

IC 8-15.5-10

Chapter 10. Additional Powers of the Authority Concerning Toll Road Projects

IC 8-15.5-10-1

Cooperation by authority with other governmental entities

Sec. 1. The authority may exercise any powers provided under this article in participation or cooperation with the department or any other governmental entity and enter into any contracts to facilitate that participation or cooperation without compliance with any other statute.

As added by P.L.47-2006, SEC.39.

IC 8-15.5-10-2

Contracts necessary for performance of authority's or other agency's duties

Sec. 2. (a) The authority may make and enter into all contracts and agreements necessary or incidental to the performance of the authority's duties and the execution of the authority's powers under this article. These contracts or agreements are not subject to any approvals other than the approval of the authority and may be for any term of years and contain any terms that are considered reasonable by the authority.

(b) The department and any other state agency may make and enter into all contracts and agreements necessary or incidental to the performance of the duties and the execution of the powers granted to the department or the state agency in accordance with this article or the public-private agreement. These contracts or agreements are not subject to any approvals other than the approval of the department or state agency and may be for any term of years and contain any terms that are considered reasonable by the department or the state agency.

As added by P.L.47-2006, SEC.39.

IC 8-15.5-10-3

Payment of amounts owed from available funds; moral obligation

Sec. 3. (a) The authority may pay any amounts owed by the authority under a public-private agreement entered into under this article from any funds available to the authority under this article or any other statute.

(b) Subject to review by the budget committee established by IC 4-12-1-3 and approval by the budget director appointed under IC 4-12-1-3, a public-private agreement entered into under this article may:

- (1) establish a procedure for the authority or a person acting on behalf of the authority to certify to the general assembly the amount needed to pay any amounts owed by the authority under a public-private agreement; or
- (2) otherwise create a moral obligation of the state to pay any amounts owed by the authority under the public-private agreement.

(c) The authority may issue bonds under IC 4-4-11 or IC 8-15-2 to provide funds for any amounts identified under this section without complying with IC 8-9.5-8-10.

(d) If the agreement that is submitted for review provides for any tolls, the budget committee shall hold a meeting and conduct a review of the agreement not later than ninety (90) days after the date the agreement is submitted for review.

As added by P.L.47-2006, SEC.39. Amended by P.L.163-2011, SEC.9.

IC 8-15.5-10-4

Delegation of certain powers to operator

Sec. 4. For purposes of this article, the authority may authorize an operator under a public-private agreement to perform any of its duties under IC 8-15-2-1, IC 8-15-2-6, IC 8-15-2-18, and IC 8-15-2-24.

As added by P.L.47-2006, SEC.39.

IC 8-15.5-10-5

Powers under toll road statute and other laws; eminent domain

Sec. 5. (a) Subject to subsection (b), the authority may exercise any of its powers under IC 8-15-2 or any other provision of the Indiana Code as necessary or desirable for the performance of the authority's duties and the execution of the authority's powers under this article.

(b) For purposes of subsection (a), the following are governed by IC 8-15-2, IC 32-24, and any other applicable provision of the Indiana Code as in effect on January 1, 2010, and are not affected by amendments to those statutes enacted after December 31, 2009:

(1) The authority's use of the power of eminent domain to acquire property or interests in property for a project under this article.

(2) The rights of property owners who are affected by the authority's use of the power of eminent domain for a project under this article.

As added by P.L.47-2006, SEC.39. Amended by P.L.85-2010, SEC.11.

IC 8-15.5-10-6

Impairment of public-private agreement by authority prohibited

Sec. 6. The authority may not take any action under this chapter that would impair the public-private agreement entered into under this article.

As added by P.L.47-2006, SEC.39.

IC 8-15.5-10-7

Agreement with state police concerning law enforcement

Sec. 7. (a) The authority shall enter into an agreement between and among the operator, the authority, and the state police department concerning the provision of law enforcement assistance

with respect to a toll road project that is the subject of a public-private agreement under this article.

(b) The authority shall enter into arrangements with the state police department related to costs incurred in providing law enforcement assistance under this article.

(c) All law enforcement officers of the state and any political subdivision have the same powers and jurisdiction within the limits of a toll road project as they have in their respective areas of jurisdiction, including the roads and highways of the state. These law enforcement officers shall have access to a toll road project that is the subject of a public-private agreement to exercise their powers and jurisdiction.

As added by P.L.47-2006, SEC.39.

IC 8-15.5-10-8

Expedited method for dispute resolution

Sec. 8. The authority shall establish an expedited method for resolving disputes between or among the authority, the parties to a public-private agreement, and units of local government that contain any part of the toll road project, and shall set forth that method in the public-private agreement.

As added by P.L.85-2010, SEC.12.