

# HOUSE BILL No. 1490

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 8-23.

**Synopsis:** Public hearings for INDOT projects. Requires the department of transportation (INDOT) to consult with public officials and hold public hearings whenever INDOT proposes a project that will significantly disrupt traffic flow or permanently change established traffic patterns.

**Effective:** July 1, 2003.

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**Heim, Koch, Austin, Pierce**

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January 15, 2003, read first time and referred to Committee on Roads and Transportation.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

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# HOUSE BILL No. 1490



A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 8-23-2-5 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2003]: Sec. 5. The department, through the  
3 commissioner or the commissioner's designee, shall:  
4 (1) develop, continuously update, and implement:  
5 (A) long range comprehensive transportation plans;  
6 (B) work programs; and  
7 (C) budgets;  
8 to assure the orderly development and maintenance of an efficient  
9 statewide system of transportation;  
10 (2) implement the policies, plans, and work programs adopted by  
11 the department;  
12 (3) organize by creating, merging, or abolishing divisions;  
13 (4) evaluate and utilize whenever possible improved  
14 transportation facility maintenance and construction techniques;  
15 (5) carry out public transportation responsibilities, including:  
16 (A) developing and recommending public transportation  
17 policies, plans, and work programs;



- 1 (B) providing technical assistance and guidance in the area of  
 2 public transportation to political subdivisions with public  
 3 transportation responsibilities;  
 4 (C) developing work programs for the utilization of federal  
 5 mass transportation funds;  
 6 (D) furnishing data from surveys, plans, specifications, and  
 7 estimates required to qualify a state agency or political  
 8 subdivision for federal mass transportation funds;  
 9 (E) conducting or participating in any public hearings to  
 10 qualify urbanized areas for an allocation of federal mass  
 11 transportation funding;  
 12 (F) serving, upon designation of the governor, as the state  
 13 agency to receive and disburse any state or federal mass  
 14 transportation funds that are not directly allocated to an  
 15 urbanized area;  
 16 (G) entering into agreements with other states, regional  
 17 agencies created in other states, and municipalities in other  
 18 states for the purpose of improving public transportation  
 19 service to the citizens; and  
 20 (H) developing and including in its own proposed  
 21 transportation plan a specialized transportation services plan  
 22 for the elderly and persons with disabilities;
- 23 (6) provide technical assistance to units of local government with  
 24 road and street responsibilities;
- 25 (7) develop, undertake, and administer the program of research  
 26 and extension required under IC 8-17-7; ~~and~~
- 27 (8) allow public testimony in accordance with section 17 of this  
 28 chapter whenever the department holds a public hearing (as  
 29 defined in section 17 of this chapter); **and**
- 30 **(9) consult with local public officials and hold public hearings**  
 31 **in accordance with section 17(b) through 17(c) of this chapter**  
 32 **whenever the department proposes:**
- 33 **(A) a project that will significantly disrupt traffic flow in**  
 34 **or around communities; or**
- 35 **(B) a permanent change to established traffic patterns.**
- 36 SECTION 2. IC 8-23-6-1 IS AMENDED TO READ AS FOLLOWS  
 37 [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) The department shall select  
 38 the route of highways in the system of highways under its control  
 39 through cities and towns, and may change the routes as the department  
 40 determines most convenient for public travel **in accordance with**  
 41 **IC 8-23-2-5(9).**
- 42 (b) Notwithstanding subsection (a) and in or near the city of

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1 Mishawaka, Indiana, the portion of Capital Avenue lying between:  
2 (1) the most recently established US 20 bypass as of January 1,  
3 1997; and  
4 (2) the Indiana toll road;  
5 is designated state route number three hundred thirty-one (331).  
6 (c) The department, to the extent of the funds available for the  
7 purpose, shall maintain and, as it determines necessary and as the funds  
8 required are available, may construct and improve the roadway of the  
9 streets or a part of the streets to the width determined by the  
10 department. As part of the construction work, the department shall  
11 construct within the limits of a street the curbs and gutters, manholes,  
12 catch basins, and the necessary drainage structures and facilities.  
13 (d) Notwithstanding subsection (c), funds for the construction or  
14 improvement of the road designated as state route three hundred  
15 thirty-one (331) under subsection (b), to the extent funds are available  
16 for the construction or improvement, shall first be exhausted from:  
17 (1) revenue declared excess by the Indiana toll road;  
18 (2) federal aid designated for the local metropolitan planning  
19 organization;  
20 (3) city and county highway funds used for such purpose; and  
21 (4) revenue generated from local incremental finance districts;  
22 before any funds designated to the department are used for construction  
23 or improvement of state route three hundred thirty-one (331).

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