

**THE TRAFFIC ORDINANCE  
OF THE BOARD OF COMMISSIONERS  
OF THE PORT OF NEW ORLEANS**

**(A Political Subdivision of the State of Louisiana)**

**AN ORDINANCE REGULATING THE USE OF CARTS, DRAYS, WAGONS, AUTOMOBILES, TRUCKS, INCLUDING LIFT TRUCKS, MOTORCYCLES, TRACTORS, MOTOR VEHICLES, BICYCLES OR OTHER VEHICLES AND PEDESTRIANS ON THE WHARVES, ROADWAYS, OR ANY OTHER PROPERTY UNDER THE JURISDICTION, ADMINISTRATION AND CONTROL OF THE BOARD OF COMMISSIONERS OF THE PORT OF NEW ORLEANS, INCLUDING FRANCE ROAD, JOURDAN ROAD, THE CLARENCE HENRY TRUCKWAY, COFFEE DRIVE, COFFEE CIRCLE, WAREHOUSE ROAD, PORT OF NEW ORLEANS PLACE, PROHIBITING SPEEDING AND OTHER ACTIVITIES, PROVIDING EXCEPTIONS THERETO, PROVIDING PENALTIES FOR THE VIOLATIONS OF ITS PROVISIONS AND ESTABLISHING AN ADMINISTRATIVE ADJUDICATION PROCEDURE.**

Section 1. There is hereby created and established an ordinance regulating the use of carts, drays, wagons, automobiles, trucks, including lift trucks, tractors, motorcycles, motor vehicles, bicycles or other vehicles (hereafter referred to collectively as motor vehicles) and pedestrians on the wharves, roadways, or any other property under the jurisdiction, administration and control of the Board of Commissioners of the Port of New Orleans, including France Road, Jourdan Road, the Clarence Henry Truckway, Coffee Drive, Coffee Circle, Warehouse Road, and Port of New Orleans Place, prohibiting speeding and other activities, providing exceptions thereto, and providing penalties for the violations of its provisions and establishing an administrative adjudication procedure. This ordinance shall be known as the Board's Traffic Ordinance and hereinafter referred to as the Ordinance.

Section 2. All traffic shall move in both directions over the wharves, roadways, and wharf aprons under the jurisdiction, administration, and control of the Board except at Coffee Circle, which shall be a one-way street as posted. All commercial trucks and vehicles, including taxicabs, desiring to enter Port of New Orleans Place for destinations from Poydras Street to Henderson Street shall enter at Henderson Street, and all commercial trucks and vehicles, except taxicabs, shall exit at Julia or Henderson Street. Ambulances, New Orleans Fire Department vehicles and apparatus, State of Louisiana, City of New Orleans, or Harbor Police

vehicles, when operated as such during emergencies, shall be exempt from the provisions of this Section.

Section 3. (A) It shall be unlawful for anyone to walk, run, or jog, or to ride or walk bicycles on or along the roadway portion and the median of the St. Claude Avenue Bridge or its approaches, except in the designated pedestrian sidewalk or walkway. Bicycles using the designated pedestrian sidewalk or walkway shall be walked and not ridden.

(B) It shall be unlawful for anyone to walk, run or jog, or to ride or walk a bicycle on or along the roadway portion of the Florida Avenue and Almonaster Avenue Bridges or their approaches, except in the designated pedestrian sidewalk or walkway. Bicycles using the designated pedestrian sidewalk or walkway shall be walked and not ridden.

Section 4. (A) It shall be unlawful for the owner or driver of any motor vehicle using the cityside roadways outside the wharf sheds to operate such motor vehicles at a speed in excess of fifteen (15) miles per hour; or to operate such motor vehicles while using the inside wharf shed at a speed in excess of ten (10) miles per hour; or to operate any such motor vehicle along Port of New Orleans Place from Julia Street to Calliope Street (extended) at a speed in excess of ten (10) miles per hour; or to operate any such motor vehicle along Port of New Orleans Place from Poydras Street to Julia Street in excess of fifteen(15) miles per hour; or to operate any such motor vehicle along Coffee Drive, Coffee Circle, or Warehouse Road at a speed in excess of fifteen (15) miles per hour; or to operate any motor vehicle over France Road between Florida Avenue and Hayne Boulevard in excess of thirty-five (35) miles per hour; or to operate any motor vehicle over any part of Jourdan Road in excess of thirty-five (35) miles per hour. For all other roads, it shall be unlawful to drive or operate a motor vehicle in excess of the posted speed limit.

(B) The Clarence Henry Truckway (Truckway) shall be used only by the Board and its tenants and their employees, agents, representatives, servants, contractors, and invitees. Furthermore, it shall be unlawful for the owner or driver of any motor vehicle using the Truckway to operate such motor vehicle at a speed in excess of thirty-five (35) miles per hour on the Truckway from Nashville Avenue to a point 105 feet upstream of the upstream Jackson Avenue (extended) right of way and in excess of fifteen (15) miles per hour from a point 105 feet upstream of the Jackson Avenue (extended) right of way to Felicity Street.

(C) It shall be unlawful for any unauthorized pedestrian, jogger or bicyclist to use the Truckway.

Section 5. All vehicles shall come to a complete stop at any point where a stop sign is posted.

Section 6. The operators of all motor vehicles shall have their driver's or chauffeur's license, registration of the motor vehicle and proof of liability insurance in their immediate possession at all times and shall display it on demand of any member of the Harbor Police Department, except that where the licensee has previously deposited his license with an arresting officer or a court of competent jurisdiction and has received a receipt therefor, the licensee shall display the receipt on demand of any member of the Harbor Police Department.

Section 7. (A) For violations of Sections 4 (A) and/or (B) of this Ordinance, the fines shall be as set out below:

**SPEEDING VIOLATIONS**

	1st Violation	2nd Violation	3rd Violation
1-9 miles per hour over limit	\$ 45.00	\$ 60.00	\$ 75.00
10-14 miles per hour over limit	\$ 75.00	\$105.00	\$ 135.00
15-20 miles per hour over limit	\$150.00	\$ 180.00	\$ 210.00

Citations for speeding more than twenty (20) miles per hour over the speed limit must be adjudicated in court as provided for in La. R.S. 34:25, and the fine shall not exceed five hundred dollars (\$500) and/or one hundred eighty (180) days in jail in addition to any costs imposed by the court. No fine and any penalties for non-payment or costs may exceed five hundred dollars (\$500) in total under any circumstance.

(B) For violations of Section 4(C) of this Ordinance, there shall be a \$50.00 fine for the first violation; a \$150.00 fine for the second violation of the same provision; and a \$300.00 fine for each subsequent violation of the same provision.

Section 8. Persons desiring to pay the fines for violation of this Ordinance shall within seven (7) days from the date of violation appear at the headquarters of the Harbor Police Department, #1 Third Street, New Orleans, Louisiana, or pay by U.S. mail as provided on the citation, and remit the fines to:

Records Division

Harbor Police Department,  
#1 Third Street  
New Orleans, Louisiana 70130

Such mailed payment may be made only by money order or check made payable to the Board of Commissioners of the Port of New Orleans. There shall be a \$25.00 charge for NSF checks. Payment of the civil fine established herein and any other penalties or costs assessed shall operate as a final disposition of the case.

#### Section 10. Establishment of Administrative Hearing Procedure

There is hereby created and established an administrative hearing procedure pursuant to Louisiana R.S.13:2571.1 to adjudicate appeals from all citations for speeding violations of this Ordinance.

#### Section 11. Traffic Adjudication Hearing Officer

(A) The Board, acting through its President and Chief Executive Officer, shall contract for the services of a traffic adjudication hearing officer (hereinafter referred to as the hearing officer) who shall preside at the hearings for the adjudication of speeding violations of this Ordinance.

(B) The hearing officer shall be a resident of the State of Louisiana and shall be a duly licensed attorney who has been admitted to the practice of law in the state for a period of at least five (5) years immediately prior to his selection and maintain a notarial commission.

(C) Individuals who wish to be considered for the position of hearing officer shall submit a resume to the Board of Commissioners of the Port of New Orleans. The Board shall establish deadlines for the submission of applications. The Board's attorneys shall screen all applicants. A list of those qualified applicants shall be sent to the Board's President and Chief Executive Officer for final selection.

(D) The hearing officer shall serve for a term of one year. Selection to serve in a given year does not preclude an applicant from being selected to serve in a future year or years.

(E) The hearing officer shall not be an employee of the Board.

(F) The hearing officer shall be compensated at an amount to be determined by the Board acting through its President and Chief Executive Officer.

## Section 12. Hearing Officer's Duties

The hearing officer shall have the following functions, powers and duties:

- (A) To administer oaths and affirmations;
- (B) To accept admissions to and to hear and determine contests of violations of this Ordinance;
- (C) To issue orders compelling the attendance of witnesses and the production of documents;
- (D) To adjudicate all speeding violations for which a citation has been issued under this Ordinance;
- (E) On request, to have complete and accurate transcripts of all hearings prepared and to furnish such transcripts to the violator at such violator's expense;
- (F) To answer within a reasonable period of time all relevant and reasonable inquiries made by a person charged with a speeding violation or his attorney concerning the notice of violation served on that person; also to furnish at the scheduled administrative hearing to the person charged, on his request, a copy of the original notice of violation including all information contained thereon. Providing a copy of the original notice of violation to the person charged shall be the Board's only obligation under this Subsection. Failure by the Board to comply with the provisions of this Subsection or any part of the provisions of this Subsection, within forty-five (45) days of such inquiry, forwarded to the Board by certified or registered mail, return receipt requested, shall result, on the request of the person charged, in an automatic dismissal of all charges relating to and only to that notice of violation to which the inquiry was made. The aforementioned inquiries shall be mailed by certified or registered mail, return receipt requested, to the following address:

Records Division  
Harbor Police Headquarters  
#1 Third Street  
New Orleans, LA 70130

Section 13. Speeding adjudication hearings shall be held every six months or at the discretion of the Board's President and Chief Executive Officer.

Section 14. Civil Nature of Speeding Violations

The civil regulation of speeding shall be governed by this Ordinance. Any speeding violation prohibited by Section 4 (A) or (B) in this Ordinance shall be a civil violation only, and no criminal penalty shall be imposed for its commission. Nothing contained in this Ordinance shall be construed to repeal, restrict or amend any other section of the Board's ordinances, which other ordinances shall continue to remain and remain in full force and effect as if this Ordinance had not been adopted.

#### Section 15. Speeding Citation Form

The speeding citation shall be the notice of violation for purposes of this Ordinance.

(A) The speeding citation shall contain information concerning the nature, date, time, and location of the alleged violation, the state motor vehicle license plate number, and make of the motor vehicle. In those cases where a license plate is not visible and/or legible, either the motor vehicle identification number or the brake inspection tag number shall serve in lieu of the state motor vehicle license plate number. In the case of livery motor vehicles, the certificate of public necessity and convenience number (CPNC) shall be in lieu of the state motor vehicle license plate number. The speeding citation shall also contain information advising the person charged of the manner in which and the time and place where he may contest the violation charged in the notice. The speeding citation shall also provide that the person charged need not be physically present at the hearing if documentary evidence is submitted to the hearing officer prior to the date of the hearing. The documentary evidence must be submitted by the person charged with the violation or his agent. Such evidence will be submitted to:

Records Division  
Harbor Police Department  
#1 Third Street  
New Orleans, LA 70130

(B) The original summons, citation, ticket or any machine or true copy thereof is a record kept in the ordinary course of business of the Board and shall be *prima facie* proof of the facts contained therein.

#### Section 16. Service of Speeding Citations

(A) A speeding citation shall be served personally on the operator of a motor vehicle. The original speeding citation shall be signed by the issuing officer who shall affirm the truth of the facts set forth therein.

(B) The original and all copies of a speeding citation shall constitute a business record of the Board and shall constitute *prima facie* evidence that the speeding citation was issued.

#### Section 17. Disposition of Speeding Citations

(A) The original speeding citation shall be signed by the issuing officer and shall be processed by the Board's Harbor Police Department Records Division.

(B) The Board's Harbor Police Department Records Division shall be responsible for monitoring, tracking, and storage of all Board speeding citations, payments, notices, and results of administrative hearings.

#### Section 18. Answering Speeding Citation

(A) A person to whom a speeding citation has been issued under this Section may answer to the same in the manner and within the delays indicated on the citation. An answer may take the form of:

(1) Admission of the violation with payment of the scheduled civil fine;

(2) A written denial of liability and promise to appear at an adjudicatory hearing; or

(3) A written admission of liability with explanation and promise to appear at an adjudicatory hearing.

(4) Submission of documentation as required under Section 15(A) above.

(B) Payment of the civil fine may be made by mailing the citation accompanied by a payment of the fine provided therein. Such mailed payment may be made only by money order or check made payable to the Board of Commissioners of the Port of New Orleans. There shall be a \$25.00 charge for NSF checks. Payments may also be made in person at the Board's Harbor Police Records Division during normal working hours. Payment of the civil fine established herein shall operate as a final disposition of the case.

#### Section 19. Failure to Answer Speeding Citation; Additional Delinquent Penalties

If the speeding citation is not paid or if a hearing is not requested within thirty (30) days of the date that the citation is issued, then the fine shall be doubled. If the speeding citation is not paid or if a hearing is not requested within sixty (60) days of the date that the citation is issued, then the fine shall increase by an additional one hundred (\$100) dollars.

#### Section 20. Notice of Hearing

The speeding citation shall provide information as to the time and place of a hearing and shall contain a warning to advise the person that failure to appear on the date designated or on any subsequent date to which the hearing is continued shall be deemed an admission of liability.

#### Section 21. Hearings for Disposition of Speeding Citations.

(A) Every hearing for the adjudication of a charge of speeding violation under the authority of this Ordinance shall be held before a hearing officer.

(B) The Board shall have the burden of proving the violation by a preponderance of evidence.

(C) The officer or other duly authorized person who issued the speeding citation may appear at the hearing.

(D) The hearing officer may grant one postponement if the officer or duly authorized person is not available at the time of the hearing.

(E) If an emergency prevents the person charged with the violation from being present at the scheduled hearing, the hearing officer may in his discretion grant one postponement to the person charged with the violation. It is the responsibility of the person charged with the violation to notify the hearing officer of the circumstances of the emergency. Such notification shall be made by calling the hearing officer at Harbor Police Headquarters on the day of the scheduled hearing before the hearing officer begins the hearings scheduled for that day.

(F) Any administrative adjudication hearing held under this Ordinance shall be conducted in accordance with the rules of evidence of the Administrative Procedures Act. Testimony by any person shall be taken under oath or by affirmation. The person charged with the Ordinance violation may present any relevant evidence and testimony at such hearing.

(G) The hearing officer shall issue an order stating whether or not the person charged is responsible for violation of this Ordinance and the amount of any fine, costs or fees assessed against him, which order may be filed with the Board. Any such order filed with the Board may be enforced by any applicable civil remedy.

(H) Any order or decision of the hearing officer filed under this Ordinance with the Board shall be maintained in a separate index and file. These orders may be recorded utilizing computer printouts, microfilm, microfiche, or other similar data processing techniques.

#### Section 22. Hearing Cost



An individual who requests a hearing and who is then found responsible for a violation of this Ordinance shall be assessed a cost of one-hundred-fifty (\$150) dollars.

#### Section 23. Appeal

Any person determined by the hearing officer to be in violation of Section 4 (A) or (B) of this Ordinance may appeal this determination to the applicable court in accordance with La. R.S.13:2571.1. Service of notice of appeal under this section shall not stay the enforcement and collection of the judgment unless the person who files the appeal posts a cash bond for the full amount of the fine and costs prior to filing notice of appeal with the Board's Harbor Police Records Division. Cash bonds must be made in person at the Board's Harbor Police Records Division during normal working hours.

#### Section 24. Acceptance of Pleas and Fines

In cases of speeding violations, the Board's Harbor Police Records Division shall have the authority to accept the written plea of guilty to the offense charged and issue receipts for the fine paid by the offender.

Section 25. If any clause, sentence, section, or part of this Ordinance should for any reason be declared illegal or unconstitutional, such declaration shall not affect the validity of any other section or part of this Ordinance, which shall remain in full force and effect.

Section 26. This Ordinance shall take effect and be enforceable at and after midnight on September 1, 2015.

Section 27. All ordinances or parts of ordinances in conflict or inconsistent herewith are hereby repealed, except as to any prosecutions pending thereunder, as to which prosecutions, until concluded, such former ordinance shall remain in full force and effect.