

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 473 be amended to read as follows:

- 1 Page 4, between lines 30 and 31, begin a new paragraph and insert:
2 "SECTION 4. IC 8-15.5-5-2, AS AMENDED BY P.L.85-2010,
3 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2011]: Sec. 2. A public-private agreement entered into under
5 this article must provide for the following:
6 (1) The original term of the public-private agreement, which may
7 not exceed seventy-five (75) years.
8 (2) Provisions for a:
9 (A) lease, franchise, or license of the toll road project and the
10 real property owned by the authority upon which the toll road
11 project is located or is to be located; or
12 (B) management agreement or other contract to operate the toll
13 road project and the real property owned by the authority upon
14 which the toll road project is located or is to be located;
15 for a predetermined period. The public-private agreement must
16 provide for ownership of all improvements and real property by
17 the authority in the name of the state.
18 (3) Monitoring of the operator's maintenance practices by the
19 authority and the taking of actions by the authority that it
20 considers appropriate to ensure that the toll road project is
21 properly maintained.
22 (4) The basis upon which user fees that may be collected by the
23 operator, as determined under this article, are established.
24 (5) Compliance with applicable state and federal laws and local

- 1 ordinances.
- 2 (6) Grounds for termination of the public-private agreement by
- 3 the authority or the operator.
- 4 (7) The date of termination of the operator's authority and duties
- 5 under this article.
- 6 (8) Procedures for amendment of the agreement.
- 7 (9) Provisions requiring the completion of all environmental
- 8 analyses of the toll road project required by state and federal law
- 9 in the manner and at the times required by the appropriate state
- 10 and federal agencies.
- 11 (10) An expedited method for resolving disputes between or
- 12 among the authority, the parties to the public-private agreement,
- 13 and units of local government that contain any part of the toll road
- 14 project, as required by IC 8-15.5-10-8.
- 15 **(11) For a public-private agreement entered into after June**
- 16 **30, 2011, a statement that the agreement does not limit the**
- 17 **ability of the authority, the state, or any unit of local**
- 18 **government to develop, maintain, operate, or lease any other**
- 19 **transportation project. However, the agreement may provide**
- 20 **for reasonable compensation to the operator for adverse**
- 21 **effects on revenues due to the development or leasing of**
- 22 **another transportation project, except:**
- 23 **(A) projects that are identified in regional transportation**
- 24 **plans;**
- 25 **(B) projects that relate to safety;**
- 26 **(C) improvements that result in incidental capacity**
- 27 **increases;**
- 28 **(D) newly created or converted high-occupancy vehicle**
- 29 **lanes;**
- 30 **(E) projects more than five (5) miles from the operator's**
- 31 **project; and**
- 32 **(F) existing non-tolled lanes that are converted to**
- 33 **high-occupancy toll lanes."**
- 34 Page 13, between lines 7 and 8, begin a new paragraph and insert:
- 35 "SECTION 12. IC 8-15.7-5-1.5, AS ADDED BY P.L.85-2010,
- 36 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 37 JULY 1, 2011]: Sec. 1.5. In addition to the other requirements of this
- 38 article, a public-private agreement entered into under this article must
- 39 include the following:
- 40 (1) A requirement for the completion of all environmental
- 41 analyses of the project required by state and federal law in the
- 42 manner and at the times required by the appropriate state and
- 43 federal agencies.
- 44 (2) A requirement for ownership by the department in the name
- 45 of the state of Indiana of:
- 46 (A) all the real property on which the project is located; and

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- (B) all of the improvements on that real property.
- (3) An expedited method for resolving disputes between or among the department, the parties to the public-private agreement, and affected jurisdictions, as required by IC 8-15.7-12-2.
- (4) For a public-private agreement entered into after June 30, 2011, a statement that the agreement does not limit the ability of the department, the state, or any unit of local government to develop, maintain, operate, or lease any other transportation project. However, the agreement may provide for reasonable compensation to the operator for adverse effects on revenues due to the development or leasing of another transportation project, except:**
 - (A) projects that are identified in regional transportation plans;**
 - (B) projects that relate to safety;**
 - (C) improvements that result in incidental capacity increases;**
 - (D) newly created or converted high-occupancy vehicle lanes;**
 - (E) projects more than five (5) miles from the operator's project; and**
 - (F) existing non-tolled lanes that are converted to high-occupancy toll lanes."**

Renumber all SECTIONS consecutively.
 (Reference is to ESB 473 as printed April 8, 2011.)

Representative Austin