

Public Comment Report

Adoption #1 of the 2020-2024 Transportation Improvement Program (TIP)

Northwestern Indiana Regional Planning Commission

May 16, 2019

Adoption #1 of the 2018-2021 Transportation Improvement Program was released for a 30-day public comment period which began on April 1st 2019, and ended April 30th 2019. Three comments were recorded. Below is a generalization of these comments:

Comment #	1 - Nicholas Vasil	2 - Donald Yarnell	3 - Dean Button, City of Hammond
Comment Received	Dependable, affordable, adequate public transportation that is connected to all areas is needed.	Pedestrian Signals along 93rd Ave between SR 53 & SR 55 do not work.	General comments about the 2019 NOFA process and about several of the projects selected.
Nature of Comment	General, Neutral	General, Support	General, Opposed
Comment response	Directed viewer to NIRPC's website for NWI Coordinated Transit Plan which addresses these needs.	Forwarded email to INDOT and Merrillville	Response to these comments about the NOFA Process, and reasoning behind the process and project selection.
Response preferred	email	email	None
Significant?	No	No	Yes
Need to Modify?	No	No	No

The last comment is significant but upon further discussion with INDOT, if the Commission choose not to approve the 2020-2024 TIP, all projects within the MPO, including INDOT's projects would be held up until the August Commission meeting. This was explained at the April TPC meeting. No projects could let, no projects could move forward. A better action is to approve the draft 2020-2024 TIP as presented to the public and discuss the process and projects selected in the upcoming TPC meetings and make recommendation for an amendment to the TIP to the commission in the August.

Dean D. Button, PE
City Engineer
City of Hammond
Engineering Department
5925 Calumet Avenue
Hammond, Indiana 46320

April 22, 2019

Mr. Ty Werner
Executive Director
Northwestern Indiana Regional Planning Commission
6100 Southport Road
Portage, IN 46368

Re: Draft NWI 2050 Plan

Dear Mr. Werner:

Thank you for the opportunity to comment on the draft NWI 2050 Plan prepared by NIRPC staff with the cooperation of the great number of elected officials and numerous committee meetings. Also, thanks to your staff for getting us to this point. I hope that my comments will make the NWI 2050 Plan more beneficial, for a better Northwestern Indiana.

THE PROCESS

While the process in formulating the NWI 2050 Plan has been quite extensive, with many working significant additional hours, I've noticed a push to rush to the deadline. However, due to unclear or hurried deadlines, Local Public Agencies (LPAs) have committed to actions without fully reviewing or considering the documents prior to publication. This is particularly true with the Notice of Funding Availability (NOFA) process, forcing the Technical Planning Committee to approve publication of the 2020-2024 Transportation Improvement Plan (TIP) without seeing a final draft.

NOFA entertained a project call for January 12, 2019 during the first week of December. One short month, with lack of NIRPC staff availability and over the holiday season, placed many LPAs in a rushed position to complete their project applications within the deadline. Additionally, Roadway Expansions and Bridge Rehabilitation projects were not given greater importance until late in the process of project type evaluations. Rushing forces LPAs to focus more on quality of life projects to the detriment of moving surface transportation (i.e. the motoring traffic). Multi-use paths and Complete Streets should not be ranked with greater importance than Roadway Improvements, Capacity Expansion and Bridge Reconstruction. Hammond, perhaps more than any other LPA in Northwest Indiana, focused a concentrated effort on pathways and quality of life initiatives. However, the MPO failed to give appropriate consideration to our

rapidly deteriorating roadway infrastructure. I urge NIRPC to focus on our failing roadways and bridges to focus on sustaining and bettering the Region.

At the March 12, 2019 Technical Planning Committee Meeting, the committee was told by staff that the TIP must be approved without the opportunity to review the completed plan. Distributing the TIP to the public without full consideration by the TPC or Full Commission would not be in the best interests of the Region. The TIPC and Full Commission exist, in part, to review and consider the TIP as part of the NWI 2050 Plan. I understand that NIRPC Staff was working on outstanding matters with certain LPAs regarding project adjustments to maintain the budget under the currently approved list of TIP projects. When the 2020-2024 TIP was presented to the Transportation Resource Oversight Committee, at least nine new projects were added to the TIP without review by the TPC or the Full Commission. The explanation for these unreviewed projects being included last minute was FHWA/INDOT provided about \$1,000,000 in additional TIP funding. These additional nine projects were not given the same committee discussions as the ones reviewed at the February 12, 2019 TPC meeting. Proper decisions are rarely made when rushing to meeting deadlines.

As a result, one of the nine added projects awarded \$15,525,000 in Federal funding for an intersection improvement project (City of Valparaiso – Campbell and Lincolnway Roundabout). This project was characterized under CMAQ funding, which only receives about \$3,800,000 in annual Federal funding. The
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balance of the project would have to be funded through the Surface Transportation Block Grant, thereby reducing the amount of money available for other important projects. Selecting this project is wrong on a number of levels. First, there are two Lake County Park projects currently under design utilizing Federal money for PE that are not included in the current TIP: Veteran's Trail Phases 1 and 2 with a total construction (CN) funding requirement of \$7,315,920. If these projects do not get funded, the LPA will be required to pay back the Federal portion of the PE spent by the LPA. Further, this is against what is allowed by FHWA. FHWA requires any project where Federal funds are allocated for PE (where construction is forthcoming) the MPO must also allocate the future funds for CN within the TIP, even if it is outside the TIP schedule.

Second, the Campbell and Lincolnway Roundabout also includes a tunnel that extends Campbell south toward US 30 under the Chicago, Fort Wayne and Eastern Railroad that is believed to be the majority of the cost of the project. The City of Valparaiso should be encouraged to divide the two clear separate-and-distinct portions of the work and have each project re-scored on their individual merit prior to the considered added to the TIP.

Additionally, the process for project scoring was far from transparent. The method for scoring projects enforced by staff under the current NOFA was wholly different than in previous NOFAs. NIRPC staff declared "we don't want to ill a forest" to provide the documentation for all the applications submitted so that the committee members could see all the applications. In the computer age, this makes little sense. Electronic documents can be readily available without need for wasting paper. Because of the NIPRC schedule for distribution of meeting materials prior to the topical committee meetings, LPAs were unable to view or review all applications prior to the meeting.

In the project scoring process, LPA applicants were allowed to apply and score themselves. Then, in most cases, the NIRPC staff member assigned to the respective topical committee reviewed the application and provided a NIRPC score. Then the topical committees met and only where the LPA disagreed with the NIPRC scoring was a discussion made to seek higher points. Never in the process were the topical committees allowed to see the entire individual applications to determine project viability. In the Campbell and Lincolnway example, the Surface Transportation Committee never had the opportunity to review the application and could not determine whether or not the Intersection Improvement project type was appropriate for a tunnel construction. Facially, the City of Valparaiso scored higher for their tunnel project by disguising it as an intersection improvement project. The project didn't receive support at the February

12, 2019 TPC meeting. Then, without TP input, the Campbell and Lincolnway project gets added to the draft 2020-2024 TIP by NIPRC staff and is presented to the public for comment without TPC or full commission approval. This action does not lend itself to transparency by NIRPC.

Additionally, NIRPC Staff added a Complete Streets Project by the City of Gary (On-road Trail 5th Avenue) that was never reviewed by the 3PC topical committee or the TPC. It is unclear whether the Indiana Department of Transportation approved the conversion of eastbound US 12/US20/5th Avenue in Gary into a two-way roadway with bike lanes. This question has since been asked at the 3PC topical committee meeting on April 4, 2019 without response. Federal funding should not be approved for a project without the involvement of the roadway's owner. In addition, NIRPC staff criticized the City of Hammond in our application for an Off-Road Trail request alongside the very same roadway the City of Gary seeks to make into a bike lane using Federal funds. The City of Hammond was forced to amend our application to take a different path in order for NIRPC staff to agree to our scoring.

Finally, the process for project selection was inherently flawed. While every effort seemed to be fair according to a scoring criteria, the controlling factor for selecting projects was not by their scoring, but by the funds available. Additionally, while LPAs that did not seek Federal funding for PE and ROW were provided some nominal points for scoring purposes, an overwhelming reason for selecting Roadway Improvements was the seemingly lower cost to fund PE. Simply placing the project on the TIP and pushing the CN outside of the current TIP cycle, encumbers costs against the future TIP and the future NOFA. Lesser cost projects that scored higher because PE was not sought were passed by for lower scoring, more costly projects that requested Federal PE funds.

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2020-2024 TRANSPORTATION IMPROVEMENT PLAN

The following projects impact the Commission's ability to fund future NOFA's:

Table 1

LPA	Project	Amount
City of Gary	5 th Avenue Complete Streets	\$ 4,000,000
Town of Schererville	Kennedy Avenue	\$ 4,592,000
City of Valparaiso	Campbell and Lincolnway w/Tunnel	\$14,125,000
Porter County	Willowcreek Road P1	\$27,010,000

This table does not include the Federal amount obligated in the current TIP (i.e. PE/ROW for these projects). Using the 2020-2024 TIP to determine average Total Obligation Authority Available per fiscal year to be approximately \$21,000,000, the projects listed above effectively borrow 1.3 years of NOFA funding for the next NOFA cycle. Further, this does not include the \$7,315,920 needed to fund the Veterans Trail Phases 1 and 2 which increases the future borrowing to 1.6 years, effectively making the NOFA for transportation projects ineffective.

The following chart shows what will be funded if the draft 2020-2024 TIP is approved:

2019 NOFA Distribution by Project Type (number of projects)

- Valparaiso Project [R1] (1) 33%
- Roadway Improvement (7) 23%
- Trails/Complete Streets 19%
- Roadway Expansion (1) 11%
- New Roadway (1) 10%
- Other (5) 4%

The following chart shows the distribution of NOFA funding by LPA, their population (2010 Census) and the awarded cost per capita to illustrate the proposed project selectin contained in the draft 2020-2024 TIP:

	Population	2019 NOFA	NOFA \$ per capita
• NIRPC	n/a	n/a	\$ n/a
• Valparaiso	31,730	15,826,000	\$ 498.77
• Schererville	29,243	4,936,400	\$ 168.81
• Hobart	29,059	4,532,267	\$ 155.97
• Chesterton	13,068	1,209,375	\$ 92.54
• Winfield	4,383	391,200	\$ 89.25
• Portage	36,828	2,458,092	\$ 66.75
• Hammond	80,830	5,056,000	\$ 62.55
• Gary	80,294	4,668,501	\$ 58.14
• Cedar Lake	11,560	564,213	\$ 48.81
• Merrillville	35,246	1,561,820	\$ 44.31
• Crown Point	27,317	972,500	\$ 35.60
• Porter County	164,343	4,617,000	\$ 28.09
• Highland	23,727	280,000	\$ 11.80
• Burns Harbor	1,156	-	\$ -
• East Chicago	29,698	-	\$ -
• Lake County	496,005	-	\$ -
• Lake Station	12,572	-	\$ -
• Munster	23,603	-	\$ -
• Griffith	16,882	-	\$ -

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A comment was recently made by NIRPC staff that the MPO wishes to show INDOT that the TIP is fully funded. While that may make sense, the project listed in Table 1 too greatly burdens future NOFA's without regard to the projects listed in the draft Air Quality Conformity Report.

AIR QUALITY CONFORMITY REPORT

With regard to the Air Quality Conformity report, the Report lists 11 projects to be funded in the 2025-2030 TIP cycle. The report should include anticipated project costs in order that the MPO can be fiscally responsible for the future TIP. Projects in the AQQC must have a planned source of funding if they are to remain in the Report. Knowing the expected costs of the projects contained in the Report will provide NIRPC with a clear understanding of the funding available in future NOFAs.

A list of the 11 projects is shown in the following table:

• Munster	Main Street Extension
• Porter County	Willowcreek Road Balance of Phases
• St. John	85 th Added Center Turn Lane
	93 rd Added travel Lane
	109 th Added Travel Lane
	Blaine Added Center Lane
	Calumet Added Travel Lane
	Cline Added Travel Lane
	White Oak Added Center Lane
• Schererville	Kennedy Added Travel Lane

- Valparaiso Vale Park Added Center Lane

SUMMARY

In conclusion, I urge NIRPC to:

- 1) Add the missing Lake County Veterans Trail project phases as required by FHWA;
- 2) Remove the City of Valparaiso project from the 2020-2024 TIP, divide the intersection improvement project from the tunnel project and rescore each project to determine each project's viability;
- 3) Verify the City of Gary 5th Avenue On-road Trail project has concurrence with the right-of-way owner, INDOT to make significant changes to the roadway;
- 4) Provide project costs for those projects listed in the Air Quality Conformity Report, particularly those in the 2025-2030 TIP cycle;
- 5) Provide a greater focus on roadway and bridge rehabilitation project in future NOFAs;
- 6) determine a format where LPA's can participate more openly in the project selection by providing access to project applications in an off-line format; and
- 7) provide proper time to review actions and realistic timelines in order to meet deadlines.

Thank you again for the opportunity to prepare comments regarding the NWI 2050 Plan. Should you have any questions regarding the information contained in this comment, please contact me at your convenience at 219-853-6336.

Sincerely,



Dean Button, PE
Hammond City Engineer

RESPONSE

Mr. Button,

Thank you for taking to time to review and respond to our draft 2020-2024 Transportation Improvement Program (TIP). Staff spent countless hours putting together the NWI 2050 Plan, the 2020-2024 TIP and the 2019 Notice of Funding Availability (NOFA).

The NOFA process was as transparent as possible. There were approximately 60 hours of public Committee meetings throughout the entire process with six NIRPC Committees involved. The timelines were well publicized in advance, with everyone aware when it was approved by the Commission in November. None of the milestones were moved. Staff prioritized one-on-one meetings with LPAs to assist with writing applications. Every LPA that requested a one-on-one meeting to assist with their applications, got a meeting with staff. The draft TIP document acknowledged the tight timeline and laid out a longer timeframe for future TIP development. Staff also relayed to everyone the general amount of funding available for this NOFA round. For those LPAs active with NIRPC knew that a NOFA was in development well in advance of its official release and the opportunity to develop potential projects to make applications fort prior to the release the NOFA.

The priorities expressed through the NOFA were developed in conjunction with the NWI 2050 Plan process and from public participation starting in April 2018. Quality of Place, Complete Streets, Multi-Use Trails, compliance with the Americans with Disabilities Act, and Transit were resoundingly stated as

priority. Sustaining and bettering the region is much more than just expanding and or fixing our roadways and bridges. However, almost \$7 million dollars of the funds available for programming from FHWA were allocated to the Roadway Improvements program, almost 125% more than the next investment program. In fact, over \$7.3 million was allocated to Roadway Improvements. This is on top of all the funding committee to projects that were carried forward from the existing 2018-2021 TIP. Therefore, investments in roadway and bridge infrastructure remains strong, especially for core capital maintenance with a targeted transition in the NWI 2050 Plan from roadway expansions and towards projects more geared towards state of good-repair roadway projects.

After the deficit was resolved in FY 2022 and on March 13, 2019, the Indiana Department of Transportation provided staff final funding estimates for 2019 and preliminary numbers for 2020 (which were used as a baseline for 2021, 2022, 2023, and 2024), a final funding picture was available. This was after the March TPC meeting and therefore after the intended opportunity to iterate on programming. Staff, acting professionally and responsibly followed the same programming approach that was employed during in the February TPC meeting and the February LaPorte TROC meeting to finalize programming of projects in Lake and Porter Counties. It was well documented in a presentation to the Commission in November that a primary goal of the 2020-2024 TIP was to achieve a fully programmed TIP giving communities and the region full access to all federal funds made available by FHWA and FTA. Additionally, it would demonstrate need for greater opportunities to capture Federal and state funds (BUILD, Next Level Trails, Community Crossings, Local Trax, etc.) by showing a true need for infrastructure improvements needed in the region.

The projects referenced in the comment letter, Valparaiso's intersection improvement project was not given \$15,525,000 as you noted, it was given only \$1,400,000 in 2024. The city will have 10 years after they request these funds to begin construction. The city must come forward in future NOFAs to request funding for additional phases or segments of the project. But this project does work towards improving congestion at a busy intersection. Lake County Parks' Veteran Trail projects was unknown to staff as a legacy project until after the March TROC meeting. In fact, their application did not mention that it was a legacy project with a DES number, was not brought to the attention of the Ped, Pedal, & Paddle committee in early February, and was not mentioned at the February TPC meeting to staff. Had it been mentioned; it might have been chosen, but was still a lower scoring project in its investment program. The FHWA does not have a regulation stating when a project is to be built after federal funds have been expended, only that an LPA must pay back any federal funds spent if construction has not started. It does not state who must pay for construction. It does not state that the MPO must fund the project (by any percentage), only that construction must be started.

The NOFA has not proven to be perfect, rather a good attempt at making the TIP programming process better. One of the unforeseen imperfections was that a project as a whole scored higher than individual segments. This imperfection left a "loophole" that made it possible for smaller projects or pre-construction phases to be constructed by being small enough to utilize available funds. In any case, these were still most often high scoring projects. In the future all LPAs will be encouraged, if appropriate, to break their larger projects into more manageable segments when making applications. Also, since this was a new and more holistic process, staff included all of the relevant committees in the review and scoring process. The scoring was not enforced by staff, it was reviewed and accepted by each topical committee. Each topical committee was allowed to discuss the projects and the scores as needed. Some did, some perhaps did not. However, it was more time efficient and respectful of all involved by allowing self-scoring, staff scoring, and using the Committees to resolve major differences, rather than using the Committees to enforce a time-consuming peer review. Further, this scoring aspect of the NOFA process was far more transparent than other federal or state Call for Projects processes. The FHWA, INDOT, and many other

MPOs score, rank, and present results without public scrutiny or transparency into the inner process and provide no ability for appeal. Staff went out of their way to include all of the LPAs and Committees.

In the comment letter there is a statement concerning whether or not INDOT would approve the conversion of eastbound US 12/US20/5th Avenue in Gary into a two-way roadway with bike lanes. In reviewing all of the projects presented in the NOFA, there were seven LPAs that put forth projects that will need to get at least concurrence from INDOT. Of those seven, only Hammond sought out this concurrence on their own volition. It was not a requirement of the NOFA. Projects that were accepted by TPC include the communities of Gary, Merrillville, and Crown Point; all of which did not include this letter of concurrence from INDOT. To single out Gary to be required to bring forth evidence while ignoring others, is again unfair as addressed at the April TPC meeting. The City of Gary has almost five years to get this concurrence. If not, these funds will be added back to a future NOFA.

Again, the process was not perfect, and staff has been more than willing to publicly agree many times and has included two tasks in the next Unified Planning Work Program to specifically address many of the concerns reflecting upon everyone's experience with the NOFA. One issue is that of limited funds in this NOFA because there were several projects that were programmed (and not just partially programmed) in the prior TIP. This was not because the prior TIP was overextended through programming, rather from a lack of diligence on all parties to let projects in a timely manner, and more quickly adapt to a change in INDOT policy from carrying over unobligated federal funds, to a "use or lose" policy. This pushed over \$20 million of projects into the 2020-2024 TIP from the prior 2018-2021 TIP. As part of these UPWP efforts, the programming process will once again be examined, so that the process will be understood and hopefully accepted by all. One improvement to gain a better understanding and transparency is to release NOFA's on a more regular basis (bi-annually), rather than the periodic NOFAs of the past. Having projects with PE or ROW underway, funded with local, state or federal funds, will be important to get construction phases programmed within the next two-year window. The City of Valparaiso and Porter County understand that their projects will need to be broken into several phases, hopefully to receive funding in a timely manner over a decently long period of time. Transformative projects can be hard to complete, but everyone understands that to complete these projects, they must be completed in manageable phases. The Chicago Street corridor in Hammond or the Kennedy Avenue projects in Schererville are prime examples of this process at work. It is relevant to point out that the construction for Porter County's Willowcreek Phase 1 is currently estimated at \$5.4 million, not \$27 million. Funding the PE for any of these projects does not guarantee that these project or phases for these projects will be granted automatic inclusion into the next TIP. The projects will still have to compete. It does mean that as an MPO recognize that these projects should move forward if we are going to sustain, grow and make our region better for all.

Looking at only new funding awards by LPA gives an inaccurate representation of the funding that is being spent in our region. Only looking at these numbers ignores what has been carried over or recently let. Also, only looking through the lens of population is also not ideal. Lane miles and jobs should also ideally factor into the analysis. While this could be a future improvement to gauge equitable distribution of funds, it is important to also note that federal regulation does not allow any sort of formulaic award in our TIP. New funding awards were made by combination of those with the highest score, those that could be funded and still achieve fiscal constraint, and social and geographic equity in mind. However, the following chart shows the distribution of all funding by LPA for all non-transit projects in the draft 2020-2024 TIP.

LPA	Population (2010)	Total	\$ per Capita	# of Projects
Burns Harbor	1,156	\$ 997,934	\$ 863.27	1
Cedar Lake	11,560	\$ 564,213	\$ 48.81	1
Chesterton	13,068	\$ 1,209,375	\$ 92.54	1
Crown Point	27,317	\$ 3,209,000	\$ 117.47	3
East Chicago	29,698	\$ 828,000	\$ 27.88	1
Gary	80,294	\$ 8,055,301	\$ 100.32	7
Hammond	80,830	\$ 21,635,250	\$ 267.66	8
Highland	23,727	\$ 280,000	\$ 11.80	1
Hobart	29,059	\$ 12,837,797	\$ 441.78	8
Lake County	496,005	\$ 9,417,600	\$ 18.99	2
Lake Station	12,572	\$ 454,403	\$ 36.14	1
Munster	23,603	\$ 1,339,120	\$ 56.74	2
Merrillville	35,246	\$ 5,173,820	\$ 146.79	3
NIRPC	N/A	\$ 1,705,457	N/A	9
Portage	36,828	\$ 10,333,652	\$ 280.59	5
Porter County	164,343	\$ 3,786,274	\$ 23.04	3
Schererville	29,243	\$ 12,809,579	\$ 438.04	3
Valparaiso	31,730	\$ 5,259,760	\$ 165.77	3
Winfield	4,383	\$ 391,200	\$ 89.25	1

In regards to the comment about NIRPC needing to include project costs for the projects identified in the Air Quality Conformity Determination report, this change will be made for both the federal and non-federal anticipated costs of these projects. As stated earlier in this reply, there is no guarantee that any of these projects with anticipated federal funding *will* receive federal funding when future programming decisions beyond the scope of the 2020 to 2024 Transportation Improvement Program are made. Rather, the topical committees and ultimately the Technical Planning Committee will make these decisions on a case-by-case basis for the betterment of our entire region paramount.