

**REGULAR BOARD MEETING - BLOOMINGTON PUBLIC TRANSPORTATION
CORPORATION (BPTC) JANUARY 29, 2013, 5:30 P.M.**

In the Edward J. Kuntz Board Room of the Bloomington Transit Operating Facility, 130 W. Grimes Lane, Chairman McConn convened the regular meeting of the Board of Directors of the Bloomington Public Transportation Corporation.

ROLL CALL

Board Members present: Chairman McConn, Vice Chairman McDaniel, Board Member Obermeyer, and Board Member Hasler. Also present were Lewis May, General Manager, Brenda Underwood, Human Resources/Marketing Administrator, Christa Browning, Controller, and member of the public Randy Cassady, Cassady Electrical Contractors, Inc.

PETITIONS AND COMMUNICATIONS

Randy Cassady, Cassady Electrical Contractors, Inc., asked if it was possible to provide service down Tapp Road to the medical complex and the Hoosier Energy development. Mr. May said over the years we have received a few requests for such service in the Tapp Road corridor. Mr. May noted that it is BPTC's goal to extend service to this area in the future contingent upon the availability of resources to provide such services. He said in our current situation we simply do not have enough flexibility in our budget to take on the additional cost of serving this area with fixed route service. He added that we currently already provide BT Access service to the Tapp Road area. Mr. May further noted that ideally BPTC would prefer to see the corridor develop out further to add greater density and trip generators to help ensure that any future transit service would be successful here. Moreover, Mr. May mentioned that Federal, State and local resources are currently not growing at rates that will support significant expansion of transit service in the future. Unless this challenge is solved, it will be difficult to realize any expansion of transit service over the long term. Mr. May added that there may be other service priorities such as Sunday service or improved frequency on existing routes that could take precedent over any expansion to areas not currently served.

MESSAGES FROM BOARD MEMBERS

Vice Chairman McDaniel noted that he testified at the Indy Connect hearing last week and they will be voting on it January 30 at 10:30. He said there has been some controversy about that bill in particularly related to the Public Mass Transportation Fund (PMTF). If the Indy Connect initiative is approved, it could add \$1.3 billion dollars over 10 years and more than double existing bus service as well as start new rapid transit services. With the PMTF being a performance based formula, the addition of new locally derived income and new ridership could enable the Indianapolis area to take a larger share of the fixed PMTF pie available to the entire state. This would have a negative impact on all other transit systems such as BT assuming the PMTF does not grow. He said Marty Sennett suggested the idea of removing Indianapolis from Group 1 of the PMTF formula as a way to mitigate the impact on other transit systems. Mr. McDaniel mentioned that Mr. May raised the question of what impact would such a move have on the other Group 1 systems such as BT and Lafayette. Mr. McDaniel used some very basic

assumptions with PMTF formula and determined that it could significantly affect the amount of PMTF funding that BT and other systems in Group 1 receive.

MESSAGES FROM THE MANAGER

Mr. May shared with the Board some details of a security-related incident that occurred earlier that day.

Mr. May updated the Board on the downtown transit center project. He noted that we have a signed contract with Gibraltar Construction Corporation and have received Performance and Payments bonds from them. We have issued the Notice to Proceed Letter and Gibraltar is authorized to access the site for mobilization purposes beginning Monday January 28, 2013 and to begin construction on Monday February 11, 2013. He said we are planning to have a kickoff meeting with Gibraltar and plan a groundbreaking ceremony soon. He said he has submitted a TIP Amendment to the MPO to use some of our carryover 5307 funding to fund furnishings and signage for the project. He noted that we had originally hoped to fund these out of our construction grants but instead he proposes to use available Federal 5307 funding and local match to fund these items. Mr. May said the TIP amendment has been approved by the MPO Technical Advisory Committee and Citizens Advisory Committee and will be considered by the MPO Policy Committee on February 8. He noted that once the amendment is approved by the Policy Committee and included in INDOT's STIP, we will be able to move forward with including the furnishings/signage project in the annual Program of Projects which will make up our grant application for the use of Federal 5307 funds in 2013. He said he will be attending the Board of Zoning Appeals meeting on February 14 to seek approval of our requests for variances to allow wider than normal driveway cuts and a taller masonry wall.

Mr. May noted that the Board has approved the award of contract for voice annunciators to DoubleMap, Inc. with an option that can be exercised this year for automatic vehicle locator system technology to provide bus location information to the public. He noted that he recently learned that there have been many patent infringement lawsuits relative to vehicle tracking technology filed by a group known as Arrival Star this group against private trucking and shipping companies as well as a few public transit systems. Arrival Star has sued or threatened to sue many private trucking companies as well as some transit systems claiming patent infringement by various other vendors of the technology. He said DoubleMap asserts that they have not been the subject of any patent infringement lawsuits or any threats of lawsuits. Normally we would not have to be concerned with patent infringement liability since normally such liability is the responsibility of the manufacturer and not the purchaser. In this case, liability flows down to the purchaser of the technology and rather than defend the lawsuits or precede to litigation the defendants often settle for a licensing fee which is far less expensive than litigation. Mr. May said he consulted with legal counsel primarily on the topic of including contractual language that will require DoubleMap, Inc. to fully indemnify BPTC from any lawsuits or threats of litigation. Such language only goes so far in protecting BPTC in that if the vendor defaults and does not pay the licensing fee, the responsibility could fall to BPTC. He said his recommendation is to not execute a contract with DoubleMap on voice annunciators or exercise our option on the AVL technology until such time that legal counsel can develop the necessary indemnification language for our contract.

Mr. May gave an overview of ridership numbers for 2012 noting that fixed route ridership totaled 3,402,338 for an increase of 0.5 percent compared to 2011. This was an all time record for BT and the first time that fixed route ridership exceeded 3.4 million. He noted BT Access ridership finished with 26,491 for the year which was an increase of 3.0 percent.

MESSAGES FROM THE CONTROLLER

Controller Browning gave an overview of the proposed revisions to Capital Asset Policy which primarily dealt with changes to depreciation schedules for various classes of assets. She noted that on the agenda for the Board's consideration and approval was Resolution 13-03 which is a resolution approving the proposed revisions to the Capital Assets Policy for the Bloomington Public Transportation Corporation.

Controller Browning gave an overview of the proposed revisions to the BPTC Travel Policy and noted that on the agenda for the Board's consideration and approval was Resolution 13-04 which is a resolution approving revisions to the Travel Policy for the Bloomington Public Transportation Corporation.

MINUTES

The minutes for January 15, 2013 were presented for approval by Board Member Obermeyer and seconded by Board Member Hasler. The minutes were approved unanimously.

CLAIMS

The claims for January 29, 2013 were presented for approval by Board Member Obermeyer and seconded by Board Member Hasler. The claims were approved unanimously.

OLD BUSINESS

There was no Old Business.

NEW BUSINESS

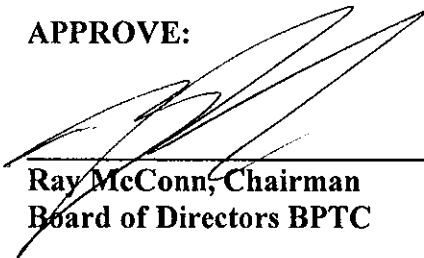
Under New Business, Vice Chairman McDaniel moved to approve Resolution 13-03; a resolution approving revisions to the Capital Assets Policy for the Bloomington Public Transportation Corporation. The motion was seconded by Board Member Obermeyer. Resolution 13-03 was approved unanimously.

Also under New Business, Board Member Obermeyer moved to approve Resolution 13-04; a resolution approving revisions to the Travel Policy for the Bloomington Public Transportation Corporation. The motion was seconded by Board Member Hasler. Resolution 13-04 was approved unanimously.

Under New Business, Resolution 13-02; a resolution authorizing the BPTC to exercise an option for the purchase and installation of automatic vehicle location system technology from DoubleMap, Inc. was continued until the February 12, 2013 Board Meeting.

ADJOURNMENT

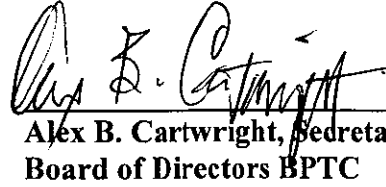
APPROVE:



2-12-13

**Ray McConn, Chairman
Board of Directors BPTC**

ATTEST:



2-12-13

**Alex B. Cartwright, Secretary
Board of Directors BPTC**