



September 21, 2011

Ms. Sandra Flum
Project Manager
Indiana Department of Transportation
100 N. Senate Ave N758 Room N758
Indianapolis, IN 46204

Dear Ms. Flum,

Please find enclosed a compilation of I-69 questions collected from the BMCMPPO Policy Committee. This package of material is submitted as part of the agreed upon process established at the Policy Committee meeting on September 9, 2011. It is our understanding that INDOT will respond to our submitted questions, in writing, by October 5, 2011. The same package is being submitted to FHWA, which may be better able to respond to some of the questions.

We have submitted this material to you in two pieces. The first piece is the official list of questions, as organized by MPO Staff. The second piece is the raw source material as submitted by Policy Committee members. We submit both versions in the interest of providing some sense of order to the topic areas of the questions while ensuring that no submitted questions goes unanswered.

We appreciate this opportunity to engage with the Indiana Department of Transportation as we work through the many issues and concerns that the BMCMPPO has with the I-69 project. We look forward to your response and to continuing this dialogue as part of the MPO 3C process.

Sincerely,

A handwritten signature in blue ink, appearing to read "Richard Martin".

Richard Martin
Chair, BMCMPPO I-69 Subcommittee

CC: Mayor Mark Kruzan (BMCMPPO)
Mark Stoops (BMCMPPO)
Jack Baker (BMCMPPO)
Lynn Coyne (BMCMPPO)
Kent McDaniel (BMCMPPO)
Robert Tally (FHWA)
Jay DuMontelle (FHWA)
Michelle Allen (FHWA)
Sam Sarvis (INDOT)
Jim Stark (INDOT)



September 21, 2011

Mr. Robert Tally
Division Administrator
Federal Highway Administration
Indiana Division
575 North Pennsylvania Street
Indianapolis, IN 46204

Dear Mr. Tally,

Please find enclosed a compilation of I-69 questions collected from the BMCMPPO Policy Committee. This package of material is submitted as part of the agreed upon process established at the Policy Committee meeting on September 9, 2011. It is our understanding that FHWA will respond to our submitted questions, in writing, by October 5, 2011. The same package is being submitted to INDOT, which may be better able to respond to some of the questions.

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We appreciate this opportunity to engage with the Federal Highway Administration as we work through the many issues and concerns that the BMCMPPO has with the I-69 project. We look forward to your response and to continuing this dialogue as part of the MPO 3C process.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. Martin", written over a white background.

Richard Martin
Chair, BMCMPPO I-69 Subcommittee

CC: Mayor Mark Kruzan (BMCMPPO)
Mark Stoops (BMCMPPO)
Jack Baker (BMCMPPO)
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Jay DuMontelle (FHWA)
Michelle Allen (FHWA)
Sam Sarvis (INDOT)
Jim Stark (INDOT)
Sandra Flum (INDOT)

I-69 Questions from MPO Policy Committee Members
9/21/11

Note: The following questions were submitted by Policy Committee members and staff. None of the questions have been eliminated or changed in any way. Several questions may be similar but attention should be paid to the differences and the information requested. The questions are loosely bundled together around themes to facilitate review.

- 1) Of the projected job increases due to I-69, what percent of those will be new jobs as opposed to transfers from other regions of the state and country? *Andy Ruff*
- 2) Please provide an official document from the Dept. of Defense that indicates that I-69 is crucial to the survival of Crane. *Andy Ruff*
- 3) What is the net economic impact (subtracting out any economic activity shifted from other parts of the state) compared with the net economic impact of repairing the aforementioned bridges along with the over 400 bridges that currently have the same structural rating that the bridge in Minnesota had before its collapse? *Andy Ruff*
- 4) How much more will it cost to upgrade IN-37 to an interstate from Bloomington to Indianapolis than constructing I-69 along the least expensive alternative route from the Section 3 terminus to I-70? How much quicker could an interstate connection from Evansville to Indianapolis be completed due to these cost savings *Andy Ruff*
- 5) What rule allows fiscal constraint to be determined for the MPO portion of I69 in the MPO jurisdiction when construction funds are not included in the TIP? *Richard Martin*
- 6) Does INDOT, according to Federal guidelines, have proper fiscal constraint to construct I-69 section 4? *Richard Martin*
- 7) Does failure of the MPO to add the portion of I69 inside the BMCMPPO's boundary to its TIP for construction, mean the determination of fiscal constraint for Section 4 is no longer valid and must be revisited? *Richard Martin*
- 8) Indiana currently has many bridges in need of upgrades and repairs. Some major bridges, such as the Cline Ave, Bridge, MLK Bridge, and Sherman-Minton Bridge area closed to traffic. How has the need to repair and upgrade these bridges affected INDOT's budget? *Andy Ruff*
- 9) What is the estimated economic losses state-wide due to bridge closings as well as lane and weight restrictions? *Andy Ruff*
- 10) Could you please list INDOT's projected total revenues and total expenditures for the years 2012 to 2015. *Andy Ruff*

- 11) List all I-69 related activities that have taken place in Section 4 and the total amount of money already spent in Section 4. *Andy Ruff*
- 12) List all I-69 related activities including purpose, dates of activities, specific location, costs, detailed results, contractors that have taken place in Section 4 and the total amount of money already spent in Section 4 *Andy Ruff*
- 13) INDOT has stated that some of the toll road money budgeted for Sections 1-3 will be left over and used to help build Section 4. How much of the original \$700 million budgeted is left over and will be used for Section 4? *Andy Ruff*
- 14) What is the current total cost estimate for all I-69 related activities for Section 5, including ALL costs not just construction costs? *Andy Ruff*
- 15) What innovative funding options are being considered for funding Sections 5 and 6? *Andy Ruff*
- 16) What is the current estimate of lost revenue for Monroe Co. due to the construction of I-69? Please include property tax losses and losses to businesses, especially during construction and any other anticipated losses. *Andy Ruff*
- 17) Will Indiana receive any additional federal funds to construct I-69 than it's normal share of federal funds that would be received by not building I-69 or building along a less costly route? Since earmarks have been discontinued by Congress, what is the source of any additional funds, and what additional amount beyond Indiana's normal share is projected? What are the projections based on? *Andy Ruff*
- 18) Is completing I-69 to Indianapolis a higher or lower priority than repairing the structurally deficient bridges around the state? Are priorities set based on net economic impact? If not, on what basis are highway priorities set? *Andy Ruff*
- 19) What budget line of INDOT will fund construction of I69 in the MPO jurisdiction if the MPO does not include that portion in its TIP? *Richard Martin*
- 20) By which mechanism will funds be moved to the I69 budget line for construction if the MPO does not approve the use of Federal funds for I69? *Richard Martin*
- 21) What amount of funding over-run is allowed for the I69 project in Monroe County? *Richard Martin*
- 22) What is the process for deciding to fund design changes not recommended in the EIS 2 document? *Richard Martin*
- 23) What process should be employed to fund changes outside Section 4, the need for which arises as a consequence of Section 4 use, and inability to construct as part of Section 5

prior to the opening of Section 4 (specifically the Vernal Pike underpass, signalization of existing 37 intersections, and additional left turn lanes)? *Richard Martin*

- 24) How will the State fund Section 5 if the MPO does not include Section 5 in its TIP?
Richard Martin
- 25) If MPO adopts a resolution committing to not include any portion of I69 Section 5 into its TIP and maintains the effect of that resolution through continued requests from INDOT, does the state have sufficient resources to fund that project? *Richard Martin*
- 26) If MPO adopts a resolution committing to not include any portion of I69 Section 5 into its TIP and maintains the effect of that resolution through continued requests from INDOT, i.e. no approval for preliminary design, ROW acquisition, or construction, can the state achieve fiscal constraint for Section 5 to receive matching funds from FHWA for that portion outside of the MPO jurisdiction? *Richard Martin*
- 27) Would the failure of the state to achieve fiscal constraint for Section 5 resulting from MPO action make the Section 4 ROD untenable as a means to achieve the larger goal of I69 through Indiana? *Richard Martin*
- 28) What limits, in terms of dollars or time, exist for recovery by the State of funds spent At Risk, i.e. without Federal approval for recovery? *Richard Martin*
- 29) Is the State required to continue projects already in the TIP and STIP at funding levels and schedule specified or can they unilaterally modify funding or schedule without MPO approval? *Richard Martin*
- 30) Is there a limit for the amount of funding that is not approved but still allows a project to go forward, i.e. what extent or percent of total budget is considered still within fiscal constraint requirements for Federal funding? *Richard Martin*
- 31) With its refusal to accept our new TIP can INDOT withhold our Federal funds and/or redirect those funds for construction of I-69? *Richard Martin*
- 32) Since at present the expiration of the current TIP is June 26, 2013, are Federal funds not available for any BMCMPPO projects after that date? *Richard Martin*
- 33) Are there other ways for the MPO to access Federal funds that do not include INDOT STIP requirements? *Richard Martin*
- 34) Given that 23 CFR 450.330 (b) states that: "In metropolitan areas not designated as Transportation Management Agencies (TMAs), projects to be implemented using title 23 USC funds or funds under title 49 USC Chapter 53, shall be selected by the State and/or the public transportation operator(s), in cooperation with the MPO from the approved Metropolitan TIP.", under which circumstances does the "State or public transportation operator(s)" govern the expenditure process between the MPO and FTA? *Richard Martin*

- 35) Can FTA funds be used as match for interstate construction? *Richard Martin*
- 36) To what extent are Federal funds directed for public mass transportation support eligible for discretionary allocation by the State? *Richard Martin*
- 37) Which projects in the list of SR37 improvements prior to Section 5 construction have been programmed to be completed concurrent with Section 4 construction? *Richard Martin*
- 38) Do Federal or State \$\$ limits exist for elements of INDOT's Interstate programming phases? Would you explain the \$\$ amounts and how they affect programming? *Jack Baker*
- 39) Will INDOT and their contractor be following Monroe County regulations for building in karst areas? *Andy Ruff*
- 40) Does this route alignment for Section 4 meet acceptable criteria for environmental impacts? *Richard Martin*
- 41) Could Section 4 be built at acceptable criteria for environmental impacts if it used the full cost project specifications? *Richard Martin*
- 42) What standards will be employed to safe-guard over sensitive karst features in or near the I69 corridor? *Richard Martin*
- 43) Karst area construction activities / mitigation *Bill Williams*
- 44) Did INDOT use the latest air quality conformity data and traffic modeling data to determine the impact of increased traffic emissions on Bloomington and Monroe County? *Andy Ruff*
- 45) What air quality and traffic models were used for these determinations? *Andy Ruff*
- 46) Were changes in design, such as the deferral of the interchange at SR-37. taken into account in the air quality modeling? If not, please explain why these changes were not addressed. *Andy Ruff*
- 47) Since Section 5 will not be constructed for some time, was this taken into account when doing the air quality modeling? For example, there are many stop lights on existing SR-37 which means more idling and more emissions as traffic increases. *Andy Ruff*
- 48) What is the current and projected air quality impact of I69 Sections 4 and 5 over the next 30 years if the low cost alternative is implemented on Section 4 and Section 5 construction is delayed for 10 years? *Richard Martin*

- 49) Has anyone determined the additional emissions from truck traffic on a 4% versus a 5% grade and the cumulative affect this will have on air quality in the areas of the proposed steeper grades? *Richard Martin*
- 50) Air quality – 2004 data vs. 2009 data *Bill Williams*
- 51) What is the expected effect of interstate traffic upon our air quality? Is a study required by State or Federal agencies to determine the effect? If not required will one be done? What is INDOT's current opinion – will Interstate traffic have a significant effect; will it take us over the limit for a non-attainment area? What is INDOT's responsibility if this occurs? *Jack Baker*
- 52) The FEIS indicates that Monroe County's VMT is expected to increase by 22% (p. 5-277) by 2030 as a result of I-69. What assurances is INDOT willing to provide that this will not result in reduced air quality and non-conformity with the Clean Air Act? *Staff*
- 53) What are the traffic estimates for the stop light at SR-37? *Andy Ruff*
- 54) What happened to the study done by BLA for App. NN? :How much were they paid?
Andy Ruff
- 55) Why was Appendix NN removed from the Section 4 FEIS? How much was BLA paid to do the Appendix NN Study? Who made the decision to remove Appendix NN after the FEIS was issued? Who at the Federal Highway Administration approved the ROD knowing Appendix NN was removed post issuing of the FEIS. If FHA did not know about removal of Appendix NN from the FEIS how was the Record of Decision for Section 4 a valid decision? *Andy Ruff*
- 56) What projections do you have for truck and non-truck traffic increase, in five year increments, over the first 30 years of Section 4 use? *Richard Martin*
- 57) What local emergency response entities will be held responsible for accidents on I-69? For example, will the Indian Creek Firefighters to responsible for accidents on I-69 through their area of responsibility? *Andy Ruff*
- 58) What are the anticipated cost to Bloomington/Monroe County due to I-69 induced crime?
Andy Ruff
- 59) What specific criteria must be met to allow an emergency access on Burch Road for the purpose of decreasing response time to environmental emergencies unique to the new terrain highway? *Richard Martin*
- 60) How do we delay the opening of I69 Section 4 until after specific safety concerns for existing SR 37 intersections are addressed with sufficient roadway improvements to meet anticipated traffic flow needs? *Richard Martin*

- 61) Emergency access – Harmony (ICFD) & Burch (VBFD) *Bill Williams*
- 62) Commitment to SR 37 improvements prior to Section 5 construction - are the projects listed in the FEIS real projects? I know the INDOT has began design of the intersection improvements at State Road 45 with Harmony / Garrison Chapel Road and with Breeden Road. Progress? Vernal Pike has the highest crash rate in the area and we are extremely concerned with the safety of travelers in this area, as well as the other intersections mentioned in the FEIS. What commitment will INDOT make to assure they become a reality as soon as possible? *Bill Williams*
- 63) Appendix QQ indicates several intersections along SR37 beyond the project limits of Section 4 have demonstrable safety concerns which will likely be exacerbated by the construction of Section 4. When will INDOT proceed with improvements to SR37/Vernal Pike and SR37/Bloomfield Rd? When can the BMCMPPO expect a TIP amendment request for these improvements? Will these improvements be in place by the time I-69 is complete? If each section of I-69 is deemed to have independent utility, how can Section 4 rely on improvements anticipated as part of Section 5 to address these safety concerns, especially in the absence of a schedule or budget for Section 5? *Staff*
- 64) Does Crane have plans to store nuclear waste on site? If so, will I-69 facilitate that plan? *Andy Ruff*
- 65) Please list all changes in construction that have and are occurring, after the ROD was issued, in Sections 1-3. *Andy Ruff*
- 66) Numerous changes in design and construction have occurred, after the ROD was approved, in Section 1-3. Does INDOT anticipate similar changes in Section 4? *Andy Ruff*
- 67) What is the life expectancy of asphalt versus concrete pavement for a major truck corridor such as I-69? *Andy Ruff*
- 68) What thickness of pavement will be used for Section 4? *Andy Ruff*
- 69) As part of the I-69 project, will intelligent traffic systems be installed to monitor traffic? *Andy Ruff*
- 70) List all areas in Monroe County that will be subject to blasting during the construction of I-69. *Andy Ruff*
- 71) How can the MPO become more involved in the analysis and decision process related to design trade-off studies to assure that local concerns are given greater priority in a regional context where Bloomington and Monroe County are the dominate economic influence? *Richard Martin*

- 72) Since the justification of steeper grades on Section 4 seems very weak in terms of risk assessment, what additional studies or data have been collected to support the low cost recommendation in terms of risk to life and property? *Richard Martin*
- 73) What specific mitigation steps will be taken to eliminate the increased soil loss caused by the low cost roadway side slope implementation that was not considered in the FEIS. *Richard Martin*
- 74) Is it possible to construct Section 4 in the assigned alignment corridor without resorting to low cost construction alternatives and still meet environmental impact criteria? *Richard Martin*
- 75) Intersection vs. Interchange vs. Roundabout at SR 37 *Bill Williams*
- 76) Truck Grades - the FEIS references a study conducted in Brazil as it relates to grades for trucks. In reviewing the document and having had correspondence with the author of the study, the referenced study may not be suitable for application to this project. It specifically states that additional data and study should be conducted. We are concerned that this has not been thoroughly reviewed and have concerns with the application of the Brazil study. Also, as it relates to truck grades over the study period of the FEIS, what data or further studies have been conducted to account for additional trucks in the 20 year design period? Has anyone determined the additional emissions from truck traffic on a 4% versus a 5% grade and the cumulative affect this will have on air quality in the areas of the proposed steeper grades? *Bill Williams*
- 77) Slopes - There has been a lot of work reviewing the clear zone requirements relative to a 3:1 slope versus a 2:1 slope. It appears the safety issue has been adequately addressed with the 30 foot clear zone requirement. The concern we have with increasing the slope is the erodability of the soils in this area. In reviewing the Universal Soil Loss Equation LS table, it appears that soil loss would almost double given the proposed increase in slope, going from LS factor of 6.5 to LS factor of 13 over a 50' horizontal area. What will be done to mitigate this and how will the slopes be maintained? *Bill Williams*
- 78) In 2010, INDOT requested a TIP amendment which included construction of I-69 at a cost of \$61,693,000. In 2011, the I-69 construction cost within the urbanized area was \$32,000,000. Please specify the changes to the project which have resulted in this change to the construction cost in the urbanized area. *Staff*
- 79) Amenities, such as bicycle and pedestrian paths, etc., have been promised to Bloomington/Monroe County. In light of funding shortfalls and other pressing needs, are these amenities still going to be built? What are the "consequences" for INDOT if they are not? *Andy Ruff*
- 80) What agreements need to be made now so that in the future as project plans and funding sources are programmed for non-vehicular use of the I69 ROW, as identified in the

Monroe County Alternative Transportation Plan, that use of selected portions of the corridor is made available? *Richard Martin*

- 81) Why is a parallel multi-use trail not incorporated into the project? Please provide specific rationale. What would have to be done to incorporate such a facility into the I-69 project? *Staff*
- a. The inclusion of I-69 in the adopted LRTP has been cited as justification for the I-69 TIP amendment. The LRTP specifically calls for a parallel multi-use trail to be incorporated into the project. How can the LRTP be used to support one aspect of the project (road) and not the other (trail)? *Staff*
 - b. INDOT's response to the BMCMPPO's comment on the inclusion of the trail states, "INDOT will support the efforts of other government agencies who wish to consider (as a separate project) multi-use facilities parallel to I-69." Please identify what "other government agencies" are expected to build the trail. Why would "other government agencies" be expected to build the trail and not the interstate? *Staff*
 - c. Given the effort required to procure right-way, design, and construct a statewide multi-use trail, why has the State not planned to incorporate a trail in all Sections of the project despite it being identified as a Priority Visionary Trail in the Indiana State Trails, Greenways and Bikeways Plan? *Staff*
 - d. National Highway System funds can be used for bicycle transportation and pedestrian walkways (23 USC 217(b)). The State has claimed that other sections of I-69 have come in under budget and are ahead of schedule. If this is true, is it correct to assume that funding is available to include a multi-use trail into the project? *Staff*

- 82) In the July 11, 2011 letter to INDOT approving the FY 2012-2015 STIP, FHWA reminded INDOT that it must take action on the BMCMPPO FY 2012-2015 TIP "within a reasonable time." BMCMPPO approved the TIP on May 13, 2011, but the state has not submitted it to FHWA/FTA for certification yet.

Several other MPOs around the state have adopted 2012-2015 TIPs around the same time as BMCMPPO, all of which have been certified (See below). TIP approval letters indicate that the TIPs were only reviewed for accuracy and compliance with SAFETEA-LU before certification. In light of the quick approval of other TIPs, how does INDOT justify the unreasonable delay in submitting the BMCMPPO 2012-2015 TIP to FHWA/FTA for certification?

Indianapolis – May 4, 2011 / Certified May 26, 2011
MCCOG – April 7, 2011 / Certified May 18, 2011
Columbus (2012-2016 TIP) - April 27, 2011 / Certified April 28, 2011
Fort Wayne – April 12, 2011 / Certified May 24, 2011
Tippecanoe County – April 20, 2011 / Certified May 18, 2011
Muncie – April 20, 2011 / Certified May 18, 2011
MACOG – April 13, 2011 / Certified April 25, 2011
Terre Haute – May 10, 2011 / Certified May 18, 2011

OKI – April 14, 2011 / Certified April 28, 2011
Mark Stoops & Andy Ruff

- 83) Given that the 1978 MOU governing relations between BMCMPPO and INDOT gives the MPO sole responsibility for “[d]evelopment and endorsement of a Transportation Improvement Programs” (sic), from where does INDOT believe it is given the authority to withhold an adopted TIP from federal certification? *Mark Stoops & Andy Ruff*
- 84) According to Chapter 1.4 C of the BMCMPPO Bylaws, “[r]eports, programs, and plans become official process documents following adoption by resolution of the Metropolitan Planning Organization Policy Committee.” Therefore, the 2012-2015 TIP became the official TIP upon adoption by resolution on May 14, 2011. Since the operating agreement currently in place does not grant INDOT the authority to override the decisions of the MPO, where does INDOT attain the authority to continue to recognize the 2010-2013 TIP and to represent to FHWA that the previous TIP remains valid? *Mark Stoops & Andy Ruff*
- 85) A Record of Decision (ROD) for a federally funded transportation project within an MPO’s border can not be issued if the project is not included in that MPO’s current TIP. If the 2012-2015 TIP is certified by FHWA/FTA without Section 4 of I-69 included, will the ROD be invalidated? Alternatively, if the 2010-2013 TIP is amended to remove Section 4 of I-69, will the ROD be invalidated? Does INDOT believe that the portion of the project outside the MPO boundary may continue if the project is not included in the TIP? If so, from where does INDOT get its authority to proceed with an unapproved project? *Mark Stoops & Andy Ruff*
- 86) Does INDOT consider the construction of Sections 1-4 to have independent utility and a stand alone project? Even if Sections 5-6 are not built? *Andy Ruff*
- 87) Does the decision regarding the independent utility of I69 Sections 1 thru 6 mean that there is no dependency between the sections with regard to completion of I69 through Indiana? *Richard Martin*
- 88) Has a Project Management Plan been competed for Section 4? If so, please supply us with a copy of that plan. *Andy Ruff*
- 89) Please supply with complete plans for the EIS process through construction and completion of Sections 5 and 6. *Andy Ruff*
- 90) At what date does a vote by the MPO become irrelevant regarding the expenditure of federal funds for that portion of I69 in the MPO jurisdiction, i.e. when does FHWA eliminate the use of Federal funds for construction in Section 4 within the MPO jurisdiction? *Richard Martin*

- 91) Are there any mechanisms by which the State can use Federal funds to construct I69 within the MPO jurisdiction without inclusion of that portion of I69 in the MPO TIP?
Richard Martin
- 92) Why has the State not engaged with the MPO within a Context Sensitive Solutions process, as recommended by FHWA, as the means to resolve conflicts between State and Local standards to find solutions that work for both the State and the Community?
Richard Martin
- 93) Does STIP failure to show I69 Section 5 as a scheduled project for 2012 – 2015 mean that they do not meet the requirements for STIP inclusion or that they expect to not be performing any I69 Section 5 work during 2012 -2015? *Richard Martin*
- 94) Does the use of Federal funds for highway projects within the MPO jurisdiction always require concurrence in MPO TIP whether or not it is included in STIP? *Richard Martin*
- 95) Can INDOT continue to reject our most recent adopted TIP; for how long? What are Federal requirements regarding State acceptance or rejection of a locally adopted TIP?
Richard Martin
- 96) Was it appropriate for INDOT to ask that I-69 be included in our local TIP prior to the completion of a final EIS? *Richard Martin*
- 97) Is the MPO obligated to now include construction of this project in our TIP if environmental questions still cannot be answered during the September 9 meeting?
Richard Martin
- 98) To what extent can a local community standard be over-ridden by state and federal authorities to promote regional objectives? *Richard Martin*
- 99) Since the Governor and the BMCMPPO do not agree upon a list of projects at this point, is it the desire of FHWA that the BMCMPPO defer to the state policy? *Richard Martin*
- 100) Are any local permits needed for activities related to I69? *Richard Martin*
- 101) Permits needed from other regulatory agencies to proceed to construction *Bill Williams*
- 102) Staff is of the impression that the comments submitted by the BMCMPPO Director on the DEIS were largely dismissed or remain unresolved. What is FHWA's impression of the responses given by INDOT to the BMCMPPO's DEIS comments and how this adheres to the 3-C process? *Staff*
- 103) It has been suggested that INDOT may proceed with construction of I-69 up to the urbanized boundary absent inclusion of the project in the BMCMPPO's TIP. Wouldn't the BMCMPPO and INDOT need to come to resolution of the segment within the urbanized

boundary before any aspect of the project proceeds with construction? How could Section 4 function without the connection to SR37? *Staff*

- 104) INDOT has threatened "consequences" if this MPO does not include all aspects of I-69 in its TIP. Indeed, some funds were withheld for a period of time. What are the consequences for INDOT if it does not design and build I-69 in Section 4 to its original plans? For example, numerous changes in design and construction have been made after the ROD in Sections 1-3/ If similar changes are made in Section 4 what are the consequences for INDOT? *Andy Ruff*
- 105) By what means does the MPO, and its LPA's, maintain productive relationships in terms of project acceptance, funding, scheduling, and completion, if the MPO does not approve the use of Federal funds for I69 construction in Section 4 and/or preliminary design, ROW acquisition, and construction for Section 5? *Richard Martin*
- 106) Is the rejection on 06/20/2011 of Monroe County funding for Stinesville Bridge #12 of 4/22/11 for \$1,132,100, Unionville Rail Trail of 3/11/11 for \$532,680, and Kinser Pike Bridge #46 of 4/22/11 for \$1,858,400 = \$3,523,180 the result of BMCMPPO action in May, and if not, what was the reason for rejection? *Richard Martin*
- 107) Future MPO funding if TIP does not include I-69 *Bill Williams*
- 108) Project funding losses to date – (applications denied on 6/20/2011 for Stinesville Bridge #12 of 4/22/11 for \$1,132,100, Unionville Rail Trail of 3/11/11 for \$532,680, and Kinser Pike Bridge #46 of 4/22/11 for \$1,858,400 = \$3,523,180) *Bill Williams*
- 109) If the BMCMPPO's actions are unacceptable to the State, is the State willing to document this in writing with suggested remedies? Is it fair for the BMCMPPO to assume it is in good standing with the State and that projects will not be adversely affected absent any formal written notification to indicate otherwise? *Staff*

I-69, Section 4 FEIS – Concerns (Bill Williams)

- 1) Intersection vs. Interchange vs. Roundabout at SR 37
- 2) Permits needed from other regulatory agencies to proceed to construction
- 3) Emergency access – Harmony (ICFD) & Burch (VBFD)
- 4) Karst area construction activities / mitigation
- 5) Air quality – 2004 data vs. 2009 data
- 6) Future MPO funding if TIP does not include I-69
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Vernal Pike has the highest crash rate in the area and we are extremely concerned with the safety of travelers in this area, as well as the other intersections mentioned in the FEIS.

What commitment will INDOT make to assure they become a reality as soon as possible?

10) Slopes - There has been a lot of work reviewing the clear zone requirements relative to a 3:1 slope versus a 2:1 slope. It appears the safety issue has been adequately addressed with the 30 foot clear zone requirement.

The concern we have with increasing the slope is the erodability of the soils in this area. In reviewing the Universal Soil Loss Equation LS table, it appears that soil loss would almost double given the proposed increase in slope, going from LS factor of 6.5 to LS factor of 13 over a 50' horizontal area. What will be done to mitigate this and how will the slopes be maintained?



Raymond Hess <hessr@bloomington.in.gov>

RE: Survey Work to Begin in Monroe County

1 message

Baker, Andrew J <ajbaker@indiana.edu>

Fri, Sep 16, 2011 at 3:19 PM

To: "desmondj@bloomington.in.gov" <desmondj@bloomington.in.gov>

Cc: "richardm@tinwisle.com" <richardm@tinwisle.com>, Bill Williams <bwilliams@co.monroe.in.us>, "hessr@bloomington.in.gov" <hessr@bloomington.in.gov>

I think mine and Richard's question 24 are the same.

Another question -- What is the expected effect of interstate traffic upon our air quality? Is a study required by State or Federal agencies to determine the effect? If not required will one be done? What is INDOT's current opinion -- will Interstate traffic have a significant effect; will it take us over the limit for a non-attainment area? What is INDOT's responsibility if this occurs?

-- Jack

Here's another question Richard and I discussed for the list -- Do Federal or State \$\$ limits exist for elements of INDOT's Interstate programming phases? Would you explain the \$\$ amounts and how they affect programming?

-- Jack

Josh, checking to see where we are regarding questions and issues for Monday's meeting.

-- Jack

From: Baker, Andrew J
Sent: Friday, September 16, 2011 1:44 PM
To: SFlum@indot.IN.gov
Cc: 'richardm@tinwisle.com'; 'Bill Williams'; 'hessr@bloomington.in.gov'
Subject: RE: Survey Work to Begin in Monroe County

Sandra, thank you. I expect BMCMPPO to present and discuss our lists of questions and issues with INDOT. I would expect us -- BMCMPPO, INDOT, and DOT -- to begin negotiating issues that need resolution early as possible in the design process. I-69/SR37 temporary intersection; collector roads; Vernal Pike intersection; emergency/hazmat access; transit, bike-ped and trail crossings are some I expect will come from our issues list. I would ask that INDOT be prepared to discuss our issues and to offer its own suggestions for best ways to interface roads and trails with the Interstate.

-- Jack

From: Flum, Sandra [mailto:SFlum@indot.IN.gov]
Sent: Tuesday, September 13, 2011 1:01 PM

1. At what date does a vote by the MPO become irrelevant regarding the expenditure of federal funds for that portion of I69 in the MPO jurisdiction, i.e. when does FHWA eliminate the use of Federal funds for construction in Section 4 within the MPO jurisdiction?
2. Are there any mechanisms by which the State can use Federal funds to construct I69 within the MPO jurisdiction without inclusion of that portion of I69 in the MPO TIP?
3. What budget line of INDOT will fund construction of I69 in the MPO jurisdiction if the MPO does not include that portion in its TIP?
4. By which mechanism will funds be moved to the I69 budget line for construction if the MPO does not approve the use of Federal funds for I69?
5. What amount of funding over-run is allowed for the I69 project in Monroe County?
6. What is the process for deciding to fund design changes not recommended in the EIS 2 document?
7. What process should be employed to fund changes outside Section 4, the need for which arises as a consequence of Section 4 use, and inability to construct as part of Section 5 prior to the opening of Section 4 (specifically the Vernal Pike underpass, signalization of existing 37 intersections, and additional left turn lanes)?
8. How will the State fund Section 5 if the MPO does not include Section 5 in its TIP?
9. If MPO adopts a resolution committing to not include any portion of I69 Section 5 into its TIP and maintains the effect of that resolution through continued requests from INDOT, does the state have sufficient resources to fund that project?
10. If MPO adopts a resolution committing to not include any portion of I69 Section 5 into its TIP and maintains the effect of that resolution through continued requests from INDOT, i.e. no approval for preliminary design, ROW acquisition, or construction, can the state achieve fiscal constraint for Section 5 to receive matching funds from FHWA for that portion outside of the MPO jurisdiction?
11. Would the failure of the state to achieve fiscal constraint for Section 5 resulting from MPO action make the Section 4 ROD untenable as a means to achieve the larger goal of I69 through Indiana?
12. Does the decision regarding the independent utility of I69 Sections 1 thru 6 mean that there is no dependency between the sections with regard to completion of I69 through Indiana?
13. Why has the State not engaged with the MPO within a Context Sensitive Solutions process, as recommended by FHWA, as the means to resolve conflicts between State and Local standards to find solutions that work for both the State and the Community?
14. By what means does the MPO, and its LPA's, maintain productive relationships in terms of project acceptance, funding, scheduling, and completion, if the MPO does not approve the use of Federal funds for I69 construction in Section 4 and/or preliminary design, ROW acquisition, and construction for Section 5?
15. What specific criteria must be met to allow an emergency access on Burch Road for the purpose of decreasing response time to environmental emergencies unique to the new terrain highway?
16. What agreements need to be made now so that in the future as project plans and funding sources are programmed for non-vehicular use of the I69 ROW, as identified in the Monroe

County Alternative Transportation Plan, that use of selected portions of the corridor is made available?

17. How do we delay the opening of I69 Section 4 until after specific safety concerns for existing SR 37 intersections are addressed with sufficient roadway improvements to meet anticipated traffic flow needs?
18. How can the MPO become more involved in the analysis and decision process related to design trade-off studies to assure that local concerns are given greater priority in a regional context where Bloomington and Monroe County are the dominate economic influence?
19. Does STIP failure to show I69 Section 5 as a scheduled project for 2012 – 2015 mean that they do not meet the requirements for STIP inclusion or that they expect to not be performing any I69 Section 5 work during 2012 -2015?
20. What limits, in terms of dollars or time, exist for recovery by the State of funds spent At Risk, i.e. without Federal approval for recovery?
21. Is the State required to continue projects already in the TIP and STIP at funding levels and schedule specified or can they unilaterally modify funding or schedule without MPO approval?
22. Does the use of Federal funds for highway projects within the MPO jurisdiction always require concurrence in MPO TIP whether or not it is included in STIP?
23. What rule allows fiscal constraint to be determined for the MPO portion of I69 in the MPO jurisdiction when construction funds are not included in the TIP?
24. Is there a limit for the amount of funding that is not approved but still allows a project to go forward, i.e. what extent or percent of total budget is considered still within fiscal constraint requirements for Federal funding?
25. Can INDOT continue to reject our most recent adopted TIP; for how long? What are Federal requirements regarding State acceptance or rejection of a locally adopted TIP?
26. Does INDOT, according to Federal guidelines, have proper fiscal constraint to construct I-69 section 4?
27. With its refusal to accept our new TIP can INDOT withhold our Federal funds and/or redirect those funds for construction of I-69?
28. Was it appropriate for INDOT to ask that I-69 be included in our local TIP prior to the completion of a final EIS?
29. Is the MPO obligated to now include construction of this project in our TIP if environmental questions still cannot be answered during the September 9 meeting?
30. To what extent can a local community standard be over-ridden by state and federal authorities to promote regional objectives?
31. Since the Governor and the BMCMPPO do not agree upon a list of projects at this point, is it the desire of FHWA that the BMCMPPO defer to the state policy?
32. Does failure of the MPO to add the portion of I69 inside the BMCMPPO's boundary to its TIP for construction, mean the determination of fiscal constraint for Section 4 is no longer valid and must be revisited?

33. Since at present the expiration of the current TIP is June 26, 2013, are Federal funds not available for any BMCMPPO projects after that date?
34. Are there other ways for the MPO to access Federal funds that do not include INDOT STIP requirements?
35. Given that 23 CFR 450.330 (b) states that: "In metropolitan areas not designated as Transportation Management Agencies (TMAs), projects to be implemented using title 23 USC funds or funds under title 49 USC Chapter 53, shall be selected by the State and/or the public transportation operator(s), in cooperation with the MPO from the approved Metropolitan TIP.", under which circumstances does the "State or public transportation operator(s)" govern the expenditure process between the MPO and FTA?
36. Does this route alignment for Section 4 meet acceptable criteria for environmental impacts?
37. Could Section 4 be built at acceptable criteria for environmental impacts if it used the full cost project specifications?
38. Can FTA funds be used as match for interstate construction?
39. To what extent are Federal funds directed for public mass transportation support eligible for discretionary allocation by the State?
40. Is the rejection on 06/20/2011 of Monroe County funding for Stinesville Bridge #12 of 4/22/11 for \$1,132,100, Unionville Rail Trail of 3/11/11 for \$532,680, and Kinser Pike Bridge #46 of 4/22/11 for \$1,858,400 = \$3,523,180 the result of BMCMPPO action in May, and if not, what was the reason for rejection?
41. Are any local permits needed for activities related to I69?
42. What is the current and projected air quality impact of I69 Sections 4 and 5 over the next 30 years if the low cost alternative is implemented on Section 4 and Section 5 construction is delayed for 10 years?
43. What standards will be employed to safe-guard over sensitive karst features in or near the I69 corridor?
44. Since the justification of steeper grades on Section 4 seems very weak in terms of risk assessment, what additional studies or data have been collected to support the low cost recommendation in terms of risk to life and property?
45. What projections do you have for truck and non-truck traffic increase, in five year increments, over the first 30 years of Section 4 use?
46. Has anyone determined the additional emissions from truck traffic on a 4% versus a 5% grade and the cumulative affect this will have on air quality in the areas of the proposed steeper grades?
47. Which projects in the list of SR37 improvements prior to Section 5 construction have been programmed to be completed concurrent with Section 4 construction?
48. What specific mitigation steps will be taken to eliminate the increased soil loss caused by the low cost roadway side slope implementation that was not considered in the FEIS.
49. Is it possible to construct Section 4 in the assigned alignment corridor without resorting to low cost construction alternatives and still meet environmental impact criteria?

I-69 Questions from Andy Ruff:

1. Did INDOT use the latest air quality conformity data and traffic modeling data to determine the impact of increased traffic emissions on Bloomington and Monroe County?
2. What air quality and traffic models were used for these determinations?
3. Were changes in design, such as the deferral of the interchange at SR-37, taken into account in the air quality modeling? If not, please explain why these changes were not addressed.
4. Since Section 5 will not be constructed for some time, was this taken into account when doing the air quality modeling? For example, there are many stop lights on existing SR-37 which means more idling and more emissions as traffic increases.
5. What are the traffic estimates for the stop light at SR-37?
6. What happened to the study done by BLA for App. NN? :How much were they paid?
7. Indiana currently has many bridges in need of upgrades and repairs. Some major bridges, such as the Cline Ave, Bridge, MLK Bridge, and Sherman-Minton Bridge area closed to traffic. How has the need to repair and upgrade these bridges affected INDOT's budget?
8. What is the estimated economic losses state-wide due to bridge closings as well as lane and weight restrictions?
9. Could you please list INDOT's projected total revenues and total expenditures for the years 2012 to 2015.
10. Please list all changes in construction that have and are occurring, after the ROD was issued, in Sections 1-3.
11. Numerous changes in design and construction have occurred, after the ROD was approved, in Section 1-3. Does INDOT anticipate similar changes in Section 4?
12. INDOT has threatened "consequences" if this MPO does not include all aspects of I-69 in its TIP. Indeed, some funds were withheld for a period of time. What are the consequences for INDOT if it does not design and build I-69 in Section 4 to its original plans? For example, numerous changes in design and construction have been made after the ROD in Sections 1-3/ If similar changes are made in Section 4 what are the consequences for INDOT?
13. List all I-69 related activities that have taken place in Section 4 and the total amount of money already spent in Section 4.
14. INDOT has stated that some of the toll road money budgeted for Sections 1-3 will be left over and used to help build Section 4. How much of the original \$700 million budgeted is left over and will be used for Section 4?
15. What is the current total cost estimate for all I-69 related activities for Section 5, including ALL costs not just construction costs?
16. What local emergency response entities will be held responsible for accidents on I-69? For example, will the Indian Creek Firefighters to responsible for accidents on I-69 through their area of responsibility?
17. What innovative funding options are being considered for funding Sections 5 and 6?

18. What is the current estimate of lost revenue for Monroe Co. due to the construction of I-69? Please include property tax losses and losses to businesses, especially during construction and any other anticipated losses.
19. Amenities, such as bicycle and pedestrian paths, etc., have been promised to Bloomington/Monroe County. In light of funding shortfalls and other pressing needs, are these amenities still going to be built? What are the "consequences" for INDOT if they are not?
20. Does INDOT consider the construction of Sections 1-4 to have independent utility and a stand alone project? Even if Sections 5-6 are not built?
21. Has a Project Management Plan been completed for Section 4? If so, please supply us with a copy of that plan.
22. Please supply with complete plans for the EIS process through construction and completion of Sections 5 and 6.
23. What is the life expectancy of asphalt versus concrete pavement for a major truck corridor such as I-69?
24. What thickness of pavement will be used for Section 4?
25. As part of the I-69 project, will intelligent traffic systems be installed to monitor traffic?
26. Of the projected job increases due to I-69, what percent of those will be new jobs as opposed to transfers from other regions of the state and country?
27. Please provide an official document from the Dept. of Defense that indicates that I-69 is crucial to the survival of Crane.
28. Does Crane have plans to store nuclear waste on site? If so, will I-69 facilitate that plan?
29. What are the anticipated cost to Bloomington/Monroe County due to I-69 induced crime?
30. List all areas in Monroe County that will be subject to blasting during the construction of I-69.
31. Will INDOT and their contractor be following Monroe County regulations for building in karst areas?
32. Why was Appendix NN removed from the Section 4 FEIS? How much was BLA paid to do the Appendix NN Study? Who made the decision to remove Appendix NN after the FEIS was issued? Who at the Federal Highway Administration approved the ROD knowing Appendix NN was removed post issuing of the FEIS. If FHA did not know about removal of Appendix NN from the FEIS how was the Record of Decision for Section 4 a valid decision?
33. List all I-69 related activities including purpose, dates of activities, specific location, costs, detailed results, contractors that have taken place in Section 4 and the total amount of money already spent in Section 4

Additional questions from Andy, submitted by a constituent:

1. Will Indiana receive any additional federal funds to construct I-69 than it's normal share of federal funds that would be received by not building I-69 or building along a less costly route? Since earmarks have been discontinued by Congress, what is the source of any additional funds, and what additional amount beyond Indiana's normal share is projected? What are the projections based on?

2. What is the net economic impact (subtracting out any economic activity shifted from other parts of the state) compared with the net economic impact of repairing the aforementioned bridges along with the over 400 bridges that currently have the same structural rating that the bridge in Minnesota had before its collapse?

3. Is completing I-69 to Indianapolis a higher or lower priority than repairing the structurally deficient bridges around the state? Are priorities set based on net economic impact? If not, on what basis are highway priorities set?

4. How much more will it cost to upgrade IN-37 to an interstate from Bloomington to Indianapolis than constructing I-69 along the least expensive alternative route from the Section 3 terminus to I-70? How much quicker could an interstate connection from Evansville to Indianapolis be completed due to these cost savings



Raymond Hess <hessr@bloomington.in.gov>

Fwd: MPO Questions

1 message

Mark Stoops <markastoops@yahoo.com>

Mon, Sep 19, 2011 at 4:05 PM

To: "hessr@bloomington.in.gov" <hessr@bloomington.in.gov>

1) In the July 11, 2011 letter to INDOT approving the FY 2012-2015 STIP, FHWA reminded INDOT that it must take action on the BMCMPPO FY 2012-2015 TIP "within a reasonable time." BMCMPPO approved the TIP on May 13, 2011, but the state has not submitted it to FHWA/FTA for certification yet.

Several other MPOs around the state have adopted 2012-2015 TIPs around the same time as BMCMPPO, all of which have been certified (See below). TIP approval letters indicate that the TIPs were only reviewed for accuracy and compliance with SAFETEA-LU before certification. In light of the quick approval of other TIPs, how does INDOT justify the unreasonable delay in submitting the BMCMPPO 2012-2015 TIP to FHWA/FTA for certification?

Indianapolis – May 4, 2011 / Certified May 26, 2011

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MACOG – April 13, 2011 / Certified April 25, 2011

Terre Haute – May 10, 2011 / Certified May 18, 2011

OKI – April 14, 2011 / Certified April 28, 2011

2) Given that the 1978 MOU governing relations between BMCMPPO and INDOT gives the MPO sole responsibility for "[d]evelopment and endorsement of a Transportation Improvement Programs" (sic), from where does INDOT believe it is given the authority to withhold an adopted TIP from federal certification?

3) According to Chapter 1.4 C of the BMCMPPO Bylaws, “[r]eports, programs, and plans become official process documents following adoption by resolution of the Metropolitan Planning Organization Policy Committee.” Therefore, the 2012-2015 TIP became the official TIP upon adoption by resolution on May 14, 2011. Since the operating agreement currently in place does not grant INDOT the authority to override the decisions of the MPO, where does INDOT attain the authority to continue to recognize the 2010-2013 TIP and to represent to FHWA that the previous TIP remains valid?

4) A Record of Decision (ROD) for a federally funded transportation project within an MPO’s border can not be issued if the project is not included in that MPO’s current TIP. If the 2012-2015 TIP is certified by FHWA/FTA without Section 4 of I-69 included, will the ROD be invalidated? Alternatively, if the 2010-2013 TIP is amended to remove Section 4 of I-69, will the ROD be invalidated? Does INDOT believe that the portion of the project outside the MPO boundary may continue if the project is not included in the TIP? If so, from where does INDOT get its authority to proceed with an unapproved project?



Raymond Hess <hessr@bloomington.in.gov>

More I-69 MPO Subcommittee questions to be submitted to INDOT

1 message

Andy Ruff <ruffa@bloomington.in.gov>

Tue, Sep 20, 2011 at 3:36 PM

To: Josh Desmond <desmondj@bloomington.in.gov>, Raymond Hess <hessr@bloomington.in.gov>, Raymond Hess <mpo@bloomington.in.gov>, "Robinson, Scott" <robinsos@bloomington.in.gov>, Tom Micuda <micudat@bloomington.in.gov>

Cc: Andy Ruff <andyjruff@yahoo.com>

My understanding is that today is the last day to submit questions. Here are more questions for INDOT:

1) In the July 11, 2011 letter to INDOT approving the FY 2012-2015 STIP, FHWA reminded INDOT that it must take action on the BMCMPPO FY 2012-2015 TIP "within a reasonable time." BMCMPPO approved the TIP on May 13, 2011, but the state has not submitted it to FHWA/FTA for certification yet.

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