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NORTHWESTERN INDIANA REGIONAL PLANNING COMMISSION
EXECUTIVE BOARD MEETING
March 16, 2023 at 9:00 A.M.
NIRPC Lake Michigan Room, 6100 Southport Road, Portage

- 1.0 Call to Order and Pledge of Allegiance – Richard Hardaway
- 2.0 New Appointments to the Commission - Attorney Dave Hollenbeck
- 3.0 Roll Call – Candice Eklund
- 4.0 Public Comment on Today's Agenda Items
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.
- 5.0 Approval of the Minutes of the January 19, 2023, Full Commission Meeting (pp. 1-3)
ACTION REQUESTED: Approval
- 6.0 Report of the Chair – Richard Hardaway
- 7.0 Report of the Executive Director - Ty Warner
- 8.0 Environmental Management Policy Committee – Bill Emerson (p. 4)
- 9.0 Finance and Personnel Committee – Wendy Mis (pp. 5-8)
 - 9.1 Procurements: #23-07.01, 23-07.02, 23-07.03, 23-07.04, 23-07.05, and 22-15 (pp. 7-8)
ACTION REQUESTED: Approval
- 10.0 Technical Planning Committee - Kevin Breitzke (pp. 9-23)
 - 10.1 Resolution #23-04: Updated Transportation Air Quality Conformity Interagency Consultation Procedures (pp. 10-11). *Links to the Conformity Protocol and Updated Conformity ICG Process are below:*
 - [Transportation Air Quality Protocol](#)
 - [Air Quality Conformity Interagency Consultation Group Guidance \(ICG\)](#)***ACTION REQUESTED: Approval***
 - 10.2 Metropolitan Planning Agreement with Indiana Department of Transportation (pp. 12-23)
ACTION REQUESTED: Approval
 - 10.3 Presentation: [Draft 2024-2028 Transportation Improvement Program \(TIP\)](#) (Charles Bradsky)
- 10.0 INDOT - Matt Deitchley, La Porte District Deputy Commissioner
- 11.0 Other Business
- 12.0 Announcements
- 13.0 Adjournment
The next meeting on April 20 will be a Full Commission meeting.

NIRPC Full Commission Meeting

6100 Southport Road, Portage, IN

January 19, 2023 Minutes

Call to Order

Chairman Justin Kiel called the meeting to order at 9:07 a.m. with the Pledge of Allegiance. The meeting was streamed live on YouTube.

New Appointments to the Commission

Dave Hollenbeck announced the appointments to the Commission of Ellen Hundt (Beverly Shores), Jane Jordan (Burns Harbor), Connie Gramarossa (LaPorte County Commissioner), Justin Kiel (LaPorte County Council), Barb Regnitz (Porter County Commissioner), Red Stone (Porter County Council), and Regina Ruddell (Pottawattomie Park).

Justin Kiel welcomed the newly appointed Commissioners and impressed upon them that the work performed through this commission is important. This council of government represents 750,000 people, dealing with regional matters of transportation, environment, and economic development and oversees a \$1.5 billion quadrennial Transportation Improvement Program (TIP).

Roll call - Taken by Candice Eklund

Present

The 37 Commissioners present at the meeting included Thomas Black (Highland), Charlie Brown (Lake county Council), Bob Carnahan (Cedar Lake), Bill Carroll (Lake Station), Don Craft (Porter), Joshleen Denham (Trail Creek), Tom Dermody (La Porte), Daina Dumbrys (Michiana Shores), Denise Ebert (Wanatah), Bill Emerson (Lake County Surveyor), Robert Forster (Kouts), Connie Gramarossa (LaPorte County Commissioner), Richard Hardaway (Merrillville), Ellen Hundt (Beverly Shores), Jack Jeralds (Schneider), Jane Jordan (Burns Harbor), Justin Kiel (LaPorte County Council), Scott Kingan (Ogden Dunes), Andrew Kyres (Crown Point), Robert LeMay (Long Beach), Sue Lynch (Portage), Lori Mercer (Westville), Wendy Mis (Munster), Edward Morales (Porter Township), Matt Murphy (Valparaiso), David Peeler (Hebron), Jerome Prince (Gary), Barb Regnitz (Porter County Commissioner), Regina Ruddell (Pottawattomie Park), Tom Schmitt (Schererville), Brian Snedecor (Hobart), Ronald (Red) Stone (Porter County Council), Gerald Swets (St. John), Sharon Swedo (New Chicago), Mary Tanis (Dyer), Jim Ton (Chesterton), and George Topoll (Union Township). Also present was Adam Parkhouse representing INDOT.

The 13 Commissioners absent included Kyle Allen, (Lake County Commissioner), Duane Arndt (Kingsford Heights), Jeannette Bapst (Dune Acres), Kevin Breitzke (Porter County Surveyor), Anthony Copeland (East Chicago), Jon Derwinski (Winfield), Tony Hendricks (LaPorte County Surveyor), Tom McDermott (Hammond), Duane Parry (Michigan City), Jim Pressel (Governor Appointee), Rick Ryfa (Griffith), Steve Spebar (Whiting), and John Yelkich (Lowell).

La Crosse, Kingsbury, and The Pines have appointed no representatives to NIRPC.

Staff present included Ty Warner, Thomas Dow, Talaya Jones, Denarie Kane, Mitch Barloga, Charles Bradsky, Kevin Polette, Candice Eklund, and attorney Dave Hollenbeck.

Public Comment – There were no public comments.

Approval of Minutes

The minutes of the December 8, 2022 Executive Board meeting were approved on motion by Bob Carnahan and seconded by Tom Dermody.

Presentation of Norman E. Tufford Award – Ty Warner

The Norman Tufford Award “for exceptional dedication and service to NIRPC” was presented to Michael Griffin, former Clerk-Treasurer of Highland for three decades and previously State Senator. Griffin served as Chair of the NIRPC Commission in both 2017 and 2020. “This is an award that recognizes regional commitment to Northwest Indiana,” said Ty Warner. John Swanson, NIRPC’s prior Executive Director, added, “this award recognizes people who have also made outstanding contributions to NIRPC and Local Government.”

Michael Griffin was very thankful for the kindness bestowed on him and said it was good to see so many of his former colleagues. Mr. Griffin spoke of the good Samaritan from his faith tradition, stating, “a person from Samaria helped a wounded man when many people of his nation passed him by, because this man saw him as a neighbor. A neighbor teaches us who our neighbors really are, much in the same idea with the work being done at NIRPC. Everyone in this room is a neighbor and everyone can be an ambassador for regionalism.”

Report of the Executive Director – Ty Warner

Ty Warner reported another tradition acknowledged at the January Commission meeting is to recognize perfect attendance at all of the meetings the prior year. Those acknowledged were Richard Hardaway, Justin Kiel, Jim Ton, and George Topoll. Mr. Warner also recognized the 10 Commissioners who attended all the Full Commission meetings last year. Those acknowledged were Kevin Breitzke, Bob Carnahan, Joshleen Denham, Tom Dermody, Denise Ebert, Bill Emerson, Robert Forster, Sue Lynch, Wendy Mis, and Tom Schmitt.

Just Kiel recognized Ty Warner for his 10 years of service with NIRPC.

Officers and Executive Board for 2023 – Justin Kiel

Justin Kiel presented the recommendations of the Nominating Committee for 2023. No additional nominations were made.

Elected as Chair for 2023 was Richard Hardaway, Town of Merrillville. Tom Dermody, Mayor of La Porte was elected as Vice Chair. Sue Lynch, Mayor of Portage, was elected as Secretary, and Wendy Mis, Clerk-Treasure of the Town of Munster, was elected Treasurer.

Members elected to the Executive Board included Kyle Allen, Jr. (County Commissioner) and Bill Emerson (County Surveyor), representing Lake County; County Council Justin Kiel and Clerk-Treasurer Denise Ebert (Wanatah), representing LaPorte County; and Kevin Breitzke (County Surveyor) and Councilman James Ton (Chesterton), representing Porter County. Justin Kiel, LaPorte County Council now also serves as Immediate Past Chair. The continued appointment of Representative Jim Pressel as the Governor’s appointee to the Executive Board is assumed. On a motion by Barb Regnitz and a second by Brian Snedecor, the Commission voted to adopt the 2023 slate as presented.

To celebrate his service as 2022 Chairman, Ty Warner presented Justin Kiel with the gavel plaque and thanked him for his service as chairperson last year and for being extremely active and committed. Justin Kiel turned the gavel over to newly elected Chair, Richard Hardaway. Mr. Hardaway thanked the nominating committee for this experience and said he will continue the traditions of this position.

Finance & Personnel Committee (F & P) – Tom Dermody

Tom Dermody reported the F & P Committee met this morning to review the financial reports, bank reconciliations, and claims registers for October and November 2022. The F&P Committee brought the two action items below to the Full Commission for consideration and approval.

1. Executive Director Contract, 2023 Addendum to Employment Agreement: Dave Hollenbeck reported on the addendum to the Executive Director’s contract saying an evaluation was completed and Mr. Warner will receive a salary increase of 7% in calendar year 2023. An evaluation will also be completed next year to determine his salary increase in 2024. On motion by Jim Ton and seconded by Sue Lynch, the Full Commission approved the Addendum to the Executive Director’s contract.
2. Resolution #23-01, Calendar Year 2023 Budget: On motion by Mary Tanis and seconded by Tom Dermody, the Full Commission approved NIRPC’s calendar year budget for 2023.

Technical Planning Committee (TPC) – Jim Ton

Jim Ton reported the TPC met on January 10, 2023. NIRPC staff presented the schedule of application review and approval for the current Notice of Funding Availability (NOFA) cycle. The next TPC meeting is scheduled for February 28, 2022.

- Resolution #23-02, FY 2022-2026 TIP Amendment #22-08 and #22-08.5: Charles Brodsky reported there were no comments received from the public or the Intergovernmental Consultation Group (ICG) for these

amendments. On motion by Jim Ton and seconded by Barb Regnitz, the Full Commission approved Resolution #23-02.

Economic Development District Report – Denarie Kane

Ms. Kane reported the final version of the *Economic Recovery and Resilience Plan* is posted on NIRPC's website and hard copies are available. Meetings are being held with Steering Committee organizations and others to complete the implementation matrix and its timetable. Coordination discussion has been held about the update for the Comprehensive Economic Development Strategy (CEDS) and *Ignite the Region* Plan update. Community tours are in progress with more tours to be scheduled to learn about economic development projects that should be included in the CEDS update. Regarding the loan programs, *Recover NWI* loans are on pause until this loan fund increases. However, two loan inquiries were received and information provided. Education related to new and existing EDA grants is ongoing.

INDOT – Adam Parkhouse

Adam Parkhouse announced applications for the next round of Community Crossings are due by January 27, 2023. With the unseasonably mild temperatures, the crews at INDOT are starting their maintenance work plan for the year in preparation of significant snow.

Other Business

Mary Tanis discussed the construction on Route 30 in Dyer that caused huge backups because some of the side streets were closed off. It was felt INDOT could better coordinate with the individual towns prior to construction. Adam Parkhouse agreed and stated they do try to coordinate the upcoming work each Friday.

Brian Snedecor addressed project cost increases and asked Adam Parkhouse if there had been discussions with INDOT to adjust the maximum of \$1 million on Community Crossings awards. Adam Parkhouse said the maximum award amounts are set by State Legislature. Jim Pressel had a discussion with the Commissioners during the last Commission meeting he attended and said discussion were ongoing, but he was not aware where they stood.

Announcements

Bob Carnahan announced the Indiana Patriot Guard invited the Cedar Lake Town Council to the Cedar Lake Fire Department on February 25 at 1:00 p.m. for an Honor and Remembrance flag presentation to the family of Timothy Ray White, a fire fighter who lost his life in 2011. Mr. Carnahan also announced there will be a Chamber luncheon today where the Hanover Superintendent will give a report on the three different school systems in Cedar Lake.

Ty Warner concluded the meeting by thanking the commissioners for their attendance to reach a quorum. He feels in addition to the value of their attendance for actual agenda items, are the discussions that take place before and after the meetings and the opportunity to connect with each other across the region.

Hearing no other business, Justin Kiel adjourned the meeting at 9:52 a.m. The next meeting on March 17 will be an Executive Board meeting.

The livestream video recording for this meeting is available on NIRPC's YouTube Channel at <https://www.youtube.com/watch?v=01v4cf6204s>

Environmental Management Policy Committee

Lake Michigan Room

November 3, 2022

Minutes

Bill Emerson called the meeting to order at 9:03 a.m. with the Pledge of Allegiance.

In attendance were Bill Emerson (Lake County), Reggie Korthals (MS4), Carl Lisek (DCI), Ashley Sharkey (DNR), George Topoll (Union Township), and Nicole Messacar (LaPorte).

NIRPC staff present were Kathy Luther, Jennifer Birchfield, Kevin Polette, and Flor Baum.

The meeting minutes of April 7, 2022 and August 4, 2022 were approved on motion by Reggie Korthals and second by Carl Lisek.

Public Comments

No public comments were submitted.

Kathy gave a demonstration on the Climate Action Framework: Land Emissions and Removals Navigator (LEARN). LEARN is a free interactive web mapping tool that was developed to help communities in the US estimate the local greenhouse gas (GHG) impacts of their forests and trees. Emission Factor information starts at the county level. The information obtained through LEARN can be useful when designing climate actions that reduce GHG emissions and/or increase removals of GHGs from the atmosphere. For example, NIRPC staff has used LEARN to compare land changes from 2013 to 2019. Kathy encouraged communities to explore LEARN.

<https://icleiusa.org/LEARN/>

Jennifer Birchfield presented on the Natural Hazards Resiliency Needs Assessment. NIRPC has partnered with Lake Michigan Coastal Program (LMCP). The assessment focuses on the coastal zone and the Lake Michigan watershed. However, it is not limited to the coastal areas. A workshop is slated for November 15, 2022 to look deeper into the Needs Assessment.

Kathy Luther spoke on the Scoring Review of Environmental and Air Quality Application. The EMPC will be reviewing applications for Air Quality. The estimated funds for Congestion Mitigation Air Quality (CMAQ) from 2024 – 2028 is \$3,590,552. There are two new funding source descriptions. Carbon Reduction Program (CRP) provides additional funding for projects such as lighting and signal modernization, alternative fuel vehicles, and infrastructure, among others. The second funding source is Promoting Resilient Operations for Transformative, Efficient & Cost -Saving Transportation (PROTECT). PROTECT provides funding for all climate resilience projects that involve adapting existing transportation infrastructure, or new construction, such as green or improvements to infrastructure, The application deadline is November 18. For more information, please contact Kathy at kluther@nirpc.org.

Reports from Planning Partners

Carl Lisek (DCI) reported on events and programs with Drive Clean Indiana. To view the complete report, please use the following link: <https://files.constantcontact.com/b4f049b7201/cdca46e4-ca95-456f-b7b6-2f0a6213ddbba.pdf>. For more information, please visit <https://drivecleanindiana.org/>.

Announcements were made.

The next EMPC meeting is slated for January 5, 2023, at 9:00 a.m. in the NIRPC offices.

Hearing no further business, the meeting adjourned at 11:22 a.m.

NORTHWESTERN INDIANA REGIONAL PLANNING
COMMISSION FINANCE AND PERSONNEL COMMITTEE
October 20, 2022 / NIRPC Dune Room – 8:00 a.m.

Members present in-person

Don Craft, Richard Hardaway, Wendy Mis, George Topoll

Staff and others present in-person

Ty Warner, Stephanie Kuziela, Lisa Todd, Meredith Stilwell, David Hollenbeck

Call to Order

Vice Chair Hardaway started the meeting with the Pledge of Allegiance.

Approval of Minutes

The minutes of the September 15, 2022 meeting were presented. On motion by Wendy Mis, second by Don Craft and no opposition, the minutes were approved.

Review of Financial Status – September 2022 Budget vs Actual

Stephanie Kuziela presented the September 2022 bank reconciliations for the NIRPC general account, the CARES Revolving Loan Fund account, and the Revolving Loan Fund Account.

Stephanie presented the September 2022 general fund financial reports. Total expenditures for the period ending September 30, 2022, were \$5,314,876 of the \$9,201,349 budgeted. Total general fund revenue for the period was \$1,970,779 of the \$4,311,106 budgeted.

Stephanie presented the Coronavirus Aid, Relief and Economic Securities (CARES) Act financial reports, year to date September 2022. Total NIRPC CARES fund expenditures for the period ending September 30, 2022, was \$340,916 of the \$1,153,515 budgeted. Total CARES revenue collected for the period was \$328,992 of the \$1,352,229 budgeted.

Approval of Claims Registers – September 2022

Stephanie presented the September 2022 General Fund claims register totaling \$1,044,449.26 to the Committee for approval. On motion by Wendy Mis, second by George Topoll and no opposition, the General Fund register of claims in the amount of \$1,044,449.26 was approved. The CARES Act register of claims totaling \$25,715.41 was presented for approval. On motion by Wendy Mis, second by Don Clark and no opposition, the CARES Act register of claims in the amount of \$25,715.41 was approved.

NIRPC 2022 Budget Amendment #1

Stephanie presented 2022 budget amendment #1 which is a transfer of \$25,000.00 from CARES RLF line item to Economic Development District contractual services to cover the remainder of a contract. ON motion by Wendy Mis, second by George Topoll and no opposition, NIRPC 2022 budget amendment #1 was approved.

Eco- Interactive Contract Addendum III

Lisa Todd presented Eco-Interactive contract addendum III which extends the contract between NIRPC and Eco-Interactive, Inc. which began in September 2017 for year 6 and 7, from October 2022 through and including the 30th day of September 2023. Eco-Interactive provides a customized project tracking software which NIRPC uses to electronically track the Transportation Improvement Program (TIP) and allows more transparency. Without it, the TIP would have to be tracked manually using spreadsheets. Ty noted that while NIRPC is not thrilled with the software and eventually wants to move away from it, a good replacement has not yet been found. On motion by Wendy Mis, second by George Topoll and no opposition, the Committee approved Resolution 22-18 to adopt the comprehensive conflict of interest policy.

NIRPC 2023 Preliminary Budget

Stephanie Kuziela presented the preliminary budget. The preliminary expense budget for 2023 is 4,133,726, a 15% decrease. Stephanie relayed that Talaya Jones, NIRPC CFO, stated the final budget numbers will change before being presented in December because the RAISE and READI grants have not been executed yet and the affectations to those budget categories are unknown and those amounts are not currently figured into the budget.

Personnel updates

Ty Warner reported that NIRPC's open positions are still unfilled. An offer was made to one of the Accountant position candidates, but their current employer made them a counter offer and they chose to stay at their current job. Ty remarked that NIRPC is not unique in having difficulty filling positions. He had just gotten back from the National Association of Regional Councils' Executive Director conference and during the opening session he asked how many had open positions and everyone raised their hand. He also noted that when he then asked how many had more than one open position, not one person put their hand down. One agency mentioned they have 64 open positions.

Ty stated that NIRPC is in the process of updating their handbook and hopefully will be bringing the update to the F&P Committee in early 2023.

Other Business

None

Adjournment

There being no further business, the meeting was adjourned.

Procurement Recommendations

March 16, 2023

Two (2) Replacement Vehicles – Procurement #23-07.01

- Purchase of:
 - Two (2) vehicle replacements for Porter County Aging Community Services - \$204,356.00
- Vehicles being replaced will have met their useful life of 4 years or 100,000 miles at the time of delivery.
- Paid with Federal Transit Administration funds (80%) out of grant IN-2022-019 and local share coming from the above listed agencies.
- Recommendation to approve purchase of replacement vehicles not to exceed \$163,485.00 in federal funds.

One (1) Replacement Motorcoach Vehicle – Procurement #23-07.02

- Purchase of:
 - One (1) motorcoach vehicle replacement for City of Valparaiso – ChicaGo Dash - \$685,224.00
- Vehicle being replaced will have met its useful life of 12 years or 500,000 miles at the time of delivery.
- Paid with Federal Transit Administration funds (80%) out of grant IN-2022-020 and local share coming from the above listed agencies.
- Recommendation to approve purchase of replacement vehicle not to exceed \$548,179.00 in federal funds.

One (1) Replacement 35 Ft. Vehicle – Procurement #23-07.03

- Purchase of:
 - One (1) 35 ft. vehicle replacement for East Chicago Transit - \$572,490.00
- Vehicle being replaced will have met its useful life of 12 years or 500,000 miles at the time of delivery.
- Paid with Federal Transit Administration funds (80%) out of grant IN-2022-020 and local share coming from the above listed agencies.
- Recommendation to approve purchase of replacement vehicle not to exceed \$457,992.00 in federal funds.

Three (3) Replacement Vehicles – Procurement #23-07.04

- Purchase of:
 - Three (3) vehicle replacements for Opportunity Enterprises - \$369,792.00
- Vehicles being replaced will have met their useful life of 4 years or 100,000 miles at the time of delivery.
- Paid with Federal Transit Administration funds (80%) out of grant IN-2022-023 and local share coming from the above listed agencies.
- Recommendation to approve purchase of replacement vehicles not to exceed \$308,160.00 in federal funds.

Seven (7) Replacement Vehicles – Procurement #23-07.05

- Purchase of:
 - Seven (7) vehicle replacements for Lake County Community Services - \$590,832.00
- Vehicles being replaced will have met their useful life of 4 years or 100,000 miles at the time of delivery.
- Paid with Federal Transit Administration funds (80%) out of grant IN-2022-023 and local share coming from the above listed agencies.
- Recommendation to approve purchase of replacement vehicles not to exceed \$423,360.00 in federal funds.

One (1) Replacement Motorcoach Vehicle – Procurement #22-15

- Purchase of:
 - One (1) motorcoach vehicle replacement for City of Valparaiso – ChicaGo Dash - \$785,000.00
- Vehicle being replaced will have met its useful life of 12 years or 500,000 miles at the time of delivery.
- Paid with Federal Transit Administration funds (80%) out of grant IN-2022-023 and local share coming from the above listed agencies.
- Recommendation to approve purchase of replacement vehicle not to exceed \$628,000.00 in federal funds.

Technical Planning Committee

NIRPC Lake Michigan Room

YouTube Recording:

<https://youtu.be/OeJqGn-IEXc>

January 10, 2023

Minutes

Kevin Breitzke called the meeting to order at 10:13 a.m. with the Pledge of Allegiance.

In attendance were Kevin Breitzke (Porter County), Carl Lisek (DCI), Jeff Huet (Schererville), Dean Button, Mark O'Dell (Chesterton), Tom Schmitt (Schererville), Kelly Wenger (NICTD), Phil Gralik (Hobart), Mike Jabo (Valparaiso), Duane Alverson (Lake County), Beth West (City of La Porte), Jake Dammarell (BFS), Deb Backhus (Gary), Scott Pruit, Eric Wolverton (Structure Point), Sandy Kolb (Portage), Chris Murphy (Structure Point), David Wright (GPTC), Kay Nelson (Forum), Debra Gritters (East Chicago), Steve King (Merrillville), Terry Martin, William Allen (East Chicago), and Julio Achivala (East Chicago).

NIRPC staff present were Mitch Barloga, Charles Bradsky, Scott Weber, Thomas Dow, Kevin Polette, and Flor Baum.

On motion by Dean Button, second by Mike Jabo, the Technical Planning Committee (TPC) approved the minutes of November 15, 2022.

There were no public comments.

Programming

Charles Bradsky spoke on Res. 23-02: TIP amendments 22-08 (Infrastructure), and 22-08.5 (Transit). Amendments 22-08 and 22-08.5 to the 2022-26 Transportation Improvement Program (TIP) was released for a 21-day public comment period on December 14 through January 4, 2023. There were no technical comments from the Interagency consultation Group (IDG). On December 16, ICG gave approval for the amendments. Amendment 20-22.08 contains 38 projects which are either new or modification for FY-23 through FY-27 and include the following: six culvert projects, 12 pavement rehab projects, three safety related intersection/interchange projects, 11 bridge rehab projects. The City of La Porte added a new comprehensive and transportation plan. Michigan City added PE and ROW to their Singing Sands Trail. Schererville added funding for ROW on the Ph-IV of the corridor project. Valparaiso added more funding for construction in 2024 for a trail project. They have also re-added construction for a roundabout that had previously been deleted and moved construction to a year outside of the TIP.

Amendment 20-22.08 contains five modifications and 17 new NICTD projects for FY-23,24,25,26, and 27. On motion by Dean Button, second by Mike Jabo, the TPC will recommend Res. 23-02 to the Commission for approval at the January 19 meeting.

Charles spoke on the NOFA applications process and schedule. There will be a smaller budget in 2027. A schedule of the adopted projects will be announced at the February 28 TPC meeting.

Topical Committee Reports

LUC, STC, EMPC, and 3PC are working on peer reviews for the NOFA applications.

The next TPC meeting is slated for Tuesday, February 28, at 10:00 a.m. Hearing no further business, the meeting adjourned at 10:43 a.m.



RESOLUTION 23-04

A RESOLUTION OF THE NORTHWESTERN INDIANA REGIONAL PLANNING COMMISSION APPROVING UPDATED TRANSPORTATION AIR QUALITY CONFORMITY PROTOCOL AND INTERAGENCY CONSULTATION PROCEDURES March 16, 2023

WHEREAS, the Northwestern Indiana Regional Planning Commission, hereafter referred to as “the Commission” is the regional transportation agency for the Metropolitan Planning Area of Lake, Porter, and LaPorte Counties, including portions of the Chicago, IL–IN and the Michigan City–La Porte, IN–MI Urbanized Areas pursuant to 23 CFR 450 and 49 CFR 613; and

WHEREAS, the Commission and the Indiana Department of Environmental Management are collectively responsible for developing and implementing various portions of the federal air quality plans in the Metropolitan Planning Area of Lake, Porter, and LaPorte Counties, including portions of the Chicago, IL–IN and Michigan City–La Porte, IN–MI Urbanized Areas; and

WHEREAS, prior to adopting or amending the long-range Regional Transportation Plan (RTP) and Transportation Improvement Plan (TIP), the Commission must first determine that these plans and programs conform to the state and federal air quality plan for Lake, Porter, and LaPorte Counties, including portions of the Chicago, IL–IN and Michigan City–La Porte, IN–MI Urbanized Areas termed the State Implementation Plan (SIP) using procedures established by the United States Environmental Protection Agency (U.S. EPA); and

WHEREAS, the five agencies have prepared a protocol for determining transportation air quality conformity in compliance with Federal regulation entitled: Northwestern Indiana Regional Planning Commission Transportation Air Quality Conformity Protocol (“the Protocol”), which includes certain conformity procedures relating to transportation plans, programs, and projects and the interagency consultation procedures, attached hereto as Attachment A and Attachment B, respectively, and incorporated herein as though set forth at length; and

WHEREAS, the five agencies have revised the Protocol to reflect the most recent guidance provided by the U.S. EPA.

NOW, THEREFORE, BE IT RESOLVED that the Northwestern Indiana Regional Planning Commission approves the Northwestern Indiana Regional Planning Commission Transportation Air Quality Conformity Protocol and Interagency Consultation Procedures.

Duly adopted by the Northwestern Indiana Regional Planning Commission this sixteenth day of March, 2023.

Richard Hardaway
Chairperson

ATTEST:

Sue Lynch
Secretary

**MEMORANDUM OF AGREEMENT
BY AND BETWEEN
NORTHWESTERN INDIANA REGIONAL PLANNING COMMISSION,
INDIANA DEPARTMENT OF TRANSPORTATION,
NORTHERN INDIANA COMMUTER TRANSPORTATION DISTRICT,
AND
GARY PUBLIC TRANSPORTATION CORPORATION**

This Metropolitan Planning Agreement is made by and between:

- The Northwestern Indiana Regional Planning Commission (NIRPC),
- The Indiana Department of Transportation (INDOT),
- The Northern Indiana Commuter Transportation District (NICTD), and
- The Gary Public Transportation Corporation (GPTC).

WHEREAS, the most recent federal surface transportation authorizing legislation requires the establishment of Metropolitan Planning Agreements between the state(s), the metropolitan planning organization (MPO), and public transportation operators in accordance with federal regulations, cited as 23 CFR § 450.314.

WHEREAS, NIRPC is the designated MPO for Lake, Porter and LaPorte Counties in Northwestern Indiana and the Metropolitan Planning Area (MPA) is comprised of three urbanized areas (UZAs) as defined by the most recent US Census:

- The tri-state UZA for Chicago that includes Southeastern Wisconsin, Northeastern Illinois and portions of Lake and Porter County in Northwestern Indiana,
- The Michigan City / LaPorte UZA in a portion of LaPorte County, and
- The City of Valparaiso, Indiana.

WHEREAS, the Metropolitan Planning Area for Northwestern Indiana has been designated as a Transportation Management Area (TMA) under federal law which requires additional planning products and processes and coordination between the parties to this agreement.

WHEREAS, Lake and Porter Counties within the MPA for Northwestern Indiana have been designated as a non-attainment area under the provisions of the Clean Air Act and LaPorte County has been designated as a maintenance area under the provisions of the Clean Air Act and such designations require additional planning products, processes and cooperative planning between the parties to this agreement.

WHEREAS, federal law requires Metropolitan Planning Organizations (MPO), State Departments of Transportation and Operators of Public Transportation Systems to engage in a cooperative, comprehensive, and continuing transportation planning process.

WHEREAS, INDOT administers the Tier II Transit Asset Management Plan, and is therefore the Tier II group plan leader.

WHEREAS, Northwest Indiana has three designated recipients for Section 5307 funding from the Federal Transit Administration (FTA). These are NIRPC, NICTD, and GPTC each of which have important roles:

- NIRPC is responsible for negotiating the split of FTA funds for the Chicago UZA with the Regional Transit Agency (RTA) serving Northeastern Illinois. NIRPC is responsible for coordinating multimodal transportation planning with the Chicago Metropolitan Agency for Planning (CMAP). NIRPC provides oversight of several public transit operators in Northwestern Indiana.
- NICTD plans, builds, operates, and maintains the South Shore Rail Line and the West Lake Corridor in Northern Indiana and Northeastern Illinois.
- GPTC plans, operates, and maintains local and regional transit service in the City of Gary and several adjacent communities.

NOW THEREFORE NIRPC, INDOT, NICTD and GPTC mutually agree as follows:

RESPONSIBILITIES OF NIRPC

METROPOLITAN TRANSPORTATION PLAN (MTP)

1. NIRPC shall develop a Metropolitan Transportation Plan (MTP), in accordance with the requirements of 23 CFR § 450.324, that addresses the planning factors from the most recent federal transportation authorization bill.
2. NIRPC shall follow the most recent version of the INDOT, MPO, & RPO Planning Cooperative Procedures Manual for the development of the MTP.
3. NIRPC shall develop the MTP in consultation with state and federal partners other parties to this agreement at minimum once every 4 years.
4. NIRPC develops the financial plan for the MTP that demonstrates the fiscal constraint with respect to available and projected sources of revenue.
5. MTP amendments and administrative modifications follow the procedures outlined by NIRPC's procedures and Public Participation Plan in place at the time of amendment.
6. NIRPC shall include documentation of an approved Congestion Management Process (CMP) as specified in 23 CFR § 450.322. The CMP identifies regionally significant projects for major updates to the MTP. Requests to amend the MTP must comply with the CMP.
7. NIRPC shall follow all appropriate conformity consultation and determination procedures to ensure compliance with conformity requirements in preparation of the MTP.
8. The NIRPC Executive Commission and/or Executive Board approves the MTP and its periodic updates and amendments.

TRANSPORTATION IMPROVEMENT PROGRAM (TIP)

9. NIRPC shall develop a Transportation Improvement Program (TIP), in accordance with 23 CFR § 450.326, that addresses planning regulations from the most federal transportation authorization bill.
10. NIRPC shall follow the most recent version of the INDOT, MPO, & RPO Planning Cooperative Procedures Manual for the development of the TIP.
11. NIRPC develops the TIP in cooperation with INDOT, FHWA, FTA, NICTD, GPTC, and other agency partners in accordance with the agreed-upon schedule for INDOT STIP development.
12. The TIP shall reflect the investment priorities established in the current MTP and cover a period of no less than 4 years.
13. NIRPC will develop the financial plan for the TIP that demonstrates how the approved TIP can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the TIP, and recommends any additional financing strategies for needed projects and programs.

14. The TIP shall include all federal aid funding projects as well as regionally significant projects, regardless of funding source, within the MPA. Federal funds, other than Metropolitan Planning (PL) dollars, identified for transportation planning activities in the UPWP, must be included in the TIP.
15. NIRPC's TIP is approved by the Governor of Indiana and incorporated into the STIP which is approved by FHWA and FTA.
16. NIRPC will provide and maintain the RTIP public access portal as well as the website that services TIP amendments and administrative modifications to the other parties to this agreement for as long as NIRPC uses RTIP.
17. NIRPC will process TIP amendments and administrative modifications in accordance with applicable TIP amendment and administrative modification procedures as well as INDOT's amendment/modification procedures.

UNIFIED PLANNING WORK PROGRAM (UPWP)

18. NIRPC will prepare a Unified Planning Work Program (UPWP), in accordance with 23 CFR § 450.308, that addresses the Federal Planning Emphasis Areas (PEAs) identified by FHWA and FTA.
19. NIRPC shall follow the most recent version of the INDOT, MPO, & RPO Planning Cooperative Procedures Manual for the development of the UPWP.
20. NIRPC will prepare a Unified Planning Work Program (UPWP) in cooperation and consultation with INDOT, FHWA, FTA, NICTD, and GPTC.
21. NIRPC will prepare a UPWP for the fiscal year that will take effect beginning on January 1st and will provide the draft UPWP to INDOT Technical Planning & Programming.
22. NIRPC will submit to INDOT Technical Planning Section a final UPWP in a timely manner that allows for final review and recommendation for approval to FHWA and FTA.
23. NIRPC will submit invoices on a timely basis, following the most recent version of the INDOT, MPO, & RPO Cooperative Procedures Manual.
24. NIRPC will submit a Cost Allocation Plan (CAP) in accordance with 2 CFR § 200.416 and the most recent version of the INDOT, MPO, & RPO Planning Cooperative Procedures Manual.

PERFORMANCE-BASED PLANNING & PROGRAMMING (PBPP)

25. NIRPC shares data and information with INDOT, NICTD and GPTC to assist with the development of performance targets.
26. NIRPC may review and provide comments on proposed INDOT, NICTD and GPTC performance targets prior to final adoption.

27. NIRPCs shall provide documentation to INDOT that either supports the statewide performance targets as established by INDOT or provides an alternate set of performance targets.
 - a) In the case that NIRPC chooses to adopt the statewide performance targets as established by INDOT, the expected documentation is a resolution or meeting minutes by the NIRPC Policy Board/Committee.
 - b) In the case that NIRPC chooses to adopt an alternate set of performance targets, the expected documentation is a description of the procedure used to set alternate performance targets as well as a resolution or meeting minutes by the NIRPC Policy Board/Committee. NIRPC will be responsible for reporting the two-year and four-year performance targets within the federal reporting system for the MPA.
28. NIRPC shall coordinate the development of performance targets with the Chicago Metropolitan Agency for Planning (CMAP) for the bi-state UZA.
29. NIRPC includes information outlined in 23 CFR § 450.324 (f) (3-4) in any MTP amended or adopted after May 27, 2018, and information outlined in 23 CFR § 450.326 (d).
30. Reporting of targets and performance measures by NIRPC, INDOT, NICTD and GPTC shall conform to 23 CFR § 490, 49 CFR § 625, and 49 § CFR 673.

PUBLIC PARTICIPATION & INVOLVEMENT

31. NIRPC will maintain a Public Participation Plan that is adopted by the NIRPC Executive Commission/Executive Board. The Public Participation Plan will include cooperation with the INDOT participation process.
32. NIRPC shall follow the Public Participation Plan throughout the planning process, including, but not limited to, the development of the MTP and the TIP.
33. NIRPC's TIP participation process will serve to meet the public participation requirements of NICTD and GPTC.
34. NIRPC will comply with all appropriate federal assurances, civil rights, and DBE requirements, Title VI guidance, ADA requirements, and procurement activities guidelines.
35. NIRPC will complete a Title VI analysis for the Northwest Indiana metropolitan planning area. INDOT's Office of Economic Opportunity and Pre-qualification within Central Office will be the INDOT contact for these efforts.

TRAVEL DEMAND FORECASTING

36. NIRPC is responsible for developing and maintaining a travel demand forecasting model for the MPA.
37. NIRPC will share the Travel Demand Model with INDOT, NICTD and GPTC as requested.

TRANSIT PLANNING

38. NIRPC will serve as the lead agency for the development of the Coordinated Public Transit Human Services Transportation Plan.

ANNUAL LISTING OF OBLIGATED PROJECTS (ALOP)

39. NIRPC will prepare an Annual Listing of Obligated Projects (ALOP) in accordance with 23 CFR § 450.334 and as referenced in the most recent version of the INDOT, MPO, & RPO Cooperative Procedures Manual.

RESPONSIBILITIES OF INDOT

INDOT Technical Planning & Programming provides Planning Liaisons to coordinate with NIRPC. INDOT Planning Liaisons regularly attend NIRPC Technical Planning Committee (TPC) and NIRPC Executive Commission/Executive Board meetings. The INDOT LaPorte District Capital Program Manager will attend the NIRPC TPC meetings and have voting representation for INDOT. INDOT District Deputy Commissioners will attend the NIRPC Executive Commission/Executive Board meetings and have non-voting representation for INDOT. INDOT technical planning will attend the NIRPC TPC committee meetings and have voting representation.

MTP & TIP

1. INDOT develops the Statewide Long-Range Transportation Plan (LRTP) in cooperation with NIRPC's MTP.
2. INDOT will coordinate with NIRPC on MTP development and INDOT LRTP development.
3. INDOT will coordinate with in the development of NIRPC's TIP and the development INDOT's STIP.
4. INDOT will develop planned improvement needs on state jurisdictional highways within the MPA for the development of NIRPC's TIP and INDOT's STIP.
5. INDOT will provide NIRPC with estimates of available federal and state funding in a timely manner for the development of the financial plans demonstrating the fiscal constraint of MPO's MTP and TIP. Should funding information be delayed for any reason, NIRPC may flat-line funding based on past information.
6. INDOT will develop the STIP in congruence with the NIRPC's transportation planning process and incorporate NIRPC's approved TIP by reference or amendment.
7. INDOT will provide timely lists of INDOT projects sorted specifically to include only projects within the Northwest Indiana MPA. Project information includes DES #, project description, total project cost, state and federal share, federal funding program or source , and letting date or fiscal year.
8. INDOT will provide timely lists of INDOT projects sorted specifically to include only projects within the Transportation Conformity Area but outside of NIRPC's MPA. Project information will include DES #, project description, total project cost, state and federal share, federal funding program or source, and letting date or fiscal year.
9. INDOT will develop a Statewide Transportation Improvement Program (STIP) that includes the review and written approval of the MPO's TIP in a timely manner.
10. INDOT will provide a list of projects (including investments in pedestrian walkways and bicycle transportation facilities) for which funds under 23 U.S.C. or 49 U.S.C., Chapter 53 were obligated in the preceding program year. The list of projects will be sorted specifically to include only projects within the Northwest Indiana MPA. Project information includes DES #, county, sponsor, district, route, project description, work type, phase, fund type, federal obligation amount, advanced construction amount, if any total obligation and

obligation date. This will support NIRPC in developing the Annual List of Obligated Projects (ALOP).

11. INDOT will collect and share transportation system information with the MPO to facilitate a cooperative transportation planning process and will conduct training sessions and workshops on pertinent topics. INDOT Technical Planning & Programming will be the lead in this effort.

UNIFIED PLANNING WORK PROGRAM (UPWP)

12. INDOT Technical Planning & Programming will assign a planning liaison to participate in transportation planning activities related to the UPWP such as review of the document, preparation of contracts following its approval, review of billings submitted by NIRPC, etc.) and to assist with coordination of the PEAs identified by FHWA and FTA.
13. INDOT will provide PL and Transit 5303 estimates to the Indiana MPO Council's PL Committee annually.
14. INDOT Technical Planning & Programming will review the UPWP in a timely manner and begin development of the required contracts and purchase orders. INDOT will strive for a timely notice-to-proceed, a signed contract and a purchase order.
15. INDOT Technical Planning & Programming will review progress reports through the planning liaison and initiate the reimbursement of invoices pursuant to applicable Federal Regulations and Indiana Code 5-17-5, Public Purchases.
16. Properly submitted invoices shall be reviewed and processed for payment following the procedures as outlined by the Auditor of the State of Indiana.

PERFORMANCE-BASED PLANNING & PROGRAMMING (PBPP)

17. INDOT will collect bridge and pavement condition data for the state asset management plan for the National Highway System (NHS). INDOT shall coordinate changes to the NHS with NIRPC.
18. INDOT (as the Tier II transit provider group plan leader) will collect transit data and produce the Tier II Group Transit Asset Management Plan, to include all Tier II transit providers who elect not to create their own Transit Asset Management Plan.
19. INDOT will provide NIRPC with the statewide performance data used in developing statewide targets. Updates of this data will include prior performance data.
20. INDOT will develop draft statewide performance targets in cooperation with all MPOs. Cooperation may include in-person meetings, web meetings, conference calls, and/or email communication. INDOT shall give all MPOs an opportunity to provide comments on statewide targets before final statewide targets are adopted.
21. INDOT performance targets will be reported to FHWA and FTA as applicable.
22. INDOT will include information outlined in 23 CFR § 450.216 (f) in any statewide transportation plan amended or adopted after May 27, 2018, and information outlined in

23 CFR § 450.218 (q) in any statewide transportation improvement program amended or adopted after May 27, 2018.

23. Reporting of targets and performance by INDOT, NIRPC, NICTD and GPTC shall conform to 23 CFR § 490, 49 CFR § 625, and 49 CFR § 673.

RESPONSIBILITIES OF NICTD and GPTC

METROPOLITAN TRANSPORTATION PLAN (MTP)

1. NICTD and GPTC will provide data, including financial planning information, upon request, and participate in the development of the MTP update.
2. NICTD and GPTC will provide copies of its Transportation Development Plan, as updated.
3. NICTD and GPTC will provide MTP amendment requests to NIRPC.

TRANSPORTATION IMPROVEMENT PROGRAM (TIP)

4. NICTD and GPTC will provide a Financial Capacity Analysis showing a 5-year Financial Plan as part of the TIP development process.
5. NICTD and GPTC will provide a 5-year capital project and operating plan (program of projects) for inclusion in the TIP to NIRPC.
6. NICTD and GPTC will provide TIP amendment requests to NIRPC.
7. NICTD and GPTC will provide a copy (PDF file preferred) to NIRPC of each final grant request to FTA and provide a copy of each grant award acceptance.
8. NICTD and GPTC will provide on an annual basis, no later than 60 calendar days following the end of the program year, a list of transit projects for which funds under 23 U.S.C. or 49 U.S.C., Chapter 53 were obligated in the preceding program year.

PERFORMANCE-BASED PLANNING & PROGRAMMING (PBPP)

9. NICTD and GPTC will annually update their Transit Asset Management Plan and performance targets.
10. NICTD and GPTC may share and request comments on proposed transit targets with INDOT and NIRPC prior to adopting them.
11. NICTD and GPTC will provide NIRPC with performance data used in developing targets, as requested.
12. Reporting of targets and performance by NICTD and GPTC shall conform to 23 CFR § 490, 49 CFR § 625, and 49 CFR § 673.

TRANSIT PLANNING

13. NICTD and GPTC will provide a staff liaison to assist with transit planning efforts.
14. NICTD and GPTC will participate on the Executive Committee, NIRPC Technical Board/Committee and NIRPC Policy Board/Committee.

15. NICTD and GPTC will participate in the development of the Coordinated Public Transit Human Services Transportation Plan.

16. NICTD and GPTC will be responsible for its Capital Improvement Plan and its ADA Compliance Plan and other activities directly related to the operation of public transit services in NIRPC's Urbanized Area.

17. NICTD and GPTC, as the designated recipient of federal transit funds, will be required to maintain all necessary records in support of the expenditure of funds where it is a direct recipient and oversight of expenditures of NICTD and GPTC's subrecipients. For all other monies, those direct recipients are responsible to maintain records and make them available to all necessary parties.

18. NICTD and GPTC agrees that it will comply with all required federal objectives.

SIGNATORIES & AUTHORIZATION

IN WITNESS WHEREOF, the undersigned executive staff members of NIRPC, INDOT, and NICTD and GPTC have authorized this Memorandum of Agreement on the dates indicated.

INDIANA DEPARTMENT OF TRANSPORTATION (INDOT)

_____ Date _____

Deputy Commissioner of Capital Program Management

NORTHWESTERN INDIANA REGIONAL PLANNING COMMISSION (NIRPC)

_____ Date _____

Executive Director

NORTHERN INDIANA COMMUTER TRANSPORTATION DISTRICT (NICTD)

_____ Date _____

President and CEO

GARY PUBLIC TRANSPORTATION CORPORATION (GPTC)

_____ Date _____

General Manager