

IC 9-21-4

Chapter 4. Traffic Control Devices

IC 9-21-4-1

Signing, marking, and erection; guidelines

Sec. 1. A governmental agency in Indiana that is responsible for the signing, marking, and erection of traffic control devices on streets and highways within Indiana shall follow the Indiana Manual on Uniform Traffic Control Devices for Streets and Highways.

As added by P.L.2-1991, SEC.9.

IC 9-21-4-2

Placement and maintenance; department of transportation; local authorities; unnecessary signals; removal

Sec. 2. (a) The Indiana department of transportation shall place and, except as otherwise provided in this section and IC 8-23-2-15, maintain traffic control devices conforming to the state manual and specifications upon all state highways, including the state maintained routes through a city or town, as necessary to indicate and to carry out this article or to regulate, warn, or guide traffic.

(b) A local authority may not place or maintain a traffic control device upon a highway in the state highway system or the state maintained routes through a city or town until the authority has received written permission from the Indiana department of transportation.

(c) If the department determines, upon the basis of an engineering and traffic investigation, that any traffic control signal is not necessary for the safe, convenient, economical, and orderly movement of traffic, the signal shall be removed by the Indiana department of transportation and be returned to the authority responsible for the signal's erection. If the Indiana department of transportation determines, based on an engineering and traffic investigation, that a traffic control signal now in place is necessary for the safe, convenient, economical, and orderly movement of traffic, the signal must remain in place, and the Indiana department of transportation shall affix a tag or seal to the signal showing that the signal has been approved by the Indiana department of transportation.

As added by P.L.2-1991, SEC.9. Amended by P.L.217-2014, SEC.46.

IC 9-21-4-3

Local authorities; jurisdiction; duties; traffic calming devices

Sec. 3. (a) As used in this section, "traffic calming device" means a device erected to slow traffic on residential streets, including the following:

- (1) traffic circles;
- (2) curb extensions;
- (3) neck downs;

- (4) diagonal diverters;
- (5) truncated diagonal diverters; or
- (6) chicanes.

(b) A local authority shall place and maintain traffic control devices upon highways under the authority's jurisdiction, not including state highways, the authority considers necessary to indicate and to carry out this article or local traffic ordinances or to regulate, warn, or guide traffic. All traffic control devices, except traffic calming devices, erected under this section after June 30, 1939, must conform to the Indiana manual on uniform traffic control devices for streets and highways, ("the state manual") and design specifications. However, the design and use of traffic calming devices shall conform to generally accepted engineering principles of road design, and shall not affect the requirements of the state manual and design specifications as regards any other traffic control device, as used in this chapter.

As added by P.L.2-1991, SEC.9. Amended by P.L.93-1996, SEC.1.

IC 9-21-4-4

Unauthorized traffic control devices; prohibition

Sec. 4. A person may not place, maintain, or display upon or in view of a highway an unauthorized sign, signal, marking, or device that:

- (1) purports to be, is an imitation of, or resembles an official traffic control device or a railroad sign or signal;
- (2) attempts to direct the movement of traffic; or
- (3) hides from view or interferes with the effectiveness of an official traffic control device or a railroad sign or signal.

As added by P.L.2-1991, SEC.9.

IC 9-21-4-5

Commercial advertising; placement on traffic control devices; prohibition; exceptions; tourist attraction signage; lights maintained on private property; restrictions

Sec. 5. (a) Except as provided in subsection (b), a person may not place or maintain upon a highway a traffic sign or signal bearing commercial advertising. A public authority may not permit the placement of a traffic sign or signal that bears a commercial message.

(b) Under criteria to be jointly established by the Indiana department of transportation and the office of tourism development, the Indiana department of transportation may authorize the posting of any of the following:

- (1) Limited tourist attraction signage.
- (2) Business signs on specific information panels on the interstate system of highways and other freeways.

All costs of manufacturing, installation, and maintenance to the Indiana department of transportation for a business sign posted under this subsection shall be paid by the business.

(c) Criteria established under subsection (b) for tourist attraction signage must include a category for a tourist attraction that:

- (1) is a trademarked destination brand; and
- (2) encompasses buildings, structures, sites, or other facilities that are:

(A) listed on the National Register of Historic Places established under 16 U.S.C. 470 et seq.; or

(B) listed on the register of Indiana historic sites and historic structures established under IC 14-21-1;

regardless of the distance of the tourist attraction from the highway on which the tourist attraction signage is placed.

(d) Criteria established under subsection (b) for tourist attraction signage must include a category for a tourist attraction that is an establishment issued a brewer's permit under IC 7.1-3-2-2(b).

(e) A person may not place, maintain, or display a flashing, a rotating, or an alternating light, beacon, or other lighted device that:

- (1) is visible from a highway; and
- (2) may be mistaken for or confused with a traffic control device or for an authorized warning device on an emergency vehicle.

(f) This section does not prohibit the erection, upon private property adjacent to highways, of signs giving useful directional information and of a type that cannot be mistaken for official signs. *As added by P.L.2-1991, SEC.9. Amended by P.L.229-2005, SEC.8; P.L.30-2007, SEC.1; P.L.94-2008, SEC.59; P.L.79-2015, SEC.15.*

IC 9-21-4-6

Advertising signs, signals, and devices; placement on or over roadway; prohibition; removal

Sec. 6. (a) A person may not place, maintain, or display an advertising sign, signal, or device on or over the roadway of a highway.

(b) A person may not place, maintain, or display an advertising sign, signal, or device on a highway in a city between the curb and sidewalk. If the curb and sidewalk join, a person may not place, maintain, or display on the sidewalk an advertising sign, signal, or device closer than ten (10) feet from the curb line. Overhanging signs may not overhang the curb.

(c) A person may not place, maintain, or display an advertising sign or device of any character within one hundred (100) feet of a highway outside the corporate limits of an incorporated city or town that obstructs the view of:

- (1) the highway; or
- (2) an intersecting highway, street, alley, or private driveway;

of a person traveling the highway for a distance of five hundred (500) feet or less from the sign or device as the person approaches the highway or intersecting highway.

(d) A person may not place, maintain, or display an advertising

sign or a device of a permanent or semipermanent character on a highway right-of-way.

(e) Each sign, signal, or marking prohibited under this section is declared to be a public nuisance. The authority having jurisdiction over the highway may remove or cause to be removed the prohibited sign, signal, or marking without notice.

As added by P.L.2-1991, SEC.9.

IC 9-21-4-7

Designation or determination of the location of, necessity for, and extent of traffic control devices; order of department of transportation; violation; trial; certification of order; permits

Sec. 7. (a) Whenever, under this article, the Indiana department of transportation designates or determines the location of, necessity for, and extent of:

- (1) traffic control devices;
- (2) state speed limits, other than maximum limits;
- (3) speed limits on elevated structures;
- (4) no passing zones;
- (5) one-way roadways;
- (6) certain lanes for slow moving traffic;
- (7) course of turning movements at intersections;
- (8) dangerous railroad crossings requiring stops;
- (9) through highways and stop intersections;
- (10) angle parking; or
- (11) restrictions on the use of highways for certain periods or for certain vehicles, including low speed vehicles;

the designation or determination shall be by order of the commissioner of the Indiana department of transportation and shall, except for subdivision (1), be evidenced by official signs or markings under this article. The commissioner of the Indiana department of transportation may designate an order adopted under this subsection as an emergency rule and adopt the order in the same manner as emergency rules are adopted under IC 4-22-2-37.1.

(b) At a trial of a person charged with a violation of the restrictions imposed by subsection (a) and in all civil actions, oral evidence of the location and content of the signs or markings is prima facie evidence of the adoption and application of the restriction by the Indiana department of transportation and the validity of the adoption and application of the restriction. The Indiana department of transportation shall, upon request by a party in an action at law, furnish, under the seal of the Indiana department of transportation, a certification of the order establishing the restriction in question. A certification under this subsection shall be accepted by any court as conclusive proof of the designation or determination by the commissioner of the Indiana department of transportation. Certified copies shall be furnished without cost to the parties to a court action involving the restriction upon request.

(c) Whenever, under this article, a permit or permission of the Indiana department of transportation is required, the permit must be in writing and under the seal of the Indiana department of transportation.

As added by P.L.2-1991, SEC.9. Amended by P.L.21-2003, SEC.7; P.L.140-2013, SEC.11.

IC 9-21-4-8

Rules of statewide application not evidenced by official signs and not authorized by this article; adoption; use of administrative rules

Sec. 8. The rules for construction of private drives and controlling the cutting of curbs in cities and any other rules of statewide application that are:

- (1) not evidenced by official signs or markings;
- (2) made by the Indiana department of transportation; and
- (3) not authorized by this article but authorized by other statutes;

shall be adopted under IC 4-22-2.

As added by P.L.2-1991, SEC.9.

IC 9-21-4-9

Administrative rules; adoption of rules of statewide application; exceptions

Sec. 9. (a) Except as provided in subsections (b) and (c), all rules of statewide application shall be adopted under IC 4-22-2.

(b) Traffic regulations carrying a penalty for violation and requiring the use of signs or markers to make them effective need not be adopted under IC 4-22-2.

(c) Traffic regulations, except maximum speed limits and worksite speed limits, shall be officially adopted by order of the Indiana department of transportation.

As added by P.L.2-1991, SEC.9.

IC 9-21-4-10

Emergency rules; adoption under administrative rules provisions

Sec. 10. If the Indiana department of transportation designates a rule under section 8 or 9 of this chapter as an emergency rule, the department may adopt the rule under IC 4-22-2-37.1.

As added by P.L.2-1991, SEC.9.

IC 9-21-4-11

Through highways; stop or yield intersections; designation; erection of signs

Sec. 11. The Indiana department of transportation, with reference to state highways and highway routes through cities, and local authorities, with reference to other highways under their jurisdiction, may, upon an engineering and traffic investigation, designate:

- (1) through highways and erect stop or yield signs at specified

entrances to the highways; or
(2) an intersection as a stop or yield intersection and erect stop or yield signs at one (1) or more entrances to the intersection.
As added by P.L.2-1991, SEC.9.

IC 9-21-4-12

No passing zones and narrow bridges on state highways; designation; erection of signs

Sec. 12. (a) The Indiana department of transportation may determine by an engineering and traffic investigation those parts of a state highway where overtaking and passing or driving to the left of the roadway would be especially hazardous and may, by appropriate signs or marks on the roadway, indicate the beginning and end of the zones.

(b) The Indiana department of transportation may determine that a bridge, a culvert, or an approach to a bridge or culvert on a state highway does not have sufficient clear roadway width to safely permit the passing of two (2) vehicles. A bridge or culvert described in this subsection shall be designated a one-lane bridge or a narrow bridge.

As added by P.L.2-1991, SEC.9.

IC 9-21-4-13

No passing zones; designation by local authorities; erection of signs

Sec. 13. A local unit that has responsibility for roads and streets may determine by an engineering and traffic investigation those parts of a road or street, including bridges, under the unit's jurisdiction where overtaking and passing or driving to the left of the roadway would be especially hazardous. Upon making that determination, the local unit may, by ordinance, designate no-passing zones by appropriate signs or marks on the roadway.

As added by P.L.2-1991, SEC.9.

IC 9-21-4-14

One-way highways and streets; designation; erection of signs

Sec. 14. The Indiana department of transportation may designate a highway or separate roadway under the department's jurisdiction for one-way traffic and shall erect appropriate signs giving notice of the designation.

As added by P.L.2-1991, SEC.9.

IC 9-21-4-15

Repealed

(Repealed by P.L.81-1996, SEC.12.)

IC 9-21-4-16

Stopping at railroad crossings; procedure

Sec. 16. When a stop sign is erected at a railroad crossing, the

driver of a vehicle shall stop within fifty (50) feet but not less than ten (10) feet from the nearest track of the grade crossing and shall proceed only upon exercising due care.

As added by P.L.2-1991, SEC.9.

IC 9-21-4-17

Preferential right-of-way at intersections; signs

Sec. 17. Whenever traffic at an intersection is controlled by signs, preferential right-of-way may be indicated by stop signs or yield signs under this chapter.

As added by P.L.2-1991, SEC.9.

IC 9-21-4-18

Operation of motor vehicle; obeyance of markings or signs

Sec. 18. A person who drives a vehicle must obey the markings or signs posted under this chapter.

As added by P.L.2-1991, SEC.9.

IC 9-21-4-19

Violations; Class C infraction

Sec. 19. A person who violates section 4, 5, 6, 16, 17, or 18 of this chapter commits a Class C infraction.

As added by P.L.2-1991, SEC.9.

IC 9-21-4-20

Highway work zones; signage; penalties

Sec. 20. (a) For purposes of this section, "highway work zone" has the meaning set forth in IC 8-23-2-15.

(b) The Indiana department of transportation shall design and manufacture or have manufactured signs that inform vehicle operators of the offenses and penalties under:

- (1) IC 9-21-5-11; and
- (2) IC 9-21-8-56.

(c) A sign described in subsection (b) shall be posted at a reasonable distance before a highway work zone by:

- (1) the Indiana department of transportation;
- (2) a political subdivision; or
- (3) a contractor of the:
 - (A) Indiana department of transportation; or
 - (B) political subdivision;

that is working at the highway work zone.

A sign that is posted before a highway work zone must be posted in accordance with the Indiana Manual on Uniform Traffic Control Devices or the Indiana Work Site Traffic Control Manual.

As added by P.L.40-2007, SEC.1.