



Policy Committee Meeting Minutes
Nov. 4, 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), Susie Johnson (City Public Works), Mark Kruzan (Bloomington Mayor), Lynn Coyne (IU Real Estate), Richard Martin (Monroe County Plan Commission), Kent McDaniel (Bloomington Public Transportation Corp.), Patrick Murray (CAC Chair), Andy Ruff (Bloomington City Council), Jim Stark (INDOT), Mark Stoops (Monroe Co. Commissioner), Dan Swafford (Ellettsville Town Council), Julie Thomas (Monroe County Council), and Robert Tally (FHWA).

Citizens: Bruce Anderson, Meri Reinhold, Turk Roman, Scott Wells, Lucille Bertuccio, Brian Garvey, Thomas Tokarski, David Keppel, Tom Glastrus, Sarah Clevenger, Haggerty, Jeanie Smith, Sam Allison, Vicky Sorenson, Holz Vonderheit, Cheryl Munson, Greg Alexander, Mary Hrovat, Sura Gail Tala, Doug Stewart, Patrick Munson, Nanette Brewer, Tim Maloney, Bev Ohneck-Holly, Okcha Atwood, Michael Luntsema, Sandra Tokarski, Aaron Smith, Mary Ann Williams, Greg Knott, William A. Boyd, Daniel McMullen, Been Estes, Donna Lentz Ferree, Mick Harrison, Michael Lukens, Marc Cornett, Farra Ferree, Richard Torstrick, Steve Higgs, Aaron Pollard, Ann Patterson, Doug Jeffers and Cindy Jeffers.

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

I. Call to Order – Kent McDaniel called the meeting to order. He thanked all involved who worked on questions for and answers from INDOT. The I-69 Subcommittee met 5 times to discuss the questions and answers. He particularly thanked Jack Baker for summarizing the answers received from INDOT. He also thanked Richard Martin who did an outstanding job of trying to make sense out of a very complicated issue and keeping the process moving.

Mr. McDaniel asked the members of the Policy Committee if they would be willing to move anything that deals with anything other than I-69 to the front of the agenda and leave all the I-69 issues for the end. We will try to move quickly through those things to try to get to the main issue of the day.

*****Richard Martin moved to change the order of the agenda. Julie Thomas seconded. The motion was approved by unanimous consent.**

Mr. McDaniel said that we take public comment on any issue that we are going to take a vote on. We do not take public comment on procedural issues. You can speak one time on one issue. We will treat I-69 as one issue today. There are 3 amendments addressing it but we will treat that as one public comment session. Anybody who wants to speak can come up to the podium, introduce yourself, identify what organization you are affiliate with – if there is any organization – You are limited to 5 minutes speaking time. He felt that in his position as chairman he has several responsibilities. One is to make sure that everybody has a fair chance both on the committee (to express their interests) and the public for them to express theirs. The chair also has an obligation to keep the meeting moving so that we can actually get to the end of the meeting and take action on one of the issues. If everyone from the public takes 5 minutes we'll never get to that point because we will all give up and go home long before that. He asked for committee comments. He suggested that we suspend the rules that are in our



bylaws temporarily for this meeting and change the time limit from 5 minutes to 2 minutes. He warned the audience that they would have to remain cordial or be removed from the meeting. He said that this change would require a simple majority to pass. *****Andy Ruff moved to allow a 3 minute public comment period per person. Mark Stoops seconded. The motion passed unanimously.** Mr. McDaniel told the audience that they did not have to take all 3 minutes and not to repeat themselves. Please be cordial.

II. Approval of Minutes:

A. September 9, 2011 -- Mr. Martin moved approval of the minutes from 9/9/11. Susie Johnson seconded. The minutes were unanimously approved.

III. Communications from the Chair – Mr. McDaniel said that he recognized Andy Ruff to present information that would affect the PC agenda. Mr. Ruff said in light of the vote of the CAC and based on discussions with other committee members he withdrew his motion to remove Section 4 from the old TIP. He regards that TIP expired. It would save the committee a lot of time for no significant gain. *****Mr. Ruff moved approval of the withdrawal of his request to take Section 4 out of the old TIP. Julie Thomas seconded. There was unanimous approval.**

IV. Reports from Officers and/or Committees

A. Citizens Advisory Committee – Mr. Murray reported that the CAC discussed the Long Range Transportation Plan Taskforce, their draft of the ADA policy that they are working on, and 2 amendments to the 2010-2013 TIP (removal of I-69, Section 4). They were informed by staff that removal of Section 4 would not stop the project. If we did remove this section the State would not accept the amendment. The CAC voted to leave Section 4 in the TIP. The CAC voted to approve the funding for the bicycle lockers for the Downtown Transfer facility.

B. Technical Advisory Committee – Mr. Reid said the TAC has nothing to report that hasn't already been reported.

C. Policy Committee I-69 Subcommittee – Mr. Martin, the chairperson of the I-69 Subcommittee and this is the report of the subcommittee. On Sept. 19, the committee met and decided which questions to be submitted to INDOT and FHWA. On Oct. 7, they reviewed 30 responses from FHWA to the questions they felt capable of addressing. On Sept. 17, they reviewed INDOT responses through question #78. On Oct. 19, they continued reviewing INDOT responses. They had a report from staff of an at-risk project list. They outlined their report to the MPO Policy Committee. On Oct. 26, the last meeting was a discussion with Sandra Flum of INDOT and Bob Tally & Jay Du Montelle of FHWA. They asked for clarification on some of their responses. They talked about some outstanding concerns that they still had. Mr. Martin introduced a draft letter to Mr. Cline of INDOT in response to his letter rejecting our proposed TIP for 2012-2015. They identified the information that was to be placed in the Nov. 4 packet. They identified some further engagement opportunities at that meeting. The subcommittee produced a packet of products that includes the summary minutes for all 5 meetings, a consolidated set of responses to the questions from FHWA and INDOT, a summary of projects at-risk, a listing of stakeholders and concerns, a drafted reply of the reply to the INDOT letter of July 27, 2011, and a summary of Section 4 issues taken from the questions and the responses. We needed to clarify the authorization that had occurred as a result of previous actions and what we might be able to do going forward. Essentially the vote that we took a year ago on Nov. 10 allowed INDOT

to assure FHWA that they had fiscal constraint for Section 4. Subsequently last summer, FHWA authorized them to proceed up to the MPO boundary. They did not receive authorization to proceed within the boundary. INDOT has authorization to build approximately 14 miles of I-69 corridor that lie between the Monroe County line and the MPO boundary. That leaves about 1.7 miles that are within the MPO boundary. That is the section which we have something to say about. We do not have anything to say about the other part of it. INDOT, we are told, can spend the money anyway they find appropriate. If we don't include I-69 in the TIP in the MPO jurisdiction, the State can build it with its own funds. Once the State has federal approval for a contract that contract is controlled by the State—not by the federal government. They simply have to meet federal standards in the execution of that contract. The State has authority over all items in our TIP and their advancement. That is when we have something listed whether it goes to the federal government or not is at the discretion of the State. It is the State's option to forward the projects to the FHWA. Trying to clarify some of the MPO's responsibility, we will be issued probably a corrective action both to the MPO and to INDOT if we fail to resolve this impasse. A corrective action is FHWA's mechanism for making sure that project alignment and authorization alignment occurs for projects that use federal funds. We have also been told on several occasions that if you look in the federal statute it will say that the MPO is required to include regionally significant projects in its local transportation plans. One of our concerns is that we did not have within the Section 4 documents a significant recognition of the Alternative Transportation Plans. Indeed it has never been within the project's scope to provide any kind of alternative transportation facilities. They can enable transportation projects in local jurisdictions but they will be our responsibility to find funding for. They have done things like providing shared shoulders and bike lanes at the various bridges that they have designed in Section 4 so that should we then funds for other facilities to connect to them, we would not end up with bottlenecks and people riding bicycles or walking on the road at these bridges. We feel that one of the ways going forward to make sure that we have an appropriate agreement about these kinds of amenities is through some kind of memorandum of understanding between the BMCMPPO and INDOT. Another thing that concerned them greatly was the safety risk on SR 37 once Section 4 opens up and with interstate traffic dumping onto SR 37. It is the expressed policy of FHWA and INDOT that they not dump I-69 traffic onto other roadways. This would be a significant dumping of interstate traffic onto roadway. If we choose not to include Section 4 or Section 5 then the State can proceed with this at-risk funding mechanism it has available and they would certainly do that for Section 4. If we do not do anything with Section 5 then all of those safety projects that we are concerned about on SR 37 going north would have to be addressed by some other mechanism. We would have to find a project and funding for that project to do that particular safety improvement. There are safety improvements identified in the approved feasibility study that include addressing issues at Vernal Pike, at 2nd St and on Victor Pike. There are some projects that they have identified as appropriate. Those projects are considered in fact peripheral to Section 4 of I-69. One of the things that we discussed was how do become more active in the planning and execution of the planning for these roadways. We have various examples of issues that we have identified that have to do with road grade, erosion control and maintenance, noise abatement, alternative transportation, frontage roads outside the corridor, local environmental standards, traffic flow, and safety during construction. All of these things require that we provide some level of input. To date, the MPO, the City of Bloomington and Monroe County act no differently than you do as members of the public. We are treated exactly the same. The only exception being we have a vote on whether federal funds are going to be used. But, in terms of our participation in the project, we are just like you are. We have an identified opportunity to participate. There is a mechanism called a participating agency which can be used in the National Environmental Policy Act process that could help us to identify issues early to be

involved in the discussions regarding these potential environmental and social economic impacts. We could participate in coordination meetings and joint field reviews. We could provide timely review and comments on pre-draft and pre-final environmental documents to reflect the views and concerns of the agency (us) on the adequacy of the document alternatives considered in the anticipated impacts and mitigation. Many of you will know that 30 days was very little time to read a 1500 page document and make intelligent responses to it. And certainly, we would then be able to provide meaningful and timely input on unresolved issues. This would be a mechanism to allow us to more fully participate in the activity in ways that we have not been allowed to participate in the past. Should we decide that this is an appropriate mechanism for us to follow; we will have to make some commitment to meet the expectations of federal and state agencies going forward. We don't get to sit on something for 6 months trying to figure out what is going on. We will have to dedicate resources to do this participation in an effective way. That means we are going to have to spend our money to participate in this project fully. We will probably have to dedicate staff and other resources to make sure that we have the opportunity to participate. We will have to respond in a timely manner. They are spending millions of dollars working on a time schedule that they have established. We will have to keep up that pace with them. How we are going to do that is still an open question. One of the things that you have all heard about is the loss of funds which also lose opportunities for us to improve our infrastructure. In the near term that represents about \$24 million on projects that we already have scheduled. That would include things like the Karst Farm Trail, Rogers St. and Sare Rd./Rogers Rd. roundabouts, and it essentially guts our BT Organization. Going forward there is another \$26 million we are going to lose in the years after that primarily affecting BT but also affecting new buses for IU, new capacity for bus systems and road projects for both the City of Bloomington and Monroe County. Under the no-build scenario there is a fairly substantial list of concerns that we have that are very real. One of the things that we have done is to estimate the current TIP that can be lost. We have an estimate of future TIP that could be lost. There is also an estimate of other possible revenue losses that are unknown at this point. We would expect that—given that the State has discretionary authority over funding—we might see other things constrained in some way as well. There would certainly be the loss of cooperation with INDOT, other state and federal agencies, and we would expect to receive a corrective action letter almost immediately, I am certain. There is also a loss of economic opportunity. We are to expect somewhere between 10 -25,000 vehicles trips per day coming through the county per day via that interstate. There will be a loss of business growth tied directly to I-69. In the planning for I-69 there is only 1 location which is not already fully developed or fairly well planned in terms of providing business growth opportunities. There will probably be some loss of business indirectly tied to I-69 and not otherwise realized if I-69 does not come through here. Those are losses that are fairly well undefined in terms of their specifics but are generally accepted by many people to be accurate reflections of the situation. Build scenario concerns: We will face a loss of property tax. Consumption of land moving from private entities to State entity will result in about \$330,000 of tax revenue not being collected on those properties. All of you are going to pay that \$330,000 to make up for that loss of revenue because of the way laws work in the State of Indiana. Most of the other taxing benefits that will accrue will accrue to the State of Indiana and we may receive some of those as part of an appropriation. There is absolutely no tax that we know of that comes directly into the coffers of city or county government other than some that would go to the Convention and Visitors Bureau. We have a list of safety related issues that have been identified in the FEIS document. We are still in this process of discussing emergency access on Birch Road for emergency response. We are talking about looking at whether there might be some special funding needed to train people for karst emergency management. We are still having to deal with whether or not they are going to have to increase the

grades which is going to slow trucks and cause a little more air pollution. We need to understand that better. They have looked at increasing the slopes that are used so they can decrease the footprint of the roadway but that creates special management problems. We have seen nothing so far that indicates that they are going to manage it any differently than they would a 1:3 slope. There is the issue which has been brought forth that has to do with nuisance mitigation—primarily with respect to noise. If you go up to Indianapolis and you drive around on 465 that is now a canyon with noise barriers on both sides of the road for most of the roadway. There is no plan to put any noise barrier in any place in Monroe County at this time. It was not indicated in the EIS documents and has not been indicated in the Section 4 documents. Some other no-build scenario concerns include having to do with I-69's consistency with local plans. I-69 has been in process for a very long time. In 1996, the City sent a letter to INDOT asking them to make the intersection with SR 37 north of the city not south of the city. As long as 15 years ago they were told that they should be doing this north of town not south of town. We do have some inclusion of alternative transportation elements in 2 documents—one prepared by the county and one prepared by the city which have not been included specifically with the exception of the bridge expansions that have occurred in Section 4. We have issues with the extension of frontage roads and connector roads to the city and county specifications as now planned. We have thought about the extra traffic for 30 years and have not had the funding to deal with them. The question is how we deal with them when even more traffic is on those roads. Intersection layouts that do not impede the flow of local roadways or increase travel time for those not using the interstate. Right now there is going to be a pretty significant change at the 2nd St. intersection which is going to make it more difficult if we have the same traffic volume to get through that intersection. That issue needs to be managed fairly well. We have a whole host of city and county standards which apply to all the properties and all the residents of this county which would not apply to the state and federal government—most specifically our karst ordinances which are very protective of karst features. Finally, we have some concerns about implementation assurance. These are mechanisms to ensure that the vote to approve I-69 occurs only after some kind of binding insurance to conditions established by the MPO that address high-priority community expectations.

We did this with the vote last November and we got pretty good response out of INDOT primarily with the maintaining access to roadways north and south through the county. The original plan for Section 4 would have cut off not only Harmony Road but almost every other road running north and south that that roadway was to cross. Now almost all of them have been maintained with either an overpass or an underpass. So, we have some experience that it works. As a result of the committee's work, we have identified 4 action items that we think we need to do going forward. 1.) We need to respond to the INDOT letter of July 27, 2011. He has written a draft of that letter which essentially addresses some incorrect statements which were made by the INDOT Commissioner. 2.) We need to agree on a mechanism for access to karst information relevant to petitions before the Plan Commissions. Both Monroe County and the City of Bloomington deal with petitions that involve karst topography next to the highway that has been extensively studied by INDOT. We need access to that information so that we don't have to require we don't have to require petitioners or the county or the city to repeat that analysis and investigation. The information's there which should be made available when it's necessary for us to make decisions about petitions that are relevant. 3.) We need to investigate this participating agency under EIS status for Section 5 Opportunity Agreement. Not only does it offer us some opportunities but it will require us to expend some resources that we had not planned. We need to understand what the consequences of that are going to be for us and whether there is any real advantage to doing so. 4.) We need to get more definitive agreement concerning the timing of the

opening of Section 4 relative to completion and safety-related Section 5 subprojects like Vernal Pike. We have a very nebulous statement about the timing and some of the constraints that are there. But, we have nothing definitive that is going to tell us that in fact that Section 4 will not open and leave all these safety issues in Section 5 for the 10-year design standard of the intersection they are planning with SR 37. That is the report from the committee.

Mr. McDaniel asked for questions. Mr. Ruff referred to the summary in the packet from the subcommittee meeting from October 26, “Economic Impact #1. INDOT predicts significant economic activity in the construction of I-69 from jobs and local taxes and predicts a significant increase in economic activity in new residential and commercial development after construction. But, when BLA did our transportation modeling for our LRTP, they ran this model (I’ve got the table right here) of I-69 over a 30 year period of the traffic analysis which included new residential development and employment increases with and without I-69 and the differences are literally in the hundreds—over a 30 year period. He would like to know more about this general claim of all this increased activity comes from. It directly flies in the face of our model that we paid a lot of money for to run for our transportation plan. Can anyone address that? I’m looking at it here where it says that over a 30 year period of the forecast from our travel demand model use with I-69 we have a household population increase of 751, households is 331, retail employment is 171. This is not annually. This is over the entire forecasted 30-year period. There is a total employment of 586. Mr. Stoops said that the final EIS by INDOT from July of this year acknowledges that highway will bring only 771 permanent jobs to both Monroe and Greene Counties. Then, the original Corridor 18 study found that 60% of those jobs would be in the service, retail, and wholesale trade industries. That means low-paying, dead end jobs like cleaning motel rooms, serving fast food meals and working cash registers at convenience stores and gas stations. So the jobs that INDOT has found are not even well-paid, living wage jobs. Mr. Ruff referred to a letter from EPA Region 5 responding to the original DEIS from the Division of Administrator where he is responding to INDOT and FHWA directly and it says—in case people are wondering well maybe the economic benefits are to accrue in other locations along the corridor—to quote his letter as described in the DEIS, “the main purpose of the proposed project appears to be economic development primarily in Gibson, Pike, Davies and Greene Counties. The DEIS appears to indicate however that over 80% of the economic benefits would occur in and immediately around Evansville and Bloomington. However, these areas are not suffering economically according to the DEIS. Furthermore, the DEIS indicates that only about 4 jobs per county per year would be created due to the project.” Mr. Ruff’s question is about the statement in the summary of the subcommittee that predicts significant economic activities. Mr. Martin noted that that statement was in response to a question that we asked and the statement was given to us by INDOT. Mr. Baker said it is in response to Question #16 so the response was from INDOT. Mr. Ruff asked INDOT how they make the contradictory data from your own studies jive with this sort of general claim that it is going to generate all of this activity. What’s changed? Mr. Stark asked if Mr. Ruff was asking him what’s changed as far as our environmental study. Mr. Ruff said the answer to the question to the subcommittee concerning economic impacts. That response that we recently got seems to be very contradictory to what is in the EIS and to what appears in favored I-69 contractor Bernard Lochmueller & Associates’s analysis of traffic impacts for Bloomington –our travel demand model which we paid \$30-\$50 grand for—where they model with and without I-69. There is a very insignificant difference. That is not consistent with the answers that INDOT gave us as a result of economic impacts. Mr. Stark said it was asked what the current estimated loss of revenue for Monroe County was. I believe that is what was stated here in our answer. Mr. Baker said there are several paragraphs below where I picked up the condensed version of

the answer that goes in to those things that would benefit the MPO. They weren't quantified but were listed as items that would benefit. Mr. Stark read "that the construction of Section 4 would provide hundreds of construction related jobs as well as increase the local tax receipts. There will be a positive indirect impact due to construction-related expenditures for services and materials which will increase business revenues significantly." It also talks about positive impacts as construction personnel are housed and meals and none of the positive impacts were quantified in the FEIS. Mr. Stark said he didn't believe that this was directly related to your study that was done. This was related to the question that was asked. Mr. Ruff said that Mr. Stark was describing these benefits which are simply the temporary construction economic activities that would occur anywhere, anyplace with the expenditure of these revenues that we have—that will be used—in terms of public investment. So it's not generating any economic activity that's not represented by another opportunity cost. Mr. Stark said it also says in addition, in the longer term, the project will result in new residential and commercial development. This will result in increased property values and add to the local tax base. Given this the assessing, the timing and the magnitude of these increases and in assessed valuation which the FEIS did not attempt to quantify. Again, this is an answer to a question that was asked. It is not related to your study. Mr. Ruff said that this is not going to be a productive discussion right now to pursue any farther but I do think it is very much related. It is the best data that we have—the best study that has been done—looking at our MPO area and the impacts of I-69 on population and economic activity and jobs. He gave Mr. Stark a copy of that. Mr. Stoops said he thought that in an EIS for I-69 you should be able to find that same or similar information. Mr. Stoops said he was not satisfied with the answer to Mr. Ruff's question. It gets to the heart of what the business community says about I-69, what the Governor says about I-69, what INDOT says about I-69; it is some kind of economic engine. We hear this repeated over and over again but there is no study that has found any economic benefit from I-69. As a matter of fact, from the very beginning of the original studies for I-69 showed that the relationship was even negative and that there was no justification for building I-69. That was why it didn't move forward. Even the studies that have been slightly tweaked and have ignored even movement from other parts of the state to the I-69 corridor to generate those particular jobs, it is minimal. It surely cannot justify the expense of over a billion dollars just to get to Bloomington but probably 3 billion by the time you get to Indianapolis. He said he would ask the Chamber of Commerce when you talk about a per job cost—when you divide 3 billion dollars by 700 service jobs—why are the Indiana taxpayers even covering that expense. He would really like to hear an answer to that question. It really goes to the heart of some of the justifications for building this destructive highway. Ms. Thomas asked if the committee has had any opportunity to look at experiences of other areas of the state that have used this participating agency rubric. Mr. Martin said they first discussed a cooperating agency agreement opportunity on Oct. 26. We received information that FHWA thought the participating agency might be a better route to go on Tuesday or Wednesday. He said that he responded about the concern to understand the nature of the commitment that we would be making getting involved in that. Mr. Tally responded with an email outlining some of the issues that we would have to work through in terms of making sure that we would be able to participate in a meaningful way in that process. We have not talked about where it might have been used elsewhere. He assumed that since it is an established opportunity within the federal government EIS process that it has been used in other jurisdictions. I have no information about how well they have received it or anything else. Ms. Thomas asked he could provide an example in Indiana. Mr. Tally clarified that SAFTEA-LU which is our current authorization that is being extended constantly by Congress actually provided that opportunity and outlined what a participating agency would be responsible for. In Indiana we have not used it in any large way however we have—before this request from Richard

came in—we have extended on the Illiana project. We are working to use that concept now more effectively and it might prove beneficial to the county and the city. Ms. Thomas voiced her concerns because she sees from the slides that we would be able to comment on documents, we can discuss issues, we can participate in meetings and none of that guarantees that our voice is going to be heard or listened to and I don't see anything in it that is much different than what we have heard before. She said she understood the difference between how we are treated as citizens now and it would give us a greater standing and we would sit in on meetings but I don't know that that is going to give us any benefit. I am fearful of that. I also have concerns that a number of the costs not being incorporated in the list. They are too many to detail. We have seen costs that are associated with township government (especially Indian Creek Township). We are going to see costs associated with Monroe County Community School Corporation (MCCSC)—having to provide bus service. We are going to see costs in terms of greater police forces needed both in the city and the county. A direct highway from Mexico is not going to lower our crime rate. It is going to result in the need to hire more service personnel and we can't afford it.

Mr. Ruff had a question that he didn't expect to get an answer to today since it relates to federal code. A plain simple reading of 23CFR.450.324d says, "The TIP shall include all regionally significant projects proposed to be funded with federal funds other than those administered by the FHWA or the FTA as well as regionally significant projects to be funded with non-federal funds." To me that says that INDOT cannot move forward within the MPO on I-69 regardless of whether or not federal funds are used. I have not been clear to this point on what the exact claim relative to this idea of moving forward without federal funding if the project was not included in the TIP. I am still confused as to what the claim actually is. Did the committee find that INDOT could move forward without using federal funds within the MPO regardless whether it was in the TIP or not or did they find something other than that? Mr. Martin said that when they received the first set of answers from FHWA we were under the impression that as you had indicated the state would not be able to proceed with those 1.75 miles of highway. In the meeting in on Oct. 26, Mr. Tally clarified that in fact the state could proceed at its own risk—using its own funds. There was not a constraint on them finishing that portion of the project with their own funds. That is what we have been told. Mr. Tally said to Mr. Ruff that this has been an ongoing—as you can imagine—deliberative process with the subcommittee as well as within FHWA and USDOT. Just yesterday Secretary Ray LaHood who is the top executive for the USDOT issued a letter. That letter was very clear with regard to the Department's position on this issue. "The FHWA may authorize federal funds for construction of Section 4 up to the MPO planning boundary. And if the state chooses—with our without this MPO Policy Board's agreement—to use state funds then, in fact, FHWA will take no further action against the state of Indiana with regard to the planning regulations. Mr. Ruff said that Mr. Tally was saying that Mr. Ruff's on-the-surface read of 23cfr450.324d—that says any regionally significant project has to be in the TIP regardless of whether or not federal funds are used. Mr. Tally said that the planning regulations as you read them are true. That basically precludes federal funds from being spent for the 1.7 miles within the MPO planning boundary unless the MPO votes to include it in the TIP. If the State chooses to use their funds, they would basically be not consistent with that regulation as you just described it. Mr. Tally reiterated that no further action would be taken against the State of Indiana for being inconsistent with that regulation. Mr. Ruff said so FHWA would not take action against INDOT for being inconsistent with federal regulations but that INDOT would take action against the BMCMPPO for being inconsistent with their STIP/TIP. Mr. Tally said he did not have the ability to answer that question. That would be up to the State to answer. Mr. Ruff thanked Mr. Tally. Mr. McDaniel said the committee has been

confused by the initial answer, as well, until they had the meeting on the 26th. Mr. Tally added that FHWA feels a participating agency is a very large step by any local agency to take on a responsibility to be at the table. Their voice will be part of that process and heard. They do not have ultimate and final decision-making authority or signatory authority but they play a much more prominent role than any other role that we have. As he told Mr. Martin, there are 2 levels—one is for local participating agencies and the other is for cooperating agencies which is relegated to federal agencies to participate as well. That is a decision that the agencies make upon themselves to decide to be at the table for that process. We feel that it is an important step if the city and the county were wishing to take on that responsibility. Mr. Ruff asked Mr. Tally if it struck FHWA as curious in any way, shape or form that up until recently the INDOT funding plans for Section 4 called for innovative financing to be used. To use innovative financing for a build period between 2016-2020, yet in the recent and current period of declining state and federal gas tax revenues, INDOT was not only suddenly able to move the project forward to 2011-2015 but also to identify traditional funding as the measure rather than innovative financing. Once again, in a time of currently declining revenues and projected continuing declining revenues—to be able to move that project up and suddenly not have to rely on innovative financing—did that deserve any further investigation of INDOT’s funding projects by FHWA? Mr. Tally said that they review that through their “STIP financial constraint.” They look very closely at the State’s revenues and the projected federal revenues. They are given specific guidance from their headquarters to use certain growth numbers in that projection process. They did that according to their own regulations. The State of Indiana demonstrated that they have fiscal means by which to do this and therefore determine that the STIP was in fact fiscally constrained and therefore this project emanating from that STIP also meets those criteria. Mr. Ruff asked if there was any further analysis of FHWA into the details of the funding and revenues. Mr. Tally said that they look at all of the projected projects that are anticipated to be funded during the years of the STIP. We look at the projections of revenues both from the federal source and the state source—that would also include all of the resources that the state of Indiana brings to bear from the lease of the toll road as well as our gas tax revenues and projected federal revenues. We added those up and there was a balance enough to fund the entire program that INDOT put forward in the STIP. We determined that to be acceptable. Mr. Ruff asked if we have access to all of that. Mr. Tally said that is part of our STIP documentation. Mr. Ruff thanked Mr. Tally for his responses.

Mr. Stoops asked Mr. Tally about a couple of million dollars passed through to Bloomington Transit and Rural Transit. Can the State really stand in the way of that distribution? If so how would you as a representative of FHWA look upon that? Mr. Tally said that FTA oversees the Federal Transit Authorities funds themselves. They are not here today to talk about that. He doesn’t work in their particular area and doesn’t have any knowledge of that direct relationship of transit providers. He said he was aware that part of the transit funding comes directly from the State through their Public Mass Transit Transportation fund. That is basically managed by the State of Indiana. You would have to talk to the State of Indiana about how they manage those resources. Mr. McDaniel told Mr. Stoops that he could answer that for him. Bloomington Transit gets a variety of federal funds. Most notably their operating assistance which can be used for operating or capital (5307 Money) it is a formula grant which brings in about \$1.5 million per year. That money is recommended to be allocated by the Federal Transit Administration (FTA) based on a population/population density formula yet it is not a given that we would get that money. It goes to what they call the Governor’s Apportionment because Bloomington falls within the range of 50,000 to 200,000 in population. The governor actually has discretion over where he assigns that money. More directly to the point is that if the money is not in

the TIP when the TIP expires in June of 2013, we won't get it anyway. The governor wouldn't even have to deal with it. There are 2 other programs that are federal money that is discretionary based on INDOT. One is the Job Access and Reverse Commute Program and the other is the New Freedom Program. Bloomington Transit (BT) gets about \$200,000 a year from those 2 programs. That is federal money that again would disappear automatically if the TIP expires. It is at the discretion of INDOT to determine whether we get the money even if the TIP is in force. Those are the 3 programs that we can count on consistently. The 4th one that the FTA would fund would be the Discretionary Capital Grant Programs which BT has done very well in the past. In fact just 2 weeks ago they were awarded 2 grants for over \$1 million for hybrid buses and bike lockers. There would be no opportunity for BT to even apply for grants like. Most of their fleet has been replaced by those discretionary grants and the downtown transfer terminal that is supposed to start next spring has \$5.7 million of discretionary capital grants. Those grants are safe because those are obligated but there would be no additional grants once the TIP expires in 2013. Mr. Stoops noted that Mr. Stark is a representative of INDOT which he understood handles more things than transportation on roads. Even at the federal level there seems to be an increased emphasis on mass transit. Is that something that the State also follows and wants to encourage as a mechanism to get more cars off the roads which are fairly expensive? Mr. Stark said that INDOT is always looking at all the different types of transportation and mass transit is one of them—especially buses. They work with all the different MPOs across the state and a lot of rural organizations. They are really more of a federal pass through organization for those funds. There are millions and millions of dollars of discretionary funds that they handle for all different forms of transportation in the state. Most of that is split up in a formula that goes to the larger MPOs or to this MPO on an annual basis as far as funds based on their federal allocation. INDOT looks at all forms of transportation. We are very involved with other organizations. One example is a plan called Indy Connect. They on a task force and are invited to the meetings. We are involved. They don't own the roads or the transportation systems but participate in many meetings. Mr. Stoops asked if the funding stream that INDOT has identified as for mass transit or public transit would not otherwise go to road construction. Mr. Stark said it would not. Mr. Stoops said he was disturbed by the threat of not allowing that money to pass through to Monroe County and Bloomington for its mass transit programs which are the best in the state and have won awards citing them as the best in the country. It seems odd to him that the transit system would be penalized for a road construction issue especially if INDOT—as it says—tried to help with these mass transit issues. Would you agree that that doesn't seem appropriate? Mr. Stark said that the question was asked when the subcommittee looked at all these dollars where the total discretionary funds that INDOT works with on an annual basis. There is a list of things other than transit that are in the funds. He believed that the total dollar amount that the subcommittee was looking at. Mr. Stoops asked if Mr. Stark could guarantee that transit funding is not part of this overall threat to withhold funding from BMCMPPO. Mr. Stark said it is all of the discretionary. Mr. Stoops asked if Section 5 of I-69 was not included in our TIP whether it could be built. The answer from Mr. Tally was that if Section 5 is not included in our TIP even within our MPO jurisdiction it cannot be built at all even outside the MPO's jurisdiction not only not using federal funds but not using state funds. Mr. Tally said that the state is in control of its own resources. The State can use those resources in any way it sees fit without any federal intervention. The State can do at risk work. We typically see that done routinely with regard to developmental work. A lot of local agencies do at risk work where they actually develop projects in anticipation of future federal funds. The State of Indiana could in fact use their funds to do at risk design work or other activities without the MPO's approval to incorporate Section 5 into their TIP; I will not be able to "currently" sign the record of decision for the entire length of Section 5. Now with that said that would also preclude me

from acting on individual projects that would be incorporated into Section 5 independently of that action given that that action is underway. Those would be segmented out of that process which is not allowable under NEPA law. Mr. Stoops said he understood that if Section 5 is not in our TIP, INDOT would not receive a record of decision and so could not proceed using either state funds or federal funds. Mr. Tally said they could use state funds up to a point. If they choose to fund it entirely with their own resources—every aspect of it—again, we would be very similar to where we are right now with Section 4. I would not be able to sign a record of decision. The federal action is my signature on that document. Mr. Ruff asked Margie Rice, corporation counsel, if she would say in her opinion that even if FHWA was not interested in addressing a violation or inconsistency by INDOT with the cfr450.324 that says “regionally significant projects have to be in the TIP regardless of whether you use federal funds or not,” could the City or County sue in federal court. Ms. Rice said she thought that would be a more appropriate action for the MPO as a body to do but it is theoretically possible that an individual agency member could. It is something she would need to look into a little bit more. The MPO as a body would probably have better standing to do that than an individual member.

Ms. Thomas asked questions relating to the question and answer responses on air quality data. Why INDOT and FHWA are consistently use 2004 data instead of 2009 data? The phrase that keeps coming up says, “The data could not be quality assured.” What does that mean and if we got that data assured, she would like the models to be run with updated data. She referred to questions 49-51. Mr. Tally said that he was not an air quality expert but it was his understanding that at the time we evaluated for legal sufficiency and evaluated the final documents for signature we were in compliance with the latest planning assumptions—the latest data that was available. The new data had not yet gone through any quality assurance process to validate that data. It is not a requirement that we go back and reevaluate it based on that data however it was his understanding that no substantial change would occur based upon their look at that data as it is starting to emerge at this point. Ms. Thomas asked what it meant to have quality assured data. Mr. Tally said he believed that it goes through a whole process by which the federal agencies validate that the fleet mixed information—all of the aspects of the vehicle types, classifications, whatnot are accurate and reflect actually what the State of Indiana’s DMV records and whatnot all show. In other words there’s a whole process by which that has to be validated in order for it to be acceptable to EPA for it to be able to run the new models. That is a whole process by which federal and state agencies go through to validate that process—that’s the quality assurance part of that. Ms. Thomas asked if Greene County is in a maintenance designation—what does that mean. Does that mean their air quality ratings were negative or what does that mean? Mr. Tally said there is a difference between a “no designation,” a “maintenance designation,” and a “non-attainment designation.” The “maintenance designation” means that they are maintaining that level that is necessary to be compliant with the national ambient air quality standards. They are not in “non-attainment” which means we don’t have to take further substantive action to reduce the amount of emissions in order to bring them under the targets that are set by that process. They are maintained within that. It was his understanding that the process validated that this introduction of this in the environmental process did not exceed those standards by which it maintains its current status. Ms. Thomas said so they don’t call that county in “attainment.” Ms. Thomas said you call it “maintenance.” Mr. Tally agreed. Ms. Thomas asked if they didn’t have any 2009 data for Greene County either. Mr. Tally said at the time they signed the ROD it was not available to us. It was not available to run the models on. Ms. Thomas asked if there is any 2009 data available for anywhere else in the state. Mr. Tally said it is just going through that process at this point. We are working with each MPO to deal with the New Moves model which is an EPA model, the data and going through the

whole process to prepare them to meet those new requirements. Ms. Thomas asked if we become a county that is in non-attainment of air quality standards what are some of the things that happen to the county. What are some of the regulations that we would face? What are some of the things that we would have to deal with? Mr. Tally said that there is no indication that Monroe County would ever come at this point into that status. You are asking of a hypothetical situation that you could ask about any other location. Ms. Thomas said we could ask about County X. If I'm talking about 12,000 vehicles driving up SR 37 and stopping at every stoplight...Mr. Tally said she was asking a question that was not relevant to this discussion. Ms. Thomas said it absolutely is relevant. Mr. Tally said there is no indication that Monroe County will ever become at this point with this data in "non-attainment." Ms. Thomas asked to consider Indianapolis or Marion County. Mr. Tally said that this was not Indianapolis. He refused to entertain that question. Ms. Thomas asked what if something happened and we were in "non-attainment..."Mr. Tally refused to speculate at this point. There is no indication that that this will be the case.

Mr. Baker asked the MPO staff (about participating agencies) if they have had any opportunity at this point to work through that, to do any research into that and determine the kind of time and personnel requirements it might take if we engaged in that process. Mr. Desmond said that staff had not had the time to follow up on that at this point.

Mr. Stoops noted that Mr. Tally said that they had run the models using the 2009 data. Does that mean you ran the models even though they were not necessarily used for the 2009 data for Greene County? Mr. Tally said they have not run the models for the 2009 data. It is just now being quality assured. He said that they are working with the MPOs to basically prepare to use that data to run the models to meet air quality conformity within the metropolitan areas that have to have that designation and meet those requirements. Mr. Stoops said that Mr. Tally answered a little different question that Mr. Stoops had asked. Mr. Stoops asked when Mr. Tally expected the latest air quality data to be usable. Michelle Allen from FHWA said that the 2009 data was available and quality assured. Mr. Tally said that we used the 2004 data which was available to us when we made a decision. The 2009 data has gone through a quality assurance process and it was his understanding that there is no indication that there are any substantive changes that would change the designation for Monroe County and move them into any other category. He offered to provide the MPO with all that information. Mr. Stoops said that would be helpful. The 2004 data is already 8 years old. In that time we have grown by 15,000 people and have more traffic. Not to mention the truck traffic that I-69 would generate. Mr. Tally said they recognize that most of the air quality gains that are made are based on a fleet mix and the newer vehicles that produce less pollution that are introduced into the fleet mix that occurred through the normal process. We have had a number of initiatives at the national level that have caused a lot of people to trade in and basically buy new ones. That is a mixed scenario. Mr. Stoops asked if that include trucks that are coming from Mexico that don't follow those same requirements. If this is really a Canada to Mexico corridor he would assume that we would expect... Mr. Tally said he wouldn't even begin to speculate but at a federal level that is a NAFTA issue with regard to trucks meeting any of the requirements safety or otherwise that they will in fact meet those requirements. Ms. Thomas asked Mr. Tally if when he was talking about those models are you talking about a model that puts traffic onto SR 37 in a 10-year projected basis so we would be putting traffic onto SR 37 for about 10 years before Section 5 and 6 are actually built. Does your modeling include those traffic lights and that traffic light at the intersection of SR 37 and I-69 as proposed? Mr. Tally said that it was his understanding that when we do planning, we look at a 20-year horizon basically looking at the

improvements that are anticipated in the 20 years, looking at the open-to-traffic dates of those and plug those into the model in order to do air quality conformity runs based upon the latest information. He asked Mr. Desmond if he would say that was correct. Mr. Desmond nodded affirmatively. Ms. Thomas asked Mr. Desmond if he could answer the question. Mr. Desmond said that the City Planning staff doesn't do air quality modeling here because we are not a non-attainment area so he couldn't speak to how that system works. Typically when we do the travel demand model we do a "build scenario" and a "no build scenario." We would say if nothing changes over the next 20 years in terms of new road facilities, this is what it will look like but if we do this set of projects, this is what it will look like. We test both approaches to see what the differences are. Ms. Thomas asked if there was ever an approach tested where there was partial build and no-build. In other words we'd have the "build scenario" to bring traffic from I-69 Evansville & Crane to SR 37 and then "no-build scenario" the rest of the way where we have traffic lights, etc. Mr. Desmond said he could not speak to what INDOT modeled. That is beyond our reach.

Mr. Martin said that the direct issue that is before us today and that we tried to get the answer to but did not successfully get during our discussions was what is the point in time when this body has to make a decision regarding construction funds for Section 4 such that if we fail to act, then we are going to have either some kind of withholding—cutting off of funds from the state—or a letter from the federal government that we need to take action. When is that date? When do we have to decide?

Mr. Stark said that he would hope that this group based on our request for this amendment would act today—make a decision—as you planned in the September meeting—that's what we talked about doing. As far as a specific date that anything changes, I think that we already just let our first project in Section 4. There are continued projects that are on the letting list for Section 4 outside the MPO boundary. You heard what Mr. Tally expressed earlier about inside the boundaries itself. And, as was answered in the questions, INDOT is looking at all the options that we have and we would hope that we would be cooperative in going forward. That has always been their point. That has always been where our positions been and that is what we want to continue to say.

Mr. Martin said that still doesn't answer his question. I want to know the date when our action to approve or to not approve would result in the cutoff of funds or a letter from the federal government telling us that we, the BMCMPPO, needed to resolve the problem. When does an official action occur if we don't vote? We are in the process of trying to understand all this. We have some action items to go forward. Mr. Stark said he could not answer for the federal government but we have asked for an action today. If the committee decides that they are not going to take an action today, that is the choice of this committee but INDOT would like an action today. Mr. Martin asked if Mr. Stark was telling him that we would expect a cutoff of funds if we don't take an action today. Mr. Stark said as they have said before, they would always look at the options that are available to INDOT and very honestly we have also said in the past that it's not something that we want to make a decision on—we want to work with this Policy Committee and we want to work through the cooperative planning organization that this is. That is and has always been their position. Mr. Martin said that he thought that he understood more or less their position but I'm having difficulty understanding how we as a community can go forward with any kind of assurance that we are actually going to be able to participate in a meaningful way. We have heard some suggestions that we may or may not be able to implement. We have some indications that there is a recognition of the problems that we have identified but that there certainly is at this point no commitment to resolve any of those as far he can tell. He was wondering

how we get you engaged to do things that we know need to be done. How do we do that? The only lever we have is a \$25 million lever that says you can ask Mr. Tally for \$25 million and go forward and not have to spend your own money to do it. He thinks that could be appropriate under some circumstances. What we want to do is to figure out how we get to that situation? He doesn't see any progress toward that situation. All he sees is this constant threat which has been occurring for 2 decades. I don't want threats, I want actions that benefit the community that meet our objectives. Is it not possible for INDOT to do that? Mr. Stark said he can only speak to the last 3 years but he knows that as long as he's been with INDOT and he thinks the Mayor and Susie can attest to this that he personally has done everything that we can to work with this MPO and this organization to achieve those things. He has asked people to be at the table. He has asked the County engineers, County Commissioners to be involved with the planning process. They have open doors any day of the week that our doors are open down here. He wasn't sure what else other than extending their invitation for you to show up and be part of that process and now we have a participating policy which is also open to you to use. What else do you expect us to do? Mr. Stark said that Mr. Martin had mentioned earlier in the meeting that since last November INDOT has been way more receptive than in the past. Mr. Martin said that was true. Mr. Stark said he wants the PC to know that they are here to work with them to get these things done. He also knows that Deputy Commissioner Sarvis has always been in that position to be as open and available to anyone. Mr. Martin suggested that they could say that the vote can go forward but they would stipulate that there would be no more re-evaluations that were going to occur on Section 4 without our replying. Mr. Tally says he can't do that and Mr. Martin said that is probably right. What we need to do as a body to maintain this cooperative effort going forward as we have is to delay as long as possible giving you the \$25 million. It is the only thing we have that keeps you at the table as far as he can tell. Good faith on your part is great but it's the \$25 million that keeps you coming here. If it wasn't for that \$25 million we wouldn't be here today. We are talking about a whole lot more money going into Section 5. Mr. Stark said they would still be here because they would have to ask to put it in the TIP because it is a regionally significant project even if we are using all of our own money. Mr. Martin said that it was good that they were there and we want to make sure that you are actively involved as you are sitting here. He is trying to find how to make sure that that occurs. How do we solidify that part of this arrangement because he can find no other way to assure that that happens other than to say that I am going to hold onto the \$25 million until I see it? That is the only lever given to us by the federal government to use in our relationships in this 3C process. Specifically it grants us that authority and it is the only that we have. You are telling me that what I ought to do is give up that and we are going to get all these other things as they go along. What I'm saying is that I am going to hold onto that until I see all those things occur. I don't see that there is a downside for you because as soon as we agree then you can go get your money. Mr. Stark asked what Mr. Martin was proposing that INDOT provide other than what we have already put on the table. Mr. Martin said what we have is on the table—we don't have any definitive actions that implement those things. We talked about this the first time on the 26th of October. We talked about this in an exchange of emails this week. The staff has no idea what is going to happen as a result of this. The communities have no idea the level of commitment they are going to have to make. It's probably going to take budget appropriations from both city and county government for us to implement this in a reasonable way. That is not happening today. We don't even know what is going to be expected of us. So how can we say, "Oh, we've got this in place?" We haven't got anything in place except an agreement to go forward in that particular area. That is a Section 5 issue not a Section 4 issue. We have no agreements whatsoever regarding what might happen to the safety-related issues in Section 5 that are brought on by Section 4 other than the lever that says if we don't do Section 5 the way we want to do it

you are not going to get any of them. That is the response that we have gotten from you so far. It is this lack of our ability to manage any of this process in a realistic way to meet community objectives. He understands that it is not Mr. Tally's responsibility to meet community objectives. He understands that it is not INDOT's responsibility to meet community objectives. It is our responsibility to meet community objectives. That is why we are here. To do that we have to participate in some substantive way and the only mechanism we have to assure that is this ability to vote for those construction funds now. We gave up the other opportunity last year because of the same various threats. I want to do something different now. I want to engage in a real partnership. I don't know how to do that if we just give you the go-ahead. That is our problem. We don't get any commitments from you guys at all and you get \$25 million from us. Mr. Stark said he was reaching out to Mr. Martin and the PC asking what commitment they want. What is your suggestion for that commitment? Mr. Martin said he didn't think the PC was prepared to answer that question because we haven't talked about things in those terms yet. Our concern so far has been to identify the issues and to understand the federal and state process. As Mr. Tally pointed out on the 22nd we know a whole lot more about state and federal processes now than we did a month ago—by orders of magnitude. We still probably still have something to learn about those and we would like the opportunity to do that, to continue to be involved, and for you to understand the particulars of issues that are of concern to us and the mechanisms that we may use to best address those issues. There may be some things that we can do locally to mitigate part of those safety concerns. We haven't looked at that. We have just identified the issue. How can we respond? What can we do locally that is going to mitigate some of these risks? What is INDOT prepared to do? I know that already you have people working on looking at some of these issues and how you can engineer temporary solutions for some of them. I have seen some of your temporary solution ideas. I know that you are doing it. I know that the board doesn't know most of those. They don't know any of the specifics of this. I think we need a higher level of engagement before we start making the decision that things are on track and we ought to be releasing money. I think that we made an effort. We got FHWA and INDOT to the table to discuss these issues as far as I can tell for the first time on Oct. 26. Never before had FHWA and INDOT sat in on a meeting with MPO policymakers and discussed the issues to the extent that we did that day. That was a good beginning. I don't want it to be the end. Mr. Tally said that he appreciated Mr. Martin's comments. You and I have had a very healthy, good discussion. We at FHWA are always present at the TAC meeting where a lot of these issues are discussed. They are discussed at the CAC meetings as well. Those committees come to this group and give you updates but you don't get that engagement because those committees are where most of that information is exchanged. That is the way this MPO is set up. It is not different than most MPOs. I would say that from my perspective it is the first time that I got asked by anyone in this MPO committee anything to be honest with you. You are the first person and Jack, too, who have really reached out to him and asked for clarity. I appreciate that. There is nobody else at this table who has actually sent me an email to ask him a question. Not one. On Section 4, I will give you an example of your emergency responders. You asked the question correctly. We have given you the definitive way to find a path that that might be available to you. The same exists on any other elements within any other project with any other aspects. We have given you a path on Section 5. I understand that you are concerned about the level of commitment. I have echoed that to you. We are willing to work with the city and the county and the MPO with regard to the level of commitment. We want you involved. This is a road through your community. We want you involved in that because it impacts you. You know best therefore we want your special expertise to be brought to the table. Speaking for the FHWA you know you have my commitment for wanting to extend the participating agency invitations. With my discussions with INDOT, we are willing to sit down and work with whoever represents the city and the

city to assure that we understand and recognize the impacts of what those schedules are and that we can talk about where the most meaningful opportunity is. What is that opportunity? What does it look like? Then, we could put that into some agreement. I want this MPO to move forward not just for I-69 but for everything else. I don't care if it is a trail project, a highway project or an intersection improvement project. This dialog started with Highway 45/46 with certain other members of the body. You ask why we don't get updates. I ask why you don't ask for updates. I don't think the MPO knew or even thought that they could do that. There is nothing wrong with doing that. Other MPOs around the state do these very things very effectively and have a very good engagement with INDOT. His commitment is here. He knows that INDOT agrees with what we have said so far.

Mr. Baker said he wanted to respond to some comments that have been made. I'd like to ask Mr. Stark a question. What we are asking to do is...we have one lever and that is that \$29 or so million. I think that is secure. I would ask for a postponement of action on Section 4 and 5 of I-69 to a point in time that gives us security in holding onto that money (the only lever we have) at the same time go along with the process that we have established with INDOT. We have come about now from head-butting to negotiating. We would like to continue that process through this participation agency's process. We would like to investigate that to see if it works for us. I think what we are asking as a part of an action from INDOT is to say, "Yes, we will give you an amount of time to work through these things to establish a negotiation process with us. We will come back and revisit it in the future but not take action today on the Section 4 and 5 amendments. Mr. Stark said that INDOT as an agency has asked for this. But as a voting member of the PC he acknowledged that it is the PC's job to make the decision. INDOT will work with the PC whether they vote to postpone or take action. Mr. Stoops said that both the County Commissioners and the County Plan Commission had sent specific requests to INDOT for information and had no response or dialogue with INDOT. We were even working on a I-69/SR 37 corridor study. We were trying to get information and INDOT wouldn't even send representatives to meetings. Mr. Stark asked how long ago that was. Mr. Stoops said it was 2 ½ years ago. He said he knew Mr. Stark was there. The only time that we were able to enter a dialogue with INDOT was when you were denied Section 4 in the TIP. That is when dialogue started. Mr. Stark would have to understand that we're more than a little concerned that if Section 4 actually goes in the TIP—you have access to that money to finish Section 4 within the TIP—the dialogue will finish. You won't need us anymore. I wish that we could say that we trusted you more but he hasn't seen that. This openness and this willingness to work with local governments—does that extend down to the counties along the southwest corridor? From what he understands it doesn't. It was his understanding that local governments are shut out. The contractors are moving forward at a break neck pace. Things are being done and there is no reaction from INDOT to fix those issues. We are talking about erosion, aquifers that are being breached, pillars that are poured and cracked and then buried so that nobody could see them. I could get into more detail about some of the serious concerns that we have in our southwest section of Monroe County regarding over 1,000 karst features. If that is the type of cavalier attitude INDOT's contractors have, with no recourse, in the other sections of I-69, I don't know how we can expect anything different. If the dialogue is done there is nothing we can do about it. So what guarantees do we have that there will be dialogue—that there will be action taken if we find issues as this proceeds. Mr. Stark said he was not sure what the issues would be. We are already saying that we are here at the table. We are here to work with you. I believe that Mr. Martin and Mr. Baker said it correctly that we are here to partner and not to be a dictator. Mr. Stoops said, "...then take the gun from our head." You are asking us to negotiate, you are threatening to cut off our funds and funds for BT (which has nothing to do with road funding)—you are asking us to negotiate with a gun at our

head. There may be one person up here that thinks that I-69 is a good idea. Outside of INDOT representative who is voting and I'm not sure maybe even deep down you don't think I-69 is a good idea. I am sure you have seen road projects that have been cut off that you think are vital in order to build this highway. But, you have a group of people who I know think I-69 is a bad idea for this community. The only reason we are here is because you have threatened to cut off vital funding for programs that we have. That is extortion. That is a gun to our head. If you are interested in negotiating then remove that threat. Mr. Stark said he didn't know that there is anything more that I can say. We are always exploring all of the options that we have and we are here to talk and get this worked through as partners. Mr. Baker said he was going to put a motion on the table for discussion by PC members. I am going to put an end on it but I would certainly accept a friendly amendment to change the time that I am putting on this. *****Mr. Baker moved to postpone action on both of the action items today for I-69 Section 4 and I-69 Section 5 until our next regular meeting with the caveat that if in discussion someone would like to extend that further, I would certainly be willing to accept that. Mr. Martin seconded.**

Mr. McDaniel said that since this is a procedural issue—a debatable issue—so we can discuss it as a committee but it is not an action item so it doesn't take public comment. Mr. Baker said that his purpose is that we are getting nowhere today in getting any sorts of commitments. I don't think we will get anywhere on commitments, leverage and that sort of thing. We need time away to discuss this, to consult with staff to see what sort of agreement, if this agreement applies to us, if we have the staff, if we have the money, what it's going to take to get involved in a process. I don't want to give up any leverage we have in terms of \$29 million worth of funding that could be lost but I want to gain time so that we can firm up this negotiation process. We have begun it, let's see where it goes. That's my whole point but certainly I think we need time to look into it, to discuss it amongst ourselves and decide how we feel about the negotiation process. It is so important in this to get what we can for the community and get some sort of agreement that we can have every party held to. Mr. Ruff said that this got away from us last time. I just want to understand what this means in terms of the rest of the meeting for public comment on this overall issue, I-69. The last time we met, it sort of got away from us. I didn't really realize that what we did last time meant that there was going to be no public comment at all. I am a little bit afraid that maybe that is not what the majority of the body would intend. Mr. McDaniel said that it has been our practice in the past. It is a procedural issue just like today when we changed the order of the agenda. Mr. Ruff asked what that means for the rest of the meeting in terms of public comment on I-69 issues. Mr. McDaniel said it would mean that the meeting would be over once we do communications from committee members. Mr. McDaniel said he expected a lot of debate on this motion. Mr. Ruff said still with a lot of debate on this motion the issue of whether or not this body wants to entertain public input today. That is important for us to decide. Mr. Martin said another option we have would be to withdraw this motion, do the public comment on the motions before us and then reintroduce the motion so that the hearing would have been completed. That would then mean that the next time this came before us, we have already met the hearing obligation. We would not have to have the public comment portion of the hearing at that point. Mr. Ruff said that we would still have the option of public comment. Mr. Swafford asked if we are going to table this issue, what are we hoping to get by tabling it. Are we going to go back to the table with INDOT? Are we going to talk amongst ourselves? Where are we going by tabling this? Ms. Johnson said that one of the items is that the PC has several questions about reports that may have been made to our TAC. I think the PC should request a full report from the TAC on what discussions they have had thus far about some of the questions that we have had about crossings and safety precautions. I think

that would be very helpful to this committee. Mr. Swafford asked who was on the TAC. Ms. Johnson told him. Mr. Swafford asked if the questions were raised before but there wasn't clarification—is that what I am understanding? Ms. Johnson said she doesn't think that the PC has taken the time at this point to get that kind of full reporting from the TAC. It is not that it hasn't been available to us; it is just that we haven't taken the time. Mr. Baker said the purpose of putting this out was to gain time and to continue this negotiation process and information gathering. We are still very unsure about what "participating agencies" means. That has just come up recently and we don't know the implications of it or the time constraints on it. Mr. Stoops asked Mr. Baker if he was intending to preclude or include public comment in that motion. Mr. Baker said he was willing to include it. Mr. Stoops felt that people should have a chance to comment. People have shown up a number of times without being able to have their say. Mr. Baker said he would like to know how the committee would like to proceed. Mr. McDaniel said he felt that the public comment issue is separate from the motion. Mr. Martin said once the item is postponed there is no cause for there to be any discussion of the item. Let's make sure we do keep it correct in order. He explained that we would have to have an action before us if we want to have a hearing. How we dispose of that hearing is another matter.

*****Mr. Baker said he would withdraw the motion. Mr. Martin withdrew his second.**

Mr. McDaniel said if everyone was in agreement they would accept the subcommittee's report for today. We will now move on to the next item of business which is "Old Business."

V. Reports from the MPO Staff

A. Quarterly Project Tracking –Mr. Hess presented the report. Staff has been producing this report since 2010 at the request FHWA to keep track of projects programmed in the TIP. The methodology is based on a form from INDOT. The LPAs provide project status updates to staff for the report. He offered to answer specific questions to save time at the meeting. Staff gets information from the LPAs to gauge compliance with the Complete Streets policy.

Mr. Martin asked Mr. Stark if he had a projected completion status for that section of the SR 45/46 bypass on the north side of campus. It looks like it is nearing completion. Mr. Stark said he understood that it was supposed to be finished by the end of the year. He believes the project is on schedule.

B. 2012 Meeting Schedule – Mr. Hess the meeting schedule was established at the last meeting. He wanted to provide a breakdown of the meeting schedule for 2012. It will be posted online.

C. Long Range Transportation Plan Task Force –Mr. Desmond said the latest Task Force meeting was at the beginning of October. Staff has been focused on I-69 Subcommittee work. Staff will draft an RFQ for consultants to assist us with our Travel Demand Model. The draft proposal will be brought to the committee shortly after Thanksgiving. We hope to have the RFQ out for proposals in early 2012.

VI. Old Business

A. Policy Committee Meeting Recordings on CATS – Mr. Hess said the staff is waiting for direction from the PC. We would like to establish some predictability as to whether some meetings will be recorded by CATS or not. Recording meetings is much easier in Council Chambers. Mr. Martin asked if both rooms are available for Policy Committee meetings. Mr. Hess said that both rooms are

tentatively reserved for each meeting date.

B. FY 2010-2013 Transportation Improvement Program Amendment

a. I-69 Section 4 (Construction) (INDOT) Action Requested*

C. FY 2012-2015 Transportation Improvement Program Amendment

a. I-69 Section 4 (project addition) (INDOT) Action Requested* --

Mr. Desmond said that there are two amendment requests that are generally covering the same information but we had to split it into 2 requests because we are dealing with 2 TIPs at this time. The current 2010-2013 TIP is recognized by INDOT and the more recent one, 2012-2015 TIP, which we passed but INDOT has not yet accepted. The sum total of the amendments are to put the construction phase for about \$32 million into the 2013 year for both TIPs as well as include the preliminary engineering and right-of-way phases for the newer TIP. So that all phases of I-69 by doing these 2 amendments would then be represented in both TIPs. They are not represented in both TIPs at this time. That is basically the request from INDOT is to make sure that all phases are shown in both of our TIPs. At which point, presumably, our new TIP would be acceptable to INDOT and we can move forward on that basis. This was originally on the September agenda originally. We had the CAC and TAC review these amendments at their August meeting. The TAC recommended approval. The CAC recommended denial of the proposed amendments. Mr. Stark asked if we go through this public comment and we make a motion to postpone after that and we bring it to the next meeting in January. Will we go through the same public comment period in January? Mr. McDaniel said yes. Mr. McDaniel said the next PC meeting will be Feb. 10, 2012. Mr. Stark asked if this is what the PC wants to do. Mr. McDaniel said he thought so. It was then agreed upon that an action motion has to be on the table to hear public comment. Mr. Stoops said the motion could be made and seconded then after the comment period, the motion could be removed from discussion. Mr. Stark said he had heard that the motion would come back after public comment. Procedurally that is not what this agenda says. There was discussion about procedure. Margie Rice, Corporation Counsel, said that their bylaws say that you will defer to Robert's Rules of Order if it is not specifically addressed and this is not. Postponement and tabling are both action items. Mr. Stoops said we could vote it down. Mr. McDaniel said if the motion to postpone is an action item, then we can take public comment. Mr. Martin said that Mr. Stark can make his motion. The committee can vote on the motion, table it, postpone the vote, etc.

*****Mr. Stark moved to add the amendments to the FY 2010-2013 TIP and the FY 2013-2015 TIP. Mr. Martin seconded.**

It was agreed to proceed to public comment. Mr. Hess asked for speakers to sign in. Mr. McDaniel told the speakers to state your name and any agency affiliation, remember the 3 minute time limit, and be civil and polite to everybody.

Public Comment:

Meri Reinhold, Monroe County, noted that local officials have been trying to contact INDOT for at least 15 years and have gotten no response. The H-T touted INDOT's "kitchen table series" about meeting with many citizens and how wonderful that was. Talk to some of the people who participated. A lot of them are not very happy. Their property has been damaged, they have not been allowed access to their personal property, and many have not been paid. Section 5 may never be built. SR 37 will be crowded with 10,000-25,000 additional vehicles. There are already many accidents on SR 37. The next

governor of Indiana could make many changes. She alluded to using 2004 data vs. 2009 data. The person avoided telling you that Greene County will be out of compliance using the 2009 data.

Scott Wells, former County official and on board of directors of HEC, said that the history of I-69 is bizarre. Route 3 was selected out of 10 possible routes. It was the most expensive, the most environmentally destructive of all the routes. There were better routes. Any time a government body threatens to withhold millions of dollars in local transportation funds is an outrage. INDOT has failed to follow federal guidelines and laws for constructing this I-69 boondoggle. INDOT has failed to satisfy the federal government that it is fiscally restrained. The money from the sale of the toll road has been spent on Sections 1, 2, and 3. It will be impossible to finance this project. Other projects have to be completed. Federal laws for air quality have been breached. The data should have been submitted at the DEIS stage. He was very concerned with air and noise pollution. Don't build I-69 until the revenue is secured. There is a lot of opposition from Martinsville to Indianapolis. The traffic will double on SR 37. This is the NAFTA superhighway with triple trailer trucks.

Lucille Bertuccio said that the Governor and INDOT are in essence raping us. Carbon emissions jumped 6% in 2010. We will have more storms, fast winds, more tsunamis, etc. We are not stopping that. It would be better to tear up the highway and plant trees. I-69 will not bring in good jobs except for Crider and Crider. We need to rethink this. The system is broken. We need a good transportation system for our community, good local jobs and good local food.

Turk Roman, former Councilman in Terre Haute, said that Bernardin Lochmueller has made a lot of money on the studies. He praised opponents of I-69. Too many highways have ruined Terre Haute. The belching behemoths coming through on a road lined with 7-11s and truck stops. Don't give up. It will be very expensive to maintain and patrol this enormous highway. Terre Haute thanks Bloomington.

Brian Garvey, Monroe County, did a cartoon 21 years ago showing a concrete truck with INDOT on the side and the stuff coming out the back was money for education, road repair. Then, they said it would be \$850 million. Now it's \$4 billion+ and they are using super-improved asphalt. INDOT is using language trying to say it is inevitable. The initial purpose and need of NAFTA are all now suspect or fully exposed as false. Your names will always be remembered by your vote on this. Stand up for the community. INDOT's answers were specious at best.

Tom Tokarski, CARR, said he has experience in dealing with INDOT and federal highway for over 20 years. If you put I-69 in the TIP, your problems are just beginning. We see in Sections 1-3 very serious risks to public health and safety. It is an environmental nightmare. The project is too politically driven to have responsible oversight of it. Their answers to the 109 questions were incomplete. When did extortion become acceptable public policy? Please don't support I-69.

David Keppel, Green Sanctuary Task Force on Global Climate Change of the Unitarian Universalist Church of Bloomington, thanked the committee for the amount of work that you have done. He agreed with Lucille B. that we are facing a time of tremendous change. I-69 is obsolete. It will make us polluted and impoverished. We are being extorted.

Tom Glastrus, retired IU librarian, went to a meeting 15-20 years ago with a bunch of experts on I-69.

Professor Caldwell (EPA) spoke up. He had found something wrong with I-69. That was when his education began. He has studied it and the more he thinks about it, the less he wants another road. Paul Ehrlich wrote a book called The Population Bomb. Someone needs to write a book called The Pavement Bomb.

Sarah Clevenger, Bloomington & retired biology prof, is a total eco-freak. She couldn't figure out why the new terrain designation was needed for I-69. Terre Haute wanted it. We didn't. Why wasn't it there? It was economically sound. The Bloomington Alternative put out an article about I-69 in Texas where a critic said that they take your property by eminent domain, turn it over to a public/private partnership for a foreign company to profit from for 50 years. When you have that much money coming in, it's easy to see where the bonuses are coming from. It's another example of stealing from the poor to feed those who have too much already.

Mark Haggerty said that recently the Republicans in Congress unanimously killed Obama's bill for federal highways. They want to create an economy that is so bad so they can get rid of Obama even if it damages the country. They want to reinstall their Wall St. buddies in the White House. How dare Mitch Daniels and Indianapolis come down here to our community and tell us how to live. They are the ones with the city full of interstates and slums. Compare that to the quality of life that we are building here. Diesel and auto transports are too expensive to be our future. We have the science and technology to move things in much better ways. This is a waste of money. This is not a democratic process. They are opening themselves up to direct action. This is being executed by Executive Department of the federal government. In the last election, this county helped turn Indiana into a Blue State delivering our electoral votes to Mr. Obama. Mr. Obama, we had your back. Now who has ours?

Jean Smith, owner of Bikesmiths, said he wanted the Bloomington H-T and supporters of I-69 to look at facts and not your biases. Even opponents of I-69 believe the bull that this area of Indiana is backwards and undeveloped. The proposed corridor for I-69 with no interstate is the highest income per capita and has the lowest unemployment. He compared other highways. \$3,000 million dollars is the cost to bring I-69 to an area with no traffic demand that will surely Hoosiers all over the state projects that are needed. He has been in 3 meetings with INDOT where they have said that this vote doesn't matter. Stand up for governance by the people.

Sam Allison, Monroe County Council, ran on a platform of opposing I-69, supporting education and exposing the money wasted by the State of Indiana while teachers are getting fired. My election shows how many people are against I-69. Everyone on the PC are either directly accountable to the voters or you have been appointed by someone who is. Please remember your voters' values and beliefs today. Most times local communities compete with each other for state and federal dollars. The situation now is the opposite. One group is advocating for spending highway dollars somewhere else than on I-69. I-69 will take business away from communities along I-70, etc. Extending this already exorbitantly expensive highway over an area filled with karst features will likely sky rocket the cost.

Vicky Sorenson, Indian Creek township trustee, thanked the I-69 subcommittee for the time that they spent going over the questions and answers. There are still many questions that need to be answered. Her township is concerned about access to the highway for emergency situations. She asked the PC to say no or postpone.



Holly Vanderheyde, part of the senior leadership team at IU Health Bloomington Hospital, said that the hospital supports I-69 as it affects access to rapid healthcare and particularly emergency care. The hospital serves more than 400,000 people in 10 counties.

Cheryl Munson thanked Mark Stoops for showing the gun that is held to the head of the members of the MPO and really everybody in Bloomington and Monroe County. She warned the MPO to be very careful about participation with INDOT. Participation requires negotiation. As chairman of the Monroe County Historic Preservation Board, she served as a designated consulting party in the process to identify and mitigate impacts to National Register significant historic properties in our county. Every point raised about an impacts and need for mitigation was turned down. The whole process was a farce. Political change is on the way. We must make sure that we don't elect a governor who will go along with extortion and that we don't have other representatives who will agree to put up with it.

Greg Alexander thanked the PC for representing the area citizens. Mr. Stark came to a Green Acres meeting concerning the widening of the bypass. He only had one cogent point which was to tell us to stop calling the governor. He specifically promised that he would listen and give a response. They never received a single response from any one. He came to us because we had him in a vise. He was being considered for promotion. He got the promotion and he never talked to them again. He has a tape recording of the meeting of you making repeated personal promises to do things that you did not do.

Mary Hrovat has lived in Bloomington for about 31 years. It was stated that your responsibility as the MPO is to the citizens to this community and the people who live here. She agrees. It is clear that I-69 would not benefit us economically but would hurt us economically. It would be bad for our health and our environment. She does not trust INDOT to look out for our interests. Please hold the line.

Sura Gail Tala, a part time teacher at IU and owner of guest houses at Lake Lemon, said that 2 weeks ago she was at Occupy Oakland in California. There is a movement in the world. Corporations have taken over our policies and our government. Stand up to INDOT.

Dave Stewart said that he listened to some questions being posed to the representatives and they did not answer the questions. The supposed 300 well-paying jobs that would be brought by I-69 don't exist. They were asked repeatedly to provide some statistics about the benefits of I-69. There was no answer. They wouldn't answer the questions if Bloomington's air quality was degraded. The representative from our federal government refused to answer a hypothetical question because supposedly Bloomington will never get to that spot. That is ridiculous when you look at adding a lot of trucks on I-69.

Patrick Munson, Monroe County, said the plan at the moment is to connect I-69 to SR 37 southwest of Bloomington where it will end as a stoplight temporarily. Sections 5 and 6 will not be completed to Indianapolis until the year 2020 speaking optimistically. Until then at least twice as much traffic as exists today will be dumped onto SR 37 negotiating those hated 19 stoplights that exist at the moment with 2 more to be added. There will be many deadly accidents on SR 37.

Nan Brewer said that she doesn't think that many Monroe County residents fully realize the long term negative impact that highway would have on their property values and their quality of life. She lives in

one of the oldest homesteads in the County that would look out on the proposed Fullerton Pike/Gordon Pike/Rhorer Rd. bypass that would be a direct access route off of I-69 if the Fullerton Pike interchange is approved. That would result in a 65% increase in traffic at Rogers St./Gordon Pike intersection by 2030. There is only one business area along this entire route. Otherwise it is all residences, 2 middle schools and a church. Approximately 168 homes would be directly along this new exit road and hundreds more families would be adversely affected by sound, light and air pollution. When she spoke to many of the residents in the area, few knew that the road would even connect to an intercontinental highway. Even fewer knew that major thoroughfares like Tapp Rd. could be cut off. Many neighbors expect negative changes to their lives. Adding I-69 to the mix changes everything.

Tim Maloney, HEC, praised the PC members for their diligence in reviewing the information and assurances that you are receiving from INDOT and FHWA. Don't give up any part of your leverage to continue this effort until you have all of the answers and information that you need. We believe that the cost of this highway, the extensive environmental damage that will be caused by this highway to forest lands, karst, waterways, and invaluable wildlife habitat compared to the limited benefit that this highway would bring along the route and to Bloomington, that you will agree with us and decide to oppose I-69 coming through Bloomington and being part of your TIP. To complete I-69 from Crane to Indianapolis is at a minimum of \$1.7 billion. Every cent of that is going to come from traditional funding—the general pot of road and highway dollars that go to projects all around the state. The current roads and bridges need to be fixed. Bloomington is not alone. Martinsville, Perry Township and Indianapolis are against the route through Perry Township. A bipartisan resolution was adopted by the Indianapolis/Marion County City/County Council against I-69 coming through Perry Township.

Bev Ohneck-Holly, Bloomington resident, spoke as a citizen and a registered nurse. There are more sick kids in bigger cities due to environmental and air quality pollution. Traffic and highways contribute to this increase in illness specifically. It takes a lot of courage and a lot of foresight to make the right decision.

Okcha Atwood, Bloomington resident, said that we cannot pretend that what we do here today will not affect the air we breathe, the water drink and the environment we live in. We should not endanger the ultimate resources that we depend on. This highway has to stop. Existing infrastructure needs repair. The general public will suffer if we do not consider sustainability. We would rather cope with the short term difficulty of reduced local transportation funding than endure forever the pain brought by I-69.

Mike Lurtsma said his mother remembers when I-74 came through when she was a child and split the land in half that her father share-cropped. He grew up close to I-69 in Madison County. Three communities along I-69—Anderson, Muncie and Marion could be models. Particularly after NAFTA, a lot of jobs in those communities left. The threats coming from INDOT would affect some agencies or government bodies that are represented here. Don't put I-69 in the TIP. You have lots of community support to share the pain.

Sandra Tokarski asked everyone in the meeting that believes that everything said by our government is true to stand up. There are a few skeptics here. She asked the same about the H-T and INDOT. If the members of the MPO and the people in this room don't really trust what INDOT is doing, then I-69 should not be approved by our MPO. INDOT and FHWA are pressuring our MPO to approve I-69 because they know that there are serious legal challenges to this project in the wings. She thanked the

PC for standing up for Bloomington.

Aaron Smith said that he and his friends rely on BT to get around. He asked the PC to vote for the motion. He read a letter from his friend. Roads on the west side are in bad shape. They need a safe road to travel. But he was most worried about the loss of BT.

Mary Anne Williams of southwest Bloomington said to the previous speaker that she thinks we can still have those buses without building a major superhighway. We all depend on business and the prudent leadership that business can provide. Many of these businesses and customers want INDOT to find a less costly route for I-69. 140,000 citizens have signed petitions favoring the less expensive I70/US41 alternative. They include elected officials, conservationists, labor unions, newspapers, economic development groups and nearly 700 Amish people have signed a petition to the governor pleading not to divide their century old community. There is a persistent myth that I-69 will be good for business. Studies have shown that large highway construction does not stimulate business. As Mark Stoops mentioned earlier the Corridor 18 study says that 60% of jobs created would be low-paying dead end jobs with low potential for growth. Look at Terre Haute, Elkhart, Muncie and Anderson—all close to a major superhighway and they are struggling economically. Studies showed that road repair and maintenance actually creates 16% more jobs per dollar.

Greg Knott thanked INDOT and FHWA for participating in the MPO question and answer process. A lot of their answers can be used to debunk some of the media myths that are being floated around—some even by our local newspaper. One myth is that the MPO cannot block I-69 through Bloomington. That does not meet the baloney test. Response #26 from FHWA makes clear that no record or decision for construction from Bloomington to Martinsville without MPO approval. Myth #2: The claim that they can construct I-69 within the MPO boundary if no federal funds are used. Response: #103 from FHWA states that not only is INDOT prohibited from constructing within our MPO boundary without our approval but the entire section from Crane should be reconsidered. That is huge. That means the MPO is not playing the role of the 300 Spartans at Thermopylae in a hopeless battle instead victory is not only likely but certain just by voting your conscience. Myth #3: \$30 million dollars in cuts unless you cave to their bullying. Response #20 explains why our funding is secure through the middle of 2013. The opportunity to recoup any funds will always be available as a condition of MPO approval even after our TIP has expired. It is possible that there won't even be \$30 million available to cut. INDOT is so broke it can't pay for bridge maintenance. Have you tried to go to Louisville or Terre Haute recently? The bridges are closed because there are cracks because INDOT has not been maintaining the bridges properly but instead putting ahead I-69 as a trophy for the governor. Waiting until a bridge cracks to repair it is neither safe nor cost-effective maintenance. Between catching up on neglected bridge maintenance and compensating victims like in Minneapolis it will be a miracle if there is \$30 million leftover for INDOT to threaten to withhold. Myth #4: Some say that the only way to have input on I-69 is to approve it in our TIP.

Bill A. Boyd thanked the members of the MPO for having the courage to stand up to INDOT and especially to Mark Stoops, Julie Thomas, Andy Ruff and particularly Mr. Martin for all his effort on the questions. You should have gotten an answer to every one of them—you are participating, INDOT is not. As for MPO participation—BLA had a contract for Tier 1 in which one of their tasks was to bring MPOs into alignment with I-69 but they didn't do that. They ignored some of your some of your requests to take I-69 to the north of your city. They didn't want to help you plan. They only want you

to acknowledge and buy into their argument. It was mentioned that BT might be gutted. Mr. Stoops said that it was in the national spotlight and I congratulate you for that. INDOT would not want to bring into the spotlight them removing funds from a top-rated transit system which is what this country needs. INDOT mentioned INDY-Connect. That has been around 15 years and they are still talking. They don't want to fund anything. Air quality has a major impact on what businesses can come into this community. It is very important to keep I-69 out of this unique community. You should keep that uniqueness and don't become a vanilla city that has an interstate running through it with all of the negatives that come with that. There will be added costs to the community with I-69. There will be a real problem with that bridge at 3rd and SR 37 with added traffic. Keep I-69 out of the TIP. It should follow I-70 and US 41.

Mick Harrison is a lawyer for CARR and the I-69 Accountability Project in litigation against INDOT and FHWA, the goal which is to enjoin further construction of I-69. There are 3 basic reasons that he personally is opposed to I-69 and why he thinks the MPO shouldn't approve it. The first reason is democracy. It is clear what the people want and we should respect that. The second is environmental and public health impacts. There is significant information that INDOT and FHWA has in their possession regarding those impacts which they have not disclosed to you including some in response to your questions. Under the National Environmental Policy Act, an EIS is required for a project like this—a major federal action significantly impacting the environment. You are not allowed to segment projects into smaller pieces in order to get around showing the full impacts of the project. The Federal Court allowed I-69 to be segmented into sections only. Section 4 is one of those segments. No federal or state agency including the MPO which is a creature of federal law is allowed to segment beyond those sections. Otherwise you are in violation of NEPA. If a portion of I-69 cannot be approved, the rest cannot be approved. Contrary to what Mr. Tally has represented here the new vehicle fleet mix data shows that Greene County in particular—among other communities—will be in non-compliance with the State Clean Air Act implementation plan because of increased air pollution from older vehicles that are still in the fleet because of the economy. Terre Haute did an analysis which indicates this. There are a number of reasons why this project cannot be approved under NEPA including concealment of karst information, including the mysteriously disappearing Appendix NN, ignoring archeological information, concealing historic bridges until after decisions have been made, new impacts to an aquifer that is being drained as we speak and a number of accidents that have happened that may have happened due to I-69 construction.

Daniel McMullen said that I-69 will bring more chaos to our city. Environmentally, we need to keep it off of the TIP. It is a big pile of mud going south. We tear up our Earth. It will be proven to us by more severe weather and environmental damage. There are people speaking who are for and against. He spoke about other road projects. Keep America great.

Miss Estes said she had heard about a fatal crash due to a construction vehicle working on I-69 in Daviess County. Keep that in mind.

Donna Lentz-Ferree said that her ancestors go back to local Native Americans. She has been against I-69 all along. Nothing about it is good for this community. Being a NAFTA interstate I-69 could connect to the Panama Canal to bring in foreign goods and bypass the security measures at our ports. She thanked the PC for standing up for the community. I-69 is terribly wrong for Bloomington and Monroe County.

Michael Lukens said that being a Bloomington native, I-69 has weighed down on his community's head for his entire life. You know this is wrong. To concede would be to do evil.

Richard Torstrick moved here from the east coast. Looking at the cost and benefits of what has been presented here today; there isn't much of an economic benefit of this road. The citizens will be paying for this road for a long, long time. Maintenance and infrastructure problems must be considered. How can we find \$4 billion dollars when we can't pay for our schools? It is getting more expensive to drive and people don't have more money to pay for that. Don't include I-69 in the TIP.

Marc Cornett, local citizen and architect, went to architecture school in the 1980s then moved to Boston. He didn't have or need a car. There is true public transportation there. He is a New Urbanist. Trains are the future around the world. We are stuck talking about cars which are very wasteful. They are a huge contributor to Global Climate Change. Roads take up lots of land. Cars are dangerous, slow and unpredictable and contribute to lowered productivity.

Farra Ferree thanked the PC for taking a stand and really paying attention. She is really concerned how many local people don't much know about I-69. Once the pavement goes down, it is not reversible. We don't need this massive highway to tear up more farmlands. The newspaper needs to cover both sides to this issue. People's lives are being thoroughly changed by the loss of their land. We need answers to questions—even hypothetical ones. We will come up with a solution for BT.

Aaron Pollitt said there seems to be a rising upset here and around the world. This is for very good reason. He is very concerned for the future of humanity and the environment. We seem to be questioning what we believe and the future. The Alaska pipeline is part of this issue, too.

Ann Patterson thanked the PC for standing up for the community. They are heroes. She addressed Mr. Stark and Mr. Tally. She is a 22-year old student who is the face of the future. They all need to be talking about the same future. We can make better jobs than the ones that will follow I-69. We need to work to maintain beautiful, vibrant communities like Bloomington. What do you believe? What motivates them to make these plans? The earth does not have the resources to maintain the economy you plan for. If we plan to survive the climate, change will be necessary. She said that she believed that they had the heart, soul and courage to actually change your idiotic plans.

Steve Higgs said that Julie's questions about air pollution are legitimate and Mr. Tally's responses to her were not as dishonest or dismissive as it appeared. He has spent the last 3 years studying and travelling through the Ohio River Valley and writing about the environment down there. From Cairo, IL to Pittsburgh, Pa, businesses along the river legally release 230 million pounds of toxic chemicals (like lead, arsenic, mercury, etc.) into the air every year. They don't care about the air. Along the Indiana side of the river, in 19 counties, one out of every 5 children receive Special Education. He wasn't being dismissive. He was reflecting the attitude. He asked the PC and the Mayor to vote where you stand on the issue of I-69. Don't punt this another month. He believed that a vote taken today would support I-69. He referred to a memo written by Lewis Powell in 1971 sent to the US Supreme Court saying it was time for the US business community to take the political system back. It was a declaration of war on the social movements of the sixties and seventies. The time for talk is over. Get active and get involved.

Cindy Jeffers who lives on W. Victor Heights Dr. (a small housing addition off of Victor Pike) which will be devastated by this I-69 route. They will be about 400 feet from I-69. On the west side of their addition is nothing but beautiful farmland. She requested a noise analysis study from the I-69 office. The study states that they will be greatly affected by noise. It is going to increase by about 4 times the noise that they have now. They qualify for a noise barrier but they have been told they won't get one because it is not cost-effective. INDOT is not giving any consideration to the quality of life that people in her neighborhood will have. Rolling Glen is in the same predicament. Don't put I-69 into the TIP.

Mr. Stoops presented a video and slide show of severely damaged areas in Daviess County. He addressed the draining of the aquifer. The studies done before construction started were shoddy. These problems should have been identified beforehand. Mr. Martin asked when they made the video. The answer was last Saturday. Mr. Stoops talked about the danger of blasting in our karst features.

Mr. Ruff said that this is the price that INDOT is paying for cheating on the route selection process. They only identified 1 out of 10 karst features in their early study. Judge Hamilton said that the process of technically legal but that it was likely that serious issues may come up. For 10 years, Mr. Ruff was Monroe County's environmental planner and enforcement inspector on development sites. He has seen a lot of big projects and a lot of serious impacts to water quality. But, this greatly exceeds anything he has ever seen. Indian Creek has been identified by IDNR as a "Special Resource" due to its water quality and environment. What we saw on the video will destroy Indian Creek. Thousands of tons of sediment will work its way into Indian Creek. The costs that INDOT and the governor threaten us with are nothing compared to the costs of building I-69.

*****Mr. Baker moved to postpone actions on I-69 Sections 4 and 5 proposed TIP amendments until the next meeting of the Policy Committee in February.** (He wants to continue negotiations with INDOT, explore the alternatives that we have been presented to reach some sort of binding agreement with them, and to retain the leverage that we now have while we maintain negotiations.)
Mr. Martin seconded the motion.

Ms. Thomas offered a friendly amendment that we continue to look at these questions that have arisen by the public's questions that were not answered appropriately and completely by INDOT and FHWA. I have questions that have not been answered adequately. I would also like to use this time have follow-up questions maybe through that same Policy Subcommittee group to chase down those answers. Mr. Baker said that this didn't need to be an amendment. It is something that the Subcommittee would be happy to do.

Mr. Martin said that there are going to be times going forward when no matter what subgroup of this body gets involved. There are going to be questions that need to be decided by the membership as a whole. Would we as a body be able to take advantage of our electronic question opportunities? Is there anything short of the actual motion to amend to the TIP that could not be dealt with through our electronic voting process that would require a hearing at least as far as we have talked about it so far? Ms. Thomas wanted to make sure that the public is involved.

Mr. Tally said a participating agency would be a public agency. It would be the City and the County in this case would be extended the invitations. To what extent the MPO PC wants to facilitate or be

present at any discussions would be up to the City and County to decide. Mr. Martin said they could facilitate the process but they would not be the decision-making body about the participation.

Mr. Hess put the language about special votes on the screen. It was agreed that they could use electronic means for input, feedback and votes from PC members. Ms. Thomas asked if they could call a special meeting if necessary. Mr. Martin said they might have trouble getting space for a meeting.

Mr. Stoops said he thought that anything that called for a meeting could happen at the next MPO PC meeting in February. What do we hope to achieve here? Are we expecting that there will be some type of agreement that we will be able to have with INDOT that gets us guaranteed remediation of the problems that we encounter? Could we get corrections to intersections that somehow mitigate the huge local impacts of this interstate? Mr. McDaniel said there is not guarantee like that. It would just give us better chance to have an opportunity to participate in the process as a community. Mr. Baker said one reason is that we don't know what this participating agencies process that we are talking about even amounts to. Will we have the ability to go through it? We will need some time to look at it and see if it even works for us. And if it does work for us, how do we get started and get it established. At the same time we have already begun talking a bit with INDOT. We need to continue that dialogue with them and see where we can get with some negotiated settlements with them. Then, we would use the other process to lock them in. We don't want to rush to a vote.

Mr. Stoops asked for an example of a possible vote that could be done online. Mr. Martin suggested it could be, "Are we willing to commit MPO dollars which we have some funds available for to fund the City of Bloomington and Monroe County's participation in as a "participating agency?" Mr. Martin said he didn't think the MPO could be a party to the agreement itself. It has to be a public body like the City or County government. Mr. Baker said we need to determine what our role in this is. Mr. Martin said they also need to send a letter back to INDOT in response to their letter. That could be done through an electronic vote. We have to make sure that karst information in the possession of the State can be made available to the County and the City under certain circumstances when we have questions regarding those particular issues. Ms. Thomas said they need to make sure that we get those minutes up and the information up as soon as possible on the website so that all can follow it. Mr. Martin said they are obligated as a body keep that up. Much of what has to be done now will require that we meet with the State and FHWA. They have a lot of other people to meet with all the time. It is very difficult to schedule. Ms. Thomas wanted email notice of when the meetings will take place. Mr. Martin said that notice of the subcommittee meetings will be posted as all public meetings for the City and the County.

Ms. Johnson asked Mr. Hess how we notify for these meetings. Mr. Hess said the packet for the PC as a whole is posted on the PC webpage a week in advance. We send out a notification to anyone who is one the PC distribution list. I can add names to that list after the meeting. It is added to the City meeting calendar which is published by the City Council office on Fridays as a part of the CC packet. The information is sent to the area papers. It is up to the papers as to which meetings are published. The Subcommittee meetings are open to the public but there is no public comment time.

Mr. Martin asked if the continuation of the Subcommittee is part of Mr. Baker's motion. Mr. Baker said yes. Mr. Martin asked if the members of the Subcommittee were willing to continue. Mr. Swafford said he would like to see Ellettsville represented. He volunteered to replace anyone who

wants off of the committee. Mr. Stoops asked if Mr. Swafford could be his alternate. Mr. Martin said the alternate has to represent the same constituency. It was agreed that Mr. Swafford could represent the county. Mr. Desmond said staff could work as a conduit between Mr. McDaniel and the Subcommittee. Mr. Kruzan asked the attorney about numbers of a committee on a subcommittee as long as it is properly posted. He didn't want to exclude anyone. He would like to have the attorneys figure that out. Other members advocated for Ellettsville to be involved.

*****Roll call vote was taken. The motion passed by a vote of 7-4-1.**

Mr. Kruzan apologized to Mr. Stark for the public comment that personally attacked him. Mr. McDaniel agreed.

VII. New Business – Action Requested on all New Business*

A. FY 2010-2013 Transportation Improvement Program Amendment

a. I-69 Section 4 (project removal) (Ruff)*

- b. SR 46/Arlington Rd. Traffic Signal (INDOT)*--** Staff received a TIP request from INDOT to make an intersection improvement at State Road 46 and Arlington Rd. They want to put a traffic signal there. The anticipated cost would be \$150,000. The State hopes to let the project in early 2012. This is considered a minor amendment. It is not a capacity-adding project. Due to timing, this amendment was not taken to CAC and TAC. Mr. Martin asked if this was the intersection where Arlington Rd. comes in from the north across from the bank which has been the ingress/egress aligned for traffic light originally? This is simply putting in the light and light infrastructure—there is no roadwork accompanying it? Mr. Hess said that was how he understood it. Ms. Johnson agreed.

Mr. McDaniel asked for public comment only on this intersection at this time. There was no one wanting to speak. *****Mr. Martin moved to approve minor amendment to include the traffic signal at SR 46 and Arlington Rd as scheduled in the packet. Dan Swafford seconded. The motion was unanimously approved.**

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

A. Topic Suggestions for future agendas

Mr. Stoops asked Mr. Stark what mitigation was going to happen to the damage in Daviess County. Mr. Stark said he would have to leave that up to our area engineers. He said he would have to get the answer for Mr. Stoops. He would have to see what their plan is. Mr. Stoops asked if they were working on the problem now. Mr. Stark said he was sure they were. Mr. Tally said that FHWA is aware of the problem through their inspections and reviews and they are working directly with INDOT and EPA to find solutions and address them. They hope to find an acceptable solution.

IX. Upcoming Meetings

- A. Technical Advisory Committee – November 16, 2011 at 10:00 a.m. (McCloskey Room)**
- B. Citizens Advisory Committee – November 16, 2011 at 6:30 p.m. (McCloskey Room)**
- C. MPO Winter Open House – December 9, 2011 at 12:00 p.m. (McCloskey Room)**



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

D. Policy Committee – February 10, 2012 at 1:30 p.m. (Location TBD)

Adjournment

The minutes were approved by the Policy Committee at their meeting held on February 24, 2012 (rch).