

## U.5 TOPICAL RESPONSES

The following contains the topical responses to the comments received on the Draft EIS. The responses are organized by category of comment. All comments are noted. In addition, the topical answers are structured to refer the commenter back to specific sections of the Final EIS for additional comment related details. The categories are presented in **Table U.5-1** below with the chapters of the EIS that are most related to them.

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**TABLE U.5-1 – TOPICAL RESPONSE INDEX**

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### **U.5.1 Category A – EIS Process**

#### **A-1**

#### **INTRODUCTION:**

Some commenters expressed concern that the FAA would not take their comments into consideration. Others suggested that the approval of the City's proposed O'Hare Modernization Program (OMP or Alternative C) is a foregone conclusion. Additionally, some comments inquired about the timing of FAA's decision. Others raised concern about general uncertainty of whether the project will occur or not. Some commenters also asked that the FAA thoroughly review the City's proposal.

#### **RESPONSE:**

FAA appreciates all the public comments and encourages public participation in the EIS process. The FAA takes seriously its responsibility to consider all comments on the Draft EIS. This responsibility includes careful consideration of the comments, whether submitted as recorded testimony, letters, postcards, voice messages, emails, and faxes. The comments are considered equally without regard to the format.

The comment period of the Draft EIS was initially set for 60 days. Based on requests from the public to extend the comment period, the FAA extended the comment period an additional 15

days providing for a 75-day comment period. In addition, the FAA considered comments filed after the 15-day extension expired and has responded to them in this appendix.

The FAA is required to prepare a Final EIS that includes consideration of all Federal, Tribal, State, local and public comments received on the Draft EIS. Although this Final EIS has identified a preferred alternative, no final decisions regarding the approval of any alternative have been made in this Final EIS. The Final EIS Preferred Alternative (Alternative C) was selected after a careful review of alternatives, including alternatives submitted by commenters on May 6, 2005 (see document number 050506\_01 beginning on page U.4-854). In addition, the preferred alternative was selected after consideration of comments received on the Draft EIS. No decision on this Final EIS will be made until a minimum of 30 days after it has been issued. During this time, the FAA will give careful consideration to comments filed on the Final EIS, prior to making a decision in its Record of Decision (ROD).

In accordance with the NEPA process, the FAA makes its decision in a ROD. The ROD may not be issued until a minimum of 30 days following the issuance of the Final EIS. FAA will ensure that its decision-maker(s) are fully apprised of all comments pertaining to both the Draft and Final EIS. All comments will be taken into account prior to the issuance of a ROD. Although the FAA has released a schedule indicating a ROD will be issued in September 2005, the FAA will not issue a ROD until the Agency's decision-maker is satisfied that all comments submitted as a result of the Draft and Final EIS or during public review have been carefully considered, thoroughly evaluated, and satisfactorily addressed.

## **A-2**

### **INTRODUCTION:**

Some commenters expressed that the FAA should approve the "expansion of O'Hare" as soon as possible.

### **RESPONSE:**

The FAA is required to prepare a Final EIS that includes consideration of all Federal, Tribal, State, local and public comments received on the Draft EIS. Although this Final EIS has identified a preferred alternative, no final decisions regarding the approval of any alternative have been made in this Final EIS. The Final EIS Preferred Alternative (Alternative C) was selected after a careful review of alternatives, including alternatives submitted by commenters on May 6, 2005 (see document number 050506\_01 beginning on page U.4-854). In addition, the preferred alternative was selected after consideration of comments received on the Draft EIS. No decision on this Final EIS will be made until a minimum of 30 days after it has been issued. During this time, the FAA will give careful consideration to comments filed on the Final EIS, prior to making a decision in its Record of Decision (ROD).

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the FAA has released a schedule indicating a ROD will be published in September 2005, the FAA will not issue a ROD until the Agency's decision-maker is satisfied that all Draft and Final EIS issues have been carefully considered, thoroughly evaluated, and satisfactorily addressed.

### A-3

#### INTRODUCTION:

Some commenters asked that they be informed of any decision or new development as a result of the proposed expansion. Other commenters also suggested that more public meetings take place with regard to expansion of the airport. Additionally, some commenters expressed concern over a lack of public awareness on the project, and that the FAA should have done more or do more to inform the public.

#### RESPONSE:

FAA appreciates all the public comments and public participation in the EIS process. The FAA is committed to public involvement and agency input throughout the EIS process. The FAA *Community Involvement Policy Statement*, dated April 17, 1995, clearly affirms:

The Federal Aviation Administration (FAA) is committed to complete, open, and effective participation in agency actions. The agency regards community involvement as an essential element in the development of programs and decisions that affect the public.

Additionally, FAA Order 1050.1E, *Environmental Impacts: Policies and Procedures*, Paragraph 208b, states:

At the earliest appropriate stage of the action and early in the process of preparing NEPA documentation, the responsible FAA official, or when applicable, the project proponent, must provide pertinent information to the affected community and agencies and consider the affected communities' opinions (40 CFR 1501.2). The extent of early coordination will depend on the complexity, sensitivity, degree of Federal involvement, and anticipated environmental impacts of the proposed action. Comments received during early coordination on environmental impacts of proposed actions shall be considered, as appropriate, in determining whether an EA or EIS is required.

In Chapter 7, paragraph 75 of FAA Order 5050.4A, as a part of public involvement, the lead agency is encouraged to invite Federal or State agencies that have "jurisdiction by law in areas that may be affected by airport development" to serve as cooperating agencies. These agencies may have expertise in a given area, or assure that the proper permits, licenses, or other requirements are met throughout the development of the EIS.

To meet and exceed this guidance, the FAA developed a multi-faceted public involvement program. The facets of the program included:

- Public and Agency Scoping (4 meetings conducted on August 19, 20, 21, and 22 of 2002), detailed in **Appendix S, Scoping Documentation**;
- Agency Coordination including initiatives with Cooperating Agencies (United States Army Corps of Engineers, United States Environmental Protection Agency, United

States Fish and Wildlife Service, Illinois Environmental Protection Agency, and Federal Highway Administration) multiple times throughout the process;

- Public Outreach Program including an extensive Environmental Justice outreach (including over 30 small group meetings and 3 large-scale meetings conducted on May 23, 2004, August 29, 2004, and March 6, 2005);
- The FAA also conducted an Environmental Justice Outreach Session after the issuance of the Draft EIS on March 6, 2005. At this Outreach Session, the FAA made Spanish-English translators available and provided much of the material presented in Spanish.
- Utilization of the World Wide Web including the development and implementation of two public websites updated throughout the EIS process: the EIS website at [www.ompeis.net](http://www.ompeis.net), as well as the O'Hare Modernization Program Document Library file sharing site at: [www.agl.faa.gov/OMP/](http://www.agl.faa.gov/OMP/). The FAA notes that through November 2004 over 7.5 million pages have been uploaded to the Document Library site.
- The FAA advertised the public hearings in the Chicago Tribune, Chicago Sun-Times, Daily Herald, and the Daily Southtown. The Public Hearings on the Draft EIS were conducted on February 22, 23, and 24 of 2005. The FAA distributed approximately 150 copies of the Draft EIS, including several to area libraries.
- Additionally, the FAA utilized Federal Register notices throughout the project to notify interested parties of various public meetings, availability of information, and opportunities to provide input. Finally, the FAA also issued a number of press releases regarding the EIS throughout the process.

For a complete account of the public involvement employed for this EIS, please see **Appendix T, Public Outreach and Agency Coordination**. **Appendix T** also includes a detailed listing of FAA outreach conducted during this EIS process to date. The FAA believes the outreach it conducted met and exceeded the public involvement requirements. In addition, the FAA has responded to comments on the Draft EIS in this Final EIS which is available in area libraries and on its website as part of its continued public involvement process.

The ROD will be publicly available and announced through an FAA press release and a Federal Register notice. The ROD will be available on the O'Hare Modernization Program Document Library file sharing site at: [www.agl.faa.gov/OMP/](http://www.agl.faa.gov/OMP/) and at local libraries where this Final EIS is available.

A-4

#### INTRODUCTION:

Some commenters asked for an extension to the comment period on the Draft EIS.

#### RESPONSE:

The Federal Aviation Administration complied with appropriate regulations, including those of the Council on Environmental Quality (CEQ), at 40 CFR 1506.10(c), which states that the required comment period for a Draft EIS is 45 days. The comment period of the Draft EIS was

initially set for 60 days. Based on requests from the public to extend the comment period, the FAA extended the comment period an additional 15 days providing for a 75-day comment period. In addition, the FAA considered comments filed after the 15-day extension expired and has responded to them in this appendix.

## **U.5.2 Category B – Purpose and Need/Alternatives/Project Definition**

### **B-1**

#### **INTRODUCTION:**

The FAA received many comments related to the need for the City's proposed O'Hare Modernization Program (OMP). Many commenters expressed their beliefs that that the OMP will reduce delays, reduce congestion, increase capacity, and generate economic activity. Additionally, several commenters stated that the OMP would increase aviation capacity both locally and nationally. Others still commented that it was important to alleviate delays to help ensure the viability of the airlines serving O'Hare.

#### **RESPONSE:**

**Chapter 2, Purpose and Need** presents the purpose and need for the project. FAA's purpose and need statement is:

**To address the projected needs of the Chicago region by reducing delays at O'Hare, thereby enhancing capacity of the National Airspace System, and ensuring that future terminal facilities and supporting infrastructure can efficiently accommodate airport users.**

Reducing delays at O'Hare would alleviate congestion and delay problems faced by both the region and nation, as presented in **Chapter 2, Purpose and Need**. The data presented in **Chapter 2** demonstrates that O'Hare is among the most delayed airports in the country and articulates a compelling need for action. Based upon detailed analysis, the No Action alternative would neither reduce delays nor accommodate anticipated growth in aviation activity at the airport at acceptable levels of delay, and clearly does not meet the purpose and need. Therefore, the FAA believes that actions to alleviate congestion and delay must be taken. The United States Environmental Protection Agency (USEPA) concurs in their response to the FAA's demonstration of project need in the Draft EIS stating, "We believe the FAA has made a credible case for the need for action to alleviate the problems at O'Hare," (see document number 050406\_01, beginning on page U.2-11 of this appendix). In addition, the EPA's letter stated, "[t]he alternative analysis comprehensively addresses all feasible alternatives."

The Final EIS includes a detailed analysis identifying the potential impacts associated with reasonable alternatives to the proposed action. The economic impact of potential O'Hare improvements was not a consideration in development of the purpose and need for this EIS. However, **Section 5.5, Secondary (Induced) Impacts**, identifies the potential socioeconomic impacts associated with the evaluated Alternatives.

In **Chapter 3, Section 3.7**, the FAA has identified Alternative C (the City's Proposal), as the preferred alternative.

## B-2

### INTRODUCTION:

The FAA received many comments that a "third airport" in the region should be constructed instead of/or in addition to improvements at O'Hare. Many cited potential economic benefits to the south suburbs and the reduction of congestion at O'Hare. Additionally, commenters stated the building of a new airport would be more cost-effective. Some commenters asked the FAA to look into the utilization of other regional airports, including Milwaukee, Gary, and Rockford. Some commenters also suggested the FAA direct the airlines to use other airports. Other comments indicated opposition to the proposed airport at Peotone.

### RESPONSE:

As discussed in the **Chapter 1, Section 1.3.2.5**, the State of Illinois is proposing to build a new commercial service airport, known as the South Suburban Airport (SSA), near Peotone, Illinois. It is the State of Illinois' intent that this airport serve the forecast needs of air carrier passengers, cargo, and general aviation within the south suburban area while continuing to preserve the site for future forecast needs. The Inaugural Airport Program (IAP) as proposed by the State of Illinois would include a single runway and terminal with a small number of gates. The State of Illinois high case forecast projects 55,400 operations and 2,474,000 enplanements 10 years after the airport opens. As a point of reference, the 2002 Terminal Area Forecast for O'Hare projects over 1.1 million operations and over 50 million enplanements in 2018.

It should be noted that the Illinois Secretary of Transportation, Mr. Tim Martin, stated in his comments on the Tier 2 Environmental Impact Statement for the proposed South Suburban Airport,

I would also like to discuss how the State of Illinois views the South Suburban Airport as it relates to the O'Hare Modernization Plan. Governor Blagojevich has strongly supported the bill passed by the Illinois General Assembly in May 2003. The Governor, the Speaker of the House of Representatives, members of Congress and the Illinois General Assembly have all stated that the success of the State of Illinois is partially based on the success of the O'Hare Modernization Plan. Given these two factors, progress of the environmental and design studies for the O'Hare Modernization Plan should take precedence in the process. The State of Illinois believes that the progress of these two projects should be kept separate. While we understand that there may be common elements, these should be coordinated and there should be no combination of the studies. The combination of the studies we believe would most likely delay both projects with probable negative impacts.

The State of Illinois also stated in their letter commenting on the Draft EIS, "...one of every four flights at O'Hare is delayed. We have to expand O'Hare Airport, and nothing should stand in its way", (see Illinois Department of Transportation's comments on the Draft EIS, document number 050309\_07, on page U.3-4 of this appendix).

Since part of the purpose and need is "to address the projected needs of the Chicago region," the FAA certainly examined the potential for future growth in air traffic at other airports in the

region. At the same time, the FAA recognizes that in the Chicago region O'Hare currently serves as the primary airport because of its origin-destination passenger base, connecting passenger hubs, and international gateway services. In addition, the Governor of the State of Illinois has declared that "[w]e have to expand O'Hare , and nothing should stand in its way," see document number 050309\_07, beginning on page U.3-4 of this appendix. The FAA has concluded, as explained in the EIS, that the projected needs of the Chicago region cannot be met without improvements at O'Hare. Also, as discussed in **Section 3.2.2.2** of the EIS, the FAA continues to respond to sponsor requests and support the development of other airports in the region, including Gary/Chicago International Airport, Greater Rockford Airport, Milwaukee General Mitchell International Airport, Chicago Midway International Airport, as well as the proposed South Suburban Airport.

The City of Chicago (City), as owner and operator of Chicago O'Hare International Airport (O'Hare or the Airport), has proposed to modernize O'Hare to address existing and future capacity and delay problems. The City initiated master planning and the process of seeking FAA approval to amend its airport layout plan to depict the O'Hare Modernization Program (OMP). In accordance with the National Environmental Policy Act of 1969 (NEPA), the FAA is required to evaluate the City's proposal and alternatives to it from an environmental standpoint.

As an alternative to the City's proposal, the FAA carefully evaluated the potential use of other airports (including the proposed South Suburban Airport, Gary-Chicago International Airport (GYY), Milwaukee General Mitchell Airport, Greater Rockford Airport, as well as other airports serving as mid-continent hubs) as alternatives to meet the purpose and need (which can be found in **Chapter 2, Purpose and Need**).

The conclusions of this evaluation, which are presented in **Chapter 3, Alternatives** and **Appendix C, Use of Other Airports**, were:

- It is possible that the capacity at other existing and potential regional airports could be used to satisfy some of the local origin-destination passenger demand forecast for O'Hare,
- It is not likely that any of the other regional airports would be used as a significant connecting hub or international gateway during the forecast period,
- The continued role of O'Hare as a major national connecting hub and international gateway is dependent on the airline service of local origin-destination traffic. Therefore, there is a limit to the amount of local traffic that could be diverted while still maintaining the roles of O'Hare as a hub and gateway,
- The practical limit of potential diversion of demand from O'Hare is estimated to be far less than the likely availability of capacity at other regional airports, and
- Any material diversion of demand from O'Hare would require airline strategic decisions that cannot be predicted or relied upon.

In view of these conclusions, coupled with the fact that neither the FAA nor the City of Chicago has the power to prescribe where carriers may operate, it was determined that the use of other regional airports would not, by itself, be sufficient to satisfy purpose and need.

Although the use of other airports failed to meet the proposed purpose and need of this EIS as a stand-alone solution, the FAA has continued to support the development of other regional airports as the sponsors of those airports have proposed improvements to their facilities.

### **Use of Other Mid-continent Airports**

The FAA also evaluated the use of other mid-continent airports to meet the purpose and need. As stated in **Section 3.2.2.2** of the EIS, FAA believes it is not reasonable to expect (1) one or both hubbing carriers to voluntarily shift enough connecting traffic to one or more alternative mid-continent airports to avoid the need for improvements at O'Hare or (2) that the federal government would mandate such a shift. Therefore, the use of mid-continent airports does not meet the purpose and need.

## **B-3**

### **INTRODUCTION:**

The FAA received many comments that the airfield layout proposed by the City of Chicago is unsafe or a bad idea in general. This often included reference to specific locations in relationship to the runways direction, (e.g. "my home is located directly west of proposed Runway 10R-28L).

### **RESPONSE:**

Safety is the FAA's highest priority, and the agency will ensure that the design of any approved alternative properly protects the public safety. The FAA insures the safety of all airport improvement projects by applying numerous technical standards it has developed over the years to each aspect of every project. The FAA is conducting a thorough and careful review of the City's proposed Airport Layout Plan (ALP). This review is designed to ensure that the proposal complies with applicable FAA airport design standards and safety regulations, including wind coverage, runway separation distances, and runway/taxiway crossings. This ALP review involves multiple FAA components, including FAA Air Traffic, Airports, Airways Facilities, Flight Standards, Flight Procedures, and Runway Safety. The Transportation Security Administration (TSA) also participates in the ALP review providing insight on security issues. FAA's initial and subsequent comments on the ALP can be viewed at the FAA's O'Hare Modernization Program Document Library file sharing site at: [www.agl.faa.gov/OMP/](http://www.agl.faa.gov/OMP/). Any modifications to standards or the issuance of waivers will be documented as part of the final ALP approval. Additionally, any proposed improvements must facilitate compliance with FAA Airport Certification Standards under 14 CFR Part 139.

The FAA is required to conduct an environmental review prior to FAA approval of a sponsor's proposed ALP. Also, as part of the *February 2004 O'Hare International Airport Master Plan (Master Plan)*, the City conducted a detailed evaluation of potential airfield configurations.

The *Master Plan* analysis included runway orientation alternatives based upon FAA wind coverage criteria. The analysis demonstrated that an airfield configuration that combines an east-west orientation with crosswind runways in a northeast-southwest configuration meets and exceeds FAA wind coverage criteria. As a result, the City's proposed airfield configuration resembles those existing at Hartsfield-Jackson Atlanta International (Atlanta) and Dallas/Fort Worth International airports, where recent advances in air traffic control technology for parallel runway operations have been incorporated. **Exhibit A-7 of Appendix A, Background** of the Final EIS shows the runway layouts of Atlanta and Dallas/Fort Worth.

Also, please see topical responses K-1 and K-2.

#### B-4

##### INTRODUCTION:

The FAA received many comments that the proposed expansion of O'Hare will not solve the problems faced by the region. Commenters expressed that the airport serves the public well in its current state. Still other commenters suggested that O'Hare be "modernized" as opposed to "expanded."

##### RESPONSE:

Reducing delays at O'Hare would alleviate congestion and delay problems faced by both the region and nation, as presented in **Chapter 2, Purpose and Need**. The data presented in **Chapter 2** demonstrates that O'Hare is among the most delayed airports in the country and articulates a compelling need for action. Based upon detailed analysis, the No Action alternative would neither reduce delays nor accommodate anticipated growth in aviation activity at the airport at acceptable levels of delay, and clearly does not meet the purpose and need. Therefore, the FAA believes that actions to alleviate congestion and delay must be taken. The United States Environmental Protection Agency (USEPA) concurs in their response to the FAA's demonstration of project need in the Draft EIS stating, "We believe the FAA has made a credible case for the need for action to alleviate the problems at O'Hare," (see document number 050406\_01, beginning on page U.2-11 of this appendix). In addition, the EPA's letter stated, "[t]he alternative analysis comprehensively addresses all feasible alternatives."

Some commenters were in favor of "modernization" of O'Hare but in opposing "expansion" were against any land acquisition. The FAA did evaluate several alternatives that did not include land acquisition (i.e. "expansion") for their ability to meet the purpose and need, (see **Section 3.2 of the EIS**). These alternatives included, for example: the use of other airports, the use of other modes of transportation and communication, use of new technologies, airspace-only improvements, etc. Based on FAA's analysis, none of these alternatives met the purpose and need. However, three Build Alternatives were retained for detailed consideration as described in **Section 3.3 of the EIS**.

Each of the build alternatives retained for full environmental impact evaluation include necessary land acquisition. These retained Build Alternatives meet the stated purpose and need

for the project and will help alleviate delays and accommodate anticipated growth at O'Hare at the regional and national level.

Since part of the purpose and need is "to address the projected needs of the Chicago region," the FAA certainly examined the potential for future growth in air traffic at other airports in the region. At the same time, the FAA recognizes that in the Chicago region O'Hare currently serves as the primary airport because of its origin-destination passenger base, connecting passenger hubs, and international gateway services. In addition, the State of Illinois has declared that modernizing O'Hare is a priority. Our conclusions, spelled out in the EIS, show that the projected needs of the Chicago region cannot be met without improvements at O'Hare. Also, as discussed in **Section 3.2.2.2** of the EIS, the FAA continues to respond to sponsor requests and support the development of other airports in the region, including Gary/Chicago International Airport, Greater Rockford Airport, Milwaukee General Mitchell International Airport, Chicago Midway International Airport, as well as the proposed South Suburban Airport. The FAA does not see modernization of O'Hare or development of other airports as an either/or proposition. The FAA reviews the needs of the various airports based upon the specific developments proposed by each individual sponsor.

## **B-5**

### **INTRODUCTION:**

Some commenters are opposed to construction of the far south runway in the City's proposal, 10R-28L. Other commenters offered their preference for a specific alternative, most often including the City's OMP, use of other airports, high-speed rail or conventional rail.

### **RESPONSE:**

As described in **Chapter 3, Alternatives**, a number of alternatives were considered and analyzed for the project. These alternatives included Alternative D, which is the City's proposal without the far south runway 10R-28L and Alternative C (the City's proposal).

The addition of the far south runway 10R-28L, in Alternative C versus D, increases airfield capacity and enhances Air Traffic Controller flexibility to operate the airfield in a more efficient configuration given wind and weather conditions. The results of this additional capacity and increased flexibility yield an improvement in annual average delay at projected 2018 operational levels from 10.5 minutes per operation without the far south runway 10R-28L to 5.8 minutes per operation with the runway.

Only after thorough evaluation of the merits of each alternative, their associated environmental impacts, and careful consideration of all comments received by the public as well as other governmental agencies, the FAA has identified Alternative C as the preferred alternative in this Final EIS.

The alternatives including use of other airports (both existing and proposed regional airports as well as other mid-continent hub airports), conventional rail, and high-speed rail were eliminated because they did not meet the purpose and need. The FAA also evaluated a blended

alternative including the use of other airports and other modes of transportation (including high-speed rail). However, as discussed in **Chapter 3, Section 3.3.2.6**, this Blended Alternative, even if it could be implemented, would still yield the least delay reduction while not serving the forecast demand. More detailed rationale for the elimination of alternatives can be found in **Chapter 3** and **Appendix E, Alternatives** of the Final EIS. FAA received a number of comments related to the use of other airports and high—speed rail. The responses to the comments raised may further inform the reader of FAA's detailed consideration of these issues. Also, please see **Responses B-2** and **B-7** of this section.

**B-6****INTRODUCTION:**

Commenter inquired as to the whether the OMP will include deviations from FAA standards or require waivers.

**RESPONSE:**

The FAA is conducting a thorough review of the City's proposed Airport Layout Plan (ALP). This review is designed to ensure that the proposal complies with applicable FAA airport design standards and safety regulations, including wind coverage, runway separation distances, and runway/taxiway crossings. This ALP review involves multiple lines of business at FAA, including FAA Air Traffic, Airports, Airways Facilities, Flight Standards, Flight Procedures, and Runway Safety. The Transportation Security Administration (TSA) also participates in the ALP review providing insight on security issues. Any modifications to standards or the issuance of waivers will be documented as part of the final ALP approval. Prior to the issuance of any waiver or modification to standards, the FAA thoroughly evaluates and documents the Agency's review as part of the final ALP approval. This FAA review includes an analysis of whether the standard can be met without issuance of a waiver or modification to standard.

**B-7****INTRODUCTION:**

Commenters noted that high-speed rail would help alleviate congestion in the region's transportation system.

**RESPONSE:**

As an alternative to the City's proposal, the FAA carefully evaluated other modes of transportation or communication, including the use of high-speed rail to meet the purpose and need, see **Chapter 3, Section 3.2.2**. FAA believes that high-speed rail could potentially serve as an alternative to air travel to/from select high-density metropolitan areas in the Midwest. However, the needs of the O'Hare air travel market extend beyond these select Midwestern markets.

In addition, the FAA is not aware of any plans by the U.S. Department of Transportation (Federal Railroad Administration) to implement high-speed rail in the Chicago area. Therefore, although new high-speed rail service could theoretically reduce aviation demand at O'Hare, in the absence of such plans, it does not appear reasonable to rely on this alternative to meet the purpose and need criterion of accommodating forecast aviation demand. Additional information regarding high-speed rail is provided in **Appendix E, Section E.1.2.1**.

**B-8****INTRODUCTION:**

Commenters questioned the need for the project given the current financial state of the airline industry, notably including American Airlines and United Airlines.

**RESPONSE:**

The FAA has carefully considered the effects of the loss of a hubbing carrier at O'Hare. This analysis is included in **Appendix R, Alternate Considerations**. The City of Chicago has historically been a national transportation center. The FAA believes that O'Hare, because of the substantial regional population combined with its location and historic function as an airline connecting hub, is uniquely situated in its ability to function as a hub for two major air carriers. If a particular airline were to cancel services at O'Hare, the FAA believes it reasonable to assume that other airlines would increase their services to accommodate the majority of the reduction in flight availability.

Representatives of both American Airlines and United Airlines testified at the public hearings indicating their support for the OMP. Peter MacDonald the Chief Operating Officer of United Airlines stated,

On behalf of United Airlines and 11,600 employees who make their homes here in the Chicago area, we appreciate this opportunity to underscore our strong support for the O'Hare Modernization Program and the critical need to improve the airfield capacity at O'Hare International Airport. We urge the responsible regulatory agencies to move swiftly to complete review of the environmental impacts of these improvements and issue the Record of Decision for the runways and other airfield work developed for this program.

Bernie DeSena the Vice President of the Chicago hub for American Airlines stated,

American Airlines fully supports the O'Hare Modernization Program...It's a sound plan and will be built in stages as the need and the funds are available. American's own airport planning experts have reviewed the

OMP carefully and believe the plan will work well and will make air travel through O'Hare much more efficient.

Further, **Appendix R** of the EIS includes a description of hubs impacted by loss of a hub carrier stating,

...when Eastern Airlines liquidated in the early 1990s and eliminated its hub at Atlanta, there was almost no loss of traffic or interruption of "trend" growth, due to the expansion of service by Delta Airlines. In that case, traffic levels recovered within 2 years to previous levels, and have since grown considerably higher.

In 2004, Delta Airlines announced that it would be substantially reducing its hubbing operations at DFW, leaving that airport with one hubbing airline, American. This development is too recent to be able to conclude the results for future airline traffic at DFW. However, given the status of DFW as one of the top three hubs in the country, it is reasonable to expect that there would be interest by American and/or other airlines in taking advantage of the opportunity to replace service previously provided by Delta at DFW.

Finally, the FAA received a significant number of comments related to the financial state of the existing hubbing carriers at O'Hare and their ability to fund portions of the project. The responses to the comments raised may further inform the reader of FAA's detailed consideration of these issues. See documents 050406\_36 and 050406\_37 beginning on pages U.4-96 and U.4-501 of this appendix.

### **U.5.3 Category C – Aviation Capacity/Delay/Demand Forecast**

#### **C-1**

##### **INTRODUCTION:**

The FAA received many comments that stated that the proposed O'Hare Modernization Program (OMP) would reduce aircraft delays and alleviate congestion both in the air and on the ground. Some commenters specifically cited passenger inconvenience in the terminals. Many commenters expressing the need for O'Hare expansion (not specifically citing the OMP) due to the delay and congestion problems experienced by O'Hare passengers.

##### **RESPONSE:**

Reducing delays at O'Hare would alleviate congestion and delay problems faced by both the region and nation, as presented in **Chapter 2, Purpose and Need**. The data presented in **Chapter 2** demonstrates that O'Hare is among the most delayed airports in the country and articulates a compelling need for action. Based upon detailed analysis, the No Action alternative would neither reduce delays nor accommodate anticipated growth in aviation activity at the airport at acceptable levels of delay, and clearly does not meet the purpose and need. Therefore, the FAA believes that actions to alleviate congestion and delay must be taken. The United States Environmental Protection Agency (USEPA) concurs in their response to the FAA's demonstration of project need in the Draft EIS stating, "We believe the FAA has made a credible case for the need for action to alleviate the problems at O'Hare," (see document number 050406\_01, beginning on page U.2-11 of this appendix). In addition, the EPA's letter stated, "[t]he alternative analysis comprehensively addresses all feasible alternatives."

The FAA's summary evaluation of each alternative in terms of operational delays is located in **Appendix D, Section D.6**. The preferred alternative (Alternative C, the City's proposed OMP) has an estimated average annual delay of 5.8 minutes per operation in 2018. In contrast the average annual delay for the existing airfield in 2003 and 2004, according to FAA ASPM data, was 14.9 and 18.5 minutes per operation, respectively.

Regarding terminal efficiency and resulting passenger inconvenience, each of the Build Alternatives was given full consideration and included improvements to the existing Terminal Core Area and development of new eastern and western terminal facilities. Currently, the airport has approximately 189 gates and 25,529 linear feet of total apron frontage. Each of the Build Alternatives would provide a total of 232 gates and approximately 38,460 linear feet of total apron frontage. An inventory of the existing facilities can be found in **Appendix A, Section A.2**. For a detailed description of the Build Alternatives, see **Appendix E, Section E.5**.

## C-2

### INTRODUCTION:

The FAA received many comments that stated that the proposed OMP would not reduce delays or alleviate congestion because the delays are related to the poor weather. Other commenters asked how the airfield would operate under poor weather conditions.

### RESPONSE:

Poor weather conditions have a substantial impact on the capacity of O'Hare International Airport (O'Hare) and are one of the primary causes of delays at O'Hare. At O'Hare poor weather conditions reduce capacity for several reasons:

- poor weather conditions require controllers to apply increased separation distances between arrivals and departures;
- poor weather conditions introduce dependencies between intersecting runways requiring these separations between aircraft to be increased even further; and
- poor weather conditions preclude controllers from using certain high efficiency runway use configurations and operating procedures entirely.

With the current airfield configuration at O'Hare--which consists of three pairs of intersecting runways--air traffic controllers rely on complex intersecting runway configurations to achieve peak airport capacities in good weather conditions. In poor weather conditions, many of these configurations cannot be used and those that can operate at much lower levels of efficiency. Accordingly, O'Hare is currently particularly susceptible to delay in poor weather conditions.

Many of the development alternatives considered in the EIS address the existing airfield's susceptibility to poor weather delays through reliance on simpler parallel runway configurations. These parallel runway configurations eliminate complex intersecting runway operations and their adverse effects on airfield efficiency in poor weather.

The effectiveness of these parallel runway configurations in achieving this goal is demonstrated by the results of the capacity and delay evaluation conducted as part of the EIS analysis. Poor weather conditions were considered explicitly in the capacity and delay evaluations that were conducted in support of the EIS.

As stated in the EIS, the FAA oversaw a demand/capacity analysis of the No Action alternative and three Build Alternatives. The demand/capacity analysis involved the development of detailed computer simulation models, utilizing the state of the art Total Airspace and Airport Modeller (TAAM), reflecting both good weather conditions and poor weather conditions, explicitly incorporating appropriate air traffic control rules and procedures. The resulting models were thoroughly reviewed by the Air Traffic workgroup to ensure they accurately reflect how the existing and proposed airfield configurations could be operated. Air Traffic prepared a memorandum (see **Appendix D, Attachment D-3**) that further describes the Air Traffic workgroup composed of FAA Management and NATCA representatives from the Chicago O'Hare Tower, the Chicago O'Hare TRACON, and the Chicago Air Route Traffic Control Center which invested more than 1400 staff hours to complete this review.

Delay results from the simulation analysis clearly show that the preferred alternative (Alternative C, the City's proposal) would substantially reduce delays in poor weather conditions while at the same time accommodating substantially higher levels of activity than the No Action alternative. These results are summarized in **Appendix E, Section E.6** of the EIS.

It is also noted that while delays are often weather-related, poor weather is not the sole contributor to delays at O'Hare. Other factors that contribute to delays include activity levels, airline scheduling patterns, aircraft fleet mix, and airfield configuration.

FAA received a significant number of comments related to the ability of the alternatives considered to reduce delays. The responses to the comments raised may further inform the reader of FAA's detailed consideration of these issues. See documents 050406\_36 and 050406\_37 beginning on pages U.4-396 and U.4-501 of this appendix.

### C-3

#### INTRODUCTION:

The FAA received some comments that stated that the airspace at O'Hare cannot handle any more flights. Some commenters also stated that the air traffic controllers are already too busy. Others stated the opinion that the airspace is a more immediate constraint on activity than the airfield layout. In addition, some commenters raised issues regarding security of the airport.

#### RESPONSE:

Each of the Build Alternatives, including the preferred alternative, includes identification and assessment of the requisite airspace improvements along with proposed airfield layout improvements. These proposed airspace changes are documented in **Appendix E, Section E.5**.

#### Simulation Modeling

The Air Traffic Division of FAA participated in the development of operation input assumptions and reviewed the comprehensive demand/capacity analysis to assess the resultant airspace/airfield operational performance of the various alternatives. This comprehensive analysis was thoroughly reviewed by the Air Traffic workgroup to ensure they accurately reflect how the existing and proposed airfield configurations could be operated. Air Traffic prepared a memorandum (see **Appendix D, Attachment D-3**) that further describes the Air Traffic workgroup composed of FAA Management and NATCA representatives from the Chicago O'Hare Tower, the Chicago O'Hare TRACON, and the Chicago Air Route Traffic Control Center, which invested more than 1400 staff hours to complete this review. All current applicable air traffic rules and regulations were incorporated in the development of the operational assumptions for all alternatives and for the various years modeled.

### **Review of the Airport Layout Plan**

Safety is the FAA's highest priority, and the agency will ensure that the design of any approved alternative properly protects the public safety. As part of the *February 2004 O'Hare International Airport Master Plan (Master Plan)*, the City conducted a detailed evaluation of potential airfield configurations.

Additionally, the FAA is conducting a thorough review of the City's Airport Layout Plan (ALP). This review is designed to ensure that the proposal complies with applicable FAA airport design standards and safety regulations, including wind coverage, runway separation distances, and runway/taxiway crossings. This ALP review involves multiple lines of business at FAA, including FAA Air Traffic, Airports, Airways Facilities, Flight Standards, Flight Procedures, and Runway Safety. The FAA notes that the Transportation Security Administration (TSA) whose mission is the protection of the nation's transportation service, is part of the FAA's ALP review, primarily providing insight on security issues.

### **Airspace**

Throughout the development of the Build Alternatives, the FAA Air Traffic workgroup coordinated closely with airport planners and have proposed terminal airspace expansions and procedures specifically designed to serve the proposed airfield. Several potential airspace bottlenecks have been identified and advance planning has occurred to correct them. For example, real-time simulations have been conducted to test the feasibility of adding two new departure routes to the east through Chicago Center airspace, which would address one of the most significant identified airspace bottlenecks. Specific plans have been developed for expanding the terminal airspace and adding new arrival and departure routes into and out of the Chicago TRACON airspace and the adjacent ARTCC airspace.

In addition, the FAA examined an "Airspace-Only" alternative. The Airspace-Only Improvement Alternative is Alternative A (No Action) combined with airspace modifications to enhance the flow of traffic to and from O'Hare. Implementing such improvements (e.g. new arrival routes) in the O'Hare airspace could reduce or eliminate the need for physical improvements to the airfield only if the capacity of the current runway system was greater than the capacity of the corresponding enhanced airspace. Today, the current runway system is the primary constraint on operations at O'Hare. In other words, improving the airspace at O'Hare

without also making improvements in the runway capacity would be akin to adding new entrance ramps to an already congested highway without also adding new lanes. Therefore, the Airspace-Only Improvement Alternative would not, by itself, meet purpose and need.

Regarding air traffic controller workload, the FAA would not operate any alternative in such a way that safety would be impaired. Safety has been a key consideration in the development of all the alternatives and in defining how they would be operated. FAA is actively reviewing potential staffing needs and will budget for them accordingly.

FAA received a significant number of comments related to airspace issues. The responses to the comments raised may further inform the reader of FAA's detailed consideration of these issues. See documents 050406\_36 and 050406\_37 beginning on pages U.4-396 and U.4-501 of this appendix.

## C-4

### INTRODUCTION:

The FAA received many comments expressing the need for O'Hare expansion so that the FAA order limiting scheduled operations at O'Hare may be lifted citing negative effects on the economy and the convenience of a broad flight selection.

### RESPONSE:

The Order(s) referred to in the EIS, see **Section 2.2.4**, recognized voluntary agreements between FAA, United Airlines and American Airlines to temporarily (ending October 2005) reduce the number of flights during peak periods between 1 p.m. and 8 p.m. local time by 5 percent in an effort to reduce the delay at O'Hare. Subsequent to the issuance of the Draft EIS, the FAA issued a Notice of Proposed Rulemaking (NPRM) to extend the limitation of flight schedules:

The FAA is proposing this rule to address persistent flight delays related to over-scheduling at O'Hare International Airport (O'Hare). This proposed rule is intended as an interim measure, because the FAA anticipates that the rule would yield to longer term solutions to traffic congestion at the airport. Such solutions include an application by the City of Chicago that, if approved, would modernize the airport and reduce levels of delay, both in the medium term and long term. For this reason, the proposed rule includes provisions allowing for the limits it imposes to be gradually relaxed and in any event would sunset in 2008.

The NPRM makes clear, however, that the use of arrival caps as a method of reducing flight delays is not preferable to the long term goal of increasing airport capacity through infrastructure enhancements. As stated:

Although arrival caps are being proposed in this rule, imposing caps on the use of airport capacity does not meet aviation demand; rather, such caps artificially limit operations during certain hours to achieve the benefit of delay reduction. The FAA's preferred approach to reducing delay and congestion is to increase airport infrastructure so that capacity meets demand. Because a timely increase to airport capacity is not always feasible, alternative measures may be necessary to address congestion that adversely affects the efficiency of the national airspace system.

## C-5

## INTRODUCTION:

Some commenters expressed that there is no congestion or delay problem at O'Hare.

## RESPONSE:

The data presented in **Chapter 2** demonstrates that O'Hare is among the most delayed airports in the country and articulates a compelling need for action. Based upon detailed analysis, the No Action alternative would neither reduce delays nor accommodate anticipated growth in aviation activity at the airport at acceptable levels of delay, and clearly does not meet the purpose and need. Therefore, the FAA believes that actions to alleviate congestion and delay must be taken. The United States Environmental Protection Agency (USEPA) concurs in their response to the FAA's demonstration of project need in the Draft EIS stating, "We believe the FAA has made a credible case for the need for action to alleviate the problems at O'Hare," (see document number 050406\_01, beginning on page U.2-11 of this appendix). In addition, the EPA's letter stated, "[t]he alternative analysis comprehensively addresses all feasible alternatives."

## C-6

## INTRODUCTION:

Some commenters expressed concern over airport operations at O'Hare during the construction of proposed projects. Commenters inquired to see if the different stages were modeled and what effect the construction would have on the capacity of the airport and resultant delays.

## RESPONSE:

The FAA evaluated each alternative at various stages or phases of construction from both an environmental and operational standpoint. For large airport improvement projects, it is typical for the construction to be phased in over several years. For detailed information on the airfield/airspace modeling refer to **Appendix D, Simulation Modeling**.

The analyses of environmental impacts and operational conditions of each alternative are presented for the following years of analysis:

- **Baseline Conditions** – The baseline conditions reflect the 2002 conditions as this EIS was initiated in 2002.
- **Build Out** – This is the anticipated year that all components of the alternatives are anticipated to be completed and operational.
- **Build Out +5** – This is a future year representing five years beyond the completion of all components (Build Out) of the proposed action and other proposed projects.

In addition to these years of analysis, there are also two interim years of analysis representing major phases of construction.

- **Construction Phase I** – This represents the anticipated year that the first major phase of the proposed action is anticipated to be completed and operational.
- **Construction Phase II** – This represents the anticipated year that the second major phase of development would become operational.

**Table 5.0-1 of Chapter 5, Environmental Consequences** presents a summary of the delay results for each of these phases. Due to potential construction schedule changes, the years of analysis reflect major phases (i.e. Construction Phase I, Construction Phase II, Build Out, and Build Out + 5), rather than specific years, (see **Appendix Q** of the EIS for more information). The FAA notes that prior to construction taking place, an airport sponsor, must submit a construction safety phasing plan that would be technically evaluated by the Agency and be found to meet all applicable safety criteria.

C-7

#### INTRODUCTION:

Some commenters expressed concern over the number of airport operations that could be handled safely with the expansion of O'Hare.

#### RESPONSE:

Safety is the FAA's highest priority, and the agency will ensure that the design of any approved alternative properly protects the public safety. As part of the *February 2004 O'Hare International Airport Master Plan (Master Plan)*, the City conducted a detailed evaluation of potential airfield configurations. Additionally, the FAA is conducting a thorough review of the City's Airport Layout Plan (ALP). This review is designed to ensure that the proposal complies with applicable FAA airport design standards and safety regulations, including wind coverage, runway separation distances, and runway/taxiway crossings. This ALP review involves multiple lines of business at FAA, including FAA Air Traffic, Airports, Airways Facilities, Flight Standards, Flight Procedures, and Runway Safety. The Transportation Security Administration (TSA) also participates in the ALP review providing insight on security issues.

The forecast number of operations and passengers is presented in **Table 5.0-1** of the EIS for the No Action and Build Alternatives considered. Under the No Action Alternative, FAA has estimated that a lower number of both aircraft operations and passengers would use the airport relative to the Build Alternatives. However, this use would occur under very high levels of delay.

The Air Traffic Division of FAA participated in the development of operation input assumptions and reviewed the comprehensive demand/capacity analysis to assess the resultant airspace/airfield operational performance of the various alternatives. This comprehensive analysis was thoroughly reviewed by the Air Traffic workgroup to ensure the analysis accurately reflects how the existing and proposed airfield configurations could be operated (including during construction). Air Traffic prepared a memorandum (see **Appendix D, Attachment D-3**) that further describes the Air Traffic workgroup composed of FAA

Management and NATCA representatives from the Chicago O'Hare Tower, the Chicago O'Hare TRACON, and the Chicago Air Route Traffic Control Center which invested more than 1400 staff hours to complete this review. All applicable air traffic rules and regulations that exist today were used in the development of the operational assumptions for all alternatives and for the various years modeled. More detailed information about FAA's review process is contained in **Appendix D**.

This intensive review ensured that under either the No Action or a Build Alternative, the number of aircraft operations served by the Airport would be accommodated safely. FAA air traffic control procedures and requirements, including aircraft separation provisions, ensure the safe operation of aircraft using O'Hare.

See **Responses K-1 through K-3** for further discussion regarding safety issues.

#### **U.5.4 Category D – Noise/Land Use**

##### **D-1**

##### **INTRODUCTION:**

Many comments received dealt with existing noise impacts and/or noise impacts under one of the build alternatives. Many commenters feel that noise impacts are exceedingly high under the current operations at O'Hare and that in the future with more planes the noise will be even worse. Other commenters stated that noise did not interfere with their lifestyle.

##### **RESPONSE:**

The EIS provides an in-depth analysis of potential noise impacts that could occur, if a Build Alternative were to be implemented at O'Hare. While some areas would likely experience some increase in noise impacts, other areas would likely experience a corresponding decrease in such impacts.

**Chapter 5, Environmental Consequences, Section 5.1 Noise** provides a detailed comparison of the Build Alternatives noise levels compared to those levels under the No Action Alternative. The Executive Summary of the EIS provides the following overview of the noise assessment:

**Table 12** of the **Executive Summary** summarizes the total area (in acres), population, housing units, and noise sensitive facilities exposed to aircraft noise levels of DNL 65 and greater for Alternative A (No Action Alternative), and Build Alternatives C, D, and G in the Build Out +5 analysis phase. **Table 12** shows the number of people projected to be within the 65 DNL contour in 2013 is 14,512 (Alternative A); 19,577 (Alternative C); 21,154 (Alternative D); and 19,135 (Alternative G). **Table 12** also shows the number of acres projected to be within the 65 DNL contour in 2013 is 12,427 (Alternative A); 11,263 (Alternative C); 11,187 (Alternative D); and 11,216 (Alternative G). The total area that would be exposed to noise levels greater than DNL 65 in 2013 under Alternatives C, D and G is less than in 2002 (13,528), however, there would be a net increase in the total number of housing units and population within the DNL 65 contour compared to the No Action Alternative. The FAA has illustrated the changes to the

DNL 65 contour for the various years of analysis and alternatives in **Exhibits 2** through **4** of the **Executive Summary**.

For comparison purposes, the FAA presented information from its O'Hare 1984 Final EIS regarding an earlier airport improvement project. The 1984 Final EIS identified 94,000 noise-affected homes in its 1982 Baseline 65 DNL contour. In contrast, the estimated number of homes exposed to the 2002 Baseline 65 DNL is less than 8,400 homes. What is more, even with an increase in operations at O'Hare from 591,807 in 1982 to 922,787 in 2002, the housing units within the 65 DNL contour during that same period diminished by over 90%. See **Exhibit 5** of the **Executive Summary** for a representation of the 2002 Baseline contour compared to the 1982 Baseline contour. Thus, even though this EIS projects, at most, a slight increase in affected residences (within the 65 DNL Build Alternative contours) when compared to the 2002 Baseline contour, this small overall increment should be viewed in the historic context of meaningful noise reduction in the communities surrounding O'Hare.

## D-2

### INTRODUCTION:

Commenters requested that the flight tracks be presented over an area-wide map to disclose the location of those affected. Other commenters had specific concerns regarding the flight tracks in relation to their homes. Many commenters expressed the feeling that flights fly directly over the homes.

### RESPONSE:

The FAA has added **Exhibits 1** through **29** to **Appendix F, Noise, Attachment F-2** depicting the location of the flight tracks for the No Action and Build Alternatives considered.

## D-3

### INTRODUCTION:

Some commenters asked general questions regarding the soundproofing program.

### RESPONSE:

Sound insulation can be used as a mitigation measure for non-compatible land uses, i.e. residential structures and schools, located within the 65 DNL contour or greater. A description of the sound insulation program is contained in **Chapter 7, Mitigation**. The City of Chicago, as the airport sponsor in coordination with the O'Hare Noise Compatibility Commission (ONCC), currently conducts a voluntary School Sound Insulation Program (SSIP) and a voluntary Residential Sound Insulation Program (RSIP). The proposed mitigation to mitigate noise impacts made by the City of Chicago, should the FAA approve a Build Alternative are also documented in **Chapter 7**.

**Chapter 7, Section 7.1, Noise** states the following:

Significant noise impacts are anticipated to be reduced with specific noise abatement techniques. Such techniques could include the following:

- All eligible residences and schools within the Build Out 65 DNL and greater noise contour for a Build Alternative, but outside of the Build Out 65 DNL and greater noise contour for No Action, if approved by FAA's issuance of a ROD, would be insulated by the City of Chicago by the time Build Out would occur. In addition, all eligible residences with a 1.5 DNL or greater increase within the 65 DNL and greater noise contour area for a Build Alternative would be insulated by the time Build Out would occur.
- After Build Out occurs, the City of Chicago would produce a 65 DNL noise contour based on the operational characteristics of the Build Out configuration but with forecasted operational levels five years in the future from when Build Out occurs, thus creating a new contour referred to as Build Out +5 Forecast Contour (BO +5 F). The City would then insulate all eligible residences and schools within the BO +5 F 65 DNL and greater noise contour, but outside of the No Action (Alternative A) Build Out +5 65 DNL and greater noise contour presented in the FEIS, by the time Build Out +5 would occur. In addition, all eligible residences with a 1.5 DNL or greater increase within the 65 DNL and greater noise contour area for a Build Alternative would be insulated by the time Build Out +5 would occur.
- At this point it is not reasonable to either assume that there would be a new Fly Quiet Program or speculate about what a new Fly Quiet Program would be. FAA will, however, give consideration to suggestions for changes in the Fly Quiet Program developed by the ONCC and requested of the FAA by the City of Chicago. It is FAA's understanding that it is the City Chicago's intent to continue the existing Fly Quiet Program. The Fly Quiet Program would be modified by ONCC in the future only if needed; such modification would be done in consultation with the FAA and the City of Chicago Department of Aviation. Modification requiring FAA action would be subsequent to its prior approval, and any necessary environmental review. If FAA's ROD approves a Build Alternative, the existing Fly Quiet Program would remain in place, except as affected by runway decommissioning. The EIS discloses the potential effects of runway decommissioning on the Fly Quiet Program.
- Continuation of the ONCC to oversee noise mitigation efforts around O'Hare.
- Continued use of the ground run-up enclosure during engine run-up testing.

**Chapter 7, Section 7.2 Compatible Land Use** states the following:

The City could continue the existing voluntary SSIP and, in addition, provide impacted schools with noise attenuating windows, additional roofing and ceiling insulation, improved doors, and related measures to reduce the transmission of aircraft noise into schools...[and]

The City could continue the existing voluntary RSIP. For example, the City could provide sound insulation for eligible residences which are subject to a significant noise impact, or which would become incompatible, as a result of selecting any of the Build Alternatives (DNL 1.5 db increase

within the 65 DNL or greater contour, or newly within the 65 DNL or greater noise contour), to reduce the transmission of outside noise into the homes.

For further information on the soundproofing program, please see **Chapter 7, Section 7.2**.

#### D-4

##### INTRODUCTION:

Some commenters asked questions regarding the ability of schools to conduct outside activity even if the schools are soundproofed.

##### RESPONSE:

By the end of the School Sound Insulation Program 2004 program year, 115 schools were insulated. However, sound insulation of structures does not solve outdoor noise impacts. Federal guidelines presented in **Table 5.2-1** of the EIS, indicate that each of the outdoor recreational land uses (e.g. playgrounds) listed are considered to be compatible up to 65 yearly average day-night noise level (DNL), and some are compatible at even higher noise levels. See the **Executive Summary, Section VIIIB**, for an explanation of the DNL metric.

#### D-5

##### INTRODUCTION:

Some commenters requested that zoning around the airport be updated to be compatible with the flight paths, taking into account noise and air quality effects.

##### RESPONSE:

Zoning is under the jurisdiction of local communities, not the FAA. The FAA is always available to provide information to assist local communities to this end.

In FAA's *Land Use Compatibility and Airports*, there is detailed guidance and suggestions for establishing airport-compatible land use policies and regulations, including building code amendments setting sound insulation requirements, requiring appropriate noise insulation standards as part of construction would be a very productive means of assuring noise compatibility. With respect to the O'Hare environment, the FAA recognizes the particular advantage to the communities of compatibly redeveloping or modifying existing land uses rather than acquiring and demolishing sections of established neighborhoods. As outlined in the guidebook, *Land Use Compatibility and Airport*, referenced above, the FAA supports zoning for compatible land use development and amendments to local land use plans.

FAA received other comments related to land use from the O'Hare Noise Compatibility Commission. The responses to the comments raised may further inform the reader of FAA's detailed consideration of these issues. Please see document 050406\_05 beginning on page U.4-354 of this appendix. Although comments on the Draft EIS received from the Northeastern Illinois Planning Commission did not specifically address land use plans, the FAA directs the reader to the response to their comments as they may also further inform the reader of related

issues of which the reader may find interest. Please see document 050317\_03 beginning on page U.4-292 of this appendix.

## **U.5.5 Category E – Air Quality/Health Impacts**

### **E-1**

#### **INTRODUCTION:**

The FAA received many comments related to air quality impacts with the implementation of the proposed O'Hare improvements in the vicinity of O'Hare and throughout the region. Many commenters mentioned concern regarding air pollution and its effects on the general health of the community.

#### **RESPONSE:**

FAA consulted extensively with representatives of the United States Environmental Protection Agency (USEPA) and the Illinois Environmental Protection Agency (IEPA) regarding how best to assess potential air quality impacts in and around O'Hare. Using state of the art modeling techniques, FAA thoroughly evaluated the potential impacts on air quality that could be associated with implementation of a major development alternative at O'Hare. Based upon its in-depth evaluation, FAA concludes that no National Ambient Air Quality Standards (NAAQS) would be violated. In addition, due to the mobile source control strategies required by the Federal Clean Air Act, total air pollutant emissions following potential implementation of a Build Alternative at O'Hare would generally be less than current emissions. **Section 5.6, Air Quality, Chapter 5, Environmental Consequences**, presents the air quality analysis and impacts associated with the alternatives considered. For a summary of the air quality assessment and impacts see the **Executive Summary, Section VII D, Air Quality**.

In addition, the Draft General Conformity Determination was published on May 18, 2005. The Final General Conformity Determination is provided in the Final EIS (see **Appendix U** of the Final EIS). While the effects on human health from hazardous air pollutants (HAPs) were raised in Scoping, the FAA, USEPA, and IEPA concur that at this time it is not appropriate to conduct a human health risk assessment for airport-related HAPs and that the influence of the proposed airport development on the health of those living in the vicinity of O'Hare cannot currently be quantified in a meaningful way. Collectively, the agencies believe that, given the absence of HAP emissions data and the limitations of HAP speciation profiles for commercial jet aircraft engines, an accurate emissions inventory (the first step in a sound human health risk assessment) cannot be accomplished.

The results of the air quality analysis indicate that total emissions of volatile organic compounds and particulate matter (components of each are considered carcinogenic) will be higher with the proposed improvements but less than current levels. Additionally, the results indicate that air pollutant levels would not exceed the USEPA's National Ambient Air Quality Standards – levels established by the USEPA to protect public health. Currently, there are no ambient standards for carcinogens.

The results of the PM<sub>2.5</sub> analysis indicated that there would be no exceedances of the NAAQS, with or without the proposed O'Hare Modernization, for this pollutant. The NAAQS takes into consideration human health impacts, including the health of sensitive populations, such as asthmatics, children, and the elderly. Here, the FAA used whether there was a violation of the NAAQS to determine if there might be a constructive use. Because there are no exceedances of the NAAQS, FAA concludes there would be no constructive use on the resources at issue.

The FAA has performed an air quality analysis of PM<sub>2.5</sub> emissions, including dispersion in coordination with IEPA. The results of the full analyses of PM<sub>2.5</sub> are included in **Section 5.6** of the Final EIS.

## E-2

### INTRODUCTION:

Some commenters expressed the opinion that an improved airfield would be more efficient and that a reduction in delays would lessen the impacts on the environment, especially air quality.

### RESPONSE:

**Section 5.6, Air Quality, Chapter 5, Environmental Consequences**, presents the air quality analysis and impacts associated with the alternatives considered.

The results of the dispersion analysis indicate that ambient (outdoor) concentrations of the evaluated pollutants would decrease with the proposed improvements at all locations both on and off-airport property. With respect to particulate matter 10 microns or less in size (PM 10), concentrations are estimated to be lower with the Build Alternatives or remain essentially the same through Build-Out (2013). At Build-Out +5 (2018), PM 10 levels would be slightly higher with the improvements than without the improvements (approximately 2 percent higher). With respect to particulate matter 2.5 microns or less in size (PM 2.5), concentrations are estimated to remain essentially the same through Build-Out +5 with or without the improvements.

The results of the air quality analysis indicate that total emissions of airport-related volatile organic compounds and particulate matter will be higher with the proposed improvements but less than current ambient levels. Additionally, the results indicate that air pollutant levels would not exceed the USEPA's National Ambient Air Quality Standards – levels established by the USEPA to protect public health.

## E-3

### INTRODUCTION:

Some commenters expressed concern regarding the dumping of fuel or waste by aircraft using O'Hare. Commenters also mention the presence of black soot on their properties believed to be from aircraft.

**RESPONSE:**

Emergencies requiring jettisoning of fuel are mainly mechanical in nature. Such activities may be a result of serious engine malfunctions, or airframe structural failures (severe passenger illness may also result in an emergency landing). Such activities are very rare. The need to jettison fuel is largely confined to larger aircraft that fly long-haul routes. For these aircraft, the maximum landing weight may be lower than the maximum take-off weight (both are specified by the manufacturer). In the event of an emergency requiring fuel to be jettisoned, airline instructions would likely specify that the pilot fly the aircraft to a specified altitude or to a designated fuel dumping area away from centers of population. Additionally, many widely-used narrowbody aircraft such as the Boeing 737, 757 and MD-80 do not have in-flight fuel jettison capabilities.

With respect to visible trails emanating from aircraft wings, these are likely vapor trails from landing aircraft due to runoff of water vapor that condenses as the aircraft descends in to warmer temperatures.

In December 1999, the City of Chicago released a study that evaluated the major sources of soot, oily films, and other deposits in the vicinity of O'Hare (Findings Regarding Source Contributions to Soot Deposition: O'Hare International Airport and Surrounding Communities. City of Chicago. December 1999.) In order to assess the likely sources of the deposited materials, samples of soot and particulate matter were collected over a multi-week period at and near the Airport (among other areas, samples were collected in Elmhurst, Rosemont, Schiller Park, and Park Ridge). Fuel and exhaust samples from aircraft, diesel engines, and gasoline engines were also collected for comparison. These samples were chemically analyzed using an enhanced analytical technique, Advanced Chemical Fingerprinting.

Because the chemical components of fuels and combustion byproducts differ among different types of sources (i.e., aircraft, diesel engines, gasoline engines and boilers), understanding the relative shares of these components allows identification of the major source or sources of the emissions. For example, aviation fuel and soot from aircraft contain few of the heavier hydrocarbons, whereas diesel soot is likely to contain relatively more of the heavier hydrocarbons. Thus, a sample dominated by the heavier hydrocarbons would suggest that diesel engines and other sources contributing heavy hydrocarbons are primary contributors. These differences in the types of hydrocarbons emitted act as "fingerprints" for the sources.

Soot deposition samples were collected at six sites at and near O'Hare. The soot deposition samples were compared with source reference samples, consisting of a Jet-A fuel sample from O'Hare, a jet engine exhaust wipe sample from O'Hare, a sample of motor gasoline, a wipe sample of gasoline exhaust taken from the tailpipe of a passenger vehicle, a wipe sample of diesel soot taken from the tailpipe of a diesel-powered truck, and a "typical" urban dust sample from the National Institutes of Science and Technology.

Based on the sampling results, it was concluded that the deposited particles at all of the sites monitored near O'Hare bore little chemical resemblance to either unburned jet fuel or soot from jet exhaust. Instead, the collected material was chemically similar to general urban pollution,

particles from burning heavy fuels (e.g. diesel), and motor vehicle exhaust. As such, the study concluded that soot and oily deposits in communities near O'Hare are primarily the result of non-Airport emissions.

## U.5.6 Category F – Surface Transportation

### F-1

#### INTRODUCTION:

The FAA received many comments regarding the potential development of a “ring road” or “Western O'Hare Bypass” and the Elgin-O'Hare Expressway. Commenters had questions regarding where the road would be located, and some indicated disbelief that the “Bypass” would be located on airport property.

#### RESPONSE:

The “Western O'Hare Bypass” connecting I-294 south of O'Hare to I-90 northwest of the airport has been widely discussed in news media reports. This project, like the extension of the Elgin-O'Hare expressway (EOH), is outside the scope of this EIS, and the planning and construction of a western bypass would have to be pursued by agencies other than the City or FAA. The most likely entity to lead an initiative related to a western bypass would be the Illinois State Toll Highway Authority (ISTHA). The City of Chicago has agreed to provide a 300-foot wide land corridor for the western bypass within the western border of O'Hare, as shown in the *February 2004 O'Hare International Airport Master Plan (Master Plan)*.

Neither the Western O'Hare Bypass nor extension of the Elgin O'Hare expressway, both of which are in the early stages of planning, are included in any alternative considered within this EIS. During the development of this EIS, assumptions were made regarding surface transportation improvements that would be in place for each of the construction phase years, based on the TIP for the Chicago metropolitan area. It is recognized that regional transportation planning is an ongoing and fluid process, and that implementation of any of the Build Alternatives would be expected to facilitate advancement of that planning. It is anticipated that a number of the adverse impacts that have been identified in this EIS could be reduced as a result of some of the surface transportation initiatives that are under consideration. However, specific impacts of the following projects will not be known unless and until sufficient information is available to allow a detailed study. At this time sufficient information does not exist for either the West O'Hare Bypass nor the Elgin O'Hare Expressway to determine potential impacts. Therefore, the West O'Hare Bypass and the extension of the Elgin O'Hare Expressway are not part of any of the Build Alternatives considered within the EIS.

Additional information on these two potential projects follows:

**Western O'Hare Bypass:** This project has been included in the Long Range Plan for ISTHA that was approved on September 30, 2004. It was included in the Plan as an “optional” project, contingent upon Federal approval and funding. The project, which has yet to be programmed for funding, would provide a six-lane expressway linkage from I-294 south of the airport to the

new O'Hare western roadways near York Road and Thorndale Avenue. This project has the potential to lessen some of the potential impacts of the alternatives occurring along York Road, Irving Park Road, Mannheim Road, and Thorndale Avenue.

**Elgin-O'Hare Expressway – East Extension:** This project is part of the CATS 2030 RTP, but has yet to be programmed by IDOT. It would extend the Elgin-O'Hare Expressway from its existing east terminus at I-290 to the proposed west access to O'Hare, by converting existing Thorndale Avenue from a DuPage County arterial route to a limited access freeway. This project has the potential to lessen some of the potential impacts of the alternatives occurring along York Road, Irving Park Road, and Thorndale Avenue.

The most recent budgets that have been approved for IDOT and ISHTA do not include funding for extension of the Elgin-O'Hare Expressway or construction of the Western O'Hare Bypass. Nonetheless, the FAA considered each of these projects in the cumulative impacts assessment which can be found in **Chapter 6, Cumulative Impacts** of the EIS.

## F-2

### INTRODUCTION:

The FAA received many comments that O'Hare improvements should include an "intermodal" facility allowing connection to passenger rail infrastructure. Some cited the increased use of rail as a partial solution to reducing air traffic demand and congestion. These comments included several postcards depicting the Frankfurt Airport's facility.

### RESPONSE:

Build Alternatives C, D and G include an extension of the Airport Transit System (ATS), which links with the Metra Transfer Station. This station is on Metra's North Central line, which provides the ability to travel to O'Hare from Union Station in Chicago. The O'Hare Transfer Station is located east of the intersection of Mannheim Road and Zemke Road. Currently, a shuttle bus service takes passengers between the Metra station and the ATS station at Lot E for transfer to the Airport.

In addition, the Chicago Transit Authority Blue Line currently links downtown Chicago to O'Hare with the terminus in the lower level of the Main Parking Garage at O'Hare.

In accordance with the National Environmental Policy Act of 1969 (NEPA), the FAA is required to evaluate the City's proposal and alternatives to it from an environmental standpoint. Where appropriate, the FAA encourages airport sponsors to provide for intermodal facilities, however, it is the airport sponsor's prerogative to plan for such facilities.

## F-3

### INTRODUCTION:

Commenters expressed the need for western access to the airport.

**RESPONSE:**

Each of the Build Alternatives retained for detailed consideration within the EIS is compatible with the provision of western access to O'Hare. Western access was a provision required by the O'Hare Modernization Act, (which can be found in **Appendix A, Attachment A-1**. For more information on the surface transportation analysis, including western access, please refer to **Section 5.3 Surface Transportation** in the Final EIS. Also see **Response F-4**.

F-4

**INTRODUCTION:**

Commenters expressed concerns that the western access would not be effective.

**RESPONSE:**

In accordance with the National Environmental Policy Act of 1969 (NEPA), the FAA is required to evaluate the City's proposal and alternatives to it from an environmental standpoint. The details of how a western access point to the Airport would be provided are the responsibility of the City of Chicago. Although it is not certain which air carriers would serve the proposed western terminal, the City of Chicago has indicated that they will work with the air carriers to provide ticketed passengers with a means to pass through security on the western side of the airport. The ability to pass through security on the western side of the airport would permit passengers to utilize the proposed people-mover to traverse from the proposed western terminal to existing Terminals 1 and 2.

Currently, access points leading to the passenger terminal and other functional areas are located at the east and northeast perimeter. Consequently, airport users on the west and southwest of the airport must travel around the perimeter of the airport. To enhance convenience for airport users accessing O'Hare from the west and southwest, roadway access to O'Hare from the west should be provided. The O'Hare Modernization Act (OMA), related to the proposed expansion of O'Hare, was adopted by the Illinois legislature and signed into law by the Governor on August 6, 2003.

Following are quotes from the OMA:

The Illinois General Assembly finds and determines:

Public roadway access through the existing western boundary of O'Hare to passenger terminal and parking facilities located inside the boundary of O'Hare and reasonably accessible to that western access is an essential element of the O'Hare Modernization Program. That western access to O'Hare is needed to realize the full economic opportunities created by the O'Hare Modernization Program and to improve ground transportation in the O'Hare area. It is important to the State that the western access be constructed not later than the time existing 14R-32L is removed from service.

This law clearly sets forth a plan to deal with western access to O'Hare. The law does not provide specifics about the exact geographic location of the proposed access; it only indicates that the access will be on the west side of O'Hare, and outlines the timeframe for the

construction of said access. The City of Chicago's proposed Airport Layout Plan depicts the western access.

For more information on the surface transportation analysis please refer to **Section 5.3, Surface Transportation** in the Final EIS.

**F-5**

**INTRODUCTION:**

Commenters expressed concern that traffic congestion on the roads near the airport will be worsened with expansion of the airport.

**RESPONSE:**

The FAA conducted a detailed surface transportation analysis for various phases of the alternatives. The results of this analysis indicate that traffic congestion is already present within the surface transportation study area. The current traffic congestion is expected to worsen with both the No Action and Build Alternatives. However, the Build Alternatives when compared to the No Action alternative result in some intersections and roadways segments deteriorating such that they would exceed the threshold of significance for surface transportation criteria levels. For more information on the surface transportation analysis please refer to **Section 5.3, Surface Transportation** in the Final EIS. Mitigation for identified surface transportation impacts is documented within **Chapter 7, Mitigation, Section 7.3** of this Final EIS.

Additionally, the Federal Highway Administration (FHWA) has commented on the analysis of the surface transportation impacts of the project inquiring as to "whether or not the increased traffic volumes are generated by the O'Hare improvements." The FAA has updated **Section 5.3** of the Final EIS to address the FHWA comment. The response to the comment raised by FHWA may further inform the reader of FAA's detailed consideration of these issues. Please see document 050406\_03 on page U.2-28 of this appendix.

**U.5.7 Category G – Social Impacts**

**G-1**

**INTRODUCTION:**

The FAA received many comments related to economic impacts of the proposed projects. Comments received in support of the project cited job creation and economic benefits. The benefits mentioned by commenters included: job creation both temporary and permanent, increased airline competition, and overall positive economic effects on the region and state. Many of the comments were from local businesses citing the need for efficient airport operations to maintain the success of their business.

Many commenters expressed their belief that the construction of the proposed projects would benefit their personal well-being. Many commenters expressed the desire that FAA take into account the needs of local workers and unions in the decision of whether or not to approve

O'Hare expansion. Many mentioned that the expansion would provide jobs to local workers including the unemployed.

Comments received in opposition to the project questioned the City of Chicago's job creation estimates and/or economic benefits of the proposed project.

**RESPONSE:**

The economic impact of potential O'Hare improvements was not a consideration in development of the purpose and need for this EIS. However, **Section 5.5, Secondary (Induced) Impacts**, identifies the potential socioeconomic impacts associated with the evaluated Alternatives.

Additionally, the FAA did not utilize the City of Chicago job creation numbers (e.g. 195,000 jobs) cited by commenters in this analysis. For the purpose of evaluating indirect economic impacts on the Chicago region, the FAA utilized a series of economic studies that were prepared by Hamilton Rabinovitz & Alschuler, Inc. (CCT). These economic studies compared estimates of regional employment growth with Northeastern Illinois Planning Commission (NIPC) forecasts. The FAA reviewed the studies and concurred with the general findings. Each of the Build Alternatives would result in an increase in the economic activity associated with the Airport compared to the No Action alternative. The Build Alternatives under consideration (Alternatives C, D, and G) are estimated to result in an increase of 89,240 jobs, approximately 49,390 more than Alternative A. This does not include temporary jobs related to construction. For more information please refer to **Section 5.5, Secondary (Induced) Impacts** of the EIS.

**G-2**

**INTRODUCTION:**

The FAA received many comments concerning the effect that O'Hare, in its current state or with improvements, would affect the property values in the vicinity of the airport. More specifically, the comments address concerns regarding the impact of O'Hare operations and/or possible future impacts of O'Hare on home values under one of the Build Alternatives due to noise, vehicular traffic, increase flights, air quality, land use changes, and uncertainties about the future of O'Hare. Most of the comments involve very general concerns about property value impacts without reference to any specific physical or social environment that would be affected.

**RESPONSE:**

The Final EIS included a historic 10-year evaluation of property values in the vicinity of the existing airport. The data in **Section 5.4** shows that over the ten-year period from 1990 to 2000, median income and home values within the study area increased at the same time as aviation activity at O'Hare increased. This survey simply reflects neighborhood prices in an environment where a busy commercial airport has existed since the 1950s. According to the 1994 study, "The Effect of Airport Noise on Housing Values," conducted by Booz, Allen and

Hamilton for the Federal Aviation Administration, generalizations on property values cannot be made for specific residential areas in proximity to specific airports.

Topical response G-4 includes information on the application of the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act) with regard to potential property acquisition associated with the proposed action.

### G-3

#### INTRODUCTION:

The FAA received many comments on the effect that O'Hare with improvements involving land acquisition would affect the local tax base. Many commenters expressed concern that their property taxes would likely rise with the expansion of O'Hare. Additionally, others raised concern that a tax would be levied to pay for the project referring to the airport improvement project in St. Louis.

#### RESPONSE:

If any of the Build Alternatives were implemented, land acquisition would be required in the Northwest and Southwest acquisition areas. The land acquisition associated with each of the Build Alternatives is presented in **Section 5.4, Social Impacts**. **Section 5.4** includes an estimate of tax loss for the Preferred Alternative of approximately \$5.6 million for a single year.

The total taxes that would be lost to the school districts and community colleges for one year would be approximately \$3,150,000 for Alternative C and approximately \$3,020,000 for Alternatives D and G. Based on Section 21, Reimbursement for tax base losses of the O'Hare Modernization Act,<sup>1</sup> tax loss reimbursement is outlined as follows:

(a) Whenever the City acquires parcels of property within any school district or community college district for the O'Hare Modernization Program, the City shall, for the following taxable year and for each of the 5 taxable years thereafter, pay to that district the amount of the total property tax liability of the acquired parcels to the district for the 2002 taxable year, increased or decreased each year by the percentage change of the district's total tax extension for the current taxable year from the total tax extension for the prior taxable year; provided that no annual increase shall exceed the lesser of 5 percent or the annual increase in the Consumer Price Index. Funds payable by the City under this Section shall be paid exclusively from non-tax revenues generated at airports owned by the City, and shall not exceed the amount of those funds that can be paid for that purpose under 49 U.S.C. 47107 (1)(2).

(b) Notwithstanding any other provision of this Section: (i) no funds shall be payable by the City under this Section with respect to any taxable year succeeding the 2009 taxable year; (ii) in no event shall such funds be payable on or after January 1, 2010; (iii) in no event shall the total funds paid by the City pursuant to this Section to all districts for all taxable years exceed \$20,000,000; and (iv) any amounts payable to a district by the City with respect to any parcel of property for any taxable year shall be reduced by the amount of taxes actually paid to the district for that taxable year with respect to that parcel or any leasehold interest therein.

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<sup>1</sup> O'Hare Modernization Act, Illinois Public Act 93-0450, August 6, 2003.

The above-cited provisions of the OMA outline the steps the City of Chicago will take to mitigate for the impact to the local tax base.

The FAA notes that a bill has been introduced in the Illinois General Assembly to amend the OMA. A synopsis of the bill follows:

Amends the O'Hare Modernization Act. Provides that, for the 2005 taxable year and for each of the 4 taxable years thereafter, the City of Chicago must pay to each taxing district other than a school district or a community college district the total amount of the property tax liability of the acquired parcels for the taxing district for the 2002 taxable year, increased or decreased for each year by the lesser of 5% or the annual increase in the Consumer Price Index. Provides that funds payable by the City under this provision must be paid exclusively from non-tax revenues generated at airports owned by the City and may not exceed the amount of those funds that can be paid for that purpose under certain provisions of federal law. Effective immediately.

With regard to the possibility of St. Louis imposing a metropolitan-wide tax to pay for the airport program there, the FAA notes that the fact sheet on the Lambert expansion web site specifically states that no local tax dollars or revenue are being used for their expansion project; only fees collected from the aviation users, see <http://www.lambert-pmo.org/id39.asp>. Should any such tax be levied, this would reflect the will of local officials in the St. Louis area. For any tax to be levied here, it would have to be proposed by local officials in the Chicago area. At this time, there is no indication that the City of Chicago would levy such a tax. Through the City of Chicago's outreach programs, the City has continued to state that no local tax revenue would be utilized to fund the project. For an overview of the financing plan that the City of Chicago has developed, please see **Chapter 1, Introduction and Background, Section 1.7** of the EIS.

#### G-4

##### INTRODUCTION:

The FAA received many comments on the process of the proposed land acquisition. This included concerns about compensation for homeowners, renters, and undocumented residents. Other concerns included the effect that the O'Hare Modernization Act passed by the State of Illinois would have on the process. Some commenters were concerned about the effect of quick-take and/or eminent domain on the process. Many commenters expressed concern that the relocated population be treated fairly. Additionally, some commenters raised concern over the availability of affordable housing. Commenters also expressed concern about land acquisition details, including questions as to the limits of acquisition.

##### RESPONSE:

The FAA takes seriously the potential impacts related to homeowners and businesses in the proposed land acquisition areas and areas adjacent thereto. The City of Chicago has historically had authority to take property needed for airport development through condemnation. Section 15 of the O'Hare Modernization Act (OMA) identifies powers the City may utilize to acquire property within the proposed acquisition area. This includes condemnation authority by quick-take for the acquisition of various parcels of land associated with the redevelopment of O'Hare. The law describes this land area, which is eligible to be taken by "quick-take" in **Attachment A-1**

in **Appendix A, Background**. This legislation enables Chicago to acquire properties as defined in the Act, faster than normal due to the authority granted by the State of Illinois. This legislation was signed into law on August 6, 2003.

As discussed in **Section 5.4, Social Impacts**, each of the Build Alternatives would involve the acquisition of properties located in the Northwest and Southwest acquisition areas, including areas in Bensenville, Elk Grove and Des Plaines. **Table 5.4-11** in the EIS provides the following overview of the assessment of the land acquisition related impacts. Up to 539 homes and 197 businesses would be acquired if any of the Build Alternatives were to be implemented.

Such acquisition requires full compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act). The Uniform Act is a Federal statute that regulates the acquisition and relocation process and protects the interests of residents and business owners affected by the potential acquisitions. Owners, tenants, and businesses in the proposed acquisition areas would be relocated pursuant to both the Uniform Act and *FAA's Advisory Circular AC150/5100-17, Land Acquisition and Relocation Assistance for Airport Improvement Program Assisted Projects*.

Should a Build Alternative be approved in the FAA's Record of Decision, the Uniform Act will be implemented by the City of Chicago's O'Hare Land Acquisition Program with compliance assured by FAA. These procedures are designed to ensure that relocated people and businesses will be treated fairly. If necessary, the Uniform Act requires provision of funds in excess of the fair market value of the acquisition property if and as necessary to acquire decent, safe, sanitary, and comparable replacement housing (including housing of last resort).

In addition, the FAA is aware of the resident's concerns that the sale price established for their existing property (fair market value) would be insufficient to provide for purchase of comparable property in a new location. Provisions within the Uniform Act provide a mechanism to address these concern.

At present, a lawsuit is pending against the City and the FAA in which the communities and others are seeking to prevent the City's acquisition of property in Bensenville and Elk Grove. On July 10, 2003, the City of Chicago entered into an Agreed Order with the Plaintiffs that limits property acquisition that can occur prior to completion of the EIS process within Bensenville and Elk Grove Village.

The Agreed Order states:

IT IS HEREBY ORDERED THAT:

The City of Chicago agrees that the City voluntarily agrees that it will not acquire property in the Village of Bensenville and Elk Grove Village for the OMP, or acquire the Rest Haven or St. Johannes Cemeteries, unless and until the FAA has issued a Record of Decision following completion of an EIS for the OMP. The City also agrees that it will not acquire any property subject to NHPA or Section 4(f) until the FAA determines that the requirements of those laws have been satisfied for the OMP. This agreement does not include hardship cases that may arise in Bensenville or Elk Grove Village prior to the FAA's issuance of a Record of Decision. The City remains willing to acquire properties in hardship situations in Bensenville and Elk Grove Village prior to the FAA's decision on

the OMP, as allowed by FAA guidance, with advance consent by Village Plaintiffs required to such acquisitions.

### Quick-Take Explanation

“Quick Take” or immediate entry condemnation means that the airport may take possession of a property for project need upon deposit of the estimated just compensation with the condemnation court. A property owner cannot be required to allow possession until the just compensation payment is made under the provisions of the Uniform Act. This procedure may be applied only after the airport has made a good faith effort to negotiate an amicable purchase agreement with the property owner. Also, a homeowner or tenant of an acquired residence has at least 90 days following the initial offer of just compensation and replacement housing payments before they may be required to vacate.

## U.5.8 Category H – Water Resources

### H-1

#### INTRODUCTION:

Many commenters raised questions regarding the wetlands that are currently on the airport. Other commenters raised general comments on the wetland mitigation that would be provided. Some commenters expressed that the wetlands on the airport should be protected and not removed. Other comments expressed that the removal of the wetlands would not reduce delays at the airport, and that their removal was being used to help justify the modernization of O'Hare.

#### RESPONSE:

As discussed in **Section 5.12, Wetlands**, the Build Alternatives would involve draining and/or filling of 153 acres of wetlands and non-wetland Waters of the US at O'Hare. These wetland resources are of various qualities and types (see **Appendix N, Biological and Water Resources** for a discussion of the types of wetlands at the Airport).

The City has continued its discussions with the U.S. Army Corps of Engineers and the FAA in developing a strategy for mitigation of the identified wetlands impacts. As stated in **Table 5.12-4** of the EIS, the City's Conceptual Mitigation Plan originally contemplated provision of 414 mitigation credits for the 153 acres of project-related wetlands lost as a result of Alternatives C, D, and G. Since the publication of the Draft EIS, the City has agreed to mitigate forested wetlands at a 3:1 ratio. The two wetlands that are affected by this increase in mitigation ratio are SW15 and NW28. Since SW15 is in DuPage County, the mitigation ratio for this wetland, which is established by DuPage County Ordinance, is 3:1. Therefore, there is no change in the amount of mitigation credit for this forested wetland compared to the mitigation ratio outlined in the Draft EIS. For NW28, this wetland of 15.16 acres would be mitigated at a 3:1 ratio instead of the 1.5:1 ratio outlined in the Draft EIS. Thus, the total amount of mitigation credits would be increased from 414 to 447.3 as a result of changes in the required mitigation ratio. The mitigation ratios and the total amount of mitigation credits to be provided were

specified by the interagency Mitigation Review Team comprised of the United States Army Corps of Engineers, United States Environmental Protection Agency, Illinois Environmental Protection Agency, and the United States Fish and Wildlife Service.

As stated in **Section 5.12.3.2** of the Final EIS, wetlands on the airport would be filled as a result of the amount of construction-related activity to be undertaken and not just as a result of the specific Airport locations where facilities would be constructed. The wetlands would need to be filled as a result of an increase in the footprint area of stormwater management facilities, the development of new airfield and landside facilities, the need to provide adequate construction-related areas, and the need to maintain O'Hare in an open and fully functioning mode throughout the entire construction process. Thus, the wetlands on the airport cannot be protected with the implementation of any of the Build Alternatives, including the Preferred Alternative.

In addition, wetlands frequently provide attractive habitat for many species of wildlife, and the use of active Airport property, including approach and departure airspace, by wildlife can pose an unacceptable safety threat to aircraft operations. Thus, the protection of wetlands at O'Hare could result in attracting wildlife to the Airport, which, in turn, could result in an unacceptable safety threat.

For the detailed analysis and assessment, see **Chapter 5, Environmental Consequences, Section 5.12, Wetlands**. In addition, see **Chapter 7, Mitigation, Section 7.8** for the commitments made by the City to provide mitigation for these impacts.

## H-2

### INTRODUCTION:

Some commenters expressed general concerns over the water quality impacts of the proposed projects.

### RESPONSE:

The FAA in the EIS assessed water quality impacts of the Proposed Projects. Under the No Action Alternative and each of the Build Alternatives, the FAA concludes that no significant impacts related to water quality would occur. Compared to the No Action Alternative (Alternative A), the potential for water quality impacts under Alternatives C, D, or G would be greater due to the increase in impervious surface area, additional airside areas using deicing chemicals, and substantial construction activity. However, the increase in potential water quality impacts would not be significant because, in addition to the efforts to reduce contamination to surface water from deicing chemicals, adequate stormwater facilities, designed to manage, contain, and convey the calculated increases in stormwater, would be designed and constructed as part of each of the Build Alternatives.

In addition, the air pollutant emissions that could affect the water quality of a lake or stream in the vicinity of the Airport are nitrogen oxides, sulfur oxides, and particulate matter. Sulfur dioxide and nitrogen oxides are gases released when fossil fuels are burned. When constituents

of these gases react with water in the atmosphere, sulfuric acid and nitric acids can form and fall as rain (commonly referred to as "acid" rain). As shown in **Table 5.6-26** on page 5.6-66 of the Final EIS, the greatest increase in nitrogen oxides, sulfur oxides, and particulate matter (10 microns or less in size) with Alternatives C, D, and G would be 1,199, 151, and 104 tons during any of the years evaluated (3, 0.4, and 0.3 tons per day). Notably, these emissions would occur throughout the Airport vicinity and would not be concentrated in any one location. Excluding construction-related emissions, aircraft contribute approximately 87, 89, and 44 percent of the total nitrogen oxide, sulfur oxides, and particulate matter emissions associated with an airport. The greatest contributor to particulate matter emissions in the Airport vicinity are motor vehicles traveling on roadways (50 percent of the total emissions). The level of nitrogen oxide, sulfur oxide, and particulate matter emissions associated with the airport is small when compared to emissions from other sources within the region and therefore, the increase in emissions with the proposed improvements would have a negligible effect on the water quality of any lake or stream in the Airport vicinity. Emission reduction measures related to construction operations are described in **Section 5.6.5** of the Final EIS.

### **Necessary State Permits**

The State and Federal governments regulate water quality through the NPDES program, established by the Federal Clean Water Act. In Illinois, the USEPA has delegated the authority to issue NPDES permits to the IEPA. The NPDES permit system is a mechanism for attaining water quality standards by imposing limits for pollutants of concern on discharges from a point source into waters of the United States. A point source is an identifiable stationary location from which pollutants may be discharged to a water of the United States. At the Airport, stormwater outfalls constitute point sources due to the use of glycol-containing deicing compounds and other maintenance activities classified as "industrial" by IEPA, generating the requirement for the Airport to participate in the NPDES permit system. See **Section 5.7, Water Quality** of the EIS for more information. Operation of the Airport will be in conformity with applicable NPDES permits.

For the detailed analysis and assessment, see **Chapter 5, Environmental Consequences, Section 5.7, Water Quality**.

## **U.5.9 Category I – Historic/Cultural Impacts**

### **I-1**

#### **INTRODUCTION:**

The FAA received many comments related to Rest Haven and St. Johannes cemeteries. Many commenters opposed the proposed acquisition of one or both of the cemeteries. Numerous comments mention that the FAA did not evaluate an alternative that would not require the acquisition of the cemeteries. Some comments suggested that expansion should be tailored to not impact the cemeteries. Others fear that the acquisition of these cemeteries will set a precedent allowing other cemeteries to be acquired for other public works projects. Additionally, many commenters expressed the belief that the cemeteries are historic in nature.

Finally, some commenters noted that there was a prior agreement in place to leave the cemeteries in place when past projects at O'Hare were considered.

Other commenters noted that the O'Hare Modernization Act removes the protections of the Illinois Religious Freedom Restoration Act from the cemeteries, St. Johannes and Rest Haven. Additionally, some commenters noted that the O'Hare Modernization Act is in violation of the First Amendment of the US Constitution and the Federal Religious Freedom Restoration Act.

**RESPONSE:**

As submitted by the City of Chicago, the proposed Airport Layout Plan for the OMP called for the use of two cemeteries, St. Johannes and Rest Haven. At the time of this submission, the City intended to use its land acquisition authority to obtain title to these properties and to relocate the bodies of those buried in the cemeteries to another nearby existing cemetery if the FAA approved the OMP. These acquisitions would be necessary to construct Runway 10C/28C and establish an international air cargo facility in the southwestern quadrant of O'Hare.

Those who oppose the relocation of graves from St. Johannes and Rest Haven Cemeteries have asserted that the FAA's approval of any proposal that would require relocation of these cemeteries would violate their First Amendment right to free exercise of religion as well as the Religious Freedom Restoration Act. FAA has carefully studied these claims in the Final EIS and has identified a proposed resolution to these legal issues. In doing so, the FAA proposes to find that Rest Haven Cemetery, unlike St. Johannes, may not need to be relocated. A final decision on these legal issues will be made in the ROD after opportunity for comment. For further information see **Section 5.22, Other Issues Relating to Cemetery Acquisition**.

With regard to the historic aspects of the cemeteries, see **Section 5.8, Section 5.9, and Appendix L** of the Final EIS.

Finally, the FAA is aware of the relocation of St. John's Church of Christ due to past airport expansion activity. However, the FAA is not aware of any agreement to leave cemeteries in place when past projects were considered.

**I-2**

**INTRODUCTION:**

Several Native American tribes requested that they be notified if archaeological remains were uncovered during construction of any of the proposed projects.

**RESPONSE:**

The FAA has informed the City of Chicago of the request for consultation should archaeological remains be discovered during construction, and the City of Chicago has agreed to notify the FAA, which will notify the tribes in the event of any discovery.

## U.5.10 Category J – Construction Impacts

### J-1

#### INTRODUCTION:

Comments raised general concern regarding truck haul routes and construction related traffic.

#### RESPONSE:

The EIS addresses the impacts associated with construction related traffic and truck haul routes. Issues concerning construction traffic can be separated into two categories: on-site and off-site. Many different types of equipment, such as paving machines, dump trucks, dozers, scrapers, pickup trucks, cranes, and backhoes generate on-site construction traffic. Airport construction projects generate off-site vehicular traffic from both construction activities and commuting employees. Employee commuter traffic consists mainly of private cars and trucks. Detailed information about the anticipated off-site and on-site construction impacts to surface transportation is included in **Section 5.20, Construction Impacts**.

**Section 5.20.3.10, Construction Generated Surface Traffic** contains the detailed assessment of construction related traffic and specifically includes discussion of truck haul routes. Within this section, **Exhibit 5.20-3** includes a map of the anticipated truck haul routes. Additionally, the City is studying mechanisms to limit the amount of off-site hauling that would be required.

As stated in **Section 5.20.4** of the Final EIS, the City of Chicago Department of Aviation (DOA) has established operational requirements for the mitigation of construction impacts on past and current projects. The City of Chicago will ensure that these requirements will be conveyed to the City's Project Designers for inclusion in bidding and contract documents. The DOA has prepared an OMP Best Management Practices Manual, and an OMP Sustainable Design Manual. These two manuals provide procedures that will become requirements for construction impact mitigation as appropriate for each individual project, and are both included in **Appendix Q, Construction**. The DOA will also review bidding documents for environmental protection requirements and monitor construction to assure compliance.

Finally, the FAA notes that the City of Chicago has developed a program of construction environmental impact mitigation to eliminate or reduce construction impacts, that could be implemented if a Build Alternative is selected. A complete description of the mitigation planned for construction impacts can be found in **Chapter 7, Section 7.9**.

### J-2

#### INTRODUCTION:

Commenters raised concerns regarding the operation of the airfield during the construction of the proposed projects. Commenter inquired as to whether modeling was conducted to reflect how the airfield would operate during construction. Additionally, some commenters raised concern regarding the security of the airfield during construction.

**RESPONSE:**

For large airport improvement projects, it is typical for the construction to be phased in over several years. It is not atypical nor inherently unsafe for a major airport construction project to coexist with regular aircraft operations. However, construction in an area of active aircraft operations can present many risks. **Section 5.20.4.7** of the EIS describes how airfield construction will take precautions to maximize safety and attempt to minimize operational disruptions. Specific examples cited by the commenters are noted and will be incorporated into work plans.

Additionally, the Transportation Security Administration (TSA) was involved in the ALP review process commenting specifically on security issues. The City of Chicago, in consultation with the TSA, would develop and implement procedures to ensure that the airfield remains secure during construction operations.

The FAA evaluated each alternative at various stages or phases of construction from both an environmental and operational standpoint. For detailed information on the airfield/airspace modeling refer to **Appendix D, Simulation Modeling**.

The analyses of environmental impacts and operational conditions of each alternative are presented for the following years of analysis:

- **Baseline Conditions** – The baseline conditions reflect the 2002 conditions as this EIS was initiated in 2002.
- **Build Out** – This is the anticipated year that all components of the alternatives are anticipated to be completed and operational.
- **Build Out +5** – This is a future year representing five years beyond the completion of all components (Build Out) of the proposed action and other proposed projects.

In addition to these years of analysis, there are also two interim years of analysis representing major phases of construction.

- **Construction Phase I** – This represents the anticipated year that the first major phase of the proposed action is anticipated to be completed and operational.
- **Construction Phase II** – This represents the anticipated year that the second major phase of development would become operational.

Due to potential construction schedule changes, the years of analysis reflect major phases (i.e. Construction Phase I, Construction Phase II, Build Out, and Build Out + 5), rather than specific years, (see **Appendix Q** of the Final EIS for more information).

**U.5.11 Category K – Safety/Security****K-1****INTRODUCTION:**

Many commenters expressed concern regarding the safety of the proposed runway layout, citing pilot and air traffic controller concerns. Some stated that the runways are too close together or that crosswinds would create a safety hazard given the predominant east-west layout. Additionally, some commenters raised concern over runway and taxiway crossings. Other commenters expressed that the City's proposed runway layout would increase safety margins at the airport. Some commenters expressed that the FAA should make their decision based on safety of operations.

**RESPONSE:**

The Air Traffic Division of FAA participated in the development of operation input assumptions and reviewed the comprehensive demand/capacity analysis to assess the resultant airspace/airfield operational performance of the various alternatives. The Air Traffic workgroup was comprised of representatives from the O'Hare Tower, the TRACON, the Center, and the air traffic controller union (NATCA). All applicable air traffic rules and regulations that exist today were incorporated in the development of the operational assumptions for all alternatives and for the various years modeled.

Safety is the FAA's highest priority, and the agency will ensure that the design of any approved alternative properly protects the public safety. As part of the *February 2004 O'Hare International Airport Master Plan (Master Plan)*, the City conducted a detailed evaluation of potential airfield configurations.

Additionally, the FAA is conducting a thorough review of the City's proposed Airport Layout Plan (ALP). This review is designed to ensure that the proposal complies with applicable FAA airport design standards and safety regulations, including wind coverage, runway separation distances, and runway/taxiway crossings. This ALP review involves multiple lines of business at FAA, including FAA Air Traffic, Airports, Airways Facilities, Flight Standards, Flight Procedures, and Runway Safety. The Transportation Security Administration (TSA) also participates in the ALP review providing insight on security issues.

Any modifications to standards and/or the issuance of waivers will be documented as part of the final ALP approval. Additionally, any proposed improvements must facilitate compliance with FAA Airport Certification Standards under 14 CFR Part 139.

**Wind Coverage**

Based on the FAA review of the analysis contained within the *Master Plan*, an airfield configuration that combines an east-west orientation with crosswind runways in a northeast-southwest configuration meets and exceeds FAA wind coverage criteria. The resulting airfield would resemble those existing at Hartsfield-Jackson Atlanta International (Atlanta) and Dallas/Fort Worth International airports, where recent advances in air traffic control technology

for parallel runway operations have been incorporated. **Exhibit A-7** of **Appendix A** of the EIS shows the runway layouts of Atlanta and Dallas/Fort Worth.

### **Runway Separation Distances**

The ALP and supporting documentation within the *Master Plan* document that the proposed runway lateral separation distances comply with applicable FAA design criteria to ensure safe operations. Current FAA directives (*FAA Order 7110.65* and supplements) include provisions for operations on runways with the proposed spacing, and these were utilized in developing the planned operation. The procedures developed are fully compliant with these directives and are effectively utilized today at ORD. The TAAM modeling conducted for the EIS incorporated these procedures.

### **Runway/Taxiway Crossings**

Runway-crossing and land-and-hold-short operations (LAHSO) procedures are conducted safely with the existing O'Hare airfield. These same procedures have been incorporated into the proposed operation of the preferred alternative. These procedures were developed by experienced FAA air traffic controllers from the O'Hare tower to ensure their safety and viability, and adhere to all applicable FAA Air Traffic directives; specifically, FAAO 7110.65 and supplements. In addition, the FAA employed Mitre, an FAA contractor, to evaluate the City's proposal. As the Mitre report indicates, these procedures effectively implement the Office of Runway Safety suggested practices, and result in fewer active runway crossings in the middle third of the runway than the current airfield. In addition, these numbers are far lower than several other large multiple-parallel runway airports.

## **K-2**

### **INTRODUCTION:**

Many commenters expressed concern regarding the increase of air traffic at O'Hare. Some mentioned the potential for increased airborne collisions or aircraft crashes in the vicinity of the Airport. Others raised concern about the altitudes of incoming or outgoing O'Hare flights.

### **RESPONSE:**

Safety is the FAA's highest priority, and the agency will ensure that the design of any approved alternative properly protects the public safety. As part of the *February 2004 O'Hare International Airport Master Plan (Master Plan)*, the City conducted a detailed evaluation of potential airfield configurations.

Additionally, the FAA is conducting a thorough review of the City's Airport Layout Plan (ALP). This review is designed to ensure that the proposal complies with applicable FAA airport design standards and safety regulations, including wind coverage, runway separation distances, and runway/taxiway crossings. This ALP review involves multiple lines of business at FAA, including FAA Air Traffic, Airports, Airways Facilities, Flight Standards, Flight Procedures, and Runway Safety. The Transportation Security Administration (TSA) also participates in the ALP review providing insight on security issues.

This intensive review ensured that under either the No Action or a Build Alternative, the number of aircraft operations served by the Airport would be accommodated safely. FAA air traffic control procedures and requirements, including aircraft separation provisions, ensure the safe operation of aircraft using O'Hare.

The FAA is aware that on rare occasions, aviation accidents related to airport construction have occurred. For example, in the 1970s a Western Airlines B720 landed in the pre-dawn hours on a Mexico City Runway closed for construction. Worldwide, the airline industry along with aviation authorities and third party entities, have taken many steps to prevent such occurrences. As a result, in the United States alone, major airport improvement projects have been completed safely with out incident at, DFW, PHX, MIA, ATL, DTW, and SDF. All but Louisville have significant international service. In addition major construction is underway or about to begin, at both PHL and BOS, also international airports. The FAA believes the OMP can be accomplished safely and it will use the full measure of its authority to ensure that this is so.

### **U.5.12 Category L – Cost/Funding**

#### **L-1**

#### **INTRODUCTION:**

Many commenters expressed general concern that the project cannot be funded. Others had more specific issues regarding the project funding, including the federal government's share of the funding and concern that the airlines would not be able to fund the project.

#### **RESPONSE:**

In response to comments on the Draft EIS, FAA has reviewed additional cost-related information applicable to the project. For purposes of this review under NEPA, the FAA has concluded that the estimated costs of the project are reasonable. FAA has also concluded that it is reasonable to assume that, based upon the impact O'Hare has on the Chicago region, as well as the NAS, and the benefits to the regional economy, there will be sufficient funds to complete the proposal, if approved. In addition, FAA believes that with a project of this magnitude and importance, the availability of projected funding sources is sufficiently reasonable and capable of being obtained. Accordingly, the FAA has decided it is both appropriate and necessary under NEPA to subject the Sponsor's full build proposal and alternatives thereto to this environmental analysis because the entirety of the proposed action is reasonably foreseeable. This determination is made without prejudice to evaluation of the City's pending Letter of Intent request, which is a separate process from this environmental analysis.

For more detail in regard to FAA's careful consideration of this issue, please see **Chapter 1, Section 1.7**.

## L-2

**INTRODUCTION:**

Some commenters expressed that the opinion that it is cost-effective to invest in existing infrastructure at O'Hare rather than build an additional airport. Other commenters expressed that the benefits of the project outweigh the costs. Other commenters suggested the opposite or that the expansion project was not economically sensible.

**RESPONSE:**

As with any airport project, there is often a difference of opinion as to whether there should be a project, or what the project should entail. While recognizing these comments, the FAA is required to respond to a sponsor's proposal for airport development. In this instance, the FAA is in the process of responding to both the City of Chicago for improvements at O'Hare, and the State of Illinois for development of SSA, based upon the purpose and need of those projects.

There is no statutory or regulatory requirement for FAA to include a cost benefit analysis within an EIS. However, under a separate process the FAA is reviewing the City of Chicago's application for Federal funding in a Letter of Intent dated March 1, 2004 updated in February 2005. This application includes a cost benefit analysis for Phase I of the City's O'Hare Modernization Program (OMP). FAA will carefully review the City's submission, and no affirmative funding related decision will be made unless and until FAA is convinced that all statutory and regulatory requirements for funding have been met.

## L-3

**INTRODUCTION:**

Some commenters expressed that the opinion that the City's cost estimates were incorrect. Commenters note that the City's cost estimates do not include the cost of: 1) necessary surface transportation improvements including the extension of the Elgin-O'Hare Expressway and the West O'Hare Bypass; 2) the terminal improvements. Others believe the cost of the project is simply too great.

**RESPONSE:**

The *February 2004 O'Hare International Airport Master Plan (Master Plan)* as prepared by the City presented an estimate of project costs. In response to public comment, the FAA requested that the City provide additional cost information related to the project. As shown in **Chapter 1, Section 1.7** of the Final EIS, FAA believes the City's cost estimates are reasonable.

**West O'Hare Bypass/Elgin-O'Hare Expressway**

During the development of this EIS, assumptions were made regarding surface transportation improvements that would be in place for each of the construction phase years, based on the TIP for the Chicago metropolitan area. It is recognized that regional transportation planning is an ongoing and fluid process, and that implementation of any of the Build Alternatives would be

expected to facilitate advancement of that planning. It is anticipated that a number of the adverse impacts that have been identified in this EIS could be reduced as a result of some of the surface transportation initiatives that are under consideration. However, specific impacts of the following projects will not be known unless and until sufficient information is available to allow a detailed study. At this time sufficient information does not exist for either the West O'Hare Bypass nor the Elgin O'Hare Expressway to determine potential impacts. Therefore, the West O'Hare Bypass and the extension of the Elgin O'Hare Expressway are not part of any of the Build Alternatives considered within the EIS. The cost of these projects is therefore not included in the *Master Plan* cost estimate. For Further information on the West O'Hare Bypass, please see topical response F-1.

### Terminal Improvements

**Table 1-11** in **Section 1.7** shows the breakdown of costs among the O'Hare Modernization Program (OMP), the World Gateway Program (WGP), and the Capital Improvement Program (CIP) according to the *Master Plan* cost estimate. For more detail in regard to FAA's careful consideration of this issue, please see **Chapter 1, Section 1.7**.

### U.5.13 Category M – Miscellaneous

#### M-1

#### INTRODUCTION:

Many commenters expressed an opinion in opposition to the proposed projects most often cited general concerns related to increased noise, increased air pollution, land acquisition including the taking of cemeteries, and the financial feasibility of the project. Some commenters asked that the FAA reject the proposed projects. Some commenters expressed concerns that the FAA not "rubber stamp" the project. Additionally, the commenters expressed concerns over the general quality of life in the surrounding area as a result of the Airport should the project be approved.

#### RESPONSE:

FAA appreciates all the public comments and encourages public participation in the EIS process. The FAA takes seriously its responsibility to consider all comments on the Draft EIS. This responsibility includes careful consideration of the comments, whether submitted as recorded testimony, letters, postcards, voice messages, emails, and faxes. The comments are considered equally without regard to the format.

The comment period of the Draft EIS was initially set for 60 days. Based on requests from the public to extend the comment period, the FAA extended the comment period an additional 15 days providing for a 75-day comment period. In addition, the FAA considered comments filed after the 15-day extension expired and has responded to them in this appendix.

Under NEPA, the FAA is required to prepare a Final EIS that includes consideration of all Federal, Tribal, State, local and public comments. Although this Final EIS has identified a preferred alternative, no final decisions regarding the approval of any alternative have been

made in this Final EIS. The FAA will make no decision until a careful, thorough evaluation of this Final EIS, including comments made after issuance of the Final EIS is conducted. In accordance with the NEPA process, the FAA makes its decision in a Record of Decision (ROD). The ROD may not be issued until a minimum of 30 days following the issuance of the Final EIS. FAA will ensure that its decision-maker(s) are fully apprised of all comments pertaining to both the Draft and Final EIS, as well as comments received on the General Conformity determination and the Section 4(f)/6(f) evaluation.

Neither would the United States Army Corps of Engineers (USACE) make its decision on issuance of its Section 404 permit prior to its having given full and careful consideration to any comments that it has received. All issues will be taken into account prior to the issuance of a ROD. Although the FAA has released a schedule indicating a ROD will be published in September 2005, the FAA will not issue a ROD until the Agency's decision-maker is satisfied that all Draft and Final EIS issues have been carefully considered, thoroughly evaluated, and satisfactorily addressed. In response to commenters' expressed concerns that the FAA not "rubber stamp" the project, the FAA would never compromise the integrity of its review or decision-making process to "rubber stamp" any proposal. The FAA's careful and thorough decision-making process has been publicly documented and disseminated.

**Chapter 5, Environmental Consequences**, discloses the potential environmental impacts resulting from the alternatives considered. Some of the sections that may be of particular interest to the commenters include:

- **Section 5.1, Noise;**
- **Section 5.4, Social Impacts;**
- **Section 5.6, Air Quality;**

Quality of life depends on a number of factors. The FAA has disclosed the impacts required by NEPA in the EIS. The EIS has carefully considered the impact on both the physical and social environment of the communities surrounding the airport. The analysis in the EIS examines 21 separate impact categories and also considers potential cumulative impacts from off-airport projects. Additionally, the FAA is carefully reviewing all comments made by the public as well as other agencies, including the USEPA and IEPA. The mitigation for significant impacts is summarized in **Chapter 7, Mitigation**.

For responses regarding the financial feasibility and cost of the proposed projects, please see **Category L, Responses L-1 through L-3**.

The FAA carefully evaluated a wide range of alternatives to meet the purpose and need for the project. For more on the process that FAA has followed and the alternatives considered see **Responses A-1 through A-4 and B-1 through B-8**.

## M-2

**INTRODUCTION:**

Many commenters expressed an opinion in support of the proposed projects. For example, many comments in favor of the proposed projects cited reduced congestion and delays, as well as economic benefits.

**RESPONSE:**

Comment acknowledged. The economic impact of potential O'Hare improvements was not a consideration in development of the purpose and need for this EIS. However, **Section 5.5, Secondary (Induced) Impacts**, identifies the potential socioeconomic impacts associated with the evaluated Alternatives.

## M-3

**INTRODUCTION:**

Many commenters expressed an opinion that there exists a broad regional consensus of support for the proposed projects.

**RESPONSE:**

Comment acknowledged.

## M-4

**INTRODUCTION:**

Many commenters expressed an opinion that the proposed projects will allow O'Hare and Chicago to remain competitive in the airline industry facilitating economic benefits to the region. Commenters mentioned that the proposed projects would allow Chicago to continue to be an important national transportation hub. Others mentioned that the expansion would help United Airlines and American Airlines hubs citing the need for the regional economy to retain those jobs as well. Additionally, some commenters cited cost savings to the airlines. Finally, some commenters noted that it was important to the local economy that O'Hare be improved so that people do not begin to avoid traveling through O'Hare.

**RESPONSE:**

Comment acknowledged. The economic impact of potential O'Hare improvements was not a consideration in development of the purpose and need for this EIS. However, **Section 5.5, Secondary (Induced) Impacts**, identifies the potential socioeconomic impacts associated with the evaluated Alternatives.

**M-5****INTRODUCTION:**

Many commenters expressed gratitude to the FAA for conducting the public hearings.

**RESPONSE:**

Comment acknowledged.

**M-6****INTRODUCTION:**

Many commenters expressed concern over the closure of Meigs Field by the City of Chicago and questioned the FAA's review of the City's proposed expansion.

**RESPONSE:**

The closure of Meigs Field is beyond the scope of this EIS. However, the FAA did take legal action against the City of Chicago over the 2003 closure of Meigs Field. The FAA is citing as part of its basis for action the agency's regulatory responsibility to preserve the national airspace system and ensure the traveling public with reasonable access to airports as the basis for its action. The FAA is proposing a civil penalty of \$33,000, the legal maximum, against the city and, separately, is initiating an investigation into possible violations by the city of its federal grant assurances and its airport sponsor obligations.

The FAA is required to evaluate the City's proposal and alternatives to it from an environmental standpoint. The FAA has disclosed the impacts of the City's Proposal and the reasonable alternatives required by NEPA in the EIS. The EIS has carefully considered the impact on both the physical and social environment of the communities surrounding the airport. The analysis in the EIS examines 21 separate impact categories and also considers potential cumulative impacts from off-airport projects. Additionally, the FAA is carefully reviewing all comments made by the public as well as other agencies, including the USEPA and IEPA.

Under NEPA, the FAA is required to prepare a Final EIS that includes consideration of all Federal, Tribal, State, local and public comments. Although this Final EIS has identified a preferred alternative, no final decisions regarding the approval of any alternative have been made in this Final EIS. The FAA will make no decision until a careful, thorough evaluation of this Final EIS, including comments made after issuance of the Final EIS is conducted. In accordance with the NEPA process, the FAA makes its decision in a Record of Decision (ROD). The ROD may not be issued until a minimum of 30 days following the issuance of the Final EIS. FAA will ensure that its decision-maker(s) are fully apprised of all comments pertaining to both the Draft and Final EIS, as well as comments received on the Draft General Conformity Determination and the Draft Section 4(f)/6(f) Evaluation. Neither would the United States Army Corps of Engineers (USACE) make its decision on issuance of its Section 404 permit prior to its having given full and careful consideration to any comments that it has received. All

issues will be taken into account prior to the issuance of a ROD. Although the FAA has released a schedule indicating a ROD will be published in September 2005, the FAA will not issue a ROD until the Agency's decision-maker is satisfied that all Draft and Final EIS issues have been carefully considered, thoroughly evaluated, and satisfactorily addressed.

#### **M-7**

##### **INTRODUCTION:**

Some commenters expressed concern regarding the proposed land acquisition by the City of Chicago. Some commenters expressed the concern that it is unfair for the City of Chicago to acquire land, residents and businesses located in other communities. Additionally, others raised concern regarding the specifics of the O'Hare Modernization Act.

##### **RESPONSE:**

The City of Chicago has historically had authority to acquire property needed for airport development through condemnation. Section 15 of the O'Hare Modernization Act (OMA) identifies additional powers the City may utilize to acquire property within the proposed acquisition area. This includes condemnation authority by quick-take for the acquisition of various parcels of land associated with the redevelopment of O'Hare. The law describes this land area, which is included in **Attachment A-1 in Appendix A, Background**. This legislation enables Chicago to acquire properties as defined in the Act, faster than normal due in part to the authority granted by the State of Illinois. This legislation was signed into law on August 6, 2003. The full text of the OMA can be found in **Appendix A, Attachment A-1**.

#### **M-8**

##### **INTRODUCTION:**

Some commenters stated that a regional airport authority should be formed to manage the region's airports.

##### **Response:**

This comment is beyond the scope of the EIS proposal, which involves environmental review of the City's proposal and alternatives to the proposal. The City of Chicago owns O'Hare International Airport and Midway International Airport. The FAA does not have the authority to require that a regional authority manage the region's airports. These decisions are left to the state and local government officials.

#### **M-9**

##### **INTRODUCTION:**

Some commenters raised concern that the City has begun to construct the project prior to any FAA approval.

**RESPONSE:**

The FAA is unaware of the City proceeding to construct the project, however, the City is proceeding with planning activities and some land acquisition in the northwest land acquisition area. With regard to land acquisition activities, the FAA sent four letters (dated December 5, 2001, August 19, 2002, May 28, 2003, and May 24, 2005) to the City. These letters affirmed FAA's commitment to an objective EIS process regardless of any actions taken by the City. Construction of any alternative cannot begin until the FAA issues a favorable Record of Decision.

**M-10****INTRODUCTION:**

Some commenters raised concern regarding light emissions.

**RESPONSE:**

**Section 5.18, Light Emissions** includes FAA's analysis on potential light emissions. Based on the analyses, the FAA concludes that no significant impacts would occur under any alternative. Given that no significant impacts related to light emissions would occur under any of the Build Alternatives, if selected, no formal mitigation procedures have been identified. However, if a lighting problem occurs after installation of facilities, curtain shielding of the light emitter could be put in place to mitigate any impacts, providing that curtain shielding would not interfere with the functionality of the light. These actions would be addressed on a case-by-case basis.

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