



The Village of Oak Park
Village Hall
123 Madison Street
Oak Park, Illinois 60302-4272

708.383.6400
Fax 708.383.6692
TTY 708.383.0048
village@vil.oak-park.il.us

April 3, 2006

Michelle Ryan, Corridor Studies
RTA Administrative Offices
175 W. Jackson Blvd, Suite 1550
Chicago, IL 60604

Dear Ms. Ryan:

Thank you for the opportunity to comment in writing on the Cook-DuPage Corridor study documents being worked on by the Technical Committee, on which I serve. This letter offers the comments of the Village of Oak Park on the draft Statement of Purpose and Need for the RTA Cook-DuPage Corridor Study.

As RTA has recognized, the Purpose and Need Statement is a critical document because it establishes the framework for all the work that follows. If the framework is flawed, the decisions about how to increase mobility in the Cook-DuPage Corridor will be flawed as well. The RTA draft captures this idea very well: "A carefully crafted and publicly supported purpose and need statement is the fundamental start of a process leading to the successful implementation of selected transportation investments in the Cook-DuPage Corridor."

In general, the Village of Oak Park believe's that the February draft is a good first step toward a Statement that fulfills these goals and builds upon the findings of the travel market analysis conducted as Phase I of the RTA study. However, the Village believe that substantial improvement is necessary in three major areas:

- Evaluation criteria. The draft purpose and needs statement does not provide a clear and comprehensive set of criteria for evaluating and selecting feasible options, and appears to minimize consideration of key factors such as land use and public health or environmental impacts. RTA should use the federal criteria for funding of major capital projects as the primary transportation-based criteria, with land use and public health impacts as well, and integrated with the supplemental criteria contained in the local corridor planning standards to be developed by the RTA Planning Standards Working Group.

- Alternative solutions. The draft does not clearly provide for an integrated approach that would consider land use implications and alternatives and address all of the potential alternatives in a multi-modal fashion. The final Statement of Purpose and Need should state clearly that multi-modal solutions are preferable to single-mode solutions, and that solutions combining transportation and land use options are preferable to solutions that rely on transportation option solutions alone.
- Public participation. We are concerned that the procedures employed to date in seeking input on the draft have not allowed opportunities for public input early and often, and do not appear to contemplate significant public comment until after many of the key initial decisions have been made.

These issues are discussed in turn below.

Evaluation Criteria

The draft Statement references several different sets of potential criteria for evaluating the feasibility of alternative solutions. It identifies the “four overarching mobility needs of improving: (1) transit access to major employment centers, (2) the service quality of I-290, (3) the service quality of bus transit, and (4) improve the service quality of arterials. The Legal Guidance section in the Corridor Fact Sheet lists eight factors from a Federal Highway Administration (FHWA) Technical Advisory: system linkage, capacity, transportation demand, legislation, social demands or economic development, modal interrelationships, safety, and roadway deficiencies. The Corridor Fact Sheet lists five common goals, objectives, and measures: effectiveness, impacts, cost effectiveness, financial feasibility, and equity. In addition, the Planning Standards Working Group will develop Corridor Planning Standards, which are locally-oriented values and criteria to supplement the traditional, transportation-oriented criteria.

The Village strongly supports development of locally-oriented corridor planning standards to supplement the traditional transportation-based criteria, and intends to be involved actively in the development of the corridor standards. However, the transportation based criteria should be comprehensive and clearly stated. The draft Statement does not indicate a clear and specific intent to consider, in the Phase II feasibility analysis, several key factors that should be considered, such as analyses of land use options and of public health, safety and environmental impacts.

We have addressed this issue in the past by calling upon to RTA to design a study that complies with the criteria for federal funding of major capital projects, which must be addressed in the required NEPA analysis. The current regulations of the

Federal Highway Administration and the Federal Transit Administration require the NEPA analysis to evaluate the following factors for all major capital projects:

- The effectiveness and cost-effectiveness of alternative investments or strategies in attaining local, state and national transportation goals and objectives;
- The direct and indirect costs of reasonable alternatives;
- Mobility improvement;
- Social, economic and environmental effects;
- Safety;
- Operating efficiencies;
- Land use and economic development;
- Financing;
- Energy consumption.

The Village continues to believe that a comprehensive analysis of these factors is required both to ensure an effective and successful study and to secure federal funding for the options eventually selected. Most of the major options that RTA is likely to consider seriously are major capital projects subject to the MIS analysis as part of the NEPA study. Many of them are listed as such in the current Chicago Regional Transportation Plan, as noted in the draft RTA materials. RTA also states in several places that its study is intended to provide all the information necessary to support major capital projects. All of these factors are relevant to the Phase II feasibility analysis, as well as the Phase III selection of preferred options. For example, a potential option should not be considered feasible if initial environmental or public health analyses indicate adverse impacts that would violate federal standards or otherwise are unacceptable. Similarly, land uses that support and/or complement potential transportation options should be considered in the analysis of feasible options.

Alternative Solutions

In the view of the Village, the Statement of Purpose and Need should emphasize two guiding principles:

- Multi-modal solutions are preferable to single-mode solutions.
- Solutions that combine transportation and land use options are preferable to solutions that rely on transportation option solutions alone.
- Solutions should not be limited to capital projects only but should include land use strategies, demand management, operational, and system improvements

The draft Statement, while discussing these principles, does not give them the clear preference that they deserve.

First, as mentioned above the February draft identifies the “four overarching mobility needs of improving: (1) transit access to major employment centers, (2) the service quality of I-290, (3) the service quality of bus transit, and (4) improve the service quality of arterials. A March 16 draft diminishes even further the key importance of all four mobility needs. Yet it goes on to discuss these needs (and treat related goals and objectives and consequently evaluation measures) essentially as separate studies, with no clear indication of how they would be integrated, along with other potential options, into an effective multi-modal solution for the corridor. The January 26, 2006 minutes from the joint meeting of the Policy and Technical Committees express the interest of the RTA in “engaging in a strategic planning effort to develop a transit driven multimodal strategy to enhance regional mobility.” This should be stated clearly as a major purpose of the study, and the Statement should summarize RTA plans and procedures aimed at ensuring thorough consideration of integrated multimodal strategies.

In addition, the draft does not give adequate consideration to land use options and related considerations. Transit needs density to work properly, and the connection between transit and land use is critical. We understand that one of the primary reasons that NIPC and CATS merged is to deal more effectively with the relationship between transportation and land use.

The draft Purpose and Need Statement says, “Understanding land use patterns and change is a key determinant to identifying the most appropriate transportation alternatives for this area.” The RTA’s Phase 1 Report for the Corridor makes it clear that each of the nine travel corridors has its own attributes and therefore a “one-size fits all solution” will not work. The problems in each corridor and the land use patterns are different, and the RTA study must be structured to ensure consideration and adoption of tailored solutions. The discussion in the Phase 1 Report about the imbalance between jobs and housing suggests that solutions that account for both transportation and land use will be more successful than transportation solutions alone. The discussion in the Phase 1 Report about the arterial grid and density that exist in the eastern part of the corridor, but are not present in the western part of the corridor suggests we must develop solutions that include all modes of transportation and land use.

Furthermore, the Village is concerned that what language does existing regarding land use as found in the initial draft of the objectives section was revised or eliminated. The Village would urge that the goal of Promoting Community Development be retained, with economic development as one objective. Similarly, the original objective of “maintaining existing communities and neighborhood cohesion” should be retained to reflect the growing recognition of the importance of context sensitive solutions, rather than be revised to reflect the old approach of minimization of impacts on communities from

transportation projects. And a new objective, as commented in the technical committee review of the first draft, should include “develop options that integrate with and complement county and/or local plans.” This latter recommendation is consistent with federal MIS requirements and should be explicitly incorporated.

The focus of the Phase 1 Report is work trips, though there obviously are many other trip purposes, such as educational, medial, recreational, and cultural. A highway has many vehicles with very low vehicle occupancy. In contrast, transit has few vehicles with high vehicle occupancy. These differences lead to different design characteristics, service characteristics, and land use / development patterns. Therefore, non-work trips should be reflected in the documents providing the guiding framework for this study.

The options developed during Phase 2 should include a role for the demand management alternatives, such as congestion pricing, van pools and car pools, flex-time, staggered work hours, and similar actions. The options also should include consideration of measures designed to enhance land use options and minimize adverse public health and environmental impacts, as well as enhance existing transportation services, including the Oak Park Cap (which is an example of all of the above measures) as discussed in the 2030 Regional Transportation Plan and in the March 2005 Cap the Ike Feasibility Report.

Public Participation

We are concerned with respect to public participation because the draft Statement of Purpose and Need, and other supporting materials and evaluation criteria, are available for review and comment but the Citizen Advisory Committee has not yet even been created. The Policy Committee has already approved the draft Problem Statement. The RTA is circulating a draft of the Purpose and Need. These activities are occurring with little meaningful opportunity for citizen reactions or the beneficial dialogue that should occur between citizens and professionals. Citizens know their geographic areas. The professionals have the expertise to develop alternatives that work, how to analyze impacts, and the legal requirements that must be met prior to implementation.

The Village believes that a meaningful public input process is defined by two key attributes:

1. It provides a meaningful opportunity for citizens to comment, and for serious consideration and response to public comments.
2. It allows citizens and professionals to interact and learn from each other.

The RTA study is now making significant progress, but through a process that has yet to meet these essential requirements for public review and comment. Specifically, the Citizens Committee, which was to meet in March, has yet to be convened. When it does convene, it is not even scheduled to review the draft purpose and needs

April 3, 2006

statement. The first public meeting is not scheduled until June, and while labeled as a scoping meeting, the meeting will “focus” on initial concepts to be developed without public input having yet occurred, rather than activities more closely associated with scoping of a study. We urge the RTA to proceed no further until both the Citizens Advisory Committee and improved procedures allowing input from all of the public have been established to allow for comment on the draft problem statement, purpose and needs statement, goals and objectives, and evaluation criteria before concepts are developed, and to allow for a reasonable time for reviewing that input by the Policy and Technical Committees prior to moving ahead with the development of concepts on which further public input would necessarily also be sought. We believe that an enhanced public participation process is consistent with the attached resolution regarding this study approved by the Illinois State Senate.

Thank you for the opportunity to review the draft Statement and accompanying documents. If you have any questions, please contact me at

Sincerely,

VILLAGE OF OAK PARK

A handwritten signature in black ink, appearing to read "Peter J. Dame", written over a faint circular stamp or watermark.

Peter J. Dame

Deputy Village Manager

SENATE RESOLUTION

1

2 WHEREAS, Public transit provides substantial energy and
3 environmental benefits; and

4 WHEREAS, Congestion now costs the Chicago Metropolitan
5 Area \$4,000,000,000 per year in lost productivity, fuel, and
6 insurance costs; and

7 WHEREAS, The United States Congress and the
8 Administration should be urged to support increased funding
9 for public transit in the pending reauthorization of the
10 Transportation Equity Act; and

11 WHEREAS, The Illinois Department of Transportation (IDOT)
12 has determined that the Eisenhower Expressway (I-290) is in
13 need of reconstruction and renovation; and

14 WHEREAS, IDOT also has proposed expansion of portions of
15 I-290; and

16 WHEREAS, The Regional Transit Authority (RTA) is
17 conducting a study of potential transit projects in the
18 multi-modal corridor reaching out west from Chicago along
19 I-290 ("Central Cook-DuPage corridor"), one or more of which
20 may be viable alternatives to expansion of I-290; and

21 WHEREAS, The North and West Central Councils of Mayors,
22 representing municipalities in the Chicago area within the
23 corridor, have expressed support for the Central Cook-DuPage
24 corridor transit projects and the RTA study; and

25 WHEREAS, Chicago area transit agencies have submitted
26 numerous transit projects in the Central Cook-DuPage
27 multi-modal corridor to the Chicago Area Transportation Study
28 for inclusion in the 2030 Regional Transportation Plan for
29 the Chicago Area, including the CTA Blue Line extension from
30 Forest Park to Lisle, Phase I of CTA's Circle Line, which

1 would double the capacity of the Forest Park branch of the
2 Blue Line, the Metra Union Pacific West Line upgrade and
3 extension, Ogden Avenue Transitway, PACE's Cermak Road Bus
4 Rapid Transit, and DuPage J Line Bus Rapid Transit; and

5 WHEREAS, Federal funding for major transportation
6 projects generally is conditioned on detailed analyses of
7 potential alternatives and environmental impacts in a Major
8 Investment Study and Environmental Impact Statement; and

9 WHEREAS, Existing use of I-290 causes substantial health,

10 safety, economic, and environmental impacts on the
11 surrounding communities that would be exacerbated if I-290 is
12 expanded; and

13 WHEREAS, Major transportation project decisions need to
14 be made by the affected communities and citizens with the
15 involvement of all transportation agencies; and

16 WHEREAS, The Village of Oak Park has been granted State
17 and federal funding to further determine the feasibility and
18 the scope of constructing a cap over all or portions of I-290
19 (the "Oak Park Cap"), in conjunction with reconstruction of
20 the highway, as a potential means of enhancing transit and
21 mobility options and mitigating adverse impacts; therefore,
22 be it

23 RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL
24 ASSEMBLY OF THE STATE OF ILLINOIS, that we support the RTA's
25 study and its objective to conduct a full-fledged Major
26 Investment Study for the Central Cook-DuPage multi-modal
27 corridor in a manner that examines all potential methods of
28 relieving congestion and increasing mobility in the I-290
29 corridor on a thorough and objective basis; and be it further

30 RESOLVED, That any further proceedings to consider
31 expansion of I-290 should be integrated into an evaluation of

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1 viable transit alternatives identified in the RTA study; and
2 be it further

3 RESOLVED, That any further proceedings to consider
4 expansion of I-290 should include detailed assessment of
5 potential environmental impacts by preparation of an
6 Environmental Impact Statement; and be it further

7 RESOLVED, That IDOT should halt design work on expanding
8 I-290 until the RTA study is completed and until a Central
9 Cook-DuPage multi-modal Corridor Council, comprised of chief
10 municipal elected officials, community and environmental
11 groups, and citizen representatives and involving
12 representatives of all of the transportation agencies for
13 northeastern Illinois, selects a preferred alternative or
14 combination of alternatives to address congestion and improve
15 mobility needs in this corridor; and be it further

16 RESOLVED, That the Oak Park Cap should be incorporated
17 into the design of a reconstructed I-290; and be it further

18 RESOLVED, That we urge the United States Congress and the
19 Administration to strongly support proposals for funding of
20 the Central Cook-DuPage multi-modal corridor projects and the
21 Oak Park Cap in the pending reauthorization of the
22 Transportation Equity Act; and be it further

23 RESOLVED, That suitable copies of this resolution be
24 delivered to the Governor of Illinois, the Illinois Secretary

25 of Transportation, the U.S. Secretary of Transportation, the
26 President pro tempore of the U.S. Senate, the Speaker of the
27 U.S. House of Representatives, and each member of the
28 Illinois congressional delegation.



August 8, 2003

Paula Thibeault, Executive Director
Regional Transportation Authority
Suite 1550
175 W. Jackson Boulevard
Chicago, Illinois 60604

Dear Ms. Thiebault:

The Village of Oak Park is pleased to submit these comments on the Draft Program Management Plan for the Central Cook-DuPage Corridor Study, and is looking forward to working with the Regional Transportation Authority (RTA) on this study. In general, the Village strongly supports the study as an essential basis for future transportation decisions impacting this corridor, from both legal and public policy perspectives.

We are pleased that this proposed study largely follows the successful model of the RTA's Northwest Corridor Study. However, unlike that study which did not directly address tollway expansion issues in that corridor, we feel the primary challenge of this particular corridor study will be to fully integrate potential highway based options into a full and objective multi-modal study of all reasonable options to address the mobility needs. To achieve this goal, the Village of Oak Park's primary recommendation is to base this study process on meeting the objectives of a Major Investment Study (MIS). Our specific comments follow.

Federal Guidance

As the Village has indicated to the Illinois Department of Transportation (IDOT) (see attached letter), the Village believes a MIS is required as part of consideration of IDOT's I-290 High Occupancy Vehicle (HOV) proposal (see attached legal analysis). We feel the RTA's corridor study should be structured in a manner to meet that objective and that the Program Management Plan should be modified wherever possible to reflect that goal. Under federal guidelines, an MIS is intended to assist agencies "on the design concept and scope of the investment." In addition, the MIS serves "as the analysis of demand reduction and operational management strategies" required in the federal CMS regulations. Aside from the regulatory requirements, advocacy groups such as the Metropolitan Planning Council have advocated the use of an MIS as the recommended method to settle on the most appropriate options for dealing with multimodal corridors such as this one. To be clearest, the Program Management Plan for the Central Cook/DuPage Corridor Study would simply state it is being undertaken in compliance with the federal regulations for Major Investment Studies (MIS) and Congestion Management Systems (CMS). Additionally, where the draft Plan refers to the proposed projects to be included in the study as "major capital projects"(p. 2), the plan could state that the projects are "major metropolitan transportation investments" within the meaning of the federal highway and transit regulations.

Analysis of I-290 HOV Proposal

The Corridor Study should include the proposed I-290 HOV project in its Phase II feasibility analysis stage along with those for the other proposed projects listed in the draft Project Management Plan and others yet to be developed, and should not rely solely on the 1998 feasibility study prepared by the IDOT. As we have indicated in the attached letter to IDOT, engineering work on the HOV option should be stopped unless and until the Corridor Study and the related analyses under the National Environmental Policy Act (NEPA) have been completed and the HOV proposal has been chosen as a locally preferred alternative, which could not be until after Phase III of the RTA study.

The draft Program Management Plan states that the I-290 HOV project was included in the 2020 Regional Transportation Plan (RTP) prepared by the Chicago Area Transportation Study (CATS). As the Village has pointed out in a March 15, 2002 letter to CATS, the listing of the project in the 2020 RTP is legally deficient because it fails to state that the studies required by the federal regulations have not yet been completed. While this may be corrected in the 2030 RTP, the proposed HOV project should not be accorded any special status in the Corridor Study on the basis of its appearance in the 2020 RTP, because it was included in the RTP before the required studies had been performed. For the same reason, no further engineering or other work on the HOV proposal should proceed until the Corridor study and related NEPA analyses have been completed. The federal regulations provide that no federal funding can be devoted to metropolitan projects unless they have been selected in accordance with the procedures specified in the regulations for such projects.¹ As discussed herein, those procedures have only just begun, and we believe that RTA's Corridor Study should be the essential component of the selection process. The Corridor Study should be structured to comply with the federal study requirements for all of the proposed projects, including the proposed HOV project.

For these reasons, the proposed I-290 HOV project (as well as the proposal to add lanes to I-88 which feeds into I-290) should be included in the feasibility analysis phase of the Corridor Study, and the Study should not rely solely on the HOV feasibility report published by IDOT in 1998. The 1998 report considered only the HOV option, and did not consider any other options other than HOV lanes on I-290 or any of the other projects to be analyzed in the Corridor Study. If the HOV project is considered in the context of the other proposed transit projects, the 1998 conclusions with respect to feasibility are likely to change. The 1998 conclusions were based on detailed assessments of purpose and need, transit facilities, traffic data, and traffic demand, each of which would change if the other proposed projects are considered. The 1998 report is also significantly outdated using accident and traffic data and assumptions that date back to the late 1980's and early 1990's, and assumptions from the 2010 RTP. Many more years of traffic data are now available, as are new and improved computer models for assessing those data. For example, in its analysis for the 2020 RTP, CATS estimated that the HOV project is likely to cause a 35% increase in the traffic on the affected segment of I-290 by 2020. As detailed in the attached report prepared by the Village on the potential impacts of the HOV proposal, recent studies of "induced demand" suggest that the actual increase would be much larger than models used by CATS predict.

¹ See 23 CFR 450.222(b)(2002).

The Program Management Plan should provide for and clearly state that all of the proposed projects, including the I-290 HOV project, will be considered equally in the feasibility analysis and the other phases of the Corridor Study. If there are data in the 1998 report that remain valid, they should be used, but the Corridor Study should include a new analysis of the feasibility of the I-290 HOV proposal in the context of the other proposed projects and should not rely on the conclusions of the 1998 report. Engineering work on the HOV proposal should not be allowed to proceed unless the HOV project is chosen as a preferred alternative upon the conclusion of the study process. In that same vein, a purpose and needs statement incorporating the need for a lane expansion of I-290 should not be developed separately in the ongoing I-290 Phase I study unless and until the such a need is identified by the selection of I-290 expansion as a locally preferred option in the RTA study. The purpose and needs statement proposed to be developed in the first phase of the RTA study should take precedence.

Proposed Study Area and Data Collection

The proposed project study area should be expanded to include North Avenue on the northern side of the study area, if not farther. North Avenue is designated as one of the region's Major Strategic Arterials (MSA), which are intended to relieve congestion on expressways. As the Village has suggested previously, use of the MSAs in the area, including increased access and use of Intelligent Transportation Systems (ITS) technologies to direct people to them, should be one of the alternatives addressed in the study. In addition, a complete analysis of the Metra UP West Line capacity expansion alternative would require looking somewhat to the north of that line (such as at least to North Avenue) to properly encompass the potential market area.

In addition, caution should be used if the data developed for this corridor by CATS for the 2030 RTP is used as the base data for the Corridor Study. The corridor area used by CATS in their analysis is not the same as the RTA study area. The CATS corridor extends into the City of Chicago, not ending at Cicero as the RTA study area does, and also extends farther on the northwest side beyond DuPage and into Kane County. The RTA study area also projects farther south than the CATS study area. Furthermore, it is our belief that the CATS data does not yet fully accommodate for proper modeling of the effects of HOV lanes or of induced demand. Finally, with regard to data sets to be utilized, the Village believes that the most up to date travel data be used for the Market Analysis in Phase I, specifically including the latest 2000 Census data relating to travel to work which is in the process of being released now. This data package, known formally as the Census Transportation Planning Package, is expressly intended for transportation planning purposes like this study, but has not yet been utilized in any assessment of this corridor's travel patterns.

Project Selection Criteria

Under same central premise that this corridor study should achieve the objectives of an MIS, the Village recommends that the Program Management Plan should from the outset be amended to list the project selection criteria specified in the federal MIS and CMS regulations. These include:

- ~~22~~The effectiveness and cost-effectiveness of alternative investments or strategies in attaining local, state and national goals and objectives;
- ~~22~~The direct and indirect costs of the proposed alternatives;
- ~~22~~Mobility improvements;
- ~~22~~Social, economic and environmental effects;
- ~~22~~Safety;
- ~~22~~Operating efficiencies;
- ~~22~~Land use and economic development;
- ~~22~~Financing;
- ~~22~~Energy consumption;
- ~~22~~Efficiency and effectiveness in alleviating congestion while enhancing mobility strategies for people and goods;
- ~~22~~Congestion relief measures tailored to specific local policies and needs;
- ~~22~~Evaluation of congestion management strategies such as transportation demand management measures (including growth management and congestion pricing); traffic operational improvements; public transportation improvements; Intelligent Transportation Systems (ITS) technologies and additional system capacity (where necessary).
- ~~22~~Evaluation of the potential for increasing single occupancy vehicle travel or capacity.²

The Village understands that the intent of the corridor standards phase is to develop local and regional standards by which the alternatives will be judged. The Village would be pleased to work together with the planning agencies and the other impacted jurisdictions to develop standards for the corridor. The Village recommends establishment of a corridor council of affected communities to oversee and provide input to the Corridor Study, to develop corridor standards, and also to select the locally preferred alternative or combination of alternatives. The Village is more than happy to assist in development of this corridor council and participating in it.

With regard to the development of local and regional standards in the corridor standards phase, we again recommend reference to the guidance in the federal MIS regulations; the Program Management Plan should specify that the project selection standards will be based on existing local and regional transportation and land use policies.³ It should also specify that the local policies of the communities most directly affected by a proposed project should be

² See 23 CFR 450.318(c),(e); 500.109(2002).

³ See 23 CFR 450.318(c)(2002).

given the greatest weight in the evaluation of that project. As discussed in the attached Impacts Report, the policies adopted by the Northeast Illinois Planning Commission (NIPC) are regional policies that should be considered. In general, the NIPC policies provide that new development must meet high standards of cost-effectiveness and environmental protection. The Impacts Report also discusses many of the relevant Village policies from its Comprehensive Plan that should be considered in the process of selecting projects that affect the Village, such as the following:

- ~~☞~~ Preservation and enhancement of a stable residential environment so persons of all ages, races and incomes can continue to live in sound, affordable housing in the Village;
- ~~☞~~ Goals and objectives for transportation and parking, including a reduction in the number of automobile trips within and through the Village;
- ~~☞~~ Enhancement of public transportation opportunities for all residents, including those with limited mobility, and encouraging more use of public transportation and less dependence on automobiles;
- ~~☞~~ Preservation and enhancement of the quality of life in the Village and the ability of the Village Government to continue to provide high quality facilities and services;
- ~~☞~~ Promotion of a safe and healthy environment within the Village;
- ~~☞~~ Sound expansion of the Village tax base;
- ~~☞~~ Promotion of Oak Park's cultural, historical and architectural heritage to encourage tourism;
- ~~☞~~ Maintaining a high level of citizen involvement in Village affairs.

NEPA Analyses

The draft Program Management Plan indicates that the analyses required by the National Environmental Policy Act (NEPA) will not be performed until after the Corridor Study is completed and the preferred alternatives have been selected. Please be mindful that the federal MIS regulations provide that the MIS may be used as an input to the NEPA analyses, or the NEPA analyses may be drafted as part of the MIS.⁴ Such an approach would also need to be consistent with the congressional directive in the Transportation Equity Act for the 21st Century (TEA-21) to develop a more integrated method of conducting an MIS and NEPA analyses.

However, the Village is concerned that draft Program Management Plan appears to make an exception to the above principle for only one project: the I-290 HOV proposal. Under regional integration and coordination, it states: "IDOT's engineering work for potential HOV lanes on the Eisenhower will overlap with the work effort of this multi-year program." While the Village

⁴ See 23 CFR 450.318(f)(2002).

of Oak Park has no objections to IDOT's continued work on aspects of the I-290 Phase I study relating to the needed reconstruction of the expressway due to the age of the facility, aspects of IDOT's study relating to potentially expanding the capacity of this roadway, as well as other road based means of addressing the mobility needs and addressing congestion in the study area, should be considered as an essential part of the RTA Corridor Study in Phases II and III. To have engineering work proceeding on just one of the many potential means of addressing congestion in this corridor and treating the HOV lanes as somehow different from any other option under review would undercut the objectivity and completeness of the RTA's efforts and their legal validity relating to I-290 HOV.

While a NEPA assessment will necessarily be undertaken for the locally preferred alternative(s), environmental impacts should be considered in the process of selecting alternatives in the MIS. As noted above, environmental impacts are one of the factors that must be considered in the MIS alternative selection process, and the federal regulations also specify that "a major investment study will include environmental studies which will be used for" the NEPA analyses.⁵ The Village believes that health, safety and environmental impacts will play a particularly important role in the selection of the preferred alternatives in this case. As discussed in the attached report, based on the Federal Highway Administration regulations and from what is already known about the I-290 HOV proposal from IDOT's work on the proposal to date, the Village believes that an Environmental Impact Statement clearly is required for the HOV proposal.

Alternatives Analysis

The Village of Oak Park wishes that the RTA respond to a potential concern about the proposed reliance in the draft plan on the "local" partners, or in large part, the existing transportation agencies of the region, to develop the alternatives to address mobility needs in Phase III. Such a reliance on the existing agencies of the region will tend to produce alternatives that are constrained in many ways. Past practices, legislative framework, existing systems, bureaucratic inertia and other prejudices may impede proposals that more creatively address the study area's mobility needs. For example, in the recently completed Northwest Corridor Study where this approach was used, none of the existing transit providers proposed a light rail system. Light rail is a transit mode that works in many parts of the country to address the kinds of problems found in this area, but the METRA and CTA, the region's existing rail providers, only proposed heavy rail systems the same as or similar to their existing operations. On the other hand, if the RTA were to use its own independent consultant to develop alternatives in Phase III as it is using in the other phases of the project, the best modes and solutions to the mobility needs can be identified. The independent consultant would necessarily work with the existing transportation providers, but this approach may better allow for new or more comprehensive approaches.

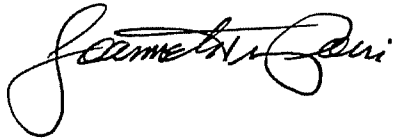
As stated in our previous comments to the RTA about this study, the Village of Oak Park strongly believes that public participation in all aspects of this study is essential to its success. While we appreciate this goal being included in the draft Project Management Plan, we wish to review the more detailed communications plan that is described as to be developed and will offer additional comments at that time. We do appreciate that RTA is

⁵ 23 CFR 450.218(f)(2002).

planning a kickoff meeting for the Corridor Study that is open to the public, and at which public input will be sought.

The Village of Oak Park appreciates this opportunity to comment on the draft Program Management Plan for the Corridor Study. Questions or comments with respect to our recommendations should be directed to me or Peter J. Dame, Assistant to the Village Manager, (708) 358-5778.

Respectfully submitted,
VILLAGE OF OAK PARK

A handwritten signature in black ink, appearing to read "Joanne E. Trapani". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Joanne E. Trapani
Village President

**LEGAL MEMORANDUM
SUPPORTING
COMMENTS OF THE VILLAGE OF OAK PARK
ON
DRAFT PROGRAM MANAGEMENT PLAN
FOR THE
CENTRAL COOK-DUPAGE CORRIDOR STUDY
(AUGUST 2003)**

This Memorandum supports the attached Comments of the Village of Oak Park on the draft Management Plan prepared by the Chicago Regional Transportation Authority (RTA) for the upcoming study of future transportation alternatives in the Central Cook-DuPage Transportation Corridor. For major projects such as those to be addressed in the upcoming study, the applicable regulations of the Federal Highway Administration (FHWA) provide three major tools for evaluation of potential alternatives and impacts:

- ?? A *major investment study* (MIS) identifies viable alternative means of attaining the relevant transportation goals and evaluates the costs and impacts of the identified alternatives.
- ?? A *congestion management study* evaluates the most efficient and effective means of alleviating current congestion on I-290.
- ?? A *NEPA study* evaluates the potential environmental impacts of the alternatives identified in the other studies.¹

This memorandum summarizes the current regulatory requirements governing these analyses. There are many other legal and regulatory requirements that apply, or may apply, to the projects under study, depending on their final form. Some of those are discussed briefly below, but this memorandum is not intended to be a comprehensive discussion of all potentially applicable legal and regulatory requirements. Rather, it simply summarizes the basic federal study requirements for major transportation projects.

¹ The regulations of the Federal Transit Administration include identical requirements. See 49 CFR 613.100 (2002).

Major Investment Study

The federal regulations require an MIS "where the need for a major metropolitan transportation investment is identified and federal funds are potentially involved . . ." (23 CFR 450.318(a)). The regulations define major investment as a "highway or transit improvement of substantial cost that is expected to have a significant effect on capacity, traffic flow, level of service, or mode share at the transportation corridor or subarea scale" (23 CFR 450.104). Specific examples of such projects described in the regulations include "construction or extension of a high occupancy vehicle (HOV) facility or a fixed guideway transit facility by one or more miles . . ." (*id.*). Thus, there is no question that the proposed I-290 HOV project is a major investment for which an MIS must be performed, and the same is likely to be true for most (if not all) of the other alternatives to be considered in the RTA Corridor Study.

Section 1308 of the Transportation Equity Act for the 21st Century (TEA 21) required the federal Department of Transportation (DOT) to promulgate new regulations to integrate the MIS requirements with the NEPA requirements discussed below. However, the integrated MIS/NEPA study must include all of the analyses required by the prior MIS regulations. See *Township of Belleville v. Federal Transit Administration*, 30 F. Supp. 2d 782, 795 (D.N.J. 1998); 65 Fed. Reg. 33927 (May 25, 2000)(proposed new regulations). DOT has not yet adopted regulations to implement the TEA-21 integration requirement, and "the Statewide Metropolitan Planning regulation at 40 CFR Part 450 continues in force except as modified by" TEA-21. 67 Fed. Reg. 59220 (September 20, 2002)(withdrawing portions of 2000 proposal). Accordingly, while a stand-alone MIS no longer is required, the MIS analysis remains the same and must be included in the integrated study. DOT has continued to recommend performance of a stand-

alone MIS for comparative analysis of major transportation alternatives. See, e.g., 68 Fed. Reg. 40326 (July 7, 2003)(MIS recommended for analysis of Boston rail alternatives).

The federal regulations define the MIS as a "corridor or subarea" study that "shall be undertaken to develop or refine the plan and lead to decisions by the MPO, in cooperation with participating agencies, on the design concept and scope of the investment" (23 CFR 450.318(a)). To ensure that specific projects are not pursued until the MIS is complete, the regulations require the Regional Transportation Plan (RTP) to clearly identify projects that are listed in the plan before a related MIS has been completed (23 CFR 450.318(a), .322(b)(8)). For this reason, the Village has requested the Chicago Area Transportation Study (CATS), the MPO in the Chicago area, to include this qualification in the discussion of the I-290 project in the future (2030) RTP.

The MIS is to be conducted as a "cooperative process [which] shall establish the range of alternatives to be studied, such as alternative modes and technologies (including intelligent vehicle and highway systems), general alignment, number of lanes, the degree of demand management and operating characteristics" (23 CFR 450.318(b)). The process is to include "the MPO, the State Department of Transportation, public transit operators, environmental, resource and permit agencies, local officials, the FHWA and the FTA" and other agencies as appropriate (*id.*). An initial meeting of these parties must be convened "to determine the extent of the analyses and agency roles . . ." (*id.*). A reasonable opportunity to participate also must be provided for citizens and other interested parties (*id.*).

The MIS must be a thorough and comprehensive analysis of all potentially viable alternatives for improving transportation in the corridor or subarea involved. Factors that must be considered include, among others:

- ?? The effectiveness and cost-effectiveness of alternative investments or strategies in attaining local, state and national transportation goals and objectives;
- ?? The direct and indirect costs of reasonable alternatives;
- ?? Mobility improvement;
- ?? Social, economic and environmental effects;
- ?? Safety;
- ?? Operating efficiencies;
- ?? Land use and economic development;
- ?? Financing;
- ?? Energy consumption.²

The MIS may include the congestion management and environmental studies required elsewhere in the federal regulations, as discussed further below (23 CFR 450.318(e), (f)). The regulations contemplate that "major investment studies may lead to decisions that modify the project design concept and scope assumed in the [regional transportation] plan process" (23 CFR 450.318(g)). In such cases, the modified project must be described in sufficient detail to permit a conformity analysis under the governing EPA regulations (*id.*).

The upcoming RTA Corridor Study will address the I-290 proposal and reasonable transit alternatives. Because the federal regulations require thorough evaluation of these alternatives in a MIS, the RTA study should be structured to comply with the MIS and other related requirements. In addition, as affected local governments the Village and the other municipalities along the I-290 corridor must provided an opportunity to attend and participate in the initial scoping meetings for the MIS as discussed above, and the public must be allowed regular and meaningful opportunities for input throughout the process as required by the FHWA regulations (see 23 CFR 450.318(b)).

Congestion Management Study

² 23 CFR 450.318(c) (2001).

The federal regulations provide that in transportation management areas (TMAs), the planning process must include a congestion management system (CMS) that "provides for effective management of new and existing transportation facilities through the use of travel demand reduction and operational strategies" as required under more detailed regulations codified in 23 CFR part 500 (23 CFR 450.320 (c)). A TMA is an urbanized metropolitan planning area with a population that exceeds 200,000 (23 CFR 500.103). Congestion is defined as "the level at which transportation system performance is no longer acceptable due to traffic interference" 923 CFR 500.109).

In the case of new projects, a congestion management study is the vehicle through which the project is evaluated for consistency with the CMS.³ The federal regulations describe a CMS as follows:

An effective CMS is a systematic process for managing congestion that provides information on transportation system performance and on alternative strategies for alleviating congestion and enhancing the mobility of persons and goods to levels that meet state and local needs. The CMS results in serious consideration of implementation of strategies that provide the most efficient and effective use of existing and future transportation facilities (23 CFR 500.109(a)).

As discussed above, the CMS is to be implemented as part of the metropolitan planning process and the congestion management study for a new project can be incorporated into the MIS (see also 23 CFR 500.109(b)). The CMS "shall include:"

- ?? Methods to evaluate the multi-modal transportation system, identify the causes of congestion, and identify and evaluate alternative actions;
- ?? Definition of parameters to measure congestion and evaluate the effectiveness of reduction measures;

³ See *Buckingham Township v. Wykle*, 157 F. Supp.2d 457, 468 (E.D. Pa. 2001).

- ?? Monitoring to determine the cause of congestion and the effectiveness of implemented solutions;
- ?? Identification and evaluation of "traditional and nontraditional congestion management strategies that will contribute to more efficient use of existing and future transportation systems . . . [such as] growth management and congestion pricing, traffic operational improvement, public transportation improvements, ITS technologies and, where necessary, additional system capacity;"
- ?? Identification of an implementation schedule, agency responsibilities and funding options for proposed strategies,
- ?? In ozone nonattainment areas (such as the Chicago area), analysis of all multi-modal strategies that are reasonable alternatives to an increase in single occupancy vehicle (SOV) capacity.⁴

In performing a congestion management study for a specific project or corridor subject to the MIS requirements, each of the factors listed above must be considered.

NEPA Study

As mentioned above, the MIS "will include environmental studies which will be used for environmental documents" required under the National Environmental Policy Act (NEPA) and implementing FHWA regulations (23 CFR 450.318(f)). "As a minimum, the participating agencies will use the major investment study as an input to an environmental impact statement or environmental assessment prepared subsequent to the completion of the study. In such a case, the major investment study reports shall document consideration given to alternatives and their impacts" (23 CFR 450.318(f)(1)). Alternatively, "the participating agencies may elect to develop a draft environmental impact statement or environmental assessment as part of the major investment study" (23 CFR 450.318(f)(2)).

⁴ 23 CFR 500.109(b)(2001).

The Illinois Department of Transportation (IDOT) has indicated that it would prepare an environmental assessment (EA) as part of the MIS for the I-290 HOV project, but does not intend to prepare an EIS. The Village of Oak Park believes that such an approach would be unlawful and that an EIS is clearly required in this case. The FHWA NEPA regulations require an EIS for any action that significantly affects the environment, expressly including HOV lanes not located within an existing highway facility (23 CFR 771.115(a)). In this case, it is clear that the HOV lanes would not be included within the existing facility within the meaning of the regulations. When the regulations were adopted, this provision was explained as follows:

In the NPRM, UMTA proposed eliminating exclusive busways as Class I actions because of the potential to construct and operate a busway on or within an existing highway without significant environmental impacts. A number of commenters supported this change. Busways are frequently established by dedicating an existing highway lane for exclusive bus and high occupancy vehicle use and the regulation affords the flexibility to handle such projects with an EA instead of an EIS. The NPRM noted UMTA's intention to continue to require an EIS for construction of a new roadway for buses which is not integrated in an existing highway. This type of project is now listed in the regulation as a Class I action. Other types of busway projects will be reviewed individually to determine the appropriate environmental document, e.g., busways on existing lanes or medians which have off-line facilities such as stations, park-and-ride lots, transfer points, etc. 52 Fed. Reg. 32660 et seq. (August 28, 1987).

Thus, the only case in which an EIS is not required is the one in which an existing lane is merely converted to an HOV and/or bus only lane. An EIS must be prepared for any HOV project requiring new lane construction.

Even if that were not the case, the federal regulations require an EIS if any of the following criteria are satisfied: (1) significant environmental impacts; (2) substantial controversy on environmental grounds; (3) significant impact on historic properties; (4) inconsistency with environmental requirements. Each of these factors is

present in the case of the case of the I-290 proposal, as demonstrated in the preliminary impacts analysis prepared by the Village. Most importantly, however, it is clear that the environmental and public health impacts of the proposed I-290 project are likely to be substantial. For example, the 2020 RTP projects that the proposed project would increase traffic by approximately 70,000 vehicles per day, about a 35% increase. Even without considering the many other factors relevant to this analysis, the increased vehicle emissions alone would clearly threaten substantial environmental impacts.

Accordingly, the Village believes the federal regulations clearly require an EIS for the proposed I-290 project. The FHWA regulations likewise state that in preparing NEPA analyses, "it is the policy of the Administration that . . .

Alternative courses of action be evaluated and decisions be made in the best overall public interest based upon a balanced consideration of the need for safe and efficient transportation; of the social, economic, and environmental impacts of the proposed transportation improvement; and of national, state and local environmental protection goals" (23 CFR 771.105(b)).

The FHWA regulations also require the NEPA analyses to incorporate measures to mitigate adverse impacts, and require federal funding of mitigation measures when they are determined to be reasonable considering the related benefits and impacts and the extent to which they would assist in compliance with federal laws, regulations, orders or policies (23 CFR 771.105(d)). The EIS process also would help to ensure meaningful public input at this critical stage of the process.

Other Factors

The FHWA and FTA regulations also provide a separate list of factors that must be considered in all of the products of the metropolitan planning process, including the studies

discussed above (23 CFR 450.316). Some of these are repeated in the MIS, congestion management and NEPA requirements discussed above, but others are not. The list includes:

- ?? Preservation of existing facilities and, where practicable, ways to meet transportation needs by using them more efficiently;
- ?? Consistency with federal, state and local energy needs and goals;
- ?? Congestion relief as discussed above;
- ?? Likely effects on land use and development, including consistency with land use plans, including analysis of "economic, demographic, environmental protection, growth management and land use activities consistent with metropolitan and local/central city development goals;"
- ?? The effectiveness and cost-effectiveness of alternatives in meeting transportation goals "and related impacts on community/central city goals regarding social and economic development, housing and employment;"
- ?? Access to airports, intermodal facilities, recreation areas, monuments and historic sites;
- ?? Connectivity with transportation facilities outside of the planning area;
- ?? Preservation of future rights of way and transportation corridors;
- ?? Life cycle cost analyses;
- ?? The overall social, economic, energy and environmental effects, including effects on "the human, natural and man made environment such as housing, employment and community development," and including "early and continued coordination" with environmental protection and management plans, and particularly air quality plans;
- ?? Expansion and increased use of transit services;
- ?? Capital investments to increase transit security;
- ?? Recreational travel and tourism;
- ?? A proactive public involvement process;
- ?? Consistency with Title VI of the Civil Rights Act of 1964, including environmental justice requirements;

- ?? Compliance with the Americans With Disabilities Act;
- ?? Preparation of detailed and reasonably available technical and other reports on all key aspects of the process.

The RTA Corridor Study should include a thorough evaluation of and/or compliance with each of these factors with respect to each of the alternatives addressed in the study.

Conclusion

The upcoming RTA study of the Cook-DuPage Multimodal Corridor should be structured to comply with the federal requirements for Major Investment Studies, Congestion Management Systems and analysis of potential environmental impacts.