

NORTHWESTERN INDIANA REGIONAL PLANNING COMMISSION

Together We Make The Difference

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Resolution 14-04

**A RESOLUTION OF THE NORTHWESTERN INDIANA REGIONAL
PLANNING COMMISSION ARTICULATING THE "SENSE OF THE COMMISSION"
AS A METROPOLITAN PLANNING ORGANIZATION AND A COUNCIL OF
GOVERNMENTS REGARDING SUPPORT AND REIMBURSEMENT FOR ANY
COSTS INCURRED BY LOCAL GOVERNMENTS ASSOCIATED WITH THE
PROVISION OF PUBLIC SAFETY SERVICES ON THE ILLIANA TOLLWAY,
DESCRIBED IN IC 8-15.5-1-2(b)(3).**

WHEREAS, The Northwestern Indiana Regional Planning Commission, as the Metropolitan Planning Organization and Council of Governments for the Region, from time to time, encounters issues of public import and moment which invite an expression from the elected representatives as part of the public discourse on the matter;

WHEREAS, Article 1, Section 31 of the Indiana Constitution provides that no law shall restrain any of the inhabitants of the State from assembling together in a peaceable manner, to consult for their common good, nor from instructing their representatives, nor from applying to the General Assembly for redress of grievances;

WHEREAS, The State of Indiana has proposed a particular public transportation project styled as the Illiana Tollway, particularly identified in IC 8-15.5-1-2(b)(3), to be organized and undertaken pursuant to the provisions of IC 8-15.5 et seq.;

WHEREAS, Pursuant to the request of the State of Indiana, through its Department of Transportation, the Northwestern Indiana Regional Planning Commission did vote to authorize the project and to amend its comprehensive long term plan to include the Illiana Tollway as an eligible project for Federal Aid; and

WHEREAS, The Northwestern Indiana Regional Planning Commission in consequence of its deliberations informing its vote, discerned compelling concerns voiced by officials and residents who reside near or in communities that may be impacted by operation of the Illiana Tollway, particularly exhibited by increased demands upon public safety support without commensurate resources to support the added demands;

WHEREAS, The Northwestern Indiana Regional Planning Commission, while finding the benefits of the Illiana to be greater than its considered costs, desires to identify ways and means sufficient to ameliorate any added costs that may ensue from the provision and delivery of public safety services by nearby State and local governments as may be required on the Illiana;

WHEREAS, The Northwestern Indiana Regional Planning Commission, notes that the public-private agreement required under IC 8-15.5-5 et seq., in order to support the construction and operation of any toll road project contemplated under its terms, may also possess other lawful terms and conditions to which the operator and the authority may mutually agree;

WHEREAS, The Northwestern Indiana Regional Planning Commission, further notes that the public-private agreement required under IC 8-15.5-5 et seq., to support the

construction and operation of any toll road project contemplated under its terms, may possess provisions regarding financing obligations of the operator and the authority, as well as rights and duties of the operator, the authority and other state and local government entities with respect to the use of the project, including the state police department and other law enforcement and public safety agencies;

WHEREAS, The Northwestern Indiana Regional Planning Commission by and through its elected officers and members wishes to offer a distinct, public expression on the public import of this matter;

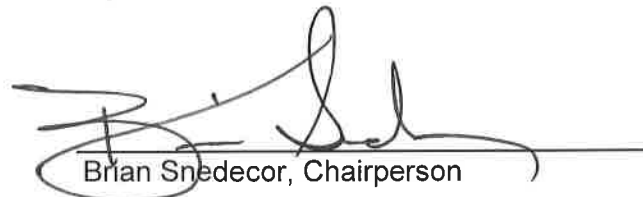
NOW, THEREFORE BE IT RESOLVED by the Northwestern Indiana Regional Planning Commission, that the sense of the Commission is as follows:

Section 1. It is the sense of the Commission that the Governor and the Indiana Finance Authority should be urged to include in the public-private agreement undertaken to support the construction and operation of the Illiana Tollway to include provisions that provide for the operator to make payment(s) in lieu of taxes to the incorporated cities or towns along the right-of-way calculated according to the formula set forth in IC 36-1-8-14.2(e);

Section 2. It is the sense of the Commission that the Governor and the Indiana Finance Authority be further urged to include in the public-private agreement undertaken to support the construction and operation of the Illiana Tollway to include provisions that provide for the operator to reimburse the actual costs associated with any public safety services the State, or any local government may provide to the benefit of the Illiana Tollway; and,

Section 3. It is the instruction of the Commission that the proper officer of the Commission be hereby further directed to transmit and forward this resolution to Governor Pence, the proper officers of the Indiana Finance Authority, and such other persons as may be deemed to have an interest in this matter and to encourage those persons to carry out the objects and purposes of this "Sense of the Commission Resolution".

Duly adopted by the Northwestern Indiana Regional Planning Commission this 17th day of April 2014.


Brian Snedecor, Chairperson

Attest:


Roosevelt Allen, Jr., Secretary