

Louisville-Southern Indiana
Ohio River Bridges Project

Project Management Plan 2012 Update

July 30, 2012



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EXECUTIVE SUMMARY

Overview

The Project Management Plan defines the Louisville-Southern Indiana Ohio River Bridges Project management control processes. This Plan documents the mechanisms to provide timely information to effectively manage the Project including control of the scope, budget, schedule, and quality of the Project to ensure the public's trust and confidence.

Project Description & Scope of Work

The overall purpose of the Project, as defined in the Final Environmental Impact Statement (FEIS) issued by the Federal Highway Administration (FHWA) for the Project, as modified by the 2012 Supplemental Final Environmental Impact Statement (SFEIS) and 2012 Revised Record of Decision (ROD), is to improve cross-river mobility between Jefferson County, Kentucky and Clark County, Indiana.

The selected alternative provides for construction of a new six lane I-65 Bridge to accommodate the I-65 northbound movement. The existing I-65 Bridge will be reconfigured to accommodate the six lane I-65 southbound movement. This alternative also provides for a four lane freeway from I-71 in Kentucky to SR 62 in Indiana, connecting the Gene Snyder Freeway (KY 841) in Kentucky with the Lee Hamilton Highway (SR 265) in Indiana. Lastly, the selected alternative provides for the reconstruction of the Kennedy Interchange primarily within its current right-of-way- footprint.

Goals and Objectives

The Project goals and objectives are to:

- Meet the Project purpose and need while avoiding, minimizing, or mitigating adverse impacts to the environment, including adverse effects to historic properties to the extent reasonable, feasible, and prudent. Avoidance of adverse effects is the preferred treatment.
- Complete the Project safely for the workers and the traveling public.
- Provide proactive public relations and maintain the public trust, support, and confidence throughout the life of the Project.
- Complete the Project in a timely manner and within the budget.
- Complete the Project with the highest degree of quality and safety possible.
- Meet all Federal and state statutory and regulatory requirements.
- Meet Disadvantaged Business Enterprise goals.
- Complete the Project in accordance with the 2012 Revised ROD.
- Encourage design and construction solutions that respect environmental concerns beyond those included in the 2012 ROD.
- Provide a high-quality, and maintainable highway facility.

- Minimize disruptions to traffic and local businesses and communities.

The overall Louisville-Southern Indiana Ohio River Bridges Project as defined in the FEIS and Revised ROD will be completed in two major procurements, namely the Downtown Crossing Procurement, which will be managed by Kentucky, and the East End Crossing Procurement, which will be managed by Indiana.

Organization and Responsibilities

JOINT BOARD

The Joint Board acts as the appeal authority for conflict resolution for the Bi-State Management Team. Members include the Secretary of the Kentucky Transportation Cabinet (KYTC), the Chairman of KPTIA, the Commissioner of the Indiana Department of Transportation (INDOT), and the Public Finance Director of IFA.

BI-STATE MANAGEMENT TEAM

Overall project management, as described in this Project Management Plan (PMP) is to be performed by the Bi-State Management Team (BSMT) comprised of representatives from the KYTC and the INDOT, as well as the FHWA as a non-voting, ex-officio member. Actions taken by the BSMT are done so with consideration to current state policies and processes.

The states reached an agreement in principal in December 2011 on a plan for constructing the Project, with Kentucky taking the lead on completing the Downtown Crossing portion of the Project (former Design Sections 1, 2 and 3), and Indiana taking the lead on completing the East End Crossing portion of the Project (Design Sections 4, 5 and 6) as a separate contract. Kentucky plans to use a design-build type alternative delivery contract for the Downtown Crossing. Indiana plans to use an availability payment style Public-Private Agreement (PPA) contract for the East End Crossing. Due to Indiana law with regards to a P3 type contract, the Indiana Finance Authority (IFA) will be Indiana's contracting entity for the East End Crossing. IFA will work closely with INDOT in developing and executing the contract.

Additional details regarding the planned procurements have been negotiated by the two states and are included in a March 5, 2012 Memorandum of Understanding between the two states. While the MOU establishes that most Project activities are related to only one of the contracts and will be the responsibility of one state or the other, there are several Project-wide activities that will continue to be jointly managed by the Bi-State Management Team during project delivery. The specific Project-wide roles and responsibilities that will be jointly managed by the BSMT will be detailed in an upcoming Bi-State Development Agreement.

The duties and responsibilities of the BSMT are to provide oversight of the Project by monitoring the progress and status of the Project, assisting in resolving

certain disputes as provided for in this plan, and reporting to and coordinating with FHWA as necessary or as requested.

The BSMT shall:

1. Monitor, and approve as necessary, appropriate actions and measures designed to avoid, minimize or mitigate effects to historic properties.
2. Monitor, and approve as necessary, that consultant services include professionals with experience in architecture, landscape architecture, historic preservation, archaeology, anthropology, landscape history, as well as highway, bridge and tunnel design.
3. Prepare and provide progress reports:
 - A. Every six months, a report detailing measures required by the First Amended MOA and providing advance notice of milestones, scheduled letting dates, and initiation of construction.
 - B. The report shall identify the status of activities for each stipulation in the First Amended MOA and of associated documents, such as HPP's, treatment plans, late discoveries and acquisition and preservation of historic properties.
4. The BSMT shall give full consideration to the recommendations of the BSHCT for incorporation into the final plans, to the extent reasonable, feasible and prudent.
5. Participate in the resolution of disputes as set forth in this Plan.

The East End Crossing and Downtown Crossing contracts will be awarded through the appropriate IFA / INDOT (Indiana) or KYTC standard or alternative project delivery contracting processes (see Chapter 6). Project management services for each construction contract will be provided by the respective contracting entities and their Technical Teams. Construction contract project management oversight and integration into the overall Project will be provided by the respective STA Construction Management personnel, supplemented as required by their Technical Teams. Indiana and Kentucky will jointly contract with a Toll System Integrator / Operator for design, construction, operations and maintenance of the electronic toll collection system for both crossings.

GENERAL ENGINEERING CONSULTANT

The General Engineering Consultant (GEC) will serve as requested and as authorized by the BSMT.

STATE TRANSPORTATION AGENCY PERSONNEL

The BSMT utilizes State Transportation Agency (STA) Personnel from each state to help fulfill the duties assigned to the respective STAs. Additionally, STA subject matter experts may be solicited for guidance in their areas of expertise.

SECTION DESIGNERS

There were six section design consultants who were selected to perform preliminary and final design, one for each of the six key sections of the Project. KYTC contracted for Sections 1, 2, 4 and 5. INDOT contracted for Sections 3 and 6. KYTC paid the full cost for Sections 1 and 4. INDOT paid the full cost for Sections 3 and 6. KYTC and INDOT shared the cost for Sections 2 and 5 on a 50%/50% basis.

When the states changed their initial contracting plan to include the potential for an alternative delivery type design-build or P3 construction contract, they gave their current section designers the option to either participate in the alternative delivery procurement by limiting their efforts to preliminary design, or they could continue to assist the states in development of plans and specifications for the alternative delivery procurements. Two of the section designers chose to complete the preliminary design for their section and to remain eligible to participate on a proposer team in the procurements. Four of the six section designers chose to continue to assist the states during the alternative delivery procurements.

The four section design consultants who continued to assist the states during the procurements will complete their work during the procurement process.

TOLL SYSTEM INTEGRATOR/OPERATOR

As set forth in the Bi-State Development Agreement, Kentucky and Indiana will jointly contract with a Toll System Integrator/Operator to design, develop, integrate, deliver, install, and test the electronic toll collection system for the Downtown Crossing and the East End Crossing; and following completion, to operate, maintain, repair and manage the electronic toll collection system for the Downtown Crossing and the East End Crossing. The Toll System Integrator and Operator may be the same entity, or two different entities, as determined by Kentucky and Indiana.

TECHNICAL TEAMS

Each state will establish a Technical Team for their respective procurements, and may procure consultants to serve on such Technical Team to assist their staff with contract administration and oversight of their respective alternative delivery contracts. The Technical Teams will supplement and assist STA personnel with design review, contract administration, construction inspection, quality control and quality assurance activities. Each state may appoint a representative to serve on the other state's Technical Team in order to assist in the review and

development of those portions of the Project (Sections 3 and 4) that are to be constructed within the jurisdiction of the appointing state.

STANDING ADVISORY TEAMS

There are several standing advisory teams with specific historical and environmental functions that also serve as information outlets. These include a Bi-State Historic Consultation Team, two Historic Preservation Advisory Teams, four Area Advisory Teams, and a Regional Advisory Committee.

These advisory teams have varying duties which include: providing recommendations to the BSMT during development of contract provisions regarding design of the Project to respect the historic qualities, landscapes, historic buildings and features within the Area of Potential Effect; providing feedback on plans with the specific needs of their communities in mind; and providing comments with a focus on the region.

OMBUDSMEN

Each crossing has a Project Ombudsman who will be responsible for communicating with the public and investigating reported problems on all aspects of the Project during the development and delivery of the Project. The Ombudsmen shall report recommendations, complaints and their findings to the BSMT. The Ombudsmen will provide responses of any findings, decisions or resolutions.

BI-STATE DEVELOPMENT AGREEMENT

IFA, KPTIA, KYTC, and INDOT are negotiating a Bi-State Development Agreement governing the duties, authorities and responsibilities of the parties with respect to development of the Project. The terms of the Bi-State Development Agreement shall control in the event of any discrepancy with the terms of the PMP.

Cost, Budget & Schedule

An Initial Financial Plan was approved for the Project in 2008. An Updated Financial Plan was submitted in December 2010. In January 2011 the leaders of Kentucky and Indiana determined that the Project was not financially feasible and asked the BSMT to look for cost savings options, to consider the use of tolls as part of the financing options, and to prepare a Supplemental Environmental Impact Statement (SEIS) as required by the National Environmental Policy Act (NEPA). The 2011 Supplemental Draft Environmental Impact Statement (SDEIS) and 2012 Supplemental Final Environmental Impact Statement (SFEIS) evaluated a Modified Selected Alternative that demonstrated more than \$1.2 billion in cost savings. An Updated Financial Plan, recognizing an additional \$300 million in savings is being developed based on the new alternative delivery procurements. This update incorporates the updated Project scope and cost estimates and includes the use of tolls. The 2012 Updated Financial Plan will be a

comprehensive document that reflects the Project's cost estimate and revenue structure and provides a reasonable assurance that there will be sufficient financial resources available to implement and complete the Project as planned.

DISPUTES PROCEDURE

Disputes with respect to issues covered by this Project Management Plan shall be resolved as follows:

- 1.) Disputes between Kentucky and its Design Build Team shall be resolved pursuant to the procedures outlined in the RFP, RFQ, the most current version of the Kentucky Specifications for Road and Bridge Construction, and the contract between KYTC and DBT and any addenda thereto. For disputes involving the proper application or interpretation of the Record of Decision or federal issues, FHWA shall be consulted as part of the resolution.
- 2.) Disputes between Indiana and its Developer shall be resolved pursuant to the procedures outlined in the RFP, RFQ, the most current version of the Indiana Department of Transportation Standard Specifications, and the contract between IFA and the Developer and any addenda thereto. For disputes involving the proper application or interpretation of the Record of Decision or federal issues, FHWA shall be consulted as part of the resolution.
- 3.) Disputes between Indiana and Kentucky shall be resolved pursuant to the terms of the Bi-state Development Agreement, which provides a structure by which any States' Party may alert the other States' Parties to a conflict, call a meeting to attempt resolution, and then escalate the dispute to the Joint Board if the dispute remains unresolved.
- 4.) The Parties shall use their best efforts to resolve any disputes among them. The parties shall follow the terms of the Bi-state Development agreement regarding compliance of committing to response times to the other state for review and comment in order to meet the procuring State's schedule. The parties shall consult and negotiate in good faith recognizing their mutual interest in achieving a just and equitable solution.

This table shows the estimated costs broken out by each Project Section:

Project Segment	Total Project Costs in Year of Expenditure Dollars (in millions)
Section 1 – Kennedy Interchange	\$659.8
Section 2 – Downtown River Bridge	\$357.8
Section 3 – Downtown IN Approach	\$197.7
KY Project Wide Costs	\$92.3
Total Downtown Crossing	\$1,307.6
Section 4 – KY East End Approach	\$737.6
Section 5 – East End River Bridge	\$284.4
Section 6 – IN East End Approach	\$196.1
IN Project Wide Costs	\$58.2
Total East End Crossing	\$1,276.3
Project Total Cost	\$2,583.9

The current design and construction schedules, broken out by each Project Procurement, are shown in the table below:

State Fiscal Year	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Downtown Crossing																		
Design																		
Right of Way																		
Utilities																		
Construction																		
East End Crossing																		
Design																		
Right of Way																		
Utilities																		
Construction																		

Project Reporting and Tracking

Project Controls and Reporting Procedures that define schedule update and cost reporting timeframes and formats, communication protocol, and overall project administration procedures have been established. Project Controls and Reporting procedures are contained in the Bi-State Development Agreement, the procurement documents for the East End Crossing and the Downtown Crossing, and in the PMP.

Management Controls

Management Controls have been developed with regards to Risk and Opportunity, scope of work and schedule, value engineering, partnering, change, disputes and claims, design process, hazardous materials, construction, and maintenance and

operations, quality assurance/quality control, environmental monitoring, safety and security, and traffic management. Management Controls procedures are contained in the Bi-State Development Agreement, the procurement and construction documents for the East End Crossing and the Downtown Crossing, and in the PMP.

Project Communications

A comprehensive communications program to address public involvement in all phases of the Project has been established. The program established media and public communications processes and requires all Project team members to be as accurate and forthright as possible, and to respond in a professional and timely manner. These characteristics have helped create the high level of information communication needed to successfully maintain the media and public's trust, support, and confidence.

Civil Rights Program

The Disadvantaged Business Enterprise (DBE) program is a federally mandated component of the Project. A program for the Project, which details the principles and procedures for enhancing the involvement and participation of DBEs, minority businesses, women-owned businesses, and small businesses in planning, design, and construction has been developed as reflected in the Bi-State Development Agreement and the procurement and construction documents for the East End Crossing and the Downtown Crossing. In general, it includes guiding principles, organizational involvement and oversight responsibilities, descriptions of the methodology for regulatory compliance, and proposed key initiatives.

1.0 OVERVIEW

1.1 Overview

The Project Management Plan (PMP) defines the Louisville-Southern Indiana Ohio River Bridges Project (Project) management control processes. The PMP documents the mechanisms to provide timely information to effectively manage the Project including control of the scope, budget, schedule, and quality of the Project to ensure the public's trust and confidence.

The PMP is a comprehensive, living document including the latest information available to assist the Bi-State Management Team (BSMT) comprised of members from the Federal Highway Administration (FHWA), Indiana Department of Transportation (INDOT), and Kentucky Transportation Cabinet (KYTC). The PMP will be updated as required with formal updates, at a minimum, on an annual interval to reflect current Project conditions and procedures and a table of revisions will be included as changes are made. The responsibility to maintain the PMP lies with the BSMT. The General Engineering Consultant (GEC), will maintain the files of the PMP as directed by the BSMT.



Existing Kennedy Interchange, Louisville, KY

2.0 PROJECT DESCRIPTION & SCOPE OF WORK

2.1 Background and History

The Louisville-Southern Indiana Ohio River Bridges Project addresses current and future mobility across the Ohio River between Jefferson County, Kentucky and Clark County, Indiana. The need for improvements in cross-river mobility in the Louisville Metropolitan Area (LMA) was initially identified through the congressionally mandated metropolitan transportation planning process, as set forth in the United States Code, Title 23, Section 134. Proposals to improve the cross-river mobility through the construction of one or more additional bridges over the Ohio River have been in every long-range transportation plan prepared for the LMA since 1969.

In December, 1997, the INDOT and the KYTC agreed, through a Memorandum of Agreement, to jointly pursue needed improvements to cross-river mobility. This initiated the preparation of the Environmental Impact Documents and Preliminary Engineering Reports for improving cross-river travel in the LMA.

2.2 Purpose and Need

The overall purpose of the Project, as defined in the Final Environmental Impact Statement (FEIS), Supplemental Final Environmental Impact Statement (SFEIS) and Federal Highway Administration's 2012 Revised Record of Decision (ROD) for the Project, is to improve cross-river mobility between Jefferson County, Kentucky and Clark County, Indiana. Several specific factors demonstrate the need for action, including:

- Inefficient mobility for existing and planned growth in population and employment in the Downtown area and in eastern Jefferson and southeastern Clark Counties;
- Traffic congestion within the Kennedy Interchange and on the Kennedy Bridge;
- Traffic safety problems within the Kennedy Interchange and on the Kennedy Bridge and its approach roadways;
- Inadequate cross-river transportation system linkage and freeway rerouting opportunities in the eastern portion of the LMA; and
- Locally approved transportation plans that call for two new bridges across the Ohio River and the reconstruction of the Kennedy Interchange.

Specific objectives and supporting documentation are further described in the FEIS, SFEIS and the Revised ROD including the First Amended Section 106 Memorandum of Agreement. The FEIS, SFEIS and Revised ROD are incorporated into this document by reference.

2.3 FEIS, SFEIS and Revised ROD

The FEIS chronicles the selection of the Project alignments from a reasonable range of alternatives. The SFEIS documents revisions to the FEIS selected alternative that resulted in a Modified Selected Alternative. The Revised ROD details specific strategies and enhancements to minimize or mitigate the environmental impacts associated with the Modified Selected Alternative. As described in greater detail in the FEIS, SFEIS and Revised ROD, the Modified Selected Alternative is the feasible and prudent alternative that sufficiently addresses the purpose and need for action while balancing important environmental, community and economic considerations. The Modified Selected Alternative also incorporates extensive measures to avoid, minimize, and mitigate potential harm to the region's rich natural and human environment. The FEIS was signed on April 8, 2003, the SFEIS was signed on April 20, 2012 and the Revised ROD was signed on June 20, 2012.

The modified selected alternative is a combination of Alternative C-1, Alternative A-15 and the Kennedy Interchange Reconstruction. These alternatives and reconstruction are described as follows:

- Modified Alternative C-1 provides for construction of a new six lane I-65 Bridge to accommodate the I-65 northbound movement. The FEIS Alternative C-1 included a 13-foot bicycle and pedestrian path on the upstream side of the bridge. The pedestrian/bicycle path is removed in the Modified Selected Alternative because a separate project will provide a 22-foot-wide pedestrian/bicycle path across the river on the Big Four Bridge. The existing I-65 Bridge will be reconstructed to accommodate the six lane I-65 southbound movement.
- Modified Alternative A-15 now provides for a four lane freeway from I-71 in Kentucky to SR 62 in Indiana, connecting I-265/KY841 (Gene Snyder Freeway) in Kentucky with SR 265 (Lee Hamilton Highway) in Indiana. Also included is a 13-foot bicycle and pedestrian path on the downstream side of the bridge extending from River Road in Kentucky to Salem Road in Indiana. A significant feature of this alternative is the construction of twin 2000 foot tunnels under the Drumanard property to avoid negative impacts on the community of Prospect and on important historic properties in the area. Tunnel construction using drill and blast or mechanical methods, rather than a "cut and cover" construction method, will avoid any Section 4(f) use of the Drumanard Historic Property.
- The Kennedy Interchange Reconstruction includes the reconstruction of the existing Kennedy Interchange in place, rather than to the south as originally planned in the FEIS.
- Electronic tolls would be added on both the downtown I-65 river crossings (i.e., the Kennedy Bridge and the new downtown bridge) and the new East End Bridge. The use of electronic tolls does not require toll booths/plazas.

The region's Metropolitan Planning Organization, which is supported by the Kentuckiana Regional Planning and Development Agency (KIPDA), amended Horizon 2030: The Metropolitan Transportation Plan for the Louisville (KY-IN) Metropolitan Planning Area

(the region's fiscally constrained, "conforming," long-range transportation plan) to include the Modified Selected Alternative.

2.4 Scope

The Project scope is comprised of all aspects of project delivery for the identified alternatives including but not limited to: design, environmental issues including archaeology, biological assessments, hazardous materials identification and treatment, and all required permits; environmental mitigation required by the Record of Decision; right of way; utilities; construction; and construction inspection. These various tasks will be performed by the Design-Builder, Developer, consultant Technical Teams, the General Engineering Consultant and State Transportation Agencies as described in the Bi-State Development Agreement, the procurement and construction documents for the East End Crossing and the Downtown Crossing, and/or the PMP.

The combination of alternatives selected as a result of the NEPA process has been divided into segments, the Downtown Crossing and/or the East End Crossing, described as follows:

DOWNTOWN CROSSING – will be funded, procured, and constructed using the KYTC contracting processes. Project Sections 1 and 2 will be designed and constructed to KYTC standards and specifications. Although KYTC will serve as the lead contracting agency, such specifications as INDOT shall agree to will be used in connection with Section 3.

- **Kennedy Interchange [Section 1]** – This Section includes reconstructing the Kennedy Interchange in downtown Louisville, at the convergence of I-64, I-65 and I-71.
- **Downtown Bridge [Section 2]** – This Section includes a new Ohio River bridge located east of the existing I-65 Kennedy Bridge. The new bridge will provide six northbound I-65 lanes. The existing I-65 bridge will be reconstructed to serve southbound only traffic.
- **Indiana Downtown Approach [Section 3]** – This Section includes approximately 1 mile of reconfigured I-65 and associated ramps north of the Ohio River Bridges.- The section includes new and improved access to Clarksville and Jeffersonville, Indiana via Court Ave, 6th St and 10th St.



- Project Design Section Map

EAST END CROSSING - will be funded, procured, and constructed following the IFA's and INDOT's contracting processes. Although the IFA will serve as the lead contracting agency, such specifications as KYTC shall agree to will be used in connection with Section 4. Section 5 & 6 will be designed and constructed to INDOT standards and specifications.

- **East End Kentucky Approach [Section 4]** - This Section includes approximately 4 miles of reconstruction and new terrain road on KY841. The section includes reconstruction of the half diamond interchange at US 42 and KY 841, twin two-lane tunnels under the historic Drumanard property, and a four lane approach to the new East End river bridge.
- **East End Bridge [Section 5]** - This Section includes a new four lane Ohio River bridge with a pedestrian walkway/bikeway that connects the East End Kentucky Approach Section with the East End Indiana Approach Section.
- **East End Indiana Approach [Section 6]** - This Section includes construction of a new roadway from the existing SR 265 – SR 62 – Port Road Interchange to the new East End River Bridge. It also includes the reconstruction of the SR62/Port Rd/SR265 Interchange which provides access to the Indiana Port Authority on the Ohio River and the River Ridge Commerce Center on SR62.

3.0 GOALS AND OBJECTIVES

The Project goals and objectives of the Louisville-Southern Indiana Ohio River Bridges Project are to:

- Meet the Project purpose and need while avoiding, minimizing, or mitigating adverse impacts to the environment, including adverse effects to historic properties to the extent reasonable, feasible, and prudent. Avoidance of adverse effects is the preferred treatment.
- Complete the Project safely for both the workers and the traveling public.
- Provide proactive public relations and maintain the public trust, support, and confidence throughout the life of the Project.
- Complete the Project in a timely manner.
- Complete the Project within the budget.
- Complete the Project with the highest degree of quality and safety possible.
- Meet all Federal and state statutory and regulatory requirements.
- Meet the Disadvantaged Business Enterprise (DBE) contract goals as set by KYTC for the Downtown Crossing and as set by INDOT for the East End Crossing.
- Complete the Project in accordance with the commitments made in the ROD.
- Encourage design and construction solutions that respect environmental concerns beyond those included in the ROD.
- Provide a high-quality, aesthetic, durable and maintainable highway facility.
- Minimize disruptions to existing traffic and local businesses and communities.

4.0 ORGANIZATION AND RESPONSIBILITIES

4.1 Organizational Structure

GENERAL

An organizational chart for the Project is shown in Section 20.1.

JOINT BOARD

The Joint Board acts as the appeal authority for conflict resolution for the Bi-State Management Team. Members include the Secretary of the Kentucky Transportation Cabinet (KYTC), the Chairman of KPTIA, the Commissioner of the Indiana Department of Transportation (INDOT), and the Public Finance Director of IFA.

BI-STATE MANAGEMENT TEAM

Overall project management is to be performed by the Bi-State Management Team (BSMT), as described in this Project Management Plan (PMP). The BSMT is comprised of representatives from the KYTC and INDOT, as well as the FHWA as a non-voting, ex-officio member.

KYTC

KYTC, supported by its Technical Team, will be responsible for all aspects of the Downtown Crossing contract(s). KYTC will also provide a liaison and advisory support to INDOT and IFA for their successful completion of the East End Crossing contract(s).

INDOT AND IFA

INDOT and IFA, supported by their Technical Team, will be responsible for all aspects of the East End Crossing contract(s). INDOT will also provide a liaison and advisory support to KYTC for its successful completion of the Downtown Crossing contract(s).

GENERAL ENGINEERING CONSULTANT

The General Engineering Consultant (GEC) acts as directed and requested by the BSMT.

TECHNICAL TEAMS

Each state will establish a Technical Team and may procure consultants to serve on such Technical Team to assist their staff with contract administration and oversight of their respective alternative delivery contracts. The Technical Teams will supplement and assist State Transportation Agency personnel with design review, contract administration, construction inspection, quality control and quality assurance activities. Each state may appoint a representative to serve on the other state's Technical Team in order to assist in the review and development of those portions of the Project (Sections 3 and 4) that are to be constructed within the jurisdiction of the appointing state.

DOWNTOWN CROSSING DESIGN-BUILDER

KYTC issued a Draft RFP in April 2012 for a Design-Builder to design and construct the Downtown Crossing portion of the Project, Sections 1, 2 and 3.

EAST END CROSSING DEVELOPER

IFA and INDOT issued a Draft RFP in May 2012 for a developer to design, construct, finance the East End Crossing portion of the Project, Sections 4, 5 and 6, and to operate and maintain all or portions of that crossing. On July 11, 2012, IFA and INDOT let a separate design/build contract for the Old Salem Road bridge connector.

TOLL SYSTEM INTEGRATOR/OPERATOR

As set forth in the Bi-State Development Agreement, Kentucky and Indiana will jointly contract with a Toll System Integrator/Operator, to design, develop, integrate, deliver, install, test, operate, manage, and maintain the electronic toll collection system for the Downtown Crossing and the East End Crossing, including the toll system equipment, communications, office facilities, computing and monitoring system, software, vehicle transponders and all other associated equipment and services. The operations portion of the agreement will be for a fixed initial period of time, and may be extended or reopened for competition at the end of the initial term.

SECTION DESIGN CONSULTANTS

There were six Section Design Consultants (SDCs) who were responsible for preliminary design, right of way, and utility engineering, including plan development; environmental investigations including archaeology, biological assessments, hazardous materials identification and treatment, and permits; and environmental mitigation required by the ROD. They were selected after issuance of the original ROD in 2004 and worked up to the start of the procurement process for the two major alternative delivery contracts. Four of the six SDCs continued to provide assistance to the states with their procurement and will complete their work when the procurements are completed.

STANDING ADVISORY TEAMS

There are several standing advisory teams with specific historical and environmental functions that also serve as information outlets. The following standing advisory teams are included in the Project communications processes.

Bi-State Historic Consultation Team (BSHCT)

The Bi-State Historic Consultation Team consists of representatives of FHWA, INDOT, KYTC, the Indiana Division of Historic Preservation and Archeology and the Kentucky Heritage Council.

Historic Preservation Advisory Teams (HPAT)

An Indiana Historic Preservation Advisory Team (IHPAT) and a Kentucky Historic Preservation Advisory Team (KHPAT) have been established. Each of the Advisory Teams is co-chaired by a representative of the respective State Transportation Agency (STA) and State Historic Preservation Office (SHPO).

In addition to the STA and SHPO co-chairs, the IHPAT is comprised of members who represent:

- City of Jeffersonville Historic Preservation Commission
- Clark County Commissioners
- City of Jeffersonville
- Town of Utica
- Jeffersonville Main Street Association
- Clarksville Historical Society
- Town of Clarksville
- Clark County Historian
- Rose Hill Neighborhood Association
- Indiana Landmarks
- Jeff -Clark Preservation Inc.
- The National Trust for Historic Preservation

In addition to the STA and SHPO co-chairs, the KHPAT is comprised of members who represent:

- Louisville/Jefferson County Metro Government Historic Preservation Office
- Louisville/Jefferson County Metro Government
- Butchertown Neighborhood Association Inc.
- City of Prospect
- Phoenix Hill Association Inc.
- River Fields, Inc.
- The National Trust for Historic Preservation
- Preservation Louisville
- Preservation Kentucky

Area Advisory Teams (AAT)

Four geographic-based teams, two on each side of the river at each bridge location, form the AATs. These teams are comprised of stakeholders from environmental organizations, government agencies, neighborhood associations and preservation groups. Membership can change as new stakeholders are identified or request membership. Representatives from the following entities comprise the AATs:

Section 1: Kennedy Interchange

- Butchertown Neighborhood Association
- Clifton Community Council
- Downtown Development Corporation
- East Downtown Business Association
- Louisville Central Area Inc.
- Louisville Central Community Center
- Louisville Development Authority
- Louisville Metro
- Louisville Metro Councilman David Tandy's Office (District 4)
- Louisville Metro Councilwoman Tina Ward-Pugh's Office (District 9)
- Louisville Metro Housing Authority

- Louisville Metro Public Works Department
- Louisville Waterfront Development Corp.
- Main Street Association
- Phoenix Hill Neighborhood Association
- South Broadway Business Association

Section 3: Downtown Indiana

- City of Jeffersonville
- Clark County Fire Chief Association
- Clarksville Community School Corp.
- Clarksville Parks Department
- Clarksville Town Council
- Jeffersonville Main Street, Inc.
- Jeffersonville Redevelopment Commission
- Riverside Neighborhood Association
- Rose Hill Neighborhood
- Southern Indiana Realtors Association
- Southern Indiana Transit Advisory Group

Section 4: East End Kentucky

- Bridgepointe Neighborhood Association
- Brownsboro Road Area Defense, Inc.
- City of Prospect
- Committee to Save Harrods Creek
- Fox Harbor Neighborhood Association
- City of Green Spring
- Harrods Creek Fire Protection District
- Kencarla Vista Neighborhood Association
- Louisville Metro
- Louisville Metro Councilman Kenneth C. Fleming's Office (District 7)
- Louisville Metro Councilman Kelly Downard's Office (District 16)
- Louisville Metro Councilman Glen Stuckel's Office (District 17)
- Louisville Metro Department of Neighborhoods
- Louisville Metro Development Authority
- Louisville Metro Public Works
- Prospect/Harrods Creek Neighborhood Association
- Saint Francis in the Fields Episcopal Church
- Shadow Wood Homeowners Association
- The Harbor at Harrods Creek
- Transylvania Avenue Neighborhood Association
- Transylvania Beach Neighborhood Association
- Wolf Creek Homeowners Association
- Wolf Pen Preservation Association
- Wolf Pen Woods Community Association

Section 6: East End Indiana

- City of Charlestown
- City of Jeffersonville
- Charlestown Chamber of Commerce
- Clark County Engineer
- Clark Maritime Center
- Fox Run Homeowners Association
- Greater Clark County Schools
- Old Stoner Place Neighborhood Association
- River Ridge Commerce Center
- Utica Historical Society
- Utica Town Council
- Utica Township Fire Department

Regional Advisory Committee (RAC)

The RAC is a bi-state team represented by members of government, civic and community groups. Research and interviews were conducted to update stakeholder lists and identify appropriate representatives for the RAC. Representatives from the following entities comprise the RAC:

- African American Heritage Foundation
- Air Pollution Control District
- City of Jeffersonville
- Clark County Commissioners
- Clark-Floyd Counties Convention & Tourism Bureau
- Clark County Emergency Management
- Clark County Planning, Zoning & Bldg. Commission
- Coalition for the Advancement of Regional Transportation
- Community Leadership Alliance
- Greater Louisville Inc.
- Hoosier Environmental Council
- Indiana Motor Truck Association
- Jefferson County Public Schools
- Jeffersonville Parks Department
- Kentuckiana Regional Planning and Development Agency
- Kentuckians for Better Transportation
- Kentucky Homebuilders Association
- Kentucky Minority Business Council
- Kentucky Motor Transport Association, Inc.
- Kentucky Resources Council
- Kentucky Waterways Alliance
- Knob & Valley Audubon Society
- Louisville Association of Realtors
- Louisville Audubon Society
- Louisville Bicycle Club

- Louisville Central Labor Council
- Louisville Convention and Visitors Bureau
- Louisville Enterprise Group
- Louisville Metro
- Louisville Metro Emergency Management
- Louisville Metro Government Mayor's Office
- Louisville Metro Metropolitan Sewer District (MSD)
- Louisville Metro Parks
- Louisville Metro Planning Commission
- Louisville Metro Planning & Design Services
- Louisville Metro Public Works Department
- Louisville Regional Airport Authority
- Louisville Sailing Club
- Louisville Urban League
- Ohio River Greenway Commission
- One Southern Indiana
- Regional Leadership Coalition
- River Fields, Inc.
- Sierra Club
- South Central Indiana Central Labor Council
- Transit Authority of River City

OMBUDSMEN

Per the Revised ROD, each Crossing has a Project Ombudsman.

4.2 Responsibilities

JOINT BOARD

The Joint Board acts as the appeal authority for conflict resolution for the Bi-State Management Team. Members include the Secretary of the Kentucky Transportation Cabinet (KYTC), the Commissioner of the Indiana Department of Transportation (INDOT), the Chairman of KPTIA and the Public Finance Director of IFA.

The Joint Board meets as required to stay informed on the Project and maintain the spirit of partnership and to resolve disputes as provided for in this Project Management Plan and the Bi-State Development Agreement.

BI-STATE MANAGEMENT TEAM – GENERAL

Overall project management is to be performed by the Bi-Statement Management Team (BSMT), as described in this Project Management Plan (PMP). The BSMT is comprised of one representative each from KYTC and INDOT, as well as the FHWA as a non-voting, ex-officio member. The duties and responsibilities of the BSMT are to provide oversight of the Project by monitoring the progress and status of the Project, assisting in resolving certain disputes as provided for in this plan and reporting to and coordinating with FHWA as necessary or as requested.

The BSMT shall:

1. Monitor, and approve as necessary, appropriate actions and measures designed to avoid, minimize or mitigate effects to historic properties.
2. Monitor, and approve as necessary, that consultant services include professionals with experience in architecture, landscape architecture, historic preservation, archaeology, anthropology, landscape history, as well as highway, bridge and tunnel design.
3. Prepare and provide progress reports:
 - A. Every six months, a report detailing measures required by the First Amended MOA and providing advance notice of milestones, scheduled letting dates, and initiation of construction.
 - B. The report shall identify the status of activities for each stipulation in the First Amended MOA and of associated documents, such as HPP's, treatment plans, late discoveries and acquisition and preservation of historic properties.
4. The BSMT shall give full consideration to the recommendations of the BSHCT for incorporation into the final plans, to the extent reasonable, feasible and prudent.
5. Participate in the resolution of disputes as set forth in this Plan.

The East End Crossing and Downtown Crossing contracts will be awarded through the appropriate IFA / INDOT (Indiana) or KYTC / KPTIA standard or alternative project delivery contracting processes (see Chapter 6). Project management services for each construction contract will be provided by the respective contracting entities and their Technical Teams. Construction contract project management oversight and integration into the overall Project will be provided by the respective STA Construction Management personnel, supplemented as required by their Technical Teams. Indiana and Kentucky will jointly contract with a Toll System Integrator / Operator for design, construction, operations and maintenance of the electronic toll collection system for both crossings.

East End procurement actions that affect section 4 and Downtown procurement actions that affect section 3, that cannot be resolved at the Technical Team level will be addressed as set forth in the Dispute Procedures (see Section 4.3). BSMT membership is a full time assignment and the roles of the individual BSMT members are derived from their parent organization as indicated in the following sections. A Bi-State Development Agreement will be prepared that further defines and governs the relationships between the states and their respective roles and responsibilities for the Project.

The actions taken by the BSMT are on a consensus basis. If consensus cannot be reached by the BSMT, the issue is handled pursuant to the Dispute Procedures in Subsection 4.3.

The actions taken by the BSMT are done so with consideration to current state policies and processes. When Project actions or policy decisions require approvals of others within the respective STA, the BSMT forwards the issue to the appropriate organization for decision. The BSMT is proactive with regard to scheduling time for known decisions required of organizations outside the BSMT in order to minimize schedule disruption.

An updated log of all issues, including closed and resolved issues, showing resolution need dates, status, and assignments of individuals responsible for securing the resolution is maintained on-line and is accessible to all BSMT members.

BSMT - KENTUCKY

The State of Kentucky roles and responsibilities are exercised through the KYTC representative on the BSMT. Generally the KYTC representative:

- Partners with FHWA and INDOT BSMT representatives to reach a consensus on Project issues.
- KYTC will act as the contracting agency for the Downtown Crossing.
- Provides a technical liaison for the East End Crossing to serve in a supporting and consulting capacity in the review of plans, proposals, reports and related documents as necessary or helpful to facilitate the procurement.
- Makes decisions on behalf of Kentucky at the BSMT level.
- Provides technical direction and validates GEC and Technical Team work on the Downtown Crossing contract(s).
- Coordinates KYTC support, as needed.

KYTC has provided two staff positions, for the duration of the Project, including a Project Manager and a Deputy Project Manager. The Project Manager is the designated

Kentucky decision making authority on the BSMT. This decision authority may be delegated to the Deputy Project Manager in the Project Manager's absence.

KYTC provides additional Project staff support, as required, either through state forces or consultants.

BSMT - INDIANA

The State of Indiana roles and responsibilities are exercised through the INDOT representative on the BSMT. Generally the INDOT representative:

- Partners with FHWA and KYTC BSMT representatives to reach consensus on Project issues.
- Assists IFA, the contracting agency for the East End Crossing sections.
- Provides a technical liaison for the Downtown Crossing to serve in a supporting and consulting capacity in the review of plans, proposals, reports and related documents as necessary or helpful to facilitate the procurement.
- Makes decisions on behalf of Indiana at the BSMT level.
- Administers the GEC contract for the Project.
- Provides technical direction and validates GEC and Technical Team work on the East End Crossing section.
- Coordinates INDOT support, as needed.

INDOT has provided two staff positions including a Senior Operations Manager and a Construction Project Manager. The Senior Operations Manager is the designated Indiana decision making authority on the BSMT. This decision authority may be delegated to Construction Project Manager in the Project Manager's absence.

INDOT provides additional Project staff support, as required, either through state forces or consultants.

BSMT - FHWA

The FHWA Project responsibilities are exercised through the FHWA Project Manager who is the primary FHWA representative on the BSMT. The FHWA Project Manager is responsible for Project actions and approvals, in coordination with the respective FHWA Divisions and Headquarters staff. Each element of this mega-project is managed as an oversight project. Most FHWA regulations are contained in 23 CFR and 49 CFR. Many implementing policies and guidance documents are compiled on the FHWA public internet website: <http://www.fhwa.dot.gov>. Generally the FHWA Project Manager:

- Actively participates as a member of the BSMT.
- Partners with the KYTC and INDOT BSMT representatives to reach consensus on Project issues.
- Participates in reviews and coordinates FHWA review and approvals with the respective FHWA Division and Headquarters staff. Such review and approvals include but are not limited to: Interchange Justification, consultant contracts/supplements/claims, Headquarters TS&L approval for unusual structures (tunnels, bridges greater than 500 feet, and all cable-stayed, truss, suspension, arch, segmental concrete, and moveable bridges), PS&E approval, etc.

- Participates in public involvement activities, as necessary.
- Keeps current on Project prosecution, progress, and other issues.
- Provides briefings for, and otherwise, coordinates with FHWA Division Administrators, Major Projects Team, and other program offices.
- Provides technical assistance and guidance to BSMT in development of the Project Finance Plan and annual updates.
- Is apprised of and assists with any changes affecting the NEPA approval and assures mitigation commitments are implemented.
- Coordinates between the BSMT and other federal agencies as required.
- Coordinates audits between the respective STAs, FHWA, and other Federal agencies.
- Provides technical assistance and guidance to the BSMT in developing and updating the PMP to ensure that the BSMT has implemented processes and procedures to efficiently and effectively complete the Project.
- Arranges for FHWA project risk assessments to identify strengths and improvement areas for the implementation of Federal-aid funds and prioritizes FHWA oversight activities based on the risks involved in the activity and the benefits obtainable in improving the processes and procedures.
- Provides technical guidance to the BSMT in the review of preliminary and final roadway and bridge plans.

FHWA has provided a Project Manager who serves as the Agency's lead for overall project administration and oversight in analyzing information concerning the status of the Project, in the review and acceptance of FHWA required submissions, and in providing status reports to FHWA Headquarters. The FHWA Resource Manual for Oversight Managers provides necessary guidance to assist the Project Manager in effectively carrying out these duties and is included in this PMP by reference.

The FHWA Project Manager draws on additional FHWA resources, as required, from the Kentucky and Indiana FHWA Division offices, the FHWA Resource Center, the FHWA Major Projects Team in the Office of Infrastructure, and other program offices. The FHWA Project Manager hosts Quarterly FHWA Meetings with Division and Major Projects Team staff to discuss Project status and upcoming function-specific issues. The FHWA Project Manager organizes meetings with Division and Headquarter specialists to address specific issues as required.

GENERAL ENGINEERING CONSULTANT

The major roles of the GEC are:

- Staff support for KYTC and INDOT on an as needed basis.
- Coordination and implementation of Project wide activities as directed by BSMT.

SECTION DESIGN CONSULTANTS

Each SDC was responsible for preliminary design, right of way, and utility engineering, including plan development; environmental investigations including archaeology, biological assessments, hazardous materials identification and treatment, and permits; and environmental mitigation required by the ROD.

Two of the section designers chose to complete the preliminary design for their section and to remain eligible to participate on a proposer team in the procurements. Four of the six section designers chose to continue to assist the states during the alternative delivery procurements. These four who assisted the states during the procurements will complete their work during the procurement process.

TECHNICAL TEAMS

INDOT and KYTC will establish technical teams that oversee the design and construction of their procurements; INDOT for the East End and KYTC for Downtown. Each State will be responsible for ensuring the construction contract requirements are met for their procurement, through establishing a team of project managers, design reviewers and construction inspectors.

DOWNTOWN CROSSING DESIGN-BUILDER AND EAST END CROSSING DEVELOPER

The design-builder and developer, hereafter in this document referred to as the “Design-Builders”, are responsible for final design and construction of their respective portions of the Project as defined in the RFPs to be issued by each state for final design and construction.

TOLL SYSTEM INTEGRATOR / OPERATOR

As set forth in the Bi-State Development Agreement, Kentucky and Indiana will jointly contract with a Toll System Integrator / Operator, to design, develop, integrate, deliver, install, test, operate, manage, and maintain the electronic toll collection system for the Downtown Crossing and the East End Crossing, including the toll system equipment, communications, office facilities, computing and monitoring system, software, vehicle transponders and all other associated equipment and services. The operations portion of the agreement will be for a fixed initial period of time, and may be extended or reopened for competition at the end of the initial term.

STANDING ADVISORY TEAMS

There are several standing advisory teams, which have roles identified in the First Amended Section 106 Memorandum of Agreement (MOA). The following identifies and summarizes the roles of each of the teams:

Bi-State Historic Consultation Team (BSHCT)

The Bi-State Historic Consultation Team (BSHCT) consists of representatives of FHWA, INDOT, KYTC and the respective SHPOs. The BSHCT may provide recommendations to the Bi-State Management Team (BSMT) in the development of Contract Provisions that are related to commitments of the First Amended MOA. The BSHCT shall consider input of the HPATs when making such recommendations to the BSMT. Due to the accelerated schedule, Contract Provisions will be provided to the BSHCT as soon as possible. Due dates will be identified when the provisions are distributed. The Amended Section 106 MOA establishes the following specific roles for the BSHCT:

1. The BSHCT may make final recommendations as delegated by the BSMT.
2. The BSHCT shall convene to consider the recommendations provided by the HPATs and prepare recommendations for the BSMT.
3. The BSHCT will ensure that the comments and recommendations of the HPATs are given full consideration in preparing its recommendations to the BSMT or in reaching its final recommendations.

Historic Preservation Advisory Teams

Prior to December 31, 2003, FHWA and the respective State Transportation Agencies (STA) convened both the Indiana Historic Preservation Advisory Team (IHPAT) and the Kentucky Historic Preservation Advisory Team (KHPAT) to promote procedures for the Project to be designed in a manner that respects the historic qualities, landscapes, historic buildings and features within the Alternative Specific APE. The Amended Section 106 MOA establishes the following specific roles for the KHPAT and IHPAT:

1. The Historic Preservation Advisory Teams (HPATs) will assist the Bi-State Historic Consultation and Bi-State Management Teams in developing Project Contract Provisions relating to historic preservation issues to implement the measures stipulated in this First Amended MOA.

2. Each of the HPATs is co-chaired by a representative of the respective STA and SHPO. The Co-chairs are responsible for convening meetings of the HPATs, preparing and maintaining a summary of meetings, and preparing and submitting HPAT recommendations to the Bi-State Historic Consultation Team (BSHCT) for further action.
3. Representatives of the following have been invited by FHWA and the IHPAT co-chairs to participate on the IHPAT:
 - a. City of Jeffersonville Historic Preservation Commission
 - b. Clark County Commissioners
 - c. City of Jeffersonville
 - d. Town of Utica
 - e. Jeffersonville Main Street Association
 - f. Clarksville Historical Society
 - g. Town of Clarksville
 - h. Clark County Historian
 - i. Rose Hill Neighborhood Association
 - j. Indiana Landmarks
 - k. Jeff -Clark Preservation Inc.
 - l. The National Trust for Historic Preservation
4. Representatives of the following have been invited by FHWA and the KHPAT co-chairs to participate on the KHPAT:
 - a. Louisville/Jefferson County Metro Government Historic Preservation Office
 - b. Louisville/Jefferson County Metro Government
 - c. Butchertown Neighborhood Association Inc.
 - d. City of Prospect
 - e. Phoenix Hill Association Inc.
 - f. River Fields, Inc.
 - g. The National Trust for Historic Preservation
 - h. Preservation Louisville
 - i. Preservation Kentucky
5. Additional participants may be invited to participate on the HPATs at the discretion of the HPAT Co-chairs.
6. The ACHP may participate as it sees fit on an ad-hoc basis.
7. Following execution of the Original MOA, the respective co-chairs convened the HPATs for an initial organizational, kick-off meeting to establish process and procedure for operation of the HPATs.
8. The respective Co-chairs will continue to convene additional meetings with the HPATs to review Project information and provide design/construction status updates. Coordination will occur at the following times until all commitments in this First Amended MOA have been fulfilled:

- a. Every three months (quarterly); or
 - b. At the request of the Co-chairs.
9. Due to the accelerated schedule, review materials for the HPATs will be provided as soon as possible prior to scheduled meetings. Due dates for comments will be identified when materials are distributed.
 10. Based on comments provided by the HPATs, the co-chairs will develop recommendations, which they will submit to the BSHCT for consideration and action.

Area Advisory Teams (AAT)

The AATs provide feedback on design and aesthetic plans with the specific needs of their communities in mind.

Regional Advisory Committee (RAC)

The RAC is a committee with focus on the entire region. The RAC has been and will continue to be kept informed about the progress on the Project to ensure the overall purpose and need is reflected, and that the plans mesh with regional goals and objectives for local economics, quality-of-life, and the environment.

OMBUDSMEN

The Ombudsmen provide property owners, neighborhood associations, and other groups and individuals with a mechanism for addressing concerns or issues raised during the further development of the Project, including during the construction phase. For more information on the Ombudsmen and their duties, see Chapter 19.

4.3 Disputes Procedures

DISPUTES PROCEDURE

Disputes with respect to issues covered by this Project Management Plan shall be resolved as follows:

- 1.) Disputes between Kentucky and its Design Build Team shall be resolved pursuant to the procedures outlined in the RFP, RFQ, the most current version of the Kentucky Specifications for Road and Bridge Construction, and the contract between KYTC and DBT and any addenda thereto. For disputes involving the proper application or interpretation of the Record of Decision or federal issues, FHWA shall be consulted as part of the resolution.
- 2.) Disputes between Indiana and its Developer shall be resolved pursuant to the procedures outlined in the RFP, RFQ, the most current version of the Indiana Department of Transportation Standard Specifications, and the contract between IFA and the Developer and any addenda thereto. For disputes involving the

proper application or interpretation of the Record of Decision or federal issues, FHWA shall be consulted as part of the resolution.

- 3.) Disputes between Indiana and Kentucky shall be resolved pursuant to the terms of the Bi-state Development Agreement, which provides a structure by which any States' Party may alert the other States' Parties to a conflict, call a meeting to attempt resolution, and then escalate the dispute to the Joint Board if the dispute remains unresolved.
- 4.) The Parties shall use their best efforts to resolve any disputes among them. The parties shall follow the terms of the Bi-state Development agreement regarding compliance of committing to response times to the other state for review and comment in order to meet the procuring State's schedule. The parties shall consult and negotiate in good faith recognizing their mutual interest in achieving a just and equitable solution.



Waterfront Park – Louisville, KY

5.0 PROJECT PHASES

Due to the alternative delivery type contracts that both states are using for the Downtown Crossing and the East End Crossing, the normal four project phases: Design, Right of Way, Utilities, and Construction will essentially be combined into one phase. Final Design, Right-of-Way and Utilities started to a limited extent in 2004, but were suspended in 2011 as the Project was reevaluated in a Supplemental EIS.

5.1 Final Design

The Final Design Phase consists of all activities necessary to prepare the project plans and specifications. The Design-Build Team (DBT) for the Downtown Crossing and the P3 Developer for the East End Crossing will be responsible for the final design of their respective contracts, with oversight and direct management by the respective state and their Technical Team. These final design activities include but are not limited to:

- Surveying
- Photogrammetry
- Data Collection
- Property Entry
- Existing Right of Way Monumentation
- Geotechnical Investigations
- Environmental Issues
 - Air quality
 - Aesthetics
 - Cemeteries
 - Cultural resources
 - Endangered species
 - Federal lands
 - Floodplains
 - Groundwater resources
 - Hazardous materials and underground storage tanks
 - Noise
 - Section 4(f) resources
 - Cultural resources
 - Recreational parks
 - Wildlife refuges
 - Section 6(f) resources
 - Socioeconomic concerns and environmental justice
 - Streams
 - Wetlands
- All appropriate permits and/or certifications
- Geometric Design
- Drainage Design
- Pavement design
- Access management
- Roadway Lighting
- Traffic Signals
- Signing
- Intelligent Transportation Systems

5.2 Right of Way

The Right of Way phase includes the acquisition, management, and disposal of real property in compliance with the Uniform Relocation Assistance and Real Property

Acquisition Policies Act of 1970 as amended (The Uniform Act; the Uniform Government-wide Regulations (49 CFR Part 24); and Right of Way and Real Estate (23 CFR Part 710).

Some Right-of-Way (ROW) Engineering and Acquisition was started following the original 2003 ROD after completion of approved Right-of-Way plans. The ROW phase and acquisition process was interrupted in 2011, pending the completion of the Supplemental EIS and issuance of a new Revised ROD.

Right-of-way plans were prepared by Section Design Consultants in the earlier 2004-2011 ROW phase in accordance with current STA right of way design standards and criteria (see Chapter 12). Each SDC was also responsible for preparing or performing all or part of the following: title reports, appraisals, review appraisals, negotiations, payment packets for acquisitions, relocation assistance, payments, closings, and condemnation documents.

The GEC provides oversight, and performs reviews and approvals for all of the functions performed by the SDCs and serves as the liaison between the SDCs and the STAs. The GEC is also responsible for property management and preparing project reports for KYTC. INDOT is responsible for property management in Indiana.

Each STA was responsible for final approval of appraisals, acquisition payments, relocation assistance, and closings. Additionally, each STA was responsible for hardship acquisitions, protective buying acquisitions, condemnations, environmental mitigation actions, relocation of human remains, sale and disposal of surplus real property.

The ROW phase will continue during the procurement process for the Downtown Crossing and East End Crossing contracts. Any ROW that is not acquired prior to executing the construction contracts will either be completed by the respective states or will be completed by the Design-Builder as per requirements in their contracts.

5.3 Utilities

The Utilities phase includes all measures required to relocate utilities affected by the Project. The Utilities phase for Kentucky contracts is described in the *KYTC Utilities and Rail Guidance Manual*. The utilities phase for Indiana contracts is described in the *Indiana Design Manual*.

INDOT and KYTC both intend to include in their procurement contracts that the successful proposers for the design and construction of the Downtown Crossing and East End Crossing will have the ultimate responsibility for final coordination and completion of utility relocations and protections.

5.4 Construction

Construction of the Downtown Crossing and East End Crossing will be accomplished under three separate alternative delivery type contracts. KYTC will utilize a two-phase

D/B process for the Downtown Crossing and IFA/INDOT will utilize a two-phase P3 procurement process for the East End Crossing. Indiana and Kentucky will jointly contract for a Toll System Integrator / Operator to design, construct, operate and maintain the electronic toll collection system for both crossings. Both Crossings may be administered through one main contract with the potential for supplemental smaller procurements (for streetscapes, stream mitigation, etc).

Construction activities include but are not limited to:

- Contract Administration
- Pre-construction requirements
- Project Plans
- Field Check Structures
- Field Books
- Staking
- Personnel
- Vehicles
- Signing
- Encroachment on the STA Right of Way
- Project Engineer's Diary
- Traffic Control
- Work on the Railroad Right of Way
- Construction Surveying
- Environmental Protection and Landscaping
- Nuclear Density Testing
- Roadway and Structure Construction

6.0 PROCUREMENT & CONTRACT MANAGEMENT

6.1 General

The Downtown Crossing procurement and contract will be executed by KYTC using alternative delivery procedures, as defined in the downtown RFP . KYTC and INDOT will use standard consultant selection processes for selecting their respective Technical Teams. The P3 procurement for the East End will be through IFA, as per Indiana's P3 enabling legislation. All official procurement documents are released by the respective STA, or another designated contracting agency within each state.

6.2 Downtown Crossing Procurement Process

Downtown Crossing

The selection of design-build contractors for the Downtown Crossing will be made based on a two-step best value design-build procurement process, which includes a Request for Qualifications (RFQ) and a Request for Proposals (RFP). The RFPs will be prepared by KYTC with the assistance of INDOT as appropriate. KYTC has evaluated all Statements of Qualifications submitted by prospective design-build contractors and has short-listed

3 qualified teams whom are participating in the RFP phase. Short-listed proposers will separately submit a technical proposal and a lump-sum price proposal. After all of the technical proposals have been evaluated and scored, the state will open the price proposals. The best value evaluation will be made using the formula from the RFP to combine the technical scores and bid price and arrive at a best value score. Upon receiving and evaluating bids for the contract, KYTC's Awards committee will review the best value score and recommend whether or not to award. When awarded, the final execution of the Design-Builder's Contract will be the responsibility of KYTC.

The KYTC Division of Construction Procurement is responsible for the prequalification of contractors desiring to bid on contracts for the construction and maintenance of State routes and bridges. The SDCs will prepare and supply preliminary design information to KYTC for preparation of the contract documents and the engineer's estimate.

The *Kentucky Standard Specifications for Road and Bridge Construction, Current Edition*, and *KYTC Contract Procurement Guidance Manual* are incorporated by reference and together with KYTC's RFP explain the Construction Procurement procedures to be used.

6.3 East End Crossing Procurement Process

The IFA will be responsible for the East End Crossing procurement process.

EAST END CROSSING

The selection of a Public Private Partnership (P3) Developer will be made based on a two-step best value availability payment type P3 concession procurement process, which includes a Request for Qualifications (RFQ) and a Request for Proposals (RFP). The RFPs will be prepared by IFA and INDOT with the assistance of KYTC as appropriate. IFA and INDOT have evaluated all Statements of Qualifications submitted by prospective P3 proponents and has short-listed 4 qualified teams. All are participating in the RFP phase. Short-listed proposers will submit a technical proposal and a price proposal. The best value evaluation will be made using the formula from the RFP to combine the technical scores and price proposal and arrive at a best value score. When awarded, the final execution of the Public Private Agreement (PPA) Contract will be the responsibility of IFA with the support of INDOT.

The IFA and INDOT Contract Services Section are responsible for the prequalification of contractors desiring to bid on contracts for the construction and maintenance of State routes and bridges. The SDCs have prepared preliminary design information for INDOT, who together with IFA will prepare the contract documents.

The *INDOT Standard Specifications Book, Current Edition*, is incorporated by reference and together with the IFA and INDOT's RFP explains the Construction Procurement procedures to be used.

6.4 Special Materials and Equipment Procedures

The BSMT does not anticipate the need ~~to~~ for any material procurement contracts outside of the two major construction procurements.

6.5 Right of Way Services Procurement

INDOT and KYTC anticipate that all Right of Way (ROW) will be procured by the respective states as described in the Bi-State Development Agreement prior to completing the two major construction procurements. The states will commit to a schedule for providing any ROW that has not been acquired prior to executing contracts with the Design Build Teams.

6.6 Utility and Public Agency Agreements

INDOT and KYTC will utilize existing agreements with utility owners and public agencies, wherever practical. If new agreements or modifications to existing agreements are required by the Project, the BSMT will assist the applicable STA to effect these agreements in a timely way to support the Project. Obtaining final utility agreements will be the STA's responsibility.

6.7 Federal Procurement Requirements

The FHWA requires review and approval for all design, construction and materials procurement contracts that utilize FHWA funds in accordance with Title 23 of the Code of Federal Regulations, unless otherwise delegated. The FHWA representative on the BSMT facilitates any required FHWA review processes.

The role of the BSMT in the project development process is to monitor project objectives, cost control, schedules, risk management, and issues that are common to both States and to assist in resolving disagreements as provided for in this plan. The BSMT is responsible for investigating and complying with all FHWA procurement restrictions. The BSMT has requested and received from FHWA review and concurrence with each RFQ and will request from FHWA review and concurrence with the RFP for each of the two major construction procurements.

6.8 Contract Award Protest Procedures

Protest procedures will follow the requirements stipulated in the individual RFPs and any applicable STA procurement regulations for the procuring state.

6.9 Contract Management

The core contract management process used for each construction contract will follow the requirements stipulated in the individual RFPs and any applicable STA contracting processes. Each major construction contract will be managed by a combination of state staff from INDOT and KYTC and consultants from their Technical Teams, with project level oversight by the BSMT as described in this PMP. For the Downtown Crossing managed by Kentucky, these processes are described in their RFP and the *Kentucky Standard Specifications for Road and Bridge Construction, Current Edition*. For the East End Crossing managed by Indiana, these processes are described in their RFP and the *INDOT Standard Specification Book, Current Edition*.

Contract changes referred to in this section are different than the management of changes in the scope of work, budget and schedule discussed elsewhere in this document. These contract changes relate to changes to the standard form of contract used in the procurement of design and construction services. No changes in the contract form are anticipated.

If it is determined that contract changes are necessary, the execution of the changes will be governed by the respective RFP and procurement regulations of the state in which the contract is let. The proposed changes will be submitted to the respective Contracts Department of each State Agency for consideration. The proposal will consist of a description, justification and an assessment of the effect of the proposed change on the Project.

6.10 Warranty Management

If warranties are utilized, contract language requiring Design-Builders to establish a warranty management database for all warranties under the contract will be developed by KYTC or INDOT as appropriate. Warranties and warranty management databases will be required in a format that facilitates timely and effective transfer to the INDOT and KYTC Operations and Maintenance entities.

7.0 COST, BUDGET & SCHEDULE

The Project Financial Plan is incorporated by reference. Per FHWA requirements, the Financial Plan will be updated, at a minimum, on an annual basis upon the start of construction.

The year-of-expenditure cost estimate reflects the current Project schedule and reasonable assumptions for future inflation. Both STAs will continuously monitor and adjust the cost estimate and Project schedule based on new project-specific information as well as information on economic conditions that will affect both cost and schedule.

The current estimated cost for the entire Project is \$2,583.9 million. The table below shows the current estimated cost broken out by each Project Section:

Project Segment	Total Project Costs in Year of Expenditure Dollars (in millions)
Section 1 – Kennedy Interchange	\$659.8
Section 2 – Downtown River Bridge	\$357.8
Section 3 – Downtown IN Approach	\$197.7
KY Project Wide Costs	\$92.3
Total Downtown Crossing	\$1,307.6
Section 4 – KY East End Approach	\$737.6
Section 5 – East End River Bridge	\$284.4
Section 6 – IN East End Approach	\$196.1
IN Project Wide Costs	\$58.2
Total East End Crossing	\$1,276.3
Project Total Cost	\$2,583.9

The Project is scheduled to be complete by 2018. The current design and construction schedules, broken out by each crossing, are shown in the table below. The table is an estimate; the final design, utility and construction schedule will be developed by the Design/Builders:

State Fiscal Year	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Downtown Crossing																		
Design																		
Right of Way																		
Utilities																		
Construction																		
East End Crossing																		
Design																		
Right of Way																		
Utilities																		
Construction																		

7.1 Financial Plan

FHWA has provided guidance regarding the content and format of the Initial Financial Plan (IFP) required by Section 1904(h) of SAFETEA-LU. FHWA Final Major Projects, Project Management Plan and Financial Plan Guidance, dated January 2007, is incorporated by reference. In accordance with this guidance, a Financial Plan is required for any project with an estimated total cost of \$500 million or more. The FHWA Financial Plan Guidance presents an outline for the "Initial Financial Plan" and for the required annual updates. The Bi-State Management Team (BSMT) prepared the initial Project Financial Plan in 2008, which estimated the total Project cost at \$4,067.7 million. A Financial Plan Update was submitted to FHWA in 2010, which detailed progress on the Project and changes made since 2008, with a total Project cost of \$4,083.2 million.

The current 2012 Financial Plan Update details several major changes to the Project that have reduced the total Project cost to \$2,583.9 million. The FHWA Major Projects Group conducted a comprehensive Cost Estimate Review (CER) in December 2011 and January 2012, which reviewed the states detailed construction cost estimates, costs to date and risk elements. The 2012 Financial Plan's \$2,583.9 million total Project cost estimate meets or exceeds the 70th percentile cost in the 2012 FHWA CER.

The Financial Plan provides information on the immediate and longer-term financial implications resulting from Project initiation. The annual updates of the Financial Plan will provide information on actual cost, expenditure, and revenue performance in comparison to initial estimates as well as updated estimates of future year's obligations and expenditures. The annual updates will provide information on cost and revenue trends, current and potential funding shortfalls and the financial adjustments necessary to assure completion of the Project. The Financial Plan and its subsequent Annual Updates provide assurance that the Project's impact on the States' transportation capital improvement programs has been assessed. The projected uses of funding for the Project must meet the fiscal constraint requirements for the States' planning processes.

The Financial Plan is a comprehensive document that reflects the Project's cost estimate and revenue structure and provides a reasonable assurance that there will be sufficient financial resources available to implement and complete the Project as planned. It provides a description of how a project will be implemented over time by identifying project costs and the financial resources to be utilized in meeting those costs. It explains the assumptions about both cost and revenue upon which the plan is based. In addition, the annual updates to the plan will enable decision makers to track the financial progress of the Project over time by highlighting significant deviations from the Initial Financial Plan and the subsequent annual updates and explaining the mitigating actions taken to adjust for those deviations.

The Initial Financial Plan and each Annual Update is submitted to the FHWA Division Office for review and acceptance.

The plan consists of five main sections:

- Cost Estimate - in which the total cost and cost-to-complete for major project elements are presented in year of expenditure dollars
- Implementation Plan - in which the project schedule is presented and the cost-to-complete is presented in annual increments in year of expenditure dollars
- Financing and Revenues - presented by funding source as annual amounts available for project obligations
- Cash Flow - an annualized presentation of cash income and outgo to illustrate how periodic bills will be paid
- Risk Identification and Mitigation Factors

Annual Updates to the Initial Financial Plan will include revisions to the five main sections mentioned above and will also include data covering:

- The cost history (initial estimate versus actual expenditures) of the Project
- A presentation and analysis of cost and revenue trends that may result in additional funding needs or cost reductions
- A discussion of additional funding increases or cost reductions necessary in the coming year to meet funding shortfalls which have become known since the last submission, including a discussion of their cash flow implications (this discussion will include a projection of any potential funding shortfalls in future years, including those based on the cost trends identified in the previous section)
- A discussion of any significant reductions in cost during the past year and the potential for such reductions in future years
- An identification of significant increases in project costs of \$10 million or more as compared to the original estimated costs both in the past year and projected for the future. The cost changes reported may be for any reason including changes in project scope, design, right of way, construction, and/or changes to financing estimates.

The Financial Plan includes a narrative describing the assumptions used to develop the project cost estimates. All assumptions for the revenue forecasts and cash flow are also included. The narrative descriptions include the sources of information for the forecasts, the methodology used for developing the forecasts, and identify whether there has been any independent validation of the forecasts or sensitivity testing.

Any documentation that provides the basis for projected costs/revenues (e.g. revenue studies, feasibility studies, economic forecasts) is either referenced or included as attachments to the Financial Plan. They will also be referenced or included in the annual updates if they represent material changes from those referenced in the IFP.

DESIGN AND CONSTRUCTION FINANCING

The strong commitment of Indiana and Kentucky to the Project has been evidenced by their continued funding for the Project on a pay-as-you-go basis since the Project's inception, as well as by the states' continued cooperation through the Bi-State Management Agreement. At the end of state fiscal year 2012, the states will have expended \$293.4 million (\$220.4 million by Kentucky and \$73.0 million by Indiana) for the Project.

Both Kentucky and Indiana have historically used federal-aid resources for the Project and have committed specific funding from their respective near-term federal-aid highway funding programs, as described further below. Federal-aid formula funds provided to the Project have been and will continue to be matched by a combination of state road funds and toll credits (credits unrelated to the Project) in Kentucky and by state funds in Indiana. Both states have a demonstrated track record of meeting their state match obligations with a variety of state funding sources, including state-imposed fuel taxes and a variety of transportation-related fees.

The current financial strategy anticipates that the Project will be funded by a combination of conventional state and federal transportation program funds and toll-based Project revenues. In the case of Kentucky's design-build contracting approach, these funding sources will be leveraged to provide the necessary up-front capital for construction through a combination of Kentucky's state funding commitments, toll revenue bonds and GARVEE bonds.

In the case of Indiana's intended availability payment concession approach, private sector financing, including private equity and debt, will be secured by the concessionaire to support its obligations to deliver the East End Crossing, and the payments under the concession agreement will be supported by Indiana's funding commitments and its share of the toll-based revenues from the Project. The alternative delivery methods selected by the states have the strong potential of further reducing Project costs and enhancing the overall Project finance strategy. Federal discretionary program funds may also continue to be utilized by the Project to the extent additional discretionary funds become available and are obtained by the states.

The states have reasonable expectations for a reauthorized federal surface transportation program at levels that are commensurate with current funding levels. Based on those expectations, as well as reasonable expectations regarding the availability of corresponding state transportation funds, an estimated \$1.3 billion of federal-aid highway formula and state transportation funds is reasonably expected to be available to the Project. This includes \$293.4 million estimated to be expended through state fiscal year 2012.

OPERATIONS

In the case of the East End Crossing, portions of work may be included in a long-term operations and maintenance agreement with the P3 Developer, with hand-back requirements at the end of term. The operations and maintenance agreement will include Section 5 and Section 6. Portions of Section 4 may be included in the operations and maintenance agreement as defined in the Bi-State Development Agreement.

Long term operations and maintenance of the other portions of the East End Crossing and the entire Downtown Crossing will be the responsibility of the two states after Project completion. It is anticipated that the Project sections will be transferred after final completion and acceptance of each contract, and will then be incorporated into each STA's existing traffic management system. The STAs will develop a Memorandum of Agreement regarding operations and maintenance of the two new river bridges, including

operations and maintenance of the East End Bridge after handback by the P3 Developer at the end of the operations and maintenance contract term.



I-65 over East Broadway, Downtown Louisville

8.0 PROJECT REPORTING AND TRACKING

PROJECT REPORTING METHODOLOGY

Project Controls and Reporting Procedures that define schedule update timeframes and formats, cost reporting timeframes and formats, communication protocol, and overall Project administration procedures have been established. Project controls procedures have been integrated with the document control system.

Internal Reports

All pertinent data including current costs, earned value and schedule information for the Project as well as a summary on the status of each construction section are collected and

published in the monthly project status report. Data is presented in graphical and tabular forms. The narrative portion addresses the status of each work element deliverable that is scheduled for activity during the report period and progress to date, milestones reached, and near and long-term trends. Unresolved issues are identified and required actions presented. The resulting report package is reviewed monthly at a progress meeting with BSMT.

External Reports

The GEC will develop external reports such as the Annual Report and Six-Month Environmental Progress Report as directed by the BSMT.

Progress Reports

Per the MOA, a bi-annual progress report detailing implementation of the measures stipulated within the Section 106 First Amended Memorandum of Agreement and providing advanced notice of milestones, such as Plans, Specifications, and Estimates approval, scheduled letting dates, and initiation of construction activities is prepared by the GEC as directed by BSMT for the BSMT to submit to signatories, concurring parties and HPAT members. These reports chronicle the Project's environmental commitment activities and include a detailed tracking table. These reports are incorporated by reference.



9.0 MANAGEMENT CONTROLS

9.1 General

The East End Crossing and Downtown Crossing contracts will be awarded through the respective procuring entities, IFA / INDOT (Indiana) or KYTC standard or alternative project delivery contracting processes (see Chapter 6). Project management services for each construction contract will be provided by the respective contracting entity and their Technical Teams. Construction contract project management oversight and integration into the overall Project will be provided by the respective STA Construction Management personnel, supplemented as required by their Technical Teams. Indiana and Kentucky will jointly contract with a Toll System Integrator/Operator for design, construction, operations and maintenance of the electronic toll collection system for both crossings.

WORK BREAKDOWN STRUCTURE

With the recent decision of the states to procure this Project through two large alternative delivery contracts, the design and construction of the three downtown sections, Sections 1, 2 and 3 will be combined into the Downtown Crossing segment. Sections 4, 5 and 6 will be combined into the East End Crossing segment. A hierarchical structure of segment sections, phasing and construction elements will be defined by the design-builder or P3 concessionaire through a Work Breakdown Structure (WBS) that is consistent with the Project schedule and budget.

BASELINE WORK BREAKDOWN STRUCTURE – DESIGN AND CONSTRUCTION

A baseline WBS system that will provide the framework for establishing Project milestones has been established. Construction start and completion milestone dates will be established with each procurement package.



9.2 Risk and Opportunity Management

Risk and opportunity management provides the BSMT with a method to analyze activities to provide a specific response to the inherent risks and opportunities of a Project of this magnitude. Risk and opportunity management seeks to identify potential problems and favorable opportunities before they occur and to develop strategies that increase the likelihood of a favorable outcome.

Potential risks and opportunities to both the Project budget and schedule have been identified and assessed in the Project's Risk Register as incorporated in the 2012 FHWA CER. The probability of occurrence and potential cost impact to the Project of each risk and opportunity is assigned to each risk and opportunity.

All risks and opportunities identified can affect the Project budget or schedule; however, the Risk Register affords Project Management a tool to identify strategies for managing the risk and assigning responsibility through contract provisions to the entity most able to control the risk, thereby reducing contingencies and potential cost or schedule impact of the particular risk.

The strategies and actions for managing risks and opportunities include:

- Avoidance/Optimization - The BSMT or construction contract project management for the respective construction contract, as applicable, may change the Project plan to eliminate the risk or ensure the opportunity to positively maximize the Project objectives with regards to an event's impact, as approved in the sole discretion of the applicable STA Construction Management for the respective state's construction contract. This process is outlined in the Bi-State development agreement Sec. 10.6.

- Risk/Opportunity Sharing – If it is determined that a contracted party is more capable of taking steps to reduce risk or increase opportunity, the BSMT or construction contract project management for the respective construction contract, as applicable, may elect to optimize the impact of the risk or opportunity by contracting out some aspect of the work.
- Mitigation - The BSMT or construction contract project management seeks to reduce the probability or impact of a risk event and to increase the probability or impact of an opportunity event to an acceptable threshold. This may be accomplished through a variety of means that are specific to the Project and each risk or opportunity. Although a compromise to a definitive solution, mitigation may still be preferable to going forward with an unmitigated risk or opportunity.
- No Action - The BSMT or construction contract project management for the respective construction contract, as applicable, may decide to accept certain risks. Some risks and opportunities may be accepted without changing the Project plan or developing any response strategy other than agreeing to address the event if it occurs.

The risks and opportunities are continually monitored by the BSMT. Risks and opportunities are placed in new ratings categories, as required, removed from the list when resolved, and added to the list when new risks and opportunities are identified.

9.3 Scope of Work Management

The Scopes of Work for the two Procurement Packages will be defined through the development of the respective Requests for Proposals (RFPs), based on the preliminary design information that was produced by the six SDCs. The RFPs will include specifications and instructions to Design-Builders that will clearly define the work, establish milestones and identify incentives and disincentives.

Management of the Scopes of Work for final Design and Construction by the STA involves continuous review by the BSMT, with much of the work being performed through the Technical Teams, and monitoring the conformance of the work being performed to that defined in the respective contracts. Scope creep is kept to a minimum through the use of Change Control Procedures (See Section 9.7).

9.4 Schedule Management

MASTER PROJECT SCHEDULE

A master design and construction schedule has been established and has been reviewed including the preliminary schedule, cost estimate and Initial Financial Plan. This review led to the development of a draft Master Project Schedule to serve as an initial guide in defining design and construction milestones. This detailed schedule prioritizes design and construction sections, as well as identifies critical path elements such as right of way acquisition, utilities coordination, and other schedule dependent activities.

SOFTWARE

The BSMT develops Project schedules to track, store and report on the status of the Project with respect to financial and schedule status. The master schedules for the environmental work and procurements are stored and maintained by the BSMT. The Design Builder will propose scheduling software for the critical path method during construction.

INTEGRATED UPDATING

The master schedule and the supporting schedules are updated monthly using the change control process (See Section 9.7). Schedule updating frequency is reviewed and updated annually.

SCHEDULE ASSUMPTIONS

The Master Schedule and supporting schedules include all schedule assumptions that drive the baseline schedule such as assumed start dates, durations, funding profiles, etc. As project planning and execution causes the assumptions to be realized as fact or proven false, changes to the schedule and budget are documented using the change control process.

DOWNTOWN CROSSING AND EAST END CROSSING SCHEDULE MANAGEMENT

Final Design-Construction schedules will be prepared and maintained by the design-builder or developer for each crossing in a compatible format with the master project schedule with schedule updates provided monthly by the construction Design-Builders and major suppliers. Updates will include progress against the baseline.

9.5 Cost Tracking

BUDGET AND COST MANAGEMENT

The budget and cost structure are monitored as described in this section to determine that all participants in the process are operating with cost targets assigned for each piece of the work. The evaluation of risks and the assignment of contingency schedules and budgets are managed to minimize unforeseen obstacles.

BASELINE BUDGET AND SCHEDULE

A detailed baseline and budget schedule for completion of the work will be submitted for approval by the Downtown Crossing design-builder and the East End Crossing developer. The baseline schedules will be fully cost loaded and incorporated into the Master Project schedule. The updated Master Project Schedule allows detailed snapshots of the Project that show the total Project status with regard to schedule and budget.

ECONOMIC ANALYSIS/MARKET COST FACTORS

Cost factors have been continuously evaluated and were evaluated in the 2012 FHWA CER, for purposes of assessing the impact of project spending on the regional marketplace for construction and related supplies to estimate demand-driven inflation,

potential labor shortages, or other similar risks for the Project and associated costs. Market conditions that affect the construction market place locally and nation-wide were reviewed periodically to assess the impact of variations in construction material price indices to confirm and update Project cost forecasts.

BUDGET AND COST CONTROL

The BSMT is responsible for monitoring and controlling shared Project costs. Methods for estimating and monitoring the value of Project costs and the associated risk of potential variances in cost have been developed.

As part of the cost control process a risk and opportunity plan to address potential cost overruns and savings project-wide and within each Project section has been developed (See Section 9.2). This information is used to develop strategies to reduce risk and cost and streamline the Project schedule. Identified risks and opportunities and their potential cost impacts are reviewed so that limits and assumptions of the estimate are better understood as the Project proceeds.

EARNED VALUE METHODOLOGY

Earned value management is a system that allows federal, state, and Design-Builder managers to have visibility into technical, cost, and schedule progress on their contracts. The implementation of an Earned Value Management System (EVMS) is widely recognized as a key component of program and project management to ensure that cost, schedule and technical aspects of the contract are truly integrated.

The EVMS conforms to the industry standard as defined by ANSI/EIA 748-A-1998, Earned Value Management Systems. The standard has built-in flexibility to suit management needs. An EVMS has been developed for this Project.

CONTINGENCY MANAGEMENT

Contingencies are included in the budget and are managed as part of the States' respective procurements.

FUNDS ACCOUNTING

Funds accounting procedures have been developed to comply with Federal and State accounting system requirements. The system is responsive to both Indiana and Kentucky requirements as appropriate.

CASH FLOW MANAGEMENT

Cash flow requirements are derived from the Project Master Schedule on a quarterly basis. The projected cash flows are analyzed against the anticipated funding availability and programmatic adjustments to optimize the Project schedule are considered.

VALUE ENGINEERING

The effectiveness of the VE efforts of the two states has been demonstrated by the recent \$1.5 Billion reduction in the Project's overall construction cost estimate, which has been validated by the 2012 FHWA Cost Estimate Review. From this point forward, VE cost

proposals may be proposed by design-builders or developers as Alternative Technical Concepts in the proposal phase or as VE cost proposals by the Design-Builders after contract award.

MATERIALS AND EQUIPMENT ACQUISITION

Cost Control measures may include strategies for material and equipment acquisition that are outside the work packages or that are unique to the Project. This might include bulk materials procurement or Project supplied materials.

9.6 Partnering

Partnering, while being informal, will be an objective for the LSIORB Project. This includes both internal partnering amongst Project team members and external partnering with Design-Builders.

9.7 Change Control

OBJECTIVES OF CHANGE CONTROL

Change control has been implemented to ensure that Project changes are identified, evaluated, coordinated, controlled, reviewed, approved, and documented to avoid negative effects on the Project's technical, scope, schedule, and cost baseline, as well as effects on safety, risk, quality, and products. These controls are described in the respective procurement and construction documents and the Bi-State Development Agreement.

The impact of a change is properly coordinated with all affected Project sections and that the Project cost and schedule baselines properly reflect the changed conditions.

For both the KYTC and the INDOT (IFA) administered alternative delivery contracts, modifications are performed per the change procedures included in their respective RFP and contract documents.

ADMINISTRATION OF CONTRACT CHANGES

The appropriate State Transportation Agency's change process will be followed, including any specific requirements in the RFP that is issued for final design and construction.

BASELINE CHANGE CONTROL

Changes to the design and construction schedules are documented with respect to their impact on the Project baseline. Baseline change requests are prepared by the design-builder or developer, submitted to the state contracting agency for approval.

CHANGE PROCESS AND DOCUMENTATION

The initiator of a change proposal prepares the change proposal describing the change and identifying the amount of budget required or to be credited. The initiator must also describe the scope of the change, the schedule impact resulting from the change, provide

a detailed cost analysis, and provide a comprehensive analysis of the change including evaluation of other alternatives considered. Also included is an analysis of potential impact on safety, quality, procurement, performance, personnel, training, traffic operations, etc. The analysis is to be all-inclusive and thorough.

Change requests are evaluated with respect to the overall Project cost and schedule baselines. Requests are fully addressed, and an independent cost or schedule impact estimate is developed, impact on other Project activities is evaluated, other viable alternatives investigated, and, if acceptable, the change request is approved in writing and the required contract adjustment is made. If the proposed change is not acceptable, the request is denied. In both cases, the action taken is fully documented with regards to the deliberations and reasoning behind the action taken. The Technical Team will formally document the change and provide copies to the BSMT.

KYTC and INDOT (IFA) with the assistance of their Technical Teams will establish and maintain change control logs for their respective alternative delivery contracts in which a specific number is assigned to each change request, and in which the title, scope, and cost of the change is recorded, along with the disposition of the change and any assigned action items.

9.8 Claims Management

DISPUTES AND CLAIMS MANAGEMENT

For both the KYTC and the INDOT (IFA) administered alternative delivery contracts, disputes and Claims will be handled per the procedures included in their respective RFP and contract documents.

9.9 Design Management

GENERAL

The final design for the Project will be the responsibility of the Downtown Crossing's design-build contractor and the East End Crossing's design-build contractor under contract with the P3 developer. The states will also contract with a Toll System Integrator / Operator for installation and operation of the electronic toll collection system. The design requirements for both crossings will be fully described in the upcoming RFPs for final design and construction. QA/QC processes will be defined through those procurements. The STA's will use their Technical teams to assist in the Quality Assurance of the design. The states have agreed that final design will follow the KYTC's normal design requirements for work in Kentucky and INDOT's normal design requirements for work in Indiana.

RELEVANT DESIGN REQUIREMENTS

Special final design requirements will be listed in the RFPs for final design and construction. KYTC's normal design requirements include,:

- *KYTC Bridge Design Guidance Manual*
- *KYTC Drainage Design Manual*

- *KYTC Highway Design Guidance Manual*
- *KYTC Pavement Design Guidance Manual*
- *KYTC Geotechnical Guidance Manual*
- *KYTC Permits Guidance Manual*
- *KYTC Traffic Operations Guidance Manual*
- *KYTC CADD Standards*
- *Highway Capacity Manual*
- *AASHTO Green Book and Bridge Book*
- *Manual of Uniform Traffic Control Devices*
- Design-Specific Memoranda issued by the KYTC

INDOT's normal design requirements include:

- *Indiana Design Manual*
- *INDOT Standard Specifications, Current Edition*
- *INDOT Standard Drawings*
- *INDOT Erosion and Sediment Control Handbook*
- *INDOT OES Waterway Permit Manual*
- *INDOT Right-of-Way Procedure Manual*
- *Highway Capacity Manual*
- *AASHTO Green Book and Bridge Book*
- *Manual of Uniform Traffic Control Devices*
- Design-Specific Memoranda issued by INDOT

CONTEXT SENSITIVE DESIGN

The roadways, bridges, and other Project elements where applicable will be designed and constructed with sensitivity to aesthetic values, historic cultural landscapes, and the historic context, utilizing the services of professionals with experience in areas related to historic preservation. Design will include aesthetic treatments to surfaces, structures, portals, appurtenances, and land contours and landscaping that complement the historical contexts of historic properties and in accordance with the HPPs for those areas. The Design-Builder will also prepare an *Aesthetics and Enhancement Implementation Plan* that will be reviewed in consultation with the BSHCT.

CONTROL OF DESIGN STANDARDS DOCUMENTS

The current version of the referenced State Design Standards will be used. Should these standards be updated by the states during the design process, the potential impact of the changes will be determined and addressed as applicable. Design standards developed specifically for this Project will be controlled through the document control processes.

SPECIAL STUDIES

Should the BSMT determine that additional studies are required, the BSMT will arrange for those studies to be accomplished in a timeframe that minimizes impacts to the master schedule and at a cost that represents an appropriate business decision.

9.10 Geotechnical Investigation

INDIANA PROJECT SECTIONS – PRELIMINARY DESIGN

INDOT forces and consultants with state-wide contracts have provided geotechnical services for the Indiana Project sections. The Design-Builder will be responsible for geotechnical investigations and recommendations required for final design and construction.

KENTUCKY PROJECT SECTIONS – PRELIMINARY DESIGN

The Kentucky SDCs, KYTC personnel and other consultants have performed various geotechnical investigations within their planned sections. Detailed geotechnical investigations and reports have been developed for most areas, including bridge piers, abutments, retaining structures, and the proposed East End tunnel.

FINAL DESIGN AND CONSTRUCTION

All available geotechnical studies will be provided as reference information with the RFPs for final design and construction. For the East End Tunnel, the RFP will include a Geotechnical Baseline Report that will be used for establishing limits beyond which claims for changed conditions will be considered. The Design-Builders will be responsible for any geotechnical investigations required for final design and construction within their contract limits.

9.11 Design Review

Design Review requirements will be included in the RFPs for the final design and construction phase. The Design-Builders will be required to submit a Quality Plan that lists all of the various design plan submittals required by the contract. Design reviews will be coordinated by the state with responsibility for the contract, with design review assistance being provided by KYTC, INDOT and the Technical Teams. The other state may be asked to review and comment on any elements of the design that are physically located within their state, or for which they will have initial or future maintenance responsibility.

9.12 Constructability Reviews

Constructability reviews have been performed as part of the preliminary plan development, and form the basis for the requirements that will be issued in the RFPs for final design and construction. Further constructability reviews will be the responsibility of the Design-Builders.

9.13 Regulatory Compliance Reviews

The RFPs for final design and construction will include provisions to ensure compliance with all NEPA commitments that are included in the SFEIS, the Revised ROD and the Section 106 First Amended MOA. The states will apply for several permits with key federal regulatory agencies. The Design-Builders will apply for a number of other necessary local and state agency permits. The Design-Builders will be required to report

monthly on progress made in achieving and complying with all NEPA commitments and regulatory permit requirements.

9.14 Security/Emergency Preparedness

The RFPs for final design and construction will include design, construction and performance requirements for security and emergency preparedness to minimize the potential security and disaster risks to the completed facilities throughout their life cycles. During construction, the Design-Builders will be required to include measures in their proposed construction strategies to respond to potential security and emergency situations in circumstances of threat to the facilities under construction, and other regional threats requiring changes to the normal traffic maintenance provisions. See Chapter 13 for additional information on Security/Emergency Preparedness.

9.15 Survey Control

A Project-wide GPS survey control network is maintained. Each SDC installed and maintained their GPS survey controls and monuments. The Design-Builders will have contractual requirements for installation and validation of secondary survey controls and documentation.

9.16 Hazardous Materials Management

Each SDC has followed the appropriate STA's procedures and requirements for conducting hazardous materials investigations during the preliminary design phase and for developing specifications for the alternative delivery contracts required for the Downtown Crossing and the East End Crossing. In Kentucky, the process that was followed is described in the *KYTC Division of Environmental Analysis Environmental Procedures Manual*. The investigation procedures in Indiana followed the process detailed in the *Indiana Design Manual and the Hazardous Material Unit Operating Manual*. The RFPs for final design and construction will include requirements for additional investigations, if necessary, and for avoiding, handling and disposing of hazardous or contaminated materials per state and federal regulations that are encountered as part of the work.

9.17 Permitting

The states will apply for several permits with key federal regulatory agencies. Any permits that have not been obtained before the contracts are signed may become the responsibility of the Design-Builders, who will also apply for a number of other necessary local and state agency permits. Permit application, and receipt milestones are included in the master schedule. All support material and permit literature is maintained in Document Control.

9.18 Historic Preservation

Historic preservation commitments for the Project are listed in the 2012 Section 106 First Amended MOA. In consultation with the SHPOs and appropriate local governments,

Historic Preservation Plans (HPPs) for historic properties and districts as identified in the MOA have been prepared, and are currently being updated or are being developed for the following historic areas:

- Old Jeffersonville Historic District (Update)
- Township of Utica Historic Lime Industry
- Butchertown Historic District
- Phoenix Hill Historic District (Update)
- Country Estates of River Road/River Road Corridor (Update)
- Ohio River Camps multiple property group

In several cases the states have moved forward with directly implementing several of the key preservation commitments based on the 2012 Section 106 First Amended MOA and the relevant HPPs. The RFPs for final design and construction will incorporate other specific historic preservation requirements that will be the responsibility of the Design-Builders.

9.19 Utilities/Public Agencies/Special Authorities

The states have developed utility base plans for the Project, and transmitted those plans to the public and private utility agencies in Indiana and Kentucky for the purposes of early identification of utility conflicts. Points of contact within each utility agency have been established for communication and coordination, and easement requirements, responsibilities, costs and schedules for utility relocation have been established. The utility related costs provided in the financial plan have been periodically reviewed and updated as required.

The RFPs for final design and construction will include requirements for the Design-Builders to negotiate utility relocation agreements and to coordinate directly with the utility companies to protect and relocate their utilities or allow their contractors access to do so, as required.

9.20 System-wide Elements

INTELLIGENT TRANSPORTATION SYSTEMS (ITS)

This Project will include substantial regional and local traffic management technologies that will connect to and enhance the existing traffic management infrastructure. Design and development of ITS Project elements requires strong regional coordination and cooperation, and will require comprehensive systems integration activity for installation, test, commissioning, operation and maintenance.

INDOT and KYTC are working internally and with TRIMARC to ensure that the Project's ITS requirements are appropriately addressed in the RFPs.

LIGHTING

The lighting design will be in accordance with INDOT and KYTC Standards. Kentucky standards are defined in the Traffic Operations Guidance Manual. Indiana standards are

defined in the Indiana Design Manual, Indiana Manual for Uniform Traffic Control Devices, and INDOT Standard Drawings.

The Design-Builders will be responsible for final design and construction of the lighting system within their respective Project segments, based on guidance in the RFP's. The RFP's for final design and construction will require that lighting design and construction within the viewshed of historic properties and environmentally sensitive areas and resources employ state-of-the-art systems and techniques to minimize light trespass beyond the highway right of way. The RFPs will also require that lighting systems not interfere with navigation or aviation in the area.

TRAFFIC SIGNALS

The Design-Builders will be responsible for final design and construction of new traffic signals and coordination with existing signal systems within their respective Project segments. Traffic signal design will be in accordance with INDOT and KYTC Standards, AASHTO and other local jurisdiction criteria as appropriate. Kentucky standards are defined in the *Traffic Operations Guidance Manual*. Indiana standards are defined in the *Indiana Design Manual*, *Indiana Manual for Uniform Traffic Control Devices*, and *INDOT Standard Drawings*. Any new signals required for the Project will be coordinated into the existing signal systems.

PAVEMENT MARKINGS

The Design-Builders will be responsible for final design and construction of pavement markings within their respective Project segments. The pavement marking design will be in accordance with INDOT, KYTC and FHWA Standards as appropriate. Kentucky standards are defined in the *Traffic Operations Guidance Manual*. Indiana standards are defined in the *Indiana Design Manual*, *Indiana Manual for Uniform Traffic Control Devices*, and *INDOT Standard Drawings*.

SIGNING

The Design-Builders will be responsible for final design and construction of all required signing within their respective Project segments, including ground mounted signs, overhead signing, advance signing along the approaches outside the Project area and any required way finding signage along the adjacent local roadways.

Signing design will be in accordance with FHWA, AASHTO, INDOT and KYTC standards. Kentucky standards are defined in the *Traffic Operations Guidance Manual*. Indiana standards are defined in the *Indiana Design Manual*, *Indiana Manual for Uniform Traffic Control Devices*, and *INDOT Standard Drawings*.

9.21 Construction Management (CM)

Construction coordination, management, engineering, and inspection services are the direct responsibility of the contracting state, Kentucky for the Downtown Crossing and Indiana for the East End Crossing. However, while not being in direct charge of the work, Kentucky will provide assistance on the Kentucky East End construction, and likewise Indiana will provide assistance in Indiana on the Indiana Downtown

construction. Both states plan to utilize consultant Technical Teams to supplement state forces and assist with Construction Management.

CONSTRUCTION PROJECT CONTROLS

The Design-Builders will be required to submit for approval a cost loaded baseline construction schedule that incorporates both design and construction operations. Monthly progress reports submitted by the Design-Builders will include actual progress by activity. Variances from the approved baseline schedule will require explanation, and variances that affect the Project critical path will require corrective actions.

FEDERAL CONSTRUCTION MANAGEMENT OVERSIGHT

FHWA will have limited CM oversight of the Project. FHWA may employ a consultant to assist with the FHWA construction oversight role. The FHWA oversight Consultant will not be associated with the GEC or consultants employed by the BSMT, INDOT, or KYTC on the Project. Appendix 20B21B includes a Responsibility Matrix that details the FHWA's role.

REGULATORY COMPLIANCE

The BSMT has developed a master list of regulatory requirements, with specific strategies identified that will be included as mitigation measures in the individual regulatory permit applications.

VALUE ENGINEERING CHANGE PROPOSALS (VECP)

VECP submittals during construction (also referred to as Design Alternates or Cost Reduction Incentive Proposals) will be encouraged; however, the VECP process will be controlled by strict guidelines. Reviews of any VE proposals may be conducted by the STA, the Crossing Technical Team, or the GEC as designated by the STA. The appropriate process for VECP submission, tracking, review, and disposition will be in accordance with each State's policies and the respective RFPs for final design and construction.

The states responsible for each major contract, may consider proposals that may potentially result in savings without damaging essential functions of the facility. The state with responsibility for the contract will decide whether or not to accept a VECP; subject to the terms and conditions of the Bi-State Development Agreement. A basis for proposal rejection may include requirements for excessive review, evaluation, and/or investigation; the proposal is inconsistent with Project design policies or criteria; or the proposal violates design guidance or design elements developed through the Context Sensitive Design process.

9.22 Final Acceptance, Operations and Maintenance

FINAL ACCEPTANCE – GENERAL

The final acceptance of the work will be the responsibility of the state that holds the contract, and will be performed in accordance with the final acceptance procedures included in the RFP for final design and construction. For portions of the work on a contract that are within the other state, the non-contracting state will participate in final walk-through inspections and may submit comments to the contracting state to be considered for the final punch list.

FINAL ACCEPTANCE – RIVER BRIDGES AND TUNNEL

Special attention will be given to the final acceptance of the Ohio River Bridges, and to the East End Tunnel which will require the following as part of the commissioning and final acceptance:

- A Commissioning Plan for the Tunnel
- An Operations and Maintenance Manual for the structures and the tunnel structure, fire/life safety and surveillance systems
- An emergency response plan for any incidents that may occur on the Bridges or in the Tunnel
- Training of maintenance, operation and emergency response personnel

ACCEPTANCE SCHEDULE

The baseline design and construction schedule will include milestones for final acceptance of each element.

WARRANTY TRANSFERS

The process to transfer maintenance or issue warranties in the name of the respective States will be defined in the RFPs.

TRAINING

Training of INDOT, KYTC and emergency response teams will be part of the Design-Builder's responsibility during the construction phase and will be completed prior to final acceptance of the work.

TESTING

Materials' testing follows the respective State Transportation Agencies' practices and includes multiple levels of testing to demonstrate both compliance with specifications and conformance to performance requirements. For Kentucky Contracts, this testing is described in the *KYTC Materials Guidance Manual* and in the alternative delivery contract RFP, which are incorporated by reference. For Indiana contracts, the testing procedures are described in the *INDOT Materials and Testing Frequency Manual* and in the alternative delivery contract RFP, which are also incorporated by reference.

CERTIFICATIONS

Legal and regulatory requirements for certifications will follow the respective STA's practices.

OPERATION AND MAINTENANCE

Upon completion of the final acceptance process, the maintenance and operation of the constructed elements of the Downtown Procurement will become the responsibility of the Maintenance and Operation departments of each respective State. As described in Section 7.1 above, certain elements of the East End Crossing may be included in a long-term operations and maintenance agreement with the P3 Developer.

10.0 QUALITY ASSURANCE/QUALITY CONTROL

PROGRAM REQUIREMENTS

A Quality Management (QM) Plan will be established that includes both Quality Assurance (QA) and Quality Control (QC) for the planning, design, and procurement phases of the Project. QA includes the individual STA Quality Assurance or Quality Verification activities on their particular contracts, and collectively the BSMT Quality Management System for quality monitoring and reporting at the Project level for the design, construction, and commissioning of work by Design-Builders and consultants. The RFPs for final design and construction will specify the specific responsibilities of the Design-Builders for Quality Control and Quality Assurance. The STA may elect to perform the full QC and QA functions for the Project, to assign that responsibility to an independent third party, or to pass those responsibilities onto the Design-Builder.

Where QC and QA activities are the responsibility of the Design-Builders, the STAs focus will be in verifying that the Design-Builders are performing QC and QA effectively, through a program of audits, surveillance, and reviews. These responsibilities may be carried out directly by the STAs or may be assigned to an independent third party.

QUALITY RESPONSIBILITY AND AUTHORITY

The individual states have direct responsibility for Quality on their contracts. Individual design-builders, contractors and consultants involved in any aspect of the Project are responsible to produce a product or service that meets the quality standards of their contract.

Each state may designate a Quality Manager for their portion of the Project, in which case each state Quality Manager would report directly to their state executive staff. The BSMT will monitor the reports of the respective Quality Managers.

QUALITY DOCUMENTATION REQUIREMENTS

Documentation guidance to be used by all supporting contractors and consultants in preparation of their respective quality documents will be developed. Quality documents are managed following Project document control procedures.

QUALITY COMPLIANCE AND OVERSIGHT

The quality of the design, construction, and commissioning of products is monitored and QM activities as required to ensure a quality product are adjusted. Corrective and preventive action procedures based on the magnitude of the perceived deficiencies and the level of risk are implemented as required. Procedures to remedy quality deficiencies will be established.

DESIGN-BUILDER AND P3 CONCESSION QUALITY CONTROL

QA/QC requirements included in the RFPs for design and construction will include, at a minimum:

- Construction standards to be adhered to for performing construction inspection. List of documents to be used which will define materials to be certified, materials to be tested, sampling procedures, testing procedures, record keeping and reporting procedures, and nonconformance plan.
- Designation of responsible parties for all aspects of QA/QC
- Frequency of QA/QC reviews, reporting requirements, and responsibilities
- Procedures for coordinating with permitting agencies, utility companies, and railroad companies during construction to ensure that all requirements are incorporated into the Project such that the overall Project schedule is not delayed
- Level and frequency of QA/QC audits and Design-Builder requirements to support those audits
- Requirements for Design-Builder QA/QC personnel and minimum qualifications
- Procedures for rectifying construction quality issues
- Quality documentation requirements
- Interface points with the construction schedule

The Design-Builders will be required to develop and submit Quality Management Plans (QMPs) for the execution of their work and the maintenance of product quality will be administered. These QMPs will be submitted to the contracting state for review and acceptance. The QMP will describe Design-Builder plans for meeting the requirements in the QA/QC plan and will, at a minimum, address the following:

- Establish and maintain control of the quality of the product delivered by construction/ installation operations
- Qualitative aspects of handling, storage, testing, packaging and delivery of materials, equipment, and other elements of the work
- Identification, control, calibration, and maintenance of inspection, measuring, and test equipment

11.0 ENVIRONMENTAL MONITORING

ENVIRONMENTAL COMPLIANCE MANAGEMENT

The environmental compliance requirement resulted from the FEIS, SFEIS and Revised ROD processes and is relatively scripted in terms of actions required during Project execution to mitigate the environmental impacts before they occur.

ENVIRONMENTAL COMPLIANCE MONITOR

It is anticipated that the USACE Section 404 and Section 10 Permits will require, as with other mega-transportation projects, that an Environmental Compliance Monitor be designated as an environmental compliance quality assurance component, to ensure compliance during construction with all applicable environmental protection measures, approved plans, permits, and conditions. The BSMT may designate an Environmental Compliance Monitor for the Project, or the states may elect to delegate that function to a designated Environmental Compliance Monitor for each crossing.

The Environmental Compliance Monitor is responsible for:

- Monitoring compliance for all non-design and non-construction environmental mitigation activities specified in the ROD such as: Historic Preservation Plan Preparation, Archaeological Resource Investigations, etc.
- Monitoring Design-Builder activities for compliance with environmental mitigation commitments in the ROD.
- Reviewing final design plans to monitor that permit conditions are met
- Monitoring highway construction to assure that permit conditions are met including the implementation and monitoring of mitigation.
- Informing permittees and the Army Corps of Engineers concurrently of any problems regarding non-compliance permit conditions or other activities in waters of the United States, including jurisdictional wetlands.
- Monitoring construction to verify that the work is in compliance with Project authorizations, including construction impacts to aquatic resources, riparian buffer areas, forests, placement of staging areas, land clearing, other disturbances, stormwater management, sediment and erosion controls, spills, sediment plumes, time-of-year restrictions, and other Project related environmental impacts.
- Recommending measures to bring the Project into compliance with permit conditions.
- Attending construction partnering sessions to assess anticipated construction schedules and activities.

As mentioned in Chapter 7, a semi-annual progress report detailing implementation of the measures stipulated within the Section 106 First Amended Memorandum of Agreement and providing advanced notice of milestones, such as Plans, Specifications, and Estimates approval, scheduled letting dates, and initiation of construction activities is prepared and submitted by the BSMT to signatories, concurring parties and HPAT members. These

reports chronicle the Project's environmental commitment activities and include a detailed tracking table.



Extreme Park Skate Park, Louisville, KY

12.0 RIGHT OF WAY

The right of way management process regarding appraisals, acquisitions, relocations, demolitions, construction and utility easements, scheduling and reporting used for each section follows each State Transportation Agency's process and the Bi-State Development Agreement. ROW acquisition is governed by the Uniform Relocation and Acquisition Act of 1970 and the respective State manuals, as amended. The process included in the act is highly proscriptive and leaves little room for interpretation. Both Indiana and Kentucky have state documents that implement the provisions of the act. Kentucky processes are described in the *KYTC Right-of-Way Guidance Manual* and Indiana procedures are described in the *INDOT Right-of-Way Manual*.

The state processes are almost identical and generally cover which organization performs which tasks. The ROW acquisition process will be monitored for general schedule as well as long range impacts to all Project sections. Schedule requirements for acquisitions will be incorporated into the Project schedule.

Real estate acquisitions and easement requirements have been determined during the course of preliminary design. Real Estate acquisition and easement requirements related to historic preservation activities are in accordance with the respective State agencies and the ROD.

Location plan sheets are developed as needed to identify the affected properties. The impact on the affected properties is documented and properties that require a total, partial, temporary, or permanent acquisition are identified. Consultants or Design-Builders who prepare the ROW Engineering documents certify the location plan sheets and metes and bounds descriptions as sufficient to construct, maintain, and operate the Project facilities.



Indiana Shoreline, Downtown Segment

13.0 SAFETY AND SECURITY

13.1 Safety

System Safety and Security requirements will be included in the RFPs for final design and construction of the two crossings. These requirements will include detailed safety and security requirements for construction, Project acceptance, and operation. The requirements have been developed with input from the regional emergency responders for safety and security incidents. Because the plan may include sensitive information, portions may require a restricted distribution as determined by the STAs and the BSMT. The *Sector-Specific Plan for Transportation Systems* developed as part of the National Infrastructure Protection Plan provides a framework for developing the safety and security plan. Louisville Metro Fire, Police, EM, and EMS and others will be consulted to get input into response needs for the Project.

The plan will also consider the *United States Department of Homeland Security Characteristics and Common Vulnerabilities Infrastructure Category: Highway Bridges* which describes potential threats, highway bridge characteristics, common vulnerabilities, standards and regulations, consequences of events, and general vulnerabilities and the *United States Department of Homeland Security Protective Measures Infrastructure Category: Highway Bridges* that describes potential threats, available protective measures, and implementation of protective measures. These documents are “For Official Use Only” publications.

Security for this Project will involve an assessment of vulnerabilities and threats to the completed Project infrastructure, especially the two long-span bridges over the Ohio River and the East End tunnel. The assessment will consider the first responder requirements for natural and man-made disasters, for system failures for emergency situations, such as, tunnel fire suppression, and the potential for terrorist activity. Additionally, the Kentucky Department of Homeland Security is currently working on assessments to other transportation infrastructure using the Automated Critical Asset Management System (ACAMS).

FINAL DESIGN AND CONSTRUCTION PHASE

Final Design and Construction Safety and Security will follow the respective STA practices. For Kentucky contracts, these practices are described in the *Kentucky Standard Specifications for Road and Bridge Construction, Current Edition*. For Indiana contracts, these practices are described in the INDOT Standard Specifications and *INDOT Safety Manual*. The Contractor for each construction contract will be required to submit a Safety Plan that satisfies the safety requirements detailed in the RFPs for final design and construction. Safety Plans shall, at a minimum address these key features:

- OSHA Safety measures and procedures
- Incident Management Plan to include emergency response measures to construction sites
- Traffic Control Safety measures and procedures
- Review Schedule for Traffic Control Plans to confirm adherence to safety procedures

During construction, the Design-Builder will be responsible for reporting any incident occurring on the construction sites, preparing detailed contact lists and personnel accounting procedures, and implementing incident response procedures as part of their everyday construction management. Design-Builders will be required to include measures in their proposed construction strategy to be able to react to potential security and emergency situations in circumstances of threat to the facilities under construction and other regional threats that may require changes to the normal traffic maintenance provisions.

13.2 Security Threat Assessment

An assessment of potential threats has included an examination of probabilities, vulnerabilities and impacts. Mitigation measures to counter any identified threats were identified and assessed. The Design-Builders will be required to prepare their designs to minimize the security and disaster risks to the completed structures throughout their life cycles.

The Kentucky Intelligence Fusion Center has worked with the United States Department of Homeland Security on a statewide threat assessment.

SECURITY SYSTEMS TESTING

The testing protocols and certification process will require completion of at least one pertinent safety and security simulation of the tunnel and bridge facilities. Fire in the tunnel or explosives on the bridges are potential scenarios for testing the management and response systems and resources. These tests must be planned and coordinated with the local responders. The plan will include the types and locations of tests and the level of Project completion required for the optimum test. Each test will have a written testing plan fully coordinated with the local responders and local disaster officials.

OPERATIONS AND MAINTENANCE PHASE

Implementation of the System Safety and Security Plan will require training and drills with all pertinent stakeholders participating (first responders, emergency management teams, transportation management teams, etc.). Simulations will be organized and scheduled in conjunction with state emergency management officials. Much of this planning will be accomplished by the local responding agencies; however, the BSMT will participate in the planning efforts and will coordinate during the opening and initial operations of the facilities. Local agencies will collaborate on development of the System Safety and Security Plan to understand the specific vulnerabilities and their various responsibilities for responding.

MONITORING

Because threats and risks change over time, the Plans will be regularly updated throughout the life of the facilities. At the regional level, an annual update is recommended, perhaps scheduled in conjunction with a simulation or drill.



Marina at Waterfront Park, Louisville, KY

14.0 TRAFFIC MANAGEMENT

TRAFFIC MANAGEMENT STRATEGY

The Design-Builders plans will include Maintenance of Traffic (MOT) during construction, and congestion and incident management plans. The plans will be assembled with input from local jurisdictions and other affected entities (such as EMS and law enforcement) so that pre-planned procedures will be immediately put into action should an incident cause congestion during construction.

The Downtown Crossing and the East End Crossing will both have a Public Information Officer (see Chapter 15) responsible for public communications regarding current and planned construction activities related to their Project segment. Both of the Crossing Public Information Officers will coordinate with the BSMT's Public Information Officer to ensure that both the Project theme and messages are consistently communicated. Public communications include media campaigns and radio commercials regarding closures and other significant traffic impacts during construction. Also, print media will be used to convey construction and traffic management activities.

The PIO will work with the KYTC, INDOT and IFA and other entities to program specific messages on the HAR sites in Louisville, on the KY statewide 511 system, INDOT's dynamic message boards, and on the INDOT and KYTC websites.

In order to inform out of state travelers of construction activities, the Kentucky American Automobile Association (AAA) will be contacted to include the Project information in their TripTix. The Project may also consider placing an article in the AAA magazine *Home and Away*.

ROAD TRAFFIC MANAGEMENT

Services and systems to be emphasized in the congestion and incident management plans include enhancements to the current Louisville Metro TRIMARC system (including Freeway Service Patrol operations) and the Hoosier Helper program in Indiana to facilitate mobility during and after construction. The Transit Authority of River City will also be engaged to identify transit and rideshare enhancements that can be implemented during and after construction.

The BSMT will evaluate the existing area-wide traffic plan to identify potential traffic diversion routes in Indiana and Kentucky. An area-wide incident management plan will be developed for the Project in accordance with the current emergency management plans in effect in Indiana and Kentucky through coordination with INDOT, KYTC and TRIMARC.

A public traveler information program, utilizing Intelligent Transportation System field elements adaptable to Indiana and Kentucky system architectures may be established including traffic operations centers, variable message signs, web site information, ramp metering and traffic signal systems as appropriate. Real time travel time information will

be made readily available to the public both prior and during construction. Any major capacity disturbances in the form of lane reductions during construction will be communicated to the public as a part of the aggressive community information outreach program.

RAILROAD TRAFFIC MANAGEMENT

The Design-Builders will be responsible for railroad coordination within their work zone. Railroad traffic managers will be engaged and plans developed for management of design and construction activities that affect active rail lines.

RIVER TRAFFIC MANAGEMENT

Coordination has been ongoing with the US Coast Guard and river traffic managers to develop plans for management of design and construction activities around river traffic requirements and secure the necessary permits. The US Coast Guard has modeled both proposed new Ohio River Bridges at the Seamen's Church Institute maritime simulator, and has approved the span arrangement and pier locations for both bridges.



IN 265/SR62 /Port Road Interchange, Jeffersonville, IN

15.0 PROJECT COMMUNICATIONS

15.1 Public Involvement

COMMUNICATIONS PROGRAM OVERVIEW

A comprehensive communications program to address the importance of public involvement in all phases of the Project has been established. The program established media and public communications processes and requires all Project team members to be as accurate and forthright as possible, and to respond in a professional and timely manner. These characteristics have helped create the high level of information communication needed to successfully maintain the media and public's trust, support, and confidence.

The successes of the Project FEIS and SFEIS development efforts were built upon this proactive and comprehensive public involvement communications program. The goals are to develop and maintain open lines of communication with all interested and affected agencies, communities and organizations and generate a broad understanding of and support for BSMT actions. The Project endeavors to maintain consistent messages and Project themes to reduce public confusion and avoid misinterpretation. Functionality and ease of use of all communication formats are consistently reviewed and updated to better serve the intended audiences.

Some of the key strategies that are included in the communications program are:

- Maintain a proactive Project Public Information staff. These staffs, in conjunction with the STAs public information offices are responsible for all public information and media efforts for the Project. All external communication is coordinated by this team in order to maintain consistent information and allow the Project delivery team to effectively speak with "one voice". Each Design-Builder will have public information staff, for information specific to that Crossing. The BSMT will maintain a PI staff that coordinates bi-state messages, announcements of major milestones, etc.
- Collaborate with INDOT and KYTC and other state public relations offices to ensure that media and public inquiries about the Project are routed to the appropriate staff, so that sufficient and timely information on the Project is provided to these and other contact points where the public and media expect good information.
- Provide Project status information to the media and public, including scheduled milestone completion dates; significant contracts advertised, awarded, or completed; and total cost projections.
- Convey updated commuter and traffic information, including traffic pattern changes, periods of lane closures, traffic delays, work zone accidents, alternate routes available, and alternate forms of transportation available (including benefits and possible subsidies).
- Provide timely responses to media and public questions and requests for information.

- Provide assistance to the communities and other stakeholders in developing ownership and pride in the Project, by building awareness and helping them understand the benefits of the Project.

PUBLIC INVOLVEMENT AND COMMUNICATIONS

The processes and procedures to execute the communications program strategies have been developed. The program includes external and internal communications. The Project has a *Communications Program Strategies Guidance Document* that explains these processes and procedures.

EXTERNAL COMMUNICATIONS OVERVIEW

Throughout the life of the Project, the Project team has and will continue to integrate public involvement activities with design, right-of-way acquisition, and construction of the various Project sections. Public involvement has been actively used to identify, define and refine solutions as design decisions have been made. Public involvement for right-of-way and pre-construction will follow a similar approach as the design phase. The BSMT considers, directly or indirectly as appropriate, input from elected officials, government agencies, representatives of the public involvement groups, historic preservation advisory teams, and the public in decision making processes.

EXTERNAL COMMUNICATIONS TOOLS

A variety of communications tools are used to gather and distribute information, with changes to address the new focus of work including:

Media Relations and Access

A media relations and access strategy, which identifies known media outlets and includes media relations strategies and processes for providing information to the media, has been developed. Media relations strategies and procedures are included regarding spokespersons. Protocol has been established for responding to media inquiries including coordinating the responses with Project staff, the BSMT, state transportation agency public affairs divisions, and local, state, and federal, executive and legislative offices. Procedures for monitoring/tracking coverage, media briefings or conferences including regular briefings of editorial boards have been developed. Strategies that link media relations with Project processes that have direct public contact such as procurement and human resources have been developed and implemented.

The PI staff works closely with the BSMT and Technical Teams to coordinate media interviews and to ensure that the media receives accurate, clear and concise information. A Project media list is regularly updated and includes:

- Contact information, telephone and fax numbers, and e-mail addresses for major print and electronic media in Indiana and Kentucky.
- Contact information for major media outlets in neighboring markets.
- A thorough listing of publications in the metropolitan areas on both sides of the river, including weekly and small daily community newspapers, and newsletters for civic, government, neighborhood, and non-profit organizations and groups.

Because of the magnitude and visibility of a federally funded mega-project, the State's are also prepared to provide information to national and specialized media and respond to their requests for information.

Targeted Individual/Group Meetings

The RFPs for final design and construction will require that the Design-Builders take a proactive approach in reviewing issues and collecting and disseminating information to affected individuals and groups, and will encourage them to seek out opportunities to interact with community groups and make presentations to interested community organizations.

Local Communities

Local community leaders and officials are updated as requested by the STAs and BSMT. A contact list of these officials, as well as state and federal legislators, is maintained to ensure they are included in distributed information as appropriate. The PIO endeavors to provide information in advance of any potential opportunity for public comment and inform these individuals prior to any release of information that may generate a request for comment on by the media.

Minority Communities

Specific communication issues concerning the minority communities in the LMA are documented and addressed as required by the Project's Kentucky DBE Program Manager and the INDOT Office of Economic Development.

Public Meetings

Public meetings and open houses with stakeholders are held, as appropriate. As defined in the D/B RFP's, the Design-Builders will be responsible for some meeting preparations and logistics during the final design and construction phase. The BSMT may also arrange public meetings or open houses as necessary.

Storefronts – Open Door/Documents Review

One or more project information centers will be established for the Project. Visitors, their questions, and any answers provided will be logged.

Project Web site and e-mail

A Project web site has been created. This web site is updated weekly or biweekly as appropriate. The site was designed to be user friendly to a variety of user connections accessing data on the site.

The web site allows access to real-time Project information including construction progress photos, traffic updates, trip planning, Project maps, Project history, new technological accomplishments, and contact information. Emphasis is placed on what lies ahead for design and construction, and how the public can get information and make comments. The site also provides visitors with information for all aspects of work, including bridge design, right-of-way, and pre-construction activities. Links are prominently displayed on the home page to gain access to DBE special assistance

programs for the Project. As construction begins, a "what's new" link will regularly be updated to advise about the latest developments, anticipated traffic contacts, and alternative routing. Use of Live traffic camera links showing construction activities will be explored.

E-mail and direct mail databases have been compiled and are regularly updated. The website, e-mail and direct mail are used to inform stakeholders about Project developments and upcoming public events and comment opportunities.

Project Hot Line

A hot line to the BSMT to accept calls from constituents regarding the Project has been established.

Speakers' Bureau

Various speaking opportunities arise during the course of design and construction. Project team members develop presentations tailored for specific audience interests and topics.

White Papers

Team members prepare white papers when requested by the BSMT to address specific issues of concern to the public or the team.

Informational Tools

Brochures are developed as information sharing tools to explain the design and construction work, the schedule, and how to get information. These are distributed to stakeholders, elected officials, government agencies, town halls, libraries, and other community gathering spots for further widespread public distribution.

Progress bulletins, or one-page "announcements," are also developed as stand-alone documents or used as inserts into other materials (newsletters, brochures) to report, "what's new" and advise on Project developments, specific issues, and upcoming public events.

A Project logo, shown here, has been developed to help brand/identify the Project.



Targeted Messages

Public service announcements using local media outlets are used to alert people to upcoming publications, the web site, and other avenues to obtain information.

TRIMARC

Information will be provided to TRIMARC concerning traffic management, diversions and lane closures during construction.

15.2 Internal Communications

INTERNAL COMMUNICATIONS TOOLS

Project Management Meetings

Bi-State Management project management meetings with BSMT members, the GEC, and others are held as required. These meetings are used to update the status of ongoing Project issues as well as provide a forum for new business. These meetings may be held using teleconferencing.

COORDINATION

A master meeting schedule that includes all scheduled meetings requiring BSMT attendance or input has been established. Informational copies of all meeting minutes are provided to all attendees and the BSMT.

PROJECT REPORTS

Internal reports are developed as required to inform the Project team, satisfy directed report requirements, and generally manage the Project. To the greatest extent possible, these reports are electronic and serve dual purposes to limit the number of individual reports required.

15.3 Project Ombudsmen Communications

Two full-time ombudsmen are engaged for this Project (See Chapter 19).



Fountain at Waterfront Park, Louisville

16.0 CIVIL RIGHTS PROGRAM

DISADVANTAGED BUSINESS ENTERPRISE, MINORITY AND WOMEN-OWNED BUSINESS, AND SMALL BUSINESS PROGRAMS MANAGEMENT

The DBE program is a federally mandated component of the Project that details the principles and procedures for enhancing the involvement and participation of Disadvantaged Business Enterprises (DBEs) in planning, design, and construction of the Project. The Minority and Women-Owned Business and Small Business Programs also encourage the involvement of minority businesses, women-owned businesses, and small businesses in the Project. The DBE Program includes guiding principles, organizational involvement and oversight responsibilities, descriptions of the methodology for regulatory compliance, and proposed key initiatives. The Design-Builders will be

required to implement a proactive DBE program that is consistent with the Project DBE Program.

The Mission Statement for the Project's DBE, MBE, WBE and Small Business programs is to:

- Address the need to develop and nurture disadvantaged, minority-owned, women-owned and small businesses for the Ohio River Bridges Project.
- Cite the opportunity presented by the Ohio River Bridges Project for DBE firms to master new skills and grow and prosper, resulting in a more skilled work force and a stronger economic base for years to come.
- Articulate the commitment of the KYTC, the INDOT and the FHWA to provide meaningful participation by qualified DBE, minority-, women-owned and small businesses.

16.1 Kentucky DBE Program

The Kentucky DBE program is managed by the KYTC Office for Civil Rights and Small Business Development in Frankfort. The program provides information about the resources and opportunities available to the business community in community meetings, which are held at locations throughout the region. Kentucky DBE coordinators and officials from the Project present updated information and interact directly with business owners, students and members of the general public.

The Kentucky DBE Program helps qualifying firms:

- Secure DBE certification status - The Project represents an unprecedented employment and workforce development resource for the community. Minority-owned, women-owned and small businesses must obtain DBE certification before pursuing many of the opportunities presented by the Project.
- Meet requirements for design and construction prequalification - Firms wishing to provide design, right-of-way or construction services for the KYTC must obtain prequalification status for each service in which a company seeks to work.
- Foster partnering and mentoring relationships with firms employed on the Project and explore professional development opportunities for companies in engineering, construction and related disciplines.

16.2 Indiana DBE Program

The Indiana DBE program is managed by INDOT's Economic Opportunity Division. The Indiana DBE program for the Ohio River Bridges Project is part of INDOT's federally approved comprehensive DBE program for the State of Indiana. INDOT is committed to building on the successes of its existing DBE program and ensuring a quality DBE program is included as part of this Project.

INDOT's DBE program for this Project will:

1. Ensure INDOT certifies qualified DBEs in a timely manner. Due to the size and scope of the Project, the Project will have a great deal of opportunities for small,

minority-owned, and women-owned businesses. Obtaining DBE certification will provide these businesses with additional opportunities on the Project. INDOT's DBE certification staff will make every effort to maintain the integrity of the DBE program by:

- a. Reviewing certification applications carefully to ensure only qualified DBEs are certified into the DBE program.
 - b. Reviewing annual affidavits and certified firms to ensure only qualified firms remain certified.
2. Ensure Project participants comply with DBE requirements, including:
 - a. Providing documentation of good faith efforts to meet DBE goals set for the Project.
 - b. Ensuring DBEs perform commercially useful functions on the Project and proper DBE credit is assigned to each DBE.
3. Provide DBE capacity building through supportive services programs and outreach efforts, including:
 - a. INDOT's Entrepreneurial Development Institute (EDI), which provides intensive managerial and technical training for construction contractors and professional services providers.
 - b. INDOT's Statewide Indiana DBE Initiative (SINDI), which provides DBE and program eligible firms with state-of-the art continuing education programs that address construction management and engineering topics that will help DBEs better sustain their operations in an unprecedented economic environment.
 - c. New DBE Orientation, which provides DBEs with an overview of how to do business with INDOT.

17.0 CONSTRUCTION CLOSEOUT PLAN

Construction Closeout is defined as the satisfactory completion of all work relating to both the RFPs for final design and construction and items added by supplemental agreement or change order.

18.0 DOCUMENT CONTROL

Three web-based collaborative document control systems will be used as the document control and archival system for the Project. The BSMT will maintain a Document Control System using ProjectWise, for preliminary design information, environmental documentation, continued Bi-State requirements etc. Each of the Design-Builders will also have a Document Control System, to allow for the handling of design submittals and reviews and construction RFI from the Design-Builder to the contracting state. All official Project documents and correspondence including design files, specifications, cost estimates, office documents, and e-mail are retained in the Document Control System. The document control system reduces the volume of paper documents produced and allows review and submission of documents electronically. The system is compatible with supporting electronic review systems already in place at INDOT and KYTC.

19.0 OMBUDSMAN

19.1 Kentucky and Indiana Ombudsmen

Specific language in the Revised ROD provides for the inclusion of an Ombudsman for each crossing. The Ombudsmen's roles are to provide property owners, neighborhood associations, and other groups and individuals with an independent and impartial channel for addressing concerns or issues raised during the Project. The Ombudsmen are responsible for communicating with the public on all aspects of the Project and investigating reported problems. They report all complaints, their findings and recommendations to the BSMT for resolution.

The Ombudsmen are independent and impartial points of contact for the Project. They do not provide any legal counsel nor is information provided by their Offices intended to substitute for legal advice.

19.2 Roles of the Ombudsman

- The Ombudsman serves as an independent advocate and impartial source of information regarding the Project. The Ombudsman assists citizens who have questions and concerns associated with the Project and who have been unable to obtain answers and remedies by way of normal processes.
- The Ombudsman helps citizens understand the Project, how the Project is being implemented, how questions and information requests can best be answered, and how concerns and complaints can be addressed and brought to resolution.
- The Ombudsman reviews comments and complaints and advises as to the most appropriate resolution.
- The Ombudsman responds to information requests, comments and complaints regarding the Project by appropriate means and within appropriate timeframes. The Ombudsman communicates issues, comments, complaints, findings and recommendations to the BSMT for consideration and resolution.
- The Ombudsman provides citizens with a neutral process of conflict resolution and a means by which constructive recommendations may be made. The Office of the Ombudsman, by providing a direct and informal avenue for mediation is intended to enhance the relationship between citizens and Project implementers, and ultimately improve the administration of the Project itself.
- The Ombudsman must demonstrate the highest level of professional ethics and integrity. When making recommendations, the Ombudsman suggests actions or policies that will be fair to all parties.

19.3 Responsibilities of the Ombudsman

- Execute their roles in accordance with ethics, standards and criteria promulgated by professional Ombudsmen associations as important guideposts.
- Work with the BSMT to set up and maintain the Office of the Ombudsman.

- Work with the BSMT to develop roles, responsibilities and policies for the execution of duties by the Ombudsman and for the operation of the Office of the Ombudsman.
- Work with the BSMT to develop policies for the interface and methods of communication between the Ombudsman and the BSMT.
- Continue to develop conflict resolution skills, through affiliation with professional Ombudsman organizations and through professional Ombudsman training.

19.4 Response to Public Inquiries and Concerns

- Develop and maintain a thorough working knowledge of the Project by reviewing appropriate documents, attending pertinent meetings and conferring with knowledgeable individuals, organizations and government agency and Project staff.
- Utilize the BSMT as an important resource regarding Project information and government policies and processes.
- Respond to public and private requests for information regarding the Project that are appropriate to the Ombudsman role, and in a manner recognizing the Project's public involvement activities as an important information resource.
- Develop and maintain a data and information system with appropriate procedures, criteria, formats and timeframes for receiving, reviewing, tracking and responding to public and private information requests, comments and complaints regarding the Project.
- Address Project-related citizen concerns and complaints as a neutral information broker between parties, by facilitating constructive interaction and meetings between stakeholders, and by making recommendations to the BSMT for the resolution of any conflicts.

19.5 Project Interface

- Communicate regularly with the BSMT regarding public and private interest, comments and complaints regarding the Project by way of BSMT meeting attendance and agenda item reports, as requested by the BSMT.
- Communicate with the BSMT to develop and determine equitable and appropriate solutions regarding concerns and complaints communicated to the Office of the Ombudsman.
- Work with the BSMT to further define and continually update the roles and responsibilities of the Ombudsman and the functions of the Office of the Ombudsman throughout the duration of the Project as warranted, for purposes of the Project "Management Plan."
- Prepare, and communicate to the BSMT, monthly reports regarding pertinent information and activities of the Office of the Ombudsman and the status of issues brought to the Ombudsman for assistance or resolution.

- Prepare, and communicate to the BSMT, an Annual Report regarding activities of the Office of the Ombudsman along with pertinent information, findings and recommendations.

19.6 Policies of the Ombudsman Office

- The Ombudsman uses the provisions and stipulations in the Project ROD as primary points of reference and guideposts in executing the duties of the Ombudsman and in operating the Office of the Ombudsman.
- The BSMT supports, as provided and stipulated in the ROD, the purpose, roles, responsibilities and policies of the Ombudsman.
- The BSMT and the Ombudsman have determined the roles, responsibilities and policies of the Ombudsman for purposes of the Project Management Plan and for the execution of duties by the Ombudsman.
- The Ombudsman communicates with the BSMT as requested at BSMT meetings and by contact with individual members of the BSMT when as needed.
- The Ombudsman contacts and meets with individuals, organizations, associations and government agencies when appropriate and as needed for the purposes of executing the duties of the Ombudsman.
- The Ombudsman observes communication protocol, established by the BSMT and the Ombudsman, when requesting information and answers to questions from Project staff.
- The Ombudsman submits all complaints regarding the Project to the BSMT for review and recommendation of appropriate response.
- The Ombudsman makes every reasonable effort to ensure confidentiality regarding questions, comments, information requests and complaints when requested, but the Ombudsman cannot guarantee confidentiality of public records.
- The Ombudsman submits to the BSMT for review and determination, any request for records, documents and/or files of the Ombudsman or the Office of the Ombudsman.
- The Ombudsman makes every reasonable effort to respond promptly, completely and efficiently to all inquiries and complaints received by the Ombudsman.
- The Ombudsman has established and maintains a reliable, efficient and appropriate inquiry and response system for the purpose of executing the duties of the Ombudsman.
- The Ombudsman attends, as needed for the purpose of executing the duties of the Ombudsman, any appropriate meetings where public attendance is permitted.
- The Kentucky Ombudsman communicates and interacts constructively with the Indiana Ombudsman, who does the same, for the purpose of executing the duties of their respective Ombudsman Offices.
- The Ombudsman, with the support of the BSMT, continues to develop professional skills and to associate with professional organizations that will

enhance the Ombudsman abilities and capacity to execute the duties of the Ombudsman with regard to mediation and conflict resolution.

19.7 BSMT Oversight of the Ombudsman

The BSMT has the authority and oversight responsibility of the Ombudsman Offices to ensure they are fulfilling their roles and responsibilities.

20.0 APPENDICES

20.1 Appendix A - Organizational Chart

The planned Project organizational chart is shown below:

**[CHART TO BE REVISED
TO REFLECT
CURRENT ORGANIZATION]**

20.2 Appendix B - FHWA Responsibilities Matrix

#	Activity	Authority (23 CFR Section unless designated otherwise)	Action	Frequency	Delegated To
R = Review, A = Approve, C = Compliance					
SP	Statewide Planning				
1.	20 yr Statewide transportation plan	450.214	R for C	As updated	Community Planner
2.	3 yr STIP & amendments	450.216, 220	R & A w/ FTA	As requested by State -at least biennially	Community Planner
3.	Interstate additions & access revisions	470.111, 115(a)	R & A or Recommend action to HQ for system to system or new	As requested by State	HQ and/or Des. Eng.
4.	NHS revisions	470.113, 115(a)	Review & Recommend action to HQ	As requested by State	HQ
MP	Metropolitan Planning				
1.	Transportation plan for non-attainment metropolitan areas	450.322	R & A	Every 3 years	Community Planner
2.	Transportation plan for attainment metropolitan areas	450.322	R for C	Every 5 years	Community Planner
3.	TIP and corollary STIP amendments for non-attainment areas	450.324 - 330(b)	R & A	As requested by State - at least biennially	Community Planner
AQ	Air Quality				
1.	Transportation plan conformity determination for non-attainment areas	450.322(d)	R & A	Every 3 years	Community Planner
2.	TIP conformity determination for non-attainment	450.330(b)	R & A	Every 2 years	Community Planner
E	Environment				
1.	Environmental document determination (all other projects)	771.113	R & A	As submitted by State	Proj. Mgr.
2.	Final EIS	771.125	R & A	As submitted by State	Div. Admin.
3.	Record of Decision	771.127	R & A	30 days after	Div. Admin.

				publishing FEIS	
4.	EIS written re-evaluations	771.129	R & A	If no action is taken within 3 years after FEIS as submitted by State	Proj. Mgr.
5.	Section 4(f) individual	771.135	R & A	As submitted by State	Proj. Mgr.
6.	Section 106 actions	36 CFR 800	R & A	As submitted by State	Proj. Mgr.
7.	Implement Mitigation Commitments during PS&E Review	635.309(3)(j)	R & A	Project by Project	Proj. Mgr.
DCM	Design, Construction, & Maintenance				
1.	Consultant Agreements, Supplements, and Settlements for Megaproject	172.5	R & A	As needed	Proj. Mgr.
2.	Projects Near Airports	620.103	R	As requested	Proj. Mgr.
3.	Highway Facility Relinquishment	620.203	R & A	As needed	Proj. Mgr.
4.	Design Exception Request	625.3	R & A	As needed	Proj. Mgr. w/ Des. Eng.
5.	Plans, Specifications, & Estimates (PS&E)	630B, 633.102 23 USC 106	R & A	Project by project	Proj. Mgr.
6.	Competitive Bidding	635.104 23 USC 112	R & A	As requested	Proj. Mgr.
7.	Use of Public Owned Equipment	635.106	R & A	As needed	Proj. Mgr.
8.	Changed Conditions	635.109	R & A	As needed	Proj. Mgr.
9.	Concurrence in Award	635.114 23 USC 112(d)	R & A	Project by project	Proj. Mgr.
10.	Changes and Extra Work	635.120	R & A	As needed	Proj. Mgr.
11.	Claims	635.124	R & A	As needed	Proj. Mgr.
12.	Statement of Materials and Labor (NHS projects of \$1 million or more) (form FHWA-47)	635.126	Periodically R for C (State prepares and submits to HQ)	Project by project	Proj. Mgr.
13.	Public Agency Furnished Material	635.407	R	As needed	Proj. Mgr.
14.	Utility Agreement	645.113	R & A	Project by project	Proj. Mgr.
15.	Railroad Agreement	646.216	R & A	Project by project	Proj. Mgr.
16.	Construction Inspection	FAPG G	R for C	As needed	Proj. Mgr.

		6042.8			
17.	Project Authorizations/Agreements (PE, Final Design, ROW, Utilities, RR, Force Account)	630 Subpart C	Accept	As needed	Proj. Mgr. w/Fin. Mgr.
18.	Authorization to Advertise	630.106 635.309	R & A	Project by project	Proj. Mgr.
19.	Advanced Construction (all projects)	630.705	R & A	As needed	Proj. Mgr.
20.	Payroll (all projects)	635.118	R	As needed	Proj. Mgr.
21.	Termination of Contract	635.125	R & A	As needed	Asst. Div. Admin.
22.	Value Engineering (NHS and \$25 million or more)	627 P.L. 104-59 Sec 303	R for C (State conducts study)	Project by project	Proj. Mgr. w/ Des. Eng.
23.	Bid Opening/Tabulations	635.113	Periodically R for C (State takes action)	Per letting	Proj. Mgr. & Project Delivery Team Leader (w/ADA)
24.	Utility Agreement Alternate Procedure	645.119	R & Accept	One time	Proj. Mgr. & Project Delivery Team Leader (w/ADA)
25.	Utility Accommodation Policy	645.215	R & A	When changes occur	Proj. Mgr. & Project Delivery Team Leader (w/ADA)
26.	Railroad Agreement Alternate Procedure	646.220	R & A	One time	Proj. Mgr. & Project Delivery Team Leader (w/ADA)
PM	Pavement & Materials				
1.	Buy America	635.410	R & A	As Needed	Proj. Mgr.
2.	Proprietary Materials	635.411	R & A	As Needed	Proj. Mgr.
3.	Warranties	635.413	R & A	As Updated	Proj. Mgr.
4.	Convict Produced Materials	635.417	R & A	As Needed	Proj. Mgr.
5.	Materials Acceptance	637.207	R & A	As Updated	Proj. Mgr.
6.	Quality Control/Quality Assurance Programs	637.207	R & A	As Updated	Proj. Mgr.

7.	Sampling and Testing of Materials	637.207	R & A	As Updated	Proj. Mgr.
B	Bridge				
1.	HBRRP eligibility determinations	650 Subpart D	R & A	Project by project	Finance
2.	HBRRP discretionary candidate submittals	650 Subpart D	R & A	Annually by July 1	Bridge Engineer
3.	TS & L and PS&E reviews	630, 23 USC 106, and W.O. 11/13/98 memo	R & A	Project by project	Proj. Mgr. w/ Bridge Eng.
4.	Innovative Bridge Research and Construction Program eligibility determination	23 USC 503(b)	R & A and submit to HQ	Annually (date varies)	Bridge Eng.
5.	Construction inspections	FAPG G 6042.8	R for C	As needed	Proj. Mgr. w/ Bridge Eng.
M	Mobility/ITS				
1.	Congestion management system	500.109	R for C	As needed/revised by MPO/State	Proj. Mgr. (w/ ITS Eng.
2.	Conformity with National ITS Architecture	FHWA Final Rule dated January 8, 2001	R for C	As needed w/PS&E submission (full oversight projects that affect regional integration)	Proj. Mgr. (w/ ITS Eng.
3.	ITS Life Cycle Cost (>\$3 million) and ITS Financing and Operations Plan	TEA-21 Section 5210	R for C	As needed for projects funded by TEA-21 Sections 5208 and 5209	Proj. Mgr. (w/ ITS Eng.
4.	ITS Service Plan	TEA-21 Section 5207	Develop	As needed	ITS Eng.
FM	Financial Management				
1.	Finance Plan & Annual Updates for Mega projects	TEA-21 Section 1308, and associated FHWA Guidance	Review & Accept	Prior to authorization of construction, and annually thereafter.	Div. Admin.
2.	Project Agreements - including drug free work place and other provisions	630 Subpart C	Accept	As needed	Fin. Mgr. w/ Proj. Mgr.
3.	Fed-aid billing reimbursement of eligible expenditures	140, 635.122	R & A	Weekly	Fin. Mgr.

4.	Transfer of funds as requested by State	23 USC 104 (c) and 119 (f)	R & A	As needed	Fin. Mgr.
S	Safety				
1.	Work Zone Safety Process review of effectiveness	630.1010	R & A	Annually by Sept. 30	Safety Eng.
R/W	Right-of Way				
1.	State R/W Manual changes	710.201	R & A	Jan. 1, 2001 & every 3 years thereafter	ROW
2.	Uniform Relocation Assistance and Real Property Acquisition Report - (OMB Form 2125-0030)	49 CFR 24.9(c) and Appendix B	R	Every 3 years	Proj. Mgr. w/ ROW
3.	Requests for waivers	49 CFR 24.204(b)	R & A	As submitted by State	Proj. Mgr. w/ ROW
4.	Use of R/W Air Space authorization request (on Interstate system)	710.405	R & A	Project by project	Proj. Mgr. w/ ROW
5.	Access Break / R/W Disposal authorization request (if on Interstate system or fair market value not charged)	710.401, 409	R & A	Project by project	ROW
6.	Functional Replacement	710.509	Periodically R for C (State takes action)	As needed	ROW
7.	Lead Agency Uniform Act monitoring activities	24.603	R for C	As needed	ROW
8.	Develop R/W oversight agreement	710.201(i)	R & A	By Jan. 1, 2001 and updated as needed	ROW
CR	Civil Rights				
1.	Title VI Plan accomplishments and next year's goals	200.9	R & A	Annually by Oct. 1	Civil Rights
2.	Title VI Plan update	200.9	R & A	As needed or requested by State	Civil Rights
3.	EEO Contract Compliance review reports (form FHWA 86)	230.409 230.413	R & A	As submitted by State	Civil Rights
4.	Disadvantaged Business Enterprise (DBE) Program revisions	49 CFR 26.21(b)	R & A	As needed or as requested by State	Civil Rights
5.	State's DBE program goals	49 CFR 26.41	R & A	Annually by Aug 1	Civil Rights
6.	Supportive services funds requests	230.113	R & A	As requested by State	Civil Rights
7.	Annual Contractor	230.121(a)	R for C and	Annually by	Civil Rights

	Employment Report (Construction Summary of Employment Data (form PR-1392))		send to HQ	Sept 25	
8.	Report on supportive services (On-the-Job Training (OJT) & DBE)	230.121(e)	R for C and send to HQ	Quarterly by April 15, July 15, Oct 12, and Jan 15	Civil Rights
9.	OJT goals & accomplishments	230.111(b)	R for C	Annually by Jan 30	Civil Rights
10.	Report on supportive services (OJT & DBE)	230.111, 113	R for C	Quarterly	Civil Rights
11.	Americans with Disabilities Act Review complaint	Voluntary agreement with Justice Dept.	Conduct evaluation & correct or recommend action to HQ	As requested by HQ	Proj. Mgr.

20.3 Appendix C - Publications and Documents cited in the PMP incorporated by reference


1. *FHWA Resource Manual for Oversight Management*
2. *FHWA Major Projects Financial Plans Guidance*
3. *FHWA Major Projects Project Management Plans Guidance*
4. *Louisville-Southern Indiana Ohio River Bridges Project Final Environmental Impact Statement - 2003*
5. *Louisville-Southern Indiana Ohio River Bridges Project Supplemental Environmental Impact Statement - 2012*
6. *Louisville-Southern Indiana Ohio River Bridges Project Record of Decision -2003*
7. *Louisville-Southern Indiana Ohio River Bridges Project Record of Decision -2012*
8. *Louisville-Southern Indiana Ohio River Bridges Project Initial Financial Plan – 2008*
9. *Louisville-Southern Indiana Ohio River Bridges Project 2012 Financial Plan Update*
10. *Louisville-Southern Indiana Ohio River Bridges Project Right of Way Acquisition Strategic Plan*
11. *Louisville-Southern Indiana Ohio River Bridges Project Communications Program Strategies Guidance Document*
12. *Louisville-Southern Indiana Ohio River Bridges Project Bi-annual Master Progress Reports*
13. *Louisville-Southern Indiana Ohio River Bridges Project Disadvantaged Business Enterprise Program*
14. *KYTC Professional Services Guidance Manual*
15. *KYTC Structure Design Guidance Manual*
16. *KYTC Drainage Design Guidance Manual*
17. *KYTC Highway Design Guidance Manual*
18. *KYTC Geotechnical Guidance Manual*
19. *KYTC Permits Guidance Manual*
20. *KYTC Traffic Operations Guidance Manual*
21. *KYTC Contract Procurement Guidance Manual*
22. *KYTC Pavement Design Guidance Manual*
23. *KYTC Materials Guidance Manual*
24. *KYTC Right of Way Guidance Manual*
25. *KYTC Utilities and Rail Guidance Manual*
26. *KYTC Division of Environmental Analysis Environmental Procedures Manual*
27. *KYTC Computer Aided Design and Drafting Standards*
28. *Design-Specific Memoranda issued by the Kentucky Transportation Cabinet*
29. *Kentucky Standard Specifications for Road and Bridge Construction, Current Edition*
30. *Indiana Design Manual*
31. *INDOT Standard Specifications Book, Current Edition*
32. *INDOT Standard Drawings*
33. *INDOT Erosion and Sediment Control Handbook*
34. *INDOT Office of Environmental Services Waterway Permit Manual*
35. *INDOT Right-of-Way Procedure Manual*
36. *INDOT Procurement Manual*
37. *INDOT Partnering Handbook*

- 38. *INDOT Materials and Testing Frequency Manual*
- 39. Design-Specific Memoranda issued by Indiana Department of Transportation
- 40. *Highway Capacity Manual*
- 41. *American Association of State Highway and Transportation Officials Green Book and Bridge Book*
- 42. *Manual of Uniform Traffic Control Devices*

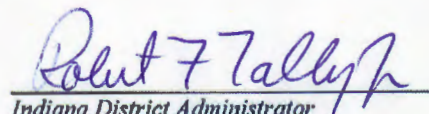
21.0 EXECUTIVE LEADERSHIP ENDORSEMENT

We, as executive leadership of the Federal Highway Administration, Indiana Department of Highways, and Kentucky Transportation Cabinet for the Louisville-Southern Indiana Ohio River Bridges Project, endorse this Project Management Plan and are committed to actively supporting it. We accept responsibility for fulfilling any aspect of the plan that applies to us, including providing resources, actively participating, and effectively communicating. Our endorsement is an active and positive statement that we are committed to fulfilling the project objectives and responsibilities designated in this plan. The effectiveness of this Project Management Plan will be continuously evaluated, and revisions will be issued as the project progresses in order to generate the most effectively managed project while meeting the Project objectives.

Jose Sepulveda


Kentucky District Administrator
Federal Highway Administration

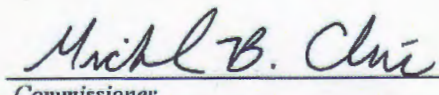
Robert F. Tally, Jr.


Indiana District Administrator
Federal Highway Administration

Mike Hancock


Secretary
Kentucky Transportation Cabinet

Michael Cline


Commissioner
Indiana Department of Transportation