

# **Chapter 9**

## **Public and Agency Involvement**

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## 9 PUBLIC AND AGENCY INVOLVEMENT

### 9.1 Introduction

**Chapter 9** describes the comprehensive agency coordination and public involvement program conducted by the Federal Transit Administration (FTA) and Northern Indiana Commuter Transportation District (NICTD) for the duration of the West Lake Corridor Project (Project). To facilitate this process, a Public and Agency Coordination Plan (see **Appendix F**) was prepared to identify actions needed for obtaining meaningful agency and public participation. These consultation and coordination efforts were designed to satisfy the requirements of the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act (NHPA).

An effective public involvement process provides for an open exchange of information and ideas between the public and transportation decision-makers. The overall objective of a public involvement process is that it be proactive and provide complete information, timely public notice, full public access to key decisions, and opportunities for early and continuing involvement (23 Code of Federal Regulations (CFR) § 450.212(a) and 450.316(b)(1)). It also provides mechanisms to solicit public comments and ideas, identify circumstances and impacts that may not have been known or anticipated, and build support among the public who are stakeholders in transportation investments that impact their communities.

### 9.2 Public and Agency Coordination Plan

#### 9.2.1 Purpose of the Plan

The Public and Agency Coordination Plan (see **Appendix F**) identified the outreach efforts that FTA and NICTD planned to undertake during the environmental review process for the Project. A key focus of the Plan was to facilitate Project understanding with the public and agencies. It also served to solicit ideas, input, and comments on the Project, as well as opportunities to seek feedback on the potential transportation, social, and environmental consequences. The plan described the Project's overall approach and involvement techniques used to provide FTA and NICTD with the benefit of public and agency insights during the course of the environmental review process.

#### 9.2.2 Compliance with Federal Requirements

Public outreach and planning for the Project was conducted in compliance with federal requirements (40 CFR § 1506.6). These federal requirements state that public participation enables all interested parties to have the opportunity to provide input/comment to the process and be made aware of Project developments. The methods to accomplish these goals included:

- Holding public meetings at convenient and accessible locations and times
- Utilizing visual presentations when feasible to present plans and Project results
- Making public information available in electronically accessible formats, to maximize the opportunity for public review
- Coordinating the public outreach process to receive public input

### 9.2.3 Goals and Objectives of Public Participation Efforts

The goals of the public participation and outreach efforts were to:

- Promote public input into the process
- Maintain a fluid communication process that provides information and receives public feedback
- Build public understanding of the Project
- Execute a grassroots and web-based strategy to engage multiple segments of the public population

The objectives were to:

- Conduct public meetings to encourage public participation
- Develop presentation materials both print and web-based that convey clear understanding of the Project
- Be responsive to public inquiries
- Proactively engage the public
- Build a consensus of Project understanding

### 9.2.4 Communication Tools

FTA and NICTD used a Project website and database, written materials, and e-mail as a means to communicate with the public and agencies.

- **Project Website:** NICTD developed and maintained a dedicated website for the Project. The website, <http://www.nictdwestlake.com/>, served as an outreach tool to convey timely information and provided updates on Project milestones to interested parties. The website also provided the opportunity for the public to submit on-line comments/questions about the Project. The website would continue to be updated as the Project advances through the environmental review process, Engineering phase, and construction and service implementation.
- **Project Database:** NICTD maintained a Project database of stakeholders that included elected officials, agencies, organizations, special interest groups, and the public. Stakeholders received e-mail updates regarding Project developments and were invited to key meetings during the environmental review process.
- **Written Materials:** NICTD developed written materials and visuals to convey the Project to the public. These have included fact sheets, frequently asked questions (FAQs), briefs, maps, and presentations. NICTD mailed postcards to over 19,500 residences and businesses in the Study Area about upcoming meetings and workshops.
- **Distribution of Flyers:** NICTD distributed and posted flyers at SSL stations to provide Project information and notify the public about upcoming events. The flyers provided information on how to obtain further Project information via either the Project website or contacting Project staff.
- **Press Releases:** NICTD issued a press release and advertised the public Scoping process and meetings in three Study Area newspapers, *Sun Times*, *The Times of Northwest Indiana*, and *Gary Crusader*.

## 9.2.5 Environmental Justice (EJ) Strategies

Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, defines EJ as the fair treatment and meaningful involvement of all people – regardless of race, ethnicity, income, or education level – in transportation decision-making. EJ programs promote the protection of human health and the environment, empowerment via public participation, and the dissemination of relevant information to inform and educate affected communities. EJ outreach activities for this Project were done in accordance with Executive Order 12898; *United States Department of Transportation (USDOT) Updated Final Order on Environmental Justice*, 5610.2(a) (USDOT 2012); and FTA Circular 4703.1, *Environmental Justice Policy Guidance for Federal Transit Administration Recipients* (FTA 2012).

The strategies NICTD used to build and sustain meaningful participation for all stakeholders included the following to achieve the goals of the Executive Order as it applies to the Project:

- Coordinated with area organizations that represent the interests of EJ populations of concern
- Distributed Project information via minority publications, faith organizations, schools, and social and community organizations
- Translated materials to ensure suitable communication
- Provided accessible formats to ensure appropriate communication media for the disabled and those with limited access to electronic media

## 9.3 Summary of Public Outreach Activities

### 9.3.1 Public Scoping Meetings

According to the Council on Environmental Quality’s (CEQ) NEPA Regulations (40 CFR § 1500), federal and state lead agencies are required to engage in the agency and public Scoping process to help define the appropriate range of issues and the depth and breadth of analysis to be addressed in a major environmental document. In short, Scoping is the process of determining the “scope” of the Environmental Impact Statement (EIS). It takes place at the beginning of the environmental review process.

On September 30, 2014, FTA issued the Notice of Intent (NOI) to prepare an EIS in the Federal Register, Volume 79, Number 189. The NOI notified interested parties regarding the intent to prepare the EIS, provided information on the nature of the Project and possible alternatives, and invited public participation in the environmental review process. The NOI also provided information on how and when comments on the scope of the EIS should be submitted. Additionally, the NOI supplied information, including the dates, times and locations of the agency and public Scoping meetings. The published NOI is provided in **Appendix F**.

#### Outcome of the November 2014

**Scoping Meetings:** The public learned about the NEPA process, commuter rail technology and what alternatives are carried forward in the DEIS.

The meeting was intended to inform the public of the EIS process, as well as provide an opportunity to comment on the Purpose and Need, alternatives being considered, key environmental considerations, and public and agency coordination process. The Scoping process was conducted in accordance with NEPA and Section 106 of the NHPA

requirements. The 30-day Scoping period began on October 13, 2014, and ended November 11, 2014. The public was notified via newspaper advertisements, website, mail-out, email blasts, and flyers. FTA and NICTD held the Public Scoping Meeting for the Project on October 28, 2014, at the

Center for Visual and Performing Arts, 1040 Ridge Road, Munster, Indiana 46321. There were 94 people in attendance.

### **9.3.1.1 Public Comments Received**

Over the course of the Scoping period, FTA and NICTD provided the public with multiple opportunities to submit comments. These were offered via online submission through the Project e-mail address ([project.email@nictedwestlake.com](mailto:project.email@nictedwestlake.com)) or website online comment section ([www.nictedwestlake.com/comment-online.html](http://www.nictedwestlake.com/comment-online.html)), by mail to the Project office, via the automated phone line, transcribed at the Scoping meeting, and through comment cards that were provided at the Scoping meeting. In total, 144 public comments were received through these outreach methods. The following is a breakdown of the number of comments received:

- Online: 110
- Mailed: 3
- Automated Phone: 10
- Comment Cards: 15
- Transcribed: 6

A summary of the main comments received from the public is provided below by subject area. A complete compilation of the public comments is provided in **Appendix F**.

### **Support for the Project**

The following is a summary of comments regarding support or lack of support for the Project:

- Of the 144 comments received, 40 percent were in favor of the Project. Reasons for support included economic growth, improved connectivity, expanded access, and overall positive benefits.
- Of the 144 comments received, 32 percent opposed the Project. Reasons for the lack of support included costs and taxpayer burden; the need to prioritize other basic infrastructure improvements, such as roads and bridges; the Project does not reflect the needs of the larger community; and impacts to residential properties.

### **Environmental Issues**

The following environmental issues were raised in the comments:

- Noise and vibration impacts to residential properties
- Impacts to property values
- Impacts to adjacent businesses and residences
- Property acquisitions and potential displacements
- Impacts to the Monon Trail
- Impacts on parking in adjacent neighborhoods
- Safe access to stations

### **Other Issues**

- There were several requests for additional information.

- One comment challenged the Project in concept and the value proposition that it would potentially deliver.
- One comment wanted to know whether the Project would be accepted by Metra.
- One commenter recommended utilizing the former Michigan Central (MC) route between Hammond and Kensington.
- There was a question on whether the Gary Station would be shut down to accommodate this Project expansion.

### 9.3.2 Public Workshops

NICTD conducted workshops for the public at three locations in the Study Area. **Table 9.3-1** lists the locations, times, and number of attendees at each workshop. Each of the locations was Americans with Disabilities Act (ADA) accessible, centrally located, and provided ample access for free parking. The workshops were intended to inform the public of the environmental process, the Project, and changes to the Project since the Scoping meetings were held in October 2014.

**Table 9.3-1: Workshop Times, Locations, and Number of Attendees**

Meeting Type	Location	Time	Number of Attendees
Public Workshop	Protsman Elementary School 1121 Harrison Avenue, Dyer, IN	Monday, November 9, 2015 6:00 – 8:00 PM	124
Public Workshop	Washington Irving Elementary School 4727 Pine Avenue, Hammond, IN	Tuesday, November 10, 2015 6:00 – 8:00 PM	44
Public Workshop	Eads Elementary School 8000 Jackson Avenue, Munster, IN	Thursday, November 11, 2015 6:00 – 8:00 PM	130

To advertise the workshops, NICTD issued a press release to three newspapers, *The Times of Northwest Indiana*, *Northwest Indiana Post-Tribune*, and *Gary Crusader*. NICTD also posted an announcement of the meetings on the Project’s website, posted flyers at SSL stations, sent postcards to residents in the Study Area, sent e-mail blasts to stakeholders listed in the Project database, distributed Project flyers, and schools in the Study Area notified parents. Copies of the press release, newspaper advertisements, and flyer can be found in **Appendix F**.

To maximize outreach to corridor stakeholders, the workshops were announced on the Project website (<http://www.nictdwestlake.com/>), via three different e-mails to contacts on the Project database, three different e-mails to organizations that represent EJ communities, and with direct phone calls to EJ leaders conducted at four different time periods leading up to the workshops.

#### 9.3.2.1 Comment Summary

In total, 16 public comments were received via comment cards submitted as a result of the workshops. Of the 16 comments received, 15 were received on site and 1 was mailed to the NICTD office. Within this total, 5 were supportive of the project; 7 provided input comments for planning consideration; and 4 were in opposition of the Project. A summary of the written comments received follows. Those in favor of the Project accepted the value proposition for economic development; those against did not. Comments on the Project generally fell into the following categories:

**Outcome of the November 2015 Workshops:** Property owners and affected members of the public were engaged and given opportunities to get details about how the Project may impact their property.

- Economic growth
- Improved linkages to jobs
- Increased transportation connections
- Improved access
- Impacts to property values
- Acquisitions and displacements
- Cost value
- Impacts on residential property values
- Traffic in neighborhoods
- Increased noise levels
- Safety concerns

Comments that provided Project input considerations asked about the following:

- Accommodations for people with disabilities
- Transfers between trains
- Coordination with Munster and Dyer to define the possible extension of Main Street west to IL 394
- Station design and locations
- Noise mitigation evaluations given increased train traffic
- Evaluations for increased traffic impacts on neighborhoods
- Maintenance yard location evaluation
- Property acquisition process

## 9.4 Agency Coordination

Agency coordination has been ongoing throughout the environmental review process for the development of the EIS. FTA is the lead federal agency on the Project and NICTD is the lead local agency. FTA and NICTD performed agency coordination to achieve an open exchange of information, ideas, and concerns throughout the environmental review process and to avoid or minimize potential impacts on the natural and human environments.

### 9.4.1 Cooperating and Participating Agencies

Applicable federal, state, regional, and local agencies were invited to be involved in the EIS process by becoming a cooperating or participating agency via an invitation letter issued in October 2014. FTA was responsible for inviting all cooperating and participating agencies. Based on responses to the initial letters and subsequent follow-up, the agencies listed below are considered cooperating or participating agencies in the EIS process.

A “**Cooperating Agency**” is any federal agency, other than a lead agency, that has jurisdiction, by law or special expertise, with respect to any environmental impact involved in a Project or Project Alternatives.

**Participating Agencies** are federal, state, tribal, regional, and local government agencies that may have an interest in the project. Nongovernmental organizations and private entities cannot serve as participating agencies.

### 9.4.1.1 Cooperating Agencies

- United States Army Corps of Engineers (USACE)

### 9.4.1.2 Participating Agencies

#### Federal

- United States Department of Interior National Park Service (NPS)
- United States Environmental Protection Agency (USEPA)
- United States Fish and Wildlife Service (USFWS)

#### State

- Indiana Department of Natural Resources (INDNR)

#### Regional

- Chicago Department of Transportation (CDOT)
- Chicago Metropolitan Agency for Planning (CMAP)
- Chicago Transit Authority (CTA)
- Northeastern Illinois Regional Transportation Authority (RTA)
- Northwest Indiana Regional Development Authority (RDA)
- Northwestern Indiana Regional Planning Commission (NIRPC)

#### Local

- City of Hammond
- Cook County
- Town of Dyer
- Town of Munster

Accepting the designation as a Participating Agency did not indicate Project support and did not provide the agency with increased oversight or approval authority beyond its statutory limits. Agencies learned about the Project, and what alternatives are considered in this Draft Environmental Impact Statement (DEIS). Cooperating and participating agencies also provided guidance on Project decisions to help create a high quality transit service that addresses the needs of the local community.

## 9.4.2 Agency Scoping Meeting

An Agency Scoping Meeting was held to solicit comments from agencies invited to participate in the environmental review process for the Project. Meeting details are shown below. Meeting materials are provided in **Appendix F**.

- **Time:** Tuesday, October 28, 2014, 2:00 p.m. to 4:00 p.m.
- **Location:** Center for Visual and Performing Arts, 1040 Ridge Road, Munster, Indiana
- **Attendees:** 16 people in attendance

The main comments received from the agencies involve the following environmental resources or other issue areas. Correspondence from the agencies can be found in **Appendix F**.

- Monon Trail and safety of users
- Erie Lackawanna Trail
- Land and Water Conservation Fund (LWCF) parks
- Noise and vibration impacts
- Air impacts
- Hazardous materials and contaminated sites
- Contamination and remediation of Grand Calumet River
- Proposed crossing over the Grand Calumet River
- Wetlands, nature and forest preserves, and critical habitat
- Federally and state listed threatened and endangered species and migratory bird populations
- Soil stabilization
- Historic districts
- EJ and transit-dependent populations
- Proposed maintenance facility locations and associated noise, air, and traffic impacts
- Proposed station locations
- Size of parking areas at proposed stations
- Transit-oriented development and economic opportunities at proposed stations
- Induced development
- Diesel trains and associated noise and air impacts
- Electric trains and electric lines to accommodate them
- Freight traffic
- Grade crossing safety
- Mitigation
- Green buildings
- Resolution of support for the project

### **9.4.3 Agency Meeting on Water Resources**

In February 2015, NICTD and FTA held a meeting in Munster, Indiana, with agencies (listed below) to discuss potential issues regarding water resources in the Study Area.

- Illinois Department of Natural Resources (IDNR)
- Indiana Department of Natural Resources (INDNR)
- United States Army Corps of Engineers (USACE)
- United States Environmental Protection Agency (USEPA)
- United States Fish and Wildlife Service (USFWS)

During the meeting, NICTD provided an overview of the Project and advised that the Project would avoid resources to the greatest extent possible by utilizing existing railroad right-of-way (ROW). Agencies in attendance provided input on the following issues:

- Measures that would mitigate potential impacts to wetlands and floodplains
- Mitigation ratios for tree impacts within a floodway
- Total maximum daily loads (TMDLs) developed for impairments within the Study Area

#### **9.4.4 Agency Workshops**

In November 2015, NICTD hosted a workshop to update the public officials and agencies on the Project, as well as provide an opportunity for attendees to comment on the proposed station locations, maintenance facility locations, layover track, and alignment. The workshop was held on Monday, November 9, 2015, 2:00 p.m. to 4:00 p.m. at Munster Town Hall, 1005 Ridge Road, Munster, Indiana. Twenty-six officials attended.

#### **9.4.5 Monthly Stakeholders Call**

NICTD held a monthly stakeholders call with officials from the Towns of Dyer and Munster, and the City of Hammond. The purpose of the calls was to brief the officials on the status of the Project, get input on activities in each municipality that may affect the Project, and address any issues related to the Project that the officials may have. Individual meetings with all three municipalities have also been held regularly to review design plans.

#### **9.4.6 Dyer Town Council Meeting**

On September 10, 2015, NICTD provided a Project update to Dyer town officials and constituents. After the Dyer Town Council meeting adjourned, NICTD provided an overview of the Project, the environmental process, the required support facilities, and the proposed Muster/Dyer Main Street Station and facility site locations.

### **9.5 Coordination with Other Agencies and Stakeholders**

#### **9.5.1 Metra**

NICTD collaborated with Metra on completing an operational simulation of the Metra Electric District (MED) line to establish the feasibility of Project trains operating on MED tracks between Kensington and Millennium Station.

#### **9.5.2 Freight Railroads**

Meetings were held with private freight railroads potentially impacted by Project Alternatives. The railroads included:

- Canadian National (CN)
- CSX Transportation (CSX)
- Chicago South Shore & South Bend (CSS)
- Conrail Shared Assets
- Indiana Harbor Belt Railroad (IHB)

- Norfolk Southern (NS)

## 9.6 Consultation Pursuant to Section 106

Coordination activities required under the regulations pursuant to Section 106 of the NHPA (54 USC § 306108) were also implemented during the course of the Project. Section 106 of the NHPA requires FTA and NICTD to consider the effects of the Project on historic properties and seek comments from Consulting Parties based on their special knowledge of, concern for, or mandated regulatory role relative to historic properties (36 CFR § 800). FTA initiated the Section 106 process in the fall of 2014 with the Indiana and Illinois SHPO concurrent with the NEPA environmental review process. Thereafter, FTA and NICTD invited agencies, organizations, and/or other individuals to participate in the Section 106 process, and upon acceptance, were designated Consulting Parties for Section 106 consultations. The Hammond Historical Society, Hammond Historic Preservation Commission, Indiana Landmarks (Northwest Field Office), Lake County Historical Society, and Peoria Tribe of Indians of Oklahoma accepted the invitation to be Section 106 Consulting Parties. The views of the public were also considered throughout the Section 106 process, and will continue to be solicited concurrently with the meetings conducted as part of the environmental review process.

As part of the Section 106 process, FTA and NICTD identified historic properties within the Project's APE and assessed potential adverse effects. This information was distributed to the SHPOs and Consulting Parties for a review and comment period as part of Section 106 consultations. See **Section 4.6** of this DEIS for more information. A consultation meeting was held June 22, 2016, to review recommendations on Determinations of Eligibility of resources within the APE and Determinations of Effects resulting from the undertaking. Based on feedback from the SHPOs and Consulting Parties, FTA revised the Section 106 technical studies and developed mitigation measures for potential effects on historic and archaeological resources, which are documented in the draft Memorandum of Agreement (MOA) (see **Appendix E**). On November 7, 2016, FTA sent letters to the SHPOs and Consulting Parties to obtain their input on the draft MOA and request concurrence from the SHPOs on FTA's determinations of eligibility and effects for the Build Alternatives. Consultation will continue with the consulting parties per Section 106 requirements until the Section 106 process is terminated (36 CFR § 800.6). Correspondence between these parties, NICTD, and FTA can be found in **Appendix E**.

## 9.7 Next Steps

### 9.7.1 Circulation of DEIS and Public Hearings

This DEIS will be made available on the Project website (<http://www.nictdwestlake.com/>) as well as various public locations listed on the distribution list in **Appendix F**. Once notification of the availability of this DEIS is published in the Federal Register and this DEIS is made public, the official public comment period begins. Per federal requirements, Project staff must hold a public hearing at least 15 days after this DEIS is released (23 CFR §771.123). All substantive comments received during the 45-day comment period will be addressed and included in the Final Environmental Impact Statement (FEIS). NICTD's timeline for this official comment period is as follows:

- **December 16, 2016:** DEIS published in the Federal Register and 45-day comment period begins
- **January 17, 2017:** Public hearing
- **January 18, 2017:** Public hearing
- **January 19, 2017:** Public hearing

- **February 3, 2017:** 45-day comment period ends

#### Comment Collection Methods

- **Public Hearing:** oral remarks transcribed by court reporter
- **Comment Card:** accepted and provided at the Public Hearings
- **Mail:** NICTD  
33 East US Highway 12  
Chesterton, IN 46304
- **Website:** <http://www.nictdwestlake.com/comment-online.html>
- **Email:** [project.email@nictdwestlake.com](mailto:project.email@nictdwestlake.com)
- **Phone:** (219) 250-2920

### 9.7.2 Final Environmental Impact Statement (FEIS) and Record of Decision (ROD)

In order to complete the environmental review process, a FEIS will be prepared by FTA and NICTD. The FEIS will respond to substantive comments received on this DEIS, and will identify the Preferred Alternative (PA) selected for the Project. FTA will also issue a Record of Decision (ROD) that states the proposed action, environmental findings, and mitigation requirements. FTA intends to issue a single combined FEIS and ROD document pursuant to the Fixing America's Surface Transportation (FAST) Act (Public Law 114–94), which incorporates environmental streamlining requirements, including the use of errata sheets and developing a combined FEIS/ROD. The combined FEIS/ROD will comply with the requirements of the United States Department of Transportation (USDOT) 23 USC § 139(n) and 49 USC § 304(a) of the FAST Act, Accelerated Decision Making in Environmental Reviews. The preparation of an FEIS by attaching errata sheets to this DEIS if certain conditions are met is provided for in 23 USC § 139(n). In addition, Section 139(n) requires, to the maximum extent practicable, and unless certain conditions exist, that USDOT develop a single document that combines the FEIS and ROD.

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