

IC 36-9-42

Chapter 42. Utility Relocations

IC 36-9-42-1

"Cost of relocation"

Sec. 1. As used in this chapter, "cost of relocation" has the meaning set forth in IC 8-1-9-2(b).

As added by P.L.79-2013, SEC.1.

IC 36-9-42-2

"Facility"

Sec. 2. As used in this chapter, "facility" has the meaning set forth in IC 8-1-26-7.

As added by P.L.79-2013, SEC.1.

IC 36-9-42-3

"Improvement project"

Sec. 3. As used in this chapter, "improvement project" means a project undertaken by a unit that involves:

- (1) a highway, street, or road that is under the jurisdiction of the unit; and
- (2) the relocation of a facility.

As added by P.L.79-2013, SEC.1.

IC 36-9-42-4

"Major project"

Sec. 4. As used in this chapter, "major project" means an improvement project designated by a unit as a major project under section 6 of this chapter.

As added by P.L.79-2013, SEC.1.

IC 36-9-42-5

"Utility"

Sec. 5. As used in this chapter, "utility" means the owner of a facility.

As added by P.L.79-2013, SEC.1.

IC 36-9-42-6

Designation of major project; identification of facilities; notice to utilities

Sec. 6. (a) A unit may designate an improvement project as a major project. The unit shall consider the scope, complexity, and duration of the project in making the designation.

(b) Before undertaking a major project, a unit shall make a reasonable effort to do the following:

- (1) Identify each facility located in a public right of way within the geographical limits of the major project by:
 - (A) investigating field conditions; and

- (B) reviewing base map data that is:
 - (i) maintained and updated by the association (as defined in IC 8-1-26-3) under IC 8-1-26-17(c); and
 - (ii) made available by the association to the unit.
- (2) Notify each utility that owns a facility identified under subdivision (1) of the major project and the need, if any, to relocate the facility.

As added by P.L.79-2013, SEC.1.

IC 36-9-42-7

Facility relocation agreement

Sec. 7. A unit may enter into an agreement with a utility described in section 6(b)(2) of this chapter concerning the relocation of the facility. The agreement must include the following:

- (1) A date certain by which the utility agrees to relocate the facility.
- (2) Conditions under which the utility is excused from relocating the facility by the date described in subdivision (1), including the following:
 - (A) The facility relocation was affected by:
 - (i) significantly differing site conditions;
 - (ii) unexpected impacts of other utilities; or
 - (iii) a force majeure event.
 - (B) Severe weather, delays in acquiring a relocation area, or other factors beyond the control of the utility.
- (3) Conditions under which the unit must notify the utility of cancellations, delays, or changes related to the major project.

As added by P.L.79-2013, SEC.1.

IC 36-9-42-8

Payment of relocation costs by unit

Sec. 8. If, as part of an improvement project, a unit is responsible for relocation costs, the unit shall pay the relocation costs in arrears in accordance with accounting procedures established by the state board of accounts.

As added by P.L.79-2013, SEC.1.

IC 36-9-42-9

Use of public right of way

Sec. 9. This chapter does not limit or alter the authority of the Indiana utility regulatory commission under IC 8-1-2-101 to review a unit's determination, or the rights and duties of affected parties, with respect to use of a public right of way as set forth in IC 8-1-2-101.

As added by P.L.79-2013, SEC.1.