

HOUSE BILL No. 1429

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-14-9; IC 8-23; IC 36-9-42.2-4.5.

Synopsis: Low water crossings. Defines "low water crossing" as a place where a road crosses a stream having a water level that is normally well below the level of the road but may in times of heavy rain rise above the level of the road to a depth that is difficult for the driver of an oncoming automobile to judge, creating the risk that the driver will attempt to cross at the crossing and the driver's automobile will become buoyant and be swept off the road. Defines "low water crossing project" as a project that consists of installing appropriate road signs to warn automobile drivers as they approach a low water crossing, replacing damaged or undersized road culverts in a low water crossing with culverts that will accommodate a greater quantity of stream flow under the road, or replacing a low water crossing with a bridge. Authorizes a local county road and bridge board to undertake low water crossing projects. Requires the commissioner of the department of transportation (department) to ensure that the department makes information available to county boards of commissioners and county highway departments about funding from federal and private sources that might be available to the counties for low water crossing projects. Amends the law on the local road and bridge matching grant fund: (1) to allow grants to local units to be used for low water crossing projects; and (2) to provide that funds allocated for grants to local units having a population of less than 50,000 can be used to make grants to counties below the population limit as well as to municipalities located in counties that are below the population limit.

Effective: July 1, 2024.

Patterson

January 16, 2024, read first time and referred to Committee on Roads and Transportation.



Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

HOUSE BILL No. 1429

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 8-14-9-2.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2024]: **Sec. 2.5. (a) As used in this chapter, "low water crossing"**
4 **means a place where a road crosses a stream having a water level**
5 **that:**
6 **(1) is normally well below the level of the road; but**
7 **(2) may in times of heavy rain rise above the level of the road**
8 **to a depth that is difficult for the driver of an oncoming**
9 **automobile to judge, creating the risk that the driver will**
10 **attempt to cross at the crossing and the driver's automobile**
11 **will become buoyant and be swept off the road.**
12 **(b) As used in this chapter, "low water crossing project" means**
13 **a project that may consist of one (1) or more of the following:**
14 **(1) Installing appropriate road signs to warn automobile**
15 **drivers as they approach a low water crossing.**
16 **(2) Replacing damaged, undersized, perched, and blocked**
17 **road culverts in a low water crossing with culverts that will**



1 accommodate a greater quantity of stream flow under the
2 road.

3 **(3) Replacing a low water crossing with a bridge.**

4 SECTION 2. IC 8-14-9-5 IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2024]: Sec. 5. (a) Whenever the local county
6 road and bridge board determines that it is necessary for the general
7 welfare of the persons residing within the local county road and bridge
8 district and that it will be of public utility and benefit to the property in
9 the district to carry out:

10 (1) a project of construction, reconstruction, or operation:

11 (A) of roads; or

12 (B) of bridges; or

13 (C) of both roads and bridges; or

14 (2) a low water crossing project;

15 within the district, the board shall adopt a resolution stating the
16 necessity of the project and the intent of the district to proceed with the
17 project.

18 (b) As a part of the resolution, the local county road and bridge
19 board shall:

20 (1) adopt preliminary or final plans and specifications for the
21 entire project; and

22 (2) determine the estimated cost of all work and all acquisitions
23 necessary to carry out the project.

24 SECTION 3. IC 8-23-23-5 IS ADDED TO THE INDIANA CODE
25 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
26 1, 2024]: **Sec. 5. (a) The commissioner shall ensure that the
27 department makes information available to county boards of
28 commissioners and county highway departments about funding
29 from federal and private sources that might be available to the
30 counties for projects involving the reconstruction or replacement
31 of low water crossings (as defined in IC 8-23-30-1(d)), including the
32 following:**

33 **(1) The federal Surface Transportation Block Grant Program
34 (23 U.S.C. 133).**

35 **(2) The National Oceanic and Atmospheric Administration
36 (NOAA) Community-based Habitat Restoration Program.**

37 **(3) The United States Fish and Wildlife Service.**

38 **(4) The Nature Conservancy.**

39 **(b) The department shall offer assistance to counties in applying
40 for funding from these sources.**

41 SECTION 4. IC 8-23-30-1, AS ADDED BY P.L.146-2016,
42 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2024]: Sec. 1. **(a) The following definitions apply throughout**
 2 **As used in this chapter, ~~(1)~~ "eligible project" means either of the**
 3 **following:**

4 **(1) A project:**

5 (A) that is undertaken by a local unit;

6 (B) that repairs or increases the capacity of local roads and
 7 bridges; and

8 (C) that is part of the local unit's transportation asset
 9 management plan.

10 **(2) A project that:**

11 **(A) is undertaken by a local unit; and**

12 **(B) reduces the risk to human life from low water**
 13 **crossings.**

14 ~~(2)~~ **(b) As used in this chapter, "fund" refers to the local road and**
 15 **bridge matching grant fund established by section 2 of this chapter.**

16 ~~(3)~~ **(c) As used in this chapter, "local unit" means a county or**
 17 **municipality.**

18 **(d) As used in this chapter, "low water crossing" means a place**
 19 **where a road crosses a stream having a water level that:**

20 **(1) is normally well below the level of the road; but**

21 **(2) may in times of heavy rain rise above the level of the road**
 22 **to a depth that is difficult for the driver of an oncoming**
 23 **automobile to judge, creating the risk that the driver will**
 24 **attempt to cross at the crossing and the driver's automobile**
 25 **will become buoyant and be swept off the road.**

26 ~~(4)~~ **(e) As used in this chapter, "transportation asset management**
 27 **plan" includes planning for drainage systems and rights-of-way that**
 28 **affect transportation assets.**

29 SECTION 5. IC 8-23-30-1.5 IS ADDED TO THE INDIANA CODE
 30 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 31 1, 2024]: Sec. 1.5. **A project described in section 1(a)(2) of this**
 32 **chapter may consist of one (1) or more of the following:**

33 **(1) Installing appropriate road signs to warn automobile**
 34 **drivers as they approach low water crossings.**

35 **(2) Replacing damaged, undersized, perched, and blocked**
 36 **road culverts with culverts that will accommodate a greater**
 37 **quantity of stream flow under the road.**

38 **(3) Replacing low water crossings with bridges.**

39 SECTION 6. IC 8-23-30-5, AS ADDED BY P.L.146-2016,
 40 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2024]: Sec. 5. **(a) In the evaluation of an application for a**
 42 **grant applications for grants from the fund for projects described in**



1 **section 1(a)(1) of this chapter**, the department shall give preference
 2 to projects that are anticipated by the department to have the greatest
 3 regional economic significance for the region in which the local unit is
 4 located.

5 **(b) In the evaluation of applications for grants from the fund for**
 6 **projects described in section 1(a)(2) of this chapter, the department**
 7 **shall give preference to projects that can be expected to have the**
 8 **greatest effect in reducing the risk of low water crossings to human**
 9 **life in the areas of the local unit in which the low water crossings**
 10 **are located.**

11 SECTION 7. IC 8-23-30-7, AS AMENDED BY P.L.218-2017,
 12 SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2024]: Sec. 7. The department shall allocate at least fifty
 14 percent (50%) of the amount available to the department to make
 15 grants in a state fiscal year to:

16 **(1) local units that are counties having a population of less**
 17 **than fifty thousand (50,000); and**

18 **(2) local units that are municipalities** located in counties having
 19 a population of less than fifty thousand (50,000).

20 SECTION 8. IC 36-9-42.2-4.5, AS ADDED BY P.L.218-2017,
 21 SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2024]: Sec. 4.5. As used in this chapter, "transportation asset
 23 management plan" has the meaning set forth in ~~IC 8-23-30-1(4).~~
 24 **IC 8-23-30-1(e).**

