

HOUSE BILL No. 1366

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-23; IC 36-9-3-13.

Synopsis: Highway and street pilot program. Authorizes the department of transportation and the board of a regional transportation authority to develop a pilot program to explore alternative highway and street funding methods. Provides that money in the state highway fund may be used to pay for the pilot program.

Effective: July 1, 2013.

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January 22, 2013, read first time and referred to Committee on Roads and Transportation.

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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.

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HOUSE BILL No. 1366



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

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

1 SECTION 1. IC 8-23-9-55 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 55. Money in the state
3 highway fund shall be used for the following:

4 (1) Operation of the department, **including the development and**
5 **implementation of a highway and street funding pilot**
6 **program under IC 8-23-29.**

7 (2) Construction, reconstruction, operation, maintenance, and
8 control of the state highways that are the responsibility of the
9 department and of tollways that are the responsibility of the
10 department under IC 8-15-3.

11 SECTION 2. IC 8-23-29 IS ADDED TO THE INDIANA CODE AS
12 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
13 1, 2013]:

14 **Chapter 29. Alternative Highway and Street Funding Pilot**
15 **Program**

16 **Sec. 1. (a) The department shall develop a pilot program to**
17 **explore alternatives to the motor fuel tax for funding the highway**



1 and street system of Indiana described in IC 8-23-4-1. A pilot
 2 program must include a program that tests technology and
 3 methods for:

- 4 (1) identifying motor vehicles;
- 5 (2) collecting and reporting the number of miles traveled by
 6 a particular vehicle; and
- 7 (3) receiving payments from participants in the pilot
 8 program;

9 including technology for a service station point of sale system.

10 (b) The pilot program developed under subsection (a) may last
 11 not more than twenty-four (24) months. The department shall
 12 report, not later than December 1, 2015, and in an electronic
 13 format under IC 5-14-6, its findings and the results of the pilot
 14 program to:

- 15 (1) the governor;
- 16 (2) the legislative council; and
- 17 (3) the budget committee.

18 **Sec. 2.** The department shall evaluate the technology and
 19 methods used in the pilot program under this chapter for the
 20 following:

- 21 (1) Reliability.
- 22 (2) Ease of use.
- 23 (3) Public perception.
- 24 (4) Cost of implementation and administration.
- 25 (5) Potential for evasion or avoidance of accurate reporting.
- 26 (6) Privacy and protection of personal information.

27 **Sec. 3.** (a) The department may solicit volunteers to participate
 28 in the pilot program under this chapter. A participant must agree
 29 to:

- 30 (1) report the participant's use of the state highway and street
 31 system as required by the department;
- 32 (2) pay any fees established under the program; and
- 33 (3) display on or in the participant's vehicle a decal or other
 34 identifying marker required under the program.

35 (b) The department may compensate a participant.

36 **Sec. 4.** (a) The department shall establish and impose fees for
 37 the pilot program developed under this chapter.

38 (b) A fee established under subsection (a) must be:

- 39 (1) collected from each participant in the pilot program; and
- 40 (2) based on each participant's use of the state highway and
 41 street system.

42 (c) A fee established and collected under this section is instead

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1 of any motor fuel tax otherwise imposed on and paid by a
2 participant under IC 6-6.

3 (d) The department, in conjunction with the department of state
4 revenue, shall establish a procedure by which a participant that
5 pays the motor fuel tax while participating in the pilot program
6 under this chapter may apply to the department of state revenue
7 for a refund equal to the amount of motor fuel tax actually paid by
8 the participant.

9 Sec. 5. (a) The department shall issue a decal or other
10 identifying marker for each motor vehicle registered under IC 9-18
11 to a participant in the pilot program under this chapter. The
12 participant shall display the decal or other identifying marker on
13 each motor vehicle registered under IC 9-18 to the participant
14 while participating in the pilot program.

15 (b) A participant shall return the decal or other identifying
16 marker to the department when the participant ceases to
17 participate in the pilot program.

18 Sec. 6. (a) The department may terminate the pilot program
19 under this chapter with ten (10) days notice to participants.
20 However, the department may terminate the participation of a
21 participant effective immediately upon notice to the participant.

22 (b) Upon the termination of the pilot program or a participant's
23 participation in the pilot program under this chapter, the
24 department shall collect any fees imposed under section 4 of this
25 chapter on:

- 26 (1) participants in the terminated pilot program; or
- 27 (2) the participant whose participation in the pilot program
- 28 has been terminated;

29 that remain outstanding on the date of termination.

30 Sec. 7. The department may adopt rules under IC 4-22-2 to
31 carry out its responsibilities under this chapter.

32 SECTION 3. IC 36-9-3-13 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 13. The board may:

- 34 (1) exercise the executive and legislative powers of the authority
35 as provided by this chapter;
- 36 (2) as a municipal corporation, sue and be sued in its name;
- 37 (3) sell, lease, or otherwise contract for advertising in or on the
38 facilities of the authority;
- 39 (4) protect all property owned or managed by the board;
- 40 (5) adopt an annual budget;
- 41 (6) incur indebtedness in the name of the authority in accordance
42 with this chapter;

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- 1 (7) acquire real, personal, or mixed property by deed, purchase,
 2 or lease and dispose of it for use in connection with or for
 3 administrative purposes;
 4 (8) receive gifts, donations, bequests, and public trusts, agree to
 5 conditions and terms accompanying them, and bind the authority
 6 to carry them out;
 7 (9) receive federal or state aid and administer that aid;
 8 (10) erect the buildings or structures needed to administer and
 9 carry out this chapter;
 10 (11) determine matters of policy regarding internal organization
 11 and operating procedures not specifically provided for by law;
 12 (12) adopt a schedule of reasonable charges and rents, and collect
 13 them from all users of facilities and services within the
 14 jurisdiction of the authority;
 15 (13) purchase supplies, materials, and equipment to carry out the
 16 duties and functions of the board, in accordance with procedures
 17 adopted by the board and under applicable statutes;
 18 (14) employ the personnel necessary to carry out the duties,
 19 functions, and powers of the board;
 20 (15) sell any surplus or unneeded real and personal property in
 21 accordance with procedures adopted by the board and under
 22 applicable statutes;
 23 (16) adopt rules governing the duties of its officers, employees,
 24 and personnel, and the internal management of the affairs of the
 25 board;
 26 (17) fix the compensation of the various officers and employees
 27 of the authority, within the limitations of the total personal
 28 services budget;
 29 (18) purchase public transportation services from public or
 30 private transportation agencies upon the terms and conditions set
 31 forth in purchase of service agreements between the authority and
 32 the transportation agencies;
 33 (19) acquire, establish, construct, improve, equip, operate,
 34 maintain, subsidize, and regulate public transportation systems
 35 within the jurisdiction of the authority;
 36 (20) after receiving a request for assistance from a public
 37 transportation system, enter into agreements with government
 38 agencies, political subdivisions, private transportation companies,
 39 railroads, and other persons providing for:
 40 (A) construction, operation, and use by the other party of any
 41 public transportation system and equipment held or later
 42 acquired by the authority; and

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- 1 (B) acquisition of any public transportation system and
 2 equipment of another party if all or part of the operations of
 3 that party take place within the jurisdiction of the authority;
 4 (21) rent or lease any real property, including air rights above real
 5 property owned or leased by a transportation system, for
 6 transportation or other purposes, with the revenues from those
 7 rentals to accrue to the authority and to be used exclusively for the
 8 purposes of this chapter;
 9 (22) negotiate and execute contracts of sale, purchase, or lease, or
 10 contracts for personal services, materials, supplies, equipment, or
 11 passenger transportation services;
 12 (23) establish at or near its terminals and stations the off-street
 13 parking facilities and access roads that are necessary and
 14 desirable, and charge fees for or allow free use of those facilities;
 15 (24) enter into agreements with other persons for the purpose of
 16 participating in transportation planning activities;
 17 (25) administer any rail services or other use of rail rights-of-way
 18 that may be the responsibility of state or local government under
 19 the Federal Regional Rail Reorganization Act of 1973, as
 20 amended (45 U.S.C. sections 701-794);
 21 (26) determine the level and kind of public transportation services
 22 that should be provided by the authority; ~~and~~
 23 **(27) develop, using the applicable guidelines set forth in**
 24 **IC 8-23-29, a pilot program to explore alternatives to the**
 25 **motor fuel tax for funding the state highway and street**
 26 **system; and**
 27 ~~(27)~~ **(28)** do all other acts necessary or reasonably incident to
 28 carrying out the purposes of this chapter.

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