

## **SPEED Strategy**

All Federal Actions, including projects and programs entirely or partly financed, assisted, conducted, regulated, or approved by a federal agency, are covered under the National Environmental Policy Act of 1969 (NEPA). The primary objectives of NEPA are that an Agency have available and fully consider detailed information regarding environmental effects at the time a decision is made and that this same information be made available to interested and/or affected persons, agencies and organizations before decisions are made and before actions are taken. The CREATE program will be partly financed with federal funds and is considered a Federal Action that falls under NEPA.

As described in the Executive Summary, the CREATE Program is a first-of-its-kind public/private partnership that provides an extraordinary transportation improvement opportunity for one of the world's busiest and most complex rail networks. This multi-modal program (freight rail, passenger rail and highway) capitalizes on a rare spirit of collaboration amongst competitors to provide significant benefits to the Chicago region and the nation.

However, along with this partnership comes environmental challenges which must be overcome to succeed both with CREATE and the NEPA process. Environmental challenges include the partners' expectations that for CREATE to be successful, the component projects will be implemented without delays, the CREATE objectives will be achieved and the benefits from CREATE will be maximized. At the same time, for the NEPA process to be successful, the public confidence in the integrity of the process must be maintained, impacts must be avoided or minimized, and environmental benefits must be maximized.

The traditional methods to handle the environmental analysis for the component projects would be on a project-by-project basis or with a Tiered or Programmatic Environmental Impact Statement (EIS) for the CREATE Program as a whole. Each of these methods has their advantages and disadvantages. The project-by-project method, while seeming logical in the eyes of the partners in that it would allow them to pick and choose projects for construction sequencing and would allow a quick start to the low risk projects, could be vulnerable to legal challenges related to segmentation. If challenged legally, major delays could then be experienced. If a Tiered EIS is utilized, vulnerability to legal challenges due to segmentation would be limited. However, the Tiered EIS approach would be considered overkill for the low risk projects and would delay the start of these low risk projects until the completion of the Tiered EIS. Thus, a new NEPA compliant decision-making strategy needed to be developed for CREATE to succeed.

With this in mind, the FHWA Illinois Division Office, in cooperation with the Illinois Department of Transportation and the Chicago Department of Transportation, developed the Systematic, Project Expediting, Environmental Decision-making (SPEED) Strategy (see flow chart on page 8). The SPEED Strategy addresses the CREATE Program in total, it supports systematic decision-making, it provides an expeditious method of moving low risk component projects forward, and it assesses potential environmental impacts in a proportional, graduated way.

The SPEED Strategy began with the development of this document, the CREATE Program – Feasibility Plan (see the first green box in the SPEED flowchart on page 8). The CREATE Program – Feasibility Plan is an ensemble of existing documents and includes the Program Level Goals and Strategies, the Joint Statement of Understanding, the Component Project Chronology and Selection Rationale, a List of Component Projects, a public Outreach Summary for this program to date, a Public Involvement Summary for this document, a description of the National Public Benefits as a result of CREATE and a description of the Local and Regional Benefits as a result of CREATE.

The next step in the SPEED Strategy was the CREATE Program – Component Project Preliminary Screening (see the second green box in the SPEED flowchart on page 8). This step established each project through identifying its objective/intent, a work description and project limits. Each component project was subjected to three tests during this screening: 1) logical termini, 2) independent utility, and 3) restriction of alternatives. The outputs of this screening are the identification of linked projects and a preliminary Purpose and Need for all stand-alone component projects and linked projects.

All stand-alone component projects and linked projects identified in the screening step are then processed through an Environmental Class of Action Determination (ECAD). The FHWA Illinois Division and the Illinois Department of Transportation (IDOT) jointly developed the ECAD process. The ECAD process evaluates and documents the expected impacts from a proposed action and allows FHWA to make a determination of what environmental class of action the project should be processed at (categorical exclusion (CE), Environmental Assessment (EA), or EIS). During the required public involvement process for the ECADs, if a component project includes an alternative that results in road closures, those alternatives, as well as possible mitigation measures, will be presented at those meetings for public review and comment. The final decision to implement those closures will be made based on this public input. If the FHWA determines through the ECAD that the project is classified as a CE, the project then can proceed to authorization for detailed design and construction. If FHWA determines through the ECAD that the project should be elevated to an EA, an EA would need to be completed to determine if any significant impacts are involved in the implementation of the project. If the EA does not identify any significant impacts, a Finding of No Significant Impacts (FONSI) is issued by the FHWA and the project can proceed to authorization for detailed design and construction. If the ECAD process or an EA identifies significant impacts as a result of implementing a project, an EIS is required. After completion and approval by FHWA of the Draft and Final EIS, the FHWA will issue a Record of Decision (ROD). If a build alternative is selected in the ROD, the project can then proceed to authorization for detailed design and construction.

The SPEED Strategy provides methodical project screening and decision making and proportionally assesses impacts while still enabling rapid start-up of the low risk projects and limiting risks of delays from legal challenges based on segmentation issues.

## SPEED Strategy Flowchart

