

NIRPC Executive Board Meeting  
NIRPC Office, Lake Michigan Room  
6100 Southport Road, Portage, IN  
June 16, 2016  
Minutes

Chairman Jim Ton called the meeting of the Executive Board to order at 9:10 a.m. with the Pledge of Allegiance.

Executive Board members present included Jim Ton, Geof Benson, Kevin Breitzke, Dave Decker, Michael Griffin, Tom McDermott, Blair Milo, Diane Noll, Ed Soliday and Greg Stinson.

Other Commission members present included Mary Brown, Bob Carnahan, Bill Emerson, Jr., Will Farrellbegg, Roger Miller, Lori Reno, Tom Schmitt, Dave Shafer, and George Topoll.

Guests present included Rick Powers, Matt Deitchley, Dean Button, Eric Zosso, Linda Graff, Don Oliphant, Lindsay Quist, Lauren Varga, David Wright and Andrew Steele.

Staff present included Ty Warner, Steve Strains, Dave Hollenbeck, Angie Hayes, Kathleen Honl, Kelly Wenger, Jody Melton, Kathy Luther, Belinda Petroskey, Gabrielle Biciunas, Gary Evers, Scott Weber, Sarah Geinosky, Eman Ibrahim, Stephen Sostaric, James Winters, Amanda Pollard and Mary Thorne.

**Presentation:** Eric Zosso and Linda Graff presented on the Google eCity Award. This award recognizes the strongest online business community in each of the 50 states. These cities' businesses are using the web to find new customers, connect with existing customers and fuel their local economies. In January, the City of Valparaiso was presented with the 2015 eCity Award for Indiana.

Dave Hollenbeck announced a letter of appointment was received appointing Mary Brown as the representative for the City of Gary.

**Approval of Minutes:** On a motion by Geof Benson and a second by Greg Stinson, the minutes of the May 19, 2016 Full Commission meeting were approved as presented.

**Report of the Chair – Jim Ton**

- Jim Ton thanked the Chairs of the new committees. Michael Griffin commented that the last meeting of the Transportation Policy Committee was held on June 14 and the new Technical Planning Committee will hold their first meeting on July 12 at 9 a.m.
- Jim Ton said the transit operators are discussing issues to consider. In the new paradigm there is a shift in voting membership. Not all of the transit operators are now voting members. There is an allotment of one transit representative per county, and then the directly funded transit operators, of which there are three, have in the past had a vote on the former TPC. The transit operators have requested Gary Public Transit Corporation and Michigan City Transit have a vote on the committee. NICTD is a direct recipient and has a vote on the new committee. Jim Ton said that as the committee structure was voted on by the Full Commission, it will be an item on the

agenda for discussion at their July meeting. Dave Decker moved to add the committee structure to the July full Commission agenda, and Geof Benson seconded the motion. The Executive Board voted unanimously to bring the request to the next meeting of the Full Commission. In response to a request for clarification by Tom McDermott on the voting makeup of the Technical Planning Committee, Jim Ton explained that the transit operators' vote would be reduced from 10 to one per county plus NICTD. Under the old TPC, voting was of the majority regardless of how many or how few attended. Geof Benson added that the restructuring was an effort to get more Commissioners involved in the committees involving monetary decisions. On the new committee, there are four commissioners from each county who expressed their desire to serve, one transit operator sub-recipient from each county, one person from the Northwest Indiana Forum, one INDOT representative, one representative from NICTD and non-voting representation from FHWA and FTA. Michael Griffin added that there was a desire to establish structure and consolidate two large parts of our function, the decision-making that goes into transportation funding and insuring consistency with our 2040 Plan. It is no longer a transportation policy committee. Tom McDermott commented that NIRPC can call for a weighted vote, but the new TPC did not have that option in place. Blair Milo commented that through the new TPC, there is a balance for equal representation of all communities.

#### **Report of the Executive Director – Ty Warner**

- Ty Warner reported that NIRPC is getting electric vehicle charging stations installed as a part of a program from NIPSCO and South Shore Clean Cities. A celebratory event will be held regionally in July.
- The final planning regulation interpreting MAP-21 and the FAST Act was recently issued and was published in the Federal Register dated May 27, 2016. Interpretation is being explored by staff with assistance from USDOT. There is increased emphasis on performance-based planning and programming for quantifiable planning measures. Another important item is the composition of the NIRPC Commission. The Legislative Committee was in discussion on this back in 2012. A concern of MPOs across the country was that what was being suggested flew in the face of the concept of what the Council of Governments is. All commissioners are an elected official responsible to their constituency. The feedback from MPOs across the county was heard and the interpretation was that as elected officials you are engaged in activities occurring in your communities and can represent those activities to the Board. As such, there would be no change to the representation on the Board.
- The FY 2017-2018 Unified Planning Work Program went out for a 30-day public comment and is available on NIRPC's website.

#### **Environmental Management Policy Committee:**

Geof Benson reported that the next meeting will be held on July 7 at 9 a.m. in the Lake Michigan Room at NIRPC.

#### **Transportation Policy Committee:**

Geof Benson reported that the Transportation Policy Committee met on June 14th. The Committee heard a presentation from staff on the new overall committee structure, in particular the Technical Planning Committee which is a merge between the Transportation Policy Committee and the Pathway to 200 Implementation Committee.

- Amanda Pollard reported that the Public Comment Period on the FY 2017-2018 Unified Planning Work Program ran for thirty days beginning May 18 and no comments have been received.
- The first action for approval was Resolution 16-21, the adoption of the FY 2017-2018 Unified Planning Work Program. Eman Ibrahim said that the work program, funded through the Federal Highway Administration, the Federal Transit Administration, the US Environmental Protection Agency, foundations and NIRPC's local funds from each of the three member counties is required as part of the metropolitan area transportation planning process. The new planning emphasis areas for 2016 are Title VI, performance-based planning measures and targets, Ladders of Opportunity program and Highway Safety Improvement Program funds. A new safety project added is for the I-65/US 30 corridor. There is an emphasis on improvement of the urban core communities. In answer to a question regarding the "pending other" column in the budget tables, Angie Hayes responded that those numbers represent other funding sources for the local match. The Transportation Policy Committee recommended action on Resolution 16-21. On a motion by Geof Benson and a second by Kevin Breitzke, the Executive Board voted to approve Resolution 16-21, the FY 2017-2018 Unified Planning Work Program.
- The second action was the approval of Resolution 16-22, the twenty-fourth amendment to the FY 2016-2019 Transportation Improvement Program. Belinda Petroskey described the amendment, adding operating assistance Section 5307 projects for North Township, Porter County Aging and Community Services and South Lake County Community Services. The Transportation Policy Committee recommended action on Resolution 16-22, Amendment #24 to the FY 2016-2019 Transportation Improvement Program. Geof Benson motioned to approve, seconded by Dave Decker. Bob Carnahan commented that Margot Sabato abstained from the vote at the TPC meeting as they are getting a large amount of money. The Executive Board voted to approve Resolution 16-22, the amendment 24 to the FY 2016-2019 Transportation Improvement Program.
- The final action was the approval of Resolution 16-23, the twenty-fifth amendment to the FY 2016-2019 Transportation Improvement Program. Gary Evers described the amendment adding 16 new INDOT projects or project phases. The Transportation Policy Committee recommended action on Resolution 16-23. On a motion by Geof Benson, seconded by Greg Stinson, the Commission voted to approve Resolution 16-23, Amendment #25 to the FY 2016-2019 Transportation Improvement Program.
- The first meeting date of the new Technical Planning Committee is scheduled for Tuesday, July 12th at 9 a.m. at the NIRPC office.

#### **Finance & Personnel Committee:**

Diane Noll reported that the committee met this morning and there are two items being brought to the Executive Board today.

- The first is the proposed budget amendment for \$10,000 additional local funds to be spent on the Greenways & Blueways 2020 Plan. On a motion by Diane Noll and a second by Geof Benson, the Executive Board approved the 2016 budget amendment for the Greenways & Blueways 2020 Plan.
- The second is the basic agreement between the Northwestern Indiana Regional Planning Commission and the Indiana Dunes Environmental Learning Center, Inc. for propane fuel. On a motion by Diane Noll and a second by Dave Decker, the Executive Board voted to approve the

agreement between NIRPC and the Dunes Environmental Learning Center by a vote of nine, with one abstention by Geof Benson, who cited appearance of conflict.

**Indiana Department of Transportation:**

- Rick Powers reported that construction and maintenance work is heavily underway throughout the entire state. There will be a lot of congestion on I-94 over the July 4<sup>th</sup> holiday weekend and drivers need to slow down and be alert and aware to avoid accidents. Jim Ton commented that queuing has affected SR 49 and other roads. This is done purposely for the drivers' safety. INDOT has been very open in communications with the Town of Chesterton. Geof Benson commented that signs are up that US Highway 12 will be closed from SR 520 to SR 49 on Wednesday and Thursday next week. Kevin Breitzke commented that INDOT has been very innovative and just completed the first J-turn on US 41.
- The application deadline for the Community Crossings matching grant program has been extended to July 29. The decision deadline is also extended.
- Ed Soliday reported that a memorandum came out from the Department of Local Government Finance (DLGF) that local governments can now match with almost anything. If you transfer money into the Rainy Day fund, you can match it. The program will continue at \$100 million per year. The 64 smallest counties will get 50%. There is better data on road conditions as asset management plans kick in. Ed Soliday gave Ty Warner a spreadsheet from INDOT which delineates where every dollar of state money is allocated by capita and road miles. Northwest Indiana is not being cheated. I-94 and 80/94 have some of the state's highest maintenance costs, along with I-70. The new automated systems will help a lot with truck weights. The permitting costs about \$20,000 per year per truck. Rick Powers added that INDOT has an online tool of spending by county.

**Public Comment on Agenda Items:**

David Wright, GPTC, thanked the Executive Board for recommending to the Full Commission for a decision the Technical Planning Committee makeup issue with regard to transit operators. There are nine fixed route and demand response transit operators in the region. 52% of the transit ridership are on the GPTC system. Combined with NICTD, the total percentage of transit ridership is 86%. CMAQ funding is under the auspices of the Surface Transportation Committee. As of now, no transit operators are allowed a seat on that committee. GPTC would like consideration of transit membership on that committee as well. A large part of the CMAQ funds are going to GPTC for the Broadway Rapid Transit. Tom McDermott commented that they are asking to sit on a board that budgets money to GPTC and he did not think that was appropriate. David Wright replied that transit operators were always allowed a vote on the former TPC. GPTC should be allowed a seat on the committee as well as Michigan City.

David Wright said the final rule released within the last week or two did try to clarify what they called a need to be a bit more multimodal with respect to representation on MPO policy boards, which would be NIRPC's Commission. David Wright read the rule: The final rule establishes that "every MPO that serves an area designated as a transportation management area (TMA) must include an official (or officials) who is formally designated to represent the collective interests of the operators of public transportation in the metropolitan planning area (MPA) and will have equal decision-making rights and authorities as other officials on its policy board. Related to this requirement, FHWA and FTA did not

include the proposed definitions for “local official” and “major modes of transportation” in the final rule. With respect to “major modes of transportation,” FHWA and FTA concur with comments that the definition is overly broad and could be read to include all forms of transportation, including non-major modes, and that MPOs are in the best position to define what constitutes a major mode of transportation.”

David Wright said GPTC and NICTD are the largest designated recipients and the only agencies that have planning projects that are so regionally significant that they are in the Congestion Management Plan. GPTC requests a meeting with NIRPC staff and the FTA to determine how to interpret that rule.

Ty Warner responded that this issue has been discussed in the Legislative Committee since 2012. Other MPOs and regional Councils of Government have the same concerns. Not every MPO is a council of government or a regional council. Councils of government are designed to have elected officials at the table so that everyone responsible for a constituency has a vote at the table. There are about six pages that discuss this issue in the federal regulations. The final rule reads “Representatives of an operator of public transportation may also serve as a representative of a public municipality.” FHWA indicated it is the MPO’s decision whether to include all operators of public transportation.” The final rule also provides for “flexibility for the MPOs to determine how best to include representation by operators of public transportation.”

Geof Benson added that NIRPC has Commissioners who wear two hats. They serve on the NIRPC board as well as the NICTD board, so NICTD has representation here as do some of the sub-recipients. Who on the GPTC board is an elected official? Perhaps the Mayor of Gary could serve on the GPTC Board which seems to be the easiest fix. David Wright asked if the two-hat rule applies after the final rule has been issued by USDOT? Jim Ton commented that since NIRPC is both a council of governments and a metropolitan planning organization, he thought the two-hat rule would apply. David Wright asked that GPTC be provided with the interpretation either by Ty Warner or Dave Hollenbeck.

**Announcements:**

- Bob Carnahan announced Cedar Lake’s four-day Summerfest begins July 1 with fireworks on July 3. Brochures were available.
- Roger Miller asked for help for Pottawattamie Park which is replacing its sewer system. Any information on grants or other funding opportunities would be appreciated.
- Jody Melton announced that the Kankakee River was designated a National Water Trail with help from the Northwest Indiana Paddling Association and the Kankakee River Basin Commission.
- Dave Decker attended a rail conference in Chicago yesterday. With the opening of the Panama Canal, the population center will shift for the United States right into our area from Chicago straight down. The future of multimodal transportation will explode in the next 30 years.

Hearing no other business, on a motion by Blair Milo and a second by Greg Stinson, Jim Ton adjourned the meeting at 10:35 a.m.

*A Digital MP3 of this meeting is filed. Contact Mary Thorne at the phone or email below should you wish to receive a copy of it. DVD recordings will be available once they are received by NIRPC from the videographer.*

For requests for alternate formats, please contact Mary Thorne at NIRPC at (219) 763-6060 extension 131 or at [mthorne@nirpc.org](mailto:mthorne@nirpc.org). Individuals with hearing impairments may contact us through the Indiana Relay 711 service by calling 711 or (800) 743-3333.

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