

Ind. Code § 8-6-7.7-3.2

Section 8-6-7.7-3.2 - Petition for closure; public hearing; determination and findings by unit

- (a) A person may petition a unit (as defined in IC 36-1-2-23) under whose jurisdiction a public railroad crossing lies for the closure of a public railroad crossing. The unit shall conduct a public hearing on the petition not more than sixty (60) days after the date on which the unit receives the petition.
- (b) Except as provided in subsection (c), if the unit determines that the crossing meets the criteria adopted by the Indiana department of transportation under section 3.1 of this chapter for closing a crossing, the unit shall approve the petition described in subsection (a) and issue an order to close the crossing. The unit shall provide a copy of the unit's findings to the Indiana department of transportation.
- (c) If the unit determines that:
- (1) the crossing meets the criteria for closure adopted by the Indiana department of transportation under section 3.1 of this chapter; and
 - (2) a compelling reason has been shown to exist for the crossing to remain open; the unit may deny a petition to close the crossing. The unit shall provide a copy of the unit's findings to the Indiana department of transportation.
- (d) If the unit determines that the crossing does not meet the criteria for closure adopted by the Indiana department of transportation and section 3.1 of this chapter, the unit may deny a petition to close the crossing.
- (e) Notwithstanding subsections (a) through (d), a unit and a railroad may agree to close a crossing within the jurisdiction of the unit.

IC 8-6-7.7-3.2

Amended by P.L. 198-2016, SEC. 71, eff. 7/1/2016.

As added by P.L. 81-1996, SEC.7.
