



**Policy Committee Meeting Minutes**  
**March 9, 2012 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), Lynn Coyne (IU Real Estate), Vic Kelson (Monroe County Council), Mark Kruzan (Mayor-City of Bloomington), 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 (proxy--Ellettsville Town Council), Robert Tally (FHWA), Julie Thomas (Monroe County Council), and Bill Williams (County Highway).

**Others:** (residents and citizens): Shawna Girgis, Brad Ellsworth, Darby McCarty, Andy Williams, Trent Carney, Buck Ritz, Brad Mills, Jim Shelton, Morgan Hutton, Dan Peterson, Bobby Minton, Mark McMath, Charles Selby, Jeff Mulzer, Peter O'Daniel, Larry Jacobs, Jon Craig, David Sabbagh, Joe O'Connor, Chris Schrader, Donna Lentz Ferree, Patrick Munson, Bruce Bundy, Ramsay Harik, Sarah Clevenger, Greg Knott, Terri Greene, Mick Harrison, Michael Lukens, Rebecca Woodaman, Gretchen Clearwater, Joanne Shank, Brian Garvey, Greg Alexander, Danna Desopo Jackson, Sandra Tokarski, Nan Brewer, Okcha Atwood, Farra Ferree, Jess Gwinn, Carol Rice, Sam Flenner, Cheryl Munson, Mark Haggerty, William A. Boyd, Zilia Estrada, David Keppel, Mary Ann Williams, Thomas Tokarski, and Scott Wells.

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

- I. **Call to Order** – Mr. McDaniel called the meeting to order.
- II. **Communications from the Chair** -- Although not strictly necessary, the PC has decided to open the floor up for public comment again today. 45 members of the public spoke at the last meeting. He appealed for short, non-repetitious, and civil comments. He explained that 2 podiums will be used. Comments against including I-69 in the TIP will speak at one podium and comments in favor will speak at the other one. Each speaker can only speak once. **\*\*\*Jack Baker moved to limit public input to 3 minutes per person. Dan Swafford seconded the motion. The motion was unanimously approved by voice vote.**
- III. **Reports from Officers and/or Committees**
  - A. **Policy Committee I-69 Subcommittee** – Richard Martin reported from this subcommittee. Meeting minutes may be found on the MPO website. He spoke about a list of discussable concerns generated from previous meetings. They have a response from INDOT to the items on the discussable concerns list. They have an I-69 actions schedule to coordinate Section 4 and Section 5 safety improvements. The MPO voted to include Section 4 design and right-of-way into its TIP in Nov. 2010. That action gave INDOT the fiscal constraint which was necessary for FHWA to authorize them to proceed with Section 4 and it provided INDOT with preliminary and engineering a right-of-way authorization but not with construction inside the MPO boundary. The Governor can spend State money as he sees fit if the MPO does not include I-69 in its TIP, the state can build it with its own At Risk Funds. Once the State has federal approval a contract can go into effect and it is controlled by the State. Several contracts for I-69 Section 4 have already been let. The State has authority over all items in our TIP and their advancement. It is the State's option to forward MPO projects to FHWA. The MPO has certain responsibilities, as well. FHWA

responded to a similar question about INDOT authority stating that the FHWA could issue a corrective action to both the MPO and INDOT for failure to resolve any impasse. They did not speculate on what remedies such a corrective action might require. It is stated in the federal legislation that the MPO is required to include “regionally significant projects in its TIP.” We believe those to all be factual statements. We have also looked at safety risks on SR 37 that might result from Section 5 not being completed prior to Section 4. So, if the MPO does not put Section 4 or Section 5 in its TIP, the State can proceed with I-69 using its own non-federal At Risk funding. We are only talking about \$25 million which is not very much when you look at the State’s INDOT budget. If it chooses that alternative for Section 4, local projects in the Section 5 corridor like the Vernal Pike intersection (which is one of our more dangerous there) would not likely be addressed. Those projects are considered peripheral to Section 4 of I-69. During this process over the last several months, we have been fortunate enough to become engaged in what’s called a participating agency status. That is a status which is provided in the NEPA process for the identifying as early as practicable any issues of concern regarding the project’s potential environmental and social economic impacts. All 3 jurisdictional LPAs (Local Planning Authorities) of the MPO have chosen to participate. The City of Bloomington, the Town of Ellettsville and Monroe County are participants in that process. They are participating by coordinating meetings and joint field reviews, as appropriate, with monthly meetings now scheduled through May of 2013. You can see the minutes of the I-69 Subcommittee for Feb. 10 and Feb. 29 for more information. As a result of our January meeting, we developed a discussable concerns list. One element of this list has to do with our expectations concerning Section 4 within the MPO jurisdiction. The primary concerns that we identified were the intersection of SR 37 and its configuration, noise mitigation issues in the rural residential areas of Section 4, how the karst was going to be treated since we spend a great deal of time dealing with karst in Monroe County, how stormwater was to be managed and treated (which is critical in this area with so much karst) and for some notion of the schedule of completion. You will be hearing a great deal more about the intersection at SR 37 because it is necessary to make a change from a stoplight to an intersection. There will be a re-evaluation process for the record of decision that will require that 2 or 3 proposals be made public and that there will be public comment received for those before a decision can be made. The State has been working with FHWA on issues of noise mitigation and how some of those may be addressed within the context of an established noise mitigation process. That has to be established by the State of Indiana and has to be consistently applied throughout the state. In dealing with karst and stormwater we are guided by the Memorandum of Understanding which was signed by state and federal agencies in 1993 as a result of efforts that were in controversy surrounding Indiana SR 37 because it also crosses karst areas.

Mr. Martin said that our second group of issues had to do with Section 4 within the jurisdiction within Section 5 and the interaction between those two. Certainly our objective is to make sure that there is no dumping of interstate traffic resulting in measurable increase to personal injury or property damage as Section 4 is opened and Section 5 has not been converted to an interstate. This has been an active issue all along the interstate as it is developed by segments. We are interested in a SR 37 safety plan which would be a set of agreed improvements and mitigations to eliminate the harm caused by such potential

dumping. We expect that the safety issue is first in the minds of everybody dealing with this. The Section 4 intersection with SR 37 does not open until a safety plan is agreed, completed and performed. We will talk more about that.

Mr. Martin said that the 3<sup>rd</sup> set of discussable concerns had to do with our expectations concerning Section 5 within the jurisdiction in Section 5. Section 5 runs up to just south of Martinsville. Only a portion of Section 5 is within the MPO's jurisdiction because there is a section of county which is not within the MPO. The part of Section 5 within our MPO's jurisdiction takes us into the Bean Blossom creek area north of Bloomington. First, we wanted to make sure that SR 37 to I-69 Final Environmental Impact Study (FEIS) provided for participating agency status for those members of the MPO that qualified for such status. That is our jurisdictional participants in the planning process including the City of Bloomington, Town of Ellettsville and Monroe County. And, that the design of Section 5 was consistent with existing community plans. The SR 37 corridor has been planned and re-planned several times in Monroe County with existing and established plans that we expect to be implemented going forward.

Mr. Martin said we have another section which has to do with how we are going to move forward as partners with a common set of objectives. We are trying to link the approval of I-69 project request and our MPO expectations. The TIP approval for Section 4 construction is linked to the items 1, 2 and 3 that we talked about previously and that we add to the MPO 2012-2015 TIP that is the planning horizon that we must cover for any action for any activity that has to do with MPO funding after 2013—when our current TIP expires. We would anticipate that the 2012-2015 TIP would be included in the State's TIP without Section 5 funding at this time.

The 2<sup>nd</sup> part of this has to do with our monitoring of Section 5 participating agency activity. The MPO itself is not a participant in that process. The MPO is also involved in a Long Range Transportation which we need to get completed as soon as we can. There will be Requests for Proposals (RFPs) going out later this year. We will be given an opportunity as a community in addition to these participating agency activities to conduct a formal review of the Section 5 DIS and EIS to determine compliance with the MPO policy as expressed in the Long Range Transportation Plan and the specific local planning agency expectations as documented in their plans that already exist. Upon completion of review and satisfactory alignment of the FEIS recommendations with the MPO policy, we would expect then to add Section 5 request components to the TIP and enable FHWA to issue their record of decision. As an action plan, we would have the following preliminary action plan schedule that would be necessary to implement most of these things. Regarding Section 4 Segment 9, in April 2012 there will be a reevaluation submitted for the interchange and public comment accepted. The public comment will go for 2-3 weeks in April. In October 2012, INDOT will plan on letting bids for construction for Segment 9. We would then see construction beginning at the beginning of the next construction season (probably February) in 2013. They already have authority to do preliminary engineering and right-of-way acquisition. In October of 2014, they would plan on opening Section 4 to interstate traffic. It will take 2 construction seasons to complete that work. During that time, they would be providing monthly updates to the MPO Technical Advisory Committee (TAC) and to the

MPO when it should seek such information. Regarding the schedule for Section 5—which is the most critical from a long-term perspective—in September of 2012 they plan on releasing their DEIS with a preferred alternatives specified. It would then be open to public comment. By preferred alternative, we mean interchange designs, how they are going to deal with roadway intersections and blocking traffic because of road closures, etc. In November of 2012, they would plan on having public comment completed. In March 2013, they would plan on releasing their FEIS. In May 2013, FHWA would plan on issuing its record of decision to be signed. June 2013 would be the earliest possible date for letting some targeted safety improvement projects on Section 5. July 2013 would be the earliest possible date for safety improvement projects to begin construction. By October 2014 would be the possible date for safety improvement projects to be completed. That would align with the opening of Section 4 to interstate traffic. Actions that would be required on the part of the MPO to implement this plan would be an approval of Section 4 construction funding into the current 2012-2015 TIP today and acceptance of that TIP into the STIP subsequently. In September 2012 we would expect to receive a request for approval of addition of Section 5 preliminary engineering and right-of-way into the 2012-2015 TIP. In May of 2013, we would expect to receive a request for approval of construction into the 2012-2015 TIP so that they could let contracts and get work underway.

A few moments ago, I received the following letter from INDOT. He read the letter addressed to Mr. Martin as chair person of the subcommittee in full: “Thanks to you and the other MPO PC board members for all your work on the I-69 subcommittee. INDOT understands the need to move as quickly as possible in accomplishing the schedule I included below and is committed to do so. (That is the schedule Mr. Martin summarized above.) With a successful vote today, there will be no greater priority in the next biennium. As evidence I point to the rapid progress we have made in letting construction contracts in Sections 1, 2, 3 and 4. The very reason INDOT and FHWA offered participating agency status to the City of Bloomington, Monroe County, Town of Ellettsville, Morgan County, and the City of Martinsville is to coordinate the planning of Section 5 and address mutual needs as early and quickly as possible. In order to begin construction in 2013, we will complete the EIS in spring 2013. In preparation of safety improvements and the first Section 5 construction contracts in the summer of 2013, INDOT will request a TIP amendment for preliminary engineering and right-of-way in September 2012. We anticipate and hope the communities in Section 5 will participate at every step. Once FHWA signs a record of decision next year, INDOT intends to let construction contracts in Section 5. It is our intention to focus on improved safety and mobility first on SR 37. The sequence of work will be a recommendation in the FEIS for Section 5 and will include public input. I am encouraged by the progress we have made over the last few weeks and look forward to more as we move forward. It is critical for us to understand however that anything other than a vote Friday on March 9 to include construction for all of Section 4 in the TIP will be an unfortunate step backward in our cooperative planning efforts and could have other unintended consequences. Thanks again, sincerely, Michael B. Cline, Commissioner INDOT. It is signed by Samuel Sarvis for Mr. Cline.”

Mr. McDaniel thanked Mr. Martin and said that before we move on to discussion and questions from the committee, he had some remarks. He noted that the report would be

posted on the web. He thanked Mr. Martin for the remarkable job that he did on the subcommittee. He spent an enormous amount of time on it and did a real service to his community. Other people especially Jack Baker, the MPO staff and INDOT and FHWA staff spent a lot of time on the subcommittee. There were no questions or comments from the PC. The report was accepted.

**IV. Reports from the BMCMPO Staff – No reports**

**V. Old Business – *Action Requested on all Old Business\****

**A. FY 2010-2013 Transportation Improvement Program Amendment**

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

**B. FY 2012-2015 Transportation Improvement Program Amendment**

**a. I-69 Section 4 (Project Addition) (INDOT)**

**\*\*\*Mr. Stark moved to proceed with our action request from INDOT that the TIP be amended as listed above in items A & B according to our agenda. Mr. Baker seconded.**

Mr. Baker asked if a motion to combine V. A & B was needed. Mr. Desmond said a motion was not needed.

**NOTE:** The PC Chair, Mr. McDaniel, noted that the required public comment on this issue took place at the Nov 4, 2011 meeting. Therefore, for the purposes of these minutes, the public comments at this meeting are reflected only as lists of speakers supporting the amendment of the TIP and speakers against the amendment of the TIP. Full comments by the speakers listed below are on file in the Planning Department and available from CATS on DVD.

**Comments supporting the above motion were made by:** Charles Selby, Jeff Mulzer, Peter O’Daniel, Larry Jacobs, Jon Craig, David Sabbagh, Joe O’Connor, Christopher Schrader, Shawna Girgis, Brad Ellsworth, Andy Williams, Trent Carney, Buck Ritz, Darby McCarty, Jim Shelton, Brad Mills, Morgan Hutton, Dan Peterson, Bobby Minton, and Mark McMath

**Comments against the above motion were made by:** Scott Wells, Zilia Estrada, David Keppel, Bill Boyd, Carol Rice, Sam Flemmer, Cheryl Munson, Tom Tokarski, Julie Thomas, Donna Lentz Ferree, Patrick Munson, Bruce Bundy, Ramsay Harik, Sarah Clevenger, Mary Ann Williams, Greg Knott, Terri Greene, Brian Garvey, Mark Haggerty, Mick Harrison, Gretchen Clearwater, Joanne Shank, Michael Lukens, Greg Alexander, Sandra Tokarski, Becky Woodaman, Rita Lichtenberg, Nan Brewer, Farra Ferree, Oksah Atwood, Danna Desopo Jackson, and Jess Gwinn.

Mr. McDaniel said that before the PC comments start, he wanted to address an issue that has been raised. It involves Bill Williams who has talked to the Monroe County Attorney, Dave Schilling. He read part of the letter from Mr. Schilling. It was Mr. Schilling’s opinion that Mr. Williams’ participation in the vote today concerning adding I-69 to the TIP would neither violate conflict of interest laws nor unbiased decision-maker requirements. The vote is a policy matter. Including I-69 in the TIP does not involve the creation or distribution of financial

interests to Mr. Williams or any member of his immediate family. Mr. McDaniel agreed with allowing Mr. Williams to vote today.

Mr. Ruff said that over the 2 decades that he has been deeply involved in this project, his experience has been that the people from INDOT are good, hardworking folks. The problem now is that they are team players and the coach is Governor Daniels. He uses a Karl Rovian playbook. That makes it hard on them. He also spoke to the Labor members who were at the meeting. The money that will be used to build I-69 comes to the state from the federal government. The more new terrain that is used the less you can focus on upgrading and repairing existing roads. Taking land from people and disturbing natural areas does not provide union labor. The more money you spend on projects like this the less money is left over to pay union labor. The people who were fighting the Right to Work bill are more likely to be the people against I-69. He read an article from the Indiana Business Journal written by Bill Styring who is an economist, a former fellow at the conservative Hudson Institute and formerly with the Indiana Chamber of Commerce. He had the courage to go against the grain and supported the cheaper I-70/US 41 option. Mr. Styring said that new terrain was always a horrible idea and it isn't that much shorter. It is 12 miles shorter and will save only 12 minutes of trip time. New Terrain would have to average 1 vehicle every 6 sections in each lane 24/7 for the next 30 years to pay for itself. He said that Section 4 of new terrain from Crane to Bloomington is hugely expensive due to the hilly land causing many construction difficulties. Section 4 will start sucking up over state gas tax money. It will cost over \$400 million for that section and will prevent funding for existing road and bridge projects. He advocated stopping the new terrain at Crane. Mr. Ruff said that he has driven between Bloomington, Jasper and Evansville hundreds of times since he has family in Jasper and Evansville. He has spent hundreds of hours researching economic data from the IU Business School Library. He realized that nobody was paying attention. The myths kept being repeated. He presented maps illustrating unemployment around the state. Southwestern Indiana does not lag behind the rest of the state in jobs, per capita income, etc. Jasper could not be the community that it is if you have to have an interstate serving your town to create a good economic situation. There are many successful cities around the state that do not have an interstate. He presented a map of annual traffic deaths per county for the last 30 years. It shows that it is not true to claim that traveling on interstates is safer. It is not true to say the issue is about economics in southwestern Indiana or insufficient interstate miles. You really need generally competitive transportation prices—which southwest Indiana has. Doug Bawel from Jasper Transmissions supported spending the billions of dollars on investing in upgrades and improvements of existing roadways instead of building one limited access superhighway. Mr. Ruff read from the Build Indiana Council. He said that he doesn't think that the INDOT representatives are trying to deceive anyone. They have been given flawed reasoning. Other sources including the Indianapolis Star have pointed out that a convincing case has never been made for I-69 on economic grounds. The cost and trade-offs are not worth it. Jobs will result from any expenditure of billions of tax dollars. Section 4 is not under construction. Some work has been done and contracts have been let. Homes, lands and heritage are condemned forever. The threats made to the MPO may not even be legal. The next governor may conduct himself differently than the present one. Also, this road is not fiscally constrained as required by law because the part of the road from Bloomington to Indianapolis is not identified. Mr. Ruff read a communication received at CARR from John Tilford regarding Crane. Mr. Tilford said he

spoke personally to BRAC personnel to make sure that we weren't doing anything to harm Crane's viability. He said that it was made clear to him that there is no argument that I-69 will help Crane anymore than it might well hurt it. Crane's relative isolation was very important to its mission. Mr. Crane has outstanding credentials. He said that historically Crane has wanted to remain fairly isolated. Much of the work done at Crane does not involve tangible products. The very few that do "would fit in your mother's minivan." Crane has direct, on-site railroad access to move some items. Items shipping via truck have no problem on the existing roads. He asked to be shown what currently separated economic assets that need to be brought together would be brought together only by the new terrain I-69. None." He asked, INDOT "not to pretend that there is any meaningful economic or national defense justification for a new terrain I-69." It takes courage to speak truth to power. Mr. Ruff said the PC should say "no" to the threat, to the extortion and the destruction. We are saying "yes" to better alternatives.

Mr. Martin asked Sam Sarvis (INDOT) about Mr. Cline's letter. In the 2<sup>nd</sup> sentence of the letter he states that "he understands the need to move as quickly as possible in accomplishing the schedule included below." Mr. Cline says he is committed to do so. Is it correct that the schedule included below is this preliminary schedule that was delivered by Sandra Flum by email? Mr. Sarvis said he believed that it is. Mr. Martin said his copy is dated March 7. Mr. Sarvis said they received Mr. Martin's letter and decided that the schedule was a good representation of how fast the process could work. Mr. Martin said that in this schedule, there are 3 specific actions that are going to be necessary by the MPO to realize this schedule. There also is a lot of work by a lot of people that are outside our control. 1.) We would have to approve the construction funding for Section 4 so that they can proceed with using federal funds that they are already going to do in October 2012 for Segment 9. 2.) In September 2012, we will be asked to approve preliminary engineering and right-of-way for Section 5 so that they can begin doing engineering work that is necessary to prepare the contract documents that would be able to allow them to let the contracts in June 2013. This would be after the draft EIS had been completed and had been released with a preferred alternative but it would be before any decisions made as a result of public comment or the FEIS would have been released and before the ROD would be released. 3.) We would also include approving construction on Section 5 in May 2013 essentially congruent with the issuing of the ROD by FHWA that would allow them to move ahead with the safety improvement projects to try to get them done concurrent with the opening of Section 4.

Mr. Martin said that he has been very conflicted about I-69. He has been an opponent for years. It was a bad idea at the beginning and a bad idea now. The state is going to connect Section 4 to SR 37. There is not a thing that he can do about it. None of us can do anything about that. What we can do something about is to minimize the harm that it does to our community. That is the objective that he has had for the last 2 years. It is not easy to do. This highway can be very, very destructive to our community. It will take all of us—working very hard—to prevent that. We have to make sure that we don't end up with a connection of I-69 into SR 37 and nothing else occurring. That is the worst possible scenario for this community. Without our cooperation it is the most likely scenario. On a video that WFIU did about I-69 you would have seen the governor talking about I-69 moving forward from its intersection at SR 37. He said this will be for another governor at another time. No matter what percentage of the available funds to I-69, it will be entirely up to them. He was absolutely correct. The

amounts of funds that are going to be available in the future are going to be considerably less than they are now. We need to make sure that the most critical safety aspects that are going to be created by the connection of I-69 and SR 37 are dealt with as fast as possible to minimize the harm that is going to occur. Mr. Martin said we will have more fatalities at those unmanaged intersections as a result of that traffic. He wished we could have used the money for I-69 on the local roads identified as dangerous in the crash report. That is not happening. Those intersections were identified in the FEIS report as a result of questions from the City of Bloomington. A commitment from the state to the schedule that we've got is the best we can do at this time.

Mr. Stoops said he understood that there is the promise of jobs that makes it attractive to the Union workers. The EIS for Section 4 produced by INDOT only showed 700 jobs created over 30 years for Greene and Monroe County. The Federal Corridor 18 Study pointed out that most of those jobs would be service jobs—non-Union service jobs like hotels, gas stations, truck stops, etc. He said he didn't know what had been promised to the workers in this area but it is false. Remember, this is the crew that gave you the "right to work for less legislation." Not to mention that this is the NAFTA highway. No significant jobs will be created by I-69. I-69 has always been a political pork barrel project. People running for State office would always promise Evansville that they would get an interstate to connect to Indianapolis with no intention of ever doing it. They are politicians. The promise was easy. They didn't want to upset the political core and the media of Evansville. They did several millions of dollars doing studies and each study came back with the same finding. It is not an economically feasible highway. It was tremendously expensive and there was no point to it. Political money fueled its existence. Daniels came out and said that this highway was going to be built regardless of the findings of the studies. They chose a corridor that was twice as expensive as another corridor that went through more disadvantaged communities on the southwest border. So we spent billions of dollars of additional expense for no real time savings. They claim that building the highway will bring jobs but Indiana has more interstate miles per capita than any other state in the country except for California—where are those jobs? If anything expanding our rail network has a guaranteed long-term job creation and economic benefit return. We could have improved many more miles of road and spent pennies on the dollar compared to I-69. Many transportation companies locate in Bloomington because we are central and have SR 37. Mr. Stoops said it would be irresponsible of me to allow the construction of I-69 to dump interstate traffic onto SR 37 with no possibility of funding upgrades of SR 37 and especially no chance of funding the billions necessary to complete I-69 to Indianapolis. The promises that we are going to get upgrades to the intersections that are the most dangerous above that intersection of I-69 and SR 37 are only to get us to agree to include Section 4 in our TIP. It's very important before we make this decision that we do have the updated Clear Air data. We have been asking for it. We haven't gotten it. I am concerned that the information on the Clear Air data has not been made available. To me there is no reason not to make it available unless it shows a severe impact for Monroe County as was mentioned by one of the speakers—if we are in Nonattainment from clean air standards that is a large impact on our businesses and our community. I will be voting "Yes" for Bloomington and "No" to include I-69 in the TIP.

Mr. Kelson said he was always opposed to the idea of a new terrain I-69 coming through here. My choice would have been SR 67 or some other corridor. At this point, I think it is too late to

litigate that portion of this discussion. When I-69 gets to the Monroe County line how far will it be from SR 37? Mr. Martin thought it would be around 15 ½ miles. Will actions by this committee keep that from being built or will it simply deny federal funds? Mr. Martin said it would simply deny federal funds for construction of the last 1.75 miles. Mr. Kelson asked if it would deny spending state funds. Mr. Martin said it would not. Mr. Kelson asked if we could prevent that section from being built, would that prevent any sections to the south of Monroe County. Even if we could build a giant wall on the south end of Monroe County, would the road simply stop 15 miles from SR 37 or would it eventually be connected to SR 37 somewhere else or would there be another alternative. Bob Tally from FHWA said that the state has the authority to construct with federal dollars up to the boundary of the MPO. Until this vote is taken and this PC acts, federal funds cannot be used to construct the last 1.75 miles. Mr. Kelson said we obviously can't affect what happens in other counties. My concern is a lot like Richard's. As a person who doesn't like the idea of the road, my larger concern is that I-69 gets to SR 37 and we get the negative impacts and maybe we never get the upgrade to SR 37. What will happen I believe in this community is that the pressure to upgrade SR 37 at any cost in any way will become so large that we won't be able to influence that portion of the project. I am very concerned about the nature of Section 5 should it ever be built. It could be a barrier that would cut the county in half. I think that the safety improvements to SR 37 absolutely have to happen and I am concerned that those happen before the I-69 junction happens. I have been trying as a rookie member of this committee to get as far up to date as possible over the last couple of months and I have had a number of conversations with a number of the members of the PC largely addressing these kinds of questions. Only this afternoon did I get this letter that Richard refers to. I am disappointed that I really haven't had time to distill this and talk to other members of the committee about what the implications of this schedule are. I am not a person who thinks that engineers are a bunch of liars and being an engineer myself I am kind of bothered by that suggestion. People are doing their jobs and doing the best they can to do what they are directed to do. I am still opposed to this project but I'm trying to figure out what the rest of this committee thinks is the likelihood that these safety improvements will be built before Section 4 connects to SR 37. I believe that in the short to intermediate term the biggest issue we face is what happens to SR 37 after this portion of I-69 is done.

Mr. Baker said that a number of the PC members don't like I-69 and don't believe the projections. I am one of those. I have not liked the thought of I-69 coming through Bloomington. I had hoped that it would be relocated somewhere west of the city if it had to come through. Those things are gone. That dialogue is shut off now. Even though I don't care for I-69 I don't believe it is really going to bring us all that it says that it is going to bring in the way jobs, money, etc. I don't believe those things will happen. There will be a lot of negatives. But, it is going to happen. I firmly believe that. It is a juggernaut. Whether we like it or not and all of the reasons that have been given that are negative—many of them I think are quite true. In terms of the way things have been done in southern Indiana, the trees that have been cut, the environments that have been so destroyed—but that is not what we are here to talk about today. We can't affect that. That is done. I believe that what we have to look at is the narrower picture of its effect on this community and this county. We have to do what we can to open lines of communication and try to work from the inside. That is what we on the subcommittee have tried to do and while there aren't any promises, we are sitting at the table on Section 5. We have some decisions to make today about Section 4 and how we feel about its effect. We have

to see we believe this agreement will play out. In Section 4, we have to have some concern about the intersection. In Section 5, we have some frontage road and alternative transportation and safety issues. Regarding Section 4, we have to see if we believe the communication is open or if it is not. I think we have opened some lines of communication between all parties. We worked together on the EIS. We hope this will have some effect on policy decisions that are made about construction or the design of Section 5. On Section 4, we have to decide if we believe that the lines of communication are open--if we will be heard. My inclination is that we are being heard. I think I have to take that chance because this community certainly deserves it. I think we have started something here and while we are unsure of many things we have to go ahead and decide today whether we want to incorporate it into the TIP. We have to decide if we believe going down the road that things we need will come to pass and the right people will be put in place to do that. At the end of Section 5 we have the same opportunity to rattle sabers again as we have this time, we can do that. We still have the one club of federal funding that we can raise at the end of Section 5. Hopefully, we won't have to do that. Today we are setting the tone for what we do down the road.

Mr. Tally thanked Mr. Baker and Mr. Martin for staying the course. Clearly a lot of work time and effort went into the work that the subcommittee has done. My hat is off to them and everyone on the MPO PC who participated. Mr. McDaniel and others participated in every one of the meetings. Mr. Baker is correct. This has started absolutely the best and most appropriate way to dialogue between the state, the FHWA and the MPO when it comes to advancing transportation within a planning area. It is something that we work for in every other MPO area. I'm glad that we started that. It has been difficult that we have had to focus on this issue to start that. This is a very strong beginning that we are committed to and as we look at the remaining parts of Section 4, we are clearly looking for ways to appropriately engage this group as well as the subcommittee and the Technical Committee for the remaining elements of design that are going into Section 4. This is the beginning of the continued dialogue about what the remaining elements of Section 4 as we go through the process for the interchange, we look at the emergency access, the issues that I have before me now. Those are the processes that will continue for Section 4. We have laid a really good process in on 5. SAFETY-LU gave us an opportunity to take some concepts there to apply them to Section 5 when we didn't have to. It was a great opportunity to engage the appropriately affected agencies as participating. We really are hopeful that those groups will come back to you on a monthly or bi-monthly basis and give you updates as to how that process is going. Jack, you mentioned that there is a very critical step on Section 5. Before we could ever sign a record of decision for Section 5, this group will have to have acted for preliminary engineering right-of-way to move that process forward. The schedule that we sat down and sort of crafted is what we think is doable given that all the stars align and everyone pulls in the same direction (which they are doing). Clearly the earlier we get those kinds of approvals from this board, the faster that we at FHWA can give INDOT the latitudes and flexibilities within our federal regulations that allow them to develop contracts, do the preliminary engineering and to begin to work. Is there any certainty? No, there is not. Clearly, we know that we are in an election cycle. We understand that those are the situations that are before us. At this point, the pieces that we have at our disposal to move forward—we are doing that. We are not stopping. We are planning and continuing to anticipate federal levels of funding at the traditional levels. We hope that Congress will continue to do that for us. We will see what the Senate and the House brings to us as they go

through this process—as we get closer to the SAFETEA-LU period where it expires at the end of this month. Mr. Tally thanked everyone. It is a great start and something that we hope and want in every MPO. We will do everything we can to nurture that and to continue to work together to make sure we accomplish the goals that we have all agreed to set out to do.

Mr. Stoops said it may be important to answer Councilperson Kelson’s question about funding for correction of safety impacts if I-69 stubs out onto SR 37. There really are no provisions for corrections of 2<sup>nd</sup> St., 3<sup>rd</sup> St., Vernal Pike proposed until Section 5 commences. Is that correct?

Mr. McDaniel said he believed that is correct.

Mr. Tally said the EIS for Section 4 included Appendix QQ which identified potential areas of improvement. It did not have a commitment to do those but they are identified. Clearly, those are the same ones that we are advancing as part of Section 5. Figuring out how to advance those, when to advance those and making sure that Section 5 is delivered in a way that makes the most sense. It should address the most pressing needs first and addresses remaining needs after that. If we are successful in doing Section 5, we won’t have to worry about that. We will be implementing those things in that order. Clearly, if something becomes a wash and something happens that derails that, I’m sure we will be back talking to INDOT about how we can go about addressing some intermediate safety needs prior to the Section 5 being completed. It is our goal to get Section 5 done in the schedule that we have got or even before. I push my people real hard to get that schedule done even faster. INDOT does, too.

Mr. Kelson said Mr. Martin spoke earlier tonight and had a calendar that had those safety modifications made before I-69 was connected to SR 37. I think that is all predicated on Section 5 being in the TIP by that point. Is that a proper interpretation? So it is determined in part by what happens here at that point.

Mr. Ruff thanked the committee for allowing him to speak at length. I appreciate that. He thanked the subcommittee especially Richard, Jack and people from INDOT and FHWA. They put a lot of work into that subcommittee effort to develop the participating agency agreement. They should be recognized for that. I want to finally say—based on a couple of the comments that we heard here—it is just not true. We do not know for a fact that Section 4 is going to be built and connected to SR 37. A lot of things can happen between now and then. Construction on Section 4 has not even started yet. We are going to see some political changes in 9 ½ months. I am sure that INDOT wants to do everything that they possibly can finance and fund to give Bloomington what we need to make this the best we can. The fact is that we are not going to get any bells or whistles. The very minimum is what will be done because they won’t be able to afford it not because they don’t care or want to. There absolutely will not be any money to do anything other than very minimum. They are going to do that anyway whether we are begging them for bells and whistles or not because they have to. They care. They can’t build the thing unsafe. They would get sued. We will get the same thing either way. I do not believe that voting “no” on this today will lead to a different product in Section 5—if it is ever built—than voting “yes” on this. Nothing we can say is binding in any way and when the money isn’t there—it just isn’t going to be there. I don’t think we know exactly what is true or isn’t true about what can or can’t be done to us. But, we can take an action here that generates

awareness, creates important attention to the issue and public understanding that can lead to this highway plan being changed by public pressure from citizens across the state as awareness and understanding and financial pressures become better understood and widespread and by the influence of the state legislators as political priorities become threatened and their awareness grows and general political priorities change. That is what voting “no” on this can help do to affect the outcome of this project.

Mr. Tally said to Mr. Ruff that he really appreciates his passion. I think you believe the things you say. Let me state facts. \$101 million have already been put under contract in Section 4. The remaining segments of Section 4 will be put under contract by October. So, your statement that it will not be built is simply not accurate. With the schedule that we have, we are working very strongly towards completion. At the federal level, I have to make sure that my staff has those documents in place to create those contracts before INDOT can move forward with them. From my perspective, that is the schedule that I am working from and those are the funds that are committed to this level of the project. The reality is that the project is moving forward.

Mr. Kruzan said that he sympathized with Sandra’s scattered thoughts. I do feel somewhat obligated to explain a vote before casting it. He thanked everyone for participating in a healthy debate of the issue. At previous meetings, we have great input by everyone on both sides. I don’t think you can thank Richard enough for the number of hours and the incredible detail and conscientiousness in which he has approached this even though he is opposed to the project. The same goes for Jack and staff. In the State Legislature, I cast maybe thousands of votes. I don’t cast votes in my current role. I debate with Council members on votes. There are times in all of those votes where there is disagreement and sometimes there are hard feelings and even disrespect over a disagreement. I hope that no one will judge somebody on their vote today in a way that diminishes the amount of thoughtfulness I think they have put into those votes. I have not heard any of that and I have appreciated that. I’ve looked for reasons to vote “yes” and I will tell you that the first reason was irrational—I just wanted it to be over. I know it wouldn’t be over even if we voted “yes” but I want the MPO role in this vote to be over because of what it does to a community, what it does to the people up here who have diverted an awful lot of attention from other issues to this issue. If we can unleash the brain power of Richard Martin on a lot of other issues, I think it will serve the community incredibly well. The rational reason that I wanted to vote “yes” was because of concern over retribution to the community and what that impact is. For awhile I really had the belief that this was a moot point because we were all told (not disingenuously) that it didn’t matter what the MPO vote was because we couldn’t stop the highway. Then, relatively recently (within weeks) we were told that in fact it could. Now I don’t know that I agree that a community ought to be able to. I can’t believe that it can but that is what we were told the law states not in Section 4 but in Section 5. That was stunning and disappointing to find that out after years of belief that we lacked that authority. The answer was that we could stop it but should we? Another reason that he thought of to vote “yes” was the dollar impact to the community. I do think it is worth determining whether the next governor will be willing to work with the community, will be willing to actually hold those dollars back. I really wanted to say something because I think it is a legitimate question to ask a mayor, “Aren’t you worried about the dollars that could be withheld from your community.” The simple answer is yes. If dollars are actually withheld as a punishment, it really puts into question the judgment of the people who will control the construction of a highway through

your community. I would seriously question the legality and certainly the morality of withholding dollars from taxpayers of the community especially those dollars that are unrelated to interstate construction. I have been a part of government and politics and yet I have been a part of a process that it doesn't surprise me at all that dollars that are related to a project could be withheld from a community if the community is not doing what the purse string holders want to have happen. I'm not actually that offended by that—I know that many people are and it certainly could have a negative consequence to Bloomington and Monroe County. But, dollars that are being withheld not because they are directly tied to the construction of a specific project is certainly why government and politics does have a negative connotation. It is an irresponsible thing to do. The longer this project has gone on the more I have believed in the inevitability of the project. I don't believe that these votes on issues that people say a small vocal minority is having undue influence on—you vote what you believe regardless of the political breakdown. I believe the community is split and has been split all along. Ultimately the decision does lie with those who are elected and that is what elections are about. If there is a price to be paid for that one way or the other that's the way the system ought to work. I will tell you if you just look at some of the websites of those who oppose the project, I have been criticized for not having fought it hard enough. And often those who are for it—I just disagree with their position. The issue of inevitability often comes up. It is not Bloomington, Indiana's fault that the state of Indiana (democratic and republican administrations alike) proceeded building an interstate without the plans, the money or the approvals necessary prior to construction. I have since 1986 talked about the fact that this was going to be an \$800 million project. I remember saying it would easily be a billion dollar project. It is now well in excess of being a \$2 billion project and I will once again publically ask the business community especially, "How much is too much? Is there a price tag at which the business community—generally made up of people who make practical decision and are very conservative with other peoples' money—where people will say that it is too much? I have never heard an answer to that question from those who are for the interstate. I sincerely believe that I-69 threatens the uniqueness of the community. I can't in good conscience play a role in advancing it. When I believed we were over a barrel and there was no choice at all, I thought the best thing was to cut the best deal we could and move on. We may get to that point. I don't think we are there today. I believe that we will see tremendous population explosion, the air pollution and the obvious congestion that will stem from that. The bottom line for me is the loss of identity to the community. That is what you can't undo and the real threat is. I came in feeling bad about voting "no" and prolonging the agony here. But, when I saw the letter and the last part of the last sentence of the letter, it made me feel better about my vote. When a Commissioner of the Department of Transportation puts an unfortunate step backward to our cooperative planning efforts and could have other unintended consequences. That to me said it all.

**\*\*\*Roll call vote was taken on Mr. Stark's motion (Mr. Baker seconded). The motion passed by a vote of 7:6.**

**VI. New Business –None**

**VII. Communications from Committee Members (*non-agenda items*)**  
**A. Topic Suggestions for Future Agendas**



**VIII. Upcoming Meetings**

- A. Technical Advisory Committee – March 28, 2012 at 10:00 a.m. (McCloskey Room)**
- B. Citizens Advisory Committee – March 28, 2012 at 6:30 p.m. (McCloskey Room)**
- C. Policy Committee – April 13, 2012 at 1:30 p.m. (Council Chambers)**

**Adjournment**

*The minutes were approved at the PC meeting held on May 11, 2012 (SR).*