

VIA EMAIL

February 27, 2025

Kirstie Anderson
Senior Attorney
Indiana Department of Transportation
100 North Senate Ave., N758 – Legal Services
Indianapolis, IN 46204

Re: LSA Document #25-65/Regulatory Analysis-Small Business Economic Impact Statement

Dear Ms. Anderson,

Pursuant to Indiana Code 4-22-2.1-5(c)(2), as the Small Business Ombudsman for the state of Indiana, I have reviewed the proposed rule and economic impact analysis associated with the rule changes contained in LSA Document #25-65 (proposed rule) submitted to the Indiana Small Business Ombudsman by the Indiana Department of Transportation (INDOT). I have found the following to be true.

Proposed rule LSA #25-65 amends 105 Indiana Administrative Code (IAC) 7-1-4, and 7-1-5. As the ombudsman understands, the amendment to 105 IAC 7-1-4 codifies definitions for the different types of permits that the Indiana Department of Transportation issues as well as when those permits are required. The amendment to 105 IAC 7-1-5 codifies the requirements associated with right of way permits and the associated fees for specific types of work being done through those permits.

The Indiana Department of Transportation's provided analysis presents a reasonable justification and an understanding of how the rules should be implemented. 105 IAC 7-1-4 codifies definitions, which will aid permit seekers, including small businesses, to determine the appropriate permits for them to pursue. The Indiana Small Business Ombudsman supports this proposed rule amendment. 105 IAC 7-1-5 codifies the requirements and fees associated with right of way permits. The mandate for submission via an Electronic Permit System (EPS) may disproportionately affect small businesses in rural Indiana, where access to technology and high-speed internet remains a challenge. Requiring rural businesses to use an electronic system with which they may or may not have the expertise to utilize could impair their business if permits are required for essential company operations and functionality. However, it could also be argued that mandating an electric filing system would incentivize more small rural businesses to adopt up-to-date technology and technological processes into their daily operations. Therefore, the Indiana Small Business Ombudsman is neutral on this amendment. If there are any questions about these comments, please contact the Indiana Small Business Ombudsman at ombudsman@iedc.in.gov.

Sincerely,
David Watkins
Small Business Ombudsman
Indiana Economic Development Corporation