

IC 8-3-22

Chapter 22. Midwest Interstate Passenger Rail Compact

IC 8-3-22-1

Purposes

Sec. 1. The purposes of this compact are, through joint or cooperative action, to:

- (1) promote development and implementation of improvements to intercity passenger rail service in the Midwest;
- (2) coordinate interaction among Midwestern state elected officials and their designees on passenger rail issues;
- (3) promote development and implementation of long range plans for high speed rail passenger service in the Midwest and among other regions of the United States;
- (4) work with the public and private sectors at the federal, state, and local levels to ensure coordination among the various entities having an interest in passenger rail service and to promote Midwestern interests regarding passenger rail service; and
- (5) support efforts of transportation agencies involved in developing and implementing passenger rail service in the Midwest.

As added by P.L.131-2000, SEC.1.

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"Commission" defined

Sec. 2. As used in this chapter, "commission" means the Midwest interstate passenger rail compact commission established in section 3 of this chapter.

As added by P.L.131-2000, SEC.1.

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Creation and members of commission

Sec. 3. (a) The Midwest interstate passenger rail compact commission is created to carry out the duties specified in this compact.

(b) The manner of appointment of commission members, terms of office consistent with the terms of this compact, provisions for removal and suspension, and manner of appointment to fill vacancies shall be determined by each party state under its laws, but each member of the commission must be a resident of the state of appointment.

(c) Commission members serve without compensation from the commission.

(d) The commission consists of four (4) resident members of each state as follows:

- (1) The governor, or the governor's designee, who serves during the tenure of office of the governor, or until a successor is named.
- (2) One (1) member of the private sector appointed by the

governor to serve during the tenure of office of the governor, or until a successor is named.

(3) Two (2) legislators from different political parties, one (1) from each legislative chamber (or two (2) legislators from any unicameral legislature), who serve two (2) year terms, or until successors are appointed, and who are appointed by the appropriate appointing authority in each legislative chamber.

All vacancies must be filled according to the laws of the appointing states. A commission member appointed to fill a vacancy serves until the end of the incomplete term.

(e) Each member state has equal voting privileges, as determined by the commission bylaws.

As added by P.L.131-2000, SEC.1.

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Powers and duties of commission

Sec. 4. (a) The duties of the commission are to:

- (1) advocate for the funding and authorization necessary to make passenger rail improvements a reality for the region;
- (2) identify and seek to develop ways that states can form partnerships, including those with rail industry and labor, to implement improved passenger rail service in the region;
- (3) seek development of a long term, interstate plan for high speed rail passenger service implementation;
- (4) cooperate with other agencies, regions, and entities to ensure that the Midwest is adequately represented and integrated into national plans for passenger rail development;
- (5) adopt bylaws governing the activities and procedures of the commission and addressing, among other subjects:
 - (A) the powers and duties of officers; and
 - (B) the voting rights of commission members, voting procedures, commission business, and any other purposes necessary to fulfill the duties of the commission;
- (6) expend funds as required to carry out the powers and duties of the commission; and
- (7) report on the activities of the commission to the legislatures and governors of the member states on an annual basis.

(b) In addition to its exercise of these duties, the commission may:

- (1) provide multistate advocacy necessary to implement passenger rail systems or plans, as approved by the commission;
- (2) work with local elected officials, economic development planning organizations, and similar entities to raise the visibility of passenger rail service benefits and needs;
- (3) educate other state officials, federal agencies, other elected officials, and the public on the advantages of passenger rail as an integral part of an intermodal transportation system in the region;
- (4) work with federal agency officials and members of Congress to ensure the funding and authorization necessary to develop a long term, interstate plan for high speed rail passenger service

implementation.

- (5) make recommendations to member states;
- (6) implement or provide oversight for specific rail projects, if requested by each state participating in a particular project and under the terms of a formal agreement approved by the participating states and the commission;
- (7) establish an office and hire staff as necessary;
- (8) contract for or provide services;
- (9) assess dues, according to the terms of this compact;
- (10) conduct research; and
- (11) establish committees.

As added by P.L.131-2000, SEC.1.

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Officers

Sec. 5. (a) The commission shall annually elect from among its members:

- (1) a chair;
- (2) a vice chair, who may not be a resident of the state represented by the chair; and
- (3) any other officers approved in the commission bylaws.

(b) The officers shall perform the functions and exercise the powers specified in the commission bylaws.

As added by P.L.131-2000, SEC.1.

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Meetings; voting

Sec. 6. (a) The commission shall meet at least once in each calendar year and at other times as determined by the commission.

(b) Commission business shall be conducted according to the procedures and voting rights specified in the bylaws.

As added by P.L.131-2000, SEC.1.

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Appropriations; donations; expenses; budgets

Sec. 7. (a) Except as otherwise provided, the money necessary to finance the general operations of the commission in carrying forth its duties, responsibilities, and powers as stated in this chapter shall be appropriated to the commission by the compacting states, when authorized by the respective legislatures, by equal apportionment among the compacting states.

(b) This compact may not be construed to commit a member state to participate in financing a rail project except as provided by law of the member state.

(c) The commission may accept, for any of its purposes and functions, donations, gifts, grants, and appropriations of money, equipment, supplies, materials, and services from the federal government, from any party state or from any department, agency, or municipality thereof, or from any institution, person, firm, or corporation.

(d) All expenses incurred by the commission in executing the duties imposed upon it by this compact shall be paid by the commission out of the funds available to it.

(e) The commission may not issue a debt instrument.

(f) The commission shall submit to the officer designated by the laws of each party state, periodically as required by the laws of each party state, a budget of its actual past and estimated future expenditures.

As added by P.L.131-2000, SEC.1.

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Eligible party states

Sec. 8. (a) The states of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin are eligible to join this compact.

(b) Upon approval of the commission, according to its bylaws, other states may also be declared eligible to join the compact.

(c) For an eligible party state, this compact is effective when that state's legislature enacts the compact into law. However, the compact does not become initially effective until enacted into law by any three (3) party states incorporating the provisions of this compact into the laws of those states.

(d) Amendments to the compact become effective upon their enactment by the legislatures of all compacting states.

As added by P.L.131-2000, SEC.1.

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Withdrawal from compact; default; termination of compact

Sec. 9. (a) Withdrawal from this compact shall be by enactment of a statute repealing the compact and takes effect one (1) year after the effective date of the statute.

(b) A withdrawing state is liable for any obligations that the withdrawing state may have incurred before the effective date of withdrawal.

(c) If, at any time, a compacting state defaults in the performance of any of its obligations, assumed or imposed, in accordance with the provisions of this compact, all rights, privileges, and benefits conferred by this compact or agreements under the compact shall be suspended from the effective date of the compacting state's default, as fixed by the commission.

(d) The commission shall stipulate the conditions and maximum time for compliance under which the defaulting state may resume its regular status.

(e) Unless the default is remedied under the stipulations and within the time set forth by the commission, this compact may be terminated with respect to the defaulting state by affirmative vote of a majority of the other commission members.

(f) A defaulting state may be reinstated, upon vote of the commission, by performing all acts and obligations as stipulated by the commission.

As added by P.L.131-2000, SEC.1.

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Severability; effect of rulings in other states; liberal construction

Sec. 10. (a) The provisions of this compact are severable, and if a phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of a compacting state or of the United States or the applicability of this compact to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability of this compact to any government, agency, person, or circumstance is not affected.

(b) If this compact entered into is held contrary to the constitution of a compacting state, the compact remains in full force and effect for the remaining states and in full force and effect for the state affected as to all severable matters.

(c) The provisions of this compact shall be liberally construed to effectuate the purposes of the compact.

As added by P.L.131-2000, SEC.1.