

# New legal fight as battle over Route 53 heats up again

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After an unusual and pointed written protest from Chicago civic and environmental groups, the Illinois Tollway has agreed to extend a key public comment period for its proposed extension of Illinois Route 53 into central Lake County.

The protest by groups including the Environmental Law & Policy Center, Metropolitan Planning Council and League of Women Voters of Lake County alleges the tollway broke the law when it announced an inadequate public comment period required under federal law as part of an environmental assessment of the long-proposed project.

The tollway now has extended the comment period and taken other steps to address criticism.

But the back and forth likely is a sign of much more legal jostling ahead if the tollway proceeds with a project that its current management is aggressively seeking but that remains controversial among planning groups and some Lake County residents.

## Read the letter here

[Learner letter >](#)

In the letter, Environmental Law & Policy Center Executive Director Howard Learner and others contend they learned of the public comment period only after the tollway quietly filed a notice in the Federal Register that didn't even use the term "Route 53."

And an open house at which tollway officials were to review the project and get public feedback was scheduled on the same day as a meeting on the same subject by the Chicago Metropolitan Agency for Planning, which has taken the Route 53 extension off its highest priority list for federal funding. In addition, the tollway set Aug. 24 as the deadline for all comments, the letter states.

"These efforts to both 'hide the ball' and rush the environmental process are unfortunate and should be changed," the letter asserts. It adds, "The rushed and nontransparent approach constrains meaningful public participation and undermines the open process that it promised for

the stakeholders' participation group. It is contrary to the letter and spirit of the National Environmental Policy Act.”

In a statement, tollway Chief Operating Officer Kevin Artl denied there was any attempt to cut out the public. He said the tollway, at the request of the protesting groups, will extend the public input deadline to Sept. 30 and will add an additional public open house “to ensure greater public engagement.”

The tollway “has a vested interest in making the public involvement process as collaborative and transparent as possible,” Artl said. “We will continue to seek input and suggestions from our 150 invited stakeholder participation group members on how to achieve this objective.”

Learner, though, said that although extending the deadline will help, it “solved a problem that shouldn’t have happened.”

ELPC was instrumental in slowing and effectively killing plans for the Illiana Expressway in the south suburbs.

But the tollway recently scored a legal victory against another group when a DuPage County Circuit Court judge dismissed a suit seeking to halt any tollway spending on the Route 53 project. Tollway officials had argued that the suit was filed too early in the planning process.