



March 1, 2005

Honorable Richard Durbin
U.S. Senator
332 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Durbin:

As you know, the Village of Oak Park has been extremely concerned in recent years about the potential effects of the Illinois Department of Transportation (IDOT) proposal to expand the Eisenhower Expressway (I-290) as it passes through Oak Park. The Village also has been concerned about the apparent reluctance to integrate consideration of reasonable transit alternatives in this corridor. We have visited with you and your staff to discuss this issue on several prior occasions, and we are most grateful for the understanding and assistance you have provided. Although we are still far from a final solution to this complex problem, we believe that with your help, much progress has been made toward a balanced and comprehensive analysis of these issues and all reasonable options for the Cook-DuPage County Multimodal Transportation Corridor.

We understand that significant activity on the federal transportation legislation is planned within the next few weeks. As you know, portions of that legislation go to the heart of our issues in Oak Park. In general, the Village supports a significant increase in transportation funding, as funds shared at the local level are in short supply for both highway and transit projects. In particular, we ask your assistance with respect to the following issues in the upcoming deliberations on the federal transportation bill:

I-290 Expansion

No funding should be earmarked or otherwise set aside for the I-290 expansion project in the pending federal legislation. The planning process for the highway proposal has been delayed, and the 2030 Regional Transportation Plan (RTP) for the Chicago area created a new Cook-DuPage County Multimodal Transportation Corridor, listing a number of potential transit options to be studied in addition to the highway proposal. The Regional Transit Authority (RTA) is conducting a detailed study of the available and reasonable options for the Corridor. We support this approach and will continue to participate extensively as the RTA study progresses. We are hopeful that the RTA study will be structured to comply with the current federal requirements for metropolitan planning and environmental review, and that it eventually will result in selection of reasonable and effective alternatives in compliance with federal law. However, the process is only in the first phase of analysis of a planned three-part study, and the 2030 RTP makes it clear that the required federal studies have not been completed for the I-290 expansion proposal. Under these circumstances, no federal funding for expansion of I-290 should be provided at this time.

Oak Park Cap

As we have discussed, a major project that should be considered in conjunction with any expansion or reconstruction of I-290 through Oak Park is construction of a cap over the expressway to reconnect the Village with park land, green space, commuter parking lots, bicycle and other intermodal facilities over the expressway. The cap would be intended to mitigate air quality and other existing and future impacts on Oak Park if the expressway is expanded or when it is reconstructed, and to repair the split in the community that was created when the expressway originally was built. The project also would provide congestion mitigation and air quality benefits through the addition of the new intermodal facilities on top of the cap at grade level. Portions of the Oak Park Cap would serve as bus, transit, bicycle and pedestrian and public parking facilities.

To date, the Village of Oak Park has obtained two grants, totaling approximately \$1.2 million in federal funds, to study the feasibility of the cap and begin aspects of preliminary engineering, in the context of the IDOT Phase I analysis for the planned highway reconstruction project. The Village has conducted a cap feasibility study using an intensive community input process led by technical experts and is evaluating a recommended concept with three potential variations of the cap. The baseline plan for all variations of the cap includes transit improvements to the access points for Oak Park residents to the CTA Blue Line El Forest Park Branch. Each of the three el stations serving Oak Park (at Austin Boulevard, Oak Park Avenue, and Harlem Avenue) and their auxiliary entrances/exits, which are 50 years old and in poor condition, would be rebuilt to provide easier access to them by all modes of transportation. The estimated construction cost of these improvements is \$50 million. The estimate for the cost of engineering and design work related to these transit improvements is \$10 million, and the Chicago Transit Authority supports this funding request. Through Congressman Danny Davis, funding up to this amount has been requested to proceed with this segment of the project.

Last year, the Village received the current federal funding in the appropriations process to ensure inclusion of the Oak Park Cap in the current Phase I analysis that IDOT is performing for the potential I-290 expansion project. This issue is vitally important to the citizens of the Village. Nothing less than the future of our homes, our businesses and our Village is at stake. In the upcoming debate on the federal transportation legislation, we urge you to support, and actively seek, the federal funding we have requested for engineering and design work related to the transit improvements associated with the Oak Park Cap.

Transit Funding

As discussed above, the 2030 RTP for the Chicago area established a new Cook-DuPage County Multimodal Transportation Corridor, which includes Oak Park, and recommends consideration of several transit alternatives in this corridor in addition to the highway proposal. The Regional Transit Authority has recently begun a study of the transit alternatives recommended in the 2030 RTP, including the following specific proposals:

- ◆ CTA Blue Line west extension
- ◆ Union Pacific west upgrade and extension
- ◆ Ogden Avenue Transitway
- ◆ Cermak Road bus rapid transit and signal preemption
- ◆ DuPage J Line bus rapid transit and signal preemption

We urge you to support the federal funding necessary to complete evaluation of these transit proposals in the metropolitan planning process, and to implement the proposals chosen as preferred alternatives.

Parks and Historic Sites

Under current law, transportation projects that would require use of land containing Federal, State or local parks or historic sites can be pursued only if there is no feasible alternative and the project includes “all possible” mitigation measures. In addition, Federal DOT must take into account the effects of transportation projects on historic sites and must conduct a “Section 4f consultation” with the Advisory Council on Historic Preservation with respect to projects affecting historic sites.

These provisions are extremely important to Oak Park, which is home to more than 300 buildings of historical or architectural significance, and three historic districts. Oak Parkers treasure this priceless heritage and appreciate that the preservation of these structures greatly enhances the quality of life in the Village. In addition, our architectural treasures, including the birth home of native son Ernest Hemingway and Frank Lloyd Wright’s Home and Studio, have brought tens of thousands of people to the Village each year. The promotion of tourism without undue stress on the citizens, the infrastructure, or the attractions themselves, is an important challenge for the coming decades.

Our ability to meet this challenge would be substantially limited if the protections provided by current federal law are reduced, particularly in view of the proposal to reconstruct or expand the Eisenhower which is adjacent to numerous public parks and historic buildings and landmarks and a historic district. Oak Parkers treasure this priceless heritage and appreciate that the preservation of these structures and public areas greatly enhances the quality of life in the Village. Current federal law has worked well over the years because it requires transportation planners to look for prudent alternatives to road building that would mar or destroy historic place and parks. This search for the prudent alternative has saved so many places that are important community and neighborhood resources, not just historic places but parks, recreation areas, and wildlife refuges as well.

Section 6003 of H.R. 3, the version of Federal surface transportation legislation introduced in the House, provides that transportation projects may proceed without further analysis or mitigation measures if the Section 4(f) consultation results in a determination by the lead agency (generally, federal DOT) that the project would not have any adverse effects on historic sites. While it would be possible for the Advisory Council on Historic Preservation to override the lead agency in some instances, reduction of the current protections would be a substantial possibility. Further, it is unclear whether a project would be allowed to proceed under this provision regardless of potential effects on parks.

The Village is opposed to these and any other attempts to relax the mandatory review and mitigation of effects on parks or historic properties currently required under federal law. We urge you to take all possible actions to ensure that the current protections are retained, and that any provisions designed to weaken them are omitted from the final legislation.

Metropolitan Planning and Environmental Review

Under the general rubric of “streamlining,” recent federal legislation has included various provisions to abbreviate the current processes for metropolitan transportation planning and environmental review. We urge you to oppose any significant revision of the current process. In our experience, the current process works well and does not cause unnecessary delay if compliance is prompt. More importantly, compliance with processes similar to those currently required is essential to ensure sound resolution of extremely complex transportation planning issues and complete protection of public health, safety and the environment. In particular, we invite your attention to the following provisions of H.R. 3:

Conformity. Section 1824 of H.R. 3, which revises the transportation conformity process, would increase the time frame for statewide conformity reviews from 2 to 4 years, and would reduce the time horizon for conformity determinations from 20 years to 10. These changes would operate to reduce the benefits predicted for transit and other projects that reduce pollutant emissions, as well as to reduce the detriments predicted for highway expansion. We urge you to reject such proposals and to support continuation of current law. We believe that 20 years is necessary to measure the long-term impacts of new transportation projects, and that significant short-term effects often become apparent within two years. The proposed changes would result in less accurate estimates of current emissions for conformity purposes, and in less accurate predictions of future impacts.

NEPA. In determining the purpose and need for a project and identifying the potential alternatives, H.R. 3 appears to give the lead agency in the NEPA process discretion not to consider the local long-term transportation plan or the land use plans adopted by affected local governments. The Village urges mandatory consideration of such local planning documents. Major transportation decisions should be made in the context of local land use and transportation plans, not imposed over them. Local plans should be considered at the beginning of the process to ensure that transportation projects are context sensitive, and comport with local transportation and land use plans to the maximum possible extent.

As provided in H.R. 3, the goals for the environmental review process would be: (1) a collaborative process among all affected governments, agencies and the public; (2) a performance-based approach; (3) reliance on objective data; (4) appropriate use of economic incentives for environmental protection; (5) informed decisions; and (6) use of appropriate geographical boundaries. However, these goals and the related procedures apparently would apply only to cases where an Environmental Impact Statement (“EIS”) is required. They should be applied to all types of environmental review, including cases where an Environmental Assessment is used.

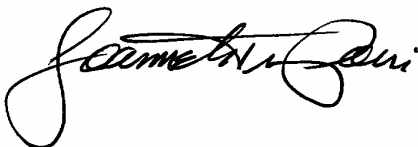
H.R. 3 provides that the objectives of environmental review, in addition to compliance with the requirements in other statutes (such as the National Environmental Policy Act), would be consistency with: (1) the goals in the State transportation plans; (2) relevant Federal, State or local land use or economic plans; and (3) defense/security needs. The alternatives to be analyzed would be identified by the lead agencies (State and Federal DOT) after public consultation. The lead agencies would develop the methodologies and level of detail, again in consultation with interested parties. The preferred alternative could be described in greater detail if that would not prejudice consideration of other alternatives. As discussed above, the Village urges mandatory consideration of local land use and economic plans. If the chosen alternatives are inconsistent with local planning documents, the inconsistency should be explained and justified. Significant comments with respect to methodologies also should be considered. The detail in which the alternatives are described should be the same for all potentially viable alternatives.

Congestion mitigation. H.R. 3 would require state transportation plans for air quality nonattainment areas to include congestion management strategies that reflect the results of required regional congestion analyses. The Village supports this approach. Under current law, the relevance of congestion management strategies to project approval is unclear and this is an issue that needs to be addressed.

Judicial review. H.R. 3 states the following specific goals for state transportation plans: (1) increased economic vitality; (2) increased safety and security; (3) increased mobility; (4) protection of environment; (5) energy conservation; (6) improved quality of life; (7) consistency of transportation services; (8) enhanced integration of transportation systems; (9) increased efficiency; and (10) preservation of existing systems. However, the bill then states that failure to consider these goals is not grounds for judicial review of a state plan. The Village urges deletion of this provision preventing judicial review of agency action, which can only operate to hamper consideration of the legislative goals.

As always, many thanks for your efforts on behalf of the Village and its citizens. If you have any questions with respect to the issues addressed above or would like to discuss them further, please contact me or Pete Dame, Deputy Village Manager, at (708) 358-5778. We look forward to meeting with you to discuss these issues in person.

Sincerely,
VILLAGE OF OAK PARK



Joanne E. Trapani
Village President