

NOTICE OF INTENT

Department of Transportation and Development Office of Operations

Toll Exemptions—Roads and Bridges (LAC 70:XXXI.101)

Notice is hereby given in accordance with the provisions of the Administrative Procedure Act, R.S. 49:961 et seq., and through the authority granted in Title 17:157 of the Revised Statutes that the Department of Transportation and Development, Office of Operations, Tolling Section, proposes to adopt Part XXXI and Chapter 1 of Title 70 entitled "Toll Exemptions—Roads and Bridges" for the purpose of defining and clarifying exemptions for toll roads and toll bridges.

Title 70 TRANSPORTATION Part XXXI. Tolls

Chapter 1. Toll Exemptions—Roads and Bridges

§101. Students in School Buses

A. All students in a school bus shall have the right of free passage to and from school, during certain hours, over all toll bridges and toll roads leased out or controlled by the state, parish, or municipality. This free passage shall exclude the Greater New Orleans Expressway.

B. Free passage is offered to students in clearly marked school buses and to the school bus and driver.

C. The right of free passage for students in school buses and the bus and driver shall be exercised only by means of automatic vehicular identification toll tags.

D. The free passage provided shall be limited to school buses carrying students to and from school between the hours of 6:00 a.m. and 9:30 a.m., and between 2:30 p.m. and 9:30 p.m.

E. Upon the written request of the appropriate school district and payment of a deposit to open the account, the department or its agents when so designated or authorized by the secretary of the department, shall issue the number of automatic vehicular identification toll tags requested for use in connection with the exemption from tolls.

F. The use of the automatic vehicular identification toll tags provided shall be limited to crossings made by the students in school buses. The appropriate school district shall be responsible for any crossing made using the automatic vehicular identification toll tag outside the scope of the exemption from tolls.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:157.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Operations, LR 49:

Family Impact Statement

Adoption of this proposed Rule should not have any known or foreseeable adverse impact on any family as defined by R.S. 49:972(D) or on family formation, stability, and autonomy. Specifically:

1. The adoption of this proposed Rule will have no known or foreseeable effect on the stability of the family.

2. The adoption of this proposed Rule will have no known or foreseeable effect on the authority and rights of parents regarding the education and supervision of their children.

3. The adoption of this proposed Rule will have no known or foreseeable effect on the functioning of the family.

4. The adoption of this proposed Rule will have no known or foreseeable adverse effect on the family earnings and family budget.

5. The adoption of this proposed Rule will have no known or foreseeable effect on the behavior and personal responsibility of children.

6. The adoption of this proposed Rule will have no known or foreseeable effect on the ability of the family or local government to perform this function.

Poverty Impact Statement

The adoption of this proposed Rule should not have any known or foreseeable adverse impact on child, individual, or family poverty in relation to individual or community asset development as defined by R.S. 49:973. Specifically,

1. The adoption of this proposed Rule will have no known or foreseeable adverse effect on household income, assets, and financial security.

2. The adoption of this proposed Rule will have no known or foreseeable adverse effect on early childhood development and preschool through postsecondary education development.

3. The adoption of this proposed Rule will have no known or foreseeable adverse effect on employment and workforce development.

4. The adoption of this proposed Rule will have no known or foreseeable effect on taxes and tax credits.

5. The adoption of this proposed Rule will have no known or foreseeable effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

The impact of the adoption of this proposed Rule on small businesses, as defined in the Regulatory Flexibility Act, has been considered. The proposed Rule is not expected to have a significant adverse impact on small businesses. The department, consistent with health, safety, environmental, and economic welfare factors, has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of the proposed statutes while minimizing the adverse impact of the Rule on small businesses.

Provider Impact Statement

The adoption of this proposed rule change does not have any known or foreseeable impact on a provider as defined by House Concurrent Resolution No. 170 of the 2014 Regular Session of the Louisiana State Legislature. Specifically:

1. The adoption of this proposed Rule change does not have any known or foreseeable impact on the staffing level requirements or qualifications required to provide the same level of service.

2. The adoption of this proposed Rule change does not have any known or foreseeable impact on the total direct and indirect effect on the cost to a provider to provide the same levels of service.

3. The adoption of this proposed Rule change does not have any known or foreseeable impact on the overall effect on the ability of a provider to provide the same level of service.

Public Comments

All interested persons so desiring shall submit oral or written data, views, comments, or arguments no later than 20 days from the date of publication of this Notice of Intent to Scott Rundell, DOTD Program Director for the Tolling Section, Department of Transportation and Development, P.O. Box 94245, Baton Rouge, LA 70804-9245.

Eric Kalivoda
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Toll Exemptions—Roads and Bridges

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The only estimated costs for implementation are the costs to publish the Notice of Intent and the Rules in the State Register.

The proposed rule change provides for the implementation and enforcement to allow school buses traveling to and from school, during certain hours, to have free passage over all toll bridges and toll roads leased out or controlled by the state, parish, or municipality.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The estimated loss of revenue is indeterminable at this time, as the department is unable to estimate the number of school buses that cross the applicable toll bridges annually.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The owner of the bus or schools, school districts or boards, or third parties that own and/or operate school buses for schools will be affected by the proposed action. These parties would benefit from the rule, as they would not have to pay tolls on roads and bridges when transporting students to and from school within the confines of the legislation/proposed rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no direct material effect on competition and employment as a result of the proposed rule changes.

Eric Kalivoda
Secretary
2304#017

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Seismic Exploration (LAC 76:I.301)

The Wildlife and Fisheries Commission does hereby give notice of its intent to amend the public hearing process and permit authorization for seismic exploration.

The secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of Intent, including but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent and compiling public comments and submissions for the commission's review and consideration. In the absence of any further action by the commission following an

opportunity to consider all public comments regarding the proposed Rule, the secretary is authorized and directed to prepare and transmit a summary report to the legislative oversight committees and file the final Rule.

Title 76

WILDLIFE AND FISHERIES

Part I. Wildlife and Fisheries Commission and Agencies Thereunder

Chapter 3. Special Powers and Duties Subchapter A. Seismic Exploration

§301. Regulations

A. In order to protect, conserve, and replenish the wildlife of the state of Louisiana, including all aquatic life, and pursuant to the authority conferred by Article IX, Section 7 of the Louisiana Constitution of 1974, R.S. 30:212 et seq., and R.S. 36:609; the following rules shall form and after promulgation date, govern any exploration work involving the discharge of explosives and other energy sources in the state of Louisiana for geophysical exploration.

1. The Wildlife and Fisheries Commission, pursuant to its constitutional and statutory authority, hereby designates how geophysical exploration work shall be conducted insofar as it relates to the fish, seafood, aquatic life, oysters, wildlife and water bottoms of the state. No geophysical exploration work shall commence without the approval of the secretary of the department or his designee. The Department of Wildlife and Fisheries is hereby authorized and directed to enforce and administer these regulations with full power and authority to take all appropriate actions to ensure proper administration and compliance.

2. Application(s) for permission to operate shall be made by letter giving the names of the parishes where the geophysical exploration is to be conducted. Written permission to operate shall be valid for a period of one year from date of approval, unless otherwise specified. In order to obtain and maintain permission to operate, an applicant shall furnish the department a surety bond in the amount of no less than \$100,000 per project from a bonding company licensed to do business in the state of Louisiana and to whom A.M. Best and Company has given an "B+/7" or better rating. Bond forms may be obtained from the department. The bond shall be filed by the applicant prior to issuance of any permission to operate. Said bond shall guarantee payment of all inspector fees, all compensation for damage to public lands, and water bottoms (including, without limitation, damages for failure to remove equipment and trash), oysters, fish and other aquatic life, and/or other natural resources, man-made canals, bulkheads, rights-of-way and structures for which said applicant may be legally liable, and which may be suffered by the state of Louisiana. The bond shall also guarantee any and all fees in whole and in part for services rendered by the department and its offices in accordance with regulations of the Department of Wildlife and Fisheries or the Wildlife and Fisheries Commission and all applicable penalties, and any other liabilities to the state of Louisiana incurred by the applicant during the geophysical operations. Applicants must also supply the department with proof of general liability insurance in the amount of \$2,000,000. The policy must be issued by an insurer approved by the department, and specifically cover all damage to land, water bottoms, oysters,