Record of Decision

West Lake Corridor Project

Federal Transit Administration
and
Northern Indiana Commuter Transportation District

March 2018

NORTHERN INDIANA COMMUTER TRANSPORTATION DISTRICT

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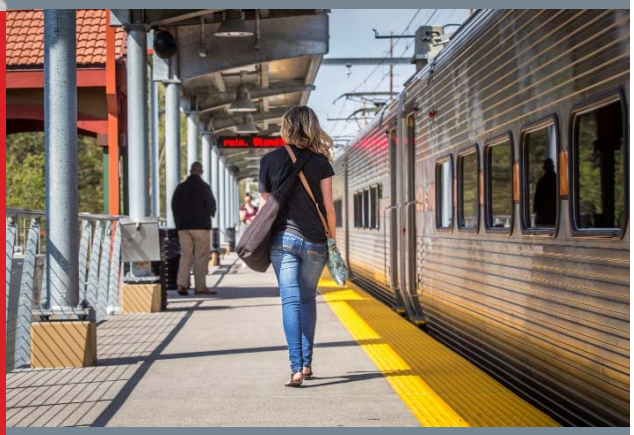

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Acronyms and Abbreviations

ADA	Americans with Disabilities Act
AOC	Area of Concern
BMP	Best Management Practice
CDOT	Chicago Department of Transportation
CMAP	Chicago Metropolitan Agency for Planning
CN	Canadian National Railway
CRP	Comprehensive Regional Plan
CSX	CSX Transportation
CTA	Chicago Transit Authority
CWA	Clean Water Act
DEIS	Draft Environmental Impact Statement
EJ	Environmental Justice
ESA	Environmental Site Assessment
FEIS	Final Environmental Impact Statement
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
I-94	Interstate 94
IAC	Indiana Administrative Code
IDEM	Indiana Department of Environmental Management
IHB	Indiana Harbor Belt
INDNR	Indiana Department of Natural Resources
INDOT	Indiana Department of Transportation
LOS	Level of Service
LPA	locally preferred alternative
LWCF	Land and Water Conservation Fund
MED	Metra Electra District (district and line)
Metra	Metra system including MED
MOA	Memorandum of Agreement
MPO	Metropolitan Planning Organization
MSF	Maintenance and Storage Facility
MW	mega-watt

NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act
NICTD	Northern Indiana Commuter Transportation District
NIPSCO	Northern Indiana Public Service Company
NIRPC	Northwestern Indiana Regional Planning Committee
NOI	Notice of Intent
NPDES	National Pollutant Discharge Elimination System
NPS	National Park Service
NRHP	National Register of Historic Places
NS	Norfolk Southern Railway
OCS	overhead contact system
PIP	Public Involvement Plan
Project	West Lake Corridor Project
RDA	Regional Development Authority
ROD	Record of Decision
ROW	right-of-way
RTA	Regional Transportation Authority
SEPP	Safety and Emergency Preparedness Plan
SHPO	State Historic Preservation Office
SIP	State Implementation Plan
SSL	South Shore Line
SSMP	Safety and Security Management Plan
STIP	State Transportation Improvement Program
TIP	Transportation Improvement Program
TPSS	traction power substation
USACE	United States Army Corps of Engineers
USC	United States Code
USDOT	United States Department of Transportation
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
VMT	vehicle miles travelled

1 Decision

The Federal Transit Administration (FTA) has determined, pursuant to 23 Code of Federal Regulations (CFR) Part 771 and 40 CFR Parts 1500–1508, that the requirements of the National Environmental Policy Act of 1969 (NEPA) have been satisfied for the West Lake Corridor Project (Project). This Record of Decision (ROD) applies to the Project as described in the attached Final Environmental Impact Statement (FEIS).

FTA, as the lead federal agency, and Northern Indiana Commuter Transportation District (NICTD), as the local sponsor, conducted the environmental review process. The U.S. Army Corps of Engineers (USACE) is a federal cooperating agency for the FEIS responsible for implementing Section 404 of the Clean Water Act (CWA). The U.S. Fish and Wildlife Service (USFWS) is a participating agency, responsible for implementing Section 7 of the Endangered Species Act, the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act.

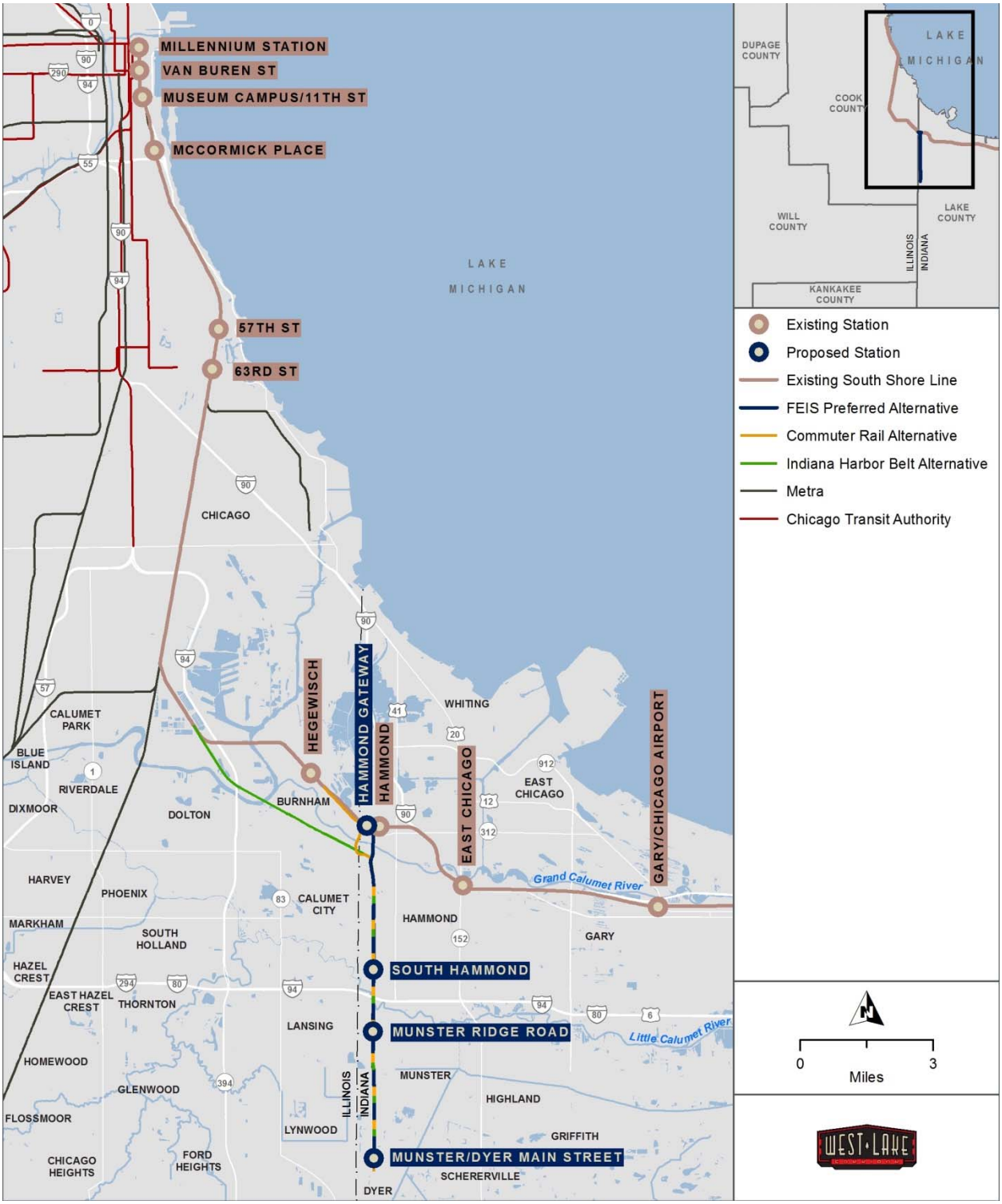
If FTA provides financial assistance for the final design and/or construction of the Project, FTA would require NICTD to design and build the Project as presented in the FEIS and in this ROD.

The Project is an approximately 9-mile southern extension of the existing NICTD South Shore Line (SSL) between Dyer and Hammond, Indiana. The Project would end just east of the Indiana Harbor Belt (IHB) at the Indiana–Illinois state line, where it would connect with the SSL. The Project would relocate the existing Monon Trail pedestrian bridge crossing over the Little Calumet River and build a new rail bridge at the location of the former Monon Railroad Bridge. **Figure 1.1-1** of this **ROD** shows the regional setting of the Project including all alternatives studied in the Draft Environmental Impact Statement (DEIS) and the FEIS.

Project trains would operate on the existing Metra Electric District (MED) line for the final 14 miles, terminating at Millennium Station in downtown Chicago. Station locations for the Project are Munster/Dyer Main Street, Munster Ridge Road, South Hammond, and Hammond Gateway. Each station would include station platforms, parking facilities, benches, trash receptacles, bicycle racks, and other site furnishings. Shelter buildings would be located at Munster/Dyer Main Street and Hammond Gateway Stations only.

Additional project elements include a maintenance facility with a layover yard just south of Hammond Gateway Station and west of Sheffield Avenue, and three traction power substations (TPSS) powering the overhead contact system (OCS) at the following locations: the vehicle maintenance and storage facility site, the South Hammond Station parking lot, and Munster/Dyer Main Street Station. The Monon Trail would be preserved as part of the Project.

Figure 1.1-1: Regional Setting for West Lake Corridor Project



Source: HDR 2017a.

This ROD summarizes FTA's decision regarding compliance with relevant environmental requirements and concludes the NEPA Environmental Impact Statement (EIS) process. This ROD is supported by and includes the following attachment:

- **Attachment A**: Project Mitigation Measures and Responsible Parties by Environmental and Transportation Category

In addition, this ROD is supported by all documents appended to the FEIS, and specifically:

- **Appendix B**: Section 106 of the National Historic Preservation Act of 1966 (Section 106) Memorandum of Agreement (MOA)
- **Appendix C**: Final Section 4(f) and 6(f) Evaluation and Concurrence Documentation
- **Appendix H**: Response to DEIS Comments

Based on its consideration of the environmental review documents, FTA finds that the project has met all applicable requirements. FTA further finds that this ROD is complete and supports the determination that all NEPA requirements have been met.

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2 Basis for Decision

The documents considered in making this decision include:

- NICTD West Lake Corridor Study (2011)
- Northwestern Indiana Regional Planning Committee (NIRPC) 2040 Comprehensive Regional Plan (2011)
- Chicago Metropolitan Agency for Planning (CMAP) GO TO 2040 Comprehensive Regional Plan (2014)
- 20-Year Strategic Business Plan (NICTD and Regional Development Authority (RDA), 2014)
- West Lake Corridor DEIS (2016)
- West Lake Corridor FEIS (2017)
- All attachments to this ROD
- Technical memoranda, correspondence, and other documents in the Project's administrative record

2.1 Background and Evaluation

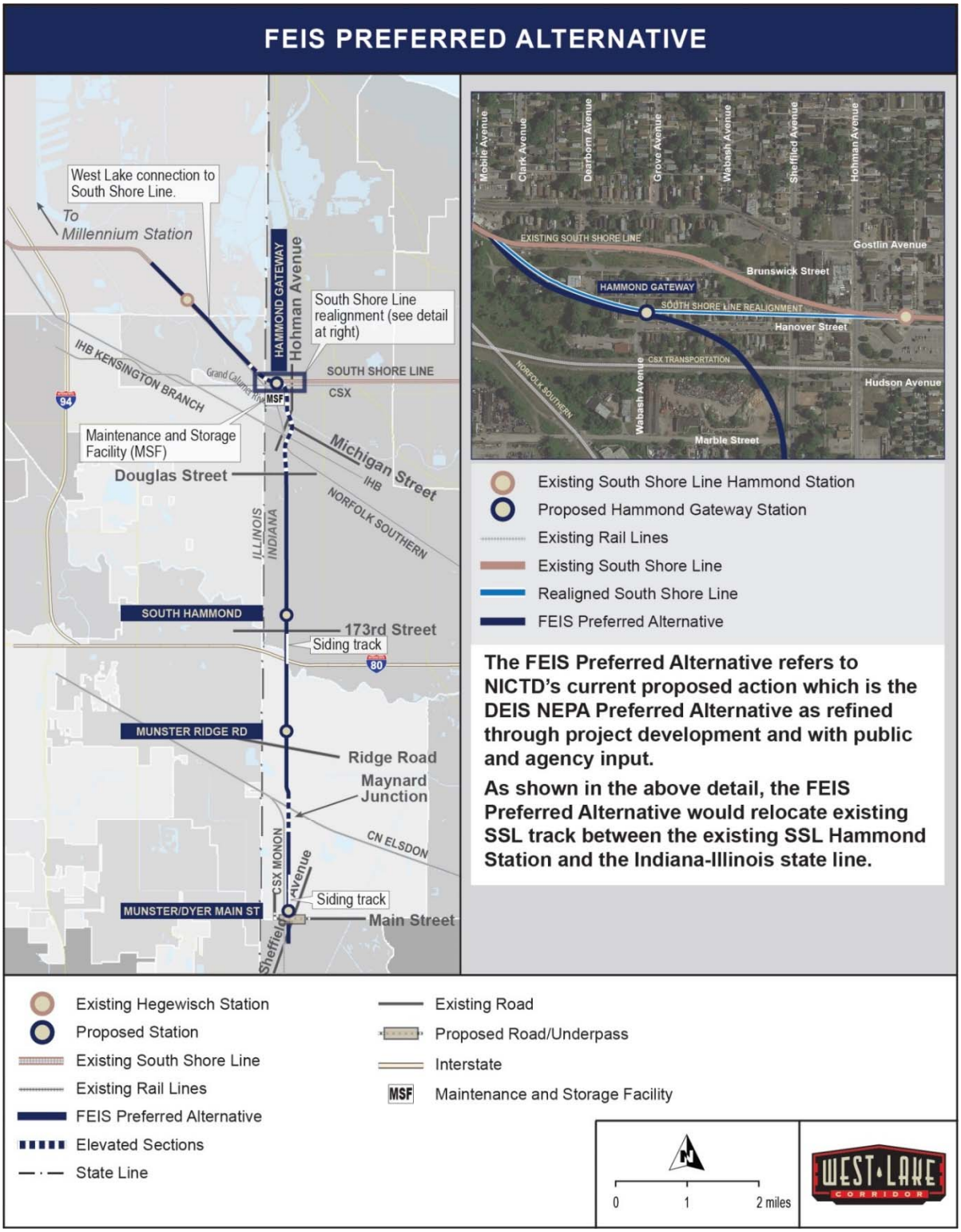
The concept of providing more direct access to transit in central, southern, and western Lake County has been considered for more than 25 years in several regional transportation studies. As early as 1989, NIRPC released the *West Lake County Transportation Corridor Study*, which identified a SSL extension as a potentially viable means to expand mass transit in the region. Since that time, multiple evaluations have occurred. In 2011, NICTD's *West Lake Corridor Study* concluded that a rail-based service between the Munster/Dyer area and Metra's Millennium Station in downtown Chicago would best meet the public transportation needs of Northwest Indiana. In June 2014, NICTD and the RDA released the *20-Year Strategic Business Plan*, which highlighted the importance of an SSL extension.

The NEPA review process built upon these previous planning studies that examined a broad range of alignments, technologies, and transit modes. NICTD advanced three commuter rail build alternatives for more detailed analysis in the DEIS; the Commuter Rail Alternative, IHB Alternative, and Hammond Alternative. In addition, NICTD considered other project elements in the DEIS, including design options, station location alternatives, maintenance and storage facility site locations, and grade separation alternatives. The Build Alternatives were compared to a No Build Alternative as required by NEPA.

The DEIS, as required by federal regulation [40 CFR Part 1502.14(e)] was completed in December 2016. The DEIS advanced one of the Build Alternatives, Hammond Alternative Option 2, as the NEPA Preferred Alternative based on its ability to meet the Purpose and Need, responsiveness to Project goals and objectives, performance ratings for engineering factors, transportation and environmental consequences and public and agency input.

Following circulation and public comment on the DEIS, the NICTD Board adopted the NEPA Preferred Alternative, Hammond Alternative Option 2, as the FEIS Preferred Alternative, also referred to as the Locally Preferred Alternative (LPA). This FEIS/ROD incorporates all the newly developed information as well as comments and responses made regarding the DEIS during the public review and comment period. These comments have been addressed and commitments made for implementing mitigation measures. **Figure 2.1-1** of this **ROD** shows the FEIS Preferred Alternative.

Figure 2.1-1: Preferred Alternative



Source: HDR 2017a.

2.2 Purpose and Need

The purpose of the Project is to increase transportation options for central and southern Lake County residents traveling to downtown Chicago and surrounding areas, to reduce travel time and travel costs, and to promote economic development opportunities in Lake County.

Current transit options in the Project Area offer a limited number of travel-time competitive alternatives to the single-occupant vehicle. Without major transit investments in the corridor, it would be difficult to effectively meet the transportation needs of the traveling public and businesses, manage highway traffic congestion, reduce travel times, and achieve regional transportation goals.

The Project is needed to increase transportation options for accessing downtown Chicago, reduce travel time to downtown Chicago, reduce the parking burden at existing transit stations, reduce travel costs, and promote economic development.

The transportation issues facing the project corridor illustrate the need for improved mobility and accessibility to key activity centers through high-capacity transit service. Existing transportation options available to residents in the Project Area seeking access to jobs in Chicago are limited to travel by automobile or travel by automobile to the MED line (owned and operated by Metra) or SSL commuter rail. The population growth anticipated in the Project Area will exert increasing demands on regional roads, Metra's services (including the MED line) and the SSL, which are already operating at or near capacity (Policy Analytics, LLC 2014). Thus, the Project purpose to increase transportation options is supported by the lack of direct transit service to downtown Chicago from parts of the Project Area that are experiencing high growth rates.

Reducing travel time for residents in the Project Area is supported by the need to provide service that has competitive travel times with the congested roadway system connecting northwest Indiana to downtown Chicago. In addition, the purpose would be met by reducing travel time to commuter rail stations and parking facilities with available capacity.

Limited transit options for residents in the Project Area are causing existing transit stations to experience parking demand at or near capacity. Considering that 90 percent of SSL riders use a "Park-and-Ride" lot at the stations, SSL riders in the Project Area are affected by constrained parking at existing SSL stations and would benefit from facilities in their home communities.

Reducing the cost of travel to downtown Chicago is supported by the need to offer alternatives to the high cost of driving to downtown Chicago. This need is primarily driven by the cost to park in downtown Chicago.

Improved transit service to downtown Chicago would result in economic benefits such as increased access to jobs for residents in the Project Area. Additionally, current planning documents incorporate a long-term vision for the growth of businesses and jobs within the Project Area. Previously completed studies emphasized the addition of new transit service as a critical means for achieving this vision, citing transit-oriented, mixed-use redevelopment, town center plans, walkable communities, and attracting young families and workers as specific goals. The advancement of a commuter rail project consistent with these visions is a common thread uniting entities responsible for making land use decisions and promoting economic development within the Project Area.

Chapter 1 of the **FEIS** discusses how the Project addresses the corridor needs and achieves its intended purpose in more detail.

2.3 Alternatives Analysis, Locally Preferred Alternative, and Draft Environmental Impact Statement

NICTD used a two-step analysis and evaluation process to identify and screen a wide range of possible alignments and design options that could meet the purpose of and need for the Project. In the first step of the analysis and evaluation process, 19 alternatives were identified and evaluated for consistency with the purpose of and need for the Project. Those 19 alternatives were evaluated for their physical feasibility, including constructability and reasonable cost; operational capacity and compatibility; and service quality, including speed and reliability. Of the 19 alternatives evaluated, 3 alternatives met the criteria and were advanced to the second step of the analysis and evaluation process. The analysis of the final 3 alternatives included a detailed assessment of the alignments, motive power, maintenance and storage facility locations, flyovers (that is, grade separation from existing transportation facilities, such as railroad tracks), and stations. The detailed assessments of each of these Project elements were documented by the DEIS. The 3 alternatives identified included:

- Commuter Rail Alternative: Dyer, Indiana, to Millennium Station in Chicago with connection to the SSL near Hegewisch Station in Chicago, Illinois
- IHB Alternative: Dyer, Indiana, to Millennium Station in Chicago via the IHB Kensington Branch with connection to the SSL near 130th Street in Chicago, Illinois
- St. John Design Option: St. John, Indiana, to Millennium Station in Chicago via the IHB Kensington Branch with connection to the SSL in Chicago, Illinois

Following a second screening, the Project Team determined that the St. John Design Option should be dropped from further consideration because the estimated capital cost would have exceeded the funding presumed for the Project. In addition, another alignment was identified between Dyer and downtown Hammond, Indiana—the Hammond Alternative.

- Hammond Alternative: Dyer, Indiana, to Millennium Station in Chicago with connection to the SSL east of the Indiana-Illinois state line in Hammond, Indiana

Therefore, these 3 alternatives were carried forward for evaluation in the DEIS as Build Alternatives: Commuter Rail, IHB, and Hammond Alternatives. These alignments and their associated design options were evaluated further in the DEIS based on cost, feasibility, and freight railroad acceptability. The alignments and all other Project elements were evaluated based on the potential to affect the human environment, including biological, cultural, and social resources.

2.3.1 DEIS No Build Alternative

The No Build Alternative in the DEIS reflected existing and committed improvements to the regional transit network for the planning horizon year of 2040. The No Build Alternative included transportation improvements identified in NIRPC's Comprehensive Regional Plan (CRP), *A Vision for Northwest Indiana* (NIRPC 2011) and CMAP's *GO TO 2040* CRP through the planning horizon year of 2040 (CMAP 2014). The No Build Alternative also included capacity improvements to the existing MED line and Millennium Station as part of NICTD's and the Northwest Indiana RDA's *20-Year Strategic Business Plan* (NICTD and RDA 2014).

2.3.2 DEIS Build Alternatives

Three Build Alternatives were considered in the DEIS, as illustrated in **Chapter 2** of the **FEIS**. All Build Alternatives are variations of the Commuter Rail Alternative that would begin just south of the Munster/Dyer municipal boundary near Main Street at the southern terminus of the Project. Traveling north, all Build Alternatives would include new track operating at grade on a separate right-of-way (ROW) adjacent to the CSX Transportation (CSX) Monon Subdivision railroad in Dyer and Munster, Indiana. The alignments would all be elevated from 45th Street to the Canadian National Railway (CN) Elsdon Subdivision railroad at Maynard Junction in Munster. North of the CN railroad, the Build Alternatives would join with the publicly owned former Monon Railroad corridor in Munster and Hammond and would continue north to Douglas Street in Hammond.

At this location, the three Build Alternatives differ slightly in their alignments. The Commuter Rail Alternative and Hammond Alternative would continue north on new elevated track generally along the Indiana-Illinois state line until they turn west to become parallel to the existing SSL. Specifically, the Commuter Rail Alternative would have an at-grade station in downtown Hammond before turning west to travel under Hohman Avenue and then veer north over the IHB and Norfolk Southern Railway (NS) railroads and Grand Calumet River until it turns west to become parallel to the existing SSL alignment in Burnham Yard. The alignment would then turn northwest on unused NS ROW to connect with the existing SSL southeast of Hegewisch Station in Chicago.

In contrast, the Hammond Alternative would begin to elevate north of Douglas Street, crossing over the IHB railroad, NS railroad, and Hohman Avenue. The alignment would cross the Grand Calumet River immediately west of Hohman Avenue before crossing the CSX railroad. The Hammond Alternative would include a new elevated Hammond Gateway Station before returning to grade on the SSL alignment east of the Indiana–Illinois state line.

The IHB Alternative would have an at-grade station in downtown Hammond before turning west to travel under Hohman Avenue and then would be constructed in the IHB ROW and continue northwest to join the SSL near I-94 and 130th Street in Chicago.

For all DEIS Build Alternatives, Project trains would operate on the existing MED line for the final 14 miles, terminating at Millennium Station in downtown Chicago. Station locations include Munster/Dyer Main Street, Munster Ridge Road, South Hammond, and either Downtown Hammond or Hammond Gateway.

Also evaluated in the DEIS were multiple design options for each Build Alternative. Four design options were evaluated for the Commuter Rail and IHB Alternatives, and three options were evaluated for the Hammond Alternative. In addition, a design variation, the Maynard Junction Rail Profile Option, was evaluated for each of the three DEIS Build Alternatives. Under this design variation, the alignment at Maynard Junction in Munster would cross the existing CSX railroad in an at-grade profile instead of an elevated profile. With this design variation, the Project track would be located east of the CSX ROW for Commuter Rail Alternative Options 1, 2, and 3; IHB Alternative Options 1, 2, and 3; and Hammond Alternative Options 1 and 2. The Maynard Junction at-grade design variation was not considered for the Commuter Rail Alternative Option 4, IHB Alternative Option 4, or Hammond Alternative Option 3. These exceptions were to avoid crossing the CSX railroad connecting track in the southwestern quadrant of the Junction.

2.3.3 DEIS NEPA Preferred Alternative

Under federal regulations [40 CFR Part 1502.14(e)], an EIS must identify the preferred alternative. NICTD and FTA selected the Hammond Alternative Option 2 as the DEIS NEPA Preferred Alternative.

Identifying the DEIS NEPA Preferred Alternative involved consideration of factors discussed in the DEIS (summarized in **Chapter 10** of the **FEIS**), including the ability to achieve the purpose of and need for the proposed Project, responsiveness to Project goals and objectives, performance ratings for engineering factors, transportation and environmental consequences, and public and agency input.

The No Build Alternative would not achieve the Project purpose and need and would not effectively respond to the Project goals and objectives.

Only one of the Build Alternatives can be considered the DEIS NEPA Preferred Alternative. The DEIS NEPA Preferred Alternative includes a dedicated guideway, overhead contact system, traction power substations along with four proposed stations, a maintenance facility, and a layover facility:

- **Munster/Dyer Main Street Station** would be located north of an extended Main Street in Munster. The station building and platform would be on the east side of the CSX railroad and would be accessed from Sheffield Avenue/Columbia Avenue. The station's parking area would be located on the west side of the CSX railroad. Vehicle access to the parking area would require an underpass of the Project and CSX ROWs.
- **Munster Ridge Road Station** would be located east of the proposed alignment and south of Ridge Road. The primary station access would be from Ridge Road, using an entrance at Harrison Avenue. Parking would be located east of the proposed alignment with an optional overflow parking lot between Ridge Road and Broadmoor Avenue on the west side of the rail corridor.
- **South Hammond Station** would be located east of the track and north of 173rd Street. The station would be accessed on the north end from 169th Street and on the south from 173rd Street.
- **Hammond Gateway Station** would be located in north Hammond, adjacent to the relocated SSL Hammond Station, which would be moved approximately 0.15 mile west. The combined SSL/Project station would be designed to serve passengers transferring between the two services. Roadway access would be facilitated by the City of Hammond's project to realign Chicago Street (i.e., Chicago Street Widening and Reconstruction Project) (City of Hammond 2016), which is currently in development.
- A **maintenance facility** would be located immediately south of Hammond Gateway Station.
- A separate **layover facility** at the southern end of the proposed alignment, near Munster/Dyer Main Street Station.

Because the DEIS Build Alternatives would perform similarly in achieving the purpose of and need for the proposed Project, and in meeting Project goals and objectives, other factors became important to select the DEIS NEPA Preferred Alternative. The engineering, transportation, and environmental ratings indicated variable performance among the Build Alternatives depending on the factor considered. Factors of particular importance to NICTD and FTA included freight railroad impacts, operational perspectives, and community preferences. The combination of these factors pointed to the Hammond Alternative Option 2 as the best

performer. The Hammond Alternative Option 2 would have the least potential impact on area freight railroads, a critical factor in the decision-making process. Additionally, the communities within Hammond and Munster preferred the Hammond Alternative Option 2.

These factors led FTA and NICTD to propose the Hammond Alternative Option 2 as the DEIS NEPA Preferred Alternative because it would meet the purpose of and need for the proposed Project and would perform best among the DEIS Build Alternatives when considering the other factors of importance. In considering the tradeoffs between benefits and effects, the DEIS NEPA Preferred Alternative would cause the least damage to the biological and physical environment and it would best protect, preserve, and enhance cultural, historic, and natural resources.

The DEIS documents the anticipated environmental impacts, costs, and benefits of the alternatives considered. It also included a Draft Section 4(f) Evaluation (addressing the potential use of and impacts to publically owned parklands, recreation areas, open spaces, and historic and archaeological resources) and a Draft Section 6(f) Evaluation (addressing the use of parklands that were purchased or developed using Land and Water Conservation Fund (LWCF) Act of 1965 funds).

The 45-day public comment period on the DEIS closed on February 3, 2017, and three public hearings were held to received testimony on the DEIS. A total of 1,443 comments were received from 464 distinct commenters in the form of comment cards, transcription by the court reporter, mail, email, the Project website, and telephone.

For more information on the Alternatives Analysis and DEIS, including descriptions of the alternatives considered and the evaluation measures used, see **Chapter 2** of the **DEIS**.

2.4 Final EIS

Upon the close of the DEIS comment period on February 3, 2017, NICTD and FTA reviewed the comments received. The DEIS No Build Alternative and DEIS NEPA Preferred Alternative were advanced for further study in the FEIS. During the FEIS process, NICTD refined the DEIS NEPA Preferred Alternative into the FEIS Preferred Alternative to address public and agency comments, resolve technical design issues, and further minimize impacts. The FEIS Preferred Alternative, also known as the Locally Preferred Alternative (LPA), now refers to NICTD's current proposed action, which is the subject of the Project FEIS and this ROD.

2.4.1 FEIS No Build Alternative

The FEIS No Build Alternative, which is the same as presented in the DEIS, reflects existing and committed improvements to the regional transit network for the planning horizon year of 2040. The No Build Alternative includes transportation improvements identified in the NIRPC 2040 CRP (NIRPC 2011) and the CMAP *GO TO 2040* CRP (CMAP 2014) through the planning horizon year of 2040. It also includes capacity improvements to the existing MED line and Millennium Station as part of NICTD's and the RDA's *20-Year Strategic Business Plan* (NICTD and RDA 2014). The No Build Alternative does not include the Project.

2.4.2 FEIS Preferred Alternative

The general elements of the FEIS Preferred Alternative are the stations, maintenance and storage facilities (MSFs), TPSSs, guideway, vehicles, and operating frequencies. Details are described below and in **Chapter 2** of the **FEIS**.

The southern terminus of the FEIS Preferred Alternative begins just south of the Munster-Dyer municipal boundary near Main Street. Traveling north, the FEIS Preferred Alternative would include new track operating at grade on separate ROW adjacent to the CSX Monon Subdivision railroad in Dyer and Munster. The alignment would be elevated from 45th Street to the CN Elsdon Subdivision railroad at Maynard Junction in Munster. North of the CN railroad, the FEIS Preferred Alternative would return to grade on the publicly owned former Monon Railroad corridor in Munster and Hammond and continue north. From downtown Hammond north of Douglas Street, the FEIS Preferred Alternative would extend north on embankment and use new bridges to cross over the IHB and NS railroads immediately east of the Hohman Avenue overpass. The FEIS Preferred Alternative would then extend northward and cross over Hohman Avenue just south of Michigan Street. It would then continue north and west, crossing over the Grand Calumet River and the CSX railroad, before connecting with the existing SSL. Construction activities in Illinois would be limited to the existing railroad ROW.

Four new stations would be constructed along the alignment. Each station would include station platforms, parking facilities, benches, trash receptacles, bicycle racks, and other site furnishings. Shelter buildings would be located at Munster/Dyer Main Street and Hammond Gateway Stations only. Station descriptions are as follows:

- **Munster/Dyer Main Street Station** would be on the eastern side of the Project's track and the parking lot would be on the western side of the CSX railroad. The station would be accessed from Sheffield Avenue, with the driveway forming the western leg of the Sheffield Avenue and Main Street intersection. The driveway access to the western parking lot would require an underpass of the CSX railroad and Project ROW. Vehicular access to the parking lot would be from the station driveway only. A separate Americans with Disabilities Act (ADA)-compliant pedestrian underpass would pass under the CSX and Project tracks to allow for safe access between the western parking lot and the station. ADA parking, bus, and "Kiss-and-Ride" accommodations would be in a separate lot in the southwestern quadrant of the intersection of Sheffield Avenue and Main Street. An ADA-compliant pedestrian bridge would be provided over the station driveway to provide safe access between the southern parking lot and the station. The parking areas would be designed for up to 1,333 parking spaces and 99 "Kiss-and-Ride" spaces.
- **Munster Ridge Road Station** would be east of Manor Avenue and north of Ridge Road in a developed residential neighborhood. The station would be west of the Project track. Parking for the station, including ADA parking and "Kiss-and-Ride" accommodations, would be on the western side of Manor Avenue on several vacant residential parcels owned by the Town of Munster. The station would provide access to shopping, restaurants, and services near the Project. The parking area would be designed for up to 100 parking spaces and 12 "Kiss-and-Ride" spaces.
- **South Hammond Station** would be north of 173rd Street and east of Lyman Avenue on the eastern side of the Project track. Parking for the station, including ADA parking, bus, and "Kiss-and-Ride" accommodations, would be divided between vacant parcels north and south of 173rd Street. One driveway located east of Lyman Avenue on 173rd Street would provide access to the north parking lot to and from all directions. The parking lot to the south would be accessed from two driveways. One driveway is the western leg of the 175th Street and Harrison Avenue intersection with access to and from all directions. The second driveway, located east of Lyman Avenue on 173rd Street, would allow right turns into and right turns out of the parking lot. The parking areas would be designed for up to 761 parking spaces and 34 "Kiss-and-Ride" spaces.

- **Hammond Gateway Station** would be located in north Hammond, adjacent to the relocated SSL Hammond Station, which would be moved approximately 0.15 mile west. Hammond Gateway Station and parking, including ADA parking, bus, and "Kiss-and-Ride" accommodations, would be south of the Project track. Access to the SSL platform (north of the Project track) from the parking lot would be accommodated by a paved plaza area under the elevated Project track. Two driveways would be provided. One driveway would be on Sheffield Avenue across from Hanover Street and the second driveway would be on Wabash Avenue just north of the extension of Hudson Street (Allman Street). The station and parking would be in the northern portion of the Corridor in an area of mixed residential and vacant land. Several changes to the local street network are proposed (i.e., Hammond's Chicago Street Widening Project) that would complement Hammond Gateway Station and improve access for residential neighborhoods and nearby businesses. The parking areas would be designed for up to 631 parking spaces and 45 "Kiss-and-Ride" spaces.

The North Hammond MSF would be west of Sheffield Avenue, south of the CSX Barr Subdivision line, east of the NS railroad, and north of the Grand Calumet River. This facility would require the acquisition of approximately 21 acres of industrial and residential properties. The North Hammond MSF would consist of a maintenance shop building, an employee welfare and administrative area, rail car wash building, substation, yard storage tracks, and maintenance of way open storage area.

2.4.3 Section 4(f) Evaluation and Section 6(f)(3) Conversion

The Section 4(f) evaluation identifies seven public recreational areas and two historic sites in the Project Area that are afforded protection by Section 4(f). Of these, one public recreational area and one historic site would be affected by the FEIS Preferred Alternative in a manner that would constitute a "use" as defined by 23 CFR Part 774. The Project would result in a *de minimis* impact on the Pennsy Greenway and Path; and in a permanent use of the OK Champion Building, which has been determined to be eligible for the National Register of Historic Places (NRHP). There is no feasible and prudent alternative that would avoid use of the two Section 4(f) resources. The Project would result in no use of the remaining six public recreational areas and one historic site in the Project Area: West Lakes Park, Monon Trail, Harrison Park, Erie Lackawanna Trail, Dan Rabin Plaza, the Burnham Greenway, or the Federal Cement Tile Company building, which was determined to be eligible for the National Register of Historic Places. See **Chapter 7** of the **FEIS** for additional information on the avoidance, minimization, mitigation, and enhancement measures. The executed Section 106 MOA for the adverse effects to the OK Champion Building is included in **Appendix B** of the **FEIS**. The *de minimis* documentation with the Town of Munster for the Pennsy Greenway and Path is included in **Appendix B** of the **FEIS**.

The Erie Lackawanna Trail and the Dan Rabin Plaza are also afforded protection under Section 6(f). There would be no conversion of the Section 6(f) properties as a result of the Project. Consultation with the Indiana Department of Natural Resources (INDNR) determined that the impact of the Project on the Dan Rabin Plaza would not constitute a conversion of the protected portion of this resource, and the National Park Service (NPS) concurred with this determination. The letter from NPS concurring with INDNR's determination is included in **Appendix C** of the **FEIS**.

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3 Impacts and Measures to Avoid, Minimize, and Mitigate Adverse Impacts

The FEIS for the Project identifies the following impacts and measures to avoid, minimize, and mitigate adverse impacts.

3.1 Environmental Impacts of the West Lake Corridor Project

The FEIS discusses 17 environmental-related categories and impacts (**Chapters 4** and **5** of the **FEIS**) and five transportation-related categories and impacts (**Chapter 3** of the **FEIS**) associated with the No Build Alternative and the Build Alternatives, including a summary of methodologies and regulations and a description of the affected environment. The analysis addresses long-term (operation) and short-term (construction) direct and indirect impacts as well as cumulative effects related to the Project. Long-term impacts are those that would continue to occur after construction of the FEIS Preferred Alternative is complete; short-term impacts are those that would be associated with temporary construction activities. **Table 3.1-1** of this **ROD** summarizes the long-term and short-term impacts to environmental- and transportation-related resources. Specific mitigation measures to address impacts from the Project are listed in **Attachment A** of this **ROD**.

Section 5 of this **ROD** describes the determination and findings regarding project compliance with federal laws and agency requirements: NEPA, Section 106 of the National Historic Preservation Act, the CWA and Executive Order on Protection of Wetlands, floodplain management, CWA Sections 401 and 402, the Endangered Species Act, the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act, the Clean Air Act, environmental justice, and the Final Section 4(f) and Section 6(f) Evaluation. Responses to all substantive comments received on the DEIS are provided in **Appendix H** of the **FEIS**.

Table 3.1-1. Project Impacts by Environmental and Transportation Category

Category		Summary of Impacts
Public Transportation	Operating Phase (Long-term) Direct Impacts	• The Project would result in 3,750 daily boardings in 2037. • The Project would share rail infrastructure with existing commuter rail service on the SSL and MED and would add 12 trains per day during peak periods to the nearly 200 existing trains.
	Construction Phase (Short-term) Impacts	• Intermittent impacts on bus operations in construction areas: temporary stop relocations, route detours, or suspension of service on segments of routes.
Freight Rail	Operating Phase (Long-term) Direct Impacts	• Placement of bridge structure piers located near privately owned railroad property would require close coordination with the railroads.
	Construction Phase (Short-term) Impacts	• Construction would require access to CSX, NS, and IHB properties and would include activities in proximity to their operations to span existing freight rail ROW. • A temporary shoofly track would be constructed around Munster/Dyer Main Street Station while the vehicle and pedestrian underpasses are constructed.

Category		Summary of Impacts
		• Construct new track adjacent to the CSX Monon Subdivision from Project's southern terminus in Dyer to 45th Street in Munster.
Bicycle and Pedestrian	Operating Phase (Long-term) Direct Impacts	• New separated crossing south of Fisher Street in Munster for Pennsy Greenway. • New railroad-highway grade crossing at Fisher Street for Pennsy Path. • Relocation Pennsy Path from Manor Avenue to the Monon Trail. • Relocation of several segments of the Monon Trail in Munster and Hammond. • Restricted pedestrian crossings. • Restricted east-to-west connectivity at Russell Street (Hammond).
	Construction Phase (Short-term) Impacts	• Temporary closures or detours. • Construction traffic and debris (such as excess dirt) would pose obstacles or issues for pedestrians and bicyclists, particularly on the Monon Trail.
Traffic	Operating Phase (Long-term) Direct Impacts	• Three intersections would operate at an unacceptable LOS with the No Build Alternative, which would increase to six intersections with the Project. Improvements would be completed for the three intersections affected by the Project. • Ten new railroad-highway grade crossings would be constructed at Fisher Street and Ridge Road in Munster and at 173rd Street, 165th Street, Kenwood Street, Conkey Street, Detroit Street, Highland Street, Waltham Street, and Douglas Street in Hammond. • Road closure would occur at Russell Street and the Project track, but local access would be maintained.
	Construction Phase (Short-term) Impacts	• Temporary disruptions to traffic operations, including lane closures; short-term intersection and roadway closures; and detours that would cause local temporary increases in congestion.
Parking	Operating Phase (Long-term) Direct Impacts	• Loss of 76 on-street parking spaces in Hammond: 6 parking spaces on Russell Street and 70 parking spaces on Hanover Street near the proposed Hammond Gateway Station.
	Construction Phase (Short-term) Impacts	• Street parking spaces could be temporarily unavailable at construction locations.

Category		Summary of Impacts
Land Use and Zoning	Operating Phase (Long-term) Direct Impacts	• Munster/Dyer Main Street Station parking would be incompatible with surrounding residential land uses and inconsistent with the suburban residential zoning. • Munster Ridge Road Station could be incompatible with adjacent residential uses but would support the high-density residential zoning for that area. Additionally, the ADA parking, "Kiss-and-Ride" accommodations, and surface parking lot west of the tracks would be incompatible with existing residential uses and zoning, although the station and parking areas would not substantially alter access or land use patterns. • South Hammond Station would not conflict with existing land uses, and no changes to overall land use patterns are anticipated. The station and parking would be incompatible with adjacent areas zoned for single-family residential on small lots. • The North Hammond MSF and Hammond Gateway Station would not conflict with existing land uses and zoning in the area.
	Construction-Phase (Short-term) Impacts	• Limited temporary difficulties accessing properties during construction. • Temporary increases in noise and vibration levels, dust, fumes, traffic congestion and visual changes from construction activities would affect land use compatibility; there would be no construction-related impacts on zoning.
Land Acquisitions and Displacements	Operating Phase (Long-term) Direct Impacts	• Acquisitions ◦ 226 acquisitions totaling 106.68 acres ▪ 202 total acquisitions and 24 partial acquisitions • Displacements ◦ 107 displacements ◦ 94 residential, 4 commercial, and 9 industrial land uses displaced • Easement ◦ 0.33 acre of permanent easement
	Construction Phase (Short-term) Impacts	• 5.59 acres of temporary easements
Socioeconomic and Economic Development	Operating Phase (Long-term) Direct Impacts	• Socioeconomics and Demographic Effects: The Project would shift population, housing, and employment growth. • Government Finance and Tax Sources: The FEIS Preferred Alternative would decrease the property tax base for Lake County by 0.043 percent.
	Construction Phase (Short-term) Impacts	• Temporary disruptions to business access or operations from construction equipment or activities, as well as from noise, vibration, dust, and/or fumes, could occur.

Category		Summary of Impacts
Neighborhoods and Community Resources	Operating Phase (Long-term) Direct Impacts	• Introduction of commuter rail service would affect the perceived or actual connectivity of neighborhoods where no rail operations currently exist. • Neighborhood housing would be affected by localized changes in visual context, noise, and vibration from adjacent commuter rail–related facilities. • The FEIS Preferred Alternative would be adjacent to community resources within the Project Area such as trails, parks, and schools. Users of the community resources could experience changes in the visual context and/or noise and vibration levels.
	Construction Phase (Short-term) Impacts	• Traffic detours would increase traffic through residential neighborhoods or change access to community facilities. • Sidewalk closures and detours would affect pedestrian traffic patterns. • Increased levels of noise, vibration, and dust and the presence of large construction equipment would temporarily affect neighborhood character, primarily in relatively quiet areas. • Residences and community resources would experience short-term disruptions of utility services, as utilities need to be moved or replaced.
Cultural Resources	Operating Phase (Long-term) Direct Impacts	• Adverse effect on one historic property: the OK Champion Building, resulting from demolition.
	Construction Phase (Short-term) Impacts	• No adverse effects on historic properties.
Visual Resources	Operating Phase (Long-term) Direct Impacts	• The FEIS Preferred Alternative is not expected to substantially change the visual character of the Project Area as a whole. Moderately high visual effects would occur along most segments where full or partial acquisitions would be required, where the alignment would be elevated, and where residential or recreational uses are located adjacent to the Project Area.
	Construction Phase (Short-term) Impacts	• Visually intrusive views would be associated with construction staging areas, concrete and form installation, removal of existing structures and/or vegetation, lights and glare from construction areas, and generation of dust and debris in the Project Area.
Safety and Security	Operating Phase (Long-term) Direct Impacts	• The Project would introduce 10 new railroad-highway grade crossings (see Figure 3.5-4 of the FEIS) that would run adjacent to nearby activity areas including schools, parks, churches, residential developments, and trails. • Stations could pose safety and security concerns for pedestrians and transit users in parking areas due to increased potential for pedestrian/automobile collisions.
	Construction Phase (Short-term) Impacts	• Construction could cause temporary negative safety concerns including temporary increased traffic congestion and road closures for the public. • Contractors would be working on freight railroad property. • Construction activities would result in temporary increased congestion along adjacent roads that could affect access and response times for emergency service providers.

Category		Summary of Impacts
Environmental Justice	Operating Phase (Long-term) Direct Impacts	• The FEIS Preferred Alternative would displace four commercial and nine industrial businesses, all located in EJ neighborhoods. Impacts to business owners will be mitigated according to the Uniform Act. With the implementation of mitigation measures, the Project-wide finding is that the FEIS Preferred Alternative would not result in disproportionately high and adverse effects on EJ populations.
	Construction Phase (Short-term) Impacts	• .The FEIS Preferred Alternative has the potential to result in short-term effects on socioeconomics by temporarily affecting business access and/or causing noise, dust, and/or fumes that could disrupt business operations. These impacts may primarily affect EJ populations.
Noise	Operating Phase (Long-term) Direct Impacts	• Without mitigation: 376 residences would experience moderate noise impacts and 107 residences would experience severe noise impacts. • With mitigation, no severe noise impacts or upper range moderate noise impacts will occur. Lower range moderate noise impact will occur at 237 residences
	Construction Phase (Short-term) Impacts	• Elevated noise levels from construction equipment.
Vibration	Operating Phase (Long-term) Direct Impacts	• The Project would cause vibration impacts at three residential structures that represent 13 dwelling units.
	Construction Phase (Short-term) Impacts	• Elevated vibration levels from construction equipment.
Air Quality	Operating Phase (Long-term) Direct Impacts	• No impacts expected. Annual regional vehicle miles travelled (VMT) would be reduced from the No Build Alternative. • No violations of air quality standards are predicted.
	Construction Phase (Short-term) Impacts	• The short-term increases in pollutant concentrations, as described below, are not expected to exceed any National Ambient Air Quality Standards (NAAQS), and the construction-related air quality impacts are considered minor. • Temporary increases in emissions and concentrations of air pollutants may be caused by increased traffic volumes and operations on detour routes. • Localized increases in pollutant concentrations would persist for the duration of the construction activities along the corridor and at station locations. Because construction activities would be spread out along the corridor, the duration of construction at any one location would be relatively short (e.g., several weeks), which would tend to limit localized air quality impacts at any given location. • Construction equipment powered by fossil fuels would emit air pollutants similar to those produced by highway vehicles. • Exposed earthen materials may produce increased particulate matter when they are moved or disturbed by wind.

Category		Summary of Impacts
Energy	Operating Phase (Long-term) Direct Impacts	• The Project would result in an increase in electricity consumption and a decrease in gasoline consumption attributable to reduced VMT when compared with the No Build Alternative. • The Project would result in a daily reduction of 163,050 VMT in 2037. • The net change in total energy consumed over the Project's operational life would be negligible when compared with the No Build Alternative.
	Construction Phase (Short-term) Impacts	• Construction would result in a minor increase in the use of energy resources compared with the No Build Alternative and would not significantly change regional energy use.
Soils, Geologic Resources, and Farmlands	Operating Phase (Long-term) Direct Impacts	• No long-term impacts on soils would occur, and the underlying geology would not be affected. No prime farmland parcels exist in the Project Area and, therefore, no impacts on farmlands would occur.
	Construction Phase (Short-term) Impacts	• Impacts on soils would include soil disturbance as a result of clearing, grading, and excavating; compaction from heavy-machinery traffic; potential reduction of soil quality as a result of mixing rock with topsoil; and loss of soil from water and wind erosion. • Soil units that are characterized as having "very limited" suitability for shallow excavations are hydric soils, which may influence ponding and drainage. Impacts on soils would include soil disturbance as a result of clearing, grading, and excavating; compaction from heavy-machinery traffic; potential reduction of soil quality as a result of mixing rock with topsoil; and loss of soil from water and wind erosion.
Water Resources	Operating Phase (Long-term) Direct Impacts	• The Project would fill 3.43 acres in 14 jurisdictional wetlands and 0.76 acre in 2 nonjurisdictional wetlands in Indiana. The construction limits of the Project would not extend beyond the Indiana border. No water resources in Illinois would be affected. • No anticipated impacts to high quality wetlands are expected. • No direct impacts on the Grand Calumet and Little Calumet Rivers. • No impacts on floodways. For floodplains, preliminary design would not require compensatory storage. During final design, if fill is placed within the floodplain, determination of compensatory storage would be done in accordance with the volume lost. • The one water well within the construction limits would be acquired. • Approximately 48.4 acres of additional impervious area would be created.
	Construction Phase (Short-term) Impacts	• Temporary impacts on floodplains would consist primarily of minor grading and erosion and sediment control impacts. • The water well within the construction limits, the existing rail bed to be restored, and the site development of the station and MSF would be directly affected by construction. Construction has the potential to pollute groundwater. • Construction activities would disturb soils and could cause increased runoff that could potentially erode slopes and drainageways, form gullies, and deposit sediment in adjacent water bodies.

Category		Summary of Impacts
		• Construction activities could disturb soils and affect water quality by carrying sediment in runoff and discharging into storm drains.
Biological Resources	Operating Phase (Long-term) Direct Impacts	Threatened and Endangered Species • No federally protected species are within the Project Area. • For the northern leopard frog (state species of special concern), approximately 6.92 acres of low-quality habitat and 1.99 acres of moderate-quality habitat would be cleared. • For the state endangered Blanding's turtle, approximately 0.26 acre of low-quality habitat would be cleared. • There are 80.10 acres of vegetated habitat within the Project footprint that would potentially be cleared by the Project; direct impacts may occur for three state-listed plants. Wildlife and Habitat • The Project would clear 15.97 acres of woodland habitat.
	Construction Phase (Short-term) Impacts	• Construction-related physical and noise disturbances could temporarily disrupt wildlife habitat use. • No effects on threatened and endangered species are anticipated.
Hazardous Materials	Operating Phase (Long-term) Direct Impacts	• Operation of the MSF would result in additional storage and generation of regulated wastes including oils, greases, solvents, and other waste materials.
	Construction Phase (Short-term) Impacts	• Construction would potentially disturb five areas of concern: three with identified contamination and two that would be investigated prior to property acquisition and construction since access to properties has not been granted. • The Project would require ground disturbance for bridge piers (elevated track), stations, facilities, utility relocation, and other construction-related activities.
Utilities	Operating Phase (Long-term) Direct Impacts	• No substantial impacts on utilities are expected.
	Construction Phase (Short-term) Impacts	• Construction would result in intermittent impacts on utility service to facilitate utility relocations. Temporary connections would be provided to customers before permanent relocation activities. Utility owners would ultimately decide when and whether disruptions to service would be necessary. • Utility locations that are uncertain or misidentified may be unintentionally damaged during construction. The large number of utilities present in the Project Area increases the likelihood of encountering previously unidentified utilities. Coordination with utility providers would be conducted during the engineering and construction phases to determine accurate locations of utilities within the construction footprint.

Category		Summary of Impacts
Secondary and Cumulative Effects	Operating Phase (Long-term) Direct Impacts	• Continued development and enhancement of the existing transportation network in the Project Area, combined with reasonably foreseeable future actions (non-transportation growth and development) and the direct and secondary effects of the Project, would increase demand for transportation as a whole. • Continued development of transit and transportation facilities in the Project Area over time, combined with future actions and the Project's direct and secondary impacts, could result in land use changes and a redistribution of development or redevelopment in the cumulative effects Project Area. • Development of transportation infrastructure in the Project Area, including the Chicago Street Improvement Project (City of Hammond 2016), combined with the direct and secondary effects of the Project, could result in acquisitions and displacements of residents and/or businesses. • New employment centers, along with greater access to jobs provided by the Project, would provide a beneficial cumulative effect on individual and regional business economic stability. • Growth and redevelopment by others and the catalytic effect of the Project could result in neighborhood change over the long term, which would be beneficial to some and burdensome for others. • TOD around stations would add a new mixed-use visual element to the suburban-style visual character of existing residential areas. • Planned transportation improvements and residential and commercial development adjacent to the Project alignment would put more transit riders, pedestrians, and bicyclists in proximity to transit vehicles, tracks, crossings, and freight rail, potentially creating safety conflicts. This condition could place a cumulative demand on security providers and/or require changes in current patrol routes, schedules, and equipment needs. • As planned projects proceed throughout the Project Area, including transportation and non-transportation projects, EJ populations could experience beneficial as well as negative effects such as changes in property values, more housing choices, loss of housing, new business opportunities, displacement of businesses, and increased access to transportation and jobs. • If construction of multiple reasonably foreseeable projects occurred simultaneously, noise levels would likely be temporarily increased. • Reasonably foreseeable projects, including the Project, would temporarily disturb soils during construction. • Reasonably foreseeable projects could further affect surface waters where crossings or adjacent activities are planned and would decrease the total area of surface waters. • Reasonably foreseeable land development and transportation projects could further affect natural areas and habitat for common and threatened and endangered species and state-protected species through proximity or direct land alteration.

Category		Summary of Impacts
		• Many of the reasonably foreseeable projects would involve excavation as part of the construction. These projects, combined with the Project, could encounter and be negatively affected by contaminated sites and hazardous materials during construction, particularly during the excavation process. • Induced development could likely result in more demand for electricity compared with the demand from existing land uses, more sewer capacity to accommodate potentially higher water use rates, and increases in the amounts of other utility services required in the Project Area.
	Construction Phase (Short-term) Impacts	• None identified.
Section 4(f) Resources	Operating Phase (Long-term) Direct Impacts	• The Project would have a *de minimis* impact on the Pennsy Greenway and Path. The finding of *de minimis* impact includes temporary closure of the corridor and path during Project construction. • The Project would permanently incorporate the OK Champion Building into a transportation facility and would permanently remove the historic OK Champion Building.
	Construction Phase (Short-term) Impacts	• Temporary closure of the crossing within the Pennsy Greenway ROW while the underpass or culvert and guideway are constructed and temporary closure of the Pennsy Path while the railroad-highway grade crossing is constructed.
Section 6(f) Resources	Operating Phase (Long-term) Direct Impacts	• None identified.
	Construction Phase (Short-term) Impacts	• None identified.

3.2 Measures to Avoid, Minimize, and Mitigate Adverse Impacts

Means to avoid, minimize, and mitigate the impacts of the FEIS Preferred Alternative are presented in the FEIS and are summarized in **Attachment A** of this **ROD**. Implementation of the mitigation measures is a condition of this ROD. FTA will also require NICTD to submit written reports on its progress toward implementing mitigation measures. FTA will monitor this progress through quarterly reviews of the Project's progress.

FTA finds that, with the accomplishment of these mitigation measures, NICTD will have taken all reasonable, prudent, and feasible means to avoid or minimize impacts from the FEIS Preferred Alternative.

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4 Public and Agency Review Process

Since the Notice of Intent (NOI) initiating the NEPA process for the Project was published on September 30, 2014, public involvement has been an integral part of the project planning and development process. NICTD used a wide range of outreach techniques, including: meetings (including resident/property owner information meetings, speakers' bureaus, and traditionally underserved community partnerships); open houses; public hearings; elected official briefings; newsletters; project website; emails; social media; and a dedicated telephone hotline to record stakeholder comments.

Chapter 9 and **Appendix D** of the **FEIS** describe the Project's public outreach program during the NEPA process including the creation of meaningful opportunities for public engagement for all members of the community, including traditionally under-represented stakeholders and environmental justice populations.

The *Public and Agency Coordination Plan* was reevaluated and updated after publication of the DEIS. Based on comments and as part of the process to finalize the EIS, two new documents were developed, a *Public Involvement Plan* (PIP) (**Appendix D** of the **FEIS**) and a *Social Media Protocol and Strategy Plan* (**Appendix D** of the **FEIS**). The PIP was developed to provide a framework for how the public involvement activities would be conducted through the FEIS process. The PIP, a dynamic document, has been updated periodically based on input from stakeholders, the public, and results from previous engagement activities. The *Social Media Protocol and Strategy Plan* was established for the Project with a goal of broadening the Project's reach and improving comprehension of the Project's specifics.

The following sections describe in greater detail the public engagement activities and opportunities for public comment through the various phases of the Project from the NOI to this FEIS/ROD.

4.1 Scoping

NICTD invited public participation in the environmental review process when NEPA scoping was initiated with the issuance of the NOI to prepare an EIS on September 30, 2014, in the Federal Register, Volume 79, Number 189. During the 30-day scoping period from October 13, 2014, to November 11, 2014, FTA and NICTD provided the public with multiple opportunities to submit comments, including online submission through the Project email address, website online comment section, by mail to the Project office, via the automated phone line, by transcription at the scoping meeting, and through comment cards provided at the scoping meeting held on October 28, 2014. Ninety-four people attended the scoping meeting. An agency scoping meeting was also held on October 28, 2014, at the Center for Visual and Performing Arts in Munster, Indiana. Sixteen people attended. A total of 144 public comments were received during the comment period. The comments were used to identify Project support and needs, information about the Project Corridor, and ideas on the scope of the Project and range of solutions that should be evaluated. Of the comments received, 40 percent were in favor of the Project and 32 percent were opposed to the Project.

4.2 Draft EIS

NICTD conducted four workshops in November 2015 at locations in the Project Area to maintain engagement with the public as the DEIS was being developed. One workshop specifically encouraged agency and elected official attendance, and the other three were held in each of the

three municipalities along the Project Corridor to encourage local attendance (November 9, 10, and 11, 2015, in Dyer, Hammond, and Munster, respectively). At these workshops, the environmental process, Project features, and changes since the scoping meetings were discussed. In total, 324 people attended the meetings and 16 public comments were received.

FTA and NICTD published the Notice of Availability of the DEIS in the Federal Register on December 16, 2016. This notice was followed by a 45-day public comment period that concluded on February 3, 2017. Three public hearings for the DEIS were held on January 17, 18, and 19, 2017 in Dyer, Hammond, and Munster, respectively. Each public hearing was preceded by an open house. A total of 656 people (146 in Dyer, 106 in Hammond, and 404 in Munster) attended the open houses and public hearings. Translation services and ADA accommodations were provided upon request.

A total of 1,443 comments were received from 464 distinct commenters within the comment period. Comments were submitted in the form of comment cards, transcription by the court reporter, mail, email, Project website, or telephone. Comments were received from individuals, businesses, public interest groups, and public agencies, including municipalities and regulatory agencies.

Agencies that submitted comments in response to the DEIS include: City of Hammond; Dyer Fire Department; United States Environmental Protection Agency (USEPA); Forest County Potawatomi Community; INDNR Division of Historic Preservation and Archaeology; Metra; Miami Tribe of Oklahoma; Town of Munster; and the United States Department of the Interior (USDOI). The comments included support for and opposition to the Project and to specific elements of the Project. A summary of the DEIS comments and responses is included in **Section 9.5** and **Appendix H** of the **FEIS**.

4.3 Final EIS

NICTD and FTA published a Notice of Availability of the FEIS and ROD in the Federal Register on March 9, 2018.

4.4 Community Outreach

Ongoing engagement and communication with the public has been a fundamental element of the Project since its initiation. Maintaining an open dialogue and offering opportunities for input and discussion—especially related to the identified technical issues and items of concern to the affected public—will continue to be a key component of Project implementation.

NICTD staff hosted or attended numerous community and public events throughout the project corridor in Dyer, Hammond, and Munster to give the public opportunities to provide input on project design and to receive updates and information about project activities. Ideas and requests from the public that were made at various meetings were documented and were considered as part of the planning and design for the Project. Public events were accessible to those with disabilities in accordance with the ADA. Translation services and other accommodations were provided upon request. NICTD selected meeting locations based on ease of access to the location and meeting room and proximity to affected areas.

In addition to hosting public information open houses and other events, NICTD staff also frequently attended and presented at community meetings throughout the project corridor. Attending such meetings allowed groups with specific concerns or questions to interact with staff and to provide feedback in a more personal, less formal setting. Any concerns expressed at these meetings were shared with the appropriate NICTD staff members.

A list of the public hearings, open houses, and community events held since the start of the EIS process is included in **Chapter 9** of the **DEIS** and **Chapter 9** of the **FEIS**.

4.5 Agency Coordination

FTA and NICTD worked with Cooperating and Participating Agencies to gather input, identify concerns, and participate in issue resolution and design adjustment processes to further the Project within the NEPA framework.

The USACE is the federal cooperating agency for the FEIS, responsible for implementing NEPA and related laws. USACE is responsible for implementing Section 404 of the CWA (33 United States Code [USC] § 1344).

The Participating Agencies include: NPS, USEPA, USFWS, INDNR, Chicago Department of Transportation (CDOT), CMAP, Chicago Transit Authority (CTA), Regional Transportation Authority (RTA), RDA, NIRPC, City of Hammond, Cook County, Town of Dyer, and Town of Munster.

Since the publication of the DEIS, agency coordination has included requests for participation in meetings and public events; agency comments; comment resolutions; comment responses; discussion of engineering issues; discussion of environmental resources including proposed impacts, mitigation, and commitments; and information related to proposed refinements of the FEIS Preferred Alternative.

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.

A summary of agency coordination is provided in **Chapter 9** of the **FEIS,** and meeting notes and materials are provided in **Appendix D** of the **FEIS**.

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5 Determination of Findings

This section describes FTA's NEPA determination for the Project as well as FTA's findings for other federal environmental requirements. The determination and findings are supported by the Project's FEIS as well as **Section 3** of this **ROD** (which summarizes the environmental impacts of the Project) and **Attachment A** of this **ROD** (which itemizes mitigation measures that will be incorporated into the Project).

5.1 National Environmental Policy Act (NEPA)

Title 42, Sections 4321 through 4347 and 4372 through 4375 of the United States Code, as well as Executive Order 11514, Protection and Enhancement of Environmental Quality, require that federal agencies evaluate the environmental impacts of their actions, integrate such evaluations into their decision-making processes, and implement appropriate policies.

The environmental record for the Project includes the West Lake Corridor Draft EIS (December 2016), the West Lake Corridor Final EIS (January, 2018), and the supporting materials incorporated therein.

These documents represent the detailed statement required by NEPA describing:

- The environmental impacts of the proposed action
- The adverse environmental effects that cannot be avoided, should the proposed action be implemented
- Alternatives to the proposed action
- Potential irreversible and irretrievable commitments of resources that would be involved should the proposed action be implemented

Having carefully considered the environmental record, mitigation commitments summarized in **Attachment A** of this **ROD**, public and agency comments, and the findings below, FTA has determined that:

- The environmental review documents include a record of: the environmental impacts of the proposal; adverse environmental effects that cannot be avoided; alternatives to the proposal; and irreversible and irretrievable impacts on the environment.
- The environmental process included cooperation and consultation with USEPA.
- All reasonable steps have been taken to minimize adverse environmental effects of the Project.
- The Project meets its purpose and need and satisfies the requirements of NEPA.

5.2 Section 106 of the National Historic Preservation Act

Section 106 (36 CFR Part 800) requires federal agencies to consider the effects of their actions on historic properties before undertaking a project. FTA is the Federal Lead Agency for the Project. NICTD is the Project's local Lead Agency and project sponsor. USACE is a federal Cooperating Agency, responsible for implementing NEPA and related laws and Section 404 of the CWA. USACE also recognized FTA as the Federal Lead Agency for the Section 106 process.

Based on the results of the effects assessments and implementation of the measures included in the Project's Section 106 MOA, FTA determined, in consultation with the Indiana Historic Preservation Office and other consulting parties that the Project would have:

- No adverse effects on 33 historic properties
- An adverse effect on one historic property in the Architectural area of potential effects. The OK Champion Building located at 4714 Sheffield Avenue in Hammond would be demolished to facilitate construction of the proposed the North Hammond MSF and Hammond Gateway Station. This demolition would result in an adverse effect on historic properties
- No adverse effects on archaeological resources. Based on the archaeological investigations conducted for the FEIS Preferred Alternative, no historic properties were identified in the Archaeological area of potential effects. Because no NRHP-listed or -eligible archaeological sites were identified, there would be no effect on archaeological resources

Therefore, FTA has determined that the Project would have an adverse effect on historic properties. The Project's measures to resolve adverse effects, including avoidance, minimization, and mitigation measures, are specified in the Project's Section 106 MOA (**Appendix B** of the **FEIS**). Stipulations in the Section 106 MOA shall be followed by NICTD during the Project's implementation.

FTA finds that the Project has satisfied the requirements of Section 106 of the National Historic Preservation Act.

5.3 Clean Water Act (Section 404) and Executive Order 11990 on Protection of Wetlands

The CWA (33 USC § 1251 et seq.) establishes the basic structure for regulating discharges of pollutants (including dredged materials) into the waters of the United States, and for regulating quality standards for surface waters. Section 404 of the Act applies to the project's wetland and stream impacts and stormwater discharges. Issuance of the Section 404 CWA permit is anticipated during final design of the Project.

The Project is expected to affect approximately 14 of the 20 jurisdictional wetlands found in the environmental survey area, totaling 3.43 acres. Impacts on nonjurisdictional wetlands are not included in wetland impact calculations for mitigation because they are human-made bioretention areas that are not under federal or state jurisdiction. No affected wetlands are high-quality aquatic resources. In the NEPA concurrence letter dated January 9, 2018 (**Appendix D** of the **FEIS**), USACE stated that jurisdictional palustrine emergent wetlands would be required to be mitigated at a minimum 1:5:1 ratio and jurisdictional palustrine forested wetlands would need to be mitigated at a 3:1 ratio. NICTD will provide at least 6.56 acres of mitigation by purchasing wetland bank credits or via the proposed in-lieu-fee program for the state of Indiana.

Accordingly, FTA finds that with the mitigation measures identified in **Attachment A** of this **ROD**, the project meets the requirements of Section 404 of the Clean Water Act and Executive Order 11990 on Protection of Wetlands.

5.4 Floodplain Management

Floodplains are protected by federal, state, and local legislation because of their value and functionality. Regulatory agencies with floodplain and floodway authority in the environmental survey area include the Federal Emergency Management Agency (FEMA), U.S. Department of

Transportation (USDOT), INDNR, and Indiana Department of Environmental Management (IDEM). In some instances, the municipality and/or the county also have authority over impacts on floodplains and/or floodways in their respective jurisdictions.

The following federal orders apply to floodplains and floodways:

- Executive Order 11988, Floodplain Management
- USDOT Order 5650.2, Floodplain Management and Protection

These orders require federal agencies to avoid to the extent possible the long-term and short-term adverse impacts caused by using and modifying floodplains, and to avoid floodplain development wherever there is a practicable alternative. These orders direct each agency to preserve the natural and beneficial values served by floodplains in carrying out its responsibilities with respect to approvals and project funding.

In addition, state regulations apply to floodplains and floodways:

- Indiana Code 14-28-1, Indiana Flood Control Act
- Indiana Code 14-28-3, Indiana Floodplain Management Act

The Flood Insurance Rate Map and floodplain spatial data were obtained from INDNR to determine locations where floodplains or floodways cross the environmental survey area. (INDNR 2017). A hydraulic survey was conducted and preliminary hydraulic modeling and analysis were performed at each channel crossing location, with the modeled channel reaches extending a reasonable distance upstream and downstream of the channel embankment (HDR 2017). Preliminary design of the proposed structures at all locations was performed to satisfy identified design criteria and to avoid adverse hydraulic impacts near the Project.

According to the Flood Insurance Rate Map for Lake County, the environmental survey area intersects the 100-year floodplain and floodway associated with the Little Calumet and Grand Calumet Rivers. NICTD determined there are no Project impacts to floodways or floodplains. The Project would cross floodplains and floodways on elevated structures. A detailed analysis of the hydraulic survey and preliminary hydraulic modeling was conducted as part of the FEIS. As described in **Section 5.7.5** of the **FEIS**, impacts on floodplains will be avoided or minimized. Impacts on floodways will be avoided.

FTA finds that the Project meets the requirements of Executive Order 11988 and USDOT Order 5650.2.

5.5 Clean Water Act Sections 401 and 402

CWA Sections 401 (33 USC § 1341) and 402 (33 USC § 1342) address discharges into water. Section 401 provides for USEPA certification (delegated to the state) that a project's discharges to water or to wetlands will meet state water quality standards. Under Section 402, a discharge of domestic or industrial wastewater into surface water requires a National Pollutant Discharge Elimination System (NPDES) permit, including a General Construction Permit for applicable construction activities. NICTD (or the contractor) will apply for and obtain the NPDES permit, which will be issued by IDEM.

Because the Project would potentially affect more than 1 acre of wetlands, a USACE Section 404 Individual Permit and a Section 401 Water Quality Certification from IDEM will be required. USACE will determine the number of acres of wetlands that NICTD will be required to

provide as mitigation. The Section 401 Water Quality Certification will confirm that the Project complies with Indiana's water quality standards and, therefore, maintains the integrity of existing waterways.

Impacts on surface waters and wetlands will be minimized through the implementation of best management practices (BMPs) and erosion and sediment control plans, which will be developed as part of the Section 404 Individual Permit and associated Section 401 Water Quality Certification, and local and state requirements. Erosion and sediment control plans will be required with the contract drawings to prevent or reduce the displacement of soil and other sediments via stormwater runoff within the land development area. Capping the well near Munster/Dyer Main Street Station would prevent any additional sediment from infiltrating the groundwater supply.

Stormwater facilities and discharges will be monitored and managed during construction in accordance with the requirements of the Indiana Administrative Code (IAC) 327 15-5, Rule 5 (2012c). Detention facilities, vegetated basins and buffers, infiltration basins, and bioswales would be evaluated to minimize transport of sediment, heavy metals, and other pollutants. To the extent practicable, regional stormwater detention storage may be necessary on a per watershed basis to ensure that the overall watershed release rate to the designated waterway crossings is not increased.

NICTD will apply for and obtain state and/or local permits and will adhere to any conditions laid out in the permits to further minimize impacts on water resources during construction. The IDEM Construction/Land Disturbance Storm Water Permit (327 IAC 15-5) will be required since more than 1 acre of land would be disturbed during construction of the FEIS Preferred Alternative. As part of this permit, a Stormwater Pollution Prevention Plan will be prepared, which will include BMPs and erosion control measures. Impacts on water quality as a result of the FEIS Preferred Alternative are not anticipated after implementation of BMPs during construction and adherence to permit conditions.

Accordingly, FTA finds that, with the mitigation measures identified in **Attachment A** of this **ROD**, the Project meets the requirements of Sections 401 and 402 of the CWA.

5.6 Endangered Species Act

The primary federal law protecting threatened and endangered species is Section 7 of the Endangered Species Act of 1973 (16 USC §§ 1531–1534). Under Section 7 of the Endangered Species Act, federal agencies are required to consult with the USFWS and/or the National Marine Fisheries Service to ensure that the federal agency is not undertaking, funding, permitting, or authorizing actions likely to jeopardize the continued existence of listed species or destroy or adversely modify designated critical habitat.

In a letter dated November 4, 2014, the USFWS noted the Project was within the range of the following federally listed species: Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), Karner blue butterfly (*Lycaeides melissa samuelis*), Mead's milkweed (*Asclepias meadii*), and Pitcher's thistle (*Cirsium pitcheri*).

NICTD conducted habitat assessments for the federally listed species within range of the Project Area. Based on this review, NICTD and FTA determined there are no listed species located in the Project Area. Potential Indiana bat and northern long-eared bat habitat was identified in 13 woodland habitat units totaling 23.27 acres in the environmental survey area. Ten of the habitat units showed no suitability and three showed low suitability. The low suitability habitat totaled 8.21 acres in the Project footprint. However, because of the urban development

of the surrounding landscape, use of this area by either the Indiana bat or the northern long-eared bat is highly unlikely. These 8.21 acres within the Project footprint would be cleared during construction and used for operation of the Project. Only candidate roost trees showing no or low potential for bats exist in the Project footprint. No mitigation is proposed.

Three state listed plant species may be directly affected by the Project: Bebb's sedge (*Carex bebbii*), northern catalpa (*Catalpa speciosa*), and eastern white pine (*Pinus strobus*). There are 80.10 acres of vegetated habitat in the Project footprint that would potentially be cleared by the Project. A species would likely be affected by ground disturbance associated with the Project if it was documented in a habitat unit that is fully or partially in the Project footprint. INDNR did not advise any long-term mitigation measure for state-listed plant species. *Catalpa speciosa* is common in the area and tends to be weedy. *Pinus strobus* is likely a planted specimen. INDNR did not suggest any long-term mitigation for *Carex bebbii.* However, measures were taken to avoid potential impacts to this species during project design. *Carex bebbii* can only grow in wetland habitats and impacts to wetlands were avoided where possible.

FTA finds that, with the mitigation measures identified in **Attachment A** of this **ROD**, the Project meets the requirements of the Endangered Species Act.

5.7 Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act

The Migratory Bird Treaty Act of 1918 (16 USC §§ 703–712) governs the taking, killing, possession, transportation, and importation of migratory birds, including related items such as eggs, parts, and nests. Such actions are prohibited unless authorized under a valid permit. This law applies to migratory birds that are native to the United States and its territories, as catalogued in 50 CFR Part 10.13, List of Migratory Birds. In addition to being regulated by the Migratory Bird Treaty Act of 1918, bald eagles and golden eagles are protected by the Bald and Golden Eagle Protection Act (16 USC §§ 668–668d), which prohibits taking, possession, or commerce of these two migratory bird species.

No threatened or endangered bird species were identified in the environmental survey area.

FTA finds that, with the mitigation measures identified in **Attachment A** of this **ROD**, the Project meets the requirements of the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act.

5.8 Clean Air Act

Under the Clean Air Act, USEPA has established NAAQS, which specify maximum allowable concentrations for certain criteria pollutants (42 USC §§ 7401–7431). Proposed transportation projects requiring federal funding or approval must demonstrate compliance with USEPA's Transportation Conformity Rule (40 CFR Part 93). This rule requires showing that a project would not cause or contribute to any new violation of any NAAQS, increase the frequency or severity of any existing NAAQS violations, or delay timely attainment of the NAAQS.

The Project meets project-level air quality conformity in accordance with state and federal regulations as follows:

The Project is included in the 2040 CRP and Fiscal Year 2018–2021 Transportation Improvement Program (TIP), both of which were evaluated for conformity with the State Implementation Plan (SIP) (NIRPC 2017). In a letter dated July 3, 2017, signed by Federal Highway Administration (FHWA) and FTA, the agencies notified Indiana Department of

Transportation (INDOT) that its Fiscal Year 2018–2021 State Transportation Improvement Program (STIP) and affected Metropolitan Planning Organizations' (MPO) TIPs were approved. In a second letter also dated July 3, 2017, FHWA and FTA notified INDOT that the NIRPC amendment to the 2040 CRP and Fiscal Year 2018–2021 TIP were found to conform to transportation air quality conformity requirements (found under 40 CFR Part 93, Subpart A). The second letter stated that IDEM, INDOT, and USEPA had all reviewed and recommended approval of the amendment to the 2040 CRP and TIP.

The Project is included in the recommended projects described in the 2040 CRP. Given the regional air quality conformity determination and the fact that the Project is anticipated to have a beneficial long-term air quality impact, FTA finds that the Project meets the requirements of the Transportation Conformity Rule.

5.9 Environmental Justice

FTA and NICTD assessed the Project's potential effects on minority and low-income communities known as EJ populations. The analysis completed for the FEIS was prepared in compliance with the Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (February 11, 1994); the USDOT Order to Address Environmental Justice in Minority Populations and Low Income Populations (USDOT Order 5610.2(a), May 2, 2012); and FTA's Circular 4703.1, Environmental Justice Policy Guidance for Federal Transit Administration Recipients (FTA, August 15, 2012). **Chapter 4** of the **FEIS** provides more detail regarding the EJ analysis.

As outlined in FTA Circular 4703.1, USDOT and FTA are required to make EJ part of their missions by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of programs, policies, and activities on minority populations and/or low-income populations. FTA includes incorporation of EJ and non-discrimination principles into transportation planning and decision-making processes and project-specific environmental reviews. Specifically, USDOT Order 5610.2(a) sets forth the USDOT policy to consider EJ principles in all USDOT programs, policies, and activities. It describes how the objectives of EJ are integrated into planning and programming, rulemaking, and policy formulation.

NICTD recognized the need to communicate and engage with multiple audiences within the Project Study Area and the region and specifically focus on communities with low-income and minority populations. Public involvement included targeted outreach to EJ communities identified through the census analysis, coordination with local officials, and follow-up communications. Public outreach has been an iterative process, initiated by meetings and events to get to know the communities and then involve additional organizations, businesses, individuals, and other community groups as the Project progressed. Throughout planning, design, and analysis, NICTD sought to develop broad public understanding and support of the Project as a necessary investment to improve access and mobility to employment and educational and economic opportunities in the study area and beyond. In addition, the Project sought to engage the public, including residents, businesses, travelers, and agencies, in the planning process to address their needs and concerns.

NICTD developed a public outreach strategy for the Project that created meaningful opportunities for public engagement for all members of the community, including members of EJ communities. Throughout Project Development and NEPA, NICTD used several communication and outreach methods to engage minority and low-income communities that would be affected by the Project. Communication methods included email, mailed invitations, distributed flyers, the

Project website, and social media. Examples of events hosted or attended by NICTD included open houses, community meetings, workshops, home owner meetings, and attending markets and festivals. For a more detailed description of public involvement activities specific to EJ, see **Chapter 4**, **Section 4.9**, of the **FEIS**.

Environmental resources that would experience adverse effects as identified in the FEIS were evaluated to determine whether the Project would result in disproportionately high and adverse effects on minority or low-income populations. Based on the FEIS analysis, the Project could result in both long- term and short-term effects on businesses serving predominantly EJ populations. However, both EJ and non-EJ populations in the Project study area would experience key benefits from the Project (e.g., improved transit access, travel times, and reliability). Taking into account the committed mitigation measures (as outlined in **Attachment A** of this **ROD**) to address potential long- and short-term business impacts, and considering the anticipated Project benefits to EJ populations, FTA and NICTD have concluded that the Project in its entirety would not result in disproportionately high and adverse effects on minority or low-income populations.

Therefore, FTA finds that the Project meets the intent of Executive Order 12898 and USDOT Order 5610.2(a) because the Project would not result in disproportionately high and adverse effects on minority or low-income populations.

5.10 Section 4(f) Evaluation

Section 4(f) of the U.S. Department of Transportation Act of 1966, 49 USC § 303(c), is a federal law that protects publicly owned parks, recreation areas, and wildlife and/or waterfowl refuges as well as significant historic sites, whether publicly or privately owned. Section 4(f) requirements apply to all transportation projects that require funding or other approvals by USDOT. As a USDOT agency, FTA must comply with Section 4(f). FTA's Section 4(f) regulations are at 23 CFR Part 774.

FTA cannot approve a transportation project that uses a Section 4(f) property, as defined in 23 CFR Part 774.17, unless FTA determines that:

- There is no feasible and prudent avoidance alternative, as defined in 23 CFR Part 774.17, to the use of land from the Section 4(f) property, and the action includes all possible planning, as defined in 23 CFR Part 774.14, to minimize harm to the property resulting from such use [23 CFR Part 774.3(a)]; or
- The use of the Section 4(f) property, including any measure(s) to minimize harm (such as any avoidance, minimization, mitigation, or enhancement measures) committed to by the applicant would have a *de minimis* impact, as defined in 23 CFR Part 774.17, on the property [23 CFR Part 774.3(b)].

The Section 4(f) evaluation involved consultation and coordination with agencies and the public. Within the NEPA process and as described in **Chapter 7** of the **FEIS**, NICTD and FTA conducted outreach efforts with area residents, property owners, and key stakeholders with respect to development and selection of the FEIS Preferred Alternative and its effects on recreational areas and historic properties. This effort included coordination with the Indiana State Historic Preservation Officer (SHPO), the Illinois SHPO, and other consulting parties as part of the Section 106 process for historic properties, as well as with the City of Hammond and the Town of Munster for recreational areas. On September 29, 2014, FTA initiated Section 106 consultation with both the Indiana and Illinois SHPOs. Coordination and consultation with the two SHPOs, consulting parties, and the public has continued in the NEPA process.

In addition, to meet Section 4(f) coordination and review requirements [23 CFR Part 774.5(a)], this evaluation was made available to the Department of Interior for a 45-day review and comment period prior to finalization. The Department of Interior concurred with the Section 4(f) Evaluation, and the February 5, 2018 correspondence is included in **Appendix C** of the **FEIS**.

The Final Section 4(f) Evaluation is being published with this ROD and incorporates the comments received on the Draft Section 4(f) Evaluation (see **Appendix C** of the **FEIS**).

Based on consultation with the Department of Interior, feedback from officials with jurisdiction, and the Section 4(f) Evaluation, FTA concludes that:

- The Project would result in a permanent use of the OK Champion Building and in a *de minimis* impact on the Pennsy Greenway and the existing path at Fisher Street. There is no feasible and prudent alternative that would avoid a use of these Section 4(f) resources.
- The Project would result in no use of West Lakes Park, Monon Trail, Harrison Park, Erie Lackawanna Trail, Dan Rabin Plaza, the Federal Cement Tile Company building, or Burnham Greenway. See **Chapter 7** of the **FEIS** for additional information, such as avoidance, minimization, mitigation, and enhancement measures.

The measures to minimize harm to Section 4(f) resources are included in the list of mitigation measures in **Attachment A** and in the Section 106 MOA in **Appendix B** of the **FEIS**. Accordingly, FTA finds that the Project meets the requirements of Section 4(f).

5.11 Section 6(f) Evaluation

Section 6(f) of the Land and Water Conservation Fund (LWCF) Act (16 USC §§ 4601-4–4601-11 et seq.) prohibits the conversion of property acquired or developed with LWCF funds to a non-recreational purpose without the approval of NPS. INDNR administers Section 6(f) of the LWCF Act in Indiana.

The Section 6(f) properties in the project area are the Erie Lackawanna Trail and Dan Rabin Plaza. The INDNR determined that the impact of the Project on the Dan Rabin Plaza would not constitute a conversion of the protected portion of this resource, and NPS concurred with this determination. The letter from NPS concurring with INDNR's determination is included in **Appendix C** of the **FEIS**.

In order to avoid converting Section 6(f) property associated with the Erie Lackawanna Trail, NICTD made design changes for the FEIS Preferred Alternative. The Project alignment was revised and retaining walls were added, as shown in Inset A in **Figure 8.5-1** of the **FEIS**. Because of these changes, the trail would have adequate horizontal and vertical separation distance between the rail and the trail alignments, and the Project would no longer require any relocation of the Erie Lackawanna Trail. As a result, there would be no Section 6(f) conversion of the Erie Lackawanna Trail.

Accordingly, based upon the analysis and determinations above, FTA concludes that the provisions of Section 6(f) have been addressed.

Marisol R. Simón, Regional Administrator
U.S. Department of Transportation
Federal Transit Administration

3/1/2018
Date of Approval