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**NORTHWESTERN INDIANA REGIONAL PLANNING COMMISSION
EXECUTIVE BOARD MEETING**

September 15, 2022 at 9:00 A.M.

NIRPC Lake Michigan Room, 6100 Southport Road, Portage

- 1.0 Call to Order and Pledge of Allegiance – Justin Kiel
- 2.0 New Appointments to the Commission
- 3.0 Roll Call – Candice Eklund
- 4.0 Public Comment on Current 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 July 21, 2022, Executive Board Meeting (pp. 1-3)
ACTION REQUESTED: Approval
- 6.0 Report of the Chair – Justin Kiel
- 7.0 Report of the Executive Director - Ty Warner
- 8.0 Environmental Management Policy Committee – Bill Emerson (pp. 4-5)
- 9.0 Finance and Personnel Committee – Tom Dermody (pp. 6-15)
 - 9.1 Resolution #22-18: Approval of a Comprehensive Conflict of Interest Policy (pp. 8-15)
ACTION REQUESTED: Approval
- 10.0 Technical Planning Committee - Kevin Breitzke (pp. 16-20)
 - 10.1 Resolution #22-17: Setting Congestion Mitigation Air Quality Traffic Congestion Performance Measure Targets (pp. 18-20)
ACTION REQUESTED: Approval
- 11.0 INDOT, Matt Deitchley, La Porte District Deputy Commissioner
- 12.0 Other Business
- 13.0 Announcements
- 14.0 Adjournment
The next meeting on October 20 will be an Executive Board meeting

NIRPC Executive Board Meeting

Electronic Meeting via Zoom

July 21, 2022 Minutes

Call to Order

Chairman Justin Kiel, called the meeting to order at 9:04 a.m. with the Pledge of Allegiance. The meeting was streamed live on YouTube.

New Appointments to the Commission

Dave Hollenbeck announced the appointment to the Commission of Don Craft by the Town of Porter, replacing former Commissioner Greg Stinson.

Roll call - Taken by Candice Eklund. Though the meeting was intended as a Full Commission meeting, attendance was one Commissioner short of a quorum. A quorum of the Executive Board was present, and the meeting reverted to a meeting of the Executive Board. All actions could be taken up by the Executive Board.

Present

The 7 Executive Board members present at the meeting included Tom Dermody (LaPorte), Bill Emerson (Lake County Surveyor), Richard Hardaway (Merrillville), Justin Kiel (La Crosse), Sue Lynch (Portage), Wendy Mis (Munster), and Jim Ton (Chesterton).

The 19 Commissioners present at the meeting included Jeannette Bapst (Dune Acres), Janet Beck (Pottawattomie Park), Geof Benson (Beverly Shores), Jim Biggs (Porter County Commissioner), Kevin Breitzke (Porter County Surveyor), Robert Carnahan (Cedar Lake), Joshleen Denham (Trail Creek), Daina Dumbrys (Michiana Shores), Denise Ebert (Wanatah), Robert Forster (Kouts), Jack Jeralds (Schneider), Andrew Kyles (Crown Point), Duane Parry (Michigan City), Jerome Prince (Gary), Tom Schmitt (Schererville), Gerald Swets (St. John), Sharon Szewedo (New Chicago), George Topoll (Union Township), and John Yelkich (Lowell). Also present was Matt Deitchley representing INDOT.

Absent

The 3 Executive Board members absent at the meeting included Sheila Matias (LaPorte County Commissioner), Lori Mercer (Westville), and Jim Pressel (Governor Appointee). The role of Secretary on the Executive Board became vacant with the resignation of Greg Stinson.

The 21 Commissioners absent included Kyle Allen (Lake County Commissioner), Duane Arndt (Kingsford Heights), Charlie Brown (Lake County Council), Bill Carroll (Lake Station), Anthony Copeland (East Chicago), Don Craft (Porter), Jon Derwinski (Winfield), Tony Hendricks (LaPorte County), Mike Jessen (Porter County Council), Scott Kingan (Ogden Dunes), Robert Lemay (Long Beach), Tom McDermott (Hammond), Mike Mollenhauer (LaPorte County Council), Edward Morales (Porter Township), Matt Murphy (Valparaiso), David Peeler (Hebron), Rick Ryfa (Griffith), Angie Scott (Burns Harbor), Brian Snedecor (Hobart), Steve Spebar (Whiting), and Mary Tanis (Dyer).

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

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

Public Comment – Jeff Huet commented on the Green Infrastructure design guidelines that is up for a vote later in the meeting under resolution #22-15. While Mr. Huet agrees this initiative is great for the environmental aspect of a project, he stated it would also add costs. (This comment was addressed later in the meeting by Kathy Luther of NIRPC staff.)

Approval of Minutes

The minutes of the May 19, 2022, Executive Board meeting minutes were approved on motion by Jim Ton and seconded by Sue Lynch.

Report of the Chair – Justin Kiel

Justin Kiel had no updates to report.

Report of the Executive Director - Ty Warner

Mr. Warner spotlighted three of the many new Federal Discretionary Grant programs (see below) that are available through the Infrastructure Investment and Jobs Act (IIJA).

1. Reconnecting Communities Pilot Program: Program was intended to address infrastructure investments that were made to unite communities instead of separating them. This program is trying to reverse the negative impact and repair some of the damage. The application deadline is October 13, 2022.
2. Safe Streets and Roads for All: Program provides support in safety planning and activities to prevent serious injuries and fatalities. The application deadline is September 15, 2022.
3. Railroad Crossing Elimination Grant Program: Program provides funding for rail grade crossing improvement projects focusing on improving safety and mobility. The application deadline is October 4, 2022. Jim Ton asked if a 'quiet zone' would be included in this grant. Thomas Dow will follow-up on this question.

Ty recognized Kathy Luther, Director of Environmental Programs, for her 15 years of service with NIRPC.

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

Thomas Dermody reported that the F&P Committee reviewed the claims registers and financial statements for May and June 2022, as well as the financial statements for December 2021. The F&P Committee brought the three action items below to the Executive Board for consideration and approval.

1. Procurement #21-05.04: Talaya Jones presented this procurement, requesting to purchase 26 mobile trail counters and 3 fixed trail counters for data analysis, not to exceed \$98,500. On motion by Thomas Dermody and seconded by Richard Hardaway, the Executive Board approved Procurement #21-05.04.
2. SME Contract Amendment #1: Kathy Luther presented this contract, requesting to amend the existing SME, Inc. contract to accommodate a project in Hammond that is eligible for the federal grant, with the exception of one parcel. This amendment would assess the one non-eligible parcel and have an agreement with Hammond to reimburse NIRPC for expenses up to \$60,000. On motion by Bill Emerson and seconded by Richard Hardaway, the Executive Board approved Amendment #1 to the SME, Inc. contract.
3. Drive Clean Indiana 2023 contract: Kathy Luther presented this annual contract with Drive Clean Indiana, which is not to exceed \$431,860. This contract will fund a Congestion Mitigation and air quality education program, Green Fleet services, as well as technical support in training, alternative fuel, and infrastructure. On a motion by Jim Ton seconded by Sue Lynch, the Executive Board approved the Drive Clean Indiana contract.

Technical Planning Committee (TPC) - Kevin Breitzke

Kevin Breitzke reported the TPC met on July 12, 2022, where they received an update on the Metropolitan Transportation Plan (MTP), now called NIRPC's 2050+ *Plan*. NIRPC staff is attending regional events as a public outreach initiative, including the fairs in Lake, LaPorte, and Porter Counties, and a Juneteenth celebration in Merrillville. For additional information, contact Thomas Dow, NIRPC Transportation Director. Due to the Labor Day holiday, the next TPC meeting is scheduled for August 30 at 10:00 a.m. The TPC brought the two action items below to the Executive Board for consideration and approval.

1. Resolution #22-15: Kathy Luther responded to the public comment Jeff Huet brought before the Commission. Kathy stated there is a separate circuit breaker in the Living Streets policy that was adopted in 2020. The cost of the circuit breaker is 15% of the project, which is a call for all projects to consider within their scope. This resolution is to adopt the technical guidelines associated with the green infrastructure component to insure what the community is scoping in their project. On motion by Bill Emerson and seconded by Jim Ton, the Executive Board approved Resolution #22-15.

2. Resolution #22-16: FY 2020-2024 & 2022-2026 Transportation Improvement Program (TIP) Amendments #20-22.05 and #20-22.06. Charles Bradsky stated there were no public comments received during the 21-day public comment period. The Interagency Consultation Group submitted one question that was promptly answered. Charles noted the various projects included in both amendments. On motion by Thomas Dermody and seconded by Richard Hardaway, the Executive Board approved Resolution #22-16.

On June 17, 2022, INDOT's 2022-2026 STIP was approved by the USDOT, however NIRPC has not received their formal letter stating their TIP has been approved. Charles will provide an update when NIRPC's TIP has formally been approved.

NIRPC Economic Development District Report – Denarie Kane

Denarie Kane reported the Recovery and Resiliency Plan is in the final stages now that the in-person meetings have concluded. The project should be completed within the next month.

The *Recover NWI* Revolving Loan Fund program expires before the end of the month. There were two successful loans made during the program for \$50,000 each. NIRPC is continuing their third year of the Partnership Planning Grant with the EDA, which will run from July 1, 2022, to June 30, 2023.

INDOT - Matt Deitchley

Matt Deitchley, La Porte District Deputy Commissioner, reported the PEL study for the Flex Road project involving I-80/94, has been completed and published at indianaflexroad.com. An alternative will be selected soon. When Justin Kiel requested a status update of the PEL study on the US 30 corridor and SR 49, he was informed the consultants are on board and the kickoff meeting will be scheduled soon.

The next call for projects in the Community Crossings program will run from July 1 to August 31, 2022 and will be awarded in October. Matt urged applicants to contact INDOT when completing their applications. Matt also shared that CNBC ranked Indiana's road infrastructure #1 this year, which is the 3rd time in six years.

Other Business

No other business was reported.

Announcements

Bob Carnahan announced nearly two acres in Cedar Lake will become their new police and fire station, and their Town Hall is being expanded. The estimated cost of the new police and fire station is \$12 million. It was also noted that Cedar Lake, St. John, and Winfield are three of the fastest growing communities in Indiana.

Bill Emerson announced he was appointed to the Indiana Drainage Task Force that was created by the State Legislative. This is the first time a Surveyor has been appointed.

Geof Benson announced Beverly Shores will hold their Summerfest on July 23.

Adjournment

Hearing no other business, Justin Kiel adjourned the meeting at 9:45 a.m. The next meeting on September 15 will be an Executive Board meeting.

The livestream video recording of this meeting is available on NIRPC's YouTube Channel at https://www.youtube.com/watch?v=48dQOVDBO_0.

Environmental Management Policy Committee
NIRPC – Virtual Meeting
April 7, 2022
Minutes

Bill Emerson called the meeting to order at 9:15 a.m. with the Pledge of Allegiance and roll call.

In attendance were Bill Emerson (Lake County), George Topoll (Union Township), Lauri Keagle (DCI), Joe Exl (DNR), Jennifer Gadzala (Chesterton), Kay Nelson (Forum), Cathy Csatari (IDEM), Jenny Orsburn (DNR), Ashley Sharkey (DNR), Katherine Balkema (DNR), and Nancy Moldenhauer (MCSC).

NIRPC staff present were Kathy Luther, Meredith Stilwell, Kevin Polette, and Flor Baum.

The meeting minutes of February 3, 2022 were approved on motion by Lauri Keagle and second by George Topoll.

Public Comments

No public comments were submitted.

Resolution 22-07

Kathy Luther spoke on Res. 22-07, a resolution to adopt the 2017 regional inventory of community greenhouse gas (GHG) emissions as the regional baseline for future climate action planning, and for measuring current and future emission-reducing activities. In September 2020, NIRPC authorized the application to the Indiana University Environmental Resiliency Institute for internship and technical support assistance in conducting a regional GHG inventory. In 2021 Lake, Porter, and LaPorte counties, along with 13 municipalities, partook in the development of local GHG emission inventories using 2017 as the baseline. In 2019 the cities of Gary and Michigan City also conducted local a GHG emission inventory using 2017 as the baseline.

On motion by Kay Nelson and second by Jennifer Gadzala, the EMPC approved to recommend Res. 22-07 to the Commission for approval.

NWI Regional Climate Action Planning

Kathy presented on the Regional Climate Action Planning (RCAP) Framework. The 2017 Greenhouse Gas Emission Inventories (GHGE) has been completed in 15 communities within the Region. The 2017 GHGE baseline total for carbon dioxide equivalents were 49M metric tons from sources such as commercial and residential energy, industrial, transportation, solid waste, and water treatment within the Region. The focus was narrowed into three scopes. Scope I focuses on GHGE from sources located within the community boundary. Scope II focuses on GHGE occurring because of the use of grid-supplied electricity, heat, steam and/or cooling. Scope III focuses on all other GHGE that occur outside the community boundary as a result of activities taking place within the community boundary. The RCAP process is slated to form a working group between March through May. The working group will develop and implement outreach and engagement strategies, goals and objectives. A draft of the RCAP framework and development of local CAP support plan and performance metrics is slated for August 2022. By November, the working group will finalize and adopt a NWI regional climate action framework. For more information, please contact Kathy at kluther@nirpc.org.

Partners for Clean Air Promotion

Lauri Keagle (DCI) presented on becoming a partner with Partners for Clean Air (PCA). Drive Clean Indiana's (DCI) mission is to promote fuel and technology-neutral sustainable transportation and

clean energy options in Indiana. DCI's programs improve air quality, promote domestic fuels, reduce dependence on imported oil and supports local jobs and the local economy. Part of DCI's partnership with NIRPC is to manage air quality programming via social media and media relations for NWI PCA and serves on the PCA Steering Committee. PCA is managed by the IDEM NWI office, along with NIRPC support. PCA is comprised of NWI businesses, industries, local governments, and community groups committed to better air quality and public health through voluntary actions. Members develop Air Quality Action Plans designed to be implemented on Air Quality Action Days (May – September) to reduce harmful air pollutants, such as ozone and PM 2.5 (air pollutant). Free annual memberships are available and involve one to three voluntary action commitments, such as recycling or packing a lunch to work. To become a member, go to <https://www.in.gov/idem/partnerships/partners-for-clean-air/>. PCA also awarded \$12.5K in scholarships to five high school seniors in the Region who are planning to pursue careers that will benefit clean air. Furthermore, PCA hosts and participates in a myriad of educational events throughout the year that are aimed at increasing participation in clean air activities. For more information, contact Lauri at lkeagle@drivecleanindiana.org.

Reports from Planning Partners

Lauri Keagle (DCI) presented on the Drive Clean Indiana NIRPC EMPC Report. Please go to <https://files.constantcontact.com/b4f049b7201/1eba7c5f-a4fa-4d1c-a9a0-bdd7587a71c1.png> to view the full report. For more information, please visit <https://drivecleanindiana.org/> or contact Lauri at lkeagle@drivecleanindiana.org

Announcements were made.

The next EMPC meeting is slated for August 4, 2022, at 9:00 a.m. in the NIRPC offices.

Hearing no further business, the meeting adjourned at 10:47 a.m.

NORTHWESTERN INDIANA REGIONAL PLANNING
COMMISSION FINANCE AND PERSONNEL COMMITTEE
July 21, 2022 / NIRPC Dune Room – 8:00 a.m.

Members present in-person

Bob Carnahan, Tom Dermody, Denise Ebert, Richard Hardaway, Wendy Mis, George Topoll

Staff and others present in-person

Talaya Jones, Meredith Stilwell, Ty Warner, Stephanie Kuziela, Kathy Luther, David Hollenbeck

Call to Order

Chairperson Dermody called the meeting to order, and Bob Carnahan asked for the pledge to be said.

Approval of Minutes

The minutes of the May 15, 2022 meeting were presented. On motion by Bob Carnahan, second by Richard Hardaway and no opposition, the minutes were approved.

Review of Financial Status – May 2022 Budget vs Actual

Talaya Jones presented the May 2022 bank reconciliations for the NIRPC general account, the CARES Revolving Loan Fund account, and the Revolving Loan Fund Account.

Talaya presented the May 2022 general fund financial reports. Total expenditures for the period ending May 31, 2022, were \$2,921,319 of the \$9,201,349 budgeted. Total general fund revenue for the period was \$460,635 of the \$4,311,106 budgeted.

Talaya presented the Coronavirus Aid, Relief and Economic Securities (CARES) Act financial reports, year to date May 2022. Total NIRPC CARES fund expenditures for the period ending May 31, 2022, was \$210,809 of the \$1,153,515 budgeted. Total CARES revenue collected for the period was \$234,447 of the \$1,352,229 budgeted.

Approval of Claims Registers – May 2022

Talaya presented the May 2022 General Fund claims register totaling \$929,673.30 to the Committee for approval. On motion by Bob Carnahan, second by George Topoll and no opposition, the General Fund claims in the amount of \$929,673.30 were approved. The CARES Act register of claims totaling \$8,685.72 was presented for approval. On motion by Richard Hardaway, second by Bob Carnahan and no opposition, the CARES Act claims in the amount of \$8,685.72 were approved. The RLF register of claims totaling \$13,375.00 was presented for approval. On motion by Bob Carnahan, second by Richard Hardaway and no opposition, the RLF claims in the amount of \$13,375.00 were approved.

Review of Financial Status – June 2022 Budget vs Actual

Talaya presented the June 2022 bank reconciliations for the NIRPC general account, the CARES Revolving Loan Fund account, and the Revolving Loan Fund Account.

Talaya presented the June 2022 general fund financial reports. Total expenditures for the period ending June 30, 2022, were \$3,180,238 of the \$9,201,349 budgeted. Total general fund revenue for the period was \$1,005,221 of the \$4,311,106 budgeted.

Talaya presented the Coronavirus Aid, Relief and Economic Securities (CARES) Act financial reports, year to date June 2022. Total NIRPC CARES fund expenditures for the period ending June 30, 2022, was \$223,956 of the \$1,153,515 budgeted. Total CARES revenue collected for the period was \$270,282 of the \$1,352,229 budgeted.

Approval of Claims Registers – June 2022

Talaya presented the June 2022 General Fund claims register totaling \$266,609.75 to the Committee for approval. On motion by Bob Carnahan, second by Richard Hardaway and no opposition, the General Fund claims in the amount of \$266,609.75 were approved. The CARES Act register of claims totaling \$2,895.04 was presented for approval. On motion by Wendy Mis, second by Bob Carnahan and no opposition, the CARES Act claims in the amount of \$2,895.04 were approved.

December 2021 Financials

Talaya presented the January - December 2021 general fund financial reports. Total expenditures were \$4,810,681 of the \$11,981,765 budgeted. Total general fund revenue for the period was \$3,046,474 of the \$3,574,659 budgeted.

Talaya presented the January - December 2021 Coronavirus Aid, Relief and Economic Securities (CARES) Act financial reports. Total NIRPC CARES fund expenditures were \$2,882,332 of the \$4,717,013 budgeted. Total CARES revenue collected for the period was \$3,162,330 of the \$4,307,009 budgeted.

NIRPC FY 2022 Budget Amendment #1

Talaya presented 2022 budget amendment #1 to the committee for approval. Amendment #1 is to add \$560,000 CARES ACT revenue for the Brownfield project and RAISE grant for potential projects in 2022. On motion by Wendy Mis, second by George Topoll and no opposition, Budget Amendment #1 was approved.

Procurement #21-05.04

Talaya presented Procurement #21-05.04 for recommendation to the NIRPC Board for approval. Procurement #21-05.04 was for an Executive Director approved purchase on June 23, 2022 using \$98,500 in federal funds for twenty-six mobile and three fixed trail counters. This purchase was made prior to approval by the F&P Committee to avoid the loss of funds that were set to expire on June 30, 2022. Wendy Mis stated she was glad NIRPC was able to use the funds while they still had them. On motion by Bob Carnahan, second by Richard Hardaway and no opposition, Procurement #21-05.04 was approved to be forwarded with a favorable recommendation to the NIRPC Board for approval.

SME Contract Amendment 1

Kathy Luther presented SME contract Amendment 1. NIRPC entered into an agreement on March 19, 2020 with SME to provide technical and professional environmental services under a Brownfield Coalition Assessment Grant. Since SME is already conducting assessment work, the Coalition and the City of Hammond would like to utilize them to assess a parcel which is not eligible for use of federal grant funds. NIRPC has entered into an MOU with Hammond and is adding funds to pay the contractor, for which Hammond will reimburse NIRPC. The new task shall not exceed \$21,925, unless all parties agree in writing on an additional scope of work and cost up to \$60K. On motion by Bob Carnahan, second by Richard Hardaway and no opposition, the Committee approved SME contract amendment 1 to be forwarded with a favorable recommendation to the NIRPC Board for approval.

Drive Clean Indiana 2022 (SFY 2023) Contract

Kathy Luther presented Drive Clean Indiana 2022 contract. NIRPC and Drive Clean Indiana applied together for CMAQ funds for public education and this contract would continue their work using SFY 2023 funds. The air quality funds are in the TIP under Drive Clean Indiana and NIRPC. The compensation amount is not to exceed \$345,488 with contractor to document payment of an additional \$86,372, by itself or other non-federal party of that in match. On motion by Wendy Mis, second by Bob Carnahan and no opposition, the Committee approved the Drive Clean Indiana 2022 (SFY 2023) contract to be forwarded with a favorable recommendation to the NIRPC Board for approval.

Personnel updates

NIRPC currently has 3 open positions, the Transit and Engagement Planner and Accountant, which have been posted for, and Compliance, which has not been posted yet. The Accountant position was posted to Indeed, but the candidates who applied were not qualified. Thomas Dow, Director of Transportation, indicated to Ty that he may try to develop an internal employee to fill the Transit and Engagement position.

Other Business

None

Adjournment

There being no further business, the meeting was adjourned.



RESOLUTION 22-18

A RESOLUTION OF THE NORTHWESTERN INDIANA REGIONAL PLANNING COMMISSION FOR THE APPROVAL OF A COMPREHENSIVE CONFLICT OF INTEREST POLICY

September 15, 2022

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 Northwestern Indiana Regional Planning Commission, hereafter referred to as “the Commission”, being designated the Metropolitan Planning Organization (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 Infrastructure Investment & Jobs Act of 2021 and the Bipartisan Infrastructure Law of 2022 (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 Marquette Greenway Trail is a multi-use trail which extends from Chicago, Illinois to New Buffalo, Michigan, through many scenic parts of Northwest Indiana. The trail has many sections that are not yet completed.

WHEREAS, the United States Department of Transportation has awarded the Commission a grant under the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) program for several major portions of the Marquette Greenway Trail.

WHEREAS, the Commission wishes to put out several Requests for Qualifications and Requests for Proposals for professional services like project management, trail design, right of way engineering, among others. These services require professionals to follow a code of ethics and disclose if there is or will be any conflict of interest.

WHEREAS, the Finance and Personnel Committee (F&P) has recommended that the Northwestern Indiana Regional Planning Commission adopt a Consultant Conflict of Interest Policy and Form P308-2 Consultant Conflict of Interest Statement form.

NOW, THEREFORE, BE IT RESOLVED that the Northwestern Indiana Regional Planning Commission hereby adopts the Consultant Conflict of Interest Policy attached

Duly adopted by the Northwestern Indiana Regional Planning Commission this fifteenth day of September 2022.

Justin Kiel
Chairperson

ATTEST:



NORTHWESTERN INDIANA REGIONAL PLANNING COMMISSION CONSULTANT CONFLICT OF INTEREST POLICY

Applicability

This policy applies to all contracts for professional services related to NIRPC projects including design-bid-build (DBB) contracts and design-build (DB) contracts. This policy applies to the individual entities that make up a joint venture in the same manner as they apply to the joint venture. Parent and subsidiary entities shall be considered the same entity for the purposes of these guidelines.

Goals

This policy is intended to accomplish the following goals:

- Promote integrity, competitiveness and fairness in the procurement and prosecution of consultant contract services;
- Provide guidance to enable consultants to make informed business decisions concerning participation in contracts with NIRPC;
- Permit consultants to compete fairly to either work for NIRPC or as part of construction contract team;
- Protect the interests of NIRPC; and
- Permit consultants to work without actual or apparent conflicts of interest.

Responsibilities

The consultant (and any subconsultant), not NIRPC, shall reasonably and in good faith anticipate, identify, and disclose to NIRPC any actual or potential Conflict.

In addition to complying with the requirements of this Policy, the consultant or subconsultant shall also comply with any other professional responsibilities, ethics code of conduct or law applicable to the consultant or subconsultant.

The consultant shall include a term requiring compliance with this Policy in any agreement or arrangement with any subconsultant in furtherance of any NIRPC contract.

The consultant and any subconsultant shall notify NIRPC of any conflict or potential conflict according to this policy in writing (by emailing NIRPC's Procurement Coordinator), fully explaining the conflict or potential conflict and providing any recommendations or protocol to remedy the conflict prior to (as applicable):

- The completion of any NIRPC consultant selection process;
- Any consultant engaging any subconsultant on an NIRPC contract; or
- The consultant or subconsultant accepting any work from an entity other than NIRPC.

Policy

1. Consultants and subconsultants shall provide independent and

uncompromised judgment, counsel, work product and public representation, with respect to every contract with NIRPC.

2. Consultants and subconsultants shall support the policies and practices of NIRPC and the State of Indiana.
3. Any conduct or set of facts that could or does compromise or limit the duties in Paragraphs (1) and (2) above shall be considered a Conflict of Interest (“Conflict”).
4. NIRPC will review conflict of interest disclosures and strictly disallow the existence of conflicts in furtherance of the above goals. Exceptions will only be considered when, in the best interest of NIRPC, it is determined that the number of consultants available for a particular activity are inadequate.

Guidelines for Evaluating Conflicts of Interest

- NIRPC’s Consultant Selection Review Committee will consider the consultant’s or subconsultant’s notification of a potential Conflict with consultation from the Project Manager and agency Contracting Officer. The Committee will make a recommendation to the Commissioner on whether to object to the Conflict, waive the potential Conflict or require the consultant or subconsultant to remedy the Conflict. The Committee will include an explanation on why a waiver is appropriate for all recommendations to waive a Conflict.
- After receiving the recommendation of the Committee, NIRPC’s Commissioner or the Commissioner’s designee, in his or her sole discretion and with the exercise of reasonableness and good faith, may object to the Conflict, waive the Conflict, or require the Consultant (or subconsultant) to remedy the Conflict to NIRPC’s satisfaction as a condition of NIRPC awarding or continuing any contract or awarding any amendment to, extension or supplement of or additional work under any contract.

Conflict of Interest Examples

The following are activities considered to be Conflicts of Interest.

- Neither consultants nor subconsultants actively engaged in NIRPC contracted responsibilities for a project shall perform concurrent services for other clients that impact or depend upon NIRPC’s project.
- Neither consultants nor subconsultants actively engaged in NIRPC contracted responsibilities for a project shall market to perform future services for other clients that impact or depend upon NIRPC’s project while under contract to NIRPC.
- Neither consultants nor subconsultants actively engaged in NIRPC contracted responsibilities for a project shall entertain participation on a construction contract team for the same project.
- Neither consultants nor subconsultants who prepare engineering construction plans or construction contract bid documents for a project under contract to NIRPC shall entertain participation on a construction contract team for the same project.
- Neither consultants nor subconsultants actively engaged on a construction contract team for a project shall participate in an NIRPC professional services contract for the same project in a different role.
- Neither consultants nor subconsultants shall act as the Project Engineer/Supervisor within the hierarchal chain of command over construction inspection activities associated with construction plans or bid documents they prepared for NIRPC Sponsored construction projects.

- Neither consultants nor subconsultants who prepare the detailed independent labor hour estimate specified in 23 CFR 172.7(a)(1)(v)(B) to be used as the basis of negotiation for engineering services shall entertain participation in the same services.
- Neither consultants nor subconsultants acting in a management support role shall participate in providing services for projects, activities, or contracts under its oversight. These services include performance of work and review, or evaluation of work done by their firm or firms with which they have a financial relationship.

The following activities are not considered to be Conflicts of Interest.

- A consultant or subconsultant that collects and reports environmental or geotechnical data, without engineering design recommendations, may participate on a construction contract team at the same project location so long as all contract services have been fulfilled and all work product is made available to all potential construction contract teams on an equal and timely basis such that there is no unfair competitive advantage.
- A consultant or subconsultant that performs real estate acquisition services, may participate on a construction contract team at the same project location so long as all contract services have been fulfilled prior to construction contract bid opening and all work product is made available to all potential construction contract teams on an equal and timely basis such that there is no unfair competitive advantage.
- A consultant or subconsultant contracted to perform specific planning surveys and studies such as asset management plans and biennial bridge inspections may concurrently perform or compete for project specific preliminary engineering, right-of-way and construction engineering services for projects within the study area.
- A consultant or subconsultant that prepares an engineering assessment or similar project report may compete for future project development services so long as the completed report is made publicly available to other competing teams at least four weeks prior to the RFP response due date.

CONSULTANT IN MANAGEMENT SUPPORT ROLE CONFLICT OF INTEREST AND Confidentiality Statement

RFP/RFQ PROCUREMENT NUMBERS (if applicable): _____

PROJECT NAME (and Project Number, if applicable)²: _____

APPLICABILITY: To be filled out by contracting agency consultants in management support role.

I am an employee of a consultant under contract to the contracting agency that is responsible for the procuring and administering of one or more consultant contracts containing either Federal or State funds.

I am in a management position with the contracting agency, my title is listed below and I have attached my duty statement and scope of work.

I hereby certify as follows:

1. I recuse myself from all potential conflicts of interest.
2. I will not directly or indirectly participate in, manage, or oversee any consultant selection procurement process in which the consulting firm of which I am employed is competing as a consultant or subconsultant.
3. I will not directly or indirectly influence any employee, staff member, or other individual participating in any consultant selection procurement process in which the consulting firm of which I am employed is as a consultant or subconsultant.
4. I will not directly or indirectly participate in, manage, or oversee any contracting agency contract that is with the consulting firm of which I am employed, regardless of whether the involvement of my employer in the contract is as a consultant or subconsultant. Among other things, this includes my not being involved in approving changes in the schedule, scope, deliverables or invoices.
5. I understand that if I am involved in any contracting agency contract that is with the consulting firm of which I am employed, in violation of 1. or 2. above, that local agency contract will no longer be eligible for Federal or State reimbursement because of my involvement.

I certify that I have read and understand my responsibilities per **23 CFR 172.7(b)(5)**

I fully understand that it is unlawful for a person to utilize any organization name (i.e. State, local, or contracting agency) or auxiliary organization information, which is not a matter of public record, for personal gain.

¹ Each consultant staff working in a management support role shall complete a separate form.

² For on-call contracts or contracts for multiple projects, indicate accordingly.

I have read and fully understand all of the above.

Date: _____ Signature: _____

Name: _____

Title: _____

Consultant Firm/Sole Proprietor: _____

REVIEWED BY AUTHORIZED CONTRACTING AGENCY REPRESENTATIVE

I have reviewed the foregoing "Conflict of Interest and Confidentiality Statement" and will ensure:

That the foregoing named contracting agency consultant who is under contract and in a management support role with our contracting agency, abides by the foregoing terms and conditions;

That should the foregoing named contracting agency consultant, who is under contract and in a management support role with our local agency, violate any of the foregoing terms and conditions, the Caltrans DLAE will be notified and such violation will be considered a breach of ethics and could be a basis for ineligibility of State or Federal project funds.

The procedures followed to procure and execute the contract, between my contracting agency and the consulting firm of which I am employed, comply with all federal and state requirements. Also this contract has a specific date from _____ to _____.

Date: _____ Signature: _____

Name: _____

Title: _____

Department/Contracting Agency: _____

REVIEWED/CONCURRENCE BY FEDERAL HIGHWAY ADMINISTRATION

I have reviewed the foregoing "Conflict of Interest and Confidentiality Statement" and supervisor's statement.

I concur that the consultant, who is under contract and in a management support role with the contracting agency, does not appear to present a conflict of interest. The contracting agency and the consultant should be considered eligible for federal reimbursement.

I do not concur as I believe that the consultant, who is under contract and in a management support role with the contracting agency, does appear to present a conflict of interest.

Date: _____

Signature: _____

Name: _____

Position: _____

Distribution: 1) Copy to: NIRPC for each Federal/State funded project
2) Copy to be returned to Contracting Agency by NIRPC with FHWA approval

Technical Planning Committee
NIRPC Lake Michigan Room
July 12, 2022
Minutes

Kevin Breitzke called the meeting to order at 10:05 a.m. with the Pledge of Allegiance and a roll call.

In attendance were Kevin Breitzke, David Wright (GPTC), Mark O'Dell (Chesterton), Mary Tanis, George Topoll (Union Township),

Kay Nelson (Forum), Jeff Huet (Schererville), Lauri Keagle (DCI), Jennifer Smith (INDOT), Chris Murphy, Kelly Wenger(NICTD), Eric Wolverton (StructurePoint), Beth West, Jeff Huet (Schererville), Steve King(Merrillville), Lauri Keagle (DCI), Ron Gibson, Matt Gaielek, Deb Backhus, and Jebes Anderson.

NIRPC staff present Ty Warner, Scott Weber, Mitch Barloga, Kevin Polette, Thomas Dow, Charles Bradsky, Skye Gray, and Flor Baum.

The meeting minutes of April 5, 2022 were approved on motion by Kay Nelson, second by Mark O'Dell, and the committee voted unanimously to approve.

There were no public comments.

Planning

Kathy Luther and Jen Birchfield spoke on Resolution 22-15: Adopting Green Infrastructure design guidelines to implementing elements of the NIRPC Living Streets Policy for programmed transportation projects. NIRPC is responsible for planning and programming transportation projects that utilize federal grants that adhere to objectives from the *NWI 2050 Plan* and the *Greenways and Blueways 2020 Plan*. Green Infrastructure policies and Green Street requirements continue to be adopted on state, regional, and municipal levels to abide by EPA and stormwater requirements. For more information, contact Kathy Luther at kluther@nirpc.org, or Jen Birchfield at jbirchfield@nirpc.org. On motion by George Topoll and second by David Wright, the TPC approved to recommend Res. 22-15 to the Commission.

Thomas Dow presented on the *2050+ Plan* update. A land use element is being incorporated, as it is highly related to the active transportation element. There is also a transit, freight, and surface transportation element. The first three public kickoff events happened in June within Lake, Porter, and LaPorte counties. A survey to gather public opinion has been launched in June. During the months of August through October, a series of workshops will be conducted throughout the Region to develop the framework for the plan. There will be public network open houses in the winter months. Additional workshops will be held from January through March of 2023 for Purpose Driven Planning. By April, the public report open houses will be underway. Report approvals are slated in May of 2023.

Programming

Charles Bradsky presented on Res 22-16; Amendments 20-22.05 (Infrastructure) & 20-22.06 (Transit). The Transportation Improvement Program (TIP) has been approved by the US Dept. of Transportation. However, a letter of approval has not been received from the Feds or INDOT. Therefore, NIRPC must operate under the old TIP. The resolution was release for a 21-day public

comment on June 13, and closed on July 5. No technical or public comments were received. The infrastructure amendments for FY22-23 include adding PE for Gary. Griffith has an increase in design fees for an intersection modification. Hammond is moving design fees to right-of-way (ROW) on their trail project. INDOT has one bridge replacement project, four bridge rehabs, one new bridge project, and four bridge removals. La Porte is adding ROW and an increase to construction (CN) funds. Laporte county has two replacement projects and a trail project with an increase in ROW funding. Lake County has a trail project with an increase in ROW funds. Michigan City is eliminating a project. Porter County has an increase in design fees. Transit projects for FY 22 include eight new projects for NICTD and three new bus purchases for La Porte Transportation (Transporte). On motion by George Topoll and second my Mark O'Dell, the TPC approved to recommend Res. 22-16 to the Commission.

Topical Committee Reports

Mitch Barloga (3PC) reported that NIRPC is awaiting DNRs Next Level Trails program final funding cycle to commence.

Reports from Planning Partners

Lauri Keagle (DCI) reported on upcoming events and programs within NWI. Please visit www.drivecleanindiana.org for more information.

Adjournment

Hearing no further business, the meeting adjourned at 11:23 a.m.

The next TPC meeting will be on August 30, 2022 at 10:00 a.m. in the NIRPC building.



RESOLUTION 22-17

A RESOLUTION OF THE NORTHWESTERN INDIANA REGIONAL PLANNING COMMISSION ESTABLISHING CONGESTION MITIGATION AIR QUALITY TRAFFIC CONGESTION PERFORMANCE MEASURE TARGETS

September 15, 2022

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 Northwestern Indiana Regional Planning Commission, hereafter referred to as "the Commission", being designated the Metropolitan Planning Organization (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 Infrastructure Investment and Jobs Act of 2021 (PL 117-58, 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 *NWI 2050 Plan* and FY 2022-2026 Transportation Improvement Program are products of a multi-modal, 3-C transportation planning process, compatible with regional goals and objectives and socio-economic and demographic factors; and

WHEREAS, the Infrastructure Investment and Jobs Act of 2021 requires the Commission in conjunction with the Chicago Metropolitan Agency for Planning, the Illinois Department of Transportation, and the Indiana Department of Transportation to adopt unified 2-year and 4-year Congestion Mitigation Air Quality Traffic Congestion performance measure targets for the entire U.S. Census Bureau-designated Chicago Urbanized Area; and

WHEREAS, staff of the Commission, the Chicago Metropolitan Agency for Planning, the Illinois Department of Transportation, and the Indiana Department of Transportation agreed on unified 2-year and 4-year Congestion Mitigation Air Quality Traffic Congestion performance measures through a collaborative process between March 2022 and August 2022; and

WHEREAS, the *NWI 2050 Plan* and FY 2022-2026 Transportation Improvement Program must be amended to reflect the establishment of 2-year and 4-year Congestion Mitigation Air Quality Traffic Congestion performance measure targets; and

WHEREAS, the changes to the *NWI 2050 Plan* and *FY 2022-2026 Transportation Improvement Program* brought about by this amendment fit the criteria of a technical amendment according to the *Engage NWI* plan; and

WHEREAS, the Technical Policy Committee (TPC) has recommended that the Northwestern Indiana Regional Planning Commission make these changes to the *NWI 2050 Plan* and *FY 2022-2026 Transportation Improvement Program*.

NOW, THEREFORE, BE IT RESOLVED that the Northwestern Indiana Regional Planning Commission hereby establishes 2-year and 4-year Congestion Mitigation Air Quality Traffic Congestion performance measure targets by making the following changes to the *NWI 2050 Plan* and *FY 2022-2026 Transportation Improvement Program* in a manner consistent with the definitions of a technical amendment as defined in *Engage NWI* and as shown on the attachment to this resolution.

Duly adopted by the Northwestern Indiana Regional Planning Commission this fifteenth day of September, 2022.

Justin Kiel
Chairperson

ATTEST:

Changes to the *NWI 2050* Plan:

Page Number	Performance Measure	Original Text	Amended Text
178	Percent of non-single occupancy vehicle travel in the Chicago, IL-IN urbanized area	“31.4% by 2019 and 31.9% by 2021”	“31.4% by 2019, 31.9% by 2021, 32.4% by 2023, and 32.6% by 2025 (unified targets for the entire Chicago, IL-IN Urbanized Area)”
215	Peak hours of excessive delay per capita in the Chicago, IL-IN Urbanized Area	“No more than 15.4 by 2021 (unified target for the entire Chicago, IL-IN Urbanized Area)”	“No more than 15.4 by 2021, 15.6 by 2023, and 15.9 by 2025 (unified targets for the entire Chicago, IL-IN Urbanized Area)”

Changes to the FY 2022-2026 Transportation Improvement Program:

Page Number(s)	Performance Measure	Original Target/Desired Trend	Amended Target/Desired Trend
28	Percent of non-single occupancy vehicle travel in the Chicago, IL-IN urbanized area	“at least 31.4% in 2019 and 31.9% in 2021”	“at least 31.4% in 2019, 31.9% in 2021, 32.4% in 2023, and 32.6% in 2025”
32	Peak hours of excessive delay per capita in the Chicago, IL-IN Urbanized Area	“no more than 15.4 in 2021”	“no more than 15.4 in 2021, 15.6 in 2023, and 15.9 in 2025”