

U.S. Department of Transportation

Federal Railroad Administration

FINDING OF NO SIGNIFICANT IMPACT

Wilmington, Illinois (MP 51.88 to MP 53.19)

Kankakee River Bridge and Track Improvements Project

Will County, Illinois

June 2016

Introduction: The Illinois Department of Transportation (IDOT) proposes to undertake construction of a second track along the mainline service of the Union Pacific Railroad (UPRR) from north of East Kankakee River Drive (MP 51.88) to south of North 1st Street (MP 53.19) in the City of Wilmington, Will County, Illinois. The Kankakee River Bridge and Track Improvement Project would improve a 1.31-mile mainline section of the UPRR, including track upgrades, existing track shifts, a second mainline track, two railroad over river bridge replacements (Kankakee River Bridge and Forked Creek Bridge), one railroad over local street bridge replacement (Water Street Bridge), improvements to the North Kankakee Street grade crossing approach, and signalization, culvert and fencing work, and construction of maintenance access roads (the Project). The Federal Railroad Administration (FRA) and IDOT evaluated the Project in an Environmental Assessment (EA) (August 2015) and a Supplemental

EA (April 2016), both prepared by IDOT in consultation with the FRA. The EA and Supplemental EA analyze and document whether the Project would have significant effects on the environment.

The 2015 EA and 2016 Supplemental EA are a Tier 2 analysis for one component of the Chicago to St. Louis High-Speed Rail Program (HSR Program) that was assessed in a Tier 1 Final Environmental Impact Statement (FEIS) and approved by a Record of Decision (ROD) in 2012. The Tier 1 FEIS assessed the change of the existing rail line from one track to two tracks and associated improvements. The program assessed in the 2012 Tier 1 FEIS/ROD is a separate rail improvement program from that associated with the 2004 Record of Decision for the Chicago-St. Louis High-Speed Rail Project and the 2011 EA/Finding of No Significant Impact (FONSI) for the UPRR's Track Improvement Project from Joliet to Dwight, IL; those improvements are currently in the process of being constructed.

FRA must comply with the National Environmental Policy Act (NEPA) of 1969 (42 USC § 4321 et seq.), as amended, as the Federal agency providing grant funding for the Project. FRA and IDOT prepared the EA and Supplemental EA to comply with NEPA, FRA's Procedures for Considering Environmental Impacts (64 FR 28545, May 6, 1999), and other related laws. FRA has made this FONSI based on the information included in the EA and Supplemental EA.

Statement of Purpose and Need: The identification of the purpose and need is significant in determining the reasonable range of alternatives to consider for the Project. The need defines the key problems to be addressed and explains their underlying causes. The purpose states clearly why the project is being proposed and identifies potential anticipated outcomes. The Project is an important component of the HSR Program assessed in the 2012 Tier 1 FEIS/ROD.

Purpose: The purpose of the HSR Program assessed in the 2012 Tier 1 FEIS/ROD was to enhance the passenger transportation network by improving high speed rail service, resulting in a more balanced use of travel modes by diverting trips made by automobile and air to rail. The Project contributes to meeting the purpose of the HSR Program by improving rail components between MP

51.88 to MP 53.19. Separately, the Project's purpose is to improve and replace deteriorating or functionally obsolete components.

Need: The need for the HSR Program is based on the following: The current single track configuration from Chicago to St. Louis, including the segment in the Project area, reduces operational flexibility along the line, often relegating Amtrak trains to wait on passing sidings while freight trains pass. This affects the reliability of Amtrak service, delaying rail passengers and hindering on-time performance. In addition, the single track configuration constrains train frequency and travel speeds. The condition of existing track, switches, and signals, as well as the characteristics of the at-grade crossing protection systems, limits train speeds, which in turn affects travel times. Because of this inadequate rail capacity and these deficiencies in the existing rail infrastructure, there is currently a model imbalance within the corridor.

Additionally, there is a need to improve or replace deteriorating or functionally obsolete components within the Project area, to eliminate substandard stopping sight distances, to provide a safe pedestrian sidewalk at the North Kankakee Street grade crossing, and to improve grade crossing protection systems at all grade crossings.

Study Area: The Project study area consists of a 1.31 mile portion of the Chicago to St. Louis HSR Program corridor in Will County along the UPRR mainline alignment between MP 51.88 to MP 53.19, in the City of Wilmington, Will County, Illinois. The City of Wilmington is in the Kankakee River Valley, 52 miles south of Chicago and 15 miles south of Joliet. The Kankakee River is the most notable feature in the City of Wilmington with an island in the Kankakee River, occupied as a city park. The Project study area is illustrated in Figure 1.

Alternatives: FRA and IDOT evaluated two alternatives for the Project in the EA and Supplemental EA: 1) the No-Build Alternative; and 2) the Build Alternative. The No-Build Alternative does not include any additional rail improvement beyond those associated with past improvement projects. The existing single mainline track between MP 51.88 and MP 53.19 would remain unchanged and would

receive routine maintenance with no additional track construction or upgrades. Existing at-grade roadway crossings, culverts, bridge structures, and track signal equipment would remain unimproved and the rail line would remain single track.

The Build Alternative would improve a 1.31-mile mainline section of the UPRR in two phases. The first phase would include track upgrades, existing track shifts, two railroad over river bridge replacements, one railroad over local street bridge replacement, construction of maintenance access roads, culvert and fencing work, signal work, and improvements at existing grade crossings. These improvements would support the addition of a second mainline track, which would occur in the second phase, and allow for double track operation from north of East Kankakee River Drive to south of North 1st Street. This second phase would occur in conjunction with the independent Elwood to Braidwood Track Construction project. The features of the Build Alternative are shown in Figure 2.

To construct the Build Alternative, approximately 4.35 acres of new railroad right-of-way (ROW) and 1.08 acres of temporary construction easements would be required. In some locations, constructing the second mainline track and the access roadway would extend the fill and cut sections beyond the existing ROW and additional ROW and access easements would be needed for grading and re-establishing ditch flow-lines. Additionally, the Project would require the purchase of 8.97 acres of private, residential property that would be isolated by the closing of a private crossing at Albany Street.

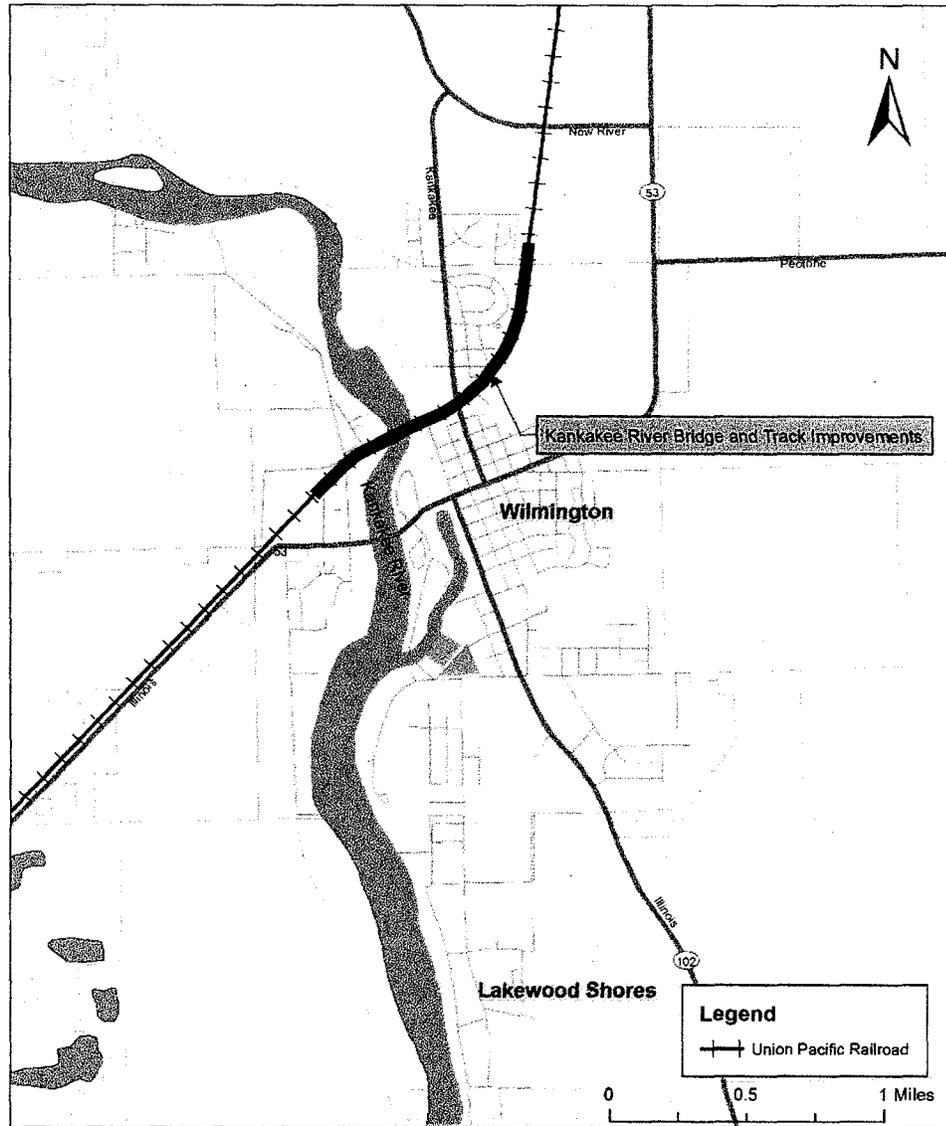


Figure 1. Project Location Map

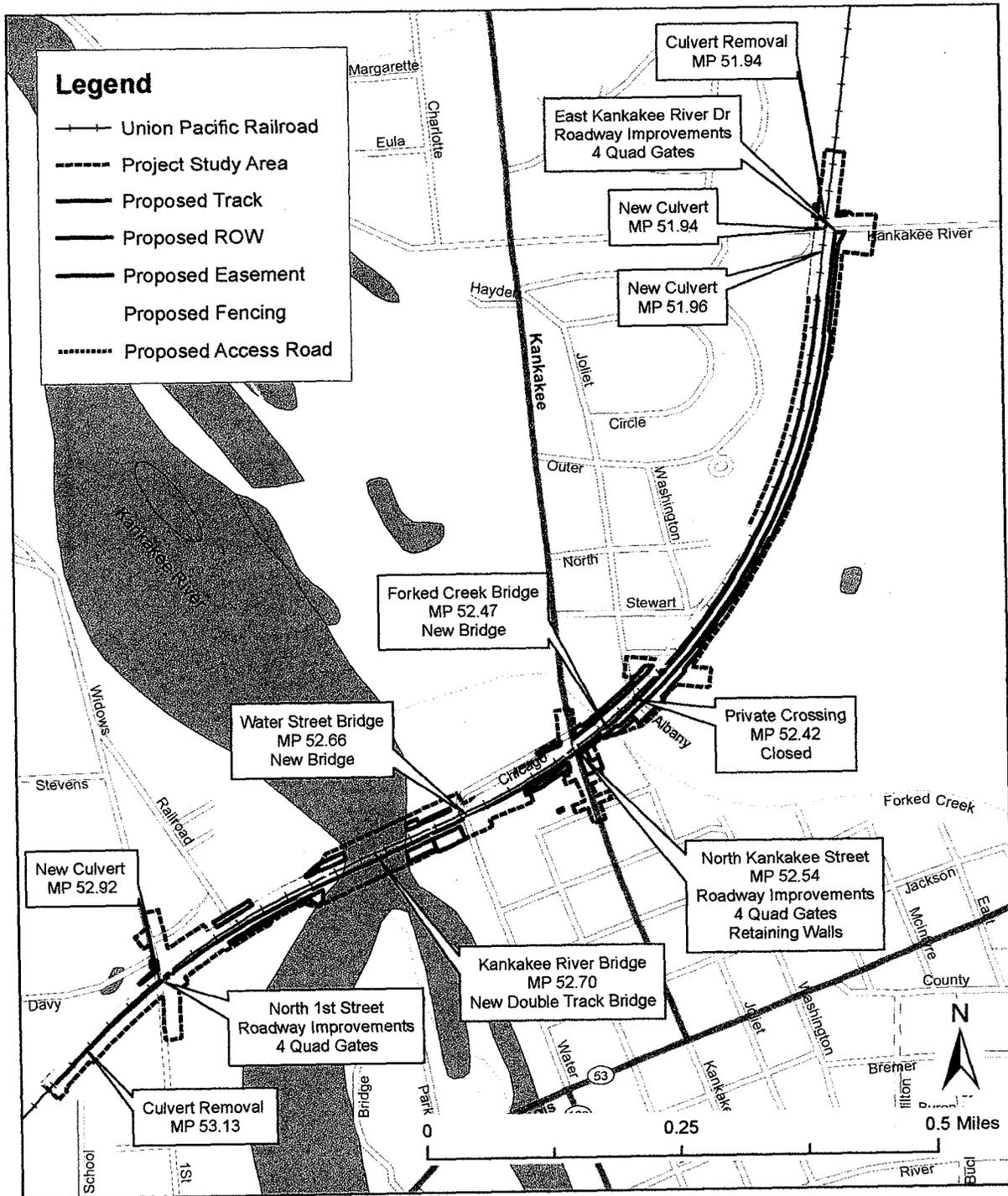


Figure 2. Build Alternative Features



Selected Alternative: IDOT and the FRA have selected the Build Alternative for the Project. The major components of the Build Alternative are the replacement of three bridges, the improvements to the North Kankakee Street approach and grade crossings, and the construction of the second mainline between East Kankakee River Drive and North 1st Street.

The No-Build Alternative was not selected because it would not meet the purpose and need of the Project. The No-Build Alternative would not contribute to the Chicago to St. Louis HSR Program's enhancement of the passenger transportation network by improving high speed rail service, resulting in a more balanced use of travel modes through diverting trips made by automobile and air to rail. Constraints on train frequency, travel speed, and reductions in passenger rail travel time would remain. Additionally, improvement or replacement of deteriorating or functionally obsolete components and improvements to the North Kankakee Street approach would not occur.

Benefits of the Selected Alternative: Implementation of the Build Alternative will benefit rail passenger and freight services using the line by providing additional operational flexibility in the Wilmington area and operational efficiency during maintenance activities. It also will contribute to the operational and capacity benefits of the Chicago to St. Louis HSR Program. The improvements to the Kankakee River Bridge, the Forked Creek Bridge, and the Water Street Bridge will meet current railroad bridge standards, replacing bridges built in the 1880s. Grade crossing protection and the North Kankakee Street crossing approach improvements will increase the safety of motorists crossing the railroad tracks.

Environmental Consequences: Based upon the EA and Supplemental EA, (which along with associated appendices are incorporated by reference in this FONSI), the FRA has concluded the Selected Alternative, including the identified mitigation measures for unavoidable impacts, will have no foreseeable significant impact on the quality of the natural and human environment.

The FRA finds the Selected Alternative is best able to achieve the Project purpose and need without significant environmental impacts and by minimizing Project costs.

The FONSI focuses only on those resources that have a reasonable likelihood to be adversely affected by the Project. The following potential impact areas are not located within the Project's study area or will otherwise not be significantly affected by the Project, and are not addressed in this FONSI: air quality related to train operations, energy, agricultural resources, groundwater, certain special lands (Section 6(f) resources and Illinois Open Space Lands Acquisition and Development land), Section 4(f) resources, environmental justice, barriers and accessibility, and cultural resources. These resource areas are referenced in the EA and Supplemental EA.

The potential environmental impacts of the Project are summarized in the following sections.

Floodplains and Regulatory Floodways: According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), there are two floodplains associated with Forked Creek and the Kankakee River within the Project study area. No adverse impacts to floodplains or regulatory floodways are expected for the Forked Creek and Kankakee River floodplains.

An increase of 0.10 foot flood height is considered an impact. The two elements of the Project impacting floodplains and floodways – the Forked Creek bridge replacement and the Kankakee River bridge replacement – are not anticipated to result in an increase of more than 0.10 foot or an increase in flood limits. The Forked Creek replacement bridge would include 2,500 cubic yards of fill to the Forked Creek floodplain and floodway; however equivalent fill would be removed from the floodplain and floodway due to the replacement. Therefore, only a minimal increase in the fill volume in the floodplain at Forked Creek is anticipated. The Kankakee River replacement bridge would include an estimated 0.80 acre-feet volume of fill in the Kankakee River floodplain which would have only minor impacts to the floodway.

Given that the replacement bridges would continue to span the floodplain and floodway, the changes in the capacity of the bridge openings to carry floodwaters are expected to be minimal, and changes in the capacity of the floodplain to store water are expected to be confined to the additional bridge piers associated with the replacement Kankakee River Bridge; an increase in the flood height of

more than 0.10 foot and an increase in flood limits is unlikely in either floodplain. In addition, the 100-year event would not cause overtopping of the railway. No significant adverse impacts on the natural and beneficial floodplain values would be expected; no increase in flood height is predicted that would result in any significant change in flood risks or damage; and no increase in flood height is predicted that would have significant potential for interruption or termination of emergency service or emergency evacuation routes.

The proposed Kankakee River Bridge would have a minimum water clearance of 9.9 feet, 5.4 feet higher than the current Kankakee River Bridge and 2.7 feet higher than the bridge over IL-53. The existing Kankakee River Bridge has four piers, 10 feet wide for a total width of 40 feet. The proposed bridge would have eight piers, 4 feet wide for a total width of 32 feet. The existing Kankakee River Bridge has an opening of 10,480 square feet, while the proposed bridge would have an opening of 13,770 square feet, an increase of 31 percent. Therefore, the proposed Kankakee River Bridge is expected to have less potential for ice jams than the current Kankakee River Bridge.

The FRA finds there will be no significant impacts to floodplains and regulatory floodways in the Project study area for the reasons presented above.

Noise and Vibration: Increased passenger train speeds and the additional passenger train volume associated with the Build Alternative improvements would increase passenger train rolling stock noise levels by an average of 3 weighted decibels (dB(A)). Freight train noise also would increase by an average of 3 dB(A). Considering the noise from passenger and freight trains, the impact is considered severe by FRA criteria at five of seven receptors analyzed. When considering the change in noise from passenger trains only, the impact would be considered moderate by FRA criteria at five of seven receptors analyzed. The main cause of the classification of severe and moderate given that increases are estimated to be an average of 3 weighted dB(A) are high existing noise levels resulting from horn noise, which greatly limits the increase in noise allowed under FRA criteria before the increase is considered an impact. Train horn noise is the dominant noise source in the Project study area. However,

implementing a quiet zone for the City of Wilmington would result in train noise levels with the Build Alternative that are 7 dB(A) and 10 dB(A) less than with existing conditions.

The general ground-borne vibration analysis performed for the Project indicated vibration impacts would potentially occur with the Build Alternative at the two residential receptors analyzed because predicted vibration levels would exceed the FRA vibration criteria and because vibration levels would increase between 4 and 5 velocity decibels (VdB) over the existing vibration levels. The vibration impacts would be generally associated with the passenger rail speed increases. Track and vehicle maintenance procedures are used by the rail industry to minimize vibration impacts, including the UPRR and, in the case of vehicle-related procedures, Amtrak.

The FRA finds there will be no noise and vibration significant impacts associated with the project because:

- The potential increase in noise levels would be small (3 db(A)) and affect a small number of receptors.
- The project's grade crossing improvements create an opportunity for the City of Wilmington to implement a quiet zone that would result in train noise levels less than existing conditions.
- Vibration impact is limited to two residences and maintenance procedures used by the rail industry to minimize vibration will continue to be used.

Aesthetic Environment and Scenic Resources: The addition of a second track to the west of the existing track would require removal of most of the trees/shrubs that at this time substantially shield from homes views of the UPRR and views of homes from Amtrak passengers. The new second track would be closer to homes than the current single track. New ROW fence also would be in view from adjacent homes. Trees/shrubs on the east side of the UPRR also would be removed during construction in association with moving the current track to the east. These changes would introduce views of the UPRR tracks, trains, and the industry on the east side of the tracks, including buildings and semi-truck trailer parking, to residential views. In other areas, visual change would be minor or negligible.

Additionally, a visual change would occur at the one residence on North Kankakee Street where a retaining wall would be introduced to views from the front of the home. A retaining wall in front of Milltown Market along North Kankakee Street would reduce the visibility of the customer entrance.

During the completion of construction plans and specifications, the UPRR's Real Estate team will continue to coordinate with City of Wilmington representatives and landowners on measures to mitigate visual impacts at North Kankakee Street, particularly as it relates to the exposed surface of retaining walls and replacement landscaping.

Although visual changes will occur, FRA finds there will be no significant long-term impacts to the visual setting of the Project area because of the Project's adjacency to the mainline track and its location within an urbanized land use setting.

Vegetation and Habitat: The Build Alternative would impact 2.99 acres of forested area. Because of the small area of impact combined with the limited ability of the small (less than 20 acres) forested areas in the Project study area to provide suitable habitat for migratory birds, the FRA finds that the Build Alternative will not have a significant impact on wildlife habitat including migratory and forest interior avian species. There are no prairies within the Project study area.

Wetlands and Waters of the U.S.: The Build Alternative would require Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (CWA) permits for impacts to wetlands and "Waters of the U.S." (WOUS). Wetland impacts associated with the Build Alternative could include vegetation removal, discharge of clean fill material, and changes to hydrology. Wetland impacts would result from construction and the placement of fill material to construct additional track, and from grading for culverts and bridges. Approximately 0.17 acre of jurisdictional wetlands and 0.24 acre of likely non-jurisdictional wetlands (0.41 acre total) would be permanently impacted by the Build Alternative. Approximately 0.18 acre of jurisdictional wetlands and 0.0 acre of likely non-jurisdictional wetlands would be temporarily impacted. The affected wetlands have low to moderate floristic quality

with none having a floristic quality index (FQI) value greater than 18.0. The FQI is an indicator of vegetative quality. Generally, an FQI of 20 or more indicates high vegetative quality with native characteristics.

WOUS would be affected by the placement of bridge piers within the Kankakee River and Forked Creek and by temporary construction activities associated with bridge construction and removal of existing piers. Bridge construction would use temporary cofferdams and work bridges where possible for placing piles and heavy equipment access, respectively, to minimize temporary impacts the WOUS. The total net permanent impact would be 0.05 acre at the Kankakee River and 0.03 acre at Forked Creek. The total temporary impact would be 0.72 acre at the Kankakee River and 0.20 acre at Forked Creek.

Avoiding and minimizing impacts to wetland resources may be constrained by other critical resources or local issues. Objectives for mitigation would be established in consultation with regulatory and resource agencies.

The wetland sites and WOUS come under jurisdiction of the Rock Island District of the U.S. Army Corps of Engineers (USACE). This includes, but is not limited to the Section 404 permit from the USACE, Section 401 Water Quality Certification from the Illinois Environmental Protection Agency (IEPA), or other permits that may be required. Prior to construction and as part of the wetland permitting process, the UPRR would coordinate with IDOT and USACE to secure the necessary wetland permits and mitigation as required for the Section 404 Permit and in compliance with the Illinois Wetland Policy Act (IWPA) of 1989.

The layout for the Project has been designed to avoid wetland impacts to the extent feasible. IDOT would work to first avoid and minimize impacts to wetlands locations during final design development to the extent practicable. Unavoidable adverse wetland impacts would be subject to the applicable replacement ratios specified in 17 IAC Part 1090.50 (c)(8). The replacement ratio for unavoidable adverse impacts to wetlands with a Mean C value of four or more would be 5.5:1.0, and

would apply to four of the impacted wetlands. Impacts to wetlands with a Mean C value less than 4 would be determined based upon the location of the wetland compensation site. Compensation for wetland impacts will be provided through purchase of credits in an approved wetland mitigation bank. A bank site to be determined is proposed as the compensation site. If mitigation banking is required, these sites would be identified during Section 404 permitting. If an approved wetland mitigation bank is not available at the time of permitting, then mitigation will occur by conversion of non-wetland areas into wetlands. Monitoring will occur for wetlands greater than 0.25 acres and will be monitored according to IDOT's Wetland Action Plan and any conditions stipulated by the USACE.

The FRA finds no significant impacts to wetlands and WOUS will occur due to the proposed wetlands mitigation measures and compliance with permitting requirements in coordination with the USACE and Illinois state agencies.

Surface Water Habitat: With the Build Alternative, the placement of bridge piers within the Kankakee River and Forked Creek and temporary construction activities associated with bridge construction and removal of existing piers would impact both the Kankakee River and Forked Creek. The permanent impact to the Kankakee River bed would be 0.10 acre, which would include 0.03 acre of preferred mussel habitat. Temporary impact to the river bed would be 0.72 acre, which would include 0.23 acre of preferred mussel habitat. While new bridge piers would affect 0.10 acre of river bottom, 0.05 acre of existing bridge piers also would be removed. The permanent impact to the Forked Creek river bed would be 0.03 acre. Temporary impact to the river bed would be 0.20 acre. Temporary cofferdams used during construction would not impact the aspects of the Kankakee River that make it a Biologically Signification Stream. The navigability of the river would not be impeded. A partial causeway is planned at Forked Creek during construction. The partial causeway would be temporary and would not reduce the diversity of aquatic organisms within the creek. Construction impacts would be minimized and mitigated using Best Management Practices (BMPs), if needed. Mitigation and BMPs, if needed, would be finalized during Section 404 permitting.

The FRA finds there will be no significant impact to surface water habitat with implementation of BMPs.

Threatened and Endangered Species: FRA completed threatened and endangered species consultation under Section 7 of the Endangered Species Act. FRA submitted the final informal Biological Assessment (BA) to the U.S. Fish and Wildlife Service (USFWS) for all listed species in Will County on February 3, 2016. The effects determination resulted in a “may affect, not likely to adversely affect” determination for two species: Northern long-eared bat (*Myotis septentrionalis*) and sheepsnose mussel (*Plethobasus cyphus*) and a “no effect” determination for all other listed species in Will County. On February 4, 2016, the USFWS concurred with these findings, which concluded the informal consultation.

Agreement has been reached on reasonable and prudent measures to minimize the potential for a take of the Northern long-eared bat and sheepsnose mussel. No protected species critical habitat is in the Project study area. The reasonable and prudent measures are summarized as follows:

- **Sheepsnose Mussel:** Prior to construction, all state and federally listed mussels will be moved out of the impact area in the Kankakee River. Sheepsnose mussel were not found within the project limits. If sheepsnose mussels are found during the pre-construction surveys, prior to the relocation efforts, malacologists would work with the Illinois Department of Natural Resources (IDNR) and USFWS to develop protocols in the handling, transport, and relocation of any living sheepsnose mussels.
- **Northern Long-Eared Bat:** Mitigation measures for the northern long-eared bat will include preservation of approximately 9 acres of riparian forested habitat along Forked Creek. High quality habitat would be preserved at a greater than 2:1 ratio. In addition, IDOT will perform two years of northern long-eared bat monitoring, in years 1 and 3. Monitoring will take place two nights with two nets for a total of four mist net nights. Mist nets would be set up across Forked Creek if possible, otherwise IDOT will locate a suitable netting site within or as close to the mitigation site as possible.

Also, efforts would be made to reduce the number of potential roost trees removed, as well as conducting tree removal activities between October 15 and March 31 from areas of potential summer bat habitat. Additional surveys to determine if bats are present would occur if tree removal is required outside of this time-frame.

- The state threatened species purple wartyback mussel (*Cyclonaias tuberculata*), the black sandshell mussel (*Ligumia recta*), the river redhorse fish (*Moxostoma carinatum*), and state endangered pallid shiner fish (*Hybopsis amnis*), and western sand darter fish (*Ammocrypta clarum*) habitat is in the Project study area. To minimize direct effects, the relocation program described above in the sheepnose mussel discussion will be applied to these state threatened and endangered species. To minimize impacts to state listed fish, BMPs would be utilized.

The FRA finds no significant impact to threatened or endangered species will occur as a result of the Project considering the coordination with the Illinois state agencies and the conclusions of the Section 7 consultation with USFWS and planned mitigation.

Special Lands: The Kankakee River is an Illinois Natural Areas Inventory (INAI) site and is classified as a Category II site having specific suitable habitat for state-listed species or state-listed species relocations. The placement of bridge piers within the Kankakee River and temporary construction activities associated with bridge construction and removal of existing piers would impact the Kankakee River INAI site. As mitigation, all living federal and state-listed mussel specimens would be relocated from the impact area prior to construction. Appropriate BMPs would be used to minimize impacts to state-listed fish. The Wilmington Geological Area INAI site is along Forked Creek in Wilmington and it is classified as a Category IV site with outstanding geological features. This INAI site is downstream from the Project study area and outside its area of effect.

The FRA finds the Project will not result in significant impact to Special Lands with implementation of planned mitigation and BMPs.

Transportation: The Build Alternative would contribute to the benefits of the Chicago to St. Louis HSR Program, including improving passenger rail ridership, freight operational efficiency, and grade crossing and wayside safety. The Build Alternative would have permanent benefits to local vehicular traffic by improving safety elements at grade crossings and approach sight distances at North Kankakee Street. Four to six parking spaces would be removed at North Kankakee Street and one driveway access would be removed. The driveway access on North Kankakee Street would be replaced by the access point along Canal Street. No accommodations for bicycles or pedestrians would be impacted. Bicycle and pedestrian accommodations will be added at North Kankakee Street.

The FRA finds the Project will not result in significant impacts to transportation and would have overall beneficial effects.

Community: The Build Alternative would involve the acquisition of approximately 4.35 acres of additional ROW, 1.08 acres of easements, and 8.97 acres isolated by the closure of the Albany Street grade crossing. One residential and no business relocations would occur with the Build Alternative. The one residential relocation would occur with the Build Alternative as a result of the Albany Street crossing closure. The residential property served by the crossing would no longer have access to a public road and the entire property would be acquired. One self-storage shed associated with a business containing five storage units along North Kankakee Street would be displaced and direct driveway access would be removed. There would be no displacement or other direct impacts to City of Wilmington community services or facilities with the Build Alternative. At the North Kankakee Street grade crossing approach, views of the existing roadway would be altered to include views of new retaining walls along the street. Businesses and a single residence would be affected. On the west side of North Kankakee Street, a raised North Kankakee Street would be approximately 6.5 feet high at the business entrance. The customer entrance would be obscured from drive-by view.

During construction, at times temporary diversion of traffic to adjacent crossings would be required, affecting emergency services, schools, businesses, and other local activities requiring

vehicular movement across the tracks. Mitigation, in the form of detours, would be provided when at-grade crossings are closed during construction. Implementation of the Build Alternative would be compatible with the City of Wilmington's land use planning goals and redevelopment plans. Visual impacts would be mitigated as described in the "Aesthetic Environment and Scenic Resources" discussion above.

The FRA finds the Project will not result in significant impact to the community since the Build Alternative is compatible with the city's planning and redevelopment goals and the Project increases safety in the community.

Public Health and Safety: Three aspects of the Project would have a positive safety impact: installation of four-quadrant gates, a Positive Train Control signal system, and fencing along the tracks in the adjacent communities. Because the number of passenger trains operating along the rail line would increase, the Build Alternative would increase crossing gate down periods from 10 per day to 16 per day. For the high-speed passenger trains, crossing gates would activate 80 seconds before a train reaches the crossing rather than the current 20 to 30 seconds. The reconstruction of the North Kankakee Street crossing and any associated partial or full temporary closures would be coordinated with the Wilmington Fire Protection District because it is their primary route to the north side of town. As a part of the Chicago to St. Louis HSR Program, overall traveler and rail operational safety in the Chicago to St. Louis corridor would increase with the Build Alternative.

The FRA finds the Project will not result in significant impacts to public health and safety but will have a positive safety impact.

Hazardous Materials and Waste: Within or adjacent to the Project study area, the Preliminary Environmental Site Assessment (PESA) identified 14 locations with recognized environmental conditions (RECs). Five sites were identified as having potential contamination risk to the UPRR within proposed ROW; six sites were identified as having potential contamination risk to the UPRR within both the proposed ROW and construction easement, and three sites were identified as RECs within the

existing UPRR ROW.

Special waste issues that may arise in the construction phase would be managed in accordance with “IDOT Standard Specifications for Road and Bridge Construction and Supplemental Specifications and Recurring Special Provisions” and UPRR Hazardous Material Procedures. Prior to earthwork operations, a decision will be made by UPRR, in accordance with their Hazardous Materials Procedures, on how specifically to address the potential contamination at the 14 sites. It would be either disposal/handling by risk management, or by environmental testing and development of a disposal/handling program based on testing results.

Accidental spills of hazardous materials and wastes during construction or operation of the transportation system require special response measures. Occurrences would be handled in accordance with local government response procedures of the City of Wilmington and Wilmington Fire Protection District. Refueling, storage of fuels, or maintenance of construction equipment would not be allowed within 100 feet of wetlands or water bodies to avoid accidental spills impacting these resource. The UPRR has and the contractor would have an Emergency Response Plan that would be used during Project construction.

Pre-demolition building surveys would be conducted prior to the building demolition to ensure proper abatement of asbestos containing material and lead-based paint.

The FRA finds there will be no significant impacts related to hazardous materials and waste given the management and response strategies that will be in place during construction and operation.

Construction Impacts: Construction of the Build Alternative would involve potential temporary traffic and rail operation, air quality, noise and vibration, water quality, and threatened and endangered species impacts, as well as a risk of inducing invasive species. Customary procedures for minimizing these impacts would be followed. These would include: coordinating the timing of public crossing closures with local official and emergency services; sequencing construction to minimize

impacts to rail operations; dust control and other air quality emission reduction controls; communication with local official regarding minimizing nighttime noise and vibration impacts at sensitive receptors; appropriate BMPs as part of the soil erosion and sediment control plan; fulfilling threatened and endangered species mitigation agreements; and meeting requirements of Executive Order 13112 to combat the introduction and spread of invasive plant species during construction.

FRA finds the construction impacts and the construction traffic will cease following completion of the Project and will not result in significant impacts to the environment given the customary BMPs that will be followed to minimize construction impacts.

Secondary and Cumulative Impacts: The Build Alternative would not induce changes in development patterns or new development that would result in secondary impacts to community, cultural, and natural resources.

The Build Alternative in combination with the balance of the Chicago to St. Louis HSR Program would offer the cumulative benefits described in the Statement of Purpose and Need for this Project. The combined projects would contribute to improving modal balance in the corridor and for passenger rail would reduce travel times, improve service reliability, increase frequency of trips, and increase track capacity.

The cumulative impacts of the Build Alternative in association with the balance of the Chicago to St. Louis HSR Program are addressed in the 2012 Tier 1 FEIS. The cumulative impact assessment included in Section 5.19 of the FEIS concluded the HSR Program would generate negligible cumulative impacts. The secondary and cumulative impact assessment included in the August 2015 EA and the April 2016 Supplemental EA addressed impacts of the Build Alternative in combination with other past, present, or reasonably foreseeable future actions in the Project study area. No substantial adverse cumulative impacts were identified.

FRA finds the Project will not result in any significant secondary or cumulative impacts because no substantial cumulative impacts were identified.

Public Comments on the Environmental Assessment: IDOT began coordination efforts in the early stages of the Project and were designed to maintain consistent communication with residents, public officials, businesses, property owners, stakeholders, and regulatory agencies during the environmental process. On August 10, 2015, FRA and IDOT released the EA for 30-day public review and the comment period which ended on September 9, 2015. The document was on display on the IDOT website. On August 27, 2015, IDOT held an open house in Wilmington, Illinois, where the public was invited to attend the meeting to review the document, provide comments, and ask questions of the Project team. IDOT held a local officials meeting on the same day to discuss the Project. Forty people attended the public meeting and eight comment forms were submitted by members of the public and local government officials. Comments and responses related to the Project impacts, particularly at the Kankakee Street grade crossing, include suggestions for a grade separation; the creation of ice jams at Kankakee River bridge piers; and pedestrian safety at the Kankakee River crossing. Original comment correspondence is included in Appendix C (Public and Agency Comments on August 2015 EA).

Public Comments on the Supplemental Environmental Assessment: On April 20, 2016, FRA and IDOT released the Supplemental EA for 30-day public review and the comment period which ended on May 20, 2016. The document was on display on the IDOT website. On May 5, 2016, IDOT held a second open house in Wilmington, Illinois, where the public was invited to attend the meeting to review the supplemental document, provide comments and ask questions of the Project team. IDOT received one agency comment from the US Environmental Protection Agency (USEPA) and one public comment during the comment period. The USEPA recommended continued coordination on the Project during the Section 404 process and inclusion of specific construction emission measures in the construction contracts. The public comment primarily asked questions related to concerns about other rail projects. The comments and associated responses are presented in Appendix F (Response to Agency and Public Comments on the May 2016 Supplemental EA).

Commitments and Mitigation Measures: IDOT as the Project sponsor will be required to comply with all applicable federal, state, and local permitting requirements during the implementation of the Project, which include:

- Public Law 95-217, Clean Water Act of 1977, 33 USC § 1251-1376
- Section 106 of the National Historic Preservation Act of 1966, as amended, 54 USC § 306108
- Section 404 of the Federal Water Pollution Control Act (CWA), 33 USC § 1344
- Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, 42 USC § 4601 et seq.
- Executive Order (E.O.) 11990, Protection of Wetlands
- E.O. 11988 Floodplain Management
- Americans with Disabilities Act of 1990 (42 USC Chapter 126, and 47 USC Chapter 5)

IDOT will assure compliance with the following environmental commitments and mitigation measures in association with the design, construction, and/or operation of the Build Alternative:

Air Quality

1. UPRR Commitment. The project construction would follow applicable State and local regulations regarding dust control and other air quality emission reduction control measures, including reducing Greenhouse gas emissions, by following energy saving strategies. In addition, BMPs would be utilized prior to, during, and after construction for dust suppression. Control measures would be specified in contractor contracts.

Noise and Vibration

2. **FRA Commitment.** If the City of Wilmington wishes to establish a quiet zone in the Project study area after completion of the Build Alternative's grade crossing improvements, FRA would work with the City of Wilmington, while also coordinating with the UPRR and Amtrak, to provide assistance with the quiet zone process.
3. **UPRR and Amtrak Commitment.** To minimize vibration impacts in the Build Alternative, UPRR and Amtrak would use maintenance procedures such as regularly scheduled rail grinding, wheel truing programs, vehicle reconditioning programs, and use of wheel flat detectors.

Aesthetic Environment and Scenic Resources

4. **UPRR Commitment.** The UPRR ROW would be re-vegetated with a ground cover at the end of construction, including the east and west sides of the UPRR ROW from East Kankakee River Drive to Stewart Street.
5. **UPRR Commitment.** For the North Kankakee Street crossing approach road improvements, during the completion of construction plans and specifications, the UPRR's Real Estate team would continue to coordinate with City of Wilmington representatives and landowners on measures to mitigate visual impacts, particularly as it relates to the exposed surface of retaining walls and replacement landscaping.

Vegetation and Habitat

6. **UPRR Commitment.** Temporary impacts would be mitigated by restoring the ground surface to the pre-construction contour and planting exposed areas of soils with a cover crop.
7. **UPRR Commitment.** Areas of temporary impact would be graded back to the original contour and then seeded with modified IDOT Class 4 Native Grass mix. Perennial ryegrass will not be included in the Class 4 mix. Seed will be planted according to Articles 250.05 and 250.06 of the

IDOT Standard Specifications for Road and Bridge Construction (adopted 01-01-2012) or equivalent UPRR specifications.

Wetlands and Waters of the U.S.

8. IDOT and UPRR Commitment. IDOT and UPRR would work to first avoid and minimize impacts to wetland locations during final design development to the extent practicable. Unavoidable adverse wetland impacts would be subject to the applicable replacement ratios specified in 17 IAC Part 1090.50 (c)(8). The replacement ratio for unavoidable adverse impacts to wetlands with a Mean C value of four or above would be 5.5:1.0. A bank site to be determined is proposed as the compensation site for impacts requiring mitigation.

Water Quality and Water Resources

9. UPRR Commitment. Appropriate BMPs would be utilized prior to, during, and after construction as part of the soil erosion and sediment control plan for the Build Alternative included in the stormwater pollution prevention plan (SWPPP).
10. UPRR Commitment. In the event that an unknown or undocumented well is encountered during construction, the water well(s) identified would be properly capped and abandoned. If the associated dwelling would remain after construction is completed, the water well would be replaced or other suitable alternative would be provided. The replacement water well, if necessary, would be constructed such that susceptibility to surficial contamination is minimized, for example, by constructing the well in a deeper aquifer.

Threatened and Endangered Species

11. UPRR Commitment. To minimize direct effects to the protected sheepsnose mussel, all living sheepsnose mussel specimens found during a pre-construction mussel survey would be removed from the impacted area and relocated. Live individuals would be relocated into

suitable habitat, preferably upstream of the construction area. Prior to the relocation efforts, malacologists would work with IDNR and USFWS to develop protocols in the handling, transport, and relocation of any living sheepsnose mussels, if found.

12. UPRR Commitment. BMPs also would be implemented by UPRR and its contractors in proximity to the bridge over the Kankakee River, as well as in proximity to tributaries of the Kankakee River, to minimize impacts to water quality. In-stream work in the Kankakee River would be performed in accordance with USACE, Chicago District – Regulatory Branch Requirements for In-stream Construction Activities. To the extent practicable, this may include the use of non-erodible cofferdams, filtering of dewatering operations, timber/work mats and low ground-pressure equipment for work in wetlands.
13. IDOT and UPRR Commitment. To minimize impacts to the northern long-eared bat habitat, efforts would be made to reduce the number of roost trees removed, as well as conducting tree removal activities between October 15 and March 31 from areas of potential summer bat habitat. Additional surveys to determine if bats are present would occur if tree removal is required outside of this time frame. Impacts to trees would be quantified and mitigated by IDOT and this information coordinated with IDOT Bureau of Design and Environment and USFWS prior to construction.
14. IDOT commitment. Nine acres of preservation of habitat for the northern long-eared bat will be used as northern long-eared bat mitigation. A site in the Wilmington area is under consideration. IDOT will coordinate the preservation site with the USFWS. The site will be secured via acquisition or through conservation easement on land that will continue to be privately held and for which IDOT will be responsible for identifying the owning/managing entity. Land that is used for mitigation will be protected in perpetuity. IDOT will perform a two year northern long-eared bat monitoring program at the mitigation site in years 1 and 3. Monitoring will take place two nights with two nets for a total of four mist net nights. Mist nets

would be set up across Forked Creek if possible, otherwise IDOT will locate a suitable netting site within or as close to the mitigation site as possible. IDOT will provide the monitoring plan for USFWS review and approval. Reports will be provided to the USFWS following years 1 and 3 during the monitoring period for the habitat preservation site documenting conditions and results of the northern long-eared bat surveys. Monitoring details will be coordinated with the USFWS.

15. UPRR and IDOT commitment. Mitigation related to the purple wartyback, black sandshell, pallid shiner, western sand darter, and river redhorse is subject to the completion of on-going Incidental Take Authorization. To minimize direct impacts to listed mussels, all living specimens found would be removed prior to construction. Appropriate BMPs, including cofferdams and silt curtains, would be used to minimize impacts to these species. Turbidity monitoring will occur during certain construction activities during the fish spawning period of March 15 to July 15 to reduce impacts to state-listed fish. Worker awareness training will be provided by a qualified environmental professional contracted by UPRR to help minimize and avoid impacts.

Community and Land Use / Public Health and Safety

16. IDOT and UPRR Commitment. During the construction period, coordination would occur between UPRR and its and wayside industries, the City of Wilmington, the Wilmington Fire Protection District, and school officials, to minimize construction period transportation impacts, such as access restrictions or detours during improvement of at-grade crossings and modifications to the industrial spur line. The Chicago to St. Louis HSR Program website and other appropriate measures would be used to announce to the public at-grade railroad crossing closures during the construction period.

Hazardous Materials and Waste



17. UPRR Commitment. Special waste issues that may arise in the construction phase would be managed in accordance with “IDOT Standard Specifications for Road and Bridge Construction and Supplemental Specifications and Recurring Special Provisions” and UPRR Hazardous Material Procedures. Prior to the start of earthwork operations, UPRR will decide , in accordance with its Hazardous Materials Procedures, how specifically to address the potential contamination at the 14 sites identified in the Hazardous Materials and Waste section above. It would be either through disposal/handling by risk management or by environmental testing and development of a disposal/handling program based on testing results.
18. UPRR Commitment. Accidental spills of hazardous materials and wastes during construction or operation of the transportation system require special response measures. Occurrences would be handled in accordance with local government response procedures. Refueling, storage of fuels, or maintenance of construction equipment would not be allowed within 100 feet of wetlands or water bodies to avoid accidental spills impacting these resource. The UPRR has and the contractor would have an Emergency Response Plan that would be used during Project construction.
19. UPRR Commitment. Pre-demolition building surveys will be conducted prior to building demolition associated with the Project to ensure proper abatement of asbestos-containing materials and lead-based paint is completed, and to help limit the volume of materials that would need to be removed and placed in permitted landfills.
20. UPRR Commitment. To ensure worker and environmental safety during construction, UPRR will communicate known site hazards and/or risk management procedures with construction contractors during pre-construction meetings. The communication would include emergency notifications to make and contacts in the event that an unforeseen environmental condition is encountered. Occupational Safety and Health Administration guidelines will be followed for Personal Protective Equipment. Dust control BMPs will be followed to reduce the exposure to



potential contaminants.



Conclusion: FRA finds the Project, as presented and assessed in the attached 2015 EA and 2016 Supplemental EA, satisfies the requirements of FRA's Procedures for Considering Environmental Impacts (64 FR 28545, May 26, 1999) and NEPA (42 USC § 4321 *et seq.*), and the Project will have no foreseeable significant impact on the quality of the human or natural environment provided it is implemented in accordance with the commitments identified in this FONSI. As the Project sponsor, IDOT is responsible for ensuring all environmental commitments identified in this FONSI are fully implemented. The EA and Supplemental EA provide sufficient evidence and analysis for FRA to determine that an environmental impact statement is not required for the Project as presented.

Sarah E. Feinberg
Administrator
Federal Railroad Administration

Date

FRA's Office of Railroad Policy and Development, with assistance from FRA's Office of Chief Counsel, prepared this document in June 2016 in accordance with FRA's Procedures for Considering Environmental Impacts and NEPA For further information regarding this document contact:

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The following organization assisted the Office of Railroad Policy and Development in preparing the attached EA and Supplemental EA:

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Attachments:

- Tier 2 Environmental Assessment Kankakee River Bridge and Track Improvements (MP 51.88 to MP 53.19); August 2015 including Appendices A and B
- Tier 2 Environmental Assessment Kankakee River Bridge and Track Improvements (MP 51.88 to MP 53.19); April 2016 SUPPLEMENTAL including:
 - Appendix C – Public and Agency Comments on August 2015 EA
 - Appendix D – Response to Public and Agency Comments on August 2015 EA
 - Appendix E – USFWS Concurrence Letter
 - Appendix F–Response to Agency and Public Comments on the May 2016 Supplemental EA