

IC 36-9-3

Chapter 3. Regional Transportation Authorities

IC 36-9-3-0.5

Expired

(As added by P.L.212-2013, SEC.2. Expired 3-15-2014 by P.L.212-2013, SEC.2.)

IC 36-9-3-1

Application of chapter

Sec. 1. This chapter applies to all counties and municipalities.
As added by Acts 1981, P.L.309, SEC.76. Amended by P.L.235-1997, SEC.2.

IC 36-9-3-2

Establishment of authority; name

Sec. 2. (a) A fiscal body of a county or municipality may, by ordinance, establish a regional transportation authority (referred to as "the authority" in this chapter) for the purpose of acquiring, improving, operating, maintaining, financing, and generally supporting a public transportation system that operates within the boundaries of an area designated as a transportation planning district by the Indiana department of transportation. However, only one (1) public transportation authority may be established within an area designated as a transportation planning district by the Indiana department of transportation.

(b) The ordinance establishing the authority must include an effective date and a name for the authority. Except as provided in subsection (c), the words "regional transportation authority" must be included in the name of the authority.

(c) The words "regional bus authority" must be included in the name of an authority that includes a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

As added by Acts 1981, P.L.309, SEC.76. Amended by P.L.12-1983, SEC.23; P.L.18-1990, SEC.295; P.L.235-1997, SEC.3; P.L.214-2005, SEC.74; P.L.182-2009(ss), SEC.445; P.L.119-2012, SEC.224; P.L.121-2016, SEC.35.

IC 36-9-3-3

Expansion to include additional counties or municipalities; procedure

Sec. 3. Except as provided in section 3.5 of this chapter, the authority may be expanded to include one (1) or more additional counties or municipalities within the same planning district if resolutions approving the expansion are adopted by the fiscal bodies of:

- (1) the counties or municipalities to be added to the authority;

and

(2) a majority of the counties and municipalities already in the authority.

As added by Acts 1981, P.L.309, SEC.76. Amended by P.L.235-1997, SEC.4; P.L.70-2007, SEC.1.

IC 36-9-3-3.1

Transfer of urban mass transportation powers to public transportation corporation

Sec. 3.1. If an existing public transportation corporation operates within the boundaries of an authority established under section 2 or 3 of this chapter, the legislative body that established the public transportation corporation may adopt an ordinance to shift any of the powers set forth under IC 36-9-4 to the authority.

As added by P.L.235-1997, SEC.5.

IC 36-9-3-3.5

Expansion to include certain counties and municipalities; procedure

Sec. 3.5. (a) This section applies to a county with a population of more than one hundred eleven thousand (111,000) but less than one hundred fifteen thousand (115,000) and any second class city located in the county.

(b) A county or city described in subsection (a) shall become a member of an authority described in section 5(c) of this chapter if the fiscal body of the county or city adopts a resolution authorizing the county or city to become a member of the authority and the board of the authority approves the membership of the county or city.

As added by P.L.70-2007, SEC.2. Amended by P.L.119-2012, SEC.225.

IC 36-9-3-4

Removal of county or municipality from authority

Sec. 4. If the fiscal body of any county or municipality finds that the county or municipality should be removed from the authority, it shall adopt a resolution favoring the removal of that county or municipality from the authority. The resolution must establish a date upon which the membership ceases, but that date must be at least six (6) months after the date of the adoption of the resolution. Removal of the county or municipality from the authority does not relieve the county or municipality from any obligations incurred on the county's or municipality's behalf by the authority while the county or municipality was a member of the authority.

As added by Acts 1981, P.L.309, SEC.76. Amended by P.L.235-1997, SEC.6.

IC 36-9-3-5

Management by board; membership

Sec. 5. (a) An authority is under the control of a board (referred to as "the board" in this chapter) that, except as provided in subsections (b) and (c), consists of:

- (1) two (2) members appointed by the executive of each county in the authority;
- (2) one (1) member appointed by the executive of the largest municipality in each county in the authority;
- (3) one (1) member appointed by the executive of each second class city in a county in the authority; and
- (4) one (1) member from any other political subdivision that has public transportation responsibilities in a county in the authority.

(b) An authority that includes a consolidated city is under the control of a board consisting of the following:

- (1) Two (2) members appointed by the executive of the county having the consolidated city.
- (2) One (1) member appointed by the board of commissioners of the county having the consolidated city.
- (3) One (1) member appointed by the executive of each other county in the authority.
- (4) Two (2) members appointed by the governor from a list of at least five (5) names provided by the Indianapolis regional transportation council.
- (5) One (1) member representing the four (4) largest municipalities in the authority located in a county other than a county containing a consolidated city. The member shall be appointed by the executives of the municipalities acting jointly.
- (6) One (1) member representing the excluded cities located in a county containing a consolidated city that are members of the authority. The member shall be appointed by the executives of the excluded cities acting jointly.
- (7) One (1) member of a labor organization representing employees of the authority who provide public transportation services within the geographic jurisdiction of the authority. The labor organization shall appoint the member.

(c) An authority that includes a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) is under the control of a board consisting of the following twenty-one (21) members:

- (1) Three (3) members appointed by the executive of a city with a population of more than eighty thousand (80,000) but less than eighty thousand four hundred (80,400).
- (2) Two (2) members appointed by the executive of a city with a population of more than eighty thousand five hundred (80,500) but less than one hundred thousand (100,000).
- (3) One (1) member jointly appointed by the executives of the following municipalities located within a county having a population of more than four hundred thousand (400,000) but

less than seven hundred thousand (700,000):

(A) A city with a population of more than four thousand nine hundred fifty (4,950) but less than five thousand (5,000).

(B) A city with a population of more than twenty-nine thousand six hundred (29,600) but less than twenty-nine thousand nine hundred (29,900).

(4) One (1) member who is jointly appointed by the fiscal body of the following municipalities located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) A town with a population of more than sixteen thousand five hundred (16,500) but less than twenty thousand (20,000).

(B) A town with a population of more than twenty-three thousand seven hundred (23,700) but less than twenty-four thousand (24,000).

(C) A town with a population of more than twenty thousand (20,000) but less than twenty-three thousand seven hundred (23,700).

(5) One (1) member who is jointly appointed by the fiscal body of the following municipalities located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) A town with a population of more than fourteen thousand (14,000) but less than sixteen thousand (16,000).

(B) A town with a population of more than twenty-four thousand (24,000) but less than thirty thousand (30,000).

(C) A town with a population of more than sixteen thousand (16,000) but less than sixteen thousand five hundred (16,500).

(6) One (1) member who is jointly appointed by the following authorities of municipalities located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) The executive of a city with a population of more than twenty-five thousand (25,000) but less than twenty-nine thousand (29,000).

(B) The fiscal body of a town with a population of more than ten thousand (10,000) but less than fourteen thousand (14,000).

(C) The fiscal body of a town with a population of more than five thousand (5,000) but less than ten thousand (10,000).

(D) The fiscal body of a town with a population of less than one thousand five hundred (1,500).

(E) The fiscal body of a town with a population of more than two thousand two hundred (2,200) but less than five thousand (5,000).

(7) One (1) member appointed by the fiscal body of a town with

a population of more than thirty thousand (30,000) located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(8) One (1) member who is jointly appointed by the following authorities of municipalities that are located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) The executive of a city having a population of more than twenty-nine thousand (29,000) but less than twenty-nine thousand five hundred (29,500).

(B) The executive of a city having a population of more than twelve thousand five hundred (12,500) but less than twelve thousand seven hundred (12,700).

(C) The fiscal body of a town having a population of more than one thousand five hundred (1,500) but less than two thousand two hundred (2,200).

(9) Three (3) members appointed by the fiscal body of a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(10) One (1) member appointed by the county executive of a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(11) One (1) member of a labor organization representing employees of the authority who provide public transportation services within the geographic jurisdiction of the authority. The labor organization shall appoint the member. If more than one (1) labor organization represents the employees of the authority, each organization shall submit one (1) name to the governor, and the governor shall appoint the member from the list of names submitted by the organizations.

(12) The executive of a city with a population of more than thirty-one thousand seven hundred twenty-five (31,725) but less than thirty-five thousand (35,000), or the executive's designee.

(13) The executive of a city with a population of more than thirty-six thousand eight hundred twenty-five (36,825) but less than forty thousand (40,000), or the executive's designee.

(14) One (1) member of the board of commissioners of a county, with a population of more than one hundred fifty thousand (150,000) but less than one hundred seventy thousand (170,000), appointed by the board of commissioners, or the member's designee.

(15) One (1) member appointed jointly by the township executive of the township containing the following towns:

(A) Chesterton.

(B) Porter.

(C) Burns Harbor.

(D) Dune Acres.

The member appointed under this subdivision must be a resident of a town listed in this subdivision.

(16) One (1) member appointed jointly by the township executives of the following townships located in Porter County:

- (A) Washington Township.
- (B) Morgan Township.
- (C) Pleasant Township.
- (D) Boone Township.
- (E) Union Township.
- (F) Porter Township.
- (G) Jackson Township.
- (H) Liberty Township.
- (I) Pine Township.

The member appointed under this subdivision must be a resident of a township listed in this subdivision.

If a county or city becomes a member of the authority under section 3.5 of this chapter, the executive of the county or city shall appoint one (1) member to serve on the board.

As added by Acts 1981, P.L.309, SEC.76. Amended by P.L.235-1997, SEC.7; P.L.64-1998, SEC.1; P.L.90-1999, SEC.1; P.L.14-2000, SEC.85; P.L.170-2002, SEC.165; P.L.114-2005, SEC.1; P.L.1-2006, SEC.584; P.L.169-2006, SEC.79; P.L.1-2007, SEC.245; P.L.70-2007, SEC.3; P.L.182-2009(ss), SEC.446; P.L.119-2012, SEC.226; P.L.121-2016, SEC.36.

IC 36-9-3-6

Appointment of board members; time limits; term of office

Sec. 6. (a) Except as provided in subsection (d), the appointments required by section 5 of this chapter must be made as soon as is practical, but not later than sixty (60) days after the adoption of the ordinance establishing the authority. If any appointing authority fails to make the required appointment within the sixty (60) day time limit, the circuit court from the jurisdiction of the appointing authority shall make the appointment without delay.

(b) The term of office of a member of the board is:

- (1) two (2) years, for a member of a board located in a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), if such a board exists under this chapter; and
- (2) four (4) years for all other boards;

and continues until the member's successor has qualified for the office. A member may be reappointed for successive terms.

(c) A member of the board serves at the pleasure of the appointing authority.

(d) An appointment to an authority located in a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), if such an authority exists under this chapter, must be made not later than sixty (60) days after

the adoption of the ordinance establishing the authority, or for the purpose of reappointments, sixty (60) days after a scheduled reappointment. If the appointing authority designated in section 5(c)(3), 5(c)(4), 5(c)(5), 5(c)(6), or 5(c)(8) of this chapter fails to make an appointment, the appointment shall be made by the governor. If a county or city becomes a member of the authority under section 3.5 of this chapter and the executive of the county or city fails to make an appointment to the board within sixty (60) days after the county or city becomes a member of the authority, the appointment shall be made by the governor. The governor shall select an individual from a list comprised of one (1) name from each appointing authority for that particular appointment.

As added by Acts 1981, P.L.309, SEC.76. Amended by P.L.90-1999, SEC.2; P.L.70-2007, SEC.4; P.L.182-2009(ss), SEC.447.

IC 36-9-3-7

Board; officers; records; meetings

Sec. 7. (a) Except as provided in subsection (e), as soon as is practical, but not later than ninety (90) days after the authority is established, the members shall meet and organize themselves as a board.

(b) Except as provided in subsection (f), at its first meeting, and annually after that, the board shall elect from its members a president, a vice president who shall perform the duties of the president during the absence or disability of the president, a secretary, and a treasurer. If the authority includes more than one (1) county, the president and vice president must be from different counties.

(c) The regional planning commission staff or the metropolitan planning organization if the authority includes a consolidated city shall serve as staff to the board secretary for the purpose of recording the minutes of all board meetings and keeping the records of the authority.

(d) The board shall keep its maps, plans, documents, records, and accounts in a suitable office, subject to public inspection at all reasonable times.

(e) If the authority includes a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), the first meeting of the board shall be at the call of the county council of the county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). The president of the county council shall preside over the first meeting until the officers of the board have been elected.

(f) If the authority includes a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), the board shall first meet in January. At the first meeting the board shall elect from its members a president, a vice

president who shall perform the duties of the president during the absence or disability of the president, a secretary, a treasurer, and any other officers the board determines are necessary for the board to function.

As added by Acts 1981, P.L.309, SEC.76. Amended by P.L.12-1992, SEC.175; P.L.235-1997, SEC.8; P.L.64-1998, SEC.2; P.L.90-1999, SEC.3; P.L.182-2009(ss), SEC.448; P.L.121-2016, SEC.37.

IC 36-9-3-8

Board meetings

Sec. 8. (a) The board shall fix the time and place for holding regular meetings, and it must meet at least once during each calendar quarter of each calendar year.

(b) Special meetings of the board may be called by the chairman or by five (5) members of the board upon written request to the secretary. The secretary must send to all members, at least forty-eight (48) hours in advance of a special meeting, a written notice fixing the time and place of the meeting. Written notice of a special meeting is not required if the time of the special meeting has been fixed in a regular meeting.

As added by Acts 1981, P.L.309, SEC.76.

IC 36-9-3-9

Board; quorum; approval of actions

Sec. 9. (a) A majority of the members appointed to the board constitutes a quorum for a meeting.

(b) Except as provided in subsection (c), the board may act officially by an affirmative vote of a majority of those present at the meeting at which the action is taken.

(c) If the authority includes a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), then:

- (1) an affirmative vote of a majority of the board is necessary for an action to be taken; and
- (2) a vacancy in membership does not impair the right of a quorum to exercise all rights and perform all duties of the board.

As added by Acts 1981, P.L.309, SEC.76. Amended by P.L.90-1999, SEC.4; P.L.114-2005, SEC.2; P.L.1-2006, SEC.585; P.L.169-2006, SEC.80; P.L.1-2007, SEC.246; P.L.182-2009(ss), SEC.449; P.L.121-2016, SEC.38.

IC 36-9-3-10

Board; compensation and expenses of members

Sec. 10. (a) Except as provided in subsection (b), the members of the board are not entitled to a salary but are entitled to an allowance for actual expenses and mileage at the same rate as other county officials.

(b) If the authority includes a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), a member of the board is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties as provided:

(1) in the procedures established by the department of administration and approved by the budget agency for state employee travel; or

(2) by ordinance of the county fiscal body.

As added by Acts 1981, P.L.309, SEC.76. Amended by P.L.90-1999, SEC.5; P.L.182-2009(ss), SEC.450; P.L.121-2016, SEC.39.

IC 36-9-3-11

Executive director

Sec. 11. The board shall appoint a qualified person to be executive director of the authority. The executive director is the chief executive officer of the authority.

As added by Acts 1981, P.L.309, SEC.76.

IC 36-9-3-12

Controller

Sec. 12. (a) The board shall appoint a person to act as controller for the authority.

(b) The controller shall give bond in the sum and with the conditions prescribed by the board, and with surety to the approval of the board. The bond must be filed and recorded in the office of the county recorder for the county in which the office of the authority is located.

(c) The term of office of the controller is one (1) year, and he may be appointed for additional terms of one (1) year each.

(d) All money payable to the authority must be paid to the controller, who shall deposit it in the manner prescribed by IC 5-13-6. The money deposited may be invested under the applicable statutes, including IC 5-13-9.

(e) The controller shall keep an accurate account of all appropriations made and all taxes levied by the authority, all money owing or due to the authority, and all money received and disbursed.

(f) The board may authorize the controller to pay a per diem in advance to a public transportation employee or board member who will attend a training session or other special meeting required as a duty of the public transportation employee or board member.

As added by Acts 1981, P.L.309, SEC.76. Amended by P.L.19-1987, SEC.52; P.L.327-1995, SEC.1.

IC 36-9-3-12.5

Repealed

(As added by P.L.90-1999, SEC.6. Amended by P.L.14-2000, SEC.86; P.L.233-2001, SEC.1; P.L.170-2002, SEC.166;

IC 36-9-3-13

Powers and duties of board

Sec. 13. The board may:

- (1) exercise the executive and legislative powers of the authority as provided by this chapter;
- (2) as a municipal corporation, sue and be sued in its name;
- (3) sell, lease, or otherwise contract for advertising in or on the facilities of the authority;
- (4) protect all property owned or managed by the board;
- (5) adopt an annual budget;
- (6) incur indebtedness in the name of the authority in accordance with this chapter;
- (7) acquire real, personal, or mixed property by deed, purchase, or lease and dispose of it for use in connection with or for administrative purposes;
- (8) receive gifts, donations, bequests, and public trusts, agree to conditions and terms accompanying them, and bind the authority to carry them out;
- (9) receive federal or state aid and administer that aid;
- (10) erect the buildings or structures needed to administer and carry out this chapter;
- (11) determine matters of policy regarding internal organization and operating procedures not specifically provided for by law;
- (12) adopt a schedule of reasonable charges and rents, and collect them from all users of facilities and services within the jurisdiction of the authority;
- (13) purchase supplies, materials, and equipment to carry out the duties and functions of the board, in accordance with procedures adopted by the board and under applicable statutes;
- (14) employ the personnel necessary to carry out the duties, functions, and powers of the board;
- (15) sell any surplus or unneeded real and personal property in accordance with procedures adopted by the board and under applicable statutes;
- (16) adopt rules governing the duties of its officers, employees, and personnel, and the internal management of the affairs of the board;
- (17) fix the compensation of the various officers and employees of the authority, within the limitations of the total personal services budget;
- (18) purchase public transportation services from public or private transportation agencies upon the terms and conditions set forth in purchase of service agreements between the authority and the transportation agencies;
- (19) acquire, establish, construct, improve, equip, operate, maintain, subsidize, and regulate public transportation systems

within the jurisdiction of the authority;
(20) after receiving a request for assistance from a public transportation system, enter into agreements with government agencies, political subdivisions, private transportation companies, railroads, and other persons providing for:

(A) construction, operation, and use by the other party of any public transportation system and equipment held or later acquired by the authority; and

(B) acquisition of any public transportation system and equipment of another party if all or part of the operations of that party take place within the jurisdiction of the authority;

(21) rent or lease any real property, including air rights above real property owned or leased by a transportation system, for transportation or other purposes, with the revenues from those rentals to accrue to the authority and to be used exclusively for the purposes of this chapter;

(22) negotiate and execute contracts of sale, purchase, or lease, or contracts for personal services, materials, supplies, equipment, or passenger transportation services;

(23) establish at or near its terminals and stations the off-street parking facilities and access roads that are necessary and desirable, and charge fees for or allow free use of those facilities;

(24) enter into agreements with other persons for the purpose of participating in transportation planning activities;

(25) administer any rail services or other use of rail rights-of-way that may be the responsibility of state or local government under the Federal Regional Rail Reorganization Act of 1973, as amended (45 U.S.C. sections 701-794);

(26) determine the level and kind of public transportation services that should be provided by the authority; and

(27) do all other acts necessary or reasonably incident to carrying out the purposes of this chapter.

As added by Acts 1981, P.L.309, SEC.76. Amended by P.L.235-1997, SEC.9.

IC 36-9-3-14

Repealed

(Repealed by P.L.235-1997, SEC.18.)

IC 36-9-3-15

Standards for grants and purchase of service agreements; promotional programs

Sec. 15. (a) The board shall, to the extent it considers feasible, adopt uniform standards for the making of grants and purchase of service agreements. These grant contracts or purchase of service agreements may be for the number of years or duration agreed to by the authority and the transportation agency.

(b) If the authority provides grants for operating expenses or participates in any purchase of service agreement, the purchase of service agreement or grant contract must state the level and nature of fares or charges to be made for public transportation services, and the nature and standards of public transportation to be so provided. In addition, any purchase of service agreements or grant contracts must provide, among other matters, for:

- (1) the terms or cost of transfers or interconnections between different public transportation agencies;
- (2) schedules or routes of transportation service;
- (3) changes that may be made in transportation service;
- (4) the nature and condition of the facilities used in providing service;
- (5) the manner of collection and disposition of fares or charges;
- (6) the records and reports to be kept and made concerning transportation service; and
- (7) interchangeable tickets or other coordinated or uniform methods of collection of charges.

The authority shall also undertake programs to promote use of public transportation and to provide ticket sales and passenger information. *As added by Acts 1981, P.L.309, SEC.76. Amended by P.L.235-1997, SEC.10.*

IC 36-9-3-16

Provision of public transportation service by authority; fares and standards; discontinuance of service

Sec. 16. (a) The authority may provide public transportation service by operating public transportation facilities only if the board finds that no public or private transportation agency or corporation is willing or able to provide public transportation service.

(b) The authority may enter into operating agreements with any private or public person to operate transportation facilities on behalf of the authority only after the board has made an affirmative effort to seek out and encourage private owners and operators to provide the needed public transportation service.

(c) Whenever the authority provides any public transportation service by operating public transportation facilities, it shall establish the level and nature of fares or charges to be made for public transportation services, and the nature and standards of public transportation service to be provided within the jurisdiction of the authority.

(d) If the fiscal body of any county receives notice that any public transportation system intends to cease providing public transportation service within the county, the fiscal body shall approve or disapprove the cessation of service at its first regular meeting after receiving the notice. Failure of the fiscal body to take any action within thirty (30) days is considered to be approval of the cessation of service. If the fiscal body adopts a resolution

disapproving the cessation of service, and the authority is negotiating with the public transportation system for continuation of service within the county, the county shall join the negotiations and participate in any program that results in a continuation of public transportation service within its boundaries.

As added by Acts 1981, P.L.309, SEC.76. Amended by P.L.235-1997, SEC.11.

IC 36-9-3-17

Acquisition and construction of transportation facilities

Sec. 17. At the request of the public transportation system serving the territory of the authority, the authority may:

- (1) construct or acquire any public transportation facility for use by the authority or any transportation agency; and
- (2) acquire transportation facilities from any transportation agency, including:
 - (A) reserve funds;
 - (B) employees' pension or retirement funds;
 - (C) special funds;
 - (D) franchises;
 - (E) licenses;
 - (F) patents;
 - (G) permits; and
 - (H) papers and records of the agency.

In making acquisitions from a transportation agency, the authority may assume the obligations of the agency regarding its property or public transportation operations.

As added by Acts 1981, P.L.309, SEC.76.

IC 36-9-3-18

Acquisition of facilities within 100 yards of terminals

Sec. 18. The authority may acquire, improve, maintain, lease, and rent facilities, including air rights, that are within one hundred (100) yards of a terminal, station, or other facility of the authority. If these facilities generate revenues in excess of their cost to the authority, the authority must use the excess revenues to improve transportation services or reduce fares for the public.

As added by Acts 1981, P.L.309, SEC.76.

IC 36-9-3-19

Limitations and obligations of authority

Sec. 19. (a) In connection with any construction or acquisition, the authority shall make relocation payments in the manner prescribed by IC 8-23-17.

(b) A private company lawfully providing public transportation service within the territory of the authority when the authority is established may continue to operate the same route or routes and levels of service as approved by the department of state revenue.

(c) Only the proceedings prescribed by this chapter are required in connection with the granting of franchise contracts provided for in this chapter.

(d) Notwithstanding section 13 of this chapter, the board may not act in a manner that would adversely affect a common carrier's freight operations.

(e) The board may not exercise the power of eminent domain.

As added by Acts 1981, P.L.309, SEC.76. Amended by P.L.23-1988, SEC.119; P.L.18-1990, SEC.296; P.L.235-1997, SEC.12.

IC 36-9-3-20

Repealed

(Repealed by P.L.72-1988, SEC.10.)

IC 36-9-3-21

Collective bargaining agreements; authorization

Sec. 21. The authority shall deal with and enter into written contracts with its employees through accredited representatives of those employees or representatives of any labor organization authorized to act for those employees concerning wages, salaries, hours, working conditions, and pension or retirement provisions.

As added by Acts 1981, P.L.309, SEC.76.

IC 36-9-3-22

Application of federal statutes to employees affected by actions of authority

Sec. 22. (a) The rights, benefits, and other employee protective conditions and remedies that:

- (1) are set forth in Section 13(c) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. section 1609(c)) and Section 405(b) of the Rail Passenger Service Act of 1970, as amended (45 U.S.C. section 565(b)); and
- (2) are prescribed by the United States secretary of labor under those statutes;

apply to employees of the authority and employees of any public transportation agency affected by actions of the authority, including the acquisition and operation of public transportation facilities, the execution of purchase of service agreements with a public transportation agency, the coordination, reorganization, combining, leasing, or merging of operations or the expansion or curtailment of public transportation service or facilities under this chapter.

(b) The authority may take any of the actions specified in subsection (a) only after meeting the requirements of this chapter. In addition, whenever the authority operates the public transportation facilities of a public transportation agency engaged as of April 25, 1975, in the transportation of persons by railroad, it may do so only in a manner that insures the continued applicability to the affected railroad employees of the federal statutes applicable on that date to

them and the continuation of their collective bargaining agreements until those agreements can be renegotiated by representatives of the authority and the representatives of those employees designated under the Railway Labor Act, as amended (45 U.S.C. sections 151-188).

As added by Acts 1981, P.L.309, SEC.76. Amended by P.L.235-1997, SEC.13.

IC 36-9-3-23

Employees; retention of benefits after action of authority

Sec. 23. An employee of the authority is entitled to at least the same worker's compensation, pension, seniority, salary, wages, sick leave, vacation, health and welfare insurance, and other benefits that the employee enjoyed as an employee of the authority or of the public transportation agency before an action of the authority.

As added by Acts 1981, P.L.309, SEC.76. Amended by P.L.28-1988, SEC.117; P.L.235-1997, SEC.14.

IC 36-9-3-24

Displacement of employees as a result of new facilities; selection of employees to perform work

Sec. 24. (a) Whenever the authority proposes to operate or to enter into a contract to operate a new public transportation facility that may result in the displacement of employees or the rearrangement of the working forces of the authority or of a public transportation agency, the authority must give at least ninety (90) days' written notice of the proposed operations to the representatives of the employees affected.

(b) The authority must provide for the selection of forces to perform the work of the new facility on the basis of agreement between the authority and the representatives of the employees affected.

(c) Immediately after receipt of the notice, the representatives of all parties interested in the intended changes shall agree on the date and place of a conference for the purpose of reaching agreements under this section. The conference must begin within ten (10) days after receipt of the notice.

(d) If the parties fail to agree, the matter may be submitted by the authority or by any representative of the employees affected to final and binding arbitration by an impartial arbitrator to be selected by the American Arbitration Association from a current listing of arbitrators of the National Academy of Arbitrators.

As added by Acts 1981, P.L.309, SEC.76. Amended by P.L.235-1997, SEC.15.

IC 36-9-3-25

Labor disputes; arbitration procedure

Sec. 25. (a) If a labor dispute involving the authority and its

employees is not governed by the Federal Labor Management Relations Act, as amended (29 U.S.C. sections 141-197 and 557), or by the Railway Labor Act, as amended (45 U.S.C. sections 151-188), the authority shall offer to submit the dispute to an arbitration team composed of one (1) member appointed by the authority, one (1) member appointed by the labor organization representing the employees, and one (1) member agreed upon by the labor organization and the authority. The member agreed upon by the labor organization and the authority shall serve as chairman of the team. The determination of the majority of the arbitration team is final and binding on all matters in dispute.

(b) If within the first ten (10) days after the date of the appointment of the arbitrators representing the authority and the labor organization, the third arbitrator has not been selected, then either arbitrator may request the American Arbitration Association to furnish from a current listing of the membership of the National Academy of Arbitrators the names of seven (7) members of the National Academy from which the third arbitrator shall be selected. After receipt of the list, the arbitrators appointed by the authority and the labor organization shall promptly determine by lot the order of elimination and then alternately eliminate one (1) name from the list at a time until only one (1) name remains. The remaining person on the list is the third arbitrator.

(c) For purposes of this section, the term "labor dispute" shall be broadly construed and includes any controversy regarding the collective bargaining agreements and any grievance that may arise.

(d) Each party shall pay one-half (1/2) of the expenses of arbitration under this section.

As added by Acts 1981, P.L.309, SEC.76.

IC 36-9-3-26

Pension systems and retirement benefits

Sec. 26. (a) The authority may:

- (1) establish and maintain systems of pensions and retirement benefits for the officers and employees of the authority designated or described by resolution of the authority;
- (2) fix the classifications in those systems;
- (3) take the steps necessary to provide that persons eligible for admission to the pension systems as officers and employees of any other public transportation employer whose operations are financed in whole or in part by the authority retain eligibility for admission to or continued coverage and participation under Title II of the federal Social Security Act, as amended (42 U.S.C. sections 401-422), and the related provisions of the Federal Insurance Contributions Act, as amended (26 U.S.C. sections 3101-3125), or the federal Railroad Retirement Act (45 U.S.C. sections 231-231t), as amended, and the related provisions of the Railroad Retirement Tax Act, as amended (26

U.S.C. sections 3201-3233), whichever is applicable; and
(4) provide in connection with the pension systems a system of benefits payable to the beneficiaries and dependents of any participant in the pension systems after that participant's death, whether or not the death is accidental or occurs in the performance of duty, and subject to the exceptions, conditions, restrictions, and classifications provided by resolution of the authority.

(b) Pension systems established by the authority may be financed or funded in a manner that the authority finds to be economically feasible.

As added by Acts 1981, P.L.309, SEC.76.

IC 36-9-3-27

Acquisition of facilities from public transportation agency; obligations to employees

Sec. 27. (a) Whenever the authority acquires the public transportation facilities of a public transportation agency and operates those facilities, all employees engaged in the operation of the facilities shall be transferred to and appointed as employees of the authority, subject to all the rights and benefits of this chapter, and the authority shall assume and observe all current labor contracts and pension obligations.

(b) The authority must give the employees of any public transportation agency it acquires seniority credit, sick leave, vacation, insurance, and pension credits in accordance with the records or labor agreements from the acquired transportation agency. Members and beneficiaries of any pension or retirement system or other system of benefits established by the acquired transportation agency continue to have rights, privileges, benefits, obligations, and status under that system. The authority must assume the obligations of the acquired public transportation agency regarding wages, salaries, hours, working conditions, sick leave, health and welfare, and pension or retirement provisions for employees.

(c) The authority must assume the provisions of any collective bargaining agreement between a public transportation agency acquired by the authority and the representative of the employees of the acquired agency. The authority and the employees, through their representatives for collective bargaining purposes, may take whatever action is necessary to preserve the pension rights of the employees, including the transfer of pension trust funds under the joint control of the transportation agency and the participating employees through their representatives to the trust fund to be established, maintained, and administered jointly by the authority and the participating employees through their representatives.

As added by Acts 1981, P.L.309, SEC.76. Amended by P.L.235-1997, SEC.16.

IC 36-9-3-28**Audits; accounting forms and records**

Sec. 28. The state board of accounts shall:

- (1) audit the records of the authority; and
- (2) prescribe or approve all accounting forms and records used by the authority.

As added by Acts 1981, P.L.309, SEC.76.

IC 36-9-3-29**Annual budget**

Sec. 29. The board shall prepare an annual budget for the authority's operating and maintenance expenditures and necessary capital expenditures. Each annual budget is subject to review and modification by the:

- (1) fiscal body of the county or municipality that establishes the authority; and
- (2) county board of tax adjustment and the department of local government finance under IC 6-1.1-17.

As added by Acts 1981, P.L.309, SEC.76. Amended by P.L.233-2001, SEC.2; P.L.90-2002, SEC.503; P.L.224-2007, SEC.132; P.L.146-2008, SEC.785.

IC 36-9-3-30**Payment of organizational expenses**

Sec. 30. (a) The county or municipality that establishes the authority shall pay the expenses incurred in the organization of the authority; however, the amount of expenses paid may not exceed the amount for authority expenses set by the fiscal body of the establishing county or municipality.

(b) If two (2) or more counties or municipalities cooperate to establish the authority, the division of the costs incurred in the organization must be included in the agreement entered into by the counties or municipalities.

(c) The board shall, from time to time, certify the items of expense to the county auditor, according to the terms of the agreement.

(d) The authority shall fully reimburse each county or municipality out of the first proceeds of any special taxes levied for the purpose of this chapter.

As added by Acts 1981, P.L.309, SEC.76. Amended by P.L.235-1997, SEC.17; P.L.233-2001, SEC.3.

IC 36-9-3-31**Repealed**

(As added by Acts 1981, P.L.309, SEC.76. Amended by Acts 1981, P.L.45, SEC.36; P.L.21-1990, SEC.56; P.L.12-1992, SEC.176; P.L.254-1997(ss), SEC.33; P.L.90-2002, SEC.504; P.L.219-2007, SEC.141; P.L.146-2008, SEC.786. Repealed by P.L.182-2009(ss), SEC.469.)

IC 36-9-3-32**Acceptance of federal or other funds**

Sec. 32. (a) The board may, on behalf of the authority, accept, receive, and receipt for federal monies and other public or private monies for the acquisition, construction, enlargement, improvement, maintenance, equipment, or operation of public transportation systems under the jurisdiction of the authority. The board may also comply with federal statutes and rules concerning the expenditure of federal monies for public transportation systems.

(b) The board may apply to state and federal agencies for grants for public transportation development, make or execute representations, assurances, and contracts, enter into covenants and agreements with any state or federal agency relative to public transportation systems, and comply with federal and state statutes and rules concerning the acquisition, development, operation, and administration of public transportation systems.

As added by Acts 1981, P.L.309, SEC.76.

IC 36-9-3-33**Regulation by department of state revenue; administrative appeals and judicial review**

Sec. 33. (a) This section does not apply to interurban or interstate public transportation service.

(b) Service provided by the authority within the territory of the authority is exempt from regulation by the department of state revenue under IC 8-2.1. This exemption applies to transportation services provided by the authority directly or by grants or purchase of service agreements.

(c) Service provided by the authority by contract or service agreements outside the territory of the authority is subject to regulation by the department of state revenue under IC 8-2.1.

(d) The department of state revenue shall hear appeals concerning any regulatory action of the authority concerning service and rates, and, after making a finding based on the requirements of IC 8-2.1, issue an appropriate order. Judicial review of the commission decision may be obtained in the manner prescribed by IC 4-21.5-5.

As added by P.L.99-1989, SEC.34.