

Document: Emergency Rule, **Register Page Number:** 29 IR 3389

Source: July 1, 2006, Indiana Register, Volume 29, Number 10

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TITLE 135 INDIANA FINANCE AUTHORITY

LSA Document #06-186(E)

DIGEST

Temporarily adds 135 IAC 2.5 to add provisions concerning the implementation of a public-private agreement for the operation and maintenance of the Indiana East West Toll Road. Makes technical corrections to certain provisions of 135 IAC 2 to conform to 135 IAC 2.5. Authority: IC 4-22-2-37.1(a)(30); IC 4-22-2-37.1(l). Effective June 14, 2006.

135 IAC 2-1-1	135 IAC 2-7-15
135 IAC 2-2-4	135 IAC 2-7-19
135 IAC 2-2-5	135 IAC 2-7-21
135 IAC 2-2-8	135 IAC 2-7-22
135 IAC 2-2-11	135 IAC 2-7-23
135 IAC 2-3-3	135 IAC 2-8-6
135 IAC 2-5-1	135 IAC 2-8-14
135 IAC 2-5-5	135 IAC 2-8-15
135 IAC 2-7-1	135 IAC 2-8-19
135 IAC 2-7-6	135 IAC 2.5
135 IAC 2-7-14	

SECTION 1. 135 IAC 2.5-1-1 IS ADDED TO READ AS FOLLOWS:

ARTICLE 2.5. PUBLIC-PRIVATE AGREEMENTS

Rule 1. Definitions

135 IAC 2.5-1-1 Definitions

Authority: IC 8-15-2-14; IC 8-15-2-17; IC 8-15-2-17.2; IC 8-15.5-7; IC 8-15.5-10

Affected: IC 8-15-2; IC 8-15.5

Sec. 1. The definitions in this section apply throughout this document.

(a) “Authority” means the Indiana finance authority, established under IC 4-4-11, and exercising powers granted to it under IC 8-15-2, IC 8-15.5, both as amended and in effect as of the date hereof, and any successor entity thereto.

(b) “Class 2 user” means any vehicle with two (2) axles, including motorcycles, as described in Section 2 (g) of this document.

(c) “Closing date” means the date of the closing of the concession agreement between the Authority and the Concessionaire.

(d) “Commuter discount users” means Class 2 Users who, prior to the closing date, obtained a valid commuter identification card issued by the department. Commuter identification cards shall be void on the freeze termination date.

(e) “Commuter identification card” means cards issued by the department that provide users of the toll road discounted fares between certain interchanges on the toll road.

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

(g) “Concession agreement” means the Indiana Toll Road Concession and Lease Agreement, dated as of April 12, 2006, by and between the authority and the concessionaire, providing for, among other things, the lease of the toll road to the concessionaire and for the provision of toll road services by the concessionaire for the term of the concession agreement, together with all amendments thereto.

(h) “Department” means the Indiana department of transportation, and any successor entity thereto.

(i) “Electronic tolling system” means an electronic tolling system to be implemented by the concessionaire pursuant to the concession agreement, and includes a barrier-controlled electronic tolling system.

(j) “Freeze termination date” means the date of termination of the toll freeze period.

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

(l) “LCV” has the meaning set forth in 135 IAC 2-1-1.

(m) “Maximum toll levels” means the maximum toll levels for each class of users established under Section 2 of this document.

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

(o) “Term” means the entire term of the concession agreement, commencing on the closing date and expiring on the seventy-fifth (75th) anniversary of the closing date, or such later date as required pursuant to the terms of the concession agreement.

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

(q) “Toll” or “Tolls” has the meaning set forth in 135 IAC 2-1-1.

(r) “Toll freeze period” means the period from the closing date to the earlier of:

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

(s) “Tolling measurement date” shall mean June 30, 2011 and each June 30 thereafter.

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

(u) “Toll road” means the Indiana East-West Toll Road.

(v) “Tolling regulation” means the schedule set forth in Section 2 of this document, which incorporates Schedule 7.1 attached to and incorporated within the concession agreement, as amended by Section 6 of the First Amendment to the Concession Agreement, dated as of April 12, 2006.

(w) “Transponder refund” means forty percent (40%) of the applicable class 2 user rate in effect at any time after the freeze termination date.

(x) “Transponder user” means any class 2 user operating with a transponder for the collection of Tolls. (Indiana Finance Authority; 135 IAC 2.5-1-1; emergency rule filed Jun 14, 2006, 10:50 a.m.: 29 IR 3389)

SECTION 2. 135 IAC 2.5-2-1 IS ADDED TO READ AS FOLLOWS:

Rule 2. Tolls

135 IAC 2.5-2-1 Tolls

Authority: IC 8-15-2-14; IC 8-15-2-17; IC 8-15-2-17.2; IC 8-15.5-7; IC 8-15.5-10

Affected: IC 8-15-2; IC 8-15.5

Sec. 2. The authority hereby fixes the tolls to be charged and collected by the concessionaire as follows:

(a) **Maximum Tolls for Class 2 Users from the Closing Date through the Freeze Termination Date.** The maximum toll levels applicable to class 2 users (other than commuter discount users) from the closing date through the freeze termination date shall be as follows:

		<u>Barrier System</u>		<u>Class 2</u>
		<u>Direction of Travel</u>	<u>Entry Or Exit</u>	<u>Two Axle Vehicles and Motorcycles</u>
Plaza 1	West Point	WB	EXIT	\$0.50
		EB	ENTRY	0.50
Plaza 5	Calumet Ave	WB	EXIT	\$0.25
		EB	ENTRY	0.25
Plaza 10	Cline Ave	WB	EXIT	\$0.25
		EB	ENTRY	0.25
Plaza 17	I-65/Gary East	WB	ENTRY	\$0.15
		EB	EXIT	0.15
Plaza 21	Lake Station/I-94	WB	ENTRY	\$0.30
		EB	EXIT	0.30
Plaza 23	Willow Creek Rd.	WB	ENTRY	\$0.30
		EB	EXIT	0.30

Ticket System

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

Through Trip Toll Rate: \$4.65

(b) Maximum Tolls for Commuter Discount Users from the Closing Date through the Freeze Termination Date. The maximum toll levels applicable to commuter discount users from the closing date through the freeze termination date shall be as follows:

Barrier System

		Direction of Travel	Entry Or Exit	Type A Commuter Discount Users	Type B Commuter Discount Users
				Two Axle Vehicles including Motorcycles	Two Axle Vehicles including Motorcycles
Plaza 1	West Point	WB	EXIT	\$0.30	\$0.35
		EB	ENTRY	0.30	0.35
Plaza 5	Calumet Ave	WB	EXIT	\$0.10	\$0.15
		EB	ENTRY	0.10	0.15
Plaza 10	Cline Ave	WB	EXIT	\$0.10	\$0.15
		EB	ENTRY	0.10	0.15
Plaza 17	I-65/Gary East	WB	ENTRY	\$0.05	\$0.05
		EB	EXIT	0.05	0.05
Plaza 21	Lake Station/I-94	WB	ENTRY	\$0.15	\$0.15
		EB	EXIT	0.15	0.15
Plaza 23	Willow Creek Rd.	WB	ENTRY	\$0.15	\$0.15
		EB	EXIT	0.15	0.15

For the Barrier System, Type A commuter discount users can utilize only one toll collection point and Type B commuter discount users can utilize only two collection points. If a commuter discount user utilizes both the ticket and the barrier system for a trip, then they will be considered as a Type B commuter discount user for the barrier system and pay the same tolls as class 2 users in the ticket system.

Ticket System

	24		31		39		49		72		77		83		92		96		101		107		121		144		153
	Portage Barrier		Valparaiso - Chesterton		Michigan City		LaPorte		South Bend West		South Bend- Notre Dame		Mishawaka		Elkhart		Elkhart East		Bristol - Goshen		Middlebury		Howe LaGrange		Angola		East Point
31	0.25		0.20		0.20		0.40		0.20		0.20		0.20		0.20		0.20		0.20		0.20		0.25		0.40		0.25
39	0.40		0.40		0.70		0.55		0.40		0.55		0.30		0.25		0.30		0.20		0.30		0.40		0.70		0.80
49	0.60		0.60		0.70		0.70		0.70		0.60		0.45		0.30		0.30		0.20		0.20		0.25		0.45		0.70
72	1.00		1.00		1.05		0.85		0.45		0.35		0.25		0.20		0.20		0.20		0.20		0.20		0.25		0.40
77	1.10		1.10		1.10		0.95		0.55		0.40		0.30		0.20		0.20		0.20		0.20		0.20		0.25		0.40
83	1.30		1.10		1.05		0.70		0.70		0.60		0.45		0.30		0.30		0.20		0.20		0.20		0.25		0.40
92	1.40		1.20		1.10		0.85		0.45		0.35		0.25		0.20		0.20		0.20		0.20		0.20		0.25		0.40
96	1.50		1.35		1.20		0.95		0.55		0.40		0.30		0.20		0.20		0.20		0.20		0.20		0.25		0.40
101	1.60		1.50		1.30		1.05		0.70		0.60		0.45		0.30		0.30		0.20		0.20		0.20		0.25		0.40
107	1.70		1.70		1.60		1.35		1.00		0.80		0.70		0.55		0.50		0.40		0.25		0.25		0.45		0.70
121	2.00		2.20		2.10		1.80		1.40		1.30		1.15		1.05		0.95		0.80		0.70		0.45		0.70		0.80
144	2.40		2.50		2.35		2.10		1.70		1.55		1.40		1.30		1.20		1.05		0.90		0.70		0.25		0.40
153	2.70																										0.25

Through Trip Toll Rate: \$3.00 for Type A Commuters; \$3.05 for Type B Commuters

(c) Maximum Toll Levels for Class 2 Users from the Freeze Termination Date through June 30, 2010. The maximum toll levels applicable to class 2 users (including commuter discount users) from the freeze termination date through June 30, 2010 shall be as follows:

Barrier System

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

Ticket System

	24		31		39		49		72		77		83		92		96		101		107		121		144		153
	Portage Barrier		Valparaiso - Chesterton		Michigan City		LaPorte		South Bend West		South Bend Notre Dame		Mishawaka		Elkhart		Elkhart East		Bristol - Goshen		Middlebur- y		Howe LaGrange		Angola		East Point
31	0.50		0.50		0.50		1.25		0.50		0.50		0.50		0.50		0.50		0.50		0.50		0.50		0.50		0.50
39	0.75		0.50		1.75		1.25		0.50		1.25		1.25		1.25		1.25		1.25		1.25		1.25		1.25		1.25
49	1.25		1.00		2.00		1.25		1.00		1.00		1.00		1.00		1.00		1.00		1.00		1.00		1.00		1.00
72	2.50		2.00		2.25		1.50		0.50		0.50		0.50		0.50		0.50		0.50		0.50		0.50		0.50		0.50
77	2.75		2.25		2.25		1.50		0.50		0.75		0.75		0.75		0.75		0.75		0.75		0.75		0.75		0.75
83	3.00		2.50		2.25		1.75		0.50		1.00		1.00		1.00		1.00		1.00		1.00		1.00		1.00		1.00
92	3.50		3.00		2.75		2.25		1.00		1.25		1.25		1.25		1.25		1.25		1.25		1.25		1.25		1.25
96	3.75		3.25		2.75		2.25		1.25		1.50		1.50		1.50		1.50		1.50		1.50		1.50		1.50		1.50
101	4.00		3.50		3.00		2.50		1.50		2.00		2.00		2.00		2.00		2.00		2.00		2.00		2.00		2.00
107	4.25		3.75		3.50		3.00		1.75		2.25		2.25		2.25		2.25		2.25		2.25		2.25		2.25		2.25
121	5.00		4.50		4.25		3.75		2.50		3.00		3.00		3.00		3.00		3.00		3.00		3.00		3.00		3.00
144	6.00		5.75		5.25		4.75		3.75		4.00		4.00		4.00		4.00		4.00		4.00		4.00		4.00		4.00
153	6.75		6.25		6.00		5.50		4.25		4.00		4.00		4.00		4.00		4.00		4.00		4.00		4.00		4.00

Through Trip Toll Rate: \$8.00

(d) **Transponder Refund.** After the freeze termination date, any transponder user becomes eligible for the transponder refund. Pursuant to IC 8-14-14-6(a)(5), the state shall implement procedures to credit a transponder user with the transponder refund when the transponder user pays a toll. The transponder refund will no longer be in effect beginning July 1, 2016.

(e) **Maximum Toll Levels for Through Trips for Users in Classes 3 through 7.** The maximum toll levels applicable to users in classes 3 through 7 for use of the toll road in each direction for through trips shall be the tolls set forth as follows:

(i) **Period from the Closing Date through June 30, 2010 for Class 3 Users.** The maximum toll levels from class 3 users of the toll road for use of the toll road in each direction for through trips for the period from the closing date through June 30, 2010 shall be as follows:

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

(ii) **Period from Closing Date Through June 30, 2010 for Class 4 Users.** The maximum toll levels from class 4 users of the toll road for use of the toll road in each direction for through trips for the period from the closing date through June 30, 2010 shall be as follows:

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

(iii) **Period from Closing Date Through June 30, 2010 for Class 5 Users.** The maximum toll levels from class 5 users of the toll road for use of the toll road in each direction for through trips for the period from the closing date through June 30, 2010 shall be as follows:

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

(iv) **Period from Closing Date through June 30, 2010 for Class 6 Users.** The maximum toll levels from class 6 users of the toll road for use of the toll road in each direction for through trips for the period from the closing date through June 30, 2010 shall be as follows:

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

(v) Period from Closing Date through June 30, 2010 for Class 7 Users. The maximum toll levels from class 7 users of the toll road for use of the toll road in each direction for through trips for the period from the closing date through June 30, 2010 shall be as follows:

Period	Toll (\$)	Through Trip Per Mile Rate (\$/Mile)
Closing – March 31, 2007	\$39.06	\$0.249
April 1, 2007 – March 31, 2008	\$49.32	\$0.314
April 1, 2008 – March 31, 2009	\$59.57	\$0.379
April 1, 2009 – June 30, 2010	\$69.83	\$0.445

(vi) Period from Closing Date through June 30, 2010 for all users in Classes 3 through 7 for non-Through Trips. The maximum toll levels from users of the toll road in classes 3 through 7 for use of the toll road in each direction for non-through trips for the period from the closing date through June 30, 2010 are the tolls set forth in 135 IAC 2-5-2.1.

(f) Subsequent Adjustment to Maximum Toll Levels

(i) Subsequent Adjustment to Maximum Toll Levels on June 30, 2010. On June 30, 2010, the maximum toll levels may be increased by the initial applicable percentage toll increase without further action by the authority. For purposes of this determination, “Initial Applicable Percentage Toll Increase” means the greater of (A) 8.2% or (B) the percentage increase compounded annually of the index or per capita nominal GDP, whichever is greater, measured from each of (i) January 1, 2006 to December 31, 2006, (ii) January 1, 2007 to December 31, 2007, (iii) January 1, 2008 to December 31, 2008 and (iv) January 1, 2009 to December 31, 2009. The following example is for illustrative purposes only:

Indiana Toll Road

Illustrative Calculation of Four Year Look Back

Measurement Dates		2.000%	CPI	GDP/Capita
From	To			
1/1/2006	12/31/2006	2.000%	1.800%	1.650%
1/1/2007	12/31/2007	2.000%	1.750%	1.850%
1/1/2008	12/31/2008	2.000%	2.250%	2.000%
1/1/2009	12/31/2009	2.000%	2.255%	2.275%
Average Change		8.2%	8.3%	8.0%

Implemented on 6/30/2010

8.3%

(ii) Subsequent Adjustment to Maximum Toll Levels on June 30, 2011 and thereafter. On each tolling measurement date starting June 30, 2011, toll levels may be increased by the subsequent applicable percentage toll increase without further action by the authority. For purposes of this determination, “Subsequent Applicable Percentage Toll Increase” means the greater of (A) two percent (2%) or (B) the percentage increase of the index or per capita nominal GDP, whichever is greater, measured from January 1 to December 31 for the calendar year immediately preceding the tolling measurement date. Any adjustment made pursuant to this clause (ii) shall be made to the toll levels calculated without giving effect to any of the rounding described in Section 2(h)(i) below that may have occurred prior to the relevant date of the adjustment. The following example is for illustrative purposes only:

**Indiana Toll Road
Illustrative Calculation of One Year Look Back**

Measurement Dates		2.000%	CPI	GDP/Capita
From	To	2.000%	2.050%	1.950%
1/1/2010	12/31/2010			

Implemented on 6/30/2011

2.05%

(g) **Classifications.** For purposes of this Section 2, the following classifications shall apply:

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

(h) **Application of Maximum Toll Levels.** The toll levels determined in accordance with this Section represent which the concessionaire shall be authorized to charge. Subject to the notice provisions of Section 3 of this document, the concessionaire shall be authorized to charge toll levels which are less than the applicable maximum toll levels at its discretion, including providing for lower toll levels at determined times during the day, or for commuters, trucking companies or other frequent users of the toll road. In addition, anytime after June 30, 2010 so long as (A) the aggregate charge for a through trip does not exceed the applicable maximum level, (b) the charge for any non-through trip is not less than the maximum toll levels set forth herein as of June 29, 2010 and (C) any increase in the toll level charged by the concessionaire on the toll road is allocated to all segments of the toll road such that the highest per mile increase does not exceed 3 times the lowest per mile increase, the concessionaire at its discretion shall be permitted to set the maximum toll level for any segment of the toll road to any level it determines. For purposes of determining different toll levels for the various segments of the toll road anytime after June 30, 2010, the following shall apply:

(i) notwithstanding the toll levels determined in accordance with this Section, the actual tolls charged by the concessionaire will be rounded to:

- (A) the nearest \$0.01 if the toll is collected using an electronic tolling system; and
- (B) the nearest \$0.10 in the event that such toll is not collected using an electronic tolling system.

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

- (A) tolls at Westpoint (MP 1) and at ramp plazas to and from the east at Calumet Avenue (MP 5) and Cline Avenue (MP 10) will be computed assuming the trips were to/from Portage (MP 24);
- (B) tolls at ramp plazas to and from the west at I-65 Gary East (MP 17), I-94/Lake Station (MP 21) and Willow Creek (MP 23) will be computed assuming the trips were to/from Buchanan Street (MP 13).

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

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

(j) Tolls as Only Imposable Charges as of Closing Date. As of the closing date, the only charges that the concessionaire may impose on toll road users are the tolls authorized pursuant to Section 2 of this document. For avoidance of doubt and in confirmation and furtherance of the foregoing, as of the closing date, the concessionaire may not charge administration fees related to use of the toll road nor impose interest rates on unpaid tolls or fees related to use of the toll road. (*Indiana Finance Authority; 135 IAC 2.5-2-1; emergency rule filed Jun 14, 2006, 10:50 a.m.: 29 IR 3391*)

SECTION 3. 135 IAC 2.5-3-1 IS ADDED TO READ AS FOLLOWS:

Rule 3. Notice Requirements

135 IAC 2.5-3-1 Notice Requirements

Authority: IC 8-15-2-14; IC 8-15-2-17; IC 8-15-2-17.2; IC 8-15.5-7; IC 8-15.5-10

Affected: IC 8-15-2; IC 8-15.5

Sec. 3. Notice Requirements. The concessionaire will provide written notice to the authority of the date on which the electronic tolling system will be fully implemented (and operational) as far in advance of such date as is reasonably practicable, but in no event less than 28 days prior to such date. For purposes of determining the freeze termination date, the electronic tolling system shall be deemed to have been implemented at such time as (i) a class 2 user fitted with an electronic transponder can traverse the entire round trip length of the toll road with the tolls payable by such class 2 user being registered automatically by such transponder at each toll plaza without the need for such class 2 user to pay such tolls in cash as it passes through such toll plazas; and (ii) the receipt by the authority of written notice from the concessionaire of such implementation (which notice may be given at the concessionaire's discretion). (*Indiana Finance Authority; 135 IAC 2.5-3-1; emergency rule filed Jun 14, 2006, 10:50 a.m.: 29 IR 3396*)

SECTION 4. 135 IAC 2.5-4-1 IS ADDED TO READ AS FOLLOWS:

Rule 4. Fees and Charges Related to Electronic Tolling System

135 IAC 2.5-4-1 Fees and Charges Related to Electronic Tolling System

Authority: IC 8-15-2-14; IC 8-15-2-17; IC 8-15-2-17.2; IC 8-15.5-7; IC 8-15.5-10

Affected: IC 8-15-2; IC 8-15.5

Sec. 4. Fees and Charges Related to Electronic Tolling System.

- (a) Notwithstanding Section 2 of this document, upon implementation of the electronic tolling system, the authority may:
- (i) establish, collect and enforce reasonable administration fees and reasonable fees to commence or appeal any dispute proceedings;
 - (ii) establish reasonable interest rates to be charged on unpaid tolls and fees, and collect interest charged as such rates;
 - (iii) establish reasonable terms and conditions, including reasonable fees, for the registration and distribution of toll devices; and
 - (iv) require reasonable security for the provision of any toll devices.

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

(b) Upon implementation of the electronic tolling system, the state shall assess fines against persons who run toll gates and the concessionaire shall receive 50% of such fines. (*Indiana Finance Authority; 135 IAC 2.5-4-1; emergency rule filed Jun 14, 2006, 10:50 a.m.: 29 IR 3397*)

SECTION 5. 135 IAC 2-1-1, AS AMENDED AT 29 IR 2899, SECTION 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; IC 8-15.5-10

Affected: IC 8-15-2; IC 8-15.5

Sec. 1. The following definitions apply throughout this article unless the context 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 finance authority.
- (3) "Automatic lane" means those entry or exit lanes located at toll plazas that are:
 - (A) generally unattended by toll attendants; and
 - (B) equipped with automatic:
 - (i) ticket dispensers; or
 - (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;
 - (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 that has the possibility of being foot propelled.
- (7) "Bus" means any vehicle designed for the transportation of sixteen (16) or more persons.
- (8) "Concessionaire" means the operator of the toll road as designated by the governor on March 29, 2006 under IC 8-15.5-4-11(b).**
- ~~(8)~~ **(9) "Control devices and signals" means all:**
 - (A) signs;
 - (B) signals;

- (C) markings; and
- (D) devices;

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

~~(9)~~ **(10)** “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)~~ **(11)** “Cross-over” means a paved area in the median strip provided for the use of authorized vehicles to cross the median strip.

~~(11)~~ **(12)** “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)~~ **(13)** “Department” means the Indiana department of transportation.

~~(13)~~ **(14)** “Disabled vehicle” means any vehicle temporarily incapable of movement.

(15) “Electronic tolling system” means an electronic tolling system to be implemented by the concessionaire pursuant to a public-private agreement pursuant to IC 8-15.5.

~~(14)~~ **(16)** “Emergency vehicle” means the following:

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

~~(15)~~ **(17)** “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.

~~(16)~~ **(18)** “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;

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

- (C) including all:
 - (i) bridges;
 - (ii) underpasses;
 - (iii) overpasses;
 - (iv) toll plazas; or
 - (v) parking areas;

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

~~(17)~~ **(19)** “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)~~ **(20)** “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)~~ **(21)** “Longer combination vehicle” or “LCV” means an LCV double or LCV triple combination.

~~(20)~~ **(22)** “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.

(C) Inner shoulders.

~~(21)~~ **(23)** "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, that exceeds ninety thousand (90,000) pounds.

~~(22)~~ **(24)** "Motorcycle" means every vehicle designed to travel on not more than three (3) wheels in contact with the ground.

~~(23)~~ **(25)** "Operator" means every person who:

- (A) drives or is in actual physical control of a vehicle upon the toll road; or
- (B) is exercising control over or steering a vehicle being towed or pushed by another vehicle.

~~(24)~~ **(26)** "Oversize or unusual vehicle" means those vehicles exceeding the allowable dimensions set forth in 135 IAC 2-4-1 hereafter.

~~(25)~~ **(27)** "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:

- (A) Because its movement is obstructed.
- (B) While waiting to enter or exit a toll booth lane.
- (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.
- (D) Because it is disabled.

~~(26)~~ **(28)** "Pedestrian" means any natural person afoot.

~~(27)~~ **(29)** "Permitted company" means a company as described in 135 IAC 2-7-21.

~~(28)~~ **(30)** "Person" means any of the following:

- (A) A natural person.
- (B) A firm.
- (C) A copartnership.
- (D) An association.
- (E) A corporation.
- (F) A legal entity.

~~(29)~~ **(31)** "Police officer" means all officers of the Indiana state police assigned to duty on the toll road by the superintendent of state police.

~~(30)~~ **(32)** "Public police officer" means peace officers of:

- (A) the United States; or
- (B) Indiana or its political subdivisions;

while in discharge of their official duties.

~~(31)~~ **(33)** "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 United States Department of Transportation, Federal Highway Administration.

~~(32)~~ **(34)** "Semitrailer" means every vehicle without motive power:

- (A) designed for:
 - (i) carrying persons or property; **and**
 - (ii) being drawn by another vehicle; **and**
- (B) constructed so that some part of its weight and load:
 - (i) rests upon; or
 - (ii) is carried by;another vehicle.

~~(33)~~ **(35)** "Shoulders" means the paved strips adjoining the following:

- (A) Traffic lanes.
- (B) Acceleration and deceleration lanes.
- (C) Interchange ramps.

~~(34)~~ **(36)** "Tandem axle group" means two (2) or more axles spaced:

- (A) more than forty (40) inches; and
- (B) less than ninety-six (96) inches.

~~(35)~~ **(37)** "Toll" means the compensation to be paid to the department for the privilege of using the toll road or any portion thereof **fees collected by the concessionaire for the use of the toll road and includes all revenues charged by or on behalf of the**

concessionaire in respect of vehicles using the toll road during the term of any public-private agreement entered into in accordance with IC 8-15.5-4, including revenues collected through an electronic tolling system.

~~(36)~~ **(38)** “Toll attendant” means a toll road employee assigned to and on duty at a toll plaza for the purpose of:

- (A) collecting tolls; or
- (B) issuing toll tickets.

~~(37)~~ **(39)** “Toll plaza” means the portion of the toll road:

- (A) beginning where the pavement widens on the approach to the toll booths;
- (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)~~ **(40)** “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;
- (M) travel plazas;
- (N) maintenance areas; and
- (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)~~ **(41)** “Toll road employee” means each person in the official employ of the ~~department.~~ **concessionaire.**

~~(40)~~ **(42)** “Traffic” means vehicles, either singly or together, using any portion of the toll road for the purpose of travel.

~~(41)~~ **(43)** “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)~~ **(44)** “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 (2) or three (3) lanes, which lanes are separated by the median strip. The lanes that lie generally to the north of the median strip are for westbound traffic, and the lanes that lie generally to the south of the median strip are for eastbound traffic.

~~(43)~~ **(45)** “Trailer” means a vehicle without motive power designed for carrying property.

~~(44)~~ **(46)** “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)~~ **(47)** “Truck-tractor” means every vehicle:

- (A) designed and used primarily for drawing other vehicles; and
- (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)~~ **(48)** “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; filed May 4, 2006, 12:55 p.m.: 29 IR 2899; emergency rule filed Jun 14, 2006, 10:50 a.m.: 29 IR 3397)

SECTION 6. 135 IAC 2-2-4 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-2-4 Crossing median strip prohibited

Authority: IC 8-15-2-14; IC 8-15-2-17; IC 8-15-2-17.2; IC 8-15.5-7; IC 8-15.5-10
Affected: IC 8-15-2; IC 8-15.5

Sec. 4. No operator of a vehicle shall drive his vehicle across or upon the median strip. The use of designated cross-over areas is prohibited to all except emergency vehicles, ~~department~~ vehicles **owned or operated by the concessionaire**, authorized non-revenue vehicles (described in 135 IAC 2-5-5), and others in emergency situations when directed by a police officer. The operator of a vehicle authorized to cross the median strip at designated crossovers shall yield the right-of-way to all traffic on the traffic lanes. (*Indiana Finance Authority; 135 IAC 2-2-4; filed Dec 6, 1983, 1:52 p.m.: 7 IR 324; readopted filed Nov 6, 2002, 10:33 a.m.: 26 IR 882; emergency rule filed Jun 14, 2006, 10:50 a.m.: 29 IR 3399*)

SECTION 7. 135 IAC 2-2-5, AS AMENDED AT 29 IR 2901, SECTION 4, 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; IC 8-15.5-10
Affected: IC 8-15-2; IC 8-15.5

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; filed May 4, 2006, 12:55 p.m.: 29 IR 2901; emergency rule filed Jun 14, 2006, 10:50 a.m.: 29 IR 3400*)

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

135 IAC 2-2-8 Stopping, parking, or standing of vehicles

Authority: IC 8-15-2-17; IC 8-15-2-17.2; IC 8-15.5-10
Affected: IC 8-15-2; IC 8-15.5

Sec. 8. No person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the traffic lanes, acceleration lanes, deceleration lanes, bridges, entrance or exit ramps, median strip or at any place where a "NO PARKING" sign is posted. In case of an emergency, but not otherwise, a vehicle may be stopped and parked on the shoulder, adjacent to outer traffic lanes in the designated direction of traffic, provided that all wheels and projecting parts of the 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 to leave such vehicle on any portion of the toll road unattended, the operator must obtain authorization for parking from a police officer before leaving his vehicle. The provisions of this section shall not apply to ~~police or department~~ **emergency vehicles or vehicles owned or operated by the concessionaire**. (*Indiana Finance Authority; 135 IAC 2-2-8; filed Dec 6, 1983, 1:52 p.m.: 7 IR 324; readopted filed Nov 6, 2002, 10:33 a.m.: 26 IR 882; emergency rule filed Jun 14, 2006, 10:50 a.m.: 29 IR 3400*)

SECTION 9. 135 IAC 2-2-11 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-2-11 Compliance with orders and traffic control devices

Authority: IC 8-15-2-17; IC 8-15-2-17.2; IC 8-15.5-10
Affected: IC 8-15-2; IC 8-15.5

Sec. 11. No person shall fail, neglect or refuse to comply with any lawful order or direction of toll attendants at toll booths, flagmen of the maintenance forces and such other uniformed police officers as may be employed by the ~~department~~ **concessionaire** for such purposes. No person shall fail, neglect or refuse to comply with any traffic control sign, signal or device erected or displayed on the toll road, unless directed otherwise by a police officer or ~~department~~ **toll road** employee. (*Indiana Finance Authority; 135 IAC 2-2-11; filed Dec 6, 1983, 1:52 p.m.: 7 IR 325; readopted filed Nov 6, 2002, 10:33 a.m.: 26 IR 882; emergency rule filed Jun 14, 2006, 10:50 a.m.: 29 IR 3400*)

SECTION 10. 135 IAC 2-3-3 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-3-3 Commercial activity

Authority: IC 8-15-2-17; IC 8-15-2-17.2; IC 8-15.5-10

Affected: IC 8-15-2; IC 8-15.5

Sec. 3. No person shall offer or display goods or services for sale, or post, distribute or display signs, advertisements, circulars, written or printed matter, or operate mobile or stationary public address equipment on the toll road unless the ~~department~~ **authority** shall have granted permission therefor; 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 Finance Authority; 135 IAC 2-3-3; filed Dec 6, 1983, 1:52 p.m.: 7 IR 325; readopted filed Nov 6, 2002, 10:33 a.m.: 26 IR 882; emergency rule filed Jun 14, 2006, 10:50 a.m.: 29 IR 3400*)

SECTION 11. 135 IAC 2-5-5, AS AMENDED AT 29 IR 2937, SECTION 15, 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; IC 8-15.5-10

Affected: IC 8-15-2; IC 8-15.5

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. Vehicles owned or operated by the state or any department or agency thereof.~~

(2) Police officers of:

(A) the United States; or

(B) Indiana or its political subdivisions;

while in discharge of their official duties.

(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.

(4) Vehicles bearing diplomatic plates.

(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; filed May 4, 2006, 12:55 p.m.: 29 IR 2937; emergency rule filed Jun 14, 2006, 10:50 a.m.: 29 IR 3400)

SECTION 12. 135 IAC 2-7-1, AS AMENDED AT 29 IR 2937, SECTION 16, IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-7-1 Permit required

Authority: IC 8-15-2-17; IC 8-15-2-17.2; IC 8-15.5-10

Affected: IC 8-15-2; IC 8-15.5

Sec. 1. LCVs may operate on the toll road:

(1) only under an ~~annual~~ permit issued by the department **or the authority** under section 21 of this rule; and

(2) subject to compliance by the permitted company with 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; filed May 4, 2006, 12:55 p.m.: 29 IR 2937; emergency rule filed Jun 14, 2006, 10:50 a.m.: 29 IR 3401)

SECTION 13. 135 IAC 2-7-6, AS AMENDED AT 29 IR 2938, SECTION 20, 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; IC 8-15.5-10

Affected: IC 8-15-2; IC 8-15.5

Sec. 6. A responsible officer of the applicant shall certify to the department **or the authority**, before the start of operations, that the vehicles and equipment proposed to be furnished and used for LCV operations will comply with and meet all minimum safety and performance factors 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; filed May 4, 2006, 12:55 p.m.: 29 IR 2938; emergency rule filed Jun 14, 2006, 10:50 a.m.: 29 IR 3401)

SECTION 14. 135 IAC 2-7-14, AS AMENDED AT 29 IR 2939, SECTION 26, 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; IC 8-15.5-10

Affected: IC 8-15-2; IC 8-15.5

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

(1) Instruct drivers in the proper use of assembly areas.

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

Spot checks of 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; filed May 4, 2006, 12:55 p.m.: 29 IR 2939; emergency rule filed Jun 14, 2006, 10:50 a.m.: 29 IR 3401*)

SECTION 15. 135 IAC 2-7-15, AS AMENDED AT 29 IR 2939, SECTION 27, 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; IC 8-15.5-10

Affected: IC 8-15-2; IC 8-15.5

Sec. 15. LCVs shall be made up and broken up only in special assembly areas designated for this purpose by the department **or the authority**. All movements across traffic while entering or leaving 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; filed May 4, 2006, 12:55 p.m.: 29 IR 2939; emergency rule filed Jun 14, 2006, 10:50 a.m.: 29 IR 3401*)

SECTION 16. 135 IAC 2-7-19, AS AMENDED AT 29 IR 2940, SECTION 31, 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; IC 8-15.5-10

Affected: IC 8-15-2; IC 8-15.5

Sec. 19. LCVs shall be identified visually as follows:

(1) An identification number issued by the department **or the authority** shall be stenciled 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) 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 **or the authority** 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; filed May 4, 2006, 12:55 p.m.: 29 IR 2940; emergency rule filed Jun 14, 2006, 10:50 a.m.: 29 IR 3401*)

SECTION 17. 135 IAC 2-7-21, AS AMENDED AT 29 IR 2941, SECTION 33, 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; IC 8-15.5-10

Affected: IC 8-15-2; IC 8-15.5

Sec. 21. (a) A permitted company shall make application on a form provided by the department **or the authority** that includes the applicant's driving employment history. The application must be accompanied by the following:

- (1) An official abstract of the applicant's driving record.
- (2) A photocopy of the applicant's current CDL.

(b) Upon approval by the department **or the authority**, an identification card bearing a permit number will be issued to the permitted company. The driver must carry the card with him or her at all times while operating 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) **Neither** the department **nor the authority** ~~does not will~~ accept driver applications from individuals. Applications are accepted only from permitted companies. 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 **or the authority**.

(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 **or the authority** 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; filed May 4, 2006, 12:55 p.m.: 29 IR 2941; emergency rule filed Jun 14, 2006, 10:50 a.m.: 29 IR 3401)

SECTION 18. 135 IAC 2-7-22, AS AMENDED AT 29 IR 2941, SECTION 34, 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; IC 8-15.5-10

Affected: IC 8-15-2; IC 8-15.5

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

- (1) Weather conditions.
- (2) Unfavorable road conditions.
- (3) Holiday traffic.
- (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; filed May 4, 2006, 12:55 p.m.: 29 IR 2941; emergency rule filed Jun 14, 2006, 10:50 a.m.: 29 IR 3402)

SECTION 19. 135 IAC 2-7-23, AS AMENDED AT 29 IR 2941, SECTION 35, 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; IC 8-15.5-10

Affected: IC 8-15-2; IC 8-15.5

Sec. 23. An applicant for an LCV operating permit shall furnish to the department **or the authority** 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.
- (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 **or the authority** and ~~its~~ **their** respective officers, agents, and employees, and the certificate shall indicate that the policy contains an endorsement that reads, "The inclusion of the Indiana department of

transportation **or the Indiana finance authority** 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.” The certificate shall also provide that the coverage under the policy may not be canceled without thirty (30) days prior notice to the department **or the authority**. (*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; filed May 4, 2006, 12:55 p.m.: 29 IR 2941; emergency rule filed Jun 14, 2006, 10:50 a.m.: 29 IR 3402*)

SECTION 20. 135 IAC 2-8-6 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-8-6 Safety and performance requirements

Authority: IC 8-15-2-17; IC 8-15-2-17.2; IC 8-15.5-10

Affected: IC 8-15-2; IC 8-15.5

Sec. 6. A responsible officer of the applicant shall certify to the department **or the authority**, prior to the approval of truck-tractor, that the vehicle proposed to be furnished and used for specified gross loads will comply with and meet all minimum safety and performance factors of the department **or the authority**. If it is determined, after the truck-tractor is engaged in the Michigan train operation, that the vehicle cannot meet such requirements, the truck-tractor shall not be used in trailer combination on the toll road until corrective measures are taken to comply with the ~~department's~~ requirements **of the department or the authority**. (*Indiana Finance Authority; 135 IAC 2-8-6; filed Dec 6, 1983, 1:52 p.m.: 7 IR 332; readopted filed Nov 6, 2002, 10:33 a.m.: 26 IR 882; emergency rule filed Jun 14, 2006, 10:50 a.m.: 29 IR 3402*)

SECTION 21. 135 IAC 2-8-14 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-8-14 Police inspection

Authority: IC 8-15-2-17; IC 8-15-2-17.2; IC 8-15.5-10

Affected: IC 8-15-2; IC 8-15.5

Sec. 14. Michigan train combinations are subject to inspection by a police officer prior to initial movement by any newly authorized company. The inspection is designed to instruct drivers in the proper use of make-up and break-up areas and to satisfy the department **or the authority** that the equipment meets the qualifications set forth in this section. Spot checks of Michigan train combinations may be made periodically at the discretion of any police officer. (*Indiana Finance Authority; 135 IAC 2-8-14; filed Dec 6, 1983, 1:52 p.m.: 7 IR 333; readopted filed Nov 6, 2002, 10:33 a.m.: 26 IR 882; emergency rule filed Jun 14, 2006, 10:50 a.m.: 29 IR 3403*)

SECTION 22. 135 IAC 2-8-15 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-8-15 Assembly areas

Authority: IC 8-15-2-17; IC 8-15-2-17.2; IC 8-15.5-10

Affected: IC 8-15-2; IC 8-15.5

Sec. 15. Michigan train combinations shall be made up and broken up on the toll road only in special assembly areas designated for this purpose by the department **or the authority**. All movements across traffic while entering or leaving a make-up/break-up area shall be properly safeguarded. (*Indiana Finance Authority; 135 IAC 2-8-15; filed Dec 6, 1983, 1:52 p.m.: 7 IR 333; readopted filed Nov 6, 2002, 10:33 a.m.: 26 IR 882; emergency rule filed Jun 14, 2006, 10:50 a.m.: 29 IR 3403*)

SECTION 23. 135 IAC 2-8-19 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-8-19 Temporary suspension of Michigan train permits

Authority: IC 8-15-2-17; IC 8-15-2-17.2; IC 8-15.5-10

Affected: IC 8-15-2; IC 8-15.5

Sec. 19. Permission to operate Michigan train combinations on the toll road may be temporarily suspended by the department **or the authority** at any time due to weather conditions, unfavorable road conditions, holiday traffic, and any other emergency conditions. (*Indiana Finance Authority; 135 IAC 2-8-19; filed Dec 6, 1983, 1:52 p.m.: 7 IR 334; readopted filed Nov 6, 2002, 10:33 a.m.: 26 IR 882; emergency rule filed Jun 14, 2006, 10:50 a.m.: 29 IR 3403*)

SECTION 24. 135 IAC 2-5-1(7) is repealed on the freeze termination date (as defined in this document) and the corresponding chart for class 8 in 135 IAC 2-5-2.1 is removed.

SECTION 25. If a lease for the toll road exists between the authority and the department which requires the department to fix the tolls, the provisions of Section 2 are not operative.

SECTION 26. This document expires at the end of the term.

LSA Document #06-186(E)

Filed with Secretary of State: June 14, 2006, 10:50 a.m.