

SENATE BILL No. 14

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-15.7.

Synopsis: Public-private agreements for railroads. Adds passenger and freight railroad systems to the definition of "project" for purposes of public-private agreements by the department of transportation (INDOT). Provides that INDOT may issue a request for proposals and enter into a public-private agreement for a railroad project without legislative approval.

Effective: July 1, 2007.

Jackman

January 8, 2007, read first time and referred to Committee on Commerce, Public Policy & Interstate Cooperation.

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First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

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SENATE BILL No. 14



A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 8-15.7-1-5, AS ADDED BY P.L.47-2006,
2 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2007]: Sec. 5. (a) This article contains full and complete
4 authority for agreements and leases with private entities to carry out the
5 activities described in this article. Except as provided in this article, no
6 procedure, proceeding, publication, notice, consent, approval, order, or
7 act by the authority, the department, or any other state or local agency
8 or official is required to enter into an agreement or lease, and no law to
9 the contrary affects, limits, or diminishes the authority for agreements
10 and leases with private entities, except as provided by this article.

11 (b) Notwithstanding any other law, the department, the authority, or
12 an operator may not carry out any of the following activities under this
13 article unless the general assembly enacts a statute authorizing that
14 activity:

15 (1) Issuing a request for proposals for, or entering into, a
16 public-private agreement concerning a project other than:

17 (A) Interstate Highway 69 between Interstate Highway 465



1 and Interstate Highway 64; or
 2 **(B) a passenger or freight railroad system described in**
 3 **IC 8-15.7-2-14.**
 4 (2) Carrying out construction for Interstate Highway 69 in a
 5 township having a population of more than seventy-five thousand
 6 (75,000) and less than ninety-three thousand five hundred
 7 (93,500).
 8 (3) Imposing user fees on motor vehicles for use of the part of an
 9 interstate highway that connects a consolidated city and a city
 10 having a population of more than eleven thousand five hundred
 11 (11,500) but less than eleven thousand seven hundred forty
 12 (11,740).
 13 SECTION 2. IC 8-15.7-2-14, AS ADDED BY P.L.47-2006,
 14 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2007]: Sec. 14. Subject to IC 8-15.7-1-5, "project" means all
 16 or part of the following:
 17 (1) A limited access facility (as defined in IC 8-23-1-28).
 18 (2) A tollway.
 19 (3) Roads and bridges.
 20 **(4) Passenger and freight railroad systems, including:**
 21 **(A) the costs of environmental impact studies;**
 22 **(B) property, equipment, and appurtenances necessary to**
 23 **operate a railroad, including lines, routes, roads,**
 24 **rights-of-way, easements, licenses, permits, track**
 25 **upgrades, rail grade crossings, locomotives, passenger**
 26 **cars, freight cars, and other railroad cars of any type or**
 27 **class; and**
 28 **(C) other costs the department determines are necessary to**
 29 **develop a passenger or freight railroad system in Indiana.**
 30 ~~(4)~~ **(5) All or part of a bridge, tunnel, overpass, underpass,**
 31 **interchange, structure, ramp, access road, service road, entrance**
 32 **plaza, approach, tollhouse, utility corridor, toll gantry, rest stop,**
 33 **service area, or administration, storage, or other building or**
 34 **facility, including temporary facilities and buildings or facilities**
 35 **and structures that will not be tolled, that the department**
 36 **determines is appurtenant, necessary, or desirable for the**
 37 **development, financing, or operation of the facilities described in**
 38 **subdivisions (1) ~~(2)~~, and ~~(3)~~. through (4).**
 39 ~~(5)~~ **(6) An improvement, betterment, enlargement, extension, or**
 40 **reconstruction of all or part of any of the facilities described in**
 41 **this section, including a nontolled part, that is separately**
 42 **designated by name or number.**

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