

Office of Community Services	Social Service Counselor I Social Service Counselor II Social Service Counselor Supervisor Social Service Counselor/Adoption Social Service Specialist Intern Social Service Specialist I Social Service Specialist II Social Service Specialist III Social Service Supervisor Client Service Worker
Office of the Secretary/Office of Management and Finance	Licensing Specialist External Auditor Mailroom Courier

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:1001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 25:

**§121. Attachment B—Procedures for Scheduling Drug Testing**

A. On a yearly basis a percentage of all DSS employees in safety-sensitive or security-sensitive positions will be randomly drug-tested. One-twelfth of that number will be scheduled each month.

1. Information services will set up a computerized system which will randomly select a designated number of employees by social security numbers.

2. Each month the appropriate managers will be notified by human resources of the names of employees in their office location randomly selected to be drug-tested. The names of employees to be tested must be kept confidential at all times.

3. Based on each individual employee's schedule, at the earliest possible date within the designated month, the appropriate manager will notify the employee in writing first thing in the morning that they must report to a designated lab for testing. Human resources must be notified if an employee is on extended leave.

4. Each employee must go to the designated lab within 24 hours of being notified.

5. The office human resources personnel will be notified of the results of the tests. All test results must be kept confidential and retained in a locked file cabinet.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:1001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 25:

All interested persons may submit written comments within 30 days to: Paula M. Roddy, Undersecretary, Department of Social Services, P.O. Box 3776, Baton Rouge, LA 70821.

Madlyn B. Bagneris  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Drug Testing of Employees**

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

Implementation of this rule will result in additional costs associated with testing for drug use. The costs are based on testing for 784 new hires per year and 151 (10% per year) of the employees in safety sensitive and security sensitive positions within the department. The testing cost is \$23.50 per test. This covers collecting the samples, conducting the drug test, retesting of positive samples, and reporting the results to the department. There will also be the customary charges for publishing the rule.

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

There is no anticipated effect on revenue collections.

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

The persons affected by this rule will be prospective employees and current employees of the department who test positive for the tested drugs. The impact would be the possible loss of employment opportunity for prospective employees and possible disciplinary actions up to and including termination of current employees.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There is no anticipated impact on competition and employment in the public and private sectors.

Paul M. Roddy  
Undersecretary  
9903#045

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Transportation and Development  
Highways/Engineering**

Fiber Optic Permits  
(LAC 70:III.Chapter 25)

In accordance with the applicable provisions of the Administrative Procedures Act, R.S. 49:950 et seq., notice is hereby given that the Department of Transportation and Development intends to promulgate a rule entitled "DOTD Fiber Optic Permit Rules," in accordance with R.S. 48:381.2.

**Title 70**

**TRANSPORTATION**

**Part III. Highways/Engineering**

**Chapter 25. Fiber Optic Permit Rules**

**§2501. General Permit Conditions and Standards**

A. The rights and privileges granted to applicant shall be non-exclusive and shall not be construed to be any broader

than those expressly set forth in Louisiana law. Any facilities placed on the highway right-of-way shall be placed in accordance with existing laws and the standards of the Department.

B. All facilities, after having been erected, shall at all times be subject to inspection. The Department reserves the right to require such changes, additions, repairs, relocations and removal as may at any time be considered necessary to permit the relocation, reconstruction, widening and maintaining of the highway, to provide proper and safe protection of life and property on or adjacent to the highway, or to insure the safety of traffic on the highway. The cost of making such changes, additions, repairs and relocations shall be borne by the applicant, and all of the cost of the work to be accomplished under the permit shall be borne by the applicant.

C. The proposed facilities, their operation and maintenance shall not unreasonably interfere with the facilities or the operation or maintenance of the facilities of other persons, firms or corporations previously issued permits of use and occupancy. The proposed facilities shall not be dangerous to persons or property using or occupying the highway or using facilities constructed under previously granted permits of use and occupancy. Departmental records of prior permits are available for inspection. It is the duty of the applicant to determine the existence and location of all facilities within the highway right-of-way.

D. Installations within the highway right-of-way shall be established in accordance with applicable provisions contained in the following:

1. AASHTO Guide for Accommodating Utilities within Highway Right of Way;
2. Code of Federal Regulations, 23 CFR 23;
3. National Electrical Safety Code (C2); and
4. 1996 Federal Telecommunications Act.

E. Those facilities not included in the above mentioned documents shall be established in accordance with accepted practice. Where standards of the Department exceed those of the above cited codes, the standards of the Department shall apply. The Department reserves the right to modify its policies, as may be required, if conditions warrant.

F. Data relative to the proposed location, relocation and design of fixtures or appurtenances, as may be required by the Department, shall be furnished to the Department by the applicant free of cost. The applicant shall make any and all changes or additions necessary in order to receive Departmental approval.

G. Cutting and trimming of trees, shrubs, etc., shall be in accordance with the Department's EDSM (Engineering Directives and Standards Manual) IV.2.1.6 and Vegetation Manual, as revised.

H. The applicant must agree to defend, indemnify, and hold harmless the Department and its duly appointed agents and employees from and against any and all claims, suits, liabilities, losses, damages, costs or expenses, including attorneys' fees sustained by reason of the exercise of the permit, whether or not the same may have been caused by the negligence of the Department, its agents or employees, provided, however, the provisions of this last clause (whether

or not the same may have been caused by the negligence of the Department, its agents or employees) shall not apply to any personal injury or property damage caused by the sole negligence of the Department, its agents or employees, unless such sole negligence consists or shall have consisted entirely and only of negligence in the granting of a project permit or project permits.

I. The applicant is the owner of the facility for which a permit is requested, and is responsible for maintenance of the facility. Any permit granted by the Department is granted only insofar as the Department had the power and right to grant the permit. Permits shall not be assigned to another company without the express written consent of the Department.

J. Any permit granted by the Department is subject to revocation at any time.

K. Signing for warning and protection of traffic in instances where workmen, equipment or materials are in close proximity to the roadway surface, shall be in accordance with requirements contained in the Manual on Uniform Traffic Control Devices. No vehicles, equipment and/or materials shall operate from, or be parked, stored or stockpiled on any highway or in an area extending from the outer edge of the shoulder of the highway on one side to the outer edge of the shoulder of the highway on the opposite side, including the median of any divided highway.

L. All provisions and standards contained in the permit relative to the installation of utilities shall apply to future operation, service and maintenance of utilities.

M. Drainage in highway side and cross ditches must be maintained at all times. The entire highway right-of-way affected by work under a permit must be restored to the satisfaction of the Department.

N. Any non-metallic or non-conductive underground facility must be installed with a non-corrosive metallic wire or tape placed directly over and on the center of the facility for its entire length within highway right-of-way. Wire or tape must be connected to all facilities.

O. Prior to performing any excavations, the applicant is required to call Louisiana One-Call. If installing any underground facilities such as cable or conduits, the applicant must be a member of Louisiana One-Call.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381.2.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Highways/Engineering, LR 25:

### **§2503. Specific Standards for Installation of Fiber-Optic Cable**

A. All materials and workmanship shall conform to the requirements of the applicable industry code and to Department specifications.

B. All safety precautions for the protection of the traveling public must be observed. Undue delay to traffic will not be tolerated.

C. All excavations within the limits of the right-of-way shall be backfilled and tamped in six inch layers to the density of the adjacent undisturbed soil. Where sod is removed or destroyed, it shall be replaced within one week of the original disturbance. Where existing spoil material is, at the discretion of the Department, unsuitable for backfill, select material shall

be furnished in lieu thereof, and the existing material shall be disposed of by approved methods.

D. Any clearing and grubbing which may be required by the applicant shall be represented by a plan covering any such actions. Such plans shall also be submitted for erosion control measures which may be required to vegetate the area under such clearing and grubbing. The applicant is authorized to retain all cleared timber. The applicant shall follow up with an erosion control, seeding plan approved by the Department.

E. Access to the permitted installation shall be made in the following order of priority:

1. first from the land side;
2. second from the interchange (longitudinally); and
3. third from the highway.

F. Each occasion of access shall be pre-approved by the appropriate DOTD District Permit Office.

G. Repairs beneath the roadway shall not be allowed if such repairs necessitate open cutting (open trenches) the highway. If a problem occurs with a line crossing, the utility company must install a new crossing. The utility company must bear the total cost.

H. The DOTD District Permit Office shall be contacted and notified and shall give Departmental approval whenever the installation must be accessed, including access for routine maintenance. For routine maintenance, three (3) days' notice shall be given. In emergency situations, as much notice as possible must be given.

I. Repeater boxes shall be placed outside of the right-of-way, unless otherwise approved by the Department.

J. Parallel installations shall be located on a uniform alignment to the right-of-way line and within six (6) inches of the approved alignment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381.2.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Highways/Engineering, LR 25:

#### **§2505. Cables Installed Parallel to the Highway**

A. In addition to the requirements enumerated above, the following requirements shall apply to cables installed parallel to the highway:

1. Installations shall occupy available space within the back ten (10) feet of the right-of-way (located on the side most distant from the traveled roadway, except where, upon showing of actual necessity, a permit is issued for another location);
2. Installations shall have a minimum earth cover of thirty-six (36) inches;
3. Installations shall have a minimum clearance of twenty-four (24) inches below existing or proposed drainage structures, unless otherwise approved by the Department.
4. There shall be no installation of cable within the median.

B. In general, installation of cable shall be as close to the right-of-way line as possible. The order of preferred locations for installing cable shall be:

1. between the control-of-access and the right-of-way;
2. between control-of-access right-of-way and shoulder if environmental conditions allow;
3. on longitudinal elevated structure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381.2.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Highways/Engineering, LR 25:

#### **§2507. Cables Crossing the Highway**

A. Crossings shall have at least five (5) feet of cover below the roadway and twenty-four (24) inches of cover below ditches or drainage structures.

B. Crossings shall be made at as nearly right angles to the highway as possible. No existing drainage structure under the highway may be used for this purpose.

C. Construction methods used shall be in accordance with the following requirements:

1. Cutting the surface or tunneling under it is specifically prohibited.

2. Installation shall be made either by boring or jacking under the highway from ditch bottom to ditch bottom. In the absence of ditches, or along sections of highway with curb or gutter, boring or jacking shall extend beyond the outside edge of the traveled way to a point at least equal to three (3) times the vertical difference between the elevation of the roadway surfacing and the elevation of the top of the cable. Where width of right-of-way is insufficient to enable compliance with this requirement or where it is necessary to make a connection to an existing parallel facility which precludes compliance, the distance shall be computed to the right-of-way line or to the parallel facility. Any voids or overbreaks resulting from this task shall be backfilled with grout consisting of a cement mortar or a slurry of fine sand or clay, as conditions require. Excavating an open ditch to the edge of the pavement and boring and jacking the remainder of the distance is prohibited. Jacking and boring shall be done in accordance with Section 728 of the Louisiana Standard Specifications for Roads and Bridges, latest edition.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381.2.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Highways/Engineering, LR 25:

#### **§2509. Fees**

A. A flat fee of \$140,000.00 per mile shall apply to fiber optic telecommunications installations placed within state controlled access highway rights-of-way.

B. The Department may reduce fees in exchange for shared resources.

C. The Department may reduce fees for its agents, i.e. those applicants who erect facilities on behalf of the Department in order to conduct Departmental work.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381.2.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Highways/Engineering, LR 25:

All interested persons so desiring shall submit oral or written data, views, comments, or arguments no later than 30 days from the date of publication of this notice of intent to John Collins, Headquarters Utilities Permits Engineer, P. O. Box 94245, Baton Rouge, Louisiana 70804-9245, phone (504) 379-1509.

Kam K. Movassaghi, Ph.D., P.E.  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Fiber Optic Permit Rules**

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

There will be no implementation costs for the Louisiana Department of Transportation and Development or for local governmental units. The Louisiana Department of Transportation and Development has administered a program supervising the installation of utilities in highway rights-of-way (other than control of access) for many decades and this rule does not significantly change the process.

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

It is anticipated, based upon current interest in installation of fiber optic cable in state rights-of-way not previously utilized (control of access), that the Louisiana Department of Transportation and Development will receive a one-time flat fee of \$140,000.00 per cable per mile. It is estimated that approximately ten miles per year will be utilized for an indefinite number of years, totaling revenues of \$1,400,000.00 annually beginning in the Fiscal Year 1999-2000. Funds collected from fees shall be deposited in the Right-of-Way Permit Processing Fund to defray the expenses of the Right-of-Way Permit Office.

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

The telecommunications industry, which will install and utilize the fiber optic cable being laid within the highway rights-of-way, will pay the State a flat fee of \$140,000.00 per cable per mile, as needed. Those companies will benefit from the availability of this right-of-way because they will not be forced to seek contiguous parcels from private landowners for various prices. It is assumed that their businesses will benefit financially because of the expansion of services to their customers. It is also assumed that their customers will bear all or some of the cost.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

Competition and employment among the telecommunications companies should increase because this expanded opportunity for use of highway right-of-way should enhance their business opportunities. (This opportunity is being made available on a non-exclusive basis.)

Kam K. Movassaghi, Ph.D., P.E.  
Secretary  
9903#041

Robert E. Hosse  
Director  
General Government Section  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Transportation and Development  
Office of the General Counsel**

**Specific Services (LOGO) Signing  
(LAC 70:I.105 and 107)**

In accordance with the applicable provisions of the Administrative Procedures Act, L.R.S. 49:950, et. seq., notice is hereby given that the Louisiana Department of Transportation and Development intends to promulgate a rule

which amends Subchapter A of Chapter 1 of Title 70 entitled "Outdoor Advertisement". This rule deals specifically with "Specific Services (LOGO) Signing". It is promulgated in accordance with the provisions of R.S. 48:461.

**Title 70**

**TRANSPORTATION**

**Part I. Office of the General Counsel**

**Chapter 1. Outdoor Advertisement**

**Subchapter A. Outdoor Advertising Signs**

**§105. Location**

A. - F. ...

G. Number of Signs Permitted. There shall be no more than one specific information sign for each type of service along an approach to an interchange or intersection. There shall be no more than nine business signs displayed on a specific information sign.

H. - I.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:461.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of the General Counsel, LR 11:782 (August 1985), amended LR 18:785 (July 1992), LR 19:352 (March 1993), LR 22:224 (March 1996), LR 25:

**§107. Criteria for Specific Information Permitted**

A. - C.4. ...

D. Specific Criteria for "FOOD"

1. Indoor seating for at least 16 persons.
2. Clean modern restroom facilities for each sex.
3. Year-round operation at least six (6) days per week and operating at least 12 continuous hours per day.

E. Specific Criteria for "LODGING"

1. Adequate sleeping accommodations consisting of a minimum of 20 units with private baths.
2. Off-street vehicle parking spaces for each lodging room for rent.
3. Year-round operation.
4. Bed and Breakfast facilities may be placed on the "Lodging" services sign provided that they meet the following criteria:

- a. adequate off-street vehicle parking;
- b. year-round operation at least five (5) continuous days per week;
- c. adequate sleeping accommodations consisting of a minimum of three (3) units with private baths;
- d. complementary breakfast provided and included in the rate of the room;
- e. member of the Louisiana Bed and Breakfast Association or in compliance with additional specific criteria established by the Department of Transportation and Development in lieu thereof.

F. ...

G. Specific Criteria for "ATTRACTIONS"

1. Fall under one of the following categories:
  - a. Arena/Stadium;\*
  - b. Cultural Center;\*
  - c. Historical Society;\*
  - d. Historic District;
  - e. Historic Structure/Museum;\*
  - f. Industrial Facility;\*
  - g. Museum/Art Gallery;