



Illinois Department of Transportation

Division of Public and Intermodal Transportation

J.R. Thompson Center / Suite 6-600 / 100 West Randolph / Chicago, Illinois / 60601

To: CREATE Program EW3 Project File

Re: Justification for EW3 Preliminary Site Investigation (PSI) Waiver

A Preliminary Environmental Site Assessment (PESA) report was prepared and submitted for the EW3 Project. The EW3 PESA report recommends completion of a PSI for a portion of the proposed work contained within the project footprint. Specifically, a PESA Risk Finding of “Moderate Risk” has been assigned to the EW3 project due to the recognized environmental conditions (RECs) identified in two areas:

- Construction of a retaining wall on NS and BRC railroad property north of the tracks along 94th Street and west of Stony Island Avenue; and
- Reconstruction of the South Chicago & Indiana Harbor Railway Co. (SCIH) Bridge over Commercial Avenue located north of 95th Street.

With the EW3 Phase I (preliminary) engineering design approaching completion, the IDOT Bureau of Freight Rail and CREATE completed a review of the Phase I project plans and overall implementation schedule to determine whether a PSI waiver should be considered in light of project schedule and budget requirements.

According to Section 5.4 of the *CREATE Railroad Property Special Waste Procedures* (July 2006), IDOT may authorize a waiver that allows the Environmental Class of Action Determination (ECAD) and/or other NEPA documents to be signed prior to the accomplishment of a required PSI when unusual circumstances exist. IDOT’s review of the EW3 project plans and schedule identified one unusual circumstance of concern, which is summarized as follows:

1. Potential for delays and increases in project cost, as well as loss of benefits to the public and the stakeholder railroads, should the EW3 project lose a construction season due to delays in completing the Phase I (preliminary) and Phase II (final) designs.

It is the judgment of IDOT that this concern meets the “unusual circumstances” provision of Section 5.4 of the *CREATE Railroad Property Special Waste Procedures*. Therefore, the Bureau of Freight Rail and CREATE authorizes the use of a PSI waiver for the EW3 Project. The issuance of a PSI waiver will allow the Phase II (final) design to proceed while the PSI is accomplished. This will ultimately accelerate project delivery and reduce overall project costs. Additionally, deferring the required PSI until Phase II design will not affect the ability to complete the Phase I engineering and environmental review for the EW3 Project. The PSI waiver for the EW3 Project shall be issued on the basis of the following provisions:

- If avoidance of the REC is not possible, the required PSI will be completed by the lead participating railroad, its design consultant and/or its contractors during the Phase II (final) design.
- The remediation requirements as recommended in the PSI reports (if any) shall be implemented by the lead participating railroad, its design consultant and/or its contractors prior to the completion of the Phase III (construction) activities.
- The lead participating railroad shall manage all excavated materials in accordance with applicable federal and state laws and regulations during construction.

These considerations will be documented as an environmental commitment(s) in the ECAD and/or other NEPA documents and progress will be monitored through completion of the project. Additionally, these considerations will be enforceable through the State Rail Agreement(s) executed by IDOT for this project.