



BUILD INDIANA COUNCIL

Infrastructure Media Summary

July 22, 2014

Judge rules Monroe County can't block I-69 work at night

Indianapolis Star
Ryan Sabalow
7/21/14

For the time being, Monroe County officials won't be using a noise ordinance to shut down nighttime construction work on the I-69 project. Marion Superior Court Judge David Dreyer issued a preliminary injunction Monday that allows the Indiana Department of Transportation to resume work on the controversial freeway project at night — beeping backup alarms and all. Neighbors, some of whom are longtime opponents of the freeway project, had complained to Monroe County officials that those backup alarms and other construction noises were keeping them up at night. The county changed its noise ordinance in response. Faced with up to \$7,500 fines per violation, INDOT's contractors shut down nighttime work, saying they couldn't run their equipment and keep workers safe without the backup signals. INDOT sued, saying it needed to work at night to finish the \$100 million section of the freeway on time. INDOT alleged the ordinance violates Indiana's Home Rule Act, which prevents a county from imposing burdens on the agency or regulating matters that fall under INDOT's purview. At a hearing last week, officials said a nighttime work stoppage could cost the state more than \$6 million and push back the opening of the road from its November 2015 target date by half a year or more. The state's attorney noted that Monroe County officials had long opposed I-69. Dreyer agreed to issue the temporary injunction, saying the law appeared to be on INDOT's side. He also cited safety threats to workers and the potential costs to taxpayers. "INDOT remains committed to working with Monroe County and its residents to minimize noise in a way that honors existing legal and contractual obligations and best serves the interests of all stakeholders," INDOT spokesman Will Wingfield said in a statement. Monroe County Commission President Patrick Stoffers couldn't be reached for comment, so it's not clear whether the county will challenge a permanent injunction.

[Indianapolis Star](#)

COKER: Evansville, Henderson deserve I-69 bridge and repairs of Twin Bridges

Evansville Courier & Press / The Gleaner
David Coker
7/19/14

Last week, this newspaper ran a glowing editorial endorsing the recent announcement that a blue-ribbon panel on Transportation & Infrastructure has endorsed the proposed Interstate 69 bridge between Indiana and Kentucky and rated it among the highest priorities on the near-term time horizon. Several weeks ago, I began receiving rather frantic emails from a friend in Henderson who is concerned about the current condition of the U.S. 41 bridges that daily carry more than 37,000 vehicles between the two states. She complains of convoys of semitrailer truck traffic which are a daily feature among regional commuters and interstate travelers. Her

complaints extend to the condition of the deck paving of the bridges and her fear that one day a huge truck will cave through the deck. So I drove across the "Bi-State Vietnam Gold Star Bridges." The cantilevered bridges are of similar design. The Northbound bridge, originally opened in 1932, has a main span of some 720 feet and extends 100 feet above the surface of the Ohio River, with steel grid work rising yet another 100 feet. The Southbound bridge, completed in 1965, has similar dimensions with the longest span of 600 feet. The entire length of each structure including approaches is about a mile. The grid work for both bridges received a \$22 million paint job in 2007 and 2008. The Northbound bridge, described by the American Society of Civil Engineers as "functionally obsolete," was last repaved in 1983. It appears to be in better physical condition than the Southbound bridge which has huge pot holes and signs of repeated repairs. [COKER: Evansville, Henderson deserve I-69 bridge and repairs of Twin Bridges - Gleaner Story](#)

Suit tests INDOT policy of charging for highway repairs

Indianapolis Business Journal

Kathleen McLaughlin

7/19/14

A trucking company is challenging the Indiana Department of Transportation's authority to sue for damage to state property, a lawsuit that could affect thousands of motorists and millions of dollars in revenue. Tennessee-based Averitt Express Inc. brings its case to the Indiana Court of Appeals as INDOT ramps up its efforts to collect for damage to guardrails and other infrastructure. INDOT's property-damage billing grew more than 50 percent, to \$7.1 million, in the fiscal year ended June 30 and covered 4,354 incidents. Most of those bills are settled out of court by insurance companies, but Averitt's case went to Putnam Circuit Court. In a summary-judgment ruling early this year, the trial court judge found in favor of the state, which said Averitt owed \$59,969 after a 2011 accident that damaged a guardrail and pavement on Interstate 70 and killed Averitt's driver, John Goins. Averitt's attorney at Indianapolis-based trucking specialist Scopelitis Garvin Light Hanson & Feary argued that INDOT's long-standing policy of collecting for routine highway repairs is illegal because those repairs are already paid for by tax dollars. Other courts observe the rule that governments cannot recover the cost of routine functions through civil suits when those costs are already funded through taxation, Scopelitis attorney Michael Langford said in his April 21 appeals brief. "This rule expresses the common-sense principle that taxpayers should not be asked to fund the same government functions twice," he said. [Suit tests INDOT policy of charging for highway repairs | 2014-07-19 | Indianapolis Business Journal | IBJ.com](#)

Hoosier State service discussed

Journal Review

Bob Cox

7/18/14

A town meeting concerning the future of passenger rail service in Crawfordsville, and the whole of West Central Indiana, was the topic of discussion Thursday in the Crawfordsville District Public Library. The meeting, sponsored by the Hoosier Environmental Council, featured Crawfordsville Mayor Todd Barton and Fritz Plous, director of communications of Corridor Capital. They spoke about the importance of retaining the Hoosier State passenger rail service that runs from Indianapolis to Chicago four days per week and stops in Crawfordsville. The future of the train is in the hands of Indiana Gov. Mike Pence. On Sept. 1 a contract to keep the passenger line between local communities and the state will expire. If funding for the service is not continued at the state and the local levels, the Hoosier State rail line will no longer exist. The potential absence of the rail service concerns Barton and other community leaders along the rail line. "My perspective is that passenger rail service is very important to a community," Barton said. "As we continue to move forward and promote economic development, at the end of the day, you have to have the quality of life that attracts people to the community. Mass transit systems are very

desirable today.” A year ago Barton, along with the city council, agreed to help fund the Hoosier State service in an amount calculated on local passenger use. The decision to turn the service into a state funded operation was the result of work done by communities along the line that have train stations serviced by the Hoosier State. Amtrak is the operating entity of the service. Under the old contract, the Indiana Department of Transportation pays half of the approximately \$2 million needed annually to keep the service viable. Crawfordsville presently is paying \$10,046 per month, which would cease if the passenger service stops. [Hoosier State service discussed - journalreview.com: News](#)

Helping pave the way

The Journal Gazette

7/17/14

Congress has dodged yet another self-created catastrophe by kicking the highway funding issue a little ways – wait for it – down the road. Pardon the pun, but it’s becoming difficult to take anything Congress does with the appropriate degree of seriousness these days. But the Highway Trust Fund was about to run out of money during the height of the construction season, and that would be no laughing matter. The economy, public safety and the average driver’s pocketbook all would have suffered. As bridges and roadways crumbled, hundreds of thousands of construction workers would have been idled and our average yearly auto repair bills might have gone up by several hundred dollars. Voting through a new highway-funding plan would seem to be a no-brainer. But to this Congress, meeting even obvious bipartisan needs is obviously impossible. An overwhelming majority of congressmen summoned the minimal common sense to pass an interim bill, though, that provides funding through next May. The vote was 367-55. Whew. Just one thing, though. Among the 45 Republicans and 10 Democrats who voted “nay” was northeast Indiana’s own Rep. Marlin Stutzman. [Helping pave the way | The Journal Gazette](#)

More projects brought into the fold

NWI Times

Lu Ann Franklin

7/17/14

PORTAGE | The lack of a quorum on Thursday for the full Northwestern Indiana Regional Planning Commission didn’t stop unanimous approval by the NIRPC executive board of three amendments to the Transportation Improvement Program. Funding for fiscal year 2015-21 totals \$8.3 million. Of that, \$7.1 million is allocated for pedestrian and bike projects, another \$828,940 is to be spent on the Safe Routes to School programs and \$388,923 slated for environmental and history programming. Those TIP amendments that provide federal and non-federal funding for projects from fiscal year 2014 through 2017 were recommended for commission approval July 8 by NIRPC’S transportation policy committee. The first amendment adds one Indiana Department of Transportation exempt project for state and county bridge inspection data to the TIP. NIRPC staff member Gary Evers said the \$250,000 project which is set for 2015 is a quality assurance/quality control project. Federal funding for this project totals \$200,000, Evers said. Approval of the second amendment brings 16 projects to the TIP for Lake, Porter and LaPorte counties. Those projects are sponsored by cities and towns in the three-county area as well as by the counties. They include bike/pedestrian trails and facilities, bridge inspections and replacements and intersection improvements. Sign replacements are also a major part of the new projects, and will bring the signs in Valparaiso, LaPorte County, Michigan City, Hobart and Merrillville up to current federal standards as highway safety improvement projects, Evers told the board. One project on the original list recommended by the transportation policy committee was deleted prior to the vote. Improvements to Porter County Road 100 south and to Willowcreek Road was eliminated because of “issues with earmark funds,” Evers said. [More projects brought into the fold](#)

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