
*Tier Two
Record of Decision*

**Elgin O'Hare – West Bypass
Cook and DuPage Counties,
Illinois**

December 2012

U.S. Department of Transportation
Federal Highway Administration
and
Federal Aviation Administration

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A Tier Two Final EIS Comment Letters

1. Decision

The Federal Highway Administration (FHWA), Federal Aviation Administration (FAA), Illinois Department of Transportation (IDOT), and the Illinois State Toll Highway Authority (Illinois Tollway) are joint lead agencies in the consideration of the Elgin O'Hare – West Bypass (EO-WB) project. The EO-WB project was advanced as a tiered Environmental Impact Statement (EIS). The Record of Decision (ROD) for Tier One selected the type and location of the transportation improvement (signed June 17, 2010); the ROD for Tier Two approves the Build Alternative as the Selected Alternative. This ROD for Tier Two constitutes the selection of the Build Alternative and other federal decisions companion to the project's Tier Two process, and are described as follows:

- Selection of the Build Alternative as the Selected Alternative has been based on its ability to best achieve the objectives of the project's Purpose and Need including:
 - Improved regional and local travel by reducing congestion,
 - Improved travel efficiency,
 - Improved access to O'Hare Airport from the west, and
 - Improved modal opportunities and connections.

Other factors important to the selection of the Build Alternative have been financial viability, environmental compatibility with surrounding natural and community resources, and accepted levels of traffic operations on I-290 with the project-related access modifications at the I-290/Thorndale Avenue interchange.

- Selection of two design alternates that are elements of the Build Alternative, which provide the best operational performance, reduced environmental impact, cost-effectiveness, and community acceptance include:
 - Diverging diamond interchange type at I-90 and Elmhurst Road, and
 - Quadrant Bypass (Old Higgins Road) alternate at the intersection of Elmhurst Road and Touhy Avenue.
- The FAA has determined that the Build Alternative is compatible with Chicago O'Hare International Airport (O'Hare Airport) and its future modernization plans. The FAA will continue to review design plans to determine if the Build Alternative is compatible with FAA airspace regulations and FAA Advisory Circular (AC) No. 150/5200-33B, *Hazardous Wildlife Attractants On or Near Airports* (dated August 28, 2007). The FAA will continue to review the use of airport property for a portion of the project (a non-aviation use) to determine if it conforms to requirements that would qualify the property for land use release under the regulations pertaining to the release of airport properties, and that an applicable Land Use Release and a revised Airport Layout Plan depicting the proposed location of the highway would be filed for FAA approval following this ROD.

Tier One concluded with a ROD that selected the project corridor and type of improvement. Since then, the Tier Two process has given detail to the transportation improvement that would be located in the selected corridor. The selected Build Alternative, as described in Section 2, that has emerged from the Tier Two studies is a new toll road facility that is comprised of many design elements including the mainline roadway, interchanges, improvements at crossing roads, bridge structures, drainage facilities, tolling infrastructure, and accommodations for future transit and bicycle/pedestrian facilities. For each project

element, design alternates were considered that led to the development of a single build alternative that provides the best balance of operational performance, reduced environmental impact, cost-effectiveness, and concurrence amongst stakeholders and communities.

The EO-WB project is a major project, as defined by FHWA, and as such includes the preparation of a financial plan that identifies the sources and timing of project funding and a project management plan that lays out the time-phased development of the project. The implementing agency for the roadway component of the project will be the Illinois Tollway and is funded under the agency's capital improvement program, *Move Illinois: The Illinois Tollway Driving the Future*. The plan for implementation spans from 2013 to 2025. Other aspects of the project, including transit infrastructure and bicycle and pedestrian facilities, will be implemented by others as funding is identified.

The State of Illinois has determined that the Build Alternative will be implemented as a toll road. Implementation of the project as a toll road will require compliance with the Federal Tolling Program, where existing sections of the project (Elgin-O'Hare Expressway) have been developed with federal aid highway funds. On July 6, 2012, P.L. 112-141, the Moving Ahead for Progress in the 21st Century Act (MAP-21), was signed into law, and Section 1512(a) of MAP-21 amends the statutory language of 23 U.S.C. 129(a) regarding requirements for converting federal aid highways to tolled facilities. Although not a statutory requirement under MAP-21, FHWA, IDOT, and the Illinois Tollway will enter into a Memorandum of Understanding (MOU) describing the federal aid facilities to be converted, and outlining how the federal requirements will be met. Whereas revised guidance on the Federal Tolling Program is currently in process, further coordination between FHWA, IDOT, and the Illinois Tollway is required to finalize the terms of the MOU.

Regulatory agencies including the U.S. Army Corps of Engineers (USACE), U.S. Environmental Protection Agency (USEPA), U.S. Department of Agriculture (USDA), Illinois Environmental Protection Agency (IEPA), Illinois Department of Natural Resources (IDNR), U.S. Fish and Wildlife Service (USFWS), Illinois Department of Agriculture (IDOA), and the Transportation Safety Administration (TSA) have been closely involved with the process from inception. Project mitigation summarized in this document reflects the guidance and input from these agencies. The working relationship with these agencies over the term of the project has produced mitigation strategies that will be beneficial to the environment, compliant with the regulations, and concurred by the agencies.

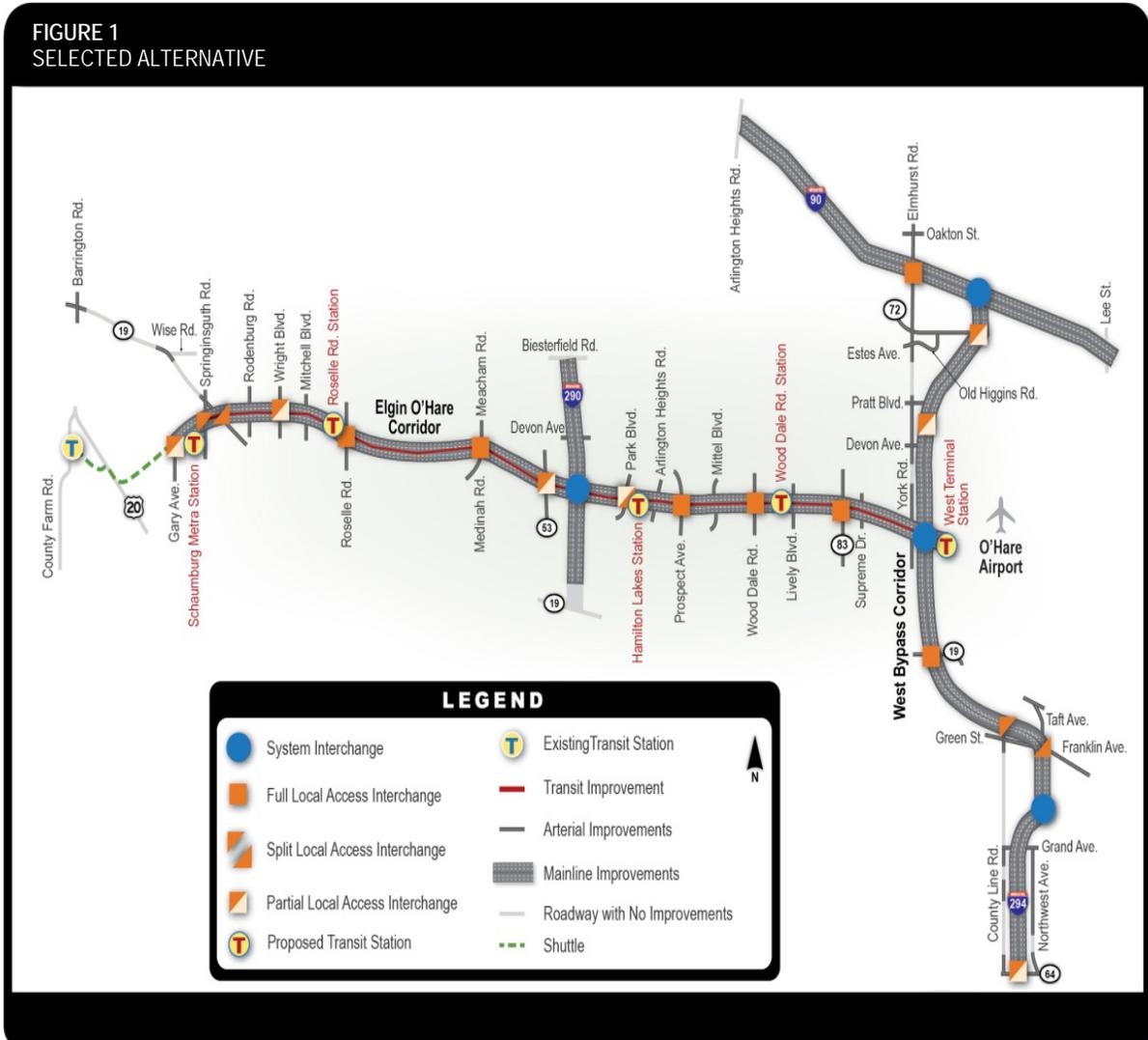
This ROD complies with the regulations of NEPA (40 CFR 1505.2) and FHWA requirements (23 CFR 771), and concludes the Tier Two Final EIS process of the EO-WB project. The remainder of this document describes the Selected Alternative, alternatives considered, the basis for selection, mitigation commitments, the responses to comments received on the Tier Two Final EIS, and findings compliant with environmental laws, executive orders and regulations.

2. Description of the Selected Alternative

The Preferred Alternative presented in the Tier Two Final EIS has been identified as the Selected Alternative. The selection was based on an analysis of environmental and

socioeconomic considerations, design and traffic operations, as well as input provided from the public and agencies.

The project would be developed as a fully access-controlled highway that would be tolled. It consists of 16 miles of new toll road, about nine miles of improvements to existing toll roads (i.e., I-294 and I-90) and freeway (i.e., I-290), and 16 miles of supporting arterial improvements (see Figure 1). The project has two main components, the east-west component known as the Elgin O'Hare corridor, and the north-south component known as the West Bypass corridor.



The Elgin O'Hare corridor is about 10 miles in length, extending from Gary Avenue on the west to the western edge of O'Hare Airport on the east. The West Bypass corridor would extend from I-90 near the Elmhurst Road interchange on the north to I-294 on the south, a distance of about 6.2 miles. Approximately 3.6 miles of the West Bypass corridor would be located on about 195 acres of O'Hare Airport (City of Chicago) property.

Figure 2 depicts the location of the project corridor on O'Hare Airport property. Lane additions would be required on I-90, I-290, and I-294 extending from the system interchange for purpose of transitioning the merging and diverging traffic. The Elgin O'Hare corridor would have three basic lanes in each direction with added auxiliary lanes, and the West Bypass corridor would have two basic lanes in each direction with added auxiliary lanes in high traffic areas. The following describes other project attributes.

2.1 System Interchanges

System interchanges would be required at four locations: Elgin O'Hare corridor and I-290, Elgin O'Hare corridor and West Bypass corridor, West Bypass corridor and I-90, and West Bypass corridor and I-294.

2.1.1 Elgin O'Hare Corridor and I-290

The interchange would provide for movements in all directions, with flyover ramps in two directions and loop ramps in two directions. Where direct access to and from major roadways and developments is not accommodated by the interchange, frontage roads have been provided and motorists could use adjacent local access interchanges.

2.1.2 Elgin O'Hare Corridor and West Bypass Corridor

The selected interchange form would consist of a compact, three-level system interchange that provides movements for eastbound traffic on the Elgin O'Hare corridor to the West Bypass corridor either northbound or southbound, and directly to the proposed West Terminal of O'Hare Airport. Ramps would be provided for both north to west movement and south to west movement through the interchange, as well as movements exiting the proposed West Terminal area in all directions (east, south, and north). In addition, traffic on York Road would have access to the toll road system in this locale via a connection from York Road to IL 83 using frontage roads. Other access points to the toll road system in this vicinity include the interchange at Irving Park Road (IL 19) and the West Bypass corridor, and the interchange at Pratt Boulevard and Devon Avenue.



2.1.3 West Bypass Corridor and I-90

The system interchange between the West Bypass corridor and I-90 would primarily occupy the space currently utilized for a toll road oasis. The interchange has been designed in a Trumpet form and provides movement in three directions (east, west, and south). Lane additions are required along I-90 to the west and east in order to manage weaving movements to and from the interchange area.

2.1.4 West Bypass Corridor and I-294

The interchange at the West Bypass corridor and I-294 would be in the form of a Y-type interchange. Ramps to and from the south would be provided. The combination of weaving movements to and from the new system interchange on I-294, and improved access at North Avenue to and from I-294 requires added travel lanes along 2.2 miles of I-294.

2.2 Local Access Interchanges

Local access interchanges would be provided at 16 locations including existing and new interchanges, and would provide access to major arterial corridors from the mainline facility.

2.3 Arterial Improvements

Thirty-one arterial improvements are proposed to accommodate increased travel in close proximity to the interchanges and along some sections of arterials. The extent of the improvements typically requires added travel lanes, turning lanes, and updated traffic signals.

Arterials requiring capacity improvements include Taft Avenue, Touhy Avenue, Elmhurst Road, York Road, Franklin Avenue/Green Street, Irving Park Road (IL 19), and several others. Other arterial improvements include intersection upgrades at Irving Park Road (IL 19) and Barrington Road in Hanover Park, Irving Park Road (IL 19) and Wise Road in Hanover Park, and IL 72 and Elmhurst Road in Elk Grove Village. The intersection at Irving Park Road (IL 19) and Barrington Road would be upgraded with capacity improvements that would benefit movements in all directions. At Irving Park Road (IL 19) and Wise Road, a dual left-turn would be provided for eastbound Irving Park Road (IL 19) traffic to Wise Road. Other improvements include right-turn lanes. The IL 72 and Elmhurst Road intersection would be modified as a quadrant bypass using Old Higgins Road.

2.4 Frontage Roads

Frontage roads are planned along the Elgin O'Hare corridor to maintain access to developed and developable lands along the mainline. On the west end of the Elgin O'Hare corridor, the existing frontage roads between Gary Avenue and Wright Boulevard would be retained. New frontage roads would be provided in areas where access is required between Meacham Road and York Road.

2.5 Drainage

Stormwater detention facilities, compensatory floodplain storage, and other best management practices would be constructed to compensate for the increased impervious surface, loss of floodplain, and enhance the water quality of roadway runoff.

2.6 Other Transportation Components of the Build Alternative

2.6.1 Transit Facilities

Planned transit service includes dedicated transit service (e.g., Bus Rapid Transit [BRT] or rail options), bus express service, and bus shuttle service. Where transit features are co-located with planned roadway improvements, right-of-way would be provided. Transit infrastructure would be provided by others when funding is available.

The main transit feature is the preservation of space in the median of the Elgin O'Hare corridor from the western edge of O'Hare Airport to Schaumburg. The transit dedicated service would accommodate either BRT or rail options. Five stations are planned in the median along the route including the proposed West Terminal at O'Hare Airport, near Wood Dale Road, Hamilton Lakes' office development, Roselle Road, and near the Schaumburg Metra station. At each of the transit stations, accommodations for parking and bicycle and pedestrian access would be provided.

The north leg of the West Bypass corridor has been located to provide sufficient space for a transit facility to be placed along the east side of the roadway to connect the proposed West Terminal at O'Hare Airport to eventual proposed commuter transit service along I-90. Proposed bus services would complement the major transit features including:

1. Bus express service connecting the proposed West Terminal with the Rosemont CTA Blue Line station that is routed around the southern edge of O'Hare Airport;
2. Bus express service extended from the median in the Elgin O'Hare corridor at IL 53 to the Woodfield Mall on the north; and
3. Bus shuttle service from the Schaumburg Metra station to Hanover Park Metra station. The shuttle service would travel in mixed traffic along the Elgin-O'Hare Expressway to Lake Street and to the Hanover Park Metra station via Lake Street.

2.6.2 Bicycle and Pedestrian Facilities

The EO-WB project has developed a plan for bicycle and pedestrian improvements that comprise facilities co-located in the project corridor and facilities that are logical extensions that link other local and regional trails. Where the project involves existing bicycle facilities and state routes, facilities would be restored. New elements of the bicycle and pedestrian plan would be subject to interagency agreements that address jurisdictional responsibility, local cost sharing for construction, and long-term maintenance of the improvements.

2.6.3 Congestion Management Process Strategies

Congestion management strategies in the form of Transportation System Management (TSM) and Transportation Demand Management (TDM) have been considered for the EO-WB project. A complete menu of strategies has been identified as possible techniques that would be applicable to the project. The implementing agency would provide space and opportunity for future transit facilities, and, as a tolling agency, would implement an Intelligent Transportation System (ITS) system that would have the ability to alternatively manage traffic in the future. As the project advances, the implementing agency would evaluate the TSM and TDM opportunities from the menu of strategies. Throughout the development of the project, flexibility has been maintained to accommodate most congestion management strategies.

3. Other Alternatives Considered

The project corridor location was determined in Tier One, the focus in Tier Two was on the design details that would be located in the selected corridor. During Tier Two, many design alternates for the basic elements of the project were examined including interchange types, drainage, transit, mainline lane requirements, bicycle and pedestrian improvements, and congestion management. For example, up to seven alternates were examined at each interchange location based on operational characteristics, environmental effects, cost, and constructability. The consideration of alternates was applied to each element of the project, and led to a single Build Alternative that represented the best combination of design elements that provided the best performance, reduced environmental impact, and was cost-effective. In addition to the Build Alternative, the No-Build Alternative was considered in the analysis and served as a base line for comparison. The Tier Two Draft EIS concluded with three decisions to be finalized in this Tier Two Final EIS, which include:

- Identification of the Preferred Alternative – Build versus No-Build Alternative.
- Identification of the preferred interchange design alternate at Elmhurst Road and I-90.
- Identification of the preferred intersection design alternate at IL 72 and Elmhurst Road.

The following subsection includes a comparison of the Build versus No-Build Alternative and the interchange and intersection alternates. The FAA will continue to review the use of airport property for a portion of the project (a non-aviation use) to determine if it conforms to requirements that would qualify the property for land use release under the regulations pertaining to the land use release of airport properties for a non-aviation use. This section concludes with the identification of the environmentally preferred alternative.

3.1 Build versus No-Build Alternative

Two project alternatives were carried forward in the Tier Two Draft EIS for detailed analysis. The analysis of the No-Build and Build Alternatives showed that the project's Purpose and Need are best satisfied with the Build Alternative. For each of the four Purpose and Need statements, the Build Alternative satisfies the intent. The No-Build Alternative, on the other hand, does not satisfy any of the Purpose and Need objectives. The following discussion summarizes the findings and describes how the Build Alternative achieves improved regional and local travel by reducing congestion, improved travel efficiency, improved access to O'Hare Airport from the west, and improved modal opportunities and

connections. In each case, the Build Alternative has been developed with each of these purposes as a goal.

As determined in the overall analysis, the proposed Build Alternative also provides economic benefits compared to the No-Build Alternative. The economic benefits include: 2,000 to 3,000 construction jobs annually for the duration of construction period; over 4,700 acres of new development influenced by better access and transportation; over 40,000 permanent new jobs associated with the new development; over \$700 million in federal and state tax revenue from construction dollar spending; and about \$17 million annually in new property and business tax revenue directed to the local communities in the area.

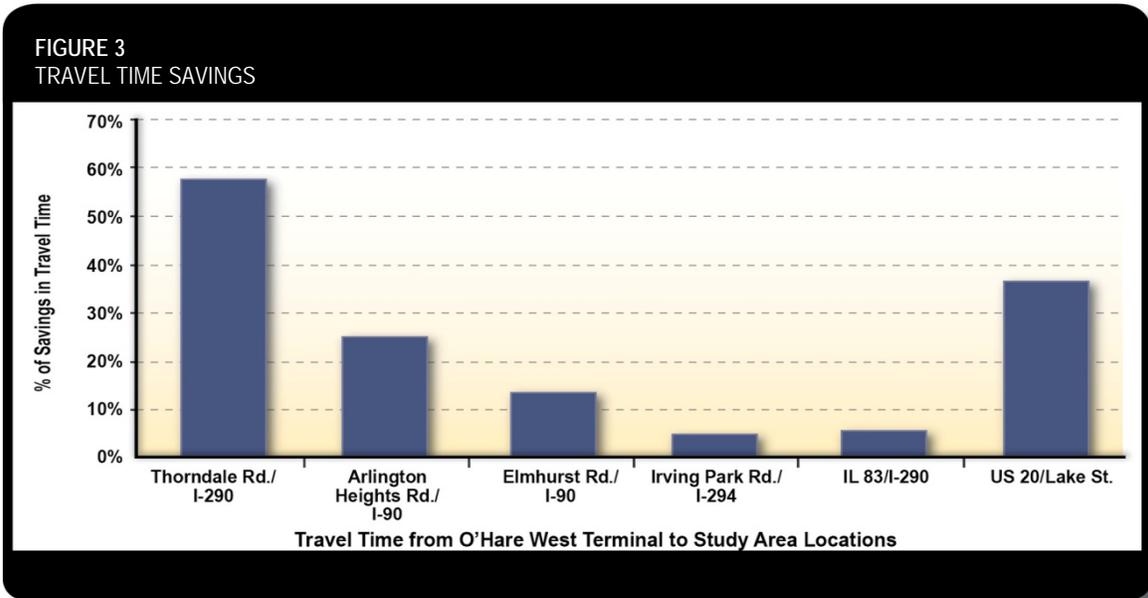
In a comparison of improved travel efficiency, the Build Alternative would provide considerable travel benefits and enhance travel performance for the study area compared to the No-Build Alternative. The proposed Build Alternative would produce the desired travel characteristics – more traffic on access-controlled facilities and less traffic on the secondary roads. The proposed improvements decrease travel (i.e., vehicle miles of travel [VMT]) on primary and secondary roads by almost 18 percent and shift longer trips to access-controlled facilities – the right type of trip on the right type of facility. These traffic shifts reduce travel delays by 24 percent on the primary and secondary arterial roadway system, increasing the overall travel efficiency. Similar to secondary roads, collector roads would also experience a substantial reduction in vehicles hours of delay of 21.6 percent.

The increase in VMT on the access-controlled facility and the relative change in congested VMT can be better explained using the data in Table 1. As shown in Table 1, when the percent of congested VMT is examined for each alternative, the Build Alternative clearly shows that even with substantially more travel on access-controlled facilities, congested VMT is almost five percent less than the No-Build Alternative. Additionally, when the percent of congested VMT is compared to the Build and No-Build Alternatives across all the roadway types (i.e., access-controlled highway, primary, secondary, etc.), the results are similar showing the Build Alternative to be about three percent less. Overall, this demonstrates that for the Build Alternative, VMT can increase on access-controlled facilities, and still show a relative reduction in the percent of congested VMT when compared to the No-Build Alternative.

TABLE 1
Comparison of Percent of Daily Congested Vehicle Miles of Travel for No-Build and Build Alternatives

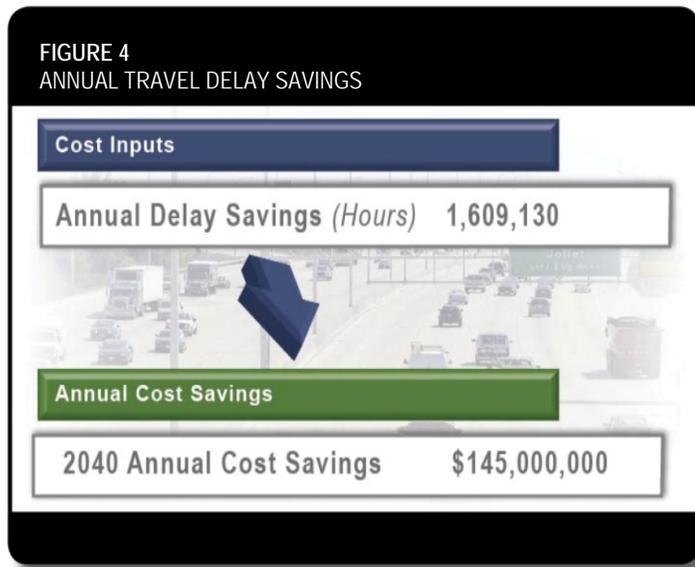
Roadway Type	2040 No-Build Alternative			2040 Build Alternative		
	Total VMT	Congested VMT	% Congested VMT	Total VMT	Congested VMT	% Congested VMT
Access-controlled Highway	10,929,925	6,848,343	62.7%	14,152,761	8,186,322	57.8%
Primary and Secondary Arterial	5,898,311	3,900,928	66.1%	4,844,766	3,278,133	67.7%
Collector	1,187,405	677,490	57.1%	1,176,151	721,141	61.3%
Total	18,015,641	11,426,761	63.4%	20,173,679	12,185,596	60.4%

With the reduction in congested VMT, travel times to various destinations would improve markedly with the Build Alternative. In the examination of six trip pairs in the project area, the cumulative travel time savings totaled to about 28 percent (see Figure 3). A detailed analysis of the travel times shows that the largest time savings are trips from the west and northwest, which support improved access to O'Hare Airport from the west. Transit is an important element of the Build Alternative including provisions for dedicated transit with connectivity to other transit lines/services, and express and shuttle bus services.



Comparatively, the No-Build Alternative would have few alternative transportation options for people traveling within, into, or out of the project area. The reduction in delay and travel time has an associated economic benefit that can be measured in dollars saved. The annual delay savings of constructing the EO-WB project are estimated to be over \$145 million by the year 2040 (see Figure 4).

As shown in the analysis described, the No-Build Alternative does not provide the benefits that stakeholders carefully defined at the beginning of this process. As such, the No-Build Alternative is not consistent with the project's Purpose and Need.



3.1.1 Comparison of Design Alternates

The Build Alternative is defined as a set of design elements consisting of mainline pavement, frontage road, interchange, arterial, drainage, structural (bridges/retaining walls), transit, and bicycle and pedestrian improvements. An extensive process was applied to determine the design elements throughout the project corridor. In two locations, the final determination of the elements was not determined in the Tier Two Draft EIS. These include the interchange type at the Elmhurst Road and I-90 interchange and the intersection type at the IL 72 and Elmhurst Road intersection. In determining the preferred alternates at each location, impacts to environmental and socioeconomic resources are being considered along with travel performance, ability to implement mitigation measures (e.g., water quality best management practices), and stakeholder input. A comparison of these factors is provided in the following subsections.

3.1.2 Elmhurst Road and I-90 Interchange

In the Tier Two Draft EIS, four interchange types were initially considered. During the evaluation process, two alternates were dismissed from further consideration due to environmental, cost, and travel performance factors. Two interchange types remained under consideration at the Elmhurst Road and I-90 interchange location, which included Alternate 3 (a traditional diamond configuration), and Alternate 4 (a diverging diamond configuration). In comparing the two alternates, as shown in Table 2, Alternate 4 is selected. Whereas, Alternate 3 is slightly less costly and has slightly fewer environmental resource impacts, Alternate 4 provides enhanced operational characteristics and easier construction sequencing, which would benefit maintenance of traffic during construction. In addition, both alternates provide opportunities for implementing best management practices.

	Alternate 3 (Traditional Diamond)	Alternate 4 (Diverging Diamond)
Driver Expectation	Good	Moderate
Traffic and Operations Evaluation Rating	Moderate	Good
Construction Sequencing and Maintenance of Traffic	Moderate	Good
Cost	Lower	Low
Wetland Impacts (acre)	0.0	0.01
Impact to Higgins Creek (acre)	0.03	0.11
Impact to Higgins Creek Tributary A (acre)	0.07	0.07
100-year Floodplain Impacts (acre-feet)	13.5	14.2
Regulatory Floodway Impacts (acre-feet)	6.1	7.0
Tree Impacts (number)	124	124

TABLE 2 Comparison of Interchange Alternates at Elmhurst Road and I-90		
	Alternate 3 (Traditional Diamond)	Alternate 4 (Diverging Diamond)
Opportunity for Implementing best management practices	Good	Good
Note: Green shading represents good performance or least impact, yellow shading represents moderate performance or average impact, and red shading represents poor performance or most impact.		

During the evaluation of interchange types at the I-90 and Elmhurst Road interchange, numerous meetings have been held with Des Plaines, Elk Grove Village, and Mount Prospect. The non-traditional aspects of Alternative 4 (diverging diamond) were initially a concern to the surrounding communities. As more information was shared about this interchange type and its advantages, community leaders became more accepting of the concept. Specific input suggested that the design of an interchange and its bridges over I-90 preserve flexibility for future interchange modifications.

3.1.3 IL 72 and Elmhurst Road Intersection

The Tier Two Draft EIS considered four intersection types at the IL 72 and Elmhurst Road intersection. Since the close of the public comment period on May 14, 2012, the intersection type at this location has been the subject of further analysis and stakeholder input. In the evaluation process, two alternates were dismissed, while additional attention was given to the following alternates: Quadrant Bypass at Old Higgins Road and Quadrant Bypass at Greenleaf Avenue. Each alternate was refined to include design measures to improve overall traffic performance and adjustments were made to reduce environmental issues identified during earlier studies.

The evaluation of the two remaining intersection alternates concluded that the Quadrant Bypass (Old Higgins Road) Alternate is the preferred alternate, and documented in the Tier Two Final EIS. This alternate provides an acceptable level of traffic performance for all critical movements, and comparatively exhibits fewer impacts including less right-of-way requirements, fewer displaced business parking spaces, less disruption to business property ingress and egress, and fewer natural resource impacts (see Table 3). Additionally, this alternate, unlike the Quadrant Bypass (Greenleaf Avenue) Alternate, would not involve O'Hare Airport's Runway 9L-27R RPZ. The Quadrant Bypass (Greenleaf Avenue) Alternate would require properties in the RPZ for replacement of business parking, which would require FAA approval for the release of the property for non-aviation uses. Therefore, the Quadrant Bypass (Old Higgins Road) Alternate is the best overall alternate.

TABLE 3 Comparison of Intersection Alternates at IL 72 and Elmhurst Road		
	Quadrant Bypass (Old Higgins Road) Alternate	Quadrant Bypass (Greenleaf Avenue) Alternate
Business Displacements (number)	1 ^a	0

TABLE 3

Comparison of Intersection Alternates at IL 72 and Elmhurst Road

	Quadrant Bypass (Old Higgins Road) Alternate	Quadrant Bypass (Greenleaf Avenue) Alternate
Residential Displacements (number)	0	0
Business Parking Displacements (number)	9	93
Driveway Closures/Restrictions	6	8
Wetland Impacts (acres)	0.26	0.26
Tree Impacts (number)	112	120
^a Building is vacant.		

3.2 Summary

The Build Alternative compared to the No-Build Alternative satisfies the project's Purpose and Need. The Build Alternative provides the needed efficiencies and improved operational characteristics that would maintain and enhance transportation in an area known as a regional hub and its role as an economic center in the region. While enhancing mobility in the project area, the Build Alternative has been developed to be sensitive and compatible with the local community values and land use patterns of the surrounding communities including O'Hare Airport, and for these reasons is the Selected Alternative.

The final set of design features that comprise the Build Alternative was determined through a deliberate process of evaluating many design alternates against evaluation criteria that included environmental considerations, travel and operational performance, constructability, and cost considerations. Through this process, the Build Alternative achieves improved travel, while minimizing and avoiding impacts to the important natural resources in the area. It has also been determined that the investment in the Build Alternative would provide benefit to the local economy, both during the period of construction and in the long-term, with redevelopment opportunities that would be attracted to the area.

With respect to O'Hare Airport, a portion of the proposed project would be located on airport property. In consideration of location, many corridors were examined, and only those solutions that located the West Bypass corridor on airport property provided the best solution. Whereas, the O'Hare Airport's Master Plan reserves a corridor on the west side of the airport for such a transportation project, the rationale for the use of airport property is further demonstrated by achieving community objectives that include needed travel improvements while maintaining community cohesion. The West Bypass corridor is located in the only open space available for a sizable transportation facility that is neither out of scale nor incompatible with surrounding uses. Compatibility of the project with the airport environs will be enforced by the City of Chicago, FAA, and USDA in the enforcement of airspace regulations, land use release regulations, navigational aid (NAVAID) requirements and regulation, and adherence to the FAA AC 150/5200-33B, *Hazardous Wildlife Attractants on or near Airports*.

The selected alternates at the Elmhurst Road and I-90 interchange and the IL 72 and Elmhurst Road intersection are the diverging diamond (Alternate 4) and the Quadrant Bypass (Old Higgins Road) Alternate, respectively. In response to comments received from the Tier Two Draft EIS Public Hearing, the remaining alternates at these location received further analysis and input from stakeholders that resulted in concurrence by the local stakeholders (i.e., Elk Grove Village) and the NEPA/404 Merger Group. Each of the selected alternates provide the operational performance required at these locations, while the environmental impact of each has been reduced to be fractional, and impacts on adjacent businesses and residences are minor.

The combined attributes of the Build Alternative and the preferred alternates at the interchange and intersection locations confirm the Selected Alternative and alternates are the environmentally preferred alternative.

4. Section 4(f)

Significant publicly-owned parks, recreational areas, wildlife and waterfowl refuges, and historic sites of national, state, or local significance, are afforded special protection under 23 CFR 774, *Parks, Recreation Areas, Wildlife and Waterfowl Refuges, and Historic Sites (Section 4(f))*. Involvement with such resources requires FHWA approval except, as specified under 23 CFR 774.13(d), when involvement is temporary and the scope of the work is minor, there are no permanent adverse impacts or interference with the resource's protected activities, the land is fully restored, and the resource's owner with jurisdiction agrees that these conditions are met.

The Selected Alternative would involve only four Section 4(f) properties, on a temporary basis: the Salt Creek Golf Club, Schaumburg bicycle paths along Springinsguth Road and Wright Boulevard, and the Salt Creek Greenway Trail. A temporary easement would be required to resurface the entrance to blend the profile of the entrance with the improved roadway along where the golf club is located. The proposed improvements would also require temporary relocation of the Schaumburg bicycle paths along Springinsguth Road and Wright Boulevard, as well as the Salt Creek Greenway Trail. The temporary involvement with each of these resources meets the conditions identified under 23 CFR 774.13(d). Concurrence has been provided by the resources' respective owners with jurisdiction.

The Tier Two Final EIS demonstrated that involvement with each of the four resources met the conditions contained in 23 CFR 774.13(d). Therefore, this project does not use any land from Section 4(f) resources, and a Section 4(f) approval is not required.

5. Measures to Minimize Harm

Tier Two considered the best arrangement of design features within the project corridor that provide cost-effective travel performance while reducing environmental and socioeconomic impacts. The design features included mainline lane requirements, interchange types, arterial improvements, drainage requirements, and other factors (i.e., transit facilities, bicycle and pedestrian facilities, etc.). Impacts were avoided and minimized, where practicable and feasible, through the use of alignment shifts, retaining walls or steep sideslopes, and other methods. The practice of avoiding and minimizing impacts was

performed at each cycle of project development including the corridor selection, and the consideration of each design alternate that make up the Build Alternative. A history of reducing impacts has been documented as the project progressed. The philosophy of taking every opportunity to reduce impact on natural and social resources will be exercised throughout the design, construction, and operating phases of the project. The impact reducing practices will be further enhanced as the project advances with the application of sustainable practice in each phase of the project.

Mitigation is required for unavoidable impacts to natural and human resources. The project does not directly impact cultural, historical, or threatened and endangered species; therefore, no mitigation is required for those resources. For resource impacts that require mitigation, the project will adhere to all applicable federal and state laws and regulations.

The following describes the primary mitigation measures and commitments (organized by their respective discipline).

5.1 Stormwater and Water Quality Best Practices

- Stormwater from the roadway will be managed to avoid local flooding, degradation of water quality in nearby water resources, and aircraft safety issues for nearby airports. Stormwater volume will be managed by a system of conveyance, detention, and infiltration in accordance with Illinois Tollway, IDOT, and county drainage and stormwater policies. As practical and feasible, surface runoff from bridge decks and roadways will be designed to drain to ditches or detention ponds via scuppers and storm sewers, prior to discharge to off-site drainageways. Best management practices will be implemented in conjunction with the project's drainage conveyance and detention system to minimize the transport of pollutants to surface waters. Additional stormwater best management practices will be installed, where necessary, to protect wetlands and surface waters. Areas to be evaluated closely include the proposed system interchange at I-290 and improvements near Salt Creek.
- The proposed improvements will comply with FAA AC No. 150/5200-33B, *Hazardous Wildlife Attractants on or near Airports* (dated August 28, 2007), to the extent practicable, as determined by the FAA and USDA. The 60 percent engineering plans will be submitted to FAA and the USDA for review and approval of the design features within the limits prescribed by the AC.
- A wetland buffer will be incorporated into the plan near wetland Sites 84 and 125. Native plant species that meet FAA wildlife hazard safety requirements will be followed when designing seed mixes for the wetland buffers.
- Compliance with soil erosion and sediment control requirements will consider the use of the Kane-DuPage and North Cook County Soil and Water Conservation Districts (SWCD) (via agreements) for soil erosion and sediment control plan review and site inspection during construction.
- Stormwater management strategies that benefit both the roadway and community needs will be considered.

- The Illinois Tollway will review their winter maintenance/deicing practices and sponsor a chloride water quality initiative on a watershed basis by partnering with local municipalities.

5.2 Wetlands, Surface Waters, and Riparian Mitigation

- Impacted waters of the U.S. and wetlands will be mitigated at prescribed ratios at locations within the Des Plaines watershed agreeable to federal and state agencies.
- Wetland/waters mitigation will be implemented off-site, but within the Des Plaines watershed. All sites being considered represent new acquisition. A final decision regarding wetland mitigation approach and site selection will be completed during the Section 404 permitting process and Interagency Wetland Policy Act review. The mitigation sites will be conveyed (if necessary) to a land steward (e.g., a forest preserve district, IDNR, etc.) for long-term maintenance.
- Acquisition of wetland/waters mitigation sites will be accomplished by one of two methods: 1) an intergovernmental agreement (IGA) (between the Illinois Tollway and land steward) that specifies a partnership, wherein the steward acquires the needed property and the Illinois Tollway develops the build-out of the mitigation; or 2) the Illinois Tollway both acquires and develops the property and conveys to the long-term property steward.
- Disturbance of streamside/riparian vegetation will be minimized to the extent practicable. Coordination with the DuPage River Salt Creek Workgroup is taking place to investigate local sites within the Salt Creek Watershed that could provide riparian or waters mitigation.

5.2.1 Fish and Wildlife Passage

- Where practicable and feasible, terrestrial wildlife crossings will be considered for inclusion in final design within riparian corridors/stream crossings and greenways.
- New culverts at waterways and/or wetlands will be designed to accommodate anticipated high-water flows and not to impede low-water flows to minimize the negative effects to the aquatic ecosystem.
- New culverts located on intermittent or perennial waters of the U.S. will be designed to accommodate fish passage. Existing culverts will be retained and in some cases extended in accordance with appropriate design criteria.
- The bottom of new culverts greater than 48 inches in diameter or height associated with waters of the U.S. will be buried below streambed elevations to maintain a more natural condition, when feasible. Bottomless culverts will be considered in final design, when feasible based on size of the span, geometry, skew, potential environmental impact associated with its installation, and cost.

5.3 Noise

- The determination of proposed noise barriers has been in compliance with FHWA and IDOT policy on selecting feasible and reasonable locations for barriers. Noise barriers that are likely to be implemented include B2, C1, C2, C3, C4, D1, D3, E1, E2, E3, and E6.

Based on the voting by benefited receptors, noise barrier E4 has been dismissed from further consideration. The implementation of the noise barriers will be carried forward into future phases of the project. The final design aspects of the barriers (e.g., length, height, types of materials, etc.) will be determined in final design. Public involvement venues will be used to update the public on final design details for the noise barriers and the implementation schedule.

5.4 Air Quality

- The control of air pollution during construction will be compliant with the Illinois Tollway's Supplemental Specifications (Section 107.37), and/or IDOT specifications.

5.5 Traffic and Access Management

- Traffic access will be enhanced by a frontage road system along the east-west corridor at locations noted in the preliminary plans to maintain local access. Maintenance of traffic plans will be developed to sustain traffic flow during construction. Plans will be developed to ensure safe travel and quick response for school system buses and emergency services.
- Efforts will be made to conduct construction activities affecting the Salt Creek Golf Course between November 1 to April 1, thereby, avoiding heavy use periods.

5.6 Sustainability

- Sustainable practices and principles will be applied to the EO-WB project that align with the objectives of the Illinois Tollway.

5.7 Special Use

- Construction of the West Bypass corridor will be coordinated closely with special uses including O'Hare Airport, Canadian Pacific railroad's Bensenville Yard, and Metropolitan Water Reclamation District of Greater Chicago (MWRDGC) Touhy flood control reservoir per Memorandum of Agreement (MOA) developed between the Illinois Tollway and each agency, including the FAA for O'Hare Airport.

5.8 Aviation

- The FAA's 7460 (airspace compliance) analysis will be performed at the completion of the 60 percent engineering plans for roadway improvements that are located near or on airport property. A 7460 submittal will be prepared for FAA review and evaluation. Based on the recommendations from those reviews, aspects of the improvements will be adjusted to maintain compliance with airspace regulations.
- Glideslope antenna analyses will be completed to determine any potential conflicts with signal transmission from the antenna to arriving aircraft. Based on the recommendation of the analysis, roadway design features will be adjusted to avoid signal conflicts.
- Conformance with the FAA Wildlife AC will be monitored by the USDA through an IGA between the Illinois Tollway, City of Chicago, and the USDA. The FAA and USDA will receive 60 percent design plans and will review new open water features of the

project and landscape features for compliance. The USDA will advise the Illinois Tollway of any design refinements related to minimizing bird and wildlife attraction.

5.9 Residential and Business Relocation

- Relocation of businesses and residences will be performed in compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and the land acquisition policies of IDOT and the Illinois Tollway, as applicable. An assessment shows that adequate housing and commercial properties can be found within the project area; therefore, relocation of residents and businesses within the project area will be given priority.

5.10 Alternative Transportation Modes

- Preservation of space for transit improvements in the Elgin O'Hare corridor, north leg of the West Bypass corridor, and the I-90 corridor will be provided.
- The EO-WB has reserved space for bicycle and pedestrian facilities along some sections of the proposed roadway improvement. Where the project corridor crosses existing bicycle or state routes, restoration of the facilities will be provided, while new elements of the bicycle and pedestrian plan will be subject to interagency agreements that address jurisdictional responsibility, cost sharing, and long-term maintenance.

5.11 Aesthetics

- The aesthetic design guidelines developed by the Corridor Aesthetics Advisory Team (CAAT) will be applied to the extent possible.

5.12 Tree Replacement

- Tree and vegetation replacement will be guided by IDOT and Illinois Tollway manuals. Planting replacement trees will take into account FAA's concern for aircraft safety pertaining to birds and other wildlife.
- Adverse impacts to wooded areas will be reduced and minimized by implementing a tree protection and preservation plan. Efforts will be made to preserve specimen trees, as practical and feasible.
- No varieties of ash trees (*Fraxinus* spp.) will be planted in the project corridor to mitigate for tree loss as part of this project. The removal and disposition of ash trees will comply with USDA/IDOA quarantine restrictions (7 CFR 301.53, as amended).

5.13 Special Waste

- Special waste encountered during construction will be managed to avoid unintended migration of contaminants and protect against potential worker exposures. Impacted material will be screened and characterized on a case-by-case basis and remediation methods determined. To the extent possible, on-site management will occur, and unsuitable materials will be disposed at a licensed facility.

6. Monitoring and Enforcement

Coordination with regulatory agencies has occurred for the duration of the tiered process. During the course of the process, regulatory agencies have apprised the project sponsors of regulatory and mitigation requirements. Strategies for specific mitigation, such as the wide spread use of best management practices for enhancement of water quality, restoration of impacted wetlands and waters, and adherence to the FAA's AC No. 150/5200-33B, *Hazardous Wildlife Attractants On or Near Airports*, have all received extensive consideration, discussion, and input from the agencies. The framework for the major regulatory permits including the Section 404 permit, 401 Water Quality Certification, and NPDES permit have been structured in coordination with the agencies. Resource issues regulated by these permits have been addressed in the development of project wide plans for drainage, soil erosion and sedimentation control (SESC), best management practices for enhancing water quality, mitigation site plans for restoration of wetlands and open waters, and grading. These plans established the overall framework for compliance of the resource issues and fully respond to the requirements and applicable regulation, and the underlying agency objectives. Whereas, implementation of the Initial Construction Plan (ICP) will span approximately twelve years, the regulatory permits have been structured with enforcement actions that also span the duration of construction. Preliminary terms and conditions have been identified in coordination with the agencies that address the compliance requirements, and the principal conditions include:

- In connection with the USACE Section 404 permit, 60 percent complete engineering plans will be submitted to the USACE for review of each construction package of the project where a resource is impacted. The USACE will review the plans for compliance with agency requirements, in particular, drainage and best management practices requirements, stormwater and water quality management, soil erosion control plans, the extent of wetlands, and water impacts. The agency's review comments will be addressed by the Design Engineer of Record and included in the 95 percent complete engineering plans. The 95 percent plans will be resubmitted to the USACE for approval and implementation. The outcome of these agency reviews and approval will be contained in construction documents for which construction contractors and construction managers will be responsible.
- SESC will be managed by the Illinois Tollway. It is anticipated that the Illinois Tollway will retain certified SESC personnel to conduct regular field inspections and reporting for implementation of SESC practices. Any corrective action from the site inspections will be noted and conveyed to the appropriate party with the expectation that those actions will be implemented by the time of the next inspection. The Illinois Tollway has commenced conversation with the respective SWCDs (North Cook and Kane-DuPage) concerning the review of SESC plans and general oversight. Engineering plans (60 percent complete) for soil erosion control will be submitted to the SWCD for review and approval. Agency comments will be addressed in the 95 percent complete plans. It is anticipated that the SWCDs will conduct quarterly site visits with the objective of reviewing current practices, noting required changes to the basic approaches, and suggesting the use of the latest cutting-edge practices in SESC.

- The FAA and USDA have requested enforcement of the FAA's AC No. 150/5200-33B, *Hazardous Wildlife Attractants On or Near Airports*, in the interest of aircraft operating safety. In compliance with that request, the implementing agency will submit 60 percent complete engineering plans to the FAA and USDA for review of open water and landscape features of the project. Plans will be submitted for each construction package as the project advances over its twelve-year construction schedule. The FAA and USDA will examine aspects of the plans that provide for the wildlife management of open detention basins or compensatory storage areas that do not drain within 48 hours within five miles of O'Hare Airport or 10,000 feet from the Schaumburg Airport. The FAA and USDA will comment on provisions for bird and animal control at these locations including netting, bird wires, landscape material, etc. Landscaping along the roadway will also receive agency attention, in particular as it relates to plant material that is accepted by the FAA and USDA.
- Aircraft NAVAIDs requiring modification or relocation by the construction of the roadway will be reviewed and approved by the FAA. Specific engineering plans related to NAVAID facilities will be submitted to the FAA for review and approval. Plans will be submitted at 60 percent complete, and agency comments will be fully addressed by the Design Engineer of Record and resubmitted at 95 percent complete for approval by the agency. Modification of NAVAID facilities will require re-certification, which will be conducted by the FAA. Corrective action noted in the certification process will be completed immediately.
- The IEPA Water Quality Certification will be enforced through actions of the Illinois Tollway, IEPA, USACE, and the SWCDs. The Illinois Tollway has adopted environmental enhancement practices to protect natural and human resources, and rigorous compliance with state and federal environmental regulation. As part of this project, the Illinois Tollway will implement the use of best management practices and chloride reduction strategies to enhance the water quality of streams and water bodies affected by the project. Concepts for each of these strategies have been developed and will be advanced through permit processes in coordination with responsible parties that include the IEPA, USACE, SWCDs, and DuPage River Salt Creek Workgroup (local advocacy group for environmental protection of waters in the vicinity of the project). These partnerships will lead to the implementation of water quality strategies and practices necessary to comply with in-stream water quality standards of the State of Illinois.
- Water quality conditions will be monitored post construction to measure improvements in surrounding waterways and water bodies stemming from best management practices and salt reducing practices. The overall monitoring approach and its objectives will be developed in coordination with key agencies such as IEPA, USACE, USWFS, IDNR, and the DuPage River Salt Creek Workgroup.

7. Agency Findings

The following findings establish the project's adherence to applicable laws intended to protect sensitive environmental and socioeconomic resources.

7.1 Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended

Relocation assistance will be administered in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and the land acquisition policies of IDOT and the Illinois Tollway, as applicable.

It is anticipated that no more than seven residences and 46 businesses will be displaced by the proposed improvements. Relocation assistance to displaced residents (homeowners and renters) and businesses will be administered as applicable and without discrimination. Property purchases are subject to a process based on fair market value.

7.2 Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*

The EO-WB project does not result in disproportionately high or adverse human health or environmental effects on minority or low-income populations (Executive Order 12898). The robust public involvement process undertaken for this project has been inclusive of all populations. No person, because of income, race, color, religion, national origin, sex, age, or handicap, has been excluded from participating in, denied benefits of, or was subject to discrimination during this project. The project's 400 meetings with local communities and the public at-large provided early and frequent opportunities for community officials to notify the project team of any population within their communities that might require alternative outreach efforts to ensure project-related communications reach those community members. Notices to the public of upcoming public involvement activities provided members of the community the opportunity to request interpreters and other similar accommodations. A Spanish translator was available to attendees at public information meetings and hearings. All public meetings were accessible to handicapped individuals.

The proposed action will not exert disproportionately high or adverse impacts to low-income populations. The average median family income (in 2009 inflation-adjusted dollars) in the project corridor is greater than Cook County and the State of Illinois, but less than DuPage County. It is, however, well above the 2012 Department of Health and Human Services poverty guideline. Further, there are no block groups with a median family income level below the 2012 poverty guideline.

Minority populations would not incur disproportionately high or adverse impacts as a result of the displacements caused by the proposed improvements. The residential displacements occur in locations that have substantially higher white residents than non-white residents. Further, because the number of residential displacements is small (seven), there would be no impact on the demographic diversity of the area. Ample replacement housing is located in the vicinity of the displaced residences. Business displacements caused by the Build Alternative occur in only one Census block with residents; this Census block has a higher non-white and Asian population than the state and county averages. All other business displacements occur in Census blocks with no residential population.

Sensitive noise receptors were evaluated in Census blocks with comparatively higher and lower minority populations, and impacts were identified in both places. Noise barriers will

be implemented based on need, and would benefit both higher and lower minority populations. No minority population is expected to incur disproportionately high or adverse noise impacts.

7.3 Section 106 of the National Historic Preservation Act of 1966

No cultural resources subject to the provisions of Section 106 of the National Historic Preservation Act of 1966, as amended, or of Section 4(f) of the Department of Transportation Act of 1966 were found in the project corridor. Coordination with Tribal governments with an interest in the project area was conducted. Each of the eight Tribal governments was invited to be a participating agency and Section 106 consulting party. The sole respondent, the Peoria Tribe of Indians of Oklahoma, indicated they are unaware of any link between Indian Religious Sites and the proposed project and have no objection to construction of the proposed project. Tribal agencies that did not respond are considered to have declined the invitation to be NEPA participating agencies, according to SAFETEA-LU Section 6002. However, they will be contacted immediately if human remains are uncovered during construction.

7.4 Executive Order 11988, *Floodplain Management*

The EO-WB project would not involve a significant encroachment of a floodplain; however encroachments of floodplains would result from construction associated with the project. Minimization measures were incorporated into the proposed design and compensatory storage will be provided to mitigate for fill in floodplains or relocation of waterways.

7.5 Section 176(c) of the Clean Air Act Amendments of 1990

The EO-WB project conforms to state air implementation plans as required by Section 176(c) of the Clean Air Act Amendments of 1990. The EO-WB project is located within DuPage County and Cook County, both of which are nonattainment for the 1997 8-hour ozone and 1997 annual PM_{2.5} standards.

Since this project is located in nonattainment areas for transportation-related criteria pollutants, the transportation conformity requirements of the Clean Air Act apply. To meet the transportation conformity requirements, the EO-WB project was included in the fiscally-constrained and conformed part of the Chicago Metropolitan Agency for Planning's *GO TO 2040 Comprehensive Regional Plan*. On March 8, 2012, the FHWA and the Federal Transit Administration (FTA) determined that the *GO TO 2040 Comprehensive Regional Plan* and the Transportation Improvement Program conform to the State Implementation Plan and the transportation-related requirements of the 1990 Clean Air Act Amendments.

A quantitative PM_{2.5} hot-spot analysis was performed for this project, and it was determined that the project would not cause, contribute to, or delay timely attainment of the annual PM_{2.5} NAAQS.

7.6 Executive Order 11990, *Protection of Wetlands*

Executive Order 11990 requires federal agencies to avoid new construction in wetlands, if a practicable avoidance alternative exists. Where wetlands cannot be avoided, the proposed action must include all practicable measures to minimize harm to wetlands. There is no

practicable alternative to the proposed construction in wetlands and the proposed action includes all practicable measures to minimize harm to wetlands.

The alternatives development process for the EO-WB project spanned the Tier One and Tier Two evaluations. The *EO-WB Tier One ROD* approved the preferred improvement and project corridor (location). The corridor that emerged from Tier One was well-defined, and its location was fixed by the *EO-WB Tier One ROD*. The project corridor was fully supported by local communities and exhibited the best travel performance characteristics, while having relatively low impacts compared to other alternative strategies. Avoidance and minimization of wetland impacts (along with other environmental and socioeconomic issues) were important factors in the development of the project corridor and screening of alternatives. In general, alternatives with notable wetland impacts, such as those that overlapped with mapped threatened and endangered species sites or that were located in special lands (e.g., forest preserves) were dismissed in Tier One. Alternatives that involved potentially higher-quality wetland areas were also eliminated from consideration, or potential impacts were minimized.

Tier Two considered the optimal arrangement of design features within the project corridor that provide cost-effective travel performance while reducing environmental and socioeconomic impacts. The design features included mainline lane requirements, interchange types, arterial improvements, drainage requirements, and other factors (i.e., transit facilities, bicycle and pedestrian facilities, etc.).

Based on the above considerations, it is determined that there is no practicable alternative to the proposed construction in wetlands, and that the proposed action includes all practicable measures to minimize harm to wetlands that may result from such use.

Prior to construction, all necessary wetland permits and approvals (e.g., Section 404 CWA) will be obtained. Because this project occurs on new alignment, it is being processed as a Standard Review Action, in accordance with the IDOT Wetlands Action Plan, and coordinated with IDNR. Wetland Impact Evaluation forms were submitted to IDNR for review. On August 8, 2012, IDNR concurred with the impacts to wetlands.

7.7 Federal Aviation Administration Advisory Circular Number 150/5200-33B, *Hazardous Wildlife Attractants on or near Airports*

FAA AC 150/5200-33B, *Hazardous Wildlife Attractants on or near Airports*, provides guidance on identifying incompatible land uses and minimizing or eliminating hazardous wildlife attractants in the vicinity of airports. Hazardous wildlife attractants could include solid waste landfills, open water stormwater management facilities, wetlands, woodlands, and landscaped areas. This AC applies to both O'Hare Airport and the Schaumburg Regional Airport in the project area. For O'Hare Airport, the effect of the regulation extends five miles from the airport boundary, and in the case of the Schaumburg Regional Airport, it extends 10,000 feet. As required by FAA, the proposed EO-WB project improvements will implement the AC. Extensive coordination is expected with the FAA and USDA to achieve compliance with the hazardous wildlife attractant AC.

7.8 Endangered Species Act of 1973

Impacts to threatened and endangered species are not anticipated as a result of this project. Based on coordination with USFWS and IDNR, field surveys, and database reviews, no federal- or state-listed species or critical habitats were found to be located in the project corridor, and therefore, impacted by the proposed improvements.

7.9 Section 4(f)

The EO-WB project does not require Section 4(f) approval. The proposed action involves four Section 4(f) properties: the Salt Creek Golf Club, Schaumburg bicycle paths along Springinsguth Road and Wright Boulevard, and the Salt Creek Greenway Trail. However, as demonstrated in the Tier Two Final EIS, involvement with each of these resources will be temporary and meets the exception conditions contained in Section 774.13(d) of 23 CFR 774, *Parks, Recreation Areas, Wildlife and Waterfowl Refuges, and Historic Sites (Section 4[f])*. Therefore, Section 4(f) approval is not required.

8. Public Involvement

Regulatory resource agencies, stakeholders, and affected members of the public have been included in the development of the project every step of the way. From identifying the project's Purpose and Need to identifying the Selected Alternative, the project team has conducted public outreach activities to obtain input on the transportation issues in the area, vet the potential impacts and benefits of the various alternatives with communities and stakeholders, and ensure environmental regulations are being addressed to the regulatory resource agencies' satisfaction.

The extensive public outreach program was developed to adhere to regulations and guidance contained in NEPA, SAFETEA-LU, and Context Sensitive Solutions. A Corridor Planning Group and Task Force Groups were assembled to provide venues for project team members to work with community leaders and stakeholders on the development of project improvements that maximized benefits and minimized impacts to those affected by the project. Project team members also participated in the NEPA/404 Merger process at which regulatory resource agencies were involved early and at key project milestones to minimize the potential for unforeseen issues to arise in the later stages of the NEPA and Section 404 permitting process.

Newsletters were distributed at key milestones to notify residents and stakeholders of recent project decisions and upcoming activities. A project website was maintained and updated regularly with general project information, project documents, and meeting materials. Public Information Meetings were held to maintain public awareness of project developments and alternatives under consideration. The public was encouraged to attend, provide input, and ask questions. A Public Hearing was held after the Tier Two Draft EIS was distributed to help facilitate public review of the document and elicit comments. These activities are described in the Tier Two Final EIS.

8.1 Comments on the Tier Two Final EIS

A Notice of Availability for the Tier Two Final EIS was published in the Federal Register on November 9, 2012. The 30-day wait period ended December 10, 2012. During the Final EIS

wait period, a comment letter was received from the IEPA and the USEPA (see Appendix A). The IEPA indicated that they had no objections to the project, and also noted that the implementation of the project would require compliance with agency permits and regulations (i.e., construction site NPDES permit(s), and compliance with the management of special and hazardous wastes, and the Section 401 Water Quality Certification). The Illinois Tollway, as the implementing agency, will coordinate fully with the IEPA in the acquisition of necessary permits and compliance with applicable agency regulations.

The letter received from USEPA commended the EO-WB project for the alternative development process, stakeholder involvement, and the environmental documentation and the well-coordinated mitigation plan. A specific comment indicated that the parties responsible for various aspects of mitigation needed clarification. The following is a response to this comment.

The Illinois Tollway will be the implementing agency for the EO-WB project. As such, the Illinois Tollway will oversee the implementation of the planned mitigation measures. As appropriate, the Illinois Tollway will be responsible for providing follow-up maintenance to mitigation measures that are incorporated into their rights-of-way, including stormwater quality/quantity Post Construction Best Management Practices (PCBMPs). PCBMPs located within the project's rights-of-way retained by the Illinois Tollway will be maintained by the agency. Aspects of the project will be conveyed to local jurisdictions for long-term maintenance and ownership (i.e., arterial improvements, frontage roads, etc.), and in these cases, the local jurisdiction will be responsible for PCBMPs associated with any of these facilities. Interagency agreements will be developed in each of these cases to ensure the long-term maintenance and management of PCBMPs conveyed to local jurisdictions. Maintenance and monitoring of these measures will follow state and federal regulatory requirements and standard practices/policies. Further, FAA requirements will necessitate that mitigation for some resource impacts are provided offsite including wetland/waters of the U.S. mitigation.

Specific information regarding the wetland and waters mitigation will be determined during Clean Water Act (Section 404 and Section 401) and Interagency Wetlands Policy Act (IWPA) permitting. At this time, the Illinois Tollway intends to enter into an agreement with the Lake County Forest Preserves to complete wetland and waters mitigation on property recently acquired by the Lake County Forest Preserves. The proposed mitigation would be completed within the new Pine Dunes Forest Preserve located in northern Lake County. The Pine Dunes Forest Preserve covers 315 acres and can provide wetland and waters mitigation for impacts associated with the proposed EO-WB project. The process for preparation and approval of an IGA has been initiated and would be expected to be completed and approved in March 2013.

Under the terms of the IGA, the Illinois Tollway will be responsible for design, construction, and at least five years of maintenance and monitoring of the mitigation and associated buffer areas in accordance with the requirements of the IWPA and Section 401 and 404 permits. In addition to completion of mitigation at the Pine Dunes Forest Preserve, the Illinois Tollway has also agreed to provide a paved site access, parking area (approximately 20 spaces), restroom, and construction of a roughly 1.5-mile long crushed stone multi-purpose path, in return for use of their property as a mitigation site.

The goals of the mitigation site will be established, monitored, and maintained in accordance with the requirements of the USACE, IEPA, and IDNR. The performance standards applied to the long-term success of wetlands and waters restoration will follow those described in the Chicago District Permittee Responsible Mitigation Requirements (revised October 2009). These goals and performance standards (e.g., how success will be measured) for the mitigation area and associated buffers are detailed within this document which can be found on the USACE Chicago District website at <http://155.79.114.199/cor/mitgr.htm>.

As mentioned above, it is expected that the Illinois Tollway will maintain and monitor the mitigation areas for five years or until sign-off/approval by the USACE and IDNR. Once sign-off is obtained, responsibility for the long-term/perpetual maintenance and monitoring of the site will be the responsibility of the Lake County Forest Preserves.

If additional or alternative wetland/waters mitigation sites are determined to be necessary through the permitting process, it is anticipated that a similar review/approval process would occur, and an IGA would be arranged with an appropriate land steward regarding establishment, maintenance, and monitoring (both short and long-term) of the mitigation site(s).

9. Approval

Based on the analysis and evaluation contained in the Tier Two Final EIS, after careful consideration of all the identified social, economic, and environmental factors and input received from other agencies, organizations, and the public; and the factors and mitigation measures outlined in this document, it is the decision of FHWA and FAA to approve the Preferred Alternative as the Selected Alternative.

12/12/2012
Date

Norman R. Stoner
Norman R. Stoner, P.E.
Division Administrator
Federal Highway Administration

12/11/12
Date

Barry Cooper
Barry Cooper
Regional Administrator
Federal Aviation Administration

Appendix A
Tier Two Final EIS Comment Letters



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

DEC 05 2012

REPLY TO THE ATTENTION OF:

E-19J

Norman Stoner, P.E.
Division Administrator
Federal Highway Administration
3250 Executive Park Drive
Springfield, Illinois 62703

Re: **Comments on the Tier 2 Final Environmental Impact Statement for the Elgin O'Hare-West Bypass, Cook and DuPage Counties, IL, CEQ# 20120353**

Dear Mr. Stoner:

In accordance with U.S. Environmental Protection Agency (EPA) responsibilities under the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR 1500-1508), and Section 309 of the Clean Air Act (CAA), we have reviewed the Tier 2 Final Environmental Impact Statement (FEIS) for Elgin O'Hare - West Bypass Project. Our comments on the Draft EIS for this project included diesel emissions, wetland impacts and mitigation proposals, stream and floodplain crossings, water quality and riparian buffers, best management practices (BMP) for stormwater run-off, and mitigation. We recognize and commend the responses to these concerns throughout the FEIS. The following comments follow up on our points regarding alternatives, environmental impacts and mitigation measures.

ALTERNATIVES

On September 6, 2012, we concurred with the Preferred Alternative for this project following extensive meetings and conversations regarding BMP designs and surface water impacts. We commend the many solutions engineered into the final alternative to minimize the impacts of this project.

ENVIRONMENTAL IMPACTS

Air Quality

The NEPA process for this project is concluding just as some new standards and methods are coming into effect for 2.5 microns or less particulate matter (PM2.5) determinations. Since the project has been determined to conform with the current State Implementation Plan (SIP), the emissions anticipated from this roadway are adequately accounted for. Should changes in the

project arise, we would recommend the new modeling and standards effective December 20, 2012, including EPA approved dispersion models, be used to reassess this conformity determination.

We continue to encourage the use of all available best management practices to reduce local temporary construction dust and construction equipment emissions.

Wetlands, Streams and Floodplains

We commend the Federal Highway Administration (FHWA) and the Illinois Department of Transportation (IDOT) for alignment adjustments made to reduce impacts to wetlands, streams and floodplains. EPA will continue to coordinate with the transportation and resource agencies on this project in identifying optimal wetland and stream mitigation sites for permitting. EPA supports combining stream restoration on sites selected for wetland mitigation when appropriate quality mitigation can be included. When considering such mitigation sites, please note our preference for restoration versus creation or upgrading a resource. Our DEIS comments noted the need to adequately mitigate for stream impacts, specifically where wider right-of-way will necessitate extending culvert lengths. As we have stated at meetings, we would also support replacing culverts with three-sided/arched natural bottom structures to reestablish a more natural watercourse under the roadway. We will continue to work with the project on these issues during permitting. We acknowledge that the FEIS notes that project roadways will not be overtopped by a 100-year flood event.

We note the FEIS provides a helpful discussion and commitment regarding riparian buffer functions that need to be retained when this project impacts what little remains of this resource along the project streams.

Stormwater Runoff

As anticipated in our DEIS comments, we participated in development of a BMP plan for this project. We agree that a high quality working plan has been achieved in the Appendix E mapping. We understand further details will be incorporated as final design / engineering proceeds, but the framework provided addresses our previous concerns regarding stormwater runoff.

MITIGATION OF IMPACTS

We have been extensively involved in discussions of potential mitigation of wetlands, streams and stormwater run-off and appreciate the solutions that are under consideration for the project's associated impacts.

We repeat our recommendation that decision makers and the public would be well served by having a complete table of all project impacts and their associated mitigation measures. Tables ES-1,2 and 3, and Table 3-56 provide the reader with a clear understanding of what varied impacts this project will have upon the project area. We commend the FEIS for identifying those

areas where additional work since the DEIS has further minimized many of those impacts. However, the FEIS does not clearly link impacts with planned mitigation measures. The FEIS does not clearly identify, given that this project is planned as a public private partnership, specifically, who will implement the mitigation measures; who will remain responsible for follow-up maintenance where appropriate; what the goals of some mitigation plans are; and how success will be measured.

We appreciate the opportunity to review this document. If you have any questions, or wish to discuss our comments further, please contact me or Norm West of my staff at (312)-353-5692 or at west.norman@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth A. Westlake", written in a cursive style.

Kenneth A. Westlake
Chief, NEPA Implementation Section
Office of Enforcement and Compliance Assurance

Cc: John Fortmann, Illinois Department of Transportation, Region 1
Kristi Lafleur, Illinois Tollway
Shawn Cirton, U.S. Fish and Wildlife Service
Kathy Chernich, U.S. Army Corps of Engineers



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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NOV 16 2012

Mr. Ron Krall, Project Manager
Illinois Department of Transportation
201 West Center Court
Schaumburg, IL 60196

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DISTRICT #1

RE: Elgin-O'Hare West Bypass Tier Two Final EIS

Dear Mr. Krall:

Thank you for the opportunity to review and comment on the final Tier Two Environmental Impact Statement for the Elgin-O'Hare West Bypass project.

The Agency does not have any objections to the project: however, a construction site activity stormwater NPDES permit is required if one or more acres are disturbed with this project. Please contact Al Keller at 217-782-0610 with any questions.

In addition, solid and hazardous waste must be properly disposed of or recycled.

Sincerely,

A handwritten signature in black ink that reads "Lisa Bonnett".

Lisa Bonnett
Deputy Director