



Policy Committee Meeting Minutes
March 7, 2014 Council Chambers 115, City Hall

*Policy Committee minutes are transcribed in a summarized outline manner. **Technical difficulties: No audio recording can be found by MPO staff. CATS did not attend the meeting to produce a DVD.*

Policy Committee: Kent McDaniel (BT), Michelle Allen (FHWA) Jack Baker (Bloomington Plan Commission), Jason Banach (IU Real Estate), Andy Ruff (City Council), Cheryl Munson (County Council), Lee Jones (Monroe County Plan Commission), Tony McClellan (INDOT), Mark Kruzan (Bloomington Mayor), and Laurel Cornell (CAC).

Others: Adrian Reid (TAC), Sandra Flum (INDOT).

MPO Staff: Josh Desmond, Scott Robinson, and Jane Weiser

I. Call to Order

II. Approval of Minutes

- a. **February 7, 2014 8*** Jack Baker moved to accept the minutes with the change suggested by Mr. Ruff. Cheryl Munson seconded. Unanimous approval.**

III. Communications from the Chair – Mr. McDaniel said the Central Indiana Transit Initiative (Senate Bill 176). He has been following it very closely. Yesterday a Conference Committee meeting was called for 4:00 to discuss the bill. The digital projection equipment did not work. No action was taken. The General Assembly must be finished by Friday. Frankly, the Senate screwed the bill up with so many amendments that if it passed in its current form it might not be of any value.

IV. Reports from Officers and/or Committees

- a. **Citizens Advisory Committee**—Laurel Cornell said that the CAC is happy to see the erosion control by INDOT associated with their tree removal along SR 37. They were glad to see the karst feature signs that were posted before they started tree cutting. She urged people to attend the Purdue Road School. She praised the City and County for the wonderful job they have done with snow ice control.
- b. **Technical Advisory Committee**---Adrian Reid said he had very little to report. The TAC agenda was about the same as the CAC's. Mr. Reid asked if the committee wanted to take some time now to allow Sandra Flum to report. Mr. McDaniel agreed. She is the project manager for I-69 Section 5. The Finance Authority has chosen I-69 Development Partners as their preferred proposer. They expect to be in financial close in July. Construction will start later this summer. Tree removal is on track to remove the appropriate trees by March 31. We have not acquired all the property for Section 5 but are moving quickly. We expect to have it all acquired by the end of year. Cheryl Munson referred to the hearing that they had. I-69 will cause increased costs for the City and County. There will be increased travel on County roads and City streets since I-69 will be limited access. The County and City need to know as much as possible. We need to know as much as possible what we are in for. They didn't learn much at the hearing about Section 5. This disturbed most attendees. There was no one from IFA. Ms. Flum was not at the podium. No one was there from Isolux. There was no opportunity to for the public's questions to be answered. There was a very short turn-around time to respond to IFA. It was midnight by that time. She asked verbally and in writing for an extension of time for more public comment. Is there any opportunity for public comment or is the contract going to be a done deal? Ms. Flum said the provisions of the contract were set out last fall. The proposal should answer all their questions. That has been available for 5 months. Ms. Munson's comments have been heard by the finance authority. The overriding comment seems to be that 10 days is not long enough for public comment. That is something that the finance authority will look at in their statute. Public notices were posted correctly. The MPO

only learned about this on Thursday or Friday before the hearing. Ms. Munson asked if Ms. Flum was saying that there is still opportunity for more public comment. Ms. Flum said the public comment period was closed on Monday and the board took action on Wednesday after taking into account public comment. Ms. Munson said there are still many unanswered questions about this particular project. To whom should we pose these questions? Ms. Flum said they could direct their comments and questions to her. Munson asked if Flum would be willing to make a present about Section 5 rather than to rely on large downloaded documents. Flum asked what kind of information. Munson said the public would want an overview of the project as to what will be going on in construction and to hear their comments to the questions that were sent in. Flum said she would take that back to the IFA. Mayor Kruzan asked why they held the meeting. Flum said it was a statutory requirement for the IFA. Mr. Kruzan asked why IFA was not there. Ms. Flum said they designated INDOT hearing officer to represent them. Mr. Kruzan asked if there was authority under State statute to designate. Ms. Flum assumed there is. Mr. Kruzan said he would like to have staff check. He was surprised that one agency is required by law to have a meeting and to send another agency in its place. He feels there hasn't been an IFA meeting yet. Mr. Ruff asked what the purpose of the meeting was. Supposedly it was a hearing to explain some of the intricacies of the project. It was primarily to hear some of the details related to financing yet no one from the Finance Authority was there. Then you add to that that this meeting was Monday night and the IFA made their decision on Wednesday morning. They clearly didn't have any intention to consider the Monday night public comment. Was the purpose of the meeting to check off a requirement? Ms. Flum explained the purpose of the meeting. Mr. Ruff asked what was to be done with the comments from Monday night. Ms. Flum said they were distilled to the IFA board to inform them about what the public was saying. Mr. Ruff asked if the details about Isolux have been available since October. Ms. Flum said the RFP contains an essentially a completed contract without the names filled in. Ruff said a major contractor with a lot of experience with INDOT was present at that meeting and said the winning proposal differed severely in many ways from what the RFP that had been available. Ruff said he didn't think that Flum's statements were entirely accurate on the availability of the complete information. Mr. Ruff said that he said at the meeting that some parts of the agreement were being kept secret. What areas are the secret parts? Ms. Flum said that some of these are publicly traded companies so some corporate details were redacted—like financial and balance sheets. Mr. Ruff asked how they are financing the project. IFA is using the State's credit rating that is then being passed back to the developer for tax benefits. Flum answered. They will finance up front the cost of the project and will receive milestones that will help offset some of the costs of construction. Any problems will reduce the number of milestones. Money is being raised solely by Isolux up front. Those availability payments pay for the operation and maintenance. Mr. Ruff asked about any legislation that prohibits from being drawn from funds other than gas tax revenues. Ms. Flum didn't think so. Mr. Ruff asked for more information about AP payments. Can they challenge it? Ms. Flum was not sure. Mr. Ruff asked if the work that is done on SR 37 now—is that done by state employees. (Like snow plowing) Will public or state employees maintaining highways now not be able to do their work because it will be done by Isolux subcontractors? Mr. McClellan said that the workers who have been plowing snow on SR37 will be relocated to other roads to plow and treat those. That work is being done by hired concessionaires. Ms. Flum asked if mowing is already contracted out. McClellan said yes. Flum said there are provisions in the contract with Isolux as to how many days a pothole can exist before it has to be filled. Mr. Kruzan asked if policing will switch back to State Police. He said local police are patrolling SR 37 now. Ms. Flum said she would check. Ms. Munson asked what the County can do if we find that maintenance or snow removal is inadequate. Ms. Flum said the County should notify the developer or INDOT. Ms. Munson said at the hearing the topic of aesthetics was brought up. Is that part of the contract? Ms. Flum said yes. Ms. Munson asked about construction and stormwater issues. Ms. Flum said they will have to submit a stormwater control and erosion control plan. Ms. Munson asked where the contractor's responsibility start and end when it comes to access roads at the interchanges. Ms. Flum said it is in the contract.

V. Reports from the MPO Staff

- a. **MTP Task Force** – Josh Desmond presented the update. The last Task Force meeting was on 2/24. We talked about using the travel model. We talked about the production schedules so that we can start

bringing them forward to committees. The consultant's work is coming along really well. We will be using model for future scenarios soon. The next meeting of the Task Force will be on 3/24. We hope to bring a full plan to the Policy Committee for adoption in early 2015.

- b. **Administrative Amendments to the TIP** – Mr. Desmond reported on one such amendment. It was from the County for their Bridge 33 project just northwest of Ellettsville. It will be let in FY 2015. The date change has been made and submitted to INDOT.
- c. **Quarterly Tracking Reports - FY 2014 Second Quarter** – Mr. Desmond said we will be having another quarterly tracking meeting in April. He pointed out the changes in information presentation designed by Ms. Dragovich to make information easier to use. The project cost and project progress charts were well received by TAC and CAC. He explained how some of these project graphs could be interpreted.

Mr. Banach asked who estimates the costs. Mr. Desmond said the project manager estimates the costs himself. Mr. Banach said that a lot of these overrides are more than 20% over budget. Is that normal? Mr. Desmond said it is not unusual. Sometimes things come up that just haven't been foreseen. Mr. Ruff thanked Ms. Dragovich for the report design improvement.

VI. Old Business

VII. New Business

- a. **Fiscal Years 2015-2016 UPWP Discussion** – Mr. Desmond said FY 2014 is about to wrap up. We are working on next UPWP (FY 2015-2016). Staff likes to present the broad outline and then present more details at the next meeting. Voting on the program would take place at the following meeting. Mr. Desmond presented the estimated budget and the funds from Federal and Local funding portions. We banked about \$43,000. Federal funding for FY 2015 ends up at \$287,000. Our funding for 2016 ends up at \$244,341. All of our funding is on an 80/20 grant match. He discussed Planning Emphasis Areas for this UPWP. Two of these areas are already in play in our MPO. ADA Transition Plans Pt. 11 and have begun looking at Functional Class Review. We also will work on at the National Highway System and the National Truck Network. INDOT and the local MPO have to agree on any changes before submission to FHWA. They also ask us to address a Pavement Management System. A lot of our LPAs are already doing this. He presented the official document outline that has been collapsed from 8 work elements into 5 main elements including Administration, Project Programming, Long Range Planning, Short Range Planning, and Data Collection and Analysis. INDOT wants our FY 2015-2016 UPWP by June 1.

Mr. Baker asked about last year's look at the Functional Class Review. He recalled that there were a few roads on the list that we took exception to. Desmond agreed. Mr. Baker asked if we would have an opportunity to have a presentation or time for more review from this group. Mr. Desmond said we would be working on a staff level initially to develop some proposals but all MPO committees will have the opportunity to review and comment on those things.

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

a. Topic Suggestions for Future Agendas

Ms. Munson said she would still like to suggest a public meeting about Section 5. She has 59 questions copied to her as part of the public hearing process. She thought that the Policy Committee would be a good forum for a meeting since the meetings are presented on CATS. Mr. McDaniel asked if this would be more than what we normally expect from Ms. Flum. Ms. Cornell asked if Ms. Munson was thinking about a PowerPoint presentation dealing with the financing and construction issues. Ms. Munson said yes. Ms. Cornell said that might fit in well with a CAC meeting. Ms. Munson said it would have to be in a large room since there are so many questions that people hope to have answered. Mr. McDaniel said he wasn't sure what the best forum for this would be. There is some reluctance from INDOT to commit to something like this

because there are some lawsuits pending. We had communications with Janelle Lemon and we did not get an official response. Mr. Desmond said we have not heard yet. Mr. Desmond said discussions about Section 4 could be problematic. Ms. Munson said the public wants to know more about the specifics of the project. Downloading the RFP and the winning proposal is cumbersome. We are talking about Section 5. Mr. Ruff said he wants to know the implications of funding this \$800 million over 35 years. He would like to hear from someone from IFA or someone very familiar with IFA to participate also. CAC might not be the best place. If it's not an action item we can't really have public comment. What kind of action item might be possible? Mr. Desmond said in past situations it has been under the guise of a TIP amendment. This group doesn't usually do resolutions. Mr. Ruff asked staff and INDOT to discuss the possibility. Mr. McDaniel said it sounds like we are trying to have another public hearing. He didn't think that PC would be the appropriate forum. Mr. Desmond said he would be wary about it over-taking our regular agenda. Mr. McDaniel asked Ms. Flum if INDOT had discussed coming here to make another formal briefing. Ms. Flum said they had not. The developer will have a public outreach program and we will have opportunities to hold public information meetings about the project. It sounds like you are talking about a public information meeting. INDOT would be opposed to it. Mr. McDaniel said we could invite INDOT to a meeting to present information. Mr. McClellan said they could ask INDOT and see what they say. Mr. McDaniel said the MPO would appreciate passing the word along.

IX. Upcoming Meetings

- a. Technical Advisory Committee – March 26, 2014 at 10:00 a.m. (McCloskey Room)**
- b. Citizens Advisory Committee – March 26, 2014 at 6:30 p.m. (McCloskey Room)**
- c. Policy Committee – April 11, 2014 at 1:30 p.m. (Council Chambers)**

Adjournment—2:45 pm