



INDIANA DEPARTMENT OF TRANSPORTATION

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Eric Holcomb, Governor
Joe McGuinness, Commissioner

INDIANA
STATE ETHICS COMMISSION

April 12, 2018

APR 12 2018

Mr. James Clevenger, Chair
Indiana State Ethics Commission
315 West Ohio Street, Room 104
Indianapolis, Indiana 46202

FILED

RE: Waiver of Application of 42 IAC 1-5-1 (the "Gift Rule") for Certain Items of Value Received by INDOT Employees Sarah Rubin and Paul Boone Attending the IBTTA: Managed Lanes, AET & Technology Summit on April 22-24, 2018

Dear Mr. Clevenger:

Joe McGuinness, the appointing authority of the Indiana State Department of Transportation ("INDOT"), has designated authority to me as the agency's ethics officer to waive application of the Gift Rule in individual cases when consistent with the public interest. My authority under that designation continues until it is revoked or changed by the current INDOT Commissioner.

I am hereby waiving application of 42 IAC 1-5-1(a) for INDOT employees Sarah Rubin and Paul Boone so that they could accept registration fees to attend the International Bridge, Tunnel and Turnpike Association (the "IBTTA"): Managed Lanes, AET & Technology Summit (the "Technology Summit") on April 22-24, 2018 at the Sheraton Charlotte/Le Méridien Complex, 555 South McDowell Street, in Charlotte, North Carolina 28204.

Information about the Technology Summit can be found online at:

https://www.ibtta.org/sites/default/files/documents/2018/Charlotte/2018_AETCharlotte_Brochure.pdf

The item of value received by each of these INDOT employees attending the Technology Summit was the registration fee to the Technology Summit with a fair market value of \$900.00 per person (in the Delegate Non-Member Government classification).

These items of value for INDOT personnel attending the Technology Summit will be paid for by consultant HNTB Corporation ("HNTB"), which has a business relationship with INDOT. INDOT is paying for all travel, hotel, meals, and other costs (besides the \$900 registration fees) for these INDOT employees to attend the Technology Summit.

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HNTB's role in advising INDOT on tolling issues and industry standards includes immersing INDOT in those discussions and helping to connect INDOT with the tolling industry as the agency begins to develop its Strategic Plan for toll implementation. The Strategic Plan will establish the proposed corridor sequencing for tolling, types of technology to be utilized, requirements for implementing the technology, and the environmental work needed to achieve tolling implementation on Indiana's interstates.

The two INDOT employees are INDOT's Statewide Tolling Implementation Director and Deputy Director. These INDOT employees will participate in topics such as next-generation technology, changing trends in car ownership and usage, innovative dynamic pricing models, integrating mobility networks, and communication strategies with communities and who will be paying those tolls. The Technology Summit will include participants from other state DOTs, technology vendors, and the firms who build, manage and advise on tolling projects nationwide. Having a better understanding of the issues facing the industry will be beneficial to INDOT.

INDOT personnel covered by this waiver are hereby instructed to not accept any other item with greater than nominal value from HNTB or while at the Technology Summit (other than printed informational material). These INDOT personnel are also instructed that if they wish to attend any of the social events, such as the IHBTTA Foundation Golf Tournament, they must do so at their own time and expense.

Indiana Code 8-23-2-4.1(4)(A) provides that INDOT is responsible for the "construction, reconstruction, improvement, maintenance, and repair of (state) highways" and Indiana Code 8-23-2-5(a)(4) imposes upon INDOT the statutory duty in to "evaluate and utilize whenever possible improved transportation facility maintenance and construction techniques."

Therefore, it is my opinion that it is consistent with the public interest for these INDOT employees to attend the Technology Summit on April 22-24, 2018, and to receive the items of value specified above, even though payment for these items is being made by an entity that has a business relationship with INDOT. Based on this finding, I am hereby waiving application of 42 IAC 1-5-1(a) to the extent previously set forth in this letter.

If you need additional information or have any questions about this letter, please feel free to contact me at 317/232-5411 or at mtidd1@indot.in.gov.

Sincerely,



Mark J. Tidd
Prequalification Director and Ethics Officer

cc: Jennifer Cooper, Indiana State Ethics Commission Director
Alison J. Grand, Deputy Commissioner and Chief Legal Officer, INDOT