

ACT No. 180

Regular Session, 2003

SENATE BILL NO. 41

BY SENATOR MCPHERSON

AN ACT

To amend and reenact R.S. 48:217(A), relative to roads and highways; to provide for the acquisition of rights-of-way on certain highway projects; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 48:217(A) is hereby amended and reenacted to read as follows:

§217. Acquisition of rights-of-way and servitudes; entry for purpose of surveys, soundings, drillings, and examinations

A.**(1)** The department may by donation, purchase, exchange, lease, or expropriation, without any competitive bidding, acquire any immovable property, public or private, or the use thereof, including servitudes, lands, and improvements on lands necessary for the right of way of any highway included in the state highway system or any appurtenance thereto and for any of the purposes of this Chapter, including whatever property rights are necessary to restore access to property that has been landlocked by highway construction or those property rights which are necessary for the relocation of public utility and railroad facilities to accommodate the construction and maintenance of a state highway and the appurtenances thereto.

R.S. 38:217(A)(2) is all new law.

(2) Upon application by the owner of property which is necessary for the highway right-of-way of a project established and approved under the Transportation Infrastructure Model for Economic Development, as provided for in Part VI of Chapter 7 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, the department shall commence negotiations with the property owner to acquire the property. Negotiations may begin upon verification through the preliminary planning process that the property is required for the right of way. However, no property shall be acquired under the provisions of this Paragraph until the director of real estate has determined that sufficient funds are available.

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PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____