



I-69 Subcommittee Meeting Minutes

October 26, 2011 1:00pm

McCloskey Room (#135), City Hall, 401 N. Morton St., Bloomington, IN 47404

I-69 Subcommittee minutes are transcribed in a summarized outline manner. Meetings are not recorded.

I-69 Subcommittee: Jack Baker (Bloomington Plan Commission), Richard Martin (Monroe County Plan Commission), Kent McDaniel (Bloomington Public Transportation Corp.), Lynn Coyne (Indiana University), Mark Kruzan (City of Bloomington Mayor).

I-69 Subcommittee Guests: Sandra Flum (INDOT), Jay DuMontelle (FHWA), Robert Tally (FHWA).

Others: L. Jacobs, C. Sorenson, T. Tokarski, R. Spaw, J. Wykoff, P. Ash, J. Holthaus, and M. Hutton.

MPO Staff: Tom Micuda, Josh Desmond, and Raymond Hess.

The meeting opened with 4 of 6 members present at 1:10 PM. Mr. McDaniel joined the meeting at 1:40PM.

Mr. Martin noted several editorial corrections to the minutes of October 17 and October 19. Mr. Baker moved to accept the minutes with second by Mr. Kruzan. The motion was adopted with unanimity.

Mr. Martin read a draft letter to INDOT in response to the INDOT letter of July 27, 2011, rejecting the proposed BMCMPPO 2012-2015 TIP. The purpose of the response is first to formally reply to the INDOT letter and secondly to refute the incorrect claim of failure to follow procedures identified in the BMCMPPO Bylaws and the purpose and intent of the MPO. The wording is strong because the claims in INDOT's letter are not only incorrect but strongly worded. Mr. Martin stated that the draft letter would become a part of the sub-committee report since the failure to reply so far was specifically mentioned in an INDOT response. Action on the draft letter can be considered by the full Policy Committee.

Mr. Martin began discussion with INDOT and FHWA by asking for clarification of responses of FHWA to question 26. Mr. DuMontelle noted that it was important to distinguish the situation of Section 4 from that of Section 5. Question 26 specifically referred to Section 5. Mr. Martin referred to question 103 that dealt with Section 4. Mr. DuMontelle stated that Section 4 project was approved for connection to SR 37, but if Federal funds were not available for the BMCMPPO jurisdiction, FHWA and INDOT would review which portions of the remainder made sense to construct. This could include bridges or other appropriate work in support of the final completion of Section 4. It would not make sense to dump interstate traffic on SR 45.

Mr. Coyne reviewed, with the aid of participants, the geometry of I-69 as it related to Section 4 and Section 5 and the BMCMPPO jurisdiction. Mr. Martin reviewed the history of LRTP and TIP action related to I-69 taken by the BMCMPPO.

Mr. Tally stated that the BMCMPPO may be reading more into the question 26 response than is appropriate. Section 4 is approved. Even if Federal funds cannot be used for the 1.7 miles in the BMCMPPO jurisdiction, the State can use State funds to complete construction work. The State can use State funds as it sees fit. Mr. Kruzan asked about the phrase "would not comply with Federal

requirements". How was that phrase interpreted differently in Section 4 and Section 5? Mr. Tally replied that everything that has occurred to date, including actions over the past several years by the BMCMPPO, indicate the project is to go forward. FHWA would need to discuss with the State any change in direction resulting from further action. Mr. Kruzan asked if an MPO says NO anywhere in the US, can the State build the highway. Mr. Tally replied yes, this is a Federal funding assisted project that is owned by the State. At this point, FHWA would likely respond with a Corrective Action notice if there were differences between the BMCMPPO and INODT decisions. Mr. Kruzan stated that you have not said what it is going to look like, but just that it can be built. Our issue is what are we going to get and how do we best benefit the community. Do we not have the power to stop the project? Mr. Tally responded that you are correct, but we need the MPO to decide we can go forward. Mr. Kruzan asked if we can stop Section 5? Mr. Tally replied that they must wait for the BMCMPPO decision to move forward. Mr. Kruzan asked if the State can build Section 5 without Federal authorization? Mr. Tally replied yes, but it would not meet Federal planning requirements.

Mr. Coyne asked if, after the State completed the 1.7 mile portion of Section 4 to SR 37, other projects like Vernal Pike may not be built if Section 5 does not occur. Mr. Tally replied that because Section 5 is in-process, any sub-project could not be addressed.

Mr. Martin asked about clarification of the 'funds cut-off' statement in the INODT responses. Mr. Tally replied that as far as FHWA is concerned, the state has authority over every current or future project. Ms. Flum added that we do not want to contemplate that situation. We would want to prioritize that situation. Mr. McDaniel asked if the State can restrict access to Federal funds. Mr. Tally replied that in his letter of June 24, 2009 on page 5 he stated that Federal authorization assumes completion of PS&E and then he noted that it is the State that actually controls agreements with contractors. Mr. DuMontelle added that the key term is 'Authorized', which means they 'authorize the system and obligate the funds'. Mr. McDaniel noted that Bloomington Transit usually works directly with the Federal government. Does the State get involved? Mr. DuMontelle replied that the FTA is different than the FHWA in the way they operate.

Mr. Martin asked how do we stay involved in the decision process. We seem to have no more standing than the general public. Ms. Flum replied that you should tell us in writing what your priority list looks like. Mr. Martin asked about karst feature reports specified in the Nov. 2010 TIP Resolution. Ms. Flum replied that they are continuing to do geotechnical work. There are security concerns for some of the karst information. Mr. Martin stated that the Monroe County Plan Commissions has two current petitions for areas near the proposed I-69 route and expected many more in the years to come. One aspect of its deliberations about these petitions is to examine karst features for applicability of ordinance provisions. That often means field work and sometimes the petitioner hiring a geotechnical consult to prepare a report. If the State has already done that work, why should we be asking property owners to pay for it again? Ms. Flum replied that we need to establish a mechanism to provide requested information. Mr. Tally noted that the emergency response access issue is an example of involvement in the decision process. Mr. Martin noted that the FHWA response did provide an action list for meetings that are on-going with emergency responders in that area.

Mr. Martin then summarized a list of concerns that are identified in the questions, responses and meeting discussion. Mr. Tally stated that it was important to remember that no one has unending deep pockets. Local priorities are local and the FHWA role is to look at Federal interests. Mr. Martin stated that it was more a matter of not eliminating opportunities for local projects like alternative

transportation aspects of bridges in Section 5. Ms. Flum stated that there might be an opportunity for an MOU or cooperating agreement that would get the MPO more involved. Mr. Tally stated that it was something that FHWA could consider. We understand that there are secondary and cumulative effects to consider. Ms. Flum pointed out that currently the Section 5 effort included local input about land use projections. Mr. DuMontelle said that the LRTP update process now being conducted by the MPO was another way to be involved by presenting future transportation needs. Mr. Tally stated that FHWA would research ways in which they might implement a Cooperative Agreement under EIA opportunity to provide a higher level of involvement. He noted that such an agreement would require more effort on the part of the local agency involved. Mr. Martin noted that the community had experience with the dedication of resources to that kind of effort through its PCB situation involvement. Mr. Tally also noted that FHWA was using the Kentucky Parkway conversion of an existing facility to I-69 as a learning experience that it could apply to SR 37.

Mr. Martin asked about funding for Section 5 that was as yet unspecified. Ms. Flum stated that INDOT will revise estimates and set priorities as it goes forward. Mr. Tally stated that FHWA was required to validate commitments to fund as part of the decision process. Because it is an existing facility, Section 5 is a bit different than Section 4. We have many sources of funds to manage for a variety of projects specifics. INDOT has worked with us to identify the best sources and uses of funds for State and local projects. Ms. Flum added that they do not want to fix one problem and create another. Mr. DuMontelle noted the INDOT cooperation with emergency responders on the east side of Indianapolis as roadway and ramp improvements occurred. We need to pay close attention to operational issues.

Mr. Martin identified the following items for the I-69 Sub-committee report to the Policy Committee: minutes for the five meetings, the consolidated list of questions and responses from FHWA and INDOT, the summary of projects at risk that include future TIP items and current TIP items not already authorized, the stakeholder and concerns list, the draft reply to INDOT letter, summary of responses assembled by Mr. Baker, emails from Chairperson with FHWA and INDOT.

Mr. Coyne expressed sub-committee appreciation to Mr. Tally, Mr. DuMontelle, and Ms. Flum for meeting with us today and continuing the discussion. Mr. Tally stated that the discussion was helpful to them and you learned a lot about the process.

The meeting adjourned at 3:00 PM.

Minutes prepared by Richard Martin