

SENATE BILL No. 435

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-15-2-14; IC 8-15-2-17.2; IC 8-15-3-24; IC 8-15-3-28.

Synopsis: Rulemaking authority for toll collection. Provides that the transportation finance authority and the department of transportation may regulate the terms, conditions, and rates of tolls for the use of a toll road or tollway, and that a violation of such a rule is a Class C infraction.

Effective: July 1, 2002.

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January 14, 2002, read first time and referred to Committee on Transportation and Interstate Cooperation.

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Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

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SENATE BILL No. 435



A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 8-15-2-14 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 14. (a) The authority
3 may:
4 (1) fix, revise, charge, and collect tolls for the use of each toll
5 road project by any person, partnership, association, limited
6 liability company, or corporation desiring the use of any part
7 thereof, including the right-of-way adjoining the paved portion
8 and for placing thereon telephone, telegraph, electric light, or
9 power lines; and
10 (2) fix the terms, conditions, and rates of charge for such use **by**
11 **rule**, subject, however, to the state's police power.
12 (b) Notwithstanding subsection (a), no toll or charge shall be made
13 by the authority for:
14 (1) the operation of temporary lodging facilities located upon or
15 adjacent to any project, nor may the authority itself operate or
16 gratuitously permit the operation of such temporary lodging
17 facilities by other persons without any toll or charge; or



1 (2) placing in, on, along, over, or under such project, such
2 telephone, telegraph, electric light or power lines, equipment, or
3 facilities as may be necessary to serve establishments located on
4 the project or as may be necessary to interconnect any public
5 utility facilities on one (1) side of the toll road project with those
6 on the other side.

7 (c) All contracts executed by the authority shall be preserved in the
8 principal office of the authority.

9 (d) In the case of a toll road project that is not leased to the
10 department under IC 8-9.5-8-7, the tolls shall be fixed and adjusted for
11 each toll road project so that the aggregate of the tolls from the project,
12 together with other revenues that are available to the authority without
13 prior restriction or encumbrance, will at least be adequate to pay:

14 (1) the cost of operating, maintaining, and repairing the toll road
15 project, including major repairs, replacements, and
16 improvements;

17 (2) the principal of and the interest on bonds issued in connection
18 with the toll road project, as the principal and interest becomes
19 due and payable, including any reserve or sinking fund required
20 for the project; and

21 (3) the payment of principal of and interest on toll road bonds
22 issued by the authority in connection with any other toll road
23 project, including any reserve or sinking fund required for the
24 project, but only to the extent that the authority provides by
25 resolution and subject to the provisions of any trust agreement
26 relating to the project.

27 (e) Not less than one (1) year before the date that final payment of
28 all such bonds, interest, and reimbursement is expected by the
29 chairman of the authority to be completed, the chairman shall notify the
30 state budget committee in writing of the expected date of final
31 payment.

32 (f) Such tolls shall not be subject to supervision or regulation by any
33 other commission, board, bureau, or agency of the state.

34 (g) The tolls, rents, and all other revenues derived by the authority
35 from the toll road project shall be used as follows:

36 (1) To pay the cost of operating, maintaining, and repairing the
37 toll road project, including major repairs, replacements, and
38 improvements, to the extent that those costs are not paid out of
39 other funds.

40 (2) To the extent provided for in the resolution authorizing the
41 issuance of bonds under this chapter or in the trust agreement
42 securing the bonds, to pay:

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- 1 (A) the principal of and interest on any bonds as the principal
- 2 and interest become due; or
- 3 (B) the redemption price or purchase price of the bonds retired
- 4 by call or purchase.
- 5 (3) Except as prohibited by the resolution authorizing the issuance
- 6 of bonds under this chapter or the trust agreement securing them,
- 7 for any purpose relating to any toll road project, including the
- 8 subject toll road project, as the authority provides by resolution.
- 9 (h) Neither the resolution nor any trust agreement by which a pledge
- 10 is created needs to be filed or recorded except in the records of the
- 11 authority.
- 12 (i) The use and disposition of moneys to the credit of any sinking
- 13 fund shall be subject to the provisions of any resolution or resolutions
- 14 authorizing the issuance of any bonds or of any trust agreement. Except
- 15 as may otherwise be provided in this chapter or in any resolution or any
- 16 trust agreement, any sinking fund shall be a fund for all bonds without
- 17 distinction or priority of one over another, subject, however, to such
- 18 priorities as may arise from prior pledges.
- 19 (j) In the case of a toll road project that is leased to the department
- 20 under IC 8-9.5-8-8, the lease must require that the department fix tolls
- 21 for the toll road project that comply with IC 8-9.5-8-8(c)(6).
- 22 SECTION 2. IC 8-15-2-17.2 IS AMENDED TO READ AS
- 23 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 17.2. (a)
- 24 Notwithstanding IC 9, the authority may adopt rules:
- 25 (1) Establishing weight and size limitations for vehicles using a
- 26 toll road project, subject to the following:
- 27 (A) The operator of any vehicle exceeding any of the
- 28 maximum allowable dimensions or weights as set out by the
- 29 authority in rules and regulations shall apply to the authority
- 30 in writing, for an application for a special hauling permit,
- 31 which application must be in compliance with all the terms
- 32 thereof, and which application must be received at least seven
- 33 (7) days prior to the time of permitted entry should such permit
- 34 be granted. Such permit, if granted, will be returned to the
- 35 applicant in duplicate, properly completed and numbered, and
- 36 the driver of the vehicle shall have a copy to present to the toll
- 37 attendant on duty at the point of entry.
- 38 (B) The authority shall assess a fee for issuing a special
- 39 hauling permit. In assessing the fee, the authority shall take
- 40 into consideration the following factors:
- 41 (i) The administrative cost of issuing the permit.
- 42 (ii) The potential damage the vehicle represents to the

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- 1 project.
- 2 (iii) The potential safety hazard the vehicle represents.
- 3 (2) Establishing the speed at which a vehicle may be driven on a
- 4 toll road project, including a minimum speed and a maximum
- 5 speed not in excess of the maximum provided in IC 9 for the
- 6 interstate defense network of dual highways.
- 7 (3) Designating one-way traffic lanes on a toll road project.
- 8 (4) Determining the manner of operation of vehicles entering and
- 9 leaving traffic lanes on a toll road project.
- 10 (5) Determining the regulation of U-turns, of crossing or entering
- 11 medians, of stopping, parking, or standing, and of passing
- 12 vehicles on a toll road project.
- 13 (6) Determining the establishment and enforcement of traffic
- 14 control signs and signals for vehicles in traffic lanes, acceleration
- 15 and deceleration lanes, toll plazas, and interchanges on a toll road
- 16 project.
- 17 (7) Determining the limitation of entry to and exit from a toll road
- 18 project to designated entrances and exits.
- 19 (8) Determining the limitation on use of a toll road project by
- 20 pedestrians and aircraft and by vehicles of a type specified in such
- 21 rules and regulations.
- 22 (9) Regulating commercial activity on a toll road project,
- 23 including but not limited to:
- 24 (A) the offering or display of goods or services for sale;
- 25 (B) the posting, distributing, or displaying of signs,
- 26 advertisements, or other printed or written material; and
- 27 (C) the operation of a mobile or stationary public address
- 28 system.
- 29 (b) A person who violates a rule adopted under this section **or**
- 30 **under section 14 of this chapter** commits a Class C infraction.
- 31 However, a violation of a weight limitation established by the authority
- 32 under this section is:
- 33 (1) a Class B infraction if the total of all excesses of weight under
- 34 those limitations is more than five thousand (5,000) pounds but
- 35 not more than ten thousand (10,000) pounds; and
- 36 (2) a Class A infraction if the total of all excesses of weight under
- 37 those limitations is more than ten thousand (10,000) pounds.
- 38 (c) It is a defense to the charge of violating a weight limitation
- 39 established by the authority under this section that the total of all
- 40 excesses of weight under those limitations is less than one thousand
- 41 (1,000) pounds.
- 42 (d) The court may suspend the registration of a vehicle that violated

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1 a size or weight limitation established by the authority under this
2 section for a period of not more than ninety (90) days.

3 (e) Upon the conviction of a person for a violation of a weight or
4 size limitation established by the authority under this section, the court
5 may recommend suspension of his a current chauffeur's license only if
6 the violation was committed knowingly.

7 SECTION 3. IC 8-15-3-24 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 24. (a) Except as
9 provided in subsection (b), the department may **by rule:**

10 (1) fix, revise, charge, and collect tolls for:

11 (A) the use of a tollway or any part of a tollway, including the
12 right-of-way adjoining the paved part of the tollway; and

13 (B) placing on a tollway or part of a tollway telephone,
14 telegraph, electric light, or power lines; and

15 (2) fix the terms, conditions, and rates of charge for use of a
16 tollway.

17 (b) A toll or charge may not be made by the department for the
18 following:

19 (1) The operation of temporary lodging facilities located upon or
20 adjacent to a tollway.

21 (2) Placing in, on, along, over, or under a tollway any telephone,
22 telegraph, electric light, or power lines, equipment, or facilities
23 that are necessary to serve establishments located on the tollway
24 or that are necessary to interconnect any public utility facilities on
25 one (1) side of the tollway with those on the other side.

26 (c) Tollway tolls that are collected shall be deposited in a special
27 fund so that the tolls from each tollway project may be accounted for
28 and used only for the purposes of operating and maintaining the facility
29 from which the tolls were collected.

30 (d) The department shall fix the tolls for a tollway so that, to the
31 extent feasible, the tolls for any class of traffic are substantially
32 uniform according to the mileage between interchanges. A reduced rate
33 of toll is not allowed within a class except through the use of
34 commutation or other tickets or privileges based upon frequency or
35 volume of use.

36 SECTION 4. IC 8-15-3-28 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 28. (a) A person who
38 violates a rule adopted under section **24 or 27** of this chapter commits
39 a Class C infraction.

40 (b) A violation of a weight limitation established by rule under
41 section 27 of this chapter is:

42 (1) a Class B infraction if the total of all excess weight under

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1 those limitations is more than five thousand (5,000) pounds but
 2 not more than ten thousand (10,000) pounds; or

3 (2) a Class A infraction if the total of all excess weight under
 4 those limitations is more than ten thousand (10,000) pounds.

5 (c) It is a defense to the charge of violating a weight limitation that
 6 the total of all excess weight under that limitation is less than one
 7 thousand (1,000) pounds.

8 (d) The court may suspend the registration of a vehicle that violates
 9 a size or weight limitation for a period of not more than ninety (90)
 10 days. Upon the conviction of a person for a violation of a weight or size
 11 limitation, the court may recommend suspension of a current
 12 chauffeur's license only if the violation is committed knowingly.

13 **SECTION 5. [EFFECTIVE JULY 1, 2002] (a) Notwithstanding**
 14 **IC 8-15-2-14 and IC 8-15-2-17.2, both as amended by this act, the**
 15 **Indiana transportation finance authority shall carry out the duties**
 16 **imposed upon it under IC 8-15-2-14 and IC 8-15-2-17.2, both as**
 17 **amended by this act, under interim written guidelines approved by**
 18 **the chairman of the Indiana transportation finance authority.**

19 (b) This SECTION expires on the earlier of the following:

20 (1) The dates rules are adopted under IC 8-15-2-14 and
 21 IC 8-15-2-17.2, both as amended by this act.

22 (2) December 31, 2003.

23 **SECTION 6. [EFFECTIVE JULY 1, 2002] (a) Notwithstanding**
 24 **IC 8-15-3-24, as amended by this act, the Indiana department of**
 25 **transportation shall carry out the duties imposed upon it under**
 26 **IC 8-15-3-24, as amended by this act, under interim written**
 27 **guidelines approved by the commissioner of the Indiana**
 28 **department of transportation.**

29 (b) This SECTION expires on the earlier of the following:

30 (1) The dates rules are adopted under IC 8-15-3-24, as
 31 amended by this act.

32 (2) December 31, 2003.

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