

TITLE 135 INDIANA FINANCE AUTHORITY

Regulatory Analysis

LSA Document #26-117

I. Description of Rule

a. History and Background of the Rules – Tolling on the Ohio River Bridges (*i.e.*, the Lincoln Bridge, the Kennedy Bridge, and the Lewis and Clark Bridge (a/k/a East End Crossing) (collectively, “the ORB Project”) began in December 2016. The ORB Project began in 2012, when the Indiana Finance Authority (“the IFA”) issued a Request for Qualifications soliciting bidders for a public-private partnership (“P3”), to be administered by the newly-created Joint Board for Louisville-Southern Indiana Ohio River Bridges Project (“the Joint Board”). The Joint Board was authorized by a Bi-State Development Agreement between the State of Indiana and the Commonwealth of Kentucky. The selected developer for the P3 was WVB East End Partners, LLC (n/k/a East End Crossing Partners, LLC).

Tolls and the procedures for their collection are established by the Tolling Body created by the State of Indiana and the Commonwealth of Kentucky pursuant to [IC 36-1-7-1 et seq.](#) The Tolling Body adopted Business Rules regarding the toll rates and administrative fees. These Business Rules can viewed via the following link: <https://riverlink.com/wp-content/uploads/2023/10/Attachment-A-to-Exhibit-B-of-TB-2023-3-Business-Rules-Version-5.08.pdf>

b. Scope of the Rule – The Rules govern the procedures for collecting tolls, fees, and penalties authorized by the Business Rules adopted by the Tolling Body. The toll rates were readopted in 2025 by LSA Document No. 24-575.

c. Statement of Need – The Rules are needed to maintain the collection of tolls under the Bi-State Agreement and pay the P3 developer for maintaining the Lewis and Clark Bridge (a/k/a East End Crossing) and the debts and other obligations of Indiana and Kentucky regarding the ORB.

d. Statutory Authority for the Proposed Rule – [IC 36-1-7-1 et seq.](#); [IC 8-15.5-7-1 et seq.](#); [IC 9-21-3.5-1 et seq.](#)

e. Fees, Fines, and Civil Penalties – Business Rule 3.2 authorizes an annual increase of the toll rates on July 1 by the greater of either two-and-one-half percent (2.5%), or the percentage increase in the Consumer-Price Index. This is the same formula that has been in place since 2016 and was readopted in 2025.

II. Fiscal Impact Analysis

a. Anticipated Effective Date of the Rules - The proposed rules need to be effective before January 1, 2027. The proposed rules will be effective thirty (30) days after filing with the publisher.

b. Estimated Fiscal Impact on State and Local Government – For FY25, \$73,337,686 was generated, and this amount was used for availability payments to the developer under the P3 (\$44,006,081), debt service (\$12,018,561), and \$17,730,275 in expenses (*i.e.*, roadside vendor, back-office vendor, revenue-control manager, communications, and utilities), for a total of \$73,754,917.

c. Sources of Expenditures or Revenues Affected by the Rules – Each State’s revenue is used to pay its debts and obligations related to the ORB. The IFA is responsible for using the funds apportioned to Indiana by the Joint Board to fulfill debts, obligations, and expenses related to the ORB. If the tolls collected are insufficient to cover debts, obligations, and expenses of the ORB, the Indiana Department of Transportation is required to provide financial backstop for Indiana’s ORB obligations.

III. Impacted Parties

The Rules affect all owners of privately-owned motor vehicles using the ORB, who are subject to paying tolls. During calendar-year 2025, 34,964,949 motorists incurred a toll. Those motorists unwilling to pay tolls can use the non-tolled Sherman Minton Bridge or the Clark Memorial (a/k/a Second Street) Bridge.

IV. Changes in Proposed Rule

There are no changes from existing Rules.

V. Benefit Analysis

Without rules in place, Indiana would no longer be able to assess the tolls described in the Fiscal Impact section above. These rules also benefit motorists by ensuring the specific amounts of the tolls and additional fees are set in rule and easy to locate. This allows motorists to make an informed choice on whether to take a tolled bridge or a non-tolled bridge based on the amount of the toll and the impact on their travel time and distance. The value of this benefit cannot be quantified, but the IFA believes it to be significant.

VI. Cost Analysis

There are no changes from existing requirements. These proposed rules include the same collection procedures formula that have been used since 2016 without changes. These rules do not contain any new or increased fees, fines, or civil penalties. Because the amount of tolls, fines, and penalties are based on the number of crossings and vehicle classification, and whether tolls are paid timely, respectively, the costs cannot be quantified. The combined implementation and compliance costs of the rules are not expected to exceed the threshold set in [IC 4-22-2-22.7\(c\)\(6\)](#).

VII. Sources of Information

To determine the appropriate, initial toll rates and annual increases, a Traffic and Revenue Forecast was performed by an outside consultant, Steer Davies Gleave, prior to tolling implementation. This document can be viewed via the following link:

<https://riverlink.com/wp-content/uploads/2018/01/Traffic-and-revenue-9-11-13.pdf>

VIII. Regulatory Analysis

As noted above, the rules allow the State to collect over \$75,000,000 which is used to pay the developer, debt service, and other expenses. For little to no corresponding cost, these rules benefit motorists by ensuring the specific amounts of the tolls and additional fees are set in rule and easy to locate. Overall, the IFA believes the benefits of the rules outweigh the costs.

IX. Contact Information of Staff to Answer Substantive Questions

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Notice of First Public Comment Period: [20260513-IR-135260117FNA](#)

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