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TITLE 105 INDIANA DEPARTMENT OF TRANSPORTATION

Proposed Rule LSA Document #05-258

DIGEST

Adds 105 IAC 14 to adjust the current toll rate structure on the Indiana Toll Road. Effective April 3, 2006.

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

Indiana Code 4-22-2.1-5 requires an agency to submit to the Legislative Services Agency (LSA) and the Indiana Economic Development Corporation (IEDC) a statement of the economic impact of any proposed rule with an economic impact on small businesses. The IEDC is required to review the rule and submit written comments to the agency no later than seven days before the public hearing. The analysis of the rule by the Indiana Department of Transportation (INDOT) found there to be an economic impact of approximately \$1.4 million on small businesses. However, the proposed rule as authorized by IC 8-9.5-8-8 is needed to fund projects in toll road counties as current revenue does not allow the toll road to build these needed projects.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Assumptions Used for the Small Business Statement

Small Business Statement must include:

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

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

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

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

- The list of toll road's commercial charge customers was reviewed to estimate which firms fell under the small business definition. Personal knowledge about firms and company Web site information was used to segregate small and large Indiana firms. If no Web site was available it was assumed that the firm was a small business.

- 55 of 207 (26.6%) toll road's Indiana commercial accounts were estimated to be small businesses.
- A review of charge revenue determined that 5.3% of Indiana commercial account revenue came from small businesses (\$1,700 average annual revenue from an Indiana small business commercial account.)
- From Wilbur Smith Associates' (WSA) Indiana Toll Road Traffic and Revenue Study (2002) and Rate Review Revenue Study (2005), 30% of trucks using toll road during weekdays and 13.3% during weekends are Indiana registered trucks.
- Using toll road data estimates for weekday and weekend truck revenue and WSA's Indiana registered truck percentages, it was determined that annual revenue for all Indiana trucks = \$14,457,037.
- Assume that Indiana small businesses contribute the same percent of all Indiana truck revenue that Indiana small business charge accounts contribute (5.3%).
- $(5.3\%) (\$14,457,037) = \$766,200$ = annual revenue collected from Indiana small businesses.
- Assume average annual revenue from an Indiana small business charge account is the same average for all Indiana small businesses (\$1,700).
- $\$766,200 / \$1,700 = 450$ Indiana small business that travel toll road using trucks.

Indiana small businesses that use cars for business trips:

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

Calculation of small businesses subject to rule:

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

Calculation of economic impact:

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

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

			Total	\$766,200
Truck axles	Rate increase times current revenue (above)	=	Additional revenue	
2	9%			\$16,500
3	24			18,500
4	114			175,500
5	113			<u>398,000</u>
			Total	\$608,500

- WSA study (2005) estimates a 15.8% reduction in truck revenue due to rate increase. $(\$608,500) (84.2\%) = \$512,000$ net annual economic impact on Indiana small businesses truck traffic.
- Total car and truck economic impact = $\$512,000 + \$875,000 = \$1,387,000$.
- An estimate of the annual average annual reporting, record keeping, and other administrative costs that small business will incur to comply with the proposed rule.
No additional cost.

Whatever administrative costs businesses have, they will not increase due to a rate increase.

- An estimate of the total annual economic impact that compliance with the proposed rule will have on all small business subject to the rule if greater than \$500,000 on all regulated entities.

\$1,387,000

See the analysis above.

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

(This is the same statement that will be published in advance of the Small Business Statement and is assigned to Rick Whitney at INDOT.)

- A regulatory flexibility analysis that considers any less intrusive or less costly alternative methods of achieving the purpose of the proposed rule. The regulatory flexibility analysis must consider the following methods of minimizing the economic impact of the proposed rule on small business:

- The establishment of less stringent compliance or reporting requirements for small businesses.

Not considered as the compliance and reporting requirements are nonexistent.

- The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses.

Not considered as the new rate increase must be applicable to all customers of the Indiana Toll Road on the same date.

- The consolidation or simplification of compliance or reporting requirements for small businesses.

Not applicable to this rule.

- The establishment of performance standards for small businesses instead of design or operational standards imposed on other regulated entities by the rule.

Not applicable to this rule.

- The exemption of small business from part or all of the requirements or costs imposed by the rule.

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

$\$183,000 (58\%) = \$106,000$ (2 axle current revenue times the old % difference between car and two axle truck rates.)

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

$(\$1,387,000) (16\%) = \$222,000$

- NOTE: If the agency has made a preliminary determination not to implement one or more of the alternative methods considered, the agency shall include a statement explaining the agency's reason for the determination, including any reference to any data, studies, or analyses relied upon by the agency in making the determination.

(Since the toll road adopted the alternative, there is no requirement for a "statement" here.)

Does this analysis yield numbers that pass the "common sense" analysis review?

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

105 IAC 14

SECTION 1. 105 IAC 14 IS ADDED TO READ AS FOLLOWS:

ARTICLE 14. TOLL ROADS

Rule 1. Toll Rate Structure

105 IAC 14-1-1 Definitions

Authority: IC 8-9.5-8-8; IC 8-15-2-14; IC 8-23-2-6

Affected: IC 8-15-2

Sec. 1. The following definitions apply throughout this article unless the context indicates another or different meaning or intent:

- (1) “Authority” means the Indiana finance authority.
- (2) “Axle” means the common axis of rotation of one (1) or more wheels:
 - (A) whether power driven or freely rotating;
 - (B) whether in one (1) or more segments; and
 - (C) regardless of the number of wheels carried thereon.
- (3) “Department” means the Indiana department of transportation.
- (4) “Emergency vehicle” means the following:
 - (A) Fire and police vehicles.
 - (B) Ambulances.
 - (C) Other vehicles authorized by the department.
- (5) “LCV double” means an LCV consisting of a:
 - (A) truck-tractor;
 - (B) semitrailer;
 - (C) converter dolly; and
 - (D) second semitrailer;

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

- (6) “LCV triple” means a combination of vehicles consisting of:
 - (A) a truck-tractor;
 - (B) a semitrailer; and
 - (C) two (2) trailers;

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

- (7) “Longer combination vehicle” or “LCV” means an LCV double or LCV triple combination.

- (8) “Operator” means every person who:

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

- (9) “Police officer” means all officers of the Indiana state police assigned to duty on the toll road by the superintendent of state police.

- (10) “Public police officer” means a peace officer of:

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

while in discharge of their official duties.

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

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

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

(13) "Toll plaza" means the portion of the toll road:

- (A) beginning where the pavement widens on the approach to the toll booths;
- (B) ending at the point where the pavement narrows to the normal width of roadway after passing the toll booths; and
- (C) including all booths and buildings located thereon.

(14) "Toll road" means all:

- (A) traffic lanes;
- (B) acceleration lanes;
- (C) deceleration lanes;
- (D) shoulders;
- (E) median strips;
- (F) bridges;
- (G) overpasses;
- (H) underpasses;
- (I) interchanges;
- (J) approaches;
- (K) entrance and exit ramps;
- (L) toll plazas;
- (M) travel plazas;
- (N) maintenance areas; and
- (O) other areas adjacent thereto;

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

(15) "Toll road employee" means each person in the official employ of the department.

(16) "Vehicle" means every device (motorized or non-motorized) in, upon, or by which any person or property is or may be transported or drawn upon a highway.

(Indiana Department of Transportation; 105 IAC 14-1-1)

105 IAC 14-1-2 Classification of vehicles

Authority: IC 8-9.5-8-8; IC 8-15-2-14; IC 8-23-2-6

Affected: IC 8-15-2

Sec. 2. For the purposes of the toll payable under the toll schedule adopted by the department for the use of the Indiana toll road, the following classifications shall apply:

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

(Indiana Department of Transportation; 105 IAC 14-1-2)

105 IAC 14-1-3 Payment of tolls

Authority: IC 8-9.5-8-8; IC 8-15-2-14; IC 8-23-2-6

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

Sec. 3. (a) Every operator of a vehicle using the toll road shall pay the toll prescribed by the department, except when the use shall have been exempted from the payment by the department.

(b) All persons driving vehicles upon the toll road, except as provided in section 6 of this rule, are required to pay the prescribed toll at each toll plaza encountered while using the toll road. Tolls may be paid by:

- (1) currency or change presented to a toll collector; or
- (2) correct change deposited in the automatic coin machine.

(c) In the event that a lease exists between the authority (or its successor) and the department, under IC 8-9.5-8-6, on April 3, 2006, the following toll rates will become effective on the toll road:

EXHIBIT 1
INDIANA DEPARTMENT OF TRANSPORTATION - TOLL ROAD DISTRICT
Proposed Toll Structure and Rate Schedule
BARRIER SYSTEM

(Tolls will be charged as indicated below only upon entry and exit.)

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

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

Class 2 (Two Axle Vehicles and Motor Cycles)

Rank	City	Rank	City	Rank	City	Rank	City	Rank	City	Rank	City	Rank	City	Rank	City	Rank	City	Rank	City	Rank	City
31	0.50	31	Valparaiso-Chesterton																		
39	0.75	0.50	39	Michigan City																	
49	1.25	1.00	0.50	49	La Porte																
72	2.50	2.00	1.75	1.25	72	South Bend-West															
77	2.75	2.25	2.00	1.50	0.50	77	South Bend-ND														
83	3.00	2.50	2.25	1.75	0.50	0.50	83	Mishawaka													
92	3.50	3.00	2.75	2.25	1.00	0.75	0.50	92	Elkhart												
96	3.75	3.25	2.75	2.25	1.25	1.00	0.75	0.50	96	Elkhart-East											
101	4.00	3.50	3.00	2.50	1.50	1.25	1.00	0.50	0.50	101	Bristol										
107	4.25	3.75	3.50	3.00	1.75	1.50	1.25	0.75	0.50	0.50	107	Middlebury									
121	5.00	4.50	4.25	3.75	2.50	2.25	2.00	1.50	1.25	1.00	0.75	121	Howe								
144	6.00	5.75	5.25	4.75	3.75	3.50	3.00	2.50	2.50	2.25	1.75	1.25	144	Angola							
153	6.75	6.25	6.00	5.50	4.25	4.00	3.75	3.25	3.00	2.75	2.50	1.75	0.75								

Class 3 (Three Axle Vehicles or Combination)

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

Class 4 (Four Axle Vehicles of Combination)

Rank	2000	2004	2008	2012	2016	2020	2024	2028	2032	2036	2040	2044	2048	2052	2056	2060
31	1.50															
31		1.50														
39	2.25															
39			1.50													
49	3.75															
49				1.50												
72	7.50	6.00	5.25	3.75												
72					1.50											
77	8.25	6.75	6.00	4.50												
77						1.50										
83	9.00	7.50	6.75	5.25	1.50											
83						1.50										
92	10.50	9.00	8.25	6.75	3.00	2.25										
92							1.50									
96	11.25	9.75	8.25	6.75	3.75	3.00	2.25									
96								1.50								
101	12.00	10.50	9.00	7.50	4.50	3.75	3.00	1.50								
101									1.50							
107	12.75	11.25	10.50	9.00	5.25	4.50	3.75	2.25	1.50							
107										1.50						
121	15.00	13.50	12.75	11.25	7.50	6.75	6.00	4.50	3.75	3.00						
121											2.25					
144	18.00	17.25	15.75	14.25	11.25	10.50	9.00	7.50	7.50	6.75	5.25					
144												3.75				
153	20.25	18.75	18.00	16.50	12.75	12.00	11.25	9.75	9.00	8.25	7.50	5.25				
153													2.25			

Class 5 (Five Axle Vehicles of Combination)

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

[illegible][illegible]

Authority: IC 8-9.5-8-8; IC 8-15-2-14; IC 8-23-2-6

Affected: IC 8-15-2

Sec. 5. The presentation of a toll ticket, by the operator of any vehicle, for payment at the same toll plaza at which the toll ticket was issued shall be prima facie evidence of violation of 135 IAC 2-2-4 or 135 IAC 2-2-5, or both. Therefore, the operator shall be charged the highest toll chargeable for the appropriate vehicle classification from either terminus of the toll road. A disabled vehicle in tow by an authorized emergency service vehicle on the toll road shall not be charged a toll if it is necessary, under 135 IAC 2, for the particular vehicle to leave the toll road at the same plaza at which it entered. *(Indiana Department of Transportation; 105 IAC 14-1-5)*

105 IAC 14-1-6 Toll-free travel

Authority: IC 8-9.5-8-8; IC 8-15-2-14; IC 8-23-2-6

Affected: IC 8-15-2

Sec. 6. No free vehicular passage will be permitted over any part of the toll road except to the following:

(1) The department's:

- (A) members;**
- (B) officers;**
- (C) employees;**
- (D) agents; and**
- (E) representatives.**

(2) Police officers of:

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

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

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

(Indiana Department of Transportation; 105 IAC 14-1-6)

SECTION 2. SECTION 1 of this document takes effect April 3, 2006.

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on December 1, 2005 at 10:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room B, Indianapolis, Indiana the Indiana Department of Transportation will hold a public hearing on proposed new rules concerning the toll rate structure on the Indiana Toll Road.

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

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

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

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

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

Copies of the documentation relied upon are now on file at the Indiana Government Center-North, 100 North Senate Avenue, Room N730, Indianapolis, Indiana and are open for copying and public inspection.

Copies of these rules are now on file at the Indiana Government Center-North, 100 North Senate Avenue, Room N730 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Thomas O. Sharp
Commissioner
Indiana Department of Transportation

