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TITLE 135 INDIANA FINANCE AUTHORITY

NOTE: Under P.L.235-2005, SECTION 213, the name of the Indiana Transportation Finance Authority is changed to the Indiana Finance Authority, effective May 15, 2005.

Proposed Rule LSA Document #05-257

DIGEST

Amends 135 IAC 2 to adjust the current toll rate structure on the Indiana Toll Road, adjust the fees for special hauling permits, and modify certain terms and phrases and other provisions of the current rules to reflect current law, usage, and circumstance. Effective April 3, 2006.

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses

IC 4-22-2.1-5(a)(1):

An estimate of the number of small businesses, classified by industry sector that will be subject to the proposed rules: It is estimated that 11,750 Indiana small businesses currently use the toll road. All of these businesses, if they choose to continue using the toll road, will be subject to the proposed rules. Due to the anonymous nature of travel on the toll road, it is not possible to classify these small businesses by industry sector.

IC 4-22-2.1-5(a)(2):

An estimate of the average annual reporting, record keeping, and other administrative costs that small business will incur to comply with the proposed rules: The Indiana Department of Transportation (INDOT) estimates that the proposed rules will impose no additional costs to small business as those costs relate to reporting, record keeping, and administration.

Although companies that apply for special permits under the Indiana Finance Authority (IFA) rules must maintain current lists of all active drivers permitted for longer combination vehicle (LCV) operations on the toll road and provide these lists to INDOT upon request, IFA estimates that this record keeping will result in no additional cost. As for changes to the driver requirements for LCV operators under the IFA rules (for example, obtaining a commercial driver's license with appropriate endorsements), these requirements impose no additional costs because they are already required by current law. IFA also estimates that requiring the stencil of an identification number on a truck-tractor of a company permitted for LCV operations will result in no additional cost.

IC 4-22-2.1-5(a)(3):

An estimate of the total annual economic impact that compliance with the proposed rule will have on all small business subject to the rules: Approximately \$1.4 million.

IC 4-22-2.1-5(a)(4):

A statement justifying any requirement or cost that is imposed on small business under the rules, and is not expressly required by either the statute authorizing the agency to adopt the rule or other statute or federal law. This statement must include a reference to any data, studies, or analyses relied upon by the agency in determining the imposition of the requirement or cost is necessary.

The Indiana Toll Road relies on its tolls collected from users to pay for its debt payments, maintenance costs, and operating costs. The impact on small businesses is estimated to be approximately \$1.4 million. The total impact on all users of the toll road is estimated to be approximately \$72 million.

Therefore, the impact on small business is approximately 2% of the total impact to users of the toll road. This is only an estimate of the impact on small business. Due to the anonymous nature of travel on the toll road, it is difficult to determine, with any degree of certainty, what the actual impact on small business will be.

INDOT and IFA did review exempting small business from part of the costs imposed by this rule. Two axle commercial delivery trucks are often used by small businesses. Under the current toll road rate schedules those delivery trucks pay a higher toll than passenger cars. The proposed rule puts those delivery trucks in the same classification as passenger cars. Currently two axle trucks pay tolls that are 58% more than passenger cars. Under the proposed rules, cars and two axle trucks will pay the same toll. Savings to small business are estimated at \$106,000 or 8% of the economic impact (approximately \$1.4 million). Additionally, small business will benefit from the upgrades in maintenance and new construction on the toll road and in the toll road counties.

In addition to the toll rate increase, IFA is proposing to change the special hauling permit fees in the IFA rule. However, these permit fees do not normally apply to small businesses given that the type of oversize goods that require these hauling permits to be

transported are manufactured and transported by large companies.

Generally, other than the toll rates and the revision to the special hauling permit provisions, the amendments to the IFA rules are necessary to reflect current law, usage and circumstance.

The Indiana Toll Road has needs for major projects on or near the toll road for widening and interchange projects as well as general reconstruction of aging highway surfaces. These needs cannot be met with the current budget. In addition, since the toll road serves as a critical transportation link to the urbanized areas in northern Indiana, a high priority needs to be placed on maintaining adjacent state and local routes as well to attract commerce that results in additional toll road trips. An increase in the toll rates can address both the toll road's needs as well as improvements to state and local transportation needs in toll road counties. Current revenue does not allow the toll road to build these needed projects on and near the toll road.

Data, studies, and analyses relied upon by INDOT and IFA in determining that the imposition of any requirement or cost is necessary are:

- A) Capital Improvement Projects Program, May 4, 2005, RQAW.
- B) Rate Review and Revenue Projections Study August 2005-Wilbur Smith Associates.
- C) MAJOR MOVES: INDOT Ten Year Draft Major New Construction Program.

IC 4-22-2.1-5(a)(5):

A regulatory flexibility analysis that considers any less intrusive or less costly alternative methods of achieving the purpose of the proposed rule, including:

INDOT and IFA considered less intrusive or less costly alternative methods of achieving the purpose of the proposed rules. The first item considered was the establishment of less stringent compliance or reporting requirements for small businesses. However, the agencies found that these proposed rules established no reporting requirements and no additional compliance requirements (beyond paying the tolls).

INDOT and IFA then considered the establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses. The agencies found that because the uniformity provisions under the outstanding bond documents do not allow customers to be charged different toll rates within a vehicle class, the new rate increase must be applicable to all customers of the Indiana Toll Road on the same date.

The agencies found that the consolidation or simplification of compliance or reporting requirements for small businesses and the establishment of performance standards for small businesses instead of design or operational standards imposed on other regulated entities were inapplicable to this rule.

INDOT and IFA considered exempting small business from part of the costs imposed by this rule. Two axle commercial delivery trucks are often used by small businesses. Under the current toll road rate schedules those delivery trucks pay a higher toll than passenger cars. The proposed rule puts those delivery trucks in the same classification as passenger cars. Currently two axle trucks pay tolls that are 58% more than passenger cars. Under the proposed rule cars and two axle trucks will pay the same toll. Savings are estimated at \$106,000 or 8% of the economic impact.

Additionally, the toll is not a mandatory cost for small businesses. Individual companies can take alternative, parallel routes to the toll road that will avoid costs associated with the tolls. It is estimated that 16% of the toll road's current business trips will be lost when the proposed rate goes into effect. Estimated savings to small businesses by taking an alternate route is \$222,000 or 16% of the economic impact.

Although INDOT and IFA made the determination to not implement one of the above-referenced alternative methods, the agencies did make the determination to implement the placing of two axle trucks into the lower rate passenger car toll schedule, which translates into a savings for small businesses and acknowledges that small businesses have alternative routes to the toll road that avoid tolls altogether.

Assumptions Used for the Small Business Statement

Small Business Statement must include:

An estimate of the number of small businesses, classified by industry sector that will be subject to the proposed rule.

9,880 small businesses in Indiana are estimated to be customers of the Indiana Toll Road and will be subject to the rate increase. Due to the anonymous nature of travel on the toll road it is not possible to classify these small businesses by the North American Industry Classification System (NAICS) code.

THE FOLLOWING ANALYSIS DETERMINED THE ESTIMATED NUMBER OF SMALL BUSINESS FIRMS AND THE TOTAL ECONOMIC IMPACT:

Indiana small businesses that have trucks making business trips on the toll road:

- The list of toll road's commercial charge customers was reviewed to estimate which firms fell under the small business definition. Personal knowledge about firms and company Web site information was used to segregate small and large Indiana firms. If no Web site was available it was assumed that the firm was a small business.
- 55 of 207 (26.6%) toll road's Indiana commercial accounts were estimated to be small businesses.
- A review of charge revenue determined that 5.3% of Indiana commercial account revenue came from small businesses (\$1,700

average annual revenue from an Indiana small business commercial account.)

- From Wilbur Smith Associates' (WSA) Indiana Toll Road Traffic and Revenue Study (2002) and Rate Review Revenue Study (2005), 30% of trucks using toll road during weekdays and 13.3% during weekends are Indiana registered trucks.
- Using toll road data estimates for weekday and weekend truck revenue and WSA's Indiana registered truck percentages, it was determined that annual revenue for all Indiana trucks = \$14,457,037.
- Assume that Indiana small businesses contribute the same percent of all Indiana truck revenue that Indiana small business charge accounts contribute (5.3%).
- $(5.3\%) (\$14,457,037) = \$766,200$ = annual revenue collected from Indiana small businesses.
- Assume average annual revenue from an Indiana small business charge account is the same average for all Indiana small businesses (\$1,700).
- $\$766,200 / \$1,700 = 450$ Indiana small business that travel toll road using trucks.

Indiana small businesses that use cars for business trips:

- Per WSA studies, the percent of all car traffic on the toll road that represents Indiana registered cars on business trips is 8.2% on weekdays and 0.9% on weekends.
- Using toll road data for weekday and weekend revenue, it was determined that all Indiana firms account for \$2,026,000 in annual car revenue.
- Assumptions made about Indiana small business that travel toll road by car on company business:
 - Large companies travel toll road more often. They have larger sales staffs and are more able to send employees on training and to seminars and conventions. Assume large firms travel 5 times more than small.
 - The class of very small Indiana businesses (average 3 employees) travels the toll road much less. The major exception is the small consulting or sales firm. Assume only 25% of Indiana small businesses travel the toll road.
 - The balance of Indiana small businesses have larger staffs that allow for more training trips and are more likely to have sales staff. Assume that 75% of these businesses travel the toll road.
 - The large majority of Indiana firms traveling the toll road are located within the 7 counties through which the toll road travels. Many of the companies located south of these 7 counties have access to I69 and I65 and other state highways to travel direct to their destination. Assume that the number of Indiana businesses that use the toll road come from outside the 7 counties equals 10% of the number of firms using the toll road in the 7 counties.
- The Indiana Department of Workforce Development generates statistics on firms by employee size and by county. Using those statistics and the assumptions above, it is estimated that 944 large Indiana firms travel the toll road by car for company business (5 times as often as small business). 5,367 very small (average 3 employees) Indiana businesses use the toll road, and 6,399 Indiana business with 10 to 100 employees use the toll road.
- Currently 11,766 Indiana small businesses are estimated to use the toll road.
- $11,766 \text{ Indiana small businesses} + 4,720 \text{ (944 large Indiana businesses who use road 5 times as much as small business)} = 16,486$ divided into \$2,026,000 annual toll revenue for all Indiana businesses = \$123 average per year.
- $(\$123) (11,766 \text{ small Indiana businesses}) = \$1,447,000$ current annual revenue from Indiana small businesses.

Calculation of small businesses subject to rule:

- Assume that small businesses who are toll road truck customers are also car customers.
- WSA study (2005) estimates that 16% of customers will avoid paying the new toll rates by taking routes parallel to the toll road.
- $84\% \text{ times } 11,766 \text{ Indiana small business toll road customers} = 9,880$ Indiana small businesses impacted by proposed rate increase.

Calculation of economic impact:

- Car rates are increasing 72%; current car revenue from Indiana small businesses is \$1,447,000. $(72\%) (\$1,447,000) = \$1,042,000$.
- Per WSA study (2005), 16% decrease due to rate increase. $(84\%) (\$1,042,000) = \$875,000$ car revenue from Indiana small businesses.
- For trucks, assume that small businesses use 2, 3, and 4 axle trucks in a much higher proportion than the average on the Indiana Toll Road since the toll road carries a very high number of 5 axle long haul semi-trucks due to out of state registered trucks traveling through Indiana. Small businesses are more likely to use the smaller axle count vehicles to make deliveries.

Truck axles	All trucks % of revenue	Assume Indiana small business %	Current revenue
2	3.4%	24%	\$183,000
3	1.3	10	77,000
4	2.7	20	154,000
5	92.6	46	<u>352,200</u>
Total			\$766,200

Truck axles	Rate increase times current revenue (above)	=	Additional revenue
2	9%		\$16,500
3	24		18,500
4	114		175,500
5	113		<u>398,000</u>
		Total	\$608,500

- WSA study (2005) estimates a 15.8% reduction in truck revenue due to rate increase. $(\$608,500) (84.2\%) = \$512,000$ net annual economic impact on Indiana small businesses truck traffic.
 - Total car and truck economic impact = $\$512,000 + \$875,000 = \$1,387,000$.
 - An estimate of the annual average annual reporting, record keeping, and other administrative costs that small business will incur to comply with the proposed rule.
No additional cost.
Whatever administrative costs businesses have, they will not increase due to a rate increase.
 - An estimate of the total annual economic impact that compliance with the proposed rule will have on all small business subject to the rule if greater than \$500,000 on all regulated entities.
\$1,387,000
See the analysis above.
 - A statement justifying any requirement or cost that is imposed on a regulated entity under the rule, and is not expressly required by either the statute authorizing the agency to adopt the rule or other statute or federal law. This statement must include a reference to any data, studies, or analyses relied upon by the agency in determining the imposition of the requirement or cost is necessary. This statement must include a reference to any data, studies, or analyses relied upon by the agency in determining the imposition of the requirement or cost is necessary.
(This is the same statement that will be published in advance of the Small Business Statement and is assigned to Rick Whitney at INDOT.)
 - A regulatory flexibility analysis that considers any less intrusive or less costly alternative methods of achieving the purpose of the proposed rule. The regulatory flexibility analysis must consider the following methods of minimizing the economic impact of the proposed rule on small business:
 - The establishment of less stringent compliance or reporting requirements for small businesses.
Not considered as the compliance and reporting requirements are nonexistent.
 - The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses.
Not considered as the new rate increase must be applicable to all customers of the Indiana Toll Road on the same date.
 - The consolidation or simplification of compliance or reporting requirements for small businesses.
Not applicable to this rule.
 - The establishment of performance standards for small businesses instead of design or operational standards imposed on other regulated entities by the rule.
Not applicable to this rule.
 - The exemption of small business from part or all of the requirements or costs imposed by the rule.
- Toll road did review exempting small business from part of the costs imposed by this rule. Two axle commercial delivery trucks are often used by small businesses. Under the current toll road rate schedules those delivery trucks pay a higher toll than passenger cars. The proposed rule puts those delivery trucks in the same classification as passenger cars. Currently two axle trucks pay tolls that are 58% more than passenger cars. Under the proposed rule cars and two axle trucks will pay the same toll. Savings are estimated at \$106,000 or 8% of the economic impact.
- $\$183,000 (58\%) = \$106,000$ (2 axle current revenue times the old % difference between car and two axle truck rates.)
- Additionally, the toll is not a mandatory cost for small businesses. Individual companies can make the choice to take alternative parallel routes to the toll road that will avoid the toll altogether. It is estimated that 16% of the toll road's current business trips will be lost when the proposed rate goes into effect. Estimated savings to small businesses by taking an alternate route is \$222,000 or 16% of the economic impact.
- $(\$1,387,000) (16\%) = \$222,000$
- NOTE: If the agency has made a preliminary determination not to implement one or more of the alternative methods considered, the agency shall include a statement explaining the agency's reason for the determination, including any reference to any data, studies, or analyses relied upon by the agency in making the determination.
(Since the toll road adopted the alternative, there is no requirement for a "statement" here.)
Does this analysis yield numbers that pass the "common sense" analysis review?
 - Truck revenue for the toll road as a whole is greater than car revenue. But this analysis states that for Indiana small business the

opposite is true. Yes, this makes sense – small businesses are less likely to be businesses that deliver goods by truck.

- The number of small businesses that use the toll road by car for company business dwarfs the number that use the toll road by truck. But for the toll road as a whole, car customers versus truck customers are roughly a 60/40 split. Yes, this makes sense. Small businesses are made up of consulting and sales firms that are dependent on car travel. Additionally, there would be a very large number of small businesses that use the toll road a few times a year to travel to training course, seminars, conventions, and other meetings.

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135 IAC 2-2-1	135 IAC 2-7-11
135 IAC 2-2-3	135 IAC 2-7-12
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135 IAC 2-4-1	135 IAC 2-7-18
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135 IAC 2-7-3	135 IAC 2-8-7
135 IAC 2-7-5	135 IAC 2-8-11
135 IAC 2-7-6	135 IAC 2-10-1
135 IAC 2-7-7	135 IAC 2-10-2

SECTION 1. 135 IAC 2-1-1 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-1-1 Definitions

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-15-2

Sec. 1. As used in ~~135 IAC 2-1~~ to ~~135 IAC 2-10~~, The following words and terms shall have the following meanings; definitions apply throughout this article unless the context ~~shall indicate~~ indicates another or different meaning or intent:

- (1) “Aircraft” means any contrivance used or designed for navigation of or flight in the air.
- (2) “Authority” means the Indiana ~~toll~~ finance authority.
- (3) “Automatic lane” means those entry or exit lanes located at toll plazas ~~which that~~ are:
 - (A) generally unattended by toll attendants; and ~~are~~
 - (B) equipped with automatic:
 - (i) ticket dispensers; or ~~automatic~~
 - (ii) coin receptacles;for the collection of specified tolls.
- (4) “Axle” means the common axis of rotation of one (1) or more wheels:
 - (A) whether power driven or freely rotating; ~~and~~
 - (B) whether in one (1) or more segments; and
 - (C) regardless of the number of wheels carried thereon.
- (5) “Axle weight” means the total weight concentrated on one (1) or more axles spaced less than forty (40) inches from center to center.
- (6) “Bicycle” means any vehicle irrespective of the number of wheels in contact with the ground ~~which that~~ has the possibility of being foot propelled.
- (7) “Bus” means any vehicle designed for the transportation of ~~ten (10)~~ sixteen (16) or more persons.

(8) "Control devices and signals" means all:

- (A) signs;
- (B) signals;
- (C) markings; and
- (D) devices;

placed or erected on the toll road, as ~~herein~~ defined **in this section**, for the purpose of regulating, warning, or guiding traffic.

(9) "Converter dolly" means a one (1) or two (2) axle vehicle:

- (A) designed to convert a semitrailer into a trailer; and
- (B) usually coupled to a semitrailer for the purpose of making up a tandem trailer combination.

(10) "Cross-over" means a paved area in the median strip provided for the use of authorized vehicles to cross the median strip.

(11) "Deceleration lanes and acceleration lanes" means speed change lanes provided for vehicles entering and exiting service areas or interchanges adjacent to the outer traffic lanes.

(12) "Department" means the Indiana department of ~~highways, toll road division~~: **transportation**.

(13) "Disabled vehicle" means any vehicle temporarily incapable of movement.

(14) "Emergency vehicle" means **the following**:

- (A) Fire and police vehicles.
- (B) Ambulances. ~~and~~
- (C) Other vehicles authorized by the department.

(15) "Gross weight" means the total weight of a vehicle or combination of vehicles, including the weight of the **following**:

- (A) **The** vehicle or vehicles.
- (B) Loads.
- (C) Drivers.
- (D) Fuel.
- (E) Spare tire. ~~etc.~~

(16) "Interchange" means that portion of the toll road:

- (A) beginning at the point where entrance and exit roads join:
 - (i) federal;
 - (ii) state;
 - (iii) county; or
 - (iv) city;

highways or streets; ~~and~~

(B) ending at the point where the toll road traffic lanes join the deceleration and acceleration lanes, as ~~herein~~ defined **in this section**; and

(C) including all:

- (i) bridges;
- (ii) underpasses;
- (iii) overpasses;
- (iv) toll plazas; **or**
- (v) parking areas; ~~etc.~~;

located between ~~said~~ **the** points **referenced in clauses (A) and (B)**.

(17) "LCV double" means an LCV consisting of a:

- (A) **truck-tractor**;
- (B) **semitrailer**;
- (C) **converter dolly**; and
- (D) **second semitrailer**;

complying with the requirements in 135 IAC 2-7-2.

(18) "LCV triple" means a combination of vehicles consisting of:

- (A) **a truck-tractor**;
- (B) **a semitrailer**; and
- (C) **two (2) trailers**;

complying with the requirements in 135 IAC 2-7-2.

(19) "Longer combination vehicle" or "LCV" means an LCV double or LCV triple combination.

(20) "Median strips" means the area between the inner traffic lane for westbound traffic and the inner traffic lane for eastbound traffic, including **the following**:

- (A) Concrete barriers.
 - (B) Grassy areas. ~~and~~
 - (C) Inner shoulders.
- (21) "Michigan trains" means a combination of three (3) vehicles consisting of a:
- (A) truck-tractor;
 - (B) semitrailer; and
 - (C) trailer;
- complying with the requirements of 135 IAC 2-8-2 hereafter, ~~which that~~ exceeds **ninety thousand** (90,000) pounds.
- (22) "Motorcycle" means every vehicle designed to travel on not more than three (3) wheels in contact with the ground.
- (23) "Operator" means every person who:
- (A) drives or is in actual physical control of a vehicle upon the toll road; or ~~who~~
 - (B) is exercising control over or steering a vehicle being towed or pushed by another vehicle.
- (24) "Oversize or unusual vehicle" means those vehicles exceeding the allowable dimensions set forth in 135 IAC 2-4-1 hereafter.
- (25) "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) (A) Because its movement is obstructed.
 - (2) (B) While waiting to enter or exit a toll booth lane.
 - (3) (C) In obedience to:
 - (i) the direction of a police officer, toll attendant, or other toll road employee assigned to traffic control work; or
 - (ii) an official sign, signal, marking, or device.
 - (4) (D) Because it is disabled.
- (26) "Pedestrian" means any natural person afoot.
- (27) **"Permitted company" means a company as described in 135 IAC 2-7-21.**
- (28) "Person" means ~~every~~ **any of the following:**
- (A) A natural person.
 - (B) A firm.
 - (C) A copartnership.
 - (D) An association.
 - (E) A corporation. ~~or~~
 - (F) A legal entity.
- (29) "Police officer" means all officers of the Indiana state police assigned to duty on the toll road by the superintendent of state police.
- (30) "Public police officer" means peace officers of:
- (A) the United States; ~~of the state of or~~
 - (B) Indiana or ~~of~~ its political subdivisions;
- while in discharge of their official duties.
- (31) "Radioactive material" means any material, or combination of materials, that spontaneously emits ionizing radiation, excepting only those specifically exempted from control by the hazardous materials regulations of the ~~U.S.~~ **United States** Department of Transportation, Federal Highway Administration. ~~in effect on June 1, 1980.~~
- (32) "Semitrailer" means every vehicle without motive power:
- (A) designed for:
 - (i) carrying persons or property; and ~~for~~
 - (ii) being drawn by another vehicle; and ~~so~~
 - (B) constructed **so** that some part of its weight and ~~that of its~~ load:
 - (i) rests upon; or
 - (ii) is carried by;
 another vehicle.
- "Service area" means the portion of the toll road right-of-way occupied by the restaurant buildings; service stations; parking and seeded areas adjacent thereto; including the deceleration lanes and acceleration lanes provided for entering and exiting such areas.**
- (33) "Shoulders" means the paved strips adjoining the **following:**
- (A) Traffic lanes.
 - (B) Acceleration and deceleration lanes. ~~and~~
 - (C) Interchange ramps.
- (34) "Tandem axle group" means two (2) or more axles spaced:

(A) more than forty (40) inches; and

(B) less than ~~108~~ **ninety-six (96)** inches. ~~from center to center having at least one common point of weight suspension.~~

~~“Tandem trailer combination” means a combination of vehicles consisting of a truck-tractor, semi-trailer, converter dolly and second semi-trailer, complying with the requirements in 135 IAC 2-7-2.~~

(35) “Toll” means the compensation to be paid to the department for the privilege of using the toll road or any portion thereof.

(36) “Toll attendant” means a toll road employee assigned to and on duty at a toll plaza for the purpose of:

(A) collecting tolls; ~~and/or using or~~

(B) **issuing** toll tickets.

(37) “Toll plaza” means the portion of the toll road:

(A) beginning where the pavement widens on the approach to the toll booths; ~~and~~

(B) ending at the point where the pavement narrows to the normal width of roadway after passing the toll booths; and

(C) including all booths and buildings located thereon.

(38) “Toll road” means all:

(A) traffic lanes;

(B) acceleration lanes;

(C) deceleration lanes;

(D) shoulders;

(E) median strips;

(F) bridges;

(G) overpasses;

(H) underpasses;

(I) interchanges;

(J) approaches;

(K) entrance and exit ramps;

(L) toll plazas; ~~service areas;~~

(M) **travel plazas;**

(N) maintenance areas; and ~~any and all~~

(O) other areas adjacent thereto;

under the control or jurisdiction of the department and comprising a part of the Indiana east-west toll road.

(39) “Toll road employee” means each person in the official employ of the ~~Indiana department of highways, toll road division.~~

(40) “Traffic” means vehicles, either singly or together, using any portion of the toll road for the purpose of travel.

(41) “Traffic control signal” means any device, whether:

(A) manually;

(B) electrically; or

(C) mechanically;

operated, by which traffic on the toll road is regulated.

(42) “Traffic lanes” means the four (4) ~~or six (6)~~ continuous traffic lanes (each for a single line of vehicles) extending between the eastern and western termini of the toll road. These four (4) ~~or six (6)~~ traffic lanes are in two ~~pairs; (2) or three (3) lanes~~, which ~~pairs lanes~~ are separated by the median strip. The ~~pair which lies~~ **lanes that lie** generally to the north of the median strip ~~is are~~ for westbound traffic, and the ~~pair which lies~~ **lanes that lie** generally to the south of the median strip ~~is are~~ for eastbound traffic.

(43) “Trailer” means a vehicle without motive power designed for carrying property.

~~“Trailer combination” means any tandem trailer combination where the semi-trailer or trailer are over 28’ 6” in length and any triple trailer combination.~~

~~“Triple trailer combination” means a combination of vehicles consisting of a truck-tractor, semi-trailer and two (2) trailers, complying with the requirements in 135 IAC 2-7-2.~~

(44) “Travel plaza” means the portion of the toll road right-of-way occupied by the:

(A) restaurant buildings;

(B) fuel stations; and

(C) parking and seeded areas adjacent thereto;

including the deceleration lanes and acceleration lanes provided for entering and exiting the areas.

(45) “Truck-tractor” means every vehicle:

(A) designed and used primarily for drawing other vehicles; and ~~so~~

(B) constructed ~~so~~ as not to carry a load other than a part of the weight of the vehicle and load so drawn.

Nothing in this section prohibits the transportation of motor vehicles on part of the truck-tractor.

(46) “Vehicle” means every device (motorized or nonmotorized) in, upon, or by which any person or property is or may be

transported or drawn upon a highway.
(Indiana Finance Authority; 135 IAC 2-1-1; filed Dec 6, 1983, 1:52 p.m.: 7 IR 321; errata, 7 IR 1054; readopted filed Nov 6, 2002, 10:33 a.m.: 26 IR 882)

SECTION 2. 135 IAC 2-2-1 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-2-1 Speed regulations

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-15-2; IC 9-21-5-11

Sec. 1. **The following are speed regulation requirements:**

(1) No person shall drive a vehicle as follows:

(A) On the toll road at a speed greater than is reasonable and prudent under the conditions and having regard for the actual and potential hazards then existing.

~~(1)~~ **(B)** On the traffic lanes of the toll road at a speed greater than that posted. At no location on the toll road shall the rate of speed of any vehicle exceed that permitted by ~~IC 9-4-1-57~~ **IC 9-21-5**.

(2) No person shall operate a vehicle at a speed in excess of the following:

(A) That posted on any interchange.

~~(3)~~ **(B)** Twenty (20) miles per hour within any ~~service area~~ **travel plaza**, except on the acceleration and deceleration lanes thereof.

~~(4)~~ **(3)** No person shall drive a vehicle at such a low speed as to impede or block the normal and reasonable movement of traffic or at a speed lower than forty-five (45) miles per hour on the traffic lanes on the toll road, except when:

(A) a reduced speed is necessary for safe operation; ~~or when~~

(B) ordered to do so by a police officer; ~~or when~~

(C) posted at a lower speed.

~~(5)~~ **(4)** No operator of a vehicle shall suddenly decrease the speed of ~~his a~~ vehicle without first giving a clearly visible and conventional signal to traffic ~~immediately~~ **immediately** to the rear.

(5) In construction zones, vehicles shall comply with IC 9-21-5-11.

(Indiana Finance Authority; 135 IAC 2-2-1; filed Dec 6, 1983, 1:52 p.m.: 7 IR 323; filed Aug 5, 1987, 4:15 p.m.: 11 IR 6; readopted filed Nov 6, 2002, 10:33 a.m.: 26 IR 882)

SECTION 3. 135 IAC 2-2-3 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-2-3 Entering traffic lanes

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-15-2

Sec. 3. Upon entering a traffic lane from a ~~service area~~ **travel plaza**, interchange, shoulder, or entrance ramp, the operator of a vehicle shall **do the following:**

(1) Use the acceleration lane or shoulder. ~~and he shall~~

(2) Enter the outer traffic lane with caution so as not to interfere with or endanger traffic. ~~The operator of a vehicle entering a traffic lane shall~~

(3) Yield the right-of-way to vehicles already on the traffic lanes.

(Indiana Finance Authority; 135 IAC 2-2-3; filed Dec 6, 1983, 1:52 p.m.: 7 IR 323; readopted filed Nov 6, 2002, 10:33 a.m.: 26 IR 882)

SECTION 4. 135 IAC 2-2-5 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-2-5 U-turns prohibited

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-15-2

Sec. 5. No person operating a vehicle shall make a U-turn at any point on the toll road, except as:

(1) directed to do so by a police officer; **or**

(2) authorized by the department.

(Indiana Finance Authority; 135 IAC 2-2-5; filed Dec 6, 1983, 1:52 p.m.: 7 IR 324; readopted filed Nov 6, 2002, 10:33 a.m.: 26 IR 882)

SECTION 5. 135 IAC 2-2-10 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-2-10 Traffic control signals

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-15-2

Sec. 10. All traffic approaching toll ~~booths~~ **plazas** shall comply with the signals of the lights indicating the following:

(1) **For a toll plaza, the following:**

(A) A green light indicates that:

- (i) the traffic lane over which the light is displayed is open to traffic; or
- (ii) in the case of automatic lanes, ~~that such the~~ vehicle activating ~~said the~~ green light may proceed.

(B) A red light indicates that:

- (i) the traffic lane over which the light is displayed is closed to traffic; or
- (ii) in the case of automatic lanes, ~~that such the~~ vehicle failing to activate the green light shall not proceed.

(2) **For a highway, a flashing yellow light indicates that all traffic shall do the following:**

(A) Reduce speed. ~~and~~

(B) Proceed with caution. ~~and in compliance~~

(C) **Comply** with all supplemental and related traffic signs.

(Indiana Finance Authority; 135 IAC 2-2-10; filed Dec 6, 1983, 1:52 p.m.: 7 IR 324; readopted filed Nov 6, 2002, 10:33 a.m.: 26 IR 882)

SECTION 6. 135 IAC 2-2-12 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-2-12 Stops at toll collection facilities

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-15-2

Sec. 12. (a) The operator of a vehicle shall make a complete stop at **all manual and automatic** toll collection facilities when entering and exiting the toll road if the:

- (1) procurement of a ticket; or ~~the~~
- (2) payment of a toll;

is required.

(b) **In any facility with unstaffed toll collection capabilities, the operator of a vehicle shall comply with all signs with respect to the following:**

- (1) **Operating speed.**
- (2) **Stopping of vehicles.**
- (3) **The procession subsequent to a reduction in speed or a stop.**

(Indiana Finance Authority; 135 IAC 2-2-12; filed Dec 6, 1983, 1:52 p.m.: 7 IR 325; readopted filed Nov 6, 2002, 10:33 a.m.: 26 IR 882)

SECTION 7. 135 IAC 2-3-1 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-3-1 Pedestrians and certain vehicles prohibited

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-15-2

Sec. 1. The following shall not ~~be permitted to~~ travel on the toll road under any circumstances:

- (1) Pedestrians.
- (2) Bicycles.
- (3) Motorcycles with less than **one hundred twenty-five (125) cc: cubic centimeters** displacement.
- (4) Vehicles drawn by animals.

- (5) Aircraft.
- (6) Vehicles with improperly secured loads.
- (7) Vehicles with **any of the following**:
 - (A) Metal tires.
 - (B) Solid tires. ~~or~~
 - (C) Deflated pneumatic tires. ~~and vehicles with~~
 - (D) Caterpillar treads.
- (8) Vehicles towing another vehicle ~~which do that does~~ not have **the following**:
 - (A) A proper tow bar. ~~and~~
 - (B) Safety chains.
- (9) ~~Such Vehicles as that are deemed~~, in the opinion of a ~~department toll attendant or attendants or any police officer, are deemed~~ to be **as follows**:
 - (A) Unsafe. ~~or to be~~
 - (B) Such as to create a hazard upon the toll road.

(Indiana Finance Authority; 135 IAC 2-3-1; filed Dec 6, 1983, 1:52 p.m.: 7 IR 325; errata, 7 IR 1054; readopted filed Nov 6, 2002, 10:33 a.m.: 26 IR 882)

SECTION 8. 135 IAC 2-3-2 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-3-2 Hitchhiking and loitering prohibited

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-15-2

Sec. 2. **The following are prohibited on any portion of the toll road, including all toll plazas and travel plazas:**

- (1) The solicitation of a ride, commonly known as hitchhiking. ~~or~~
- (2) Stopping any vehicle for the purpose of picking up or discharging a hitchhiker. ~~on any portion of the toll road, including all plazas, is prohibited.~~
- (3) Loitering. ~~in or about the toll plazas or any other portion of the toll road is prohibited.~~

(Indiana Finance Authority; 135 IAC 2-3-2; filed Dec 6, 1983, 1:52 p.m.: 7 IR 325; readopted filed Nov 6, 2002, 10:33 a.m.: 26 IR 882)

SECTION 9. 135 IAC 2-4-1 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-4-1 Allowable dimensions without toll attendant authorization

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-15-2

Sec. 1. The ~~following dimensions in this section~~ shall be the maximum allowable dimensions for vehicles permitted to operate on the toll road without toll attendant authorization under ~~135 IAC 2-4-2 section 2 of this rule~~ or a permit under ~~135 IAC 2-4-4 section 4 of this rule~~, 135 IAC 2-7, or 135 IAC 2-8. Vehicles not exceeding ~~these the following~~ dimensions shall, for toll collection purposes, be classified by axle count and the toll assessed accordingly:

FACTOR	LIMITS
Width	8' 6"
Height	13' 6"
Length for single vehicle under own motive power (other than buses)	36' 0"
Buses	40' 0"
Semitrailer in a truck tractor-semitrailer combination	53' 0"

Provided, however, that a semitrailer longer than forty-eight (48) feet, six (6) inches (~~48' 6"~~) shall not be operated on the toll road when the distance between the kingpin and the rearmost axle of the semitrailer exceeds forty (40) feet, six (6) inches. *(Indiana Finance Authority; 135 IAC 2-4-1; filed Dec 6, 1983, 1:52 p.m.: 7 IR 326; filed Aug 5, 1987, 4:15 p.m.: 11 IR 6; errata, 11 IR 96; readopted filed Nov 6, 2002, 10:33 a.m.: 26 IR 882)*

SECTION 10. 135 IAC 2-4-2 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-4-2 Dimensions requiring toll attendant authorization

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-15-2

Sec. 2. The operator or operators of any vehicle exceeding any of the dimensions set forth in ~~135 IAC 2-4-1~~, **section 1 of this rule**, except where permits are required under ~~135 IAC 2-4-4~~, **section 4 of this rule**, 135 IAC 2-7, or 135 IAC 2-8, shall, upon entering the toll road, state to the toll attendant on duty the facts relative to any excessive dimension or dimensions. The toll attendant, so advised, may at that time ~~permit~~ **allow** the vehicle to travel on the toll road, after having classified ~~said the vehicle as a Class 8, by axle count and the toll assessed accordingly~~, if it should fall within the **following** dimensions: ~~as follows:~~

Width *Over 8' 6" to and including 12' 0"

Height Over 13' 6" to and including 14' 6"

Length:

Single vehicles To 65' 0"

Buses To 65' 0"

*Vehicles exceeding 10' 0" in width are not allowed to travel during hours of darkness.

(Indiana Finance Authority; 135 IAC 2-4-2; filed Dec 6, 1983, 1:52 p.m.: 7 IR 326; errata, 7 IR 1054; filed Aug 5, 1987, 4:15 p.m.: 11 IR 6; errata, 11 IR 96; readopted filed Nov 6, 2002, 10:33 a.m.: 26 IR 882)

SECTION 11. 135 IAC 2-4-4 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-4-4 Special hauling permits

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-15-2

Sec. 4. ~~The department may issue~~ **(a) A special hauling permit for vehicles a vehicle** exceeding the dimensions or weights set forth in ~~135 IAC 2-4-2 sections 2 and 135 IAC 2-4-3~~, **3 of this rule**, providing the load is nondivisible, ~~These permits are may be issued by the department of state revenue. The permit is issued on a one-trip basis. The permit fee is as follows:~~

(1) Five dollars (\$5) for oversized dimension loads.

(2) Fifty dollars (\$50) in addition to paying a rate indicator 8 toll: for loads ninety thousand (90,000) to one hundred twenty thousand (120,000) pounds.

(3) Seventy-five dollars (\$75) for loads one hundred twenty thousand one (120,001) to two hundred thousand (200,000) pounds.

(4) One hundred dollars (\$100) for loads over two hundred thousand (200,000) pounds.

(b) The operator or operators of any vehicle exceeding said dimensions and weights set out in 135 IAC 2-4-2 and 135 IAC 2-4-3 herein shall apply to the General Manager of the Department, P.O. Box 1, Granger, Indiana 46530-0001, in writing, for an application for special hauling permit. Said application must be in compliance with all the terms thereof, and must be received at least seven (7) days prior to the time of permitted entry, should such permit be granted. Such permit, if granted, will be returned to the applicant in duplicate, properly completed and numbered, and the driver of the vehicle shall have a copy of the permit to present to the toll attendant upon entry.

~~Pertinent information regarding the issuance and use of special hauling permits, as well as application forms, may be obtained from the department upon request. (Indiana Finance Authority; 135 IAC 2-4-4; filed Dec 6, 1983, 1:52 p.m.: 7 IR 326; readopted filed Nov 6, 2002, 10:33 a.m.: 26 IR 882)~~

SECTION 12. 135 IAC 2-5-1 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-5-1 Classification of vehicles

Authority: IC 8-15-2-14; IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-15-2

Sec. 1. For ~~the~~ purposes of the toll payable under the toll schedule adopted by the authority for ~~the~~ use of the Indiana toll road, the following classifications shall apply:

~~(1) Class 1—Any vehicle with four tires or less.~~

~~(2)~~ **(1)** Class 2. Any vehicle with ~~four tires or less with trailer~~ **two (2) axles, including motorcycles.**

~~(3) Class 3—Any vehicle with two axles and six tires.~~

~~(4)~~ **(2)** Class ~~4=~~ **3.** Any vehicle **or combination** with three **(3)** axles. ~~or two axle tractor with one axle trailer.~~

~~(5)~~ **(3)** Class ~~5=~~ **4.** Any vehicle **or** combination with four **(4)** axles.

~~(6)~~ **(4)** Class ~~6=~~ **5.** Any vehicle **or** combination with five **(5)** axles.

~~(7)~~ **(5)** Class ~~7=~~ **6.** Any vehicle **or** combination with six **(6)** axles.

~~(8)~~ **(6)** Class 8. ~~Authorized trailer combinations, Michigan trains~~ **7. Any vehicle or combination with seven (7) or more axles and special oversize or unusual vehicles: all LCVs.**

~~(9) Class 9—Commuters.~~

(Indiana Finance Authority; 135 IAC 2-5-1; filed Dec 6, 1983, 1:52 p.m.: 7 IR 326; filed Mar 5, 1985, 9:10 a.m.: 8 IR 748; readopted filed Nov 6, 2002, 10:33 a.m.: 26 IR 882) NOTE: Effective on the date of the commencement of the operation of the new combination ticket/barrier system of toll collection.

SECTION 13. 135 IAC 2-5-2.1 IS ADDED TO READ AS FOLLOWS:

135 IAC 2-5-2.1 Payment of tolls

Authority: IC 8-15-2-14; IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-9.5-8-6; IC 8-15-2

Sec. 2.1. (a) Every operator of a vehicle using the toll road shall pay the toll prescribed by the authority (unless a lease exists between the authority and the department under IC 8-9.5-8-6, in which case the tolls are fixed by the department under 105 IAC 14), except when the use shall have been exempted from the payment by the authority.

(b) All persons driving vehicles upon the toll road, except as provided in section 5 of this rule, are required to pay the prescribed toll at each toll plaza encountered while using the toll road. Tolls may be paid by:

(1) currency or change presented to a toll attendant; or

(2) correct change deposited in the automatic coin machine.

(c) In the event that no lease exists between the authority (or its successor) and the department under IC 8-9.5-8-6, the following toll rates will become effective on the toll road:

EXHIBIT 1
INDIANA DEPARTMENT OF TRANSPORTATION - TOLL ROAD DISTRICT
Proposed Toll Structure and Rate Schedule
BARRIER SYSTEM
(Tolls will be charged as indicated below only upon entry and exit.)

Vehicle Class	Description	Direction of Travel	Entry or Exit	1	5	10	17	21	23
2	Cars, Motorcycles and Other 2 Axle Vehicles	West	Entry	\$1.25	\$-0-	\$-0-	\$0.50	\$0.50	\$0.50
			Exit	1.25	1.00	0.75	-0-	-0-	-0-
		East	Entry	1.25	1.00	0.75	-0-	-0-	-0-
			Exit	1.25	-0-	-0-	0.50	0.50	0.50
3	Three Axle Vehicles or Combination	West	Entry	1.75	-0-	-0-	0.75	0.75	0.75
			Exit	1.75	1.50	1.00	-0-	-0-	-0-
		East	Entry	1.75	1.50	1.00	-0-	-0-	-0-
			Exit	1.75	-0-	-0-	0.75	0.75	0.75
4	Four Axle Vehicles or Combination	West	Entry	3.75	-0-	-0-	1.50	1.50	1.50
			Exit	3.75	3.00	2.25	-0-	-0-	-0-
		East	Entry	3.75	3.00	2.25	-0-	-0-	-0-
			Exit	3.75	-0-	-0-	1.50	1.50	1.50
5	Five Axle Vehicles or Combination	West	Entry	4.75	-0-	-0-	2.00	2.00	2.00
			Exit	4.75	4.00	3.00	-0-	-0-	-0-
		East	Entry	4.75	4.00	3.00	-0-	-0-	-0-
			Exit	4.75	-0-	-0-	2.00	2.00	2.00
6	Six Axle Vehicles or Combination	West	Entry	5.75	-0-	-0-	2.25	2.25	2.25
			Exit	5.75	4.50	3.50	-0-	-0-	-0-
		East	Entry	5.75	4.50	3.50	-0-	-0-	-0-
			Exit	5.75	-0-	-0-	2.25	2.25	2.25
7	Seven or More Axle Vehicles or Combination (includes oversize/overweight) and all Triple and Long Double Tractor Trailers	West	Entry	8.50	-0-	-0-	3.50	3.50	3.50
			Exit	8.50	6.75	5.00	-0-	-0-	-0-
		East	Entry	8.50	6.75	5.00	-0-	-0-	-0-
			Exit	8.50	-0-	-0-	3.50	3.50	3.50

Indiana Department of Transportation - Toll Road District - Proposed Toll Structure and Rate Schedule Ticket System:

Class 2 (Two Axle Vehicles and Motor Cycles)

Rank	City	Rank	City	Rank	City	Rank	City	Rank	City	Rank	City	Rank	City	Rank	City	Rank	City	Rank	City	Rank	City
31	0.50	31	Valparaiso-Chesterton																		
39	0.75	0.50	39	Michigan City																	
49	1.25	1.00	0.50	49	La Porte																
72	2.50	2.00	1.75	1.25	72	South Bend-West															
77	2.75	2.25	2.00	1.50	0.50	77	South Bend-ND														
83	3.00	2.50	2.25	1.75	0.50	0.50	83	Mishawaka													
92	3.50	3.00	2.75	2.25	1.00	0.75	0.50	92	Elkhart												
96	3.75	3.25	2.75	2.25	1.25	1.00	0.75	0.50	96	Elkhart-East											
101	4.00	3.50	3.00	2.50	1.50	1.25	1.00	0.50	0.50	101	Bristol										
107	4.25	3.75	3.50	3.00	1.75	1.50	1.25	0.75	0.50	0.50	107	Middlebury									
121	5.00	4.50	4.25	3.75	2.50	2.25	2.00	1.50	1.25	1.00	0.75	121	Howe								
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	144	Angola							
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)

24 Portage Barrier														
31	0.75		31	Valparaiso-Chesterton										
39	1.00	0.75	39	Michigan City										
49	1.75		0.75	49	La Porte									
72	3.50	2.75	2.50	1.75	72	South Bend-West								
77	3.75	3.00	2.75	2.00	0.75	77	South Bend-ND							
83	4.25	3.50	3.00	2.50	0.75	0.75	83	Mishawaka						
92	4.75	4.25	3.75	3.00	1.50	1.00	0.75	92	Elkhart					
96	5.25	4.50	3.75	3.00	1.75	1.50	1.00	0.75	96	Elkhart-East				
101	5.50	4.75	4.25	3.50	2.00	1.75	1.50	0.75	0.75	101	Bristol			
107	5.75	5.25	4.75	4.25	2.50	2.00	1.75	1.00	0.75	0.75	107	Middlebury		
121	7.00	6.25	5.75	5.25	3.50	3.00	2.75	2.00	1.75	1.50	1.00	121	Howe	
144	8.25	8.00	7.25	6.50	5.25	4.75	4.25	3.50	3.50	3.00	2.50	1.75	144	Angola
153	9.25	8.75	8.25	7.50	5.75	5.50	5.25	4.50	4.25	3.75	3.50	2.50	1.00	

Class 4 (Four Axle Vehicles of Combination)

	24 Portage Barrier															
31	1.50															
39	2.25	1.50														
49	3.75		1.50													
72	7.50	6.00	5.25	3.75												
77	8.25	6.75	6.00	4.50	1.50											
83	9.00	7.50	6.75	5.25	1.50	1.50										
92	10.50	9.00	8.25	6.75	3.00	2.25	1.50									
96	11.25	9.75	8.25	6.75	3.75	3.00	2.25	1.50								
101	12.00	10.50	9.00	7.50	4.50	3.75	3.00	1.50	1.50							
107	12.75	11.25	10.50	9.00	5.25	4.50	3.75	2.25	1.50	1.50						
121	15.00	13.50	12.75	11.25	7.50	6.75	6.00	4.50	3.75	3.00	2.25					
144	18.00	17.25	15.75	14.25	11.25	10.50	9.00	7.50	7.50	6.75	5.25	3.75				
153	20.25	18.75	18.00	16.50	12.75	12.00	11.25	9.75	9.00	8.25	7.50	5.25	2.25			

Class 5 (Five Axle Vehicles of Combination)

24 Portage Barrier													
31	2.00	31 Valparaiso-Chesterton											
39	3.00	2.00	39 Michigan City										
49	4.75	4.00	2.00	49 La Porte									
72	9.75	7.75	6.75	4.75	72 South Bend-West								
77	10.75	8.75	7.75	5.75	2.00	77 South Bend-ND							
83	11.75	9.75	8.75	6.75	2.00	2.00	83 Mishawaka						
92	13.50	11.75	10.75	8.75	4.00	3.00	2.00	92 Elkhart					
96	14.50	12.75	10.75	8.75	4.75	4.00	3.00	2.00	96 Elkhart-East				
101	15.50	13.50	11.75	9.75	5.75	4.75	4.00	2.00	2.00	101 Bristol			
107	16.50	14.50	13.50	11.75	6.75	5.75	4.75	3.00	2.00	2.00	107 Middlebury		
121	19.50	17.50	16.50	14.50	9.75	8.75	7.75	5.75	4.75	4.00	3.00	121 Howe	
144	23.25	22.25	20.50	18.50	14.50	13.50	11.75	9.75	9.75	8.75	6.75	4.75	144 Angola
153	26.25	24.25	23.25	21.50	16.50	15.50	14.50	12.75	11.75	10.75	9.75	6.75	3.00

[illegible][illegible]

SECTION 14. 135 IAC 2-5-3 IS AMENDED TO READ AS FOLLOWS:

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Sec. 3. The operator of any vehicle who, for any reason:

(1) does not have a toll ticket upon reaching the exit toll plaza at which he **or she** seeks to leave the toll road; **and any operator of a vehicle who or**

(2) presents a toll ticket **which that** was issued at entry ~~twelve (12)~~ **fourteen (14)** hours or more before exiting from the toll road; shall be charged the highest toll chargeable for the applicable vehicle classification from either terminus of the toll road. (*Indiana Finance Authority; 135 IAC 2-5-3; filed Dec 6, 1983, 1:52 p.m.: 7 IR 327; errata, 7 IR 1054; readopted filed Nov 6, 2002, 10:33 a.m.: 26 IR 882*)

SECTION 15. 135 IAC 2-5-5 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-5-5 Toll-free travel

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-15-2

Sec. 5. No free vehicular passage will be permitted over any part of the toll road except to **the following:**

(1) The authority's or the department's:

- (A) members;
- (B) officers;
- (C) employees;
- (D) agents; and
- (E) representatives. ~~of the authority or the department;~~

(2) Police officers of:

- (A) The United States. ~~of the state of or~~
 - (B) Indiana or its political subdivisions;
- while in discharge of their official duties. ~~and~~

(3) Fire or other authorized emergency vehicles entering the toll road:

- (A) for the purpose of performing emergency services; **or**
- (B) **as authorized by the authority.**

(Indiana Finance Authority; 135 IAC 2-5-5; filed Dec 6, 1983, 1:52 p.m.: 7 IR 327; readopted filed Nov 6, 2002, 10:33 a.m.: 26 IR 882)

SECTION 16. 135 IAC 2-7-1 IS AMENDED TO READ AS FOLLOWS:

Rule 7. Longer Combination Vehicle Operations

135 IAC 2-7-1 Permit required

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-15-2

Sec. 1. ~~Trailer combinations~~ LCVs may operate on the toll road:

- (1) only under an annual ~~tandem trailer~~ permit issued by the ~~department's general manager~~ **department under section 21 of this rule;** and
- (2) subject to compliance by the ~~permittee~~ **permitted company** with ~~135 IAC 2-7:~~ **this rule.**

(Indiana Finance Authority; 135 IAC 2-7-1; filed Dec 6, 1983, 1:52 p.m.: 7 IR 327; readopted filed Nov 6, 2002, 10:33 a.m.: 26 IR 882)

SECTION 17. 135 IAC 2-7-2 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-7-2 Definitions; length and axle limits

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-15-2

Sec. 2. (a) ~~Tandem trailers~~—~~A tandem trailer combination~~ **An LCV double** shall consist of a:

- (1) truck-tractor;
- (2) semitrailer; and
- (3) trailer.

Neither the semitrailer nor the trailer shall be longer than forty-eight (48) feet, six (6) inches in length. The permissible number of axles on ~~a tandem trailer~~ **an LCV double** combination shall be a minimum of five (5) and ~~a~~ maximum of nine **(9)**.

(b) ~~An LCV triple trailer combinations~~—~~A triple trailer combination~~ shall consist of:

- (1) a truck-tractor;
- (2) ~~a~~ semitrailer; and
- (3) two (2) trailers.

Neither the semitrailer nor either of the two (2) trailers shall be longer than twenty-eight (28) feet, six (6) inches in length. The permissible number of axles of ~~a an LCV triple trailer~~ combination shall be a minimum of seven (7) and a maximum of nine (9). *(Indiana Finance Authority; 135 IAC 2-7-2; filed Dec 6, 1983, 1:52 p.m.: 7 IR 327; readopted filed Nov 6, 2002, 10:33 a.m.: 26 IR 882)*

SECTION 18. 135 IAC 2-7-3 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-7-3 Weight limits

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-15-2

Sec. 3. The maximum gross weight for ~~a trailer combination~~ **an LCV** shall be governed by the formula **ninety thousand** (90,000) pounds plus **one thousand seventy** (1,070) pounds per foot for each foot of combination length (front bumper to end of combination) in excess of sixty (60) feet. However, any ~~such combination of vehicles may~~ **LCV shall** not exceed a total maximum gross weight of **one hundred twenty-seven thousand four hundred** (127,400) pounds. The gross load of ~~a combination of vehicles an LCV~~ shall not exceed the sum of allowable gross loads on the axles, which are as follows:

(1) The maximum gross weight on any one **(1)** axle: **twenty-two thousand four hundred** (22,400) pounds. Axles measuring less than forty (40) inches between axle centers are considered one **(1)** axle.

(2) The maximum combined axle load of any two ~~successive~~ **(2) successive** axles, spaced more than forty (40) inches apart but less than nine (9) feet apart: **thirty-six thousand** (36,000) pounds.

No ~~such combinations~~ **LCV** will be permitted to leave the toll road for travel as combinations upon the state highways of Indiana without a permit from the ~~Indiana~~ department of ~~highways~~ **state revenue**. The maximum gross weight and axle weight of vehicles leaving the toll road as singles to travel upon the public highways of Indiana must comply with ~~the~~ Indiana state law. *(Indiana Finance Authority; 135 IAC 2-7-3; filed Dec 6, 1983, 1:52 p.m.: 7 IR 328; readopted filed Nov 6, 2002, 10:33 a.m.: 26 IR 882)*

SECTION 19. 135 IAC 2-7-5 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-7-5 Classification for toll collection purposes

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-15-2

Sec. 5. Qualified ~~trailer combinations~~ **LCVs** shall be ~~issued~~ **charged** a rate indicator ~~8 7 toll ticket by the toll attendant at the point of entry and the appropriate fare charged according to that vehicle classification.~~ *(Indiana Finance Authority; 135 IAC 2-7-5; filed Dec 6, 1983, 1:52 p.m.: 7 IR 328; readopted filed Nov 6, 2002, 10:33 a.m.: 26 IR 882)*

SECTION 20. 135 IAC 2-7-6 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-7-6 Safety and performance requirements

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-2.1-24; IC 8-15-2

Sec. 6. A responsible officer of the applicant shall certify to the department, ~~prior to before the approval of a truck-tractor; start of operations,~~ that the ~~vehicle vehicles and equipment~~ proposed to be furnished and used for ~~specified gross loads~~ **LCV operations** will comply with and meet all minimum safety and performance factors ~~of the department. If it is determined, after the truck-tractor is engaged in the trailer operation, that the vehicle cannot meet such requirements, the truck-tractor shall not be used in a trailer combination on the toll road until corrective measures are taken to comply with the department's requirements. required by IC 8-2.1-24.~~ *(Indiana Finance Authority; 135 IAC 2-7-6; filed Dec 6, 1983, 1:52 p.m.: 7 IR 328; readopted filed Nov 6, 2002, 10:33 a.m.: 26 IR 882)*

SECTION 21. 135 IAC 2-7-7 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-7-7 Emergency equipment

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-2.1-24; IC 8-15-2; IC 9-19

Sec. 7. Each truck-tractor used in ~~trailer combinations~~ **LCV operations** shall be equipped at a minimum with emergency equipment as required by the Indiana Acts of 1955, Chapter 170, page 415, and acts amendatory thereof, and as further provided herein: (IC 9-8-6-1 et seq.): **IC 8-2.1-24.**

(1) A fire extinguisher which shall utilize an extinguishing agent which does not need protection from freezing; and which shall be properly filled and securely mounted in brackets. Such extinguisher shall have a rating of not less than 4BC as classified under the standards of Underwriters Laboratories, Inc., 333 Pfingston, Northbrook, Illinois.

(2) At least one (1) spare fuse or other overload protective device; if the devices used are not of a reset type; for each kind and size used.

(3) One (1) set of tire chains for at least one (1) axle of the truck-tractor and; in the event the truck-tractor is required by this section to have more than one (1) drive axle; chains shall be provided for the second axle; unless the truck-tractor is so equipped that the axle equipped with chains will be positively driven when the second axle is without chains. Such chains shall be carried whenever the combination of vehicles is operating during an accumulation of snow or ice on the pavement of the Indiana toll road. Stalling because of an accumulation of snow or ice and failure to be so equipped with the required chains shall subject permittee to revocation of its permit to operate tandem trailer combinations on the toll road.

(4) All wheels of the combination of vehicles shall be equipped with tires with not less than $\frac{3}{32}$ ($\frac{1}{16}$) inch tread groove or sipe depth when measured as near to the center of the tread as possible; except the steering tires which should have not less than $\frac{1}{32}$ ($\frac{1}{8}$) inch tread groove. Tread wear shall be reasonably uniform over the whole circumference of the tire.

(5) Warning devices for display in cases of disabled vehicles upon the toll road as required by Indiana Acts of 1955, Chapter 170, page 416, and acts amendatory thereof: (IC 9-8-6-1, et. seq.)

(Indiana Finance Authority; 135 IAC 2-7-7; filed Dec 6, 1983, 1:52 p.m.: 7 IR 328; readopted filed Nov 6, 2002, 10:33 a.m.: 26 IR 882)

SECTION 22. 135 IAC 2-7-8 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-7-8 Structural strength

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-15-2

Sec. 8. Every vehicle used for towing other vehicles in ~~trailer combinations~~ **LCV operations** shall have sufficient structural strength to ~~insure~~ **ensure** the safe and secure attachment of any coupling device used to tow other vehicles. (Indiana Finance Authority; 135 IAC 2-7-8; filed Dec 6, 1983, 1:52 p.m.: 7 IR 329; readopted filed Nov 6, 2002, 10:33 a.m.: 26 IR 882)

SECTION 23. 135 IAC 2-7-11 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-7-11 Lights and reflectors

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-2.1-24; IC 8-15-2

Sec. 11. Each unit in a ~~trailer combination~~ **an LCV** shall be equipped at a minimum with:

(1) electric lights; and

(2) reflectors;

mounted on the vehicle as required by ~~Indiana Acts of 1955, Chapter 170, page 416, and acts amendatory thereof: (IC 9-8-6-1, et. seq.)~~ **IC 8-2.1-24.** (Indiana Finance Authority; 135 IAC 2-7-11; filed Dec 6, 1983, 1:52 p.m.: 7 IR 329; readopted filed Nov 6, 2002, 10:33 a.m.: 26 IR 882)

SECTION 24. 135 IAC 2-7-12 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-7-12 Coupling devices

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-15-2

Sec. 12. Coupling devices shall be ~~so~~ designed, constructed, and installed and the vehicles in a ~~trailer combination~~ **an LCV** shall be ~~so~~ designed and constructed as to ~~insure~~ **ensure** that any ~~such combination~~ **LCV** traveling on a level, smooth, paved surface will follow in the path of the towing vehicle without shifting or swerving from side to side over three (3) inches to each side of the path of the towing vehicle when ~~it the towing vehicle~~ is moving in a straight line. (Indiana Finance Authority; 135 IAC 2-7-12; filed Dec

6, 1983, 1:52 p.m.: 7 IR 329; readopted filed Nov 6, 2002, 10:33 a.m.: 26 IR 882)

SECTION 25. 135 IAC 2-7-13 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-7-13 Assembly of LCVs

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-15-2

Sec. 13. In the assembly of ~~trailer combinations prior to~~ LCVs ~~before~~ their operation on the Indiana toll road, the ~~permittee permitted company~~ shall **do the following:**

(1) Ascertain the total gross weight of each trailer of the proposed combination. ~~The permittee shall~~

(2) Couple them according to their gross weights with the:

(A) heaviest trailer coupled to the tractor; and ~~the~~

(B) lightest trailer in the rear.

(Indiana Finance Authority; 135 IAC 2-7-13; filed Dec 6, 1983, 1:52 p.m.: 7 IR 329; errata, 7 IR 1054; readopted filed Nov 6, 2002, 10:33 a.m.: 26 IR 882)

SECTION 26. 135 IAC 2-7-14 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-7-14 Police inspection

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-15-2

Sec. 14. ~~Trailer combinations~~ LCVs are subject to inspection by a police officer ~~prior to~~ **before** initial movement by any newly ~~authorized permitted~~ company. The inspection is designed to **do the following:**

(1) Instruct drivers in the proper use of ~~make-up and break-up~~ assembly areas. ~~and to~~

(2) Satisfy the department that the equipment meets the qualifications set forth in this section.

Spot checks of ~~trailer combinations~~ LCVs may be made periodically at the discretion of any police officer. (Indiana Finance Authority; 135 IAC 2-7-14; filed Dec 6, 1983, 1:52 p.m.: 7 IR 329; readopted filed Nov 6, 2002, 10:33 a.m.: 26 IR 882)

SECTION 27. 135 IAC 2-7-15 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-7-15 Assembly areas

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-15-2

Sec. 15. ~~Trailer combinations~~ LCVs shall be made up and broken up ~~on the toll road~~ only in special assembly areas designated for this purpose by the department. All movements across traffic while entering or leaving ~~a make-up/break-up~~ **an assembly** area shall be properly safeguarded. (Indiana Finance Authority; 135 IAC 2-7-15; filed Dec 6, 1983, 1:52 p.m.: 7 IR 329; readopted filed Nov 6, 2002, 10:33 a.m.: 26 IR 882)

SECTION 28. 135 IAC 2-7-16 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-7-16 Speed limits

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-15-2

Sec. 16. ~~Trailer combinations~~ LCVs shall comply with existing speed regulations. A minimum speed of forty-five (45) miles per hour must be maintained on the toll road under normal conditions, except on entry and exit ramps (135 IAC 2-2-1). (Indiana Finance Authority; 135 IAC 2-7-16; filed Dec 6, 1983, 1:52 p.m.: 7 IR 330; readopted filed Nov 6, 2002, 10:33 a.m.: 26 IR 882)

SECTION 29. 135 IAC 2-7-17 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-7-17 Minimum distances between LCVs and other vehicles

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-15-2

Sec. 17. A minimum distance of five hundred (500) feet shall be maintained under normal conditions between: ~~trailer combinations~~

(1) LCVs; and

(2) a vehicle traveling in front of ~~it~~ **the LCV** in the same travel lane;

except when passing occurs. (*Indiana Finance Authority; 135 IAC 2-7-17; filed Dec 6, 1983, 1:52 p.m.: 7 IR 330; readopted filed Nov 6, 2002, 10:33 a.m.: 26 IR 882*)

SECTION 30. 135 IAC 2-7-18 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-7-18 Passing

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-15-2

Sec. 18. (a) ~~Trailer combinations~~ **LCVs** may pass another vehicle traveling in the same direction only if the speed differential will allow the ~~trailer combination~~ LCV to:

(1) complete the maneuver; and

(2) return to the normal driving lane;

within a distance of one (1) mile.

(b) ~~Trailer combinations~~ LCVs shall not pass another vehicle traveling the same direction within one (1) mile of any ~~service area~~ **travel plaza** or interchange. (*Indiana Finance Authority; 135 IAC 2-7-18; filed Dec 6, 1983, 1:52 p.m.: 7 IR 330; readopted filed Nov 6, 2002, 10:33 a.m.: 26 IR 882*)

SECTION 31. 135 IAC 2-7-19 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-7-19 Equipment identification

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-15-2

Sec. 19. Application for permission to operate ~~trailer combinations on the toll road~~ LCVs shall be filed with the department on forms provided, including a description of each vehicle making up trailer combinations: **identified visually as follows:**

(1) Upon approval by the department's general manager of the application for a truck-tractor to operate in trailer combination service, An identification number issued by the department shall be stenciled at a ~~designated location on that~~ **as follows:**

(A) **In three (3) inch high block letters.**

(B) **In a contrasting color to that of the truck-tractor.**

(C) **On the left side of the vehicle.**

(D) **In a location where it can be seen by the toll attendant in the booth.**

The number shall identify the company as a permitted company to operate LCVs on the toll road.

(2) ~~In addition, upon approval of a truck-tractor, a certificate shall be issued by the department for the truck-tractor as approved. Such certificate shall be suitably protected and carried in the cab of the truck-tractor in a place where it shall be readily available for inspection.~~

(2) Permitted companies shall do the following:

(A) **Maintain current lists of all stenciled and active truck-tractors used in LCV operations on the toll road.**

(B) **Provide these lists to the department upon request.**

(*Indiana Finance Authority; 135 IAC 2-7-19; filed Dec 6, 1983, 1:52 p.m.: 7 IR 330; readopted filed Nov 6, 2002, 10:33 a.m.: 26 IR 882*)

SECTION 32. 135 IAC 2-7-20 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-7-20 Driver requirements

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-2.1-24; IC 8-15-2

Sec. 20. (a) Drivers shall possess the minimum qualifications as required by the state of ~~Indiana~~ for drivers operating vehicles

within the state, and ~~as further provided herein:~~ **drivers must do the following:**

(1) Comply with all applicable requirements of IC 8-2.1-24.

(2) Possess a valid Class A commercial driver's license (CDL) with appropriate endorsements for operation of LCVs.

~~(1)~~ **(b) Drivers of ~~trailer combinations~~ LCVs on the toll road:**

(1) must be:

(A) not less than twenty-six (26) years of age; and

(B) in good health; and

(2) shall have not less than five (5) years of provable experience in driving:

(A) semitrailer; or

(B) tandem trailer type;

motor vehicles ~~Such driving experience shall include experience~~ throughout the four **(4)** seasons.

~~(2) An applicant~~ **(c) A permitted company's application for a driver permit under section 21 of this rule will be rejected by the department if the driver's license has been:**

~~(A) his license has been~~ revoked more than once in the past ten (10) years; **or**

~~(B) his license has been~~ suspended more than ~~twice in the past ten (10)~~ years;

~~(C) his record of major traffic violations shows more than five (5) points in the preceding two (2) years or seven (7) points in the preceding three (3) years;~~

~~(D) his record of chargeable (preventable) accidents shows more than two (2) in the preceding five (5) years or more than one (1) in the preceding two (2) years on the toll road; or more than two (2) in the preceding two (2) years off the toll road. In any case, the maximum total is two (2) in the preceding two (2) years.~~

(Indiana Finance Authority; 135 IAC 2-7-20; filed Dec 6, 1983, 1:52 p.m.: 7 IR 330; readopted filed Nov 6, 2002, 10:33 a.m.: 26 IR 882)

SECTION 33. 135 IAC 2-7-21 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-7-21 Driver permits

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-15-2

Sec. 21. ~~(a) A proposed driver of trailer combinations~~ **permitted company** shall make application on ~~the prescribed a form which provided by the department that~~ includes the ~~driver's applicant's~~ driving and safety record employment history. The application must be accompanied by **the following:**

(1) An official abstract of his the applicant's driving record. In the event of any accidents during the five years immediately preceding the application, copies of reports of all such accidents must be submitted. In addition, the driver must have a physical examination not less than every two (2) years; and

(2) A copy photocopy of the physical examination certificate must accompany his application: applicant's current CDL.

(b) Upon approval by the department, an identification card bearing a permit number will be issued to the driver permitted company. The driver must carry the card with him or her at all times while operating ~~tandem trailer combinations~~ LCVs on the toll road for presentation upon request by:

(1) toll road personnel; or

(2) a police officer.

(c) The driver identification card is valid only for the operation of tractors:

(1) owned by; or

(2) under the control of;

the **permitted** company to which the **driver** permit is issued.

(d) The department does not accept driver applications from individuals. Such Applications are accepted only from permitted companies. ~~holding permits for the operation of trailer combinations on the toll road.~~ All correspondence in connection therewith shall be handled through the companies, not the drivers.

(e) The accuracy of the information in a driver application must be attested to by an officer of the company, who, in doing so,

assumes sole responsibility for the representation made to the department. ~~by the driver.~~

(f) Permitted companies shall do the following:

(1) Maintain current lists of all active permitted drivers for LCV operations on the toll road.

(2) Provide these lists to the department upon request.

(Indiana Finance Authority; 135 IAC 2-7-21; filed Dec 6, 1983, 1:52 p.m.: 7 IR 330; errata, 7 IR 1054; readopted filed Nov 6, 2002, 10:33 a.m.: 26 IR 882)

SECTION 34. 135 IAC 2-7-22 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-7-22 Temporary suspension of LCV permits

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-15-2

Sec. 22. Permission to operate ~~trailer combinations~~ LCVs on the toll road may be temporarily suspended by the department at any time due to **any of the following:**

(1) Weather conditions.

(2) Unfavorable road conditions.

(3) Holiday traffic. ~~and~~

(4) Any other emergency conditions.

(Indiana Finance Authority; 135 IAC 2-7-22; filed Dec 6, 1983, 1:52 p.m.: 7 IR 331; readopted filed Nov 6, 2002, 10:33 a.m.: 26 IR 882)

SECTION 35. 135 IAC 2-7-23 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-7-23 Insurance coverage

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-15-2

Sec. 23. ~~An applicant for trailer combination~~ **An LCV operating permit** shall furnish to the department a certificate attesting to the fact that there has been secured by the applicant public liability insurance affording coverages of not less than **the following:**

(1) Five hundred thousand dollars/one million dollars (\$500,000/\$1,000,000) for all damages arising from bodily injury, including death. ~~and~~

(2) One hundred thousand dollars/five hundred thousand dollars (\$100,000/\$500,000) for property damage, including damage to toll road property and facilities.

The named insured thereon shall include the department **and** its officers, agents, and employees, and the certificate shall indicate that the policy contains an endorsement ~~reading as follows:~~ **that reads,** "The inclusion of the Indiana department of ~~highways, toll road division, transportation~~ **as an additional named insured** shall not exclude coverage of liability of the named insured for damage of property of the additional named insured, or for injury to or death of any person working with or for the additional named insured." ~~Such~~ **The** certificate shall also provide that the coverage under the policy may not be ~~cancelled canceled~~ without thirty (30) days prior notice to the department. *(Indiana Finance Authority; 135 IAC 2-7-23; filed Dec 6, 1983, 1:52 p.m.: 7 IR 331; readopted filed Nov 6, 2002, 10:33 a.m.: 26 IR 882)*

SECTION 36. 135 IAC 2-7-24 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-7-24 Applicability of other rules

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-15-2

Sec. 24. Except as noted herein and in the ~~trailer combination~~ **LCV operations** permit, all rules ~~and regulations~~ for the control and regulation of traffic on the toll road shall apply to the operation of ~~trailer combinations~~ LCVs on the toll road. *(Indiana Finance Authority; 135 IAC 2-7-24; filed Dec 6, 1983, 1:52 p.m.: 7 IR 331; readopted filed Nov 6, 2002, 10:33 a.m.: 26 IR 882)*

SECTION 37. 135 IAC 2-8-1 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-8-1 Permit required

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-15-2

Sec. 1. Michigan trains may operate on the toll road:

(1) only under a Michigan train single trip permit issued by the department of state revenue; and

(2) subject to compliance by the permittee with ~~135 IAC 2-8-~~ **this rule.**

(Indiana Finance Authority; 135 IAC 2-8-1; filed Dec 6, 1983, 1:52 p.m.: 7 IR 331; readopted filed Nov 6, 2002, 10:33 a.m.: 26 IR 882)

SECTION 38. 135 IAC 2-8-3 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-8-3 Weight limits

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-15-2

Sec. 3. (a) The maximum gross weight for a Michigan train shall be **one hundred twenty-seven thousand four hundred** (127,400) pounds. ~~maximum~~ Gross weight on any one (1) axle shall be **twenty-two thousand four hundred** (22,400) pounds. Axles measuring less than forty (40) inches between centers are considered one (1) axle.

(b) The maximum combined axle loads of any two (2) successive axles spaced more than forty (40) inches apart but less than nine (9) feet apart shall be **thirty-six thousand** (36,000) pounds. No such combination will be permitted to leave the toll road for travel upon the state highways of Indiana without a permit from the ~~Indiana~~ department of ~~highways~~ **state revenue**. The maximum gross weight and axle weights of vehicles leaving the toll road as singles to travel the public highways of Indiana must comply with Indiana state law. *(Indiana Finance Authority; 135 IAC 2-8-3; filed Dec 6, 1983, 1:52 p.m.: 7 IR 331; readopted filed Nov 6, 2002, 10:33 a.m.: 26 IR 882)*

SECTION 39. 135 IAC 2-8-5 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-8-5 Permits

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-15-2

Sec. 5. Michigan train permits for specified one-way movements may be obtained from the ~~Indiana~~ department of ~~highways, toll road division~~ **state revenue**. The permits do not include the rate indicator ~~8 7~~ toll, which must be paid as provided in the rules. For information regarding Michigan train permits, contact the ~~Indiana~~ department of ~~Highways, Toll Road Division at 52551 Ash Road, P.O. Box 1, Granger, Indiana 46530-0001~~ **state revenue**. *(Indiana Finance Authority; 135 IAC 2-8-5; filed Dec 6, 1983, 1:52 p.m.: 7 IR 332; readopted filed Nov 6, 2002, 10:33 a.m.: 26 IR 882)*

SECTION 40. 135 IAC 2-8-7 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-8-7 Emergency equipment

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-2.1-24; IC 8-15-2; IC 9-19

Sec. 7. Each truck-tractor used in the Michigan train operation shall be equipped at a minimum with emergency equipment as required by the ~~Indiana Acts of 1955, Chapter 170, page 416, and acts amendatory thereof, and as further provided herein: (IC 9-8-6-1, et. seq.)~~ **IC 8-2.1-24.**

(1) A fire extinguisher which shall utilize an extinguishing agent which does not need protection from freezing; and which shall be properly filled and securely mounted in brackets. Such extinguisher shall have a rating of not less than 4BC as classified under the standards of Underwriters Laboratories, Inc., 333 Pfingston, Northbrook, Illinois.

(2) At least one (1) spare fuse or other overload protective device; if the devices used are not of a reset type; for each kind and size used.

(3) One (1) set of tire chains for at least one (1) axle of the truck-tractor and; in the event the truck-tractor is required by this section to have more than one (1) drive axle; chains shall be provided for the second axle; unless the truck-tractor is so equipped that the

axle equipped with chains will be positively driven when the second axle is without chains. Such chains shall be carried whenever the combination of vehicles is operating during an accumulation of snow or ice on the pavement of the Indiana toll road. Stalling because of an accumulation of snow or ice and failure to be so equipped with the required chains shall subject permittee to revocation of its permit to operate Michigan train combinations on the toll road.

(4) All wheels of the combination of vehicles shall be equipped with tires with not less than $\frac{3}{32}$ ($\frac{1}{16}$) inch tread groove or sipe depth when measured as near to the center of the tread as possible, except the steering tires which should have not less than $\frac{1}{32}$ ($\frac{1}{16}$) inch tread groove. Tread wear shall be reasonably uniform over the whole circumference of the tire.

(5) Warning devices for display in cases of disabled vehicles upon the toll road as required by Indiana Acts of 1955, Chapter 170, page 416; and acts amendatory thereof. (IC 9-8-6-1; et. seq.)

(Indiana Finance Authority; 135 IAC 2-8-7; filed Dec 6, 1983, 1:52 p.m.: 7 IR 332; readopted filed Nov 6, 2002, 10:33 a.m.: 26 IR 882)

SECTION 41. 135 IAC 2-8-11 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-8-11 Lights and reflectors

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-2.1-24; IC 8-15-2; IC 9-19-6

Sec. 11. Each unit in a Michigan train combination shall be equipped at a minimum with:

(1) electric lights; and

(2) reflectors;

mounted on the vehicle as required by Indiana Acts of 1955, Chapter 170, page 416; and acts amendatory thereof. (IC 9-8-6-1; et seq.) IC 8-2.1-24 and IC 9-19-6. (Indiana Finance Authority; 135 IAC 2-8-11; filed Dec 6, 1983, 1:52 p.m.: 7 IR 333; readopted filed Nov 6, 2002, 10:33 a.m.: 26 IR 882)

SECTION 42. 135 IAC 2-10-2 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-10-2 Severability provision

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-15-2

Sec. 2. If any rule or application of any rule is held invalid or void, the invalidity or voidness affects the remainder of the ~~authority~~ **authority's** rules only to the extent that the remainder is:

(1) so essentially and inseparately connected with, and so dependent on, the invalid or void provision or application that it cannot be presumed that the remainder would have been issued without the invalid or void provision or application; or

(2) incomplete and incapable of being executed without the invalid or void provision or application.

(Indiana Finance Authority; 135 IAC 2-10-2; filed Dec 6, 1983, 1:52 p.m.: 7 IR 334; readopted filed Nov 6, 2002, 10:33 a.m.: 26 IR 882)

SECTION 43. THE FOLLOWING ARE REPEALED: 135 IAC 2-5-2; 135 IAC 2-10-1.

SECTION 44. SECTIONS 1 through 43 of this document take effect April 3, 2006.

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on December 8, 2005 at 10:00 a.m., at One North Capitol, Ninth Floor, Indianapolis, Indiana the Indiana Finance Authority will hold a public hearing on proposed amendments concerning the Indiana East-West Toll Road, published currently at 135 IAC 2, to amend the current toll rate structure on the Indiana Toll Road and amend certain terms and phrases and other provisions of the current rules to reflect current law, usage, and circumstance.

The Indiana Toll Road has needs for major projects along the Toll Road for widening and interchange projects as well as general reconstruction of aging highway surfaces. These needs cannot be met with the current budget. In addition, since the Toll Road serves as a critical transportation link to the urbanized areas in northern Indiana, a high priority needs to be placed on maintaining adjacent state and local routes as well to attract commerce that results in additional Toll Road trips. An increase in the toll rates will address both the Toll Road's needs as well as improvements to state and local transportation needs in Toll Road counties. Current Toll Road revenue does not allow the Toll Road to build these needed projects on or near the Toll Road. The amendments

to reflect current law, usage, and circumstance are necessary because of updates in the law.

Data, studies, and analyses relied upon by IFA in determining that the imposition of the requirement or cost is necessary are:

A) Capital Improvement Projects Program, May 4, 2005, RQAW.

B) Rate Review and Revenue Projections Study August 2005-Wilbur Smith Associates.

C) MAJOR MOVES: INDOT Ten Year Draft Major New Construction Program.

Copies of all documentation relied upon are now on file at the Indiana Finance Authority, One North Capitol, Ninth Floor, Indianapolis, Indiana 46204 and are open for copying and public inspection.

Copies of these rules are now on file at the Indiana Finance Authority, One North Capitol, Ninth Floor and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Charles E. Schalliol
Chairman
Indiana Finance Authority