



Policy Committee Meeting Minutes
May 13, 2011 McCloskey Conference Room 135, City Hall

Policy Committee minutes are transcribed in a summarized outline manner. Audio recordings are on file with the City of Bloomington Planning Department.

Policy Committee: Jack Baker (Bloomington Plan Commission), Michelle Allen (FHWA), Lynn Coyne (IU Real Estate), Mark Kruzan (Bloomington Mayor), Jerry Pittsford for Richard Martin (Monroe County Plan Commission), Kent McDaniel (Bloomington Public Transportation Corp.), Kathy Eaton McKalip (INDOT), Patrick Murray (CAC Chair), Andy Ruff (Bloomington City Council), Mark Stoops (Monroe County Commission), Dan Swafford (Town of Ellettsville), Julie Thomas (Monroe County Council), and Bill Williams (Monroe County Highway Department).

Others: Adrian Reid (City Engineer), Tom Micuda (City Planning), Connie Griffin (Town of Ellettsville), Sarah Ryterband (CAC), Margie Rice (City Legal), Justin Wykoff (City Engineering), Mike Malik (H-T Reporter), Steve Walls (INDOT), Jacqui Bauer (City of Bloomington), Brian Robinson (City of Bloomington).

Public including members of CARR, I-69 Accountability Project, etc: Tom Tokarski, Mark Haggerty, Jon Gusan, Ned Powell, C. Jason Dotson, Donna Lentz Ferree, Susan Pennington, Jim Pennington, Jennifer Borland, Gray Anderson, David Baas, Ann Bass, Karen Bauer, Vicky Sorensen, Clark Sorensen, Doc Ernst (Milestone Contractors), Charles Savage, Mick Harrison, Patti Pizzo, Terrie Usrey, Pauline Spiegel, Robert Comstock, Barbara Roberts, Okcha Atwood, Sura Gail Talia, Chris Campbell, Terry Stocke, Judy Madeira, Jan Boyd, William A. Boyd, Brian Garvey, Don Lichtenberg, Rita Lichtenberg, Carol Polsgrove, Linda Greene, Lucille Bertuccio, Paula Worley, Sandra W. Tokarski, Tom Glastras, Sophia Travis, Cheryl Munson, Patrick Munson, Marcia Brammer, Paul T. Ash, Martha Boisson, Terri Greene, Nicole Cadon Johnson, Joshua Uriah Johnson, Harvey W. Sullivan, Reva Sullivan, Dwight L. Hazen, Larry Smith, Jewel Echelbarger, Sarah Clevenger, Janice Clevenger, Susan Henry, Jim Hart, Sam Allison, Chris Doran, Christine Glaser, Charles Newmann, and Jeff Wilk.

MPO Staff: Josh Desmond, Raymond Hess, Scott Robinson and Jane Weiser.

- I. Call to Order**—Kent McDaniel called the Policy Committee (PC) meeting to order. He explained the ground rules on public comment. Public comment is allowed on any action item after the committee discusses it. Public comments are limited to 5 minutes. Everyone is allowed to speak one time on one issue. We encourage brief comments. We have heard a lot of the comments before.
- II. Approval of Minutes:**
 - A.** April 8, 2011—Lynn Coyne moved approval. Julie Thomas seconded. There was a unanimous approval.
- III. Communications from the Chair**—Kent McDaniel talked about the House Bill that called public transportation funds by 17.8%. Several transportation advocacy groups worked hard to get the Senate to restore the funding. For 30 years, there has been a dedicated source of funding called the Public Mass Transportation Fund. Recently, sales tax revenues generated \$42 million

dollars a year. They eliminated that fund. They granted \$42.5 million for the next two years but now there is no dedicated source. That gives us a couple of years to work on it. There had been a bill introduced that would have allowed City Councils to create a referendum to generate funding for public transportation out the local option income tax. That bill was killed in the Ways and Means Committee. There is a group in central Indiana that is trying to start a campaign to generate resolutions of support for local referendums for public transportation funding. They plan to launch it in June. In preparation for that they have asked a few organizations to try to go out and see if they can get these resolutions passed to show they support the concept of local choice for funding for public transportation. The Bloomington Transit Board of Directors passed a resolution last Tuesday. He asked the MPO to consider passing a similar resolution at their next Policy Committee meeting and members of the City Council and County Council to do the same. This does not mean that we are advocating an increase in taxes instead we are advocating the concept that we allow local units to make these decisions for themselves.

IV. Reports from Officers and/or Committees

A. Citizens Advisory Committee—Mr. Murray reported that the CAC approved the TIP amendment with their own amendments. They want to include Complete Streets language in the W. 2nd St Feasibility Study and to move the construction of the Rogers/Sare roundabout to 2013.

B. Technical Advisory Committee—Mr. Reid said the TAC had no report.

V. Reports from the MPO Staff

A. HB 1367 (MPO Legislation)—Mr. Desmond reported that House Bill 1367 died in the Senate Committee.

B. FHWA certification of BMCMPPO—Mr. Desmond reported that the BMCMPPO received notification from FHWA of certification for 4 years. They included some suggestions and a commendation for the performance and success our local transit system. FHWA asked to put them on the agenda in June for a brief presentation on the certification.

VI. Old Business

A. FY 2012-2015 Transportation Improvement Program (*Action Requested)**—Mr. Hess noted that the TIP that we are operating under is for FY2010 through FY2013. We have developed the next 4-year document which will run from FY2012-FY2015. The fiscal year starts on July 1 so the new TIP will take effect in July 2011. He pointed out that there are some proposed changes of the draft document from feedback from our LPAs and public comments which ran from March 1 through March 30. There were some scrivener's errors in the document and some minor project changes. The Allen St. Bicycle Boulevard project was taken out of TIP to allow it to be done using local funds. The funding originally allocated to that project will be redirected to 2 other bicycle and pedestrian type projects. The first is the Black Lumber trail spur which runs from behind Black Lumber on Henderson St. to connect to the B-Line Trail. There is proposed funding in FY2014-FY2015. Also about \$100,000 was redirected to the College Mall Pedestrian Improvement Study. This would entail hiring an engineer to evaluate the suggested improvements put forth in the study that was done several years ago. He pointed out the scrivener's errors and other errors and their subsequent corrections. INDOT asked for a change that is not in the packet on page 10. It refers to the SR 45 and Hickory Drive

had cost misalignments in that table. He discussed where the Complete Streets Policy applies and where it doesn't at this time. Public comments are included in the packet. The TAC did recommend the approval of the draft TIP inclusive of staff's changes. The CAC did the same but added 2 other conditions as found in the CAC report in Section IV. The City accepts those two conditions.

Andy Ruff asked if we would need a motion to adopt the CAC's recommendations into the document. Hess said yes.

Mr. McDaniel asked about the legal opinion of the 23-page document delivered at the last meeting. Margie Rice, City of Bloomington Corporation Counsel, pointed out that she is an attorney for the City and not for the MPO. The MPO is unrepresented. She said that after discussions with Dave Schilling, County Attorney, they decided to consult an attorney with appropriate background in this area. They settled on Ed Diller at Taft, a large law firm in Cincinnati and Indianapolis. They didn't do a comprehensive review of the letter but gave a limited scope of review based on what was relevant to the MPO and what is before the MPO today. Taft found that they did not think that there is legal foundation for allegation that the MPO members would be held personally responsible. You would be acting within the scope official capacity. MPO members are appointed based on their role. You are not acting in your individual capacity. No personal liability would be assigned to you. There is immunity under Indiana law when you act in your official capacity. That is the short version of the analysis. Julie Thomas thanked Ms. Rice. She said she read the email this morning and she believed that it said that this and any discussions that we have with you do not constitute "opinion" upon which anyone may or should rely. What do we really have here? Ms. Rice said that is a good lawyer's statement to say "I'm not going out on a limb and I haven't done all of the legal analysis." They didn't give a comprehensive review of every issue in the letter. She and Dave Schilling did a more thorough review and she feels confident giving her client advice that there is not going to be personal liability in this situation.

Mr. McDaniel asked if any action is needed to be taken in response to this. Ms. Rice said no. She felt comfortable advising her client that the TIP can be advanced today without concern about issues of liability. Mark Kruzan asked if Ms. Rice was talking about personal liability rather than liability of MPO as an organization, the City or any of the other entities. Ms. Rice said yes. Mr. Kruzan noted that they don't have an opinion from Taft on liability of anything other than personal liability. Mr. Stoops noted that this only addresses one issue in the letter. The letter as he reads it believes that most of the members of the MPO are elected officials who are serving as representatives of their office which really isn't the case. That may be the case in Ohio but not here where we have many citizen members. Ms. Rice said that they had their attorneys in Indianapolis look at it, too. Mr. Stoops said there are many other issues in the letter that the MPO needs to take into consideration when we are considering actually placing I-69 in our TIP. Ms. Rice said he was probably referring to the environmental and fiscal constraint issues. Mr. Stoops said that was correct. Ms. Rice said that one of the thoughts is that the MPO can respond to those legitimate concerns by the way in which they forward the TIP—the sort of motions that the MPO has done before—in saying the MPO recognizes these and funds will only be drawn down under certain circumstances—when certain reviews, certain environmental reviews, certain fiscal constraint assurances have been made. Mr. Stoops said it appears that the

attorney is recommending that by placing that responsibility on INDOT and not on our MPO that we are leaving INDOT to police itself. That has been the issue all along because frankly he doesn't trust INDOT to do that. If we are giving up our responsibility as our local MPO to research and review their claims, frankly he has a hard time giving credit to this letter from the attorney. He knew they worked hard between the City and the County to get money together to try to get an opinion back from attorneys. Many of the attorneys that were contacted couldn't do it or wouldn't do it. This attorney did it for less money than they usually work for. He appreciated all the effort that has gone into this. We just received it yesterday afternoon. We haven't had enough time to digest the letter and make recommendations. And the attorneys who wrote the complaint letter haven't had enough time to review and come up with maybe opposing recommendations. Mr. Stoops said the MPO needs to decide if we will give into INDOT's coercion to including I-69 in the TIP or actually vote our conscience by not including I-69. We have enough information to determine that I-69 is not in the best interest of Bloomington and Monroe County. Even recently INDOT has admitted that there is no money to complete I-69 from Bloomington to Indianapolis. If INDOT can complete I-69 to Bloomington, we will have an interstate dumping out onto State Road 37 just below 2nd St. (already heavily impacted intersections) This doesn't address our air pollution standards, many environmental concerns and we've actually found that INDOT has not done due diligence regarding endangered species or karst impact. There are concerns about this being a hazardous waste route especially as it relates to nuclear waste at Crane. There are so many issues that we need to be concerned about—not to mention the fact that this project will take money away from every other project in the state. All over the state there are projects being cancelled because of the governor's push to complete I-69 to Indianapolis. There have been lay offs at the INDOT office. It's not something that we should support. He hoped that the MPO would decide not to include I-69 in the TIP.

Andy Ruff said that at the meeting last fall, he had asked Mr. Sarvis a series of questions one of which was information on the amount of backlogged projects in dollars for the State of Indiana. At that time, Mr. Sarvis didn't really have an answer that was concise. His response was that INDOT has a number of ways to classify projects that are provisional, etc. Mr. Ruff had some figures now from the Local Transportation Assistance Program which is a very well-respected group. They look at the needs of streets and roads in every state. He asked Mr. Sarvis if he could provide confirmation about some of the numbers from LTAP Local Roads and Streets Needs Assessment. Mr. Ruff said that according to the Indiana LTAP Center's 2009 Local Roads and Streets Needs Assessment there was a \$5.4 billion backlog on local roads and bridges safety improvement needs in Indiana. With the annual shortfall in funding being more than \$850 million with more than 4,000 state and local bridges rated as structurally deficient or obsolete. The backlog and shortfall are continuing to increase. Annual funding needs far exceed available revenues. Mr. Sarvis said he could neither confirm nor deny LTAP's numbers. As you said they are a well respected agency that deals with local programs. They have been helpful to him in his previous days as a highway superintendent and a street superintendent. There is a distinction between asking about local roads and streets and State projects. Mr. Ruff said that several of the projects that they would have been looking at include projects that could have received funding including the annual allocations of Federal Transportation tax funds that will be coming to fund I-69 (Sections 4, 5 & 6) and theoretically the \$700 million from Major Moves. If there is any of that money left could be through

legislative action redirected away from I-69. Sarvis said he would agree if it went through legislative action. The State sets aside about 25% of the federal dollars that it gets every year and appropriates those directly to the local agencies, cities and towns. If you are referring to the dollars that would be spent on I-69 Section 4—if Section 4 is not built—that money would not go to local projects. That money would go to other State projects. Mr. Ruff asked if the money could go to the I-64 interchange at Corydon that was delayed recently. Could it go to the Cline Avenue Bridge in Gary? Mr. Sarvis said theoretically it could go to any State project but you would have to consider the specifics. Why were they delayed? Mr. Ruff said given the issue that there is a dramatic funding shortage; we could safely assume that funding in most of these cases is probably the main reason for delaying these projects. There is clearly not enough money to even come close to doing them all. That is probably the first place we should think about when we are talking about why important projects of maintenance and repair around the state are being continually impacted by lack of funding when we are talking about putting billions of dollars which is what will be left after \$700 of Major Moves is gone. It will still require billions to finish I-69. It is not honest to imply that it is not a funding issue that is impacted by I-69 draining for the foreseeable future significant funds away from INDOT's entire budget. Sarvis said he didn't think that either he or Mr. Ruff was in a position to assess the reasons for any project and its delivery. Was it need-based? Was it prioritized? Was it ready? There are a lot of issues that go into the development of any project as you see on a regular basis from the smallest intersection improvement. Are there any projects that you have discussed in your planning process that you have not built yet only funds-related? Mr. Ruff said that in most cases, that is true. Mr. Sarvis said that INDOT has some instances they do have projects that for one reason or another we don't believe it the time or we don't have the available funds for the project. The key thing, from a State and National perspective, I-69 has been prioritized as a high priority for the state of Indiana and that those funds are going to be directed to its construction. Mr. Ruff said that the designation of any sort of high priority project has nothing to do with the route for I-69 and there is no mandate of any kind that I-69 be completed through Indiana. He has Mr. Sarvis confirming that at the last meeting. There is no requirement even at this point to build it along the proposed new terrain corridor. Mr. Sarvis said he didn't say mandate but the project has been prioritized. Mr. Ruff asked if we could get INDOT a list of projects, could you explain for why they have been delayed. At the meeting last fall he specifically asked Mr. Sarvis to provide the MPO with more information on this exact issue—funding, the backlog, etc.—and he hasn't received any additional information at all. Seeing as he has not gotten any of the information asked for last time on INDOT's ability to fund, operations maintenance, etc. with their anticipated federal and state revenues, he would very much like to submit a list of State projects that have been delayed and have someone get back to him with an explanation of what the reasons were. Mr. Sarvis asked him to work through Kathy, your fellow board member. He said he would be happy to assist in any way he can to get Mr. Ruff the information on those projects. He apologized and said he did not recall him asking him specifically for that information or he would have made an attempt to provide it. Mr. Ruff said he appreciated it and he could provide either the transcript or the videotape to show him. Mr. Sarvis said that would not be necessary.

Julie Thomas asked when we are expecting the Clean Air Act Report for review on this section. Michelle Allen of FHWA said Greene County report has gone through EPA and will be included in the documentation. Monroe County is not currently part of any non-attainment area

that is required to undergo that analysis but Greene County is. Ms. Thomas asked for further explanation. Ms. Allen said that regarding certain areas of the state—you could check with Indiana Department of Environmental Management (IDEM) and EPA—but certain areas of the state are required to go through Conformity Determinations based on air quality analyses that have been done. There are budgets for the state in different areas so whenever you do a transportation project in those areas of the state you have to go through a Conformity Determination. You have to determine if the EPA- and IDEM-determined necessary levels are maintained. They run those Conformity Determinations as part of their TIPs in those non-conforming or maintenance areas. This MPO does not have to go through that because it is not a non-attainment area. Ms. Thomas said that seemed really odd to her knowing that the basic demographics of both of these counties that the EPA would be concerned about Greene County but not Monroe. She asked about the impact of traffic off of I-69 into SR 37 where we have stoplights and where we will have a huge influx of traffic and sitting traffic. We will have safety issues and clean air issues. How will those be mitigated? Ms. Allen said she thought that had been done as part of the I-69 Environmental. Mr. Sarvis said they are looking at the environmental impacts of those additional cars onto Section 5. They are looking to getting the studies started in terms of advancing to the draft. They will begin to look at seriously the impacts and timing of Section 5. Ms. Thomas said it seemed that they would want to know what the impact will be on SR 37, an existing road, before you would build Section 4 to SR 37. Mr. Sarvis said that is why it is a part of the Section 4 study. Part of the Environmental Impact Study of Section 4 is what the impacts to SR 37 are as they open Section 4 up and onto SR 37.

Mr. Stoops asked if the fact that Bloomington and Monroe County are now in attainment for air quality standards that there has been no effort to model the effect of an interstate on our ozone and other air pollution levels. Ms. Allen said that when IDEM and EPA develop their State budget they look at all of those areas. FHWA gets involved when we are looking at the TIPs in the non-attainment areas and making sure that there is that consultation process. EPA and IDEM are the ones that put together those budgets, highlight those areas and do the necessary analysis in those specific areas of the state. EPA and IDEM do a better job of that they FHWA could. There are other MPOs in the state where we have a formal consultation process because they are in the non-attainment/non-conformity areas.

Mr. Stoops said that according to Ms. Allen non-attainment is big deal to EPA and INDOT. Ms. Allen said that is what sparks those budgets because you have to figure out how you are going to come up with those areas that are going to need further analysis or project direction. Mr. Stoops said because if your pollution levels reach a certain level you have ozone days, you lose federal funding, your local businesses have to comply with a higher level of standards—it's very expensive, right. Ms. Allen agreed. Mr. Stoops said so with I-69 coming through Monroe County which is currently in attainment is there any information that all of these diesel fumes from trucks would put us out of attainment and so would cost us a fortune in restrictions, lost revenue and increased costs. Mr. Sarvis said he would be happy to share that information with the MPO but he didn't have it with him. Mr. Stoops asked if modeling had been done to show what would happen to Bloomington/Monroe County when I-69 comes through. Mr. Sarvis said he could say what studies have been done but would be happy to get the information if Mr. Stoops would like. Ms. Thomas said that this is information that we've requested before and haven't received yet. Mr. Stoops wondered if this might be something

that might be considered before a route is planned. He said that he believed that Martinsville is also in non-attainment. Is that correct? Ms. Allen said she didn't believe so. The Indianapolis area has to do a lot of Conformity Determinations when they do changes to their TIPs. Larger cities are more often Maintenance Areas.

Mr. Stoops noted that Mick Harrison who is working with attorneys representing some local concerned citizens and affected groups. He is involved in the letter that the PC received. He is here to speak. He asked if the PC would allow him to speak extra time over the 5 minutes to speak. Mr. McDaniel said that it has been their practice in the past that if a committee member has questions for somebody that can be done outside of the context of public comment. We just did it with Mr. Sarvis. Mr. McDaniel suggested Mr. Stoops ask as many questions as he wants but not to make an exception to the public comment guidelines.

Mr. Stoops asked Mr. Harrison what his opinion of the letter received from the attorneys that were hired to review the complaint letter. Mr. Mick Harrison, attorney for Citizens for Appropriate Rural Roads (CARR), the I-69 Accountability Project, and a number of local concerned citizens, said he reviewed the letter and has a typed response that he will provide to the MPO. The letter provided by Mr. Diller did not offer legal advice or opinion since he added so many disclaimers. He disagreed with the City Attorney who said that the disclaimers and limitations in the letter from Mr. Diller were only limited to the limits of scope of the letter for matters not addressed but then in offering information on the immunity question, Mr. Diller intended to offer the MPO his opinion. He believes that is incorrect. He suggested that the MPO has yet to get its own legal advice that can be relied upon on the question of individual member's liability or on the MPO's obligations under the law. Rudy Savich signed the letter on immunity with Mr. Harrison. They said the letter does not address the potential liability of members of the MPO and the MPO itself under the federal false claims act. Federal law is supreme which means that if federal law is in conflict with state law, the federal law controls. When Mr. Diller offers information on immunity under state law, he is not addressing the question of your potential liability or immunity under the federal false claims act. He has read Supreme Court decisions and Court of Appeals decisions which say very clearly that local governments have liability under the federal false claims act and do not have immunity from that liability. He suggests still that the MPO find some way to be represented in this matter and get some lawyer to tell you in a manner that they are willing to put their name to—and say that they can rely on the lawyer's legal advice—on the question of your liability. Under the federal false claims act, if a local government or local official obtains federal funds under false pretenses, submits a false claim for federal money or makes a false statement in order to obtain federal money, that local official has liability under federal law. Their second concern is that the letter suggests that the MPO might resolve some of the concerns they raised by amending your prior resolution on the TIP. By putting language in to the effect that I-69 will not be considered part of the TIP until and unless INDOT determines that the project is in compliance with NEPA and the federal transportation laws. That circumvents their concern which was that we believe that INDOT is currently violating those laws. It is like letting the fox guard the hen house if you ask the alleged wrongdoer if they are in compliance. Generally, alleged wrongdoers don't admit that they are not in compliance. Even if you followed this advice and amended your resolution to put in the language that said if INDOT says, "it's okay, then it's okay with us," you are avoiding your own legal obligation to determine that every project that

you approve is in compliance with the appropriate federal transportation laws, is fiscally constrained, is environmentally sound, etc. The MPO has the obligation to do these things. They don't have to agree or disagree with INDOT; they just have to form their own opinion. This language that you have been suggested to use by Mr. Diller doesn't meet your obligation to draw your own conclusion on compliance before you approve a project. There were many issues that as the City Attorney properly noted were simply not addressed in Mr. Diller's letter. He did not agree with the City Attorney that those issues were irrelevant to the MPO and should not have been addressed. One of those issues was INDOT's current violation of federal law by conducting activities in Section 4 of I-69 including Monroe County that cause adverse environmental impacts and constrain the choice of alternatives including by purchase of property (or starting that process) without first issuing a final Environmental Impact Statement (EIS) and record of decision on Section 4. The law does not allow them to do that. The law does not allow you to approve a project in advance of those environmental analyses and decision documents in particular even if you didn't have INDOT's responsibility to do the EIS and you don't actually have that responsibility but you have your own responsibility. That responsibility is to do an environmental analysis of relevant environmental concerns before you approve a project. It is supposed to be in writing and was even referenced in one of your prior plans as if it were to be attached as an appendix. The best we can determine is that it never was done. The issue of this air pollution impact that has been properly raised by members of the MPO is a big environmental issue that you have to address in your own written environmental analysis before you can approve this project. That is impossible to do right now because FHWA and INDOT are not giving you their latest information on air pollution—the new Fleet Data that they have been sitting on for quite some while on the excuse that it still needs to be further quality controlled. Until you get that data you can not determine for yourself the environmental impacts of I-69. The law requires you to do that in writing. Mr. Diller's letter doesn't advise you of that. That is another defect in the letter. An additional concern that we had that was raised by one of your members was the legal implications are of the fact that this MPO included I-69 to some extent in a prior resolution in the TIP for a certain period of time only because INDOT threatened to withhold state funds and possibly some federal funds not just for transportation projects but, as he understands it, for social service projects also. To him that is simply illegal coercion from FHWA and INDOT. It is certainly unethical. What does it mean for the MPO if you are only going to approve a project because the State twisted your arm and not because you did your own independent analysis of fiscal constraint, of environmental impacts and the other legal requirements imposed on you before you approval a project. He was hoping that when you got independent legal advice (which he doesn't think this letter achieves) that your own attorney would advise you about what your obligations and liabilities are to only make your decision when you have done your homework. Another big concern of ours is that this letter does not address its own obligation to do its own written environmental impacts analysis. The last concern is that the City Attorney noted that the MPO is unrepresented which leaves you at a disadvantage. The MPO needs representation by your own attorney. The City Attorney said that she thinks Mr. Diller's letter gives you state immunity under state law. He reminded the MPO that the letter is explicit in saying that this email and any discussions that we have with you do not constitute "opinions upon which anyone may or should rely." That is not an ambiguous statement. It is talking about the whole email. The document contains several disclaimers. He suggested the MPO get a real legal opinion before you vote on this. Mr. Diller is not representing or advising the MPO. Mr.

Harrison said that Mr. Diller addressed his comments to the City and County Attorneys instead of the MPO. He says to them that they should not provide any assurance or guarantee you're your appointees to the BMCMPPO will not be sued by the preparers of the April 8, 2011 letter to the MPO, their clients or even 3rd parties. He received information from the Hoosier Environmental Council (HEC) that they have heard from the USEPA that in the Fleet Data that has not been provided to the MPO from INDOT that after I-69 half of the counties in the state will be in non-compliance with the Clean Air Act. Since Bloomington is the 6th largest city in the state, what are the odds that Monroe County will still be in attainment? He suspects that INDOT is not rushing to show that data because it does show some impact in Monroe County. He suggests that the MPO insists on it before you make any further decisions.

Mr. Stoops asked Mr. Harrison if he thought that by completing work on the ground or making acquisitions INDOT is constraining the choice of routes which violates requirements of federal law. Mr. Harrison said that is true. For anyone knowing the National Environmental Policy Act (NEPA), the federal law requiring EIS, the whole idea behind that law is that federal and state agencies doing major federal actions that impact the environment are supposed to gather information to inform their decision on environmental impacts including the social and economic environments before they make a decision not after the fact. The law prohibits agencies from causing adverse impacts with their actions—like drilling holes in the ground in karst and leaving them uncovered and bulldozing trees down (all of which is being done in Section 4). They are prohibited from having those impacts until they do the study and have their opinion informed. They might decide that the impacts are not acceptable and they might not want to do that. It defeats the purpose of the statute and the regulations implementing it to do these sorts of harmful activities before you get the information and form your final opinion on the impact. The way INDOT and FHWA are obligated to form their opinions is to do an EIS draft, submit it for public comment (which they have done), consider the comment and issue the final EIS. They have not issued the final EIS. When you start doing work to implement a given route you are essentially making investments and making commitments that, as a practical matter, make it less probable that you will choose another route. That is why those activities are prohibited by law also in advance of completing the EIS process because you are undercutting the purpose of the law—which is to be informed before you make a decision.

Mr. Stoops asked about repercussions of being in non-attainment. From what he understands you won't receive federal funds for certain projects, your businesses will be required to meet higher pollution control standards, etc. Mr. Harrison said he was not an expert in how to comply with EPA requirements once you are in non-attainment. His understanding is that once your county is designated as non-attainment you have to amend the State Implementation Plan (SIP) to show a detailed plan and commitment as to how you are going to come back into compliance with the Clean Air Act. The only way you can come back into compliance is to stop putting so many pollutants into the air. That means factories are going to have to impose more stringent pollution control, there might have to be less automobile traffic or maybe reject some highways. You will have to do some things and pay for things to reduce pollution. He doesn't know what Monroe County's status is yet. When we see the data we can have a better feel for what the price is going to be for Monroe County. He said he wouldn't rush to do anything until he found that out.

Mr. Baker asked Ms. Rice who her clients actually are. Are they City employees, appointees—that sort of thing? Ms. Rice said her clients are City employees, City elected officials and those people who sit on boards and commissions on behalf of the City.

Mr. Stoops asked Mr. Harrison about INDOT's claim that it has the right to go on people's private property if that property is in the route or that they cannot be refused access to property or that if people are offered an amount of money they cannot refuse to take it. He knows that INDOT is doing this in part of Section 4 already. The MPO is dealing with the part of Section 4 that is within our jurisdiction. In Monroe County, INDOT is telling landowners that INDOT has full rights of access to property. Is that correct or also false? Mr. Harrison said it is not correct in significant part as Mr. Stoops stated it. Mr. Harrison and Mr. Savich concur that it is probable that INDOT does have the right under existing state laws to enter private property without causing harm to do some surface survey work or take photographs of the land without disturbing it. They can't drill, knock down trees or cause adverse impacts to the property, without first issuing the final EIS in the Record of Decision which has not been done in Section 4 or Section 5. If the action INDOT wants to come on the property to do is so harmful that it would constitute what we call a "taking," INDOT would have to first bring a court proceeding to exercise their eminent domain authority and giving the owner a due process right to have a hearing and defend. They would have to assert that INDOT's action was illegal or not in the public interest, etc. About purchasing the land INDOT wants, there is a process for that. There has to be an appraisal, it has to be presented to the landowner, they have 30 days (he believes) to accept or reject it. If landowner does not want to accept the amount of money offered, there would have to be negotiations in court. If it is rejected again the State has to go to court and start a proceeding under their eminent domain authority and attempt to get the court to agree that the State can acquire that property for that price. The landowner can object again and not only indicate that INDOT's action is illegal or unjustified altogether. The property owner can also indicate why the price is inadequate. Mr. Stoops said that as a Monroe County Commissioner, he has concerns and has heard from many citizens that INDOT is using a heavy hand just as they have with the MPO. They say that they have the right to come on people's property whether you like it or not. They have been core sampling and bulldozing trees. They have been drilling and not covering the holes in karst areas. They are relying on local citizens not knowing what is legal and what is not. They are also saying that when they are appraising land, they will not take into account the value of timber on property. He understands that they are required to take into account the value of timber on property. They are telling people that they have to get the property logged on their own—which is a way to circumvent the endangered species protection. Mr. Harrison said that he sat in on a meeting with a citizen and they did suggest that they consider having a private logger take the most valuable trees off of their land before INDOT offered them an amount to purchase it. They seemed to encourage the land owner to cut the largest trees. The problem with that is US Fish and Wildlife has imposed restrictions on INDOT as part of the EIS, the NEPA process and the Endangered Species Act Biological Opinion Process to protect the endangered Indiana Bat. They prohibit INDOT from cutting those larger trees during certain months when the Indiana Bat may be using them. There was no restriction communicated in the meeting he was in to the landowner to caution them to comply with the Endangered Species Act in that regard. INDOT may be achieving whether they intended or not a circumvention of the Endangered Species Act.

*****Mr. Ruff moved to remove this portion of Segment 9 of Section 4 that is reflected in the current TIP from the TIP that we will be adopting. Ms. Thomas seconded.**

Ms. Thomas explained that she seconded the motion due to what Mr. Harrison has said and what has been discussed all along. We don't have a final EIS. There has been no discussion of the safety concerns at all on SR 37. The environmental impact is negative. Beyond our legal responsibility, we all have a personal responsibility to the residents of this county to do what is best for them.

Mr. Stoops asked Mr. Ruff if the motion only applied to Segment 9 of Section 4 of the I-69 project as your motion stated it is not particularly specific.

Mr. Ruff said that he was referring to the segment within the Bloomington Area MPO to adopt the new TIP that we will be voting on today taking out what we put in last November.

Mr. Stoops asked if that precludes future consideration of that section provided the conditions identified in the opinion letter from Mr. Diller being met.

Mr. Ruff said that it is not conditioned on anything. It is simply to remove segment 9 of Section 4 from the TIP. *(That language was added to the motion above.)*

Ms. Thomas wanted to clarify that we annually review and renew TIPs. It could be brought in subsequent years.

Mr. Ruff said we have gone through this time and time again. We have no idea what we are getting with this project. If they were able to find the funds to build it, we do not know details about the quality of the road, the design of the road, the interchanges or separated crossings. Changes are being made in other segments now after promises were made and designs were finalized. The shell game about funding has gone far enough. It is ridiculous. We know from very reliable, respected engineers that INDOT has billions of dollars of backlogged projects that have been delayed or canceled all over the state. INDOT has been laying off significant numbers of employees. They have existing maintenance and repairs to do every year. Meanwhile gas and tax revenues are declining as the cost of gas continues to go up. We just need to dispense with the thing. That is why he has put the motion out now rather than waiting to hear further arguments. It is wrong. It is impossible no matter how you slice it. There comes a time when you stand up to a bully. This community has a long, proud tradition of standing up for people's rights whether it is people of color, women, working people, protecting Constitutional rights and civil liberties. It is time to stand up for ourselves. It is time to stop the bully from adding to his political trophy case or get it on his resume for presidential run. That is not something that we want to pay the price for. There may be some amendments introduced that are more crafted to address some of the issues to give us more time to hear about this or that legal argument. He wanted to introduce an amendment to do what we really need to do which is to bury this thing.

Mr. Stoops asked Mr. Sarvis if we do not include I-69 in our TIP does INDOT intend to cut off

our funding. Mr. Sarvis said he has not talked to anyone about the consequences. Quite frankly, he was not anticipating that action at all. He could not answer the question. Mr. Stoops noted that at the last meeting, Mr. Sarvis had said that if we did not include I-69 in our TIP, you would cut off funds to Bloomington and Monroe County. Mr. Sarvis said that he had intended to say that they would take a serious look at all discretionary funding within the MPO area. Mr. Stoops asked what he meant by “discretionary.” Mr. Sarvis said “discretionary” in terms of funds that the State has the authority over where they go. Mr. Stoops said that seems to mean any State discretionary funding which could include FFSA, road projects, etc. Mr. Sarvis said he was talking in terms of transportation funding associated with INDOT.

PUBLIC COMMENT: *(Public Comment has been summarized. Full versions can be found on tapes in the Planning Department or through CATS at the Monroe County Library.)*

Donna Lentz Ferree said she has been following this for over 15 years. She said that when INDOT keeps postponing this, they are making all residents of southwestern Monroe County have been held captive and made miserable. Some people are selling timber in anticipation. Landowners are not improving their property. She has seen the destruction from core drilling by INDOT. The damage is sickening. They have plowed a very wide path through there. Markers are placed everywhere. She showed beautiful limestone formations and waterfalls on her property. She thanked the MPO for standing up for Monroe County.

Jody Madeira is a property owner in Rolling Glen. I-69 is coming through her neighborhood right before it merges with SR 37. She wanted to point out some of the things that INDOT and DLZ have changed their mind about in the last 3-4 months. Although all of her neighborhood is eligible for noise mitigation, only 1/3 of her neighbors have received mailings concerning noise mitigations. Some houses on Victor Pike are closer to the highway than houses in Rolling Glen. Three weeks ago she contacted INDOT asking why not everyone received the mailing. She has not heard back yet. They don't know which roads will be closed and how high the highway will be—at ground level or 75' in the air? Access to 2 houses will disappear if I-69 is built across and closes the road that allows these two properties to access. The property owners have not heard from I-69 at all. The maps don't match what is being said concerning closing roads. I-69 has rescinded offers to purchase some homes and now is slated to just go through corners of those properties. Her house has already lost 25% of its value in 1 ½ years. Lots closer to the highway are cheaper for INDOT. Those lots have remained vacant due to the highway. They did not know that they were moving into a highway project area. The MPO should keep in mind the uncertainty and the injustice of it.

Terri Greene from SW Monroe County agreed with Mr. Ruff that it is time to stand up to the bullies. It would be worth short-term repercussions. The long-term disasters and bad things that are going to happen to us with the highway coming through are much worse than what could happen in the short term. Take it out of the TIP

Marc Haggerty has 40 acres going under the highway. They have placed flags on his property without his permission. He has had letters saying that crews are coming out whether he likes it or not. They have bulldozers and will be making horizontal drilling platforms. They have not received permission from him. 30 years ago, he moved where he lives because he didn't want

to be near highways. Property values have dropped for the last 20 years. The little strip of limestone that runs from north of Bloomington to Bedford is made up of very valuable, grainless limestone. It has been used in buildings around the world. Property with that limestone running through them has been said to be worth millions of dollars. He thanked Mr. Ruff and Mr. Stoops. We stopped the PCB incinerator in the 1980s. It was a huge federally mandated project that had already been passed. We have a board of people elected by us to stand for us. Our democracy is being disrespected. Some other places might want this highway. This is a very sophisticated, intellectual community. He called other neighbors to take action.

Tom Tokarski of CARR said everyone knows where he stands. There are so many unanswered questions about putting this into your TIP. We are walking into a black box. INDOT is pushing us into a black box. That is not a responsible thing to do. They have threatened the MPO if they don't go into that black box. It will be much worse for us if we do go into the box. He asked them not to put I-69 into the TIP.

Vicki Sorensen is the Indian Creek township trustee. She was concerned with the highway zigzagging through the township and cutting it in half. Many roads are slated to be closed. They will need 2 fire stations. Many things will happen in this township that are unnecessary because of I-69.

Jewell Echelbarger worked on the Technical Advisory Committee (TAC) for the MPO for about 20 years. She built Area 10 Agency on Aging/Rural Transit up to a \$5 million agency. The community gets things done on our own. She was deeply concerned by the State's reaction to taking out their edicts about I-69. She supports all public transit and the social services that this community needs. There are a lot of people counting on the MPO to help them oppose I-69. She hopes that they can negotiate with the state and at least talk about clean air and leave the politics out.

Cheryl Munson said she is chair of the Monroe County Historic Preservation Board (MCHPB). I-69 will bring many adverse impacts to area including impacts to historic and archeological sites. These are to be addressed by INDOT under NEPA, the National Historic Preservation Act and Section 4F of Federal Highway Requirements. The MPO should know that impacts on historic sites that will change the setting of the cultural landscape will be mitigated in Section 4 of I-69 by a historic tour or discussion made available to the public on a cd. That will be made available to the truck drivers at the nearest truck stop and pick it up to learn about our cultural heritage as they whiz by at 70 mph. She doesn't think of this as mitigation. Mitigation for historic structures that are eligible for the National Register of Historic Places includes the presence of standing trees not planting trees on neighboring properties. INDOT cannot say that they will protect and buffer noise for those historic structures. Noise impacts on one of Monroe County's most historic sites, the Virginia Ironworks, are unmitigated. This is a pioneer blast furnace dating to the 1830s and includes a surrounding complex of mines and quarries. This should be a State Park. I-69 will go right next to them. The noise impacts will make these areas completely unenjoyable. MCHPB has been a consulting party on INDOT's study. We have not been silent, made their own assessments and have been completely ignored.

Chris Doran with the I-69 Accountability Project said they were in part responsible for the 23-page letter getting to the MPO on April 8 insuring that the April vote was postponed. He thanked the MPO for allowing Mr. Harrison time to speak especially on the issue of the “non-advice” provided by the attorney. He hoped (being a taxpayer in Monroe County) that you did not pay \$4,000 for that “non-advice.” You don’t need to be an attorney to understand this document. All of these things stated in the document have been said again and again. He discussed the intimidation and coercion at the Nov. 5 MPO meeting which was an embarrassment. He quoted State Rep. Matt Pierce in the Herald-Times as saying “that the truth is that they have absolutely no idea how to pay for it.” A state representative is a pretty good authority on whether the State has the money or not. It is also embarrassing as a taxpayer and a resident of this community to have a paid employee of the state government, Mr. Sarvis, who clearly cannot answer any questions about the project despite being responsible for it. We would have hoped you had done what we asked you to do on April 8. We wanted the MPO to get real independent legal advice so that we wouldn’t have to do this again. Yet we are all having to do this again. Please, get some real independent legal advice. This document specifies and you have heard it from our attorney, there are real issues at play here. You need to do your job which is to address the legal issues. The legal issues are there only as a back up. The moral issues and the clear issue is that this community does not want this project. We now have overwhelming legal evidence that INDOT is breaking the law in Section 4. I-69 is not fiscally constrained. Please bury this once and for all. The word “boondoggle” does not even begin to approach the magnitude of this waste of money. According to the governor this area has independent utility. You can stop it relative to the TIP. Do the right thing and say no.

Tom Glastras asked what the difference is between a square yard of pavement and a square yard of dirt. One is dead and the other is alive. That is why we don’t need I-69. If I-69 is built he will use his sledgehammer and he invited other people to join him.

Greg Knott ran last year in Indiana’s 9th congressional district campaigning mainly against I-69 primarily because it is fiscally irresponsible. The US 41 and I-70 is a much cheaper route. He thinks Mr. Young should propose that Indiana shouldn’t get any more federal highway funds unless they choose a more fiscally responsible route that doesn’t come through Bloomington. We will vote out the politicians who support this. They will raise funds to bring a lawsuit against anyone deemed personally responsible for this. You should vote against including I-69 in the TIP to allow it to be added to Terre Haute’s TIP since it is wanted there. You should think about every other county in Indiana because they will have their funds cut because of I-69 new terrain construction. Fix the bridges. Many of them fall under the same classification as the bridge in Minneapolis before its collapse.

Jim Hart told about him making a forest on 50 acres in Daviess County that was nearly ruined by a factory farmer. It is now a classified forest. He received a letter 6 months ago saying that some bridges were going to be built since 100-year floods are coming every few years and the water stays on the land 100 times longer. That is not good news for a forest. They made the offer with an underlying thread of extortion. He wondered who made the decision. These stories abound in Daviess County. Stand up to the bully.

Sam Allison serves on the Monroe County Council District 4 which takes in a good chunk of

Bloomington. His campaign was based on stopping I-69, supporting schools and exposing the State of Indiana for wasting billions while teachers are getting fired. He had a landslide victory against a very well-qualified opponent. That is this community speaking. He knows the MPO will take appropriate action. Highway 41 between downtown Evansville and I-64 is in bad shape. What had been a \$30 million project has been cut down to \$13 million. Many people in Evansville call out I-69 as the culprit. Other communities are finally joining Bloomington and waking up to the fact that this is a fiscal boondoggle

Sarah Clevenger, a member of CARR & I-69 Accountability Project, inherited some land in Morgan County. She came home via SR 37 and had a hard time missing potholes. The traffic was quite noticeable causing her to wonder how much worse it would be with the increased traffic and super big semis of I-69. She has been opposed for ecological reasons for ever. She asked them to bury it for good.

Dwight Hazen lives at Harmony Rd and Mt. Zion Rd. He and his neighbors have found surveyors on his property yesterday. Trails have been cut through the land. How will southwestern Monroe County get around when Harmony Rd. and Rockport Rd. is cut in two. The Mayor has told him that INDOT might build a bridge. That is not enough assurance for him. He was hoping to retire here but if those roads are cut and access to health care and emergency services is made more difficult. He can't imagine having to drive to SR 37 to get to the hospital or grocery stores. He wanted the MPO to know that the southwestern part of the County will be cut off if those bridges aren't built—in addition to all the other problems that this highway is bringing us.

Lucille Bertuccio said she is a walker and doesn't own a car. The road will not help her one bit but she will have to pay for it. She is trying to live her life as an environmental conservative. She is concerned if mass transportation is cut. How would she get out of town in case of an emergency? 20 years ago there was a train; 10 years ago there was a Greyhound Bus, now there is nothing. Why are we spending money on 19th Century infrastructure instead of looking at the 21st Century? The Peak Oil Report says that we are heading for disaster. Mass transportation is a must. This road is disastrous to our land and the planet. Living near highways is unhealthy for children. We really don't love our children if we don't give them clean water, air and soil to grow their food. Bury this road.

Patrick Munson lives in southwestern Monroe County. Back when they were deciding which route I-69 would take, INDOT said that the proposed route is made up of only 5% sinkholes. He is part of a group that discovered a study that INDOT had done 10 years before. They had been on the ground and surveyed chunks of that area. That study showed their route really crossed an area consisting of 40% karst features and sinkholes. That report was buried. If they were willing to bury their own data to further their own position, what else have they buried? He does not have faith in anything INDOT says about the environment, the impact that it will have and how they will mitigate it. They can't know what they will hit in an area with so many karst features. It will cost them more time and money, if they run into unforeseen problems. This is one other problem of them putting the highway where they plan to put it. However much trouble they are having getting the money to do the things they say they will do; how much more could it cost to do what they can't assess?

James Pennington from Martinsville said he wanted MPO to deny this. The people in Martinsville don't have enough people or money to fight it. He thinks INDOT has convinced the people of Martinsville that it will be good for them. Martinsville will be divided in half when the road goes through. The pictures that he has seen of the walls lining I-69 will make it like driving through a tunnel. They have trouble with air quality because they are in a valley. They are not compliant with EPA because of the airport, Mooresville, etc. This will destroy their town.

Christina Glaser discussed issue of not being a fiscally constrained project. She has looked at INDOT's documents and EISs and so on and figured out that the total projected cost of I-69 is \$3.3 billion. That is INDOT's number. It doesn't include a lot of things like the cost of EISs themselves. The backlog of local road and bridge infrastructure is currently \$5.38 billion. The backlog has increased from 2001 when it was \$2 billion. It has increased by almost \$3.3 billion between 2001 and 2009. It is bigger now. You can see how much money could be transferred to local projects if I-69 was not built. The State's draft TIP shows the state's total resources are decreasing between 2012 and 2015 due to the toll road lease are going down rapidly starting in 2014. If we get more budget-cutting in Washington, we will be getting less money. The Ryan Plan would slash transportation funds of appropriations of transportation funds that would go to the states. One number that she saw was a projected 40% decrease by 2016. When she has spoken to INDOT people at various occasions none of them had heard of Peak Oil.

Nicole Cadon Johnson is a community member of Bloomington and a faculty member at IU. She moved her family to Bloomington last summer to escape the urban sprawl she had experienced in other cities. She noted the vibrant downtown and the walkers, bikers and social connectedness. There are people on the streets all the time. She discovered the I-69 issue after they moved here. Highways bring sprawl and sprawl brings cars. She enjoys not depending on cars. Highways destroy downtowns.

Sura Gail Talia said that she has lived here 27 years. She lives at Lake Lemon not near this highway. She sees animals as she works outside. She listed how animals are beginning to make this their home in growing numbers. She was concerned about how many animals will be destroyed by this road.

Oksha Atwood talked about killing the goose that lays the golden egg. This sounds like what I-69 will do to Bloomington and southern Indiana. Cook and Crane supported this project. Some people make out that people opposed to I-69 are disgraceful and anti-business. I-69 will destroy what is supporting business. It could make Crane vulnerable as an enemy target. Good employees don't come from roads. She doesn't want to destroy the environment and quality of life. Cook and Crane have been thriving without I-69. Concerned that I-69 will harm small farmers who prefer to earn less money if it means they can live here. It is not worth the few minutes this will take away from the trip from Indianapolis to Evansville.

Clark Sorensen said he would like for anyone voting against Mr. Ruff's motion to publically explain why. He believes there are no good reasons for this road. Over the years the possible location for this road has moved all over the state except for the intersection of Dillman Rd. and

SR 37. Why? People who are appointed to this board must vote the will of the people—not your pocketbook. Please pay attention to what the people want and do the right thing.

Brian Garvey, a member of CARR, said this whole thing started with a bad political promise back in the late 1980s. From a fiscal point of view, it is disastrous. It got a lot of legs with Major Moves and the rip off of the citizens by leasing the toll way. Going along with INDOT is rewarding bad behavior. There have been 20 years of lies. To have the representative of INDOT show up here today and not be able to answer questions is not only pathetic, it's insulting. The purpose of this road is riding on the fumes of promises of economic development that is gone. Not enough is known about air quality, density on SR37, any plans about what is going to happen about volume. It is your duty to keep this out of the TIP.

William Boyd is a member of CARR and HEC who lives in Greene County. He has sat on boards before and we wouldn't make a vote such as you are contemplating without good, solid legal advice. He heard from the City Attorney that you don't have that. Mr. Harrison gives good advice. Do your homework. He asked them to get rid of I-69 or at least support Mr. Ruff's motion. You don't need it. He saw Mr. Sarvis taking notes. Sir, you don't have enough paper to take all the notes about all the problems with this highway. He was concerned with air quality. Do you want a divided community? The bridge on 2nd St. bounces when you sit on it. He supports mass transit.

Martha Boisson said that the limestone that restored the Pentagon after 9/11 was from this area. Farmland, animals, the environment are all being threatened by this project. We are living in an age when conscious politicians or committee members are making environmentally sound decisions. She discussed a PBS program about 3 women working together to stop communities from filling in the San Francisco Bay. She urged support of Ruff's motion.

Marsha Bremer said that this is an archaic project. We need forward-thinking officials. There really is Peak Oil. It's going to happen. She pointed out the recent flooding. It will be worse with more pavement and fewer trees. She urged the PC to back Mr. Ruff's amendment.

Mr. Stoops said that INDOT studies show that there will be no economic gain with I-69. With the cost of this road you could run two rails north and south and two rails east and west. Also we need to address the backlog of road and bridge projects. This is not a done deal. The pressure that INDOT has been placing on us to put this in our TIP shows that it is important to INDOT. The damage that this highway can do to us locally is incredible. It can't be overstated. He asked the PC to take into account the comments tonight and back Mr. Ruff's motion and get I-69 out of this TIP. Mitch Daniels is a lame duck governor. This thing is about taking public money and sticking it in the pockets of some people that can give him some heavy duty campaign contributions. This highway hasn't gone anywhere in 20 years. There won't be any new governor will look at the amount of money that it is going to take to finish I-69 and not say that it's better spent somewhere else.

Mr. Pittsford said that as County Plan Commission president he had always given his proxy to Richard Martin. Mr. Martin has been here through the whole process and is not able to be here today. He said he has spent several days and hours trying to make an informed decision. Mr.

Martin indicated to him that with amendments about fiscal constraint and environmental requirements, that he could see approving the TIP without complete removal of I-69 projects. His concern is about what will happen to those sections of I-69 that will continue into and around the county but are not covered by the authority of the MPO. He understands the concerns and the firm resolution to totally eliminate I-69 from the county. He doesn't know if their action will accomplish that. He was concerned that this motion might damage the authority and our relationship with INDOT in the future if the I-69 project continues.

Mr. Ruff said that the public was incredibly well-spoken and hit all of the arguments. There is not that much to add. One person noted that the original idea of the I-69 highway was in support of NAFTA. 20 years ago that is what you heard. You don't hear that anymore because NAFTA has not delivered the promised pot of gold. It has arguably done the opposite in many ways. It is the same thing with I-69. A great example is Bloomington, Jasper and Warsaw—none of which are near interstate highways. All 3 of them are economic engines. Anderson, Gary, Elkhart and Terre Haute are all on interstate highways. Evansville and Indianapolis are already on interstate highways. With the amount of funding necessary, this thing will be funded to Bloomington and then stop. INDOT could have had their I-69 already if they had just chosen upgrading existing highways. Those communities wanted it. They cheated on the route selection process. They need to face the music. We have to invest in sustainable transportation investments for the future—rail, transit, etc. This route damages communities and squanders resources. Taking this out of our TIP will not stop it entirely but it will help stop it. This is the right thing to do.

Mr. Thomas thanked the public for coming out and commenting so intelligently and in a heartfelt way. She can't trust what she doesn't have in front of her. She listed what proof she would need.

Mr. Hess asked if the motion would include the scrivener's errors, the changes to the Allen St. Bicycle Boulevard, Black Lumber Trail and the College Mall Pedestrian Improvement study and the CAC recommendations which were to add Complete Streets language to the West 2nd St. Feasibility study and moving the Sare and Rogers roundabout construction phase from 2012 to 2013.

*****Mr. Ruff and Ms. Thomas accepted the additions to the motion. A roll call vote was taken. The motion was approved by a vote of 8 to 3.**

Mr. Kruzan asked that anyone who received a ticket between 3:30 and 5:00 to drop it at the Mayor's Office.

VII. New Business--None

VIII. Communications from Committee Members (*non-agenda items*)

A. Topic Suggestions for future agendas

IX. Upcoming Meetings

A. **Technical Advisory Committee – May 25, 2011 at 10:00 a.m. (McCloskey Room)**



**Bloomington/Monroe County Metropolitan Planning Organization
Policy Committee**

- B. Citizens Advisory Committee – May 25, 2011 at 6:30 p.m. (McCloskey Room)**
- C. Policy Committee – June 10, 2011 at 1:30 p.m. (McCloskey Room)**

Adjournment

The minutes were approved at the PC meeting held on 6/10/11 (rch).