

TITLE 105 INDIANA DEPARTMENT OF TRANSPORTATION

Final Rule

LSA Document #17-337(F)

DIGEST

Amends [105 IAC 7-1-1](#) concerning the name of the department. Amends [105 IAC 7-1-2](#) concerning definitions. Amends [105 IAC 7-1-7](#) to reference this rule. Amends [105 IAC 7-1-20](#) to reference objections are subject to the time computations provisions in statute. Amends [105 IAC 7-1-22](#) to reference [105 IAC 7-2-4\(2\)](#). Amends [105 IAC 7-1-32](#) to reference this rule. Amends [105 IAC 7-1-33](#) to reference this rule. Amends [105 IAC 7-2-2](#) to reference this article and this rule. Amends [105 IAC 7-2-4](#) to reference [105 IAC 7-1](#). Amends [105 IAC 7-2-5](#) to reference section 4(1) and 4(2) of this rule. Amends [105 IAC 7-2-6](#) to reference section 4 of this rule. Adds [105 IAC 7-4](#) regarding outdoor advertising sign requirements and criteria, the permitting process and appeals, and scenic byways. Repeals [105 IAC 7-3](#). NOTE: Under [IC 4-22-2-40](#), LSA Document #17-337, posted at [20181121-IR-105170337PRA](#), was recalled by the Indiana Department of Transportation and revised and resubmitted for publication, and reposted at [20190522-IR-105170337PRA](#). Effective 30 days after filing with the Publisher.

[105 IAC 7-1-1](#); [105 IAC 7-1-2](#); [105 IAC 7-1-7](#); [105 IAC 7-1-20](#); [105 IAC 7-1-22](#); [105 IAC 7-1-32](#); [105 IAC 7-1-33](#); [105 IAC 7-2-2](#); [105 IAC 7-2-4](#); [105 IAC 7-2-5](#); [105 IAC 7-2-6](#); [105 IAC 7-3](#); [105 IAC 7-4](#)

SECTION 1. [105 IAC 7-1-1](#) IS AMENDED TO READ AS FOLLOWS:

[105 IAC 7-1-1](#) Purpose of rule**Authority:** [IC 9-21-19-2](#)**Affected:** [IC 8-23-20](#)

Sec. 1. The Indiana department of highways is authorized to determine and establish such requirements and restrictions for driveway approaches as may be necessary to provide for the drainage of the highway, preservation of the highway, and the safety and convenience of traffic on the highway. A written permit application shall be considered by the department and, if in accordance with properly established regulations and requirements, a permit shall be granted subject to appropriate conditions and provisions contained therein. All work on the permit shall be performed to the satisfaction of the department.

(Indiana Department of Transportation; Rule 1; filed Nov 16, 1971, 9:45 a.m.: Rules and Regs. 1972, p. 140; filed Aug 2, 1985, 3:39 p.m.: 8 IR 1703; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: [20070627-IR-105070237RFA](#); readopted filed Oct 2, 2013, 11:39 a.m.: [20131030-IR-105130295RFA](#); filed Jul 24, 2019, 8:08 a.m.: [20190821-IR-105170337FRA](#)) NOTE: Transferred from Department of Highways ([120 IAC 2-1-1](#)) to Indiana Department of Transportation ([105 IAC 7-1-1](#)) by P.L.112-1989, SECTION 5, effective July 1, 1989.

SECTION 2. [105 IAC 7-1-2](#) IS AMENDED TO READ AS FOLLOWS:

[105 IAC 7-1-2](#) Definitions**Authority:** [IC 8-23-2-6](#); [IC 9-21-19-2](#)**Affected:** [IC 8-23-20](#)

Sec. 2. The following definitions apply throughout this article: rule, [105 IAC 7-1.5](#), and [105 IAC 7-2](#):

- (1) "Access" means a location that:
 - (A) allows vehicular or pedestrian traffic to cross the highway right-of-way line; and
 - (B) is positioned at the connection of a driveway with the approach at the right-of-way line.
- (2) "Applicant" means:
 - (A) a person;
 - (B) a partnership;
 - (C) a company;
 - (D) a corporation;
 - (E) an association; or
 - (F) an agency;

making application for a permit to perform work on an approach.

(3) "Application" means a formally prepared request for a permit that is presented by an applicant on a permit form to the department seeking permission to perform work on a highway right-of-way.

(4) "Approach" means a way or place improved for vehicular or pedestrian traffic on the highway right-of-way that joins the pavement edge of the highway with a driveway or pedestrian walkway.

(5) "Auxiliary lane" means a portion of the roadway adjoining the traveled way for:

- (A) parking;
- (B) speed change;
- (C) turning;
- (D) storage for turning;
- (E) weaving;
- (F) truck climbing; or
- (G) other purposes.

~~(6) "Changeable message sign" has the meaning set forth in [IC 8-23-1-14.3](#).~~

~~(7)~~ **(6)** "Commercial approach" means an approach that joins the highway with a driveway to private property used for commercial purposes and to public property.

~~(8) "Conforming sign" means a sign that meets the current criteria of 23 U.S.C. 131, 23 CFR 750.708, and [IC 8-23-20](#).~~

~~(9)~~ **(7)** "Crossover" means a paved or graded crossing in the highway median that allows vehicles to cross or to turn across the highway.

~~(10)~~ **(8)** "Department" means the Indiana department of transportation acting directly or through its duly authorized officers and agents.

~~(11)~~ **(9)** "Driveway" means a way or place not on the department right-of-way that is used for vehicles.

~~(12)~~ **(10)** "Expiration date" means the last calendar day that the:

- (A) valid permit is in effect; and
- (B) approach must be in compliance with all conditions of the permit.

~~(13)~~ **(11)** "Field approach" means an approach that joins the highway with a driveway to private property that is:

- (A) vacant;
- (B) in an unimproved condition; or
- (C) a farm field.

~~(14)~~ **(12)** "Highway" means any roadway under the jurisdiction of the department that is designated as:

- (A) a state route;
- (B) a U.S. route; or
- (C) an interstate.

~~(15)~~ **(13)** "Issue date" means a calendar day that the permit is granted to the applicant.

~~(16)~~ **(14)** "Level-of-service C" has the meaning as defined by the current edition of the Highway Capacity Manual*.

~~(17)~~ **(15)** "Level-of-service D" has the meaning as defined by the current edition of the Highway Capacity Manual*.

~~(18)~~ **(16)** "Limited access facility" means a highway especially designed for through traffic and over, from, or to which owners or occupants of abutting land or other persons have no right or easement or only a limited right or easement of direct access, light, air, or view by reason of fact that their property abuts such limited access facility or for any other reason.

~~(19)~~ **(17)** "Median" means the portion of a divided highway separating the traveled way for traffic proceeding in opposite directions.

~~(20) "Nonconforming sign" means a sign which was lawfully erected but does not comply with the provisions of state law or state regulations passed at a later date or later fails to comply with state law or state regulations due to changed conditions.~~

~~(21)~~ **(18)** "Notice" means a certified letter from the department addressed to the owner of the real estate stating that the approach for a driveway emanating from the real estate is unauthorized and providing:

- (A) the approximate location of the approach;
- (B) a statement of any substandard elements of the approach;
- (C) the action to be taken by the owner; and
- (D) the deadline for completing the prescribed action.

~~(22)~~ **(19)** "Peak direction" means the principal direction of traffic flow during a selected period of time.

~~(23)~~ **(20)** "Permit" means a legal document in which the department gives written permission to an applicant to perform work on the highway right-of-way.

~~(24)~~ **(21)** "Permittee" means the applicant following the issuance of a permit by the department.

~~(25)~~ **(22)** "Private approach" means an approach that:

- (A) joins the highway with a driveway to private property having:

- (i) a residence;
- (ii) a barn;
- (iii) a private garage; or
- (iv) other improvements; and
- (B) is ordinarily used only by:
 - (i) the owner or occupant of the premises;
 - (ii) guests; and
 - (iii) necessary service vehicles.
- ~~(26)~~ **(23)** "Purchased limited access" means rights-of-way:
 - (A) along any highway designated by the department to be a limited access facility; and
 - (B) whose access rights have been acquired by the department.
- ~~(27)~~ **(24)** "Right-of-way" means all land:
 - (A) under the jurisdiction of; and
 - (B) whose use is controlled by;
 the department.
- ~~(28)~~ **(25)** "Shoulder" means that portion of the highway right-of-way contiguous with the traveled way for:
 - (A) accommodation of stopped vehicles;
 - (B) emergency use; and
 - (C) lateral support of roadway base and surface courses.
 It is measured from the edge of pavement for traveled way or, if present, auxiliary lane to the intersection of the shoulder and fill or ditch slopes.
- ~~(29)~~ "Sign":
 - (A) has the meaning set forth in [IC 8-23-1-38](#); and
 - ~~(B) includes a changeable message sign.~~
- ~~(30)~~ **(26)** "Street peak hour" means the hour within a selected period of time, such as the "AM street peak (weekday)", in which there is a maximum flow of traffic on the roadway system adjacent to a development or proposed development.
- ~~(31)~~ **(27)** "Title evidence" means documentation in the form of a certified search covering a period of twenty (20) years, current title insurance, or certified letter from abstractor or title insurance agent certifying fee simple ownership of property.
- ~~(32)~~ **(28)** "Traffic" means:
 - (A) pedestrians;
 - (B) ridden or herded animals;
 - (C) vehicles; and
 - (D) other conveyances;
 either singly or together, while using any highway for purposes of travel.
- ~~(33)~~ **(29)** "Traffic control" means devices, such as:
 - (A) signs;
 - (B) barricades;
 - (C) pavement markings; and
 - (D) signalization;
 used to direct traffic in safe orderly use of the highway.
- ~~(34)~~ **(30)** "Traffic impact analysis study" means a specialized study of the impact a given type and size of new land use has or will have on a nearby public transportation system, that is prepared by or under the supervision of a registered professional engineer with experience in traffic engineering operations.
- ~~(35)~~ **(31)** "Traffic operations analysis study" means a specialized study of the possible traffic safety and operational problems a proposed development may have in the immediate vicinity of the development site due to a compromise in existing design standards caused by the development that is prepared by or under the supervision of a registered professional engineer with experience in traffic engineering operations.
- ~~(36)~~ **(32)** "Transportation improvement program" means identified projects in the program of future projects for Indiana or political subdivisions throughout the state.
- ~~(37)~~ **(33)** "Traveled way" means the portion of roadway used for the movement of traffic, excluding shoulders and auxiliary lanes.
- ~~(38)~~ **(34)** "Unauthorized approach" means an approach that:
 - (A) has been constructed, reconstructed, altered, or modified;
 - (B) remains incomplete or has become substandard for any reason, such as a change in land use; and
 - (C) is not approved nor authorized to exist in its present condition, under present traffic pattern, by the department.
- ~~(39)~~ **(35)** "Vehicle trip generation rate" means the actual or estimated number of vehicle trips that a specific land use or development generates or is anticipated to generate.

*Highway Capacity Manual, Special Report 209, Third **Sixth** Edition (1994) **(2016)** is hereby incorporated by reference. Copies of the Highway Capacity Manual may be obtained by writing to the Transportation Research Board, National Research Council, 2101 Constitution Avenue, NW, Washington, D.C. 20418. Copies may also be obtained from the Indiana Department of Transportation, 100 North Senate Avenue, Room N730, Indianapolis, Indiana 46204.

(Indiana Department of Transportation; [105 IAC 7-1-2](#); filed Aug 2, 1985, 3:39 p.m.: 8 IR 1703; filed Jul 1, 1999, 11:00 a.m.: 22 IR 3358; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: [20070627-IR-105070237RFA](#); filed Mar 18, 2008, 2:24 p.m.: [20080416-IR-105070471FRA](#); readopted filed Oct 2, 2013, 11:39 a.m.: [20131030-IR-105130295RFA](#); filed Jul 24, 2019, 8:08 a.m.: [20190821-IR-105170337FRA](#)) NOTE: Transferred from Department of Highways ([120 IAC 2-1-2.1](#)) to Indiana Department of Transportation ([105 IAC 7-1-2](#)) by P.L.112-1989, SECTION 5, effective July 1, 1989.

SECTION 3. [105 IAC 7-1-7](#) IS AMENDED TO READ AS FOLLOWS:

[105 IAC 7-1-7](#) Parties to application; evidence of title

Authority: [IC 9-21-19-2](#)

Affected: [IC 8-23-20](#)

Sec. 7. **(a)** All applications for permits under [120 IAC 2-1](#) **this section** shall be made in the name of the owner of the fee simple title. All persons having any interest in the land, including ~~but not limited to~~ mortgagees, lessees, optionors, lien holders, and holders of other encumbrances shall join with the fee simple holder in the application. All such persons shall join in the application, shall sign and consent to the conditions of the application, and shall be bound equally thereafter by the conditions of the permit, which may be issued to the permittee.

(b) Title evidence shall be furnished to support the signatures for driveway permit applications in the following areas:

- ~~(A)~~ **(1)** All commercial driveway permit applications except those applications involving an existing access with no proposed change in access, use, or character.
- ~~(B)~~ **(2)** Private driveway permit applications including field access approaches in areas along highways covered by limited access resolutions or on sections of state routes in the biennial highway improvement program.

All other allowable evidence will be at the discretion of the department.

(c) If the applicant submits an application in which the title evidence does not include the signatures of all interest holders and if the application is evaluated in favor of granting the permit, the applicant must submit subsequent title evidence showing that all omitted interest holders have ceased to be interest holders or have by an addendum to the application joined the original applicant on the original application, and such subsequent title evidence or addendum must be submitted before the permit is issued.

(Indiana Department of Transportation; Rule 6; filed Nov 16, 1971, 9:45 a.m.: Rules and Regs. 1972, p. 142; filed Aug 2, 1985, 3:39 p.m.: 8 IR 1706; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: [20070627-IR-105070237RFA](#); readopted filed Oct 2, 2013, 11:39 a.m.: [20131030-IR-105130295RFA](#); filed Jul 24, 2019, 8:08 a.m.: [20190821-IR-105170337FRA](#)) NOTE: Transferred from Department of Highways ([120 IAC 2-1-6](#)) to Indiana Department of Transportation ([105 IAC 7-1-7](#)) by P.L.112-1989, SECTION 5, effective July 1, 1989.

SECTION 4. [105 IAC 7-1-20](#) IS AMENDED TO READ AS FOLLOWS:

[105 IAC 7-1-20](#) Authorization to proceed; objections

Authority: [IC 9-21-19-2](#)

Affected: [IC 4-21.5-3-2](#); [IC 8-23-20](#)

Sec. 20. **(a)** Upon receipt of a permit issued by the department, the permittee is authorized to proceed with the work covered by the permit, subject to the conditions imposed by the department.

~~In accordance with the notice requirements of [IC 4-22-1-25](#), any objection to the conditions and provisions of~~

an approved permit must be submitted in writing to the department within fifteen (15) days from the issue date of the permit.

(b) Any objection to the conditions and provisions of an approved permit must be submitted in writing to the department within fifteen (15) days from the issue date of the permit, subject to the specific time computation provisions in [IC 4-21.5-3-2](#).

(c) The permit does not apply to any highway right-of-way that is closed for ~~construction~~ construction purposes, except as allowed by provision in the permit, nor to any county roads or city streets.

(Indiana Department of Transportation; Rule 20; filed Nov 16, 1971, 9:45 a.m.: Rules and Regs. 1972, p. 145; filed Aug 2, 1985, 3:39 p.m.: 8 IR 1709; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: [20070627-IR-105070237RFA](#); readopted filed Oct 2, 2013, 11:39 a.m.: [20131030-IR-105130295RFA](#); filed Jul 24, 2019, 8:08 a.m.: [20190821-IR-105170337FRA](#)) NOTE: Transferred from Department of Highways ([120 IAC 2-1-20](#)) to Indiana Department of Transportation ([105 IAC 7-1-20](#)) by P.L.112-1989, SECTION 5, effective July 1, 1989.

SECTION 5. [105 IAC 7-1-22](#) IS AMENDED TO READ AS FOLLOWS:

[105 IAC 7-1-22](#) Noncompliance of permits without bonds

Authority: [IC 9-21-19-2](#)

Affected: [IC 8-23-20](#)

Sec. 22. On permits not covered by a bond, work performed that is incomplete, improperly performed, or otherwise does not follow the conditions or provisions of the permit shall be designated as "Does Not Comply". The department shall follow procedures for corrective action, beginning with the notice action stated in [120 IAC 2-2-4\(2\)](#). **[105 IAC 7-2-4\(2\)](#)**. Permit applications for existing approaches that are denied by the department shall be corrected by entering the same procedure in [120 IAC 2-2-4\(2\)](#). **[105 IAC 7-2-4\(2\)](#)**.

(Indiana Department of Transportation; [105 IAC 7-1-22](#); filed Aug 2, 1985, 3:39 p.m.: 8 IR 1710; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: [20070627-IR-105070237RFA](#); readopted filed Oct 2, 2013, 11:39 a.m.: [20131030-IR-105130295RFA](#); filed Jul 24, 2019, 8:08 a.m.: [20190821-IR-105170337FRA](#)) NOTE: Transferred from Department of Highways ([120 IAC 2-1-21.5](#)) to Indiana Department of Transportation ([105 IAC 7-1-22](#)) by P.L.112-1989, SECTION 5, effective July 1, 1989.

SECTION 6. [105 IAC 7-1-32](#) IS AMENDED TO READ AS FOLLOWS:

[105 IAC 7-1-32](#) Change in existing access; subject to new rules

Authority: [IC 9-21-19-2](#)

Affected: [IC 8-23-20](#)

Sec. 32. Any person, who by law, has an existing legal right of access to a state highway shall as a condition of the issuance of any permit and in consideration of the same, agree that such rights of access, then existing or granted thereafter with respect to such real estate are subject to [120 IAC 2-1](#) **this rule** as the same may from time to time be amended by the department.

(Indiana Department of Transportation; Rule 29; filed Nov 16, 1971, 9:45 a.m.: Rules and Regs. 1972, p. 146; filed Aug 2, 1985, 3:39 p.m.: 8 IR 1712; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: [20070627-IR-105070237RFA](#); readopted filed Oct 2, 2013, 11:39 a.m.: [20131030-IR-105130295RFA](#); filed Jul 24, 2019, 8:08 a.m.: [20190821-IR-105170337FRA](#)) NOTE: Transferred from Department of Highways ([120 IAC 2-1-29](#)) to Indiana Department of Transportation ([105 IAC 7-1-32](#)) by P.L.112-1989, SECTION 5, effective July 1, 1989.

SECTION 7. [105 IAC 7-1-33](#) IS AMENDED TO READ AS FOLLOWS:

[105 IAC 7-1-33](#) Severability of rule

Authority: [IC 9-21-19-2](#)

Affected: [IC 8-23-20](#)

Sec. 33. If any provision of ~~120 IAC 2-1~~ **this rule** or the application thereof to any person or circumstances is invalid, such invalidity shall not affect the other provisions or usage of ~~120 IAC 2-1~~, **this rule**, which can be given effect without the invalid provision or usage, and to this end, the provisions of ~~120 IAC 2-1~~ **this rule** are declared to be severable.

(Indiana Department of Transportation; Rule 30; filed Nov 16, 1971, 9:45 a.m.: Rules and Regs. 1972, p. 146; filed Aug 2, 1985, 3:39 p.m.: 8 IR 1712; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: [20070627-IR-105070237RFA](#); readopted filed Oct 2, 2013, 11:39 a.m.: [20131030-IR-105130295RFA](#); filed Jul 24, 2019, 8:08 a.m.: [20190821-IR-105170337FRA](#)) NOTE: Transferred from Department of Highways ([120 IAC 2-1-30](#)) to Indiana Department of Transportation ([105 IAC 7-1-33](#)) by P.L.112-1989, SECTION 5, effective July 1, 1989.

SECTION 8. [105 IAC 7-2-2](#) IS AMENDED TO READ AS FOLLOWS:

[105 IAC 7-2-2](#) Documentation of approaches; corrective action required

Authority: [IC 9-21-19-2](#)

Affected: [IC 8-23-20](#)

Sec. 2. (a) The department shall control access along highways through inspection and by properly documenting planned and existing approaches for driveways and pedestrian walkways. Any construction, reconstruction, alteration, or modification to an approach by ~~person(s)~~ **a person or persons** other than the department shall be administered through ~~120 IAC 2~~ **Permits: this article**. Existing approaches, which may be in either a complete or incomplete condition and that have not been reviewed and authorized by the department, shall be considered unauthorized, undocumented, and subject to corrective action. Existing approaches, which were originally authorized by the department but which have become substandard for any reason, such as a change in land use that adversely affects traffic patterns, shall also be considered unauthorized, undocumented, and subject to corrective action.

(b) The permit process shall be the normal means of taking corrective action. The property ~~owner(s) and/or the person(s)~~ **owner or owners or the person or persons** responsible for an unauthorized approach shall make application for a written permit. All remedies available through the permit process shall be used to obtain full compliance of work on the approach.

(c) Under circumstances where the department is unable to obtain the cooperation of the property ~~owner(s) and/or the person(s)~~ **owner or owners or the person or persons** responsible for an unauthorized approach through the permit process, corrective action will be taken in accordance with procedures contained in ~~120 IAC 2-2~~ **this rule**.

(Indiana Department of Transportation; [105 IAC 7-2-2](#); filed Aug 2, 1985, 3:39 p.m.: 8 IR 1712; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: [20070627-IR-105070237RFA](#); readopted filed Oct 2, 2013, 11:39 a.m.: [20131030-IR-105130295RFA](#); filed Jul 24, 2019, 8:08 a.m.: [20190821-IR-105170337FRA](#)) NOTE: Transferred from Department of Highways ([120 IAC 2-2-2](#)) to Indiana Department of Transportation ([105 IAC 7-2-2](#)) by P.L.112-1989, SECTION 5, effective July 1, 1989.

SECTION 9. [105 IAC 7-2-4](#) IS AMENDED TO READ AS FOLLOWS:

[105 IAC 7-2-4](#) Procedures for corrective action

Authority: [IC 9-21-19-2](#)

Affected: [IC 8-23-20](#)

Sec. 4. Corrective action will normally be the construction, reconstruction, alteration, or modification of the approach to standards acceptable to the department, or the complete removal of the approach and restoration of the highway right-of-way. The decision concerning the choice of a remedy remains with the department. The following procedure will be used by the department to obtain a suitable corrective result:

(1) The department will contact the responsible ~~person(s)~~ **person or persons** for the unauthorized approach,

including the owner of real estate, and advise that they are to begin corrective action by preparing and submitting a permit application. The department shall state a specific date for receipt of the application, but in no case shall the time to submit the application be less than fifteen (15) calendar days from the date of contact. If an application is received within the specified time period, the department shall proceed to the requirements in [120 IAC 2-1-105 IAC 7-1](#).

(2) If the ~~person(s)~~ **person or persons** responsible for the unauthorized approach has not responded within the specified time and if the application for the permit was not received by the department, a notice shall be given to the ~~owner(s)~~ **owner or owners** of the real estate from which the unauthorized approach emanates by certified mail and shall be sent to the owner's last known address. A copy of the notice shall be sent to the ~~occupant~~ **occupant** of the real estate, and a copy of the notice shall be posted upon said real estate in a conspicuous place. The notice shall specify the time within which the ~~owner(s)~~ **owner or owners** of the real estate shall have completed corrective action for the unauthorized approach, but in no case shall the period of time specified be less than thirty (30) calendar days.

(3) If the owner of the real estate has not completed corrective action on the unauthorized approach within the time specified by the notice, the department may do whatever in its discretion is necessary to correct the situation or may cause the same to be done by other persons, parties, or corporations.

(4) The cost of the corrective action to the unauthorized approach as provided by subdivision (3) ~~in this section~~ will be borne by the owner of the real estate. After the department has completed the corrective action, it shall bill the owner of the real estate for the cost.

(Indiana Department of Transportation; [105 IAC 7-2-4](#); filed Aug 2, 1985, 3:39 p.m.: 8 IR 1713; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: [20070627-IR-105070237RFA](#); readopted filed Oct 2, 2013, 11:39 a.m.: [20131030-IR-105130295RFA](#); filed Jul 24, 2019, 8:08 a.m.: [20190821-IR-105170337FRA](#)) NOTE: Transferred from Department of Highways ([120 IAC 2-2-4](#)) to Indiana Department of Transportation ([105 IAC 7-2-4](#)) by P.L.112-1989, SECTION 5, effective July 1, 1989.

SECTION 10. [105 IAC 7-2-5](#) IS AMENDED TO READ AS FOLLOWS:

[105 IAC 7-2-5](#) Civil prosecution

Authority: [IC 9-21-19-2](#)

Affected: [IC 8-23-20](#)

Sec. 5. It shall be at the discretion of the department to pursue legal action against the person who fails to react **respond** to the requirements of [120 IAC 2-2-4](#) (1) and (2). **section 4(1) and 4(2) of this rule.**

(Indiana Department of Transportation; [105 IAC 7-2-5](#); filed Aug 2, 1985, 3:39 p.m.: 8 IR 1713; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: [20070627-IR-105070237RFA](#); readopted filed Oct 2, 2013, 11:39 a.m.: [20131030-IR-105130295RFA](#); filed Jul 24, 2019, 8:08 a.m.: [20190821-IR-105170337FRA](#)) NOTE: Transferred from Department of Highways ([120 IAC 2-2-5](#)) to Indiana Department of Transportation ([105 IAC 7-2-5](#)) by P.L.112-1989, SECTION 5, effective July 1, 1989.

SECTION 11. [105 IAC 7-2-6](#) IS AMENDED TO READ AS FOLLOWS:

[105 IAC 7-2-6](#) Waiver of corrective action

Authority: [IC 9-21-19-2](#)

Affected: [IC 8-23-20](#)

Sec. 6. Where unauthorized approaches extending over any highway right-of-way are in place on ~~the effective date of this regulation~~, **or after September 1, 1985**, it shall be the right of the department to exercise discretion in implementing the procedure stated in [120 IAC 2-2-4](#). **section 4 of this rule.**

(Indiana Department of Transportation; [105 IAC 7-2-6](#); filed Aug 2, 1985, 3:39 p.m.: 8 IR 1713; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: [20070627-IR-105070237RFA](#); readopted filed Oct 2, 2013, 11:39 a.m.: [20131030-IR-105130295RFA](#); filed Jul 24, 2019, 8:08 a.m.: [20190821-IR-105170337FRA](#)) NOTE: Transferred from Department of Highways ([120 IAC 2-2-6](#)) to Indiana Department of Transportation ([105 IAC 7-2-6](#)) by P.L.112-1989, SECTION 5, effective July 1, 1989.

SECTION 12. [105 IAC 7-4](#) IS ADDED TO READ AS FOLLOWS:

Rule 4. Signs

[105 IAC 7-4-1](#) Purpose of rule for signs

Authority: [IC 8-23-2-6](#); [IC 8-23-20-25](#)

Affected: [IC 8-23-20](#)

Sec. 1. This rule establishes that the department is authorized, pursuant to applicable federal law and state law, to institute and impose such requirements and restrictions as may be necessary to effectively control the erection, repair, and maintenance of signs that are visible from control routes in Indiana.

(Indiana Department of Transportation; [105 IAC 7-4-1](#); filed Jul 24, 2019, 8:08 a.m.: [20190821-IR-105170337FRA](#))

[105 IAC 7-4-2](#) Definitions

Authority: [IC 8-23-2-6](#); [IC 8-23-20-25](#)

Affected: [IC 8-23-1-14.3](#); [IC 8-23-1-20](#); [IC 8-23-1-38](#); [IC 8-23-2-1](#); [IC 8-23-20](#)

Sec. 2. The following definitions apply throughout this rule:

- (1) "Abandoned" means the cessation of use of a sign face on a nonconforming sign for a period of at least twelve (12) continuous months.
- (2) "Adjacent area" means any area that is:
 - (A) adjacent to and within six hundred sixty (660) feet of the nearest edge of the right-of-way of a control route; or
 - (B) beyond six hundred sixty (660) feet of the nearest edge of the right-of-way of a control route, if a sign would be:
 - (i) outside of an incorporated municipality;
 - (ii) visible from the main-traveled way of the control route; and
 - (iii) erected with the purpose of being read from such main-traveled way.
- (3) "Applicant" means a person or entity submitting an application to receive a permit for a sign.
- (4) "Back-to-back sign" means a sign with two (2) sign faces, attached on each side of the structure and facing opposite directions of travel at a single location.
- (5) "Changeable message sign" has the meaning set forth in [IC 8-23-1-14.3](#).
- (6) "Commissioner" means the commissioner of the department or the commissioner's designee.
- (7) "Comprehensive zoning plan" means a zoning plan or ordinance adopted by a local governmental entity in accordance with state law that covers the entire area under that entity's jurisdiction.
- (8) "Conforming sign" means a sign that meets all of the current criteria in 23 U.S.C. 131* as effective July 1, 2018, 23 CFR 750.708* as effective July 1, 2018, [IC 8-23-20](#), and this rule for erection of a new sign.
- (9) "Control route" means any road in Indiana that is:
 - (A) part of the interstate system;
 - (B) part of the federal-aid primary system as of June 1, 1991;
 - (C) a scenic byway; or
 - (D) part of the national highway system to include intermodal connectors.The list of control routes is set forth in section 9(a) of this rule.
- (10) "Customary maintenance or repair on a nonconforming sign" means any activity or maintenance of twenty-five percent (25%) or less of the nonconforming sign performed within twelve (12) months, for the purpose of the nonconforming sign remaining in its existing approved physical configuration and size dimensions at the specific location in the records of the department, but only if such activity is not intended to prolong the duration of the nonconforming sign's normal life.
- (11) "Damaged" means a nonconforming sign that, to be structurally restored to its existing approved physical configuration and size dimensions, requires substantial repair beyond customary maintenance or repair on a nonconforming sign, but which sign is not destroyed.
- (12) "Department" refers to the Indiana department of transportation established by [IC 8-23-2-1](#).
- (13) "Destroyed" means a nonconforming sign is physically damaged to the point that, to be structurally restored to its existing physical configuration and size dimensions, requires the following:
 - (A) In the case of wooden supports, replacement or structural repair using normal repair practices of fifty percent (50%) or more by item count of the supports during the repair period. Wooden supports

must be replaced with wooden supports.

(B) In the case of metal supports, repair or replacement under normal repair practices during the repair period of:

(i) fifty percent (50%) or more of the supports by item count; or

(ii) replacing thirty percent (30%) or more of the total length above ground of each broken, bent, or twisted support being repaired or replaced;

or both items (i) and (ii). Replacing a metal support with a larger or thicker metal support is prohibited.

(C) In the case of the face or structure, repair or replacement under normal repair practices during the repair period of fifty percent (50%) or more of the face or structure by area. The repaired sign must remain at the original location.

(14) "Directional and other official signs and notices" has the meaning set forth in [IC 8-23-1-20](#).

(15) "Discontinued" means the lack of advertising (other than obsolete or blank advertising, or advertising of the permittee or indicating that the sign is for rent) on a sign face of a nonconforming sign for a period of at least twelve (12) continuous months.

(16) "Electronic permitting system" means the electronic means for submitting and evaluating a permit application that is used by the department.

(17) "Federal-aid primary system as of June 1, 1991" has the meaning set forth in 23 CFR 658.5* as effective on July 1, 2018.

(18) "Historic Michigan Road Scenic Byway" means the designated state scenic byway consisting of the series of highways within Indiana that begins in Jefferson County at the Madison-Milton Street, West Street, and Michigan Road, proceeding left off West Street onto Michigan Road, then north through the S.R. 62 intersection to the U.S. 421 intersection and turn left (north) onto U.S. 421 and continue north to Ripley County. In Ripley County, there is a divergence of original Michigan Road route and early 1900s Michigan Road "auto trail" route - both part of the state designation. To follow the original route, at the intersection with Old Michigan Road turn left, straight through New Marion, straight through at U.S. 50, straight through at Dabney until route ends at County Road 850 N. and then turn right and then immediately left onto U.S. 421, proceeding until at Napoleon cross S.R. 229 continuing straight through. To follow the "auto trail" route, at S.R. 129 go straight through, then in Versailles at U.S. 50 turn left to stay on U.S. 421 and where U.S. 50 and U.S. 421 diverge, stay on U.S. 421, then at Osgood continue straight through and at Napoleon and S.R. 229 continue straight through until, in either case, reaching Decatur County. In Decatur County, turn left where road ends at S.R. 46, then in Greensburg at the courthouse square, turn right onto Franklin Street, then at North Street, turn left, then at Jackson Street turn right and then immediately make a slight left onto Michigan Street where U.S. 421 rejoins the route, then at S.R. 3 continue straight through, then U.S. 421 exits to follow I-74, stay on Michigan Street, then at St. Omer continue straight through, then at Middletown continue straight through until reaching Shelby County. In Shelby County, at E. County Road 425 S., slight right onto this original one-lane alignment of the road, then Old U.S. 421, slight left, then turn left when road ends at S.R. 44, then in Shelbyville at S.R. 9 turn right and drive around the Public Square, staying on S.R. 9, then at Michigan Road turn left and pass over I-74 and then turn left on Michigan Road, then turn left when road ends at London Road (County Road 700 West), and immediately left again onto I-74 West (I-74 was built on top of Michigan Road for a few miles starting here) until reaching Marion County. In Marion County, at Acton Road exit, follow it and turn left onto Acton Road, then at Southeastern Avenue, turn right, then at Wanamaker go straight through and then pass over I-465, then turn left when road ends to stay on Southeastern Avenue, then at Washington Street turn left and continue west past Meridian Street and at West Street turn right, then at Indiana Avenue, West Street becomes Dr. Martin Luther King, Jr. Street and continue through, then follow left-hand exit to stay on Dr. Martin Luther King, Jr. Street and at 38th Street it becomes Michigan Road, so continue on Michigan Road straight through, then at Augusta continue straight through, pass under I-465 and roadway becomes U.S. 421 until reaching Hamilton County. In Hamilton County, continue on U.S. 421 through Hamilton County for less than two (2) miles and then enter Boone County. In Boone County, at former S.R. 334 and 116th Street continue through on U.S. 421, then at S.R. 32 continue through on U.S. 421, then at S.R. 47 continue through on U.S. 421 until reaching Clinton County. In Clinton County, in Kirklin at S.R. 38 continue straight through on U.S. 421, then at S.R. 28 continue straight through, then at S.R. 29 continue north on S.R. 29, which follows Michigan Road alignment, then at Boyleston continue straight through, at Michigantown continue straight through, at Middlefork cross S.R. 26 and continue straight through on S.R. 29 until reaching Carroll County. In Carroll County, from Burlington at S.R. 22 continue straight through on S.R. 29, then in Wheeling at S.R. 18 continue straight through, then at Sycamore Row the original alignment is on the left of S.R. 29, so continue straight through on S.R. 29 at S.R. 218, then at Deer Creek continue straight through until reaching Cass County. In Cass County, S.R. 29 exits left and continue straight onto Burlington Avenue, then in

Logansport, Third Street at S.R. 25 (Market Street) turn right, then at Sixth Street turn left, then at Michigan Avenue (S.R. 25), immediately following bridge over Eel River turn right, then at Metea continue straight through on S.R. 25 until reaching Fulton County. In Fulton County, in Fulton at S.R. 114 continue straight through and pass under U.S. 31, then at S.R. 14 continue straight through on S.R. 25, then in Rochester, at courthouse, Main Street (Old U.S. 31) at Ninth Street, S.R. 25 turns right, then continue straight onto Main Street and continue north on Old U.S. 31 until reaching Marshall County. In Marshall County, at S.R. 110 continue straight through, then in Argos at S.R. 10 continue straight through until road ends at U.S. 31, then turn right onto U.S. 31, then at Michigan Road turn left off of U.S. 31, then at S.R. 17 continue straight through, then in Plymouth on Michigan Street at Jefferson Street continue straight through on Michigan Street (S.R. 17) and follow ramp onto U.S. 31 North, then at LaPaz continue straight through on U.S. 31 until reaching St. Joseph County. In St. Joseph County, at Quinn Trail (original road alignment) turn left off of U.S. 31, then continue until road ends at Magnus Drive and turn right and then immediately left onto U.S. 31, then in Lakeville continue straight through on U.S. 31, then at S.R. 4 continue straight through and U.S. 31 exits right under St. Joseph Valley Parkway (U.S. 31 and U.S. 20) so continue north into South Bend, then at S.R. 23 and S.R. 933 continue straight through, then at Western Avenue, where Michigan Street curves and becomes St. Joseph Avenue, turn left and immediately right back onto Michigan Street, then at Michigan Street and Washington Street continue straight through on Michigan Street, then at Colfax Avenue, turn right and then immediately left onto St. Joseph Street and then left again onto LaSalle Avenue, then bear right onto Lincolnway West, then at the roundabout follow it and stay on Lincolnway West, then at the second roundabout bear right onto S.R. 123 (Mayflower Road) which becomes Lincolnway West, then pass under the St. Joseph Valley Parkway and the roadway then becomes U.S. 20, then at New Carlisle continue straight through on U.S. 20 until reaching LaPorte County. In LaPorte County, at the fork follow Boot Jack Road on the right leaving U.S. 20 behind, then road ends at Wiley Road so turn right, then road ends at Michigan Street so turn left, then in Rolling Prairie continue straight through, then road ends at U.S. 20 so turn right onto U.S. 20, then pass over the Indiana Toll Road (I-80 and I-90), then at Wilhelm Road turn left and follow the original alignment, then at fork follow Springville Road on the right, then Springville Road ends at U.S. 20 so turn left onto U.S. 20, then U.S. 35 enters from the left, so continue straight through on U.S. 20 and pass under I-94, then U.S. 20 exits at S.R. 212, so pass under and continue on Michigan Boulevard (former U.S. 35) into Michigan City, then at U.S. 12 turn left onto U.S. 12, until the end of Historic Michigan Road at Fourth Street and Willard Avenue.

(19) "Historic National Road" means the designated national scenic byway consisting of the series of highways within Indiana that begins at the Indiana-Ohio border on U.S. 40 and continuing to the Indiana-Illinois border. Within Indianapolis, the Historic National Road is called Washington Street.

(20) "Illegal sign" means a sign that was erected, repaired, or maintained in violation of any provision of federal law or any provision of state law. A sign that is an illegal sign because of erection, repair, or maintenance shall not be classified as a nonconforming sign.

(21) "Indiana's Historic Pathways" means the designated national scenic byway consisting of the series of highways within Indiana that begins at the Indiana-Illinois border on U.S. 50/U.S. 150, proceeding east through Shoals and continuing northeast on U.S. 50 through Lawrenceburg to the Indiana-Ohio border. This term also refers to the series of highways within Indiana that begins at the U.S. 50/U.S. 150 at Shoals, proceeding southeast on U.S. 150 into New Albany, then proceeding east on local roads to the Falls of the Ohio State Park in Clarksville, Indiana.

(22) "Interchange" means a junction of two (2) or more roads that allows for the movement of traffic between such roads, typically by means of one (1) or more entrance or exit ramps.

(23) "Interstate system" has the meaning set forth in 23 CFR 750.101(a)(1)* as effective on July 1, 2018.

(24) "Lincoln Highway Scenic Byway" means the designated state scenic byway consisting of the series of highways within Indiana that includes the original 1913 route, as well as the alternate 1924 and 1928 route, and that begins, for the 1913 route, in Allen County from the Indiana/Ohio state line and then west on U.S. 30, then exit north onto Lincoln Highway East (east of Simmer Road), then reconnect with U.S. 30 West, just west of Girard Road, then U.S. 30 becomes S.R. 930 beyond I-469/U.S. 24/U.S. 30, then north (right) on Green Street, then west (left) on Lincoln Highway East in New Haven, which becomes Lincoln Highway West/S.R. 930 and then becomes East Washington Boulevard, then north (right) on Harrison Street. At this intersection the 1928 route continues west on Washington Boulevard, right on Van Buren Street, right on Sherman Boulevard, left on Goshen Avenue (original route), then west (left) on Putnam, then north (right) on North Wells Street, then west (left) on West State Boulevard, then right on Goshen Avenue/Road/U.S. 33 to the intersection of Goshen Road/U.S. 33 and West Washington Center Road is 1928 Alignment until reaching Whitley County. In Whitley County, continue northwest on U.S. 33 (Note: Pony truss bridge east side of road (north of Chase Road), and old road alignment north of Churubusco, at E. 600 N. partially abandoned)

until reaching Noble County. In Noble County, continue northwest on U.S. 33/Lincolnway South (Merriam), then right on County Road S. 50 W., then left on South Oak Street and reconnect with U.S. 33/Lincolnway South (Wolf Lake), then right on North Clark Street/North 650 W. (Kimmel), then reconnect with U.S. 33/Lincolnway South, then U.S. 33 joins with S.R. 5, then north (right) on Old U.S. 33 (original brick section/old road alignment) until reconnect with U.S. 33/S.R. 5/Lincolnway South, then continue north on S.R. 5/Lincolnway South (Note: Abandoned alignment at S.R. 5/U.S. 33 at Stone's Trace), then continue north on S.R. 5/U.S. 33, leaving U.S. 33 north of U.S. 6 (Ligonier), then S.R. 5/Lincolnway South becomes South Cavin Street, then left on Lincolnway West until reaching Elkhart County. In Elkhart County, Lincolnway West becomes County Road 50 at the Elkhart County Line, then west to the intersection of County Road 50/S.R. 13, then west to S.R. 13/U.S. 33, then right (north) on U.S. 33, then right on Old U.S. 33 (old road alignment), then left on County Road 148 (old road alignment), then right on U.S. 33 (Benton and Goshen), then U.S. 33 becomes Lincolnway East, then U.S. 33/Lincolnway East becomes East Madison Street, then west (right) on U.S. 33/S.R. 15, then left on U.S. 33/West at Pike Street. For the Alternate Route, turn right on 1st Street, then left on River Avenue, then left on Indiana Avenue, then right on Chicago Avenue to connect with U.S. 33, then right on Beaver Lane, then left on Wilden Avenue, then left on County Road 28 (Kundred Road), then right on U.S. 33/Elkhart Road (Dunlap and Elkhart), then U.S. 33 becomes South Main Street, then left on East Indiana Avenue. For the Alternate 1924 Route, continue on South Main Street, then left on Jackson Boulevard, then left on Vistula Street, then right on Franklin Street, then north on 26111 Street, then left on LaRue Street to reconnect with Old U.S. 33/Lincolnway East, then right at St. Joseph county line, it becomes S.R. 933. In St. Joseph County, continue west on S.R. 933/Lincolnway (Osceola), then continue on S.R. 933/Lincolnway East/West (Mishawaka and South Bend), then S.R. 933/Lincolnway becomes East Monroe Street, then right on S.R. 933 northbound (Michigan Street becomes St. Joseph Street), then left on West LaSalle Avenue, then right on Lincolnway West, then continue through roundabout (becomes Lynn Street), then right on Mayflower on roundabout, then left on Lincolnway West/U.S. 20 (New Carlisle) until reaching LaPorte County. In LaPorte County, continue west on U.S. 20, then right on East Oak Knoll Road (Note: Old road alignments abandoned) (Rolling Prairie), then left on County Road N. 450 E., then right on S.R. 2, then S.R. 2 becomes East Lincolnway (LaPorte), then East Lincolnway/S.R. 2 combines with S.R. 39 Northbound, then left on Colfax Avenue, then right on Eggebrecht Road, then right on 4th Street, then left on S.R. 39/S.R. 2, then S.R. 39 departs, so continue west/south on S.R. 2 (Pinhook), then S.R. 2 combines with U.S. 421, then left (south) (Westville), then continue south on U.S. 421 (S.R. 2 departs), becomes N. Flynn Road, then right on West Main Street, then left on S.R. 2, then right on Coulter Road, then left on Old S.R. 2 (original alignment) to reconnect with S.R. 2, then right on Old S.R. 2 (original alignment) until reaching Porter County. In Porter County, continue on Old S.R. 2, then south, crossing S.R. 2, then continue on Old S.R. 2 until reconnecting with S.R. 2, then left on Old S.R. 2 to reconnect with S.R. 2 (which becomes LaPorte Avenue) (Valparaiso), then north on Garfield Avenue, then left on Lincolnway/S.R. 2/S.R. 130. The original (1913) and 1928 routes rejoin at this intersection, then continue west on S.R. 130, then left on Joliet Road, then right on U.S. 30 (westbound), then right on Joliet Road until reaching Lake County. In Lake County, Joliet Road becomes Old Lincoln Highway/E. 73rd Avenue (Deep River and Merrillville), then becomes W. Old Lincoln Highway/E. Highway 330 at Burr Street, then Lincoln Highway becomes East Joliet Street at Edison Street (Schererville), then right on U.S. 30/Joliet Street/W. Lincoln Highway (Note: Interrupted section of highway (Old Lincoln Highway) south of U.S. 30), then left on U.S. 41, then right on Old Lincoln Highway, then reconnect with U.S. 30/Joliet Street/W. Lincoln Highway, then turn left (Dyer) and finish at the Indiana/Illinois state line. For the 1928 route, in Allen County, begin at the intersection of U.S. 33/Goshen Road (original 1913 route) and West Washington Center Road (1928 route), then continue west on West Washington Center Road, then right on Lake Center Road/East Lincolnway until reaching Whitley County. In Whitley County, Lake Center Road becomes East Lincolnway (Note: Old Road alignment through Coesse Corners), then left on East Business 30 (Columbia City), then right on East Business 30, which combines with Chicago Street, then right on S.R. 205/S.R. 9, then left on Business 30/Van Buren Street, then right on North Walnut Street, then left on Jolly Street, which becomes Park Street, then right on North Lincolnway, then left on Schuman Road, then right on Lincolnway Road until reaching Kosciusko County. In Kosciusko County, Lincolnway Road becomes West Lincolnway/Old Road 30 (Warsaw), then right on East Kosciusko Drive, then left on East Center Street, then right on North Lake Street, which becomes W. Old Road 30 and then becomes East Main Street (Atwood), then W. Old Road 30 becomes East State Street/West State Street/Lincoln Highway (Etna Green) until reaching Marshall County. In Marshall County, Old U.S. Highway 30 becomes E. Lincoln Highway and then becomes Old U.S. Highway 30 East/becomes E. Center Street/W. Center Street (Bourbon), then right on Lincoln Highway (Inwood) and continue on Lincoln Highway/Plymouth Street (Plymouth) and Lincolnway East becomes Jefferson Street, then left until W. Jefferson Street becomes West Lincoln

Highway, then left to remain on Lincoln Highway (before U.S. 30) becomes Lincoln Highway/Old U.S. Highway 30 (Donaldson), then left on U.S. 30 until reaching Starke County. In Starke County, continue west on U.S. 30 (Grovertown) (Note: old road alignments on north side of U.S. 30, interrupted), then left at Old U.S. Hwy 30/Frontage Road, then Old U.S. 30 becomes Plymouth Street (Hamlet), then Old U.S. Highway 30 reconnects with U.S. 30, left/west until reaching LaPorte County. In LaPorte County, continue on U.S. 30, then west (left) on U.S. 30 Alternate Route (Hanna), then right on County Road S. 700 W., then left on U.S. 30 (Wanatah) until reaching Porter County. In Porter County, continue on U.S. 30, then west (left) on Comeford Road, then right on County Road 150 (Valparaiso), then County Road 150 becomes S.R. 2/S.R. 130 and S.R. 2/S.R. 130 becomes East Lincolnway. At the intersection of Lincolnway and Garfield Avenue, the 1928 and original (1913) routes join.

(25) "Main-traveled way" means the traveled way of the highway on which through traffic is carried. For a divided highway, the traveled way of each of the separate roads for traffic in opposite directions is a main-traveled way. This term does not include frontage roads, turning roadways, parking areas, or shoulders.

(26) "National highway system" has the meaning set forth in 23 CFR 470.107(b)* as effective on July 1, 2018.

(27) "Nonconforming sign" means a sign that was lawfully erected, but does not comply with the provisions of federal law or state law adopted at a later date, or which later does not comply with federal law or state law due to changed conditions.

(28) "Obsolete" means a sign face of a nonconforming sign for a period of twelve (12) continuous months:

(A) that does not contain advertising matter;

(B) that contains an available for lease or similar message that concerns the availability of the sign itself; or

(C) that is in need of substantial repair.

(29) "Ohio River Scenic Byway" means the designated national scenic byway consisting of the series of highways within Indiana that begins at the Indiana-Ohio border, then U.S. 50 west to Oberting Road, then follow Oberting Road to Greendale, then turn left onto Ridge Avenue, which becomes Main Street in Lawrenceburg, then turn right on U.S. 50 to Aurora, then turn left on George Street, then left on Second Street, then south on S.R. 56 to S.R. 156, then southwest on S.R. 156 to S.R. 56, then west on S.R. 56 to S.R. 62, west on S.R. 62 to Allison Lane in Jeffersonville, then right onto Market Street, then left on Walnut Street, then right on Riverside Drive, then right on Sherwood, then left on South Clark Boulevard, then right on Harrison Avenue, then left on Randolph Avenue, then west on S.R. 62 (Spring Street in New Albany), then follow S.R. 62 and turn left onto Vincennes Street, then right onto Main Street in New Albany, which turns into the Corydon Pike, then when the Corydon Pike dead-ends at S.R. 62, turn left and follow S.R. 62 west to Sulphur, then turn west on S.R. 66, follow S.R. 66 west to S.R. 662 in Newburgh, take S.R. 662 west to I-69 west, which turns into Veterans Memorial Parkway and then Riverside Drive in Evansville, then turn left (west) on S.R. 62 (Lloyd Expressway) in Evansville and proceed west through Mt. Vernon to the Indiana-Illinois border.

(30) "Permittee" means the applicant or any subsequent transferee that is listed in the department's records as being the owner of the permit to erect and maintain a specific sign.

(31) "Property owner" means, as the context requires, the fee simple owner of the real estate upon which the sign is or would be located, or the lessee or other person with an appropriate real property interest (such as an easement) who is in control of the possession and use of such real estate. For purposes of this rule, the property owner is the person with a real estate ownership interest sufficient to validly contract with the permittee for the erection or maintenance of a particular sign on that real estate.

(32) "Reerect" means the erection or rebuilding of any sign in a vertical position subsequent to its initial erection.

(33) "Repair date" means the earliest of:

(A) the date on which a weather-related occurrence or other specific action caused the nonconforming sign to become damaged or destroyed;

(B) the date on which the permittee submitted the modification request to the department under section 13(5) of this rule for an addendum to allow the activities for the sign that might exceed customary maintenance or repair on a nonconforming sign; or

(C) the date on which the department sent the written notice to the permittee that the sign appears to be damaged or destroyed.

(34) "Repair period" means the twenty-four (24) month period immediately preceding the repair date.

(35) "Scenic byway" means any highway that has been nominated and designated in accordance with the state of Indiana's procedures as a scenic byway as referred to in 23 U.S.C. 131(s)*, effective July 1, 2018.

- (36) "Side-by-side sign" means two (2) sign faces on the same supporting structure and facing one (1) direction. A single pipe, beam, conduit, or pole between two (2) adjacent sign faces is not considered a supporting structure.
- (37) "Sign" has the meaning set forth in [IC 8-23-1-38](#), and also includes a changeable message sign. This term does not include directional and other official signs and notices.
- (38) "Sign face" means the portion of the total surface area of the sign that contains an advertising message viewable by the motoring public, and which portion shall not exceed an area of one thousand (1,000) square feet, regardless of the type of sign. A sign face for a changeable message sign may display only one (1) advertisement at any one (1) time, but a sign face for any other sign may display up to two (2) advertisements at any one (1) time.
- (39) "Sign type" means back-to-back sign, changeable message sign, side-by-side sign, single face sign, stacked sign, or V-shaped sign, as the context requires.
- (40) "Single face sign" means a sign with one (1) sign face, facing one (1) direction of travel at a single location.
- (41) "Spot zoning" means:
- (A) the process of singling out a parcel of land or portion thereof through a rezoning of the parcel of land or portion thereof from a noncommercial or nonindustrial zoning classification for the express reason of making the use different from, and less restrictive than, the actual use of parcels in the surrounding area;
 - (B) the parcel of land or portion thereof was created solely for the erection and permitting of a sign;
 - (C) the use of the parcel of land or portion thereof is not part of the plans for a commercial and industrial development, as found in the comprehensive zoning plan, including any amendments or variances approved by the local unit of government; or
 - (D) the parcel of land or portion thereof is not appropriate for commerce, industry, or trade to take place.
- (42) "Stacked sign" means two (2) or more sign faces stacked above and below each other on the same supporting structure and facing one (1) direction of travel, or two (2) or more sign faces on two (2) structures side-by-side or otherwise immediately adjacent to one another facing one (1) direction of travel at a single location.
- (43) "Strip zoning" means:
- (A) the process of singling out a narrow strip of land no more than five hundred (500) feet wide, measured perpendicular to the right-of-way, consisting of either a single parcel or contiguous parcels, through a rezoning of the parcel of land or portion thereof from a noncommercial or nonindustrial zoning classification for the express reason for making use different from, and less restrictive than, the actual use of parcels in the surrounding area;
 - (B) the parcel of land or portion thereof was created solely for the erection and permitting of a sign;
 - (C) the use of the parcel of land or portion thereof is not part of the plans for commercial and industrial development, as found in the comprehensive zoning plan, including any amendments or variances approved by the local unit of government; or
 - (D) the parcel of land or portion thereof is not appropriate for commerce, industry, or trade to take place.
- (44) "Visible" means capable of being seen (whether or not legibly) without visual aid by a person of normal visual acuity.
- (45) "V-shaped sign" means a sign with a single structure having two (2) sign faces in the shape of the letter "V" when viewed from above, with the sign faces oriented in different directions.
- (46) "Wabash River Scenic Byway" means the designated state scenic byway consisting of the series of highways within Indiana that begins, for Section 1, at Ross Hills County Park and traveling north on Tippecanoe C.R. 875 West to the intersection with Division Road and then proceeding east to South River Road and following South River Road to its intersection with State Street. For Section 2, begin at the intersection of South River Road at State Street and proceeding on North River Road (former S.R. 43) to the interchange with I-65 and S.R. 43 North where it will terminate.
- (47) "Whitewater Canal Scenic Byway" means the designated state scenic byway consisting of the series of highways within Indiana that begins in Wayne County on S.R. 38 at the stone monument in Hagerstown and proceeding east on S.R. 38 to S.R. 1 before continuing south on S.R. 1 to Delaware Street in Cambridge City, then traveling west Delaware Street to Green Street before turning south on Green Street to meet U.S. 40, then east on U.S. 40 in Cambridge City to the intersection with Boyd Road before proceeding south on Boyd Road to meet S.R. 1 between Cambridge City and Milton, then south on S.R. 1 through Milton and Connersville in Fayette County to Western Avenue, then proceeding south on Western Avenue to meet S.R. 121 at the south edge of Connersville, then south on S.R. 121 through Nulltown and Alpine before entering Franklin County, then south through Laurel and continuing south to the intersection of S.R. 121 and U.S. 52 west of Metamora, then east on U.S.

52 from the intersection with S.R. 121 and proceeding southeast through Brookville passing S.R. 252 and proceeding southeast on U.S. 52 through Cedar Grove and New Trenton to meet I-74 before proceeding onto Old U.S. 52 to the Indiana-Ohio state line. In addition, from the Indiana-Ohio state line on U.S. 50 entering Dearborn County and traveling on U.S. 50 and a small section of S.R. 1 through Greendale and on U.S. 50 to Lawrenceburg and ending at Walnut Street in Lawrenceburg.

(48) "Whitewater Canal Scenic Byway Loop Routes" means the state national scenic byway consisting of the series of highways within Indiana that are three (3) loops added to the designated Whitewater Canal Scenic Byway, and begins for Loop One (East Fork Loop) at the intersection of U.S. 40 and S.R. 1 and continues east of U.S. 40 to Richmond, Indiana and the intersection of U.S. 40 and U.S. 27, then Loop One continues south on U.S. 27 to Liberty, Indiana and the intersection of U.S. 27 and S.R. 101, then south of S.R. 101 to Brookville and to U.S. 52 where Loop One ends. Loop Two (Oldenburg - Batesville Loop) begins near the west edge of Metamora, at the intersection of U.S. 52 and S.R. 229 and then travels south on S.R. 229 to Batesville and the intersection with S.R. 46, then east on S.R. 46 to St. Leon and the intersection of S.R. 1, then north on S.R. 1 to U.S. 52 where Loop Two ends. Loop Three (Dearborn - Ripley Loop) begins in Lawrenceburg at the intersection of U.S. 50 and Walnut Street, then southwest on U.S. 50 to Aurora and the intersection of U.S. 50 and S.R. 350, then west on S.R. 350 to Milan and the intersection with S.R. 101, then north on S.R. 101 to Sunman and the intersection of S.R. 101 and Eastern Avenue/East County Road 1100 North, then east on Eastern Avenue to County Line Road, then south on County Line Road to North Dearborn Road, then east on North Dearborn Road to Dover and the intersection with S.R. 1, then travels south on S.R. 1 to Lawrenceburg at U.S. 50 where Loop Three ends.

*These documents are incorporated by reference and refer to the laws or regulations, or both, effective as of July 1, 2018. Copies may be obtained from the Government Publishing Office, www.govinfo.gov, or are available for review at the Indiana Department of Transportation, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Seventh Floor, Indianapolis, Indiana 46204.

(Indiana Department of Transportation; [105 IAC 7-4-2](#); filed Jul 24, 2019, 8:08 a.m.: [20190821-IR-105170337FRA](#))

[105 IAC 7-4-3](#) Content of applications; incomplete applications; approval or denial of permits; effect of false or misleading information or repeated violation of permit terms

Authority: [IC 8-23-2-6](#); [IC 8-23-20-25](#)

Affected: [IC 4-21.5](#); [IC 8-23-20](#)

Sec. 3. (a) A separate application for a permit shall be made for each sign on a form furnished by the department or through the electronic permitting system. The application must be verified and include, at a minimum, the following information:

- (1) The complete name and address of the applicant.
- (2) The original signature of the applicant, unless the applicant is using the electronic permitting system.
- (3) The proposed location of the sign.
- (4) The complete legal name and address of the property owner, as well as an accurate and complete description of the specific property interest held by the property owner in that real estate (for example, fee simple, lessee, or easement holder).
- (5) A statement of whether the sign is located within an incorporated municipality or within the municipality's extraterritorial jurisdiction.
- (6) The original signature of the property owner or its authorized representative on the accompanying affidavit in form and substance satisfactory to the department, demonstrating a consent to:
 - (A) the erection of the sign; and
 - (B) the right of entry from time to time by employees or authorized agents of the department on the real estate where the sign is located for purposes of inspection or removal of the sign; and in lieu of the affidavit signed by the property owner contemplated by this subdivision, the applicant may execute and submit an affidavit in form and substance satisfactory to the department, representing to the department:
 - (i) that the applicant made a reasonable request to obtain the executed affidavit from the property owner, but the applicant's request was refused;
 - (ii) that the applicant has the legal right to erect the sign, based upon its contractual documentation with the property owner;

(iii) that the applicant notified the property owner of the right of entry from time to time by employees or authorized agents of the department on the real estate where the sign is located for purposes of inspection or removal of the sign; and

(iv) the correct name, mailing address, and electronic mail address of the property owner.

Upon receipt of the affidavit executed by the applicant under this subdivision, the department may require the applicant to provide additional information or documentation verifying the representations therein.

(7) A letter or other document signed by an authorized representative of the local governmental entity that provides the current zoning applicable to the sign's location. In lieu of the letter or other document from the local governmental entity contemplated by this subdivision, the applicant may execute and submit an affidavit in form and substance satisfactory to the department, representing to the department that:

(A) the applicant made a reasonable request to obtain the executed letter or other document on behalf of the local governmental entity, but the applicant's request was refused; and

(B) the applicant has verified that the zoning is appropriate for the erection of the sign, and is also representing to the department what the current zoning classification is for the real estate upon which the sign would be located.

Upon receipt of a letter or other document signed by an authorized representative of the local governmental entity or the affidavit executed by the applicant under this subdivision, the department may require the applicant to provide additional information or documentation verifying the information or representations therein.

(8) Information that details how and the specific location on such real estate at which the sign will be erected and maintained.

(9) Any other information or documentation reasonably related to the application that is required by the department. The application shall be completed accurately by the applicant, or by a representative duly authorized in writing to act for the applicant, and shall also describe and set forth the size, shape, and the nature of the proposed sign.

(b) An incomplete application will not be considered by the department, but minor deficiencies may be cured promptly after the department requires the applicant to provide additional information or documentation. Otherwise, all documents included with an incomplete application shall be returned to the applicant (but not sooner than fifteen (15) days after the date upon which it was submitted) without being processed, along with a written explanation of the reason for its return, and the application fee shall be returned by the department. The return of an incomplete application and any accompanying materials without processing in accordance with this rule is not a final administrative action subject to appeal. If an application is withdrawn or returned for any reason, and the applicant chooses to resubmit the application, the subsequently filed application shall be processed as a new application as of the date it is received by the department with a new application number and it shall be subject to the payment of another application fee.

(c) The department shall review each application on the basis of its qualifications as of the date received by the department. For example, any qualifying commercial or industrial activity and appropriate zoning that is required for approval must exist on the date the application is received. If the permit is approved by the department, written notice of this fact and the permit tag shall be sent to the applicant. Any denial of a permit by the department shall be in writing, accompanied by an explanation of the rationale for the denial, and shall be sent to the applicant by U.S. certified mail. If the permit is denied, the applicant may appeal this denial by delivering a written notice of the appeal to the department in accordance with the applicable time period set forth in [IC 4-21.5](#) and in compliance with the requirements of section 12(c) of this rule. After an appeal is delivered, the applicant shall be afforded the opportunity for a hearing under [IC 4-21.5](#) and [IC 8-23-20](#).

(d) The permittee or its authorized representative shall have the right to change the advertising copy on the sign for which the permit was issued without payment of any additional fee to the department and no approval by the department is required for any such change.

(e) The department shall have authority, thirty (30) days after notice in writing to the permittee, to revoke any permit issued under this rule where the application for the permit contains false or misleading information or where the permittee has violated any provision of this rule.

(f) The department may subsequently refuse to issue any sign permits to an applicant for a period not to exceed two (2) years from the date of its decision, if:

- (1) the applicant or any owner, shareholder, officer, representative, or employee thereof intentionally provided false or misleading information on a permit application or modification request for an addendum within the previous two (2) years; or
- (2) there are repeated substantive violations by the permittee of the general provisions and special provisions that are attached to the permits held by the permittee.

Before taking any action under this subsection, the department will afford the applicant or permittee an opportunity to meet and explain why this particular information had been provided to the department or to explain the circumstances that resulted in the repeated violation of these provisions.

(g) The issuance of the permit shall in no way imply the department's approval of, or be intended to influence any action pending before a local board, commission, or agency.

(h) All modification requests for an addendum to an existing permit for a sign shall comply with section 13(5) or 14(a) of this rule.

(Indiana Department of Transportation; [105 IAC 7-4-3](#); filed Jul 24, 2019, 8:08 a.m.: [20190821-IR-105170337FRA](#))

[105 IAC 7-4-4](#) Documentation evidencing consent of property owner; transfer of ownership of the sign

Authority: [IC 8-23-2-6](#); [IC 8-23-20-25](#)

Affected: [IC 8-23-20](#)

Sec. 4. (a) It is unlawful for any sign to be erected without the lawful permission or consent of the property owner. Any sign so erected is an illegal sign and any permit for such sign shall be revoked by the department.

(b) The applicant for any sign permit shall provide to the department written evidence, in affidavit form and in substance similar to section 3(a)(6) of this rule or otherwise reasonably satisfactory to the department, that the property owner has consented to the erection of the sign at that location. Failure of the applicant to do so will result in the department denying that application.

(c) In the event the sign or the permit for the sign is sold by the permittee, the permittee or transferee shall complete and submit to the department information about the transfer and the transferee on a form prescribed by the department. This form shall be accompanied by a transfer fee in the amount of forty dollars (\$40) and is due within one hundred eighty (180) days of the effective date of the transfer. Except as provided in this subsection:

- (1) transfers of ownership of a sign that have occurred and for which equivalent information about the transfer and the transferee have been provided to the department's reasonable satisfaction prior to the adoption date of this subsection shall not require the submission of a transfer form or the payment of a transfer fee; and
- (2) transfers of ownership of a sign that have occurred prior to the adoption date of this subsection, but for which equivalent information about the transfer and the transferee have not been provided to the department's reasonable satisfaction, shall submit a transfer form within one (1) year of the adoption date of this subsection and pay a transfer fee in the amount of forty dollars (\$40). If any transfer form and transfer fee required by this subdivision is not timely received by the department, then the permittee and the transferee shall jointly and severally owe the department a late fee of one hundred dollars (\$100) per month from the due date of such form and fee until they are both received by the department, but subject to a maximum late fee of four hundred dollars (\$400) for any particular sign. Failure of the permittee or the transferee to submit this transfer form and to pay this transfer fee in a timely manner shall be a sufficient ground for the department to revoke any permit for that sign, but the permittee or the transferee may prevent this revocation by submitting the completed transfer form and paying the transfer fee and all late fees within thirty (30) days of the date of the department's revocation notice.

(Indiana Department of Transportation; [105 IAC 7-4-4](#); filed Jul 24, 2019, 8:08 a.m.: [20190821-IR-105170337FRA](#))

105 IAC 7-4-5 Changeable message signs

Authority: [IC 8-23-2-6](#); [IC 9-21-19-2](#)

Affected: [IC 8-23-20-25](#); [IC 8-23-20-25.5](#)

Sec. 5. (a) Only a conforming sign may be modified to a changeable message sign. A nonconforming sign may not be modified to a changeable message sign under any circumstances.

(b) A changeable message sign shall be constructed and used only as one (1) of the following:

- (1) A single face sign.
- (2) A V-shaped sign.
- (3) A back-to-back sign.

A stacked sign or a side-by-side sign is not allowed as a changeable message sign.

(c) The permittee shall provide the department with up to two (2) contact persons and phone numbers for every changeable message sign. The contact persons must have the ability and authority to make modifications to the display and lighting levels upon request by the department. The department may direct the permittee to disable the changeable message sign:

- (1) in cases of emergency; or
- (2) when the contact persons do not respond to a department request relating to a malfunction within forty-eight (48) hours.

(d) If the department determines that the changeable message sign:

- (1) impairs the vision of the driver of any motor vehicle; or
- (2) otherwise interferes with the operation of a motor vehicle;

then upon request from the department, the permittee shall take appropriate corrective action to fix the problem or cause the sign to be frozen in a dark or blank position within twelve (12) hours. Failure to take such appropriate corrective action within forty-eight (48) hours after a department request to do so may result in revocation of the permit for this sign.

(e) Changeable message signs must possess and utilize a light sensing device with automatic dimming capabilities to adjust the brightness of the sign, so that the maximum luminescence level is not more than three-tenths (0.3) foot candles over ambient light measured at a distance of:

- (1) one hundred fifty (150) feet for those sign faces less than or equal to three hundred (300) square feet;
- (2) two hundred (200) feet for those sign faces greater than three hundred (300) square feet, but less than or equal to three hundred seventy-eight (378) square feet;
- (3) two hundred fifty (250) feet for those sign faces greater than three hundred seventy-eight (378) square feet, and less than six hundred seventy-two (672) square feet; or
- (4) three hundred fifty (350) feet for those sign faces equal to or greater than six hundred seventy-two (672) square feet, but sign face area cannot exceed one thousand (1,000) square feet.

In addition to the requirements in subdivisions (1) through (4), signs under this subsection shall be configured to default to a static display or freeze the sign in a dark or blank position in the event of a malfunction.

(f) A changeable message sign shall be operated with systems and monitoring in place to either turn the display off or show a full black image in the event of a malfunction.

(g) No changeable message sign shall be located within three hundred (300) feet of any building used primarily as a residence, unless the owner of the building consents in writing to the location of the changeable message sign.

(Indiana Department of Transportation; [105 IAC 7-4-5](#); filed Jul 24, 2019, 8:08 a.m.: [20190821-IR-105170337FRA](#))

105 IAC 7-4-6 Permit required before erection of sign; time to erect; multiple conflicting applications

Authority: [IC 8-23-2-6](#); [IC 8-23-20-25](#)

Sec. 6. (a) A person or entity shall have an existing permit from the department for the sign before erecting, repairing, or maintaining the sign. Any sign erected, repaired, or maintained without an existing permit from the department for that sign is an illegal sign. The department may deny any application for a permit for a sign that is submitted after erection of the sign had been started or completed. The department may send the applicant a separate written notice requiring the removal of any such sign within thirty (30) days after the date of such notice.

(b) The erection of the proposed sign must be completed within three hundred sixty-five (365) days of the date of issuance of the permit, or the permit shall be revoked and the uncompleted sign shall be removed at the permittee's sole expense. No extension of time shall be granted by the department.

(c) For any sign constructed and registered on or before December 31, 1993, the department shall make a determination of the registered sign's eligibility for a permit as of the date the registration form was submitted to the department. If the department determines the registered sign is eligible for a permit, the department shall issue a legal nonconforming permit or a legal conforming permit based upon the information in the registration form. If the determination for a legal nonconforming permit is made and the sign owner has documentation to demonstrate a legal conforming permit should be issued, the sign owner shall have ninety (90) days from the date of the eligibility determination to provide documentation to the department. If the documentation submitted to the department is found to be inadequate to support a legal conforming permit, the legal nonconforming permit determination shall be final. If the department determines the registered sign is not eligible for a permit, then the registered sign is a public nuisance and is subject to removal.

(d) When multiple permit applications are received for proposed signs at the same site or at sites that, if both permits were granted, would conflict with the spacing criteria in this rule, priority shall be given in the order the applications were received by the department. If an application is returned to an applicant because it is not complete or has incorrect information, the application loses its priority position. The department will hold an application, without taking any further action on it, if it is for the same site as, or for a conflicting site with that of an application that the department previously received and that has not been denied. The department's hold will continue until the department makes a final decision on the previously received application and all appeals relating thereto have been concluded, or until the department returns the previously received application to its applicant. The department will notify the subsequent applicant in writing or through the electronic permitting system that the subsequent application is being held because an application for the same site or for a conflicting site was previously received.

(e) Whenever a spacing or other conflict exists, an application for a proposed sign and an existing sign constructed on or before December 31, 1993, which was timely registered under state law, but for which a valid permit has not been issued, the department shall make a determination of the registered sign's eligibility for a permit. If the department determines that the registered sign is eligible for a permit, the department shall issue a permit for the registered sign and deny the application for the proposed sign. If the department determines that the registered sign is not eligible for a permit, then the registered sign is a public nuisance and subject to removal, and the department shall consider the application for the proposed sign.

(Indiana Department of Transportation; [105 IAC 7-4-6](#); filed Jul 24, 2019, 8:08 a.m.: [20190821-IR-105170337FRA](#))

[105 IAC 7-4-7](#) Application and fee

Authority: [IC 8-23-2-6](#); [IC 8-23-20-25](#)

Affected: [IC 8-23-20-25](#)

Sec. 7. (a) Each application for a permit shall be accompanied by an application fee of one hundred dollars (\$100). If the application is approved, the applicant will be notified by U.S. mail, electronic mail, or through the electronic permitting system. If the application is denied, the applicant will be notified by U.S. certified mail. No refund of the application fee will be made after an application for a permit has been

received by the department.

(b) Each modification request for an addendum to the permit that is submitted under section 13(5) or 14(a) of this rule shall be accompanied by an addendum fee of one hundred dollars (\$100). If the addendum is approved, the applicant will be notified by U.S. mail, electronic mail, or through the electronic permitting system. If the modification request is denied, the applicant will be notified by electronic mail or U.S. certified mail. No refund of any portion of the addendum fee will be made after a modification request for an addendum has been received by the department.

(Indiana Department of Transportation; [105 IAC 7-4-7](#); filed Jul 24, 2019, 8:08 a.m.: [20190821-IR-105170337FRA](#))

[105 IAC 7-4-8](#) Permit identification number for signs; fastening to signs

Authority: [IC 8-23-2-6](#); [IC 8-23-20-25](#)

Affected: [IC 8-23-20](#)

Sec. 8. (a) Each permit issued by the department shall be assigned a separate identification number, and it shall be the duty of each permittee to fasten to each sign the permit tag provided by the department in a location with the permit number plainly facing the control route and visible from the right-of-way of the control route. In the event the most recent version of the department's permit tag is not available to be attached to the sign, a replacement permit tag shall be obtained from the department by the permittee's submission of a written request to the department and the payment of a replacement fee in an amount determined by the department, but not to exceed twenty-five dollars (\$25). The replacement permit tag shall be fastened to the sign as provided in this subsection.

(b) A permit tag is issued for a particular sign at its current location and a permit tag may not be moved to or used for any other sign or location.

(c) If the department changes its permit tags to a new design because of federal law or state law and sends written notice of that fact to the permittee, the permittee shall promptly submit a written request for the newly designed permit tag, pay the replacement fee in an amount determined by the department, but not to exceed twenty-five dollars (\$25), and, upon receipt, shall fasten the newly designed permit tag as provided in subsection (a).

(d) If the department determines that a sign does not have the current design of the permit tag fastened and visible in accordance with subsection (a), the department may send written notice to the permittee that requires such permit tag to be so fastened and visible. If a replacement permit tag is needed, the permittee shall:

- (1) submit a written request for a replacement permit tag within sixty (60) days of the department's notice; and
- (2) fasten the replacement permit tag as provided in subsection (a) within sixty (60) days of receiving such tag from the department.

(e) The permittee shall owe the department a fee of one hundred dollars (\$100) per month from the date that any action should have been taken by the permittee under subsection (d)(1) or (d)(2), but subject to a maximum fee of four hundred dollars (\$400) for any particular sign. Failure of the permittee to timely fasten the current design of the permit tag to the sign as provided in subsection (a) after receiving the department's written notice to do so shall be a sufficient ground for the department to revoke any permit for the sign, but the permittee may prevent this revocation by fastening the permit tag to the sign in an appropriate manner and paying all fees under this subsection within thirty (30) days of the date of the department's revocation notice.

(Indiana Department of Transportation; [105 IAC 7-4-8](#); filed Jul 24, 2019, 8:08 a.m.: [20190821-IR-105170337FRA](#))

[105 IAC 7-4-9](#) Territory to which article applies; entries for examinations and surveys

Sec. 9. (a) As of July 1, 2018, the current list of control routes subject to this rule are:

Route Name	From	To	County
I-64	All plus Ramps and Connectors		
I-65	All plus Ramps and Connectors		
I-69	All plus Ramps and Connectors		
I-70	All plus Ramps and Connectors		
I-74	All plus Ramps and Connectors		
I-80	All plus Ramps and Connectors		
I-90	All plus Ramps and Connectors		
I-94	All plus Ramps and Connectors		
I-265	All plus Ramps and Connectors		
I-275	All plus Ramps and Connectors		
I-465	All plus Ramps and Connectors		
I-469	All plus Ramps and Connectors		
I-865	All plus Ramps and Connectors		
U.S. 6	All		
U.S. 6	I-80	Porter Co. Line	Lake
U.S. 6	Lake Co. Line	U.S. 6	Porter
U.S. 6	Porter Co. Line	S. 900 W.	LaPorte
U.S. 6	LaPorte Co. Line	Marshall Co. Line	St. Joseph
U.S. 6	St. Joseph Co. Line	Elkhart Co. Line	Marshall
U.S. 6	U.S. 33	Noble Co. Line	Elkhart
U.S. 6	Marshall Co. Line	U.S. 33	Elkhart
U.S. 6	Elkhart Co. Line	DeKalb Co. Line	Noble
U.S. 6	Noble Co. Line	Ohio State Line	DeKalb
U.S. 12	Michigan State Line	S.R. 212	
U.S. 12	Bridge Street	Vermont Street in Hammond	
U.S. 12	Michigan State Line	Porter Co. Line	LaPorte
U.S. 12	LaPorte Co. Line	Town of Pines City Limit	Porter
U.S. 12	Tremont Road	Lake Co. Line	Porter
U.S. 12	Porter Co. Line	Rhode Island Street	Lake
U.S. 12	Rhode Island Street	Illinois State Line	Lake
U.S. 20	All		
U.S. 20	U.S. 12	Columbus Drive	Lake
U.S. 20	Porter Co. Line	U.S. 12	Lake
U.S. 20	Lake Co. Line	LaPorte Co. Line	Porter
U.S. 20	Porter Co. Line	I-94	LaPorte
U.S. 20	U.S. 31 North Juncture	Elkhart Co. Line	St. Joseph
U.S. 20	St. Joseph Co. Line	LaGrange Co. Line	Elkhart
U.S. 20	Elkhart Co. Line	Steuben Co. Line	LaGrange
U.S. 24	All		
U.S. 24	Illinois State Line	Jasper Co. Line	Newton
U.S. 24	Newton Co. Line	White Co. Line	Jasper
U.S. 24	Jasper Co. Line	Cass Co. Line	White
U.S. 24	White Co. Line	Miami Co. Line	Cass
U.S. 24	Cass Co. Line	Wabash Co. Line	Miami
U.S. 24	Miami Co. Line	Huntington Co. Line	Wabash
U.S. 24	Wabash Co. Line	Whitley Co. Line	Huntington
U.S. 24	Huntington Co. Line	Allen Co. Line	Whitley
U.S. 24	Whitley Co. Line	I-69	Allen
U.S. 24	I-469	Ohio State Line	Allen
U.S. 27	S.R. 3	Ohio State Line	

U.S. 27	Ohio State Line	Wayne Co. Line	Union
U.S. 27	Union Co. Line	Randolph Co. Line	Wayne
U.S. 27	Wayne Co. Line	Jay Co. Line	Randolph
U.S. 27	Randolph Co. Line	Adams Co. Line	Jay
U.S. 27	Jay Co. Line	U.S. 224	Adams
U.S. 27	U.S. 224	Allen Co. Line	Adams
U.S. 27	Adams Co. Line	I-469	Allen
U.S. 30	All		
U.S. 30	Illinois State Line	Porter Co. Line	Lake
U.S. 30	Lake Co. Line	S.R. 2	Porter
U.S. 30	S.R. 2	S.R. 49	Porter
U.S. 30	S.R. 49	LaPorte Co. Line	Porter
U.S. 30	Porter Co. Line	Starke Co. Line	LaPorte
U.S. 30	LaPorte Co. Line	Marshall Co. Line	Starke
U.S. 30	Starke Co. Line	Kosciusko Co. Line	Marshall
U.S. 30	Marshall Co. Line	Whitley Co. Line	Kosciusko
U.S. 30	Kosciusko Co. Line	Allen Co. Line	Whitley
U.S. 30	Whitley Co. Line	I-69	Allen
U.S. 30	I-469	Ohio State Line	Allen
U.S. 31	Michigan State Line	I-465 on south side of Indianapolis to Pennsylvania Avenue, on to Madison Avenue, to East Street, to U.S. 31 at I-465	
U.S. 31	Kentucky State Line	I-65 Ramp 002b	Clark
U.S. 31	I-65	Johnson Co. Line	Bartholomew
U.S. 31	I-465	Tipton Co. Line	Hamilton
U.S. 31	Hamilton Co. Line	Howard Co. Line	Tipton
U.S. 31	Tipton Co. Line	Miami Co. Line	Howard
U.S. 31	Howard Co. Line	Fulton Co. Line	Miami
U.S. 31	Miami Co. Line	Marshall Co. Line	Fulton
U.S. 31	Fulton Co. Line	Marshall Co. Line	Marshall
U.S. 31	Marshall Co. Line	U.S. 20	St. Joseph
U.S. 31	U.S. 20	Michigan State Line	St. Joseph
U.S. 33	All		
U.S. 33	Ohio State Line	U.S. 27	Adams
U.S. 33	U.S. 30	Whitley Co. Line	Allen
U.S. 33	Allen Co. Line	Noble Co. Line	Whitley
U.S. 33	Whitley Co. Line	U.S. 6	Noble
U.S. 33	U.S. 6	10th Street	Elkhart
U.S. 33	10th Street	Main Street	Elkhart
U.S. 33	Main Street	U.S. 20	Elkhart
U.S. 35	S.R. 2	I-70	
U.S. 35	500 N.	I-69	Delaware
U.S. 35	I-69	Howard Co. Line	Grant
U.S. 35	Grant Co. Line	U.S. 31	Howard
U.S. 35	E. 400 N.	N. 80 W.	Howard
U.S. 35	N. 80 W.	Cass Co. Line	Howard
U.S. 35	E. 300 S.	U.S. 24	Cass
U.S. 35	U.S. 24	N. 350 W.	Cass
U.S. 36	Illinois State Line	I-465 on the west side of Indianapolis	
U.S. 36	U.S. 27	Ohio State Line	
U.S. 36	Illinois State Line	S.R. 63	Vermillion
U.S. 36	Putnam Co. Line	Marion Co. Line	Hendricks
U.S. 36	Hendricks Co. Line	I-465	Marion
U.S. 36	I-465	I-465 Ramp 013a	Marion

U.S. 36	Hancock Co. Line	S.R. 9	Madison
U.S. 40	I-465 West	Hendricks Co. Line	
U.S. 40	I-70	Clay Co. Line	Vigo
U.S. 40	Putnam Co. Line	Marion Co. Line	Hendricks
U.S. 40	Hendricks Co. Line	I-465	Marion
U.S. 40	S. 350 W.	S.R. 3	Henry
U.S. 40	McMinn Road	S. 17th Street	Wayne
U.S. 40	S. 17th Street	Ohio State Line	Wayne
U.S. 41	All		
U.S. 41	Kentucky State Line	S.R. 66	Vanderburgh
U.S. 41	S.R. 66	I-64	Vanderburgh
U.S. 41	I-64	Knox Co. Line	Gibson
U.S. 41	Gibson Co. Line	Sullivan Co. Line	Knox
U.S. 41	Knox Co. Line	Vigo Co. Line	Sullivan
U.S. 41	Sullivan Co. Line	E. 93rd Avenue	Vigo
U.S. 41	U.S. 41 Ramp 114c	Vermillion Co. Line	Vigo
U.S. 41	S.R. 63	Benton Co. Line	Warren
U.S. 41	Warren Co. Line	Newton Co. Line	Benton
U.S. 41	Benton Co. Line	Lake Co. Line	Newton
U.S. 41	Newton Co. Line	I-80	Lake
U.S. 41	I-80	U.S. 12	Lake
U.S. 46	U.S. 421	S.R. 3	Decatur
U.S. 50	All		
U.S. 50	Illinois State Line	U.S. 41	Knox
U.S. 50	U.S. 41	Daviess Co. Line	Knox
U.S. 50	Knox Co. Line	Martin Co. Line	Daviess
U.S. 50	Daviess Co. Line	Lawrence Co. Line	Martin
U.S. 50	Martin Co. Line	Jackson Co. Line	Lawrence
U.S. 50	Lawrence Co. Line	Jennings Co. Line	Jackson
U.S. 50	Jackson Co. Line	Ripley Co. Line	Jennings
U.S. 50	Jennings Co. Line	Dearborn Co. Line	Ripley
U.S. 50	Ripley Co. Line	Ohio State Line	Dearborn
U.S. 52	Illinois State Line	U.S. 231 North	
U.S. 52	I-465 on east side of Indianapolis	I-74	
U.S. 52	E. 350 S.	N. 400 W.	Tippecanoe
U.S. 52	S. 100 E.	0.8 Mi N.W. of N. 225 W.	Rush
U.S. 52	Dearborn Co. Line	S.R. 1	Franklin
U.S. 131	Michigan State Line	I-80 and I-90	
U.S. 131	S.R. 13	Michigan State Line	Elkhart
U.S. 136	S.R. 32	U.S. 231	Montgomery
U.S. 150	All		
U.S. 150	U.S. 41	Bolton Road	Vigo
U.S. 224	All		
U.S. 224	Meridian Road	U.S. 24	Huntington
U.S. 231	S.R. 2 South intersection	U.S. 41	
U.S. 231	U.S. 52 intersection	Kentucky State Line	
U.S. 231	Kentucky State Line	Dubois Co. Line	Spencer
U.S. 231	Spencer Co. Line	MacArthur Street	Dubois
U.S. 231	MacArthur Street	S.R. 56	Dubois
U.S. 231	S.R. 56	Martin Co. Line	Dubois
U.S. 231	Dubois Co. Line	U.S. 50	Martin
U.S. 231	U.S. 50	Daviess Co. Line	Martin
U.S. 231	Martin Co. Line	S.R. 558	Daviess
U.S. 231	S.R. 558	Greene Co. Line	Daviess
U.S. 231	Daviess Co. Line	Owen Co. Line	Greene

U.S. 231	Greene Co. Line	Putnam Co. Line	Owen
U.S. 231	Owen Co. Line	Montgomery Co. Line	Putnam
U.S. 231	Putnam Co. Line	Tippecanoe Co. Line	Montgomery
U.S. 231	Montgomery Co. Line	U.S. 52	Tippecanoe
U.S. 231	I-65	U.S. 41	Lake
U.S. 421	U.S. 20	I-465 North	
U.S. 421	S.R. 46	Kentucky State Line	
U.S. 421	Kentucky State Line	S.R. 56	Jefferson
U.S. 421	S.R. 56	Ripley Co. Line	Jefferson
U.S. 421	S.R. 56	Jefferson Street	Jefferson
U.S. 421	Jefferson Co. Line	U.S. 50	Ripley
U.S. 421	U.S. 50	Decatur Co. Line	Ripley
U.S. 421	Ripley Co. Line	I-74	Decatur
U.S. 421	Carroll Co. Line	U.S. 24	White
U.S. 421	U.S. 24	Pulaski Co. Line	White
U.S. 421	White Co. Line	Starke Co. Line	Pulaski
U.S. 421	Pulaski Co. Line	LaPorte Co. Line	Starke
U.S. 421	Starke Co. Line	U.S. 6	LaPorte
U.S. 421	U.S. 6	U.S. 20	LaPorte
U.S. 421	U.S. 20	11th Street	LaPorte
S.R. 1	I-469 South intersection	S.R. 18	
S.R. 1	U.S. 36	U.S. 52 (extra from U.S. 36 to U.S. 35)	
S.R. 1	I-74	U.S. 50	
S.R. 1	Dearborn Co. Line	U.S. 52	Franklin
S.R. 1	U.S. 52	Fayette Co. Line	Franklin
S.R. 1	Franklin Co. Line	5th Street	Fayette
S.R. 1	S.R. 44	Wayne Co. Line	Fayette
S.R. 1	Fayette Co. Line	I-70	Wayne
S.R. 1	S.R. 32	Jackson Street	Randolph
S.R. 2	U.S. 41	U.S. 231	
S.R. 2	U.S. 30	U.S. 31	
S.R. 2	Division Road	U.S. 30	Porter
S.R. 2	U.S. 30	Old S.R. 2	Porter
S.R. 2	Porter Co. Line	S. 900 W.	LaPorte
S.R. 2	LaPorte Co. Line	U.S. 20	St. Joseph
S.R. 3	U.S. 6	I-69	
S.R. 3	S.R. 18	S.R. 62	
S.R. 3	S.R. 56	S.R. 56	Scott
S.R. 3	Vernon City Limit	S.R. 750	Jennings
S.R. 3	S.R. 750	350 N.	Jennings
S.R. 3	S.R. 46	Rush Co. Line	Decatur
S.R. 3	Decatur Co. Line	U.S. 52	Rush
S.R. 3	U.S. 52	Henry Co. Line	Rush
S.R. 3	Rush Co. Line	U.S. 40	Henry
S.R. 3	U.S. 40	Delaware Co. Line	Henry
S.R. 3	Henry Co. Line	S.R. 67	Delaware
S.R. 7	All		
S.R. 7	S.R. 56	Paper Mill Road	Jefferson
S.R. 7	S.R. 3	W. 500 N.	Jennings
S.R. 8	S.R. 2	U.S. 421	
S.R. 9	All (extra ends at S.R. 46)		
S.R. 9	U.S. 36	I-69	Madison
S.R. 9	I-69	0.7 Mi N. of S.R. 28	Madison
S.R. 9	600 S.	E. 350 N.	Grant
S.R. 9	W. 100 N.	U.S. 24	Huntington

S.R. 9	U.S. 24	E. 600 N.	Huntington
S.R. 9	S. 50 E.	Cider Mill Road	Whitley
S.R. 10	Illinois State Line	U.S. 421	
S.R. 11	Yankee Road	U.S. 50	Jackson
S.R. 11	U.S. 50	0.2 Mi N. of N. 760 E.	Jackson
S.R. 13	S.R. 37	W. 1350 N.	Madison
S.R. 13	W. 400 S.	North Manchester City Limit	Wabash
S.R. 13	U.S. 20	U.S. 131	Elkhart
S.R. 14	U.S. 421	S.R. 19	
S.R. 14	Meridian Road	S.R. 25	Fulton
S.R. 14	S.R. 25	Oakhill Drive	Fulton
S.R. 14	18th Street	Colonial Drive	Fulton
S.R. 15	U.S. 33	S.R. 15 and S.R. 9 N. intersection	
S.R. 15	U.S. 35	S.R. 9	Grant
S.R. 15	S.R. 9	0.3 Mi N. of Grandview Drive	Grant
S.R. 15	W. 400 S.	Division Road	Wabash
S.R. 15	U.S. 30	Elkhart Co. Line	Kosciusko
S.R. 15	Kosciusko Co. Line	I-80 101c	Elkhart
S.R. 18	U.S. 421 and S.R. 39	S.R. 29 South intersection	
S.R. 18	S.R. 19	Ohio State Line	
S.R. 18	S.R. 43	3rd Street	White
S.R. 18	N. 325 W.	Norton Avenue	Grant
S.R. 18	0.7 Mi W. of Bethlehem Road	N. 700 E.	Grant
S.R. 19	U.S. 24	S.R. 18	
S.R. 19	Michigan State Line	U.S. 6	
S.R. 19	Main Street	Ash Street	Tipton
S.R. 19	S. 150 E.	U.S. 24	Miami
S.R. 22	S.R. 29	I-69	
S.R. 23	U.S. 20 and U.S. 31	U.S. 6	
S.R. 25	S.R. 28	U.S. 231	
S.R. 25	I-65	U.S. 24	
S.R. 25	S.R. 17	S.R. 14	
S.R. 25	E. 200 N.	Carroll Co. Line	Tippecanoe
S.R. 25	Tippecanoe Co. Line	Cass Co. Line	Carroll
S.R. 25	Carroll Co. Line	Fulton Co. Line	Cass
S.R. 25	E. 100 S.	S.R. 14	Fulton
S.R. 26	Illinois State Line	U.S. 41	
S.R. 26	U.S. 231	U.S. 31	
S.R. 26	Warren Co. Line	U.S. 52	Tippecanoe
S.R. 26	I-65	Clinton Co. Line	Tippecanoe
S.R. 26	Tippecanoe Co. Line	Howard Co. Line	Clinton
S.R. 26	Clinton Co. Line	U.S. 31	Howard
S.R. 26	S.R. 67	U.S. 27	Jay
S.R. 28	Illinois State Line	S.R. 67	
S.R. 28	Ohio State Line	Columbia Street	Randolph
S.R. 28	S.R. 28 Roundabout	S.R. 19	Tipton
S.R. 28	Ash Street	Madison Co. Line	Tipton
S.R. 29	All		
S.R. 32	U.S. 231	Ohio State Line	
S.R. 32	S. 200 W.	S.R. 47	Montgomery
S.R. 32	S.R. 47	U.S. 231	Montgomery
S.R. 32	U.S. 136	S.R. 47	Montgomery
S.R. 32	S.R. 47	N. Walnut Hills	Montgomery
S.R. 32	S. 500 W.	S.R. 9	Madison

S.R. 32	S.R. 9	Delaware Co. Line	Madison
S.R. 32	U.S. 35	Randolph Co. Line	Delaware
S.R. 32	Delaware Co. Line	S.R. 1	Randolph
S.R. 32	S.R. 1	Ohio State Line	Randolph
S.R. 37	I-465 south side Indianapolis	S.R. 66	
S.R. 37	I-69	S.R. 9	
S.R. 37	12th Street	Main Street	Perry
S.R. 37	S.R. 66	Crawford Co. Line	Perry
S.R. 37	Perry Co. Line	S.R. 64	Crawford
S.R. 37	S.R. 64	S.R. 237	Crawford
S.R. 37	U.S. 150	Lawrence Co. Line	Orange
S.R. 37	S.R. 60	U.S. 50	Lawrence
S.R. 37	U.S. 50	Monroe Co. Line	Lawrence
S.R. 37	Lawrence Co. Line	I-69	Monroe
S.R. 37	I-69	Morgan Co. Line	Monroe
S.R. 37	Johnson Co. Line	Monroe Co. Line	Morgan
S.R. 37	Morgan Co. Line	Marion Co. Line	Johnson
S.R. 37	Johnson Co. Line	I-465	Marion
S.R. 37	U.S. 35	S.R. 9	Grant
S.R. 38	U.S. 52	I-65	Tippecanoe
S.R. 38	S.R. 3	S. 300 E.	Henry
S.R. 39	Michigan State Line	S.R. 2	
S.R. 39	S.R. 28	S.R. 32	
S.R. 39	S.R. 67	S.R. 37	
S.R. 39	Rogers Road	S.R. 67 North Juncture	Morgan
S.R. 42	U.S. 40	91st Street	Vigo
S.R. 42 Roundabout	S.R. 42	N/A	Vigo
S.R. 43	I-65	U.S. 24	
S.R. 43	I-65	White Co. Line	Tippecanoe
S.R. 43	Tippecanoe Co. Line	S.R. 18	White
S.R. 43	S.R. 18	U.S. 24	White
S.R. 44	S.R. 135	U.S. 27	
S.R. 44	0.8 Mi W. of Flatrock River Road	U.S. 52	Rush
S.R. 44	N. 200 E.	S.R. 1	Fayette
S.R. 44	S.R. 1	S. 350 W.	Fayette
S.R. 45	S.R. 445	S.R. 37	
S.R. 45	S.R. 37	10th Street	Monroe
S.R. 46	S.R. 59	S.R. 3 East intersection	
S.R. 46	I-70	0.2 Mi S. of I-70	Vigo
S.R. 46	U.S. 231	Monroe Co. Line	Owen
S.R. 46	Owen Co. Line	S.R. 37	Monroe
S.R. 46	S.R. 45	Brown Co. Line	Monroe
S.R. 46	Monroe Co. Line	Bartholomew Co. Line	Brown
S.R. 46	Brown Co. Line	Decatur Co. Line	Bartholomew
S.R. 46	Bartholomew Co. Line	S.R. 3	Decatur
S.R. 46	U.S. 421	0.09 Mi S.E. of Base Road	Decatur
S.R. 46	S.R. 229	S.R. 129	Ripley
S.R. 47	U.S. 41	S.R. 32	
S.R. 47	150 S.	S.R. 32	Montgomery
S.R. 47	S.R. 32	Sugar Creek	Montgomery
S.R. 49	U.S. 12	U.S. 30	
S.R. 51	U.S. 30	Bracken Road	Lake
S.R. 51	Cleveland Avenue	U.S. 6	Lake
S.R. 51	I-80	U.S. 20	Lake
S.R. 53	U.S. 30	U.S. 12 Westbound	Lake

S.R. 54	U.S. 41	S.R. 43	
S.R. 55	U.S. 231	Ridge Road	Lake
S.R. 56	S.R. 61 and S.R. 57 S. intersection	U.S. 50 and S.R. 350	
S.R. 56	Altar Creek	U.S. 231	Dubois
S.R. 56	S.R. 145	S.R. 150	Orange
S.R. 56	S.R. 3	Jefferson Co. Line	Scott
S.R. 56	Scott Co. Line	U.S. 421	Jefferson
S.R. 56	U.S. 421	E. Fulton Street	Jefferson
S.R. 57	S.R. 54	U.S. 41	
S.R. 57	U.S. 41	I-69	Vanderburgh
S.R. 57	I-69	Warrick Co. Line	Gibson
S.R. 57	Gibson Co. Line	Gibson Co. Line	Warrick
S.R. 57	Warrick Co. Line	Pike Co. Line	Gibson
S.R. 57	Gibson Co. Line	S.R. 56	Pike
S.R. 57	9th Street	Buffalo Trace Loop	Pike
S.R. 57	S.R. 56	Daviess Co. Line	Pike
S.R. 57	Pike Co. Line	Greene Co. Line	Daviess
S.R. 57	Newberry City Limit	Daviess Co. Line	Greene
S.R. 58	U.S. 231	S.R. 37	
S.R. 59	U.S. 36	S.R. 54 East intersection	
S.R. 60	U.S. 50	I-65 (extra U.S. 50 to S.R. 37)	
S.R. 60	S.R. 37	Orange Co. Line	Lawrence
S.R. 60	Orange Co. Line	S.R. 56	Washington
S.R. 60	S.R. 56	Clark Co. Line	Washington
S.R. 60	Washington Co. Line	I-65	Clark
S.R. 61	U.S. 41	S.R. 57	
S.R. 61	S.R. 68	S.R. 66	
S.R. 62	Illinois State Line	U.S. 231	
S.R. 62	S.R. 56	I-65	
S.R. 62	State Street	Vanderburgh Co. Line	Posey
S.R. 62	Posey Co. Line	U.S. 41	Vanderburgh
S.R. 62	U.S. 41	I-69	Vanderburgh
S.R. 62	S.R. 56	U.S. 421	Jefferson
S.R. 63	U.S. 41 Carbondale	U.S. 41 Terre Haute	
S.R. 63	Vigo Co. Line	Warren Co. Line	Vermillion
S.R. 63	Vermillion Co. Line	U.S. 41	Warren
S.R. 64	Illinois State Line	U.S. 231	
S.R. 64	S. 350 W.	Top Hat Road	Gibson
S.R. 64	Huntingburg City Limit	S. 75 W.	Dubois
S.R. 64	S.R. 145	S.R. 37	Crawford
S.R. 66	Illinois State Line	S.R. 37	
S.R. 66	S.R. 65	U.S. 41	Vanderburgh
S.R. 66	U.S. 41	I-69	Vanderburgh
S.R. 66	Vanderburgh Co. Line	Spencer Co. Line	Warrick
S.R. 66	Warrick Co. Line	U.S. 231	Spencer
S.R. 66	0.9 Mi N. of S.R. 37	S.R. 37	Perry
S.R. 66	S.R. 37	S.R. 237	Perry
S.R. 67	U.S. 41	Ohio State Line	
S.R. 67	S.R. 39	Hendricks Co. Line	Morgan
S.R. 67	Morgan Co. Line	Marion Co. Line	Hendricks
S.R. 67	Hendricks Co. Line	I-465	Marion
S.R. 67	I-69	S.R. 3	Delaware
S.R. 67	Tyson Road	S.R. 26	Jay
S.R. 69	I-64	S.R. 62	
S.R. 69	S.R. 62	I-64	Posey

S.R. 101	S.R. 44	U.S. 52	
S.R. 101	I-74	U.S. 50	
S.R. 103	E. 400 S.	S.R. 38	Henry
S.R. 103	S.R. 38	E. 150 N.	Henry
S.R. 109	S.R. 9	I-70	
S.R. 109	E. 600 S.	I-69	Madison
S.R. 114	U.S. 41	U.S. 421	
S.R. 114	S.R. 14	U.S. 24	
S.R. 127	U.S. 20	300 N.	Steuben
S.R. 129	0.5 Mi S. of Bischoff Road	S.R. 46	Ripley
S.R. 130	Cleveland Avenue	Porter Co. Line	Lake
S.R. 130	Lake Co. Line	S.R. 149	Porter
S.R. 135	S.R. 44	Kentucky State Line	
S.R. 144	S.R. 42	S.R. 67	
S.R. 145	S.R. 56	I-64	
S.R. 145	S.R. 64	Orange Co. Line	Crawford
S.R. 145	Crawford Co. Line	S.R. 56	Orange
S.R. 149	S.R. 130	U.S. 12	Porter
S.R. 152	I-80	U.S. 20	Lake
S.R. 154	All		
S.R. 161	Kentucky State Line	I-64	
S.R. 163	S.R. 63	Parke Co. Line	Vermillion
S.R. 212	All in Michigan City		
S.R. 212	U.S. 20	U.S. 12	LaPorte
S.R. 229	S.R. 46	I-74	Ripley
S.R. 236	S.R. 9	I-69	Madison
S.R. 237	S.R. 37	Kentucky State Line	
S.R. 237	Kentucky State Line	S.R. 66	Perry
S.R. 249	All		
S.R. 249	U.S. 20	U.S. 12	Porter
S.R. 252	S.R. 37	S.R. 135	
S.R. 257	U.S. 50	Old U.S. 50	Daviess
S.R. 265	All		
S.R. 265	Kentucky State Line	I-65	Clark
S.R. 267	I-65	S.R. 42	
S.R. 312	U.S. 20	Hohmann Avenue in Hammond	
S.R. 312	Whiteoak Avenue	U.S. 12	Lake
S.R. 331	U.S. 20	I-80	St. Joseph
S.R. 441	All in Vincennes		
S.R. 441	U.S. 41	Illinois State Line	Knox
S.R. 443	All in West Lafayette		
S.R. 445	All		
S.R. 526	All		
S.R. 558	U.S. 231	Martin Co. Line	Daviess
S.R. 641	U.S. 41	McDaniel Road	Vigo
S.R. 912	All		
S.R. 912	I-90	Dickey Road	Lake
S.R. 912	Dickey Road	U.S. 12	Lake
S.R. 912	U.S. 20	Ridge Road	Lake
S.R. 930	I-69	I-469	
S.R. 931	Tipton Co. Line	U.S. 31	Howard
10th Street	Main Street	Muncie Pike	Grant
11th Street	Ohio Street	Wabash Avenue	Vigo
17th Street	Brown Street	Jackson Street	Madison
1st Street	S.R. 44	U.S. 52	Rush

1st Street	Wilkerson Street	Zig Street	Huntington
37th Avenue	Ridge Road	U.S. 6	Lake
38th Street	Raible Avenue	Dr. MLK Jr. Blvd	Madison
3rd Street	Alabama Street	Fannon Drive	Tippecanoe
4th Street	U.S. 52	Fannon Drive	Tippecanoe
53rd Street	W. 53rd Street Pkwy	S.R. 9	Madison
5th Street	U.S. 40	Williamsburg Pike	Wayne
61st Avenue	I-65	Bracken Road	Lake
61st Avenue	S.R. 55	Merrillville City Limit	Lake
61st Avenue	0.13 Mi E. of Hobart Street	Porter Co. Line	Lake
6th Street	S.R. 441	Old U.S. 41	Knox
6th Street	U.S. 40	U.S. 40 Westbound	Wayne
8th Street	Grand Avenue	E. Western Avenue	Fayette
9th Street	Greenbush Street	Duncan Road	Tippecanoe
9th Street	Wabash Avenue	Cherry Avenue	Vigo
Airport Expressway	I-69	Ardmore Avenue	Allen
Alabama Street	3rd Street	4th Street	Tippecanoe
Arthur Street	Mcllory Avenue	Johnson Avenue	Vigo
Bracken Road	61st Avenue	S.R. 51	Lake
Broadway Avenue	S.R. 19	Peru City Limit	Miami
Broadway Avenue	Peru City Limit	Peru City Limit	Miami
Broadway Avenue	Grand Avenue	S.R. 9	Madison
Brown Street	17th Street	S.R. 32	Madison
Calumet Avenue	Ridge Road	Munster City Limit	Lake
Calumet Avenue	Hammond City Limit	I-80	Lake
Chauncey Avenue	Wood Street	W. State Street	Tippecanoe
Cherry Avenue	U.S. 41	9th Street	Vigo
Chicago Street	U.S. 41	Hammond City Limit	Lake
Cicott Street	Old S.R. 25	Market Street	Cass
Clinton Street	Haythorne Avenue	U.S. 41	Vigo
Columbia Street	Lafayette City Limit	Main Street	Tippecanoe
County Line Road	61st Street	S.R. 130	Lake
Cross Street	200 W.	CSX RR	Madison
Dan Jones Road	Main Road	U.S. 36	Hendricks
Delaware Street	S.R. 32	Jackson Street	Madison
Dickey Road	S.R. 912	Riley Road	Lake
Dr. MLK Jr. Blvd	I-69	17th Street	Madison
Duncan Road	9th Street	Sagamore Pkwy N.	Tippecanoe
E. Lincolnway	E. Lincolnway Roundabout	Washington Street	Porter
E. Lincolnway	U.S. 30	E. Lincolnway Roundabout	Porter
E. Lincolnway Roundabout	E. Lincolnway	N/A	Porter
E. Main Street	U.S. 40	1st Street	Wayne
E. Market Street	S.R. 25	Front Street	Cass
E. Michigan Blvd	U.S. 35	U.S. 12	LaPorte
E. State Street	West Lafayette City Limit	S. River Road	Tippecanoe
E. Western Avenue	8th Street	30th Street	Fayette
Etna Road	Huntington City Limit	U.S. 224	Huntington
Etna Road	W. 100 N.	Huntington City Limit	Huntington
Fannon Drive	9th Street	3rd Street	Tippecanoe
Fannon Drive	Salem Street	N. 4th Street	Tippecanoe
Fowler Avenue	West Lafayette City Limit	Northwestern Avenue	Tippecanoe
Fulton Avenue	Riverside Drive	S.R. 62	Vanderburgh
Grand Avenue	S.R. 44	8th Street	Fayette
Grant Street	I-80 Ramp 009b	U.S. 12 Westbound	Lake
Harcourt Drive	S.R. 127	Angola City Limit	Steuben

Howard Co. Line	Howard Co. Line	Tippecanoe Co. Line	Clinton
Jackson Street	8th Street	Grand Avenue	Madison
Jackson Street	17th Street	S.R. 32	Madison
Jackson Street	S.R. 32	8th Street	Madison
Lafayette Avenue	Locust Street	Haythorne Avenue	Vigo
Locust Street	Lafayette Avenue	U.S. 41	Vigo
Main Street	University Drive	S.R. 23	St. Joseph
Main Street	Madison Street	Pike Street	Elkhart
Main Street	S.R. 38	South Street	Tippecanoe
Main Street	Clinton City Limit	S.R. 163	Vermillion
Main Street	S.R. 32	W. 250 N.	Randolph
Main Street	South Street	Columbia Street	Tippecanoe
Main Street	U.S. 24	Rickie Road	White
Main Street	S.R. 25	U.S. 421	Carroll
Main Street	U.S. 421	U.S. 24	White
Main Street	10th Street	U.S. 35	Grant
Missouri Street	Morris Street	I-70	Marion
Monticello Road	Logansport City Limit	U.S. 24	Cass
Monticello Road	U.S. 24	Logansport City Limit	Cass
Morris Street	Missouri Street	West Street	Marion
Morse Street	133rd Avenue	132nd Place	Lake
Muncie Pike	600 S.	10th Street	Grant
N. 200 W.	Angola City Limit	W. 100 N.	Steuben
N. Gerald Lett Avenue	U.S. 20	Angola City Limit	Steuben
N. Main Street	S.R. 163	Clinton City Limit	Vermillion
N. Street	U.S. 27	U.S. 27 Southbound	Wayne
National Avenue	U.S. 150	I-70	Vigo
Northwestern Avenue	Fowler Avenue	Sagamore Pkwy W.	Tippecanoe
Ohio Street	11th Street	U.S. 41	Vigo
Old Muncie Road	I-69 Ramp 234d	Madison Co. Line	Delaware
Old Muncie Road	Delaware Co. Line	Chesterfield City Limit	Madison
Park Drive	Wilkerson Street	U.S. 224 Westbound	Huntington
Park Drive	U.S. 224	U.S. 24	Huntington
Pine Street	9th Street	U.S. 12	LaPorte
Poplar Street	U.S. 40	U.S. 41	Vigo
Raible Avenue	38th Street	Cross Street	Madison
Rangeline Road	S.R. 236	Union Twp. Pike	Madison
Ray Becker Pkwy	Ohio Street	Barker Avenue	Vanderburgh
Ridge Road	37th Avenue	Calumet Avenue	Lake
Riverside Drive	Veterans Memorial Pkwy	Fulton Avenue	Vanderburgh
Ronald Reagan Pkwy	I-70	I-74	Hendricks
S. Main Street	1700 S.	Clinton City Limit	Vermillion
Sagamore Pkwy N.	South Street	Beech Drive	Tippecanoe
Sagamore Pkwy S.	S.R. 38	South Street	Tippecanoe
Sagamore Pkwy W.	Beech Drive	U.S. 52	Tippecanoe
Salem Street	Union Street	Lafayette City Limit	Tippecanoe
Sam Jones Expressway	I-70 Ramp 075c	High School Road	Marion
Schuyler Avenue	E. 200 N.	Sagamore Pkwy N.	Tippecanoe
Schuyler Avenue	Lafayette City Limit	Sagamore Pkwy N.	Tippecanoe
Second Street	S.R. 56	U.S. 421	Jefferson
Senate Avenue	Dead End	Wisconsin Street	Marion
Sheetz Street	Wood Street	W. State Street	Tippecanoe
South Street	I-65 Ramp 172d	Lafayette City Limit	Tippecanoe
South Street	Lafayette City Limit	West Lafayette City Limit	Tippecanoe
Southport Road	Emerson Avenue	I-65	Marion
St. Joseph Avenue	Ohio Street	S.R. 62	Vanderburgh

St. Joseph Avenue	S.R. 62	Evansville City Limit	Vanderburgh
St. Joseph Avenue	Evansville City Limit	S.R. 66	Vanderburgh
Union Street	Sagamore Pkwy N.	Salem Street	Tippecanoe
Union Street	Salem Street	Lafayette City Limit	Tippecanoe
Union Twp. Pike	Rangeline Road	Chesterfield City Limit	Madison
Veterans Memorial Pkwy	I-69	Riverside Drive	Vanderburgh
W. 53rd Street	W. 53rd Street Pkwy	Dr. MLK Jr. Blvd	Madison
W. 53rd Street Pkwy	W. 53rd Street	Dr. MLK Jr. Blvd	Madison
W. Lake Shore Drive	Morse Street	W. 133rd Lane	Lake
W. Lincolnway	Washington Street	Valparaiso City Limit	Porter
W. Lincolnway	Valparaiso City Limit	Valparaiso City Limit	Porter
W. Lincolnway	Valparaiso City Limit	S.R. 130	Porter
W. Main Street	1st Street	5th Street	Wayne
W. Market Street	Front Street	Cicott Street	Cass
Wabash Avenue	U.S. 40	9th Street	Vigo
Wabash Avenue	Ohio Street	S.R. 62	Vanderburgh
Washington Street	U.S. 30	W. Lincolnway	Porter
Washington Street	9th Street	U.S. 12	LaPorte
West Street	Wisconsin Street	Morris Street	Marion
West Street	Morris Street	I-70	Marion
Wilkerson Street	1st Street	Park Drive	Huntington
Williamsburg Pike	5th Street	Richmond City Limit	Wayne
Wisconsin Street	Senate Avenue	West Street	Marion
Wood Street	Chauncey Avenue	Sheetz Street	Tippecanoe
Yeager Road	Yeager Road Roundabout	Sagamore Pkwy W.	Tippecanoe
Yeager Road Roundabout	Yeager Road	N/A	Tippecanoe
Zig Street	U.S. 24	Huntington City Limit	Huntington
Zig Street	Huntington City Limit	1st Street	Huntington
Zone Street	Zig Street	Huntington City Limit	Huntington

The department shall maintain a list of control routes designated by the state of Indiana on the Internet at www.in.gov/indot/2781.htm.

(b) The submission of a permit application, as well as the continued use of the permit after issuance, is deemed permission for any employee or authorized agent of the department to enter into and upon any real estate upon which the proposed or erected sign is located to make such examinations and surveys as may be reasonable, and to remove any illegal sign if the permittee or the property owner does not timely do so under applicable law.

(Indiana Department of Transportation; [105 IAC 7-4-9](#); filed Jul 24, 2019, 8:08 a.m.: [20190821-IR-105170337FRA](#))

[105 IAC 7-4-10](#) Permit denial criteria

Authority: [IC 8-23-2-6](#); [IC 8-23-20-25](#)

Affected: [IC 8-23-20](#)

Sec. 10. (a) No permit, except as provided in section 13 of this rule, may be issued for any sign as follows:

- (1) Within six hundred sixty (660) feet of the nearest edge of the right-of-way of a control route and erected after January 1, 1968, unless the sign is erected in a zoned commercial or industrial area or an unzoned commercial or industrial area in accordance with section 20 of this rule.
- (2) Beyond six hundred sixty (660) feet of the nearest edge of the right-of-way of a control route, outside of an incorporated municipality, if the sign would be visible from the main-traveled way of a control route, and erected with the purpose of a message on its sign face being read from the main-traveled way of a control route, and erected after June 30, 1976.
- (3) In an adjacent area where the sign fails to comply with the size and configuration restrictions in

section 16 of this rule.

(4) In an adjacent area where the sign fails to comply with the spacing criteria in section 17 of this rule.

(5) In an adjacent area where the sign fails to comply with the lighting criteria in section 18 of this rule.

(6) Where the zoning is not part of comprehensive plan or was zoned primarily to permit outdoor advertising structure or constitutes spot zoning or strip zoning.

(7) A new construction project programmed, which may affect the spacing or location requirements for an outdoor advertising structure, unless the applicant and the department enter into an agreement, which will allow for a permit to be issued.

(8) Proposed sign along a route designated as a scenic byway.

(9) That fails to comply with the miscellaneous criteria in section 19 of this rule.

(b) Until any appeal of an applicant whose permit application is denied is completed, no permit shall be issued to any other applicant that would affect the legality of that denied application.

(Indiana Department of Transportation; [105 IAC 7-4-10](#); filed Jul 24, 2019, 8:08 a.m.:
[20190821-IR-105170337FRA](#))

[105 IAC 7-4-11](#) Notice of permit denial or revocation

Authority: [IC 8-23-2-6](#); [IC 8-23-20-25](#)

Affected: [IC 8-23-20](#)

Sec. 11. (a) The permittee and the property owner shall each maintain on file with the department one (1) person's name, one (1) electronic mail address (if available), and one (1) mailing address. If the permittee's mailing address contains a P.O. Box, a street address of the permittee's principal place of business for outdoor advertising activities shall also be provided. Whenever there is a change in the electronic mail address or the mailing address of the permittee or the property owner, written notice of the change shall be sent to the department not later than one hundred twenty (120) days of the permittee's actual knowledge of any such change.

(b) Whenever the real estate upon which the sign is located is sold, the permittee shall have the obligation to provide to the department written evidence of the sale, as well as the correct name and address of the new owner, within one hundred eighty (180) days of its actual knowledge of any such sale.

(c) If any information required by subsection (a) or (b) is not timely submitted to the department, then the permittee shall owe the department a late fee of one hundred dollars (\$100) per month from the due date of such information until it is submitted to the department, but subject to a maximum late fee of four hundred dollars (\$400) for any particular sign. Failure of the permittee to submit this information in a timely manner shall be a sufficient ground for the department to revoke any permit for that sign, but the permittee may prevent this revocation by submitting all the required documentation and all late fees within thirty (30) days of the date of the department's revocation notice.

(Indiana Department of Transportation; [105 IAC 7-4-11](#); filed Jul 24, 2019, 8:08 a.m.:
[20190821-IR-105170337FRA](#))

[105 IAC 7-4-12](#) Appeal procedures; no contract between department and permittee and no tort action permitted against department for negligent permitting of signs

Authority: [IC 8-23-2-6](#); [IC 8-23-20-25](#)

Affected: [IC 4-21.5](#); [IC 8-23-20](#)

Sec. 12. (a) An applicant whose permit application is denied, or any permittee or property owner who is sent a notice by the department that such permit is being revoked or whose modification request for an addendum to such permit is denied or that such permit is being changed to a permit for a nonconforming sign, may appeal that determination in accordance with the provisions of [IC 8-23-20-26](#) and [IC 4-21.5](#), as well as subsection (c).

(b) Whenever the department is sending a notice of a permit denial or revocation to the permittee or the property owner, service of that notice shall be deemed sufficient if sent to such person or entity by

U.S. certified mail at the last known address in the records of the department. However, if an applicant or a permittee has properly submitted to the department a designation of a person or entity to receive notice of the denial of any permit application and of any revocation notice for a permit, the department will send any such notice to that designated person or entity instead.

(c) Each request for an appeal shall be submitted to the department within the period provided by [IC 4-21.5](#), shall be in writing, and shall contain the following:

- (1) Whether the appellant is the permittee, the property owner, or a person or entity properly designated in accordance with subsection (b).
- (2) The appellant's address and phone number.
- (3) Each permit number, if any.
- (4) The location of the sign.
- (5) A statement outlining the specific basis for the appeal. Service of that appeal request shall be deemed sufficient if served on the department by personal service or by U.S. mail at the address specified in the department's notice, as required by [IC 4-21.5-3-1\(c\)](#).

(d) Hearings will be held in Indianapolis at the department's offices or other nearby location. The failure of a permittee or other person who has appealed to appear at the time and place of the hearing shall be deemed a withdrawal of the appeal, and the written revocation notice, denial of permit application or addendum, or other determination shall constitute a final order of the commissioner and shall not be subject to further administrative review.

(e) Action or inaction of the department with respect to an application, permit, or modification request for an addendum, and any other action or inaction of the department of any kind or nature relating to a sign shall be solely in furtherance of the department's public policy responsibilities and shall not be grounds for a cause of action against the department based in tort or based in any other manner on negligent permitting. The determination of an application or modification request by the department, or the permit, permit tag, or addendum issued by the department, or any fee received by the department under this rule or applicable law shall not constitute the basis under any circumstances of a contractual relationship between the department and any other person or entity.

(Indiana Department of Transportation; [105 IAC 7-4-12](#); filed Jul 24, 2019, 8:08 a.m.: [20190821-IR-105170337FRA](#))

[105 IAC 7-4-13](#) Conditional permit

Authority: [IC 8-23-2-6](#); [IC 8-23-20-25](#)

Affected: [IC 8-23-20](#)

Sec. 13. A conditional permit may be granted to any nonconforming sign, provided that the sign has not been substantially changed after the date upon which it became a nonconforming sign, and as follows:

- (1) A nonconforming sign with a conditional permit must remain substantially the same as it was on the date that its status became nonconforming. A permittee may make customary maintenance or repair on a nonconforming sign. However, a nonconforming sign may not be the object of any activity after which the sign did not remain substantially the same as it was on the date that its status initially became a nonconforming sign, except for activities performed after the occurrence of an event described in subdivision (7)(A) through (7)(C). Any such activity prohibited by the immediately preceding sentence shall automatically and permanently transform the nonconforming sign's status to that of an illegal sign, with the permit for any such sign subject to revocation and which sign is subject to removal by the department.
- (2) Customary maintenance or repair on a nonconforming sign includes any of the following permissible activities, all of which shall not require any addendum to a permit for such sign:
 - (A) Nailing, cleaning, and painting.
 - (B) Replacement of nuts and bolts.
 - (C) Replacement of structural components, including vertical supports and sign faces, with the same material so long as the sign is not destroyed.
 - (D) Changes in the advertising message.
 - (E) Upgrading existing lighting for energy efficiency or worker safety.

- (F) Addition of catwalks, safety cables, or handrails when required to resolve safety concerns by the Occupational Safety and Health Administration or the Indiana department of labor.
- (G) The sale, lease, or transfer of the sign or its permit.
- (3) Customary maintenance or repair on a nonconforming sign does not include any of the following prohibited activities (all of which are considered a substantial change that automatically and permanently transforms the nonconforming sign into an illegal sign):
- (A) Increasing the number of vertical supports or changing the vertical support materials, such as replacing wooden supports with metal, or replacing I-beams with a monopole.
 - (B) Increasing the height of the sign.
 - (C) Changing the physical location.
 - (D) Changing the configuration of a sign structure, including changing a V-shaped sign to a stacked sign, a side-by-side sign, or a back-to-back sign, or changing a single face sign to a V-shaped sign, a stacked sign, a side-by-side sign, or a back-to-back sign.
 - (E) Increasing the overall size or dimensions of the sign face, or any other addition of a sign face.
 - (F) Adding bracing (whether temporary or permanent), guy wires, concrete, or other reinforcing devices.
 - (G) Adding variable or changeable message capability.
 - (H) Adding lighting, either attached or unattached, to a sign that previously did not have lights, or adding more intense lighting to an illuminated sign, except if done in accordance with subdivision (2)(E).
 - (I) Rebuilding, repair of (other than customary maintenance or repair on a nonconforming sign), or reerecting a sign structure after substantial damage from wear and tear, or other natural causes, unless the department has given its approval to do so by granting an addendum to the sign's permit in accordance with subdivision (5).
 - (J) Relocating all or a portion of a sign.
 - (K) Turning the direction of a sign face.
 - (L) Any repair, maintenance, or improvement that causes the sign to be erected or maintained in a manner contrary to its conditional permit.
- (4) The list of permitted activities in subdivision (2) and the list of prohibited activities in subdivision (3) are not exclusive lists of those respective activities and the department shall determine in each other situation whether:
- (A) the sign remained substantially the same as it was on the date the sign became a nonconforming sign after the completion of any specific activity performed for the nonconforming sign; and
 - (B) the specific activity performed had the effect of substantially changing the nonconforming sign or materially extending the life of the nonconforming sign beyond its normal life.
- It shall be presumed that any additional activities otherwise permitted involving the replacement of materials will materially extend the life of a nonconforming sign beyond its normal life, if the sign was destroyed when such activity was performed.
- (5) In the event that a permittee wishes to perform activities on a nonconforming sign in a manner that might exceed customary maintenance or repair on a nonconforming sign, the permittee shall submit a completed modification request for an addendum to the sign permit on a form to be provided by the department, or through the electronic permitting system, together with an addendum fee of one hundred dollars (\$100). In the event of a damaged or destroyed sign, the modification request shall contain, at a minimum, the following:
- (A) An explanation of the extent of the damage to the sign and the scope of repairs needed.
 - (B) Whether the sign was damaged by normal wear and tear, weather, or by other natural causes, or whether the sign was damaged or destroyed by some act covered by subdivision (7)(A) through (7)(C).
 - (C) Clear color on-site photographs of the sign and all salvageable parts thereof.
 - (D) A specific description of the work to be undertaken on the nonconforming sign.
- After receiving the modification request, the department will promptly consider the modification request and determine, in accordance with the standards in this section, whether the requested activity should be permitted or prohibited, and within sixty (60) days give a written notice of its decision to the permittee. If the permittee or its representative performs activities not specifically listed in subdivision (2) on a nonconforming sign without submitting a modification request under this subdivision and receiving an authorization for the addendum from the department, or if the permittee or its representative performs any such activity after the department issued its decision that any such activity was prohibited, then the performance of such activity automatically and permanently transforms the nonconforming sign into an illegal sign subject to revocation of its permit and removal in accordance with subdivision (1).
- (6) Any modification approved by the addendum under this section must be completed within three

hundred sixty-five (365) days of the date of issuance of the addendum, or the department's approval under the addendum expires without further action needed on the part of the department. No extension of time shall be granted by the department.

(7) A conditional permit for a nonconforming sign shall be revoked by the department if the sign is destroyed, abandoned, obsolete, or discontinued, provided that the sign may be reerected or otherwise fixed if the department so approves and the sign was destroyed by:

- (A) vandalism;
- (B) another criminal act; or
- (C) a tortious act.

(8) Proof of an act described in subdivision (7)(A) through (7)(C) can be shown by timely reports or complaints to the appropriate county sheriff or police department. Any such act, for purposes of this rule, must:

- (A) not involve the carelessness or negligence of the permittee, the property owner, or business that is advertised on the sign (collectively, the "sign parties"), or any owner, officer, employee, agent, representative, or independent contractor of any of the sign parties; and
- (B) involve the damage or destruction by one (1) or more persons not connected, directly or indirectly, to any of the sign parties.

(9) The permittee has the burden of proof that:

- (A) the nonconforming sign was damaged or destroyed by an act described in subdivision (7)(A) through (7)(C); and
- (B) each of the conditions precedent in subdivision (8) are true.

(10) If a nonconforming sign was destroyed or the sign was damaged to the extent that the sign is illegal and subject to removal, the permittee has the obligation to perform any repair or other activity on the sign that will preserve the safety of persons who might otherwise be subject to injury or damage to their property from the remnants of the sign prior to the sign's removal. Any such repair or other activity will not change the illegal status of the nonconforming sign.

(Indiana Department of Transportation; [105 IAC 7-4-13](#); filed Jul 24, 2019, 8:08 a.m.: 20190821-IR-105170337FRA)

[105 IAC 7-4-14](#) Modification of conforming sign to different sign type; addendum to permit

Authority: [IC 8-23-2-6](#); [IC 8-23-20-25](#)

Affected: [IC 8-23-20-25.5](#)

Sec. 14. (a) A permittee shall not modify a conforming sign to a different sign type without the approval of the department. Before modifying a conforming sign to a different sign type, the permittee shall submit a completed modification request for an addendum to the sign permit to the department on a form to be provided by the department or through the electronic permitting system, together with the addendum fee of one hundred dollars (\$100). The department may then issue an addendum to the permit allowing such change, provided the sign otherwise complies with state and federal law. The permittee's failure to submit this modification request and to receive the department's approval for the addendum prior to modifying the conforming sign to a different sign type will result in the permit for such sign being automatically and permanently changed to a permit for a nonconforming sign, without any notice from the department to the permittee, and the permittee must promptly remove all features added to modify the sign to a different sign type.

(b) The modification approved by the addendum must be completed within three hundred sixty-five (365) days of the date of issuance of the addendum, or the department's approval under the addendum expires without any further action by the department. No extension of time shall be granted by the department.

(Indiana Department of Transportation; [105 IAC 7-4-14](#); filed Jul 24, 2019, 8:08 a.m.: 20190821-IR-105170337FRA)

[105 IAC 7-4-15](#) Revocation of permit; appeal of revocation; removal of illegal signs as public nuisances

Authority: [IC 8-23-2-6](#); [IC 8-23-20-25](#)

Affected: [IC 4-21.5](#); [IC 8-23-20](#)

Sec. 15. (a) A permit for a sign may be revoked for the following:

- (1) Pursuant to this rule.**
- (2) If the sign has been altered such that it is no longer in compliance with:**
 - (A) the size and configuration restrictions in section 16 of this rule;**
 - (B) the spacing criteria in section 17 of this rule;**
 - (C) the lighting criteria in section 18 of this rule; or**
 - (D) the miscellaneous criteria in section 19 of this rule.**
- (3) Mistake of material facts by the issuing authority for which had the correct facts been made known, the outdoor advertising permit in question would not have been issued.**
- (4) Misrepresentation of material facts made by the permit holder or sign owner and on which the issuing authority was found to have relied upon in approving the outdoor advertising permit application.**
- (5) Misrepresentation of facts made by the applicant to any regulatory authority with jurisdiction over the sign by the permit holder or sign owner.**
- (6) Failure to complete construction of a structure within three hundred sixty-five (365) days from the date of issuance of the outdoor advertising permit.**
- (7) Any alteration of an outdoor advertising structure for which a permit has previously been issued that would cause the outdoor advertising structure to fail to comply with the provisions of 23 U.S.C. 131*, as effective July 1, 2018.**
- (8) A determination upon initial inspection of a newly erected outdoor advertising structure that fails to comply with 23 U.S.C. 131*, as effective July 1, 2018, or this section.**
- (9) Alterations to a nonconforming sign that would cause it to be other than substantially the same as it was on the date the sign became nonconforming. For purposes of this subsection, alterations include:**
 - (A) enlarging a dimension of the sign facing, or raising the height of the sign;**
 - (B) changing the material of the sign structure's support;**
 - (C) adding a pole or poles;**
 - (D) adding illumination; or**
 - (E) moving a sign.**
- (10) Failure to affix a permanent plate within sixty (60) days after the erection of the outdoor advertising structure that must be visible and readable from the main-traveled way or control route.**
- (11) Unlawful destruction or cutting of trees, shrubs, or other vegetation located on the state-owned or controlled right-of-way to increase the visibility of an outdoor advertising structure.**
- (12) Failure to possess lawful access to repair, construct, maintain, or service an outdoor advertising sign on interstate, state highway, or other controlled access facilities. Direct access to a sign from any state highway, interstate, or limited access control route is strictly prohibited.**
- (13) Failure to maintain a nonconforming sign such that it remains blank for a period of twelve (12) consecutive months.**
- (14) Maintaining an abandoned, damaged, or discontinued nonconforming sign.**
- (15) Failure to notify the department of transfer of ownership within one hundred eighty (180) days from the effective date of transfer.**
- (16) Failure to obtain and maintain all required permits from a federal, state, or local agency.**
- (17) Any alteration of an outdoor advertising structure for which a permit has previously been issued that alters the structure (size, material, supports, lighting, or modification to changeable message sign) without having an approved addendum by the department.**
- (18) Failure to erect, maintain, or alter an outdoor advertising sign structure in accordance with the permit.**
- (19) If inconsistent with other federal law or state law.**

(b) If revocation of the permit is appropriate, the department shall issue a written notice of revocation, accompanied by an explanation of the rationale for the revocation, which shall be sent to the permittee and the property owner by U.S. certified mail. The permittee or the property owner may appeal this revocation by delivering a written notice of the appeal to the department and is received by the department in accordance with the applicable time period set forth in [IC 4-21.5](#). If the appellant's appeal letter is timely received by the department and complies with the requirements in section 12(c) of this rule, the permittee or the property owner so appealing shall be afforded the opportunity for a hearing under [IC 4-21.5](#) and [IC 8-23-20](#).

(c) A conforming sign issued a permit under this rule may have such permit modified to a conditional permit for a nonconforming sign, if the department determines that changed circumstances would

preclude the issuance of a permit for a conforming sign under section 13(1) of this rule. Notice of this modification shall be given as provided in subsection (b). If the permit is so modified, the requirements of section 13 of this rule thereafter apply to that sign.

(d) All signs that were erected, repaired, maintained, or exist in violation of any provision of federal law or state law (including this rule) are illegal signs and public nuisances. The permit for any illegal sign may be revoked at any time by the department in accordance with this rule and state law.

(e) If the permit for any sign is revoked by the department, that sign shall thereafter be removed in accordance with this rule and state law without payment of any compensation to the permittee, to the property owner, or to any other party, except as provided in [IC 8-23-20-26](#).

*These documents are incorporated by reference and refer to the laws or regulations, or both, effective as of July 1, 2018. Copies may be obtained from the Government Publishing Office, www.govinfo.gov, or are available for review at the Indiana Department of Transportation, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Seventh Floor, Indianapolis, Indiana 46204.

(Indiana Department of Transportation; [105 IAC 7-4-15](#); filed Jul 24, 2019, 8:08 a.m.: [20190821-IR-105170337FRA](#))

[105 IAC 7-4-16](#) Size and configuration criteria

Authority: [IC 8-23-2-6](#); [IC 8-23-20-25](#)

Affected: [IC 8-23-20](#)

Sec. 16. (a) The maximum area for any sign face of any sign erected after October 4, 1971, shall be one thousand (1,000) square feet, with the maximum height of twenty-five (25) feet and the maximum length of sixty (60) feet, exclusive of any border, trim, ornamental base, apron, or embellishments, if the total area of the exclusions do not exceed twenty percent (20%) of the sign's total area for its sign face plus all such exclusions.

(b) The sign's area shall be measured by the smallest square, rectangle, triangle, circle, or combination thereof that will encompass the area affected.

(c) A sign that is not a changeable message sign may display up to two (2) advertisements per facing, not to exceed the maximum area for any sign face and exclusions calculated in accordance with subsection (a).

(d) A double-faced structure that is not a changeable message sign will be allowed, with the maximum area being permissible for each sign face and exclusions relating thereto. A double-faced structure can be a stacked sign or a side-by-side sign.

(Indiana Department of Transportation; [105 IAC 7-4-16](#); filed Jul 24, 2019, 8:08 a.m.: [20190821-IR-105170337FRA](#))

[105 IAC 7-4-17](#) Sign spacing criteria

Authority: [IC 8-23-2-6](#); [IC 8-23-20-25](#)

Affected: [IC 8-23-20](#)

Sec. 17. (a) All signs erected after October 4, 1971, in adjacent areas must conform to the following criteria:

(1) On the interstate system and limited access facilities on the control routes:

(A) no sign shall be located within five hundred (500) feet of another sign on the same side of the highway; and

(B) outside incorporated municipalities, no sign shall be located within five hundred (500) feet of the nearest edge of an interchange, intersection at grade, or rest area, with the five hundred (500) feet to be measured along the interstate system or other limited access control route from the closer of the

beginning or ending of pavement widening at the exit from or entrance to the main-traveled way.

(2) On control routes other than those in subdivision (1):

(A) outside of incorporated municipalities, no sign shall be located within three hundred (300) feet of another sign on the same side of the highway; and

(B) inside incorporated municipalities, no sign shall be located within one hundred (100) feet of another sign on the same side of the highway.

(b) Subsection (a)(2) shall not apply to signs separated by a building or other obstruction in such a manner that only one (1) sign is visible from any point on the control route at any one (1) time.

(c) Directional and other official signs and notices and other signs defined in [IC 8-23-20-25\(c\)](#) shall not be counted, nor shall measurements be made from them, for purposes of determining compliance with spacing requirements in this rule.

(d) The minimum distance between signs shall be measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway.

(Indiana Department of Transportation; [105 IAC 7-4-17](#); filed Jul 24, 2019, 8:08 a.m.: [20190821-IR-105170337FRA](#))

[105 IAC 7-4-18](#) Sign lighting criteria

Authority: [IC 8-23-2-6](#); [IC 8-23-20-25](#)

Affected: [IC 8-23-20](#)

Sec. 18. (a) Signs located within adjacent areas may be illuminated, except for any sign that:

(1) contains, includes, or is illuminated by any flashing, or moving light or lights;

(2) is not effectively shielded to prevent beams or rays of light from being directed at any portion of the main-traveled way on a control route, if it:

(A) is of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle; or

(B) otherwise interferes with any driver's operation of a motor vehicle; or

(3) obscures or interferes with the effectiveness of an official traffic sign, device, or signal.

(b) Notwithstanding anything to the contrary in this section, changeable message signs or signs giving public service information such as time, date, temperature, weather, or similar information may be illuminated so long as each such sign complies with subsection (a)(2) and (a)(3).

(Indiana Department of Transportation; [105 IAC 7-4-18](#); filed Jul 24, 2019, 8:08 a.m.: [20190821-IR-105170337FRA](#))

[105 IAC 7-4-19](#) Miscellaneous criteria

Authority: [IC 8-23-2-6](#); [IC 8-23-20-25](#)

Affected: [IC 4-21.5](#); [IC 8-23-1](#); [IC 8-23-20](#)

Sec. 19. (a) The following signs shall not be eligible for a permit:

(1) A sign that is illegal under federal law or state law.

(2) A sign that is not securely affixed to a substantial structure.

(3) A sign that attempts or appears to attempt to regulate, warn, or direct the movement of traffic or that interferes with, imitates, or resembles any official traffic sign, signal, or device.

(4) A sign that was erected, repaired, or maintained upon trees, or painted or drawn upon rocks or other natural features.

(5) A sign that is located in an unzoned commercial or industrial area, which extends beyond six hundred (600) feet from the outer edges of regularly used buildings, parking lots, storage, or processing areas of a commercial or industrial activity as defined in [IC 8-23-1-43](#).

(6) A sign otherwise inconsistent with:

(A) 23 U.S.C. 131*, as effective July 1, 2018;

(B) 23 CFR 750*, as effective July 1, 2018;

- (C) [IC 8-23-1](#) or [IC 8-23-20](#); or
(D) this rule.

Any permit previously issued for any such ineligible sign shall automatically become an illegal sign and shall be revoked by the department.

(b) If any sign that has a permit is the subject of a notice from the United States Department of Transportation, the Federal Highway Administration, or any other applicable federal agency to the department or to the state of Indiana that the continued existence of that sign may result in the reduction of federal aid highway funds as provided in 23 U.S.C. 131* as effective July 1, 2018, the permit for that sign shall be revoked and the permittee shall remove the sign within thirty (30) days after the department notifies the sign owner in writing of the receipt of the federal notice, subject to the right of the permittee and the property owner to deliver a written notice of an appeal thereof to the department that is received by the department in accordance with the applicable time period set forth in [IC 4-21.5](#). If the appellant's appeal letter is timely received by the department and complies with the requirements in section 12(c) of this rule, the permittee or the property owner so appealing shall be afforded the opportunity for a hearing under [IC 4-21.5](#) and [IC 8-23-20](#). Neither the department nor the state of Indiana shall have any liability to the permittee or any other person or entity in connection with the cessation of operation or the removal of a sign pursuant to this section.

(c) Notwithstanding any other provision of this rule, no sign shall be erected, repaired, or maintained in an adjacent area to any control route in violation of the national standards applicable to outdoor advertising promulgated pursuant to 23 U.S.C. 131* as effective July 1, 2018, or federal administrative regulations adopted in 23 CFR 750* as effective July 1, 2018.

*These documents are incorporated by reference and refer to the laws or regulations, or both, effective as of July 1, 2018. Copies may be obtained from the Government Publishing Office, www.govinfo.gov, or are available for review at the Indiana Department of Transportation, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Seventh Floor, Indianapolis, Indiana 46204.

(Indiana Department of Transportation; [105 IAC 7-4-19](#); filed Jul 24, 2019, 8:08 a.m.:
[20190821-IR-105170337FRA](#))

[105 IAC 7-4-20](#) Zoned commercial or industrial area; unzoned commercial or industrial area

Authority: [IC 8-23-2-6](#); [IC 8-23-20-25](#)

Affected: [IC 8-23-20](#)

Sec. 20. (a) A sign may be located only in a zoned commercial or industrial area, or in an unzoned commercial or industrial area, only if there is a qualifying commercial or industrial activity on the real estate in such area that also would be the location of the sign.

(b) The department shall deny any application for a sign permit, if the zoning action for the real estate upon which the sign will be located is the result of spot zoning or strip zoning.

(c) Zoning action that has the effect of allowing signs on the affected real estate may not be recognized by the department as a zoned commercial or industrial area for purposes of this rule. Factors to be considered by the department when making its independent determination of whether the real estate is in a zoned commercial or industrial area suitable for allowing signs and whether spot zoning or strip zoning occurred with respect to the particular sign include:

- (1) whether or not this action is part of or consistent with part of a comprehensive zoning plan;
- (2) the reason behind any rezoning of a parcel, which must be taken for reasons other than allowing signs or outdoor advertising;
- (3) the person or entity who requested the zoning action;
- (4) the zoning of nearby areas;
- (5) the actual land use of nearby areas;
- (6) the existence of plans for commercial and industrial development on the real estate;
- (7) the availability of utilities (such as water, electricity, and sewage) on the real estate; and
- (8) the existence of access roads or dedicated access to the real estate.

(d) Factors to be considered by the department when making its independent determination of whether there is a qualifying commercial or industrial activity on the real estate upon which the sign will be located in an unzoned commercial or industrial area include the following:

- (1) The activity maintaining all necessary business licenses as required by state or local law or ordinances.
- (2) If the activity is performed by a corporation or a limited liability company, the entity maintaining all necessary registration to remain in good standing with the Indiana secretary of state.
- (3) The activity having direct vehicular access from a public road that is normal and customary for ingress and egress by the public to the activity, as well as adequate parking to accommodate public access.
- (4) Any building or other permanent structure used for the activity shall:
 - (A) not be principally used as a residence;
 - (B) include customary facilities such as running water, functioning electrical connections, and adequate heating;
 - (C) be located on the same side of the control route as the sign; and
 - (D) have a permanent foundation that is built or modified for the activity, and any mobile structure being so used shall:
 - (i) not be a self-propelled vehicle;
 - (ii) remove all wheels, axles, and springs; and
 - (iii) be permanently secured on piers, pad, or foundation.
- (5) The activity not being, in whole or in substantial part, any of the following:
 - (A) Signs or other outdoor advertising structures.
 - (B) Agricultural, forestry, ranching, grazing, farming, and related activities, including produce stands and other seasonal stands.
 - (C) Transient or temporary activities, including weekend or seasonal flea markets.
 - (D) Railroad tracks, minor sidings, cell towers, or other utility facilities.
 - (E) Visible from the main-traveled way.
 - (F) Highways, roads, or streets.
- (6) The actual land use of nearby areas, as well as whether there is other commercial or industrial activity in nearby areas.

(e) All applications for a sign permit and all supporting documentation from the property owner must provide express authorization in one (1) of the following:

- (1) The original signature of the property owner or its authorized representative on the accompanying affidavit in form and substance satisfactory to the department, demonstrating a consent to:
 - (A) the erection of the sign; and
 - (B) the right of entry from time to time by employees or authorized agents of the department on the real estate where the sign is located for purposes of inspection or removal of the sign.
- (2) In lieu of the affidavit signed by the property owner contemplated by subdivision (1), the applicant may execute and submit an affidavit in form and substance satisfactory to the department, representing to the department:
 - (A) that the applicant made a reasonable request to obtain the executed affidavit from the property owner, but the applicant's request was refused;
 - (B) that the applicant has the legal right to erect the sign, based upon its contractual documentation with the property owner;
 - (C) that the applicant notified the property owner of the right of entry from time to time by employees or authorized agents of the department on the real estate where the sign is located for purposes of inspection or removal of the sign; and
 - (D) the correct name, mailing address, and electronic mail address of the property owner.

(f) If the zoning of a commercial or industrial area changes after a permit is issued for a sign such that a conforming sign should become a nonconforming sign, the permittee or the current owner of the sign shall, within ninety (90) days of receiving notice of such zoning change, send the department a written request for a permit tag for a nonconforming sign, together with the standard permit tag fee in section 8(a) of this rule. Failure of the permittee or the current owner of the sign to timely comply with this subsection may, in the discretion of the department, result in the revocation of the permit for the sign.

(Indiana Department of Transportation; [105 IAC 7-4-20](#); filed Jul 24, 2019, 8:08 a.m.: [20190821-IR-105170337FRA](#))

105 IAC 7-4-21 Scenic byways

Authority: IC 8-23-2-6; IC 8-23-20-25

Affected: IC 8-23-20

Sec. 21. (a) As of July 1, 2018, the current national and state scenic byways in Indiana include:

- (1) Historic National Road;**
- (2) Indiana's Historic Pathways;**
- (3) Lincoln Highway Scenic Byway;**
- (4) Historic Michigan Road Scenic Byway;**
- (5) Ohio River Scenic Byway;**
- (6) Wabash River Scenic Byway;**
- (7) Whitewater Canal Scenic Byway; and**
- (8) Whitewater Canal Scenic Byway Loop Routes.**

The department shall maintain a list of scenic byways designated by the state of Indiana on the Internet at www.in.gov/indot/2827.htm.

(b) The designation of each of the state and national scenic byways set forth in subsection (a)(1) through (a)(8) is hereby ratified and confirmed by the department. The process for nominating and designating a scenic byway in Indiana includes the following steps:

(1) A locally organized sponsor may submit an application to the department to nominate a particular road or combination of roads to become a scenic byway. The application of this local organized sponsor shall be in form and substance satisfactory to the department, and should highlight the following specific intrinsic qualities that are applicable:

- (A) Scenic beauty.**
- (B) Natural qualities.**
- (C) Historical significance.**
- (D) Cultural significance.**
- (E) Recreational significance.**
- (F) Archeological importance.**

(2) Each application submitted to the department for review and approval shall be forwarded to the state scenic byway advisory committee, which was established by an interagency agreement in 1997, and consists of one (1) representative from each of the following entities:

- (A) Department of natural resources.**
- (B) Indiana office of tourism development.**
- (C) Association of Indiana Counties.**
- (D) Accelerate Indiana Municipalities.**
- (E) The Indiana division of the Federal Highway Administration.**
- (F) The department.**

This committee determines if one (1) or more of the specific intrinsic qualities in subdivision (1) are applicable to this specific road or combination of roads. If the new scenic byway is approved by the state scenic byway advisory committee, then the application and this approval document is forwarded to the commissioner of the department and to the lieutenant governor of Indiana for their review of the application. If the commissioner and the lieutenant governor of Indiana approve this application, the new scenic byway is designated for the road or combination of roads described in the designation.

(3) The department may submit any state scenic byway to the Federal Highway Administration, which may designate it as a national scenic byway.

(c) When any Indiana road or portion thereof has been nominated by the appropriate local organized sponsor to be designated as a scenic byway, the department will send a written notice of the scenic byway nomination and pending designation to:

- (1) all applicants with pending permit applications for any sign to be erected adjacent to the portion of the road that is nominated to become a scenic byway;**
- (2) all permittees for whom a permit has been granted within the past three hundred sixty-five (365) days for any sign to be erected adjacent to the portion of the road that is nominated to become a scenic byway;**
- (3) all applicants with pending permit applications for any sign to be erected adjacent to any control route, which sign would be visible from the main-traveled way of the nominated road; and**
- (4) all permittees for whom a permit has been granted within the past three hundred sixty-five (365)**

days for any sign to be erected adjacent to any control route, which sign would be visible from the main-traveled way of the nominated road.

(d) When any Indiana road, or portion thereof, has been nominated for designation as a scenic byway:

(1) the department shall suspend consideration of all pending applications for permits covering any sign to be erected on any control route, if the sign would be visible from the main-traveled way of that scenic byway, until such time as the nomination for designation has been approved or denied, unless the applicant and the department enter into an agreement, which will allow for a permit to be issued;

(2) signs shall not be erected adjacent to that scenic byway, except for signs more particularly described in 23 U.S.C. 131(c)(1) through 23 U.S.C. 131(c)(5)*, effective as of July 1, 2018;

(3) signs shall not be erected adjacent to any other control route, except for signs more particularly described in 23 U.S.C. 131(c)(1) through 23 U.S.C. 131(c)(5)*, effective as of July 1, 2018, if any such sign would be visible from the main-traveled way of that scenic byway; and

(4) any sign that would be adjacent to the scenic byway and any other sign that would be visible from the main-traveled way of the scenic byway for which a permit was granted prior to nomination of the road to be designated as a scenic byway, but which sign, in either case, has not been erected and completed as of the date the road is designated as a scenic byway:

(A) the permit for such sign shall be automatically revoked; and

(B) must be removed at the expense of the sign owner and the owner of the real estate upon which the sign is located.

The department shall provide just compensation to the sign owner when a substantial effort has been made in the erection of a structure at the time of the scenic byway designation.

(e) Existing conforming signs adjacent to any road as of the date that such road is designated as a scenic byway shall continue to be conforming signs.

(f) The department may exclude from proposed designation as a scenic byway (or remove from any existing scenic byway) any segment or segments of any Indiana road in a zoned commercial or industrial area determined by the department to be inconsistent with the designation of a scenic byway, if:

(1) an interested party makes a written request to the department to consider exclusion of a particular segment of an Indiana road that meets the test for exclusion from proposed designation as a scenic byway, or removal of that segment from an existing scenic byway;

(2) the department makes a determination under subsection (g) that segmentation should occur; and

(3) each of the entities listed in subsection (h)(1) through (h)(3) approve this proposed segmentation.

(g) The department's consideration of segmentation under subsection (f) will result in the department's determination that a particular segment of an Indiana road should be excluded from the proposed scenic byway or removed from an existing scenic byway, if, in the department's reasonable discretion, a predominance of the following conditions are present:

(1) That segment is zoned for industrial or commercial use, the department agrees with that local zoning determination, and the department further determines that this segment shall not constitute spot zoning or strip zoning.

(2) That segment contains seventy-five percent (75%) or more of ongoing commercial or industrial activities in a zoned commercial or industrial area in both directions for one thousand (1,000) feet from the outer edges of the proposed segment, and those commercial or industrial activities are visible from the main-traveled way of that roadway.

(3) That segment does not contain the following intrinsic qualities for which the scenic byway has been or will be designated on either side of the roadway:

(A) Scenic beauty.

(B) Natural qualities.

(C) Historical significance.

(D) Cultural significance.

(E) Recreational significance.

(F) Archeological importance.

(4) That segment is not part of an approved plan for any local, state, or federal improvements to the proposed or existing scenic byway, including island or street landscape development, tree planting, lighting, or other visual improvements to the area.

(5) The department has determined that this segment is inconsistent with the designation of that scenic byway.

(h) Whenever the department determines that a particular segment of an Indiana road should be excluded from the proposed scenic byway or removed from the existing scenic byway, the following shall occur:

(1) The written request of the interested party in subsection (f)(1), together with the department's determination, shall be submitted for approval by the appropriate local organized sponsor that nominated the specific scenic byway for which a specific segmentation is proposed.

(2) If the exclusion of such segment from that scenic byway has been approved by the local organized sponsor, that approval shall be submitted, together with the documentation in subdivision (1), to the state scenic byway advisory committee for its approval.

(3) If the exclusion of such segment from that scenic byway has been approved by the state scenic byway committee and if it is a federally designated scenic byway, that approval shall be submitted, together with the documentation in subdivisions (1) and (2), to the Federal Highway Administration for its approval.

(i) No sign may be erected within any excluded segmented area of a scenic byway if it is still visible from the scenic byway.

*This document is incorporated by reference and refers to the law effective as of July 1, 2018. Copies may be obtained from the Government Publishing Office, www.govinfo.gov, or are available for review at the Indiana Department of Transportation, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Seventh Floor, Indianapolis, Indiana 46204.

(Indiana Department of Transportation; [105 IAC 7-4-21](#); filed Jul 24, 2019, 8:08 a.m.: [20190821-IR-105170337FRA](#))

[105 IAC 7-4-22](#) Local control of signs on relinquished roads and other control routes within local jurisdiction

Authority: [IC 8-23-2-6](#); [IC 8-23-20-25](#)

Affected: [IC 8-23-20](#)

Sec. 22. (a) Each local governmental entity shall be responsible for effectively controlling signs on control routes within its jurisdiction in accordance with applicable federal law and state law, including those control routes for which authority and responsibility was relinquished pursuant to agreement between the department and such local governmental entity.

(b) If any local governmental entity fails to effectively control any particular sign on a control route within its jurisdiction for more than thirty (30) days following the entity's receipt of a written notice from the department, the local governmental entity shall hold the department harmless and indemnify the department for all costs, expenses, and other amounts paid or incurred by the department as follows:

(1) To ensure effective control of that sign in accordance with federal law and state law (including to the payment of financial compensation, if required under any such law).

(2) Based on the department's participation in any legal or administrative actions challenging or defending the erection, repair, or maintenance of that sign.

(Indiana Department of Transportation; [105 IAC 7-4-22](#); filed Jul 24, 2019, 8:08 a.m.: [20190821-IR-105170337FRA](#))

[105 IAC 7-4-23](#) Separability

Authority: [IC 8-23-2-6](#); [IC 8-23-20-25](#)

Affected: [IC 8-23-20](#)

Sec. 23. The terms of this rule are declared to be separable. Should any word, phrase, sentence, or section be declared unconstitutional or otherwise invalid, the remainder of this rule shall not thereby be affected, but shall remain in full force and effect.

(Indiana Department of Transportation; [105 IAC 7-4-23](#); filed Jul 24, 2019, 8:08 a.m.):

SECTION 13. [105 IAC 7-3](#) IS REPEALED.

LSA Document #17-337(F)

Notice of Intent: [20170719-IR-105170337NIA](#)

One Year Requirement ([IC 4-22-2-25](#)): [20180228-IR-105170337ARA](#)

Proposed Rule: [20190522-IR-105170337PRA](#); [20181121-IR-105170337PRA](#)

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Documents Incorporated by Reference: *Highway Capacity Manual, Sixth Edition (2016), Volume 1: Concepts, Volume 2: Uninterrupted Flow, Volume 3: Uninterrupted Flow*; 23 U.S.C. 131; 23 CFR 750.708; 23 CFR 658.5; 23 CFR 750.101(a)(1); 23 CFR 470.107(b); 23 U.S.C. 131(s); 23 CFR 750

Small Business Regulatory Coordinator: Mark J. Tidd, Prequalification & Permits Director and Ethics Officer, Indiana Department of Transportation, 100 North Senate Avenue - Room N730, Indianapolis, IN 46204, (317) 232-5411, mtidd1@indot.in.gov

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