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TITLE 130 INDIANA PORT COMMISSION

LSA Document #01-395(F)

DIGEST

Adds 130 IAC 2, 130 IAC 3, and 130 IAC 4 to establish rules concerning applicability and definitions, traffic control, and port use. Repeals 130 IAC 1. Effective 30 days after filing with the secretary of state.

130 IAC 1 **130 IAC 3**
130 IAC 2 **130 IAC 4**

SECTION 1. 130 IAC 2 IS ADDED TO READ AS FOLLOWS:

ARTICLE 2. APPLICABILITY AND DEFINITIONS

Rule 1. Definitions

130 IAC 2-1-1 Applicability

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 1. The definitions in this rule apply throughout this title. *(Indiana Port Commission; 130 IAC 2-1-1; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3703)*

130 IAC 2-1-2 “Commission” defined

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1; IC 8-10-2

Sec. 2. “Commission” means the Indiana port commission created under IC 8-10-2. *(Indiana Port Commission; 130 IAC 2-1-2; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3704)*

130 IAC 2-1-3 “Control devices and signals” defined

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 3. “Control devices and signals” means all signs, signals, markings, and devices placed or erected on the ports of Indiana for the purpose of regulating, warning, or guiding traffic. *(Indiana Port Commission; 130 IAC 2-1-3; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3704)*

130 IAC 2-1-4 “Executive director” defined

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 4. “Executive director” means an individual employed by the commission who is responsible for, among other duties, managing and administering the central office of the commission and all employees of the commission and supervising the port directors. *(Indiana Port Commission; 130 IAC 2-1-4; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3704)*

130 IAC 2-1-5 “Oversize or unusual vehicle” defined

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 5. “Oversize or unusual vehicle” means those vehicles exceeding the maximum allowable dimensions and weights set forth in 130 IAC 3-1-12 and those vehicles that are not designed, used, or maintained primarily for the carrying of persons or property upon the public highways. (Indiana Port Commission; 130 IAC 2-1-5; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3704)

130 IAC 2-1-6 “Parking” defined

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 6. “Parking” means the stopping or standing of a vehicle whether occupied or not. A vehicle shall not be deemed to be parked if stopped temporarily for any of the following reasons:

- (1) Movement of the vehicle is obstructed.**
- (2) The vehicle is waiting to enter or leave a gate booth lane.**
- (3) The vehicle is in obedience to:**
 - (A) the direction of a police officer, port security officer, or other commission employee assigned to traffic control work; or**
 - (B) an official sign, signal, marking, or device.**

(Indiana Port Commission; 130 IAC 2-1-6; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3704)

130 IAC 2-1-7 “Port” defined

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 7. “Port” means any of the following:

- (1) Indiana’s International Port/Burns Harbor at Portage, Indiana.**
- (2) Southwind Maritime Centre at Mount Vernon, Indiana.**
- (3) Clark Maritime Centre at Jeffersonville, Indiana.**

(Indiana Port Commission; 130 IAC 2-1-7; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3704)

130 IAC 2-1-8 “Port area” defined

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 8. “Port area” means any:

- (1) water;**
- (2) land;**
- (3) platform;**
- (4) building;**
- (5) structure;**
- (6) dock;**
- (7) road;**
- (8) railroad; or**
- (9) other facility or operation located at a port.**

(Indiana Port Commission; 130 IAC 2-1-8; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3704)

130 IAC 2-1-9 “Port director” defined

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 9. “Port director” means an individual employed by the commission who is responsible for managing

and administering a port. (*Indiana Port Commission; 130 IAC 2-1-9; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3704*)

130 IAC 2-1-10 “Port employee” defined

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 10. “Port employee” means each person in the official employ of the commission. (*Indiana Port Commission; 130 IAC 2-1-10; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3704*)

130 IAC 2-1-11 “Port roads” defined

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 11. “Port roads” means all:

- (1) traffic lanes;**
- (2) acceleration lanes;**
- (3) deceleration lanes;**
- (4) shoulders;**
- (5) medial strips;**
- (6) bridges;**
- (7) overpasses;**
- (8) underpasses;**
- (9) gate areas;**
- (10) approaches;**
- (11) entrance and exit ramps;**
- (12) maintenance areas; and**
- (13) any and all other areas adjacent thereto;**

under the control or jurisdiction of the commission and comprising a part of the road system of the ports of Indiana. (*Indiana Port Commission; 130 IAC 2-1-11; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3704*)

130 IAC 2-1-12 “Port security” defined

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 12. “Port security” means any commission employee or independent contractor employed by the commission to provide port protection services. (*Indiana Port Commission; 130 IAC 2-1-12; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3705*)

130 IAC 2-1-13 “Restricted area” defined

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 13. “Restricted area” means all or part of a port area that has been posted by the port director as closed to the public. (*Indiana Port Commission; 130 IAC 2-1-13; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3705*)

130 IAC 2-1-14 “Vessel” defined

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 14. “Vessel” means a boat, motorboat, sailboat, rowboat, skiff, dinghy, canoe, ship, tug, towboat, packet, barge, lighter, or other watercraft, whether self-propelled or not self-propelled. (*Indiana Port Commission; 130 IAC 2-1-14; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3705*)

SECTION 2. 130 IAC 3 IS ADDED TO READ AS FOLLOWS:

ARTICLE 3. TRAFFIC CONTROL

Rule 1. Vehicular Traffic

130 IAC 3-1-1 Speed limits

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 1. (a) No person shall operate a motor vehicle or vehicle at a speed in excess of thirty (30) miles per hour on any port road as clearly indicated by control devices and signals.

(b) No person shall operate a motor vehicle or vehicle at a speed in excess of fifteen (15) miles per hour within any dock, loading, or building area except on the acceleration and deceleration lanes thereof as clearly indicated by control devices and signals.

(c) No person shall drive a vehicle or motor vehicle on the port roads at a speed greater than is reasonable and prudent under the conditions having regard for the actual and potential hazards then existing. In every event speed shall be so restricted as may be necessary to avoid colliding with any person, vehicle, motor vehicle, or other conveyance on or entering the port roads and with the duty of all persons to show due care.

(d) No person shall drive a motor vehicle or vehicle at such a low speed as to impede or block the normal and reasonable movement of traffic or at a speed of lower than five (5) miles per hour on the traffic lanes on the port roads, except when a reduced speed is necessary for safe operation or when ordered to do so by the port director, a police officer, or other authorized employee of the commission, or when posted at a lower speed.

(e) Whenever the commission determines that any of the speeds provided in subsection (d) are greater than are reasonable or safe under conditions found to exist on certain portions of the port roads, the commission or its authorized employees shall determine and declare the reasonable and safe speed limit in such areas and for such periods of time as the commission may deem advisable. Such speed limits, when so determined and set forth by the commission, shall be effective when appropriate signs giving notice thereof are erected upon said port roads so signed at a greater speed than is indicated upon such sign. At the trial of any person charged with the violation of this section, oral proof of the contents of said sign and the location thereof shall be prima facie [sic.] evidence of the determination and the option of the commission. (*Indiana Port Commission; 130 IAC 3-1-1; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3705*)

130 IAC 3-1-2 Application of Title 9

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1; IC 9-20

Sec. 2. (a) Except as provided in subsection (c), IC 9 applies to the operator of a vehicle or motor vehicle when the vehicle is operated within the port area.

(b) The port director or the port director's designee may confer with the commission's director of safety and security to provide policies for the port concerning traffic control specifically related to the port's activities, including:

- (1) speed limits for;**
 - (2) parking within; and**
 - (3) regulator signage for;**
- port areas.**

(c) IC 9-20 does not apply to the operator of a vehicle or motor vehicle in a port area if the operator of the vehicle or motor vehicle has obtained a written exemption from the port director. (*Indiana Port Commission;*

130 IAC 3-1-3 Parking

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 3. (a) No person shall stop, park, or leave standing any vehicle or motor vehicle, whether attended or unattended:

(1) upon the traffic lanes, acceleration lanes, deceleration lanes, bridges, or entrance or exit ramps; or

(2) at any place where a "No Parking" sign is posted.

In case of an emergency, but not otherwise, a motor vehicle or vehicle may be stopped and parked on the shoulder, adjacent to the outer traffic lane in the designated direction of traffic, provided that all wheels and projecting parts of the vehicle or motor vehicle or its load shall be completely clear of the traffic lanes. In the event that it is necessary for the operator of any vehicle or motor vehicle to leave the vehicle or motor vehicle on any portion of the port road unattended, the operator must obtain authorization for parking from the port director or port security before leaving the vehicle or motor vehicle unattended. This subsection does not apply to police or commission motor vehicles or vehicles.

(b) For the purpose of regulating the parking of vehicles or motor vehicles on the port area, the following classes of zones are hereby authorized and adopted:

(1) A public parking zone is a zone where all vehicles or motor vehicles shall park except vehicles or motor vehicles for which a special parking zone is provided in this section. It may be designated by signs erected at the entrance to the zone.

(2) A no parking zone is a zone in which parking of all vehicles or motor vehicles shall be prohibited. It may be designated by painting on the roadway or curb or by the erection of a sign so indicating, or by both.

(3) A passenger loading zone is a zone exclusively set apart for the loading and unloading of passengers and their baggage. It may be designated by the painting of the curb or roadway or by the erection of a sign, or by both. After passengers and their baggage are loaded or unloaded, vehicles or motor vehicles using the zone for this purpose shall immediately leave the zone.

(4) A merchandise loading zone is a zone exclusively set apart for the loading and unloading of merchandise, freight, and supplies for the terminals. It may be designated as a merchandise, freight, and supplies loading and unloading zone, in which event it shall be for the exclusive use indicated. It may be designated by the painting of the curb or roadway or by the erecting of a sign so indicating, or by both.

(5) Any employee parking zone is a zone exclusively set apart for vehicles or motor vehicles of tenants, employees, and concessionaires of the terminals and may, by a sign so indicating, be designated for the exclusive use of vehicles or motor vehicles.

(6) A nonstop zone is a zone in which it shall be unlawful for the operator of any vehicle or motor vehicle to stop a vehicle or motor vehicle except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer, port security, or traffic sign or signal. The space may be designated by a painted curb or roadway or by a sign reading, "Stopping Prohibited" or other words clearly so indicating, or by both.

(7) A limited parking zone is a zone in which the parking of all vehicles or motor vehicles shall be for a limited time. It may be designated by painting on the roadway or by the erection of a sign indicating the time limit of parking and the hours of the day in which the limit is applicable, or by both.

(8) No parking within fifteen (15) feet in either direction of a fire hydrant adjacent to a roadway designated by painted curb or roadway or by a sign reading "No Parking" at any time, or by both.

(9) A parking zone limited to parking of vehicles with properly designated handicapped identification.

The port director is hereby authorized to designate the zones established in this subsection in areas as in his judgment will be most compatible with the operation and maintenance of the port area. Whenever any zone is established, it shall be appropriately designated by painting or signs, or both, and when so designated or marked it shall be unlawful for any person to stop, park, or cause or permit to be stopped or parked any vehicle or motor vehicle contrary to a sign or marking. (Indiana Port Commission; 130 IAC 3-1-3; filed Jun

6, 2002, 11:22 a.m.: 25 IR 3706)

130 IAC 3-1-4 Impoundment of vehicles

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 4. Any vehicle or motor vehicle that is operated on any port road or port area, without authorization from the port director, or that is illegally parked or abandoned on any portion of the port area or road may be towed off the port area and road and impounded. The vehicle or motor vehicle shall not be removed from the place where it is impounded without first obtaining the proper release from the local police department and the payment of all towing, storage, and other costs and charges and at the owner's risk. (Indiana Port Commission; 130 IAC 3-1-4; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3706)

130 IAC 3-1-5 Vehicle operation

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 5. (a) No person shall operate a motor vehicle or vehicle on the port road or port area unless such person is duly authorized to do so by the port director.

(b) No person shall operate a motor vehicle or vehicle on the port road unless such person is duly licensed in accordance with the law.

(c) No person shall operate a motor vehicle or vehicle on the port roads unless such vehicle or motor vehicle is registered in accordance with the law.

(d) No person who is under the influence of intoxicating liquor, narcotic drugs, or opiates shall operate or be in actual physical control of a vehicle or motor vehicle on the port roads.

(e) No person shall operate a motor vehicle or vehicle on the port roads without due regard for the safety and rights of others, so as not to endanger the life, limb, or property of any person. (Indiana Port Commission; 130 IAC 3-1-5; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3707)

130 IAC 3-1-6 Compliance with orders and traffic control devices

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 6. No person shall fail, neglect, or refuse to comply with any lawful order or direction of a member of the port security, flagmen, or port employee. No person shall fail, neglect, or refuse to comply with any traffic control sign, signal, or device erected or displayed on the port roads unless directed otherwise by a member of the port security, flagman, or commission employee. (Indiana Port Commission; 130 IAC 3-1-6; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3707)

130 IAC 3-1-7 Stops at gate entrance

Authority: IC 8-10-1-1; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 7. The operator of a motor vehicle or vehicle shall make a complete stop at the gate entrance, if any, when entering or leaving the port roads unless otherwise directed. (Indiana Port Commission; 130 IAC 3-1-7; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3707)

130 IAC 3-1-8 Limited entry and exit

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 8. Entry upon or exit from any part of the port roads or port area is prohibited without obtaining permission from the port director. *(Indiana Port Commission; 130 IAC 3-1-8; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3707)*

130 IAC 3-1-9 Accidents

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 9. In addition to the provisions of the motor vehicle laws of Indiana, the operator of a vehicle or motor vehicle involved in an accident on the port roads or port area resulting in injury or death to any person or damage to any property, real or personal, shall immediately stop such vehicle or motor vehicle at the scene of the accident, render such assistance as may be needed, and give his or her name, address, license numbers, and registration number to the person injured, or to the person sustaining the damage, and to the port director. *(Indiana Port Commission; 130 IAC 3-1-9; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3707)*

130 IAC 3-1-10 Covered and secured loads

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 10. All loads hauled over port roads shall be properly covered and adequately secured. *(Indiana Port Commission; 130 IAC 3-1-10; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3707)*

130 IAC 3-1-11 Hazardous vehicles

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 11. Vehicles, which are in such condition as to create a hazard to life or property, are prohibited on port roads. *(Indiana Port Commission; 130 IAC 3-1-11; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3707)*

130 IAC 3-1-12 Vehicle size and weight limits

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 12. (a) The following shall be the maximum allowable dimensions and weights permitted to operate on port roads without the written consent of the port director:

Factor	Limits
Width	8'0"
Heights	13'6"
Maximum length for single vehicle under own motive power (other than buses)	36'
Buses (common carriers of passengers)	40'
Maximum length for combination of any 2 vehicles	60'
Maximum length for combination of 3 or more vehicles	65'
Maximum wheel weight measured between flanges of rim	800 pounds per inch width of tire
Maximum axle weight tandem	18,000 pounds
Maximum single axle weight	22,400 pounds

Maximum tandem axle weight (2 or more axles separated by at least 40" but not more than 9' per axle)	18,000 pounds
Gross weight	90,000 pounds

(b) Scale weight tickets are to be carried in the cab for presenting at the gate, or to port security, for inspection at all times. Proper oversize permits from the state or port director shall be carried in the cab and presented at the gate or to the port security for inspection for loads requiring same.

(c) The operator or operators of any vehicle or motor vehicle exceeding any of the maximum allowable dimensions or weights set forth in subsection (a) shall, upon entering the port roads, state to the gate attendant on duty the facts relative to any excessive dimension or weight. If there shall be any question as to the safety of the vehicle or motor vehicle because of excessive dimension, the port security shall obtain approval from the port director or his duly authorized representative. *(Indiana Port Commission; 130 IAC 3-1-12; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3707)*

130 IAC 3-1-13 Applicability of state law

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 13. Except such that may have been modified or amplified by this title, the terms and provisions of 140 IAC 1 and 205 IAC 1 shall apply to the operator of a vehicle or motor vehicle on the port roads and port area same as if the operator was operating a vehicle or motor vehicle on the public highways of Indiana or railroad in Indiana. *(Indiana Port Commission; 130 IAC 3-1-13; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3708)*

Rule 2. Rail and Pedestrian Traffic

130 IAC 3-2-1 Railroads

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 1. (a) IC 8 applies to the operator of a railroad located within a port.

(b) A person shall not use a front-end loader or other inappropriate means to move a railroad car or railroad engine in a port. *(Indiana Port Commission; 130 IAC 3-2-1; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3708)*

130 IAC 3-2-2 Pedestrian traffic

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 2. Pedestrians shall not walk on the traveled portions of port roads except to cross them in a safe manner. Pedestrians shall walk facing the vehicle traffic flow in the nearest lane. *(Indiana Port Commission; 130 IAC 3-2-2; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3708)*

130 IAC 3-2-3 Hitchhiking

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 3. Hitchhiking is prohibited on port roads or on any port area. *(Indiana Port Commission; 130 IAC 3-2-3; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3708)*

Rule 3. Waterborne Traffic

130 IAC 3-3-1 Applicability of boating laws

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 1. Federal maritime laws and regulations and Indiana boating laws and rules apply to the operation of vessels within a port area. *(Indiana Port Commission; 130 IAC 3-3-1; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3708)*

130 IAC 3-3-2 Regulation of water traffic

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 2. (a) Except as provided in subsection (b), and except as provided by federal and Indiana law, the port director may regulate all vessels within the port area.

(b) The maximum speed for a vessel, regardless of its size, while the vessel is within a port area, is five (5) miles per hour. *(Indiana Port Commission; 130 IAC 3-3-2; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3708)*

130 IAC 3-3-3 Conditions of port entry

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 3. (a) Except as provided in subsection (b):

(1) an aircraft; or

(2) a vessel;

may not enter a port without the permission of the port director or the port director's designee.

(b) An aircraft or a vessel may enter a port without the permission of the port director if access to the port is sought as a harbor of refuge. *(Indiana Port Commission; 130 IAC 3-3-3; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3708)*

SECTION 3. 130 IAC 4 IS ADDED TO READ AS FOLLOWS:

ARTICLE 4. PORT USE

Rule 1. Prohibited Acts

130 IAC 4-1-1 Commercial activity

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 1. No person shall:

(1) offer or display goods or services for sale;

(2) post, distribute, or display signs, advertisements, circulars, or written or printed matter; or

(3) operate mobile or stationary public address equipment;

unless the commission shall have granted permission therefore; provided, however, that this section shall not apply to the display of customary warning, identifying, advertising, or like signs on a vehicle ordinarily and customarily carrying such signs. *(Indiana Port Commission; 130 IAC 4-1-1; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3709)*

130 IAC 4-1-2 Unauthorized use of areas

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 2. (a) No one shall make unauthorized use of any area within the port area. Unauthorized occupants are subject to immediate ejection, and unauthorized material on site is subject to removal to storage areas at the owner's expense.

(b) Stevedores' tools, appliances and equipment, donkey engines, vehicles, or any other material or object, which are not part of the cargo, are not permitted to remain on the wharves or other public areas. Such materials shall be removed and stored at the owner's expense. (Indiana Port Commission; 130 IAC 4-1-2; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3709)

130 IAC 4-1-3 Areas closed to public

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 3. No person shall enter any restricted area posted as being closed to the public, except a person:

(1) assigned to duty in the restricted area; or

(2) under the supervision and control of the port director or other personnel duly authorized to enter the restricted area.

(Indiana Port Commission; 130 IAC 4-1-3; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3709)

130 IAC 4-1-4 Solicitation prohibited

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 4. No person shall solicit funds for any purpose on the port area without the written consent of the port commission. (Indiana Port Commission; 130 IAC 4-1-4; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3709)

130 IAC 4-1-5 Photography prohibited

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 5. No person shall take still, motion, or sound pictures on any port or port area except by special permission of the port director. (Indiana Port Commission; 130 IAC 4-1-5; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3709)

130 IAC 4-1-6 Designated traffic areas; obstruction

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 6. No person shall travel on the port area other than on the roads, walks, or places provided for the particular class of traffic, nor shall any person use the roads or walks in such a manner as to hinder or obstruct their proper use. (Indiana Port Commission; 130 IAC 4-1-6; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3709)

130 IAC 4-1-7 Firearms and explosives

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 7. (a) No person except port security, conservation officers, police officers, customs officers, or members of the armed forces of the United States on official duty shall carry any firearms, concealed weapons, explosives, or similar inflammable materials on the port area.

(b) All persons other than the excepted classes shall:

(1) surrender all objects described in subsection (a) to the port security on guard at the entrance gate or to the port director;

(2) be given a receipt; and

(3) recover the object upon leaving the port area and surrendering the receipt.

(c) Shooting anywhere on the port area, either over or on the water or land, within the confines of any port boundary is prohibited without the consent of the port director. *(Indiana Port Commission; 130 IAC 4-1-7; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3709)*

130 IAC 4-1-8 Prohibited articles

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 8. No person shall transport or carry on the port property any of the following:

(1) Alcoholic beverages (excepting, however, alcoholic beverages permitted to be brought into the United States on cruise ships and in course of shipment).

(2) Firearms.

(3) Weapons.

(4) Explosives.

(5) Narcotics.

(6) Obscene literature.

(Indiana Port Commission; 130 IAC 4-1-8; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3709)

130 IAC 4-1-9 No smoking areas

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 9. Persons shall not smoke on:

(1) the wharves or in the warehouses, sheds, and other structures of the port, set apart for:

(A) the loading and unloading of vessels;

(B) the storage or warehousing of their cargoes, or other merchandise;

(2) any truck dray, float, automobile, or vehicle of any kind when using such structure.

A person shall not smoke or use matches or cigar or cigarette lighters in the hold of any vessel or upon the decks thereof, while loading or unloading cargo. *(Indiana Port Commission; 130 IAC 4-1-9; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3710)*

130 IAC 4-1-10 Entry and exit permits

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 10. (a) Every person entering or leaving the port area shall stop at the entrance gate, identify himself or herself to the commission through its authorized employees or port security, and state his or her business and reason for being on the port area. If the person's business and purpose of being in the port area is in furtherance of or incidental to the operation and maintenance of the port area, the person shall be issued a temporary visitor's pass to enter the port area, which pass shall be completely filled out, signed by the visited party, and surrender [*sic., surrendered*] upon leaving the port area.

(b) The commission, through its authorized employees, or port security shall refuse admittance to the port area to anyone whose purpose in the port area is not in furtherance of or incidental to the operation and maintenance of the port area.

(c) No admittance will be permitted to sheds, warehouses, platforms, docks, or other structures, except to those having business to transact with the commission or with its tenants and lessees.

(d) The commission, through its authorized employees, or port security shall refuse admittance to the port area to any person under the influence of intoxicants or drugs.

(e) A special permit and identification card may be given to persons regularly employed in the port area and will be used in lieu of any other identification or permit to enter and leave the port area upon presentation to the commission, through its authorized employees, or port security. The special permit shall not be transferable and may be taken up by the commission through its authorized employees or port police at any time for violation of port area rules.

(f) The operator of any vehicle entering or leaving the port area shall:

(1) dim his or her lights and bring his or her vehicle to a complete stop at the gate;

(2) identify himself or herself and his or her passengers and show his or her operator's permit and identification card to the port security; and

(3) state his or her business and reason for being in the port area.

The commission, through its authorized employees or port security, shall refuse admittance to the port area to any person or vehicle without an operator's permit and whose purpose in the port area is not in furtherance of or incidental to the operation and maintenance of the port area.

(g) A visitor's pass for the vehicle windshield area may be issued to the operator of a vehicle after identification that will permit the operator of the vehicle and passengers in the vehicle for a limited period to view the facilities of the port area or to use the public fishing area. The pass shall be surrendered to the port security upon leaving the port area. (*Indiana Port Commission; 130 IAC 4-1-10; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3710*)

130 IAC 4-1-11 Fishing; swimming; boat launching

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 11. (a) No person shall fish in the port area between sunset and sunrise. Fishing is allowed only within the designated fishing area that is maintained and is under the jurisdiction of the department of natural resources and the commission.

(b) No person shall launch a boat or fish from a boat in the port area.

(c) Swimming is prohibited in the port area. (*Indiana Port Commission; 130 IAC 4-1-11; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3710*)

130 IAC 4-1-12 Minors

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 12. All minors in the port area must be accompanied by a responsible adult. (*Indiana Port Commission; 130 IAC 4-1-12; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3710*)

130 IAC 4-1-13 Fires prohibited

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 13. No person shall ignite or maintain an open fire in the port area without the consent of the port director. (*Indiana Port Commission; 130 IAC 4-1-13; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3711*)

130 IAC 4-1-14 Searches of persons, vehicles, and cargoes

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 14. Every motor vehicle, truck, trailer, vessel, semitrailer, and any person or cargo therein shall be subject to complete search and inspection by the commission, through its authorized employees, or port

security on entering or leaving the port area and within the port area. No person shall interfere with or hinder the commission or port security in the conduct of any search. *(Indiana Port Commission; 130 IAC 4-1-14; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3711)*

130 IAC 4-1-15 Compliance with orders

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 15. No persons shall disobey any lawful and reasonable order given by the executive director, port director, port security, or other duly authorized port employee. Port employees may be invested with the authority by the executive director or port director to carry on the business of the commission and to enforce the rules of the commission. *(Indiana Port Commission; 130 IAC 4-1-15; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3711)*

130 IAC 4-1-16 Damage to commission property

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 16. No person shall:

(1) cut, mutilate, or remove any tree, shrub, or plant; or

(2) deface, damage, mutilate, destroy, mar, or otherwise damage any signs, structures, fences, or any other property or equipment;

owned by or under the jurisdiction or control of the commission without the consent of the port director. *(Indiana Port Commission; 130 IAC 4-1-16; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3711)*

130 IAC 4-1-17 Disposal of litter, harmful material, and waste

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 17. No person shall place, drop, or permit to be dropped any litter upon the port roads, harbor property, or any article that may damage or injure any person or property in or upon the port roads, harbor property or dispose of bottles, cans, papers, garbage, rubbish, or other waste material of any kind or description at any place upon the port roads or port area, except at places designated therefore within the port area. *(Indiana Port Commission; 130 IAC 4-1-17; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3711)*

130 IAC 4-1-18 Discharge of liquid waste and other debris

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 18. The discharge or throwing of ballast, bilge water, wash water, fuel oil, sanitary waste, rubbish, dunnage, or debris:

(1) into:

(A) Lake Michigan;

(B) any area of the Port of Indiana-Burns Waterway Harbor;

(C) the Ohio River;

(D) at other ports under the jurisdiction of the commission; or

(2) at dock structures;

is prohibited. Any vessel needing to dispose of ballast, bilge water, wash water, or sanitary waste shall discharge same into facilities provided by the commission, if any. The commission will assist the owner of any such vessel or the owner's representatives in making contact with a disposal facility if the commission does not provide such a facility. *(Indiana Port Commission; 130 IAC 4-1-18; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3711)*

130 IAC 4-1-19 Fire equipment

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 19. A person shall not obstruct or interfere with the free and easy access to, or remove, or in any manner disturb any fire extinguishers, fire hose, fire hydrant, or any other firefighting appliance or apparatus installed in or upon any wharf, building, or any location within a port area. *(Indiana Port Commission; 130 IAC 4-1-19; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3711)*

Rule 2. General Provisions

130 IAC 4-2-1 Lease of commission land

Authority: IC 8-10-1-9
Affected: IC 8-10-1-7; IC 8-10-2-2

Sec. 1. (a) Land is available for lease at port sites under the control of the commission. Prospective tenants must meet the qualifications listed in this section.

(b) All port tenants must be registered, when required by law, with the Indiana secretary of state and be authorized to do business in Indiana.

(c) It is desirable that the intended commercial activities of prospective port tenants include direct use of waterborne commerce if at all practicable.

(d) The prospective port tenant must provide adequate assurance that the intended use of the port will comply with all applicable environmental quality laws and regulations.

(e) The prospective port tenant must provide evidence that the prospective tenant has adequate financial resources to undertake the proposed project. *(Indiana Port Commission; 130 IAC 4-2-1; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3711)*

130 IAC 4-2-2 Construction on commission land

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 2. No construction shall commence within any port or upon any port area without the prior written consent from the executive director, the port engineer, or the port director. Any authorized construction shall be limited to the area specifically approved in writing by the executive director, the port engineer, or the port director. *(Indiana Port Commission; 130 IAC 4-2-2; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3712)*

130 IAC 4-2-3 Packaging and labeling material

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 3. No radioactive material shall be transported in any vehicle or motor vehicle on the port roads or port area except in a package of sufficiently strong structure so as not to be affected in case the vehicle in which it is transported is involved in any kind of accident or occurrence, and such packaging shall bear legible labels identifying the contents and the radioactivity strength thereof, all in compliance with the Interstate Commerce Commission's regulations or other laws and regulations relating thereto. *(Indiana Port Commission; 130 IAC 4-2-3; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3712)*

130 IAC 4-2-4 Vehicle labels

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 4. Every vehicle transporting radioactive materials on the port roads or port area shall display upon exterior of the vehicle four (4) radioactive labels, each complying with the Interstate Commerce Commission's regulations relative thereto as to the size, color, and contents. Such labels shall be so designed and affixed as to be durable and legible for the entire trip such vehicle is transporting such material and shall be placed on such vehicle as follows:

- (1) One (1) on the front of the vehicle so as to be clearly visible to persons approaching the vehicle from the front thereof.**
- (2) One (1) on the rear of the vehicle so as to be clearly visible to any persons approaching the vehicle from the rear thereof.**
- (3) One (1) on each side of the vehicle clearly visible to persons approaching the vehicle from either side thereof.**

(Indiana Port Commission; 130 IAC 4-2-4; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3712)

130 IAC 4-2-5 Permits required

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 5. No radioactive material may be transported in any vehicle on port roads or port area other than those materials listed on the exempt list in the appropriate Interstate Commerce Commission's regulations without first applying to the director of operations or the port director, or to his or her duly authorized representative. *(Indiana Port Commission; 130 IAC 4-2-5; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3712)*

130 IAC 4-2-6 Accidents

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 6. In the event of an accident occurring on the port road or port area, it shall be the responsibility of the driver of the vehicle wherein such material is transported, or any passenger therein, to notify the port director immediately, by telephone or radio or in person. In the event of such incident, it shall also be the responsibility of the carrier to prevent contamination of any port road or port property or exposure of any person on the port area, by taking every reasonable step to prevent the dispersal of such material in the interest of personnel into the affected area by setting out flares, lights, and flags as required in a case of a disabled vehicle, by the appropriate Interstate Commerce Commission's regulations. *(Indiana Port Commission; 130 IAC 4-2-6; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3712)*

SECTION 4. 130 IAC 1 IS REPEALED.

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