

**Administrative Rules Oversight Committee Notice
60 Day Requirement ([IC 4-22-2-19](#))
LSA Document #07-494**

August 22, 2007

Honorable Scott Pelath
Chairperson
Administrative Rules Oversight Committee
c/o Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789
Attn: Allen Morford

Re: Rule pursuant to [IC 8-23-2-5\(a\)\(9\)](#)

Dear Representative Pelath:

Pursuant to [IC 4-22-2-19](#), if applicable, the Indiana Department of Transportation (INDOT) provides notice that although it began the rulemaking process for its utility relocation rule within sixty (60) days after the effective date of the statute that authorizes the rule, it did not successfully complete the rulemaking process. As a result, INDOT is beginning the rulemaking process again after the sixty day period provided for in [IC 4-22-2-19](#).

[IC 8-23-2-5\(a\)\(9\)](#) mandates that INDOT adopt rules "to reasonably and cost effectively manage the right-of-way of the state highway system by establishing a formal procedure for highway improvement projects that involve the relocation of utility facilities by providing for an exchange of information among the department, utilities, and the department's highway construction contractors." This section became effective on July 1, 2005.

INDOT first initiated the rulemaking process by publication of a notice of intent on July 1, 2005 (LSA #05-161). INDOT then moved forward with the rulemaking process; however, due to concerns by the Attorney General's office involving the rule's Economic Impact Statement, INDOT did not complete the rulemaking process within one year of the Notice of Intent. INDOT has met with interested parties over the last year in an effort to improve the rule and its corresponding Economic Impact Statement.

INDOT now plans to move forward with the rule, and we have begun the rule promulgation process again. The Indiana Register posted INDOT's Notice of Intent to Adopt a Rule on its website on August 15, 2007, and the corresponding LSA number is 07-494.

If you have any further concerns or require additional information, please contact me at 317-233-3428 or tmulligan@indot.in.gov. Thank you for your consideration.

Sincerely,

Tiffany Mulligan
Staff Attorney, INDOT

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