
TITLE 135 INDIANA FINANCE AUTHORITY

Emergency Rule
LSA Document #18-410(E)

DIGEST

Amends [135 IAC 2.5-1-1](#) concerning definitions. Amends [135 IAC 2.5-2-1](#) concerning tolls. Amends [135 IAC 2.5-4-1](#) concerning fees and charges related to electronic tolling system. Repeals [135 IAC 2.5-5](#). Statutory authority: [IC 4-22-2-37.1](#); [IC 8-15.5-7-8](#). Effective October 4, 2018.

[135 IAC 2.5-1-1](#); [135 IAC 2.5-2-1](#); [135 IAC 2.5-4-1](#); [135 IAC 2.5-5](#)

SECTION 1. [135 IAC 2.5-1-1](#) IS AMENDED TO READ AS FOLLOWS:

[135 IAC 2.5-1-1](#) Definitions

Authority: [IC 8-15-2](#); [IC 8-15.5-7](#); [IC 8-15.5-10](#)

Affected: [IC 5-1.2](#); [IC 8-15.5-4](#)

Sec. 1. (a) The definitions in this section apply throughout this article.

(b) "Authority" means the Indiana finance authority, established under [IC 4-4-11](#), [IC 5-1.2](#), and exercising powers granted to it under [IC 8-15-2](#) and [IC 8-15.5](#), both as amended and in effect as of the date hereof, and any successor entity thereto.

(c) "Class 2 user" means any vehicle with two (2) axles, including motorcycles, as described in [135 IAC 2.5-2-1](#) ~~(g)~~; [135 IAC 2.5-2-1\(e\)](#).

(d) "Closing date" means the date of the closing of the concession agreement between the authority and the concessionaire.

(e) "Concession agreement" means the Indiana Toll Road Concession and Lease Agreement, dated as of April 12, 2006, **as amended and restated by the Amended and Restated Indiana Toll Road Concession and Lease Agreement, dated as of July 1, 2017**, by and between the authority and the concessionaire, providing for, among other things, the lease of the toll road to the concessionaire and for the provision of toll road services by the concessionaire for the term of the concession agreement, together with all amendments thereto.

(f) "Concessionaire" means ITR Concession Company LLC, the operator of the toll road as designated by the governor on March 29, 2006, under [IC 8-15.5-4-11\(b\)](#).

(g) "Department" means the Indiana department of transportation and any successor entity thereto.

(h) "Electronic tolling system" means the electronic tolling system implemented by the concessionaire pursuant to the concession agreement and includes a barrier-controlled electronic tolling system.

(i) "Eligible electronic transponder users" means class 2 users who utilize electronic toll collection transponders authorized for use on the toll road.

~~(j) "Freeze termination date" means the date of termination of the toll freeze period.~~

(j) "Heavy vehicle" means any vehicle other than a class 2 vehicle.

(k) "Implementation date" means the date on which the concessionaire begins to charge the tolls described in [135 IAC 2.5-2-1](#) pursuant to the concession agreement, as hereafter amended, which date shall be on or after October 4, 2018.

~~(l)~~ **(l) "Index" means the "Consumer Price Index - U.S. City Averages for all Urban Consumers, All Items" (not seasonally adjusted) as published by the U.S. Department of Labor, Bureau of Labor Statistics, provided, however, that if the index is changed so that the base year of the index changes, the index shall be converted in accordance with the conversion factor published by the U.S. Department of Labor, Bureau of Labor Statistics; provided, further, that if the index is discontinued or revised during the term, such other index or computation with which it is replaced shall be used in order to obtain substantially the same result as would be obtained if the index had not been discontinued or revised.**

~~(l) "LCV" has the meaning set forth in [135 IAC 2-1-1](#).~~

(m) "Maximum toll levels" means the maximum toll levels for each class of users established under [135 IAC 2.5-2-1](#) and [135 IAC 2.5-5-1](#).

(n) "Per capita nominal GDP" means the "U.S. Annual Per Capita Gross Domestic Product (in current dollars)" (not seasonally adjusted) as published by the U.S. Department of Commerce, Bureau of Economic Analysis, it being understood that for purposes of using such indicator at a specific point in time, the "U.S. Annual Per Capita Gross Domestic Product (in current dollars)" (not seasonally adjusted) published by the U.S. Department of Commerce, Bureau of Economic Analysis for the calendar year immediately preceding such specific point in time is to be used, provided, however, that if the measurement of per capita nominal GDP is discontinued or revised during the term, such other indicator or computation with which it is replaced shall be used in order to obtain substantially the same result as would be obtained if the per capita nominal GDP had not been discontinued or revised.

(o) "Term" means the entire term of the concession agreement, commencing on the closing date and expiring on the seventy-fifth anniversary of the closing date, or such later date as required pursuant to the terms of the concession agreement.

(p) "Through trip" means a trip of the entire length of the toll road, in either direction.

~~(q) "Toll" or "tolls" has the meaning set forth in [135 IAC 2-1-1](#).~~ **(q) "Toll" or "tolls" means the fees collected by the concessionaire for the use of the toll road and includes all revenues charged by or on behalf of the concessionaire in respect of vehicles using the toll road during the term of any public-private agreement entered into in accordance with [IC 8-15.5-4](#), including revenues collected through an electronic tolling system.**

~~(r) "Toll freeze period" means the period from the closing date to the earlier of:~~

- ~~(1) the implementation of an electronic tolling system; or~~
- ~~(2) the date that is two (2) years from the closing date.~~

~~(s)~~ **(r) "Tolling measurement date" shall mean June 30 of each year.**

~~(t) "Toll rebate period" means the period of time beginning on the date immediately following the freeze termination date and ending on the toll rebate period termination date.~~

~~(u) "Toll rebate period termination date" means the first to occur of:~~

- ~~(1) June 30, 2016; or~~
- ~~(2) the date determined by the authority pursuant to the concession agreement.~~

~~(v)~~ **(s) "Tolling regulation" means the toll schedules set forth in [135 IAC 2.5-2-1](#) and [135 IAC 2.5-5-1](#), [135 IAC 2.5](#), which incorporates incorporate schedule 7.1 attached to and incorporated within the concession agreement, as amended by section 6 of the first amendment to the concession agreement, dated as of April 12, 2006, and**

~~(w)~~ **(t)** "Toll revenues" means all revenues charged by or on behalf of the concessionaire in respect of vehicles using the toll road during the term, including revenues collected through an electronic tolling system.

~~(x)~~ **(u)** "Toll road" means the Indiana East-West Toll Road.

~~(y)~~ "Toll road rebate rates" means the toll rates for eligible electronic transponder users set forth in [135 IAC 2.5-5-1](#).

(Indiana Finance Authority; [135 IAC 2.5-1-1](#); emergency rule filed Jun 14, 2006, 10:50 a.m.: 29 IR 3389; emergency rule filed Mar 20, 2008, 10:35 a.m.: [20080402-IR-135080204ERA](#); emergency rule filed Jun 27, 2012, 10:23 a.m.: [20120711-IR-135120394ERA](#); emergency rule filed Sep 21, 2018, 10:23 a.m.: [20180926-IR-135180410ERA](#), eff Oct 4, 2018)

SECTION 2. [135 IAC 2.5-2-1](#) IS AMENDED TO READ AS FOLLOWS:

[135 IAC 2.5-2-1](#) Tolls

Authority: [IC 8-15-2](#); [IC 8-15.5-7](#); [IC 8-15.5-10](#)

Affected: [IC 8-15.5](#)

Sec. 1. (a) ~~Maximum levels.~~ The maximum toll levels subject to paragraph (e) of this section, shall be as listed from time to time at http://www.in.gov/ifa/files/ITRCC_Toll_Rates.pdf. <https://www.in.gov/ifa/2974.htm>.

~~(b) For purposes of application of subsection (e), the maximum toll levels for class 2 users as of June 29, 2010, are listed below:~~

		Barrier System		Class 2 Two-Axle Vehicles and Motorcycles
		Direction of Travel	Entry or Exit	
Plaza 4	West Point	WB	EXIT	\$0.50
		EB	ENTRY	0.50
Plaza 5	Galumet Ave	WB	EXIT	\$0.25
		EB	ENTRY	0.25
Plaza 10	Cline Ave	WB	EXIT	\$0.25
		EB	ENTRY	0.25
Plaza 17	I-65/Gary East	WB	ENTRY	\$0.15
		EB	EXIT	0.15
Plaza 24	Lake Station/I-94	WB	ENTRY	\$0.30
		EB	EXIT	0.30
Plaza 23	Willow Creek Rd.	WB	ENTRY	\$0.30
		EB	EXIT	\$0.30

Ticket System													
	24	31	39	49	72	77	83	92	96	101	107	121	144
	Portage Barrier	Valparaiso - Chesterton	Michigan City	LaPorte	South Bend	South Bend Notre Dame	Mishawaka	Elkhart	Elkhart	Bristol -	Goshen	Middlebury	Howe LaGrange
31	0.45												
39	0.65	0.40											
49	1.00	0.65	0.40										
72	1.55	1.10	0.95	0.65									
77	1.75	1.30	1.10	0.90	0.35								
83	2.00	1.55	1.30	1.10	0.45	0.35							
92	2.20	1.75	1.65	1.30	0.70	0.55	0.40						
96	2.35	1.95	1.70	1.40	0.75	0.60	0.50	0.35					
101	2.50	2.10	1.85	1.50	0.90	0.70	0.55	0.40	0.35				
107	2.65	2.30	2.05	1.65	1.10	0.95	0.75	0.55	0.40	0.35			
121	3.05	2.65	2.50	2.10	1.55	1.30	1.10	0.90	0.75	0.65	0.45		
144	3.70	3.40	3.20	2.75	2.20	2.00	1.80	1.65	1.45	1.30	1.10	0.75	Angola
153	4.15	3.85	3.60	3.20	2.65	2.40	2.20	2.00	1.70	1.65	1.45	1.10	0.45 East Point

Through trip toll rate: \$4.65

(c) Maximum toll levels for class 2 users who are not eligible electronic transponder users from the freeze termination date through June 30, 2010, for purposes of application of subsection (c). The maximum toll levels applicable to class 2 users (including commuter discount users) who are not eligible electronic transponder users from the freeze termination date through June 30, 2010, shall be as follows:

Barrier System				Class 2	
Direction of Travel		Entry or Exit		Two Axle Vehicles and Motorcycles	
Plaza 1	West Point	WB	EXIT	1.25	
		EB	ENTRY	1.25	
Plaza 5	Galumet Ave	WB	EXIT	1.00	
		EB	ENTRY	1.00	
Plaza 10	Cline Ave	WB	EXIT	0.75	
		EB	ENTRY	0.75	
Plaza 17	I-65/Gary East	WB	ENTRY	\$0.50	
		EB	EXIT	0.50	
Plaza 21	Lake Station/I-94	WB	ENTRY	\$0.50	
		EB	EXIT	0.50	
Plaza 23	Willow Creek Rd.	WB	ENTRY	\$0.50	
		EB	EXIT	0.50	

Ticket System													
	24	31	39	49	72	77							
	Portage Barrier	Valparaiso - Chesterton	Michigan City	LaPorte	South Bend								
31	0.50												
39	0.75	0.50											
49	1.25	1.00	0.50										

~~(d) Maximum toll levels for through trips for users in classes 3 through 7 for purposes of application of subsection (c). The maximum toll levels applicable to users in classes 3 through 7 for use of the toll road in each direction for through trips shall be the tolls set forth as follows:~~

Period	Toll (\$)	Through Trip Per Mile Rate (\$/Mile)
Closing March 31, 2007	\$9.20	\$0.059
April 1, 2007 – March 31, 2008	\$9.90	\$0.063
April 1, 2008 – March 31, 2009	\$10.70	\$0.068
April 1, 2009 – June 30, 2010	\$11.77	\$0.075

Period	Toll (\$)	Through Trip Per Mile Rate (\$/Mile)
Closing — March 31, 2007	\$13.78	\$0.088
April 1, 2007 — March 31, 2008	\$17.40	\$0.111
April 1, 2008 — March 31, 2009	\$21.01	\$0.134
April 1, 2009 — June 30, 2010	\$24.63	\$0.157

Period	Toll (\$)	Through Trip Per Mile Rate (\$/Mile)
Closing — March 31, 2007	\$17.90	\$0.114
April 1, 2007 — March 31, 2008	\$22.60	\$0.144
April 1, 2008 — March 31, 2009	\$27.30	\$0.174
April 1, 2009 — June 30, 2010	\$32.00	\$0.204

Period	Toll (\$)	Through Trip Per Mile Rate (\$/Mile)
Closing — March 31, 2007	\$21.04	\$0.134
April 1, 2007 — March 31, 2008	\$26.56	\$0.169
April 1, 2008 — March 31, 2009	\$32.08	\$0.204
April 1, 2009 — June 30, 2010	\$37.61	\$0.240

Period	Toll (\$)	Through Trip Per Mile Rate (\$/Mile)
Closing — March 31, 2007	\$39.06	\$0.249
April 1, 2007 — March 31, 2008	\$49.32	\$0.314

(b) The maximum toll levels from heavy vehicle users for use of the toll road in each direction for through trips for the period from the implementation date through June 30, 2019, shall be as follows:

Class	Toll (\$)	Through Trip Per Mile Rate (\$/Mile)
Class 3	\$22.04	\$0.140
Class 4	\$45.96	\$0.293
Class 5	\$60.02	\$0.382
Class 6	\$70.35	\$0.448
Class 7	\$130.80	\$0.833

(1) Charges for barrier system.

			Class 2	Class 3	Class 4	Class 5	Class 6	Class 7
	Direction Of Travel	Entry Or Exit	Two Axle Vehicle and Motorcycles	Three Axle Vehicle and Combinations	Four Axle Vehicle and Combinations	Five Axle Vehicle and Combinations	Six Axle Vehicle and Combinations	Seven Axle Vehicle and Combinations
Plaza 1 West Point	WB	EXIT	2.39	2.49	5.35	7.13	8.20	15.68
	EB	ENTRY	2.39	2.49	5.35	7.13	8.20	15.68
Plaza 5 Calumet Ave	WB	EXIT	1.91	2.55	5.11	6.80	8.08	14.87
	EB	ENTRY	1.91	2.55	5.11	6.80	8.08	14.87
Plaza 10 Cline Ave	WB	EXIT	1.44	1.70	3.83	5.10	5.96	11.04
	EB	ENTRY	1.44	1.70	3.83	5.10	5.96	11.04
Plaza 17 I-65/Gary East	WB	ENTRY	0.96	1.27	2.56	3.40	3.83	7.22
	EB	EXIT	0.96	1.27	2.56	3.40	3.83	7.22
Plaza 21 Lake Station/I-94	WB	ENTRY	0.96	1.27	2.56	3.40	3.83	7.22
	EB	EXIT	0.96	1.27	2.56	3.40	3.83	7.22
Plaza 23 Willow Creek Rd.	WB	ENTRY	0.96	1.27	2.56	3.40	3.83	7.22
	EB	EXIT	0.96	1.27	2.56	3.40	3.83	7.22

(2) Charges for ticket system.

Through Trip Toll Rate: \$11.12[illegible]

DIN: 20180926-IR-135180410ERA

Page 7[illegible][illegible]

Through Trip Toll Rate: \$70.35

[illegible]**Through Trip Toll Rate: \$130.81**[illegible]

(e) ~~Subsequent adjustment to maximum toll levels.~~ **(d)** On each tolling measurement date starting ~~June 30, 2013,~~ **June 30, 2019**, toll levels may be increased by the subsequent applicable percentage toll increase without further action by the authority. For purposes of this determination, "subsequent applicable percentage toll increase" means the greater of:

- (1) two percent (2%); or
- (2) the percentage increase of the index or per capita nominal GDP;

whichever is greater, measured from January 1 to December 31 for the calendar year immediately preceding the tolling measurement date. Any adjustment made pursuant to this subdivision shall be made to the toll levels calculated without giving effect to any of the rounding described in subsection (g)(1) **(f)(3)** that may have occurred prior to the relevant date of the adjustment. The following example is for illustrative purposes only:

~~Indiana Toll Road~~

~~Illustrative Calculation of Four Year Look Back~~

Measurement Dates				
From	To	2.000%	GPI	GDP/Capita
1/1/2010	12/31/2010	2.000%	2.050%	1.950%
Implemented on 6/30/2011		2.05%		

~~(f) Classifications.~~ **(e)** For purposes of this article, the following classifications shall apply:

- (1) Class 2. Any vehicle with two (2) axles, including motorcycles.
- (2) Class 3. Any vehicle or combination with three (3) axles.
- (3) Class 4. Any vehicle or combination with four (4) axles.
- (4) Class 5. Any vehicle or combination with five (5) axles.
- (5) Class 6. Any vehicle or combination with six (6) axles.
- (6) Class 7. Any vehicle or combination with seven (7) or more axles. ~~and all LCVs.~~

~~(g) (f)~~ Application of maximum toll levels **is as follows:**

(1) The toll levels determined in accordance with this section represent the maximum toll levels ~~which that~~ the concessionaire shall be authorized to charge. ~~Subject to the notice provisions of 135 IAC 2.5-3-1~~ The concessionaire shall be authorized to charge toll levels ~~which that~~ are less than the applicable maximum toll levels at its discretion, including providing for lower toll levels at determined times during the day, or for commuters, trucking companies, or other frequent users of the toll road. In addition, any time after June 30, 2010, so long as:

(A) the aggregate charge for a through trip does not exceed the applicable maximum level;

(B) the charge for any non-through trip is not less than the maximum toll levels set forth ~~herein~~ **in subdivision (2)** as of June 29, 2010; and

(C) any increase in the toll level charged by the concessionaire on the toll road is allocated to all segments of the toll road such that the highest per mile increase does not exceed three (3) times the lowest per mile increase;

the concessionaire at its discretion shall be permitted to set the maximum toll level for any segment of the toll road to any level it determines. ~~For purposes of determining different toll levels for the various segments of the toll road anytime after June 30, 2010, the following shall apply:~~

(2) The maximum toll levels as of June 29, 2010, were as follows:

(A) Barrier System

(Tolls will be charged as indicated below only upon entry and exit.)

			Class 2	Class 3	Class 4	Class 5	Class 6	Class 7
	Direction Of Travel	Entry Or Exit	Two Axle Vehicle and Motorcycles	Three Axle Vehicle and Combinations	Four Axle Vehicle and Combinations	Five Axle Vehicle and Combinations	Six Axle Vehicle and Combinations	Seven Axle Vehicle and Combinations
Plaza 1 West Point	WB	EXIT	1.25	1.75	3.75	5.00	5.75	11.00
	EB	ENTRY	1.25	1.75	3.75	5.00	5.75	11.00
Plaza 5 Calumet Ave	WB	EXIT	1.00	1.50	3.00	4.00	4.75	8.75
	EB	ENTRY	1.00	1.50	3.00	4.00	4.75	8.75
Plaza 10 Cline Ave	WB	EXIT	0.75	1.00	2.25	3.00	3.50	6.50
	EB	ENTRY	0.75	1.00	2.25	3.00	3.50	6.50
Plaza 17 I-65/Gary East	WB	ENTRY	0.50	0.75	1.50	2.00	2.25	4.25
	EB	EXIT	0.50	0.75	1.50	2.00	2.25	4.25
Plaza 21 Lake Station/I-94	WB	ENTRY	0.50	0.75	1.50	2.00	2.25	4.25
	EB	EXIT	0.50	0.75	1.50	2.00	2.25	4.25
Plaza 23 Willow Creek Rd.	WB	ENTRY	0.50	0.75	1.50	2.00	2.25	4.25
	EB	EXIT	0.50	0.75	1.50	2.00	2.25	4.25

(B) Ticket System

Class 2 (Two Axle Vehicles and Motorcycles)
Through Trip Toll Rate: \$8.00

31	Portage Barrier	31													
		Valparaiso	38												
31	0.50	Chesterton	Michigan City	49											
39	0.75	0.50		LaPorte	72										
49	1.25	1.00	0.50		South Bend West	77									
72	2.50	2.00	1.75	1.25		South Bend Notre Dame	83								
77	2.75	2.25	2.00	1.50	0.50		Mishawaka	92							
83	3.00	2.50	2.25	1.75	0.50	0.50		Elkhart	96						
92	3.50	3.00	2.75	2.25	1.00	0.75	0.50		Elkhart East	101					
96	3.75	3.25	2.75	2.25	1.25	1.00	0.75	0.50		Bristol - Goshen	107				
101	4.00	3.50	3.00	2.50	1.50	1.25	1.00	0.50	0.50	Middlebury	121				
107	4.25	3.75	3.50	3.00	1.75	1.50	1.25	0.75	0.50		0.50	Howe LaGrange	144		
121	5.00	4.50	4.25	3.75	2.50	2.25	2.00	1.50	1.25	1.00	0.75		Angola	153	
144	6.00	5.75	5.25	4.75	3.75	3.50	3.00	2.50	2.50	2.25	1.75	1.25		East Point	
153	6.75	6.25	6.00	5.50	4.25	4.00	3.75	3.25	3.00	2.75	2.50	1.75	0.75		

Class 3 (Three Axle Vehicles or Combination)
Through Trip Toll Rate: \$11.75

[illegible]

Class 4 (Four Axle Vehicles or Combination)
Through Trip Toll Rate: \$24.50

[illegible]

Class 5 (Five Axle Vehicles or Combination)
Through Trip Toll Rate: \$32.00

24

[illegible][illegible]

Date: May 07, 2024 5:21:29PM EDT DIN: 20180926-IR-135180410ERA Page 11

(A) the nearest \$0.01 if the toll is collected using an electronic tolling system; and

(B) the nearest \$0.10 in the event that such toll is not collected using an electronic tolling system.

(2) ~~(4)~~ The maximum toll for any journey will be calculated as the sum of the tolls for each segment of the toll road included in the journey, subject to the following:

(A) Tolls at Westpoint (MP 1) and at ramp plazas to and from the east at Calumet Avenue (MP 5) and Cline Avenue (MP 10) will be computed assuming the trips were to/from Portage (MP 24).

(B) Tolls at ramp plazas to and from the west at I-65 Gary East (MP 17), I-94/Lake Station (MP 21) and Willow Creek (MP 23) will be computed assuming the trips were to/from Buchanan Street (MP 13).

~~(h)~~ **(g)** The table below presents the mileage that shall be used when determining maximum (or minimum) toll levels for any segment of the toll road, provided that if the location of any of the toll plazas is changed or a new toll plaza is added, then the segment lengths shall be adjusted to reflect such change in a manner consistent with the methodology used in preparation of the table below:

Mileage Used

Toll Plaza	From	To	Segment Length
Westpoint	0.0	3.0	3.0
S.R. 912	3.0	5.0	2.0
Calumet Ave.	5.0	10.0	5.0
Cline Ave.	10.0	13.0	3.0
Buchanan St.	13.0	15.0	2.0
Broadway	15.0	17.0	2.0
I-65 Gary East	17.0	21.0	4.0
Burns Harbor/I-94	21.0	23.0	2.0
Willowcreek Rd.	23.0	24.0	1.0
Portage	24.0	31.0	7.0
S.R. 49/Valparaiso	31.0	39.0	8.0
U.S. 421/Michigan City	39.0	49.0	10.0
S.R. 39/LaPorte	49.0	72.0	23.0
U.S. 31 Bypass	72.0	77.0	5.0
U.S. 31-33/South Bend	77.0	83.0	6.0
Mishawaka/Fir Rd.	83.0	92.0	9.0
S.R. 19/Elkhart	92.0	96.0	4.0
Elkhart East	96.0	101.0	5.0
S.R. 15/Bristol/Goshen	101.0	107.0	6.0
S.R. 13/U.S. 31/Middlebury	107.0	121.0	14.0
S.R. 9 Howe/LaGrange	121.0	144.0	23.0
I-69 Angola	144.0	157.0	13.0
Eastpoint (although located at milepost 153, for tolling purposes the toll plaza is assumed to end at milepost 157)	157.0	NA	NA

~~(i) Tolls as only imposable charges as of closing date.~~ **(h)** The only charges that the concessionaire may impose on toll road users are the tolls authorized pursuant to this section. ~~and [135 IAC 2.5-5-1](#).~~ For avoidance of doubt and in confirmation and furtherance of the foregoing, as of the closing date, the concessionaire may not charge administration fees related to use of the toll road nor impose interest rates on unpaid tolls or fees related to use of the toll road.

(Indiana Finance Authority; [135 IAC 2.5-2-1](#); emergency rule filed Jun 14, 2006, 10:50 a.m.: 29 IR 3391; emergency rule filed Mar 20, 2008, 10:35 a.m.: [20080402-IR-135080204ERA](#); emergency rule filed Jun 27, 2012, 10:23 a.m.: [20120711-IR-135120394ERA](#); errata filed Jul 17, 2012, 2:43 p.m.: [20120801-IR-135120394ACA](#); emergency rule filed Sep 21, 2018, 10:23 a.m.: [20180926-IR-135180410ERA](#), eff Oct 4, 2018)

SECTION 3. [135 IAC 2.5-4-1](#) IS AMENDED TO READ AS FOLLOWS:

[135 IAC 2.5-4-1](#) Fees and charges related to electronic tolling system

Authority: [IC 8-15-2](#); [IC 8-15.5-7](#); [IC 8-15.5-10](#)

Affected: [IC 8-15.5](#)

Sec. 1. (a) ~~Notwithstanding [135 IAC 2.5-2-1](#) and [135 IAC 2.5-5-1](#)~~, Upon implementation of the electronic tolling system, the authority may:

- (1) establish, collect, and enforce reasonable administration fees and reasonable fees to commence or appeal any dispute proceedings;
- (2) establish reasonable interest rates to be charged on unpaid tolls and fees and collect interest charged as such rates;
- (3) establish reasonable terms and conditions, including reasonable fees, for the registration and distribution of toll devices; and
- (4) require reasonable security for the provision of any toll devices.

All revenues to be derived from the foregoing shall be deemed to be toll revenues. The sole purpose of any fees or charges implemented pursuant to this section shall be to enable the concessionaire to recover its reasonable, out-of-pocket, and documented costs and expenses that are directly incurred with respect to the items listed in subdivisions (1) through (4). The amount of any such fees or charges shall not exceed the amount reasonably necessary for the concessionaire to recover its reasonable, out-of-pocket, and documented costs and expenses that are directly incurred with respect to the items listed in subdivisions (1) through (4).

(b) Upon implementation of the electronic tolling system, the state shall assess fines against persons who run toll gates and the concessionaire shall receive **fifty percent** (50%) of such fines.

(Indiana Finance Authority; [135 IAC 2.5-4-1](#); emergency rule filed Jun 14, 2006, 10:50 a.m.: 29 IR 3397; emergency rule filed Mar 20, 2008, 10:35 a.m.: [20080402-IR-135080204ERA](#); emergency rule filed Jun 27, 2012, 10:23 a.m.: [20120711-IR-135120394ERA](#); emergency rule filed Sep 21, 2018, 10:23 a.m.: [20180926-IR-135180410ERA](#), eff Oct 4, 2018)

SECTION 4. [135 IAC 2.5-5](#) IS REPEALED.

SECTION 5. This document takes effect October 4, 2018.

LSA Document #18-410(E)

Filed with Publisher: September 21, 2018, 10:23 a.m.

Posted: 09/26/2018 by Legislative Services Agency

An [html](#) version of this document.