

ARTICLE 2.5. PUBLIC-PRIVATE AGREEMENTS FOR INDIANA EAST-WEST TOLL ROAD

Rule 1.	Definitions
Rule 2.	Tolls
Rule 3.	Notice Requirements (Repealed)
Rule 4.	Fees and Charges Related to Electronic Tolling System
Rule 5.	Eligible Electronic Transponder Users (Repealed)

Rule 1. Definitions

135 IAC 2.5-1-1	Definitions
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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 8-15-2](#); [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 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(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) "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) "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.

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

(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.

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

(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) "Tolling measurement date" shall mean June 30 of each year.

(s) "Tolling regulation" means the toll schedules set forth in 135 IAC 2.5, which incorporate schedule 7.1 attached to and incorporated within the concession agreement.

(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.

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

Rule 2. Tolls

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

Tolls

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) The maximum toll levels shall be as listed from time to time at <https://www.in.gov/ifa/2974.htm>.

(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

(c) The maximum toll levels from all classes of users for non-through trips for the period from the implementation date through June 30, 2019, shall be as follows:

(1) Charges for barrier system.

	Direction Of Travel	Entry Or Exit	Class 2 Two Axle Vehicle and Motorcycle	Class 3 Three Axle Vehicle and Combinations	Class 4 Four Axle Vehicle and Combinations	Class 5 Five Axle Vehicle and Combinations	Class 6 Six Axle Vehicle and Combinations	Class 7 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

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49	7.63	6.10	3.05		South Bend West	77												
72	15.80	12.75	11.22	7.66	South Bend West	83												
77	17.33	14.28	12.76	9.71	3.07	Notre Dame	Mishawaka	92										
83	18.87	15.81	14.29	11.24	3.07	3.07		Elkhart	96									
92	21.93	18.88	17.36	14.31	6.13	4.60	3.07		Elkhart East	101								
96	23.36	20.31	17.26	14.21	7.56	6.02	4.48	2.82		Bristol-Goshen	107							
101	24.76	21.71	18.66	15.61	9.46	7.43	5.88	2.82	2.82		Middlebury	121						
107	26.64	23.09	21.55	18.50	10.84	9.31	7.27	4.23	2.82	2.82		Howe LaGrange	144					
121	30.86	27.83	26.28	22.72	15.07	13.54	11.98	8.92	7.04	5.63	4.23		Angola	153				
144	36.43	34.88	31.85	28.79	22.12	20.58	17.59	14.56	14.56	13.15	10.33	7.04		East Point				
153	40.61	37.60	36.03	32.98	25.34	23.33	21.77	18.73	17.32	15.91	14.50	10.28	4.17					

Class 5

Through Trip Toll Rate: \$60.02

	24																	
	Portage Barrier	31																
		Valparaiso - Chester	38															
31	4.07		Michigan City	49														
39	6.11	4.07																
49	10.18	8.14	4.07	LaPorte														
					South Bend West	77												

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72	20.40	16.33	14.30	10.23		South Bend	83										
77	22.45	18.38	16.34	12.27	4.09	Notre Dame	Mishawaka	92									
83	24.50	20.42	18.39	14.32	4.09	4.09			Elkhart	96							
92	28.59	24.51	22.48	18.41	8.18	6.14	4.09		Elkhart East	101							
96	30.49	26.42	22.35	18.28	10.09	8.04	5.98	3.76			Bristol-Goshen	107					
101	32.36	28.30	24.23	20.16	11.96	9.91	7.85	3.76	3.76		Middlebury	121					
107	34.20	30.15	28.09	24.02	13.81	11.77	9.70	5.64	3.76	3.76			Howe LaGrange	144			
121	39.85	35.80	33.74	29.66	19.46	17.42	15.34	11.28	9.40	7.52	5.64		Angola	153			
144	47.29	45.23	41.19	37.12	28.87	26.82	22.84	18.79	18.79	16.92	13.16	9.40			East Point		
153	52.89	48.87	46.78	42.71	32.53	30.49	28.42	24.37	22.49	20.61	18.73	13.09	5.56				

Class 6

Through Trip Toll Rate: \$70.35

	24																
	Portage Barrier	31															
		Valparaiso - Chesterton	38														
31	4.58		Michigan City	49													
39	7.12	4.58					LaPorte	72									
49	11.70	9.66	4.58				South Bend	77									
72	23.96	19.38	16.84	11.75			South Bend West	83									
77	26.51	21.42	19.39	14.31	4.60		Notre Dame	Mishawaka	92								
83	28.56	23.98	21.44	16.86	4.60	4.60	Elkhart			96							

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92	33.67	28.58	26.55	21.46	9.71	7.15	4.60		Elkha rt East	101					
96	35.55	30.97	26.40	21.31	11.5 9	9.54	6.97	4.23		Brist ol - Gosh en	107				
101	37.89	33.32	28.25	23.67	13.9 4	11.3 9	9.31	4.23	4.23		Middle bury	121			
107	40.21	35.15	33.09	28.00	16.2 7	13.7 2	11.15	6.57	4.23	4.23		Howe LaGra nge	144		
121	46.79	41.74	39.66	34.58	22.8 5	20.3 0	18.21	13.15	10.80	8.92	6.57		Ang ola	153	
144	55.63	53.06	48.02	43.44	33.6 6	31.5 9	26.63	22.07	22.07	19.72	15.50	10.80		Eas t Poi nt	
153	62.15	57.13	55.03	49.95	38.2 5	35.7 1	33.13	28.56	26.22	24.34	21.99	15.42	6.48		

Class 7

Through Trip Toll Rate: \$130.81

	24														
	Porta ge Barri er	31													
		Valpara iso - Chester ton	38												
31	8.65		Michi gan City	49											
39	13.24	8.65		LaPo rte	72										
49	22.40	17.82	8.65		Sout h Ben d Wes t	77									
72	44.40	35.74	31.16	22.51		Sout h Ben d Notr e Dam e	83								
77	49.00	39.83	35.77	26.60	8.70		Mishaw aka	92							
83	53.61	44.43	39.86	31.21	8.70	8.70		Elkha rt	96						
92	62.30	53.64	49.07	39.90	17.9 1	13.3 0	8.70		Elkha rt East	101					
96	66.60	57.44	48.78	39.62	22.2 0	17.5 9	12.96	7.99		Brist ol - Gosh en	107				
101	70.81	61.67	53.03	43.87	25.9 2	21.8 1	17.17	7.99	7.99		Middle bury	121			
107	74.47	65.84	61.23	52.57	30.1 0	25.5 1	21.36	12.22	7.99	7.99		Howe LaGra nge	144		
121	86.70	78.10	73.46	64.79	42.3 4	37.7 5	33.58	24.44	20.68	16.45	12.22		Ang ola	153	

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144	103.0 0	98.85	89.76	81.10	63.0 6	58.4 5	49.98	40.89	40.89	36.66	28.67	20.68		East Point
153	115.1 2	106.57	101.88	93.22	70.8 3	66.7 2	62.07	52.97	49.21	44.98	40.75	28.53	12.0 5	

(d) On each tolling measurement date starting 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 (f)(3) that may have occurred prior to the relevant date of the adjustment.

(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.

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

(1) The toll levels determined in accordance with this section represent the maximum toll levels that the concessionaire shall be authorized to charge. The concessionaire shall be authorized to charge toll levels 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 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.

(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

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39	3.00	2.00			72													
49	5.00	4.00	2.00	LaPo rte	So uth Be nd We st	77												
72	10.00	8.00	7.00	5.00		Sout h Ben d Notr e Dam e	83											
77	11.00	9.00	8.00	6.00	2.0 0		Mishaw aka	92										
83	12.00	10.00	9.00	7.00	2.0 0	2.00		Elkha rt	96									
92	14.00	12.00	11.00	9.00	4.0 0	3.00	2.00		Elkha rt East	101								
96	15.00	13.00	11.00	9.00	5.0 0	4.00	3.00	2.00		Brist ol - Gosh en	107							
10 1	16.00	14.00	12.00	10.00	6.0 0	5.00	4.00	2.00	2.00		Middle bury	121						
10 7	17.00	15.00	14.00	12.00	7.0 0	6.00	5.00	3.00	2.00	2.00		Howe LaGra nge	144					
12 1	20.00	18.00	17.00	15.00	10. 00	9.00	8.00	6.00	5.00	4.00	3.00		Ang ola	153				
14 4	24.00	23.00	21.00	19.00	15. 00	14.0 0	12.00	10.00	10.00	9.00	7.00	5.00		East Poin t				
15 3	27.00	25.00	24.00	22.00	17. 00	16.0 0	15.00	13.00	12.00	11.00	10.00	7.00	3.00					

Class 6 (Six Axle Vehicles or Combination)
Through Trip Toll Rate: \$37.50

	24																	
	Porta ge Barri er	31																
		Valpara iso - Chester ton	38															
31	2.25		Michi gan City	49														
39	3.50	2.25			72													
49	5.75	4.75	2.25	LaPo rte	So uth Be nd We st	77												

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72	11.75	9.50	8.25	5.75		South Bend	83								
77	13.00	10.50	9.50	7.00	2.25	Notre Dame	Mishawaka	92							
83	14.00	11.75	10.50	8.25	2.25			Elkhart	96						
92	16.50	14.00	13.00	10.50	4.75	3.50	2.25		Elkhart East	101					
96	17.50	15.25	13.00	10.50	5.75	4.75	3.50	2.25		Bristol-Goshen	107				
101	18.75	16.50	14.00	11.75	7.00	5.75	4.75	2.25	2.25		Middlebury	121			
107	20.00	17.50	16.50	14.00	8.25	7.00	5.75	3.50	2.25	2.25		Howe LaGrange	144		
121	23.50	21.00	20.00	17.50	11.75	10.50	9.50	7.00	5.75	4.75	3.50		Angola	153	
144	28.25	27.00	24.50	22.25	17.50	16.50	14.00	11.75	11.75	10.50	8.25	5.75		East Point	
153	31.75	29.25	28.25	25.75	20.00	18.75	17.50	15.25	14.00	13.00	11.75	5.25	3.50		

Class 7 (Seven Axle Vehicles or Combination)
Through Trip Toll Rate: \$69.75

	24														
	Portage Barrier	31													
		Valparaiso - Chesterton	38												
31	4.25		Michigan City	49											
39	6.50	4.25		LaPorte	72										
49	11.00	8.75	4.25		South Bend West	77									
72	21.75	17.50	15.25	11.00		South Bend West	83								
77	24.00	19.50	17.50	13.00	4.25	Notre Dame	Mishawaka	92							

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83	28.25	21.75	19.50	15.25	4.25	4.25		Elkhart	96						
92	30.50	28.25	24.00	19.50	8.75	6.50	4.25		Elkhart	101					
96	32.75	28.25	24.00	19.50	11.00	8.75	6.50	4.25	East	Bristol - Goshen	107				
101	35.00	30.50	28.25	21.75	13.00	11.00	8.75	4.25			4.25	Middlebury	121		
107	37.00	32.75	30.50	28.25	15.25	13.00	11.00	6.50	4.25	4.25	Middlebury	Howe	144		
121	43.50	39.25	37.00	32.75	21.75	19.50	17.50	13.00	11.00	8.75		6.50	LaGrange	Angola	153
144	52.25	50.25	45.75	41.50	32.75	30.50	26.25	21.75	21.75	19.50	15.25	11.00	Angola	East Point	
153	58.75	54.50	52.25	48.00	37.00	35.00	32.75	28.25	26.25	24.00	21.75	15.25			6.50

(3) Notwithstanding the toll levels determined in accordance with this section, the actual tolls charged by the concessionaire will be rounded to:

- (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.

(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).

(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

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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

(h) The only charges that the concessionaire may impose on toll road users are the tolls authorized pursuant to this section. 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; errata filed Nov 16, 2018, 11:05 a.m.: [20181212-IR-135180410ACA](#)*)

Rule 3. Notice Requirements (*Repealed*)

(*Repealed by Indiana Finance Authority; emergency rule filed Jun 27, 2012, 10:23 a.m.: [20120711-IR-135120394ERA](#)*)

Rule 4. Fees and Charges Related to Electronic Tolling System

[135 IAC 2.5-4-1](#)

Fees and charges related to electronic tolling system

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) 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*)

Rule 5. Eligible Electronic Transponder Users (*Repealed*)

(*Repealed by Indiana Finance Authority; emergency rule filed Sep 21, 2018, 10:23 a.m.: [20180926-IR-135180410ERA](#), eff Oct 4, 2018*)

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