Louisville–Southern Indiana Ohio River Bridges Project

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Categories:

Experience

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In 2012, Frost Brown Todd was selected through an RFP process to serve as counsel to the Kentucky Transportation Cabinet (KYTC) for the $2.58 billion Louisville – Southern Indiana Ohio River Bridges Project. The project involves the design and construction of two bridges across the Ohio River within the Louisville metro area, the replacement of an interchange between I64, I65, and I71 known as "Spaghetti Junction," and construction of a half-mile tunnel approach in Eastern Jefferson County as part of the East End Crossing portion of the project. The project will be by far the largest public works project ever undertaken by the Commonwealth of Kentucky. View the Southern Indiana Ohio River Bridges Project website.

FBT assisted KYTC in the "best value" procurement process and the development and coordination of the RFQ, RFP, instructions to proposers, and specifications issued to proposing design-build teams. FBT also participated in meetings with the proposing design-build teams (led by Walsh, Kiewit and Skanska) to discuss project and contract issues. FBT drafted the $860 million design-build contract between KYTC and Walsh (the successful design-build team), and advised KYTC regarding complex insurance and bonding needs for the project.

FBT assisted KYTC in meetings and discussions with the Federal Highway Administration (FHWA) to secure its approval and consent for the design-build procurement model and contract.

FBT also represented KYTC in the negotiation of agreements between the Commonwealth of Kentucky and the State of Indiana ("Bi-State Development Agreement" and "Interlocal Agreement") that involved tolling, revenue sharing, prevailing wage, real estate and other attendant issues. FBT continues to advise KYTC on certain financing issues and will represent KYTC in any disputes or litigation that may arise relating to the project.

Prior to KYTC engaging FBT for the range of issues discussed above, FBT served as legal counsel to Kentucky and Indiana during the

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1998-2003 Environmental Impact Statement (EIS) process, as well as the Supplemental EIS process which culminated in the Record of Decision (ROD) received in July 2012, allowing the project to move forward. FBT also represents KYTC in pending federal court litigation by various interest groups challenging the EIS process and ROD.

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