

September 3, 2013

Mr. Randy Blankenhorn
Chicago Metropolitan Agency for Planning
233 South Wacker Drive, Suite 800
Chicago, Illinois 60606

RE: Comments Opposing IDOT's Request to Include the Illiana Tollroad as a Constrained Project in the GO TO 2040 Plan

To Mr. Blankenhorn, the members of the Chicago Metropolitan Agency for Planning Board and the MPO Policy Committee:

Please accept these comments on behalf of the undersigned environmental, civic and conservation organizations. For the reasons below, we strongly urge the Chicago Metropolitan Agency for Planning (CMAP) and the MPO Policy Committee to deny the request by the Illinois Department of Transportation (IDOT) to add the proposed Illiana tollroad as a constrained priority project to our region's GO TO 2040 plan. The Illiana tollroad contradicts the principles embodied in our region's GO TO 2040 plan. As demonstrated by CMAP's commendable July 30, 2013 analysis, the tollroad is financially imprudent, offers minimal transportation value and disproportionately low economic benefits, and would unnecessarily damage vital natural resources.

I. Introduction

In considering whether to add the Illiana tollroad to the GO TO 2040 plan, we ask CMAP to keep in mind the thousands of hours of effort by stakeholders across the region that went into crafting the plan and its shared vision for our region's future. The Illiana tollroad fundamentally violates the goals, strategy and projects incorporated into the plan. In planning the tollroad, IDOT explicitly rejected the regional socioeconomic forecasts associated with the GO TO 2040 Preferred Regional Scenario – even though the General Assembly charged CMAP, not IDOT, with making socioeconomic forecasts which “shall be the foundation for all planning in the region.” 70 ILCS § 1707/44; 70 ILCS § 1707/51. In seeking this amendment, IDOT has ignored the plan's requirement to show fiscal constraint in funding all of the region's many transportation needs. If IDOT is allowed to override GO TO 2040's principles at this early stage of the plan's existence, it will render the plan irrelevant.

As a threshold issue, IDOT has failed to demonstrate that the proposed Illiana tollroad can be added as a “fiscally constrained” project to the GO TO 2040 plan, consistent with federal law. CMAP can only include projects on its “constrained” list if there are reasonably available revenue sources that can cover project costs. This determination is separate and distinct from the requisite environmental analysis under the National Environmental Policy Act (NEPA) – though related insofar as the NEPA process cannot be completed if there is no realistic way to finance the project.

In this case, IDOT has failed to present a coherent explanation of how the Illiana tollroad can be financed, and how much the public would have to pay for the project. IDOT has not demonstrated that the tollroad can be added to the fiscally constrained project list without cutting other transportation priorities that were vetted through the GO TO 2040 process, and are consistent with the vision and principles in the plan. While we see the value of solid public private partnership (P3) projects, we agree

with CMAP that “there is no free money” and that this proposal poses a high risk to both taxpayers and private investors.

In addition, in an attempt to justify building the Illiana tollroad 10 miles south of the exurban fringe, IDOT makes numerous assumptions about how and where our region will grow, which conflict with and seriously undermine the vision and core regional principles in GO TO 2040. The CMAP Board – including Will County representatives - unanimously adopted the GO TO 2040 comprehensive plan to strategically align public policies and investments, maximize scarce resources, and prioritize how the region spends its limited \$10.5 billion budget on new major capital projects over the next 30 years. The plan synthesized three years of research and careful evaluation by CMAP, partners, numerous stakeholders and over 35,000 residents, uniting over 284 communities to address our largest regional challenges.

The proposed Illiana tollroad represents the first major test of our comprehensive regional plan. CMAP’s acceptance would set a dangerous precedent for the plan’s further implementation. IDOT is ignoring the policies and performance-driven criteria in GO TO 2040, promoting unhealthy sprawl rather than modernizing our significant existing transportation assets. It defies the “Preferred Regional Scenario” in GO TO 2040, which calls for more compact, mixed use transit-oriented development, preserving open space, reinvesting in brownfields, and improving urban design and the pedestrian environment.

As a result, the proposed Illiana tollroad would misdirect development into rural areas that are productive agricultural communities, damaging the heart of a rare complex of 23 federally and state protected natural areas, such as the Midewin National Tallgrass Prairie and the high quality Kankakee River. It would violate the central principles of the Green Infrastructure Vision in GO TO 2040 by fragmenting and degrading this hub of natural wonders, taking globally imperiled habitat for federal and state-listed threatened and endangered plants and wildlife, like the Plains Leopard Frog and Franklin’s Ground Squirrel. The road would pull thousands of trucks right through the center of Midewin’s no-noise bird management zone, driving away rare protected grassland birds, like the state-listed endangered Henslow’s sparrow, that nest in this vast quiet landscape. This increased truck traffic on Illinois Route 53 would disturb mourners at the adjacent Abraham Lincoln National Cemetery, one of our nation’s largest resting places for military veterans.

Over time, the misplaced development would pave over soil in open areas that now soak rain into the ground, reducing the recharge of drinking aquifers. Instead, stormwater that runs off concrete and other impervious surfaces would increase flooding and inject unusually warm, salt-laden polluted stormwater into high quality rivers and creeks in the area, likely making them inhospitable for rare and endangered fish, mussels and other water species to survive.

We understand that IDOT has advised CMAP that, if it does not amend the GO TO 2040 plan during the October CMAP Board and MPO Policy Committee meeting, it will be impossible for IDOT to complete the NEPA study process, and IDOT’s \$40 million investment in studying the road will be lost. IDOT’s position is perplexing in several respects. First, IDOT has not provided any basis to conclude that the construction of this fringe tollroad is such an urgent need that immediate action is required. IDOT’s artificial rush to get a decision from CMAP before critical questions about financing the project can be answered seems designed to cut off a full and honest debate.

Second, IDOT’s reasoning that it, because the agency already spent \$40 million on studying the tollroad, it would be a loss not to spend at least another 30 times that amount building it, represents gross fiscal

mismanagement. By this logic, any time a project is studied, it must be constructed so as not to “waste” planning dollars. If a project moves the region in the wrong direction and is a bad investment, it should not be built – especially at the expense of other regional priorities. Third, and most importantly, IDOT’s sunk costs do not trump the federally-mandated role of CMAP in the transportation planning process to determine both fiscal constraint and the Illiana’s consistency with our region’s GO TO 2040 plan. The Illiana tollroad fails on both counts.

II. IDOT Has Failed to Demonstrate That the Illiana Tollway Can Be Included as a Fiscally Constrained Project.

The Illiana tollroad does not meet a basic legal requirement for its inclusion in the GO TO 2040 plan: “fiscal constraint”. This threshold issue—applicable to both regional transportation plans like GO TO 2040 and transportation improvement programs—ensures that there are sufficient resources to build, operate, and maintain all of the transportation improvements needed across the region. The requirement is not met here because IDOT has not demonstrated how the tollroad could be financed with “committed, available, or reasonably available revenue sources.” 23 C.F.R. § 450.104. Instead, IDOT has provided only vague references to potential “public-private partnerships” (P3s) and federal Transportation Infrastructure Finance and Innovation Act (TIFIA) loans. Because IDOT has failed to provide realistic, coherent information about revenue sources or project cost, CMAP cannot, consistently with federal law, include the tollroad in the GO TO 2040 plan. Neither could the MPO Policy Committee add the tollroad’s construction to its Transportation Improvement Program (TIP). CMAP should not amend either the GO TO 2040 plan or the TIP unless and until IDOT explains how the Illiana tollroad could be paid for.

CMAP’s staff discussed the importance of fiscal constraint in its July 30, 2013 analysis (“CMAP Staff Report”):

Constraint for plans is important because it reminds regional decision makers to set priorities and make trade-offs rather than including an extensive list of projects and activities that may not be affordable or sustainable. ***In order for GO TO 2040 to be amended, the public costs for the Illiana Corridor . . . would need to be included within the plan’s fiscal constraint.***

CMAP Staff Report at p. 3 (emphasis added).

CMAP staff’s discussion accurately reflects that, under federal law, a metropolitan transportation plan like GO TO 2040 must contain a financial plan. 49 U.S.C. § 5303(i)(2)(E). This financial plan must demonstrate how the transportation plan as a whole can be implemented, and indicate the resources from public and private sources that are reasonably expected to be made available to carry out the plan. *Id.* GO TO 2040’s financial plan must demonstrate “that projects in the [GO TO 2040 transportation plan] can be implemented using committed, available, or reasonably available revenue sources, with reasonable assurance that the federally supported transportation system is being adequately operated and maintained.” 23 C.F.R. § 450.104. This is referred to as the requirement of “fiscal constraint.”

IDOT has failed to show how the Illiana tollroad could be financed with “reasonably available” revenue sources. There are two important pieces of information missing: (1) a realistic estimate of the tollroad’s cost, and (2) a description of the revenue sources that could finance the tollroad. We agree with the CMAP staff analysis, which carefully addressed both of these points.

First, with respect to the tollroad's cost, we share CMAP staff's opinion that "a more detailed cost estimate would be required to perform a robust evaluation of the proposed project's financial viability and its impact on GO TO 2040's fiscal constraint." CMAP Staff Report at 3. IDOT's cost estimate is simply implausible in light of the much higher costs per lane mile for a number of other highways that CMAP staff identified, including ones built in Illinois. In comments submitted to CMAP last week, the Metropolitan Planning Council (MPC) identified additional examples of highways with significantly higher costs per lane mile. Based on the figures in the CMAP staff and MPC reports, it is clear that IDOT's present cost estimates fail to support a determination of fiscal constraint.

We also note that the two examples that IDOT has provided in support of its cost estimates are irrelevant. IDOT has cited the bid prices of two projects: (1) Section 3 of the I-69 highway project in Indiana and (2) a "new four-lane expressway" in Morgan County, Illinois. As to Section 3 of I-69, it was constructed with less durable asphalt, instead of more expensive concrete. "Sizable cracks" developed shortly after the road was opened to traffic. See Jimmy Jenkins, *Cracks Develop Along Newly Opened Interstate 69*, INDIANA PUBLIC MEDIA (Jan. 31, 2013), available at <http://indianapublicmedia.org/news/cracks-develop-section-i69-44014/>. Indiana's former governor, Mitch Daniels, described the highway's design specifications as follows: "I don't see the need to build a Cadillac if a good solid Jeep or Chevy will suffice for 20-30 years." *Id.* Moreover, the Indiana Department of Environmental Management cited both the Indiana Department of Transportation and the contractor that built the highway—Fred Weber, Inc.—for numerous stormwater violations related to the highway's construction. Chris O'Malley, *IDEM: I-69 construction affecting streams*, INDIANA ECONOMIC DIGEST (Feb. 22, 2012), available at: <http://www.indianaeconomicdigest.net/main.asp?SectionID=31&ArticleID=64098>. (See also <http://www.fredweberinc.com/projects/indiana-i-69-project>).

As to the Morgan County "expressway" cited by IDOT, it is not in any way comparable to the proposed Illiana tollroad. According to IDOT's description of the project elsewhere, see <http://www.dot.state.il.us/press/r091511.html>, the project upgrades an existing road, with only a single interchange with an arterial road required. Compared to the numerous examples of highways with higher per lane mile costs that have been assembled by CMAP staff and MPC, neither of IDOT's examples provides a good reference for the proposed Illiana tollroad. Again, CMAP should reject IDOT's present cost estimates as unrealistic, imprudent and insufficient to support a determination of fiscal constraint.

Second, IDOT also has failed to explain how the Illiana tollroad would be funded. In IDOT's May 10, 2013 supporting documentation to its request to add the Illiana tollroad to the GO TO 2040 plan, IDOT demonstrated a stunning lack of financial planning for a road that it claims will begin construction about eighteen months from now. See <http://www.illianacorridor.org/P3/> ("IDOT and INDOT have established a target for construction to begin in the spring of 2015."). In the supporting documentation, IDOT asserted that it is "currently evaluating funding and financial strategies for implementing the Illiana Corridor." IDOT Documentation at 13. IDOT stated that it was studying "public-private partnership" (P3) models for the project. *Id.* IDOT further stated that all "design-build-finance-operate-maintain" P3 models are "**partly** financed" by debt-leveraging revenue streams, such as tolls, which are then often "supplemented" by "public sector subsidies." *Id.* (emphasis added). In addition to P3 models, IDOT states that it is "evaluat[ing]" the possibility of a loan pursuant to the federal Transportation Infrastructure Finance and Innovation Act (TIFIA). *Id.* IDOT did not share with CMAP, at even an rudimentary level, what portion of the project costs could be met by private financing through a P3

agreement, what portion through federal financing through TIFIA loans, and what portion by state taxpayers through so-called “public sector subsidies.” Consequently, we have no idea how much the public would likely have to pay for this project.

As CMAP staff discussed in its staff analysis, this level of detail is wholly inadequate to enable an analysis of the Illiana tollroad’s impact on GO TO 2040’s financial plan. In its analysis, CMAP staff stated that, without a decision regarding the preferred P3 model, “CMAP cannot evaluate the extent to which either proposed [P3] method would clarify elements like facility ownership, financing, performance standards, non-compete clauses, toll rates, or workforce issues, which are all necessary components for assessing how a proposed P3 facility would affect public costs.” CMAP Staff Report at 4. CMAP staff made clear that there are too many unanswered questions about the Illiana tollroad to adequately analyze its financial viability:

[C]onstruction of a new private toll facility . . . involves a high level of risk for both the public and private sectors. Most fundamentally, there is no ‘free money.’ Private loans must be repaid, and private partners will require a reasonable rate of return for their investors. To achieve these objectives, private partners will require a project of this type to generate a reasonable cash flow through tolling or public subsidy. Traffic levels must be projected with accuracy many years into the future, and the financial underpinning of a project is based on these projections. **To date, CMAP has not had access to any of the specific information about costs, revenues or the specific structure of any potential agreements to enable an analysis of how the Illiana Corridor will be financed or how the nature of the proposed P3 would protect the public interest.**

Id. at 5-6 (emphasis added).

Again, we agree with CMAP staff: it is impossible at this time to analyze the Illiana Expressway’s impact on regional transportation spending. Two crucial pieces of information missing from IDOT’s request to amend the GO TO 2040 plan are: (1) the amount of “public sector subsidies” that would be needed to fund the tollroad, IDOT Documentation at 13, and (2) the “reasonably available revenue sources” that would provide those subsidies. 23 C.F.R. § 450.104. Without this information, CMAP cannot consistently with federal law add the Illiana tollroad to the GO TO 2040 plan.

Federal Highway Administration (FHWA) guidance on the “fiscal constraint” requirement demonstrates the inadequacy of the information provided by IDOT to date. With respect to tolling revenues, FHWA has noted that “[w]hile tolling/pricing may be a means to pay back a variety of funding mechanisms (e.g. bond measures, private equity, and State revenues), toll revenues are usually used in combination with other fund sources.” FHWA, *Financial Planning and Fiscal Constraint for Transportation Plans and Programs Questions & Answers* (Apr. 15, 2009), Question 11(d), available at <http://www.fhwa.dot.gov/planning/fsclcntrntques.cfm>. Where tolling is proposed to be used as a funding source, it is “important” to know “[h]ow much funding is available each year through the proposed program.” *Id.* Moreover, where TIFIA loans are to be used as a funding source, fiscal constraint requires not only a reference to that revenue source, but also a financial plan that shows how the loan will be repaid. *Id.* at Question 11(e).

IDOT has failed to provide even a sketch-level analysis of these issues. We do not know what type of P3 model would be used, to what extent IDOT would seek TIFIA loans, or how exactly the state’s obligations would be repaid. We do not know the terms on which IDOT reasonably might seek financing. For

example, how would Illinois' lowest credit rating of any state in the nation affect bond financing? See Sara Burnett, *Illinois Credit Rating: State's Worst-In-Nation Rating Costing Taxpayers Millions*, ASSOCIATED PRESS (June 25, 2013), available at: http://www.huffingtonpost.com/2013/06/25/illinois-credit-rating-st_n_3496264.html (reporting financial analyst's estimate that Illinois would pay \$450 million extra in interest costs over the 25-year life of a \$1.3 billion bond issue, relative to states with high credit ratings).

What is clear, though, is that, even for a new private toll facility, the Illiana Expressway is a highly speculative venture. Private tollways built on the urban fringe, with the expectation that population growth will support increasing traffic over the life of the road, have an exceedingly poor track record nationally. In its comments, MPC has provided several examples of failed tollroad projects that similarly were planned on the assumption of significant growth near the tollroad corridor.

The proposed Illiana tollroad bears all the hallmarks of another failed project waiting to happen. As described by the trade paper *Tollroads News*:

The 47 mile project is located about 15 miles south of, and parallel with, the Borman Expressway in open countryside and runs between I-55 in Illinois and I-65 in Indiana. There are no centers of population at either end of the route, no significant economic activity along the corridor, and it offers no obvious shortcut for any long distance travel.

* * *

Private investors are only interested in the project with an availability payments contract under which the states sponsoring the road accept the traffic and revenue risk, and cover losses out of state budgets.

Illiana Expressway approval challenged in court, TOLLROADS NEWS (July 13, 2013) (emphasis added), available at www.tollroadsnews.com/node/6637.

Building the Illiana tollroad under an "availability payments" model would pose an extraordinary risk to regional transportation spending. IDOT has indicated that, depending on the level of the toll and willingness to pay, the Illiana tollroad could have average daily traffic as low as 8,800 vehicles in 2040. See *Illiana Alternatives Evaluation Report*, at 4-9. According to comments submitted by MPC last week, IDOT advised that it is currently modeling an average daily traffic of 14,000 vehicles for the tollroad, presumably also projected for 2040.

The level of 2040 traffic that IDOT reportedly predicts for the Illiana tollroad is far, far lower than the traffic currently handled by our region's existing expressways. For example, I-55 just west of the interchange with I-294 serves average daily traffic of 163,500 vehicles. See IDOT, *Getting Around Illinois GIS Tool*, available at <http://www.gettingaroundillinois.com/gai.htm?mt=aadt#>. In other words, I-55 today serves almost twelve times as much traffic as IDOT projects for the Illiana tollroad three decades from now. Some of the existing roads that currently carry the same average daily traffic the Illiana might carry in 2040 include: Dearborn Street, in Chicago's Old Town neighborhood; Collins Street in downtown Joliet; and Dierksen Parkway, adjacent to IDOT's Springfield headquarters.

This anemic level of traffic likely would not come close to supporting the cost of building the tollroad. This is shown by the June 2010 "sketch-level financial assessment" for the Illiana tollroad prepared by Cambridge Systematics for INDOT, discussed by MPC in its comments and attached hereto as Exhibit A.

The Cambridge analysis studied an earlier version of the Illiana project; the analysis relied on a much-higher average daily traffic for the Illiana tollroad and lower capital costs. *See id.* at page 2-4; 4-3. Even with that higher average daily traffic, though, the analysis found that toll revenues would not provide nearly enough bonding authority to meet the project's capital costs. *See id.* at 4-3.

In order to build the Illiana tollroad, the gap between its construction costs and the amount that could be financed through tolling revenues would have to be filled by another revenue source. However the gap is filled, the bottom line is that there will be less funding that could be used for other transportation needs. The projects that the region could no longer afford to build would have to be deleted from the plan.¹

IDOT's request that CMAP include the Illiana tollroad in GO TO 2040 without providing adequate details on the tollroad's financial viability disrespects CMAP's federally mandated role in the transportation planning process. Under federal law, CMAP is responsible for directing transportation funding to a multitude of needs across the region. The amount of transportation funding that the Illiana tollroad would drain from operating and maintaining existing transportation facilities or building other, more needed, improvements is not a minor detail that can be ironed out later. To the contrary, it is CMAP's fundamental responsibility to identify the "committed, available, or reasonably available revenue sources" that could support the Illiana tollroad in order to determine whether it can be added as a "fiscally constrained" project. 23 C.F.R. § 450.104. Given the information presently available, CMAP cannot make that determination.

We understand that IDOT has informed CMAP that the Illiana tollroad must be included in the GO TO 2040 plan in order for the NEPA process for the tollroad to be completed. IDOT is omitting an important fact. In order for the NEPA process to be completed, IDOT must seek an amendment not only of the GO TO 2040 plan, but also of CMAP's TIP. *See FHWA, Transportation Planning Requirements and their Relationship to NEPA Process Completion* (Jan. 28, 2008), Question 1, available at http://www.fhwa.dot.gov/planning/tpr_and_nepa/tprandnepa.cfm. That TIP amendment would have to show "all phases (e.g., PE, final design, ROW, utility relocation, construction, and/or construction phases) of the project that are planned within the time frame" of the TIP. *Id.* IDOT has not yet sought such an amendment, which would have to reflect all of the construction activities that IDOT targets to begin in the spring of 2015. *See* <http://www.illianacorridor.org/P3/> ("IDOT and INDOT have established a target for construction to begin in the spring of 2015."). Given that amending the GO TO 2040 plan alone has no independent legal significance for the NEPA process, it is not clear why IDOT is so insistent that the amendment must be accomplished at CMAP's October meeting. We urge CMAP to reject

¹ On the evening of August 28, 2013, two days before the close of the public comment period on IDOT's proposed amendment, IDOT posted online a new Illiana "fact sheet." *See* <http://www.illianacorridor.org/pdfs/illianakeyissuesfactsheet.pdf>. In that fact sheet, IDOT seemingly indicates that it will seek to amend the GO TO 2040 plan to not only add the Illiana tollroad, but also to cut significant funding from a priority project to improve I-55 from I-90/94 to Weber Road. Given that this amendment has not been formally proposed to CMAP, and IDOT has provided virtually no details, we cannot presently comment on it.

As we maintain in these comments, the Illiana tollroad, by itself, cannot be added to the GO TO 2040 plan consistent with the federal fiscal constraint requirement. That is the only plan amendment formally pending before CMAP, and it is the only amendment that has been noticed for public comment. If IDOT intends to seek a new amendment to the GO TO 2040 plan to not only add the Illiana tollroad, but also to significant funding on work for I-55, we contend strenuously that both a new CMAP staff analysis and a new public comment period are needed, following a formal request by IDOT.

IDOT's request, because IDOT has failed to demonstrate that the Illiana tollroad can be added to the GO TO 2040 plan as fiscally constrained.

III. The Proposed Project Undermines the Region's GO TO 2040 Sustainable Principles

We are concerned that the underlying basis of IDOT population and employment forecasts contradicts the policy direction and core recommendations in the region's GO TO 2040 comprehensive plan. The IDOT socioeconomic forecasts would create a self-fulfilling prophecy of pushing growth into outlying, undeveloped areas, converting productive prime farmland and degrading a hub of globally rare natural areas, contrary to the GO TO 2040 plan's collaborative vision.

[GO TO 2040](#) reflects a collective strategy to live sustainably. The forecasts underlying its Preferred Regional Scenario reflect this vision, recognizing that the costs and benefits are not isolated to local communities, but are borne by all of us in the seven-county region. CMAP recognized that "the strength of our communities and economy is determined by issues that are highly related." See [CMAP GO TO 2040 Press Release](#) (Oct. 13, 2010). The principles and recommendations in the plan are the product of [numerous stakeholder meetings](#). From June to September 2009 alone, CMAP held 57 workshops, attended 15 community fairs and festivals, and had kiosks in 19 locations around the region. Several of these public events were held in Will County. As the CMAP Board Chairman and Mayor of Palos Hills [said on the day of its adoption](#), "...GO TO 2040 is the region's best chance to achieve prosperity that can be sustained for generations to come." As discussed below, IDOT's proposal of the Illiana tollroad challenges our region's forecasts and principles.

A. IDOT's Use of its Own Radically Different Socioeconomic Forecasts in Planning the Illiana Usurps CMAP's Regional Planning Authority.

Given the regional consensus supporting the GO TO 2040 Preferred Regional Scenario, we are concerned that the forecasts relied upon by IDOT reflect a radically different regional vision. CMAP staff highlights "substantive differences" in IDOT's intent and assumptions, which clearly conflict with the policies and goals of GO TO 2040. According to CMAP staff, "IDOT's socioeconomic forecasts assume a substantially different outcome for the region, placing more of the region's growth in outlying, undeveloped areas." CMAP Staff report, p. 6. This creates "considerable differences in the distribution and totals of socioeconomic indicators." GO TO 2040 forecasts reflect a sustainable future, centered around the infill of existing communities. By contrast, IDOT's forecasts are premised upon the determination that now-defunct historical trends of sprawl and blind consumption of resources will continue into this century as they did during much of the past sixty years.

It is important that CMAP supports its staff evaluation of the proposed tollroad using GO TO 2040 forecasts. By contrast, planning and evaluating transportation projects based on IDOT forecasts would create a self-fulfilling prophecy of pushing growth into outlying, undeveloped areas, converting productive farmland and degrading a hub of globally rare natural areas, contrary to the GO TO 2040 plan's collaborative vision.

The Illinois legislature vested CMAP, not IDOT, with the authority to create socioeconomic forecasts to serve as "the foundation for all planning in the region." 70 ILCS § 1707/44; 70 ILCS § 1707/51. IDOT's justification for refusing to consider the GO TO 2040 forecasts is still unclear. IDOT has claimed that CMAP's forecasts cannot be used for planning the Illiana tollroad because IDOT's are "market-based", whereas CMAP's are "policy-driven." Yet, all forecasts reflect policy judgments. IDOT's own argument

seems to suggest that it has the right to reforge the regional vision to fit its own project plans. Neither do IDOT's forecasts illustrate a "project level" analysis of the Illiana study area. Instead, IDOT's forecasts redistribute population all across the seven-county region.

IDOT also has implied that, because CMAP staff "concurred that IDOT's forecasting methodology was transparent and consistent with accepted practice," that CMAP agrees with its results. CMAP Staff Report at p. 8. This is untrue. CMAP staff articulated that "[t]he principles are clear that CMAP cannot concur with assumptions of any forecasts that do not conform to the policy direction of GO TO 2040." *Id.*

CMAP should support the use of its own GO TO 2040 socioeconomic forecasts and principles in its staff analysis, and adopt its staff conclusion that the transportation and economic benefits from the proposed tollroad are minimal to non-existent. This is especially true, since the benefits claimed by IDOT are premised upon a non-tolled facility, which IDOT has since rejected as an alternative. CMAP did not have the information available to determine how much less tolled traffic levels would be if riders were required to pay to use the road.

B. The Illiana Tollroad is Not Consistent with GO TO 2040 Principles.

As the first comprehensive regional plan since Daniel Burnham's in 1909, GO TO 2040 spans four themes: Livable Communities, Human Capital, Efficient Governance, and Regional Mobility. The plan coordinates investments in transportation infrastructure to carefully and deliberately focus the region's limited funds to largely maintain and modernize rather than expand its transportation system. CMAP stresses the need for the region to "unite around its transportation priorities, particularly regarding the construction of major capital projects recommended in GO TO 2040." *GO TO 2040*, p. 248. Its list of constrained projects is founded upon well defined criteria that allow for the most crucial improvements and projects to be completed first. *GO TO 2040*, p. 266.

As discussed above, IDOT deviated from this CMAP model, creating its own vision and priorities for where and how development will be dispersed throughout the region, failing to account for consequential damage to communities and significant natural resources. This is abundantly clear when viewing the Illiana tollroad project through the lens of the GO TO 2040 livability principles. According to CMAP:

The Regional Vision of GO TO 2040 describes a future environment in which 'open space' [is] preserved and enhanced,' the region consumes 'less energy and fewer natural resources,' treats 'water as a critical natural resource,' preserves 'the overall ecological health and diversity of the region,' and improves its residents' health through 'the availability of open space, transportation and recreation options, healthy food, clean water, and clean air. *GO TO 2040*, p. 45.

CMAP explained that:

Preserving open space can have positive impacts on water quality, biodiversity, and stormwater management, as well as providing an important asset that contributes to our economy and quality of life; preserving land for sustainable agriculture can have similar positive impacts. Similarly, development that is denser and focused in existing communities can reduce pressure to develop existing unprotected open space, and is

also more efficient in its use of energy and water than development on the region's fringe. Strategies with multiple benefits are most effective at meeting the many goals of GO TO 2040. *GO TO 2040*, p. 47.

We agree both with this premise and the recommended actions by CMAP to "preserve the most important natural areas in the region." CMAP correctly foresaw that "coordinated investment in land protection and a commitment to the restoration and management of preserved lands will be necessary to achieve this." *GO TO 2040*, p. 117.

The IDOT proposal contradicts these principles, turning a blind eye to the serious extent that the Illiana tollroad would contribute to the loss of important natural areas. This is most clear in its anemic and flawed analysis of impacts to the Prairie Parklands Macrosite, a Resource Protection Area in Will County near the western end of the proposed tollroad. *GO TO 2040*, p. 117. The vast amount of scientific and ecological evidence contributed by other agencies and stakeholders highlights these deficiencies, illustrating how the proposed Illiana tollroad directly undercuts livability policies, especially the underlying principles in the Green Infrastructure Vision that were adopted in GO TO 2040.

C. The Illiana Tollroad would Undercut CMAP's Green Infrastructure Vision.

CMAP adopted the *Green Infrastructure Vision* (GIV) and its Sustainability Development Principles in GO TO 2040 to guide open space protection in the region, finding that they are consistent with the plan's policy recommendations. Chicago Wilderness, the author of the GIV, defined "Green Infrastructure" as an "interconnected network of land and water that supports biodiversity and provides habitat for diverse communities of native flora and fauna at the regional scale." The GIV illustrates how to implement the Chicago Wilderness *Biodiversity Recovery Plan* at a macro level to protect, preserve and restore natural communities to long-term viability, "in order to enrich the quality of life of its citizens and to contribute to the preservation of global diversity." *Biodiversity Recovery Plan*, p. 7.

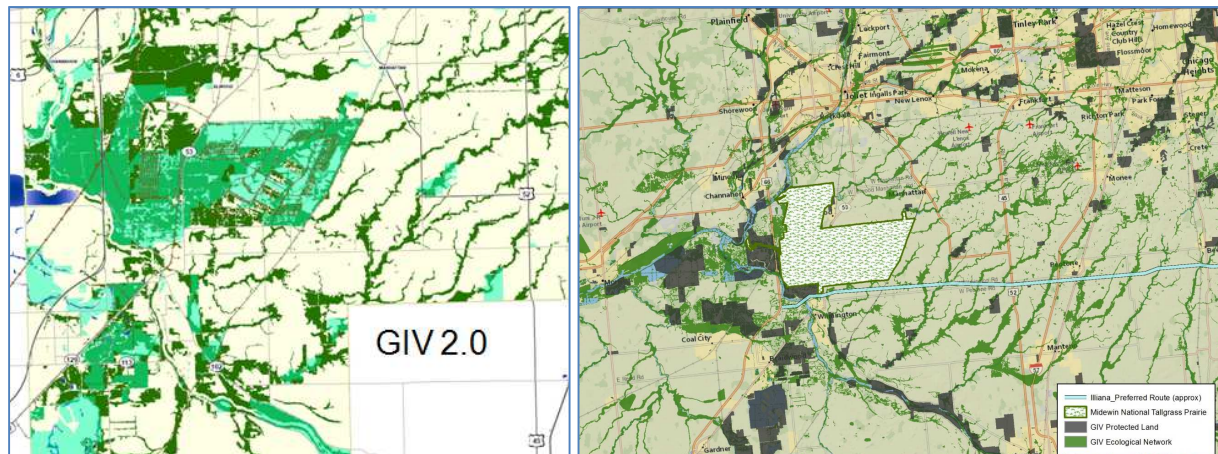
The GIV maps priority areas in the plan as recommended "Resource Protection Areas." According to CMAP, Resource Protection Areas "indicate where it is most important to protect undeveloped land, restore degraded ecosystems through increased management, provide buffers for protected natural areas, and provide functional connections between protected natural areas." *GO TO 2040*, p. 127. CMAP considers the "central purposes of protecting the green infrastructure network are to protect water resources and to preserve biodiversity within the region." *GO TO 2040*, p.



135.

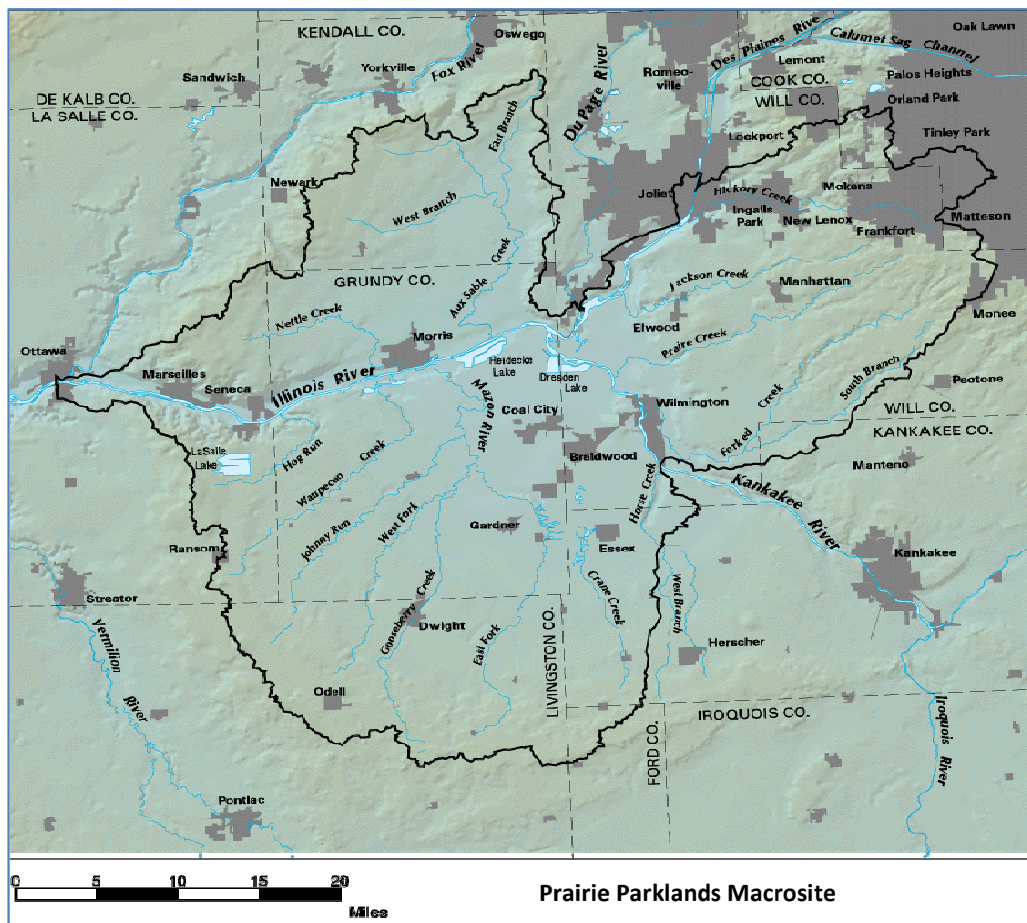
Biodiversity, the totality of species and ecosystems in our region, is the cornerstone of the region's environmental health. Natural communities provide ecological services in maintaining water quality, reducing flooding, pollinating crops, and controlling outbreaks of invasive pests. "Equally important, biodiversity contributes immeasurably to the quality of life for the citizens of the region and to the region's long term vitality." *Biodiversity Recovery Plan*, p. 6. As Daniel Burnham stated in the 1909 [Plan of Chicago](#), "the need for breathing spaces and recreation grounds is being forced upon the attention of practical men, who are learning to appreciate the fact that a city, in order to be a good labor market, must provide for the health and pleasure of the great body of workers." *Plan of Chicago* (1909), pp. 47-48.

As illustrated by the GIV 2.0 map, the proposed Illiana route cuts through a dense concentration of dozens of federally and state protected natural areas, referred to as the [Prairie Parklands Macrosite](#). This complex of high quality natural features is a prime example of priority open space that the GIV recommends to protect.



1. The GIV stresses protection of priority areas, especially remaining high quality sites.

The Illinois Department of Natural Resources (IDNR) designated the 239 square-mile core of the eight-county macrosite as an "Illinois Resource Rich Area." When IDNR [inventoried the Prairie Parklands' regional resources](#) a decade ago as part of its Critical Trends Assessment Program and Ecosystems Program, it referred to the Prairie Parklands as a "mix of outstanding natural wonders." The area's "prehistoric flora and fauna are world famous, and it is home to the Midewin National Tallgrass Prairie, America's first so designated." The study considered the Kankakee River to be one of the finest rivers in Illinois, based on its rich biodiversity, water quality, and outstanding fishing opportunities.

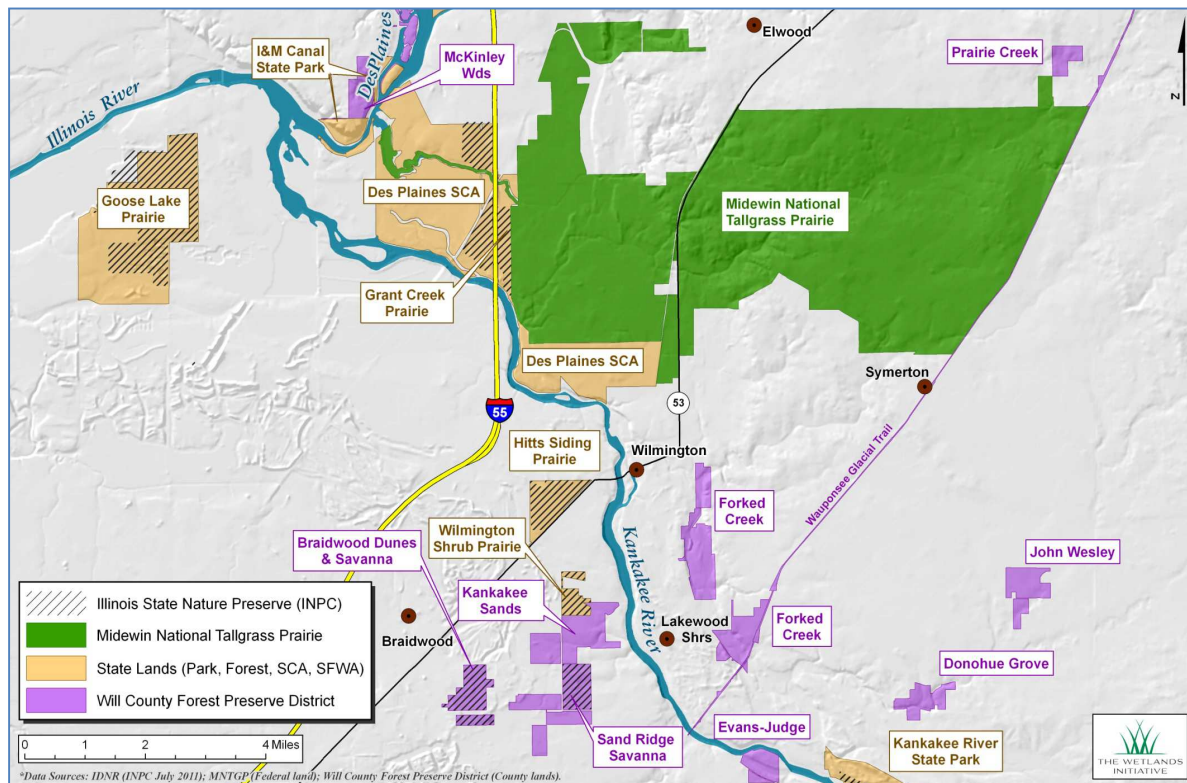


2. The GIV calls for protecting any large sites with some remnant communities.

The Prairie Parklands Macrosite, especially Midewin National Tallgrass Prairie and the Des Plaines Conservation Area, harbors the largest concentration of dolomite prairie in Illinois, one of the rarest prairie types in the world. The uncommonly vast prairies at Midewin are a few of the last reminiscent Illinois' pre-settlement landscapes.

3. The GIV recommends creating large preserves.

The [Midewin National Tallgrass Prairie](#), at the heart of the Prairie Parklands Macrosite, is the largest single preserve in the region, spanning almost 19,000 acres in Will County. The Des Plaines Conservation Area is a 5,000-acre state park that includes numerous types of high quality wildlife habitat. Its prairies, wetlands, woodlands and swamps harbor a broad diversity of plants and wildlife. Over 350,000 people visit this natural area each year. These two neighboring sites are interlinked with other high quality natural areas in the larger regional complex, including but not limited to prairies and high quality streams in the Joliet Training Area, Hitts Siding Prairie, Grant Creek Prairie, Goose Lake Prairie, Kankakee Sands, and the high quality Kankakee River, a designated Illinois Natural Areas Inventory Site.



4. The GIV recommends protecting land that connects or expands existing natural areas.

The Prairie Parklands Macrosite offers vital hydraulic and habitat connections for an uncommonly diverse number of species. Of the 59 mammals found in Illinois, 43 are likely in the natural complex, and of the State’s 309 bird species, 271 can be found in this area. Part of this macrosite is also within the Midwin-Des Plaines-Goose Lake Prairie Conservation Opportunity Area, which was identified in the Illinois Wildlife Action Plan as critical for conserving wildlife and habitat in Illinois.

The proposed Illiana Tollroad contradicts GO TO 2040 principles and the intent of the GIV and Biodiversity Recovery Plan in that it would cumulatively damage the epicenter of the Macrosite and the vital connections of these lands and waterways. Each impact from the road would not occur in a vacuum – they are inextricably linked. The rarity and dependency of the complex of Prairie Parklands requires the holistic approach under the GIV and GO TO 2040 to preserve and maintain this resource rich area.

For example, the health of the rich riparian corridor in the Des Plaines Conservation Area along the Kankakee River is directly tied to the quality of that high quality waterway. Yet, IDOT proposes to mitigate damage from building a 2,500-foot bridge over the Kankakee River by sinking the pylons into the adjacent riparian corridor, instead of placing them directly into the water. In addition to degrading the high quality river with polluted stormwater, excavating the shoreline of the river will harm species in the same ecological complex. The proposal by IDOT to mitigate these impacts with natural buffers is inadequate to counter the significant harm the bridge crossing will cause to the waterway and affected riparian corridor.

5. The proposed Illiana tollroad is inconsistent with GO TO 2040 principles in that it grossly deviates from the GIV and Biodiversity Recovery Plan.

Instead of adhering to these principles, IDOT turns a blind eye to adverse impacts, and promotes an unrealistic reliance on mitigation practices that will fail to protect these natural areas.

- (a) *The Proposed Illiana tollroad conflicts with GIV principles in that it would fail to protect and preserve regionally significant natural resources, including habitat for threatened and endangered species in the Midewin National Tallgrass Prairie.*

The proposed Illiana tollroad would cause direct, indirect and cumulative environmental impacts to [Midewin National Tallgrass Prairie](#). Midewin was established in 1996 as the first national tallgrass prairie in the country. Spanning almost 19,000 acres, it is the largest open space in the Chicago Metropolitan Area and northeastern Illinois. It was created to (1) conserve and enhance the native populations and habitats of fish, wildlife and plants; (2) provide opportunities for scientific, environmental, and land use education and research and (3) provide a variety of recreational opportunities.

As of 2005, Midewin hosted 348 native species of plants, 108 species of breeding birds, 40 aquatic species and 27 different types of mammals. It has at least 16 state-listed endangered and threatened species of plants and animals. Five other species found there are candidates for federal listing as endangered or threatened. Leafy prairie clover, a federally endangered plant, and hairy false mallow, a candidate for federal listing, are also present at Midewin. Its four streams and a variety of wetlands support 9 species of freshwater mussels and 23 species of amphibians and reptiles. Midewin will continue to grow as the Army transfers portions of the Joliet Training Area that are no longer in use.



The Congressional founders intended that Midewin remain an open and undisturbed landscape. They included legal restrictions in the [Illinois Land Conservation Act of 1995](#), which prohibit building any new highways, public roads, or portions of the Interstate system through or across any portion of this United States Forest Service area.

Midwin National Tallgrass Prairie provides rare and important habitat for many grassland bird species. The National Audubon Society recognizes it as an Important Bird Area. With less than 0.01 percent of the original 22 million acres of prairie remaining in Illinois, grassland birds are one of the fastest declining bird groups in the nation. Upland Sandpipers and Henslow's sparrows (both state endangered grassland birds) need hundreds of acres of habitat to support healthy breeding populations. These species, as well as bell's vireo, loggerhead shrikes, and bobolinks are known to forage and nest in the southern part of Midwin. In addition, wetlands in Midwin are home to least bittern, American bittern, king rail, yellow rail and a host of other species.



Henslow's sparrow

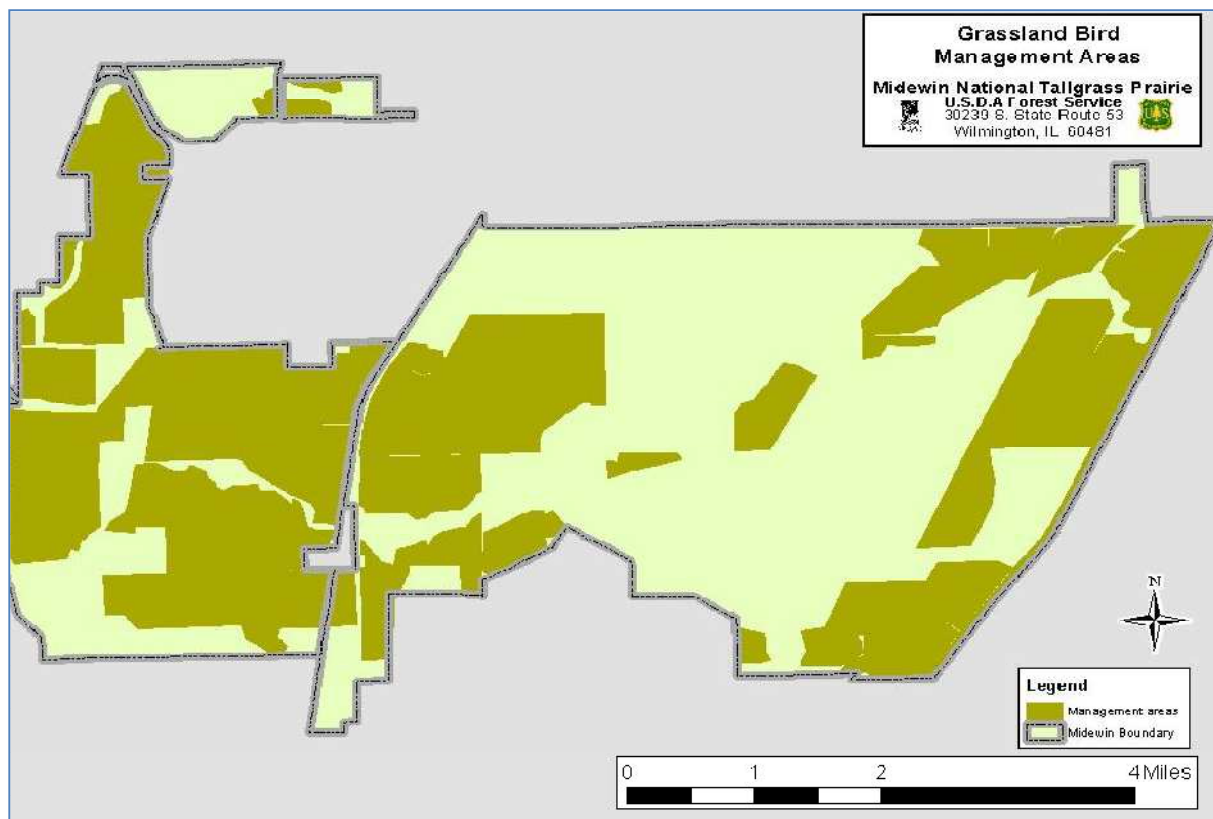


Bobolink



Bell's Vireo

Constructing Illiana south of Midwin will introduce intense noise, light, dust and pollution that will constrict and degrade viable habitat for the grassland birds. Midwin has partnered with numerous government, corporate and non-profit partners to accomplish millions of dollars of restoration work in



the U.S. Forest Service area's prairies and wetlands, to provide for these and other species, and the National Forest Foundation recently released a [shared vision](#) for restoring this regional open space

centerpiece over and beyond the next decade. If thousands of trucks are funneled daily onto Illinois 53 to connect with the Illiana tollroad, the intensified traffic through Midewin's "no noise bird management zone" would seriously compound the damage to the bird habitat, especially for upland sandpipers and loggerhead shrikes that have historically nested in fields near the road. [Studies](#) indicate that road noise and heavy use can impact nesting grassland bird populations. Birds either avoid areas near heavy use or are found in lower numbers. [One study](#) found that bird presence and breeding were reduced by 1,200 meters from a road with heavy traffic volume. Another study shows that birds can be negatively impacted by traffic noise up to 1.2 miles from the road. "The Ecological Effects of Roads on Wetlands," Wildlands CPR Volume 6, Cusic, Kinza (April 2001).

Birds communicate through auditory signals. If birds cannot discriminate between their own songs and background noise, it makes it more difficult for them to advertise locations of food and form pair bonds. [Id.](#) While avoiding sensitive breeding, nesting and migration periods for construction is crucial, it likely won't be enough to prevent use of the highway and arterial from limiting habitat for grassland species in the area.

The Illiana tollroad would render affected areas of Midewin incapable of serving one of the prairie's core purposes: habitat for grassland birds. While IDOT correctly concludes that grassland birds in the area would avoid the noise, light and air pollution from the roadway by abandoning their habitat, this hardly means that the consequence is not adverse. See IDOT Tier 1 Final Environmental Impact Statement, p. 4-435. To the contrary, making nesting grounds inhospitable for rare and protected grassland birds creates a serious impact, especially since Midewin has been preserved for the purpose of allowing these species the expanses they need to survive and nest. According to a recent study, compounded noise impacts could effectively reduce grassland bird habitat on the east side of Midewin by 52 percent. This would seriously diminish Midewin's intended value.

The United States Department of Interior, out of concern for grassland birds near the southern border of Midewin and along Route 53, commented that it was imperative that IDOT evaluate the specific sensitivities and needs of known grassland birds, and conduct noise studies to quantify the tollroad impacts. U.S. DOI DEIS Comment Letter, pp. 5-6. IDOT so far has refused to conduct noise studies along the length of Route 53, except at the southern-most point where it proposes a potential interchange, despite the warning by the United States Department of Interior that numerous potentially affected grassland and shrubland bird species were listed and needed special conservation attention. U.S. DOI DEIS Comment Letter, pp. 4-5.

In addition to creating significant problems for grassland birds, road lighting would affect other species. For example, night lighting along the highway would likely impact nocturnal animals and the life cycles of plants. Bat surveys at Midewin found fewer bats in the areas adjacent to Deer Run Industrial Park, which is never dark, resembling more of a bright twilight. In addition, harsh or prolonged disruption to the darkness can impact how plants manage their metabolism, flowering and development patterns. Deda, P., I. Elbertzhagen, M. Klusmann, "[Light Pollution and Impacts on Biodiversity, Species, and their Habitats](#)," [Secretariat of the Convention on the Conservation of Migratory Species of Wild Animals](#)" (2007).

The refusal by IDOT to adequately address impacts to wildlife habitat in Midewin and the surrounding Prairie Parklands Macrosite is contrary to the GO TO 2040 recommendation to protect large hubs of open space connected by wildlife migration corridors. CMAP highlights the importance of preserving

large blocks of habitat because “aside from habitat destruction itself, habitat fragmentation is one of the biggest threats to biodiversity in the region.” *GO TO 2040*, p. 120.

The proposed Illiana tollroad also would likely degrade wetlands within and connected to Midewin. Restoration and mitigation initiatives over the last decade have just begun to demonstrate the potential for this national tallgrass prairie. When you pave or grade over part of a wetland, it likely harms or destroys the remainder. In addition, the hydrology of wetland complexes are often linked so that damaging a water source that feeds one wetland can affect the complex well beyond that single wetland’s boundaries. Road deicing salt compounds in stormwater runoff that dissolves into water that feeds wetlands can damage or kill vegetation reliant upon this hydrology. Moreover, salt and petroleum compounds in stormwater runoff from the road can compound ill effects on plant life.

The Forest Preserve District of DuPage County found that, in wetlands studied near I-355, over half of the soil samples suffered from excessively high salt contents, restricting the types of plants that could live there. *Letter from Mr. Gooch, Executive Director, DuPage County Forest Preserve District, to Mr. Kos, District Engineer, Illinois Department of Transportation*, 5 (Feb. 28, 2001). IDOT itself has agreed that salt injury from splash and spray can cause drought symptoms, ranging from inhibited growth to premature plant death. See *Prairie*



“Scorch Leaf” from Salt Exposure

Parkway DEIS, 4-66 (2006). IDOT reported that while salt primarily lands within 150 feet of the roadway, salt spray - especially from trucks - can travel 328 to 1,640 feet from the road. This is largely consistent with findings in a [Morton Arboretum study](#) on how salt spray damages plants.

Since the proposed Illiana expressway runs along the entire length of the southern border of Midewin, it would likely degrade wetlands and other natural landscapes in this federal natural area, as well as within the neighboring Des Plaines State Conservation Area. Of particular concern, deicing salt could contaminate a known population of a state-listed plant, False foxglove (*Tomenthera auriculata*). Wildlife that depends upon these wetlands will likewise be impacted, especially since these wetlands are part of a larger complex that interacts with hydrology in Midewin.

According to the GIV, “many more relatively small wetland complexes are needed throughout the region, but particularly in the southern and western parts to connect existing wetlands Wetlands, particularly those fed by groundwater, require protection of their recharge areas as well as protection of their plants.” *Biodiversity Recovery Plan*, p. 60. The plan calls for preserving and expanding wetland types for wildlife habitat and the sake of other ecologically important functions. The Illiana tollroad would directly cut against this goal. The road would almost certainly pollute water that feeds wetland complexes and decrease vital circulation by disrupting hydrological conditions, which in turn can cause eutrophication, plant loss, and other damage to nearby wetlands.

Despite the extensive harm caused by the Illiana tollroad project, IDOT fails to adequately address or comport with the *GO TO 2040* regional vision to “treat water as a critical resource and preserve the overall ecological health and diversity of the region.” *GO TO 2040*, p. 45. Impacts from the proposed project directly conflict with the GIV and Biodiversity Recovery Plan objectives adopted in *GO TO 2040* to: protect globally and regionally significant natural communities and restore natural communities to ecological health. *Biodiversity Recovery Plan*, p. 7.

(b) *The Proposed Illiana tollroad threatens federally and state-listed threatened and endangered species in the project area.*

The proposed Illiana tollroad will likely take viable habitat for threatened and endangered species in the project area. These impacts run contrary to GO TO 2040 recommendations to preserve the region’s ecological health and biodiversity (GO TO 2040, p. 45), and the GIV objective to “manage natural communities to sustain native biodiversity (Biodiversity Recovery Plan, p. 7).

Habitat exists for federally listed eastern prairie fringe orchids within or near the Illiana tollroad corridor, west of the Kankakee River. The snuffbox mussel and sheepnose mussel, both federally listed species, may also be within range of the proposed tollroad. The Illinois Natural Heritage Database (Ecological Compliance Assessment Tool) lists a host of Illinois-listed species potentially in the project area: Black sandshell, Blanding’s turtle, Ear-leafed false foxglove, Eryngium Stem Borer, Franklin’s Ground Squirrel, Grass pink orchid, Loggerhead shrike, Ornate box turtle, Pallid shiner, Purple wartback, River redhorse, Salamander mussel, Sheepnose mussel, Slippershell mussel, Spike mussel, Tubercled orchid, Upland sandpiper and Western sand darter.



While reports indicate several of these species may exist in or near the corridor, IDOT has not yet provided results from promised surveys to determine the true extent of probable takings. The only general information available in the DEIS restricts the scope of IDOT review to impacts known within the corridor, rather than evaluating all foreseeable impacts to federally and state listed species, as required by law.

(c) *The Proposed tollroad severs community connections with regionally significant natural and cultural resources.*

One of the primary goals of GO TO 2040 is to create livable communities. The plan promotes GIV principles to “foster a sustainable relationship between society and nature in the region and enrich the quality of lives of the region’s citizens. Biodiversity Recovery Plan, pp. 7-8.

D. The Illiana Tollroad Would Destroy Valuable Farmland.

The GO TO 2040 plan considers agricultural preservation as “one of the purposes of the GIV and land protection in general.” According to CMAP, farmland protection has its own merits and preserves more environmental benefits than most alternative uses. GO TO 2040, p. 130. Similar to preserving open space, preserving land for sustainable agriculture contributes to our economy and quality of life. GO TO 2040, p. 47

IDOT has not shown how diverting growth away from higher densely populated areas into ones planned for agricultural uses will benefit these rural communities and the value they add to our state. Arguing that the limited access tollroad could help farmers move their goods to market, IDOT downplays the significant damage the road would cause, including the lost heritage farms, severed local routes that agri-businesses need to move equipment, and the loss of rich farmland to grow the commodities for both our region and the world.



Constructing the Illiana tollroad would ruin, sever and diminish over 2,600 acres of highly productive farmland. Well over half the acreage qualifies as prime farmland and soils of statewide importance. This figure excludes farmland lost to induced sprawl in rural communities, such as Willmington and Symerton. In addition to relocating numerous farmsteads that have been worked by the same families for generations, IDOT has failed to recognize a number of centennial farms and places of historic significance in the path of the proposed tollroad that qualify for protection.

In sum, the Illiana tollroad would move regional land use policies in the wrong direction. The GO TO 2040 plan is premised upon encouraging the infill of developed communities and preserving natural spaces and productive farmland for future generations. These policies are a direct reaction to the destructive trends of sprawl that characterized the second half of the last century. The GO TO 2040 plan rejected this “business as usual” mindset and created a Preferred Regional Scenario that, as discussed above, points the way to a new regional vision. We ask CMAP to uphold the GO TO 2040 principles and reject the Illiana tollroad amendment request.

E. The Proposed Illiana Tollroad Threatens the Sustainable Supply of Clean Water in Direct Conflict with GO TO 2040 Water Resource Protection Policies.

In addition to helping the region compete economically with other global centers, GO TO 2040 promotes improved livability for its environmental benefits, such as “less degradation of streams and wetlands, reduced water and energy consumption ... and an improved quality of life.” *GO TO 2040*, p. 7. The GOTO 2040 plan addresses protecting and restoring our waterways in both its adopted GIV principles and objectives, and its focus on reducing the flooding and natural resource damage from increased impervious surface.

The Green Infrastructure Network embedded in GO TO 2040 understandably follows the region’s waterway corridors to protect the land along streams and invest in the protection of waterways themselves. *GO TO 2040*, p. 127. Rivers and creeks, and the riparian areas along their banks, are notoriously cradles of healthy natural communities, harboring and supporting a vast number of plants and wildlife. Through the GIV, CMAP values the quality our waterways and the diversity of species they harbor, treating “water as a critical natural resource.”

The Illiana tollroad controverts this policy in that it will degrade several high quality waterways in our region, threatening rare and intolerant aquatic life and diminishing their habitat. Polluting the streams

that flow by and through our federal and state natural areas will also minimize opportunities for people to connect and enjoy these beautiful places.

1. *The proposed Illiana tollroad would seriously degrade the high quality Kankakee sub-watershed, regardless of any attempts by IDOT to mitigate the damage.*

The proposed Illiana tollroad would cross streams 22 times in the Kankakee sub-watershed. IDNR has rated many of the streams near the proposed 6-lane road as “high quality.” The stream crossings would have devastating direct and cumulative impacts on water quality and resident aquatic life species. This severe damage is contrary to GO TO 2040’s GIV objective to protect high quality streams and lakes to conserve aquatic diversity. Given the massive scale of the project, and cumulative draw of development into the surrounding rural areas, IDOT could not mitigate enough to conserve the streams’ aquatic diversity. We strongly recommend that CMAP find the proposed tollroad to be inconsistent with this policy, especially in light of the Biodiversity Recovery Plan’s emphasis on maintaining the quality of high quality streams so they can support native, rare and threatened species. *Biodiversity Recovery Plan*, p. 11.

- a. The proposed road would degrade the Kankakee River.

At its western terminus, IDOT proposes to stretch a 2,500-foot bridge over the Kankakee River, just 300 feet from where it is [listed](#) as a state-protected Category III [Illinois Natural Areas Inventory](#) site. The river is a “Land and Water Reserve” that harbors state-listed threatened and endangered species. Approximately 5,500 feet of its stream length would fall within the Illiana corridor. This segment has the highest species diversity out of all of the streams in the study area, with an Index of Biological Integrity (IBI) of 53 out of 60. See TIER 1 DEIS, 3-189. IDNR found 36 species of fish and 25 mussel species near the project area. Both the Kankakee River and a segment of Forked Creek near the Kankakee River confluence have the highest “A” ratings for stream quality. Several of the fish species collected are intolerant of pollution. Tier 1 DEIS, 3-196. IDNR collected river redhorse, a state-threatened species, from two Kankakee River sites in July 2010. Tier 1 DEIS, 3-196. Two state endangered species – the western sand darter and pallid shiner – have been mapped within the Illiana corridor. Tier 1 DEIS, p. 3-196, citing Illinois Natural History Survey, 2011; GIS database, 2012. Since these species are highly sensitive to pollution, it is very likely that building a major highway over their habitat will release sufficient stormwater runoff, salt, spray and sediment to degrade their environment beyond their tolerance level.



Kankakee River near Warner Bridge Road. Photo by Prairie Rivers Network

Exceedingly rare mussel species that live in these waterways, including ones on the state and federal threatened and endangered lists, would also perish if the proposed tollroad polluted their habitat.

According to the U.S. Fish and Wildlife Service, “[m]ussels respond to changes in water quality. They are especially vulnerable to sedimentation, which can result from construction and stormwater runoff that lands in the river.” Since pollutant loading is so likely to have a detrimental effect, this in and of itself is cause to rethink whether the bridge crossing at this location is viable.

IDOT also briefly mentioned that the Illiana tollway could disturb a special waste site 330 feet north of the Illiana corridor (near I-55 and IL-129 in Wilmington), which could contaminate groundwater that feeds into the Kankakee River. The DEIS warns that “[c]ontaminated soils or groundwater could potentially be encountered during demolition, construction or earthwork; resulting in the release of contamination into the air, soil, or water...” Tier 1 DEIS, 3-271. If construction releases a plume of hazardous waste, this could seriously degrade habitat and kill aquatic life in this stretch of the Kankakee River, and poison a drinking water source for surrounding communities.

b. The proposed tollway would also degrade creeks and tributaries in the project area.

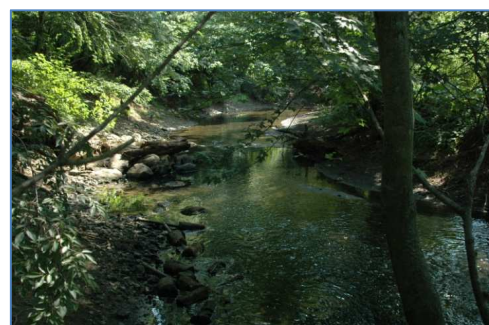
The proposed tollroad would cross Forked Creek and its tributaries eleven times. Forked Creek drains into the Kankakee River near Wilmington, Illinois. See [Fish Community Surveys of the Forked Creek Watershed](#), IDNR, Rung & Pescitelli (2006), p. 3. “From the confluence of the mainstem at South Branch to the Kankakee River, Forked Creek exhibit[s] extensive areas of exposed bedrock, containing diverse habitat features such as pools and riffles, with abundant cobble, boulders, woody debris, and emergent plant colonies of water willow...” *Id.* at 3-4. Overall, Forked Creek has “a high number of darter species... which generally indicates the presence of diverse habitat and good water quality.” *Id.* at 2. The stream has “a diverse assemblage of species, including many considered to be intolerant of degraded conditions, such as habitat alteration ... and siltation.” *Id.* at 6.



Forked Creek

Forked Creek has a very high IBI score - 52 out of a potential 60 - qualifying as a unique aquatic resource, near where the tollroad would cross the creek. IDNR recorded two Chicago Wilderness species of concern at that location: the rainbow darter and largescale stoner fish, which have limited distribution in Northeastern Illinois.

The Illiana tollway would cross Jordan Creek near the southern border of Midewin. The creek, which flows through the federal natural area, has good habitat diversity and integrity for the region, with large colonies of water stargrass and abundant boulders and cobble. The stretch serves as a nursery for smallmouth bass, a pollutant intolerant species, and harbors three kinds of intolerant darters.



Trim Creek

The Illiana tollway would bridge over Trim Creek near Illinois-1 in Will County, spanning 4,426 feet of the length of

the waterway. The crossing is upstream of a stretch rated as a Biologically Significant Stream. IDNR has found ironcolor shiners in the creek, which are a state-listed threatened species.

2. *The proposed Illiana tollroad would result in increased impervious surface that will escalate flooding problems and degraded water quality in this part of the region.*

The GO TO 2040 plan focuses on limiting or reducing impervious surface to temper the stormwater damage to both natural and built communities.

Because of its broad floodplains and typically clayey soils, northeastern Illinois is flood prone. The increased runoff from impervious areas like roofs, streets, and parking lots compared to farm fields or woodlands means that flooding will be worse, since more rainfall will be converted to runoff. As a result, one of the most significant water resource problems in the region is flooding. Many areas — especially the watersheds of the Des Plaines and Little Calumet Rivers, but others as well — are threatened by flooding, which is exacerbated by historic development within floodplains and lack of detention storage (see Figure 16). Extensive expenditures have been made on flood control projects, but flooding problems remain, creating great hardships for residents and businesses. *GOTO 2040*, p. 88.

The plan considers the percentage of impervious surface in communities to be a regional indicator of the potential impact of development on water resources. Stormwater runoff from development that encroaches upon rural areas degrades streams and wetlands, increasing pollutants and emissions from travel across a more dispersed development pattern. *GO TO 2040*, p. 65. Road salt and other pollutants cause serious water quality impacts, compounding cumulative damage from increased impervious surface resulting from induced development in low density areas.

Impervious surfaces are parts of the landscape, like streets or roofs, [which] cause runoff rather than allowing rainfall to infiltrate. The amount of imperviousness in a watershed is strongly and negatively linked to the biological health of streams and lakes. A distinction can be drawn between impervious areas that drain to surface waters (such as most conventionally designed urban streets) and those that do not (such as roof downspouts running out into a lawn). Impervious areas that drain to surface waters are associated with increased runoff volumes and water quality declines in streams. *GO TO 2040*, p. 86.

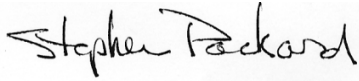
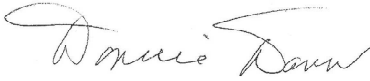



Protecting watersheds is a key priority in the GIV and GO TO 2040 plan. Adding the Illiana tollroad to GO TO 2040 would increase impervious surfaces in 23 watersheds beyond the targeted 10% threshold designed to protect the health of our water resources. CMAP staff suggests that IDOT and local communities could mitigate impervious cover with stormwater best management practices, such as road side swales. Even with these practices, drainage will still be an issue along natural areas, such as Midewin and the Des Plaines Conservation Area. On the one hand, conventional pipes can deprive high quality wetlands, like ones in the adjacent federal and state natural areas, of groundwater that is essential to sustain their ecosystem health. On the other, installing vegetative sinks to infiltrate polluted stormwater can funnel salt, metals and other soluble contaminants into the groundwater that feeds these natural communities. Plants – even salt tolerant invasive species like Teasel, only remove a fraction of deicing salts at best. The remaining concentration accumulates in the soil and salinates groundwater, causing the same kind of damage as salt splash and spray from vehicles on the road.



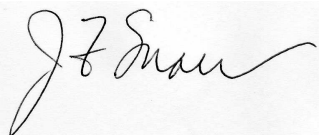


In addition, local communities have not adopted adequate stormwater safeguards in the project area to require green infrastructure practices on the scale necessary to reduce enough impervious surface to deflect direct and cumulative impacts of the road. Since the county and affected communities have not adopted volume control requirements in their stormwater management ordinances, it is unlikely that they will increase the use of these practices to the extent needed on a voluntary basis.

IV. Conclusion.

The Illiana tollroad is inconsistent with our region's GO TO 2040 plan. IDOT has failed to demonstrate how the tollroad can be added to the plan as "fiscally constrained." Despite its potentially significant negative impacts on public transportation spending, the project would yield minimal or no transportation or economic benefits. Moreover, the costs imposed by the tollroad would be more than fiscal. We would lose irreplaceable natural resources, as well as the principles that so many of us agreed to in the GO TO 2040 plan.

For all of the above reasons, the undersigned organizations urge CMAP and the MPO Policy Committee to deny the IDOT request to add the Illiana tollroad project to the GO TO 2040 plan and regional TIP.

AUDUBON SOCIETY, CHICAGO REGION	BIRD CONSERVATION NETWORK
 Stephen Packard Director National Audubon Society Chicago Region 1718 Sherman Avenue, #210 Evanston, Illinois 60201 847.328.1250	 Donald R. Dann Advocacy Chair Bird Conservation Network 1879 N. Burling Chicago, Illinois 60614 312.305.1001
CENTER FOR NEIGHBORHOOD TECHNOLOGY	CHICAGO AUDUBON SOCIETY
 Jacky Grimshaw Vice President of Transportation Policy Center for Neighborhood Technology 2125 W. North Avenue Chicago, Illinois 60647 773-269-4033	Roger Shamley President Chicago Audubon Society 5801-C N. Pulaski Chicago, IL 60646-6057 (773) 539-6793
CITIZENS AGAINST RUINING THE ENVIRONMENT	ENVIRONMENTAL LAW AND POLICY CENTER
 Ellen Rendulich Citizens Against Ruining the Environment PO Box 536 Lockport, IL 60441 carelockport@usa.com 815.834.1611	 Andrew Armstrong Staff Attorney Environmental Law and Policy Center 35 East Wacker Drive, Suite 1600 Chicago, IL 60601 aarmstrong@elpc.org 312.751.3738

<p>FULLER PARK COMMUNITY DEVELOPMENT</p>	<p>ILLINOIS AUDUBON SOCIETY</p>
 <p>Michael Howard President Fuller Park Community Development 331 W. 45th Street Chicago, Illinois 60609 fpcd@fullerpark.com 773.624.8686</p>	 <p>Tom Clay Executive Director Illinois Audubon Society P.O. Box 2547 Springfield, Illinois 62708 Phone: 217.544.2473 Fax: 217.544.7433</p>
<p>ILLINOIS PADDLING COUNCIL</p>	<p>ILLINOIS DIVISION OF THE IZAAK WALTON LEAGUE OF AMERICA</p>
 <p>Jack Snarr President Illinois Paddling Council 2138 Clinton Street Rockford, Illinois 61103 847.869.4606 i-snarr@northwestern.edu</p>	<p>Bob Shepherd President Illinois Division of the Izaak Walton League of America 16 Juliet Avenue Romeoville, Illinois 60446 Shepsharp1@comcast.net</p>
<p>INDIANA CHAPTER OF IZAAK WALTON LEAGUE OF AMERICA</p>	<p>MIDWIN HERITAGE ASSOCIATION</p>
 <p>Timothy R. Russell President Indiana Chapter Izaak Walton League of America 6735 Nebraska Ave. Hammond, IN 46323 Mothy3@aol.com</p>	 <p>Lorin Schab President Midwin Heritage Association P.O. Box 54 Wilmington, Illinois 60481 lschab44@yahoo.com 815.423.2149</p>

<p>MIDWIN TALLGRASS PRAIRIE ALLIANCE</p>	<p>OPENLANDS</p>
 <p>Gerald Heinrich President Midwin Tallgrass Prairie Alliance 1770 S. Vista Drive Wilmington, Illinois 60481 g.heinrich@sbcglobal.net</p>	 <p>Gerald W. Adelman President & CEO Openlands 25 East Washington, Suite 1650 Chicago, Illinois 60602 jadelmann@openlands.org 312.863.6262</p>
<p>PRAIRIE RIVERS NETWORK</p>	<p>PRAIRIE PARKLANDS ECOSYSTEM PARTNERSHIP</p>
 <p>Glynnis Collins Executive Director Prairie Rivers Network 1902 Fox Drive, Suite G Champaign, Illinois 61820 gcollins@prairierivers.org 217.344.2371</p>	 <p>Joan K. Soltwisch President Prairie Parklands Ecosystem Partnership 16191 Hare Road Minooka Illinois, 60447 jksoltwischblue@yahoo.com 815.690.3658</p>
<p>SIERRA CLUB, ILLINOIS CHAPTER</p>	<p>THE NATURE CONSERVANCY</p>
 <p>Cindy Skrukud Clean Water Advocate Sierra Club, Illinois Chapter 70 East Lake Street, Suite 1500 Chicago, Illinois 60601 Cindy.skrukud@sierraclub.org 312.251.1680</p>	 <p>Robert K. Moseley Director of Conservation The Nature Conservancy, Illinois 8 South Michigan, Suite 900 Chicago, Illinois 60603 rmoseley@tnc.org 309.636.3330</p>

THE WETLANDS INITIATIVE



Paul Botts
Executive Director
The Wetlands Initiative
53 West Jackson, Suite 1015
Chicago, Illinois 60604
pbotts@wetlands-initiative.org
312.922.0777 x 112