



**Policy Committee Meeting Minutes**  
**June 26, 2009 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.*

***Attendance***

**Policy Committee:** Jack Baker (Citizens Advisory Committee), Lynn Coyne (Indiana University), Susie Johnson (Bloomington Public Works Department), Richard Martin (Monroe County Plan Commission), Kent McDaniel (Bloomington Public Transportation Corp.), Mark Kruzan (City of Bloomington Mayor), Andy Ruff (Bloomington City Council), Jim Stark (Indiana Department of Transportation), Bill Stuebe (Bloomington Plan Commission), Julie Thomas (Monroe County Council), John Collisson (Monroe County Highway Department), Frank Nierzwicki (Proxy Ellettsville Town Council), Bob Tally (Federal Highway Administration) and Mark Stoops (Monroe County Commissioner).

**Others:** Lew May (Bloomington Transit), Sarah Ryterband (CAC/Bloomington Transportation Options for People - BTOP), Patrick Munson (IU –retired), Clark Sorensen (citizen), Vicky Sorensen (citizen), Tom Glastras (IU – retired), Elizabeth Venstra (BTOP), Thomas Tokarski (Citizens for Appropriate Rural Roads - CARR), Keith Vogelsang (Bloomington Bicycle Club), Betsy Caulfield (CSL/BTOP), Janet Spring (Earth Elders), Ann Kreilkamp (Green Acres), Tom Capshew (Green Acres), Natalie Wrubel (League of Women Voters), Lorraine Sirucek (CARR), Mary Brennan Miller (citizen), Sarah Clevenger (Carr/BTOP), Patrick Siney (CARR), Autumn Siney (student), Emmanuel Nsonwu (INDOT), David Butts (INDOT), Max Azizi (FHWA), Beverley G. Carson (teacher/citizen), Lucille Bertuccio (Center for Sustainable Living), Linda Greene (citizen), Katie Moore (County Planning), Larry Jacobs (Chamber of Commerce), Morgan Hutton (Chamber of Commerce), Patrick Stoffers (County Commissioners), James Haley (CARR), Charles Haley (CARR), Terri Greene (CARR), Robert Selvaggi (citizen), Ann Foster Hughes (citizen), Janette Shetter (CARR), Steve Smith (citizen), Susan Hollis Bassett (citizen), Steve Hendricks (citizen), and Don Lichtenberg (citizen).

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

- I. Call to Order**—Kent McDaniel called the meeting to order.
- II. Approval of Minutes:**
  - A. May 8, 2009** –Richard Martin moved approval of the minutes. Julie Thomas seconded. The minutes were approved by a unanimous voice vote.
- III. Communications from the Chair** – There was no report.
- IV. Reports from Officers and/or Committees**
  - A. Citizens Advisory Committee**—Jack Baker said the CAC met and discussed agenda items before the Policy Committee. He will make further comments as the items are discussed at this meeting.
  - B. Technical Advisory Committee**—Adrian Reid had no report.

- V. Reports from the MPO Staff
  - A. FY2009 3<sup>rd</sup> Quarter Progress Report
  - B. Crash Report CY 2005-2007

**\*\*\*Andy Ruff moved to hear the reports from staff at the end of New Business. Mark Kruzan seconded the motion. The motion was approved by unanimous voice vote.**

VI. Old Business– There was no old business.

VII. New Business

**A. FY 2009-2010 Unified Planning Work Program Amendment (*Action Requested\**)**

Mr. Desmond reported. There is a 2-year Work Program in existence now for the FY 2009-2010. The additional funding added for FY 2010 consists of federal funding in the amount of \$311,242 (requiring a 20% local match of \$77,810.50). The total budget for both years is \$961,037.50. The MPO has already spent a significant portion of the 2009 money at this point. The MPO has received planning emphasis areas from Federal Highway Administration (FHWA) related to the 2010 census, ADA transition plans, and quarterly reporting. Census 2010 is coming up which impacts funding. Our transportation dollars are allocated based on population in the urbanized area. Federal Highway places special emphasis this year on the American with Disabilities Act. Staff will help LPAs develop ADA transition plans as they receive new money or develop plans how they will come into compliance over a reasonable period of time. Staff will establish a quarterly reporting system for the LPAs to report to the MPO on all of our local TIP projects detailing amount of money spent, project progress, any anticipated changes, etc. to better manage the funding that the MPO is responsible for and assist the LPAs to move the projects through the system. Additionally, TE Administration has been added to Element 201. BT has requested funding for a transit facility study for their joint operations facility on Grimes Lane. The final new program to be added to the UPWP is a joint project between IU and the City for exploration and establishment of a car sharing program. This amendment was presented to the CAC and the TAC. Both unanimously recommended support. Staff recommends approval. Mr. McDaniel said he is working on the request for proposals for the car sharing program and hopes to have something implemented by the fall.

Mr. Martin asked about Appendix C (p. 79) suggested a text correction from “both plans” to “all plans.” On p. 37 (top of page) a correction to the status date.

Mr. McDaniel asked for public comment. There was none.

**\*\*\*Mr. Coyne moved adoption of the FY 2009-2010 UPWP. Mr. Baker seconded. The motion was approved by unanimous voice vote.**

**B. FY 2010-2013 Transportation Improvement Program (*Action Requested\**)**

Mr. Hess presented the final draft of the FY 2010-2013 TIP. One of the significant differences between this year’s TIP and previous editions is the adoption of the Complete Streets Policy. This requires all new local road projects to accommodate all users of the corridor including pedestrians, bicyclists, people with disabilities, transit users, etc. Any new projects had to supply additional information illustrating how they will comply with that policy. There are 6 projects to which that applies—2 from the County and 4 from the City. Today, the Policy

Committee is requested to certify by resolution that those projects are compliant. There was a public participation period for this document from May 20 and to June 18. The document was posted on-line and available at the Library and was taken to the CAC and the TAC in both May and June. He highlighted the more significant changes between the existing TIP and the draft of the next TIP. (Those changes are detailed in the staff memorandum.) For the most part, INDOT projects are relatively unchanged. Any projects identified as FY 2009 were moved to FY 2010. Most projects had some cost increases. Monroe County added a segment of Business 37 to the American Recovery and Reinvestment Act (ARRA) pavement preservation project because it was determined that the bridge deck overlay projects were ineligible for ARRA funds. Mr. Hess reported on other changes to area projects. The two county projects subject to the Complete Streets projects are the Fullerton Pike project and the Mt. Tabor bridge replacement. The City projects subject to the Complete Streets Policy (CSP) include the 17<sup>th</sup> and Arlington roundabout, Old SR37 and Dunn St. Intersection improvements, Sare and Rogers Road roundabout, and the Tapp/Rockport Road Intersection improvements. Mr. Hess noted that a new section in the TIP has been added for information on School Corporation projects. He pointed out the reorganization of the Appendices. The TAC and the CAC discussed the TIP. The CAC recommended adopting the TIP but postponing the implementation of construction of SR 45/46 from FY 2010 to FY 2011. The rationale was to allow on-going discussions with INDOT concerning alternative transportation improvements. The TAC wanted to correct the City's local match for the Atwater and Henderson intersection improvement project to \$62,700 (on p. 139 of 178). The TAC recommended adoption of the TIP with this change. They did not have the opportunity to review the CAC's suggestion. Mr. Hess said that staff is looking to the PC to certify through resolution that the 6 projects listed are in fact compliant with the Complete Streets Policy. The Policy Committee is also requested to adopt the FY 2010-2013 TIP.

Mr. Nierzwicki asked for the staff recommendation. Mr. Hess said to adopt the TIP with TAC changes but not the CAC recommendation.

Mr. Baker said the CAC recommended changing the start date from 2010 to 2011 to start a dialogue with INDOT. They have had problems with concerned citizens wanting to make contact, express concerns, ask questions about projects (particularly this one because it is such a major project to the City of Bloomington) and receive answers. To the best of his knowledge, they have received nothing back. This is simply an attempt to delay the project by a year to give us enough time and encourage INDOT to talk to us. They think it is a relatively small thing to ask but a very important thing to the community. Also, we are discussing the Complete Streets Policy which passed this year. The idea was that the streets were being just designed for traffic. He read the purpose of the CSP. The idea is to plan for as many features as possible as listed in the policy. In the City, already, much of this work was being done. We wanted to make sure that it was codified as a requirement and policy. The CAC and the TAC will be certifying whether each new project is compliant with or exempt from the policy.

Mr. Hess added that the TAC and the CAC did recommend that all the projects were in fact consistent with the CSP.

Ms. Thomas asked for an explanation of the removal of the pedestrian overpass from the SR 45/46 Bypass project. Is that replaced by an underpass? Mr. Hess said to a certain degree it is. At one point, there was going to be a pedestrian overpass at 10<sup>th</sup> St. That was discussed between the City of Bloomington and INDOT. There seemed to be some disagreements that evolved between the City, IU and INDOT. The current design includes an underpass at 7<sup>th</sup> St. just south of this intersection. We received information yesterday that INDOT will be holding a public information meeting on the Bypass on Thursday July 9 at 6:00 pm in the University Elementary School Cafeteria located at 1111 N. Russell Rd. in Bloomington. This is a public information meeting rather than a public hearing. That might be a good time to verify that the underpass is still a part of the plan. Ms. Thomas said she supports waiting a year because she has found the plans underwhelming in their alternative transportation options for foot and bicycle traffic. How does this impact the ARRA funds? Mr. Ruff asked Mr. Baker if he intends to make a motion to amend the TIP to include this delay and if so would that be the time to have this discussion. We are having a discussion within this larger TIP discussion concerning an amendment that may or may not be made.

**\*\*\*Mr. Baker moved to adopt the TIP with the 2 changes proposed. Mr. Ruff seconded.**

Ms. Thomas asked what impact this delay has on the ARRA funds. Jay Mitchell from INDOT said they would like to ask the PC to approve the TIP as it was originally presented with the recommendations from the TAC but not the delay as proposed by the CAC. INDOT is a large organization. They have budgetary concerns, programming concerns and commitments that they are trying to make. He wasn't certain that he could answer the question about the ARRA funds but wanted to make clear that it is in everyone's interest to have a TIP that is consistent with INDOT's plan so that they can incorporate it into the INSTIP and make sure that the money does flow. At the CAC meeting, some citizens did indeed express concern about safety for pedestrians and for bicyclists along the SR 45/46 Bypass. The best venue to address those concerns and for INDOT to have input for those concerns would actually be at the public information meeting scheduled on July 9. If those concerns are not satisfactorily addressed by INDOT, then perhaps the MPO could serve as a conduit (maybe even the City itself) to get those concerns addressed to whatever satisfaction could be achieved. Mr. McDaniel asked Mr. Mitchell if he attended the CAC meeting. Mr. McDaniel said he is a little puzzled about Mr. Baker's comment about not having communication with INDOT. We've been talking about this project forever. Mr. Mitchell said that he thinks that the frustration is with other departments in the INDOT structure as opposed to the planning guys who are on the scene. Mr. Stark said that this project is not designed for ARRA funds. If it was eligible though, to delay it a year, you would lose the funding. Ms. Thomas thanked the INDOT representatives. Mr. Baker said INDOT has attended many CAC meetings and they appreciate their attendance. The people attending the meetings answer their questions and we assume that they take our concerns back with them. The problem comes when letters are sent to INDOT in Indianapolis. We don't receive anything back. Even the City government has had problems with INDOT not responding. That is why we are asking for this delay and asking for a dialogue with INDOT. We are talking about a meeting coming up in July. It is an informational meeting. That is fine but the practice seems to be more of INDOT telling us what it is going to do rather than them really wanting to receive information and discuss changes that could be made to the project. It is more of a dictation than of a dialogue. We are asking for a dialogue. That is why we are

asking for a one year delay because there are so many aspects to the project that are of concern to neighborhoods and to the community at large—not the least of which is how pedestrians are going to get across and what it is going to do neighborhoods. That in a nutshell is why we are asking for this.

Mr. Ruff said he remembered hearing several years ago in reference to this Bypass widening project that the Level of Service (LOS) will worsen to what it is now in the not-too-distant future. Mr. Desmond said that was correct. It is shown in our model that the project will have a few years of better traffic but in the long term it will eventually creep back towards that lower LOS. Mr. Ruff asked if the congestion is caused by the number of lanes or the stoplights. Mr. Desmond said he couldn't put a number on which factor effects the traffic more—the stoplights, the number of crossings, or the number of lanes. There are many factors. Mr. Ruff asked how old the majority of the general design is for this project. His understanding was that it was from the 1980s. Mr. Desmond deferred to INDOT. Mr. Mitchell said that this project might indeed be old. The concept might have been prepared back in 1980-1990. They would design the project to current design standards. It is not based on outdated design standards. Mr. Ruff said that was good to know but wondered if the design considered the current context of what we've learned over the last couple of decades about major road widening capacity projects---what impacts they have on communities and the surrounding areas but also what we've learned about alternative ways to move traffic through the area without widening so much. For example, the possibility of a 3<sup>rd</sup> lane with reversible traffic flow like you see in Indianapolis on Fall Creek Parkway. Mr. Mitchell said he is not directly associated with the design for this particular project. He reiterated that the design would be current and they would anticipate that the design would be carried out for the next 20 years to handle the traffic. If it did not improve the LOS for the next 20 years, they would not be able to proceed with the project. As far as the impacts of the neighborhoods, they went through an environmental analysis and part of that analysis did include impacts to the neighborhoods. They did look at other alternatives. Unfortunately, they did not meet the purpose and need as well as the alternative that was eventually selected for this project. He said he was not keen on reversible lanes. He prefers limiting the number of access points along the corridor. They try to maximize the opportunities for the signalization. All of the signals along the project will be updated to maximize their efficiency along the project. He referred people to ask questions at the July 9<sup>th</sup> meeting when the people involved with the project will be there.

Mr. Stark said that they have a public hearing before they purchase any right-of-way or any environmental work is done. He is sure this meeting occurred but he didn't know what date it was. That is part of their process to bring people in to look at what is being proposed and what we are going to do. He is a little confused as to why the CAC is asking to delay this at this point. There was an opportunity at that point to raise concerns and be involved with the design process before any of these other things proceed. Mr. Martin said the reason these questions arise now is because of two things: 1) you get a change in personnel on the part of the Policy Committee itself—some of us who have to make decisions aren't privy to the earlier information that was exchanged; and 2) as we go forward with projects like this which have been in the works for at least 20 years, we observe changes that occur. Those changes are continuous. They don't stop at some time when we establish a design standard. He goes through the intersection of 45/46 and Matlock Rd. twice a day every day for the last 30 year.

He has noticed over that period of time some significant changes in the pedestrian and bicycle traffic there. He would be interested to know how all of that is going to be handled. He knows that question was asked previously and the response was nothing. So, if you don't tell people why you are making specific decisions with respect to the questions they ask, then you should expect the question to be asked again because they haven't been answered. That is what Mr. Baker is referring to. You have people that have made statements in public hearing or letters and there is no response. They have a responsibility to their families to ask those questions until the questions are answered. He understands that answering some of those questions can be difficult and some of them come down to cost/benefit analysis but that doesn't do a whole lot of good to someone who has been hit by a car going across the road on a bicycle. But, they do expect an answer and it behooves all of us to be forthright in answering these people's questions. That is what we are supposed to be doing in a public process.

Mr. Martin noted that they are looking at an amount of \$44 million for 2010. The projects for 2011-13 are roughly \$15 million each year. Why is the TIP for 2010 the same amount as the total amount for the following 3 years? He understood that this has something to do with moving some projects down the line. How many of the projects that we have scheduled for 2010 are going to get moved to another year? Are we being realistic in establishing a TIP that does that? This doesn't seem to be a balanced program from what our revenue stream is going to be. Mr. Hess answered that the MPO does have projects that tend to roll over from year to year for various reasons. Typically, the TIP is very heavy in the first year because it reflects the 2010 projects as well as our backlog of projects. The funds for 2010 are in a sense doubled because of ARRA money for projects from City, County, Ellettsville and multimillion dollar transit projects. This TIP has finally cleared all TEA-21 money off the books. That money had been rolled over for several years and these funds are finally obligated. Funding for future years is more difficult to predict. Mr. Desmond said this is why we need to start the quarterly reporting process, so that we as an MPO and you as a Policy board member are aware of how these projects are unfolding in real time. Mr. Martin suggested using column headings (in our report) so that we identify the less than certain values so that the public reading the report is being given the idea that projects are really going to happen in a certain year. There are several roundabouts in the new proposal. He asked how they determine the radius of a roundabout. Mr. Reid explained that it is determined by the anticipated traffic. It is done with modeling software.

Mr. Stoops said he thinks it is unfortunate that there is no downtown trolley in the BT list of projects. Mr. Kruzan said that the City, County and IU are all willing to buy a trolley or two but no one is willing to pay to operate it. Mr. Stoops said he thought that it should be a BT operation. Mr. Kruzan said that BT should provide Mr. Stoops with their study. The City had allocated \$300,000 for the project but since no one was willing to operate it, the money has gone back into the General Fund. Mr. McDaniel said that operating costs are the key to this project. BT has been able to get money for capital replacements but they don't get the money for operating costs from the FTA to the same level. They have been told to expect a cut in money that is based on sales tax and property tax. BT has to be very careful about taking on something that will have an annual cost associated with it. Mr. Stoops suggested that eliminating so much parking downtown will cause the need for this to grow.

Mr. Nierzwicki asked if the requested delay of the SR 45/46 Bypass is for possible redesign the project. Is Mr. Ruff asking to drop the number of lanes from 5 to 3 lanes? Mr. Ruff said that the current design is to make the whole Bypass like the part that runs west of Arlington School. The CAC has asked that this plan needs to be reevaluated in the current context of community impacts and community's wishes and what we know about conveying traffic efficiently through urbanized areas. Mr. Nierzwicki said that the process itself is not user friendly. There is a lot of time involved in this. To ask for a redesign could delay the project a lot.

Ms. Johnson said that the motion on the table is to approve the TIP as amended and we are not voting on the amendment alone. Mr. McDaniel said that is the way he understands it. If that motion fails, we will have to have another TIP motion. When we open it up to the public for discussion, this will be the public's only opportunity to comment on the TIP and on the certification of compliance to the Complete Streets Policy. Ms. Johnson said she would rather vote on the amendment separately from the TIP. Mr. Kruzan said that if the motion fails then someone could reintroduce the TIP without the qualification.

Mr. Ruff said he appreciates INDOT's concern and responsibility in regards to the Bypass. They have been interested in this a long time. The community is quite interested, too, because there are problems associated with the Bypass. This amendment which proposes a delay for a year is an effort to get INDOT to do this project more with the community than to the community. He read a statement from a member of the community: "This community does not want a giant swath of asphalt with cars racing from one stoplight to the next at high speeds making it difficult for pedestrians and bicycles to cross and that causes a huge loss in the current tree cover and is ugly. Much of this road design came from very old plans created in the '80s. It is a new era with far more understanding of what road design works best in urban areas. Boulevards that are tree lined and that move at 30-35 miles per hour rather than at 45-50 turn out to be much more attractive, much more friendly to other modes of transportation and still move lots of vehicles. Three lane roads that have reversible lanes could be appropriate for the Bypass since the congestion is often always in one direction only. This could be done within the current footprint of the road without the loss of trees and a fraction of the cost. The current footprint has space for 3 travel lanes and bike lanes. This could be implemented with some calming techniques so speeds were 35 mph along with implementing creative approaches at intersections could be a win-win situation for everyone. We know that the long term result of widening roads is more driving, more car dependence, more sprawl, more congestion and a less attractive place to live. Quality of life actually goes down. Let's not do that. Creative solutions exist. Doing nothing is better than doing what is currently designed and planned." Mr. Ruff said that he is not concerned if a delay would cause the whole thing to stop.

Mr. Coyne said that this project has been in design for quite some time. Having been in discussions on this for a long time, he understands delay to be death. We need to be clear about that. If this is taken off the table (and he didn't know that the action would take it off the table, if you approve this) it means that there is no Bypass effectively. First of all, it doesn't have stimulus funds—it is State budget funds. So if this community rejects this, INDOT is not motivated to keep going with it. We need to be very clear about that. There is a large segment of this community that does support this Bypass and has believed in it for a very long time particularly those of us who spend time sitting on the Bypass waiting for the traffic to move.

He knows that naturally when they do construction, they will remove the trees—which saddens him. But the issue is putting them back and mitigating that. If INDOT doesn't respond to your inquiries, doing this to the community may not be the appropriate method to deal with that. Telling the PC that they are not responding is appropriate so that they can communicate to INDOT. Using the MPO office is another way to deal with that. Delaying the project is a huge way to try to deal with that.

Mr. Baker said that this amendment is not trying to put an end to the Bypass project. It is signaling the need for clarity from INDOT. They have not received any communication back to the questions. It's better to go slowly, get answers to questions and have a dialogue. There should be some concession on each side. At the moment, they just don't know what INDOT has done to address the questions that have been put out there. This is a way of saying that we want answers. This road has great effects on our community. There are things about this project that we know are not going to be good. We know that this community has grown in some ways since this project was begun. There may be some elements of it that are quite out of date. We just can't get any answers. In doing projects, it shouldn't be the case that one side tells you what they are going to do and the other side just rolls over and accepts.

Mr. Kruzan said that for a lot of the community INDOT has become a 4-letter word which is unfortunate because INDOT has done a myriad of projects that have benefited the community. We are celebrating the opening of the B-Line Trail at 4:30 which wouldn't have happened without INDOT. People refer to "the City." The City is made up of lots of different people with differences of opinion. There is not an "INDOT." There are a lot of dedicated professionals—a lot of people who ultimately answer to a governor and voters who put that governor there. He wanted to make sure that this is not personalized as anti-INDOT. On this project in particular, he finds himself caught in the middle because he agrees with both Mr. Baker and Mr. Coyne. Some of the proponents may intend to delay in order to kill the project which is a legitimate stance to take. It is unlikely that the project will be redesigned. The more likely result is that in a year INDOT will have moved the money to a different project and some people will be happy with that result. The Fernandez administration negotiated an agreement which is in writing with INDOT that there would be an overpass across the Bypass along with an underpass. In the subsequent years, there have been negotiations between the University and INDOT, between the City and INDOT, between the City and University and between the City, the University and INDOT. In recent years (particularly the past 5 months), the City and the University have taken a pretty much united front that we wanted to guarantee that there would be underpass, that instead of having the two sidepaths that were very close to the highway (which would make for an intimidating presence for anyone trying to bike or walk along that corridor) that we would have one sidepath that is set aside off the path and that there be a median that is landscape designed so that we don't just have a sea of asphalt through the campus area. The University has agreed to pay to maintain that. The City especially is looking for enhanced pedestrian crossing at 10<sup>th</sup> and the Bypass and 3<sup>rd</sup> St. and the Bypass. The goal would be to have some kind of "traffic islands" that makes sure that pedestrians don't have to make that entire intimidating crossing. If we had some assurance that that was happening and that all of this was going to be done in change orders or some kind of a guarantee—if we were assured it was going to happen—he'd feel a lot better about advancing the TIP with the Bypass in it as opposed to having the need for delay. Maybe the delay could be shorter. All he really

cares about are the pedestrian and bicycle accommodations that will be made. He proposed changing the motion to delay the project until the next meeting and that we get an answer by then. He doesn't want to derail a project that has been worked on for so long. A lot of public input has occurred. We got the first agreement through public input via the Bike and Ped Commission. They ought to be included again. Citizens ought to be included. The public information session is great but we need to have a meeting where there is literally action being taken and responsiveness occurs and we know what we are getting before we vote something like this in.

**\*\*\*Mr. Kruzan moved to adopt the TIP as it has been proposed with the 3 changes except that instead of the CAC's 1-year delay, it would be a delay until the September meeting and we determine whether or not we can have certainty to the questions that most of us are asking. Mr. Stoops seconded.**

Mr. Nierzwicki asked staff if delaying adoption of the TIP until September would cause a problem. Mr. Kruzan said we could also have a special meeting so that the delay was even shorter. Mr. McDaniel asked staff if the PC approves the TIP today, could they come back in September and amend it to remove this particular project if we don't get satisfaction in the meantime. Mr. Desmond said they could however that might be after the date when INDOT actually wishes to let this project for bids. Also, our TIP goes by fiscal year. We can't adjust it by the month or by the day. Mr. Martin said at this point any changes would incur additional cost. Mr. Kruzan said some changes could actually make it less expensive. Mr. Martin asked if we could add money into the TIP should it be necessary. Mr. Desmond said adding local money would be a problem. Mr. Coyne asked about the letting date. Mr. Stark said that the current letting is set for August. Mr. Coyne said that he has been told that this is a 3-year project which starts at Kinser Pike and moves around the Bypass in phases. So by the time it gets to 10<sup>th</sup> St. and 3<sup>rd</sup> St. could be 2 years from now. If that's the case, can't we proceed and still get an answer in the next 2 years. Mr. Stark said if INDOT lets a project and a design change order comes up; typically there will be a whole new letting for a whole new bid process for what that design change is. A lot of times it is on the significance of the design change itself. Coyne said that is true whether you change it now or in the future. Mr. Stark said typically that would be the process. When the change order is for a design change, it becomes almost like a whole new project. Mr. Stoops said that he can only assume by Mr. Stark's comments that the changes that the City has requested haven't been incorporated in the designs. Mr. Stark said that he didn't know what the questions are. Mr. Stoops said for instance if the sidepaths had been combined into one sidepath on one side of the road that would change the road alignment. Mr. Stark said that he has not looked at the plans that exist today so he couldn't answer the question. Mr. Stoops said that he gathers this from Mr. Stark saying that these would be major changes to the current design. Mr. Stark said he can get answers but didn't have the answer today. Mr. Stuebe asked why we don't know. It sounds like the community is asking in every way they can for the things they feel are necessary for safety of bicyclists and pedestrians and we don't have any answers. He doesn't understand why. Mr. Stark said he hadn't expected these questions to come up today or he would have had answers. Mr. Kruzan said that this project got sped up when the stimulus dollars came in and he thinks a lot of people didn't think that we'd be here yet. City and University staff have gotten very specific plans over the years. Those have not been responded to specifically. He wouldn't worry about whether Mr. Stark knew the answer or not except that they are being asked to vote

on moving something forward. He doesn't want to put the stamp of approval on it and have to backtrack later. Mr. Coyne said that he has seen pieces of the design. The University has committed to work with INDOT to install landscaping in the medium because they agree that the tree loss has to be mitigated in some way. Secondly, the University has developed an intricate system of bicycle and pedestrian paths throughout campus connecting with the City's paths and it includes one that would ultimately replace the sidepath on the west side of the Bypass. As he understands the design it will have a sidepath along the inside. IU's system will connect with that and replace it in parts as it is built out. He understands from INDOT that this is an engineering/design issue as they propose to connect to cross 17<sup>th</sup> St. at the light the path would come up, connect and go across. That would require a permit from INDOT and meeting their engineering standards and so forth. That will happen over time as projects and funding move forward. Mr. Martin asked if staff has seen any engineering drawings that tell us what they are going to do. Adrian Reid said that he has the plans on his desk. Mr. Reid said that they have been working with INDOT and IU on working out some of these issues. Mr. Martin asked if anyone has been asking to see the plans. Mr. Reid said that Ms. Thomas did. Ms. Thomas said that she only saw a sidepath that ran from 10<sup>th</sup> to 17<sup>th</sup>. Mr. Reid said the sidepath is continuous all the way. Mr. Kruzan said that they have the plans and that they don't include the enhanced pedestrian crossing at 10<sup>th</sup> or at 3<sup>rd</sup>. There is a meeting set up next week, we hope, to continue to talk about that. It is not definitive. He wants a commitment that something is going to be there. He doesn't have that yet and doesn't know if we can get it anytime soon. He wants to know that there are going to be enhanced bicycle and pedestrian crossings at those two specific intersections. There have been changes in staffing at INDOT. The people they have been negotiating with have all left. Mr. Martin said that Mr. Desmond has pointed out that we have an annual TIP. Mr. Kruzan asked if the TIP doesn't include the Bypass at all for now, does that prevent INDOT from letting in August. Mr. Stark said it would. Mr. Kruzan asked when the letting will happen in August. Mr. Stark said he wasn't sure. Mr. Kruzan said we would have to act prior to INDOT letting the bid. Mr. Kruzan said that if you decide to solve the problem there is plenty of time to sit down and solve it. Mr. Martin asked if there are any other projects that have to be let before this project. Mr. Hess said there are. It also brings up the question of conformity between the TIP and Statewide TIP. The PC was given a memo from Mr. Bob Tally somewhat speaking to this. Mr. Tally said that if your TIP is approved by the Governor (i.e. INDOT as his representative), it is amended into the STIP by reference. So, therefore any action you take is reflected in the STIP and therefore INDOT is bound by that action once it is approved by the Governor and adopted by INDOT.

Mr. McDaniel said that there is an amendment to Mr. Baker's motion on the table. It has been moved and seconded. Mr. Stoops said it is just amending one part of Mr. Baker's motion. Mr. Mitchell said that he has a grave concern about a lapse of a TIP which would halt all projects. If there is an action to delay approval please bear in mind that INDOT needs at least a 3-week lead time so that they can proceed on time with that letting. Mr. Kruzan noted that July 17 would give INDOT a 4-week lead time. Mr. McDaniel asked if Mr. Baker would have a problem with the motion to amend his motion. Mr. Kruzan said his motion was to adopt the TIP with everything except the CAC recommendation is changed to a date of July 17 rather than a year.

Mr. Desmond clarified that our TIP only gets as fine-grained as the fiscal year. There is no way for us to delay a project by a month. We would have to delete the project and add it back in within that time frame. We could delay it a year by assigning which fiscal year in which it would occur. We cannot get down to the month-by-month level. Mr. Stoops said we could add it in in July. Mr. Mitchell said that if the PC chose to move it to 2011, INDOT would be precluded from basically advertising a project in 2010 as they intend to do. If you came back at a later date and wanted to amend it back into 2010, you could take that as a separate action. Mr. Kruzan said the PC could adopt the TIP and leave the Bypass out entirely until July as Mr. Stoops just said. Mr. Stoops said that way we approve the TIP and then we are just adding the Bypass back in. Mr. Nierzwicki said that we could do that but there is an issue on advertising whereby they have advertised for the informational meeting in July. If we approve the TIP with the Bypass in 2011 but want to come back after some agreement has been done with the community and we want to make some changes, we could actually add that back into the TIP and change it. The problem would be with advertising those changes in time for INDOT to hit the August letting date. Mr. Stark said it would be impossible. There is a 30-day advertising time line before letting that we are constrained to. Mr. Mitchell added that depending on the types of proposed changes that are being asked for and the types that INDOT would consider putting in the project, it very well might trigger us to revisit the environmental decision and reopen that process. The decision was made based upon what is right now in the design. Mr. Stark said that if environmental changes come into play, they change everything. Those things typically take a long time to get through. Mr. Coyne said he wanted to make sure that we understand that we are fooling with some procedural matters that if we are wrong, there is no Bypass project. Putting this in the TIP doesn't mean they must build it. They can choose not to re-design. This has been in the works for 20 years and every year it has been in the TIP. This is the first year where this question came up and now we are putting this entire project in jeopardy because INDOT did not respond to the CAC. That is an extreme penalty for this community to pay. IU agrees with the Mayor and the City about the refuge issues and we need to move that forward. But, to end this in this procedural manner just doesn't seem appropriate.

Mr. Nierzwicki said that he is actually a member of the TAC. The CAC met after the TAC meeting. The TAC has not reviewed this change just because of timing.

Mr. Kruzan replied to Mr. Coyne that the difference is that in each of the 20 years, it wasn't going to be done. Things have changed. He doesn't believe that 20 years worth of silence equates that people didn't care. It wasn't a reality about to happen and now it matters. If the TIP is passed with the Bypass in it as is right now without the CAC amendment, if negotiations with the City, INDOT and IU fail to have any bike and pedestrian accommodations made and the project is let, can we remove it from the TIP. Mr. Desmond said that it would be a done deal at that point. Mr. Stuebe asked what if the TIP is approved with the conditions of the safety crossings and the multipurpose trail spelled out specifically. Can INDOT handle that? Mr. Kruzan noted that there are even more considerations. The neighborhood has concerns, etc. Bob Tally said that from the federal perspective, they look for consistency with the TIP. We check to make sure that the project has been approved in the TIP. Having conditions on it would be very irregular. Your discussion has to be with INDOT as to how they will discuss these things with you in terms of incorporating them into the project and what impact, if any, it would be on the schedule, the scope and the cost of the project.

Ms. Johnson asked if the PC could meet at any time prior to the letting and take the Bypass out of the TIP. Mr. Tally said the PC can decide. Ms. Johnson said we could adopt it today and if couldn't work this out, we could meet the day before the letting and take it back out. Mr. Kruzan and Mr. McDaniel said this sounded like a reasonable compromise.

Mr. Kruzan said he would rescind his motion. Mr. Stoops said he would withdraw his second if he can be sure that the meeting will take place.

Mr. McDaniel said Mr. Baker's motion is still on the table. He called for public comment first. Mr. Ruff asked to comment before the public begins. He said that the assumption that delaying this project significantly would be some great crime to the community is a big assumption and one that is not shared by a lot of people in the community. It is only correct if one accepts that a significantly widened right-of-way and majorly modified corridor is to the community. It is assuming that there's not something that might be done within the existing right-of-way that could be effective at conveying traffic and also reduce the negative impacts.

Janet Spring spoke in favor of delay. Years ago she was on a committee that was getting ready to implement a collection of buildings that had been designed 10 or 20 years earlier. She was the person who said after hours of discussion that they should trust the designers and has regretted the decision since that time.

Greg Alexander said that when the Bypass was designed the assumption was that traffic would remain the same, we would have a very wide road, traffic would move very quickly and people would not wait during rush hour. There are no respectful words for that proposal. What is more likely is that traffic will increase and soon we will have the same congestion we have today—just more of it. This will be bad for everybody especially for the people sitting in the cars. The third option is that gas prices will reach the point where you simply can't afford to drive and we will have built this road.

Sarah Ryterband said she was the one who brought this amendment. Her concerns were that she attempted to contact INDOT on behalf of the Green Acres neighborhood without any response. She was grateful that Mr. Mitchell, after hearing from her very extensively in a CAC meeting, did get back to her with this public information meeting. Unfortunately it falls very close to the original letting date which was July 15. She has many concerns. We are creating a Bypass that was part of our thinking 20 years ago. We no longer believe in bypassing our city. We believe in our city. To sit in automobiles doesn't make sense especially when we are talking about a level of service (LOS) of E/F in most parts of that corridor which is not anticipated to improve in the long term. What sense does it make to take the few dollars that we have to expend on roads and to spend them in a way that doesn't improve LOS? That doesn't even begin to address the issues around pedestrians and bicyclists. In our CAC meeting, we had numerous people from Green Acres talk about being hit crossing that road which is only 2 lanes wide now. When we talk about 4-5 lanes at corners, we are talking about some serious injuries though it has not appeared in our crash reports, she is absolutely assured that it will. We are only creating a big, ugly area that she fears—in spite of whatever lovely median of trees we put there—will look more like the waste land that we see already where the

Bypass is big and wide. To transect our community in this way seems totally criminal. All she really asked for was communication. She put that forward to INDOT and to the information officer, Ricky Clark, months before in several emails and had absolutely no response. She tried but was sorry that INDOT felt it was important not to respond to the community.

Elizabeth Venstra said that she and her husband work along the Bypass. They sit in the traffic every day but she doesn't want the Bypass widened to 4-5 lanes. She is not convinced that it will provide a benefit to her as a commuter. In the long term it will be a detriment. BTOP has brought in a number of transportation experts who have shown that spending a lot of money to widen roads results in higher levels of congestion, higher number of vehicle miles traveled, and lower use of alternative transportation. Large parts of our community want to move in the other direction. Our Growth Policies Plan (GPP) even says that we want to reduce vehicle miles traveled in the city. The Bypass is a road that should serve our community. It is primarily local travel she thinks. If we widen the Bypass, we will increase the car travel and we will reduce the number of people who are willing to attempt to walk or bicycle in that area. As somebody who does cross the Bypass fairly regularly, she is concerned about the safety issues. She wants to make sure that this project is not let the way it is and that whatever happens on July 9, we have an opportunity to actually change things as opposed to INDOT just telling us what they plan to do—which is what it sounds like is going to happen unless the PC takes action.

Lucille Bertuccio said there are larger issues than whether people have to sit in traffic right now. I think we all know that global warming is occurring. We see that covering the world with asphalt is not going to make this any better. It is certainly not going to cool us down any. She knows that the more roads we build and the wider they are, the less we are going to be able to mitigate the heat. She would like to see all road building held at bay and start thinking about other ways of moving people from place to place.

Anne Kreilkamp said that she echoes everything that has been said here. She is a member of the Green Acres neighborhood which is probably going to be more impacted than any of the others. She can hear the traffic from her home now all day and night including screaming ambulances. We are moving in a direction of a town for people. That is our focus—not a town for cars which has been the focus of America for so long. All of these things about alternative transportation have to do with the fact that we are trying to be a community for people. The Green Acres neighborhood is making a serious attempt to be a sustainable community so it is so ironic that they are the community that is most impacted by this Bypass right at our edge. They are trying to really become a little village which is not using cars much at all.

Katie Moore, as a former INDOT project manager, wanted to point out that if the project is scheduled for letting in August, the plans are already done and they are already at Contracts for processing. At this point it is very difficult to have them changed. She is curious as to why there is a public information meeting scheduled after the plans are already done.

Tom Capshew recently moved back to Bloomington. He grew up here and has been gone for 23 years. Bloomington has changed a lot since he's been gone. One of the ways that it has changed is that what is called the Bypass isn't a Bypass any more. It goes through a big part of

the town. There is a huge amount of growth on the eastern side of Bloomington that makes it a misnomer to call this corridor a bypass. With all of the residential areas on the west side of this road and all of the commercial areas on the east side of this road, it seems to make sense that we would look very closely at alternative transportation—particularly pedestrians and bicyclists and other forms of transportation. We should make sure not to have a promise that we will have some meeting in the next month but to make sure that people that aren't using gas vehicles can get back and forth across that corridor however it's designed. He suggested taking a serious look at it because none of us are who we were 10 years ago when these plans were developed. None of us certainly are who we were 20 years when these plans were started to be developed. He didn't think it would kill the project because there is enough interest improving the corridor that it will move forward. Giving it one year of looking at it and getting citizen input and looking at what we've learned in the last 10 years about quality of life is very valuable. It is well worth the wait for this beautiful town that he grew up in and is glad to be back in.

Keith Vogelsang is the Advocacy Chair for the Bloomington Bicycle Club. He has a question regarding the decision that this committee makes today. If for some reason your decision causes this project to become delayed in such a way INDOT decides not to move forward, is there any mechanism for the City to come in and put in its own bicycle and pedestrian island for safe crossing or over or underpass. Can the City use part of the INDOT right-of-way to accommodate its citizens' needs?

Steve Smith said he was the City Engineer 30 years ago and there was a proposal and public hearing with opposition and this same project died. It is here again. What Mr. Coyne said is certainly true. If we stop it now, we stop it for a decade. We deal in decades. He supported the idea to pass it in the TIP and then come back and look at it again in a month.

Larry Jacobs of the Chamber of Commerce said that he grew up in the Green Acres addition. He spent about 30 years there. The Bypass wasn't even there. It was a quieter time back then but we have grown as a community and there is a need for a wider Bypass. The original plans as he knows them are sufficient to handle this. Mr. Ruff's suggestion about a 3<sup>rd</sup> lane might not be a bad compromise unless you've been in Tucson, AZ where they have changing lanes. They call those the suicide lanes because they are very dangerous. People get killed there. We would be making a very big mistake not approving this TIP today. The plans have been on the books for a long time. There has been ample time for people to give their opinions on these issues. Not everybody can take a bus, ride a bike or walk. We need the Bypass. It is a different city whether we like it or not in that part of town. It enhances commerce. Jobs are what afford all of us to live in such a great city. Tax dollars support the arts, restaurants and the B-Line Trail.

Christy Gillenwater of the Chamber of Commerce said that the Bypass project is imperative. Now in the state of our economy jobs are #1. It is the focus of so many communities. We are blessed to have a lower than average unemployment rate. With the announcement of North Star yesterday, we are just in a similar position as many other communities. We have to really focus on job creation and job retention. That leads to the vitality of our entire community. The Chamber believes strongly that the Bypass expansion project is critical to the future of this community. Just focusing on IU's Tech Park at 10<sup>th</sup> and the Bypass, 4-laning is critical for the

success of that project. There is great opportunity for growth of jobs and development in that site. The Bypass is a critical piece of infrastructure. She is deeply concerned that if we do not pass the TIP and do not include the SR 45/46 Bypass in the TIP today that this project really could be stalled perhaps for decades. This has been a project that the community has wanted for years. It has been covered in the newspaper. We all knew that this was coming toward finalization for some time now. We have to look seriously at it, understand how many communities in this state are clamoring for dollars and for infrastructure projects and how easy it could be for them to move these dollars elsewhere when you have other communities who have significant needs as well and want these projects. She supported approving the TIP with this project this evening.

Sarah Clevenger, a citizen of the state and a professional botanist, said she was glad that she doesn't have children or grandchildren. The future does not bode well in her estimation. If you like 90 degree weather as we are having now, fine, go ahead and build the Bypass. Global warming will make us a very hot area. We will jeopardize our food supply. It is time that we start worrying about the future and not establishing this status quo.

Rita Lichtenburg said that we live in a very critical time. Many of our old concepts and ideas are being reexamined and re-evaluated. We see that they have led our society into grave difficulty. Transportation is a key element to a town. Quality of life is also key. Many people have been attracted to Bloomington for jobs because we do personify a certain way of life and a certain quality of life. We want to be open to what is changing in our society. The environment really poses a great issue that we have to think very carefully about. There are all kinds of questions and legislation coming up before Congress. Let's try to get out of the old ways and really look at the situation as it is and open our minds to new ideas.

Mr. McDaniel called for the vote on Mr. Baker's original amendment. It includes the change in the funding expense from the TAC and it delays the Bypass project from 2010-2011.

Bob Tally said that he has conferred with a planning person from his office. It is his understanding that this project was included in your MPO TIP for 2009. Based upon that TIP having that project included, INDOT requested FHWA to make an authorization for funds in fiscal year 2009. FHWA did that and made that authorization consistent with your TIP. Those federal funds are in fact committed and authorized. Therefore, they should not be shown in 2010. With that said, INDOT chose at their discretion to not let this project in July and has taken the position to delay it until August. That is their choice to do so. From our perspective, your requirements have been met in terms of the planning requirements in 2009. Therefore, this project really should not be shown in 2010 because you are no longer showing a fiscal constraint associated with the INDOT portion of this project since it was already authorized in 2009. It is INDOT's decision as to how they wish to proceed or not to proceed with this project based on the authorization and the prior approval of this project in year 2009. Therefore, this project should not be shown in 2010 and you should go forward from there.

Mr. Hess said that it was put in 2010 at the request of INDOT. Mr. Desmond pointed out that there is a cost increase associated with 2010. In the 2009 year it is at one fixed amount and they are asking for that amount to go up by about \$1.5 million in 2010. What Mr. Tally is

reporting is correct. If they have already obligated the money and simply delayed the letting date, then that is sort of a done issue. Any delay that we put in right now would be irrelevant to them being able to fund and to move forward with the project. The only issue at hand from them would be if they need to ask us to authorize additional funding on top of what was already obligated. Mr. McDaniel said he wasn't sure where that leaves us. Does that response satisfy the situation? Mr. Hess said that he thought that it would be an amendment to the TIP for the additional funds. Mr. Martin wanted to clarify that staff has a directive from INDOT to put it into 2010 at \$24 million. Is that correct? Mr. Hess said that this discussion came up at the last PC meeting when INDOT had proposed a TIP amendment for the Bypass for fiscal year 2009 which was then withdrawn by INDOT. The direction we were given was that if the letting was expected to be in July, it should be shown in FY 2010. Mr. McDaniel said that in the version that we have of the TIP, it is currently in 2010. Mr. Hess said that in the existing TIP (that we will operate under for the next 4 days), it is in 2009. The proposal today is to move it to 2010 and Mr. Baker's motion is to move it to 2011. Mr. Tally has indicated there is a point where obligation occurs and it sounds like that may have already happened. Mr. Tally said that FHWA doesn't ask the MPO to update the TIP based upon every little change in every single project that's been authorized in the past. We authorized it in good faith that you had it in your 2009 TIP. And if INDOT lets this project and it costs less, they can reprogram those resources. If it comes in over budget, they come up with the additional resources and adjust. Mr. Martin said that we have been told that the cost is over \$1 million more than we have in our current TIP. This was responding to that change in cost. If it was less, we wouldn't have had to take an action. But if it is more, we would have to take an action at some point for that additional money. Mr. Max Azizi (FHWA) said that changes in cost basically depend on the process that the MPO has. If your amendment process requires that every time a project changes within 5%, you need to go to public process—that's your choice. These are the processes that you put in place. If you don't have a process for cost increase, then there is no process. We consider those administrative changes and we make those modifications as required. Mr. Martin said the question is whether we have anything in our process that would require us to take an action when there is this kind of a change in the value of the process. We need to find out if our process tells us we need to do anything here. Mr. Stoops said it sounds like our only leverage is \$1.47 million. They are going to let this in 2009. They already have approval from us for 2009. The only leverage that we have to get changes that hopefully negotiate with INDOT for changes is the additional \$1.47 million that they want. Mr. Martin asked if we have in our process a number. Mr. Hess said, no. Our public participation process requires us to identify, go through a 30-day public comment period anytime there is capacity expansion or right-of-way acquisition—which is pertinent to the next agenda item as well—and for the TIP and the Long Range Plan. So, the reason why this document went through the 30-day public comment period and went before the CAC two times and the TAC two times is because it is a brand new TIP and there are changes to the projects therein. This project was no different than any of the other projects that experienced change.

**\*\*\*Mr. McDaniel said there is a motion on the floor. He called for a roll call vote for approving the whole TIP as well as the TAC changes and Jack's amendment to move the Bypass project from 2010 to 2011. The motion failed by a vote of 5:8.**

**\*\*\*Ms. Johnson moved to adopt the TIP with the TAC amendment and without the CAC amendment. Mr. Kruzan seconded.**

Mr. Stoops commented that with some communication and with some cooperation this all could have been avoided. Mr. Kruzan seconded the comment.

Mr. Nierzwicki said he thought that the I-69 issue was going to be controversial—not the Bypass. In his opinion, the Bypass is one of the most backed projects in Bloomington.

**\*\*\*Mr. McDaniel called for the vote. The motion was approved by a vote of 9:4.**

**\*\*\*Mr. Coyne moved that the PC certify the projects as listed in the staff report as complying with the Complete Streets requirements. Mr. Stoops seconded the motion. The motion was approved by a unanimous vote 12:0.**

#### **C. I-69 Hardship Right-of-Way Acquisition (*Action Requested\**)**

**\*\*\*Mr. Kruzan moved that they postpone consideration of this case. The City has just received an incredibly thorough letter from the Federal Government on what action or inaction on this item constitutes. We have asked INDOT multiple times to discuss this and were told 2 days ago that there would probably be no meeting on this. He would like to have an opportunity to speak with the Governor. Now is not the best time to speak with the Governor on anything until the Legislature adjourns. The City is not ready to act on this. We don't know exactly what will happen if we don't adopt it and it's been a 7-year case already. There is no magic in acting on it today and would ask that we postpone until the next meeting. Mr. Ruff seconded. Voice vote was taken. The motion was passed by a vote of 11:1 (Mr. Stark opposed.)**

Mr. Martin suggested that everyone go out to the opening of the B-Line Trail which as Mr. Kruzan has noted the State of Indiana has helped us with considerably.

Mr. McDaniel asked if the staff reports could be postponed. Mr. Hess said they are non-action informational items. If there are any questions, you can forward them to us but we can put them in your packet next time if that is the pleasure of the committee.

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

#### **A. Topic Suggestions for future agendas**

### **IX. Upcoming Meetings**

**A. Technical Advisory Committee – August 26, 2009 at 10:00 a.m. (McCloskey Room)**

**B. Citizens Advisory Committee – August 26, 2009 at 6:30 p.m. (McCloskey Room)**

**C. Policy Committee – September 11, 2009 at 1:30 p.m. (McCloskey Room)**

### **Adjournment**

*These minutes were 9/11/09 by the Policy Committee at their meeting held on September 9, 2009 (RCH 09/11/2009)*