

# SENATE BILL No. 334

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-29; IC 8-23.

**Synopsis:** Operation of safety rest areas. Requires the office of tourism development and the Indiana department of transportation (INDOT) to enter into a memorandum of understanding under which the office of tourism development will assume the responsibility of operating safety rest areas. Provides that the terms of a memorandum of understanding concerning the operation of safety rest areas must provide that INDOT retains ownership of real property acquired to construct safety rest areas.

**Effective:** Upon passage.

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January 8, 2019, read first time and referred to Committee on Homeland Security and Transportation.

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First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

## SENATE BILL No. 334

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 5-29-2-5, AS ADDED BY P.L.229-2005,  
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 UPON PASSAGE]: Sec. 5. (a) The office may do the following:  
4 (1) Cooperate with federal, state, and local governments and  
5 agencies in the coordination of programs to promote tourism.  
6 (2) Receive and expend funds, grants, gifts, and contributions of  
7 money, property, labor, and other things of value from public and  
8 private sources, including grants from agencies and  
9 instrumentalities of the state and the federal government. The  
10 office:  
11 (A) may accept federal grants for providing planning  
12 assistance, making grants, or providing other services or  
13 functions necessary to political subdivisions, planning  
14 commissions, or other public or private organizations;  
15 (B) shall administer these grants in accordance with the terms  
16 of the grants; and  
17 (C) may contract with political subdivisions, planning



- 1 commissions, or other public or private organizations to carry  
 2 out the purposes for which the grants were made.
- 3 (3) Request assistance, information, and advice regarding the  
 4 duties and functions of the office from an officer, agent, or  
 5 employee of the state. The head of any other state department or  
 6 agency may assign any of the department's or agency's employees  
 7 to the office on a temporary basis, or may direct a division or  
 8 agency under the department's or agency's supervision and control  
 9 to make a special study or survey requested by the director.
- 10 (4) Disseminate information concerning and advertise or contract  
 11 to advertise the cultural, recreational, quality of life, and tourism  
 12 advantages of Indiana.
- 13 (5) Plan, direct, and conduct research activities.
- 14 (b) The office shall assist in the development and promotion of  
 15 Indiana's tourist resources, facilities, attractions, and activities.
- 16 **(c) Before January 1, 2020, the office shall enter into a**  
 17 **memorandum of understanding with the Indiana department of**  
 18 **transportation to assume the responsibility of operating safety rest**  
 19 **areas (as defined by IC 8-23-1-35) adjacent to interstate highways**  
 20 **in Indiana. The office shall operate safety rest areas in a manner**  
 21 **that enhances the development and promotion of Indiana's tourist**  
 22 **resources, facilities, attractions, and activities.**
- 23 SECTION 2. IC 5-29-3-4, AS AMENDED BY P.L.117-2014,  
 24 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25 UPON PASSAGE]: Sec. 4. (a) The tourism information and promotion  
 26 fund is established within the state treasury. The fund shall be used for  
 27 the purposes of this chapter.
- 28 (b) The fund consists of appropriations from the general assembly  
 29 and gifts, donations, bequests, devises, and contributions received by  
 30 the office.
- 31 (c) The office shall administer the fund. The following may be paid  
 32 from money in the fund:
- 33 (1) Grants.
- 34 (2) Expenses of administering the fund.
- 35 (3) Nonrecurring administrative expenses incurred to carry out the  
 36 purposes of this chapter.
- 37 (4) Expenses incurred to promote heritage barns under section 9  
 38 of this chapter.
- 39 **(5) Expenses incurred to operate safety rest areas under**  
 40 **IC 5-29-2-5.**
- 41 (d) The money in the fund at the end of a state fiscal year does not  
 42 revert to the state general fund but remains in the fund.



1 (e) The treasurer of state shall invest the money in the fund not  
 2 currently needed to meet the obligations of the fund in the same  
 3 manner as other public funds may be invested. Interest that accrues  
 4 from these investments shall be deposited in the state general fund.

5 SECTION 3. IC 8-23-2-6, AS AMENDED BY P.L.229-2017,  
 6 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 UPON PASSAGE]: Sec. 6. (a) The department, through the  
 8 commissioner or the commissioner's designee, may do the following:

9 (1) Acquire by purchase, gift, or condemnation, sell, abandon,  
 10 own in fee or a lesser interest, hold, or lease property in the name  
 11 of the state, or otherwise dispose of or encumber property to carry  
 12 out its responsibilities.

13 (2) Contract with persons outside the department to do those  
 14 things that in the commissioner's opinion cannot be adequately or  
 15 efficiently performed by the department.

16 (3) Enter into:

17 (A) a contract with the Indiana finance authority under  
 18 IC 8-9.5-8-7; or

19 (B) a lease with the Indiana finance authority under  
 20 IC 8-9.5-8-8;

21 for the construction, reconstruction, improvement, maintenance,  
 22 repair, or operation of toll road projects under IC 8-15-2 and toll  
 23 bridges under IC 8-16-1.

24 (4) Sue and be sued, including, with the approval of the attorney  
 25 general, the compromise of any claims of the department.

26 (5) Hire attorneys.

27 (6) Perform all functions pertaining to the acquisition of property  
 28 for transportation purposes, including the compromise of any  
 29 claims for compensation.

30 (7) Hold investigations and hearings concerning matters covered  
 31 by orders and rules of the department.

32 (8) Execute all documents and instruments necessary to carry out  
 33 its responsibilities.

34 (9) Make contracts and expenditures, perform acts, enter into  
 35 agreements, and make rules, orders, and findings that are  
 36 necessary to comply with all laws, rules, orders, findings,  
 37 interpretations, and regulations promulgated by the federal  
 38 government in order to:

39 (A) qualify the department for; and

40 (B) receive;

41 federal government funding on a full or participating basis.

42 (10) Adopt rules under IC 4-22-2 to carry out its responsibilities,



- 1 including emergency rules in the manner provided under  
 2 IC 4-22-2-37.1.
- 3 (11) Establish regional offices.
- 4 (12) Adopt a seal.
- 5 (13) Perform all actions necessary to carry out the department's  
 6 responsibilities.
- 7 (14) Order a utility to relocate the utility's facilities and coordinate  
 8 the relocation of customer service facilities if:
- 9 (A) the facilities are located in a highway, street, or road; and  
 10 (B) the department determines that the facilities will interfere  
 11 with a planned highway or bridge construction or  
 12 improvement project funded by the department.
- 13 (15) Reimburse a utility:
- 14 (A) in whole or in part for extraordinary costs of relocation of  
 15 facilities;
- 16 (B) in whole for unnecessary relocations;
- 17 (C) in accordance with IC 8-23-26-12 and IC 8-23-26-13;
- 18 (D) in whole for relocations covered by IC 8-1-9; and  
 19 (E) to the extent that a relocation is a taking of property  
 20 without just compensation.
- 21 (16) Provide state matching funds and undertake any surface  
 22 transportation project eligible for funding under federal law.  
 23 However, money from the state highway fund and the state  
 24 highway road construction and improvement fund may not be  
 25 used to provide operating subsidies to support a public  
 26 transportation system or a commuter transportation system.
- 27 (17) Upon request, evaluate, negotiate, and enter into:
- 28 (A) a supplemental funding agreement with a regional  
 29 development authority under IC 36-9-43; or  
 30 (B) an interlocal agreement with a regional development  
 31 authority for purposes of IC 36-9-43.
- 32 (b) In the performance of contracts and leases with the Indiana  
 33 finance authority, the department has authority under IC 8-15-2, in the  
 34 case of toll road projects and IC 8-16-1, in the case of toll bridges  
 35 necessary to carry out the terms and conditions of those contracts and  
 36 leases.
- 37 (c) The department shall:
- 38 (1) classify as confidential any estimate of cost prepared in  
 39 conjunction with analyzing competitive bids for projects until a  
 40 bid below the estimate of cost is read at the bid opening;
- 41 (2) classify as confidential that part of the parcel files that contain  
 42 appraisal and relocation documents prepared by the department's



1 land acquisition division; and

2 (3) classify as confidential records that are the product of systems  
3 designed to detect collusion in state procurement and contracting  
4 that, if made public, could impede detection of collusive behavior  
5 in securing state contracts.

6 This subsection does not apply to parcel files of public agencies or  
7 affect IC 8-23-7-10.

8 (d) In the case of a regional development authority that undertakes  
9 a regional transportation infrastructure project under IC 36-9-43, the  
10 department shall cooperate with the regional development authority.

11 **(e) Before January 1, 2020, the department shall enter into a**  
12 **memorandum of understanding with the office of tourism**  
13 **development transferring the responsibility of operating safety rest**  
14 **areas to the office of tourism development.**

15 SECTION 4. IC 8-23-5-8, AS AMENDED BY P.L.130-2018,  
16 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 UPON PASSAGE]: Sec. 8. (a) The department may install vending  
18 machines for items including food, drink, candy, and first aid kits in  
19 rest areas on the interstate highway system.

20 (b) Installation of the vending machines must conform with federal  
21 and Indiana law.

22 **(c) The installation and maintenance of vending machines under**  
23 **this section must be assumed by the office of tourism development**  
24 **under a memorandum of understanding entered into under**  
25 **IC 5-29-2-5(c) and IC 8-23-2-6(e).**

26 SECTION 5. IC 8-23-7-2, AS AMENDED BY P.L.35-2005,  
27 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
28 UPON PASSAGE]: Sec. 2. (a) The department may acquire real  
29 property for any purpose necessary to carry out this article, including  
30 the following:

31 (1) To locate, relocate, construct, reconstruct, repair, or maintain  
32 a state highway, including area for:

33 (A) the placement of a utility facility within the right-of-way  
34 of the state highway system; or

35 (B) the relocation of a utility facility within the right-of-way of  
36 the state highway system due to interference with a highway  
37 improvement project.

38 (2) To widen or straighten a highway.

39 (3) To clear and remove obstructions to vision at crossings and  
40 curves.

41 (4) To construct weigh stations and rest areas.

42 (5) To provide scenic easements and other areas necessary to



1 cooperate with the federal government or carry out a federal law.  
2 (6) To facilitate long-range transportation planning.  
3 **(b) The terms of a memorandum of understanding entered into**  
4 **under IC 5-29-2-5(c) and IC 8-23-2-6(e) concerning the operation**  
5 **of safety rest areas must provide that the department retains**  
6 **ownership of real property acquired to construct safety rest areas.**  
7 SECTION 6. An emergency is declared for this act.

