SENATE BILL No. 149

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-23-2-19.

Synopsis: State highway closings. Provides that the Indiana department of transportation (department), before letting a contract for a proposed project that would construct or improve a state highway and require the closure of the state highway for at least five consecutive days, is required to provide notice of the proposed project to governmental bodies serving the area affected by the proposed highway closure. Authorizes a governmental body, within 30 days after being notified, to submit to the department written objections to the proposed project. Requires the department, if it receives written objections, to respond to the written objections at a regularly scheduled meeting of a governmental body serving the area affected by the proposed highway closure.

Effective: July 1, 2013.

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January 7, 2013, read first time and referred to Committee on Homeland Security, Transportation and Veterans Affairs.

C o p y

Introduced

First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

C o p y

SENATE BILL No. 149

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

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

SECTION 1. IC 8-23-2-19 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 19. (a) This section applies to a contract for a proposed project that would:**

(1) construct or improve a state highway; and

(2) require the closure of a state highway for at least five (5) consecutive days.

(b) Before letting a contract described in subsection (a), the department shall provide written notice of the proposed project to the following:

(1) The county executive of the county in which the proposed highway closure is located.

(2) The executive of a municipality that satisfies either of the following:

(A) The municipality is the municipality in which the proposed highway closure is located.

(B) The municipality is the nearest municipality to the

proposed highway closure in the case of a closure occurring in an unincorporated area.

(3) The appropriate recipient, if any, among the following:

(A) The executive of a township providing fire protection services to the area affected by the proposed highway closure.

(B) The board of fire trustees of a fire protection district providing fire protection services to the area affected by the proposed highway closure.

(C) The executive of the provider unit of a fire protection territory providing fire protection services to the area affected by the proposed highway closure.

(4) The director of any local emergency management organization serving the area affected by the proposed highway closure.

(c) A governmental body that receives notice of a proposed project under subsection (b) may object to the proposed highway closure by submitting the reasons for the governmental body's objections to the department, in writing, not later than thirty (30) days after receiving the notice.

(d) The department shall respond to an objection received under subsection (c) at a regularly scheduled meeting of one (1) of the following:

(1) The board of commissioners of the county in which the proposed highway closure is located.

(2) The fiscal body of the county in which the proposed highway closure is located.

(3) The fiscal body of the appropriate municipality described in subsection (b)(2).

(e) The department may alter a proposed project described in subsection (a) to mitigate the effects of the proposed highway closure. However, the department's decisions under this section:

(1) are final; and

(2) are not subject to judicial review.

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