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POLICY COMMITTEE

October 14, 2016
1:30 – 3:00 p.m.
Council Chambers (#115)

I. Call to Order

II. Approval of the Minutes
   a. September 9, 2016

III. Communications from the Chair

IV. Reports from Officers and/or Committees
   a. Citizens Advisory Committee
   b. Technical Advisory Committee

V. Reports from the MPO Staff
   a. MPO Staff Update
   b. 2017 Meeting Schedule
   c. I-69 Section 5 Update

VI. Old Business

VII. New Business
   a. TIP Amendments*
      (1) Patch & Rehab Various Roads in Seymour District (INDOT)
      (2) Maintain & Repair Various Bridges in Seymour District (INDOT)

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

IX. Upcoming Meetings
   a. Technical Advisory Committee – October 26, 2016 at 10:00 a.m. (McCloskey Room)
   b. Citizens Advisory Committee – October 26, 2016 at 6:30 p.m. (McCloskey Room)
   c. Policy Committee – November 4, 2016 at 1:30 p.m. (Council Chambers)

Adjournment

**Action Requested / Public comment prior to vote (limited to five minutes per speaker*)

401 N. Morton Street ▪ Suite 160 ▪ PO Box 100 ▪ Bloomington, IN 47402 ▪ Web: www.bloomington.in.gov/mpo
Ph: (812) 349-3423 ▪ Fx: (812) 349-3535 ▪ Email: mpo@bloomington.in.gov

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POLICY COMMITTEE
September 9, 2016
1:30 – 3:00 p.m.
Council Chambers (#115)

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

Attendance:

Policy Committee: Jack Baker, Richard Martin, Jim Ude, Kevin Tolloty, Lisa Ridge, Paul Satterly, Adam Wason, Andy Ruff, Sarah Ryterband, Jason Banach, John Hamilton

Staff: Josh Desmond, Emily Avers, Beth Rosenbarger

Others: Andrew Cibor, Neil Kopper, Liz Irwin, Daniel McMullan

I. Call to Order

II. Approval of the Minutes
   a. August 12, 2016- **Richard Martin moved for approval. Sarah Ryterband seconded. Motion passed through unanimous voice vote.

III. Communications from the Chair- None at this time

IV. Reports from Officers and/or Committees
   a. Citizens Advisory Committee: Ryterband said the CAC approved the amendments proposed today.
   b. Technical Advisory Committee: Cibor said the TAC made a positive recommendation for the proposed TIP amendments. There was a highlight that the City, County and Ellettsville had been awarded significant funds through the INDOT community crossing program. There was a little discussion about what those were and some project updates as usual.

V. Reports from the MPO Staff
   a. MPO Staff Introduction: Josh Desmond introduced Beth Rosenbarger, our new Bicycle and Pedestrian Coordinator. She worked for the County Planning office for a while and has been in the Planning and Transportation department for almost 2 years. You won't see her every time but she will do a lot of work behind the scenes and with the other committees. When she's bringing a project to you for approval or input you'll see her. Feel free to get in touch with her for all your bicycle or pedestrian needs, particularly as they relate to the MPO.

      Beth Rosenbarger said feel free to be in touch with me. We can coordinate on some exciting projects.

      Desmond said we have been through the interview process for the Senior Transportation Planner position to replace Anna Dragovich. We have made our selection and we are going through the standard Human Resources procedure to allow us to approve that selection and make an offer. I'm

hopeful we can make an offer next week and hopefully we'll be fully staffed by our next meeting in October.

VI. Old Business- None at this time

VII. New Business

a. TIP Amendments*

(1) Allen & Walnut RRFB (Bloomington)
(2) 4th & Rogers Pedestrian Safety Improvements (Bloomington)
(3) Winslow Multiuse Path (Bloomington)
(4) Henderson Multiuse Path (Bloomington)
(5) 3rd & Woodscrest Signal Upgrade (Bloomington)
(6) 2nd/Bloomfield Multimodal Safety Improvements (Bloomington)
(7) Fullerton Pike Phase 1 (Monroe County)

Desmond said we have seven TIP amendments on the agenda for today. Six of those relate to City projects and one is a Monroe County project. This would add one project, remove two existing projects and modify four projects that will remain ongoing. I want to give you a quick refresher on TIP financing. When we developed the TIP we use numbers that are estimates based on the latest knowledge from the state and federal level. They give all the MPOs what they think your target numbers are for the next fiscal year and then we flat line those for the ensuing years in the TIP. When we program our projects and make our allocations we base it on that set of numbers. Congress likes to revise the budget late every fiscal year with what our actual numbers are for the fiscal year that is just closing so we have to revise our TIP based on the actual numbers. Most of the time, you aren't losing any money and it's just marginal changes. It doesn't impact our ability to keep things going but we do need to correct for those estimates so we're not over or under programming. We can't program a TIP that says we're going to spend more money than we have. If we don't use money, we lose it at the end of the fiscal year, so we want to make sure we've programmed all our funding to projects that can use it before the close of that fiscal year to maximize the federal participation on our local projects. Late in FY 2016 we got updated numbers for all three of our funding sources. The STP number went up by $166,000, HSIP went down by about $36,000 and TAP went up by about $1,700. We ended up in the positive and we have a leftover balance. We're working with INDOT to see if we have flexibility to try to recoup some of those funds that would otherwise be lost. No MPOs had a chance to reassign that new money at the end of the fiscal year because it was so late and the financial system closed for audit before the fiscal year ends. You're really hamstrung when you get those revised numbers so late in the fiscal year. We don't know if we'll be successful recouping those funds but going forward we need to work with these new numbers for FY 2017-2019 until we're given newer numbers in a few months. Some of these TIP amendments are being done to move funds around to make sure we're covered in areas where we are coming up short and assigning extra funds to projects that are going to construction before the end of the fiscal year. We have a couple of projects we're proposing to remove and a new project going in. There's a lot going on. The Allen and Walnut rapid rectangular flashing beacon and the 4th and Rogers pedestrian safety improvements have been proceeding in the design process. We've found out that what we thought would be an easy environmental review process will be more complex because of historical properties near these projects. There is an additional layer of review that pushes the letting date for these projects beyond FY 17 where the funding was assigned and there is no funding in an ensuing fiscal year cover these projects. The City has decided to complete these projects with local funds for FY 17.

Martin said when you remove them from the TIP, are you removing the obligation for the additional environmental review?

Desmond said yes.

Martin said the impediment to progress was the additional review required for the use of federal funds. By removing it from the TIP you don't have to do that part of the environmental review.

Desmond said that's correct.

Ryterband said would you clarify if we have to do those environmental reviews, it would have incurred higher costs for the project?

Desmond said yes, there would have been significantly more cost to go through that process. No federal funds have been spent on those projects to date. The next two requests are related, the Winslow multiuse path and the Henderson multiuse path. The Winslow multiuse path is planned to go from the existing endpoint at Walnut east to Highland which would connect it close to the Y and the City park facilities there. The Henderson multiuse path would go from Winslow to Hillside. Since those projects were programmed in the TIP, the City became involved in an infrastructure project that would assist Phase II of the Crawford Apartment Homes project on South Henderson so the decision was made to fast forward the initial segments of both of those projects. That is under design right now to go forward with design in the near future. The Winslow numbers aren't changing but the description of the scope of the project needs to be changed to reflect the new end points of that project. Similarly, the Henderson multiuse path description of the end points will be revised. The funding source the Henderson being updated to remove some STP funding which will be reassigned to another local project and adjusting the TAP number to reflect the new number for FY 17. That does not change the total cost of the design phase, it's just a change in which federal pot of money will be matching that project. The next project is a signal upgrade at 3rd and Woodscrest. This project is being modified to separate the construction and construction engineering phases. We're finding it helpful to have those pulled out as separate numbers for administrative purposes because there are two discrete contracts for those during the construction phase. It's no different from how we've been handling it internally, but now we're going to reflect that listing to reflect that there are two separate contracts with separate sets of funds. There's some additional STP funding being added to that project, about $100,000 in extra STP being reassigned from other projects to this project to cover an increase in the estimated cost of construction on that project. The next project is the last on the city's side and is a new project that would be inserted to the TIP. It is multimodal safety improvement projects between Landmark and Patterson. There's a sidepath leading to Patterson and a sidepath leading west from Landmark which the City is in the process of extending all the way out to the I69 project, where I69 will pick it up and extend it to Liberty. This is a remaining gap that would be completed with this project. There would also be some improvements specific to the Landmark and Bloomfield intersection. There are few if any pedestrian safety accoutrements at that intersection, no striping, no ped heads. The intersection is strange in terms of its geometric configuration so this would correct a lot of that. There is a serious need out there for people using the bus to get to the medical facilities. They get off at the north side, but the return bus trip is from the south side and there is no easy way to cross Bloomfield at that intersection. It's requesting to use a variety of funds from HSIP, STP and TAP. Design would begin this fiscal year. Right of way would occur in FY '18 using local funds, and construction would begin in FY '19. The design phase would be some HSIP and STP prior year balance. The construction phase would use all remaining HSIP funds for FY '19 as well as the remaining prior year balance of TAP funds which we are expected to spend down by the end of this TIP. This project would take advantage of those remaining funds and would allow us to maximize our funding. Finally, there is a request from Monroe County to add some additional funding for FY '17 to the construction phase of the Fullerton Phase I project. When you take the

sum total of these amendments generally what's happening is money already assigned to City projects is being reassigned to other City projects. What's new money is being split roughly 50/50 between the City and the County. The County is receiving new money in the amount of $65,812 and the City is getting new money in the amount of $65,811. This project going to letting in November and is set to start construction next year. It's definitely a timely opportunity to make sure we don't lose any money.

Ryterband said the cost for construction of Fullerton Pike Phase I has increased? Why?

Lisa Ridge said as a project moves forward to construction you have inflation. This project began in 2010 and it's now FY 2017. Every time you do design changes, the costs go up.

Desmond said I think I remember there were significant utility changes late in the game.

Ridge said there was $1.8 million for City of Bloomington utilities. That will be paid by the City but it's in the cost of the project.

Desmond said the action requested is to approve the amendments. Both advisory committees did unanimously recommend approval of these changes. I will take any additional questions you may have before you decide.

Baker said how much money is left for reallocation?

Desmond said there wouldn't be any after these amendments are approved. We haven't addressed all of the changes that would have to take place in '18 and '19 as a result of the new figures. We are going to come back in the next couple of months to create a new TIP that would take us from FY '18-'21. We felt it would make more sense to discuss that in the context of the overall 4 year plan.

**Ryterband moved for approval of the TIP amendments as proposed. Martin seconded.

Martin said can you clarify the prior year budget designations?

Desmond said if you recall, until FY '15, MPOs were allowed to roll their remaining funds over from year to year. That was stopped by INDOT at the end of FY '14. We did an audit of every MPO and came to an agreement between all the MPOs and INDOT about what our rollover amounts were and were given 5 or 6 years to spend that down in addition to your annual allocation.

Martin said this is money we saved in the past that we get to spend, but this rate of spending will not happen in the future.

Desmond said yes.

Martin said in what year does that funding dry up?

Desmond said the original deadline was to spend through it all by the end of FY '19. We may have a little flexibility. We're trying to get through it.

Martin said that money is a supplemental appropriation in addition to our annual appropriation.

Ryterband said will the money we get from the state when they actually recognize what the real monies are be considered Prior Year Balances? Or do we consider it something else?

Desmond said that's what we're trying to figure out. We're trying to get INDOT to recognize we're in a bad position to try to spend that money because it's so late in the year and to allow us to roll it over and still try to spend it. That's a problem for all MPOs, not just us.

Floor was opened for public comment. There was none.

**Motion passed through unanimous voice vote.

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

a. Topic Suggestions for Future Agendas

Ryterband asked if there is any information from INDOT about what's going on with the I69 project.

Desmond said I have no information other than what's been in the news.

John Hamilton said I wondered if we should discuss this and consider whether we want to send any message. The steps that have taken place since August 12th when we had our meeting are significant. We had a confirmed halt in work on site due to non-payment to a subcontractor with pending possible additional work stoppages. The Indiana Finance Authority declared formal noncompliance with the contract by the main contractor invoking a 30 clock that lets the State take certain action. Yesterday Isolux Corsan released a statement asserting certain relief events pending with the IFA justify some of the delays and non-payments. I haven't heard the State's response to that. It is highly distressing that we had these groups in front of us and none of this was brought up including Isolux's claim that they've had 10 geological and permitting issues under the contract. They never mentioned that as any reason for. Nor did the State suggest there were pending problems with the performance of the contractors. Yesterday on behalf of the residents and visitors of Bloomington I called on the State to take whatever steps are necessary to assure we have work continuing on the road. I have little doubt there will be litigation and conflicts on this matter but in my view it is the obligation of the State to assure we get this done and if the private partnership isn't working well to step up to make sure the work gets done. I have not had a response to that. Representative Matt Pierce sent letter last Friday requesting some of the same things. I don't know our tradition of sharing a view about this in this body. I do think it's a very serious impact on us. We all know the Fitch bond review process led to a statement that if there is not a substantial increase in pace and activity in August and September, they do not see a path to completion by June '17. We have not seen an increase. In fact, we've seen the opposite, so it's certainly a serious suggestion that the completion date is unlikely to be met and that is a very real burden to us.

Baker said I see no reason why we couldn't send a letter to INDOT to demand information and state our position that we see this as a safety concern. We've had accidents and they will continue in the future as long as this is delayed. I don't see any reason why we shouldn't send a letter if the MPO is in consensus on this. We could draft something and ask them to come and explain their position.

Ruff said I would like the recommendation to say stop throwing good money after bad. If this project doesn't go to Indianapolis it will never generate enough activity between Evansville and Bloomington to create a significant problem for 37 with some of the improvements that have already been started. Finish those and quit throwing good money after bad.

Jason Banach said I would suggest if we're going to send a letter on behalf of the entire MPO, that all members be given a chance to review the draft before it is sent unless the chairman would like to send a letter for the MPO. I want a chance to review whatever my name is going to be on.

Martin said the MPO voted to put this project into the TIP and thereby authorized the expenditure of federal funds. Are there still federal funds being spent on this project? If so, what prevents us from removing this from the TIP? I think we're at the point where we need to think radically about what options we might have available to gain more leverage on this process. We do bear some responsibility for the progress of the project and its completion. Given we have that responsibility, how do we exercise any authority that is attendant to that responsibility? At our meeting a month ago we were told they had the capacity to do it. I'm now very concerned about the competence of the management of the project as a whole. We have seen this repeatedly now in terms of work stoppage. These scenarios never seem to work out well. We have experienced the tragedies of accidents which are occurring as a result of this. We can only expect more. I think we need to figure out a way to take more decisive action if we have the ability to do so. Writing a letter won't have an impact in Indianapolis. If there is an action we can take which would force the federal government to get back involved in this, perhaps that is something we can do.

Desmond said it is still in the TIP. There is still federal funding listed through FY '17 so the question now is, if the federal funds are already obligated contractually.

Ryterband said Richard's suggestion is a very positive one. We know from past experience that letters from this MPO to the State don't have much effect. We've been bullied by the State repeatedly on this project. I can't imagine them listening to us. Pulling it out of the TIP would raise red flags and make things happen. That wouldn't happen otherwise.

Baker said we could express our concerns and say we are investigating whether we can withdraw funds from the TIP for this project in a letter. It's a threat. In the meantime, we can confirm if we can do that. It gets a letter out there and then we find out whether we can or cannot withdraw it from the TIP and then take action. That couldn't happen until the next meeting anyhow, so we could get a letter out before that.

Ryterband said that would raise their eyebrows.

Martin said the other thing we did at our last meeting was request they report to us in 60 days. At our next meeting I am expecting them to do that.

Hamilton said are you expecting that Josh?

Desmond said we can make that happen. We talked about having regular updates and that was the first milestone we mentioned in our discussion.

Baker said we can put that in the letter, that we fully expect them to be here at the next meeting with answers to our questions.

Jim Ude said I was told people from I69 who are able to answer your questions are planning to be here at the next meeting.

Baker said the question is whether the board is interested in sending a letter in the MPO's name. I could send it as the chair or we could send it communally, in which case Banach's comment is valid, that each person would have a chance to review the draft before it's sent out.

Martin said it would have a better impact if it is sent from entire MPO. I think a letter could be drafted and sent to each member of the MPO for review and comment. Those members who felt it expressed their concern adequately could sign on. Not everyone may want to get involved, but there would be enough to have more of an impact than if the Chair sent the letter.

Desmond said is it your intent we would have a single letter with multiple signatures on it?

**Martin moved to instruct staff in consultation with our Chair to draft a letter for the purpose of informing INDOT and the other concerned parties that we are extremely concerned about the continuing delays in the execution of this project and the finger pointing that seems to be going on as to why those delays are occurring, that we are going to investigate our options to impact funding for this operation through its removal from the TIP and that we expect a report at our next meeting from the authorities involved to address the issues that have been raised at our meetings over the last few months. A draft of that should be sent for review and comment to each member of the MPO and as a consequence of those comments a final letter will be drafted with each member indicating if they will sign it and then that letter executed by each member willing to sign it and sent on the distribution list on letterhead.

Ryterband said I'd like a deadline on members responding so it isn't drawn out.

Martin said let's say members get back to you on the draft by next Friday. You can have the final draft ready for signature the following Tuesday.

Desmond said I will be out of town next Friday so I will have staff assist in getting that done.

Martin said if you get draft out, staff can finish up whatever is necessary.

Banach said I would advise if you're going to draft this letter, we want to keep it factual in nature and not editorialize. We all have our opinions of how this is being handled, but from where I sit, if we want it to be more impactful, we want to stick to the facts as much as we can.

Martin said that is correct.

Baker said we know Josh will do that.

Ruff said the problem is we don't know the facts. We're not going to have 100% agreement on the fact. The fact is this project was never fiscally constrained, FHWA never should have approved it. This creative financing is what led to this. There's no way INDOT has the revenue to do all its obligations across the State of Indiana and build this as well. That's a fact to me and a lot of people who pay close attention to this. I respect and understand what Mr. Banach is saying but I don't think it's not going to be simple to agree on what the facts are.

Baker said I think we can come close.

Hamilton said I think sending a letter is important. We'll have to try to be brief and to the point. One of the most impactful facts on the ground is that there is no work being done. We know the subcontractors have pulled off when they should be going full steam to meet the end date that been proposed. I would urge the focus be on not trying to analyze the facts of who messed up and who's to blame but to focus on the fact that construction is way behind and has been dramatically cut

back and that we urge the responsible parties step in to assure the work gets underway. That's what I would focus on.

Baker said we need it to be very short and to the point. A one page letter that summarizes what we're saying here. I'll work with Josh to get it done.

**Motion passed through unanimous voice vote.

IX. Upcoming Meetings
   a. Technical Advisory Committee – September 28, 2016 at 10:00 a.m. (McCloskey Room) **(**New date)**
   b. Citizens Advisory Committee – September 28, 2016 at 6:30 p.m. (McCloskey Room) **(**New date)**
   c. Policy Committee – October 14, 2016 at 1:30 p.m. (Council Chambers)

Adjournment

**Action Requested / Public comment prior to vote (limited to five minutes per speaker*)

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2017 Meeting Schedule

	POLICY COMMITTEE	TECHNICAL ADVISORY COMMITTEE	CITIZENS ADVISORY COMMITTEE
January	1/13/2017; 1:30pm	1/25/2017; 10:00am	1/25/2017; 6:30pm
February	2/10/2017; 1:30pm	2/22/2017; 10:00am	2/22/2017; 6:30pm
March	3/10/2017; 1:30pm	3/22/2017; 10:00am	3/22/2017; 6:30pm
April	4/14/2017; 1:30pm	4/26/2017; 10:00am	4/26/2017; 6:30pm
May	5/12/2017; 1:30pm	5/24/2017;10:00am	5/24/2017; 6:30pm
June	6/09/2017; 1:30pm	6/28/2017; 10:00am	6/28/2017; 6:30pm
July	Summer Recess - No Meetings		
August	8/11/2017; 1:30pm	8/23/2017; 10:00am	8/23/2017; 6:30pm
September	9/08/2017; 1:30pm	9/27/2017; 10:00am	9/27/2017; 6:30pm
October	10/13/2017; 1:30pm	10/25/2017; 10:00am	10/25/2017; 6:30pm
November	11/03/2017; 1:30pm	11/15/2017; 10:00am	11/15/2017; 6:30pm
December	Winter Recess - No Meetings		

Meetings are held at: City of Bloomington City Hall at the Showers Complex
Policy Committee - Council Chambers; Suite 115
Technical & Citizens Advisory Committees - McCloskey Room; Suite 135
401 N. Morton Street
Bloomington, IN 47404

Bloomington/Monroe County Metropolitan Planning Organization
www.bloomington.in.gov/mpo

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September 27, 2016

Dan Huge
Public Finance Director
Indiana Finance Authority
One North Capitol, Suite 900
Indianapolis, IN 46204

Dear Mr. Huge,

The undersigned members of the Bloomington/Monroe County MPO (BMCMPO) Policy Committee are extremely concerned about the lack of progress on I-69 Section 5 through the City of Bloomington and Monroe County. Contractors have repeatedly stopped work for lack of payment and the official construction timeline has been significantly delayed from the initial deadline in 2016 to October 2017.

In our August meeting, members of the BMCMPO questioned Sandra Flum of INDOT and Gary Vandegriff, Project Manager for I-69 Development Partners, about the work stoppages and their causes, but received vague and inadequate answers. They were unable to explain the nature of the relationships and issues between State and private agencies that have created problems with payment to the contractors, and were unable to explain what, if anything, is being done by INDOT and its partners to resolve the issues once and for all.

We have requested INDOT (and have been assured it will) send a representative to our regular meeting on October 14 to provide in-depth answers. We expect the representative to state with INDOT authority when I-69 Section 5 will be complete in Monroe County, as well as to describe clear solutions to the on-going project management problems.

Motorist safety throughout Section 5, and reliable, efficient access to Bloomington and Monroe County will remain compromised until the completion of construction. Recent severe crashes are a testament to the dangers of continued lane restrictions and traffic tie-ups. Any further delays in the construction schedule will mean prolonging periods of increased risk for drivers as well as creating harmful impacts on our local economy.

In the event action on our part must be taken to influence events, we are exploring options for the MPO. We ask now that Indiana Finance Authority, the Indiana Department of Transportation, and the I-69 Development Partners immediately settle their differences and put construction on a firm and reasonable timeline.

Respectfully,

Jack Baker
Kent McDaniel
Sarah Ryterband
Adam Wason

401 N. Morton Street ▪ Suite 130 ▪ PO Box 100 ▪ Bloomington, IN 47402 ▪ Ph: (812) 349-3423 ▪ Fx: (812) 349-3535
www.bloomington.in.gov/mpo ▪ mpo@bloomington.in.gov

CC: Brandye Hendrickson, Commissioner, INDOT
Gary VandeGriff, Project Manager, I-69 Development Partners
Jermaine Hannon, Acting Division Administrator, FHWA-IN
Michelle Allen, Planning & Environmental Specialist, FHWA-IN

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MEMORANDUM

To: MPO Technical and Citizens advisory Committees

From: Joshua Desmond, AICP
Director

Date: October 5, 2016

Re: Transportation Improvement Program (TIP) Amendments

The Indiana Department of Transportation has requested two amendments to the FY 2016-2019 TIP. The request would add two new State projects to the TIP. A description of the proposed changes is provided below.

Indiana Department of Transportation
The Indiana Department of Transportation has requested two TIP amendments as outlined below.

Patch & Rehab Various Roads in Seymour District (#1601154)
INDOT wishes to add this new project to the TIP. This project would provide funding for maintenance work on various State roads throughout the Seymour District. Since the roads have not yet been identified, this general listing would ensure that funding is available for road work within the BMCMPO Planning Area when such projects are selected.

Project Phase	Fiscal Year	Federal Source	Federal Funding	Local Match	Total
PE	2017	STP	$ 23,600	$ 5,900	$ 29,500
CN	2017	STP	$ 800,000	$ 200,000	$ 1,000,000
Totals			$ 823,600	$ 205,900	$ 1,029,500

Maintain & Repair Various Bridges in Seymour District (#1601704)
INDOT wishes to add this new project to the TIP. This project would provide funding for maintenance work on various State bridges throughout the Seymour District. Since the bridges have not yet been identified, this general listing would ensure that funding is available for bridge work within the BMCMPO Planning Area when such projects are selected.

Project Phase	Fiscal Year	Federal Source	Federal Funding	Local Match	Total
PE	2017	STP	$ 48,000	$ 12,000	$ 60,000
CN	2017	STP	$ 800,000	$ 200,000	$ 1,000,000
Totals			$ 848,000	$ 212,000	$ 1,060,000

Requested Action
Approve the proposed amendments. The Technical and Citizens Advisory Committees recommended approval at their meetings on September 28.