

**NORTHWESTERN INDIANA REGIONAL PLANNING COMMISSION
EXECUTIVE BOARD MEETING
Thursday, February 21, 2019, 9:00 A.M.
NIRPC Lake Michigan Room
6100 Southport Road, Portage, IN**

A G E N D A

- 1.0 Call to Order and Pledge of Allegiance – Diane Noll, Chair
- 2.0 Public Comment
Members of the audience who have signed up to comment on agenda items will be recognized by the Chair. Time is limited to 3 minutes per commenter. Commenters must sign up on the blue form prior to the start of the meeting.
- 3.0 New Appointment to the Commission – David Hollenbeck
- 4.0 Approval of Minutes of the January 17, 2019 Full Commission Meeting Pages 1- 6
ACTION REQUESTED: Approval
- 5.0 Report of the Chair – Diane Noll
5.1 Committee Assignments
- 6.0 Report of the Executive Director – Ty Warner
6.1 National Association of Regional Councils - National Conference of Regions/Washington D.C. Report
- 7.0 Finance & Personnel Committee – Justin Kiel Pages 7-9
- 8.0 Environmental Management Policy Committee - Geof Benson Pages 10
- 9.0 Technical Planning Committee – Kevin Breitzke Pages 11-12
- 10.0 Legislative Committee - Ty Warner
10.1 Resolution 19-06, NIRPC Appropriation Pages 13-18
ACTION REQUESTED: Approval
10.2 Resolution 19-07, Support of a Feasibility Study for Erosion Control at the Portage Lakefront Pages 19-21
ACTION REQUESTED: Approval
10.3 Resolution 19-08, Support for HB 1090, Railroad Crossings Pages 22-23
ACTION REQUESTED: Approval
10.4 Resolution 19-09, Support for SB 83, Tax Increment Financing Pages 24
ACTION REQUESTED: Approval
- 11.0 Transportation Conformity Determination, 2040 Comprehensive Regional Plan Update Companion Amendment 7, 2018 to 2021 Transportation Improvement Program Amendment 20 - Scott Weber
11.1 Public Comment Report on Transportation Conformity, 2040 CRPUC Amendment #7 and FY 2018-2021 TIP Amendment #20 Page 25
11.2 Resolution 19-10, Making the Transportation Conformity Determination for the 2040 CRPUC Amendment #7 and FY 2018-2021 TIP Amendment #20 Pages 26-39
ACTION REQUESTED: Approval
11.3 Resolution 19-11, Amending the 2040 CRPUC Amendment #7 Pages 40-42
ACTION REQUESTED: Approval

ACTION REQUESTED: Approval

12.0 INDOT, Rick Powers, La Porte District Deputy Commissioner

13.0 Other Business

14.0 Announcements

15.0 Adjournment

The Northwestern Indiana Regional Planning Commission (NIRPC) prohibits discrimination in all its programs and activities on the basis of race, color, sex, religion, national origin, age, disability, marital status, familial status, parental status, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program.

NIRPC Full Commission Meeting

6100 Southport Road, Portage, IN

January 17, 2019

Draft Minutes

Call to Order - Chairman Geof Benson called the meeting to order at 9:00 a.m. with the Pledge of Allegiance and self-introductions. The meeting was streamed live on YouTube.

Commissioners present included Kyle Allen, Sr., Christopher Anderson, Geof Benson, Tim Bietry, Jim Biggs, Charlie Brown, Robert Carnahan, Lori Colmar, Don Ensign, Will Farrellbegg, Tom Fath, Karen Freeman-Wilson, Michael Griffin, Richard Hardaway, Jack Jeralds, Jane Jordan, Justin Kiel, Steve Kramer, Mark Krentz, Andrew Kyres, Tom McDermott, Diane Noll, Mike Rosenbaum, Dave Shafer, Brian Snedecor, Joe Stahura, Greg Stinson, James Ton and George Topoll.

Guests present included Lauri Keagle, Jon Kruger, Beth Courtright, Rich Courtright, Pete Doherty, Lisa Shrader, Terri Saltzman, Jeff Huet, Terry Velligan, Rick Powers, John Swanson, Ismail Attallah, K-Todd Behling, David Wright, Randy Strasser, Christopher Murphy, Matt Deitchley, Tim Zorn and Andrew Steele.

Staff present included Ethan Lowe, Ty Warner, Kathy Luther, Daria Sztaba, Talaya Jones, Charles Bradsky, Eman Ibrahim, Mitch Barloga, Gabrielle Biciunas, Lisa Todd, Peter Kimball, Dominique Edwards, Candi Eklund, Allen Hammond, Meredith Stilwell and Mary Thorne.

Public Comments –

There were no comments from the public.

New Appointments – Ethan Lowe announced the appointments to the Commission of Charlie Brown and Steven Kramer.

Presentation of Norman E. Tufford Award – The Norman E. Tufford Award was posthumously awarded to Paul Doherty for his service to NIRPC and the region. Ty Warner, Geof Benson, and Michael Griffin presented the Award to Paul Doherty, Jr., Beth Courtright and her husband Rick, Philip Doherty and Pete Doherty, family members of Paul Doherty.

Minutes – The minutes of the November 15, 2018 Executive Board meeting were approved on a motion by Robert Carnahan and a second by Mark Krentz.

Report of the Chair – Geof Benson

Geof Benson reported that the Bike Share presentation will be given at a later Commission meeting.

The Nominating Committee, consisting of Geof Benson, Diane Noll, Karen Freeman-Wilson

and George Topoll presented the recommendation for the slate of Officers and Executive Board members.

The slate presented was:

Officers:	Chair	Diane Noll
	Vice Chair	Karen Freeman-Wilson
	Secretary	George Topoll
	Treasurer	Justin Kiel

Executive Board:

	Lake County:	Anthony Copeland
	Lake County:	Tom McDermott
	LaPorte County:	Mark Krentz
	LaPorte County:	Tim Bietry
	Porter County:	Jim Ton
	Porter County:	Greg Stinson

The continued appointment of Rep. Ed Soliday as the Governor's appointee to the Executive Board is assumed. There were no nominations from the floor. On a motion by Michael Griffin and a second by Kyle Allen, Sr., the Commission voted to adopt the 2019 slate as presented.

Geof Benson turned the gavel over to newly-elected Chair Diane Noll. To celebrate his service as 2018 Chairman, Ty Warner presented Geof Benson with the Gavel Plaque.

The 2018 Schedule of Meetings was provided in the meeting materials.

Diane Noll said staff will email the Commissioners the Committee preference survey so that they can make two choices of their preferred committee on which to serve.

Report of the Executive Director – Ty Warner

Mr. Warner welcomed two new Commissioners, Charlie Brown from Lake County Council and Steven Kramer from the Town of Dyer.

The schedule of meetings is different from what was floated at the November meeting and is based on the items needing approvals during 2019.

With regard to the government shutdown, most of NIRPC's work is funded through Federal Highway Administration (FHWA) from the Highway Trust Fund so the majority of NIRPC's business will be unaffected. Funding sources which are impacted by the shutdown include the Federal Transit Association (FTA), Economic Development Administration (EDA) and the Environmental Protection Agency (EPA). Should the shutdown occur long enough for transit

operators to have to start reducing service, there are processes in place for notify riders and this will not happen immediately.

A flyer is available on the Quick Impact Placebased Grant. The applications will be accepted January 14 through March 8.

Gabrielle Biciunas passed the grant administration course and is now NIRPC's certified grant administrator through the Office of Community and Rural Affairs, which will enable NIRPC to provide more value for members in the way of grant assistance.

The rail crossing task force met and attendees included communities, rail employees and police departments. Communities can no longer issue tickets to railroads for blocking intersections due to a Supreme Court action invalidating a portion of Indiana statute. NIRPC is reaching out to other councils of governments around the nation on this issue through the National Association of Regional Councils. Tom McDermott said State Representative Carolyn Jackson (D-Hammond) authored House Bill 1090 which would fine railroads \$200 if they fail to notify police departments of blockages over 10 minutes. The police would share that information with emergency responders. Karen Freeman-Wilson motioned to support this bill, seconded by Jim Ton. Tom McDermott expressed appreciation for the action on the bill as this is a major issue in his community. Jim Ton seconded Tom McDermott's comments. Greg Stinson said he understood the need for expediency, but he could not vote to support the legislation without even looking at it. Tom McDermott said action at the Executive Board meeting next month would allow enough time to examine HB 1090. Karen Freeman-Wilson suggested that the Legislative Committee meet to review the bill so that we could make that recommendation of support. Charlie Brown suggested it would be more advantageous to take a vote on the concept. It is a matter of voting today to encourage our fellow board member, Rep. Soliday, to throw his support behind it and to also encourage whatever committee to which it is assigned to at least have the chairman of that committee give the legislation a hearing. Karen Freeman-Wilson amended her motion that the Commission conceptually support the concept of a bill which allows us to take action when trains block railroad crossings in our communities and to further endorse once we have gone through our process and communicate our support to Representative Jackson and Representative Soliday and a request for a hearing. Jim Ton amended his second to reflect support of the amended motion. Tom McDermott said the Legislative Committee will follow up with a Resolution of Support for the Executive Board for adoption at its February 21 meeting. The motion carried.

Mr. Warner presented perfect attendance awards to Geof Benson, Justin Kiel, Jim Ton and George Topoll for attending all nine meetings in 2018.

Finance & Personnel Committee – Justin Kiel

Justin Kiel said the committee met this morning to review the financial status, reconciliation of expenses, and approve the claims register.

Daria Sztaba presented the 2019 Budget, recommended by the Executive Board in November, noting one change on the handout of the budget to the one contained in the packet. Justin Kiel said the budget was recommended by the Finance & Personnel Committee. On a motion by Geof Benson and a second by Greg Stinson, the Commission voted to adopt the 2019 NIRPC Budget.

Daria Sztaba presented the Employment Agreement for the Executive Director, noting a 4% salary increase. Geof Benson noted that Mr. Warner still has a year in his previous contract; this would replace that with a three-year agreement. The Executive Board had recommended at its last meeting. On a motion by Geof Benson and a second by Michael Griffin, the Commission voted to adopt the Employment Agreement.

Environmental Management Policy Committee – Kathy Luther

Kathy Luther reported that the committee met on January 10 to discuss implementation of the *2050 Plan*. The next meeting will be on February 7 at 9 a.m. to review applications for CMAQ and environmental projects.

Technical Planning Committee – Jim Ton

Jim Ton reported that the Technical Planning Committee met on January 8 and heard a staff presentation on the Next Level Trails Program and a presentation on Community Crossings Program from INDOT.

Mitch Barloga reported that no comments were received on the 2040 Comprehensive Regional Plan Update Companion Amendment #6. Resolution 19-02 adds Amendment #6, the safety, pavement condition, bridge condition, system performance, freight, congestion and air quality performance measure targets adopted by the Commission, to the 2040 Comprehensive Regional Plan Update Companion. On a motion by Greg Stinson and a second by Geof Benson, the Commission voted to adopt Resolution 19-02, Amendment #6 to the 2040 Comprehensive Regional Plan Update Companion Amendment.

Kathy Luther explained the 7-day public comment period report and Resolution 19-03, Amendment #1 to the 2019 Unified Planning Work Program which was recommended by the Technical Planning Committee. On a motion by Geof Benson and a second by Greg Stinson, the Commission voted to adopt Resolution 19-03, Amendment #1 to the 2019 Unified Planning Work Program.

Charles Bradsky explained the 30-day public comment period report and Resolution 19-04, Amendment #19 to the FY 2018-2021 Transportation Improvement Program for safety, pavement condition, bridge condition, system performance, freight, congestion and air quality performance measure targets. The Technical Planning Committee recommended the resolution. On a motion by Geof Benson and a second by Will Farrellbegg, the Commission voted to adopt Resolution 19-04, Amendment #19 to the FY 2018-2021 Transportation Improvement Program.

Charles Bradsky explained the 30-day public comment period report and Resolution 19-05, Amendment #18 to the FY 2018-2021 Transportation Improvement Program for local projects and project phases which was recommended by the Technical Planning Committee. On a motion by Greg Stinson and a second by George Topoll, the Commission voted to adopt Resolution 19-04, Amendment #19 to the FY 2018-2021 Transportation Improvement Program.

Indiana Department of Transportation – Rick Powers

Rick Powers reported on the Community Crossings grant. A presentation was made to the TPC by Marcie Blansett. Previous awarded funds must be closed out with repayment to INDOT before submitting another application. The match is 75/25 or 50/50. There were no reported copper wire thefts. Tom McDermott commented that a professional crew was observed and arrested by federal authorities.

Legislative Committee – Michael Griffin

The Committee met in October. Mr. Griffin previously sent draft language for NIRPC's enabling legislation for discussion by the Committee regarding the per capita rate adjustment which would be determined based on the US Inflation Calculator and authorize use from any source, not just property or circuit breaker taxes. Our legislators would be contacted in the hopes it would be discussed in the short session. He noted that NIRPC is the sole Metropolitan Planning Organization which is a Council of Government without a funding mechanism to take into account the added missions tasked us in 2003 for economic development and environment.

Other Commission Business –

Bob Carnahan asked for NIRPC's help with a traffic study at 141st and US 41..

Announcements –

Bob Carnahan announced the 16 Plus meeting will feature Tim Brown, the Executive Director of the Lake County Community Economic Development Department, regarding the Community Development Block Grant Funds.

Brian Snedecor expressed his displeasure with Chicago mayoral candidate Gery Chico for his comment in a Mayors' forum that he would consider filing lawsuits against Cabela's, Indiana and Wisconsin citing easy access to guns as a major reason for violent crimes in Chicago. Brian Snedecor added that a lot of crime in Hobart and Merrillville retail corridors are committed by Chicagoans.

Ty Warner congratulated Joe Stahura on the opening of the Mascot Hall of Fame Museum.

Responding to a question from Charlie Brown as to information on the General Assembly, Ty Warner said most of NIRPC's member municipalities get their legislative information primarily from Aim (formerly the Indiana Association of Cities and Towns), and NIRPC also partners

with the Northwest Indiana Forum to stay abreast of issues, given that NIRPC does not have the immediate staff capacity under available funding to track legislation intently. Tom McDermott recommended Charlie Brown chair the Legislative Committee, citing his service as a former state representative.

Brian Snedecor said Rep. Eddie Melton will be at a subcommittee hearing in Indianapolis on some potential amendments to the TIFF guidelines.

Adjournment –

Hearing no other business, Diane Noll adjourned the meeting at 10:45 a.m. The Executive Board will meet on February 21, 2019 at 9:00 a.m. at NIRPC.

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.

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NORTHWESTERN INDIANA REGIONAL PLANNING COMMISSION

FINANCE AND PERSONNEL COMMITTEE

November 15, 2018

NIRPC Dune Room, Portage, Indiana

Commissioners: George Topoll, Karen Freeman-Wilson, Christine Cid, and Justin Kiel.
NIRPC staff and others: Ty Warner, Dave Hollenbeck, Daria Sztaba, Kathy Luther, Talaya Jones, Glenn Wells, Lisa Todd and Meredith Stilwell.

Call to Order and Pledge of Allegiance

Chairman George Topoll called the meeting to order at 8:25 a.m. with the Pledge of Allegiance.

Approval of Minutes

The minutes of the October 18, 2018 meeting were approved without exception on motion by Karen Freeman-Wilson.

Review of Financial Status – October 2018

- a. Daria Sztaba presented the October bank account reconciliations for the NIRPC general fund, the LaPorte County Revolving Loan Fund (RLF) and the Sequestered Revolving Loan Fund. The NIRPC general fund account balance is lower than last month, but will increase after the PL billing is finished in November. Activity in the Revolving Loan Fund account included deposits of five loan payments and account interest. The only activity to the Sequestered Revolving Loan Fund account was an interest deposit. Daria noted that after the next report and payment of interest to the EDA, the funds in this account can be moved into the Revolving Loan Fund account, leaving only two NIRPC bank accounts.
- b. Daria Sztaba presented the Budget to Actual Expenditures Report and the YTD October Expenses by Category, for January through October 2018. All general fund categories are currently within or under budget. The line item for utilities continues to remain over budget for the year. Some of this is due to the utility usage for numerous meetings in NIRPC meeting rooms. Daria stated the Contractual category should be \$110k less, but the household travel survey invoice provided by Westat, Inc. is not correct. NIRPC staff has been in contact with Westat and when the corrected invoice is received, it will be paid. Total general fund expenditures are under budget by \$473,481. Capital expenditures are currently under budget by \$3,873,565.
- c. Daria Sztaba presented a graph representing revenue YTD as of October 2018. The year to date revenue variance is currently under by \$664,767 and is partly related to the agency's state and federal billings. This money will eventually be collected, but not in FY 2018. The funds are available until 2021.

Approval of Claims Register – October 2018

Daria Sztaba presented the October 2018 claims register. Total claims paid in October were \$256,438.61. Kathy Luther noted there were a couple of large claims for tree purchases related to the GLRI CommuniTree program grant. Reimbursement will be received from grant funds. Justin Kiel questioned a claim of \$1,443.79 to Cardmember Services with the description of administrative credit card charges. These were charges made to a NIRPC credit card and was a cumulative figure of multiple purchases. After discussion, it was determined that going forward

the individual charges should be detailed. On motion by Karen Freeman-Wilson and second by Justin Kiel, the committee approved the claims register for September.

NIRPC Resolution #18-24 Approval of FY 2019 Budget

Daria Sztaba presented the FY 2019 budget to the Committee and noted the following details when comparing 2019 budget figures to 2018 budget figures. Budgeted revenue figures are 2% lower. The federal agencies revenue line was reduced by almost \$200k due to the January 2019 expiration of the Portage Burns Waterway grant and the local agencies revenue line was reduced by approximately half due to uncertainties regarding the hiring KRBC Executive Director hiring. A budget amendment will be brought to the Committee if needed. Expenditures budgeting items were presented to the Committee by Daria. The salary line was increased by 2% for staff merit increases. Fringe benefits was increased by 4% to accommodate for the worse case scenario for health care insurance costs. Occupancy was increased by 4%. Utilities have been increasing, possibly due to the extensive use of NIRPC meeting rooms by other entities. A room rental policy and contract will be developed for 2019 and roughly \$1,800 was added to the budget in anticipation of rental fees being received. Equipment service/maintenance was increased by 10%. The cost of a new IT vendor contract for 2019 is currently unknown and money was added for the anticipated procurement of a new sound system and security system using old grant funds. The departmental line stayed level from 2018. Contractual decreased by 28% due to the expiration of the 319 Watershed Management grant. It was noted that the line for alternative fuel was increased as a result of a rollover of 2018 funds. The funds are available until 2021. The 2019 budget is balanced at \$3,653,111.

FTA pass through budget amounts for NIRPC sub-recipients were reviewed and included items totaling \$2,081,026, that while not part of the 2019 budget are still eligible for capital purchase. \$1,736,346 of the total is from federal funds with a \$344,680 required match from the sub-recipients. 2019 transit capital projects fund purchases total budget is at \$2,632,909 with federal funds of \$2,102,174 and non-federal funds of \$530,735. The sub-recipient budget for preventative maintenance, complementary paratransit, operating assistance, expanded service, capital cost of contracting and public mass transportation fund totals \$4,346,030 with federal funds of \$3,050,763 and required match of \$1,295,261.

The budget for the LaPorte County Revolving Loan Fund is \$85,000. On motion by Karen Freeman-Wilson and second by Justin Kiel, the committee approved the budget for recommendation to the Full Commission for approval.

Approval of Contract for RFP 18-05.03, City of Hobart Zoning & Sub-Area Plan

Kathy Luther presented the contract between NIRPC and the Lakota Group for planning services under RFP 18-05.03. The Committee originally approved the procurement at the October meeting and the Lakota Group was the winning bidder. The contract is for a not to exceed amount of \$66,353.00 with funds from a Lake Michigan Coastal Program Grant and the Calumet Land Conservation. The contractor is to provide adoptable zoning ordinance language for a new Conservation Zone, and create an environmentally protective sub-area plan for a developing portion of the City of Hobart encompassing vulnerable segments of Deep River and Sprout Ditch. On motion by Justin Kiel and second by Christine Cid, the Committee approved the contract for recommendation to the Full Commission for approval.

Approval of new three-year Executive Director contract and compensation

NIRPC staff were dismissed for the Executive Director contract and compensation discussion among the Finance and Personnel Committee members and legal counsel, David Hollenbeck.

Procurement recommendations

Lisa Todd presented three Requests for Proposals to the Committee.

- a. RFP #18-26 Information Technology Services.
- b. RFP #18-27 Cleaning Services: Published November 16, 2018 with deadline for submittals Friday, December 14, 2018.
- c. RFP #18-28 ADA Compliance Services

All of the RFP's are to procure services for contracts that will start on January 1, 2019.

Authorization to amend Kankakee River Basin Commission 2018 Contract

Kathy Luther requested approval from the Committee to allow Ty to negotiate an amendment to the current KRBC contract if needed. With Jody Melton's impending retirement on December 31, 2018, the KRBC is currently in the process of hiring a new Executive Director and would like to bring them on in December to train with Jody. The money to pay the new person would not be NIRPC funds, the KRBC would pay NIRPC. On motion by Justin Kiel and second by Christine Cid, the Committee approved Ty to negotiate and amendment to the current KRBC contract.

Other Business

Ty Warner presented a proposed 2019 meeting schedule for the Finance & Personnel Committee. There has been discussion regarding stepping back from having so many meetings as attendance has been declining. As per NIRPC's enabling legislation, Quarterly Commission meetings would still be held and the Chair could call meetings of the Executive Board as needed. The policy committees would also go to a quarterly schedule, with the exception of the Finance & Personnel Committee which would not only meet quarterly, but also have a meeting in between each quarterly meeting to alleviate excessive claims reviews. The proposed quarterly meeting schedule and step back of Executive Board meetings will be presented to the Full Commission at their meeting immediately following the Finance & Personnel meeting.

Adjournment

There being no further business, the meeting adjourned.

The next meeting is scheduled for January 17, 2019 at 8:00 am.

ENVIRONMENTAL MANAGEMENT POLICY COMMITTEE

NIRPC - Lake Michigan Room

January 10, 2019

Minutes

Members/Guests: Jan Bapst, Geof Benson, Reggie Korthals, Sarah Nimetz, Lauri Keagle, Deb Backhus, Greg Towler, Jennifer Gadzala, Kacie Sawadski, Sylvia Collins, Katherine Moore Powell, Victoria Wittig and Brenda Scott-Henry.

NIRPC Staff: Kathy Luther, Joe Exl, Dominique Edwards and Candice Eklund.

Call to Order

Jan Bapst called the meeting to order at 9:08 a.m.

On motion by Reggie Korthals and second by Geof Benson, the November 1, 2018 and the November 8, 2018 EMPC meeting minutes were approved as presented.

2050 Plan Strategies Identification

Eman Ibrahim and Joe Exl presented the environmental 2050 plan strategies for the connected, renewed, united and vibrant vision statements. Eman stated there would be two phases in completing the vision statements, with today's meeting discussing phase I. The objective of Phase I is to make the strategies achievable, measurable and more realistic. The performance measures will consider the economy, land use and environmental as well as transportation mobility. The objective of phase II is to determine who will be responsible for implementing the actions needed for each strategy.

The committee discussed each strategy for the connected vision statements, with changes and newly created action items being noted for document revisions. On consensus of the group, it was decided that each member would review the three remaining vision columns individually, using the connected column as an example when considering their input. The updated strategies document will be sent electronically to the group on January 11, 2019 with all input being emailed to Kathy Luther and Joel Exl by January 15, 2019.

Eman concluded her presentation stating the strategies for all committees will be available on NIRPC's website after each subcommittee completes their revisions.

Announcements

The event announcements submitted will be distributed in an email to the committee.

Adjournment

Hearing no other business, Jan Bapst adjourned the meeting at 11:25 a.m. The next EMPC meeting is scheduled for February 7, 2019 at 9:00 a.m.

A Digital MP3 of this meeting is filed. Contact Candice Eklund at 219-763-6060 Ext 142 or ceklund@nirpc.org should you wish to receive a copy of it.

Technical Planning Committee
NIRPC Lake Michigan Room, 6100 Southport Road, Portage
January 8, 2019
Minutes

Kevin Breitzke called the meeting to order at 10:03 a.m. with the Pledge of Allegiance. Members present included Kevin Breitzke, George Topoll, Will Farrellbegg, Kelly Wenger, Tom MacLennan, Margot Sabato, Jessica Miller, David Wright and Tyler Kent. Others present included Marcia Blansett, Breanne Freeze, Jeff Huet, Mark O'Dell, Claudia Taylor, Jake Dammarell, Ismail Attallah, Jill Murr, Aj Bytnar, Bob Thompson, Matt Gavelek, Jerry Siska, Bruce Lindner. Staff present included Scott Weber, Mitch Barloga, Dominique Edwards, James Winters, Peter Kimball and Candi Eklund.

The INDOT participation survey was available at the table in the lobby.

The minutes of the December 11, 2018 Technical Planning Committee meeting were approved on a motion by Will Farrellbegg and a second by George Topoll.

There were no public comments.

Implementation Planning

Mitch Barloga presented on Next Level Trail\$ Funding of \$90 million authorized by Governor Holcomb in state money allocated through tollways. It is an 80/20 match and the local share can be soft (in-kind, donations, etc.). The program will be administered by Indiana Department of Natural Resources. Funds are available for preliminary engineering, construction engineering, design and right of way. 501(c)3 groups are eligible. The deadline is February 15. Projects will be identified as regionally significant or locally significant and trails should be part of a regional or local comprehensive plan. Projects not eligible include railroad, water and sanitary, trail and bike paths, roads and alleys. Applications will be taken from January 1 to February 15. There will be more time during the second funding cycle around September. The application and more information can be found at www.in.gov/dnr/outdoor/9800.htm. Contact Mitch Barloga with any questions.

Marcia Blansett and Jessica Miller presented on the Community Crossings grant. Applications are open from January 7 through February 1. The deadline is 5 pm Eastern. The next round will be in July. The maximum per community is \$1 million yearly. Submit your applications early.

Scott Weber presented the public comment report and the Comprehensive Regional Plan Update Companion Amendment #6 to include safety, pavement condition, bridge condition, system performance, freight, congestion and air quality performance measure targets. No comments were received during the 30-day period. On a motion by George Topoll and a second by Will Farrellbegg, the Technical Planning Committee recommended Comprehensive Regional Plan Update Companion Amendment #6 to the Commission for adoption.

Mitch Barloga presented the public comment report and the FY 2019 UPWP Amendment #1, which will add \$360,000 in air quality public education funding for bike maps which was approved in July 2018. On a motion by Will Farrellbegg and a second by George Topoll, the Technical Planning Committee recommended FY 2019 UPWP Amendment #1 to the Commission for adoption.

Programming

Scott Weber presented the public comment report and the FY 2018-2021 Transportation Improvement Program Amendment #19 to include safety, pavement condition, bridge condition, system performance,

freight, congestion and air quality performance measure targets. No comments were received during the 30-day period. On a motion by George Topoll and a second by Mark O'Dell, the Technical Planning Committee recommended FY 2018-2021 Transportation Improvement Program Amendment #19 to the Commission for adoption.

James Winters presented the public comment report and the FY 2018-2021 Transportation Improvement Program Amendment #18 for the addition of new projects and other changes as outlined in the amendment. Two public comments were received during the 30-day period. One did not require modification of the amendment. INDOT provided a comment on DES 1173780 that this was only an administrative modification. NIRPC agreed and adjusted the amendment accordingly. On a motion by Mark O'Dell and a second by George Topoll, the Technical Planning Committee recommended FY 2018-2021 Transportation Improvement Program Amendment #18 to the Commission for adoption. Clarification will be sought from Charles Bradsky on a Cedar Lake project which was discussed at the Transportation Resource and Oversight Committee.

Topical Committee Reports

- The Environmental Management Policy Committee will meet on January 10 at 9 a.m. to review environmental strategies.
- The Ped, Pedal & Paddle Committee will meet on February 7 at 1:30 p.m. Mitch Barloga showed a brief video on wind power facts.
- James Winters said the Transit Operators Roundtable will be held immediately following this meeting to review transit strategies.
- The Land Use Committee will meet on January 31 at 10 a.m.
- Scott Weber said the Surface Transportation Committee met last week and completed their review of the mobility strategies. The committee will next meet on February 5 at 9 a.m.

Planning Partners

No reports were provided.

Announcements

- The Commission meeting will be held on January 17 at 9 a.m. After the meeting, a bike share and scooter share event will be held in the lobby.

The next Technical Planning Committee meeting is February 12, 2019 at 10 a.m. at NIRPC. Hearing no other business, Kevin Breitzke adjourned the meeting at 10:55 a.m.

A Digital MP3 of this meeting is filed. Contact Mary Thorne at the phone number or email below should you wish to receive a copy or a portion of it.

RESOLUTION 19-06

A RESOLUTION OF THE NORTHWESTERN INDIANA REGIONAL PLANNING COMMISSION IN SUPPORT OF AN INCREASE IN COUNTY APPROPRIATIONS FEBRUARY 21, 2019

WHEREAS, the Northwestern Indiana Regional Planning Commission is a regional Council of Governments whose purpose is to institute and maintain a comprehensive planning and programming process for transportation, economic development, and environmental policy and provide a coordinative management process for Lake, Porter, and LaPorte Counties; and

WHEREAS, in order to carry out its statutory purpose, IC 36-7-7.6-18 provides for an appropriation from these counties for the Commission to carry out its purpose, and which provides the local match that enables these counties to receive certain Federal, State, and other funding; and

WHEREAS, NIRPC's county appropriation was set in 1992 at 70 cents per capita, was not indexed, and has not been increased since it was set in 1992; and

WHEREAS, this amount of appropriation has not kept pace with the real dollar value of the funding and activities to which this appropriation is applied; and

WHEREAS, NIRPC purposes every dollar of the appropriation it receives, is prevented from expanding its services to the region, and cannot leverage this appropriation for additional funding for Lake, Porter, and LaPorte Counties without an increase in its per capita appropriation; and

WHEREAS, the Commission has applied for designation as an Economic Development District from the Economic Development Administration of the United States Department of Commerce, which will leverage additional funds for economic development for Lake, Porter, and LaPorte Counties but will also require that additional local match be made available to administer those funds; and

WHEREAS, the Commission desires to increase NIRPC's per capita appropriation to adjust to current dollar value and to index that per capita appropriation to keep pace with future years in order to support activities for the benefit of Lake, Porter, and LaPorte Counties;

NOW THEREFORE BE IT RESOLVED, that the Commission supports an increase in NIRPC's per capita county appropriation and to index the per capita rate according to the schedule identified in Attachment A to this resolution.

BE IT FURTHER RESOLVED, that the Commission commends to the Indiana General Assembly that the changes indicated in Attachment A be incorporated into IC 36-7-7.6.

Duly adopted by the Northwestern Indiana Regional Planning Commission this twenty-first day of February 2019.

Diane Noll
Chairperson

ATTEST:

George Topoll
Secretary

Resolution 19-06: Attachment A

MEMORANDUM

Date: Monday, December 3, 2018

To: Mary Tanis, Chair
NIRPC Legislative Committee

Ty Warner, AICP, NIRPC Executive Director

From: Michael W. Griffin, Member
NIRPC Legislative Committee

Re: **Suggested or Proposed Change in Language for NIRPC budget Support**

Madam Chair and Executive Director:

Hello. I hope this arrives to find you well. Please see below Section 18 of IC 36-7-7.6 of the Indiana Code. This is the particular provision in the NIRPC enabling law that deals with budgeting and financing the operation.

This rate as you know has been unchanged at least since the revision to the enabling legislation, which occurred in 2003. This was the period in which NIRPC became a council of governments and the three specific missions of transportation, environment and economic development were identified for its purpose and objects.

As you see below, I am suggesting a change, which is simply an application of the CPI calculator, allowing what the number should be in 2018 if the rate was adjusted from 2003 each year according to the index. I am also showing a method that ties to either the CPI or the growth quotient for all local and county governments for the property tax levy. The latter is basically the six year average of Indiana non-farm personal income, not to exceed 6%. I have elected to use language that allows use of the greater of the two. I bet that the legislature will require that to be changed to the smaller of the two.

I am submitting this for your review and possible presentation to the Indiana General Assembly this long sessions.

Digest: *An amendment to IC 36-7-7.6-18 to update its language regarding the budget for NIRPC, which is unchanged since 2003. The change updates the capitation rate based upon the CPI and provides for an annual adjustment based upon CPI or the property tax growth quotient, whichever is higher beginning in 2021.*

Whenever an existing provision in the code is being amended, the text of the existing provision will appear in this style of type, additions will appear in **this style of type**, and deletions will appear in ~~this style of type~~. Whenever a wholly new provision is being adopted for the code, the text of the new provision will appear in **this style of type**. Also, the word **NEW** will appear in that style type in the introductory clause of each section that adds a new clause.

IC 36-7-7.6-18 Annual appropriation budget; tax levy; use of funds

Sec. 18. (a) The commission shall prepare and adopt an annual appropriation budget for its operation. The appropriation budget shall be apportioned to each participating county on a pro rata per capita basis. After adoption of the appropriation budget, any amount that does not exceed an amount for each participating county equal to ~~seventy~~ **ninety-six cents (\$0.96)** per capita for each participating county shall be certified to the respective county auditor.

(b) (NEW) Beginning in 2021, the per capita rate shall be adjusted by either the consumer price index or by the growth quotient described in IC. 6-1.1-18.5-2, whichever is greater. The Department of Local Government Finance shall provide to the commission the value of each quotient by August 1 of each year to be used in the ensuing year.

—~~(b)~~ **(c)** A county's portion of the commission's appropriation budget may be paid from any of the following, as determined by the county fiscal body:

- ~~(1)~~ **(1)** Property tax revenue as provided in subsections ~~(e)~~ **(d)** and ~~(d)~~ **(e)**.
- ~~(2)~~ **(2)** Any other local revenue, other than property tax revenue, received by the county, including local income tax revenue under IC 6-3.6, excise tax revenue, riverboat admissions tax revenue, riverboat wagering tax revenue, riverboat incentive payments, and any funds received from the state that may be used for this purpose.
- (3) (NEW) Any combination of the sources described in subdivisions (1) and (2).**

~~(e)~~ **(d)** The county auditor shall:

- ~~(1)~~ **(1)** advertise the amount of property taxes that the county fiscal body determines will be levied to pay the county's portion of the commission's appropriation budget, after the county fiscal body determines the amount of other local revenue that will be paid under subsection ~~(b)~~ **(c)** (2); and
- ~~(2)~~ **(2)** establish the rate necessary to collect that property tax revenue; in the same manner as for other county budgets.

~~(d)~~ **(e)** The tax levied under this section and certified shall be estimated and entered upon the tax duplicates by the county auditor and shall be collected and enforced by the county treasurer in the same manner as other county taxes are estimated, entered, collected, and enforced. The tax collected by the county treasurer shall be transferred to the commission.

~~(e)~~ **(f)** In fixing and determining the amount of the necessary levy for the purpose provided in this section, the commission shall take into consideration the amount of revenue, if any, to be derived from federal grants, contractual services, and miscellaneous revenues above the amount of those revenues considered necessary to be applied upon or reserved upon the operation, maintenance, and administrative expenses for working capital throughout the year.

~~(f)~~ **(g)** After the budget is approved, amounts may not be expended except as budgeted unless the commission authorizes their expenditure. Before the expenditure of sums appropriated as provided in this section, a claim must be filed and processed as other claims for allowance or disallowance for payment as provided by law.

~~(g)~~ **(h)** Any two (2) of the following officers may allow claims:

- (1) Chairperson.
- (2) Vice chairperson.
- (3) Secretary.
- (4) Treasurer.

—~~(h)~~ **(i)** The treasurer of the commission may receive, disburse, and otherwise handle funds of the commission, subject to applicable statutes and to procedures established by the commission.

~~(i)~~ **(j)** The commission shall act as a board of finance under the statutes relating to the deposit of public funds by political subdivisions.

~~(j)~~ **(k)** Any appropriated money remaining unexpended or unencumbered at the end of a year becomes part of a non-reverting cumulative fund to be held in the name of the commission. Unbudgeted expenditures from this fund may be authorized by vote of the commission and upon other approval as required by statute. The commission is responsible for the safekeeping and deposit of the amounts in the nonreverting cumulative fund, and the state board of accounts shall prescribe the methods and forms for keeping the accounts, records, and books to be used by the commission. The books, records, and accounts of the commission shall be audited periodically by the state board of accounts, and those audits shall be paid for as provided by statute.

As added by P.L.165-2003, SEC.6. Amended by P.L.39-2007, SEC.5; P.L.197-2016, SEC.124.

(<https://www.usinflationcalculator.com/>)

The US Inflation Calculator measures the buying power of the dollar over time. Just enter any two dates from 1913 to 2018, an amount, and then click 'Calculate'.

Inflation Calculator

If in (enter year)

I purchased an item for \$

then in (enter year)

that same item would cost: **\$0.96**

Cumulative rate of inflation: **37.4%**

*Learn how this calculator works (<https://www.usinflationcalculator.com/frequently-asked-questions-faqs/#HowInflationCalculatorWorks>). This US Inflation Calculator uses the latest US government CPI data (<https://www.usinflationcalculator.com/inflation-calculator-information/consumer-price-index-and-annual-percent-changes-from-1913-to-2008/>) published on November 14 to adjust for inflation and calculate the cumulative inflation rate through October 2018. The Consumer Price Index (CPI) and inflation for November 2018 is scheduled for release by the U.S. Labor Department's Bureau of Labor Statistics on December 12, 2018. (See a chart of recent inflation rates (<https://www.usinflationcalculator.com/inflation/current-inflation-rates/>)).

INFLATION ([HTTPS://WWW.USINFLATIONCALCULATOR.COM/CATEGORY/INFLATION/](https://www.usinflationcalculator.com/category/inflation/))

US Inflation Rises 2.5%, Consumer Prices in October Log Biggest Jump in 9 Months

(<https://www.usinflationcalculator.com/inflation/us-inflation-rises-2-5-consumer-prices-in-october-log-biggest-jump-in-9-months/100017429/>)

NOVEMBER 14, 2018 ([HTTPS://WWW.USINFLATIONCALCULATOR.COM/INFLATION/US-INFLATION-RISES-2-5-CONSUMER-PRICES-IN-OCTOBER-LOG-BIGGEST-JUMP-IN-9-MONTHS/100017429/](https://www.usinflationcalculator.com/inflation/us-inflation-rises-2-5-consumer-prices-in-october-log-biggest-jump-in-9-months/100017429/)) | LEAVE A COMMENT ([HTTPS://WWW.USINFLATIONCALCULATOR.COM/INFLATION/US-INFLATION-RISES-2-5-CONSUMER-PRICES-IN-OCTOBER-LOG-BIGGEST-JUMP-IN-9-MONTHS/100017429/#RESPOND](https://www.usinflationcalculator.com/inflation/us-inflation-rises-2-5-consumer-prices-in-october-log-biggest-jump-in-9-months/100017429/#RESPOND))

Inflation in the United States quickened in October and from a year ago, according to government data released Wednesday, Nov. 14, 2018,

12-Month CPI Ended October 2018 - Major Categories (Increases or Decreases Shown in Percent)

<https://www.usinflationcalculator.com/>

RESOLUTION 19-07

A RESOLUTION OF THE NORTHWESTERN INDIANA REGIONAL PLANNING COMMISSION IN SUPPORT OF A FEASIBILITY STUDY FOR EROSION CONTROL AT THE PORTAGE LAKEFRONT PARK

FEBRUARY 21, 2019

WHEREAS, the Northwestern Indiana Regional Planning Commission is a regional Council of Governments whose purpose is to institute and maintain a comprehensive planning and programming process for transportation, economic development, and environmental policy and provide a coordinative management process for Lake, Porter, and LaPorte Counties; and

WHEREAS, the Indiana Dunes National Lakeshore has closed beach access at the Portage Lakefront due to erosion of a sand dune and a trail;

WHEREAS, in order to sustain our lakefront as a critical asset to our economy and quality of life, NIRPC supports a federal study be conducted by the U.S. Army Corps of Engineers in order to develop long-term solutions that will address severe shoreline erosion occurring on Indiana's shoreline; and

WHEREAS, NIRPC believes such a study would be an investment to the state through the Regional Development Authority's investment in the lakefront;

NOW THEREFORE BE IT RESOLVED, that the Northwestern Indiana Regional Planning Commission supports state funding for a feasibility study for erosion at the Portage Lakefront facility.

Duly adopted by the Northwestern Indiana Regional Planning Commission this twenty-first day of February, 2019.

Diane Noll
Chairperson

ATTEST:

George Topoll
Secretary

RESOLUTION 19-08

A RESOLUTION OF THE NORTHWESTERN INDIANA REGIONAL PLANNING COMMISSION IN SUPPORT OF HOUSE BILL 1090 FEBRUARY 21, 2019

WHEREAS, the Northwestern Indiana Regional Planning Commission is a regional Council of Governments whose purpose is to institute and maintain a comprehensive planning and programming process for transportation, economic development, and environmental policy and provide a coordinative management process for Lake, Porter, and LaPorte Counties; and

WHEREAS, the *2040 Comprehensive Regional Plan: A Vision for Northwest Indiana* promotes the safety and security of the residents of Northwest Indiana and contains a framework for region-wide mobility as well as safety-related goals and objectives; and

WHEREAS, the Indiana Supreme Court in Case No. 18S-IF-193 in September of 2018 struck down the ability to ticket trains blocking rail crossings in excess of 10 minutes; and

WHEREAS, since that decision, there has been a notable increase in observable blockages of rail crossings in Northwest Indiana communities for prolonged periods of times, cutting off access to emergency services, blocking access to schools and hospitals, increasing vehicle emissions from idling, and sparking incidents of reckless driving as drivers seek alternate paths; and

WHEREAS, House Bill 1090 would require railroad companies to inform local law enforcement of a crossing blockage by a train of more than 10 minutes which would allow first responders to reroute, thus helping to insure potentially life-saving aid to emergency callers;

NOW THEREFORE BE IT RESOLVED, that the Commission supports House Bill 1090.

Duly adopted by the Northwestern Indiana Regional Planning Commission this twenty-first day of February 2019.

Diane Noll
Chairperson

ATTEST:

George Topoll
Secretary

February 5, 2019

Rep. Holli Sullivan
Chair, Committee on Roads and Transportation
200 W. Washington Street
Indianapolis, IN 46204

RE: House Bill 1090

Dear Rep. Sullivan:

As the Council of Governments for the municipalities within Lake, Porter, and LaPorte Counties, the Northwestern Indiana Regional Planning Commission's members -- composed of elected officials from those cities, towns, and counties -- have been acutely aware of the problems and issues caused by excessive train blockages at rail intersections. These incidents of blockage have become excessive since the Indiana Supreme Court struck down the ticketing provision of I.C. § 8-6-7.5-3(a), which had previously enabled communities to ticket train operators for prolonged blockages which cause threats to safety and which disrupt the functioning of communities.

It was brought to the attention of the NIRPC Commission's membership at their last meeting that House Bill 1090 was being filed as a possible means of addressing this important and timely issue. As the Commission at the time of their last meeting did not have the actual language of the bill, the Commission nevertheless unanimously voted to lend its support to the bill in concept, and to communicate the same to the state legislature in hopes the bill will receive a hearing. The Commission's Legislative Committee subsequently reviewed the specifics of House Bill 1090 and is recommending more formal endorsement of the proposed legislation to the Commission at their next meeting.

Thank you for sharing the Commission's deep concern for the safety of our residents and the difficulties imposed on our communities by excessive train blockages. NIRPC encourages House Bill 1090 to receive a full hearing and supports efforts to address this critical challenge.

Sincerely,



Ty Warner AICP
Executive Director

cc: Rep. Carolyn B. Jackson and members of the Northwest Indiana Delegation

RESOLUTION 19-09

**A RESOLUTION OF THE NORTHWESTERN INDIANA REGIONAL PLANNING
COMMISSION IN SUPPORT OF SENATE BILL 83**

FEBRUARY 21, 2019

WHEREAS, the Northwestern Indiana Regional Planning Commission is a regional Council of Governments whose purpose is to institute and maintain a comprehensive planning and programming process for transportation, economic development, and environmental policy and provide a coordinative management process for Lake, Porter, and LaPorte Counties; and

WHEREAS, Senate Bill 83 allows a redevelopment commission to use up to 15% of the property tax proceeds allocated to a redevelopment district in a fiscal year for ongoing maintenance and repair of: (1) public ways; and (2) sewers, central water systems, central sewer systems, roads, sidewalks, and levees; that are located in an allocation area and that were funded in whole or in part with tax proceeds allocated to the redevelopment district;

WHEREAS, Senate Bill 83 was referred to the House on January 29, 2019;

NOW THEREFORE BE IT RESOLVED, that the Northwestern Indiana Regional Planning Commission, supports Senate Bill 83 and recommends its adoption.

Duly adopted by the Northwestern Indiana Regional Planning Commission this twenty-first day of February, 2019.

Diane Noll
Chairperson

ATTEST:

George Topoll
Secretary

Public Comment Report

Transportation Conformity Determination, 2040 Comprehensive Regional Plan Update Companion Amendment 7, 2018 to 2021 Transportation Improvement Program Amendment 20 | February 11, 2019

The Transportation Conformity Determination report for LaPorte County, Amendment Number 7 of the 2040 Comprehensive Regional Plan Update Companion, and Amendment Number 20 of the 2018 to 2021 Transportation Improvement Program were released for a 30-day public comment period beginning January 11, 2019. A draft of the document was made available at www.nirpc.org and emailed to stakeholders.

No comments have been received as of the date above. An update will also be provided at the NIRPC Executive Board Meeting on February 21, 2019.

RESOLUTION 19-10

A RESOLUTION OF THE NORTHWESTERN INDIANA REGIONAL PLANNING COMMISSION MAKING THE TRANSPORTATION CONFORMITY DETERMINATION FOR THE 2040 COMPREHENSIVE REGIONAL PLAN UPDATE COMPANION AMENDMENT #7 AND FISCAL YEAR 2018 to 2021 TRANSPORTATION IMPROVEMENT PROGRAM AMENDMENT #20 WITH RESPECT TO OZONE IN LAPORTE COUNTY

February 21, 2019

WHEREAS, Northwest Indiana's citizens require a safe, efficient, effective, resource-conserving regional transportation system that maintains and enhances regional mobility and contributes to improving the quality of life in Northwest Indiana; and

WHEREAS, the implementation of the Clean Air Act Amendments of 1990 has established National Ambient Air Quality Standards for ozone; and

WHEREAS, LaPorte County has been designated as a maintenance area with respect to the 1997 "8-hour" standard for ozone; and

WHEREAS, The Clean Air Act Amendments of 1990 requires that a Metropolitan Planning Organization's Long Range Transportation Plans and Transportation Improvement Programs conform to the State Implementation Plan for Air Quality; and

WHEREAS, the Northwestern Indiana Regional Planning Commission, hereafter referred to as "The Commission," being designated the Metropolitan Planning Organization for the Lake, Porter and La Porte County Region, has established a regional, cooperative, and comprehensive planning program to develop the unified planning work program, long-range transportation plan and transportation improvement program; to annually endorse the plans and programs; to facilitate federal transportation funding for the Indiana Department of Transportation, regional communities and transit operators, and to provide technical assistance and expertise to regional transportation interests; and

WHEREAS, the Commission performs the above-mentioned activities to satisfy regional requirements under the Fixing America's Surface Transportation (FAST) Act, as well as other federal, state and local legislation mandating cooperative, comprehensive and continuing regional transportation planning activities; and

WHEREAS, the 2040 Comprehensive Regional Plan Update Companion Amendment #7 and Fiscal Year 2018 to 2021 Transportation Improvement Program Amendment #20 are the products of a multi-modal, continuous, cooperative, and comprehensive transportation planning process; and

WHEREAS, the implementation of the projects in the 2040 Comprehensive Regional Plan Update Companion Amendment #7 and the Fiscal Year 2018 to 2021 Transportation Improvement Program Amendment #20 will conform to the State Implementation Plan for Air Quality according to the United States Environmental Protection Agency *Transportation Conformity Guidance for the South Coast II Court Decision* November 2018 available at <https://www.epa.gov/state-and-local-transportation/policy-and-technical-guidance-state-and-local-transportation>; and

WHEREAS, the Commission has solicited public comment on the Transportation Conformity Determination report between January 11, 2019 and February 9, 2019;

NOW, THEREFORE, BE IT RESOLVED that Commission officially makes the Transportation Conformity Determination for the 2040 Comprehensive Regional Plan Update Companion Amendment #7 and Fiscal Year 2018 to 2021 Transportation Improvement Program Amendment #20 with respect to ozone in LaPorte County.

Duly adopted by the Northwestern Indiana Regional Planning Commission this twenty-first day of February, 2019.

Diane Noll
Chairperson

ATTEST:

George Topoll
Secretary

Transportation Conformity Determination

Between

**The 2040 Comprehensive Regional Plan Update Companion, as amended and
The Fiscal Year 2018 to 2021 Transportation Improvement Program, as amended**

and

**The Indiana State Implementation Plan for the 1997 Ozone National Ambient Air
Quality Standard (NAAQS) for LaPorte County, Indiana**

February 21, 2019

**Northwestern Indiana Regional Planning Commission
Portage, Indiana**

www.nirpc.org

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Acknowledgements

This *Transportation Conformity Determination* report between the 2040 Comprehensive Regional Plan Update Companion as amended and the Fiscal Year 2018 to 2021 Transportation Improvement Program as amended was prepared by the Northwestern Indiana Regional Planning Commission. Individuals from the following agencies contributed their efforts towards the completion of the Transportation Conformity Determination report. They include:

- Northwestern Indiana Regional Planning Commission (NIRPC)
- Indiana Department of Transportation (INDOT)
- Indiana Department of Environment Management (IDEM)
- Federal Highway Administration (FHWA)
- Federal Transit Administration (FTA)
- United States Environmental Protection Agency (EPA)

Executive Summary

As part of its transportation planning process, NIRPC already completed the transportation conformity process for the 2040 Comprehensive Regional Plan Update Companion and Fiscal Year (FY) 2018 to 2021 TIP for the 2008 Ozone National Ambient Air Quality Standard (NAAQS) nonattainment area for Lake and Porter Counties in Indiana. The 2008 Ozone NAAQS nonattainment area for Lake and Porter Counties completely contains and supersedes the 1997 Ozone NAAQS nonattainment area for Lake and Porter Counties. This report documents that the 2040 Comprehensive Regional Plan Update Companion and FY 2018 to 2021 TIP meet the federal transportation conformity requirements in 40 CFR Part 93 for the 1997 Ozone NAAQS maintenance area for LaPorte County, Indiana.

Clean Air Act (CAA) section 176(c) (42 U.S.C. 7506(c)) requires that federally funded or approved highway and transit activities are consistent with (“conform to”) the purpose of the State Implementation Plan (SIP). Conformity to the purpose of the SIP means that transportation activities will not cause or contribute to new air quality violations, worsen existing violations, or delay timely attainment of the relevant NAAQS or any interim milestones. 42 U.S.C. 7506(c)(1). EPA’s transportation conformity rules establish the criteria and procedures for determining whether metropolitan transportation plans, transportation improvement programs (TIPs), and federally supported highway and transit projects conform to the SIP. 40 CFR Parts 51.390 and 93.

On February 16, 2018, the United States Court of Appeals for the District of Columbia Circuit in *South Coast Air Quality Mgmt. District v. EPA* (“*South Coast II*,” 882 F.3d 1138) held that transportation conformity determinations must be made in areas that were either nonattainment or maintenance for the 1997 ozone national ambient air quality standard (NAAQS) and attainment for the 2008 ozone NAAQS when the 1997 ozone NAAQS was revoked. These conformity determinations are required in these areas after February 16, 2019. LaPorte County was designated maintenance at the time of the 1997 ozone NAAQS revocation on April 6, 2015 and was also designated attainment for the 2008 ozone NAAQS on May 21, 2012. Therefore, per the *South Coast II* decision, this conformity determination is being made for the 1997 ozone NAAQS on the 2040 Comprehensive Regional Plan Update Companion and FY 2018 to 2021 TIP with respect to the LaPorte County maintenance area.

This conformity determination was completed consistent with CAA requirements, existing associated regulations at 40 CFR Parts 51.390 and 93, and the *South Coast II* decision, according to EPA’s *Transportation Conformity Guidance for the South Coast II Court Decision* issued on November 29, 2018.

1.0 Background

1.1 Transportation Conformity Process

The concept of transportation conformity was introduced in the Clean Air Act (CAA) of 1977, which included a provision to ensure that transportation investments conform to a State implementation plan (SIP) for meeting the Federal air quality standards. Conformity requirements were made substantially more rigorous in the CAA Amendments of 1990. The transportation conformity regulations that detail implementation of the CAA requirements were first issued in November 1993, and have been amended several times. The regulations establish the criteria and procedures for transportation agencies to demonstrate that air pollutant emissions from metropolitan transportation plans, transportation improvement programs and projects are consistent with (“conform to”) the State’s air quality goals in the SIP. This document has been prepared for State and local officials who are involved in decision making on transportation investments.

Transportation conformity is required under CAA Section 176(c) to ensure that Federally-supported transportation activities are consistent with (“conform to”) the purpose of a State’s SIP. Transportation conformity establishes the framework for improving air quality to protect public health and the environment. Conformity to the purpose of the SIP means Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) funding and approvals are given to highway and transit activities that will not cause new air quality violations, worsen existing air quality violations, or delay timely attainment of the relevant air quality standard, or any interim milestone.

LaPorte County, Indiana was designated as nonattainment for the 1997 Ozone NAAQS on April 15, 2004 according to 69 FR 23858. On July 19, 2007, LaPorte County, Indiana was reclassified to attainment with a maintenance plan (became a maintenance area) according to 72 FR 39574. There would have been a new maintenance plan due for the 1997 Ozone NAAQS for the LaPorte County maintenance area on July 19, 2015, but since EPA revoked the 1997 Ozone NAAQS on April 6, 2015, no such maintenance plan was deemed necessary. Furthermore, EPA designated the entirety of LaPorte County attainment for the 2008 Ozone NAAQS on May 21, 2012 according to 77 FR 30087. Furthermore, effective August 3, 2018, EPA designated the entirety of LaPorte County attainment for the 2015 Ozone NAAQS according to 83 FR 25776. This has resulted in LaPorte County, Indiana being affected by the *South Coast II* decision since no Transportation Conformity has been determined on the 2040 Comprehensive Regional Plan Update Companion and FY 2018 to 2021 TIP for LaPorte County.

2.0 Metropolitan Transportation Plan (MTP)

Metropolitan Planning Organizations (MPOs) operating fully or in part in NAAQS nonattainment or maintenance areas such as NIRPC are required to develop a metropolitan transportation plan (MTP) at least every 4 years that looks out to a horizon at least 20 years in the future according to 23 CFR Part 450.324.

2.1 2040 Comprehensive Regional Plan Update Companion

The 2040 Comprehensive Regional Plan Update Companion was adopted by the NIRPC Full Commission on May 21, 2015.¹ This plan satisfies the requirements mentioned in section 2.0 above and is still the MTP for the Northwestern Indiana region that includes all of LaPorte County, Indiana. FHWA and FTA also determined the 2040 Comprehensive Regional Plan Update Companion to conform to the SIP with respect to the 2008 Ozone NAAQS Lake and Porter Counties nonattainment area. Since at the time of adoption the 1997 Ozone NAAQS had already been revoked, no such conformity determination was made for LaPorte County.

Moreover, since the 2040 Comprehensive Regional Plan Update Companion contains an explicit listing of regionally significant, non-exempt projects that are subject to demonstrating transportation conformity for Lake and Porter Counties on Table II - 17 on page II - 62 but does not explicitly list such projects for LaPorte County, the 2040 Comprehensive Regional Plan Update Companion is concurrently being amended to include such a listing of projects shown in the following table:

2.1.1 Transportation Conformity-Required Projects being Amended into 2040 Comprehensive Regional Plan Update Companion

Projects Complete by 2020	Beginning Point	End Point	Sponsor
US-20 Added Travel Lanes, Construct Turn Lanes	US-421	US-35/SR-212	INDOT
US-20 Interchange Modification at US-35/SR-212	Meer Rd	US-35/SR-212 Interchange	INDOT
US-20 New Interchange at SR-2	1,590 feet from US-20/SR-2 Interchange	1,590 feet from US-20/SR-2 Interchange	INDOT

¹ Available at <https://www.nirpc.org/2040-plan/2040-plan-update-companion/>

3.0 Transportation Improvement Program (TIP)

Metropolitan Planning Organizations (MPOs) such as NIRPC are required to develop a Transportation Improvement Program (TIP), which is a listing of FHWA and FTA funded transportation projects, covering a period of at least 4-years and in cooperation with the state and public transit providers according to 23 CFR Part 450.326.

3.1 Fiscal Year (FY) 2018 to 2021 Transportation Improvement Program (TIP)

The Fiscal Year 2018 to 2021 Transportation Improvement Program was adopted by the NIRPC Full Commission on May 18, 2017.² This TIP satisfies the requirements mentioned in section 3.0 above and is still the TIP for the Northwestern Indiana region that includes all of LaPorte County, Indiana. FHWA and FTA also determined the FY 2018 to 2021 TIP to conform to the SIP with respect to the 2008 Ozone NAAQS Lake and Porter Counties nonattainment area. Since at the time of adoption the 1997 Ozone NAAQS had already been revoked, no such conformity determination was made for LaPorte County.

Even though the regionally significant, non-exempt projects in LaPorte County subject to transportation conformity listed in Table 2.1.1 above are already in the FY 2018 to 2021 TIP as DES numbers 0500480, 1296943, and 1383614/1601711 respectively, the FY 2018 to 2021 TIP is being amended concurrently with this *Transportation Conformity Determination* report in order to show that these projects are referenced to a conformity determination.

² Available at <https://www.nirpc.org/fy-2018-2021-tip/>

4.0 Transportation Conformity Determination: General Process

Per the court's decision in *South Coast II*, beginning February 16, 2019, a transportation conformity determination for the 1997 ozone NAAQS will be needed in 1997 ozone NAAQS nonattainment and maintenance areas identified by EPA³ for certain transportation activities, including updated or amended metropolitan MTPs and TIPs. Once US DOT makes its 1997 ozone NAAQS conformity determination for the 2040 Comprehensive Regional Plan Update Companion and FY 2018 to 2021 Transportation Improvement Program with respect to the LaPorte County maintenance area, conformity will be required no less frequently than every four years. This conformity determination report will address transportation conformity for the 2040 Comprehensive Regional Plan Update Companion and FY 2018 to 2021 Transportation Improvement Program with respect to the LaPorte County maintenance area.

³ The areas identified can be found in EPA's "Transportation Conformity Guidance for the South Coast II Court Decision, EPA-420-B-18-050, available on the web at: www.epa.gov/state-and-local-transportation/policy-and-technical-guidance-state-and-local-transportation.

5.0 Requirements

5.1 Overview

On November 29, 2018, EPA issued **Transportation Conformity Guidance for the South Coast II Court Decision**⁴ (EPA-420-B-18-050, November 2018) that addresses how transportation conformity determinations can be made in areas that were nonattainment or maintenance for the 1997 ozone NAAQS when the 1997 ozone NAAQS was revoked, but were designated attainment for the 2008 ozone NAAQS in EPA's original designations for this NAAQS (May 21, 2012).

The transportation conformity regulation at 40 CFR 93.109 sets forth the criteria and procedures for determining conformity. The conformity criteria for MTPs and TIPs include: latest planning assumptions (93.110), latest emissions model (93.111), consultation (93.112), transportation control measures (93.113(b) and (c), and emissions budget and/or interim emissions (93.118 and/or 93.119). For the 1997 ozone NAAQS areas, transportation conformity for MTPs and TIPs for the 1997 ozone NAAQS can be demonstrated without a regional emissions analysis, per 40 CFR 93.109(c). This provision states that the regional emissions analysis requirement applies one year after the effective date of EPA's nonattainment designation for a NAAQS and until the effective date of revocation of such NAAQS for an area. The 1997 ozone NAAQS revocation was effective on April 6, 2015, and the *South Coast II* court upheld the revocation. As no regional emission analysis is required for this conformity determination, there is no requirement to use the latest emissions model, or budget or interim emissions tests.

Therefore, transportation conformity for the 1997 ozone NAAQS for the 2040 Comprehensive Regional Plan Update Companion and FY 2018 to 2021 Transportation Improvement Program with respect to the LaPorte County maintenance area can be demonstrated by showing the remaining requirements in Table 1 in 40 CFR 93.109 have been met. These requirements, which are laid out in Section 2.4 of EPA's guidance and addressed below, include:

- Latest planning assumptions (93.110)
- Consultation (93.112)
- Transportation Control Measures (93.113)
- Fiscal constraint (93.108)

5.2 Latest Planning Assumptions

The use of latest planning assumptions in 40 CFR 93.110 of the conformity rule generally apply to regional emissions analysis. In the 1997 ozone NAAQS areas, the use of latest planning assumptions requirement applies to assumptions about transportation control measures (TCMs) in an approved SIP.

The Indiana SIP with respect to LaPorte County does not include any TCMs, see also Section 5.4. Therefore, no additional latest planning assumptions are required for this *Transportation Conformity Determination* report.

⁴ Available from <https://www.epa.gov/sites/production/files/2018-11/documents/420b18050.pdf>

5.3 Consultation Requirements

The consultation requirements in 40 CFR 93.112 were addressed both for interagency consultation and public consultation.

Interagency consultation was conducted with NIRPC, INDOT, IDEM, FHWA, FTA, and EPA. NIRPC sent an email to representatives from each of these agencies with a draft copy of this *Transportation Conformity Determination* report on January 9, 2019. Representatives from each of these agencies offered feedback and recommended edits as appropriate, and these are reflected in this *Transportation Conformity Determination* report. Interagency consultation was conducted consistent with the Indiana Conformity SIP. See section 7.1 for details of the interagency consultation correspondence.

Public consultation was conducted consistent with planning rule requirements in 23 CFR 450. NIRPC followed its 2014 Public Participation Plan.⁵ The *Transportation Conformity Determination* report was made available to public comment on the NIRPC website from January 11, 2019 to February 9, 2019, fulfilling the 30-day public comment period that the 2014 Public Participation Requires for Conformity Determinations.

5.4 Timely Implementation of TCMs

The Indiana SIP with respect to LaPorte County does not include any TCMs.

5.5 Fiscal Constraint

Transportation conformity requirements in 40 CFR 93.108 state that transportation plans and TIPs must be fiscally constrained consistent with DOT's metropolitan planning regulations at 23 CFR part 450. The 2040 Comprehensive Regional Plan Update Companion and FY 2018 to 2021 TIP are fiscally constrained, as demonstrated on pages II - 50 to II - 61 of the 2040 Comprehensive Regional Plan Update Companion⁶ and Appendix D of the FY 2018 to 2021 TIP.⁷

⁵ Available at https://nirpc.org/media/48081/nirpc_2014_ppp_final_adopted_12.11.2014.pdf

⁶ Available at <https://www.nirpc.org/2040-plan/2040-plan-update-companion/>

⁷ Available at <https://www.nirpc.org/fy-2018-2021-tip/>

6.0 Conclusion

The conformity determination process completed for the 2040 Comprehensive Regional Plan Update Companion and Fiscal Year 2018 to 2021 Transportation Improvement Program demonstrates that these planning documents meet the Clean Air Act and Transportation Conformity rule requirements for the 1997 ozone NAAQS with respect to the LaPorte County, Indiana maintenance area.

7.0 Appendices

7.1 Appendix A-1: Interagency Consultation Group Correspondence

NIRPC staff emailed members of the Interagency Consultation Group on Air Quality, comprised of NIRPC, INDOT, IDEM, FHWA, FTA, and EPA, a draft of this *Transportation Conformity Determination* report on January 9, 2019. Joyce Newland (Federal Highway Administration) replied on January 11, 2019 that because the EPA and FTA were on furlough during a significant portion of the comment period and were unable to comment prior to NIRPC being able to fulfill its 2014 Public Participation Plan in time for approval by the NIRPC Executive Board on February 21, NIRPC should be allowed to continue without EPA and FTA's full 30-day review until after the Executive Board Meeting. Shawn Seals (IDEM) replied on January 14, 2019 that IDEM concurred with FHWA's advice. Thus, and hearing no other replies from the Interagency Consultation Group on Air Quality, NIRPC satisfies the Interagency Consultation requirements.

NIRPC staff posted this Transportation Conformity Determination report document to the NIRPC website for public comment on January 11, 2019 through February 9, 2019, and no comments were received.

RESOLUTION 19-11

A RESOLUTION OF THE NORTHWESTERN INDIANA REGIONAL PLANNING COMMISSION AMENDING THE 2040 COMPREHENSIVE REGIONAL PLAN UPDATE COMPANION TO INCLUDE TRANSPORTATION CONFORMITY NON-EXEMPT REGIONALLY SIGNIFICANT PROJECTS IN LAPORTE COUNTY AMENDMENT NO. 7

February 21, 2019

WHEREAS, Northwest Indiana’s citizens require a safe, efficient, resource-conserving regional transportation system that maintains and enhances regional mobility and contributes to improving the quality of life in Northwest Indiana; and

WHEREAS, the Northwestern Indiana Regional Planning Commission, hereafter referred to as “the Commission”, being designated the Metropolitan Planning (MPO) for the Lake, Porter, and LaPorte County area, has established a regional, comprehensive, cooperative, and continuing (3-C) transportation planning process to develop the unified planning work program, a transportation plan, and a transportation improvement program to facilitate federal funding for communities, counties, and transit operators, and to provide technical assistance and expertise to regional transportation interests; and

WHEREAS, the Commission performs the above activities to satisfy requirements of the Fixing America’s Surface Transportation (FAST) Act of 2015 (PL 114-94), applicable portions of all prior federal transportation program authorizing legislation, as well as other federal, state, and local laws mandating or authorizing transportation planning activities; and

WHEREAS, the implementation of the Clean Air Act Amendments of 1990 has established National Ambient Air Quality Standards for ozone; and

WHEREAS, LaPorte County has been designated as a maintenance area with respect to the 1997 “8-hour” standard for ozone; and

WHEREAS, the United States Environmental Protection Agency's Transportation Conformity Rule in 40 CFR Parts 51 and 93 requires all Transportation Conformity non-exempt and regionally significant projects to be included in a Metropolitan Planning Organization's Long Range Transportation Plan; and

WHEREAS, the 2040 Comprehensive Regional Plan Update Companion is the Commission's Long Range Transportation Plan; and

WHEREAS, the Commission has solicited public comment on the 2040 Comprehensive Regional Plan Update Companion Amendment #7 between January 11, 2019 and February 9, 2019;

NOW, THEREFORE, BE IT RESOLVED that the Northwestern Indiana Regional Planning Commission hereby amends the 2040 Comprehensive Regional Plan Update Companion by adding the Transportation Conformity non-exempt and regionally significant projects in LaPorte County as shown on the attachment to this resolution.

Duly adopted by the Northwestern Indiana Regional Planning Commission this twenty-first day of February, 2019.

Diane Noll
Chairperson

ATTEST:

George Topoll
Secretary

2040 Comprehensive Regional Plan Update Companion Amendment #7

Amendment #7 to the 2040 Comprehensive Regional Plan Update Companion adds regionally significant, non-exempt projects that are subject to Transportation Conformity requirements in LaPorte County to Table II - 17 on page II - 62. The additions to the table resulting from Amendment #7 are shown below.

Additions to Table II - 17 on page II - 62:

Projects Complete by 2020	Beginning Point	End Point	Sponsor
US-20 Added Travel Lanes, Construct Turn Lanes	US-421	US-35/SR-212	INDOT
US-20 Interchange Modification at US-35/SR-212	Meer Rd	US-35/SR-212 Interchange	INDOT
US-20 New Interchange at SR-2	1,590 feet from US-20/SR-2 Interchange	1,590 feet from US-20/SR-2 Interchange	INDOT

RESOLUTION 19-12

**A RESOLUTION OF THE NORTHWESTERN INDIANA REGIONAL PLANNING
COMMISSION AMENDING THE FY 2018-2021 TRANSPORTATION
IMPROVEMENT PROGRAM FOR LAKE, PORTER, AND LAPORTE COUNTIES,
INDIANA
AMENDMENT NO. 20**

February 21, 2019

WHEREAS, Northwest Indiana’s citizens require a safe, efficient, resource-conserving regional transportation system that maintains and enhances regional mobility and contributes to improving the quality of life in Northwest Indiana; and

WHEREAS, the Northwestern Indiana Regional Planning Commission, hereafter referred to as “the Commission”, being designated the Metropolitan Planning (MPO) for the Lake, Porter, and LaPorte County area, has established a regional, comprehensive, cooperative, and continuing (3-C) transportation planning process to develop the unified planning work program, a transportation plan, and a transportation improvement program to facilitate federal funding for communities, counties, and transit operators, and to provide technical assistance and expertise to regional transportation interests; and

WHEREAS, the Commission performs the above activities to satisfy requirements of the Fixing America’s Surface Transportation (FAST) Act of 2015 (PL 114-94), applicable portions of all prior federal transportation program authorizing legislation, as well as other federal, state, and local laws mandating or authorizing transportation planning activities; and

WHEREAS, the implementation of the Clean Air Act Amendments of 1990 has established National Ambient Air Quality Standards for ozone; and

WHEREAS, LaPorte County has been designated as a maintenance area with respect to the 1997 “8-hour” standard for ozone; and

WHEREAS, the United States Environmental Protection Agency's Transportation Conformity Rule in 40 CFR Parts 51 and 93 requires all Transportation Conformity non-exempt and regionally significant projects included in a Metropolitan Planning Organization's Transportation Improvement Program to be referenced to that Metropolitan Planning Organization's Long Range Transportation Plan; and

WHEREAS, the FY 2018-2021 Transportation Improvement Program is the Commission's Transportation Improvement Program; and

WHEREAS, the Commission has solicited public comment on the FY 2018-2021 Transportation Improvement Program Amendment #20 between January 11, 2019 and February 9, 2019;

NOW, THEREFORE, BE IT RESOLVED that the Northwestern Indiana Regional Planning Commission hereby amends the FY 2018-2021 Transportation Improvement Program by adding comments referencing the 2040 Comprehensive Regional Plan Update Companion alongside the Transportation Conformity non-exempt and regionally significant projects in LaPorte County as shown on the attachment to this resolution.

Duly adopted by the Northwestern Indiana Regional Planning Commission this twenty-first day of February, 2019.

Diane Noll
Chairperson

ATTEST:

George Topoll
Secretary

2018-2021 Transportation Improvement Program Amendment #20

Amendment #20 to the 2018-2021 Transportation Improvement Program adds comments to existing regionally significant, non-exempt projects in LaPorte County that are subject to Transportation Conformity requirements that those projects are referenced in the conforming 2040 Comprehensive Regional Plan Update Companion. The comments that are added are shown below.

Additions to the Comments column in the FY 2018 to 2021 TIP:

Comments	Table II-17 2040 Plan	Table II-17 2040 Plan	Table II-17 2040 Plan	Table II-17 2040 Plan	Table II-17 2040 Plan	Table II-17 2040 Plan	Table II-17 2040 Plan	Table II-17 2040 Plan
NE/ RS/ A#/ AM	RS	RS	RS	RS				
Non-Federal Funds	\$144,000	\$164,000	\$236,400	\$1,696,000	\$2,240,400	\$129,400	\$2,349,600	\$400,000
Federal Funds	\$576,000	\$656,000	\$945,600	\$6,784,000	\$8,961,600	\$517,600	\$9,398,400	\$1,600,000
Total Funds	\$720,000	\$820,000	\$1,182,000	\$8,480,000	\$11,202,000	\$647,000	\$11,748,000	\$2,000,000
Phase	CN	PE	PE	CN	Total	CN	CN	CN
Year	2018	2018	2018	2018	Total	2018	2019	2019
Federal Fund Type	STBG State	STBG State	STBG State	STBG State	STBG State	STBG State	STBG State	STBG State
Letting Date	10/12/2017	10/12/2017	10/12/2017	10/12/2017	10/12/2017	02/07/2018	12/12/2018	12/12/2018
Des Length	3.872999907	3.872999907	3.872999907	3.872999907	3.872999907	0	0	0
County	LaPorte	LaPorte	LaPorte	LaPorte	LaPorte	LaPorte	LaPorte	LaPorte
Location	US 421 to US 35/SR 212 in	US 421 to US 35/SR	US 421 to US 35/SR	US 421 to US 35/SR 212 in	US 421 to US 35/SR 212 in	US 20 at US 35/SR 212	at SR 2	At SR 2
Work Type	Added Travel Lanes,	Added Travel	Added Travel	Added Travel Lanes,	Added Travel Lanes,	Interchange Modification	New Interchange	New Bridge, Other
Work Category	Added Travel Lanes Project	Added Travel Lanes	Added Travel Lanes	Added Travel Lanes Project	Added Travel Lanes Project	District Intersection	New Interchange	New Interchange
Route	US 20	US 20	US 20	US 20	US 20	US 20	US 20	US 20
Sponsor	INDOT	INDOT	INDOT	INDOT	INDOT	INDOT	INDOT	INDOT
Des #	0500480	0500480	0500480	0500480	0500480	1296943	1383614	1601711
Row ID	2	3	4	5	6	46	88	312