

First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1046

AN ACT to amend the Indiana Code concerning transportation.

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

SECTION 1. IC 36-7.5-4.5-17, AS ADDED BY P.L.248-2017, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 17. (a) The development authority may establish a transit development district and may expand a district. Before establishing a transit development district, the development authority shall consult with the municipality in which the district will be located. To establish or expand a district the development authority must hold at least two (2) public hearings before establishing or expanding the district.

(b) A district must satisfy the following conditions:

- (1) Only one (1) district may be established with regard to each train station or regular train stop.
- (2) The district must be within a county that is a member or associate member of the development authority or a financially participating county under this chapter.
- (3) The initial area of the district must not be more than five-tenths (0.5) of a square mile but the area may be expanded under subsection ~~(c)~~: **(d)**.
- (4) The train station or regular train stop, including accompanying parking lots (if applicable), must be located within the area of the district.
- (5) All parcels within the district must be contiguous.

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The area of a district may include a tax area established under IC 36-7-14 before January 1, 2017.

(c) Notwithstanding subsection (b), a district may be established in a municipality that is located in a county that is a member of the development authority and has operated:

(1) regularly scheduled commuter bus services to Chicago, Illinois, with prior financial assistance from the development authority; and

(2) shuttle bus services that transport riders to:

(A) a train station; or

(B) a regular train stop;

along the Chicago to South Bend line.

~~(c)~~ **(d)** The development authority shall adopt a resolution to establish a district. The resolution must include:

(1) the termination date of the district in accordance with subsection ~~(c)~~; **(g)**; and

(2) findings by the development authority specifying that the conditions set forth in subsection (b) **or (c)** are satisfied.

A district may not be reduced in territory once established or expanded to be more than one (1) square mile. A district's territory may be expanded subject to the other conditions set forth in subsection (b) **or (c)**. A district may be expanded only one (1) time under this chapter. The development authority shall transmit a copy of any resolution establishing or expanding a district to the budget director, who shall distribute it to the members of the budget committee.

~~(d)~~ **(e)** The date a district becomes established or an expansion of a district becomes effective may not be earlier than the date the budget committee reviews the establishment or expansion of the district.

~~(e)~~ **(f)** The establishment of a district does not provide the development authority with any powers or preempt any authority of a political subdivision having jurisdiction in the district concerning the regulation of property or its uses, including planning and zoning provisions of the political subdivision.

~~(f)~~ **(g)** A district terminates at the earlier of:

(1) the end of the year in which all financing obligations entered into under this chapter for a project within the district are satisfied; or

(2) June 30, 2047.

SECTION 2. IC 36-9-4-29.4, AS AMENDED BY P.L.182-2009(ss), SECTION 452, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 29.4. (a) This section does not apply to a public transportation corporation located in a county having



a consolidated city.

(b) A public transportation corporation may provide regularly scheduled passenger service to specifically designated locations outside the system's operational boundaries as described in IC 36-9-1-9 if all of the following conditions are met:

(1) The legislative body of the municipality approves any expansion of the service outside the municipality's corporate boundaries.

(2) The expanded service is reasonably required to do any of the following:

(A) Enhance employment opportunities in the new service area or the existing service area.

(B) Serve persons who are elderly, persons with a disability, or other persons who are in need of public transportation.

(3) Except as provided in ~~subsection~~ **subsections (e) and (f)**, the expanded service does not extend beyond the boundary of the county in which the corporation is located.

(c) Notwithstanding section 39 of this chapter, a public transportation corporation may provide demand responsive service outside of the system's operational boundaries as described in IC 36-9-1-9 if the conditions listed in subsection (b) are met.

(d) The board may contract with a private operator for the operation of an expanded service under this section.

(e) Subsection (b)(3) does not apply to a special purpose bus (as defined in IC 20-27-2-10) or a school bus (as defined in IC 20-27-2-8) that provides expanded service for a purpose permitted under IC 20-27-9.

(f) A county having a population of more than one hundred eighty-five thousand (185,000) and less than two hundred thousand (200,000) may enter into an interlocal cooperation agreement with an adjacent county under IC 36-1-7 to allow a public transportation corporation to provide expanded service beyond the boundary of the county in which the corporation is located.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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