

## **DOTD ACTIONS**

The following is a summary of actions taken by the Department of Transportation and Development with respect to adoption, amendment, or repeal of proposed rules and actions taken by the agency with respect to proposed fee adoptions, increases, or decreases. Included are actions taken from January 1, 2022 through December 31, 2022.

Proposed dates are those on which the notice of intended action was published in the Louisiana Register pursuant to R.S. 49:953. Public hearing dates are those on which the agency held public hearings pursuant to R.S. 49:953. Substantial hearing dates are those on which public hearings were conducted pursuant to R.S. 49:968(H)(2) in order to add additional regulatory language. Oversight hearing dates are those on which oversight hearings were conducted pursuant to R.S. 49:968. Final Rule promulgation dates are those on which the actions were published in the Louisiana Register pursuant to R.S. 49:954.

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## **DECLARATION OF EMERGENCY**

### **Department of Transportation and Development**

#### **Office of the Secretary**

#### **Wireless Telecommunications Permit (LAC 70:II.1509)**

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953.1, and pursuant to the authority set forth in R.S. 48:381.2, the Secretary of the Department of Transportation and Development declares an emergency to exist; and hereby adopts by the emergency Rule relative to the adjustment of fees for cell tower permits.

The Department will charge wireless communication companies permit fees, ranging from \$1500 to \$3500, as outlined in Subsection B of §1509 as amended, to erect a tower or a pole, or to use an existing pole. The wireless communication companies will be allowed to renew each of their annual permits based on the total number of installation facilities.

The Department will charge installation fees and annual renewal fees for small wireless facilities, as outlined in Subsection C of §1509 as amended. The Department will charge \$270.00 for annual renewals for each of the small wireless facilities, regardless of location. The small wireless facility annual renewal rate will be subject to a cost reevaluation every three years.

The expediency of implementation will stimulate expansion of facilities across the state, especially in rural areas, at a lower cost to the communication carrier, while also increasing access to communication services to the entire state.

This Rule shall have the force and effect of law upon signature, and will remain in effect until the expiration of the maximum period allowed under the Administrative Procedure Act or the adoption of the final rule, whichever comes first.

**Memo of Emergency signed:            January 18, 2022**

**Oversight Hearing:                        None**

**Published Emergency Rule:            Vol 48, No.2 - February 20, 2022**

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**DECLARATION OF EMERGENCY**

**Department of Transportation and Development**

**Office of the Secretary**

**Weights and Standards Enforcement (LAC 73)**

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), and pursuant to the authority set forth in Act 384 of the 2021 Regular Legislative Session, the Secretary of the Department of Transportation and Development declares an emergency to exist; and hereby adopts by emergency Rule relative to the Weights and Standards Stationary Police Force and enforcement of said laws and regulations by the Department.

23 C.F.R. § 657.5 requires the State to enforce vehicle size and weight laws. Pursuant to 23 C.F.R. § 657.19, if such laws are not enforced, the State risks losing ten percent of its federal transportation funding apportionment. This enforcement responsibility is currently vested in the Department of Public Safety, specifically in Louisiana State Police. Effective July 1, 2022, responsibility for all enforcement at stationary scales will be transferred to DOTD. DOTD has worked with other agencies and diligently pursued efforts in order to timely prepare for this

transfer while complying with federal and state law; however, revisions are necessary to existing provisions of the *Louisiana Administrative Code* in order to carry DOTD's new responsibilities into effect. Without this Emergency Rule to establish enforcement regulations, there may be imminent peril to public safety and welfare by the compromise of police business, in addition to the threat of sanctions by the United States Federal Highway Administration.

This Rule shall have the force and effect of law on July 1, 2022, and will remain in effect until the expiration of the maximum period allowed under the Administrative Procedure Act or the adoption of the final rule, whichever comes first.

**Memo of Emergency signed:**           **June 18, 2022**  
**Oversight Hearing:**                   **None**  
**Published Emergency Rule:**       **Vol. 48, No.7 – July 20, 2022**

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**RULE**

**Department of Transportation and Development**

**Office of Multimodal Commerce – State Safety Oversight**

**State Safety Oversight for Rail Fixed Guideway Public Transportation Systems  
(LAC 70:IX.Chapter 15)**

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 48:214, that the Department of Transportation and Development, Office of Multimodal Commerce, State Safety Oversight Division has amended the rules for State Safety Oversight for Rail Fixed Guideway Public Transportation Systems. These amendments update the code to be compliant with the most current issue of the National Transit Database Safety and Security Policy Manual. The rule revision updates the State Safety Oversight Program Standard (SSOPS) required by 49 CFR Part 674 State Safety Oversight, to address a full transition from federal rule 49 CFR Part 659 to, 49 CFR Parts 673 and 674, as published by the

Federal Transit Administration (FTA). Specifically, to transition references from 49 CFR Part 659 to refer to 49 CFR Part 673, and updates Accident Reporting requirements to reflect updated reportable thresholds contained in FTA Safety and Security Reporting Policy Manual. Consequently, there will be no impact to the public, businesses, local or state governmental entities. This Rule is hereby adopted on the day of promulgation.

<b>Notice of Intent:</b>	<b>Vol 48, No. 3 - March 20, 2022</b>
<b>Public Hearing:</b>	<b>None</b>
<b>Oversight Report Submittal:</b>	<b>May 23, 2022</b>
<b>Oversight Hearing:</b>	<b>None</b>
<b>Final Rule:</b>	<b>Vol 48, No. 8 - August 20, 2022</b>

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## **RULE**

### **Department of Transportation and Development**

#### **Office of the Secretary**

#### **Transportation Network Companies (LAC 70:IX.Chapter 50)**

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, *et seq.*, and pursuant to the authority set forth in R.S. 48:381.2, that the Department of Transportation and Development, Office of the Secretary has amended the rule for utilities fees and permits. These amendments address the continued need for Louisiana residents to work and attend school virtually due to the effects of COVID-19; thus, necessitating expansion and maximization of broadband capacity and wireless communication in communities that are markedly lacking in these services. In addition to the continued need created by COVID-19, the passage of the Infrastructure Investment and Jobs Act (IIJA) availed funds for future broadband infrastructure. As this infrastructure expands, small cell towers are the necessary last step to bring high speed internet to

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all Louisiana citizens, especially those located in rural areas. There are no estimated implementation costs or savings to state or local governmental units associated with the proposed rule revision. The Department of Transportation and Development already issues permits for use of public rights-of-way to utility operators for the purpose of installation of wireless telecommunications equipment and facilities within highway rights-of-way pursuant to R.S. 48:381.2. The permits contemplated by this rule will be folded into LADOTD's existing processes, using existing staff. Consequently, there will be no adverse impact to the public, businesses, local or state governmental entities. This Rule is hereby adopted on the day of promulgation.

<b>Notice of Intent:</b>	<b>Vol. 48, No. 4 - April 20, 2022</b>
<b>Public Hearing:</b>	<b>None</b>
<b>Oversight Report Submittal:</b>	<b>June 16, 2022</b>
<b>Oversight Hearing:</b>	<b>None</b>
<b>Final Rule:</b>	<b>Vol 48, No. 8 - August 20, 2022</b>