

VIA EMAIL

February 28, 2024

Marjorie A. Millman
Director of Legal Operations
Indiana Department of Transportation

Re: LSA Document #24-85/Economic Impact Statement

Dear Ms. Millman,

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 for small businesses associated with the rule changes contained in LSA Document #24-85 (proposed rule) proposed by the Indiana Department of Transportation (INDOT) and found the following to be true.

Proposed rule LSA #24-85 promulgates rules as a new section of Indiana Administrative Code (IAC) under 105 IAC 18 as authorized through Indiana Code 8-23-2-6 & 8-23-32-21, which was legislated through House Enrolled Act 1015-2023 as a new section of IAC. Specifically, HEA 1015 requires the rulemaking codification to allow for INDOT to utilize a pilot worksite speed control system where workers are present on a road or bridge on an interstate system or U.S. route to take photographs or a recorded image of the rear of a vehicle which exceeds the worksite speed limit by at least eleven (11) miles per hour. While there are a significant number of small businesses which own fleet vehicles that may be impacted by the implementation of this rule, the rule is a public safety regulation and is seemingly being implemented in a way which minimizes the burden placed directly on small businesses, and instead is focused on individuals and worker/ worksite safety. Additionally, the ability to appeal provides the opportunity to rebut and presumption that the owner was the operator of the vehicle, and costs appear to be minimal to facilitate an appeal by both the individual as well as INDOT.

INDOT's provided economic impact analysis and regulatory analysis display a proper due diligence and understanding of how implementation of similar laws have made an impact in other states. Based upon this statement and review, the Indiana Small Business Ombudsman supports the proposed rule related to the economic impact on small business if the DFI conclusion reflects the actual result after promulgation. If there are any questions about these comments, please contact me at ombudsman@iedc.in.gov.

Sincerely,

Matt Jaworowski
Small Business Ombudsman
Indiana Economic Development Corporation