

IC 8-15.7-2

Chapter 2. Definitions

IC 8-15.7-2-1

Application

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.47-2006, SEC.40.

IC 8-15.7-2-2

"Affected jurisdiction"

Sec. 2. "Affected jurisdiction" means the following:

- (1) Any county, city, or town in which all or a part of a qualifying project is located.
- (2) Any other public entity directly affected by the qualifying project.

As added by P.L.47-2006, SEC.40.

IC 8-15.7-2-3

"Authority" or "Indiana finance authority"

Sec. 3. "Authority" or "Indiana finance authority" refers to the Indiana finance authority established by IC 4-4-11-4.

As added by P.L.47-2006, SEC.40.

IC 8-15.7-2-4

"Department"

Sec. 4. "Department" refers to the Indiana department of transportation.

As added by P.L.47-2006, SEC.40.

IC 8-15.7-2-5

"Develop" or "development"

Sec. 5. "Develop" or "development" means to do one (1) or more of the following:

- (1) Plan.
- (2) Design.
- (3) Develop.
- (4) Lease.
- (5) Acquire.
- (6) Install.
- (7) Construct.
- (8) Reconstruct.
- (9) Rehabilitate.
- (10) Extend.
- (11) Expand.

As added by P.L.47-2006, SEC.40.

IC 8-15.7-2-6

"Highway, street, or road"

Sec. 6. "Highway, street, or road" has the meaning set forth in

IC 8-23-1-23.

As added by P.L.47-2006, SEC.40.

IC 8-15.7-2-7

"Law enforcement officer"

Sec. 7. "Law enforcement officer" has the meaning set forth in IC 35-41-1-17.

As added by P.L.47-2006, SEC.40.

IC 8-15.7-2-8

"Maintenance"

Sec. 8. "Maintenance" includes ordinary maintenance, repair, rehabilitation, capital maintenance, maintenance replacement, and any other categories of maintenance that may be designated by the department.

As added by P.L.47-2006, SEC.40.

IC 8-15.7-2-9

"Offeror"

Sec. 9. "Offeror" means a private entity that has submitted a qualification submittal or a proposal for a public-private agreement under this article.

As added by P.L.47-2006, SEC.40.

IC 8-15.7-2-10

"Operate" or "operation"

Sec. 10. "Operate" or "operation" means to do one (1) or more of the following:

- (1) Maintain.
- (2) Improve.
- (3) Equip.
- (4) Modify.
- (5) Otherwise operate.

As added by P.L.47-2006, SEC.40.

IC 8-15.7-2-11

"Operator"

Sec. 11. "Operator" means a private entity that has entered into a public-private agreement with the department to provide services to or on behalf of the department.

As added by P.L.47-2006, SEC.40.

IC 8-15.7-2-12

"Political subdivision"

Sec. 12. "Political subdivision" has the meaning set forth in IC 36-1-2-13.

As added by P.L.47-2006, SEC.40.

IC 8-15.7-2-12.5

"Governmental entity"

Sec. 12.5. "Governmental entity" means:

- (1) any state;
- (2) any authority, board, bureau, commission, committee, department, division, or other instrumentality established by any state; or
- (3) any entity established by the laws of another state in which the state of Indiana has been invited to participate.

As added by P.L.85-2010, SEC.15.

IC 8-15.7-2-13

"Private entity"

Sec. 13. "Private entity" means any combination of one (1) or more individuals, corporations, general partnerships, limited liability companies, limited partnerships, joint ventures, business trusts, nonprofit entities, or other business entities that are parties to a proposal for a qualifying project or a public-private agreement related to a qualifying project. A public agency may provide services to an operator as a subcontractor or subconsultant without affecting the private status of the private entity and the entity's or operator's ability to enter into a public-private agreement.

As added by P.L.47-2006, SEC.40.

IC 8-15.7-2-14

"Project"

Sec. 14. (a) Subject to IC 8-15.7-1-5, "project" means all or part of the following:

- (1) A limited access facility (as defined in IC 8-23-1-28).
- (2) A tollway.
- (3) Roads and bridges.
- (4) Passenger and freight railroad systems, including:
 - (A) the costs of environmental impact studies;
 - (B) property, equipment, and appurtenances necessary to operate a railroad, including lines, routes, roads, rights-of-way, easements, licenses, permits, track upgrades, rail grade crossings, locomotives, passenger cars, freight cars, and other railroad cars of any type or class; and
 - (C) other costs that the department determines are necessary to develop a passenger or freight railroad system in Indiana.
- (5) All or part of a bridge, tunnel, overpass, underpass, interchange, structure, ramp, access road, service road, entrance plaza, approach, tollhouse, utility corridor, toll gantry, rest stop, service area, or administration, storage, or other building or facility, including temporary facilities and buildings or facilities and structures that will not be tolled, that the department determines is appurtenant, necessary, or desirable for the development, financing, or operation of the facilities described in subdivisions (1) through (4).
- (6) An improvement, betterment, enlargement, extension, or reconstruction of all or part of any of the facilities described in this section, including a nontolled part, that is separately

designated by name or number.

(b) The term does not include a passenger railroad system that is operated by a commuter transportation district established under IC 8-5-15.

As added by P.L.47-2006, SEC.40. Amended by P.L.203-2007, SEC.6.

IC 8-15.7-2-15

"Public-private agreement"

Sec. 15. "Public-private agreement" means the public-private agreement between the operator and the department that relates to any combination of the development, financing, or operation of a qualifying project and is entered into under this article.

As added by P.L.47-2006, SEC.40.

IC 8-15.7-2-16

"Qualifying project"

Sec. 16. "Qualifying project" means one (1) or more projects developed, financed, or operated by an operator under this article.

As added by P.L.47-2006, SEC.40.

IC 8-15.7-2-17

"Request for proposals"

Sec. 17. "Request for proposals" means all materials and documents prepared by or on behalf of the department to solicit proposals from offerors to enter into a public-private agreement.

As added by P.L.47-2006, SEC.40.

IC 8-15.7-2-18

"Request for qualifications"

Sec. 18. "Request for qualifications" means all materials and documents prepared by or on behalf of the department to solicit qualification submittals from offerors to enter into a public-private agreement.

As added by P.L.47-2006, SEC.40.

IC 8-15.7-2-19

"Revenues"

Sec. 19. "Revenues" means all revenues, including any combination of:

- (1) income;
- (2) earnings and interest;
- (3) user fees;
- (4) lease payments;
- (5) allocations;
- (6) federal, state, and local appropriations, grants, loans, lines of credit, and credit guarantees;
- (7) bond proceeds;
- (8) equity investments; or
- (9) other receipts;

arising out of or in connection with a qualifying project, including the development, financing, and operation of a qualifying project. The term includes money received as grants, loans, lines of credit, credit guarantees, or otherwise in aid of a qualifying project from the federal government, the state, a political subdivision, or any agency or instrumentality of the federal government, the state, or a political subdivision.

As added by P.L.47-2006, SEC.40.

IC 8-15.7-2-20

"Tollway"

Sec. 20. "Tollway" has the meaning set forth in IC 8-15-3-7.

As added by P.L.47-2006, SEC.40.

IC 8-15.7-2-21

"Transportation plan"

Sec. 21. "Transportation plan" has the meaning set forth in IC 8-23-1-41.

As added by P.L.47-2006, SEC.40.

IC 8-15.7-2-22

"User fees"

Sec. 22. "User fees" means the rates, tolls, or fees imposed for use of, or incidental to, all or part of a qualifying project under a public-private agreement.

As added by P.L.47-2006, SEC.40.