

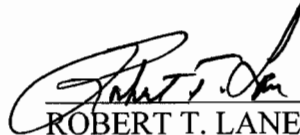
**STATE OF ILLINOIS
POLLUTION CONTROL BOARD
JAMES R. THOMPSON CENTER
100 W. RANDOLPH STREET, SUITE 11-500
CHICAGO, IL 60601**

PETER AREDOVICH,)
)
 Complainant,)
)
 v.) PCB 29009-102
)
 ILLINOIS STATE TOLL HIGHWAY)
 AUTHORITY,)
 Respondent.)

NOTICE OF FILING

TO: Mr. Peter Arendovich
1388 Gordon Lane
Lemont, IL 60439

Please take notice that on the 15th day of July, 2009, Respondent, Illinois State Toll Highway Authority's MOTION TO DISMISS FRIVOLOUS COMPLAINT was filed with the Clerk of the Pollution Control Board, James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, Chicago, IL 60601 via electronic filing.



ROBERT T. LANE
Assistant Attorney General
Illinois Toll Highway Authority
2700 Ogden Avenue
Downers Grove, IL 60515
(630) 241-6800 (ex. 1530)

LISA MADIGAN,
Attorney General of Illinois

ILLINOIS POLLUTION CONTROL BOARD

PETER AREDOVICH,)	
)	
Complainant,)	
)	
v.)	PCB 09-102
)	(Enforcement-Noise)
THE ILLINOIS STATE TOLL HIGHWAY AUTHORITY,)	
)	
Respondent.)	

MOTION TO DISMISS FRIVOLOUS COMPLAINT

Respondent, The Illinois State Toll Highway Authority (“Tollway”), through its attorney, LISA MADIGAN, Attorney General of the State of Illinois, pursuant to 415 ILCS 5/31, moves the Pollution Control Board to dismiss the Complainant’s Formal Complaint because it is frivolous. In support thereof, the Tollway states the following:

I. Issue

Complainant Peter Arendovich has filed a Private Enforcement Action with the Illinois Pollution Control Board (hereinafter referred to as the “Board”). Complainant alleges that the Tollway is causing noise pollution in violation of Board regulations, specifically 35 Ill. Adm. Code, Subtitle H, Chapter I, Section 900.102. See copy of Complaint attached as Exhibit A, paragraph 5. Complainant alleges that the noise pollution is caused near his residence by the I-355 extension (Veterans Highway) between the 135th Street Bridge and Archer Avenue. *Id.* at paragraphs 4 and 6. Moreover, Complainant alleges that the Board db(A) requirements are being violated. *Id.* at paragraph 7.

In this case, based on the Tollway’s exhaustive efforts to satisfy the Complainant’s concerns, the fact that Board regulations have not been violated, and the reality that there are no more reasonable remedial measures available to satisfy the Complainant, this matter must be dismissed

as frivolous. A complaint is frivolous if it makes a “request for relief that the Board does not have the authority to grant, or a complaint that fails to state a cause of action upon which the Board can grant relief.” 35 Ill. Adm. Code 101.202.

In the case at bar, the Tollway has exceeded Federal Highway Authority (FHWA) and Tollway guidelines and recommendations for noise abatement. Regardless, Complainant alleges that the Tollway has exceeded the Board db(A) requirements: however, he has failed to articulate what those numeric violations might be. Notwithstanding, the Complaint makes a request for relief that the Board does not have the authority to grant; or alternatively fails to state a cause of action upon which the Board can grant relief. 35 Ill. Adm. Code 101.202.

II. Background

FAP Route 340 (I-355 South Extension) has been contemplated and studied in the Chicago Metropolitan Region since the early 1960's and a centerline, putting the world on notice of the planned tollway, was recorded in 1968. *See* copy of Record of Decision (ROD), FHWA-IL-EIS-93-03-FS/4(f), February 25, 2002; Section I. Background (pg. 1) attached as Exhibit B. In 1993, the Illinois State Legislature authorized the Tollway to examine the feasibility of constructing FAP Route 340 as a tollway. *Id.* At that time, the Illinois Department of Transportation (IDOT) was already analyzing the project and its impacts and began preparing a Draft Environmental Impact Statement (DEIS).

In February 1996, IDOT completed a Final Environmental Impact Statement and Section 4(f) Evaluation (FEIS) which was later approved by the FHWA. *Id.* However, before the venture began, the Illinois Chapter of the Sierra Club, *et al.* filed suit against the project. Sierra Club, Illinois Chapter v. U.S. Dept. of Transp., 962 F.Supp. 1037 (N.D. Ill. 1997). On November 12, 1998, the proposed I-355 extension was declared invalid. *Id.* ROD at 1.

After the initial FEIS was invalidated, a Notice of Intent was published in the Federal Registrar to initiate the Draft Supplemental EIS (Draft SEIS). 64 Fed. Reg. 77, 19854 (Apr. 22, 1999). *See* attached Exhibit C. The purpose of this document was to address the concerns of the aforementioned court ruling. After careful study was completed, the Final SEIS was published in September 2001. *Id.* ROD at 1. On February 25, 2002, the FHWA approved the Final SEIS and signed the Record of Decision. *Id.* ROD at 24.

III. I-355 South Extension Noise Abatement

The 1996 FEIS recommended noise abatement at six locations, including a noise abatement location near the Complainant's residence at 135th Street along the I-355 extension. The SEIS prepared by IDOT in 2000/01 revised the noise abatement recommendations to reflect analysis changes based on the newly released Traffic Noise Model (TNM) adopted by FHWA and implemented by IDOT. *See* 23 C.F.R §772 (1997). *Also see* FAP 340 (I-355 South Extension), Final Supplemental Environmental Impact Statement and Section 4(f) Evaluation, August 31, 2001, (pg. 4-12) attached as Exhibit D. The SEIS reduced the recommended number of noise abatement from six locations to four locations. *Id.* at 4-13. *Also see* attached Exhibit E.

In the 2000/01 SEIS, the noise abatement location near the Complainant's residence at 135th Street along the I-355 extension was eliminated because it was no longer deemed reasonable and feasible per the 2000 IDOT Cost and Noise Reduction Policy (\$24,000 per benefited residence). *Id.* This was due, in part, because the FHWA TNM provided better accountability for terrain information and acoustics and the 2010 noise levels predicted in the 1996 FEIS used STAMINA 2.0 which over-predicted traffic generated noise levels by 2 to 4 dB(A). *Id.* The FHWA considered, *inter alia*, the noise abatement and on February 25, 2002, approved the Final SEIS

and signed the Record of Decision, which did not require a noise abatement location near the Complainant's residence. *Id.* ROD at 24.

Subsequently, in 2004, the Tollway updated the traffic noise study and noise abatement recommendations to reflect 2030 traffic and a continuous six-lane corridor from I-55 to I-80. The final Tollway proposal reinstated all of the original noise abatement recommendations as outlined in the 1996 EIS, which included noise abatement near the Complainant's residence at 135th Street along the I-355 extension. *See* Illinois Tollway, I-355 South Extension (FAP 340) Traffic Noise Analysis Reevaluation Technical Report, August 10, 2005 (pgs. 18, 21-22, 25-26) attached as Exhibit F.

IV. Argument

A. Initial Sound Abatement:

The 2002 FHWA ROD approved the I-355 South extension based on the revised 2000/01 SEIS, which did not include a noise abatement location near the Complainant's residence at 135th Street along the I-355 extension. Nevertheless, on its own initiative, the Tollway conducted an I-355 South Extension Traffic Noise Analysis Re-evaluation and reinstated the 1996 EIS noise abatement recommendations which included noise abatement near the Complainant's residence (noise barrier FEIS-1). *See* attached Exhibit F at 18, 22, and 25. Following the re-evaluation, the Tollway determined that it would build a noise wall 2,450 feet in length and 14 feet in average height. *Id.* at 18. The noise wall had an estimated cost of \$34,300 per benefited residence. *Id.* at 21. Although the Tollway does not have a set cost per benefited residence in order for the noise abatement to be considered cost effective (*see* Illinois State Toll Highway Authority Traffic Noise Study and Abatement Policy attached as Exhibit G), the amount is well above the IDOT figure for cost per benefited residence (\$24,000). The noise abatement

recommendation was made in large part to satisfy the Complainant's frequent and usual concerns relating to noise pollution and to protect the Complainant's enjoyment of his property.

Throughout the final phases of design and early stages of construction, pursuant to the requirements of the Toll Highway Act (605 ILCS 10/9), the Tollway held a series of public meetings. Moreover, the Tollway hosted monthly Local Advisory Committee meetings starting in November 2004, with two meetings specifically designated to discuss noise abatement recommendations. *See* 605 ILCS 10/14. In addition to these meetings, the Tollway made a significant public outreach effort, which included the development and dissemination of project fact sheets throughout construction to reaffirm noise abatement recommendations, as well as providing information regarding the basis for these recommendations. *See* Illinois State Toll Highway Authority Interstate 355 Post-Construction Noise Report, 1-27-2009, (pg. 2) attached as Exhibit H. The Complainant was present at a majority of these public meetings and Local Advisory Committee meetings and was extremely involved in the entire noise abatement process. In fact, many of the noise abatement measures were taken in large part to satisfy the then stated concerns of the Complainant.

B. Further Sound Abatement:

The Tollway's Noise Analysis Reevaluation included a noise abatement recommendation for 135th Street along the I-355 extension in the form of a noise wall 2,450 feet in length and 14.0 feet in average height. The Tollway, nevertheless, attempting to provide further relief to Complainant and surrounding neighbors, exceeded its original sound abatement plan and decided to build a noise wall 2,560 feet in length and 15.8 feet in average height (110 feet longer and 1.8 feet higher than recommendations). *Id.* In response to further noise complaints and concerns from the Complainant, the Tollway, to further accommodate the Complainant and surrounding

persons, extended the noise wall an additional 72 feet and added 2 feet of additional height over the southern 300 feet of the wall . *Id.* This supplemental wall cost the Tollway an additional \$57,879.46. *See* Angela LaPorte e-mail attached as Exhibit I.

C. Final Sound Abatement:

In a final effort to provide relief to the Complainant and surrounding persons, the Tollway built a wooden wall over the bridge near Complainant's home that stretches 240 feet in length and has an average height of 10 feet. *Id.* Exhibit H at 2. This supplemental wall cost the Tollway an additional \$69,280. *Id.* Exhibit I. The current sound wall configuration protecting the Complainant and his neighbors is illustrated in an aerial photograph attached as Exhibit J. The above referenced noise abatement measures were instituted in large part to accommodate and satisfy the concerns of the Complainant.

D. Tollway Policies Concerning Noise Abatement:

The Tollway has not only followed its own policies and procedures when constructing the above referenced sound walls, it has far exceeded its policies. *See* Exhibit G at 5-6. Moreover, the FHWA has expressly stated that the Tollway has fulfilled the commitments relating to noise abatement that were stipulated in the ROD. *See* copy of FHWA letter to Complainant, February 19, 2009, attached as Exhibit K.

Most recently, again in an effort to address Complainant's continued noise concerns, on January 20th and 22nd, 2009, post construction, Tollway staff and traffic noise consultant Huff and Huff measured noise along I-355 in the vicinity of 135th Street along the I-355 extension. The noise measurements north of 135th Street near the Complainant's residence ranged from 56-62dB(A). *See* attached Exhibit L. These levels are well within the acceptable dB(A) limits and

below the federal noise abatement impact criteria of 67dB(A). 23 C.F.R §772, Table 1 (2009) attached as Exhibit M.

E. Conclusion:

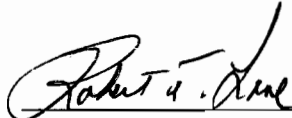
A complaint is frivolous if it is a “request for relief that the Board does not have the authority to grant, or a complaint that fails to state a cause of action upon which the Board can grant relief. 35 Ill. Adm. Code 101.202. In the case at bar, the Tollway’s construction of I-355 noise abatement is consistent with both the federal and state criteria and exceeds the recommendations outlined in the FHWA approved EIS. Moreover, after the Tollway’s re-evaluation, the Tollway built a noise wall that that exceeded the noise wall recommended in the Traffic Noise Analysis Re-evaluation: the noise wall constructed in the vicinity of I-355 and 135th Street near the Complainant’s residence is 422 feet longer and nearly 2 feet higher than that documented in the EIS and required to demonstrate compliance with the National Environmental Policy Act (1970).

Lastly, post-construction field measurements of traffic noise reaffirmed the noise modeling results included in the EIS and confirmed the overall effectiveness of noise abatement in this area. Accordingly, the Tollway has provided Complainant substantial relief from noise pollution and has implemented all feasible and reasonable noise abatement measures. Short of tearing down the previously constructed sound walls and building new taller walls, there is nothing more that can be done for the Complainant. Therefore, the Complaint fails to state a cause of action upon which the Board can grant relief and thus Complainant’s Formal Complaint is frivolous.

V. **Conclusion**

WHEREFORE, Respondent, Illinois State Toll Highway Authority, respectfully requests that the Formal Complaint be dismissed.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Robert T. Lane", written over a horizontal line.

ILYA GILMAN
Senior Law Student
ROBERT T. LANE
Senior Assistant Attorney General
(630) 241-6800 x1530

Exhibit A

State of Illinois
POLLUTION CONTROL BOARD
JAMES R. THOMPSON CENTER
100 W. RANDOLPH STREET, SUITE 11-500
CHICAGO, ILLINOIS 60601

RECEIVED
CLERK'S OFFICE

APR 28 2009

STATE OF ILLINOIS
Pollution Control Board

FORMAL COMPLAINT

**BEFORE THE
ILLINOIS POLLUTION CONTROL BOARD**

Peter Arendovich _____)

_____)

_____)

_____)

(Insert your name(s) on lines
above),)

Complainant(s),)

v.)

The Illinois State Toll Highway Authority)

_____)

_____)

_____)

(Insert name(s) of alleged polluter(s)
on lines above),)

Respondent(s).)

PCB 09-102
(For Board use)


Note: If you do not use this formal complaint form and instead draft and type your own, it must contain all of the information requested by this form. All items must be completed. If there is insufficient space to complete any item, you may attach additional sheets, specifying the number of the item you are completing. Once completed, you must file the original and nine copies of the formal complaint, notice to respondent, and certificate of service with the Clerk of the Board at the above address.

1. Your name, street address,
county, state: Peter Arendovich
1388 Gordon Lane
Lemont, IL 60439


Phone: 630 257-8753

2. Place where you can be
contacted during normal
business hours (if different
from above): Phone: Cell 630-788-8264

3. Name and address of respondent
(alleged polluter): The Illinois State Toll Highway Authority
2700 Ogden Avenue
Downers Grove, IL. 60515
Phone: 630-241-6800

 Describe the type of business or activity that you allege is causing or allowing pollution (e.g., manufacturing company, home repair shop) and give the address of the pollution source if different than the address above:

The business causing the noise pollution is the profit making government agency known as the Illinois State Toll Highway Authority. The noise pollution is caused by the I-355 extension (Veterans Highway) between the 135th Street Bridge and Archer Avenue.

 List specific sections of the Environmental Protection Act, Board regulations, Board order, or permit that you allege have been or are being violated:

35 Ill. Adm. Code, Subtitle H, Chapter I, Section 900.102

Describe the type of pollution that you allege (e.g., air, odor, noise, water, sewer back-ups, hazardous waste) and the location of the alleged pollution. Be as specific as you reasonably can in describing the alleged pollution:

The noise pollution is caused by the traffic along the I-355 extension (Veterans Highway) in the area between 135th Street and Archer Avenue, specifically on the 135th Street Bridge. The 135th Street Bridge is 540 feet long and does not have a sound barrier.

7. Describe the duration and frequency of the alleged pollution. Be as specific as you reasonably can about when you first noticed the alleged pollution, how frequently it occurs, and whether it is still continuing (include seasons of the year, dates, and times of day if known):

The noise pollution was immediately noticeable after the I-355 Tollway (Verterans Highway) was opened on November 11, 2007. The noise pollution is continuous, 24 hours per day, seven days a week. The noise is so frequent that the IPCB db requirements are violated every minute of every day of the year. The noise becomes more intense as large trucks are crossing the bridge at high speeds during the early morning hours and late in the night.

8. Describe any bad effects that you believe the alleged pollution has or has had on human health, on plant or animal life, on the environment, on the enjoyment of life or property, or on any lawful business or activity:

The noise generated by the I-355 Tollway has resulted in an unreasonable interference with the use and enjoyment of my property and other properties in the area. The noise during the night interferes with our sleep which endangers the physical and emotional health and well-being of the families in this area.

9. Describe the relief that you seek from the Board (e.g., an order that the respondent stop polluting, take pollution abatement measures, perform a cleanup, reimburse cleanup costs, change its operation, or pay a civil penalty (note that the Board cannot order the respondent to pay your attorney fees or any out-of-pocket expenses that you incur by pursuing an enforcement action)):

We request that the board enter an order directing the respondents to install a sound barrier wall from the beginning of the bridge on 135th Street up to Archer Avenue at a height that will minimize noise entering our property. Currently, there is a short wooden wall of 240 feet in length and an average of 10 feet high on the bridge or approximately 540 feet in length. The remaining 300 feet on the 135th Street Bridge does not have any sound barrier installed.

10. Identify any identical or substantially similar case you know of that is already pending before the Board or in another forum against this respondent for the same alleged pollution (note that you need not include any complaints made to the Illinois Environmental Protection Agency or any unit of local government):

None known.

-
11. State whether you are representing (a) yourself as an individual or (b) your unincorporated sole proprietorship. Also, state whether you are an attorney and, if so, whether you are licensed and registered to practice law in Illinois. (Under Illinois law, an association, citizens group, unit of local government, or corporation must be represented before the Board by an attorney. Also, an individual who is not an attorney cannot represent another individual or other individuals before the Board. However, an individual who is not an attorney is allowed to represent (a) himself or herself as an individual or (b) his or her unincorporated sole proprietorship, though the individual may prefer having attorney representation.):

I am representing myself as an individual.

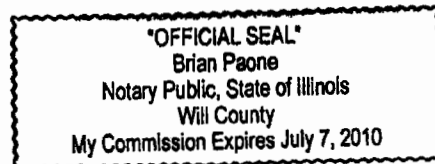
12.

Peter Arendovich
(Complainant's signature)

CERTIFICATION (optional but encouraged)

I, PETER ARENOVICH, on oath or affirmation, state that I have read the foregoing and that it is accurate to the best of my knowledge.

Peter Arendovich
(Complainant's signature)



Subscribed to and sworn before me
this 27th day
of April, 2009.

B. Paone
Notary Public

My commission expires: 7-7-2010

NOTICE TO RESPONDENT

NOTE: THIS STATEMENT MUST BE INCLUDED IN THE SERVICE OF THE FORMAL COMPLAINT ON THE RESPONDENT

INFORMATION FOR RESPONDENT RECEIVING FORMAL COMPLAINT

Please take notice that today I filed with the Clerk of the Illinois Pollution Control Board (Board) a formal complaint, a copy of which is served on you along with this notice. You may be required to attend a hearing on a date set by the Board.

Information about the formal complaint process before the Board is found in the Environmental Protection Act (Act) (415 ILCS 5/1 *et seq.*) and the Board's procedural rules (35 Ill. Adm. Code 101 and 103). These can be accessed at the Board's Web site (www.ipcb.state.il.us). The following is a summary of some of the most important points in the Act and the Board's procedural rules. It is provided for general informational purposes only and does not constitute legal advice or substitute for the provisions of any statute, rule, or regulation:

Board Accepting Formal Complaint for Hearing; Motions

The Board will not accept this formal complaint for hearing if the Board finds that it is either "duplicative" or "frivolous" within the meaning of Section 31(d) of the Act (415 ILCS 5/31(d)) and Section 101.202 of the Board's procedural rules (35 Ill. Adm. Code 101.202). "Duplicative" means that an identical or substantially similar case is already pending before the Board or in court. *See* 35 Ill. Adm. Code 103.212(a) and item 10 of the formal complaint.

"Frivolous" means that the formal complaint seeks relief that the Board does not have the authority to grant, or fails to state a cause of action upon which the Board can grant relief. For example, the Board has the authority to order a respondent to stop polluting and pay a civil penalty, to implement pollution abatement measures, or to perform a cleanup or reimburse cleanup costs. The Board does not have the authority, however, to award attorney fees to a citizen complainant. *See* 35 Ill. Adm. Code 103.212(a) and items 5 and 9 of the formal complaint.

If you believe that this formal complaint is duplicative or frivolous, you may file a motion with the Board, within 30 days after the date you were served with the complaint, requesting that the Board not accept the complaint for hearing. The motion must state the facts supporting your belief that the complaint is duplicative or frivolous. Memoranda, affidavits, and any other relevant documents may accompany the motion. If you need more time than 30 days to file a motion alleging that the complaint is duplicative or frivolous, you must file a motion for an extension of time within 30 days after service of the complaint. A motion for an extension of time must state why you need more time and the amount of additional time you need. Timely filing a motion alleging that the complaint is duplicative or frivolous will stay the 60-day period for filing an answer to the complaint. *See* 35 Ill. Adm. Code 103.204, 103.212(b).

All motions filed with the Board's Clerk must include an original, nine copies, and proof of service on the other parties. Service may be made in person, by U.S. mail, or by messenger service. Mail service is presumed complete four days after mailing. See 35 Ill. Adm. Code 101.300(c), 101.302, 101.304.

If you do not respond to the Board within 30 days after the date on which the complaint was served on you, the Board may find that the complaint is not duplicative or frivolous and accept the case for hearing. The Board will then assign a hearing officer who will contact you to schedule times for telephone status conferences and for hearing. See 35 Ill. Adm. Code 103.212(a).

Answer to Complaint

You have the right to file an answer to this formal complaint within 60 days after you receive the complaint. If you timely file a motion alleging that the complaint is duplicative or frivolous, or a motion to strike, dismiss, or challenge the sufficiency of the complaint, then you may file an answer within 60 days after the Board rules on your motion. See 35 Ill. Adm. Code 101.506, 103.204(d), (e), 103.212(b).

The Board's procedural rules require the complainant to tell you as respondent that:

Failure to file an answer to this complaint within 60 days may have severe consequences. Failure to answer will mean that all allegations in the complaint will be taken as if admitted for purposes of this proceeding. If you have any questions about this procedure, you should contact the hearing officer assigned to this proceeding, the Clerk's Office or an attorney. 35 Ill. Adm. Code 103.204(f).

Necessity of an Attorney

Under Illinois law, an association, citizens group, unit of local government, or corporation must be represented before the Board by an attorney. In addition, an individual who is not an attorney cannot represent another individual or other individuals before the Board. However, even if an individual is not an attorney, he or she is allowed to represent (1) himself or herself as an individual or (2) his or her unincorporated sole proprietorship. See 35 Ill. Adm. Code 101.400(a). Such an individual may nevertheless wish to have an attorney prepare an answer and any motions or briefs, and present a defense at hearing.

Costs

In defending against this formal complaint, you are responsible for your attorney fees, duplicating charges, travel expenses, witness fees, and any other costs that you or your attorney may incur. The Board requires no filing fee to file your answer or any other document with the Board. The Board will pay any hearing costs (*e.g.*, hearing room rental, court reporting fees, hearing officer expenses).

If you have any questions, please contact the Clerk's Office at (312) 814-3629.

CERTIFICATE OF SERVICE

I, the undersigned, on oath or affirmation, state that on (month, day, year) APRIL 27 2009, I served the attached formal complaint and notice on the respondent by: (check appropriate line)

certified mail (attach copy of receipt if available, otherwise you must file receipt later with Clerk)

registered mail (attach copy of receipt if available, otherwise you must file receipt later with Clerk)

messenger service (attach copy of receipt if available, otherwise you must file receipt later with Clerk)

personal service (attach affidavit if available, otherwise you must file affidavit later with Clerk)

at the address below:

RESPONDENT'S ADDRESS:

Name ILLINOIS STATE TOLL HIGHWAY AUTHORITY ATT LEGAL D

Street 2700 OPEN AV.

City, state, zip code DOWNERS GROVE ILL 60515
(list each respondent's name and address if multiple respondents)

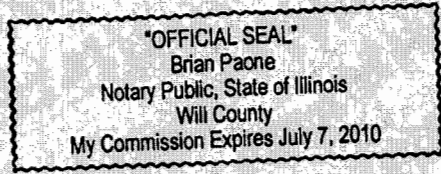
J. B. Paone
Complainant's signature

Street 1388 GORDON LN

City, state, zip code LEMONT ILL 60439

Subscribed to and sworn before me
this 27th day
of April, 2009

B. Paone
Notary Public



My commission expires: 7-7-2010

RECORD OF DECISION

FAP Route 340 (I-355 South Extension), Interstate Route 55 to Interstate Route 80, Cook, DuPage and Will Counties

FHWA-IL-EIS-93-03-FS/4(f)

February 25, 2002

I. BACKGROUND

The Proposed Action has been in the planning stage for 39 years. In 1962, FAP Route 340, then referred to as Federal Aid (FA) Route 61, was included in the Chicago area's first long-range transportation plan. The Proposed Action was included in subsequent plans, including the 1995, 2010, and 2020 plans. The Illinois Department of Transportation (IDOT) was the main project sponsor throughout the 1960's, 1970's, 1980's and early 1990's. A centerline was recorded in 1968, and engineering and environmental studies were conducted during those past decades. In July, 1993, the Illinois State Legislature passed legislation authorizing the Illinois State Toll Highway Authority (ISTHA) to examine the feasibility of constructing FAP Route 340 as a Tollway. ISTHA then began its participation in the Environmental Impact Statement (EIS) process as a cooperating agency.

In February 1996, IDOT completed a Final Environmental Impact Statement and Section 4(f) Evaluation (FEIS) which was then approved by the Federal Highway Administration (FHWA). In April 1996, the FHWA issued its Record of Decision (ROD) on the project. Through coordination with the Governor, ISTHA was identified as the Constructing Agency and was to have funded the project. Land was acquired for right-of-way and utilities were relocated. However, no construction contracts were awarded. In August 1996, the Illinois Chapter of the Sierra Club, et al. filed suit against the project in the U.S. District Court, Northern District of Illinois (Federal Court). On November 12, 1998, the Federal District Court amended its order of January 16, 1997, declaring that FHWA's approval of the proposed extension of Interstate 355 was invalid. In December 2000 IDOT published a Draft Supplemental EIS (Draft SEIS) that addressed the concerns of the Federal Court ruling. In February 2001 public hearings were held on the Draft SEIS. In September 2001, the Final Supplemental EIS (Final SEIS) was published. This ROD presents FHWA's decision addressing the Final SEIS. Currently, a Constructing Agency has not been identified and the project is not funded.

II. DECISION

The following sets forth the basis for selecting the Tollroad/Freeway Alternative for construction in Cook, DuPage and Will Counties. The Tollroad/Freeway Alternative involves constructing an approximately 20 kilometer (12.5 mile) Tollroad/Freeway facility on a 91 meter (300 foot) right-of-way on new alignment. The Tollroad/Freeway Alternative connects two major interstates (I-55 and I-80) in the Chicago area and will involve FHWA approval of new interstate access points at each connection. In consideration of the following, the FHWA has based its decision that the selected alternative 1) satisfies Purpose and Need, 2) poses the least impacts on the environment, 3) the process satisfies NEPA and other applicable requirements and 4) the project may be advanced.

The facility will be a fully access controlled, six-lane divided highway from I-55 to 127th Street and a fully access controlled, four-lane divided highway from 127th Street to I-80. Interchanges are planned at I-55,

127th Street, 143rd Street/IL Route 171 (Archer Avenue), IL Route 7 (159th Street), U.S. Route 6 and I-80. A mainline toll collection plaza will be provided in the vicinity of Bruce Road in addition to any necessary ramp toll collection facilities, should the project be constructed as a tollroad.

The recommended alignment parallels Lemont Road from I-55 at the northern project terminus to the Des Plaines River, then shifts to the southeast, paralleling State Street approximately 1.2 kilometers (0.75 miles) to the west from 127th Street to 143rd Street. The alignment would then parallel Gougar Road and curve diagonally to the east and connect to I-80 approximately 0.4 kilometers (0.3 miles) east of Cedar Road.

The purpose of the Proposed Action is to provide a Transportation System Improvement ~~that will improve north-south mobility between I-55 and I-80 to accommodate projected year 2020 travel demand within both the Project Corridor and northeastern Illinois.~~ The Transportation System Improvement is needed to (1) Improve Access Between Residential Areas and Regional Job Centers, (2) Achieve Land Use Planning Goals, (3) Improve Regional Mobility, and (4) Address Local System Deficiencies.

The decision to build the Tollroad/Freeway Alternative is based upon full consideration of information contained in the Draft SEIS approved by the FHWA on December 20, 2000, public hearings held on February 8 and 14, 2001 and the Final SEIS approved by the FHWA on August 31, 2001. The FHWA decision is also based on public and agency comments pertaining to the Proposed Action, the other alternatives considered, the respective environmental consequences, and issues related to the Proposed Action.

The Proposed Action is described in greater detail in Section 3.2, and Section 5.4 of the Final SEIS. The Draft and Final SEIS are available for review at the Illinois Department of Transportation at 201 West Center Court, Schaumburg, Illinois 60196 and at the Illinois State Toll Highway Authority at 2700 West Ogden Avenue, Downers Grove, Illinois 60515.

III ALTERNATIVES CONSIDERED

Alternatives Selected for Evaluation in the Draft SEIS: Five alternatives were evaluated in the Draft and Final SEIS: 1) the No-Action (Baseline) Alternative; 2) a Mass Transit Alternative; 3) the Lemont Bypass Alternative; 4) the Enhanced Arterial Alternative, and 5) the Tollroad/Freeway Alternative. (See Section 3.2 of the Final SEIS for a full description of these alternatives.)

No-Action (Baseline) Alternative maintained existing roadways, included roadway capacity improvements, transit upgrades and TSM/TDM strategies recommended in the 2020 Regional Transportation Plan (RTP) and projects from the 1998-2002 Transportation Improvement Plan (TIP), minus the proposed Transportation System Improvement. The No-Action (Baseline) Alternative was developed in close coordination with area transportation providers and local officials. The No-Action (Baseline) Alternative also included a number of other roadway projects that are not currently funded, but anticipated to be constructed by the year 2020. Although not determined to meet the Purpose and Need for the project, this alternative was carried forward for evaluation in the Draft SEIS as the baseline for comparing other alternatives.

Mass Transit Alternative maintained existing service and implemented mass transit improvements recommended in the 2020 RTP, plus additional transit facilities and services not included in the 2020 RTP, but identified by local and transit agency officials as likely to be implemented by 2020. This Alternative alone was not found to meet the Purpose and Need for the project and was not carried forward. However, existing and planned mass transit services were included in the three roadway alternatives.

Lemont Bypass Alternative provided a new full access controlled divided highway on new alignment in the northern one-quarter of the Corridor and a new limited access controlled principal arterial on existing alignment in the Corridor's southern three quarters. The Alternative also included the No-Action (Baseline) Roadway Improvements, and mass transit and TSM improvements recommended in the 2020 RTP and projects from the 1998-2002 TIP. The Lemont Bypass Alternative was found not to meet the Purpose and Need for the project based on the findings of the performance analysis summarized in the next section.

Enhanced Arterial Alternative improved existing arterials and included the No-Action (Baseline) Roadway Improvements, and mass transit and TSM improvements recommended in the 2020 RTP and projects from the 1998-2002 TIP. The Enhanced Arterial Alternative was found not to meet the Purpose and Need for the project based on the findings of the performance analysis summarized below.

Tollroad/Freeway Alternative provided a new full access controlled divided highway on new alignment with improvements at intersecting roadways. The Tollroad/Freeway Alternative also included implementation of the No-Action (Baseline) Roadway Improvements, and mass transit and TSM improvements recommended in the 2020 RTP and projects from the 1998-2002 TIP. This is the selected alternative. As outlined in the performance analysis below, the Tollroad Freeway Alternative was superior and the only alternative to satisfy the Purpose and Need.

Performance Analysis: The Tollroad/Freeway Alternative outperformed the other alternatives in satisfying the four need criteria based on quantitative measures including land use and transportation plan consistency, safety performance, and year 2020 travel times. The performance analysis was based upon separate socioeconomic and travel demand forecasts for the No-Action (Baseline) Alternative and Build Alternatives. The No-Action (Baseline) Alternative was specifically developed as a land use scenario that did not include the Proposed Action.

Improve Access Between Residential Areas and Regional Job Centers: The No-Action (Baseline) Alternative travel times between the Project Corridor and regional job centers are projected to increase an average 43 percent and up to 55 percent by year 2020 under the No-Action (Baseline) Alternative scenario. The Tollroad/Freeway Alternative reduced these projected year 2020 travel times by 20 percent on average. This was a 33 percent improvement over the Lemont Bypass Alternative and a 185 percent improvement over the Enhanced Arterial Alternative.

Improve Regional Mobility: The No-Action (Baseline) Alternative travel times from the Project Corridor to over three quarters of the northeastern Illinois region are projected to increase from 12 to over 25 percent by the year 2020. The Tollroad/Freeway Alternative substantially reduced these projected year 2020 travel times and improved regional mobility to 144 percent more of the region than the Lemont Bypass Alternative and over 2,000 percent more of the region than the Enhanced Arterial Alternative.

Address Local System Deficiencies: The No-Action (Baseline) Alternative travel times for local travel within the Project Corridor are projected to increase 150 percent by year 2020. The Tollroad/Freeway Alternative reduced these projected year 2020 travel times by 13 percent overall. This was a 30 percent improvement over the Lemont Bypass Alternative and an 85 percent improvement over the Enhanced Arterial Alternative. The Tollroad/Freeway Alternative also provided the best safety performance. This performance was six times better than the Lemont Bypass Alternative and 45 times better than the Enhanced Arterial Alternative.

Achieve Land Use Planning Goals: The Tollroad/Freeway Alternative was ranked most consistent with the goals and objectives of municipal land use and transportation plans by professional land use planning staff of local governments within the Project Corridor. These planning goals and objectives were set forth by each local government in their respective plans and define each community's vision as to how their overall community should develop. Each Alternative received an overall score on a scale of one to five, with five being the most consistent with the goals and objectives of municipal land use and transportation

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Handwritten notes on the right margin: "The Tollroad/Freeway Alternative is the best alternative." with a checkmark.

plans and one being least consistent. The Tollroad/Freeway Alternative received an overall score of 4.5 while the Lemont Bypass Alternative, Enhanced Arterial Alternative and No-Action (Baseline) Alternative received scores of 3.1, 2.3, and 1.5, respectively. A survey of mayors and county Board members representing municipal governments within the Project Corridor found overwhelming support for the Tollroad/Freeway Alternative. Ninety percent of these elected officials selected the Tollroad/Freeway Alternative as the alternative best suited to achieving the planning goals and objectives of their communities. None of the elected officials selected the Lemont Bypass Alternative and 10 percent selected either the Enhanced Arterial Alternative or the Mass Transit Alternative. Among the governmental agencies with land use planning authority, there was 100 percent support for the Tollroad/Freeway Alternative.

Alternatives Considered in the 1996 Final Environmental Impact Statement and Dismissed in the Draft SEIS: Alternatives considered in the 1996 FEIS, but not carried over to this analysis included the Transportation System Management (TSM) Alternative and Expressway Alternative, as well as the multiple alignment alternates of the Tollroad/Freeway Alternative. The 1996 FEIS found that the TSM and Expressway Alternatives lacked capacity to accommodate projected 2010 traffic and, therefore, did not satisfy Purpose and Need. The Final SEIS utilized updated year 2020 traffic projections, which were 41% higher than the 2010 traffic projections used in the 1996 FEIS. Since the TSM and Expressway Alternatives were found not to satisfy the capacity requirements of the Purpose and Need in the 1996 FEIS under lower traffic projections, the Alternatives would remain unsatisfactory under the higher traffic demand forecasted for year 2020 and, therefore, were eliminated from further consideration in this supplemental analysis.

As for the multiple alignment iterations of the Tollroad/Freeway Alternative, these iterations represented adjustments to the Tollroad/Freeway alignment to avoid and minimize direct impacts to parks, wetlands and other resources. However, the affected environment directly impacted by the Tollroad/Freeway Alternative did not change substantially between publication of the 1996 FEIS and this Final SEIS. Therefore, no new environmental issues were identified to warrant reconsideration of these alignment iterations.

Additional Analysis conducted after Circulation of the Draft SEIS: After review of the Draft SEIS, the U.S. Environmental Protection Agency (USEPA) commented that the environmental impacts of the Lemont Bypass Alternative should be evaluated. A comparative review of the environmental effects was performed for the three Build Alternatives. The findings of this review were presented in Final SEIS, Section 3.4.2. The review was GIS based and evaluated the comparative effects of the Tollroad/Freeway Alternative, Lemont Bypass Alternative and Enhanced Arterial Alternative on natural and social resources to an equal level of detail. The analysis found the environmental affects associated with each Build Alternative were not distinguishable. In a follow up letter commenting on the Final SEIS, the USEPA concluded that there is not a substantial difference between alternatives with regard to direct natural and cultural resource impacts.

Recommended Alternative: Following circulation of the Draft SEIS, public and agency comments were received and addressed, additional evaluation of the environmental effects of the alternatives was conducted and acknowledgement from the resource agencies on the need for the project was received. Based on the evaluation of alternatives, the Tollroad/Freeway Alternative was found as the only alternative to satisfy the Purpose and Need and was selected as the Recommended Alternative in the Draft and Final SEIS. This selection was based on:

- The Tollroad/Freeway Alternative maximized access to regional job centers by achieving the greatest reduction in year 2020 travel time from the Project Corridor to regional job centers. The Tollroad/Freeway Alternative surpassed comparable travel time reductions achieved by the Lemont Bypass Alternative by 33 percent and the Enhanced Arterial Alternative by 185 percent.

- The Tollroad/Freeway Alternative optimized regional mobility by reducing year 2020 travel times to 144 percent more of the region than the Lemont Bypass Alternative and over 2,000 percent more of the region than the Enhanced Arterial Alternative.
- The Tollroad/Freeway Alternative best addressed local system deficiencies and reduced year 2020 travel times within the Project Corridor, outperforming the Lemont Bypass Alternative by 30 percent and the Enhanced Arterial Alternative by 85 percent. The Tollroad/Freeway Alternative would save nearly \$1 million/year through improved travel times and over \$2 million/year in lost productivity attributed to the higher travel times associated with the Lemont Bypass Alternative and the Enhanced Arterial Alternative, respectively. Equally important, the Tollroad/Freeway Alternative had the best safety performance with a percent reduction in crashes that was six times better than the Lemont Bypass Alternative and 45 times better than the Enhanced Arterial Alternative.
- The Tollroad/Freeway Alternative also best enables local government to achieve overall land use planning, growth management and transportation goals. The Tollroad/Freeway Alternative was ranked most consistent with these goals and objectives by the municipal and county governments within the Project Corridor. Furthermore, a survey of elected officials representing Will County and project corridor local governments was conducted asking which Alternative would best aid in achieving land use and transportation planning goals. The survey achieved a 100 percent response rate. The Tollroad/Freeway Alternative was identified by 90 percent of the respondents as most consistent with local planning goals, 5 percent identified the Enhanced Arterial Alternative, 5 percent identified the Mass Transit Alternative, and 0 percent identified the Lemont Bypass Alternative. Among the governmental agencies with land use planning authority, there was 100 percent support for the Tollroad/Freeway Alternative. Therefore, the Tollroad/Freeway Alternative is most compatible with the growth management goals and objectives of county and municipal governments represented within the Project Corridor.

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SAVINGS
COMING FROM

IV. SECTION 4(f)

A Section 4(f) Evaluation was included in both the Draft SEIS and the Final SEIS (Section 5). A comparative assessment was completed to determine which Section 4(f) properties would be used by each Alternative considered in the 1996 FEIS and the Draft SEIS. The comparative assessment disclosed that none of the build alternatives would completely avoid 4(f) impacts. The Tollroad/ Freeway Alternative is the only alternative that satisfies Purpose and Need. The Final SEIS concluded that there is no feasible and prudent alternative to the Tollroad/ Freeway Alternative that avoids the Section 4(f) impacts associated with the Tollroad/ Freeway Alternative.

The number and size of Section 4(f) properties impacted within the Project Corridor have not changed since publication of the 1996 FEIS. Likewise the Tollroad/Freeway alignment presented in the Final SEIS is the same as that defined in the 1996 FEIS after the alignment was modified to avoid and minimize impacts to Section 4(f) properties.

An intergovernmental agreement to mitigate Section 4(f) impacts to Keepataw Forest Preserve was negotiated in April 1995. This agreement was amended in March 2001. Both agreements are presented in Appendix A of the Final SEIS. An additional measure to mitigate Section 4(f) impacts consisted of the purchase of the entire Bluff Oaks Estates subdivision by IDOT as a buffer zone. A 300 foot swath purchased in the 1970's by IDOT bordering Black Partridge Nature Preserve will remain in public ownership as additional buffer zone to maintain the area's natural qualities. The FPDWC concurred with this buffer area in their comment letter (dated October 5, 2001) submitted in response to circulation of the Final SEIS.

DRUMMOND BLUFF OAKS SUBDIVISION
300' BUFFER ZONE BORDERING
BLACK PARTRIDGE CREEK

Also, The Illinois Historic Preservation Agency reviewed project impacts to the I&M Canal and made a determination of no adverse effect for the Tollroad/Freeway Alternative in November 1993 (See 1996 FEIS, Chapter 6, Illinois Historic Preservation Agency). A Memorandum of Agreement (MOA) under Section 106 of the National Historic Preservation Act (as amended) was developed to mitigate impacts to the Lustron House in July 1995 (See 1996 FEIS, Appendix B). ISTHA is implementing commitments associated with that MOA.

Finally, all possible planning to minimize harm to Section 4(f) resources was included in this action. Measures to minimize harm included use of a high level bridge crossing the Des Plaines River Valley from south of New Avenue to approximately 213 meters (700 feet) north of Bluff Road. The bridge spans Keepataw Forest Preserve, the I & M Canal and the Des Plaines River and therefore, avoids and minimizes impacts to associated floodplain, forest and wetland resources. The bridge was designed to minimize impacts to these resources and allow for continued recreational use. For example, bridge span lengths were lengthened to minimize the foot print of the bridge and reduce ground disturbance. Bridge piers were placed to allow continued unrestricted wildlife movement through the area while avoiding the dangers of wildlife/auto collisions on the roadway. Also, the bridge deck and related highway drainage was designed to be directed away from sensitive resources. Measures to minimize harm are further discussed in the Draft and Final SEIS, Chapter 5.0 (Section 4(f) Evaluation) and Chapter 6.0 (Coordination and Commitments).

Protective Measures for Groundwater & Wetlands

V. MITIGATION AND COMMITMENTS

All practical measures to minimize the potential environmental impacts caused by the Tollroad/Freeway Alternative will be taken. The mitigation measures proposed for this project are described in Chapter 5 of the Draft and Final SEIS and Chapter 6 of the 1996 FEIS.

The centerline for a FAP Route 340 was recorded in DuPage and Will Counties in 1968. In the approximately 32 years since completion of the original design studies, a number of changes have occurred that required reevaluation of the selected design and alignment. More recently, a total of 10 individual alignment shifts were considered in the 1996 FEIS to avoid and minimize impacts. This alignment avoided and minimized impacts to the greatest extent practicable. This alignment was carried over to the Draft and Final SEIS and is the alignment for the recommended Tollroad/Freeway Alternative. Additional project modifications to avoid and minimize impacts included designing the proposed bridge over the Des Plaines River to reduce environmental, visual, and aesthetic impacts to the extent practicable and to accommodate wildlife and recreational corridors underneath the structure. In areas where impacts are unavoidable, best management practices (BMP) were incorporated into the road design.

Local Coordination: In response to the Proposed Action, local government entities formed the Heritage Corridor Planning Council (HCPC). This Council was charged with coordinating local government land use planning within the Project Corridor and aiding in addressing secondary and cumulative impacts. The HCPC published: I-355 Heritage Corridor: Cumulative Effects of Local Plans, May 1996 (revised October 1996) as part of executing its on-going charge.

REVISION 1/14

~~Pursuant to Chapter 605 of the Illinois Compiled Statutes, Act 10 - Section 14, HCPC activities will be augmented by creation of a Local Advisory Committee by ISTHA if the Selected Alternative is constructed as a Tollroad. The Advisory Committee will work with ISTHA to address local issues related to facility construction. Finally, the Agency constructing the roadway (Constructing Agency) will send to the involved local municipal, township or county governments preliminary plans applying to their area prior to completing final design. The agencies will be invited to comment on the plans and indicate if they would be willing to participate in the costs of providing bicycle/multi-use trails, sidewalks, traffic signal modifications, lighting, widening, landscaping, etc. Local governments receiving the coordination will~~

include: the Villages of Woodridge, Lemont, New Lenox and Homer Glen; the City of Lockport; the Townships of DuPage, Lemont, Homer, and New Lenox; and the Counties of DuPage, Cook, and Will.

Wetlands: There were no alignments that avoided all wetland impacts. The Selected Alternative, a refinement of the original proposed alignment, was developed to minimize impacts to wetlands. The Selected Alternative fills approximately 2.92 hectares (0.7 acres) of wetland, all within the Des Plaines River watershed. Wetlands in the Des Plaines River Valley will be bridged to minimize the area directly filled and reduce changes in hydrologic characteristics of the affected wetlands. Due to various Federal and State requirements, this project requires 10.01 hectares (24.75 acres) credits of wetland compensation.

As committed to in the 1996 FEIS, wetland compensation will be derived from three sources; two locations along the Spring Creek floodplain and the Lockport Prairie Nature Preserve. The total mitigation acreage required has changed due to the decrease in the total wetland hectares (acres) impacted by the Selected Alternative and a change in the replacement ratios used to calculate total mitigation area.

The first area of mitigation is located along Spring Creek. It is 6.68 hectares (16.5 acres) in area and satisfies Section 404 of the Clean Water Act. This mitigation will replace the function and value of 3.93 hectares (9.7 acres) acres of impacted wetlands. Following acceptance of the created site by the U.S. Army Corps of Engineers (USACOE), the Spring Creek mitigation site will be transferred to the Forest Preserve District of Will County (FPDWC) as part of the Spring Creek Greenway, in fee. An approximate 30-meter (100-foot) buffer will be incorporated into the design of the site to allow for access, long term management and recreational trail development. The Spring Creek site has been acquired, but no mitigation has occurred.

The second area occurs within the Lockport Prairie Nature Preserve in the Des Plaines River Valley and satisfies agreements with the U.S. Fish and Wildlife Service (USFWS) and the FPDWC. Since publication of the 1996 FEIS, work on this site has been completed and approved by the USACOE, USFWS, and FPDWC for the restoration of the Lockport Prairie site. In a letter dated July 25, 1997 from the USACOE, 1.52 hectares (3.75 acres) of the 6.07 hectares (15.0 acres) site were credited for wetland mitigation.

The third site will satisfy regulations issued under the Illinois Interagency Wetland Policy Act of 1989. IDOT, ISTHA (if identified as the Constructing Agency), FPDWC, and the Illinois Department of Natural Resources (IDNR) have identified an acceptable site adjacent to the first site along Spring Creek. An additional 1.8 hectares (4.5 acres) has been located on FPDWC property along the Spring Creek Greenway. ~~In consideration of the District providing land for the additional 1.8 hectares (4.5 acres) of wetland mitigation, the Constructing Agency will be committed to design and construct the Spring Creek Greenway Trail within the mitigation project area.~~

All three mitigation sites are located within the same watershed as the impacted wetlands. The Constructing Agency will coordinate with the USACOE and Illinois Environmental Protection Agency (IEPA) to determine actions to be taken on these permits to fulfill all Section 404 and 401 requirements.

Water Quality: Measures to protect water quality within the project corridor during construction of the Selected Alternative will include adherence to the Constructing Agency's standard specification for regulating sediment and erosion control. Measures provided will include preparation of an erosion control and stormwater pollution prevention plan. The plan will specify temporary runoff diversions with sedimentation controls to be used to capture sediment laden runoff during construction. Additionally, the Selected Alternative will bridge the Des Plaines River Valley and thereby minimize the wetland and floodplain area directly filled, thus reducing changes in hydrologic characteristics of the valley.

HABITAT PROTECTION

SPRING CREEK 16.5
LOCKPORT PRAIRIE 37.5
TOTAL 24.75

STATE AFFIDAVIT/ PERMITS - APP NTP

SECTION 7 CONSULTATION REQUIREMENT & IDNR MITIGATION REQUIREMENT

Stormwater generated on the bridge during operation will be collected and piped to a wet detention basin in the Des Plaines River Valley. Detention basins will also be provided at major stream crossings.

In addition, to minimize impacts to Black Partridge Nature Preserve and Creek, the roadway was moved approximately 107 meters (350 feet) west of the recorded alignment. This reduced proximity of the roadway to Black Partridge Nature Preserve and Creek and decreased potential salt transport. To further protect this resource, surface runoff generated south of Davey Road during operation will be collected, detained and discharged outside of the Black Partridge Creek watershed. This eliminates 3.7 kilometers (2.3 miles) or 22 percent of anticipated highway runoff to Black Partridge Creek. Monitoring of Black Partridge Creek has been ongoing since 1994 and continues in accordance with previous commitments. Previous commitments include conducting water quality monitoring prior to, during and after construction. Results of the monitoring will be coordinated with Cook, Will and DuPage counties.

Salt Spray: A road salt dispersion study was undertaken by the Illinois State Water Survey (ISWS) beginning in February 1996. This commitment satisfies concerns previously raised by US Department of the Interior, the FPDWC, and the Illinois Nature Preserves Commission. Key study components included evaluation of the mass emission to the atmosphere, the size distribution of the emitted salt droplets and the concentration and size of these droplets at varying distances from their source. The initial results of the study are presented in Section 4.16.2 of the Draft and Final SEIS. Detailed results are presented in the ISWS report titled "Atmospheric Dispersion Study of Deicing Salt Applied to Roads: First Progress Report" dated April 2000. ~~Later phases of the study will develop an air dispersion model, which will predict the atmospheric dispersion of salt spray and its ultimate deposition.~~

Threatened and Endangered Species: The U.S. Fish and Wildlife Service provided an opinion in 1995 that the Selected Alternative would not affect the leafy prairie clover (*Dalea foliosa*). In November 1995, the Service concurred that the Selected Alternative would not likely adversely affect the Hine's emerald dragonfly (*Somatochlora hineana*). Concurrence on the Hines emerald dragonfly was predicated on dragonfly and salt spray studies which would be performed prior to, during, and after construction. The pre-construction phase of the dragonfly studies have been ongoing since 1995 and served as a basis for the 1999 Dragonfly Recovery Plan. The results of these studies are summarized in Section 2 of the 1996 FEIS. Detailed results are presented in the Dragonfly Recovery Plan (June 1999), follow-up Illinois Natural Historic Survey reports and the ISWS Report titled "Atmospheric Dispersion Study of Deicing Salt Applied to Roads (April 2000)". A pre-construction study of the Hine's emerald dragonfly re-confirmed that the Selected Alternative as planned would not adversely effect the Hine's emerald dragonfly. ~~The Constructing Agency will continue study of the Hine's emerald dragonfly both during and post construction.~~

Regarding the Spotted turtle (*Clemmys guttata*) and Blandings turtle (*Emydoidea blandingi*), a herpetologist will be employed to determine if the primary range of the spotted turtle and Blandings turtle is outside the construction limits before construction begins. If spotted turtles are found within the construction limits, then appropriate action would be taken based on the herpetologist's recommendations. In addition, a biologist, botanist, and ornithologist will be retained by the Constructing Agency to observe construction startup activities adjacent to and within local forest preserves. The scientists will visit the site periodically and report all findings directly to the Constructing Agency.

Section 6(f): Keepataw Forest Preserve was purchased using Land and Water Conservation Funds (LAWCON). In an August 9, 1995 letter it is stated that the Constructing Agency requires a permanent easement of approximately 5.0 hectares (12.4 acres) and a temporary easement of approximately 1.2 additional hectares (3.0 acres) in land located in the Keepataw Forest Preserve for use in connection with FAP Route 340. Suggested replacement lands for LAWCON properties required for the project have been identified in coordination with the Forest Preserve District of Will County (FPDWC). This property has been appraised at \$14,830 per hectare (\$6,000 per acre). ~~As substitution for this property the~~

Runoff will be discharged outside of Black Partridge Creek watershed. Runoff

Need to finish about 1/2 hrs for survey work

- Kuno? Status?

~~Constructing Agency will provide what has been commonly referred to as the "Lockport Prairie East" site. This property was appraised at \$365,000 and is approximately 11.7 hectares (29 acres) in size. The National Park Service (NPS) approved this transfer subsequent to FHWA's approval of the FEIS and issuance of a ROD. The IDNR indicated that the NPS is in agreement that the transfer will be valid and will be reaffirmed following FHWA's approval of the Final SEIS and issuance of a ROD. The Constructing Agency will coordinate the re-affirmation of the Lockport Prairie East property transfer with the IDNR, FPDWC and NPS.~~

NEED TO FINISH
DEAL W/ FPD

Coordination with the FPDWC has continued during preparation of the Final SEIS. At a meeting on June 20, 2000, the FPDWC reaffirmed its desire to maintain the proposed LAWCON replacement land as described in the Draft SEIS. Intergovernmental agreements addressing LAWCON replacement are presented in the Final SEIS, Appendix A.

Revegetation: During the design phase, tree mitigation plans will be submitted to the FPDWC for comment. Tree mitigation will consist of two components: the planting of replacement seedlings on property owned and managed by the FPDWC, and the planting of non-seedling trees along the corridor or crossroads as appropriate. The planting of seedlings is intended to eliminate edge effects by filling in gaps between forested tracts of land. This reduction of forest edge is a measure to reduce cowbird nest parasitism. Tree replacement species will be similar to the species lost if appropriate environmental conditions still exist to support the species.

NEWLY ADOPTED
POLICY

Landscaping design plans for tree replacement will be distributed to local park and forest preserve districts for review prior to initiating the bidding process. Tree replacement to mitigate actual tree losses may occur in some of the agricultural, forbland, and shrubland areas associated with the forested tracts crossed by the preferred highway alignment. Tree replacement would occur along the edges of the right-of-way where feasible following the establishment of the final drainage grades. Approximately 16,500 trees will be removed due to the construction of the Selected Alternative. Replacement ratios will be 1:1 for non-seedlings and 3:1 for seedlings. The Constructing Agency will use native grass seed mixtures on the backslopes of ditches and in some interchange infields.

Decreasing existing fragmentation at sites in the area will mitigate fragmentation of forests to be caused by the project. This will be done by reforesting appropriate non-forested tracts of land in the area that are adjacent to or between existing (relatively) large forest tracts, so as to increase the total acreage of continuous forest and thus the acreage of forest interior habitat. The majority of the tree mitigation effort will involve the reforestation effort. The number of acres to be reforested will depend on the density of the plantings. Reforestation will occur on forest preserve property. The Constructing Agency will coordinate this effort with the FPDWC.

Protection and care will be provided for all existing trees and shrubs to remain within the project limits as referenced in IDOT's Special Provision for Protection and Care of Trees and Shrubs, which will be included in the job specifications. Existing trees and shrubs which are to remain will also be delineated on the plans as will those which are to be removed. Finally, native grass seed mixtures will be used as appropriate on the back slopes of ditches and the infields of interchanges. Mowing restrictions applying to the backslopes of ditches will be implemented adjacent to forested areas as a measure to minimize cowbird parasite activities.

Cultural Resources: A Memorandum of Agreement (MOA) signed in October 3, 1995 outlined the procedures for ISTHA to follow to address the impacts to the Lustron House. Avoidance of this architecturally significant structure was not feasible and prudent. In consultation with the Illinois State Historic Preservation Office (ISHPO), a mitigation plan to mitigate use of this property was formulated. In accordance with this plan, the Lustron House was to be recorded according to Historic American Building Survey (HABS) standards. The structure was marketed through advertisements with a plan to

move the Lustron House to a setting deemed suitable by the SHPO. A MOA (^{1996 FEIS, Appendix B}) was drafted in an effort to formalize this mitigation plan and fulfill all requirements pursuant to 36 C.F.R. Part 800, regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f). The Lustron House structure was inadvertently taken down prior to its HABS recording. Therefore, this stipulation of the MOA could not be satisfied. A meeting between ISTHA and the Illinois Historic Preservation Agency (IHPA) was conducted on August 17, 2000 to discuss the status of coordination for the Lustron House. The meeting focused on an October 7, 1998 letter from IHPA to ISTHA in which IHPA identified three options for ISTHA to satisfy Stipulation 3 of the MOA. ISTHA accepted Option 1: development of a good resource file for distribution (brochure) which could be distributed to Lustron owners or the general public to promote better awareness of this historic property type. At an August 17, 2000 meeting, FHWA concurred that if ISTHA proceeds with the above stated Option 1, Stipulation 3 of the MOA would be adequately addressed and the Section 106 process would be complete. ISTHA confirmed its Draft SEIS, Appendix D commitment to implementing Option 1 in a letter to IHPA dated August 28, 2000. ISTHA submitted a draft brochure to IHPA for review and conditional approval on October 10, 2001. The Draft SEIS, Appendix D and Final SEIS, Appendix A presents copies of the referenced letters, minutes of the referenced meetings, and applicable memoranda of agreement.

In addition, a Historic Marker commemorating the invention of the steel-tipped plow by John Lane was located on the northeast corner of 163rd Street and Gougar Road. This Historic Marker was relocated on the same property.

Air Quality: The Project Corridor is located within the Chicago metropolitan area. This region is classified as a "Severe" ozone non-attainment area of the National Ambient Air Quality Standard (NAAQS). The non-attainment area includes Cook, DuPage, Kane, Lake, McHenry, and Will counties, as well as the townships of Aux Sable and Goose Lake in Grundy County and Oswego Township in Kendall County.

Plan Revision
- to page 2 to 5

The staff at the Chicago Area Transportation Study (CATS) performed an emission analysis for the Selected Alternative utilizing the same process that is used for the TIP and RTP air quality conformity analysis. The analysis found the impact on emissions from the Selected Alternative to be negligible for both VOC and NO_x. As such, CATS found the impact of the Selected Alternative on ozone levels in the northeastern Illinois area to be insignificant and no additional urban airshed analysis was determined to be necessary. The IEPA concurred with this finding in a letter dated December 6, 2000. A copy of this letter is presented in Draft SEIS, Appendix C. Therefore, further analysis with respect to ozone is not warranted or appropriate.

Noise: To minimize noise impacts from normal operations to sensitive areas, noise walls will be constructed where determined to be economically reasonable and feasible. These locations are identified in the Draft SEIS, Section 4.13.

Also, during construction of the Selected Alternative it will be the responsibility of all contractors to determine and comply with the limitations imposed by local ordinances with respect to construction operations, equipment noise and working time restrictions.

Pedestrian and Bike Trails: Ongoing coordination and planning is proceeding to accommodate a potential bikeway along the corridor of the Selected Alternative. Upon completion of the roadway project, the haul road and low level bridge across the Des Plaines River installed by the Constructing Agency will be given to the FPDWC with the Constructing Agency only retaining a right to use the bridge for inspection and maintenance purposes. The Constructing Agency will inspect the low level bridge and repair it as necessary after construction of the Selected Alternative to insure that it is in good working condition prior to transferring ownership to the FPDWC. At the request of the FPDWC, a box culvert will be constructed immediately north of Spring Creek for passage of horses, bicyclists or

pedestrians. A second box culvert will also be constructed south of Spring Creek for passage of bicyclists and pedestrians. Prior to construction of these structures, an agreement will be prepared that identifies the appropriate agency to assume jurisdiction of these structures including ownership, operation, maintenance and security.

Secondary and Cumulative Impacts: The Study Area is undergoing rapid population and employment growth. This growth is projected to continue to year 2020. County and municipal governments within the Project Corridor have planned for this growth and have adopted land use plans that designate over 75 percent of the Project Corridor for development. The remaining lands are protected park and preservation lands. The local governments have formed the Heritage Corridor Planning Council (HCPC) to coordinate planning within the Project Corridor to aid in managing secondary impacts of development.

The Selected Alternative combined with other federal actions and local economic development efforts would influence growth and development within the Project Corridor. However, the portion of future growth attributable to the Selected Alternative is low, amounting to 0.6 percent of population and 0.1 percent of employment growth within the Study Area (Draft SEIS, Appendix A - The Socio-Economic, Land Use and Accessibility Impacts of the Proposed I-355 Extension). The influence of the Selected Alternative on growth within the study area would be to consolidate growth closer to existing urban development and at higher densities along the alignment than would have occurred had the alternative not been selected. The key mechanisms providing authority for environmental resource protection within the Project Corridor include those listed in Table 2.

Permits: Construction of the Selected Alternative will involve wetlands, floodways, and waterways and will require both Federal and State permits. A joint application to the U.S. Army Corps of Engineers (USACE), Illinois Department of Natural Resources - Office of Water Resources (IDNR/OWR), and Illinois Environmental Protection Agency (IEPA) will be made during the design phase. The USACE issues Section 404 permits which fulfill their regulatory function over the "waters of the United States" which includes wetlands. IDNR/OWR issues permits for construction in floodways and for crossings of streams with more than 2.59 square kilometers (one square mile) of drainage area. The crossings include: the main channel of the Des Plaines River, the Chicago Sanitary and Ship Canal, the Illinois and Michigan Canal, the main channel of Long Run, the main channel of Fiddymont Creek, the main channel of Fraction Run, the south tributary of Fraction Run, the main channel of Spring Creek, and the tributary of Hickory Creek. IEPA provides water quality certification pursuant to Section 401 of the Clean Water Act. This certification is mandatory for all projects requiring a Section 404 Permit. The USACE permits construction within navigable waterways through Section 10 of the Clean Water Act. Section 10 permits will be obtained for work within and over the Des Plaines River and for crossing over the Chicago Sanitary and Ship Canal. The project will result in the disturbance of one or more acres of total land area. Accordingly, it is subject to the requirement for a National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharges from construction sites in accordance with Section 402(p) of the Federal Clean Water Act as amended. Permit coverage for the project will be obtained either under the IEPA General Permit for Stormwater Discharges from Construction Site Activities (NPDES Permit No. ILR100000), or under an individual NPDES permit. Bridges across navigable waters of the United States are regulated by the U.S. Coast Guard under Section 9 of the Rivers and Harbors Act of 1899. A permit will be obtained from the U.S. Coast Guard for the crossing of the Chicago Sanitary and Ship Canal.

Construction: Construction measures will be implemented to minimize harm to water quality, sensitive resources, and threatened and endangered species. General construction mitigation measures will include erosion control procedures in conformance with the standard specifications of the Constructing Agency. This will include preparation of an erosion control plan that will identify erosion control measures to be implemented. These measures will include coordinating the grading to minimize the amount of exposed soil, stabilizing denuded areas and utilizing temporary erosion control measures with the specific objective of

Need to keep in mind w/ run diversions

retaining all silt on site to prevent silt from entering wetlands and streams. There will be a pay item in the construction contract for exploratory trenches, which will allow a contractor to locate drainage field tiles prior to major earthwork. "No Intrusion" fences will be erected to restrict construction activities between the Chicago Sanitary and Ship Canal and Bluff Road. A "No Intrusion" fence will also be used to prevent the contractor from operating outside the required right-of-way to protect the Black Partridge Nature Preserve. Similar fences will be used to prevent disturbance to other environmentally sensitive areas. FPDWC and Constructing Agency staff will work together to determine the placement of the fences.

VI. COMMENTS ON THE FINAL SEIS

The Notice of Availability (NOA) of the Final SEIS was published in the *Federal Register* on September 21, 2001. The notice specified October 15, 2001 as the end of the wait period, 24 days after the NOA was published in the *Federal Register*. FHWA submitted the original request for the NOA to appear in the September 14, 2001 *Federal Register* to allow for a full 30-day wait period. IDOT also distributed copies of the Final SEIS to all agency and public/private interests in advance of the intended September 14, 2001 notice. Due to the events that happened on September 11, 2001, the USEPA was unable to publish the NOA in the *Federal Register* until September 21, 2001. The USEPA stated in the notice that all comment and wait periods for EIS's originally submitted for filing in the September 14, 2001 publication were calculated from September 14, 2001.

Comments submitted are addressed below. Federal, State and Local Resource Agency comments are presented first (addressed individually) followed by local government and general public comments (categorized and addressed by category). Resource Agency comments were submitted by the USEPA, Will County Land Use Department, Forest Preserve District of Will County, and the Illinois Department of Natural Resources (IDNR) in response to circulation of the Final SEIS. Local Government and general public comments consisted of 25 letters.

U.S. Environmental Protection Agency (USEPA) Comments: The USEPA stated in their comment letter submitted after publication of the Draft SEIS that it concurred with the Purpose and Need criteria, that the need for the Build Alternative has been demonstrated, and that a sufficient range of build alternatives had been identified. The USEPA also commented that information presented in the Draft SEIS indicated that the Lemont Bypass Alternative may have met Purpose and Need and commented that the Draft SEIS should be supplemented with an evaluation of environmental impacts for the Lemont Bypass Alternative. After reviewing the Final SEIS, USEPA stated that based upon all four performance criteria, the Tollroad/Freeway Alternative appeared to perform substantially better than the Lemont Bypass Alternative and deferred to the conclusion of FHWA and IDOT that the Lemont Bypass Alternative was not viable enough across all four performance criteria to carry forward for full NEPA evaluation in the Draft and Final SEIS. The USEPA stated that concerns remain about the indirect effects of the project and the cumulative effects of development. The USEPA commented that, while the Selected Alternative will only act to promote less than one percent of the growth projected for the study area compared to the No-Action (Baseline) Alternative, growth projected for the No-Action (Baseline) Alternative is substantial. USEPA requested that information regarding local growth management and resource protection measures taken by the Heritage Corridor Planning Council and the respective municipalities be disclosed to the public.

ISSUES TO BE DISCUSSED / ADDRESSED BY

Response to Comments: As pressure increases for land to be developed in the Project Corridor, the potential also rises for impacts to environmental features to occur. Historically, regulations and standards have been adopted by local municipalities and counties to assist in the protection and preservation of those natural resources. Table 1 includes a representative sampling of current ordinances or codes that have been established which provide the local governing agencies with methods of controlling land development. Note that the agencies listed in Table 1 were selected

as representative of those governmental agencies located in the Project Corridor. There are numerous additional similar control measures for other government agencies in the area.

Table 1 Representative Mechanisms for Controlling Development		
Resource	Examples of Environmentally Related Controls in the Project Corridor	Ordinance or Code Number
City of Lockport		
<i>The Development Code of the City of Lockport</i>	Land or Cash Contributions for Public Parks – As a condition of approval of a final plat, each developer or subdivider will be required to dedicate land for park and recreational purposes to serve the immediate and future needs of the residents of the development, or cash contribution in lieu of actual land dedication, or combination of both, at the option of the City.	Chapter 153.30, Section 020
	Soil Erosion and Sedimentation Control – The purpose of this control is to safeguard persons, protect property, prevent damage to the environment, and promote the public welfare by guiding, regulating and controlling the design, construction, use and maintenance of any development or other activity which disturbs or breaks the topsoil and other conditions allowing the movement of sedimentation with the City.	Chapter 153.50, Section 020
	Drainage and Storm Water Management – This chapter requires each development, depending on size, to submit a drainage plan, in accordance with IDOT standards and requirements listed in the ordinance.	Chapter 153.50, Sections 040-060
	Bikepaths – This chapter requires bikepaths to be constructed in locations required by the Official Plan and shall comply with the requirements listed in the chapter.	Chapter 153.50, Section 090
	Landscaping – All subdivisions, whether public or private, shall provide for the landscaping of parkways, parks, open space areas, areas to be dedicated to the public, and other areas in accordance with this Chapter and other City ordinance.	Chapter 153.50, Section 120
	Development Activity in Adjacent Lowlands – This chapter's intent is to promote the health, safety and general welfare of the present and future residents of the City and downstream drainage areas by providing for the protection, preservation, proper maintenance, and use of Lockport watercourses, lakes, ponds, floodplains, and wetland areas.	Chapter 153.60, Section 040
	Hydrologic Controls and Drainage Control Plan Required – The drainage control plan shall identify appropriate measures, such as recharge basins and detention basins, which will limit the quantitative and qualitative effects of stormwater runoff to pre-development conditions.	Chapter 153.60, Section 050
	Natural Vegetation Buffer Strip Required – To minimize erosion, to stabilize the stream bank, protect water quality, maintain water temperature at natural levels, preserve fish and wildlife habitat, to screen man-made structures, and also to preserve aesthetic values of the natural watercourse and wetland areas.	Chapter 153.60, Section 060
	Vegetation and Revegetation Landscape Plan Required – A plan should be submitted with preliminary and final development plans for activity within Lowland Conservatory area and should describe existing vegetative cover and areas where the vegetation will be removed as part of proposed construction, as well as, a plan describing the proposed revegetation of disturbed areas specifying what material to be used.	Chapter 153.60, Section 070
	Watercourse Relocation and Minor Modifications – Generally this is not permitted, however under certain circumstances may be permitted where certain problems can be mitigated by relocation and/or minor modification.	Chapter 153.60, Section 080
	Conditions and Restrictions for Permitting Stream Modification/Relocation – This section lists the specifications, conditions and restrictions that must be followed to modify watercourses.	Chapter 153.60, Section 090
Required Content of Stream Modification/Relocation Plan – This section lists criteria to be included in a watercourse modification/relocation plan that must be submitted in order to be considered for a watercourse modification.	Chapter 153.60, Section 100	
Criteria for Permitting Armoring of Channels and Banks – Armoring in the form of bulkheads, riprap or other materials or devices is not permitted except in the accordance of this section.	Chapter 153.60, Section 110	

Table 1 Representative Mechanisms for Controlling Development		
Resource	Examples of Environmentally Related Controls in the Project Corridor	Ordinance or Code Number
	Impact Assessment – This section requires that a report must be prepared by a qualified professional and approved by the City, which assesses the potential impacts of proposed development on a lake, stream, or wetland and associated environmentally sensitive areas, including loss of flood storage potential, loss of habitat, changes in species diversity and quantity, impacts on water quality, increases in human intrusion and impacts on associated streams, lakes, ponds, wetland or downstream areas.	Chapter 153.60, Section 130
Village of New Lenox		
Village Code	Floodplain Management and Damage Prevention – This chapter details specific standards that must be followed for review and approval of subdivisions and other development; and is applicable to all floodplain areas.	Chapter 46, Article II, Code 1981
	Administration and Enforcement of Floodplain Management and Damage Prevention – The village engineer is responsible for the general administration and enforcement of this code. The village engineer's responsibility is detailed in this division.	Chapter 46, Article II, Division 2
	Use of Flood Fringe Areas – This division details situations and requirements in which development in and/or filling of the flood fringe will be permitted as well as lists requirements for developments located within the flood fringe.	Chapter 46, Article II, Division 3
	Use of Identified Floodways – This division applies to proposed development, redevelopment, site modification or building modification within a regulatory floodway. Only those structures and uses will be permitted which meet the criteria in this division. This division minimizes the alteration to floodways.	Chapter 46, Article II, Division 4
	Use of Special Flood Hazard Areas Where Floodways are not Identified – This division requires that the cumulative effect of the proposed development in special flood hazard areas where no floodways are identified be evaluated and that the areas meet the criteria detailed in this division.	Chapter 46, Article II, Division 5
	Erosion Control – This article provides the minimum standards to safeguard persons, to protect property, to control the despoliation of the environment, and to protect public welfare by regulating and controlling developments or other activities which disturb or break the topsoil or otherwise result in the movement of earth or land situated in the village.	Chapter 38, Article II
	Stormwater Runoff Control – This ordinance regulates stormwater runoff quality and development activities, which could result in excess runoff to prevent adverse impacts.	Chapter 38, Article III
	Recommendation for Stream and Wetland Protection – This ordinance, the procedures, standards and requirements for protection detailed in this article, apply to all lots within wetlands and streams.	Chapter 38, Article IV
	Vegetation, Grading and Seeding Rights-of-Way and Other Public Use Areas – All improved areas within the dedicated street area or other public use areas shall be graded and seeded in an approved manner according to this ordinance.	Chapter 98, Article I, Ord. No. 1114
	Vegetation, Parkway Trees – All single-family detached and duplex residential subdivisions for which a final plat is applied for shall be required to have trees planted in the parkway in compliance with regulations of this ordinance.	Chapter 98, Article I, Ord. No. 1114
	Landscaping Requirements – This article is established to create uniform landscape, screening and tree preservation standards for developments.	Chapter 106, Article IX
	Noise Standards – This division sets noise level regulations for various development activities.	Chapter 106, Article VII, Division 5

Table 1 Representative Mechanisms for Controlling Development		
Resource	Examples of Environmentally Related Controls in the Project Corridor	Ordinance or Code Number
Village of Lemont		
Village of Lemont Zoning Ordinances (02199 Performance Standards, Section XI)	Noise Standards – This section sets the required noise performance levels for various development activities. No operation or activity shall cause or create noise in excess of the sound levels detailed in this section.	B, page 79
	Earthborne Vibration Standards – This section sets the required vibration performance levels for various development activities. No operation or activity shall cause or create earthborne vibrations in excess of the displacement values listed in this section.	C, page 80
	Smoke and Particulate Matter Standards – This section states that all operations, activities and uses shall be conducted so as to comply with the performance standards governing fire and explosion hazards.	D, page 81
	Toxic Matter Standards – This section sets the levels of emitted toxic matter that operations and activities should not exceed.	E, page 83
	Odorous Matter Standards – This section states that no operation or activity shall cause or create the emission of odorous matter or vapor in amounts or quantities that exceed the levels prescribed for the zoning district in which the operation or activity is located.	F, page 83
Will County		
Water Resource Ordinances	Flood Damage Prevention – This ordinance works to maintain the County's eligibility in the National Flood Insurance Program; to minimize potential losses due to periodic flooding, and to preserve and enhance the quality of surface waters, conserve economic and natural values and provide for the wise utilization of water and related land resources.	Ordinance 98-22 (Zoning Ordinance Section 9)
	Soil Erosion and Sedimentation Control – The intent of this ordinance is to limit, as closely as possible, the delivery of sediment from sites affected by land disturbing activities to that which would have occurred if the land had been left in its natural undisturbed state.	Ordinance 98-23 (Zoning Ordinance Chapter 9)
	Stormwater Drainage and Detention – This ordinance regulates stormwater runoff quality and development activities, which could result in excess runoff to prevent adverse impacts.	Ordinance 98-24
	Stream and Wetland Protection – This ordinance provides for the protection, preservation, proper maintenance, and use of Will County watercourses, lakes, ponds, floodplain, and wetland areas.	Ordinance 98-25

Note: The resources used to create this table are the current editions in use as of December 2001.

Will County Land Use Department Comments: In their comment letter dated October 15, 2001, the Will County Land Use Department stated Will County supports construction of the Selected Alternative in the most expeditious manner. However, the Department commented that greater explanation was needed as to the standards for considering noise barriers. The Department commented that noise impacts for the Selected Alternative should be evaluated by combining the ambient noise levels with the added noise generated by the Selected Alternative. It was also stated as the Department's understanding that IDOT and ISTHA monitor road noise, and that Will County expects regular monitoring of noise levels.

Response to Comments: The Federal Highway Administration (FHWA) policies and procedures, 23 C.F.R 772, served as the procedural guidelines in the analysis. Incorporated into the regulations are Noise Abatement Criteria (NAC), which are based on the type of land use and activities performed at the respective sites. In implementing the FHWA 23 C.F.R, Part 772 regulations, the IDOT developed the current Noise Analysis Policy dated April 3, 2000. This

policy is Section 26-6 in the IDOT Bureau of Design and Environment Manual and defines traffic noise impacts to occur under the following circumstances:

1. Design-year traffic noise levels are within 1 dB(A) of or exceed the NAC.
2. Design-year traffic noise levels are greater than 14 dB(A) above existing traffic-generated noise levels.

Ambient noise monitoring was conducted within the Project Corridor to determine if design-year traffic noise levels would be greater than 14 dB(A) above existing traffic-generated noise levels (Criteria 2). The Draft and Final SEIS, Sections 2.14 and 4.13 discuss in detail the regulations, methods, and results of the noise impact analysis conducted for the project.

Although field noise measurements are not taken for every project, they are one way of examining potentially impacted sensitive receptors. Measurements are not necessary where it is clear that the existing levels are predominantly from an existing highway to be improved. In this case, existing levels can be satisfactorily estimated using the approved noise prediction methods. In the case of the Selected Alternative, the highway does not exist. Therefore, existing levels could not be satisfactorily estimated using the approved noise prediction methods and ambient monitoring was warranted.

An explanation of the noise level scale is provided to address the issue of evaluating noise impacts of the Selected Alternative by combining the ambient noise levels with the added noise generated by the Selected Alternative. The quantity normally measured when dealing with acoustic noise is sound pressure level measured in decibels. Because the decibel scale is logarithmic, the sum of two separate noise sources does not equal each part. The doubling of acoustic power yields an increase of only three decibels. This effect is also true of traffic noise, in that the number of vehicles on a traveled way would need to double to produce an increase of three decibels.

The noise analysis for the Selected Alternative in the vicinity of Illinois Route 7 depicts the concept of "masking". If a listener is simultaneously exposed to two different sound sources, it is a general experience that when one of the sources is very loud (existing traffic noise from Illinois Route 7), the second sound source (projected traffic noise from the proposed Selected Alternative) is "drowned out" and cannot be heard. The louder sound source is said to mask the other sound. The masking effect is explained as a shift in the hearing threshold caused by the louder sound and depends upon the frequency difference between the two sounds. In the case described here, the frequencies would be nearly identical (traffic noise), and thus the masking would be nearly complete.

As for on-going noise monitoring, IDOT does not implement a program to conduct on-going monitoring of highway noise. Per FHWA/IDOT policies and procedures, IDOT evaluates noise impacts of highway improvements to determine if the improvements warrant mitigation. As for the Selected Alternative, the Constructing Agency will re-evaluate the need for noise walls along the alignment during the design phase prior to construction letting.

Forest Preserve District of Will County (FPDWC) Comments: In their comment letter dated October 5, 2001, the FPDWC stated that concerns remain regarding the construction impacts of the Selected Alternative on surface water within the Project Corridor. The FPDWC commented that IDOT did not indicate in the Final SEIS if a surface water monitoring system and schedule will be established. Further, the FPDWC commented the Final SEIS is not clear as to actions to be taken by IDOT if waters do not meet general use water quality standards. The FPDWC also requested clarification as to what actions IDOT will take to monitor noise levels within Keepataw Forest Preserve and if IDOT will agree to take some type of agreed upon action to mitigate noise impacts if

SURFACE WATER MONITORING SYSTEM
& SCHEDULE - DEVELOP W/ IDOT & FPDWC

future levels exceed Noise Abatement Criteria levels. The FPDWC also acknowledged its understanding that IDOT does not intend to transfer ownership of the buffer parcel along Lemont Woods and Black Partridge Preserves and concurred that as long as the parcel is in public ownership and protected through an appropriate management agreement, IDOT has satisfied the FPDWC's concerns.

Response to Comments: The Constructing Agency's standard specifications regulating sediment and erosion control will be followed during construction. Measures provided will include preparation of an erosion control and stormwater pollution prevention plan. The plan will specify temporary runoff diversions with sedimentation controls to be used to capture sediment laden runoff during construction. In addition, water quality monitoring of Black Partridge Creek will continue with on-going coordination with the Forest Preserve Districts of Cook, DuPage and Will Counties (refer to Draft SEIS, Section 6.5.2). If it is determined that general use water quality standards are not being met due to contaminants resulting from the Selected Alternative, the Constructing Agency will coordinate with the Illinois Environmental Protection Agency. Regarding noise, as referenced in the 1996 FEIS, traffic noise was modeled in Keepataw and predicted 2010 noise levels did not reach Noise Abatement Criteria levels. The analysis conformed to FHWA policies and procedures and IDOT Noise Analysis Policy. As for on-going noise monitoring, IDOT does not implement a program to conduct on-going monitoring of highway noise. Per FHWA/IDOT policies and procedures, IDOT evaluates noise impacts of highway improvements to determine if the improvements warrant mitigation. As for the Selected Alternative, the Constructing Agency will re-evaluate the need for noise walls along the alignment prior to construction letting.

Illinois Department of Natural Resources (IDNR) Comments: The IDNR, Office of Mines and Minerals stated in a letter dated September 28, 2001 that the Office had no comments regarding this project.

Local Government and General Public Comments: Letters and resolutions in support of the project were received from the Village of Bolingbrook, City of Joliet, Village of Lemont, Village of Mokena, Village of New Lenox, Village of Woodridge, the South Suburban Mayors and Managers Association, US Representative Jerry Weller, the Will County Board of Commissioners and nine letters from private businesses.

Letters opposed to the project were received from a number of interest groups, including The Environmental Law and Policy Center (ELPC), the Business and Professional People for the Public Interest (BPI), Openlands Project, and private citizens. ELPC/BPI comments were accompanied by reports prepared by New Alternatives, Inc., and Resource Systems Group, Inc. The major comments addressed the Purpose and Need, range of alternatives considered, the evaluation of alternatives, and the public involvement process. Most of the issues raised in these comments were also raised after circulation of the Draft SEIS and, as such, were responded to in the Final SEIS. The major points made in these comments are summarized below.

Comments on Purpose and Need – comments identified the following issues: the Purpose and Need was considered too narrow because it contained language interpreted to limit alternatives; the justification for selecting the Regional Transportation Plan objectives comprising the Purpose and Need was considered inadequate; the Selected Alternative was considered not to be consistent with the NIPC growth strategy; and, new criteria considering regional growth policy was thought to have been added following publication of the Draft SEIS.

Response to Comments: The Purpose and Need is sufficiently broad, and is based upon a sound technical analysis of transportation needs and relevant criteria from the 2020 Regional Transportation Plan (RTP). The transportation needs were properly defined, and the resulting

Purpose and Need was formulated in a way that supported a broad range of alternatives. The Alternatives considered in the Draft and Final SEIS included transit, transportation system management, three roadway Build Alternatives and a No-Action (Baseline) Alternative. The roadway Build Alternatives represented a range of facilities, types and alignments and were developed to cover a range of build scenarios consisting of improvements to local arterials, a tollroad/freeway, and a combined tollroad/freeway and principal arterial. All roadway Build Alternatives included transit and transportation system management and a group of other local roadway improvements (No-Action –(Baseline) Alternative).

Regarding justification for selecting the Regional Transportation Plan objectives comprising the Purpose and Need, the RTP contains 39 criteria, each having a varying degree of relevance. The process to identify the four Purpose and Need criteria was based upon a detailed review of the goals and objectives of the 2020 RTP. Each goal and objective was carefully reviewed to determine its relevance to the identified needs¹.

The elements of the Purpose and Need regarding consistency with local planning are not circular. The tremendous growth in the study area, which has already surpassed the totals predicted for the year 2010, has occurred in the absence of the I-355 extension. As documented in the analysis performed by the Al Chalabi Group (Draft SEIS, Appendix A - The Socio-Economic, Land Use and Accessibility Impacts of the Proposed I-355 Extension), the I-355 proposal will chiefly influence the density of growth in portions of the study area. This technical analysis is consistent with the trends over the past decade and the reviews performed by the professional staff from each of the municipalities and Will County. With regard to the letter submitted from Homer Township, it should be noted that township governments have no land use planning authority. Among the governmental agencies that do have land use planning authority, there was 100 percent support for the I-355 proposal.

It was commented that the Selected Alternative fails to fulfill the environmental goals of the 2020 RTP. As documented in Table 3-3 of the Draft SEIS, all alternatives create impacts to sensitive resources. The Selected Alternative was developed in an environmentally responsible way that avoids, minimizes and mitigates impacts while still addressing the transportation needs of the region. The project is consistent with the environmental goals and objectives of the RTP.

Other comments suggested that the Purpose and Need criteria changed between the Draft and Final SEIS. These comments focused on additional discussion that was added to the Purpose and Need in the Final SEIS addressing the Northeastern Illinois Regional Planning Commission (NIPC) regional growth strategy. This additional text was added for clarity. The need criteria did not change between publication of the Draft and Final SEIS. Both the Draft and Final SEIS addressed the regional development goals of the NIPC. The Draft SEIS Purpose and Need stated that “ Developing this area [Project Corridor] would be consistent with NIPC regional development goals” and growth within the project corridor “is consistent with regional, county and local plans”. The Draft SEIS also included the NIPC regional growth strategy as an overall measure of plan consistency in the Alternatives Analysis. Discussion of the regional growth policy review presented in both the Draft and Final SEIS, Alternatives Analysis was added to the Purpose and Need of the Final SEIS for clarity and did not result in a change of the Purpose and Need criteria.

¹ FAP Route 340 SFEIS Purpose and Need 2020 RTP Goals and Objectives Technical Memorandum, July 2001

Comments on Alternatives – comments identified the following issues. The range of Alternatives was considered to be too narrow and excluded the Action Plan proposed by ELPC/BPI. Also, the performance analysis was considered not to be comprehensive enough because the plan consistency criteria was identified as circular due to a reliance on existing land use plans that may have considered construction of the Selected Alternative. Finally, the analysis of environmental effects was considered narrow, performed in a manner that underestimated direct impacts and did not consider secondary impacts.

Response to Comments: Concerning the range of Alternatives, as stated in the Final SEIS response to comments, the Alternatives analyzed in the Draft SEIS cover a 324 square kilometer (125 square mile) study area, and were multi-modal, with each including a network of roadway improvements, transit upgrades, and TSM/TDM strategies. The Action Plan proposed by ELPC/BPI was reviewed prior to the release of the Draft SEIS, and was found as clearly not an alternative to the Tollroad/Freeway proposal. As discussed in the response letter to ELPC/BPI dated December 22, 2000, the majority of the projects listed in the Action Plan proposed by ELPC/BPI are either already included in the No-Action (Baseline) Alternative or do not provide measurable regional travel benefits. The Action Plan proposed by ELPC/BPI represented an updated version of the No-Action (Baseline) Alternative, which would be constructed regardless of the I-355 South Extension. This point was confirmed by ELPC/BPI analysis that showed the travel benefits of the Action Plan proposed by ELPC/BPI to be essentially the same as the No-Action (Baseline) Alternative, and which show the Action Plan proposed by ELPC/BPI to generally perform worse than the Tollroad/Freeway Alternative. This was especially clear for trips that would likely be utilizing the I-355 South Extension.

Other comments on the Final SEIS suggested that the Lemont Bypass Alternative and Enhanced Arterial Alternative were “under designed”, and indicate that the Action Plan proposed by ELPC/BPI is significantly different than the No-Action (Baseline) Alternative and the Build Alternatives in the Final SEIS. The range of alternatives evaluated in the Draft and Final SEIS are thorough and sound, as evidenced by their strong benefits to local travel and travel to regional job centers. Again, as stated above, the Action Plan proposed by ELPC/BPI is essentially an updated version of the No-Action (Baseline) Alternative.

Despite detailed responses in the Final SEIS, the same issues were raised regarding IDOT’s travel demand model. IDOT utilizes state of the practice, Federally accepted, models in performing their regional air quality conformity analysis as well as the development of their Regional Transportation Plan. These models have been calibrated and validated, and have been in use for many years. With regard to travel time savings, modeling professionals accept that different processes will produce different results. The more important issue is the relative comparison of the Alternatives, which shows the I-355 South Extension to be superior. Results for the Action Plan suggested by ELPC/BPI show primarily single digit percentage changes in performance when compared to the No-Action (Baseline) Alternative. Consequently, the Action Plan proposed by ELPC/BPI can hardly be characterized as a “solution” or an alternative to the Tollroad/Freeway proposal, given the expected 150 percent worsening of local travel times over the next 20 years. Again, a majority of the Action Plan improvements will be constructed regardless of the I-355 South Extension proposal.

Concerning the plan consistency criteria being circular, professional planning staff of the planning departments of the communities within the Project Corridor reviewed the Alternatives for consistency with the broad goals and objectives of their applicable comprehensive plans. Planning goals and objectives articulated in each community’s plan represent the expression of each community’s vision and statement of intent. Goals are broad value statements and represent end desires of the community in the areas of growth, appearance, housing, economic

development, community facilities, open space and transportation. Objectives represent a means by which goals can be achieved. Land use maps are a synthesis of these goals and objectives and represent a desired means to achieve the goals and objectives. However, land use maps are living documents and are commonly revised based on changing conditions, such as the construction or lack of construction of a road. Moreover, while land use maps may change, the overriding goals and objectives articulated in each community's plan typically remain constant to ensure land use map changes are consistent with the respective communities' vision and intent.

The plan consistency review evaluated each Alternative for consistency with each jurisdiction's goals and objectives. Professional planning staff of each municipality within the Project Corridor and Will County conducted the plan consistency review to adopted land use plans. Alternatives reviewed consisted of the No-Action (Baseline) Alternative and the Build Alternatives presented in the Draft and Final SEIS. The professional planning staff ranked the Tollroad/Freeway Alternative as most consistent with their jurisdiction's goals and objectives as articulated in their respective land use or comprehensive plan.

It was commented that the Final SEIS was incorrect in stating that 100 percent of the Project Corridor "local governments" supported the Selected Alternative. A letter from Homer Township that did not support the Selected Alternative was referenced. Homer Township is a township government and therefore has no land use planning authority within the Project Corridor. Land use within Homer Township is regulated by the Will County Land Resource Management Plan. The Selected Alternative was ranked as most consistent with the goals and objectives of the adopted Will County Land Resource Management Plan by Will County planning staff. Likewise, the Selected Alternative was ranked as the Alternative most consistent with the goals and objectives of adopted municipal land use plans by 100 percent of the municipal governments within the Project Corridor.

While Homer Township was not included in the above plan consistency review due to its lack of land use planning authority, the opinions of Homer and five other township governments were included and given full consideration in an elected officials survey. The survey achieved a 100 percent response rate and asked which Alternative would best aid in achieving land use and transportation goals of their jurisdiction. The survey found 90 percent selected the Tollroad/Freeway Alternative, 5 percent selected the Enhanced Arterial Alternative, 5 percent selected the Mass Transit Alternative, and 0 percent selected the Lemont Bypass Alternative. The survey methods, survey form, governments surveyed and detailed survey results were presented in Draft SEIS, Appendix B and Table 3.4.2 in Section 3.4.2.

As for the analysis of comparative environmental effects across the Alternatives, this review was conducted in response to comments submitted by the USEPA after reviewing the Draft SEIS. The analysis was integrated into the plan consistency performance criteria because natural resource protection is a goal of the municipal and county plans for those jurisdictions within the Project Corridor. The evaluation was a GIS based, macro scale analysis that is an accepted standard and regular practice for reviewing environmental effects at the planning level. The environmental analysis was at the same level of detail for each alternative and considered the primary environmental effects of the Proposed Action incorporated into the Chapter 4, Environmental Consequences review of the Tollroad/Freeway Alternative. The alternatives were not changed between the Draft and Final SEIS. The Right-Of-Way (ROW) widths defined for each Alternative in the comparative review of environmental effects analysis reflects reasonable ROW widths for the proposed facilities and are consistently applied to the roadway type incorporated into each Alternative. The ROW widths presented in the Draft SEIS, Section 3.2, Alternatives Defined, were identified as minimum ROW widths for each facility. The analysis found no substantive difference in environmental effects between the Build Alternatives.

Electronic Filing - Received, Clerk's Office, July 15, 2009

Approach - For the purpose of this policy, approaching means within 1 decibel (d) appropriate Federal Highway Administration (FHWA) Noise Abatement Criteria (NA) adopted by the Illinois State Toll Highway Authority.

dBA - A weighted decibel. The decibel is a unit of measurement on a logarithmic scale that describes the relative magnitude of sound levels with respect to a standard reference. Decibels are defined as ten times the base-10 logarithm of the ratio of the square of the sound pressure to the reference mean-square sound pressure of 20 micro-pascals, the threshold of human hearing. The A-weighting network is an electronic filter defined by the American National Standards Institute (ANSI) and the International Organization for Standardization (ISO) that closely simulates the relative response of the human ear.

Date of Public Knowledge - This is the date that the Tollway's Congestion-Relief (CRP): Open Roads for a Faster Future was approved. This date, September 30, 2009, establishes the "Date of Public Knowledge" and determines when the Illinois Tollway is no longer responsible for providing noise abatement for new developments adjacent to the CRP.

Exterior Traffic-Generated Noise - This is traffic-generated noise that is measured exterior of the receptor as opposed to the interior. The noise model (TNM[®]) and FHWA generally refer to exterior noise only.

Front Line Land Use - The first line land use that is immediately adjacent to Tollway right-of-way (ROW).

Insertion Loss - Is the difference in traffic noise level at a receiver resulting from the implementation of traffic noise abatement measures between the source and the receiver.

Leq - The Equivalent Sound Level is the steady-state sound having the same A-weighted sound energy as that contained in the time-varying sound over a specific period of time. Leq correlates reasonably well the effects of noise on people.

Leq(h) - Is the Equivalent Sound Level over a one-hour period.

Noise Abatement - A structure, land configuration, or object that attenuates or reduces traffic noise. Generally considered to be a barrier or wall, abatement can also take the form of earth berms, landscaping, or any combination of the aforementioned.

Noise Sensitive Receptor - Receptor sites with identified outdoor human activities include residences, picnic areas, recreation areas, playgrounds, active sports areas, parks, hotels, schools, churches, libraries, and hospitals.

Receptor - A point used in a traffic noise study for which the traffic-generated noise level is determined. A receptor is generally placed in an area of active outdoor human use. Receptors are placed at a point five feet above the ground at the first floor-level. Normally, the areas of outdoor human use include areas such as, patios, swimming pools, porches, balconies, etc. Sites considered include homes, condominiums, apartments, permanent mobile homes, etc. Communities and parks. The associated type of outdoor human activity and the source of traffic noise will define which parks are considered receptors.

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Substantial Increase – Traffic noise levels that are predicted to be more than 14 existing traffic noise levels.

Through Lane – A roadway traffic lane exceeding 1.5 miles in length.

Traffic Noise – Noise generated from vehicles traveling on the roadway. Noise is generated at the tire/pavement interface, from vehicle / truck engines, and from exhaust systems.

Traffic Noise Study – A study of traffic-generated noise to determine: the existing noise level conditions at receptors representative of normal outside human activity; floor-level of receptors; potential future traffic noise levels; an assessment of traffic impacts; and consideration of potential, feasible and effective economically reasonable noise abatement. The study is conducted through the use of computer modeling. The study would utilize the FHWA Traffic Noise Model (TNM@ 2.5) or the most recent version. The methodology is consistent with 23 CFR 772 which explains processes to be followed in analyses and studies.

Type I Projects – A proposed project for the construction of a roadway on new land or physical alteration of an existing roadway which significantly changes either the horizontal or vertical alignment or increases the number of through-traffic lanes.

Type II Projects – A Community Noise Abatement Retrofit Project proposed for implementation on an existing roadway which is not associated with any Type I improvement.

Undeveloped Properties – Property that is currently vacant or is likely to be redeveloped. An approved-for-construction land use by the local governmental body having jurisdiction must be considered eligible for noise abatement. The undeveloped property must have secured permits for construction by a governing body prior to September 30, 2004.

3.0 PROCEDURES FOR EVALUATING PROJECTS

The Tollway will review the project and evaluate the potential effects of the traffic noise environment. The following steps will be used to evaluate any traffic noise impacts:

3.1. Review existing and proposed land use plans, review aerial photography, review noise studies and any other pertinent information to identify potential noise sensitive receptors.

3.2. The Tollway, or a designated representative, will perform a qualitative assessment to evaluate traffic noise impacts on noise sensitive receptors. The assessment will determine qualitatively how implementation of the project will result in changes in traffic and roadway sections. Section 4.0 and the Illinois Tollway Noise Policy Generalized Traffic Noise Study and Abatement Decision Diagram in Appendix A provide details regarding traffic noise and considerations for the evaluation. All viable alternatives for all study years (existing and design) will be examined using approved procedures incorporating the best available information and current professional judgment.

3.3. Determine if any of the factors in the qualitative assessment could likely cause an increase in traffic noise levels compared to the No-Action alternative. If it is determined a traffic noise impact exists, the Tollway will evaluate the impact and determine if noise abatement measures are warranted.

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impact can be reasonably expected, a Traffic Noise Study will be prepared. Some locations will involve existing traffic noise levels that already approach or exceed the abatement criterion (NAC). Under these conditions, even if the proposed project will cause the traffic noise levels to increase substantially above existing levels, traffic noise abatement measures will be considered.

3.4. If, after preparing a computerized traffic noise modeling and the corresponding Traffic Noise Study, it is determined that traffic noise levels will approach or exceed the abatement criteria (NAC) or the project will cause a substantial traffic noise increase, traffic noise abatement measures will be considered. The feasibility and reasons for noise abatement consideration are outlined in Section 4.3.

4.0 PROCESS FOR DETERMINING WHEN A TRAFFIC NOISE STUDY AND ABATEMENT MEASURES WILL BE CONSIDERED

4.1. Sites Eligible for Traffic Noise Study A Traffic Noise Study is warranted when the following conditions are present:

4.1.1. When the Tollway undertakes engineering studies or projects that increase the mainline of a Tollway by: adding new through lanes; that propose new interchanges that add new toll collection facilities where they did not previously exist; that reconstruct a toll collection plaza by adding Open Road Tolling lanes or I PASS lanes; or that substantially reconfigure an interchange by bringing through lanes or ramps closer to receptors that do not meet the requirements noted above may be considered eligible if the roadway project did not consider the effect of traffic noise and the traffic volumes projected to, substantially increase (double) from the initial construction.

4.1.2. When the front line land use consists of identified outdoor human activity, including residences, picnic areas, recreation areas, playgrounds, active sports areas, parks, mobile home communities, motels, hotels, schools, churches, libraries, and hospitals considered are locations where undeveloped adjacent properties have secured permits for construction of the above outdoor human activity land uses by the jurisdiction or jurisdiction having permit and zoning authority prior to September 30, 2004. Only locations with seventy-five percent (75%) or more of the existing noise sensitive receptors within the Tollway right-of-way are platted or approved prior to September 30, 2004 will be eligible.

4.1.3. When the location of potential study is no more than 500-feet from the project existing edge of shoulder.

4.2. Sites Not Eligible for Traffic Noise Study. A Traffic Noise Study is not warranted if the project does not meet any of the following conditions:

4.2.1. Where the original design of the roadway provided traffic noise abatement measures and the design of the noise abatement considered the traffic-generated noise that would be expected from planned future roadway widening.

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4.2.2. Where traffic noise abatement already exists and no work as described in 5 is currently included in a planning or design study.

4.2.3. Where a Traffic Noise Study has already been completed and it was determined that traffic noise abatement is not warranted.

4.3. Traffic Noise Abatement Considerations Once a location has been studied, the feasibility and reasonableness factors will be evaluated and considered to determine if noise abatement is warranted.

Feasibility

Relationship of future levels to abatement criterion: Is the predicted future noise level from the project approaching or above 67 dBA Leq(h)? Will it be within 1dBA of that level or more on the order of 5dBA or more above the NAC? If the future levels are only slightly above the approach or barely exceed (1 to 3dBA above) the NAC, abatement may not be warranted. If the impact were to be greater.

Insertion Loss (IL): The traffic noise abatement design goal will be 8dBA or more. The minimum acceptable insertion loss on the first row of receptors should be 5dB. The greater the insertion loss achieved the better the traffic noise abatement, as long as the cost, impact, etc., do not become excessive. If a minimum 5dBA insertion loss cannot be achieved, a noise barrier may not be considered to be feasible.

Constructability: Can the noise barrier conceived actually be constructed using standard construction methods and techniques? Factors affecting this will include terrain, utilities, safety, bridges, overpasses, and similar difficulties.

Maintainability: Will the noise barrier be constructed in a location that inhibits or impedes proper maintenance?

Safety: A critical factor in determining whether abatement is viable is the impact on safety.

Utilities: The impact of noise barriers on utilities and the reverse must be addressed during the process. Overhead power lines, underground water, sewer, gas, oil, fiber optic cables, etc. have a significant impact on costs and design options.

Drainage: One of the most important elements in the physical location and design of a noise abatement is drainage. Directing water along, under, or away from a noise abatement can be expensive and cause construction and long-term maintenance problems.

Cost: Cost factors will include the cost of construction (material and labor), the cost of Right of Way (including easements, etc.), and any other associated costs. Traffic noise abatement should be achieved in a cost-effective manner. The Traffic Noise Study will include a cost-benefit analysis that will be used to assist in the final determination of traffic noise abatement recommendations. If traffic noise abatement cannot be achieved in a cost-effective and economically reasonable manner, traffic noise abatement will not be included in the project.

Reasonableness

Land Use Stability: Is the land use for the area expected to change in the future how? Land uses tolerant of traffic noise may not warrant traffic noise abatement. where visual exposure is integral to their existence and vitality may not warrant traffic noise abatement.

Local Controls: What has the local governing or jurisdictional body done to control sensitive land uses from building adjacent to the Tollway corridor or right-of-way? that if no controls are used, traffic noise abatement is not a very high priority with the community.

Community Desires: Important in determining if traffic noise abatement should be implemented at any location is whether the affected community really desires abatement. This may require a survey or community outreach efforts to be conducted to assess the community's desires. If the community is not in favor of the noise abatement, the Tollway may choose not to implement traffic noise abatement features. If access rights are required, the Tollway will attempt to determine if the affected property owners are willing to trade those rights for the abatement without any exchange of money.

Views of Local Officials: Consideration should be given to the views of the local representative authorities who may be asked to represent the views of the citizens.

Seasonal Usage: Is the site occupied or utilized year round? The evaluation will consider seasonal usage rates throughout the year.

Noise Level Changes from Future Build and No-Action Conditions: This impact assessment compares traffic noise levels will be very similar, whether or not the project is built. If the difference between the future No-Action and the future Build is 3dBA or less, most people will not notice the change. If the change is 5dBA or greater than, traffic noise abatement consideration should be given more weight.

Antiquity: Who was there first, the noise sensitive site or the roadway? How long has the noise sensitive site been there relative to elevated traffic noise levels? Is the Tollway adjacent to original owners or recent purchasers? This implies that someone who builds a noise sensitive site along an existing roadway (or within the corridor where a road was planned for construction) probably doesn't consider traffic noise a significant factor in the selection of the location.

Aesthetics: This refers to the physical appearance of the wall from both the roadway and the community side. It also incorporates the landscaping concept, the opinions of the property owners and the local community desires.

Right-of-way Needs Including Access Rights, Easements for Construction, Maintenance, and Additional Land: Right-of-way (ROW) impacts can include the need to obtain access rights, easements and land. It also includes the consideration of property donation, etc. If access rights and easements are required, these will typically be provided by the property owners. This is in consideration of the construction of the traffic noise abatement wall for the property owners.

Other Environmental Issues: This refers to impacts of traffic noise abatement on the environment.

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that should be considered on a site-by-site basis. Examples include but not limited reflection of sound, pedestrian, bicycle and trail disruption, wetland destruction, g surface water impacts, animal migration / flight paths, air quality, shading of vege accumulation, etc.

5.0 Community Noise Abatement Retrofit Projects (Type II Projects)

The following establishes a cost-shared policy to consider requests for retrofitting abatement for projects that are not associated with any Type I improvement. Retr are subject to available funding and will be evaluated for their merits on a case-by

In order for a retrofit project to be considered for Community Noise Abatement Re (Type II) funding, the project must have a state or local government sponsor, i.e. government with the authority to levee taxes. This includes general-purpose units governments (e.g. cities, counties and townships) as well as specialized governing (e.g. sanitary districts, school districts, forest preserve districts, park districts, air authorities and publicly owned universities or colleges).

For a project to be considered for Community Noise Abatement Retrofit Project (T funding, the local agency sponsor must prepare documentation in accordance with noise impact assessment and Traffic Noise Study requirements outlined in Section above. The local agency sponsor must pass local zoning ordinances regarding lanc all necessary right-of-way, demonstrate the ability and commitment to provide a r 50% of the funding for the project, and agree to maintain the traffic noise abatem and right-of-way on the community side of the structure.

The Tollway will give priority consideration to those communities where the Tollwa constructed through an existing neighborhood and where seventy-five percent (75 of the existing noise sensitive receptors within 500-feet of the roadway preceded l Developments platted or approved after September 30, 2004 will not be eligible fc Noise Abatement Retrofit Project (Type II) funding consideration.

6.0 Traffic Noise Abatement Techniques

Means and methods for implementation of traffic noise abatement shall be consid effectiveness of traffic noise attenuation and cost.

Noise Walls: Noise walls are solid structures built between the highway and the r sensitive receptors along the roadway. Noise walls are typically constructed of pre panels, cast-in-place concrete, concrete masonry blocks, masonry or wood. Absorb will also be considered in areas where noise sensitive receptors may be affected b noise on either side of the wall or in instances where wall heights can be reduced comparable effectiveness. Noise walls can reduce traffic noise levels effectively.

Earth Berms: Traffic noise barriers can be formed from earth mounds along the r called earth berms. Earth berms have a natural appearance and offer opportunitie landscaping; however earth berms can require a significant width across land to a

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the height necessary to provide the amount of insertion loss required.

Vegetation: If high enough, wide enough, deep enough and dense enough (cannot pass through), vegetation can decrease the highway traffic noise at a noise sensitive receptor. A 200-foot depth of effective dense vegetation can reduce noise by 10dBA, which can reduce noise volume in half. It is often impractical to plant enough dense vegetation along a roadway to achieve such reductions; however if dense vegetation is already present possibilities exist where it could be saved with some insertion loss achieved.

Encouraging Compatible Adjacent Land Use: Traffic noise compatible land use is a community planning method and proactive responsibility that helps reduce or eliminate noise levels at noise sensitive receptors along roadways. This type of planning means considering land use options and traffic noise issues more effectively so that compatible developments are set up next to the Tollway. Municipalities and counties have the authority to encourage traffic noise compatible land use planning by developing effective land use zoning or other legal means (such as subdivision or development standards, building codes and regulations), land or easement purchases and community education to inform citizens, developers and local planners about traffic noise compatible land use planning.

Promote Tollway Policy and Encourage Local Governments: The Illinois Tollway encourages those who plan and develop land, and local governments controlling development or planning land use near existing or planned Tollway locations, to exercise their public responsibility to minimize the effect of roadway traffic noise on future sensitive receptors through appropriate land use control. Where such land use controls are not in place, municipalities, townships and counties may not be eligible for traffic noise abatement consideration for sensitive receptors by the Tollway.

Reduction of Traffic Noise at the Source: Reduction of traffic noise impacts by treatment of the road surface is the most cost-effective traffic noise control available on the Tollway. Within the group of traffic noise abatement methods that are feasible and effective, and after life-cycle cost analysis have selected a pavement type and other techniques, subject to financial constraints, the Tollway will use the quietest surface texture available when reconstructing a roadway in traffic noise sensitive areas.

Traffic Noise Abatement by Others: All future planned developments adjacent to the Tollway should include a provision in the Subdivision Plat approval requirements that require the developer to place a covenant running with the land notifying prospective purchasers that traffic noise abatement will not be provided by the Illinois Tollway. The Tollway encourages developers and local governments to coordinate their efforts to mitigate roadway traffic noise. This must be done without encroachment on the Tollway right-of-way, unless it is determined to be necessary, and authority granted to permit others to construct a sound barrier or landscape in the Tollway's right-of-way. The design must meet the Illinois Tollway structural, safety and maintenance standards. The Tollway shall assume no liability or authority or responsibility of any kind for the structural integrity or acoustical effectiveness of traffic noise abatement sound barriers constructed by others.

Noise Abatement Criteria (NAC)*

Hourly A-Weighted Sound Level - decibels (dBA)

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Land Use Category	Leq(h) dBA	Description of Land Use Category
A	57 (Exterior)	Lands on which serenity and quiet are of ex significance and serve an important public need; the preservation of those qualities is essential to continue to serve its intended purp
B	67 (Exterior)	Picnic areas, recreation areas, playgrounds, and areas, parks, residences, motels, hotels, schools, libraries, and hospitals.
C	72 (Exterior)	Developed lands, properties, or activities not Categories A or B above.
D	--	Undeveloped lands.
E**	52 (Interior)	Residences, motels, hotels, public meeting rooms, churches, libraries, hospitals, and audit

* Title 23 Code of Federal Regulations Part 772 (23 CFR Part 772)

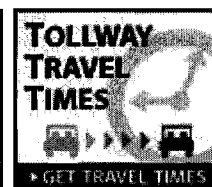
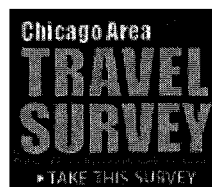
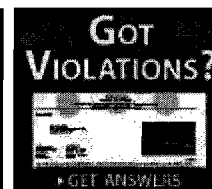
** Use of interior noise levels shall be limited (on a case-by-case basis) to situations where exterior noise levels are not applicable, i.e., where there are no exterior activities by traffic noise, or where exterior activities are far from or physically shielded from roadway in a manner that prevents an impact on exterior activities.

Note: The Noise Abatement Criteria (NAC) are noise impact thresholds for consideration of noise abatement. (Abatement must be considered when predicted traffic noise levels for a year approach [i.e., are within 1 decibel of] or exceed the noise abatement criteria; the predicted traffic noise levels are substantially higher [i.e., are more than 14 decibels greater] than the existing noise level.) The Noise Abatement Criteria are not attention criteria or targets. The goal of noise abatement measures is to achieve a substantial reduction in future noise levels. The reductions may or may not result in future noise levels that meet the Noise Abatement Criteria.



TOLLWAY NEWS

- ▶ Illinois Tollway Construction Alerts July 10, 2009
- ▶ Illinois State Police District 15 and Illinois Tollway Offer Child Safety Seat Event at Lombard Babies "R" Us on July 11 (07/06/2009)
- ▶ Grand Avenue Exit Ramp to Re-Open on North Tri-State (I-94/I-294) Tollway (06/30/2009)
- ▶ IDOT, Tollway and State Police Urge Drivers to Comply with Posted Speed Limits (06/24/2009)



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Detailed modeling and analyses necessary to address air quality and groundwater impacts was beyond the scope of a macro-scale review. However, these analyses were conducted for the Selected Alternative. These analyses determined that the Selected Alternative would not significantly impact these resources. Secondary and cumulative impacts to resources were not part of the analysis of environmental effects. However, county and municipal governments within the Project Corridor have planned for over 75 percent of the Project Corridor to be developed. The remaining lands are protected park and preservation lands.

The type and distribution of secondary growth will be influenced by the Proposed Action. The secondary growth effects of the Selected Alternative were addressed in detail in the Draft and Final SEIS. Draft SEIS, Appendix A presents an extensive technical report addressing this issue titled the Socio-Economic, Land Use and Accessibility Impacts of the Proposed I-355 Extension. The study found the Tollroad/Freeway Alternative will provide the most focus for which to influence growth by providing a single route accommodating high volumes of traffic along one corridor, and by providing limited and controlled access at specific interchanges. The Lemont Bypass Alternative would also focus high volumes of traffic along one corridor, but would provide less focus providing limited access control along the principle arterial portion, which comprises two-thirds of the alignment. The Enhanced Arterial Alternative, which improves existing roadways, would provide the least focus for development and promote more dispersed development patterns because it would increase traffic along a number of routes located throughout the Project Corridor.

In terms of secondary impacts, the Project Corridor is developing at a rapid pace. Between 1990 and 2000 the population of Will County increased 41 percent, ranking it the second fastest growing county in the State of Illinois. Demographic analysis presented in the Draft and Final SEIS found the Selected Alternative to contribute less than 0.6 percent of population and 0.1 percent of employment growth making the Selected Alternative inconsequential in stimulating this growth and its resultant secondary impacts. The SEIS did, however, find the Tollroad/Freeway Alternative to provide the greatest focus for development, and as such, would reinforce the growth management activities of local government and therefore, best reduce regional secondary growth impacts compared to the other alternatives. In terms of secondary impacts to biological resources associated with operation of each facility, the Tollroad/Freeway Alternative would focus traffic volumes along a single route, thus reducing traffic impacts elsewhere within the Project Corridor. The Tollroad/Freeway Alternative has also been designed to mitigate impacts to the greatest extent practicable. These measures were outlined in Section V, Mitigation and Commitments and are the result of extensive coordination with resource agencies. The Lemont Bypass Alternative would also focus traffic along a single route and create comparable secondary impacts related to operation. The Enhanced Arterial Alternative would disburse traffic volumes, add to existing secondary impacts of existing routes and distribute added secondary impacts across a larger geographic area. For example, the Enhanced Arterial Alternative crosses the Des Plaines River at three locations.

In sum, none of the Alternatives will eliminate secondary impacts, however, the Tollroad/Freeway Alternative will minimize impacts and was found to be most consistent with county and local planning goals and objectives. Therefore, the Tollroad/Freeway Alternative provides the best opportunity to work with local planning and regulatory mechanisms to manage cumulative impacts.

Comments on Environmental Consequences - comments identified the following issues. It was commented that additional Alternatives beyond the Selected Alternative should have been subject to detailed evaluation of the environmental consequences, the secondary and cumulative impacts

analysis was suggested to be inadequate, and it was considered that the impacts to ozone were not adequately addressed. Comments were also received regarding noise and salt impacts.

Response to Comments: The Lemont Bypass Alternative, Enhanced Arterial Alternative and Tollroad/Freeway Alternative were reviewed for comparative environmental effects as part of the alternatives analysis. That analysis found no substantive difference in impacts between the Alternatives. This finding, combined with the performance of the Lemont Bypass Alternative, Enhanced Arterial Alternative and Tollroad/Freeway Alternative in meeting the four performance criteria of the Purpose and Need, resulted in the finding that the Tollroad/Freeway Alternative was the only Alternative to meet Purpose and Need and therefore, the only Alternative to be reviewed in detail for environmental impacts.

NEPA requires a comparative analysis, at an equivalent level of detail, which was performed for each of the Build Alternatives in the Final SEIS. It is well established that NEPA does not require an excruciating level of detail for every alternative. Rather, a mechanism must be used to ensure that the best alternatives received the most consideration. The Draft and Final SEIS accomplish that objective. Further, the key environmental resources, which are located in the Des Plaines River Valley, would experience identical impacts for both the Tollroad/Freeway Alternative and Lemont Bypass Alternative. The roadway design and footprint would be exactly the same for both alternatives at this critical location.

With regard to comments that noise impacts should be measured from the edge of the roadway instead of the centerline of the facility, refer to Section 2.2.1 of the Stamina 2.0 User's Manual, April 1982 which states "A single roadway can be used to model a multi-lane highway using the geometric mean distance from source to receiver, $DnDf$, based upon the near-lane (Dn) distance and the far-lane distance (Df). The noise models and analysis techniques are structured to measure impacts from the centerline of the roadway for a number of reasons, including the need to properly account for two-way traffic.

Regarding the analysis of secondary and cumulative impacts, the analysis was based upon a detailed analysis of the NIPC forecasts and conforms to the 11-step approach set forth in CEQ and FHWA guidance. The 11-step approach is a methodology developed by USEPA for identifying and evaluating secondary and cumulative impacts. The detailed analysis of secondary and cumulative impacts was documented in the Draft SEIS, Section 4.20 and Appendix A. Socioeconomic data from NIPC was carefully analyzed to identify the influence of transportation improvements upon population and employment growth. The major conclusion was that the most substantive growth would occur regardless of constructing the I-355 extension. This finding is consistent with past trends, which document tremendous growth in the study area in the absence of major transportation upgrades. In fact, Will County has already surpassed the population total predicted for the year 2010. This growth cannot be attributed to a roadway that has not been constructed.

As for salt impacts, IDOT is committed to the research of salt impacts and has funded research by the Illinois State Water Survey to study the salt impacts of the Selected Alternative. Field studies indicated a preponderance of salt tolerant species adjacent to the alignment of the Selected Alternative. Impacts to salt intolerant species, if present, may occur. Substantial measures have been taken to control and treat roadway runoff to reduce the impacts of salt and other potential roadway contaminants. Refer to Draft SEIS, Section 4.10 and Final SEIS, Chapter 6.0, Coordination and Commitments for detailed findings and comment responses concerning salt spray. Furthermore, if it is determined that general use water quality standards are not being met due to contaminants resulting from the Selected Alternative, the Constructing Agency will coordinate with the Illinois Environmental Protection Agency. The presence of the roadway will

not substantially impact the existing management plans of resource agencies for wetlands and other natural resources along the roadway. Nor will the Des Plaines River Valley bridge, being at an elevation of approximately 24 meters (80 feet) above the valley floor, create any shading impacts to the natural resources below. Measures to mitigate impacts to natural resources are presented in the Final SEIS, Chapter 6.0 Coordination and Commitments.

Concerning ozone, impacts of the Selected Alternative on ozone were addressed. CATS performed conformity modeling of the Selected Alternative's impact on VOC and NO_x, the precursors of ozone. CATS found the emissions of VOC and NO_x associated with the Selected Alternative would have a negligible impact upon ozone levels. In addition, the impacts of the I-355 extension have been accounted for in the Illinois EPA's State Implementation Plan (SIP) for the area, and will not hinder reaching attainment by the statutory deadline, 2007. The Illinois EPA stated in a December 6, 2000 letter that an analysis of ozone related impacts is not warranted.

Comments on Public Involvement – ELPC/BPI commented that the public involvement process was conceived and implemented in an open house manner that excluded the general public and IDOT was considered to have obstructed public participation. Also, it was commented that presenting statistics quantifying support for and against the Proposed Action was considered unjust, and that IDOT's response to comments presented in the Draft SEIS were perceived as incomplete and inadequate.

Response to Comments: The public was offered ample opportunities for meaningful participation, including meetings with local officials, community surveys, newsletters, and a pair of public hearings that resulted in thousands of comments. In addition, meetings were held with ELPC/BPI on three (3) separate occasions. Overall, this project has undergone significant public involvement for decades, including successive long-range transportation plan updates that date back to the 1960's. In addition, public informational meetings and hearings were held in 1987, 1988, 1991, 1994 and 2001.

With regard to the Action Plan proposed by ELPC/BPI, commentors presented details of this plan to the general public, elected officials and the media a full six months prior to the public hearings. Despite this well publicized effort, the Action Plan proposed by ELPC/BPI was not accepted by the general public as an alternative to the I-355 proposal. The Action Plan proposed by ELPC/BPI does not represent any new ideas—it's simply a repackaging of IDOT's current TIP, the majority of which will be constructed regardless of I-355 being implemented. Commentors suggestion that the public's support for I-355 is somehow based upon a lack of other choices is not supported by the facts—a number of alternatives were examined and presented to the public via meetings, newsletters, the Draft SEIS and the public hearings. Further, the summary of those supporting or opposing the I-355 proposal is a fundamental and appropriate element of any decision making process. The "substantive issues raised by hundreds" were carefully reviewed and have been addressed in the Final SEIS.

Commentors claim that the Final SEIS does not reproduce or respond to all comments is also unsupported. 40 CFR 1503.4(b) states that "All substantive comments received on the draft statement (or summaries thereof where the response has been voluminous), should be attached to the final statement...". The comments were indeed voluminous, but also referenced and summarized supporting technical studies. Therefore, the comments were published in an appropriate manner in the Final SEIS. All of the issues raised by commentors were carefully considered and each major point was addressed, in accordance with FHWA's technical advisory T6640.8A. Per this advisory, IDOT summarized the substantive comments on social, economic, environmental, engineering and other issues generated through the public hearings, circulation of

the Draft SEIS and other public involvement activities. IDOT responded to these comments by making indicated revisions to the Final SEIS, or by providing written responses in the Final SEIS.

Key elements of the overall project documentation such as the 1996 Final EIS and the 2020 Regional Transportation Plan were available to the public in advance of the Draft and Final SEIS. In addition, the Draft and Final SEIS documents were available in paper and CD ROM formats; the CD's contained the 1996 Final EIS as well as the Draft and Final SEIS, with "hot links" established between each of the documents. Other options for public review included 10 local libraries within the study area and an Internet web site. Overall, the record clearly demonstrates that the public was provided ample, innovative and manifestly reasonable access to the planning process and documentation.

VI. CONCLUSION

In consideration of all the above, the FHWA has based its decision that the selected alternative 1) satisfies Purpose and Need, 2) poses the least impacts on the environment, 3) the process satisfies NEPA and other applicable requirements and 4) the project may be advanced.

Original signed by:
Norman R. Stoner, P.E.
Division Administrator

02/25/02
Date

/s/ Norman R. Stoner
For the Federal Highway Administration

ACTION: Cancellation of notice of intent, FR document 91-15994.

SUMMARY: The FHWA is issuing this notice to rescind the previous Notice of Intent issued on June 21, 1991, to prepare an environmental impact statement (EIS) for the proposed highway project in Skagit County, Washington.

FOR FURTHER INFORMATION CONTACT: Gene K. Fong, Federal Highway Administration, Evergreen Plaza Building, Suite 501, 711 South Capitol Way, Olympia, Washington, 98501-1284, Telephone: (360) 753-9413; Brian Ziegler, State Design Engineer, Washington State Department of Transportation, Transportation Administration Building, Olympia, Washington, 98204, Telephone: (360) 705-7231; or, John Okamoto, WSDOT Northwest Region Administrator, 15700 Dayton Avenue North, PO Box 330310, Seattle, Washington 98133-9710, Telephone: (206) 440-4691.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Washington State Department of Transportation (WSDOT), issued a Notice of Intent on June 21, 1991 to prepare an EIS on a proposal to improve or construct a 4-1/2 mile section of SR 20 from two lanes to four lanes. The Draft Environmental Impact Statement (DEIS) was originally circulated on May 30, 1995, and was followed by an EIS/Design Hearing on June 28, 1995. Since then, as the project elements have been refined, impacts have been more specifically identified, and public and agency comments have been evaluated, the FHWA and WSDOT have jointly decided that the project will not result in significant impacts to the environment and that an Environmental Assessment (EA) is the most appropriate environmental document under the National Environmental Policy Act (NEPA) rather than an EIS. The EA is available through the above contacts. Because a previous hearing was held for this project, another hearing is not planned for the current EA. However, any person with questions about the project or wishing to request a hearing may write to Bill James at 15700 Dayton Avenue North, MS 11, PO. Box 330310, Seattle, WA. 98133-9710, or call (206) 440-4139.

Authority: Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation of federal programs and activities apply to this program.

Issued on: April 12, 1999.
Donald A Petersen,
Transportation and Environmental Engineer,
Olympia, Washington.
 [FR Doc. 99-10110 Filed 4-21-99; 8:45 am]
BILLING CODE 4910-22-M

[REDACTED]

Federal Highway Administration
Environmental Impact Statement; Will, DuPage, and Cook Counties, IL
AGENCY: Federal Highway Administration (FHWA), DOT.

SUMMARY: The FHWA is issuing this notice to advise the public that a Supplement to a Final Environmental Impact Statement will be prepared for a proposed highway project in Cook, Will, and DuPage, Counties, Illinois.

FOR FURTHER INFORMATION CONTACT: Jon-Paul Kohler, Environmental Engineer, Federal Highway Administration, 3250 Executive Park Drive, Springfield, Illinois 62703, Telephone: (217) 492-4988
 Patrick Pechnick, Bureau Chief of Programming, Illinois Department of Transportation, 201 West Center Court, Schaumburg, Illinois 61096-1096, Telephone: (847) 705-4393

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Illinois Department of Transportation (IDOT), will prepare a Supplement to the Final Environmental Impact Statement (EIS) on a proposal for a new highway. The proposed highway facility would begin at the interchange of Interstate Routes 55 and 355 east of Bolingbrook, Illinois and extend southerly approximately 12 miles to Interstate Route 80 northwest of New Lenox, Illinois. The proposed highway generally follows the previously recorded centerline for the Lake-Will Freeway (FA Route 61) in Will, DuPage, and Cook Counties and is designated FAP Route 340. The original EIS for the proposed project (FHWA-IL-EIS-93-03-F/4(f)) was approved on February 21, 1996. The Record of Decision (ROD) was approved on April 15, 1996. The approved EIS and ROD indicate that the Illinois State Toll Highway Authority would construct and operate the new highway. The Supplement to the Final EIS will allow traffic projections to be updated to the current planning year horizon, 2020. No-Action Alternative land use forecasts will be modified based on revisions to the Year 2020 transportation network. Various transportation alternatives including No-Action, No-Action with

Transportation System Management, Mass Transit, and Build Alternates will be reexamined with regards to the new traffic. The Build Alternates include Further Improvements to the Existing Highway Network, Expressway, and Freeway/Tollway Alternates. Coordination meetings, three public meetings, and a public hearing were conducted as part of the previous EIS. Coordination with Federal, State, regional, county, and local agencies, community organizations, private industry, and the public was performed. Additional coordination will include coordination meetings and a public hearing. No formal scoping meeting will be held. If new information indicates a need to define issues attendant to the proposed action, scoping activities will be conducted with specific resource agencies. To ensure that the full range of issues related to the proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the Supplement to the Final EIS should be directed to FHWA or IDOT at the addresses provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Issued on: April 15, 1999.
Jon-Paul Kohler,
Environmental Engineer, Springfield, Illinois.
 [FR Doc. 99-10056 Filed 4-21-99; 8:45 am]
BILLING CODE 4910-22-M

DEPARTMENT OF TRANSPORTATION
Federal Railroad Administration

[FRA Docket No. FRA-1999-5103; Old Docket No. RST-93-3]

Burlington Northern and Santa Fe Railway Co.; Petition for an Extension and Modification of a Waiver of Compliance with Certain Provisions of 49 CFR 213.113(a)(2), Notes C and D

In accordance with 49 CFR 211.41, notice is hereby given that The Burlington Northern and Santa Fe Railway Company (BNSF) has petitioned the Federal Railroad Administration (FRA) under date of December 2, 1998, for extension and modification of a waiver of compliance with certain requirements of Title 49, Code of Federal Regulations, Part 213: Track Safety Standards. This proceeding

existing State Implementation Plan and the transportation-related requirements of the 1990 Clean Air Act Amendments.

4.12.3 Measures to Minimize Impacts

No substantive change has occurred to this resource since publication of the 1996 FEIS. Refer to 1996 FEIS, Section 4.12.5.

4.13 Noise

4.13.1 Introduction to Noise

One decibel (dB(A)) is the smallest change in sound level an average person can detect under ideal conditions. Usually, an observer cannot notice an increase in noise of 3 to 4 decibels if the increase takes place at a uniform rate over several years. To an average listener, a difference of 10 dB(A) is perceived half as loud or twice as loud.

The equivalent, steady-state noise level, L_{eq} is used to analyze traffic noise levels and identify noise impacts. L_{eq} is defined as the sound level which, in a stated period of time, contains the same acoustic energy as the time varying sound level during the same period.



Federal Regulations

The Federal Highway Administration (FHWA) policies and procedures, 23 C.F.R 772, served as the procedural guidelines in the analysis. Incorporated into the regulations are Noise Abatement Criteria (NAC), which are based on the type of land use and activities performed at the respective sites.

State Policy

In implementing the FHWA 23 C.F.R, Part 772 regulations, the Illinois Department of Transportation developed the current Noise Analysis Policy dated April 3, 2000. This policy is Section 26-6 in the IDOT Bureau of Design and Environment Manual and defines traffic noise impacts to occur under the following circumstances:

- Design-year traffic noise levels are within 1 dB(A) of or exceed the NAC.
- Design-year traffic noise levels are greater than 14 dB(A) above existing traffic-generated noise levels.

Noise abatement must be considered at receptors where predicted traffic noise impacts occur. For this study, all development platted prior to April 1999 have been considered for analysis.

4.13.3 Traffic-Generated Noise Levels

A total of 70 receptors were selected as representing their surrounding area. The locations of these receptors are shown in Draft SEIS, Exhibit 2-14. These receptors represent farmhouses, single-family residences and areas in the Des Plaines River Valley. Noise levels obtained at these sites are used to assess impacts for nearby sites with similar characteristics (i.e. distance to the alignment, traffic volumes, location relative to Project Corridor).

Table E-1, Draft SEIS, Appendix E presents noise impacts. Several values for existing traffic noise exceeded the NAC. It can also be noted that there are several cases in which the modeled traffic noise is considerably less than the existing noise. These occurrences are due in part to the fact that existing noise measurements include background noise as well as traffic noise. TNM and STAMINA only model traffic noise. In some cases, traffic on the existing road is lower in future modeled current traffic because it is diverted to the Preferred Alternative.

4.13.4 Consideration of Abatement Measures

The Preferred Alternative is located in gently rolling terrain with the exception of the Des Plaines River Valley. Due to the level topography of the Project Corridor, it will be difficult to use natural terrain features as noise barriers. Every opportunity was made to depress the roadway to reduce traffic noise levels. The Preferred Alternative was depressed to an elevation within the limitations of positive drainage, stream crossings and grade separations. Deliberately depressing the roadway may be effective in reducing the sound levels by up to 5 to 10 dB(A).

Refer to Draft SEIS, Section 4.13.4 for a review of the noise abatement measures.

4.13.4.1 Noise Barriers

See Draft SEIS, Table 4-6 for areas near the Preferred Alternative that were predicted to experience traffic noise impacts and were analyzed for noise abatement measures. See Draft SEIS, Exhibit 4-6 for barrier analysis regions grouped by receptors.

In the Project Corridor, noise abatement measures which are economically reasonable and feasible are considered likely for each impacted site. There are noise impacts for which no prudent solution is reasonably available.

Results of noise abatement analyses are presented in Draft SEIS, Appendix B, Table B-1. These preliminary indications of likely abatement measures are based on preliminary designs for barriers at height, length, cost and noise level reduction potential as given in Draft SEIS, Table 4-6. Refer to Draft SEIS, Exhibit 4-7 for location of noise abatement measures likely to be implemented. From Draft SEIS, Table E-1, Appendix E it can be noted that certain impacted receptors displayed no decrease in traffic noise levels when a barrier was in place (receptors 32, 44, 47 and 55). This is because those receptors were located closer to busy streets and intersections than they were to the Preferred Alternative. Thus, a barrier located along the Preferred Alternative would not substantially reduce noise levels experienced at those receptors.

The difference between the 1996 and 2010 noise levels is due to the use of STAMINA 2.0 for the 2010 traffic and the Draft SEIS using STAMINA 2.0. The difference in the Receptor Criteria is due to the use of the 2000 FHWA receptor criteria as per the 2000 FHWA guidance. The 2000 FHWA receptor criteria are more conservative than the 1996 FHWA receptor criteria.

This is due, in part, because the FHWA Transportation Noise Model provides better accountability for terrain information and acoustics. In addition, the 2010 noise levels predicted in the 1996 FEIS used STAMINA 2.0 which over-predicts traffic generated noise levels by 2 to 4 dB(A).