

IC 8-15.5

ARTICLE 15.5. PUBLIC-PRIVATE AGREEMENTS FOR TOLL ROAD PROJECTS

IC 8-15.5-1

Chapter 1. General Provisions

IC 8-15.5-1-1

Supplemental nature of powers conferred by article

Sec. 1. The powers conferred by this article are in addition and supplemental to the powers conferred by any other law. If any other law or rule is inconsistent with this article, this article is controlling as to any public-private agreement entered into under this article.

As added by P.L.47-2006, SEC.39.

IC 8-15.5-1-2

Complete authority for public-private agreements; limitations

Sec. 2. (a) This article contains full and complete authority for public-private agreements between the authority, a private entity, and, where applicable, a governmental entity. Except as provided in this article, no law, procedure, proceeding, publication, notice, consent, approval, order, or act by the authority or any other officer, department, agency, or instrumentality of the state or any political subdivision is required for the authority to enter into a public-private agreement with a private entity under this article, or for a project that is the subject of a public-private agreement to be constructed, acquired, maintained, repaired, operated, financed, transferred, or conveyed.

(b) Before the authority or the department may issue a request for proposals for or enter into a public-private agreement under this article that would authorize an operator to impose tolls for the operation of motor vehicles on all or part of a toll road project, the general assembly must adopt a statute authorizing the imposition of tolls. However, during the period beginning July 1, 2011, and ending June 30, 2021, and notwithstanding subsection (c), the general assembly is not required to enact a statute authorizing the authority or the department to issue a request for proposals or enter into a public-private agreement to authorize an operator to impose tolls for the operation of motor vehicles on all or part of the following projects:

(1) A project on which construction begins after June 30, 2011, not including any part of Interstate Highway 69 other than a part described in subdivision (4).

(2) The addition of toll lanes, including high occupancy toll lanes, to a highway, roadway, or other facility in existence on July 1, 2011, if the number of nontolled lanes on the highway, roadway, or facility as of July 1, 2011, does not decrease due to the addition of the toll lanes.

(3) The Illiana Expressway, a limited access facility connecting Interstate Highway 65 in northwestern Indiana with an interstate highway in Illinois.

(4) A project that is located within a metropolitan planning area (as defined by 23 U.S.C. 134) and that connects the state of Indiana with the commonwealth of Kentucky.

(c) Before the authority or an operator may carry out any of the following activities under this article, the general assembly must enact a statute authorizing that activity:

(1) Imposing tolls on motor vehicles for use of Interstate Highway 69.

(2) Imposing tolls on motor vehicles for use of a nontolled highway, roadway, or other facility in existence or under construction on July 1, 2011, including nontolled interstate highways, U.S. routes, and state routes.

(d) Except as provided in subsection (c)(1), the general assembly is not required to enact a statute authorizing the authority or the department to issue a request for proposals or enter into a public-private agreement for a freeway project.

(e) The authority may enter into a public-private agreement for a facility project if the general assembly, by statute, authorizes the authority to enter into a public-private agreement for the facility project.

(f) As permitted by subsection (e), the general assembly authorizes the authority to enter into public-private agreements for the following facility projects:

(1) A state park inn and related improvements in an existing state park located in a county with a population of more than two hundred thousand (200,000) and less than three hundred thousand (300,000).

(2) Communications systems infrastructure, including:

(A) towers and associated land, improvements, foundations, access roads and rights-of-way, structures, fencing, and equipment necessary, proper, or convenient to enable the towers to function as part of the communications system;

(B) any equipment necessary, proper, or convenient to transmit and receive voice and data communications; and

(C) any other necessary, proper, or convenient elements of the communications system.

(3) Larue D. Carter Memorial Hospital in Indianapolis.

(g) The authority shall transfer money received from an operator under a lease agreement for communications systems infrastructure under subdivision (f)(2) to the state bicentennial capital account established under IC 4-12-1-14.9.

As added by P.L.47-2006, SEC.39. Amended by P.L.85-2010, SEC.4; P.L.163-2011, SEC.4; P.L.119-2012, SEC.94; P.L.205-2013, SEC.136; P.L.91-2014, SEC.17; P.L.94-2015, SEC.3; P.L.213-2015, SEC.103.

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Findings by general assembly

Sec. 3. The general assembly finds and determines that:

- (1) the state has limited resources to fund the maintenance and expansion of the state transportation system, including toll roads, or the maintenance and expansion of other facilities used by the state or other governmental entities, and therefore alternative funding sources should be developed to supplement public revenue sources;
- (2) the Indiana finance authority should be authorized to solicit, evaluate, negotiate, and administer agreements with the private sector for the purposes described in subdivision (1);
- (3) it is necessary to serve the public interest and to provide for the public welfare by adopting this article for the purposes described in this article;
- (4) public-private agreements entered into by private entities and the Indiana finance authority under this article should allow for:
 - (A) transparency, oversight, and public information sharing;
 - (B) compliance with all state and federal environmental laws;
 - and
 - (C) fairness for local jurisdictions when negotiating the public-private agreements.

As added by P.L. 47-2006, SEC.39. Amended by P.L. 85-2010, SEC.5; P.L. 213-2015, SEC.104.