

IC 14-29-5

Chapter 5. Change in Watercourses; Highway Construction

IC 14-29-5-1

Changing watercourses; permission of federal agency

Sec. 1. (a) The governing bodies or agencies of the state charged with the duties of the construction, maintenance, and repair of public highways may, to the extent money is available and subject to subsection (b), do the following:

- (1) Change the course of a stream, watercourse, or drainage ditch.
- (2) Restore to the original or former channel a stream, watercourse, or drainage ditch if the stream, watercourse, or drainage ditch has meandered from the original or former course.
- (3) The construction work that is necessary to protect the banks or slopes of a stream, watercourse, or ditch to prevent wash, caving, slides, or erosion if the water of the stream, watercourse, or ditch is causing or threatening injury to, damage to, or destruction of a public highway or bridge by erosion, wash, slides, change of course, or overflow.
- (4) Construct walls or levees for the purposes of subdivision (3) if it is determined by an engineering survey that this method would be more practicable or less expensive.
- (5) Exercise the authority granted in this section to protect public highways against injury, damage, or destruction caused or threatened by landslides.

(b) If a navigable stream is under the jurisdiction of a federal authority or an agency and the proposed work of the highway officials under this section conflicts or interferes with the jurisdiction of the federal agency, the consent or waiver of the federal agency must be procured by the highway officials before the beginning of the proposed work.

As added by P.L.1-1995, SEC.22.

IC 14-29-5-2

Costs and performance of work

Sec. 2. (a) If work under this chapter involves the protection of an existing highway not under construction, the work shall be performed and the costs paid under Indiana law governing the maintenance of highways applicable to the public agency or authorities having charge of the highway involved in the proposed work.

(b) If work under this chapter involves the construction or reconstruction of a highway, the work shall be performed and the costs paid under Indiana law governing construction of highways applicable to the public agency or body having charge of the highway involved in the proposed work.

(c) If it is necessary in the performance of work under this chapter to procure a right-of-way or interests in land outside the limits of the highway involved, the costs, if any, of the right-of-way or interests

in land shall be paid as follows:

- (1) Out of the maintenance fund if the work constitutes maintenance.
- (2) Out of the construction fund if the work constitutes construction.

As added by P.L.1-1995, SEC.22.

IC 14-29-5-3

Procuring land or property

Sec. 3. The governing or administrative bodies charged with the control of highways may do the following:

- (1) If it becomes necessary to procure rights-of-way or interests in land or property outside the limits of a highway under section 2 of this chapter, procure the rights or interests by grant, purchase, or voluntary donation.
- (2) Exercise the power of eminent domain for any purpose designated in this chapter under Indiana eminent domain law.

As added by P.L.1-1995, SEC.22.