable bridges of about the same size as the Algiers Canal/Intracoastal Waterway Bridge on the Harvey Canal Corridor Alternative would be required to cross Bayou Barataria, the Algiers Canal/Intracoastal Waterway, and Bayou Villars. Depending on the exact alignment, additional movable spans might be needed where the line would cross other navigable waterways.

4.1.1 Calculation of Travel Times and Rail Capacity via the Western Bypass Alternative

The total rail distance to the Millennium Port via the Western Bypass Alternative route would be between 32 and 44 miles, depending on the Port site chosen, and the exact alignment between Avondale and Sarah. The entire distance of this route is about 7 miles longer than the distance between Gouldsboro and Millennium Port using the existing route.

Assuming reasonable, but fairly conservative, track speeds of 49 mph between the Millennium Port and Sarah, 25 mph through the junction at Sarah, 49 mph on the Sarah to Avondale main track (or 60 mph if the line is equipped with block signals), and 30 mph across the bridges, total trip times would be roughly:

- West Bridge Junction to Site E: 42 minutes
- West Bridge Junction to Site F: 48 minutes
- West Bridge Junction to Site G: 60 minutes



The main track portion of this route is sufficiently short and sufficiently fast that it is never likely to be a capacity constraint. However, this route makes the Port railyard into a suburb of the Huey Long Bridge, and the proximity of the two (in the sense that they are now less than one hour apart) actually increases the likelihood that trains will need to hold at Avondale in one or both directions.

4.1.2 Capital Costs to Construct the Western Bypass Alternative Connection and Upgrade of Retained Existing Route Segments

A Millennium Port rail access corridor utilizing the Western Bypass Alternative would require the following capital investment:

- Surfacing, ties, and ballast, 9 to 21 track miles (Sarah to Millennium Port);
- Field weld 100% of retained jointed rail NO&GC MP 16 to Millennium Port (9 to 21 track miles);
- Replace 10% of jointed rail on NO&GC section;
- Construct 23 miles new single main track between Sarah and Avondale, 12 miles on structure 40 feet wide at top of bents; 133 lb cwr, concrete ties;
- Optional: CTC 16 miles Avondale to Sarah including controlled siding and electrically locked turnouts into storage tracks, "South Avondale"
- Construct two 650-foot long single track vertical lift bridges [length includes approaches] across Bayou Barataria and Bayou Villars; including interlocking signals and derails;
- Construct one 8,000 foot siding at "South Avondale" and one 8,000 foot siding between Sarah and Millennium Port; spring switches or power turnouts both ends;
- Construct head-on connection between "South Avondale" and Huey Long Bridge at West bridge Junction;
- Upgrade grade crossings and protection.
- Construct a grade-separated crossing at Belle Chasse Highway
- Construct a grade-separated crossing at US 90 in Avondale

Although the Western Bypass Alternative provides efficient rail operations, the capital costs involved with its construction are prohibitive at approximately $846 million. The construction of the new rail line from Belle Chasse Highway to Avondale would cost approximately $721 million, as 75 to 80% would need to be on structure. The upgrade of the existing rail from Sarah, and the extension of the track to a port site, would cost approximately $22 million, depending on the port location. Grade separations would be required at Belle Chasse Highway and US 90, costing approximately $30 million. Two vertical lift bridges would need to be constructed over Bayou Baratatia and the Intracoastal Waterway, at an approximate cost of $72 million. In addition, this alternative cannot be built in phases; the entire alternative would have to be built before the port could be opened.

4.2 Alternate Rail Route 2—Harvey Canal Corridor Alternative

The second alternate rail route identified for consideration would connect the existing NO&GC track near railroad milepost 13.5 near the community of Cedar Grove with the UP line to Gouldsboro just east of the Harvey Canal in Harvey. There is an existing industrial rail spur on the east side of the Canal that extends south to the Jefferson/Plaquemines Parish line that could be rebuilt and relocated to accommodate port traffic. See Exhibit 3 in the Executive Summary.

Preliminary ground and aerial reconnaissance of this area suggests that the best rail route between the Parish line and Harvey might lie along, and just west of, St. Joseph Street in Harvey (this permits a facing-point turnout from the existing UP line toward the south going east, just east of the existing Harvey Canal railroad bridge, and avoids the need for a new bridge), then south of the West Bank Expressway in an old industrial seam of land that lies east of Peters Road, behind most of the existing Peters Road industries, and west of the residences along Pailet Avenue. This corridor extends as far as Lapalco, and some of the land used to be railroad right-of-way into the industrial zone. Most of the land is currently vacant; some is posted with warnings against contamination.

North of Lapalco Boulevard, the proposed alignment would curve slightly to the west to pass under the current highway bridge, cross a driving range, then curve somewhat further east, to run along the Murphy Canal to the Parish line. This location places the railroad along the boundary between industrial real estate to the west along Peters Road, and residential development to the east of Murphy Canal.

South of the Parish line, the railroad alignment would need to cross Bayou Barataria on a fixed bridge, then cross the Algiers Canal/Intracoastal Waterway on a vertical lift bridge, and traverse presently undeveloped land southwest of the Belle Chasse Naval Air Station.

This alignment would require the construction of approximately 10.5 miles of new, single main track between Cedar Grove and Harvey on a 35 to 50-foot right-of-way. Passing sidings in this segment would not be required, as long as passing sidings are constructed in Marrero and south of Cedar Grove, as outlined in the operating requirements for use of the existing route, previously described.

This route could be utilized for a rail line with no more than ten to twelve grade crossings, which are all in Jefferson Parish along lightly used cross streets running east from Peters Road to Pailet Avenue. It may be possible to reduce the number of crossings without seriously impacting road traffic in the area by closing some connections with Peters Road. The land required is largely vacant; there is a cluster of industrial buildings at the Harvey end of the alignment that would need to be relocated, and a small group of residences on the east side of Murphy Canal at the Plaquemines Parish line that would not be in the path of the rail right-of-way, but which might be impacted by it to the point where the land should simply be purchased from the owners. Existing conditions and possible impacts are further discussed in the following section.

The proposed Peters Road Alternative would have three construction phases to accommodate the growing capacity estimates.

1. Proposed Phase 1 upgrades (see Exhibit 3-A in the Executive Summary) would include:
    - Minimum track upgrades from Harvey to Gouldsboro and Gouldsboro to Cedar Drive and Belle Chasse Highway, $7 million
    - Permanent track upgrades from West Bridge Junction to Harvey, $5 million
    - Permanent track upgrades from Cedar Drive and Belle Chasse Highway to Millennium Port site, $24 million
    - Total Cost: $36 million
2. Proposed Phase 2 upgrades (see Exhibit 3-B in the Executive Summary) would include:
    - Upgrade existing Peters Road line, $2 million
    - Construct new line from the Murphy Canal to Sarah, $16 million
    - Construct grade separations at Belle Chasse Highway and Peters Road, $ 30 million
    - Construct vertical lift bridge over Algiers Canal, $36 million
    - Total Cost: $84 million
3. Proposed Phase 3 upgrades (see Exhibit 3-C in the Executive Summary) would include:
    - Construct new line to relocate Peters Road line between Harvey and the Murphy Canal, $13 million
    - Construct new balloon track at Avondale to access the Huey P. Long track, $4 million
    - Total Cost: $17 million

A new roadway is proposed in conjunction with this alternative. It is discussed in Section 4.3 and depicted in blue on the Plates following the text of this report.

The final design of this alternative is contingent on many factors. One significant issue is the number of proposed roadway projects in the vicinity. Environmental studies are being conducted for the extension and widening of Peters Road, which

would affect the design of this project. Possible impacts of proposed roadway projects in the vicinity are discussed in Section 4.4 of this report.

4.2.1 Existing Conditions and Possible Impacts

4.2.1.1 Mississippi River to Westbank Expressway

During Phase 2 of this alternative, the existing Peters Road line would be upgraded on its existing alignment to its connection with the new line being constructed at the Murphy Canal crossing approximately seven tenths (0.7) of a mile from Lapalco Boulevard. The existing rail alignment and its proposed relocation are depicted in Plate 1.

During Phase 3, the proposed railway would tie into the existing spur just east of the Harvey Canal Bridge. Land uses in this area are largely industrial with some commercial establishments along 4th Street. Along St. Joseph Street, the uses to the east side are mainly residential up to 8th Street. From 8th Street, the east side of St. Joseph Street is generally industrial in character. The uses on the west side of St. Joseph Street are largely industrial throughout.

The preferred alternative would align the railway through the west side of the street, so that no residences would be affected. This alternative would affect fifteen (15) businesses along St. Joseph Street. Ten (10) more businesses that front Peters Road could also be affected, as their property may extend into the project right-of-way. St. Joseph Street would have to remain an operable roadway to provide access to the remaining properties. It is likely that a noise wall would need to be constructed to mitigate impacts to the adjacent residential properties.

The proposed alignment would affect several businesses along St. Joseph Street including: Westbank Starter & Alternator; Dairy Fresh; Universal Coil, MFG; Triple G Supply, Inc.; Crane & Templet; ACME Truckline, Inc., Southern Electric Motor Service; Dallas Mavis; BJ Hughes; The Diesel Machine; and McJunkin. In between Triple G Supply, Inc. and Crane & Templet there are two vacant warehouses that would be within the project right-of-way. Where St. Joseph Street terminates at Brinker Street, there is an unidentified business operating at 2680 Brinker Street that would be affected. Facing the Westbank Expressway frontage road, Haywilk, and Kar Klink Body Shop would be affected. Along Peters Road, the businesses that may be affected include: Daniel Measurement and Control; Lawson & Company, Inc.; Dehi Electrical Oilfield Depot, Inc.; Direct Connection; Auto & Truck Repair; the Mid Continent building which includes Sea Worthy Marine Corp., Dredging Supply Rental, and Lynndan Inc.; Melville Equipment Inc.; Francis Torque Service, and Industrial Fabrication & Repair Service. See the Plate 1 and the Photo Atlas pages 1-8.

4.2.1.2 Westbank Expressway to Lapalco Boulevard

During Phase 3, the new alignment of the railroad would be constructed to cross over the Harvey Tunnel and Westbank Expressway service roads on structure as it passes under the Expressway. This crossing may require adjustments to the service roads, depending on the final design and traffic forecasts. See Plate 1.

Land uses throughout this portion of the project are generally mixed residential uses to the east, and industrial uses to the west along Peters Road. The project would affect two businesses facing the Westbank Expressway service road: Affordable Transmissions and K & S Diesel Parts and Sales, Inc. There are three structures behind K & S Diesel Parts and Sales that seem to be part of that business. The project would then run through the back lots of the Waste Management and Truck Auto Repair properties. A structure located behind Chevron USA, which may be a part of that business or the adjacent Deltide Fishing and Rental Tools, Inc. would be affected. Some structures on the back lot of Superior Energy Services, Inc. and would be affected. See Plate 2 and the Photo Atlas pages 8 and 9.

Between Norman and Lester Streets, the project area is largely vacant to the west, with continued residential development to the east. An area approximately 1.2 miles long varying from 200 and 400 feet wide between Norman Street and Breaux Avenue would likely has brown field site implications. If this alternative is carried forward, this area would require Phase 1 Site Assessment with limited Phase 2 testing. See Plate 2 and the Photo Atlas page 11.

At Lester Street, Delta Waste System and A & E Engine and Compression would be affected. There may also be impacts to the adjacent New Orleans Metal Works facility. At Joseph Street along the project alignment, B&M Machine and Fred's Painting may be affected. Approximately 400 feet south of Joseph Street, the new rail alignment would curve slightly to the west to pass under Lapalco Boulevard. Along Breaux Avenue, OFS, Inc., Alpha Technical Services, Inc., and A-1 Electrical Contractors, Inc. would also be affected. See Plate 3 and the Photo Atlas pages 10-14.

4.2.1.3 Lapalco Boulevard to Engineer's Road

The new railway constructed in Phase 3 would cross under Lapalco Boulevard, which could affect A-1 Electrical Contractors, Inc., a building at the corner of Pailet Street and Breaux Avenue of unknown use, with a removed Simon's Diesel Repair sign, and a vacant structure on the north side of Lapalco Boulevard. On the south side of Lapalco Boulevard, Hook & Slice Golf would require relocation to accommodate the project. See Plate 3 and the Photo Atlas page 14.

In Phase 2, the existing Peters Road spur would be upgraded to connect with the new line being constructed on the west side of the Murphy Canal south of Lapalco Boulevard. A temporary connection would need to be constructed between the new line and the upgraded Peters Road line, which would cross Peters Road at-grade and would only be used to serve rail customers on the east side of Peters Road after the full build out of the new line in Phase 3 (see Plate 4). After the completion of Phase 2, trains could bypass Gouldsboro Yard by utilizing the upgraded spur and new track. The grade crossing of Peters Road would disrupt the flow of road traffic for three to five minutes each time a full-length train passed. In 2010, it is forecasted that four trains a day would be moving from the Millennium Port to West Bridge Junction. As approximately half of these trains would be running late at night, the disruption caused by this grade crossing would not be unreasonable. However, as demand increases over time, so does the disruption to road traffic.

In Phase 3, the new railway would curve to the east after crossing under Lapalco Boulevard, and run along the west side of the Murphy Canal for approximately seven tenths (0.7) of a mile. The railway would then cross the Murphy Canal, running along the east side of the canal and crossing Bayou Barataria on a fixed bridge. The railway would intersect Engineers Road after the crossing of Bayou Barataria. Engineers Road and a portion of Peters Road would need to be on structure to accommodate a grade separation over the new railroad alignment. See Plates 3-5.

The new railway would cross through the Hook & Slice driving range, and then through the back lot of Hydradyne Hydraulics property. The remainder of the alignment on the west side of the Murphy Canal passes through vacant industrial property. At the Murphy Canal crossing, there are power lines and new residential development between the two existing residential communities that would need to be addressed. See Plates 3 and 4 and the Photo Atlas pages 14-18

A structure is located off of a private road on the east side of Murphy Canal approximately three tenths (0.3) of a mile north of Bayou Barataria, which would be affected. North of Bayou Barataria, there is a small residential community and trailer park that may be impacted by the project. See Plate 5 and the Photo Atlas pages 19 and 20.

4.2.1.4 Engineers Road to Millennium Port Site

In Phase 2, the new railway would be constructed to cross Bayou Barataria, and then curve slightly to the west and cross Engineers Road. A grade separation over the railway at this point would be necessary to maintain the flow of traffic on Peters and Engineers Roads. The railway would then cross the Algiers Canal/Intracoastal Waterway on a vertical lift bridge. After crossing the canal, the railway would traverse south for approximately 1.7 miles, and then curve to the west and tie into the existing track parallel to Belle Chasse Highway approximately 200 feet north of its intersection with Cedar Drive. A grade separation and frontage road would need to be constructed in Phase 2 of the project at Belle Chasse Highway to maintain traffic. See Plates 6, 7, and 8.

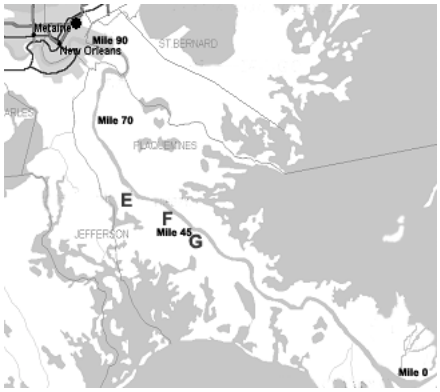
The existing railway parallel to LA 23 in Plaquemines Parish would be upgraded in Phase 1 of the project. Exhibit 1 and Plates 7-18 locate the existing track.

The amount of property that would be affected depends on the final design. At this preliminary stage, a residence on Concord Road; Industrial Pump Sales; Scott Armature Sales & Storage, Inc.; and Pelican Grocery, Inc./Pelican Marine Supply, Inc. would be affected. Fluid Systems, Inc.; Tri-Lode, Inc.; Ken Coil; Total Machine Works, Inc.; ESCH Environmental Health Consulting/Safety Services, Inc.; and two residences in the vicinity may be affected depending on the final design. After crossing the Algiers Canal/Intracoastal Waterway, the land in the proposed project area is mostly vacant. A trailer park near the proposed new connection with the NO & GC track along Belle Chasse Highway may be affected by the construction of the frontage road. See Plates 6, 7, and 8; the Photo Atlas pages 21 and 22. Plates 9 – 18 locate the existing rail down Belle Chasse Highway. Page 23 in the Photo Atlas shows the area along Belle Chasse Highway where the new rail line will connect with the existing railway. Pages 24-26 in the Photo Atlas depict the existing railway along Belle Chasse Highway.

4.2.2 Calculation of Travel Times and Rail Capacity via the Harvey Canal Corridor Alternative

The total rail distance to the Millennium Port via the Harvey Canal Corridor Alternative would be between 27 and 40 miles, depending on the Port site chosen. Assuming fairly conservative maximum track speeds of 49 mph between the Millennium Port and Cedar Grove, 20 mph through the junction at Cedar Grove, 40 mph to the Algiers Canal bridge, 30 mph to Harvey, 10 mph through the junction to the UP and across the Harvey Canal bridge, and 20 mph to West Bridge Junction, total trip times would be approximately:

- West Bridge Junction to Site E: 55 minutes
- West Bridge Junction to Site F: 60 minutes
- West Bridge Junction to Site G: 70 minutes



This alignment would remain unconstrained for the life of the forecast demand, as long as the Millennium Port and the Huey Long Bridge could accept arriving trains without imposing their own capacity limitations on the connecting rail corridor.

In practice, terminal congestion and bridge limitations, in the case of the Huey Long Bridge, might well become an issue as Port volumes increase. These limits produce a need for additional hold tracks, not a requirement for added line capacity. To solve the problem, it would be wise to reserve land in the Westwego area that could be used to reconstruct additional sidings 6,000 to 7,000 feet in length, in which trains could be held out for Port or connecting railroad convenience. The railroad operating property needed for this eventuality already exists in Westwego, since both predecessor railroads (Missouri Pacific-Texas & Pacific Terminal, and Southern Pacific) had additional yard tracks in this area at one time, and much of the land is still vacant.

4.2.3 Discussion of Possible Owner Entities

In order to move this project forward from a conceptual capital plan to an implementation plan, an owner entity needs to be identified. The following sections assess the advantages and disadvantages of possible owner entities.

4.2.3.1 Public Entities

Possible public entities that can be evaluated as possible owners include the Millennium Port Authority and the New Orleans Public Belt Railroad. The following evaluates these entities in terms of powers/enabling legislation, expropriation authority, bonding authority, governance, jurisdiction, and the advantages and disadvantages as the owner entity.

Millennium Port Authority

- **Powers/Enabling Legislation** – The Millennium Port Authority enabling legislation provides the authority with the power to "*own, construct, operate, lease, and maintain any railroad belt or connecting lines required to be constructed after July 1, 1999, that are necessary or useful to the authority development program*" (R.S. 34 § 3473).

- **Expropriation Authority** – The Millennium Port Authority is enabled "*to acquire by expropriation title to any real property...*" (R.S. 34 § 3479).

- **Bonding Authority** – The Millennium Port Authority enabling legislation grants the power "*to incur debt and issue bonds and other debt instruments for its need in the manner herein provided*" (R.S. 34 § 3482).

- **Governance – "***The authority shall be governed by a board of twelve commissioners, consisting of two ex officio members and ten commissioners appointed by the governor and chosen as provided in this Section....Such commissioners shall not be appointed or elected commissioners or board members of the ports of Louisiana*" (R.S. 34 § 3474).

- **Jurisdiction** – "*The Millennium Port Authority shall have only that exclusive jurisdiction as provided herein over the authority development program within the coastal waters of Louisiana, the areas of the state extending seaward thereof to the extent of the state's rights thereto, and over such other waters, water bottoms, wetlands, and lands within the territorial boundaries of the state necessary to effectuate the purposes of this Chapter*" (R.S. 34 § 3473).

The Millennium Port Authority has the important advantage of the existing legal authority necessary to construct, fund, and operate the rail line. Since the proposed rail improvements extend in Jefferson and Plaquemines Parishes, there are jurisdictional issues associated with the implementation of the improvement plan, and the ability to operate across political boundaries is another advantage of the Millennium Port Authority.

However, a serious disadvantage of the Millennium Port Authority as an owner entity is that the authority is inexperienced in railroad operations. Railroad operations require experience and knowledge of engineering standards, capital budgets,

personnel training, safety, etc., and it is unlikely that a new entity could develop the expertise necessary to successfully operate a new railway. The labor liabilities involved with the creation of a railroad, i.e. the provisions of the "New York Dock Decision" and Section 6 of the Railway Labor Act, also adds to the difficulty of a new entity being developed to handle rail operations on the new route (See Appendix).

The New Orleans Public Belt (Public Belt)

- **Powers/Enabling Legislation** – While the Public Belt currently operates in Orleans and Jefferson Parishes, the enabling legislation of the Public Belt provides the "*right to operation within or without the parish of Orleans*" (R.S. 33 § 4530).

- **Expropriation Authority** – The New Orleans Public Belt enabling legislation invests the Public Belt with the authority "*to make contracts, acquire lands, leases and other forms of property necessary for the operation of a railway system, either by purchase, expropriation, or otherwise...*" (R.S. 33 § 4530).

- **Bonding Authority** – The New Orleans Public Belt enabling legislation gives the Public Belt "*the authority to recommend that the city of New Orleans issue bonds for the development, extension, additions, betterment, or construction of the Public Belt railroad system*" (R.S. § 4533).

- **Governance** – The Public Belt Railroad Commission for the city of New Orleans is composed of the mayor and "*sixteen citizen tax payers...The mayor of the city of New Orleans shall be the president of said commission...The president pro temp shall be chosen by the commission...*" (R.S. 33 § 4530).

- **Jurisdiction** – The New Orleans Public Belt Commission has jurisdiction over the "*control, operation, management and development of the Public Belt railroad system*" (R.S. 33 § 4530).

The primary function of the Public Belt has been in support of the Port of New Orleans. The enabling legislation of the Public Belt provides it with the opportunity to expand. The New Orleans Public Belt is commercially neutral, has revenue bonding authority, and good professional relations with all of the main line carriers. Because of these factors, the New Orleans Public Belt would be a sound option for possible ownership of the new rail line.

However, in discussions with the Belt management, they have expressed serious concerns about the liability associated with operating a railroad on the existing route along LA 23.

4.2.3.2 Private Entities

The following evaluates the possibility of private ownership of the proposed railroad.

The Union Pacific Railroad (UP)

The Union Pacific Railroad is an operating subsidiary of the Union Pacific Corporation, a publicly traded company, and the largest railroad in the North America. The UP owns the portion of the existing route from West Bridge Junction to Gouldsboro Yard and the existing spur along Peters Road. Because the UP owns a large portion of the existing rail line, they will have an important role in this project regardless of ownership.

The Union Pacific Railroad, as a private company responsible to stockholders, has to view the entire project in the context of a business decision, and will be interested in maximizing their return on investment. Based on the uncertainties associated with the growth of traffic in their service areas, it is unlikely that the UP would undertake capital investment in the track upgrades proposed as part of Phase 1.

The New Orleans and Gulf Coast Railroad (NO&GC)

The New Orleans and Gulf Coast Railroad is a 24 mile line that runs from Gouldsboro to the existing end of track just above Ironton (about River Mile 59.5). It is owned by the Rio Grande Pacific Corporation of Ft. Worth, Texas. Again, because they own a large portion of the existing rail line, they will be an integral entity in this project regardless of ownership.

The smaller railroads focus on just a few customers, provide more flexible service, and are typically easier to do business with. However, the funding of Phase 1 is again an issue. Because of the uncertainties of traffic growth, it is uncertain that the NO & GC would be willing to undertake the capital investment associated with Phase 1 of the project.

4.2.4 Construction and Operation of Proposed Rail Facilities

A challenging aspect of this rail improvement project will be to move the program forward from the conceptual capital plan as herein presented to an implementation agreement, which vests the rights of interested parties, and provides a funding mechanism to enable the progression of project improvements.

For the purposes of discussion, the interested parties may include:

1. **The Union Pacific Railroad (UP) -** The UP portion of the existing route extends from West Bridge Junction to the Gouldsboro Yard. The UP also

owns the existing spur, which parallels Peters Road. The UP will be interested in a full range of issues. These may include:

- The opportunity to directly service the new container Port;
- The direct sale of their properties to another railroad, or a public entity;
- The allowance of other railroads to acquire trackage rights on their properties; and
- The liability issues associated with ownership and operations.

2. **The New Orleans and Gulf Coast Railroad** (NO&GC) - The NO & GC property extends from Gouldsboro Yard downriver to Ironton, near milepost 60. As with UP, the NO & GC interests may include:
   - the opportunity to directly service the new container Port;
   - the direct sale of their properties to another railroad, or a public entity;
   - The allowance of other railroads to acquire trackage rights on their properties; and
   - The liability issues associated with ownership and operations.

3. **The Millennium Port Authority –** It is unlikely that the Authority would choose to operate a railroad because of their lack of experience in railroad operations. However, the Authority could play an important role in this project. The authority was created to operate across political boundaries. Since the proposed rail improvements extend in Jefferson and Plaquemines Parishes, there are jurisdictional issues associated with the implementation of the improvement plan. The Millennium Port Authority could function as a joint powers authority to undertake the financing, design and construction of the proposed improvements.

4. **The New Orleans Public Belt Railroad** (Public Belt) **-** The Public Belt Railroad operates in Orleans and Jefferson Parishes, but their enabling authority provides the opportunity to extend service to other parishes. Because the Public Belt is commercially neutral, has revenue bonding authority, and good professional relations with all of the main line carriers, they would be an attractive entity to serve the new container port.

Possible Funding/Participation and Other Entities

5. **Louisiana Department of Transportation and Development** (LADOTD) – Within the auspices of its general enabling authority, LADOTD could participate in the planning, design and construction of proposed improvements, provided that the improvements are clearly linked to an associated public transportation purpose.

6. **The Crescent City Connection –** Recent legislation enables the Crescent City Connection to fund rail improvements along the Peters Road Corridor (see Appendix).

7. **Regional Planning Commission for Orleans, Jefferson, Plaquemines, St. Bernard and St. Tammany Parishes** (RPC) – The RPC provided the leadership and funding to undertake this initial planning effort. It is expected that they will continue to play an important coordination role and provide additional support for planning and environmental efforts, to the extent practical within their budget. The project could feasibly be constructed with federal and local matching funds through the RPC.

8. **Local government, including Jefferson and Plaquemines Parishes and the City of Gretna –** The local governing authorities will have an interest in the project and will want to represent the interest of their various constituencies.

9. **The Downriver Container Terminal** – The greatest concerns and needs of the container terminal developer would be the assurance of competitive rail access. Assurances must be provided relating to rail access from the container terminal to the six main line railroads. These include definition of rail capacity, rail transit time, and cost. The terminal developer would also need assurances that the project is carried forward with due diligence.

Concerns

The project is anticipated to be developed in three phases (See Exhibits 3-A, B, and C). The first implementation phase includes upgrades to the entire existing route between West Bridge Junction and Ironton, as well as the extension of the rail corridor downriver to the site of the new container terminal. Both UP and the NO & GC track would be improved in this program. However, as stated above, the UP and NO&GC will probably be tentative in undertaking the track upgrades proposed as Phase 1 because of the uncertainties of growth of traffic. Consequently, some public entity will have to provide funding for some portion, or all, of the Phase 1 program. This results in the expenditure of substantial public funds in support of a private investment. In addition, the public funds would improve the properties of two other private businesses, the UP and the NO&GC. Clearly, there is a problem with granting public funds to private businesses.

Possible Strategies

This problem could be resolved if a public entity were to first buy the rail properties. The Public Belt might seem to be an attractive candidate for this approach. However, in discussions with the Belt management, they have expressed serious concern about the liability associated with operating a railroad on the existing route. The Millennium Port Authority also has the authority to procure the route, but they would face the same concerns for liability.

An agreement could be crafted with various interested parties that establishes a basis for undertaking the entire project. Some of the items that might be included follow:

1. An agreement defining the terms for providing public funding support to the UP & the NO&GC to undertake the recommended Phase 1 track upgrades and extensions to the new container terminal. This agreement would clarify what the public will receive in return for its investment, i.e. right-of-way ownership, a grant of trackage rights to a third party, etc.
2. A Valuation of all the rail properties, with an option for a public entity (either the Belt or the Millennium Port Authority) to purchase the properties at a later date – taking into consideration the previous public investment in the route.
3. The establishment of trackage rights on the new route and portions of the existing route that may remain in service. From the perspective of the container port investor, it would be advantageous for multiple carriers to have trackage rights to service the port. This would promote service competition and assure minimal costs.
4. Identification of the public entity that would be responsible for completing the environmental documents associated with the implementation of future phases.
5. Identification of the public entity/s that will fund future phases of the project.
6. Identification of criteria that would be used to trigger future investment decisions.

4.2.5 Capital Costs to Construct the Harvey Canal Corridor Connection and Upgrade Retained Existing Route Segments

A Millennium Port rail access corridor utilizing the Harvey Canal Corridor Alternative would require the following capital investment:

- Surfacing, ties, and ballast, 17 to 29 track miles (Westwego—Harvey, and Cedar Grove—Millennium Port);
- Field weld 100% of retained jointed rail NO&GC MP 13.5 to Millennium Port (11.5 to 23.5 track miles);
- Replace 10% of NO&GC jointed rail, and 80% of jointed rail between Westwego and Harvey (5 miles);
- Construct 10.5 miles of new single main track between Cedar Grove and Harvey on 50-foot subgrade; 133 lb. cwr, concrete ties;
- Construct 650-foot single track vertical lift bridge (length includes approaches) across Algiers Canal near the Jefferson/Plaquemines Parish line, including interlocking signals and derails;
- Construct 400-foot single track concrete ballast deck bridge across Bayou Barataria near Jefferson;

Plaquemines Parish line:

- Construct one 8,000 foot siding between Cedar Grove and Millennium Port, and one 8,000 foot siding at Marrero; spring switches both ends;
- Construct head-on connection between UP/BNSF trackage in Westwego and Huey Long Bridge at West Bridge Junction;
- Upgrade grade crossings and protection, including 10-12 new crossings.

Phase 1 costs would include: approximately $5 million for the permanent track upgrade of the existing route from Peters Road to West Bridge Junction; $24 million, depending on the port location, for the permanent upgrade of the existing track from Cedar Drive and Belle Chasse Highway, and the extension to the port site; and $7 million for the minimum upgrade of the existing track from Peters Road to Gouldsboro Yard and Gouldsboro to Cedar Drive and Belle Chasse Highway. The total cost for construction of Phase 1 would be approximately $36 million, and would satisfy the forecasted rail demands for a large container terminal until 2010, assuming a 2005 port opening.

Phase 2 costs would include: $2 million to upgrade the existing industrial spur along Peters Road; approximately $16 million to construct the portion of the new line from Belle Chasse Highway to the connection with the upgraded Peters Road line; $30 million to construct the grade separations at Belle Chasse Highway and Peters Road; and $36 million to construct the vertical lift bridge. Total construction costs for Phase 2 would be approximately $84 million. Phase 2 would satisfy forecasted port demands until 2015.

Phase 3 costs would include: $13 million to construct the new track to 4th Street from the terminus of the track constructed in Phase 2, and $4 million to construct the balloon track at Avondale. Total Phase 3 costs would be approximately $17 million, and would provide the rail infrastructure to meet the forecasted demands of the port until at least 2040.

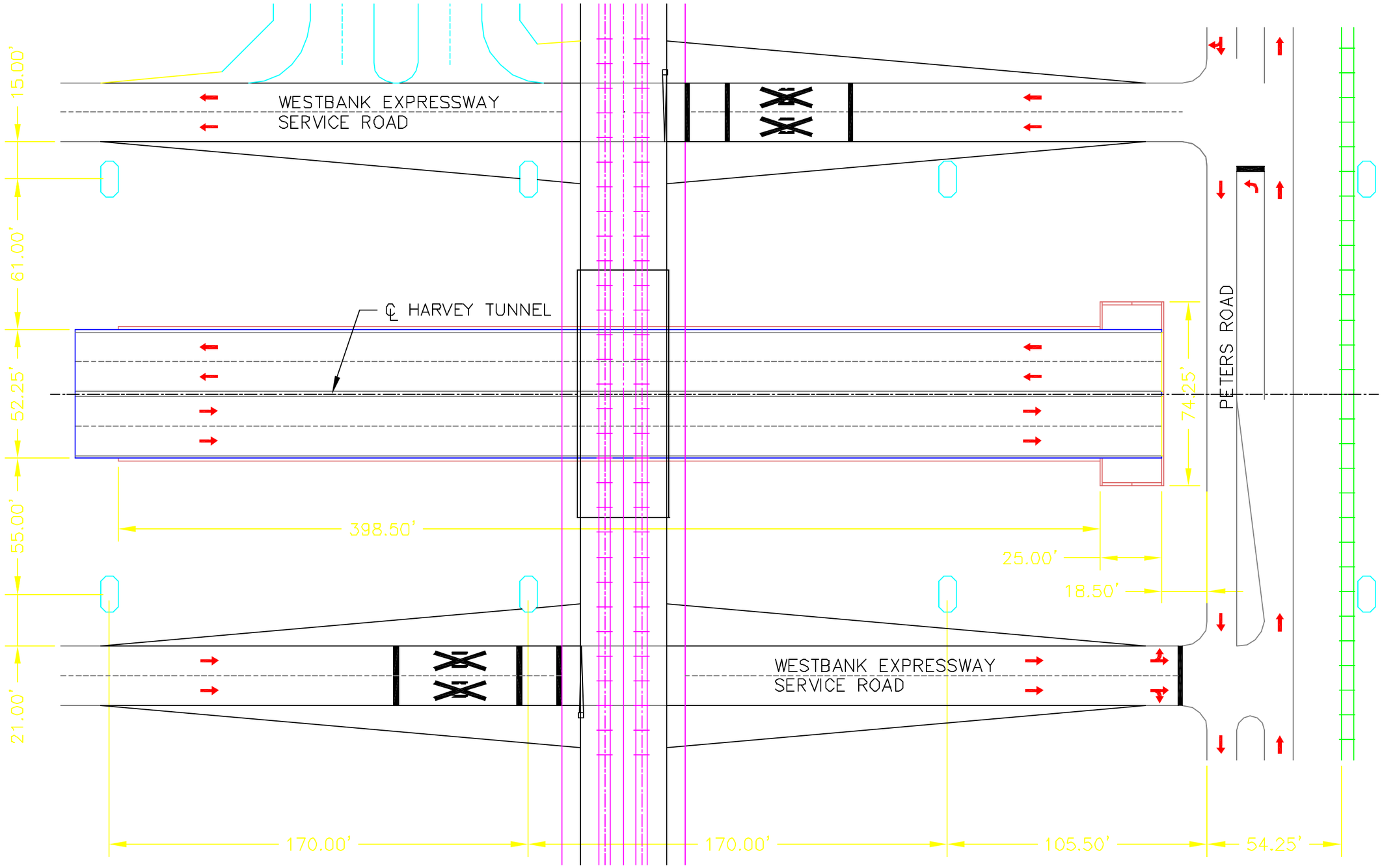
4.3 Harvey Canal Corridor Alternative — Proposed Roadway

A new roadway is proposed to roughly parallel the new railway to Belle Chasse Highway from an interchange with the Westbank Expressway. A ramp from the Westbank Expressway to Peters Road is currently being studied, which would affect this alternative. Additionally, the proposed railway would cross under the Westbank Expressway and over the Harvey Tunnel on structure. The railway structure, the Harvey tunnel, and traffic movements on the Westbank Expressway service roads and Peters Road at the Westbank Expressway would all have to be considered in the final design of the intersection of the new roadway. As traffic modeling is not available for this area, the feasibility of the preliminary design cannot be determined. The new roadway would connect with the northbound Westbank Expressway frontage road. In further design stages, alternatives for access to the new road from the southbound Westbank Expressway frontage road may need to be examined, depending on traffic forecasts. Access to the pedestrian entrance to the Harvey Tunnel would also need to be provided. In addition, crossing signals have been provided where the frontage roads would cross the new alignment of the railway. Again, the design of this intersection is contingent on the possible roadway projects and network modeling. However, the number of proposed roadway projects in the area will likely result in the addition of this area into the traffic model.

The proposed roadway would follow the new rail alignment constructed in Phase 3 of this alternative for approximately 1,000 feet south of a proposed intersection with the Westbank Expressway. It would then curve to the east with the railroad, and run parallel to the back property lines of the adjacent residential neighborhood. Land uses throughout this portion of the project are generally mixed residential uses to the east, and industrial uses to the west along Peters Road.

Depending on the final design of a proposed intersection with the Westbank Expressway, residences along Greffer Avenue on both sides of the Expressway may be impacted. Businesses along the Westbank Expressway service roads would be affected. A possible design for the road and railway crossing under the Westbank Expressway is shown on Plates 1-A and 1-B. See Plates 1, 1-A, and 1-B.

Figure 4-1 Harvey Tunnel Pedestrian Entrance



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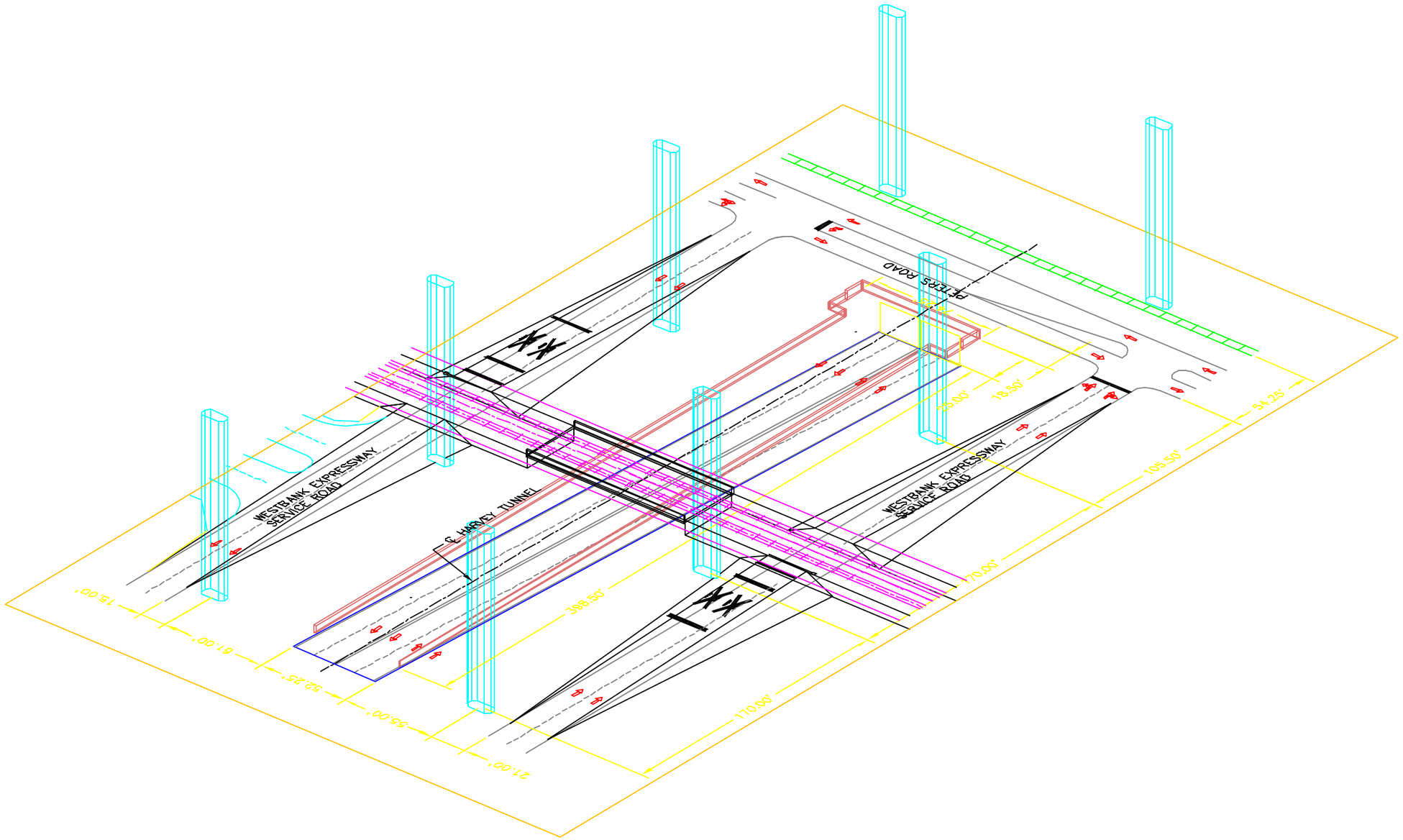
Prepared By:

DMJM HARRIS

PLAQUEMINES PARISH
INTERMODAL STUDY
PLAN VIEW AT W. B. EXPRESSWAY
PLATE 1-A

PREPARED BY: DMJM+HARRIS (MAY 2002)



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PLAQUEMINES PARISH
INTERMODAL STUDY
3-D VIEW AT W. B. EXPRESSWAY
PLATE 1-B

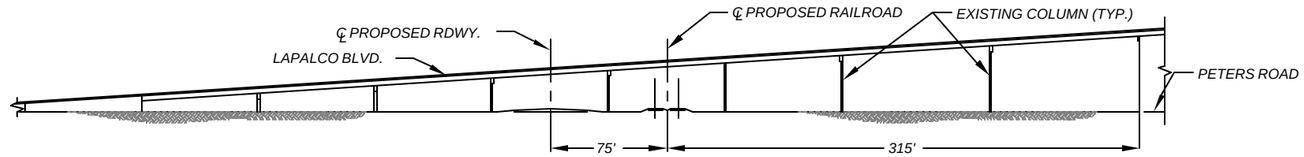
The new road has a proposed intersection Lapalco Boulevard, which could, depending on final designs, affect A-1 Electrical Contractors, Inc., a building at the corner of Pailet Street and Breaux Avenue of unknown use with a removed Simon's Diesel Repair sign, and a vacant structure on the north side of Lapalco Boulevard. On the south side of Lapalco Boulevard, Hook & Slice Golf would require relocation to accommodate the project. A possible plan profile for the crossing under Lapalco Boulevard is shown in Plate 3-A. See Plates 3 and 3-A, and the Photo Atlas page 14.

South of Lapalco Boulevard, the proposed road and railway would curve to the east, and run along the west side of the Murphy Canal for approximately seven tenths (0.7) of a mile. The road and railway would then cross the Murphy Canal and remain adjacent for approximately one half (0.5) of a mile on the east side of the canal. The two structures would then separate, remaining parallel, but separated by approximately 700 feet. The railway would continue to run along the east side of the Murphy Canal and remain separate from the roadway until after the crossing of the Algiers Canal/Intracoastal Waterway in Plaquemines Parish. Both facilities would need to cross Bayou Barataria, but it is not a navigable waterway at this point. The two structures would intersect Engineers Road after the crossing of Bayou Barataria. Engineers Road would need to be on structure to accommodate a grade separation over the new railroad alignment and a connection with the new roadway. See Plates 3-5.

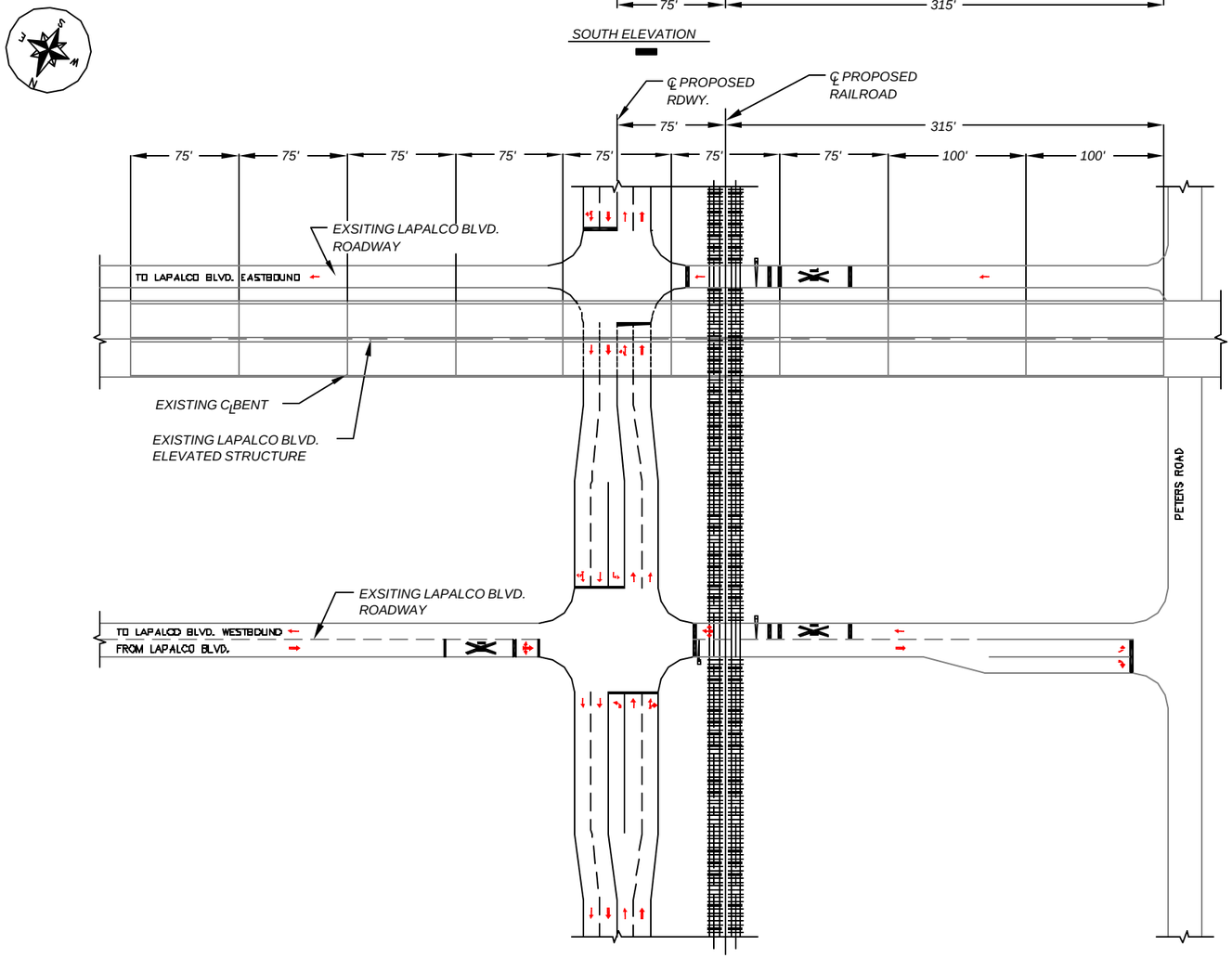
The road and railway would cross through the Hook & Slice driving range, and then through the back lot of Hydradyne Hydraulics property. The remainder of the alignment on the west side of the Murphy Canal passes through vacant industrial property. At the Murphy Canal crossing, there are power lines and new residential development between the two existing residential communities that would need to be addressed. See Plates 3 and 4 and the Photo Atlas pages 14-18.

The proposed roadway would curve slightly to the west after its proposed intersection with Engineers Road. It would then cross the Algiers Canal/Intracoastal Waterway with a fixed span bridge. After crossing the canal, the roadway would curve to the west, and connect with Bayou Road East. Existing Bayou Road East and West Walker Road would be upgraded to the standards of the proposed roadway. The new roadway would terminate at its intersection with Belle Chasse Highway. See Plates 6 and 8.

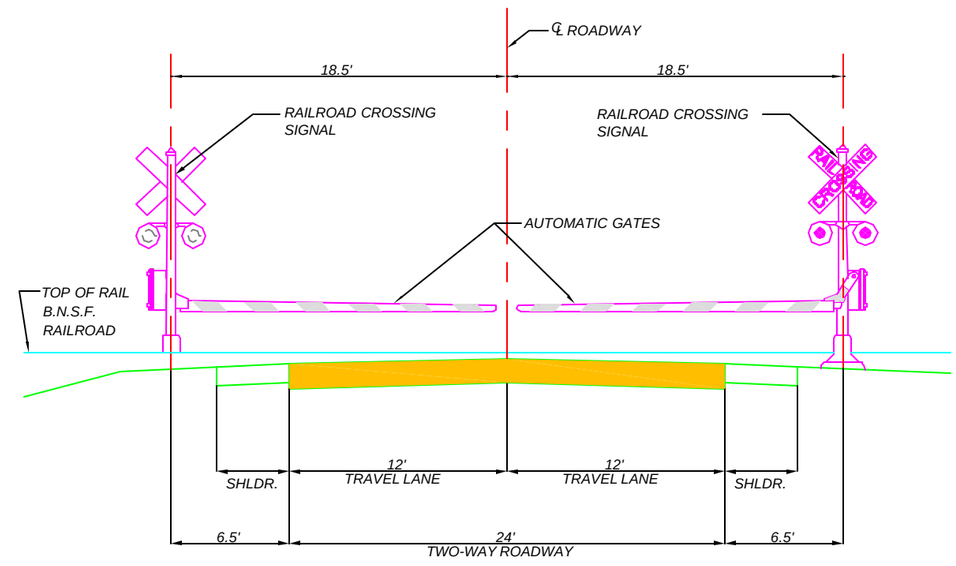
A bridge would need to be provided to cross the Algiers Canal/Intracoastal Waterway, and would need to meet navigational clearances and would require US Coast Guard permitting. If the proposed grade crossing of the railway would affect access to businesses on Peters and Engineers Roads, the construction of frontage roads would be necessary. The amount of property that would be affected by the two structures depends on the final design and geometry of the ramps. See Plates 6, 7, 8, and 9 and the Photo Atlas pages 21 and 22.



SOUTH ELEVATION



PLAN



SECTION OF AT-GRADE CROSSING

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DMJM HARRIS

PLAQUEMINES PARISH
INTERMODAL STUDY
PLAN / PROFILE AT LAPALCO BLVD.
PLATE 3-A

PREPARED BY: DMJM+HARRIS (MAY 2002)

4.4 Impacts of Proposed Roadway Projects

There are a number of projects currently being studied that would affect the design of the Harvey Canal Corridor Alternative. Projects identified as "Committed Projects" *1999 Westbank Major Thoroughfare Plan* are those currently adopted in the Transportation Improvement Programs in Jefferson, Orleans, and Plaquemines Parishes.

"Committed Projects" that would affect the design of the Harvey Canal Corridor Alternative are:

- Widening Peters Road between the Westbank Expressway and Lapalco Boulevard
- Constructing an interchange between the Westbank Expressway to Peters Road
- Maintenance/Overlay of Peters Road from Lapalco Boulevard to Engineers Road
- Construction of a new roadway extending from the current terminus of Peters Road to Belle Chasse Highway
- Maintenance/Overlay of Belle Chasse Highway
- Maintenance/Overlay of 4th Street
- Construction of a new roadway from Lafayette Street to General DeGaulle Drive

In addition to the "Committed Projects" several "Recommended Projects" and "Identified Needs" outlined in the *1999 Westbank Major Thoroughfare Plan* would affect the design of the Harvey Canal Corridor Alternative. "Recommended Projects" affecting the design of this alternative include:

- Construction of a new four-lane roadway extending Harvey Boulevard from Donner Boulevard to Lafitte-Larose Highway with a proposed signalized intersection with Peters Road
- Construction of a new roadway between Peters Road and Gretna Boulevard
- Widening the Lapalco Boulevard Bridge across the Harvey Canal
- Construction of a new roadway between Barriere Road and Walker Road in Plaquemines Parish
- Construction of a new four-lane roadway along Donner Boulevard from the Westbank Expressway to Woodland Highway
- Widening 4th Street from Harvey Canal to Louisiana Street
- Construction of a new roadway from Louisiana Street to Nine Mile Point Road
- Widening Nine Mile Point Road to Avondale Shipyards
- The upgrade of US 90 to I-49

"Identified Needs" in the vicinity include:

- The widening of Pailet Avenue
- Construction of new roadways in the vicinity of Walker and Barriere Roads in Plaquemines Parish

The new roadway described in previous section would address some of the traffic problems identified in the 1999 plan. It would alleviate some of the congestion problems on Peters Road, which in the *1999 Westbank Major Thoroughfare Plan* was estimated to have a level of service (LOS) of "D" from the Westbank Expressway to Lapalco Boulevard, and an LOS "E" from Lapalco Boulevard to Engineers Road. It would also provide an improved network in Plaquemines Parish.

Coordination of these proposed roadway projects with the proposed Harvey Canal Corridor Alternative is necessary to keep this a viable option, and to reduce the possibility of project conflict and the repetition of work.

5.0 Conclusions

Forecasted rail demands for the Millennium Port could not be met by the current infrastructure. Upgrades to the existing route could accommodate demands for a base year of 2005 through 2010. However, beyond 2010 rail operations between the Millennium Port and West Bridge Junction using the upgraded tracks would be impractical, unsafe, uncompetitive, and would cause substantial community disruption. Therefore, if plans for the Millennium Port are to proceed, consideration of alternative rail routes between the proposed port site and West Bridge Junction need to be investigated in more detail.

The alternatives proposed in this report are intended to resolve the deficiencies in the existing rail infrastructure. Both new railway alternatives would provide for efficient rail operations between West Bridge Junction and a Millennium Port site, while limiting potential impacts. The feasibility of the Western Bypass Alternative is questionable because of the costs involved. At this preliminary stage, the Harvey Canal Corridor Alternative appears to be a feasible alternative to carry forward into further study.

The Harvey Canal Corridor Alternative has emerged from this study as a feasible option to provide rail infrastructure for the proposed Millennium Port, which merits further investigation. The Harvey Canal Corridor Alternative would be constructed in phases, so that growing demands could be met as they increase. The total amount of resources needed to complete this alternative would be dispersed over a period of time, so that the commitment of capital and resources would be gradual.

At this stage of planning, the Harvey Canal Corridor Alternative does not appear to cause unreasonable community impacts. This alternative would result in no more than ten to twelve grade crossings, which are all in Jefferson Parish along lightly used cross streets running east from Peters Road to Pailet Avenue. It may be possible to reduce the number of crossings without seriously impacting road traffic in the area by closing some connections with Peters Road.

Three major proposed roadway projects could affect the design of the Harvey Canal Corridor Alternative:

- The proposed upgrade or improvement of Peters Road
- The proposed extension of Peters Road to Belle Chasse Highway
- The proposed construction of a ramp from the Westbank Expressway to Peters Road

The environmental documents being produced for these projects should consider the proposed road and railway to minimize conflicts.

Further study is necessary before definitive determinations with regard to feasibility and constructability can be made. A number of issues have been identified as requiring further investigation. The next steps that need to be taken include:

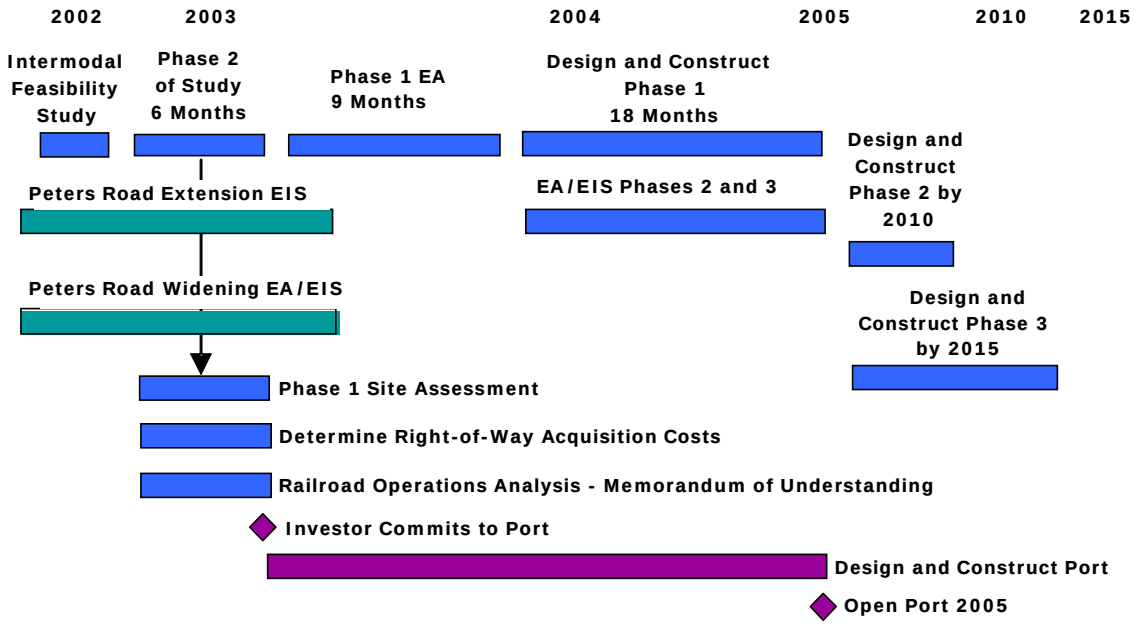
- Phase 1 ASTM Site Assessment
- Limited Phase 2 Testing
- Land acquisition costs
- Comprehensive analysis of railroad operations on the proposed line
- An operations plan for the new rail line devised by the relevant entities
- Identification of funding sources for the project
- A Memorandum of Understanding among the involved entities

The development of a new rail system is an important component of the development of the Millennium Port. The combination of the Millennium Port and the new rail system would provide:

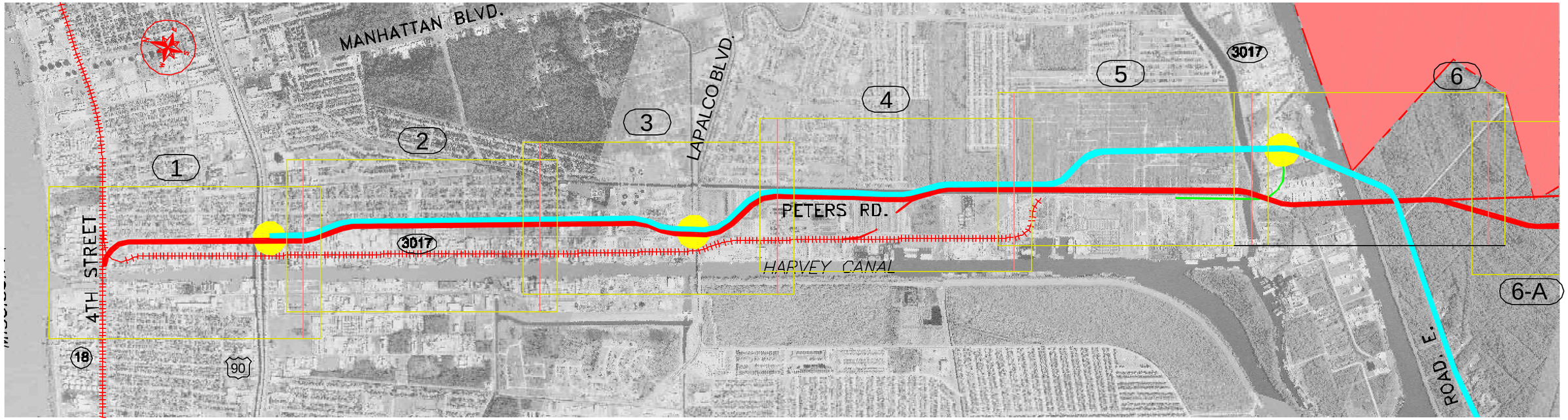
- Increased employment
- Increased revenue from taxes
- Increased public safety
- Decrease in community disruption caused by rail traffic

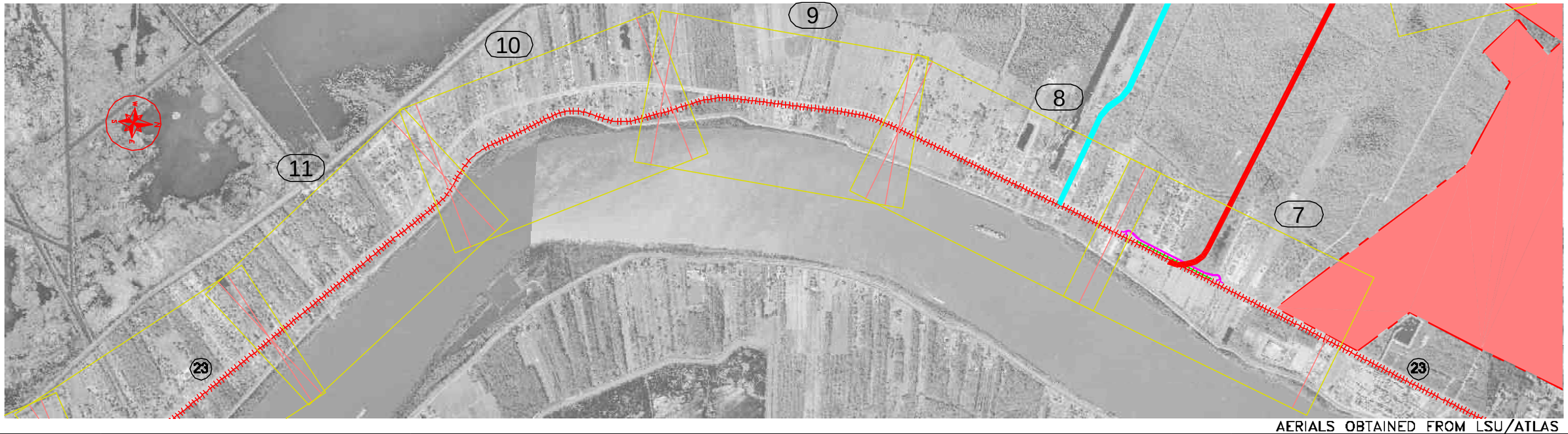
Private investors interested in developing the port have stated publicly that they need guarantees that the initial highway and rail extensions would be in place for the port opening. The next step to getting these guarantees is to move forward with the next phase of this project.

FIGURE 5-1 POTENTIAL TIMETABLE



Project Atlas





AERIALS OBTAINED FROM LSU/ATLAS

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Prepared By:

DMJM HARRIS

LEGEND:

- PROPOSED ROADWAY
- PROPOSED RAILWAY
- ROADWAY ON STRUCTURE
- EXISTING RAILWAY

(12) PLATE NUMBER

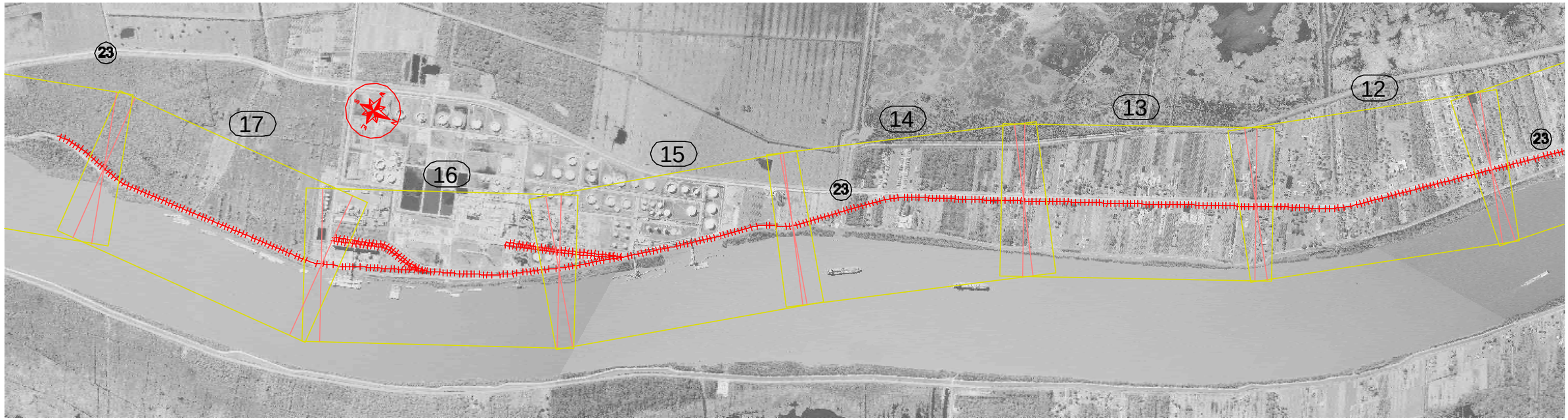
400 0 200 400 800

SCALE: 1" = 400 ft.

PLAQUEMINES PARISH INTERMODAL STUDY

PLATE MAP KEY

PREPARED BY: DMJM+HARRIS (MAY 2002)



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- PROPOSED ROADWAY
- PROPOSED RAILWAY
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PLAQUEMINES PARISH INTERMODAL STUDY

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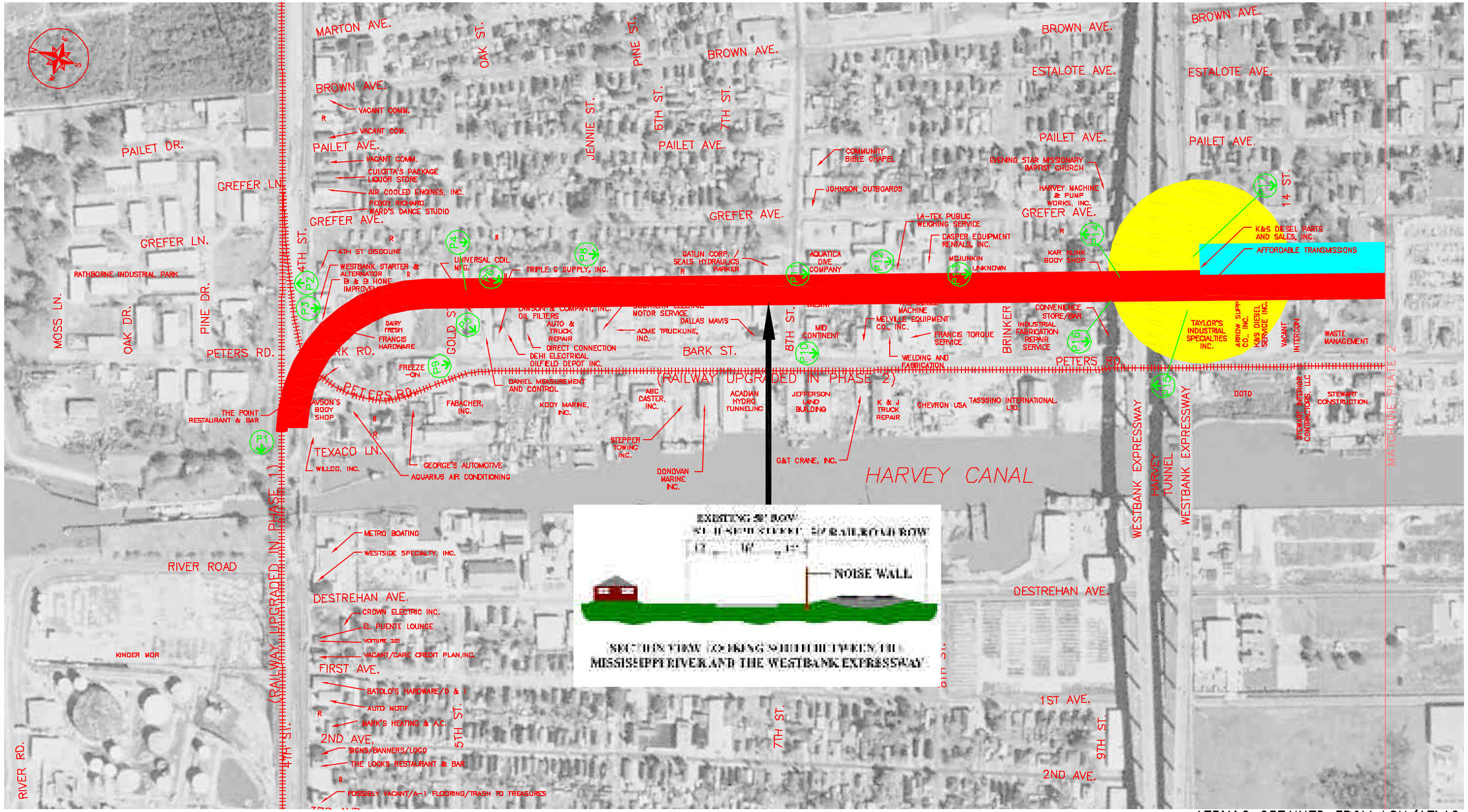

AERIALS OBTAINED FROM LSU/ATLAS

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DMJM HARRIS

LEGEND:

- PROPOSED ROADWAY
- PROPOSED RAILWAY
- EXISTING RAILWAY
- AREA OF FURTHER STUDY
- PHOTO ATLAS NUMBER

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SCALE: 1" = 400 ft.

PLAQUEMINES PARISH INTERMODAL STUDY

PLATE 1

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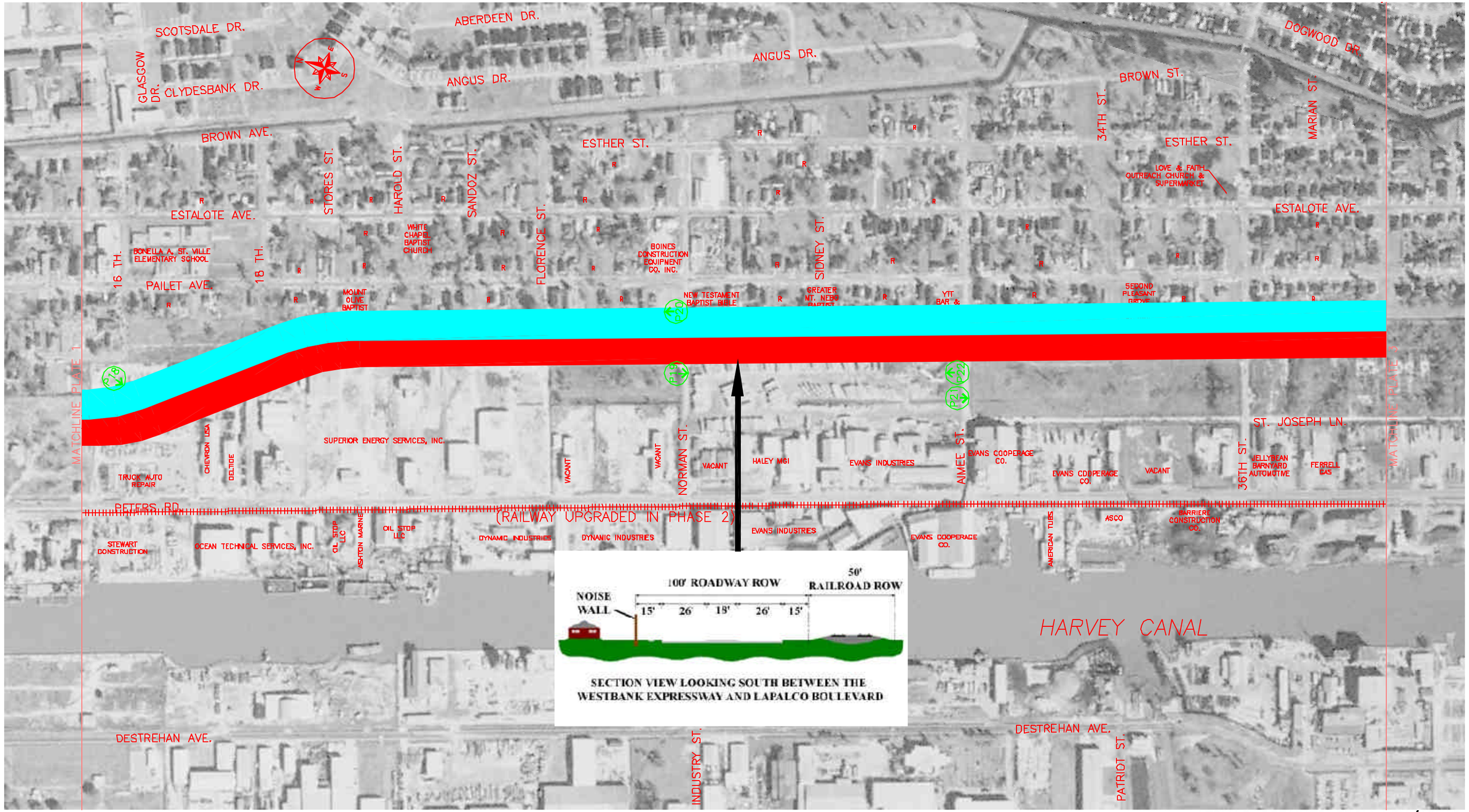

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DMJM HARRIS

LEGEND:

PROPOSED ROADWAY
PROPOSED RAILWAY
EXISTING RAILWAY
AREA OF FURTHER STUDY
PHOTO ATLAS NUMBER

400 0 200 400 800

SCALE: 1" = 400 ft.

PLAQUEMINES PARISH
INTERMODAL STUDY

PLATE 2

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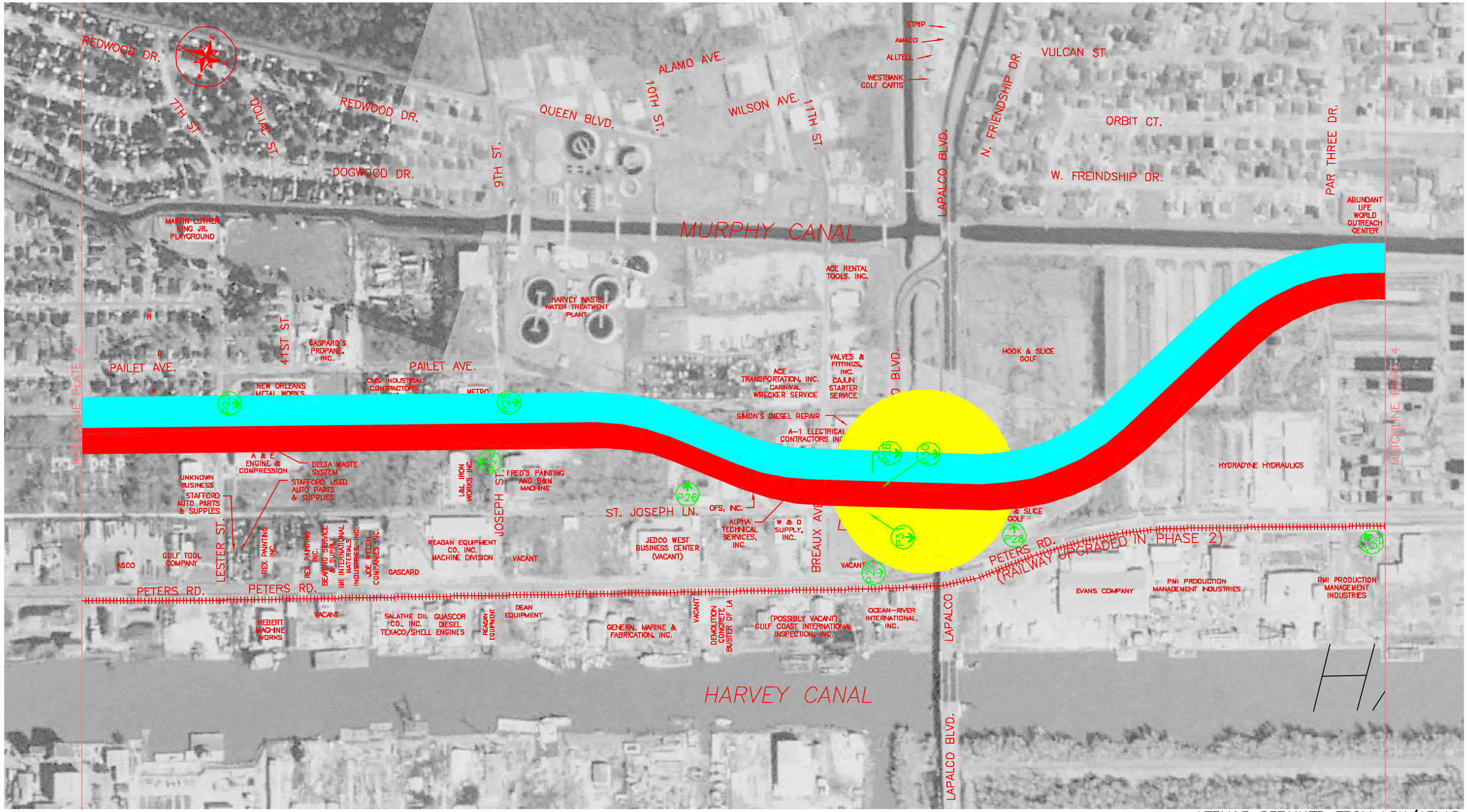

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Prepared By:

DMJM HARRIS

LEGEND:

- PROPOSED ROADWAY
- PROPOSED RAILWAY
- EXISTING RAILWAY
- AREA OF FURTHER STUDY
- PHOTO ATLAS NUMBER

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SCALE: 1" = 400 ft.

PLAQUEMINES PARISH INTERMODAL STUDY

PLATE 3

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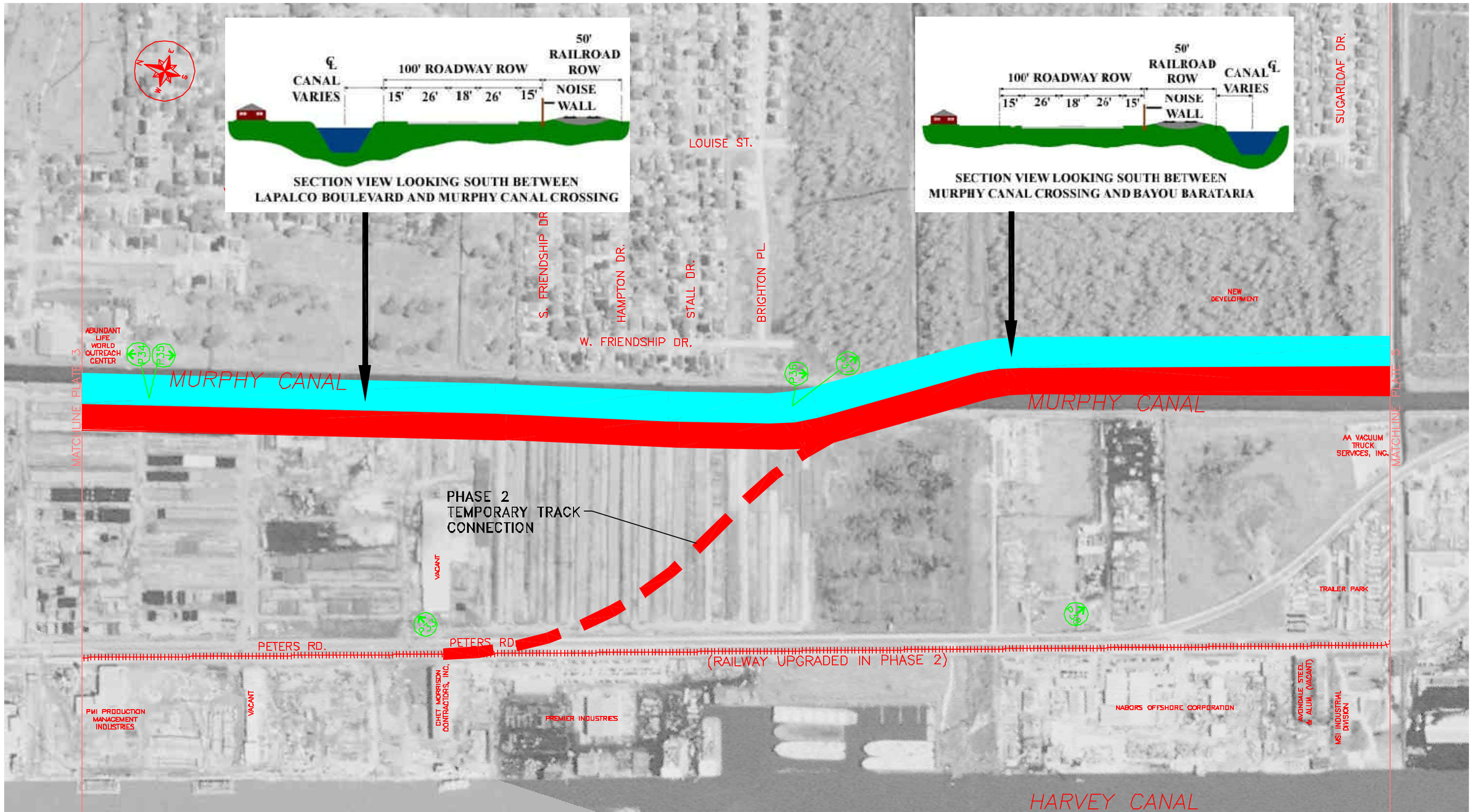

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- PROPOSED ROADWAY
- PROPOSED RAILWAY
- PROPOSED TEMP. RAILWAY
- EXISTING RAILWAY
- AREA OF FURTHER STUDY
- PHOTO ATLAS NUMBER

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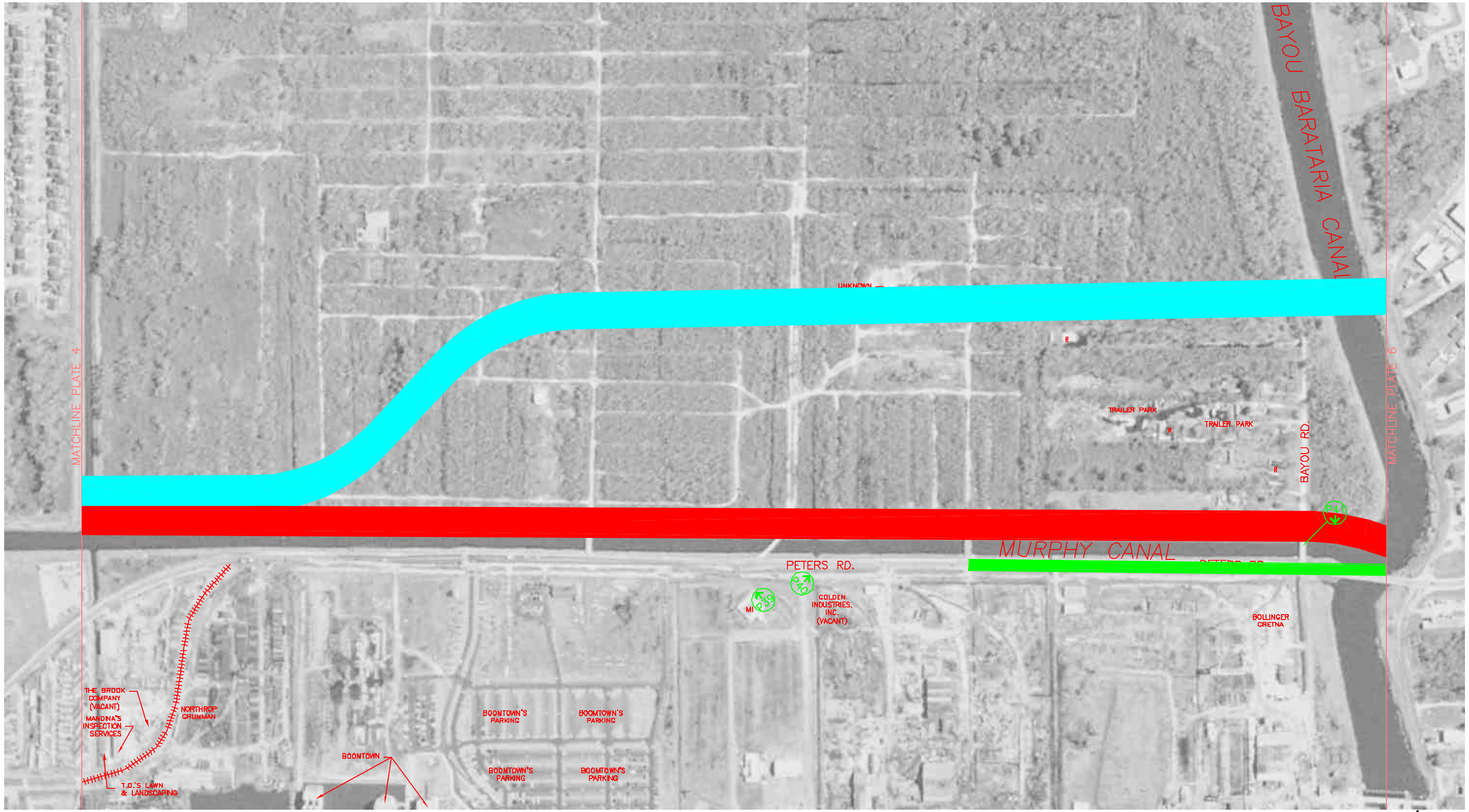
SCALE: 1" = 400 ft.

PLAQUEMINES PARISH INTERMODAL STUDY

PLATE 4



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- PROPOSED ROADWAY
- PROPOSED RAILWAY
- ROADWAY ON STRUCTURE
- EXISTING RAILWAY
- PROPOSED INTERSECTION
- PHOTO ATLAS NUMBER

400 0 200 400 800

SCALE: 1" = 400 ft.

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PLATE 5

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- PROPOSED RAILWAY
- ROADWAY ON STRUCTURE
- EXISTING RAILWAY
- PROPOSED INTERSECTION
- PHOTO ATLAS NUMBER

400 0 200 400 800

SCALE: 1" = 400 ft.

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PLATE 6

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- PROPOSED RAILWAY
- ROADWAY ON STRUCTURE
- EXISTING RAILWAY
- PROPOSED INTERSECTION
- PHOTO ATLAS NUMBER

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SCALE: 1" = 400 ft.

PLAQUEMINES PARISH
INTERMODAL STUDY

PLATE 6-A

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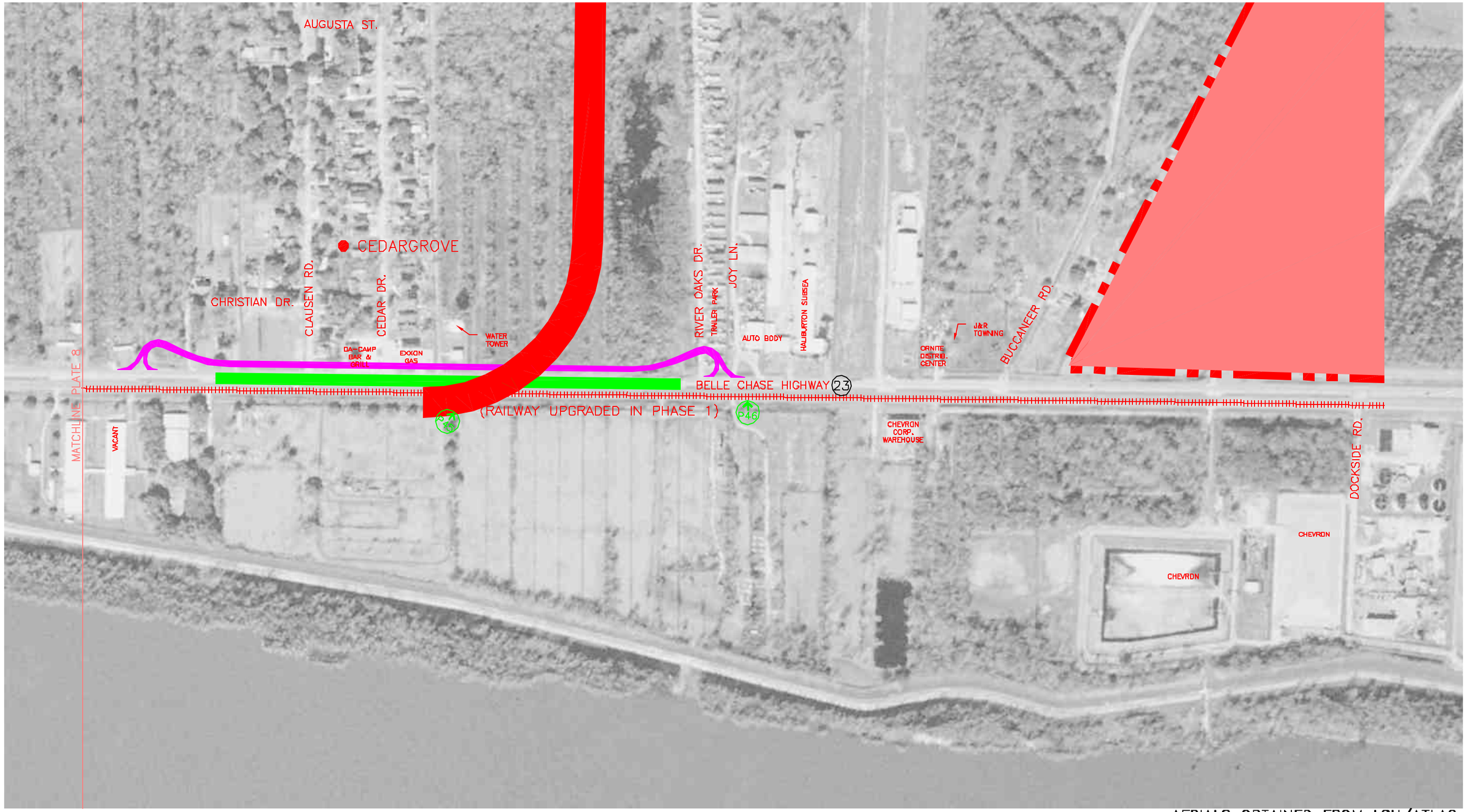

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- PROPOSED ROADWAY
- PROPOSED RAILWAY
- ROADWAY ON STRUCTURE
- PROPOSED FRONTAGE ROAD
- EXISTING RAILWAY
- PROPOSED INTERSECTION

400 0 200 400 800

SCALE: 1" = 400 ft.

PLAQUEMINES PARISH INTERMODAL STUDY

PLATE 7

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LEGEND:

- PROPOSED ROADWAY
- PROPOSED RAILWAY
- ROADWAY ON STRUCTURE
- EXISTING RAILWAY
- PROPOSED INTERSECTION
- PHOTO ATLAS NUMBER

400 0 200 400 800

SCALE: 1" = 400 ft.

PLAQUEMINES PARISH INTERMODAL STUDY

PLATE 8

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LEGEND:

EXISTING RAILWAY

400 0 200 400 800

SCALE: 1" = 400 ft.

PLAQUEMINES PARISH
INTERMODAL STUDY

PLATE 9

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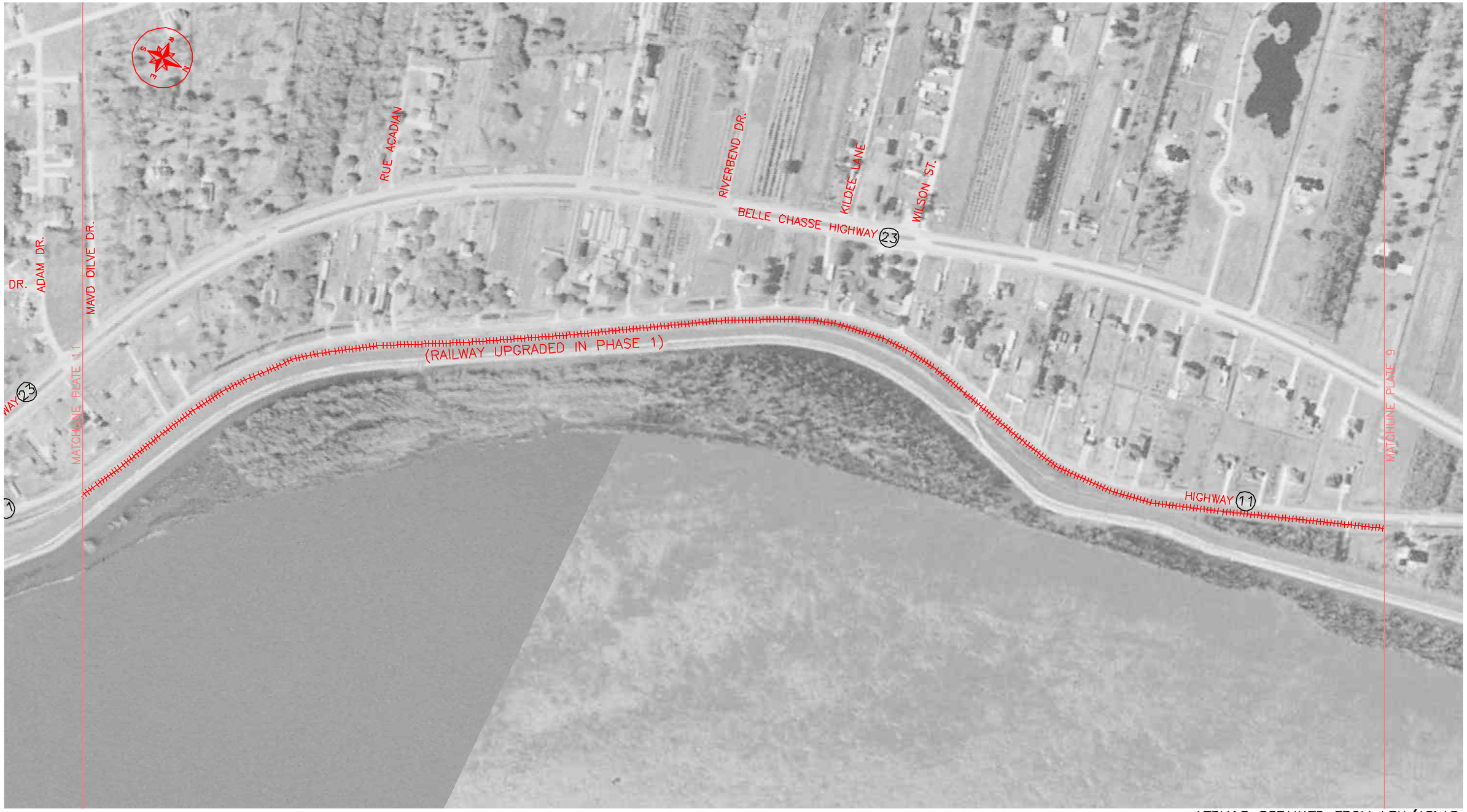

AERIALS OBTAINED FROM LSU/ATLAS

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Prepared By:

DMJM HARRIS

LEGEND:

EXISTING RAILWAY

400 0 200 400 800

SCALE: 1" = 400 ft.

PLAQUEMINES PARISH
INTERMODAL STUDY

PLATE 10

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Prepared By:

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LEGEND:

EXISTING RAILWAY

400 0 200 400 800

SCALE: 1" = 400 ft.

PLAQUEMINES PARISH
INTERMODAL STUDY

PLATE 11

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AERIALS OBTAINED FROM LSU/ATLAS

Prepared For:

Prepared By:

DMJM HARRIS

LEGEND:

EXISTING RAILWAY

400 0 200 400 800

SCALE: 1" = 400 ft.

PLAQUEMINES PARISH INTERMODAL STUDY

PLATE 12

PREPARED BY: DMJM+HARRIS (MAY 2002)

AERIALS OBTAINED FROM LSU/ATLAS

Prepared For:

Prepared By:

DMJM HARRIS

LEGEND:

EXISTING RAILWAY

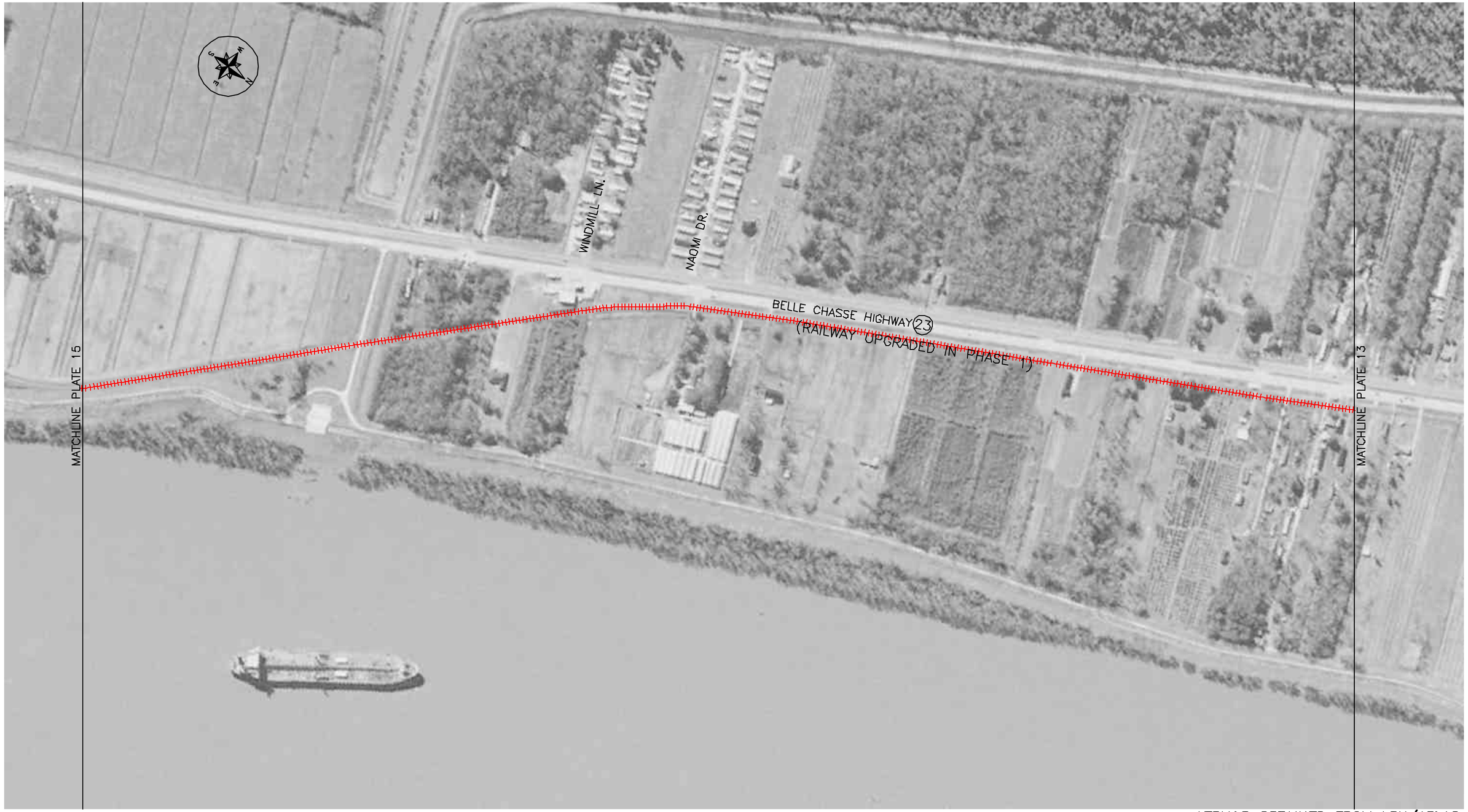
400 0 200 400 800

SCALE: 1" = 400 ft.

PLAQUEMINES PARISH INTERMODAL STUDY

PLATE 13

PREPARED BY: DMJM+HARRIS (MAY 2002)



AERIALS OBTAINED FROM LSU/ATLAS

Prepared For:

Prepared By:

DMJM HARRIS

LEGEND:

EXISTING RAILWAY

400 0 200 400 800

SCALE: 1" = 400 ft.

PLAQUEMINES PARISH
INTERMODAL STUDY

PLATE 14

PREPARED BY: DMJM+HARRIS (MAY 2002)

AERIALS OBTAINED FROM LSU/ATLAS

Prepared For:

Prepared By:

DMJM HARRIS

LEGEND:

EXISTING RAILWAY

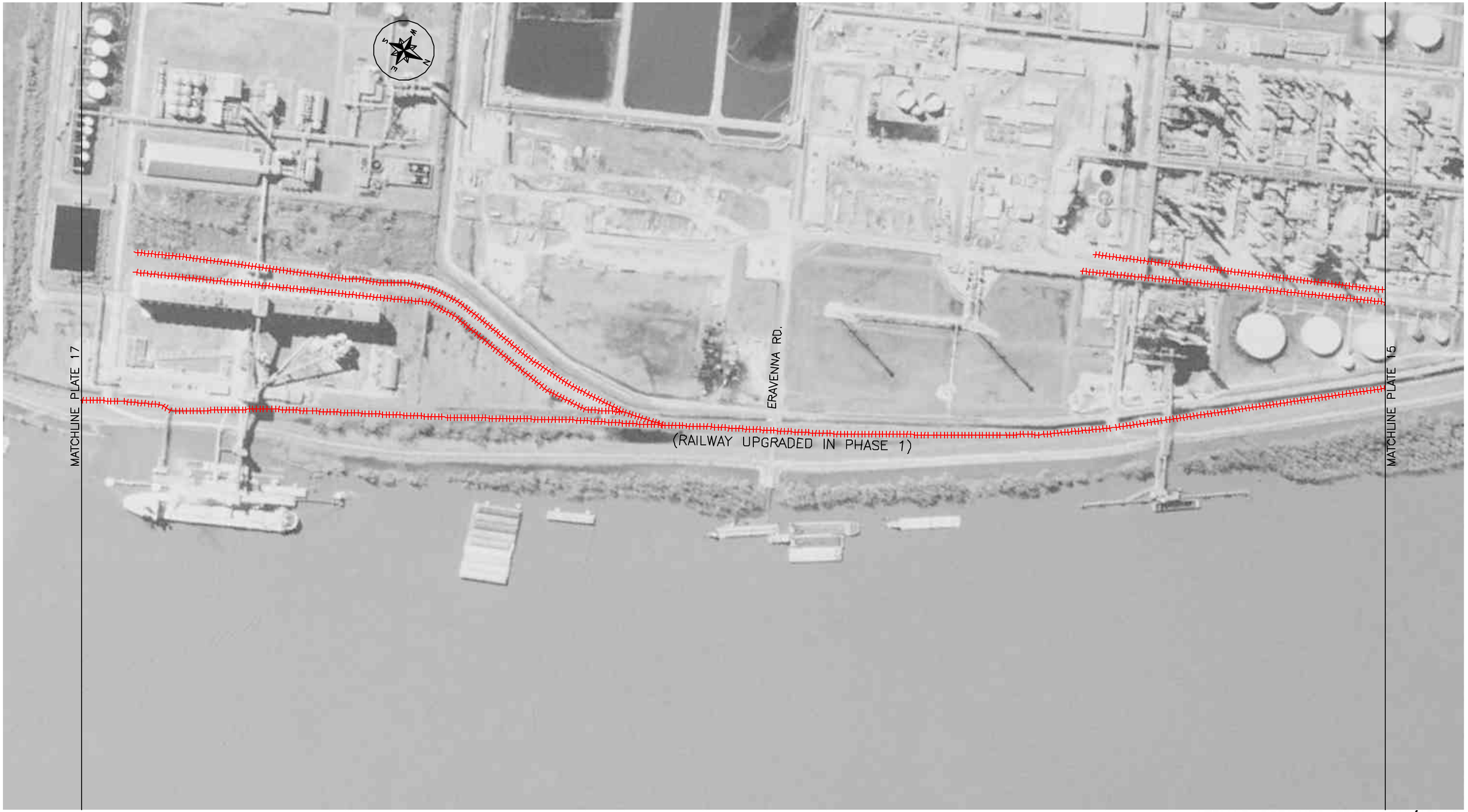
400 0 200 400 800

SCALE: 1" = 400 ft.

PLAQUEMINES PARISH
INTERMODAL STUDY

PLATE 15

PREPARED BY: DMJM+HARRIS (MAY 2002)



AERIALS OBTAINED FROM LSU/ATLAS

Prepared For:

Prepared By:

DMJM HARRIS

LEGEND:

EXISTING RAILWAY

400 0 200 400 800

SCALE: 1" = 400 ft.

PLAQUEMINES PARISH
INTERMODAL STUDY

PLATE 16

PREPARED BY: DMJM+HARRIS (MAY 2002)

AERIALS OBTAINED FROM LSU/ATLAS

Prepared For:

Prepared By:

DMJM HARRIS

LEGEND:

EXISTING RAILWAY

400 0 200 400 800

SCALE: 1" = 400 ft.

PLAQUEMINES PARISH
INTERMODAL STUDY

PLATE 17

PREPARED BY: DMJM+HARRIS (MAY 2002)

AERIALS OBTAINED FROM LSU/ATLAS

Prepared For:

Prepared By:

DMJM HARRIS

LEGEND:

EXISTING RAILWAY

400 0 200 400 800

SCALE: 1" = 400 ft.

PLAQUEMINES PARISH
INTERMODAL STUDY

PLATE 18

PREPARED BY: DMJM+HARRIS (MAY 2002)

AERIALS OBTAINED FROM LSU/ATLAS

Prepared For:

Prepared By:

DMJM HARRIS

LEGEND:

EXISTING RAILWAY

400 0 200 400 800

SCALE: 1" = 400 ft.

PLAQUEMINES PARISH
INTERMODAL STUDY

PLATE 19

PREPARED BY: DMJM+HARRIS (MAY 2002)

AERIALS OBTAINED FROM LSU/ATLAS

Prepared For:

Prepared By:

DMJM HARRIS

LEGEND:

EXISTING RAILWAY

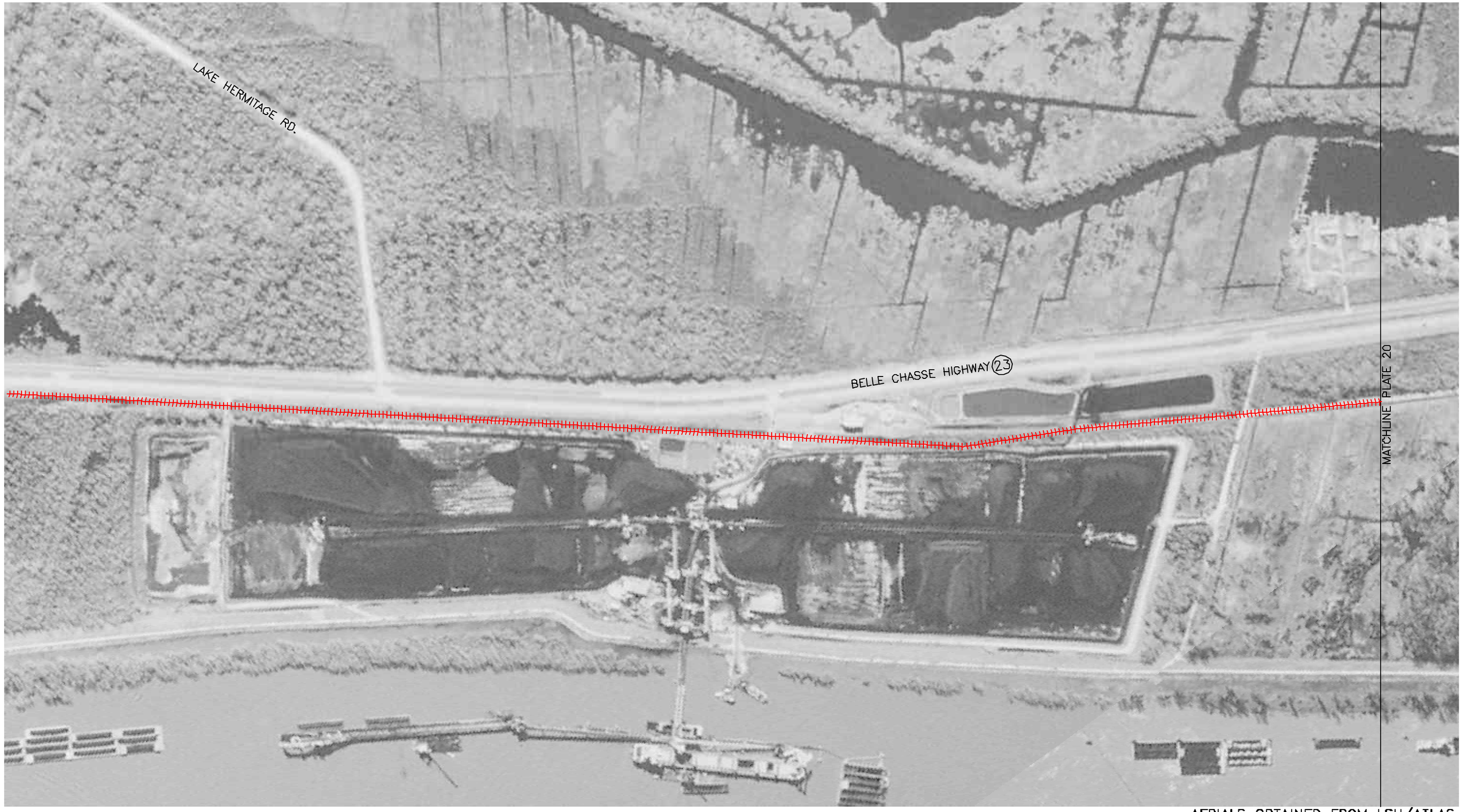
400 0 200 400 800

SCALE: 1" = 400 ft.

PLAQUEMINES PARISH INTERMODAL STUDY

PLATE 20

PREPARED BY: DMJM+HARRIS (MAY 2002)



AERIALS OBTAINED FROM LSU/ATLAS

Prepared For:

Prepared By:

DMJM HARRIS

LEGEND:

EXISTING RAILWAY

400 0 200 400 800

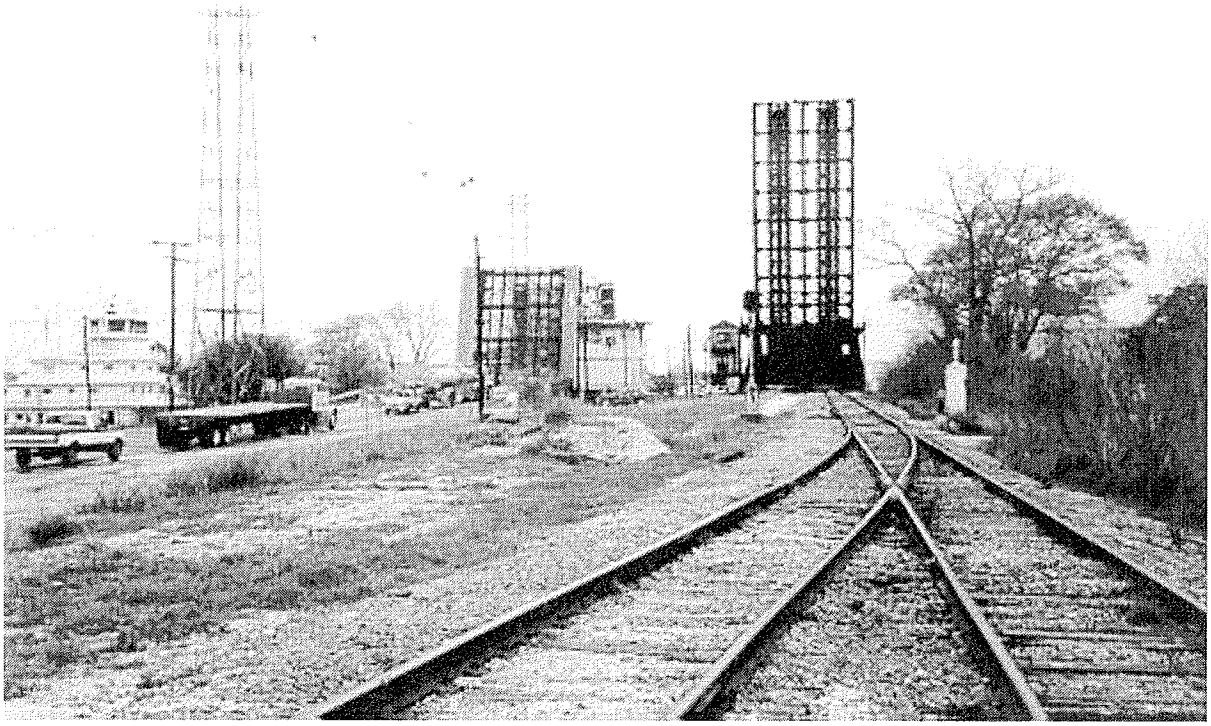
SCALE: 1" = 400 ft.

PLAQUEMINES PARISH
INTERMODAL STUDY

PLATE 21

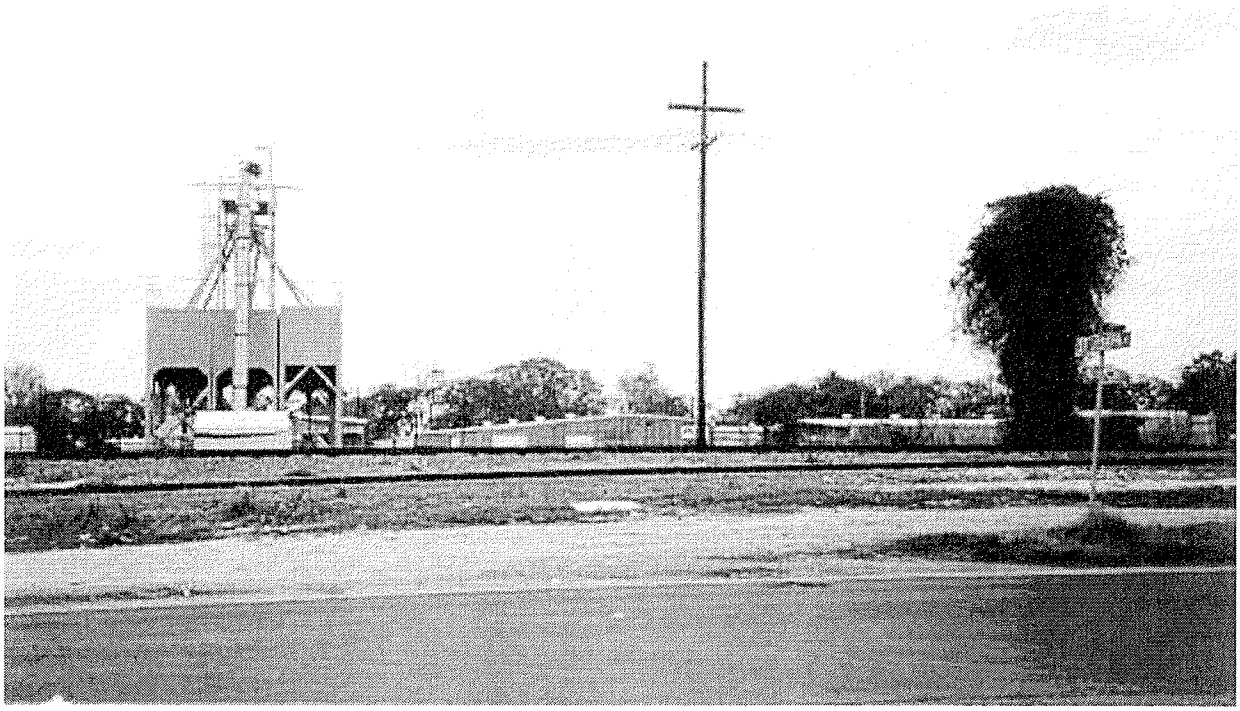
Photo Atlas

Photo Atlas



P1

Existing Harvey Canal Crossing West View



P2

Existing Rail at St. Joseph and 4th Street

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St. Joseph Street South View 1: Westbank Starter and Alternator 2: Dairy Fresh

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St. Joseph and Gold Street South View 3: Universal Coil MFG 4: Triple G Supply, Inc.

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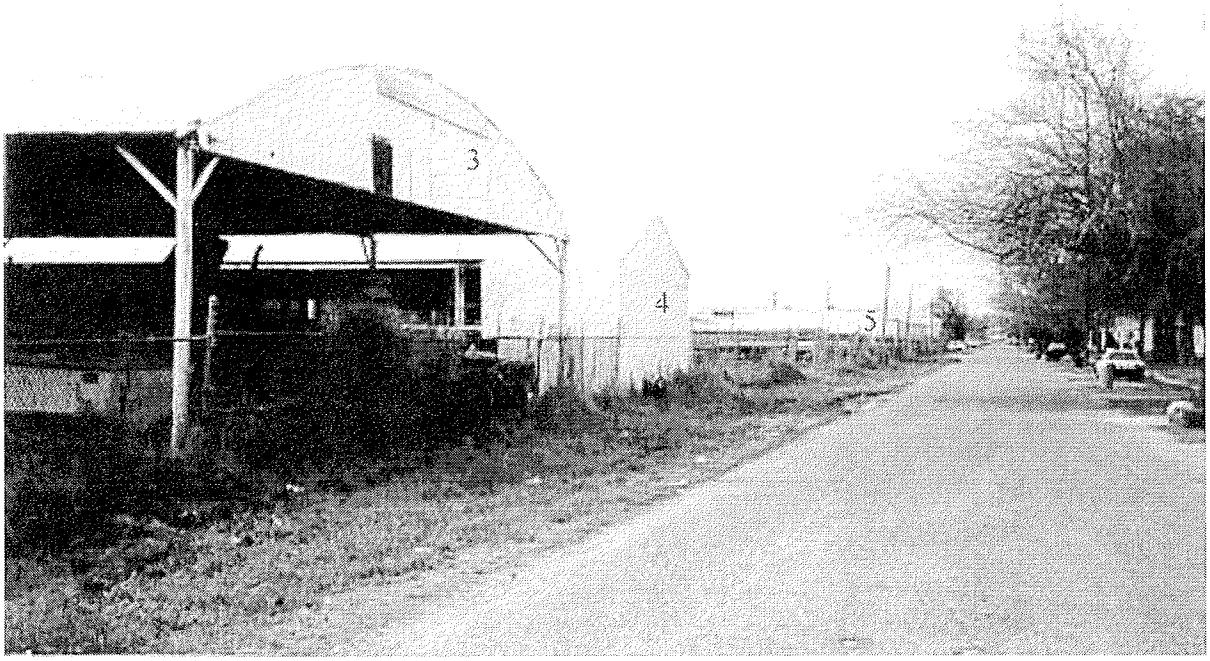
Universal Coil MFG View Along Gold Street

P6

1: Triple G Supply, Inc. 2: Vacant Warehouse A 3: Vacant Warehouse B

P7

St. Joseph Street North View 1: Crane & Templet 2: Vacant Warehouse B North View



P8

St. Joseph Street North View 3: Dallas Mavis 4: ACME Truckline, Inc. 5:Southern Electric Motor Service

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Peters Road Businesses and Existing Rail South View 1: Univeral Coil MFG 2: Daniel Measurement and Control 3: Lawson & Company, Inc. 4: DEHI Electrical Oilfield Depot, Inc. 5: Direct Connection 6: Auto & Truck Repair

Peters Road Businesses and Existing Rail South View

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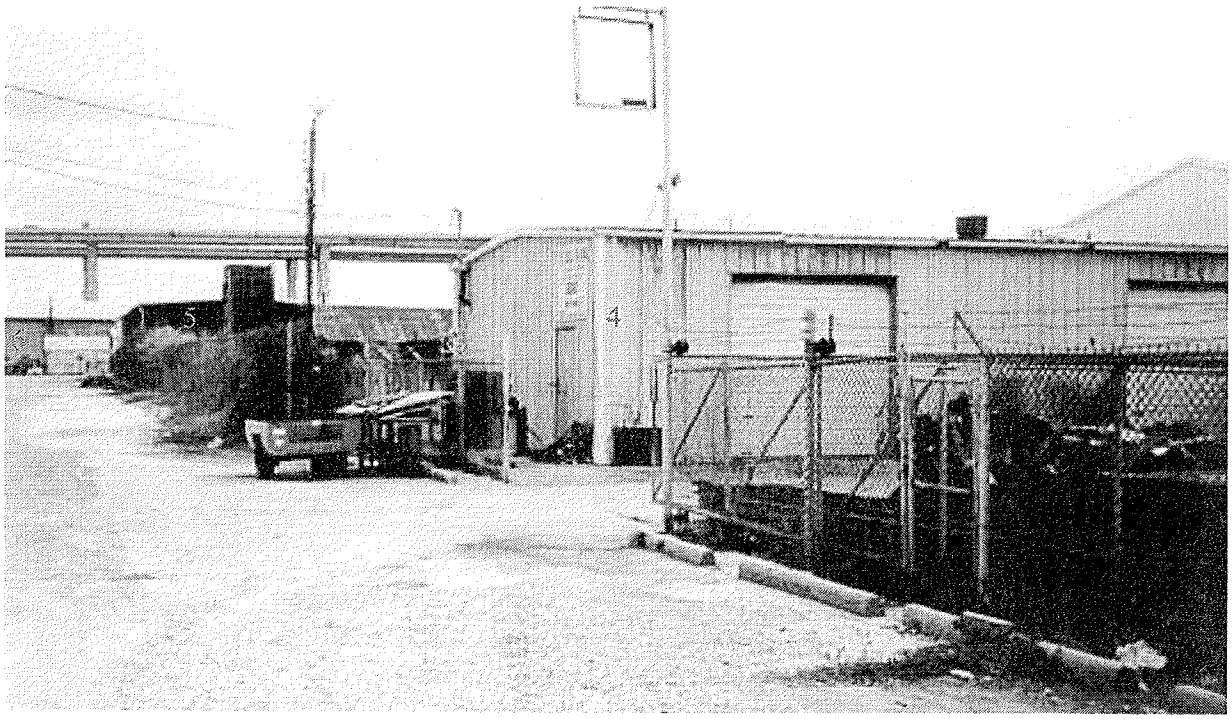
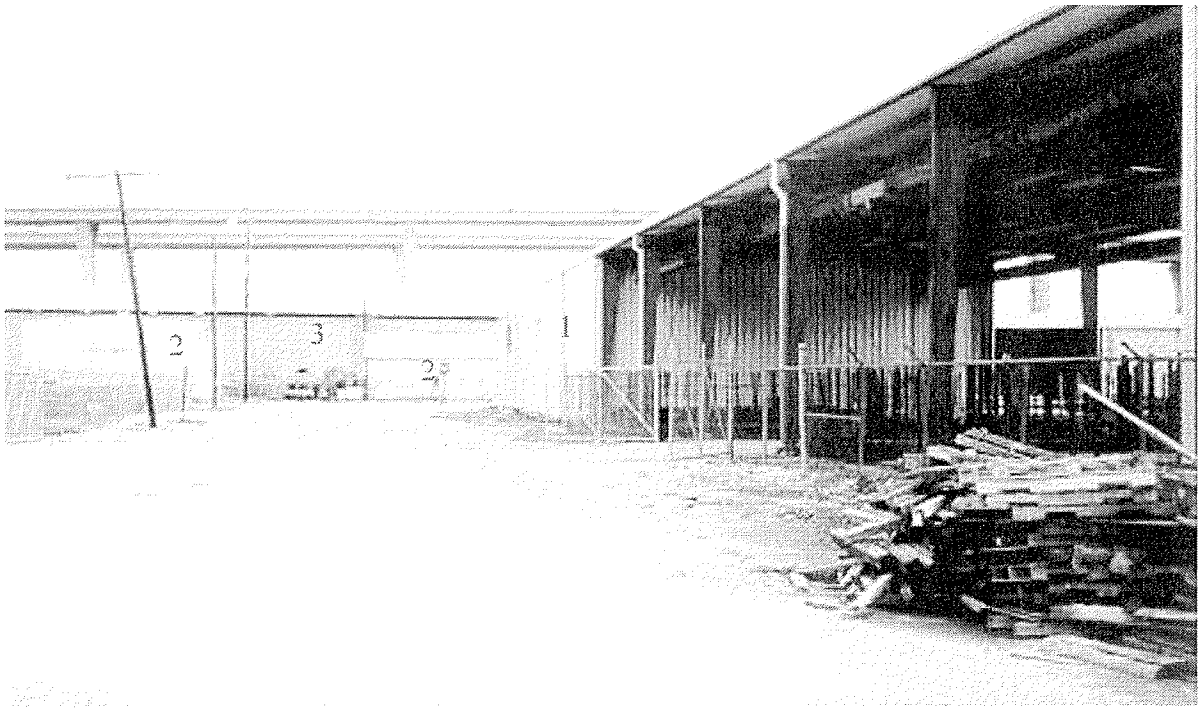
P11

St. Joseph and 8th Street South View 1: Vacant Building 2: BJ Hughs 3: Aquatica Dive Company



St. Joseph Street South View 4: The Diesel Machine 5: McJunkin 6: Unidentified Business

P12

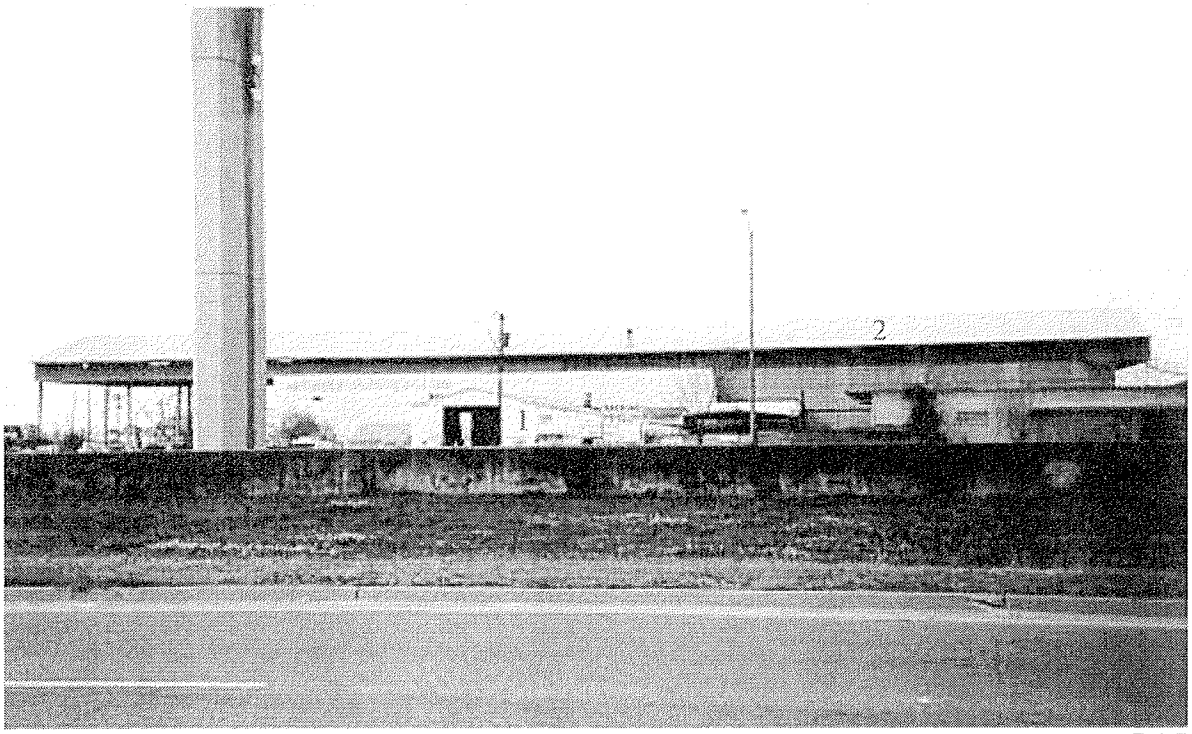


P13

St. Joseph Street South View 1: McJunkin 2: Unidentified Business at 3680 Brinker 3: Back of Haywilk

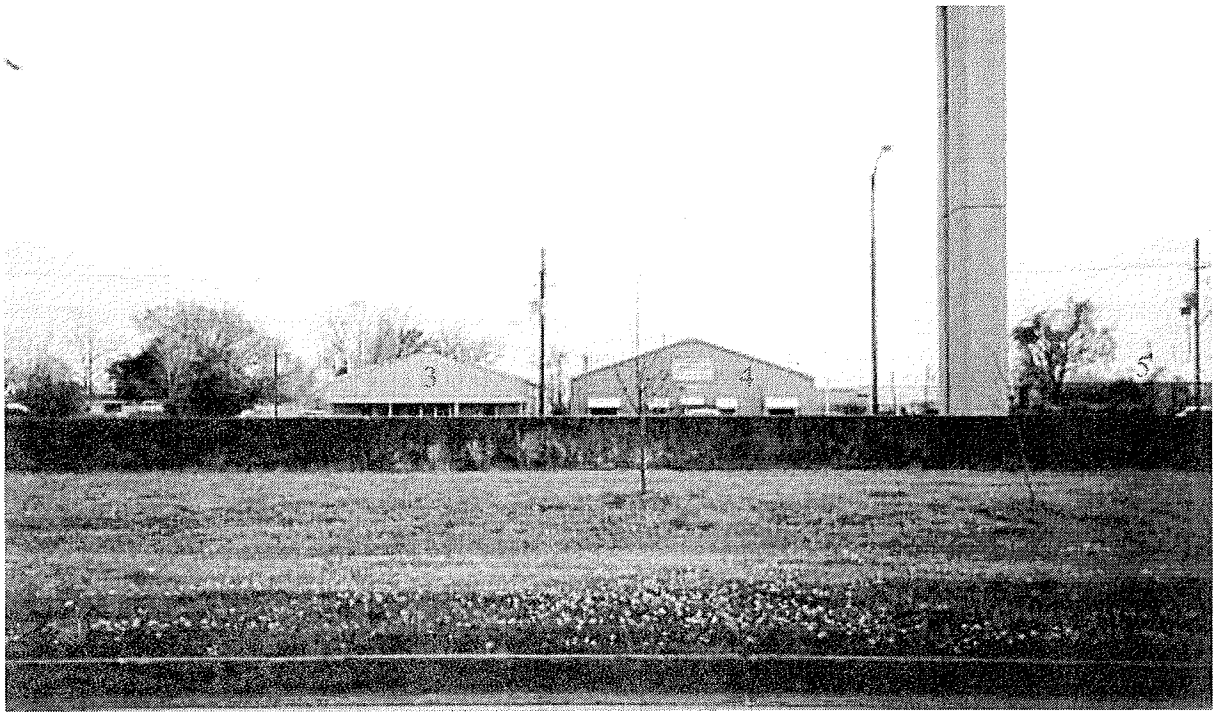
Kar Klinic North View

P14



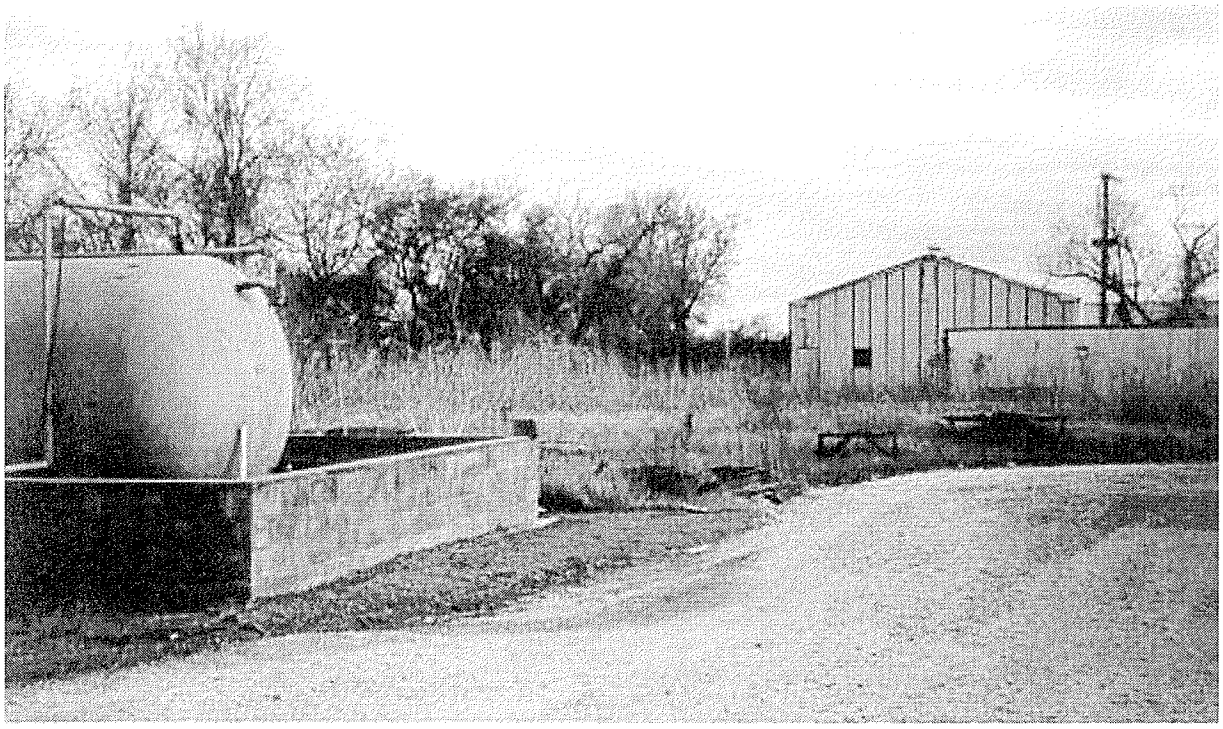
P15

Corridor North View From Westbank Expressway Frontage Road 1: Kar Klinic 2: Haywilk



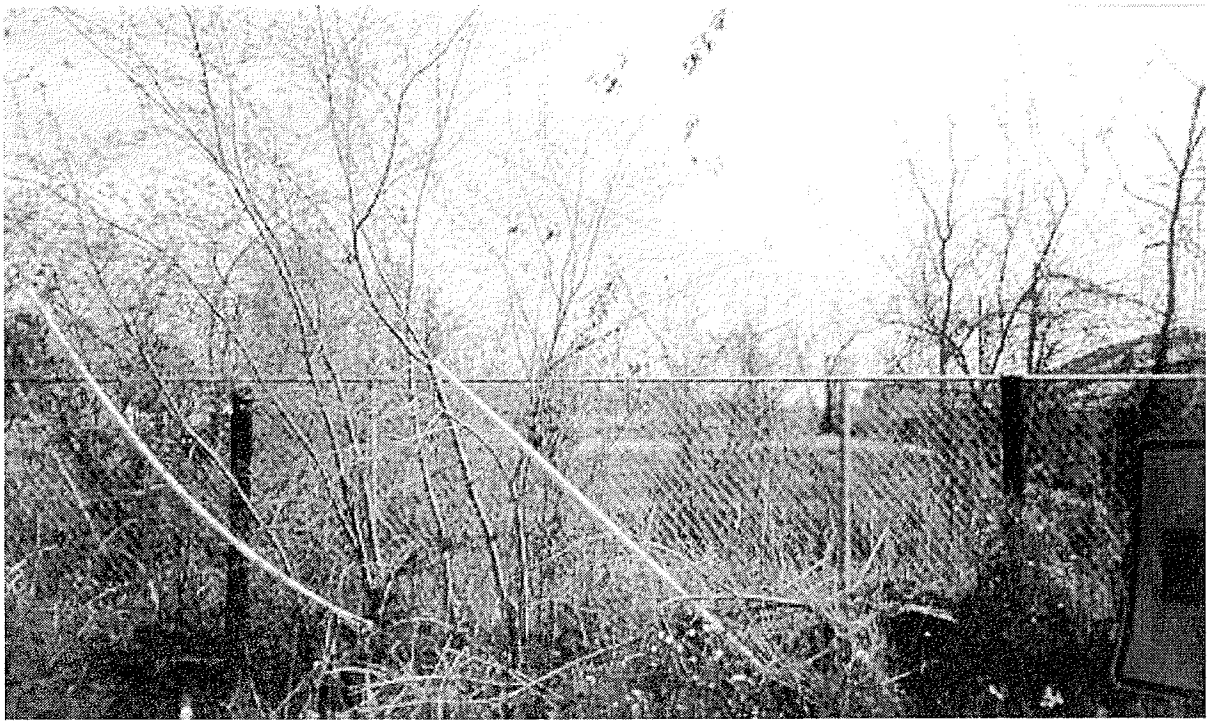
P16

Corridor South View From Westbak Expressway Frontage Road 3: K&S Diesel Parts & Sales, Inc. 4: Affordable Transmissions 5: Taylor's Industrial Specialties, Inc



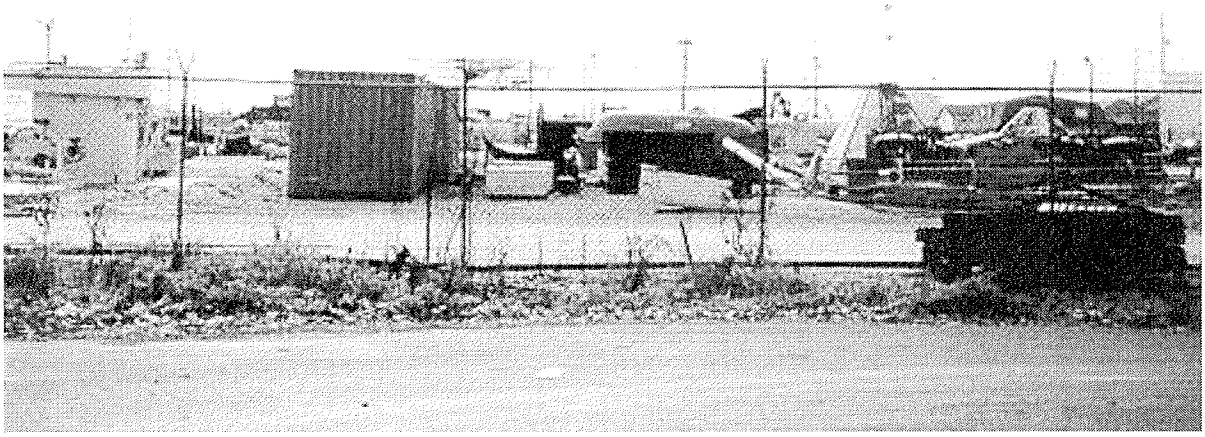
P17

Structures Behind K&S Diesel



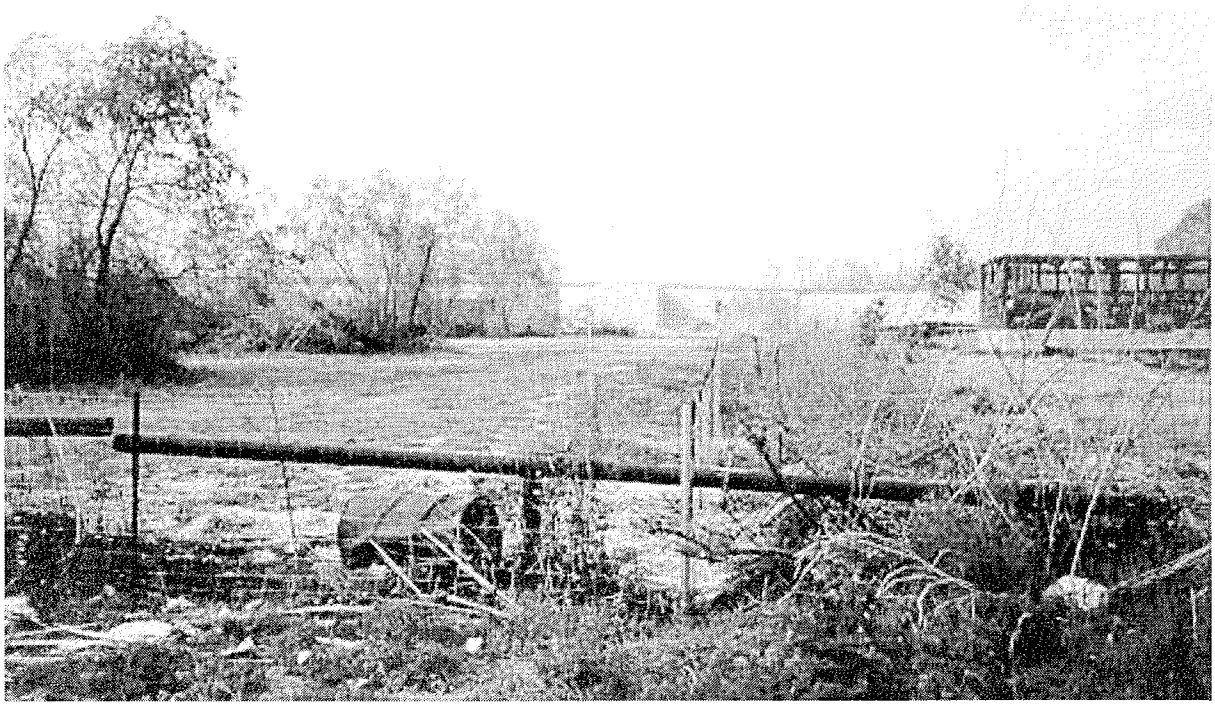
P18

Backlot of Truck Auto Repair South View of Corridor



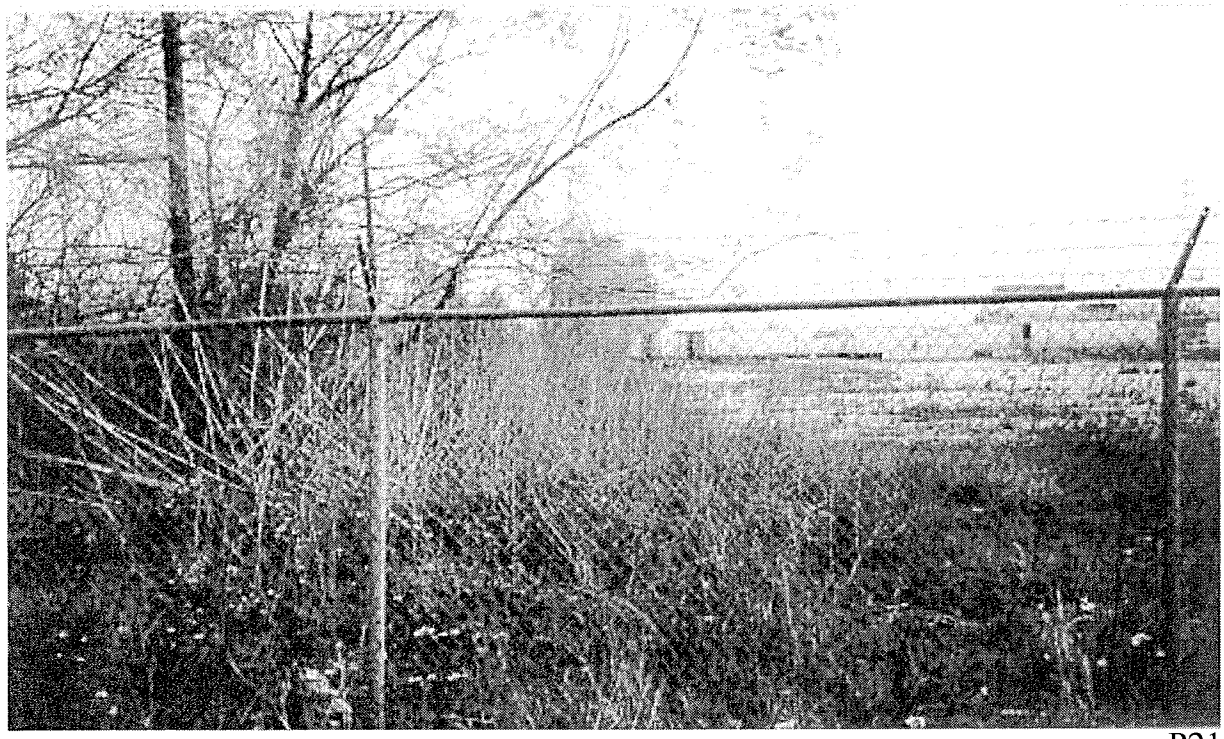
P19

Backlot of Evans Industries From Norman Street West South West View



P20

North View of Corridor From Norman Street

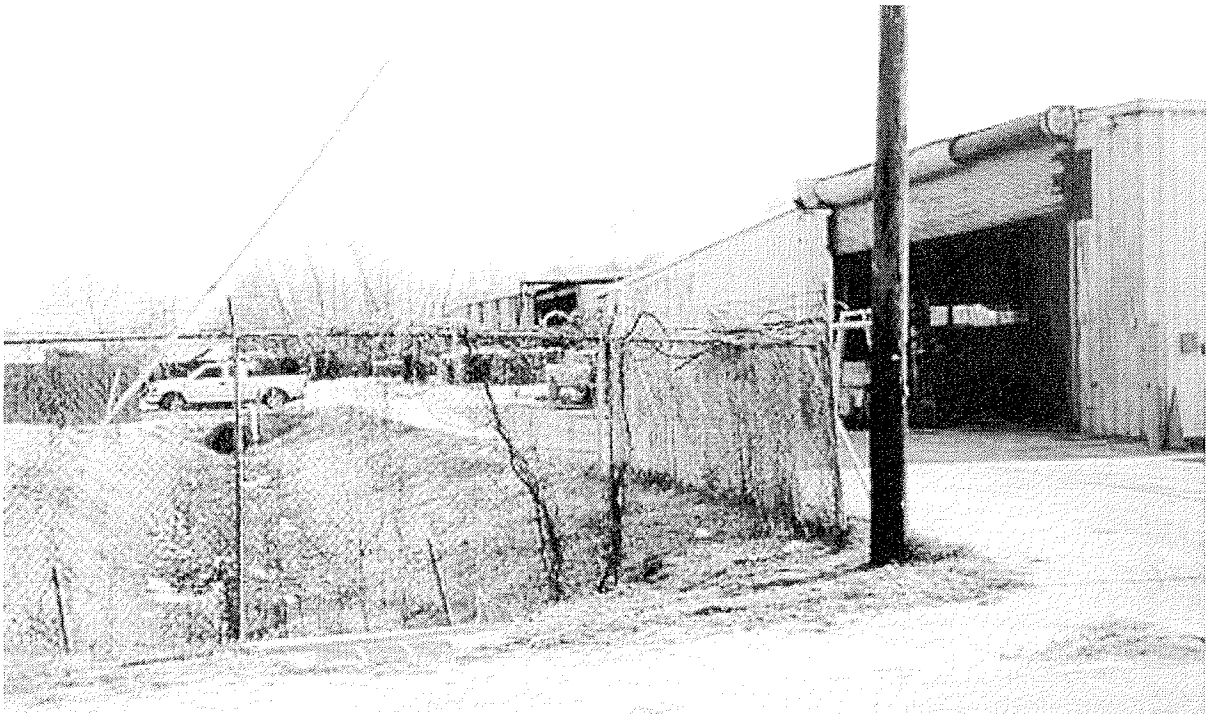


P21

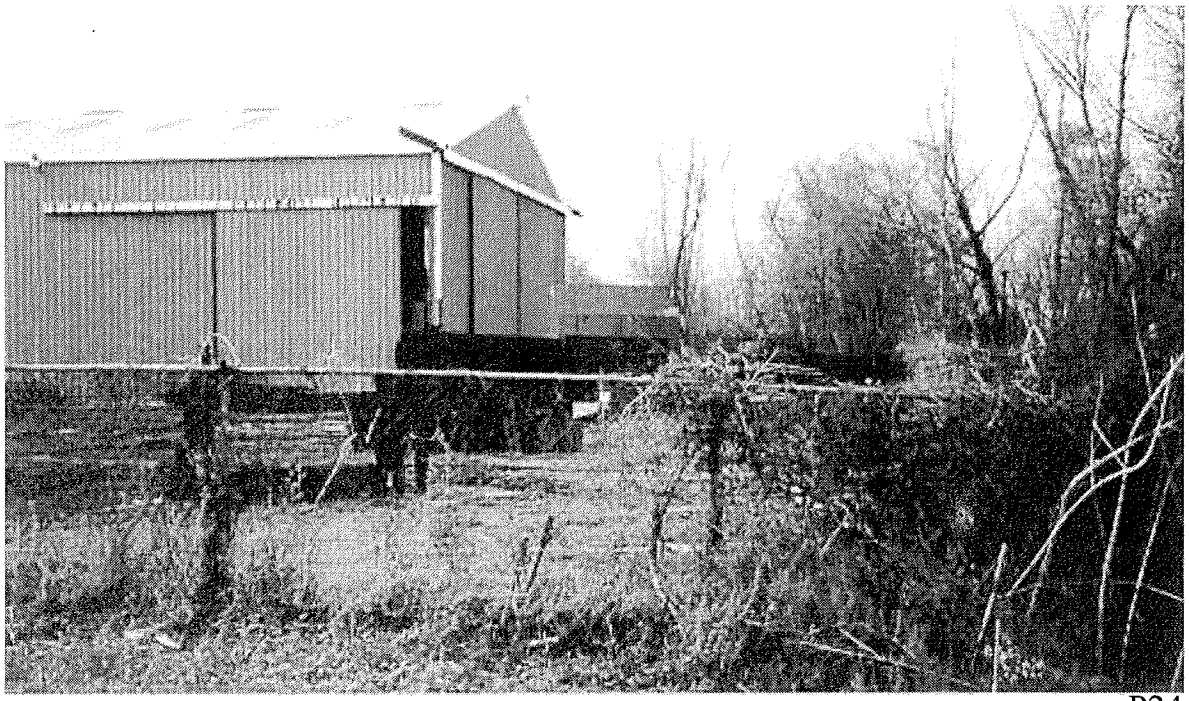
Backlot of Evans Industries from Aimee Street

P22

Vacant Parcel in Corridor Aimee Street to 36th Street South View from Aimee Street

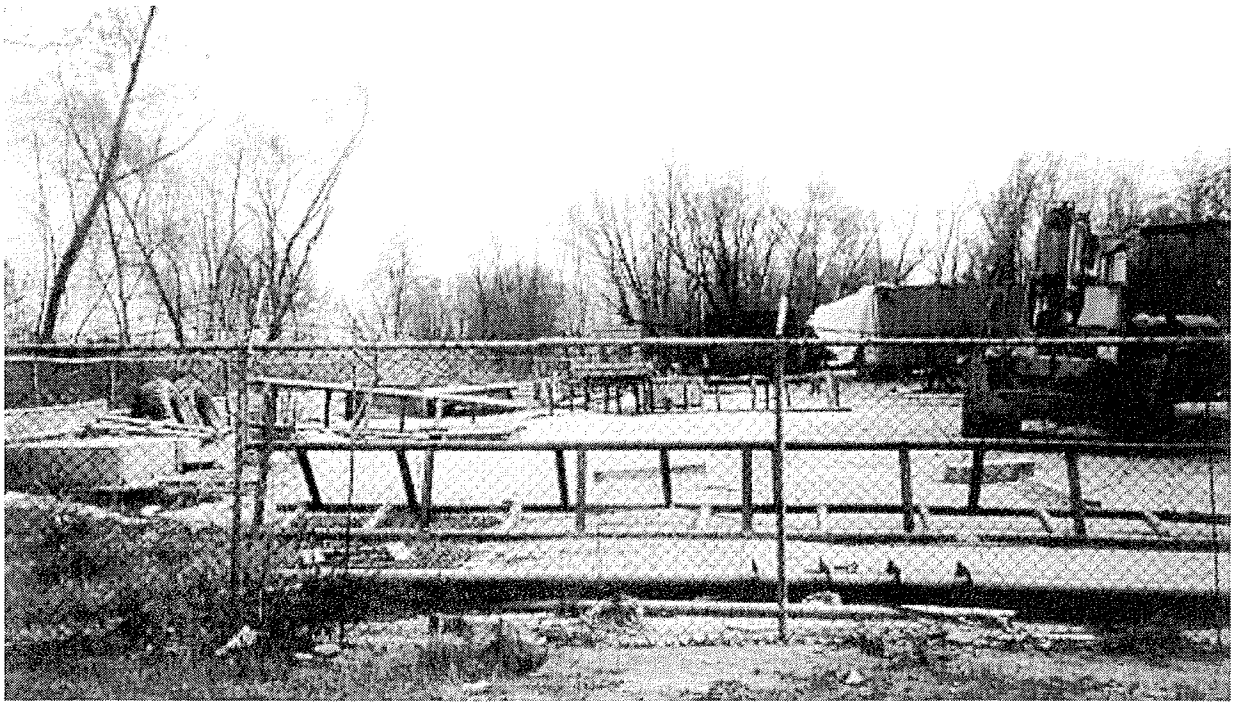


Delta Waste Systems South View from Lester Street P23



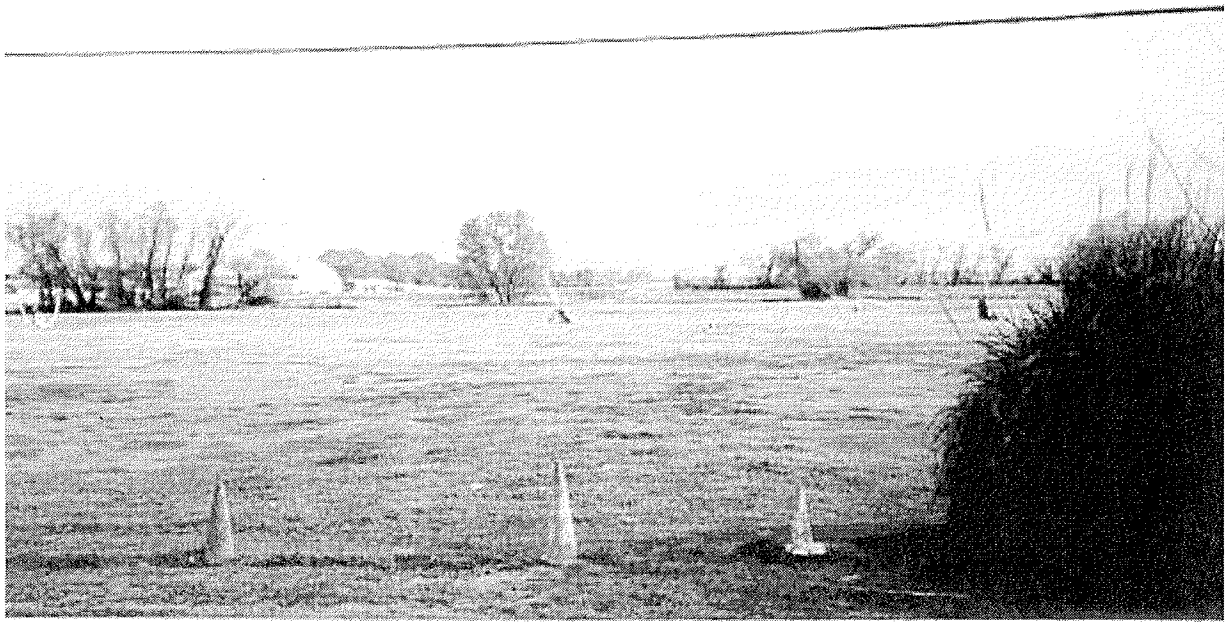
L&L Ironworks P24

Fred's Painting/B&M Machines P25

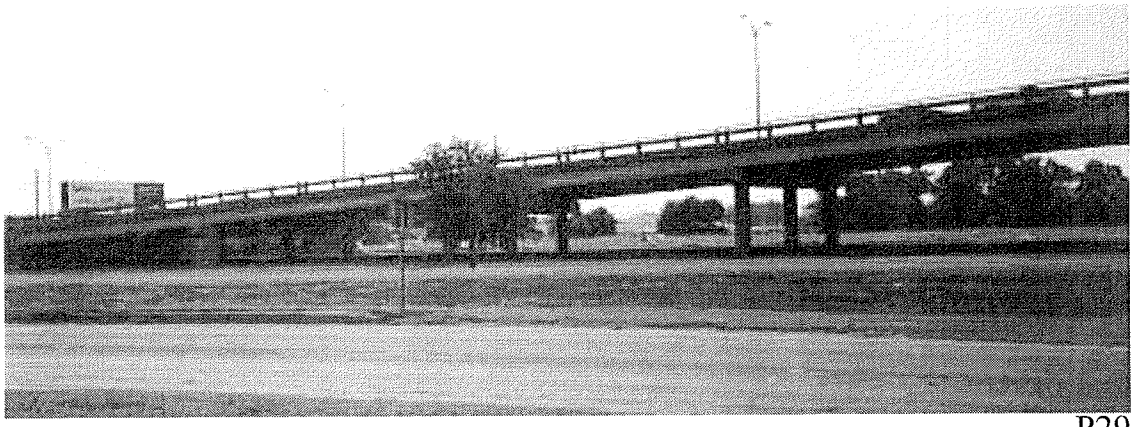


OFS, Inc. P26

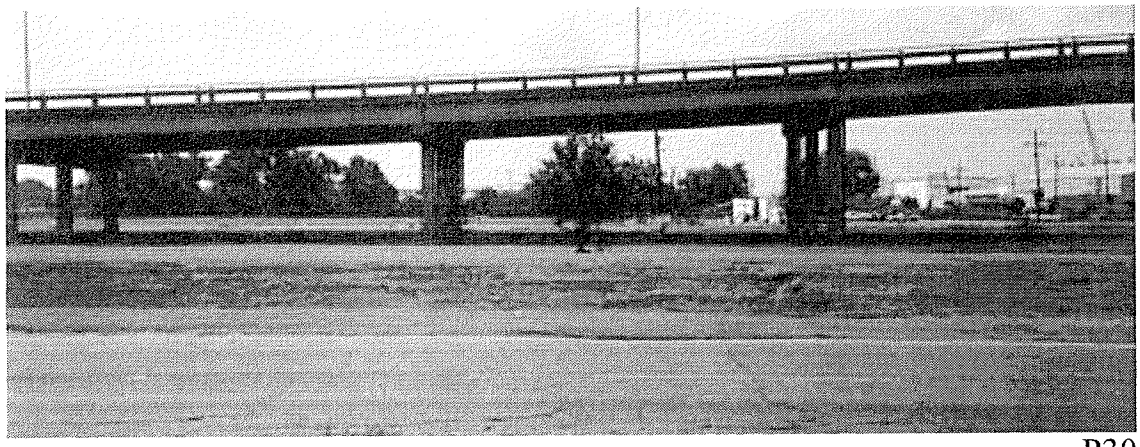
Existing Rail at Peters Road and Lapalco Boulevard P27



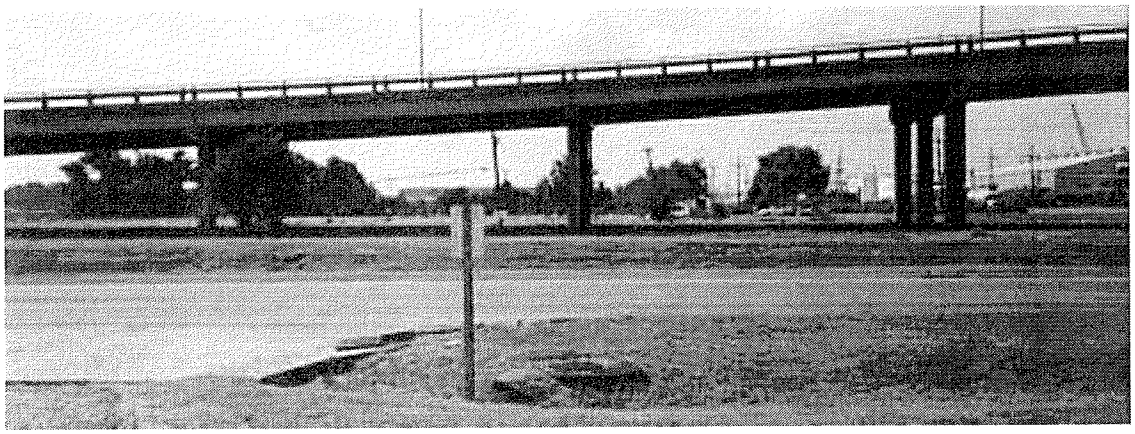
Hook & Slice Golf East View P28



Lapalco Boulevard Bridge South View P29



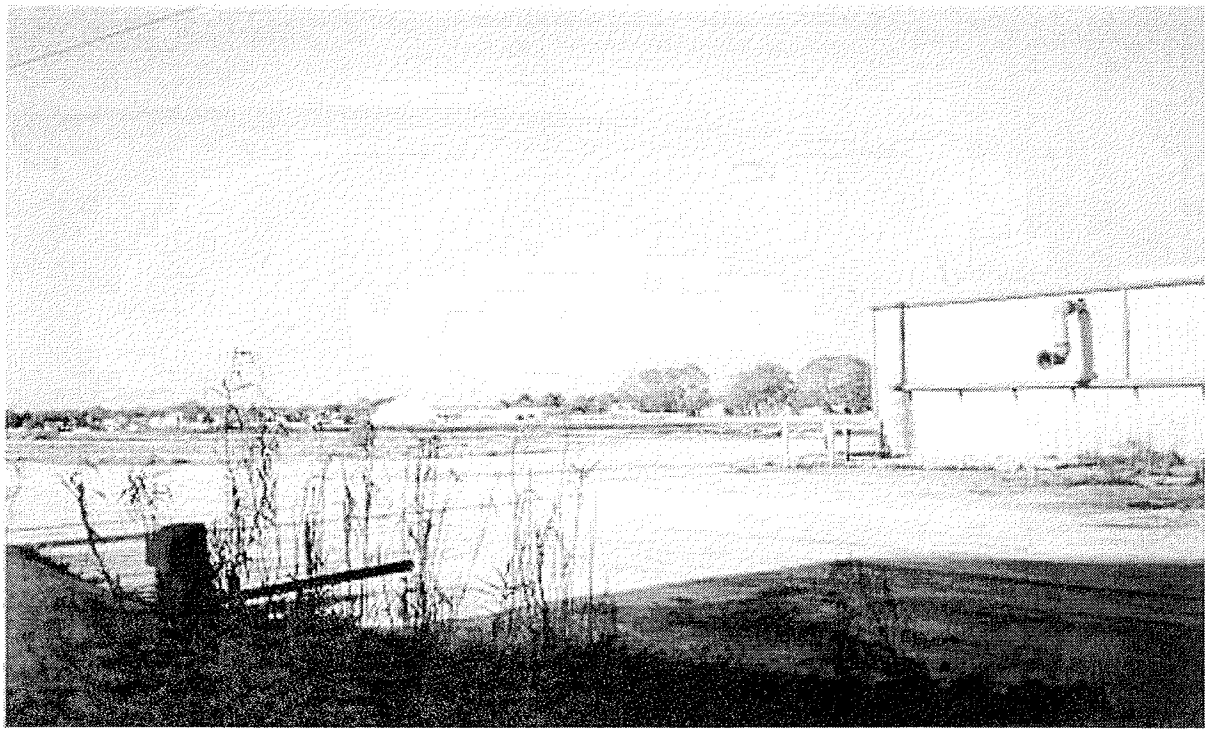
Lapalco Boulevard Bridge South View P30



Lapalco Boulevard Bridge South View P31

North View from Peters Road 1: Hydradyne Hydraulics

P32



Vacant Business in Corridor North View

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North View of Corridor Vacant Property Murphy Canal

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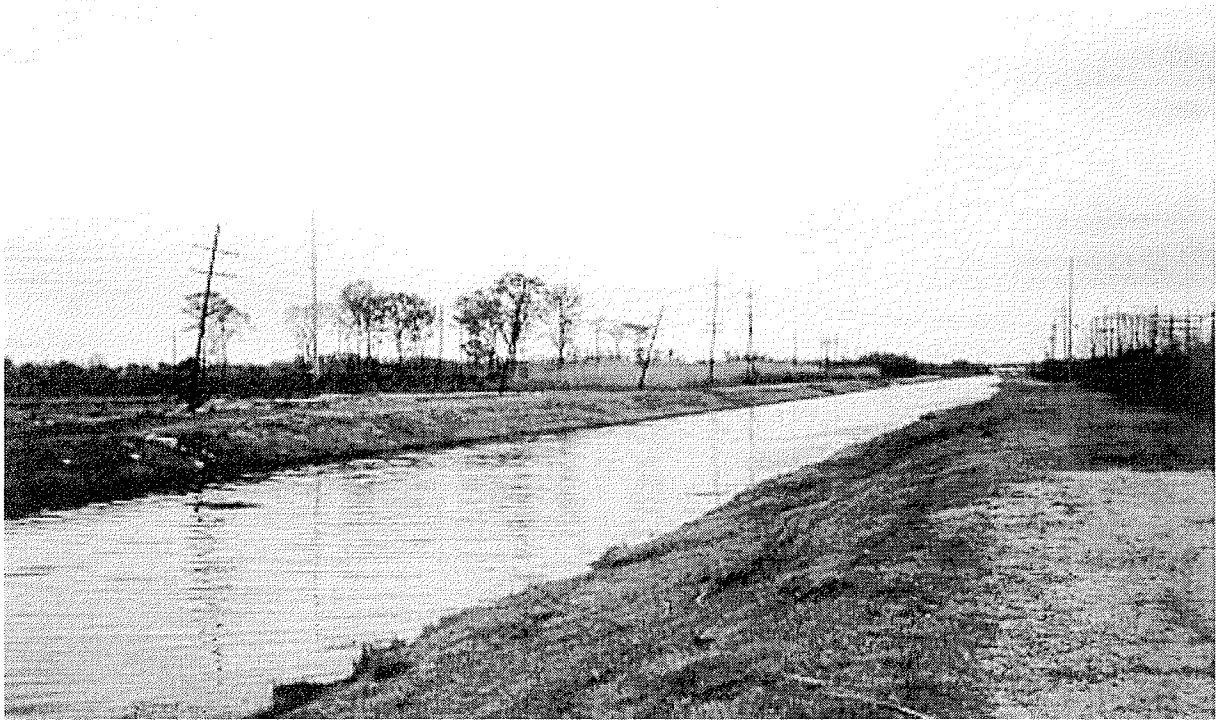
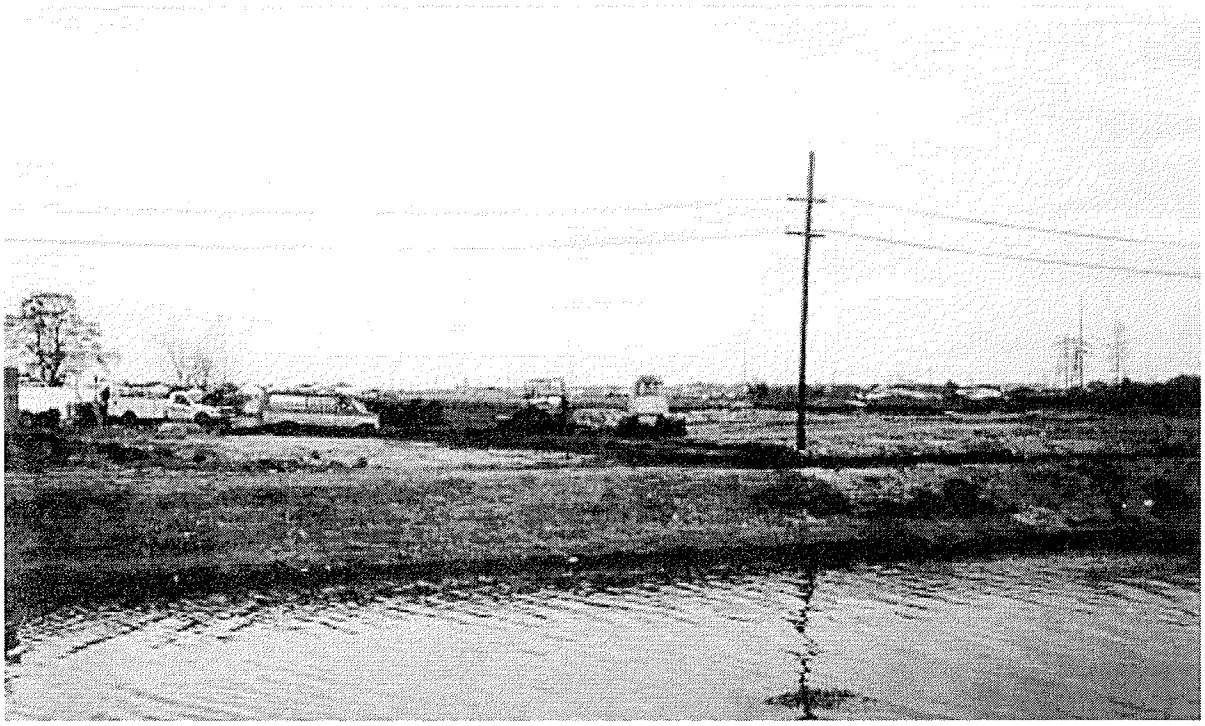
South View of Corridor



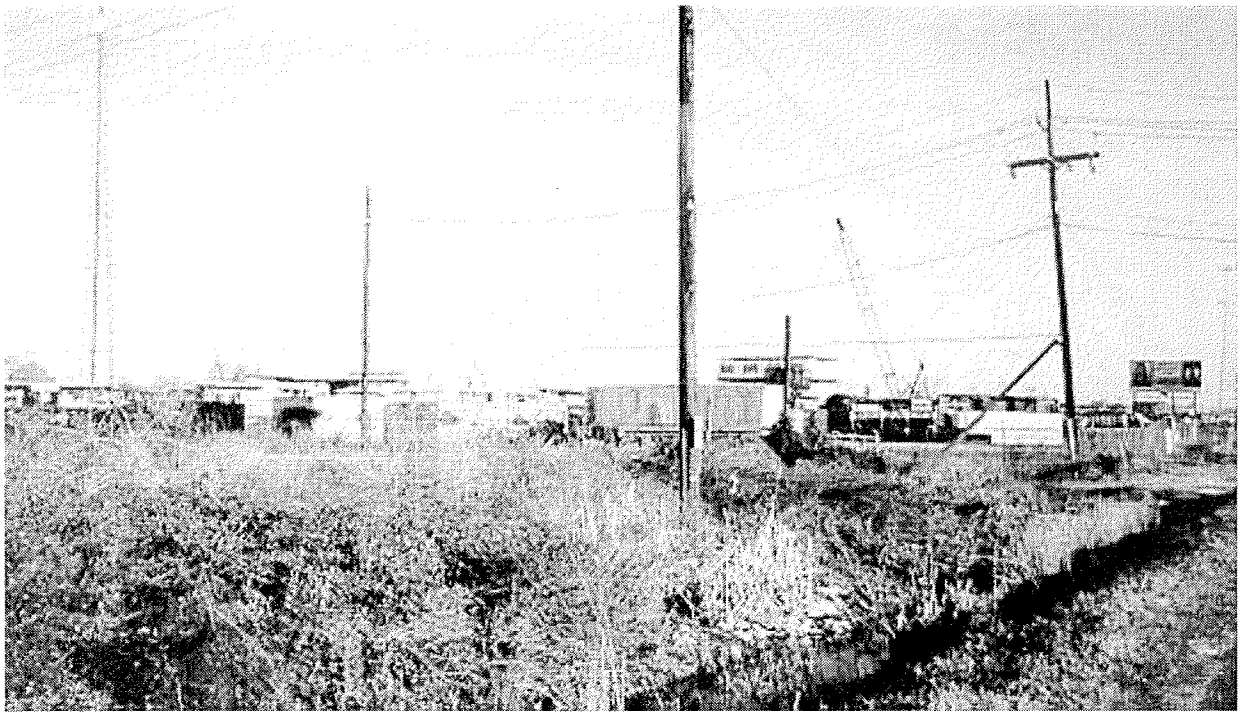
South View of Corridor Murphy Canal

P36



Development East of Corridor

P37



East View of Corridor from Peters Road across from Nabors Offshore Corporation P38

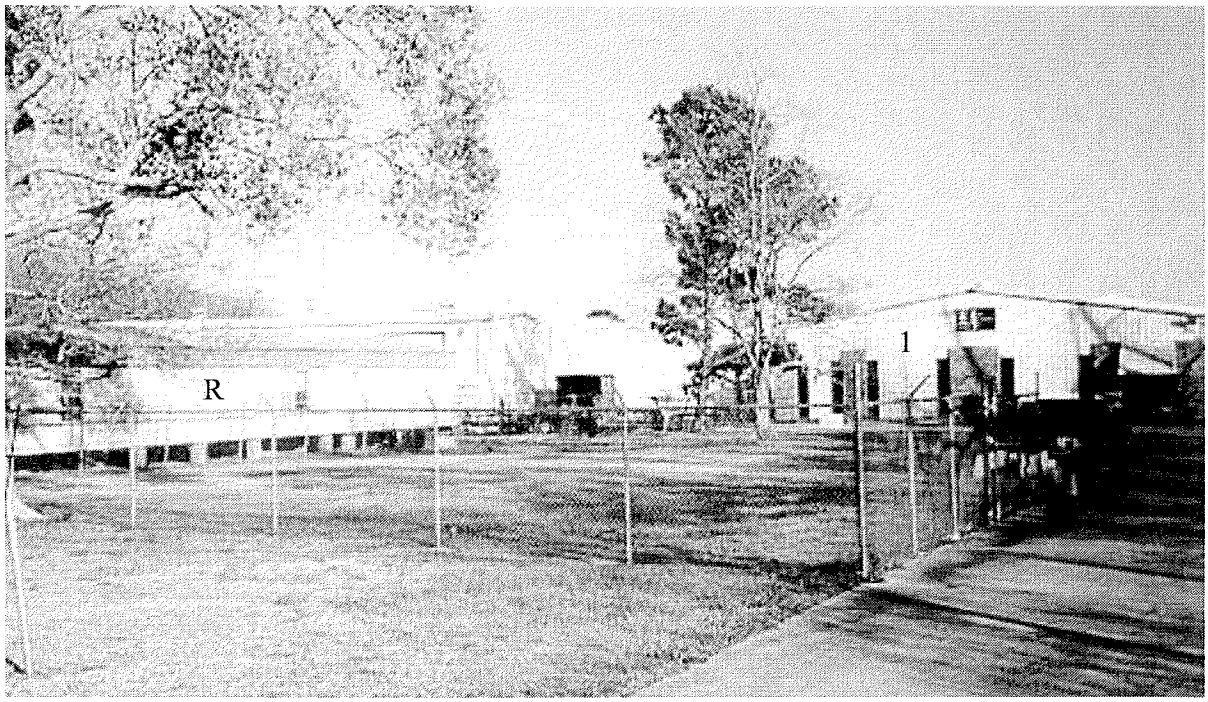
Northeast View of Corridor from Peters Road across from Boomtown Casino P39

East View of Corridor from Peters Road P40

West View of Bollinger Gretna from Bayou Road P41

P42

East View Concord Road Fastorq and Residence



South View 1: Fluid Systems, Inc. and Residence

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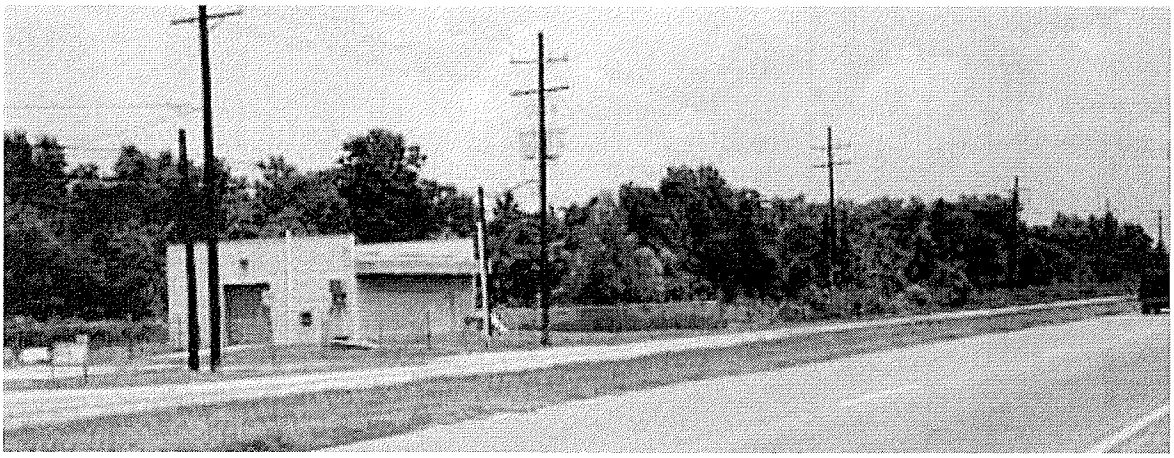
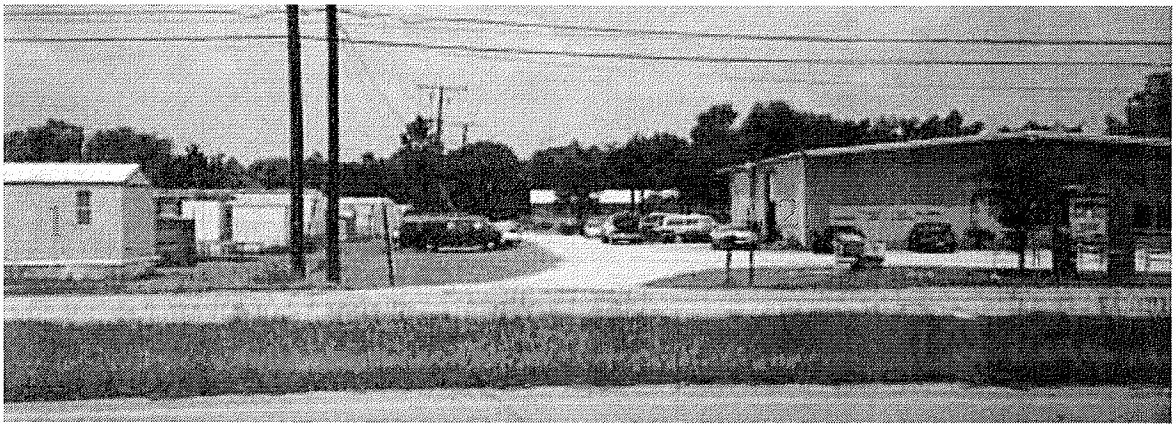
P44

Pelican Grocery, Inc./Pelican Marine Supply, Inc. and Residence South View from Engineers Road

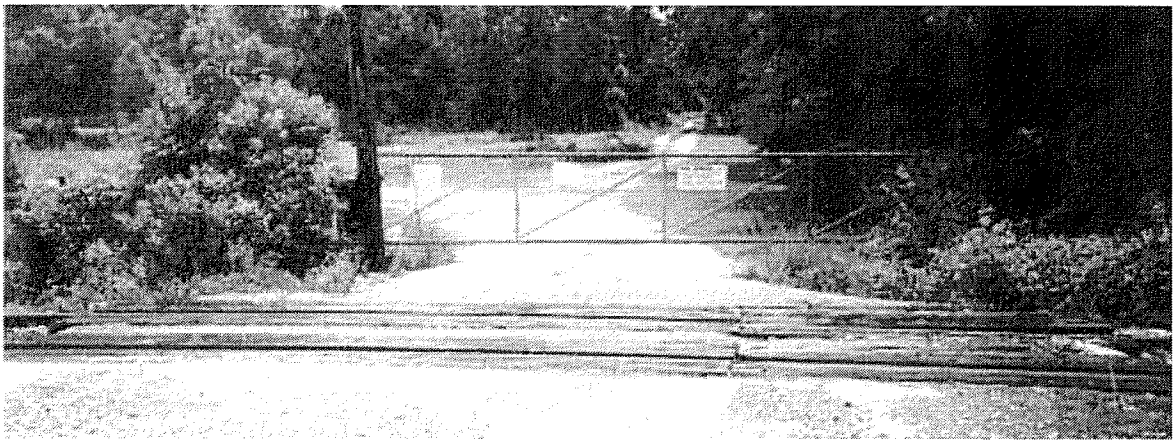


Belle Chasse Highway (LA 23) Northwest View P45



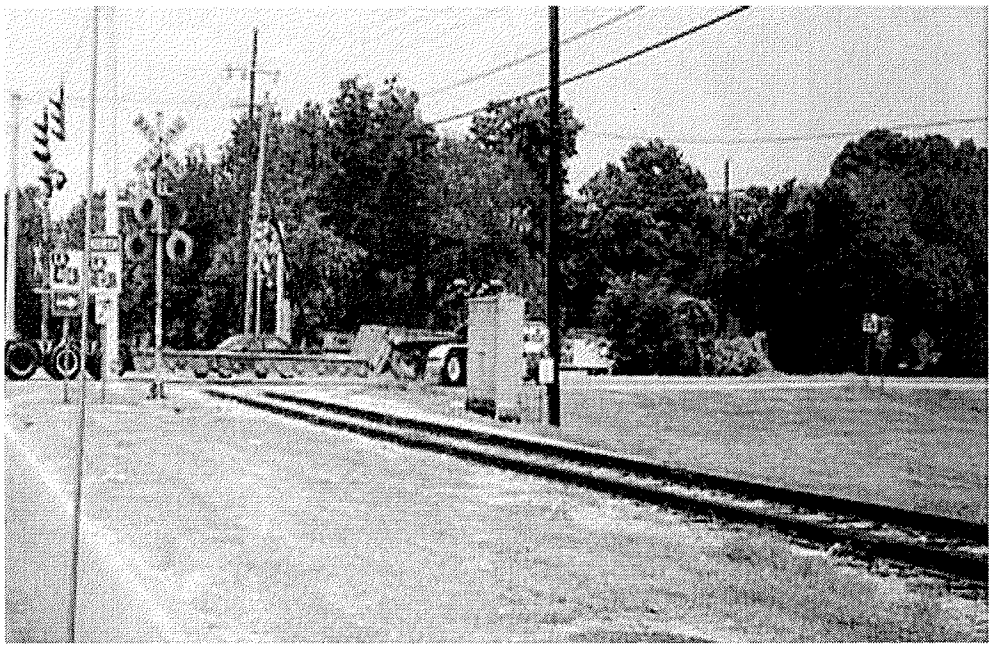
P46

Belle Chasse Highway West View 1: Trailer Park 2: Auto Body



Private Grade Crossing on Belle Chasse Highway

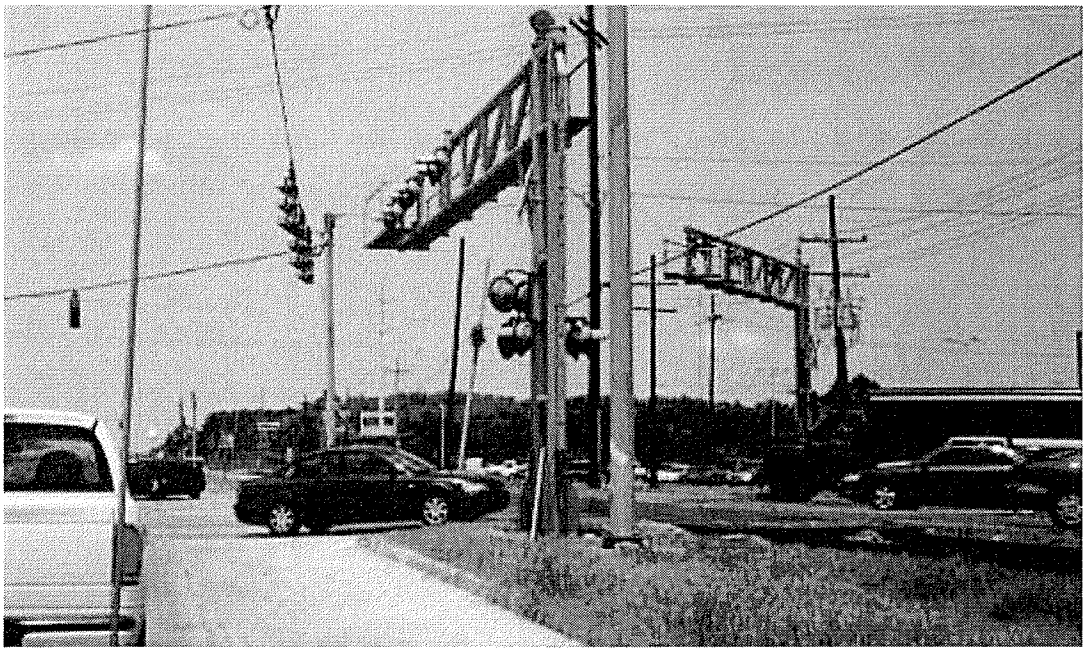
Rail Along Belle Chasse Highway



Grade Crossing at Woodland Highway and Belle Chasse Highway

Grade Crossing at Lapalco Boulevard and Belle Chasse Highway

Grade Crossing in the Vicinity of Lapalco Boulevard and Belle Chasse Highway



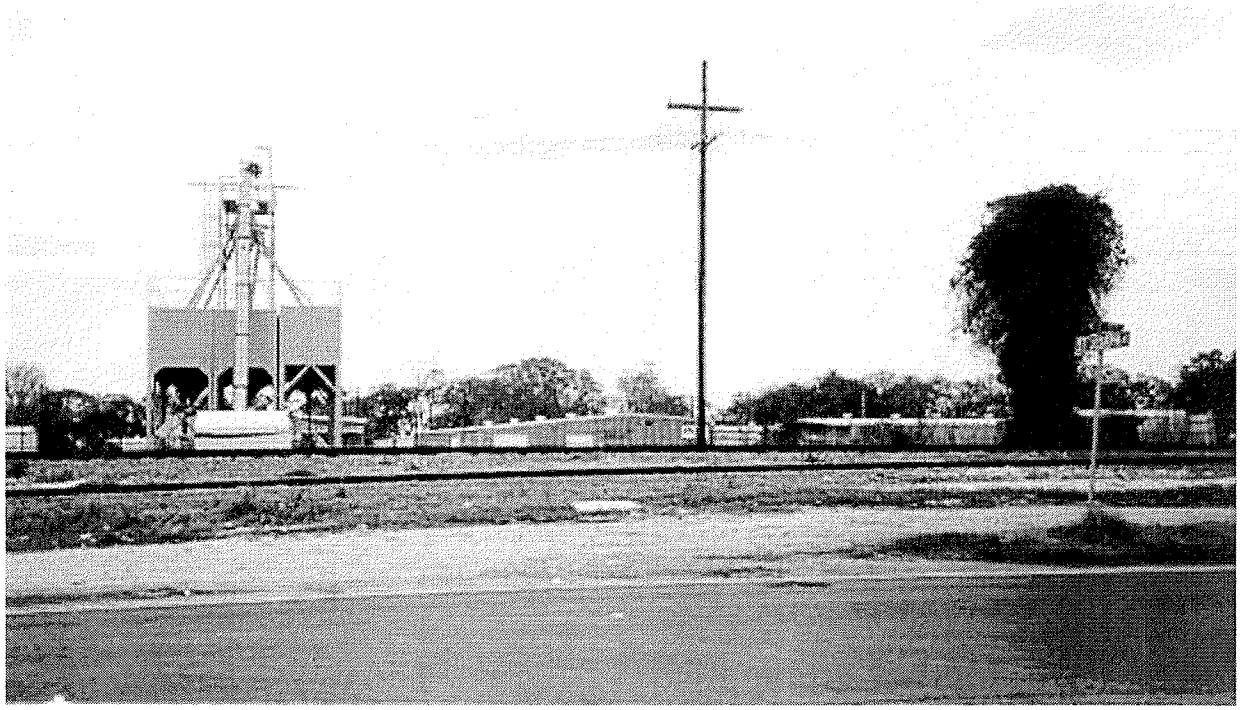
Grade Crossing at Lapalco Boulevard and Belle Chasse Highway

Automobile/Train Traffic at Lapalco Boulevard and Belle Chasse Highway

Photo Atlas

P1

Existing Harvey Canal Crossing West View



P2

Existing Rail at St. Joseph and 4th Street

Photo Atlas

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Existing Harvey Canal Crossing West View

P2

Existing Rail at St. Joseph and 4th Street

Appendix

Appendix Contents

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RS 33: § 4530 Part V City of New Orleans Public Belt Railroad
RS 33: § 4531 Authority to Transfer the Public Belt Railroad System
RS 33: § 4532 The Huey P. Long Bridge; operation, maintenance, etc.
RS 33: § 4533 New Orleans Public Belt Railroad Bonds and Notes
RS 34: 1351 Chapter 8 Plaquemines Port, Harbor and Terminal District
RS 34: § 1362 Present Right of Plaquemines Parish
RS 34: § 2021 Chapter 20 Jefferson Parish Economic Development and Port District
RS 45: § 65 Expropriation; Proceedings
RS 45: § 613 Sale or Lease of Railroad to Connecting Railroad
RS 47: § 1003 Definitions
RS 51: § 1364 Louisiana International Trade Development Board
RS 38: § 100 Object and Purpose Chapter 2-B West Bank Hurricane Protection Projects
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RS 34: § 25 Ordinances of New Orleans
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RS 34: § 340.6 Nothing to Affect Port of New Orleans
Millennium Port Authority
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RS 34: § 3475 Duties of Board; Officers; Rules; Meetings; Quorum
RS 34: § 3476 Annual Reports, Budget Unit; Funding Limitation
RS 34: § 3477 Executive Director; Selection; Duties; Employees; Compensation
RS 34: § 3478 Acquisition of Sites; Lease of State-owned Lands and Water Bottoms
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Louisiana State Senate
Commerce, Consumer Protection and Internal Affairs – Committee Jurisdiction
Transportation, Highways, and Public Works Committee – Committee Jurisdiction
Railway Labor Act Section 6 Provisions
New York Dock Decision

ENROLLED

First Extraordinary Session, 2002

HOUSE BILL NO. 148

BY REPRESENTATIVE TUCKER

AN ACT

To amend and reenact R.S. 47:820.5(B)(2)(a)(x), relative to the Greater New Orleans Mississippi River Bridges; to authorize the use of certain revenues from the Greater New Orleans Mississippi River Bridges to upgrade the Peters Road rail corridor; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:820.5(B)(2)(a)(x) is hereby amended and reenacted to read as follows:

§820.5. Expiration of tolls

* * *

B. Tolls on the Greater New Orleans Mississippi River Bridges shall be collected at the rates in effect on January 1, 1994, by the Crescent City Connection Division within the Louisiana Department of Transportation and Development, formerly "The Mississippi River Bridge Authority", through September 30, 1994. From October 1, 1994 through December 31, 2012, the tolls shall be collected at the rate of twenty cents per axle for toll tag users and for coupons purchased through toll coupon books and fifty cents per axle for cash users. However, tolls shall not be extended beyond June 30, 1999, unless and

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

until such time as the transit lanes are opened to "HOV2" or "High Occupancy Vehicle 2" traffic. Deposits collected for Automatic Vehicular Identification tags for passenger two-axle commuter vehicles shall not exceed ten dollars. The proceeds from such tolls collected shall be subject to the provisions and used as follows:

* * *

(2)(a) For funding the completion of the bridge(s) project as defined in Act 402 of 1976, as amended, and in accordance with the United States permit issued therefor. This shall include:

* * *

(x) The upgrading of Peters Road and its accompanying rail corridor; an additional toll tag lane for cars entering from the Algiers area.

* * *

_____
SPEAKER OF THE HOUSE OF REPRESENTATIVES

_____
PRESIDENT OF THE SENATE

_____
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

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

PART V. CITY OF NEW ORLEANS--PUBLIC BELT RAILROAD

RS 33:

§4530. New Orleans public belt railroad; operation by city of New Orleans through public belt railroad commission

A. Except as hereinafter provided in§ 4531, the city of New Orleans shall continue the operation of a public belt railroad by and through a commission to be known as the Public Belt Railroad Commission for the city of New Orleans, to be composed of the mayor of said city and sixteen citizen taxpayers who shall now and hereafter be chosen in the manner and for the terms provided in Ordinance 2683, New Council Series of the city of New Orleans, approved October 8, 1904, except that, in case any commercial organization mentioned therein shall cease to exist, and there be no other organization performing similar functions, the members thereof appointed on recommendation of such organization shall be appointed by the public belt railroad commission. The mayor of the city of New Orleans shall be the president of said commission and shall have the right to vote at all meetings. The president pro tem shall be chosen by the commission from those members appointed from the commercial organizations described in said city ordinance. The present members of the commission shall continue to serve until the expiration of their terms.

B. The city of New Orleans by and through the said commission shall have the power to make contracts, acquire lands, leases and other forms of property necessary for the operation of a railroad system, either by purchase, expropriation, or otherwise, and shall have the right to operation within or without the parish of Orleans.

C. The control, operation, management and development of the public belt railroad system shall be exclusively vested in said commission, provided, however, that said public belt railroad commission shall have the power and authority subject to compliance with any applicable provisions of the charter of the city of New Orleans to contract with other firms or corporations, either public or private, or local governmental subdivisions or political subdivisions, or state agencies, for the operation, management and development of the public belt railroad system, provided that the council of the city of New Orleans shall determine that the interests of the city of New Orleans and the port of New Orleans would best be served thereby and shall approve the terms and conditions of any such contract; provided that any such contract shall recognize and maintain the rights of the employees of the public belt railroad system under existing labor contracts and applicable law.

Added by Acts 1976, No. 245,§ 1.

§4531. Authority to transfer the public belt railroad system

Upon the recommendation of the public belt railroad commission and the determination by the council of the city of New Orleans that the interests of the state of Louisiana, the city of New Orleans and the port of New Orleans would best be served if the public belt railroad system were owned and/or operated by another firm or corporation, public or private, or another political subdivision or state agency, the council of the city of New Orleans shall have, subject to compliance with any applicable provisions of the charter of the city of New Orleans, the right and authority to assign, transfer and deliver to such firm or corporation, political subdivision or state agency all of its rights of way, rails, tracks, locomotives, switch yards and such other assets of the public belt railroad system as are needed or useful in connection with the operation of a terminal railroad, upon such terms and conditions as the council of the city of New Orleans shall approve by ordinance duly adopted at a regular or special meeting of the council. Any such transfer shall require that such firm, corporation, political subdivision or state agency agree (i) to continue to operate, maintain and develop the public belt railroad system to serve the port of New Orleans and the industries located on said system; (ii) to assume and make proper and legal provision for the payment of the outstanding New Orleans Public Belt Railroad Bonds and the City of New Orleans Public Belt Railroad Bonds and the City of New Orleans Public Belt Notes; and (iii) to recognize and maintain the rights of the employees of the public belt railroad system under existing labor contracts and applicable law. With the exception of any agreement with the board of commissioners of the port of New Orleans, any such agreement with any state agency which directly or indirectly affects an expenditure of state funds shall require the approval of the legislature.

Added by Acts 1976, No. 245,§ 1.

§4532. The Huey P. Long Bridge; operation, maintenance, etc.

A.(1) The city of New Orleans, by and through the Public Belt Railroad Commission, shall continue to own, maintain, and operate the Huey P. Long Bridge, its approaches and appurtenances, across the Mississippi River at or near Mile Point J-3.7 in Jefferson Parish, Louisiana, which bridge and the property heretofore acquired by the Public Belt Railroad in connection with its construction shall be under the exclusive control and management of the Public Belt Railroad Commission.

(2) The city of New Orleans, acting through the Public Belt Railroad Commission, shall have the exclusive right to transport or convey for any railroad its trains over such bridge and over the lines of the Public Belt Railroad system. However, the city of New Orleans, acting through the Public Belt Railroad Commission, shall have the authority to contract upon such terms and conditions, and for such duration, as may be approved by a vote of two-thirds of the members of said commission, with any railroad company for the use of the bridge by such railroad company, its approaches and appurtenances, and for the use of any tracks owned by the Public Belt Railroad Commission for the purpose of transporting and conveying its locomotives, cars, and trains and other equipment under its own power or power provided by the Public Belt Railroad.

B. Said Huey P. Long Bridge, its approaches and appurtenances and the lands and other things acquired in connection with the construction, operation and maintenance thereof, shall be exempt from any form of taxation, and shall not be hypothecated, leased or alienated by the city of New Orleans, except that:

(1) Lands acquired which, by a two-thirds vote of all members of said Commission, are declared not necessary for the construction of said bridge and appurtenances, or for use in the operation thereof, may be leased or sold. The proceeds of any such lease or sale may be used by the public belt railroad commission for general railroad purposes.

(2) The public belt railroad commission may contract for the operation and management of the bridge as a part of the public belt railroad system under the circumstances and subject to the conditions set forth in§ 4530 of this Title; and

(3) The city of New Orleans may transfer, assign and deliver the bridge, its approaches and appurtenances, as a part of the public belt railroad to another political subdivision or agency of the state, if such political subdivision or agency acquires the assets of the public belt railroad system pursuant to the authority granted in§ 4531 above. Any such transfer shall require that such political subdivision undertake and agree: (i) to continue to operate and maintain the Huey P. Long Bridge as a part of the public belt railroad system; (ii) to assume and comply with all obligations of the city of New Orleans and the public belt railroad commission under all contracts, including by way of illustration but not limitation, all the contracts between the city of New Orleans, acting by and through the public belt railroad commission and the railroad companies using the Huey P. Long Bridge and the tracks of the public belt railroad system, and the rights of the Louisiana Department of Highways, in and to the perpetual use of the highway portions of said bridge; and (iii) to recognize and maintain the rights of the employees of the Public Belt Railroad System under existing labor contracts and applicable law.

Added by Acts 1976, No. 245,§ 1; Acts 1997, No. 300,§ 1.

§4533. New Orleans; public belt railroad bonds and notes

A. The authority of the city of New Orleans to issue, upon the recommendation of the public belt railroad commission, bonds known as New Orleans Public Belt Railroad Bonds, in a sum not to exceed five million dollars, to be used exclusively for the development, extensions, additions, betterments and construction of the public belt railroad system granted by Article 14, Section 27 of the Louisiana Constitution of 1921, including the right to issue any bonds thereunder authorized and not yet issued, is hereby ratified, approved and reaffirmed, and any such bonds heretofore issued pursuant to said authority, shall not be affected by this Act, and are hereby ratified, validated and confirmed. All of said bonds shall run not more than forty years from date of issue and shall be issued in serial form, payable in annual installments commencing not more than fifteen years from date of issue, the amount payable each year for principal to be as nearly equal as practicable.

(1) They shall be exempt from all taxation and shall have all of the advantages of the bonds issued under Act 179 of the 1908 Regular Session of the Louisiana Legislature.

(2) These bonds shall be issued in such form, at such rates of interest (not exceeding the maximum rates of interest authorized by R.S. 39:1424), and dates of maturity, as recommended by the public belt railroad commission, and shall be paid out of the net revenue of the public belt railroad; and in case of any deficiency in any year, then the said city of New Orleans shall levy a tax to make up such deficiency.

B. The authority of the city of New Orleans to issue, at any time and from time to time upon the recommendation of the Public Belt Railroad Commission for the city of New Orleans, bonds and notes designated City of New Orleans Public Belt Bonds, New Series, and City of New Orleans Public Belt Notes, granted by Article 14, Section 27 of the Louisiana Constitution of 1921, is hereby ratified, approved and reaffirmed, and any such bonds and notes heretofore issued pursuant to said authority, shall not be affected by this Act, and are hereby ratified, validated and confirmed.

C. Said City of New Orleans Public Belt Bonds, New Series, shall have such date or dates and shall be issued in such form or forms and denomination or denominations, at such time or times and upon such terms and conditions as to maturity or maturities, rate or rates of interest, redeemability, if any, at such premium or premiums, if any, and otherwise as the city of New Orleans may deem advisable; provided that none of said bonds shall mature later than fifty years after its date or bear interest at a rate greater than the rates of interest authorized by R.S. 39:1424. Said bonds shall be sold to the highest bidder at public sale for not less than par and accrued interest, after advertisement at least once a week for not less than four consecutive weeks, the date of first publication to be not less than thirty days prior to the date fixed for sale by the city of New Orleans, in New Orleans, New York and such other place or places as the city of New Orleans may determine, reserving to the city of New Orleans the right to reject any and all bids.

D. Said City of New Orleans Public Belt Notes shall have such date or dates and shall be issued in such form or forms and denomination or denominations, at such time or times and upon such terms and conditions as to maturity or maturities, rate or rates of interest, payment prior to maturity at principal amount plus accrued interest, and otherwise as the city of New Orleans may deem advisable; provided that none of said notes shall mature later than five years after its date or bear interest at a rate greater than the maximum rates of interest authorized by R.S. 39:1424. None of said notes shall be issued otherwise than to evidence a loan of the principal amount thereof contemporaneously made to the city of New Orleans, and the city of New Orleans is hereby authorized to borrow any amount so loaned, solely for the purposes hereinbelow set forth. The aggregate principal amount of said notes at any one time outstanding shall be limited to five hundred thousand dollars. No money shall be borrowed pursuant thereto from any lender on terms less favorable to the city of New Orleans than those by any other responsible lender, but this provision shall not affect the validity of said notes in the hands of any holder thereof.

E. The funds realized from the sale of any of said City of New Orleans Public Belt Bonds, New Series, or from any loans evidenced by any of said city of New Orleans public belt notes shall be applied exclusively to the payment at maturity, or to the redemption or payment prior to maturity, of New Orleans Public Belt railroad bonds (now outstanding or hereafter issued), or city of New Orleans Public Belt Bonds or previously issued City of New Orleans Public Belt Bonds, New Series, or City of New Orleans Public Belt Notes.

F. Whenever any of said City of New Orleans Public Belt Bonds, New Series, or of said City of New Orleans Public Belt Notes shall be issued to obtain funds for the payment or redemption of any of the bonds or notes referred to in the next preceding paragraph they may be delivered prior to the time for such payment or redemption (but not more than sixty days prior to such time), but in such case the proceeds derived from the sale thereof, or the loan evidenced thereby, as the case may be, shall forthwith upon receipt be deposited in a duly qualified bank or trust company designated by the city of New Orleans, in a special trust account, to be used exclusively for the discharge as soon as practicable of the bonds or notes to be paid or redeemed; provided that any premium over par and accrued interest realized on the sale of any City of New Orleans Public Belt Bonds, New Series, need not be so deposited but shall be held by the city of New Orleans dedicated to the retirement thereafter of any of the bonds or notes referred to in the next preceding paragraph.

G. No purchaser of any of said City of New Orleans Public Belt Bonds, New Series, and no maker of any loan evidenced by any of said City of New Orleans Public Belt Notes shall be required to see to such application or deposit or dedication of said funds.

H. Said bonds and notes and the income therefrom shall be exempt from all taxation for state, parish, municipal or other local purposes and, subject to the rights of the holders of any outstanding New Orleans Public Belt Railroad Bonds and City of New Orleans Public Belt Bonds, shall have all the advantages of such New Orleans Public Belt Railroad Bonds and such City of New Orleans Public Belt Bonds.

I. Said bonds and notes shall be paid out of the net revenues of the Public Belt Railroad. In case of any deficiency in these revenues to pay either principal or interest in any year, then the city of New Orleans shall levy a tax on all taxable property in said City sufficient to provide for such deficiency, and the full faith and credit of the city of New Orleans shall be, and are hereby, pledged for the payment of the principal and interest of all said bonds and notes.

J. Said bonds and notes shall have, and are hereby declared to have, the qualities of negotiable instruments under the law merchant.

K. The provisions hereof shall constitute a contract between the holders of any bonds and notes issued hereunder and the state of Louisiana and city of New Orleans.

Added by Acts 1976, No. 245,§ 1.

RS 34:1351

CHAPTER 8. PLAQUEMINES PORT, HARBOR AND TERMINAL DISTRICT §1351. Creation and territorial limits

The creation of the Plaquemines Parish Port Authority, created as a public corporation and political subdivision of the State of Louisiana is hereby ratified and approved and such authority is hereby declared to be and constituted a port, harbor and terminal district pursuant to Section 31 of Article XIV of the Constitution of the State of Louisiana for the year 1921, as amended, said Plaquemines Parish Port Authority shall hereafter be known as the Plaquemines Port, Harbor and Terminal District and shall have territorial limits coextensive with the parish of Plaquemines, Louisiana, as presently constituted. Added by Acts 1954, No. 567, §1. Amended by Acts 1970, No. 373, §1, eff. Jan. 1, 1971; Acts 1970, No. 503, §1, eff. Jan. 1, 1971.

RS 34:

§1362. Present rights of Plaquemines Parish Nothing herein contained shall be construed to deprive the parish of Plaquemines or its governing authority of any rights or powers which they presently have or exert within the corporate limits of the district, or to confer further police power upon the governing authority of the district. The governing authority of the Plaquemines Port, Harbor and Terminal District shall have the right to enter into any and all contracts and agreements with the parish of Plaquemines, the Board of Commissioners of the Port of New Orleans, and any other public subdivisions or authorities relative to any and all matters which lie within the jurisdiction of the district and the governing authority thereof. Added by Acts 1970, No. 373, §2, eff. Jan. 1, 1971; Acts 1970, No. 503, §2, eff. Jan. 1, 1971.

RS 34:2021

CHAPTER 20. JEFFERSON PARISH ECONOMIC DEVELOPMENT AND PORT DISTRICT §2021. Jefferson Parish Economic Development and Port District A. There is hereby created in the hereinafter described area of Jefferson Parish, a special parish district designated as the "Jefferson Parish Economic Development and Port District", which, through its board of commissioners, shall have the power to acquire, construct, improve, maintain, and operate projects as provided in this Chapter and to provide such additional parish services within the district as may be required by the Jefferson Parish Council. The district is hereby constituted and is declared to be a body politic and political subdivision of the state of Louisiana, as defined in Article VI, Section 44 of the Constitution of Louisiana. Pursuant to Article VI, Sections 19 and 21 of the Constitution of Louisiana, the district, acting through its board of commissioners, the governing authority of said district, is hereby granted all of the rights, powers, privileges, and immunities granted to political subdivisions for industrial, commercial, research, and economic development purposes, including but not limited to the power of taxation, the power to incur debt and issue revenue and general obligation bonds, certificates of indebtedness, bond and certificate anticipation notes, and refunding bonds, subject to the limitations hereinafter provided. B. The Jefferson Parish Council shall have control over and responsibility for the functions, management, affairs, operation, and administration of said district and may exercise such powers as are necessary to govern such functions, management, affairs, operation, and administration. C. The Jefferson Parish Economic Development and Port District, a special parish district created by this Chapter, shall constitute a body corporate in law, with all of the powers of a corporation, including the power to sue and be sued. The district shall also have all powers and rights conferred by this Chapter; all powers of a special district as provided by the home rule charter of Jefferson Parish; and the power to perform any other act in its corporate capacity and in its corporate name which is necessary and proper for effectuating the purposes and objects for which said district was created. D. The Jefferson Parish Economic Development and Port District shall be managed by a board of commissioners, hereinafter referred to as "the commission", which shall be composed of qualified voters and residents of Jefferson Parish. The Jefferson Parish Council shall by ordinance or resolution prescribe the number, manner of appointment, terms, and the duties of the members of the commission; the number and manner of selection of officers of the commission; and rules governing meetings of the commission. Acts 1990, No. 710, §1.

§65. Expropriation; proceedings

This right of expropriation shall be exercised in the same manner, by the same proceedings, and under the same limitations now imposed by law on railroads and other quasi-public corporations; except through those townships, sections, or properties that are now occupied by irrigation canals.

RS 45:

§613. Sale or lease of railroad to connecting railroad, power to make

Any railroad company in Louisiana may sell or lease its railroad, property and franchises, to any other railroad company, whether the lines of the contracting companies form in their operation connecting or continuous lines of railroad by bridge, ferry, or otherwise. But the railroads of the contracting companies shall not be parallel and competing lines.

RS 47:

§1003. Definitions

As used in this Part, the following words have the meaning ascribed to them in this Section unless the context clearly indicates otherwise:

(1) "Public utility" means railroads and railways, sleeping cars, motor bus lines, motor freight lines, express companies, telegraph companies, boat or packet lines, and pipe lines, as herein defined. The term public utility shall not include publicly owned ambulance companies.

(2) "Railroads and railways" shall be construed to mean any person owning or operating, or owning and operating, for hire, a horse, gas, gasoline, or steam railroad and railway, or railroad or railway, in this state, or owning or operating, or owning and operating any station, depot, track, terminal, or bridge in this state for railroad or railway purposes.

(3) "Sleeping cars" means any person, firm, association or corporation, domestic or foreign, (not being a railroad company as defined in Paragraph (2) of this Section) owning or operating, or owning and operating for compensation any cars known as dining, buffet, chair, parlor or sleeping cars, which are operated upon railroads or railways within this state, unless the ownership of such cars be identical with that of the railroads on which they are operated.

(4) "Motor bus lines" means any person engaging in the business of transporting passengers for hire within this state where the route of such business extends ten miles or more beyond the corporate limits of any municipality and such transportation is accomplished in any automobile, or any other self propelled vehicle or vehicles used in connection therewith not operated or driven upon fixed rails or tracks.

(5) "Motor freight lines" means motor carriers as defined in R.S. 45:162(10) engaging in the business of transporting household goods or waste as defined in R.S. 45:162(17) and (18) for hire in this state, such transportation being accomplished in any automobile, automobile truck, or any other self-propelled vehicle or vehicles used in connection therewith not operated or driven upon fixed rails or tracks. The term "motor freight lines" shall not be construed to include:

(a) Any farmer, merchant, manufacturer, or any other person, who engages exclusively and solely in transporting farm, forestry, or other products of the natural resources of this state, in their raw stage, or in the form they are customarily produced, between the point of production and the primary market for such products. Primary market shall not mean a receiving station, shipping point, or concentration point.

(b) A co-operative association transporting property belonging to the association or its members, where no charges are made for profit for such transportation.

(c)(i) Except as provided in Item (ii) herein, any person engaged wholly and solely in the transportation of freight or property originating at and destined to points within the corporate limits of the same city or town or within a seven-mile zone adjacent to such city or town; and where freight or property is transported by a contract carrier to or from railroad or boat freight depots and docks located within the limits of a city or town and to or from a point located within the corporate limits of such city or town or within a seven-mile zone adjacent thereto, such railroad or boat freight depots and docks shall, as to freight or property thus transported therefrom, be deemed the point of origin, and as to freight or property transported thereto, the destination of such freight or property.

(ii) Any person engaged wholly and solely in the transportation of freight or property originating at and destined to points anywhere within any two contiguous parishes, each of which has a population of four hundred thousand or more or within a seven-mile zone adjacent to such parishes; and where freight or property is transported by a contract carrier to or from railroad or boat freight depots and docks located within the limits of a city or town and to or from a point located within any two contiguous parishes, each of which has a population of four hundred thousand or more or within a seven-mile zone adjacent to such parishes, such railroad or boat freight depots and docks shall, as to freight or property thus transported therefrom, be deemed the point of origin, and as to freight or property transported thereto, the destination of such freight or property.

(d) Any person engaged in the business of transporting coin, currency, bullion and associated money transfers and other objects of unusual value in armored cars under private contracts of carriage.

(6) "Express companies" means any person, firm, association or corporation, domestic or foreign, engaged in the express business on any railroad, steamboat, or vessel in the state.

(7) Repealed by Acts 1990, No. 388,§ 2, eff. Aug. 1, 1990.

(8) "Telegraph companies" means any person, firm, association or corporation, domestic or foreign, owning and operating, or owning or operating, any telegraph or cable line in this state with appliances for the transmission of messages and engaged in the business of furnishing telegraph service for compensation.

(9) "Boat or packet lines" means any person engaged in the business of transporting passengers and property, or passengers or property for hire in this state, such transportation being accomplished in or on a steamboat, barge, or any other vessel, regardless of the propelling power used, except ferry boats; it shall not include any person engaged in the business of furnishing merely propelling power, as, for example, by means of a tug, towboat, launch or lugger, to those engaged in the business of transporting passengers and property or passengers or property for hire in this state. The term "boat or packet lines" shall not be construed to include any person engaged in the business of furnishing merely propelling power for steamboats, barges or any other vessels or furnishing such barges or vessels to those engaged in the business of transporting passengers or property for hire, on a per diem, contractual or charter basis, and shall not be construed to include any farmer, merchant, manufacturer, or other person, who engages exclusively and solely in transporting farm, forestry, or other products of the natural resources of this state, in their raw stage, or in the form they are customarily produced, between the point of production and the primary market for such products. Primary market shall not mean a receiving station, shipping point, or concentration point.

(10) "Pipe lines" means any person engaging in the business of transporting oil within this state for hire.

(11)(a) "Gross receipts" means the total amount of billings for services rendered and all receipts from business beginning and ending within the state except for the transportation of passengers or freight or property originating at and destined to points within the corporate limits of the same city or town or within a seven-mile zone adjacent to such city or town and except for the transportation of passengers or freight or property originating at and destined to points anywhere within any two contiguous parishes, each of which has a population of four hundred thousand or more or within a seven-mile zone adjacent to such parishes.

(b) "Gross receipts" of a motor freight line, as defined in Paragraph (5) of this Section, shall include only receipts from billings for the actual transportation or movement of household goods or waste as defined in R.S. 45:162(17) and (18) and shall not include any other receipts which are incidental to the transportation or movement of such household goods or waste, including receipts from the imposition of a fuel surcharge, even if the receipts are a direct or immediate result of the transportation or movement of household goods or waste.

Acts 1964, No. 300,§ 1; Acts 1965, No. 34,§ 1; Acts 1984, No. 294,§ 1, eff. Sept. 1, 1984; Acts 1985, No. 305,§ 1; Acts 1988, No. 921,§ 1; Acts 1990, No. 388,§ §1, 2, eff. Aug. 1, 1990; Acts 1991, No. 291,§ 1, eff. Oct. 1, 1991; Acts 1996, No. 18,§ 1, eff. July 1, 1997.

RS 51:

§1364. Louisiana International Trade Development Board; domicile; composition; membership; qualifications; selection; oath of office; terms; filling of vacancies; proxy; compensation

A. There is hereby created the Louisiana International Trade Development Board as a body politic and corporate of the state in the Department of Economic Development. The board shall be domiciled in the city of Baton Rouge.

B. The board shall be governed by a board of directors composed of twenty-three members as follows:

(1) Secretary of the Department of Economic Development serving ex officio.

(2) Commissioner of the Department of Agriculture and Forestry serving ex officio.

(3) Eighteen directors, one appointed from each of the nominating organizations by the governor from a list of two names submitted by each of the nominating organizations as follows:

(a) Freight Forwarders Association.

(b) Louisiana District Export Council.

(c) World Trade Center of New Orleans Board of Directors.

(d) Louisiana Bankers Association from international bankers employed in Louisiana.

(e) Port Association of Louisiana.

(f) Lafayette International Trade Development Group.

(g) Chamber New Orleans and the River Region.

(h) Alexandria Chamber of Commerce.

(i) Monroe Chamber of Commerce.

(j) International Trade Council - Red River Region.

(k) South Louisiana Economic Council.

(l) Baton Rouge Chamber of Commerce.

(m) Southern United States Trade Association.

(n) Lake Charles Chamber of Commerce.

(o) New Orleans Steamship Association.

(p) Louisiana Railroads Association.

(q) Louisiana Business League.

(r) Jefferson Business Council.

(4) One director appointed by the governor who is a member of the Louisiana Economic Development Council.

(5) Two members appointed by the governor from the state at large.

C. Each director shall be a citizen of the United States and a resident of the state of Louisiana.

D. Each of the eighteen appointed directors from the list of nominees provided by the nominating organizations shall have at least seven years experience and knowledge of international trade, international finance, finance generally, international relations generally, international business management, business improvements, economics, or international economics.

E. Each appointed director shall serve a term of six years; however, of the initial directors, two shall serve a term to end March 1, 1999, two shall serve a term to end March 1, 2000, and two shall serve a term to end March 1, 2001.

F. Any vacancy which may be caused by death, resignation, inability to serve, absence from three consecutive regularly called meetings, or otherwise shall be filled in the manner of the original appointment within sixty days. The qualifications of each director of the board shall continue throughout the respective term of his office, and in the event a director should after appointment fail to meet the qualifications which he possessed at the time of his appointment, said director shall resign or be removed and be replaced with a person possessing the proper qualifications.

G. An ex officio director may be represented at any meeting by his designee. A designee shall have full voting privileges. In the event that an ex officio director is unable to attend a meeting, he shall notify the board in writing at least seven calendar days prior to the meeting of his intent to send his designee.

H. An ex officio director shall have the right to participate in and vote on all matters of the board.

I. Directors of the board shall be entitled to reimbursement of expenses as approved by the governor in accordance with controlling state regulations.

Acts 1997, No. 588,§ 2.

CHAPTER 2-B. WEST BANK HURRICANE

PROTECTION PROJECTS

RS 38:

§100. Object and purpose

It is the object and purpose of this Chapter to provide for participation by the state of Louisiana in the Westwego to Harvey Canal hurricane protection project, for modifications of the Westwego to Harvey Canal hurricane protection project to include the Lake Cataouatche area, and for the East of Harvey Canal hurricane protection project. It is further the object of this Chapter to designate the Louisiana Department of Transportation and Development as the nonfederal sponsor for the construction of the projects and to furnish the United States such assurances and cooperation as may be required by the Congress of the United States that the department will:

(1) Provide such lands, servitudes, and rights-of-way necessary for the construction, operation, replacement and rehabilitation, maintenance, and mitigation of the projects, including borrow and excavated material disposal areas.

(2) Accomplish all necessary alterations and relocations to roads, railroads, pipelines, cables, wharves, and other facilities required by the construction of the projects.

(3) Hold and save the United States free from damages due to the construction of the projects in certain circumstances.

(4) Share the portion of the costs that are required by the Congress.

(5) Provide other assurances and cooperation as may be required by the Congress.

(6) Authorize the department to repay to the United States, with interest, the nonfederal share of the construction of the projects.

Acts 1993, No. 1012,§ 1, eff. June 25, 1993.

RS 34:

§22. Construction of private wharves; consent of board; administration and maintenance

Riparian owners of property within the limits of the port of New Orleans may, with the consent of the board of commissioners of the port, and in conformity to plans and specifications approved by the board, erect and maintain on the batture or banks owned by them, such wharves, buildings or improvements as may be required for the purposes of commerce, navigation, or other public purposes; but in all cases such wharves, buildings or improvements shall remain subject to the administration and control of the board of commissioners with respect to their maintenance and to the fees and charges to be exacted for their use by the public.

§25. Ordinances of New Orleans; force and effect; enforcement of ordinances of board

A.(1) The ordinances of the city of New Orleans, applying to the wharves and landings and river front of the city of New Orleans in force on July 9, 1896, shall remain in full force and effect, except as amended by the Board of Commissioners of the Port of New Orleans.

(2) All ordinances passed by the board concerning the territory, jurisdiction, and control of the Port of New Orleans, and the proper conduct thereof, shall be enforceable by fine not to exceed five hundred dollars or imprisonment not to exceed six months in the parish jail, or both fine and imprisonment, in the discretion of the court.

B. The Board of Commissioners of the Port of New Orleans shall by proper ordinances make rules and regulations for the conduct, management, and control of the port, its commerce, traffic and navigation, the waters and landings within its territorial jurisdiction, the structures and other facilities under its administration, and for the government thereof, which may, in its judgment, be necessary or proper in the exercise of the powers now conferred upon it by the constitution and statutes of the state of Louisiana, and shall, from time to time, enlarge, modify, or change such rules and regulations in its discretion.

C. By such ordinances said board may, without limitation of such powers granted herein, adopt such rules and regulations with respect to:

(1) The safety and efficiency of port operations, the protection of property, life, and personal safety and welfare of its employees and of the public.

(2) The control, use, and protection of the landings, docks, wharves, warehouses, equipment, and other facilities and improvements and appurtenances thereto, under its administration.

(3) The navigation and use of the waters within its jurisdiction.

(4) The loading, unloading, transfer, or transshipment of cargoes from, to, or between all watercraft and other vehicles within its jurisdiction.

(5) The prevention of interference with and the obstruction of facilities and services necessary or related to the orderly and efficient handling of the commerce and traffic of the port.

(6) The protection, removal, and disposition of cargoes.

(7) Generally with respect to the safety and efficiency of the operations of the port.

D. Except as provided in R.S. 13:2571.1, the Criminal District Court for the parish of Orleans or the municipal or traffic court of the city of New Orleans shall have jurisdiction of the trial and punishment of all violations of the ordinances passed by the board committed within the parish of Orleans, except parking violations; and the district courts of the parishes within the limits of the Port of New Orleans shall have jurisdiction of the trial and punishment of all violations of such ordinances committed within their respective districts, except parking violations.

E. Through an administrative procedure pursuant to R.S. 13:2571, the board shall have jurisdiction of the adjudication of all parking violations of such ordinances committed in the parish of Orleans.

F. A city court located in Orleans Parish, a parish court located within Jefferson Parish, or a justice of the peace court located in St. Bernard Parish shall have jurisdiction to review the decision of the initial adjudication of parking violations of the parking ordinances of the Board of Commissioners of the Port of New Orleans occurring within their respective jurisdictions.

Amended by Acts 1970, No. 673,§ 1; Acts 1993, No. 353,§ 1; Acts 2001, No. 744,§ 2, eff. July 1, 2001; Acts 2001, No.

the date such moneys become payable. The treasurer shall collect such deposits as aforesaid, and in the case of failure on the part of the board to make deposits in an amount sufficient to provide for the payment of principal or interest due or to become due, the treasurer shall collect the charges and revenues of the port and apply the same, after providing for necessary operating expenses and any prior charges, to the payment of the principal and interest on said bonds. For that purpose and for such time as is necessary, the treasurer is hereby authorized to exercise all powers and duties vested in the Board of Commissioners of the Port of New Orleans. Both principal and interest due on the bonds shall be payable through state fiscal agent banks or other duly authorized agents as designated in the bonds. The accounts of the board shall be subject to audit and investigation by the legislative auditor.

G. The board may acquire real and personal property subject to mortgage or other lien and may make or execute purchase money mortgages on property acquired.

H. In determining the surplus of the revenues of the port as a basis for bond issues, the interest upon mortgages or moneys charged upon any property acquired subject to mortgage or lien and a sufficient amount to amortize the charge or lien before its maturity shall be deducted from the earnings of such property, and only the surplus remaining after such deduction and after the payment of the expenses of operation and maintenance of such property shall be included as a part of the surplus earnings of the port for said basis. The board may issue receipts negotiable or otherwise for property or merchandise in its charge or possession.

I. Nothing contained in this Section shall prejudice the right of the holder of any bonds of the port now outstanding.

Added by Acts 1975, No. 464,§ 1. Amended by Acts 1976, No. 449,§ 1.

§29. Borrowing power; issuance of notes and bonds

A. The Board of Commissioners of the Port of New Orleans, without further legislative enactment, may borrow money and issue notes and bonds under the following conditions and not otherwise:

(1) With the approval of the governor and the State Bond Commission, it may for its public purposes, borrow on notes for temporary loans, payable within one year, an amount not exceeding five hundred thousand dollars at any one time outstanding, and in addition, may borrow money in anticipation of the collection of charges for wharfage, tollage, storage service, and other charges which have been actually earned but have not yet been received.

(2) It may borrow from any person or corporation using a marine facility or warehouse or who desires to have a marine facility or warehouse constructed or improved such sums as are necessary to construct or improve the marine facility or warehouse according to plans and specifications approved by the board, and may erect, construct, or improve such marine facility or warehouse and agree that the loan therefor shall be liquidated by deducting from the dockage, wharfage, sheddage, tollage, or other charges payable for such property a percentage thereof to be agreed on.

B. The board, with the approval of the governor and the State Bond Commission, and for its public purposes, may borrow other and further sums and issue bonds in the manner following: When the board has ascertained and certified in writing to the legislative auditor the amount of revenue and income of the port for the last two fiscal years immediately preceding, after deducting therefrom the amount of operating and maintenance charges and expenses and all sums payable during said year upon maturing principal and interest of its bonded debt, and the legislative auditor has verified and approved said certificate, the board may borrow money and issue bonds to an amount the annual interest upon which is not in excess of the average net revenue for the two fiscal years immediately preceding, as shown by said certificate. The board may add to such net revenues of the preceding fiscal years, as certified to the legislative auditor, the net income and revenues for such years of any revenue-producing wharf, dock, warehouse, elevator, or other structures to be acquired by the board by purchase or expropriation from proceeds of such bond issue. The net revenues and income of such revenue-producing utility shall be determined and certified by the board and be approved by the legislative auditor.

C. The board, with the approval of the governor and State Bond Commission, may borrow money and issue bonds to refund bonded indebtedness heretofore incurred or hereafter to be incurred and maturing and becoming payable within one year of the date of such refunding.

D. All bonds issued under the foregoing provisions, except as otherwise expressly provided, shall run not more than fifty years from date, shall be issued in serial form, payable in annual installments commencing not more than ten years from date, the amount payable each year for principal and interest to be as nearly equal as practicable, but annual installments or principal may be fixed at five thousand dollars or the nearest multiple thereof. Refunding bonds issued hereunder shall be payable in annual installments commencing not more than one year from date. All of the bonds shall have the same exemption from taxation, the same privileges of registration and release from registration, and the same eligibility for deposit with the state or its officers or any of its political subdivisions or municipalities as was granted by Article 321 of the Constitution of 1913 to the bonds therein authorized. Tutors of minors and curators of interdicts may invest the funds in their hands in any of such bonds.

E. No bonds shall be sold for less than par and accrued interest or bear a greater rate of interest than the maximum authorized by R.S. 39:1424, 39:1425, as the same now exists or may be hereafter amended, payable annually or semiannually nor shall the total bonded indebtedness of the Board of Commissioners of the Port of New Orleans, for all purposes, ever exceed the sum of ninety-five million dollars.

F. The interest on all bonds issued hereunder shall be payable semiannually. The board shall place on deposit with the treasurer of the state of Louisiana, to the credit of an account or accounts to be known as interest accounts, in such manner as is provided in the proceedings to issue the bonds, an amount equal to the interest on all bonds that may have been delivered. In addition, the board, in each year when any of the bonds become due and payable, shall deposit with the treasurer, to the credit of an account or accounts to be known as redemption accounts, the principal amount of all bonds maturing or becoming payable. Such deposits shall be made with the treasurer not less than thirty days prior to

RS 34:

§45. Lease of lands; construction of improvements; payment of improvements

A. The contract made by Board of Commissioners of the Port of New Orleans with the city of New Orleans under date August 16, 1918 through the Public Belt Railroad Commission, to carry into effect Act No. 3 of 1918 in relation to the Inner Harbor Navigation Canal is hereby ratified and confirmed. The board shall have power to lease for manufacturing, commercial, and business purposes lands acquired for the navigation canal. Such leases may run for a term not exceeding ninety-nine years at a fixed rental, without any provision for renewal, readjustment, or reappraisement as the board may determine.

B. The board may also construct warehouses, elevators, and other buildings and improvements upon the navigation canal.

Added by Acts 1975, No. 464,§ 1.

RS 34:

§340.6. Nothing to affect Port of New Orleans

Nothing in this Subpart shall add to or detract from the provisions of law relative to the Board of Commissioners of the Port of New Orleans, the rights under all of said provisions being preserved.

Added by Acts 1975, No. 101,§ 1.

Millennium Port Authority

c/o Ed Preau, 8900 Jimmie Wedell Street
Baton Rouge, LA 70807
(225) 274-4320

Bd of 12 coms consisting of 2 ex-officio non-voting mems and 9 voting coms appointed by the Governor. The 2 ex-officio mems are Sec of DOTD and Sec of Econ Develop. 1 fm a list of 3 noms submitted by the Pt of N.O.; 2 fm a list of 6 noms submitted by La.'s 5 deepwater pts and Pt Fourchon w/ea pt and Pt Fourchon rec 1 nominee; 1 fm list of 3 noms submitted by the Pts Assoc of La; 2 mems sel fm the state at-large; 1 mem fm local gov in which off shore term is to be located fm a list of 3 noms; 1 mem at-large w/10 yrs of trans experience; 1 from LA Landowner, 1 mem fm a list of 3 names to be sum by the Red River Waterway Parishes.

(created by R.S. 34:3474)

Candies, III, Otto	10 Belle Grove Drive Destrehan, LA 70047	(504) 469-7700	12/6/04
Chase, III, Edgar L	10917 North Hardy Street New Orleans, LA 70127	(504) 244-9268	12/6/05
Coyle, Jr., William E	41 Berbram Drive Grand Isle, LA 70358	(985) 851-2240	12/6/03
Delesdernier, Jr., Mark	#3 Poydras Street, Ste. 5 C/D New Orleans, LA 70130	(504) 392-5018	12/6/03
Duplechain, Raphael	221 Sarah Victoria Lane Belle Chasse, LA 70037	(504) 896-7410	12/6/03
Hutchinson, Don J	5917 Bennington Avenue Baton Rouge, LA 70808	(225) 342-5388	
Marzullo, John F	1410 Horseshoe Drive Alexandria, LA 71301	(318) 473-1848	12/6/03
Movassaghi, Kam K	607 Greenbriar Road Lafayette, LA 70503	(337) 379-1200	
Pivach, Mark A	403 Good News Avenue Belle Chasse, LA 70037	(504) 394-1870	12/6/04
Plaisance, Alex (Jr.) J	2502 South Bayou Drive Golden Meadow, LA 70357	(504) 475-6128	4/19/04
Prejean, Abel Philip	504 Charenton Road Baldwin, LA 70514	(337) 828-3410	12/6/04

RS 39:

§3474. Board of commissioners; qualifications; selection; term; vacancies; compensation

A. The authority shall be governed by a board of twelve commissioners, consisting of two ex officio members and ten commissioners appointed by the governor and chosen as provided in this Section on the basis of their demonstrated experience in maritime or business leadership, or both, and their stature and ability to act effectively for the best interests of Louisiana. Such commissioners shall not be appointed or elected commissioners or board members of the ports of Louisiana.

B.(1) The two ex officio commissioners shall be:

(a) The secretary of the Department of Transportation and Development.

(b) The secretary of the Department of Economic Development.

(2) The appointed voting commissioners shall be chosen as follows:

(a) One shall be selected from a list of three nominees submitted by the Port of New Orleans, who shall serve an initial term of six years.

(b) Two shall be selected from a list of six nominees submitted by Louisiana's five remaining deepwater ports and Port Fourchon, with each deepwater port and Port Fourchon recommending one nominee, who shall serve initial terms of five years.

(c) One shall be selected from a list of three nominees submitted by the Ports Association of Louisiana, who shall serve an initial term of five years.

(d) Two members shall be selected from the state at large, who shall serve initial terms of four years.

(e)(i) One member shall be selected from the local governmental subdivision in which the main site of any offshore or onshore terminal facility is to be located, or offshore from which the main site of such terminal will be located, selected from a list of three nominees submitted by the port authority located in such parish, who shall serve an initial term of four years. Such appointment shall be made within three months of the time that the board finally approves the proposed main site of such facility.

(ii) The appointment shall be from a list of three names to be submitted by the port authority of the local governmental subdivision in which such main site is to be located, or the port authority from which the offshore main site will be located.

(f) One member shall be selected from the state at large who shall be a person with at least ten years of transportation experience in Louisiana, who shall serve an initial term of four years.

(g) One member shall be selected from a list of three names to be submitted by the Red River Waterway Parishes, who shall serve an initial term of four years.

(h) One member shall be selected from a list of three names to be submitted by the Louisiana Landowners Association, who shall serve an initial term of four years.

(3) The successors to the voting commissioners appointed as provided for in Paragraph B(2) shall be appointed for terms of six years. However, a member shall serve until his successor is appointed unless removed as provided for in Paragraph C(1). A commissioner may be reappointed.

C.(1) Each appointment by the governor shall be submitted to the Senate for confirmation. Each of the commissioners shall serve at the pleasure of the governor and may be removed by the governor with cause at his discretion.

(2) All vacancies shall be filled in the same manner and the appointee shall have the proper qualifications.

D. The members of the board of commissioners shall serve without compensation but shall be reimbursed for travel expenses incurred in attending meetings at rates and standards as promulgated by the division of administration.

Acts 1999, No. 1225,§ 1, eff. July 9, 1999; Acts 2000, 1st Ex. Sess., No. 57,§ 1, eff. April 17, 2000.

§3473. Jurisdiction; domicile

A.(1) The Millennium Port Authority shall have only that exclusive jurisdiction as provided herein over the authority development program within the coastal waters of Louisiana, the areas of the state extending seaward thereof to the extent of the state's rights thereto, and over such other waters, water bottoms, wetlands, and lands within the territorial boundaries of the state necessary to effectuate the purposes of this Chapter.

(2) The jurisdiction of the authority shall not include or extend to the construction of authority development program facilities, taking, control, regulation, licensing or operation of existing, proposed or future public or private facilities, within the jurisdiction of existing port authorities, port, harbor and terminal districts, or the offshore terminal authority, except by mutual written agreement of the appropriate existing port authority, port, harbor and terminal district, or offshore terminal authority.

(3) Nothing contained in this Chapter shall be construed to affect Louisiana's claim to its tidelands or the location of Louisiana's coastline as interpreted by the state of Louisiana.

(4) Nothing in this Chapter shall be construed to limit, restrict, or prevent the ability of any other port authority, port harbor and terminal district, or offshore terminal authority, to construct, maintain, operate, expand, or create any facility within its jurisdiction.

B. The authority shall have the right to acquire by permit, lease, sublease, license, grant, purchase, or otherwise, water bottoms, wetlands, and lands, inside and outside of the territorial limits of the state of Louisiana, for the construction, operation, and maintenance of the facilities functionally required, related, necessary, or useful to the authority development program. However, when such properties or facilities are located within the jurisdiction of existing port commissions or port, harbor and terminal districts, or the offshore terminal authority, the mutual written agreement of the appropriate existing port commission, port, harbor and terminal district, or offshore terminal authority shall be required.

C. The authority shall have exclusive power to own, operate, license, or otherwise regulate all terminal facilities within its jurisdiction constructed after July 1, 1999, and property and equipment related to those facilities.

D. The authority shall have the power to own, construct, operate, lease, and maintain any railroad belt or connecting lines required to be constructed after July 1, 1999, that are necessary or useful to the authority development program.

E. The domicile of the authority shall be in the city of Baton Rouge and venue shall be in the Nineteenth Judicial District Court, until such time as a site for the millennium port is selected. After the site is selected, the domicile of the authority shall be in the local governmental subdivision where the port is located.

Acts 1999, No. 1225,§ 1, eff. July 9, 1999.

§3475. Duties of board; officers; rules; meetings; quorum

A. The board of commissioners shall be the governing body of the authority with full power to promulgate rules and regulations for the maintenance and operation of said authority, subject to the approval of the House and Senate Committees on Transportation, Highways and Public Works.

B. The board of commissioners shall be a governing body of laymen. It shall formulate general policy. It shall decide upon all matters relating to the authority development program. It shall adopt an annual operating and capital budget, subject to the approval of the Joint Legislative Committee on the Budget.

C. The commissioners shall elect a president from among themselves to serve for a term of two years.

D. The executive director, as chosen by the commissioners, shall be the secretary of the board.

E. The board of commissioners shall prescribe its own rules, which shall be adopted and promulgated.

F. The board of commissioners shall meet at least once every ninety days, or upon the written request of three members, or upon the written request of the president. The board may, upon the affirmative vote of a majority of its members, extend the ninety-day time interval between regular meetings.

G. All matters to be acted upon by the board of commissioners shall require the affirmative vote of a majority of the board, with the exception that the affirmative vote of not less than five commissioners shall be required to select the executive director.

Acts 1999, No. 1225,§ 1, eff. July 9, 1999.

§3476. Annual reports; budget unit; funding limitation

A. The board of commissioners shall make an annual report to the governor, the House and Senate Committees on Transportation, Highways and Public Works, and the Joint Legislative Committee on the Budget showing the following:

(1) All receipts and disbursements of the board.

(2) The number of arrivals and departures of vessels and their tonnage.

(3) The exports and imports passing through the authority.

(4) The general condition of the authority and its structures, facilities, and other properties.

(5) In such report, the board shall make such recommendations for its development, welfare, and management as may seem advisable.

B. The authority shall comply with the Louisiana Local Government Budget Act.

C. Notwithstanding any other law to the contrary, no construction or development project of the authority, or related to the authority, shall be eligible for inclusion in, and the authority shall receive no funds from, the Port Construction and Development Priority Program provided for in Chapter 47 of this Title, R.S. 34:3451 et seq.

D. The board of commissioners shall annually submit the budget of the authority for review to the Joint Legislative Committee on the Budget.

Acts 1999, No. 1225,§ 1, eff. July 9, 1999; Acts 2001, No. 1023,§ 1, eff. June 27, 2001.

§3477. Executive director; selection; duties; employees; compensation

A. The board of commissioners shall select an executive director who shall exercise all control over all executive functions and the general operation of the authority. The executive director may employ on a contract basis such other agents, employees, and professional employees, permanent and temporary, as he may require and shall determine their qualifications, duties, and compensation. The executive director shall serve for a term of not less than one year nor more than three years; however, the executive director may be removed by the board for cause. All employees of the authority shall be responsible to the executive director who shall organize the personnel employed by the authority in the most efficient manner to accomplish the purpose of the authority as provided in this Chapter and by regulations established by the authority's board.

B. The executive director, in addition to his usual functions, shall be secretary to the board of commissioners. The board of commissioners shall fix the compensation of the executive director.

Acts 1999, No. 1225,§ 1, eff. July 9, 1999.

§3478. Acquisition of sites; lease of state-owned lands and water bottoms

A.(1) To enable the authority to perform the work herein provided, the state of Louisiana, acting by and through the commissioner of administration as register of state lands, is hereby authorized, empowered, and directed to grant to the authority a lease on state-owned lands and water bottoms which are selected by the authority as sites for terminal facilities. The mineral rights on any and all state lands shall be reserved to the state of Louisiana.

(2) Upon receipt of a request from the board of commissioners of the authority describing the lands to be leased by the authority, it is hereby made the mandatory duty of the commissioner to issue a certificate of title evidencing the lease of the land to the authority as described in the request.

B. The register of state lands shall lease the selected tracts to the authority for five dollars per acre per annum.

C. All such leases shall be for a term of not more than forty years, but the legislature may reevaluate the rental payments upward or downward to reflect changing economic conditions.

D. All proceeds arising from the transfer of such leases of state-owned lands and water bottoms shall be paid by the authority to the state treasurer and shall become part of the general fund of the state of Louisiana.

E. Nothing in this Chapter is intended to authorize the authority to lease state-owned lands and water bottoms for the exploration, development and production of oil, gas, sulphur, or other minerals, or for the cultivation or production of marine resources or detract from the authority of the State Mineral Board and Louisiana Wildlife and Fisheries Commission to lease for such purposes. However, tracts once leased to the authority may not be leased by the State Mineral Board or the Louisiana Wildlife and Fisheries Commission without the express consent of the authority, unless it can be shown by the State Mineral Board or the Louisiana Wildlife and Fisheries Commission, by clear and convincing evidence, that such lease or leases will not adversely affect present or future authority operations.

Acts 1999, No. 1225,§ 1, eff. July 9, 1999.

§3479. Powers

A. The authority shall be empowered to do any and all things necessary or proper to carry out the purposes of this Chapter, including but not limited to the following:

(1) To make such investigations and conduct such investigatory and adjudicatory hearings, by itself or through its executive director, or any person appointed by the authority for that purpose, to develop such facts as may be necessary to assist in assuring compliance with the purposes of this Chapter and the rules, regulations, and orders of the authority.

(2) To enter, at all reasonable times, in or upon any private or public property for the purpose of inspecting or investigating conditions in order to ascertain the state of compliance with this Chapter and the rules, regulations, and orders of the authority.

(3) To inspect, at reasonable times, relevant records, files, papers, processes, controls, operations, and facilities for the purpose of ascertaining the state of compliance with this Chapter and the rules, regulations, and orders of the authority.

(4) To take such actions, promulgate such rules and regulations, subject to the approval of the House and Senate Committees on Transportation, Highways and Public Works and issue such orders, as necessary or appropriate to carry out the provisions of this Chapter.

(5) To institute in courts of competent jurisdiction legal proceedings to compel compliance with any order entered by the authority, or with this Chapter or the authority's rules and regulations.

(6) To issue licenses, certificates, and permits for the construction and maintenance of terminal facilities or use of services or terminal facilities subject to the authority's jurisdiction, pursuant to rules and regulations promulgated by the authority.

(7) To transfer, pursuant to rules and regulations promulgated by the authority, rights of the authority under any license, certificate, permit, or other authorization granted to the authority.

(8) To fix reasonable and just rates, fares, tolls, or charges for the services and terminal facilities within the authority's jurisdiction.

(9) To employ such engineers, accountants, attorneys, other professionals, employees, and agents as may be necessary and advisable, and to fix their compensation on a contract or other appropriate basis. However, any legislator or any legal entity in which he has an interest is hereby prohibited from doing business with the authority.

B. To assert Louisiana's interest in any offshore terminal facility development after July 1, 1999, in proximity to the Louisiana coast or in any onshore facility, the authority is empowered to negotiate with and enter into contracts, compacts, or other agreements with agencies, bureaus, or other divisions of the federal government or other states of the United States concerning the authority development program, including jurisdictional aspects of the location of any terminal facilities, sharing of revenues derived from the operation of the offshore terminal facilities constructed or acquired after July 1, 1999, and promulgation and enforcement of regulations governing authority operations.

C. In addition to all other powers granted to the authority, the authority is hereby granted the following powers and duties:

(1) To own, construct, operate, maintain, and lease docks, wharves, sheds, pipelines, pumping stations and related facilities, storage facilities, housing and food facilities, heliports, locks, slips, laterals, basins, warehouses, and all other property, structures, equipment, and facilities, including belt and connecting lines of railroads and vessels and other transportation devices and equipment, and works of public improvement necessary or useful for the authority development program.

(2) To dredge and maintain shipways, channels, slips, basins, and turning basins.

(3) To establish, operate, and maintain navigable waterway systems in cooperation with the federal government, the state of Louisiana, and its various agencies, subdivisions, and public bodies.

(4) To acquire by expropriation title to any real property, leaving the ownership of any minerals or mineral rights in the former owners, and the prescription of nonuse shall not run against said minerals or mineral rights. In the event of expropriation, the compensation to be paid shall be the actual market value of the property at the time of taking. In the event of the acquisition of a servitude, or use of any state-owned water bottoms on which there has been granted an oyster lease by the Louisiana Wildlife and Fisheries Commission, the private oyster lessee shall be reimbursed by the authority for the actual market value of said lease.

(5) To borrow, with specific approval of the State Bond Commission, from any person using or renting any land or dock or warehouse or any facility of the authority such sums as are necessary to improve the same according to plans and specifications approved by the authority and to erect and construct such improvement, and agree that the loan therefor shall be liquidated by deducting from the rent, dock, wharf, or toll charges payable for such property, a percentage thereof to be agreed on.

(6) To collect tolls and fees for the use of terminal facilities.

(7) To borrow funds for the business of the authority subject to the specific approval of the State Bond Commission.

(8) To mortgage properties constructed or acquired by the authority and to mortgage, pledge, and assign any or all right, title, and interest of the authority in any lease, sale, loan, or financing agreement, and the revenues and other advantages arising therefrom.

(9) To exercise all powers afforded port commissions and political subdivisions by the laws of the state.

(10) To enter into lease, sale, loan, and financing agreements with licensees pursuant to which licensees agree to acquire, construct, operate, and maintain terminal facilities; to use the proceeds of revenue bonds to pay or reimburse licensees for project costs, including those for which licensees have expended their own funds; and to make payments through fiduciaries to third parties for obligations which licensees have incurred for project costs.

(11) In addition to existing constitutional and statutory authority to enter into cooperative endeavor agreements, the authority is hereby authorized to enter into cooperative endeavor agreements with the state and its political subdivisions with respect to the receipt, pledge, dedication, and use of public funds with respect to the exercise of any object, purpose, or function of the authority.

D. The authority is hereby empowered to take all necessary steps to protect Louisiana's unique coastal environment from any short-term or long-term damage or harm which might occur from any aspect of the authority development program.

E. The authority may contract with any agency, public or private, to provide for public utilities on such terms as are agreed upon by the authority and the respective utilities for the financing, construction, and extension of sewerage, water, drainage, electricity, gas, and other necessary public utilities in and through said development.

F. The authority may lease or sublease lands leased from the state of Louisiana and is authorized to negotiate and enter into leases, subleases, contracts, or agreements with any person in order to facilitate the acquisition, construction, or operation of terminal facilities constructed or acquired after July 1, 1999, for unloading, temporarily storing, and transporting after unloading, containerized cargo in accordance with a license or licenses granted by the authority. However, the provisions of R.S. 33:4715.1, Chapter 10 of Title 41 of the Louisiana Revised Statutes of 1950, and R.S. 38:2211 et seq. shall not apply to this Subsection.

G. The authority shall have exclusive and plenary power to issue licenses, certificates, and permits, and otherwise regulate all phases of the construction and operation by any person of terminal facilities within the jurisdiction of the authority. Nothing in this Chapter shall be construed to relieve, exempt, or immunize any person, including the authority, from any environmental or safety requirement or regulation of a local governmental subdivision.

Acts 1999, No. 1225,§ 1, eff. July 9, 1999; Acts 2001, No. 1023,§ 1, eff. June 27, 2001.

§3481. Purchases

The authority may purchase machinery and equipment related to the operation of deep draft container vessels and intermodal terminal facilities, including but not limited to container cranes. The provisions of Part II of Chapter 10 of Title 38 of the Louisiana Revised Statutes of 1950, R.S. 38:2211 et seq. shall not be applicable to such purchases made with nonstate funds.

Acts 1999, No. 1225,§ 1, eff. July 9, 1999.

§3482. Bonds and other debt instruments; procedure for issuance

A. The authority is hereby authorized to incur debt and issue bonds and other debt instruments for its needs in the manner herein provided.

B. The authority is hereby authorized to incur debt and issue bonds and other debt instruments, in accordance with the Constitution of Louisiana and all applicable laws of the state of Louisiana.

C. As an additional grant of authority, the authority is authorized, with the approval of the State Bond Commission, to issue negotiable bonds or other debt instruments for any purpose within its delegated authority, and to pledge for the payment of the principal and interest of such negotiable bonds and debt instruments the income and revenues derived or to be derived from the properties and facilities maintained and operated by it or received by the authority pursuant to cooperative endeavor agreements from other sources.

D. Such negotiable bonds and debt instruments may be further secured by a conventional mortgage upon any or all of the property constructed or acquired, or to be constructed or acquired by it.

E. To further secure such negotiable bonds and debt instruments the authority may apply in whole or part any money received by gift, grant, donation, or otherwise from the United States, the state of Louisiana, or any political subdivision thereof, unless otherwise provided by terms of the gift, devise, donation, or similar grant.

F.(1) Such bonds or debt instruments shall be authorized by a resolution of the board of commissioners of the authority and shall be of such series, bear such date or dates, mature at such time or times not exceeding forty years from their respective dates, bear interest at such rate or rates per annum, payable at such time or times, be in such denominations, be in such form, either coupon or full registered without coupons, carrying such registration and exchangeability privilege, be payable in such medium of payment and at such place or places, be subject to such terms of redemption, and be entitled to such priority on the revenues of the authority as such resolution or resolutions may provide.

(2) The bonds or debt instruments shall be signed by such officers as the authority shall determine, and coupon bonds shall have attached thereto interest coupons bearing the facsimile signatures of such officer or officers of the authority as it shall designate. Any such bonds or debt instruments may be issued and delivered, notwithstanding that one or more of the officers signing such bonds or debt instruments or the officers whose facsimile signature or signatures may be upon the coupons or other documents shall have ceased to be such officer or officers at the time such bonds or debt instruments shall actually have been delivered.

(3) The bonds or debt instruments shall be sold for not less than par and accrued interest to the highest bidder at a public sale after advertisement by the authority at least seven days in advance of the date of sale, in newspapers or financial journals published at such places as the authority may determine, reserving to the authority the right to reject any and all bids and to readvertise for bids. If, after advertisement no bids are received, or if such bids as are received are considered in the discretion of the board of commissioners of the authority to be unsatisfactory, then and in that event the board of commissioners may publicly negotiate for the sale of such bonds or debt instruments without further advertisement.

(4) No proceedings in respect to the issuance of any such bonds or debt instruments shall be necessary except such as are contemplated by this Section.

G. For a period of thirty days from the date of publication of the resolution authorizing the issuance of bonds or debt instruments hereunder, any persons in interest shall have the right to contest the legality of the resolution and the legality of the bond or debt instrument issue for any cause after which time no one shall have any cause or right of action to contest the legality of said resolution or of the bonds or debt instruments authorized thereby for any cause whatsoever. If no suit, action, or proceeding is begun contesting the validity of the bond or debt instrument issue within the thirty days herein prescribed, the authority to issue the bonds or debt instruments and to provide for the payment thereof, and the legality thereof and all of the provisions of the resolution authorizing the issuance of the bonds or debt instruments shall be conclusively presumed, and no court shall have authority to inquire into such matters.

H. Such bonds or debt instruments shall have all the qualities of negotiable instruments under the law merchant and the Commercial Laws of Louisiana, and shall be exempt from income and all other taxation of the state of Louisiana.

I. No bonds or debt instruments as herein described shall be authorized, issued, or sold except in accordance with specific authorizations hereafter granted by the legislature for each issue.

Acts 1999, No. 1225,§ 1, eff. July 9, 1999; Acts 2001, No. 1023,§ 1, eff. June 27, 2001.

§3484. Issuance and transfer of licenses

A. No person shall construct or operate, or cause to be constructed or operated, terminal facilities after July 1, 1999, within the jurisdiction of the authority without first obtaining a license, the transfer of any license granted to the authority, or other appropriate authorization from the authority.

B. A license shall be issued, any license granted to the authority shall be transferred, or other appropriate authorization granted, only if the authority finds that the applicant or transferee is qualified, and that the facilities or operations conform to the provisions of this Chapter and the rules and regulations of the authority and will be consistent with the public interest declared in this Chapter. Any license so issued or transferred or other appropriate authorization shall be subject to and contain such reasonable conditions as necessary to carry out the purposes of this Chapter.

C. The authority shall establish such other qualifications for applicants or transferees, which may include evidence of financial responsibility or performance bonds, as will insure an applicant's or transferee's ability to comply with this Chapter and the rules and regulations of the authority.

D. The authority shall establish the procedures for submission of applications for the issuance of licenses, the transfer of any license granted to the authority, or the issuance of other appropriate authorization, and shall determine what information must be submitted by the applicant. The authority may impose reasonable filing fees and may require the applicant to reimburse the authority for all expenses incurred in processing the application.

E. The authority shall determine the length of time during which a license shall be valid, and the conditions upon which it may be revoked. The transfer by the authority of any of its rights under a license, certificate, permit, or authorization granted to the authority shall be for the term specified in the original authorization to the authority. Licenses may be revoked, suspended, annulled, or withdrawn in accordance with the procedures established by the authority.

F. Rules, regulations, and procedures pursuant to the provisions of this Section shall be adopted and promulgated in accordance with the provisions of the Administrative Procedure Act, and shall be subject to approval by the House and Senate Committees on Transportation, Highways and Public Works.

Acts 1999, No. 1225,§ 1, eff. July 9, 1999.

§3485. Remedies and enforcement

In addition to all other rights herein granted, the authority and the courts shall have the power to assure compliance with the purposes of this Chapter as follows:

(1) If the authority's board of commissioners or executive director has reasonable cause to believe that there exists a violation of this Chapter or of the authority's rules and regulations, which could result in irreparable injury to the authority's operations, the environment, or the public interest, the authority may petition a court of competent jurisdiction for appropriate mandatory, injunctive, or other relief pending final adjudication of such matters.

(2) The authority may issue such orders as the public interest and equities of the case may require and as may be necessary to effectuate the purposes of this Chapter, including but not limited to cease and desist orders, revocation of or other appropriate action affecting licenses issued by the authority, and such affirmative action as may be appropriate.

(3) In the event that the authority should determine that any order made by it, and not then the subject of judicial review, is being violated, the authority may institute a civil action in any court of competent jurisdiction, for enforcement of the authority's order. The enforcement proceeding shall be confined to the record before the authority. The court may enforce, remand, reverse, or modify the order of the authority.

Acts 1999, No. 1225,§ 1, eff. July 9, 1999.

§3486. Coordination and cooperation

A. It is the policy of this Chapter that the authority development program be pursued so that there is full coordination and cooperation between agencies and groups that have complementing or overlapping interests with the authority. It is not the policy of this Chapter that the authority development program be pursued independently and with a view toward narrow, short-term interests.

B. The board of commissioners shall take affirmative steps to insure that the authority development program develops programs for, or is coordinated into the planning programs of other modes of transportation, to include rail, road, waterway, air, and pipeline, so that there is a long-term and orderly pursuit of transportation services in the coastal zone or related to the facility which are interrelated and coordinated so as to achieve the most efficient and economical transportation program that is feasible and that will be least destructive of other values in the state.

C. The board of commissioners shall ensure that the appropriate federal agencies which are required by federal law to plan or regulate transportation facilities or programs are consulted regularly and are fully involved in the authority development program where appropriate.

Acts 1999, No. 1225,§ 1, eff. July 9, 1999.

Louisiana State Senate

Commerce, Consumer Protection, & International Affairs

Committee Jurisdiction

Legislative instruments and other matter referred to this committee shall encompass the following subject matter:

- Banking and the regulation thereof
- Commerce and industry generally
- Communication by telephone, telegraph, radio, television or other media
- Consumer protection
- Corporations
- Credit unions
- Interest rates
- Merchandising
- Navigation
- Protection of trade and commerce against unlawful restraints and monopolies
- Registration and licensing of vessels and small boats
- Regulation, licensing and standards of professions, businesses and occupations
- Regulation of common carrier by water
- Savings and loan and homestead associations
- Small loan companies
- Tourism

Questions and comments may be directed to websen@legis.state.la.us.
Baton Rouge, Louisiana.

Representatives

Standing Committees

Administration of Criminal Justice

Agriculture

Appropriations

Civil Law and Procedure

Commerce

Education

Environment

Health and Welfare

House and Governmental Affairs

Insurance

Judiciary

Labor and Industrial Relations

Municipal, Parochial, and Cultural Affairs

Natural Resources

Retirement

Ways and Means

LOUISIANA
House of Representatives

Transportation, Highways, and Public Works Committee

Staff Assigned to Committee

Committee Jurisdiction

Transportation Committee Member Addresses

Schedules
Live Video

Name	Position	District	Party
Diez, John C. "Juba"	Chairman	59	D
Quezaire, Jr., Roy	Vice Chair	58	D
Arnold, Jeffery "Jeff" J.	Member	102	D
Curtis, Israel B.	Member	26	D
Erdey, Dale	Member	71	R
Futrell, Mike	Member	66	R
Hutter, Nita Rusich	Member	104	R
Iles, Kay	Member	31	D
Katz, Kay	Member	16	R
Kennard, Donald Ray	Member	65	R
Lucas, Jr., Leonard	Member	99	D
McVea, Thomas H. "Tom"	Member	62	R
Pitre, Jr., Loulan J.	Member	54	R
Powell, Henry "Tank"	Member	73	R
Richmond, Cedric	Member	101	D
Shaw, B. L. "Buddy"	Member	6	R
Swilling, Patrick	Member	100	D
Tucker, Jim	Member	86	R
DeWitt, Charlie	Speaker	25	D
Bruneau, Emile "Peppi"	Speaker Pro Tempore	94	R

Transportation, Highways and Public Works Jurisdiction

To this committee shall be referred, in accordance with the rules, all legislative instruments, messages, petitions, memorials, and other matters relating to the following subjects:

- Transportation, Highways and Public Works in general.
- Highways, roads, and bridges.
- Railroads.
- Air, bus, and vehicular transportation.
- Rules and regulations for highway, railroad, and air use.
- Common carriers, except by water.
- Pipelines, except the substances or materials which travel through the pipelines.
- Motor vehicle regulation.
- Public works.
- Flood and drainage projects, including levee districts and multiparish drainage projects.
- Construction, improvement, and maintenance of waterways, lakes, and streams.
- Facilities in connection with lakes, waterways, and streams.
- Water conservation districts.

Advertisement and letting of public contracts to the lowest responsible bidder relative to the Public Bid Law as provided in R.S. 38:2212.

Railway Labor Act Section 6 Provisions

156. Procedure in changing rates of pay, rules, and working conditions
Carriers and representatives of the employees shall give at least thirty days' written notice of an intended change in agreements affecting rates of pay, rules, or working conditions, and the time and place for the beginning of conference between the representatives of the parties interested in such intended changes shall be agreed upon within ten days after the receipt of said notice, and said time shall be within the thirty days provided in the notice. In every case where such notice of intended change has been given, or conferences are being held with reference thereto, or the services of the Mediation Board have been requested by either party, or said Board has proffered its services, rates of pay, rules, or working conditions shall not be altered by the carrier until the controversy has been finally acted upon, as required by section 155 of this title, by the Mediation Board, unless a period of ten days has elapsed after termination of conferences without request for or proffer of the services of the Mediation Board.
(May 20, 1926, ch. 347, §6, 44 Stat. 582; June 21, 1934, ch. 691, § 6, 48 Stat. 1197.)

AMENDMENTS
1934-Act June 21, 1934, inserted "in agreements" after "intended change" in text, struck out provision formerly contained in text concerning changes requested by more than one class, and substituted "Mediation Board" for "Board of Mediation" wherever appearing-

WAGE AND SALARY ADJUSTMENTS
Ex. Ord. No. 9299, eff. Feb. 4, 1943, 8 F.R. 1669, provided procedure with respect to wage and salary adjustments for employees subject to this chapter.
(http://www.nmb.gov/documents/rla.html)

New York Dock Decision
Section 11326(a) currently requires the Surface Transportation Board (Board) to ensure that a rail carrier involved in a Board-approved railroad transaction provides a fair arrangement to protect the interests of its employees who are affected. Section 11326(a) goes on to provide that these arrangements cannot be less protective than the terms imposed by the Board's predecessor, the Interstate Commerce Commission (ICC), before February 5, 1976, and those imposed by the Board under former section 24706(c). Section 24706(c) was repealed by the Amtrak Reform and Accountability Act of 1997 (Pub. L. No. 105-134, effective May 31, 1998); the Amtrak Reform Act provides that the repeal is not intended to affect the level of protections for freight employees. The ICC established the basic framework for mitigating the labor impacts of rail consolidations in its New York Dock decision, 360 I.C.C. 61 (1979). New York Dock conditions require that employees of an affected rail carrier not be put in a worse position related to their employment as a result of the transaction during the 6 years (or a period equal to the employee's length of service, if less than 6 years) following the date the employee is adversely affected; the conditions also provide other benefits to adversely affected employees such as retraining and moving allowances. The Board has generally imposed the New York Dock conditions in rail consolidations under section 11326(a). The amendment codifies the Board's practice of imposing six years of labor protection (or a period equal to the employee's length of service, if less than 6 years) for an employee adversely affected by a section 11326(a) transaction. (http://www.fra.dot.gov/counsel/legislation/STB/analysis.htm)