

IC 8-15-3

Chapter 3. Tollways

IC 8-15-3-1

"Cost"

Sec. 1. As used in this chapter, "cost" (as applied to a tollway or any part of a tollway) includes the following:

- (1) The cost of construction, including bridges over or under other public roads and railroads.
- (2) The cost of acquisition of all real property, rights-of-way, rights, easements, and interests acquired by the department for construction.
- (3) The cost of demolishing or removing any building or structure on acquired real property, including the cost of acquiring any real property to which buildings or structures may be moved.
- (4) The cost of diverting highways, interchanges of highways, and access roads to private property, including the cost of real property or easements.
- (5) The cost of all machinery and equipment.
- (6) The cost of traffic estimates and of engineering and legal expenses, plans, specifications, surveys, and estimates of costs and revenues.
- (7) Other expenses that are necessary or incidental to the construction, reconstruction, or conversion of the tollway and the placing of the tollway in operation.
- (8) Administrative expenses.
- (9) Any obligation or expense incurred by the department for surveys, borings, preparation of plans and specifications, and other engineering services in connection with the construction of a tollway under this chapter.
- (10) The repayment of a grant from a federal agency that the department itself is authorized to repay under section 19 of this chapter in connection with a tollway.
- (11) The cost of conversion of a state highway to a tollway under IC 8-23-7-22.

As added by P.L.386-1987(ss), SEC.13. Amended by P.L.18-1990, SEC.135.

IC 8-15-3-2

"Department"

Sec. 2. As used in this chapter, "department" refers to the Indiana department of transportation.

As added by P.L.386-1987(ss), SEC.13. Amended by P.L.18-1990, SEC.136.

IC 8-15-3-2.5

"Operator"

Sec. 2.5. "Operator" refers to one (1) or more private individuals or entities that enter into a public-private agreement to do one (1) or

more of the following with respect to one (1) or more tollways:

- (1) Planning.
- (2) Design.
- (3) Development.
- (4) Construction.
- (5) Reconstruction.
- (6) Maintenance.
- (7) Repair.
- (8) Financing.
- (9) Operation.

A public entity may provide services to an operator as a subcontractor or subconsultant without affecting the private status of the operator and the entity's or operator's ability to enter into a public-private agreement.

As added by P.L.47-2006, SEC.20.

IC 8-15-3-3

"Owner"

Sec. 3. As used in this chapter, "owner" includes any individual, partnership, association, limited liability company, or corporation having title or interest in any property right, easement, or interest acquired by this chapter.

As added by P.L.386-1987(ss), SEC.13. Amended by P.L.8-1993, SEC.146.

IC 8-15-3-3.5

"Public-private agreement"

Sec. 3.5. "Public-private agreement" has the meaning set forth in IC 8-15.7-2-15.

As added by P.L.47-2006, SEC.21.

IC 8-15-3-4

"Public road"

Sec. 4. As used in this chapter, "public road" includes any public highway, road, and street in the state (including any toll road or tollway), whether maintained by the state, a county, a city, a town, or any other political subdivision or body corporate and politic separate from the state but exercising powers constituting essential government functions.

As added by P.L.386-1987(ss), SEC.13.

IC 8-15-3-5

"Revenue"

Sec. 5. As used in this chapter, "revenue" means any toll, rental, gift, grant, appropriation, money, or other funds or property coming into the possession or under the control of the department under this chapter.

As added by P.L.386-1987(ss), SEC.13.

IC 8-15-3-6

"State highway"

Sec. 6. As used in this chapter, "state highway" means a public road for which the department is responsible under IC 8-23-2-4.1(4). *As added by P.L.386-1987(ss), SEC.13. Amended by P.L.1-2002, SEC.37.*

IC 8-15-3-7

"Tollway"

Sec. 7. As used in this chapter, "tollway" includes:

- (1) an express highway, limited access facility, superhighway, bridge, tunnel, or motor way, including express lanes and managed lanes, constructed under this chapter or IC 8-15.7 or, subject to section 10 of this chapter, converted to a tollway under IC 8-23-7-22;
- (2) any bridge, tunnel, overpass, underpass, interchange, structure, ramp, access road, service road, entrance plaza, approach, tollhouse, utility corridor, toll gantry, rest stop, service station, or administration, storage, or other buildings or facilities, including temporary facilities and buildings, facilities, and structures that will not be tolled, that the department considers appurtenant to or necessary or desirable for the financing, construction, operation, or maintenance of one (1) or more of the items described in subdivision (1);
- (3) any subsequent improvement, betterment, enlargement, extension, or reconstruction of one (1) or more items described in this section, including any nontolled part, that are separately designated by name or number;
- (4) a project connecting the state of Indiana with an adjacent state; or
- (5) any combination of items or projects described in subdivisions (1) through (4).

As added by P.L.386-1987(ss), SEC.13. Amended by P.L.18-1990, SEC.137; P.L.47-2006, SEC.22; P.L.85-2010, SEC.2; P.L.163-2011, SEC.2.

IC 8-15-3-8

"Transient lodging facility"

Sec. 8. As used in this chapter, "transient lodging facility" means accommodations for overnight or temporary habitation. The term includes a hotel, motel, motor court, lodge, or inn.

As added by P.L.386-1987(ss), SEC.13.

IC 8-15-3-9

Location of tollway; approval; powers of department

Sec. 9. (a) Subject to subsection (e), the governor must approve the location of any tollway.

(b) The department may, in any combination, plan, design, develop, construct, reconstruct, maintain, repair, police, finance, and operate tollways, public improvements, and arterial streets and roads at those locations that the governor approves.

(c) The department may, in any combination, plan, design, develop, construct, reconstruct, improve, finance, operate, repair, or maintain public improvements such as roads and streets, sewer lines, water lines, and other utilities if these improvements are:

- (1) adjacent or appurtenant to a tollway; or
- (2) necessary or desirable for the financing, construction, operation, or maintenance of a tollway.

(d) The department may, in any combination, plan, design, develop, construct, reconstruct, improve, maintain, repair, operate, or finance the construction or reconstruction of an arterial highway or an arterial street that:

- (1) is adjacent to, appurtenant to, or interchanges with a tollway; or
- (2) intersects with a road or street that interchanges with a tollway.

(e) Before the governor, the department, or an operator may carry out any of the following activities under this chapter, the general assembly must enact a statute authorizing that activity:

- (1) Approve the location of a tollway other than a tollway that is approved before July 1, 2011.
- (2) Carry out construction for Interstate Highway 69 in a township having a population of more than seventy-five thousand (75,000) and less than ninety-three thousand five hundred (93,500).
- (3) Impose tolls on motor vehicles for use of Interstate Highway 69.

(f) Notwithstanding subsection (e), during the period beginning July 1, 2011, and ending June 30, 2021, the general assembly is not required to enact a statute authorizing the governor, the department, or an operator to approve the location of a tollway with respect to the following projects:

- (1) A project on which construction begins after June 30, 2011, not including any part of Interstate Highway 69 other than a part described in subdivision (4).
- (2) The addition of toll lanes, including high occupancy toll lanes, to a highway, roadway, or other facility in existence on July 1, 2011, if the number of nontolled lanes on the highway, roadway, or facility as of July 1, 2011, does not decrease due to the addition of the toll lanes.
- (3) The Illiana Expressway, a limited access facility connecting Interstate Highway 65 in northwestern Indiana with an interstate highway in Illinois.
- (4) A project that is located within a metropolitan planning area (as defined by 23 U.S.C. 134) and that connects the state of Indiana with the commonwealth of Kentucky.

As added by P.L.386-1987(ss), SEC.13. Amended by P.L.47-2006, SEC.23; P.L.85-2010, SEC.3; P.L.163-2011, SEC.3.

IC 8-15-3-10
Conversion of state highway to tollway

Sec. 10. The department (subject to complying with IC 8-23-7-22) may convert a state highway to a tollway.

As added by P.L.386-1987(ss), SEC.13. Amended by P.L.18-1990, SEC.138.

IC 8-15-3-11

Rules; use of tollways and streets

Sec. 11. The department may establish rules for the use of tollways, public improvements, or arterial streets or roads.

As added by P.L.386-1987(ss), SEC.13.

IC 8-15-3-12

Fixing and collecting tolls

Sec. 12. The department may fix, revise, charge, collect, retain, and use tolls for transit over each tollway or part of a tollway. The tolls and the setting of toll rates are not subject to supervision or regulation by any other commission, board, bureau, or agency of the state.

As added by P.L.386-1987(ss), SEC.13. Amended by P.L.18-1990, SEC.139; P.L.47-2006, SEC.24.

IC 8-15-3-13

Acquisition of property

Sec. 13. The department may acquire in the name of the state, by purchase or otherwise, on the terms and conditions and in the manner that the department considers proper or by the exercise of the right of condemnation as prescribed by this chapter, that public or private property (including public parks, playgrounds, or reservations, including parts of them or rights in them, rights-of-way, property rights, easements, and interests) that the department considers necessary for carrying out this chapter.

As added by P.L.386-1987(ss), SEC.13.

IC 8-15-3-14

Sale, transfer, or conveyance of property

Sec. 14. The department may sell, transfer, and convey any real property, any interest in real property, or any part of real property (whether acquired by purchase, condemnation, or otherwise, and whether the land or interest had been public or private) when it is no longer needed for purposes of this chapter.

As added by P.L.386-1987(ss), SEC.13.

IC 8-15-3-15

Transfer or lease of property

Sec. 15. The department may transfer to the tollway or lease, license, or otherwise transfer to the authority or the operator of a tollway any real property or interest in real property acquired by it under section 13 or 31 of this chapter, IC 8-23-7, or otherwise that is necessary, desirable, or convenient for the financing, construction, maintenance, and operation of any tollway or part of a tollway, or as

otherwise required under this chapter.

As added by P.L.386-1987(ss), SEC.13. Amended by P.L.18-1990, SEC.140; P.L.47-2006, SEC.25.

IC 8-15-3-16

Ingress and egress points

Sec. 16. (a) Except as provided in subsection (b), the department may designate the locations and establish, limit, and control points of ingress and egress from each tollway as necessary or desirable to:

- (1) ensure the proper operation and maintenance of the tollway;
- (2) finance the tollway;
- (3) prohibit entrance to the tollway from any point that is not designated as an entrance; and
- (4) provide for and permit the interconnection of a tollway with a toll road that is leased or operated by the department.

(b) The department may not grant ingress to or egress from any tollway, service area, or toll collection area having direct access to the tollway for the operation of transient lodging facilities, including the service areas on which are located service stations and restaurants and toll plazas and paved parts of the right-of-way.

(c) The department shall erect at all points of ingress and egress suitable signs facing traffic from each direction on the tollway. These signs must designate the number and other designations, if any, of all United States or state highways of ingress or egress, the names of all Indiana municipalities having a population of at least five thousand (5,000) within a distance of seventy-five (75) miles on the roads of ingress or egress, and the distance in miles to those designated municipalities.

As added by P.L.386-1987(ss), SEC.13. Amended by P.L.47-2006, SEC.26.

IC 8-15-3-17

Contracts, leases, and other agreements

Sec. 17. The department may make and enter into all leases, licenses, conveyances, contracts, and agreements necessary or incidental to the performance of the department's duties and the execution of the department's powers under this chapter and IC 8-15.7.

As added by P.L.386-1987(ss), SEC.13. Amended by P.L.47-2006, SEC.27.

IC 8-15-3-18

Employees, consultants, and contractors

Sec. 18. The department may employ consulting engineers, superintendents, managers, other engineers, construction experts, financial advisers, accounting experts, attorneys, and other consultants, contractors, employees, and agents necessary to carry out this chapter or IC 8-15.7, and fix their compensation.

As added by P.L.386-1987(ss), SEC.13. Amended by P.L.47-2006, SEC.28.

IC 8-15-3-19

Grants; aid; contributions

Sec. 19. The department may receive and accept in any combination from any federal, state, or local agency, subject to IC 8-23-3, loan proceeds, proceeds from lines of credit, proceeds from credit guarantees, and grants for or in aid of the planning, design, construction, financing, repair, rehabilitation, expansion, improvement, operation, or maintenance of all or part of any tollway, and receive and accept aid or contributions from any source of either money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which those loan proceeds, proceeds from lines of credit, proceeds from credit guarantees, grants, or contributions are made. The department may distribute any part of loan proceeds, proceeds from lines of credit, proceeds from credit guarantees, and grants received under this section to an operator as permitted by the terms of the loan, line of credit, credit guarantee, or grant. The department, the authority, or an operator, as required by a public-private agreement, shall repay any loan, line of credit, credit guarantee, or grant from a federal, state, or local agency, if a repayment is necessary to free the department from restrictions that the department determines to be in the public interest to remove.

As added by P.L.386-1987(ss), SEC.13. Amended by P.L.47-2006, SEC.29.

IC 8-15-3-20

Expenditures or loans for public improvements

Sec. 20. The department may establish fees, charges, terms, or conditions for any expenditures, loans, or other form of financial participation in connection with public improvements on arterial streets and roads that are financed with tollway funds.

As added by P.L.386-1987(ss), SEC.13.

IC 8-15-3-21

Acceptance of gifts, bequests, loans, or revenue sharing

Sec. 21. The department may accept gifts, devises, bequests, grants, loans, appropriations, revenue sharing, and any other financing and assistance from any source and agree to and comply with conditions attached to it. Subject to the conditions agreed to by the department, the department may distribute any gifts, devises, bequests, grants, loans, appropriations, revenue sharing, and any other financing and assistance received under this section to an operator, as set forth in a public-private agreement.

As added by P.L.386-1987(ss), SEC.13. Amended by P.L.47-2006, SEC.30.

IC 8-15-3-22

Power of department

Sec. 22. (a) The department has any power with respect to tollways that it has in connection with state highways.

(b) The department may do all acts and things necessary or proper to carry out this chapter.

As added by P.L.386-1987(ss), SEC.13.

IC 8-15-3-23

Exercise of power; exemption from taxation or assessments

Sec. 23. (a) The exercise of the powers granted by this chapter to the department or the authority must be in all respects for:

- (1) the benefit of the people of Indiana;
- (2) the increase of the commerce and prosperity of Indiana; and
- (3) the improvement of the health and living conditions of the people of Indiana.

(b) Since the operation and maintenance of a tollway by the department or the authority constitutes the performance of essential governmental functions, neither the department nor the authority is required to pay any taxes or assessments upon a tollway or any property acquired or used by the department under this chapter or IC 8-15.7 or upon the income from a tollway.

(c) The operator under a public-private agreement is not required to pay taxes or assessments upon a tollway, any property or property interest acquired by the operator under a public-private agreement, or any possessory interest in the tollway or in property granted or created by the public-private agreement under this chapter or IC 8-15.7.

(d) An operator or any other person purchasing tangible personal property for incorporation into or improvement of a structure or facility constituting or becoming part of the land included in:

- (1) a tollway; or
 - (2) property granted or created by the public-private agreement;
- is entitled to the exemption from gross retail tax and use tax provided under IC 6-2.5-4-9(b) and IC 6-2.5-3-2(c), respectively, with respect to that tangible personal property.

As added by P.L.386-1987(ss), SEC.13. Amended by P.L.47-2006, SEC.31.

IC 8-15-3-24

Tolls and charges; fixing and collecting; deposits

Sec. 24. (a) Except as provided in subsection (b), the department may:

- (1) fix, revise, charge, and collect tolls, fees, or charges for:
 - (A) the use of a tollway or any part of a tollway, including the right-of-way adjoining the paved part of the tollway;
 - (B) placing on a tollway or part of a tollway telephone, telegraph, electric light, cable, communication, gas, water, sewer, or power lines;
 - (C) the initiation, administration, and maintenance of customer accounts, late payment procedures, credit card and other electronic transactions, and enforcement actions for collection of unpaid amounts; and
 - (D) equipment used by customers in connection with

- electronic tolling, including transponders;
- (2) fix the terms, conditions, and rates of charge for use of a tollway; and
- (3) retain and use tolls, fees, or charges collected in accordance with this article.

(b) A toll or charge may not be made by the department for the following:

- (1) The operation of temporary lodging facilities located upon or adjacent to a tollway.
- (2) Placing in, on, along, over, or under a tollway any telephone, telegraph, electric light, cable, communication, gas, water, sewer, or power lines, equipment, or facilities that are necessary to serve establishments located on the tollway or that are necessary to interconnect any public utility facilities on one (1) side of the tollway with those on the other side.

(c) The department may fix the tolls for a tollway by establishing maximum amounts and may provide that tolls or any maximum tolls established, and any increases or decreases to those tolls or maximum tolls, may be based on the indices or methodologies that the department considers appropriate. The department may set an increased toll for any class of traffic for any lane or other part of a tollway if the department determines that an increased toll is necessary or appropriate for financing the tollway or to reduce traffic congestion, increase mobility, improve connectivity, promote fuel conservation, achieve operating efficiencies, or promote public safety. The department shall specify the times or conditions under which an increased toll will be imposed. A reduced rate of toll is not allowed within a class, except:

- (1) through the use of commutation or other tickets or privileges based upon frequency or volume of use;
- (2) as permitted under an electronic tolling program;
- (3) as permitted under a managed lane program under section 27.5 of this chapter;
- (4) as necessary, desirable, or appropriate for financing the tollway;
- (5) on a part of a tollway designated by the department, in its discretion, as an area free of tolls;
- (6) as determined appropriate by the department; or
- (7) as permitted under a public-private agreement.

(d) A person that passes a toll gate or other area of a tollway where a toll, charge, or fee is due without paying that amount commits a Class C infraction.

As added by P.L.386-1987(ss), SEC.13. Amended by P.L.47-2006, SEC.32.

IC 8-15-3-25

Preservation of contracts

Sec. 25. All contracts executed by the department shall be preserved in the principal office of the department.

As added by P.L.386-1987(ss), SEC.13.

IC 8-15-3-26

Rules; traffic control; property protection; law enforcement access

Sec. 26. (a) The department may adopt rules under IC 4-22-2 for the following:

- (1) The control and regulation of traffic on a tollway.
- (2) The protection and preservation of property under the department's or operator's jurisdiction and control.
- (3) The maintenance and preservation of good order within the property under the department's or operator's control.

(b) Rules adopted under this chapter must provide that law enforcement officers be afforded ready access, while in the performance of their official duties, to all property under the department's jurisdiction without the payment of tolls.

(c) A person who violates a rule adopted under this section commits a Class C infraction.

As added by P.L.386-1987(ss), SEC.13. Amended by P.L.47-2006, SEC.33.

IC 8-15-3-27

Adoption of rules; traffic controls

Sec. 27. Notwithstanding IC 9, the department may adopt rules under IC 4-22-2 for the following:

(1) Establishing weight and size limitations for vehicles using a tollway, subject to the following:

(A) The operator of any vehicle exceeding any of the maximum allowable dimensions or weights must apply to the department in writing for an application for a special hauling permit. The application must be received at least seven (7) days before the time of desired entry. A permit, if granted, shall be given to the applicant in duplicate, properly completed, and numbered. The driver of the vehicle must have a copy to present to the toll attendant on duty at the point of entry to the tollway.

(B) The department shall assess a fee for issuing a special hauling permit. In assessing the fee, the department shall take into consideration the following factors:

- (i) The administrative cost of issuing the permit.
- (ii) The potential damage the vehicle represents to the project.
- (iii) The potential safety hazard the vehicle represents.

(2) Establishing the speed at which a vehicle may be driven on a tollway, including a minimum speed and a maximum speed not in excess of the maximum provided in IC 9 for the interstate defense network of dual highways.

(3) Designating one-way traffic lanes on a tollway.

(4) Determining the manner of operation of vehicles entering and leaving traffic lanes on a tollway.

(5) Determining the regulation of U-turns, of crossing or entering medians, of stopping, parking, or standing, and of passing vehicles on a tollway.

(6) Determining the establishment and enforcement of traffic control signs and signals for vehicles in traffic lanes, acceleration and deceleration lanes, toll plazas, and interchanges on a tollway.

(7) Determining the limitation of entry to and exit from a tollway to designated entrances and exits.

(8) Determining the limitation on use of a tollway by pedestrians and aircraft and by vehicles of a type specified in the rules.

(9) Regulating commercial activity on tollways, including the following:

(A) The offering or display of goods or services for sale.

(B) The posting, distributing, or displaying of signs, advertisements, or other printed or written material.

(C) The operation of a mobile or stationary public address system.

As added by P.L.386-1987(ss), SEC.13. Amended by P.L.40-2000, SEC.1; P.L.23-2001, SEC.1.

IC 8-15-3-27.5

Rules restricting use of lanes

Sec. 27.5. (a) The rules adopted under section 26 or 27 of this chapter may include restrictions on the use of one (1) or more lanes on any part of a tollway as necessary, appropriate, or desirable for financing the tollway or to reduce congestion, increase mobility, promote fuel conservation, achieve operating efficiencies, or promote public safety. The restrictions may include limiting use of one (1) or more lanes to private vehicles, high occupancy vehicles, vehicles that participate in an electronic tolling program, trucks, commercial vehicles, special fuel vehicles, transit vehicles, or vehicles that pay a higher toll for exclusive use of a dedicated lane. The rules may require a person eligible to use a restricted lane to obtain the permit specified by the department or an operator, as permitted under a public-private agreement.

(b) The department may require that an electronic device or other identification device specified by the department or by an operator as permitted under a public-private agreement be maintained in a vehicle using a restricted lane on a tollway.

(c) The department may construct barriers or implement other design, construction, or operational features to implement a managed lane, express lane, or other program under this section.

As added by P.L.47-2006, SEC.34.

IC 8-15-3-27.7

Rules concerning electronic tolling

Sec. 27.7. (a) The rules adopted under section 26 or 27 of this chapter may establish an electronic tolling program. The rules must provide at least the following:

(1) A participant must enter into a written agreement containing the terms and conditions approved by the department.

(2) An agreement must require the participant to do the following:

(A) Establish the account specified by the department and maintain the balance of funds in the account specified by the department.

(B) Hold and use any device provided to register use of a tollway that is chargeable to the participant's account in the manner specified in the rules and participant's agreement.

(C) Pay the fees, charges, and tolls specified by the department or an operator, as permitted under a public-private agreement.

(D) Comply with any other necessary or appropriate terms and conditions specified by the department or an operator, as permitted under a public-private agreement.

(3) A method for resolving disputed charges with account holders, including an agreement by the account holder to hold the department and its agents harmless for the payment of any unpaid financial obligation incurred by the account holder.

(4) The program will comply with all applicable federal and state laws, regulations, and rules regulating credit transactions between the entity holding the account and the account holder.

(5) Notice will be provided to the participant of all federal and state privacy, credit, and other laws, regulations, and policies applicable to an account and the program.

(b) The department may establish reasonable fees and charges to be charged to account holders and business entities participating in the electronic tolling program and to recover costs of administration, account initiation and maintenance, late payments, credit card and other electronic transactions, enforcement, and improvement of the program. The fees and charges shall be deposited in the appropriate special funds account for the tollways covered by the program, as specified by the department, or used, retained, or deposited as permitted under a public-private agreement.

(c) The identifying credit and tollway use information of an electronic tolling program participant may not be used by the department or an operator for commercial purposes not related to the tollway.

As added by P.L.47-2006, SEC.35.

IC 8-15-3-28

Violations of rule; size and weight violations

Sec. 28. (a) A person who violates a rule adopted under section 27 of this chapter commits a Class C infraction.

(b) A violation of a weight limitation established by rule under section 27 of this chapter is:

(1) a Class B infraction if the total of all excess weight under those limitations is more than five thousand (5,000) pounds but not more than ten thousand (10,000) pounds; or

(2) a Class A infraction if the total of all excess weight under those limitations is more than ten thousand (10,000) pounds.

(c) It is a defense to the charge of violating a weight limitation that the total of all excess weight under that limitation is less than one thousand (1,000) pounds.

(d) The court may suspend the registration of a vehicle that violates a size or weight limitation for a period of not more than ninety (90) days. Upon the conviction of a person for a violation of a weight or size limitation, the court may recommend suspension of a current chauffeur's license only if the violation is committed knowingly.

As added by P.L.386-1987(ss), SEC.13.

IC 8-15-3-29

Condition and repair of tollways

Sec. 29. Each tollway shall be maintained and kept in good condition and repair by the department.

As added by P.L.386-1987(ss), SEC.13.

IC 8-15-3-30

Restoration or repair of damaged property

Sec. 30. All public and private property damaged or destroyed in carrying out this chapter shall be restored or repaired and placed in its original condition as nearly as practicable or adequate compensation made for it.

As added by P.L.386-1987(ss), SEC.13.

IC 8-15-3-31

Lease, grant, or conveyance of property by political subdivision or public agency

Sec. 31. Notwithstanding any other law, each county, city, town, township, and other political subdivision and public agency of the state may lease, lend, grant, or convey to the state at the request of the department, upon reasonable and fair terms and conditions, and without the necessity for an advertisement, order of court, or other formal action (other than the regular and formal action of the departments concerned), any real property for the purposes of this chapter.

As added by P.L.386-1987(ss), SEC.13.

IC 8-15-3-32

Conversion of tollways to state highways

Sec. 32. Subject to any public-private agreement that applies to a tollway, including terms applicable to the financing of the tollway, the department may, after issuing an order and after receiving the governor's approval, at any time determine that a tollway under its jurisdiction should become a part of the system of state highways free of tolls.

As added by P.L.386-1987(ss), SEC.13. Amended by P.L.18-1990, SEC.141; P.L.47-2006, SEC.36.

IC 8-15-3-33

Studies of tollway; additional interchanges

Sec. 33. (a) The department may expend any funds available for the study of a tollway and may use the department's engineering and other resources, including consulting engineers and traffic engineers, to conduct this study.

(b) The department shall make studies of the feasibility of construction of additional interchanges along tollways near population and traffic generating centers. These studies shall be made by consulting engineers and traffic engineers who are retained by the department in connection with its other duties under this chapter.

As added by P.L.386-1987(ss), SEC.13. Amended by P.L.18-1990, SEC.142.

IC 8-15-3-34

Employment of police officers

Sec. 34. The department may arrange for the use and employment of police officers to police a tollway. The police officers employed under this section are vested with all necessary police powers to enforce state laws. A police officer employed under this section has the same powers within the property limits of a tollway as a law enforcement officer (as defined in IC 35-41-1-17) within the law enforcement officer's jurisdiction. A warrant of arrest issued by the proper authority of the state may be executed within the property limits of the tollway by a police officer employed by the department or an operator.

As added by P.L.47-2006, SEC.37.

IC 8-15-3-35

Exercise of certain powers by authority or operator

Sec. 35. (a) If a public-private agreement is entered into under IC 8-15.7 with respect to a project, the department may authorize:

- (1) the authority to exercise all or a part of the powers of the department under this chapter necessary or desirable to accomplish the purposes of this chapter or IC 8-15.7; and
- (2) the operator under the public-private agreement to exercise all or a part of the powers of the department under sections 9, 16, 29, and 30 of this chapter under the public-private agreement.

(b) The department may authorize the authority to exercise all or a part of the powers of the department under this chapter necessary or desirable to accomplish the purposes of this chapter.

As added by P.L.47-2006, SEC.38.