

A BILL FOR AN ACT TO CREATE INDIANA PASSENGER RAIL COMMISSION

ARTICLE I: STATEMENT OF PURPOSE

The purposes of this Commission are through joint or cooperative action:

1. To facilitate development and implementation of improvements to intercity passenger rail service in Indiana and among other regions;
2. To coordinate interaction among federal, state, and local elected officials and their designees on passenger rail issues;
3. To facilitate development and implementation of long-range plans for modern passenger rail service in Indiana and among other regions;
4. To work with the public and private sectors at the federal, state, and local levels to ensure coordination among the various entities having an interest in passenger rail service and to promote Indiana interests regarding passenger rail; and
5. To facilitate efforts of the Indiana Department of Transportation (INDOT) and other transportation agencies involved in developing and implementing passenger rail service in Indiana and the Midwest.

ARTICLE II: ESTABLISHMENT OF A COMMISSION

To further these purposes, a Commission is created to carry out the duties specified.

ARTICLE III: COMMISSION MEMBERSHIP

The Commission membership shall initially have persons from the following entities or Boards that facilitate passenger rail service:

- Indiana Department of Transportation (INDOT)
- Indiana Passenger Rail Alliance (IPRA)
- Northern Indiana Commuter Transportation District (NICTD)
- Northern Indiana Passenger Rail Association (NIPRA)

If additional entities are created to facilitate passenger rail service in Indiana, they may apply for admission to the Commission. Acceptance to Commission membership shall be decided by the action of the Commission.

The manner of appointment of Commission members, terms of office consistent with the terms of this bill, provisions for removal and suspension, and manner of appointment to fill vacancies shall be determined by each participating entity, and each commissioner shall be a resident of the state of Indiana. Commission members shall serve without compensation from the Commission.

For INDOT, the Governor shall appoint the Director of INDOT or designee.

For IPRA, NICTD, AND NIPRA, the individual Boards shall nominate two persons from their respective Boards to sit on the Commission.

To represent the Indiana State Legislative chambers, the Senate and the House of Representatives shall each name a member of their chamber to sit on the Commission.

Private Sector representatives may also be a part of this commission. Names may be nominated and submitted to the Commission. The Commission will interview and determine who shall be invited to sit on the Commission from the private sector.

All vacancies shall be filled in accordance with the laws of the State of Indiana and/or the bylaws of each participating entity. Any commissioner appointed to fill a vacancy shall serve until the end of the incomplete term. Each member entity shall have equal voting privileges, as determined by the Commission bylaws.

The terms of office shall be three-year terms and should be staggered so that all positions are not changing at the same time to ensure continuity.

ARTICLE IV: DUTIES AND POWERS OF THE COMMISSION

The duties of the Commission are to:

1. Coordinate with Indiana's long-term plan for modern passenger rail service implementation;
2. Advocate for the funding and authorization necessary to make the long-term plan for passenger rail a reality for the state;
3. Identify and develop ways that the Commission can form partnerships, including with rail industry and labor, to implement improved passenger rail in the state and region;
4. Cooperate with other agencies, region, and entities to ensure that Indiana is adequately represented and integrated into national and regional plans for passenger rail development;
5. Adopt bylaws governing the activities and procedures of the Commission and addressing, among other subjects: the powers and duties of officers; the terms and appointments of Commission members; the voting rights of Commission members, voting procedures, Commission business, and any other purposes necessary to fulfill the duties of the Commission;
6. Receive and expend such funds as required to carry out the powers and duties of the Commission; and
7. Report on the activities of the Commission to entities, legislature, and the Office of the Governor of Indiana on an annual basis.

In addition to its exercise of these duties, the Commission is empowered to:

1. Provide state and multistate advocacy necessary to implement passenger rail systems or plans as approved by the Commission;
2. Work with elected officials, economic development and planning agencies and private sector, and similar entities to raise the visibility of modern passenger rail service benefits and needs;
3. Educate state officials, federal officials, other elected officials, and the public on the advantages of passenger rail to enhance the environment, provide an economic development driver, and serve as an integral part of an intermodal transportation system in the state and region;
4. Make recommendations to the Governor, the Indiana State Senate, the House of Representatives, and the Indiana Department of Transportation.
5. The Commission shall investigate and encourage the securing of grants and other funding to underwrite modern passenger rail service throughout the state and region;
6. Establish an office and hire staff as necessary;
7. Contract for or provide services;
8. Conduct research; and
9. Establish committees.

ARTICLE V: OFFICERS

The Commission shall annually elect from among its members a chair, a vice-chair, a secretary; and treasurer as stated in the Commission bylaws. The officers shall perform such functions and exercise such powers as are specified in the Commission bylaws.

ARTICLE VI: MEETINGS AND COMMISSION ADMINISTRATION

The Commission shall meet at least quarterly in each calendar year and at such other times as may be determined by the Commission. Commission business shall be conducted in accordance with the procedures and voting rights specified in the bylaws.

ARTICLE VII: FINANCE

Except as otherwise provided for, the monies necessary to finance the general operations of the Commission in carrying forth duties, responsibilities, and powers as stated herein shall be appropriated to the Commission by the State of Indiana, when authorized by the Indiana legislature.

Monies received from grants and other funds for Commission-supported projects shall be held by appropriate state and/or local agencies.

The Commission may accept, for any of its purposes and functions, donations, gifts, grants, and appropriations of money, equipment, supplies, materials, and services from the federal government, from any state or local entity, from any institution, person, firm, or corporation. All expenses incurred by the Commission in executing the duties imposed upon it by this bill shall be paid by the Commission out of the funds available to it. The Commission shall not issue any debt instrument. The Commission shall submit to the officer designated by the laws of Indiana, periodically as required by the laws of Indiana, a budget of its actual past and estimated future expenditures.

ARTICLE VIII: ENACTMENT, EFFECTIVE DATE, AND AMENDMENTS

This bill shall become effective when the Indiana legislature shall have enacted the same into law. Amendments to the bill shall become effective upon their enactment by the legislature of the State of Indiana.

ARTICLE IX: CONSTRUCTION AND SEVERABILITY

The provisions of this bill entered into hereunder shall be severable and if any phrase, clause, sentence, or provision of this bill is declared to be contrary to the constitution of the State of Indiana or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this bill and the applicability thereof to any government, agency, person, or circumstance shall not be affected hereby. The provisions of the Commission entered into pursuant hereto shall be liberally construed to effectuate the purposes thereof.