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Sent via U.S. Mail & E-Mail:

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Re: Flawed Reports Regarding Jackson Park and the Obama Presidential Center

INTRODUCTION. I write on behalf of Protect Our Parks, Inc., an organization that advocates for citizen’s rights to public parks. While welcoming the Obama Presidential Center (“OPC”) to the South Side of Chicago, POP has taken the lead in opposing its construction inside of Jackson Park.

On this occasion I write to you to protest the decisions made by the Federal Highway Administration, the National Park Service, and the City of Chicago pursuant to Section 4(f) of the Federal Transportation Act, 49 U.S.C. § 303 [hereinafter the “Section 4(f) Report” or the “Report”] as well pursuant to the National Environmental Policy Act (“NEPA”) pursuant to which these agencies recently issued a Finding of No Significant Impact [see “Joint Finding of No Significant Impact—Federal Actions In And Adjacent To Jackson Park: Urban Park And Recreation Recovery

Amendment And Transportation Improvements” dated January 21, 2021 (“FONSI” or the “FONSI Report”) which adopts in full the recommendations contained in the Section 4(f) Report]. Both of these Reports purport to offer a clean bill of health to the proposed Obama Presidential Center, with the massive construction, road closures, tree destruction, migratory bird disruption and more on the grounds that the proposed actions “are necessary to accommodate the development of the Obama Presidential Center (OPC), a separate privately funded action that is part of the vision for the park.” The conclusions found in these Reports have been mired in controversy in the three or more years leading to their publication. Other individuals and groups have expressed concerns about the federal reviews, and Protect Our Parks (“POP”) believes that there is much to be concerned about as further described below, and that a full Environmental Impact Statement is clearly required given the massive changes need to construct the OPC.

We proceed as follows: First, we focus on the Section 4(f) Report, with reference to the FONSI. Second, we outline the applicable statute and the appropriate regulations under them. Third we apply the regulatory framework to expose the fatal weaknesses of these reports. Fourth, we show how the applicable case law is consistent with the statutory framework, but utterly inconsistent with the conclusions set forth in these reports.

THE SECTION 4(F) REPORT OF THE FEDERAL HIGHWAY ADMINISTRATION AND THE CITY OF CHICAGO AND RELATED REVIEWS. In all its particulars, the Section 4(f) Report (and the other related federal reviews including the recently issued FONSI) fall far short of what is required to earn your approvals and statutory consents. While there are many significant flaws (which will not be listed here), the root of POP’s objections stem from the artificially narrow scope of the Section 4(f) Report and the Environmental Assessment (“EA”) leading to the FONSI, which

according to the FHWA, NPS, and the City of Chicago begins only after the City has completed the initial stages of this project. The FONSI puts the matter thusly:

The City intends to make changes in and adjacent to Jackson Park that are a result of its approval for the construction of the privately funded Obama Presidential Center (OPC) identified in the 2018 South Lakefront Framework Plan (SLFP). The City plans to close roadways to allow the construction of the OPC in Jackson Park. These changes triggered the need for specific federal actions by the NPS and FHWA under their individual authorities that apply to certain aspects of the City's plans. The federal agencies do not have approval authority over the placement of the OPC in Jackson Park (or of its design); nor do they have approval authority over the road closures in Jackson Park.

That same bald conclusion is then repeated in the response to Concern #13, which baldly dismisses the contention that the Truncated analysis "resulted in a lack of analysis of a reasonable range of alternatives for the project as well as a lack of consideration for all avoidance, minimization, and mitigation measures." The answer was again a total evasion of responsibility: "The federal agencies have evaluated alternatives within the scope of their authority."

The FONSI offers no legal support for its broad conclusion that would exempt from federal review a project in which by design has these salient features: some 1,000 trees will be cut down; four major roadways in Jackson Park will be shut down; and the 235 feet high OPC, along with three other buildings, will be constructed on 19.3 acres at the heart of Jackson Park, with additional 11 acres bulldozed along the eastern and western portions of Jackson Park. Much of this project lies dangerously close to the park's West Lagoon, and thus vulnerable to serious water hazards. In addition, both the FONSI and the Section 4(f) Report are seriously flawed because they were produced by engaging in the prohibited practice of segmentation, by utilizing an improper base line, and, thereafter, by invoking ineffective and flawed mitigation measures which were the product of an imperfect process and largely ignore other significant impacts through their flawed analysis.

The artificial division of this integrated project into two stages has gutted the entire statutory review process under Section 303 of the Transportation Act, by deliberately ignoring the obligation to consider the full range of adverse historical and environmental consequences wrought by any new program or project. This approach is in direct conflict with 40 C.F.R. §1508.25(a) (referring to the National Environmental Policy Act, 42 U.S.C. § 4321), which requires that “[t]o determine the scope of an environmental impact statement[.]” that connected actions be treated together, which are defined as follows:

- (1)** Connected actions, which means that they are closely related and therefore should be discussed in the same impact statement. Actions are connected if they:
 - (i)** Automatically trigger other actions which may require environmental impact statements.
 - (ii)** Cannot or will not proceed unless other actions are taken previously or simultaneously.
 - (iii)** Are interdependent parts of a larger action and depend on the larger action for their justification.

That approach is also applicable to Section 4(f) proceedings because 49 U.S.C. § 303(e)(1)(A) requires the Secretary to “align, to the maximum extent practicable, the requirements of this section [§ 303] with the requirements of [NEPA] and section 306108 of title 54, including implementing regulations.”

The Section 4(f) Report *admits* that the road-closing exercise takes place only because of the City’s commitment to erect the OPC and implement the related road closures, and yet it hopes to evade the requirement of a comprehensive overview by breaking this single project into smaller parts solely to avoid the Section 303 review (which is the manner in which all of the federal reviews have been performed, whether it be the Section 106 Review under NEPA or EA that led to the issuance of the FONSI). And, while those reviews pay lip service to the fact that it was reasonably

foreseeable that proposed construction of the OPC and its related roadwork were part of one integrated project, nonetheless the Transportation and Interior Departments deliberately excluded the construction of the OPC and the destruction of the Jackson Park roadwork from their respective reviews. To that end, the Section 4(f) Report is structured on the false premise that the wholesale destruction of Jackson Park is a purely “local” matter that lies solely within the province of the City of Chicago, and thus outside the scope of any federal review, even though its impact spreads far beyond those artificial confines. The FONSI does not even offer an explanation as to why federal power over this massive project cannot review any action taken by the City. The flawed methodology in both reports ignores the applicable statutes, regulations, and caselaw, and it rests on the three following assumptions that are both dubious and undefended. The key passage in the Section 4(f) Report reads:

The roadway closures and the decision to locate the OPC in Jackson Park are local land use and land management decisions by the City and are not under the jurisdiction of FHWA. These actions **are not** subject to Section 4(f) because:

- (1) These actions do not require an approval from FHWA in order to proceed
- (2) These actions are not transportation projects
- (3) These actions are being implemented to address a purpose that is unrelated to the movement of people, goods, and services from other places? to another (i.e. a purpose that is not a transportation purpose.”

Section 4(f) Report at 2.

None of these contentions can withstand the slightest scrutiny. The first of these is a conclusory observation that FHWA need not be involved, without any explanation as to why that is the case. At best, this is a non-descript point that decisions regarding Jackson Park may be local in origin. But these decisions are far from local in their consequences when federal funds are deployed to implement those decisions -- here involving a massive project triggering reviews under

countless statutes, implicating numerous roads, and a world-famous public park of local, statewide, national and international renown. The federal laws and sound policy invariably necessitate the involvement of the FHWA, which extends to the purportedly “local” decisions.

The second point is ludicrous on its face. The so-called local actions involve the destruction of four major roadways inside Jackson Park, all of which are connected directly to the entire traffic grid from the Chicago Loop to Northwest Indiana, and involve expansion of two other roads which necessitate further destruction of Jackson Park on both its eastern and western perimeters. Indeed, given the placement of the OPC and the destruction of existing thoroughfares, it was reasonably foreseeable that the new roadwork would be necessary, which is precisely why the Section 4(f) review is necessitated. Put differently, the OPC project is as much a transportation project as it is a construction project for a new privately-owned facility.

The third point is just false. The OPC is not situated in a void. The case here bears no relationship whatsoever to the only relevant case that limits the scope of federal review of certain local matters. In *Solid Waste Agency of Northern Cook County v. United States Army Corps of Engineers*, 531 U.S. 159 (2001), which arose under the Clean Water Act, 33 U.S.C. § 1344(a) that asked the question whether the waste facility discharged waste material into “navigable waters” could apply to “an abandoned sand and gravel pit in northern Illinois which provides habitat for migratory birds.” *Id.* At 162. By a narrow 5-to-4 margin, the Supreme Court held that the jurisdiction of the Corps did not extend that far. In so doing, the five-member majority upheld the earlier decision that federal jurisdiction attached in *United States v. Riverside Bayview Homes, Inc.*, 474 U.S. 121 (1985) that covered wetlands that were adjacent to navigable waters. The ends of the Clean Water Act are similar to those under these statutes, and it is inconceivable that a

massive project located in a sensitive environmental area could be treated as if it were an abandoned sand and gravel pit.

Not only is the OPC in a sensitive environmental area, but for the purpose of this Section 4(f) Report, it is crystal clear that the current configuration in Jackson Park has multiple transportation purposes. People will have to travel to the OPC in order to work there; people will have to travel to the OPC in order to attend its various shows and exhibitions; goods and services will have to be delivered to the OPC in order for it to discharge its essential functions, both during construction and afterwards. These activities are major, given the size of the OPC, and the stress on these road systems is likely to be great because it is located adjacent to the Griffin Museum of Science and Industry, which currently makes heavy demands on the existing roadway system, and with traffic going through Lake Shore Drive to and from the Midway, on which the University of Chicago has constructed many major facilities, most notably its hospital system, but also its Laboratory Schools (in which there is heavy traffic at least twice a day at the beginning and end of the school day), the School of Social Work, the Law School, many divisions of the College, the Logan Center and a new residential hotel, all of which will be impacted by the shut down and contraction of Cornell Drive and the Midway Plaisance. Through improper segmentation, an improper baseline and plainly failing to properly recognize and address the significant impacts on the historical and environmental resources in this public park, these weighty issues are not addressed either as a general matter or in connection with the specific statutory mandates of the Transportation Act, which are nowhere quoted or commented on in the Section 4(f) Report.

THE STATUTORY SCHEME. A close look at the basic framework of Section 4(f) of the Transportation Act shows the enormity of the errors that undermine the Section 4(f) Report and the related EA and FONSI in which the FHWA participated, as well as the Section 106 process.

The basic purpose of the Transportation Act is set out in Section 303, which provides that “[i]t is the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges and historic sites.”

To accomplish this policy, the Secretary of the Department of Transportation can *only* approve a transportation project that requires the use of publicly owned land of a public park *if* “there is no prudent and feasible alternative to the use of that land” and “the program includes all possible planning to minimize harm to the park . . . or historic site resulting from the use.” *Id.*

Furthermore, it should be apparent from the outset that the Department of Transportation must run its evaluation processes to consider not just the transportation aspects of the project, as both the FONSI Report and the Section (4)(f) Report claims. Under the regulations, there must also be an examination of the inputs that the placement and construction of that transportation project will have on all of these collateral activities, which count as covered “constructive uses” under Section 4(f). *See*, 23 C.F.R. § 774.15¹. Given the basic purposes of the Transportation Act, the constructive uses cover damage to all the activities in Jackson Park, including of course the destruction of or damage to existing lands, wildlife and waterfowl refuges, and historic sites.

¹ **§ 774.15 Constructive use determinations.**

- (a) A constructive use occurs when the transportation project does not incorporate land from a Section 4(f) property, but the project's proximity impacts are so severe that the protected activities, features, or attributes that qualify the property for protection under Section 4(f) are substantially impaired. Substantial impairment occurs only when the protected activities, features, or attributes of the property are substantially diminished.

Furthermore, there is an interrelationship between the Section 4(f) and NEPA. The statutory framework forbids segmentation, namely an effort to break apart a project so that it can evade review. In that regard, relevant regulations provide as follows:

(f) Any action evaluated under NEPA as a categorical exclusion (CE), environmental assessment (EA), or environmental impact statement (EIS) must:

(1) Connect logical termini and be of sufficient length to address environmental matters on a broad scope;

(2) Have independent utility or independent significance, i.e., be usable and be a reasonable expenditure even if no additional transportation improvements in the area are made; and

(3) Not restrict consideration of alternatives for other reasonably foreseeable transportation improvements.

23 C.F.R. § 777.111(f).

In order to make sure that the obligation to provide a complete and thorough review is not evaded by the artificial truncation of a project:

Whenever Section 4(f) property is used for a project, documentation must be prepared that demonstrates that there are unique problems or unusual factors involved in the use of non-Section 4(f) alternatives, or that the costs and social, economic, and environmental impacts, or community disruption resulting from the alternatives are particularly large.

Federal Transit Administration, available at <https://www.transit.dot.gov/regulations-and-guidance/environmental-programs/section-4f>.

There is no debate that Jackson Park is Section 4(f) property. And the activities inside the park regarding the construction of the OPC and its related roadwork – which here indisputably involve and necessitate the transportation project at issue – are properly covered by Section 4(f) and NEPA. Just that point is implicitly acknowledged in the FONSI which makes repeated references (*see, e.g.*, at C-21) that talk about the shadows cast by the OPC, but nonetheless does not examine the impact of construction project itself. Similarly, in the Section 4(f) Report the

FHWA makes the same concession in numerous ways. For example, the FHWA has characterized the “undertaking” here for the federal review performed under Section 106 (and incorporated in the Section 4(f) Report) as “Obama Presidential Center project *and certain related Federal actions in or near Jackson Park (collectively the proposed “undertaking”).*” (Final AOE Report at 1) (emphasis supplied). Moreover, as the Section 4(f) Report recognizes through the utilization of the improper baseline, which it calls the no action alternative (which assumes that the OPC is built), the FHWA rejects that alternative because of the proverbial mess that was created through the construction of the OPC and destroying the roads, which is not addressed. *See also* Section 3.5.2 of the initial AOE (noting the interrelationship of the project). Put differently, there is a recognition that that there is no independent utility of the placing of the OPC in its proposed location and in the closure and destruction of the roadways without the commensurate and related roadwork.

Indeed, the artificial delineation of the project that excludes from the ambit of the Transportation Act all of the activities whose adverse impacts that Section 303 seeks to cover, makes hash of the overall statutory scheme. Jackson Park contains irreplaceable lands, wildlife, and waterfowl refuges and is, as a masterpiece designed by Frederick Law Olmsted, on the National Register of Historic Places. To think that there are two separate and distinct projects in Jackson Park, such that federal review only begins after the City destroys Jackson Park, is inconsistent with the way in which government officials, concerned citizen or representatives of the OPC, and indeed other elements of the federal review have talked about this project as a unified undertaking from its inception, where the question was framed as a discussion of whether the OPC should be included in Jackson Park. Yet neither the FONSI Report Nor the Section 4(f) Report

point to nothing in the statutory text or any relevant case law or commentary that supports its wayward views.

This conclusion that the OPC is a single project or program is fortified by the language of Section (a), which states unambiguously what the heading of Section 303 already commands:

- (a)** It is the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites.
- (b)** The Secretary of Transportation shall cooperate and consult with the Secretaries of the Interior, Housing and Urban Development, and Agriculture, and with the States, in developing transportation plans and programs that include measures to maintain or enhance the natural beauty of lands crossed by transportation activities or facilities.

It is incomprehensible how the “natural beauty” of park lands can be preserved if an imaginary local exception which itself creates the need for the transportation project means that federal oversight only kicks in after the planned destruction of the protected lands is a foregone conclusion. Section 303(a) contains no explicit exception that exempts local parkland from its strictures. The definition of the project thus begins when work on the site begins by any federal, state, or local agency. None should, or could, any exception be implied.

It is evident from this section that the Secretary of Transportation has control over the review process, and is under a duty to cooperate both with other federal agencies on the one hand, and state governments on the other. The matter should also be of vital concern to the Secretary of the Interior, in which the National Park Service is located. That entire system of control would be eviscerated if local governments could act unilaterally just as they please, leaving the Secretary of Transportation utterly helpless to take “any measures to maintain or enhance the natural beauty of lands crossed by transportation activities or facilities.” Note that the broad mission statement makes it wholly incorrect to say that the local project here is exempt because it is not a

transportation project, and is precisely why the statutory framework (and caselaw) prohibit segmentation. Even if segmentation here were to be tolerated (and it should not be) and it were argued (against all reality) that the extensive program of the City of Chicago is not a transportation program, as noted in the brief account of constructive uses, above, it clearly has massive effects on lands *crossed* by transportation activities or facilities, which is manifestly the case here.

The basic mandates of Section 303(a) and (b) are carried into execution in Section 303(c), which reads:

(c) Approval of Programs and Projects.—Subject to subsections (d) and (h), the Secretary may approve a transportation program or project (other than any project for a park road or parkway under section 204^[1] of title 23) requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of national, State, or local significance (as determined by the Federal, State, or local officials having jurisdiction over the park, area, refuge, or site) only if—

- (1) there is no prudent and feasible alternative to using that land; and
- (2) the program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use.

Note the word “only” in the approval process applies to all the transactions and activities that the Section 4(f) Report tries to sweep under the rug.

The first point to note is that it is undisputed that neither subsection (d) or (h) is applicable in this case. Subsection (d) applies to the project with De Minimis Impacts, which does not include the OPC and the attendant dislocations to the nearby environment and transportation grid. Nor does it apply to rail or transit projects covered by subsection (h). Similarly, Title 23 §204 (1) is also inapplicable because it only applies to projects that impact access to federal lands. Hence the basic provision applies to all projects that are of national, state or local significance, which makes it crystal clear that Section 4(f) applies to all local, state and federal projects that involve the use

of public lands, which is manifestly the case here. It is also crystal clear that Section 4(f) is not just a disclosure statute, but requires the consent of the Secretary which may only be given if key conditions are satisfied. At this point, there are two conditions set out in ¶¶ (1) and (2).

On the first, there is at least one obvious desirable alternative to using the land in Jackson Park, namely the site on the attached map that is located just to the west of Washington Park, which has superior access to public transportation via the Green and Red rail lines and several Chicago Transit bus routes, as well as convenient access from the Dan Ryan Expressway located just to the west by roads already in place. This site meets the Obama Foundation and City's desire to build the OPC on the South Side of Chicago, and does so where it is more accessible to both local and national visitors. This alternative is not just prudent and feasible. It is by every known metric superior to the Jackson Park site.

On the second, both the FONSI Report and the Section 4(f) Report give zero attention to any possible steps that could be taken to "minimize" the massive damage to the park as a recreation area, as a wildlife and waterfowl refuge or as a historical site of paramount alternative. They make a mockery of the broad commands of this section to assume that it only kicks in after massive destruction of Jackson Park causes immediate and total destruction of all of the protected features of the Park. Yet neither the FONSI Report nor the Section 4(f) Report ever cite the relevant statutory provisions or explains away their obvious application to the OPC. The preordained issuance of the FONSI – ignoring both statutory and practical realities – suffers from similar deficiencies.

It is therefore deeply ironic that both the FONSI Report and the Section 4(f) Report never once address avoidance issues, here the simple and powerful claim that the OPC should not be built in Jackson Park at all so as to avoid the destruction of that parkland. The statutory scheme

without question requires that avoidance, minimization and mitigation efforts be considered. Indeed, even when the Secretary determines that a project has de minimis impacts, the requirement to look at alternatives to ensure that public parkland remains:

In making any determination under this subsection, the Secretary shall consider to be part of a transportation program or project any avoidance, minimization, mitigation, or enhancement measures that are required to be implemented as a condition of approval of the transportation program or project.

49 U.S.C. § 303(d)(1)(C)

Put differently, the statutory framework is abundantly clear and enforced with teeth that a Section 4(f) review must canvass *avoidance* measures—*i.e.*, not building in Jackson Park; it must also address *minimization*—*i.e.*, moving or reducing the size of the OPC: *mitigation*—*i.e.* softening the impact of the new project when avoidance and minimization are not possible; and *enhancement*—*i.e.* explaining how the new project improves the ability of the new program or project to serve the ends found in Section 303(c)(2).

In addition, and as noted, Section 303(e)(1)(A) requires the Secretary to “align, to the maximum extent practicable” the requirements of Section 303 with the provisions of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, *et seq.*, which states unambiguously that the issue of avoidance be considered first, minimization second, mitigation third. Nonetheless the Section 4(f) Report only considers under ¶ 9.2 Mitigation Measures, which are the least effective ways to cope with major sites with historical and environmental significance (and here the product of a flawed process). The incorrect definition of a statutory project in the Section 4(f) Report allows its authors to address only the second-order question of what roadwork configurations should be put into place once the City of Chicago has wrecked Jackson Park in order to allow for the construction of the OPC. The FONSI Report in Concern #10 repeats the same basic jurisdictional error when it concludes erroneously: “None of the federal agencies has the authority

over the siting, construction, or operation of the OPC, which is subject to municipal authority nor do they have the authority to either close or prevent the closure of roads owned, operated, and maintained by the City.”

THE FATAL WEAKNESSES OF THE SECTION 4(F) REPORT EA AND FONSI. Given its grievous misapplication of the statutory requirements, the Section 4(f) Report and EA and FONSI should be rejected forthwith because of their enormous gaps. Consider these particulars:

First and foremost, through this approach of segmentation, implementation of an improper baseline and through pre-determination efforts, the improper destruction of a needed and important public park the equivalent of Central Park in New York City in countless ways is being destroyed, all without the statutorily mandated review of all reasonable alternatives to the destruction. In so doing, for example, the willful destruction of up to 1,000 mature trees in Jackson Park is advanced without consideration of all prudent and feasible alternatives. Instead, and in its place, the Section 4(f) Report and FONSI content themselves with the observation such that, *inter alia*, existing trees will be “replaced using a minimum 1:1 tree replacement ratio,” without once noting that the new trees will be one-inch saplings that will replace hundred-year-old trees whose diameter is in the 1 foot to 2-foot range. The FONSI Report in addressing Concern #14 about the destruction of the old growth trees engagements avoids the basic conclusion that these trees form a vital part of Jackson park. Instead, it enters into a lengthy and irrelevant discussion of whether it is best to use 2.5- or 4.0-inch caliper trees to replace the mature trees that will be cut down. The FONSI concludes that the smaller trees are better because the experience of the Chicago Park District shows that transplantation of smaller trees is to be preferred because they take root “better and establish faster than larger trees.” But then ignores the fact that neither type of tree can do the work of mature trees for decades to come treating this as a “temporal loss of habitat,” without

noting its long-term effects. It then compounds its error by stating without any support that “approximately 40% of the trees within the OPC site are in declining condition,” even though this very issue falls outside the artificial definition that the FONSI imposes on the study, anything having to do with the trees is supposedly within the exclusive jurisdiction of the City. The Section 4(f) Report adds to these contentions only unsupported claims that replacement will be “appropriate and sensitive to the historic pallet (where required), be aesthetically pleasing and enhance the historic design intent,” without saying how. Section 4(f) Report, ¶ 9.2.2. at 83-84.

Second, the Section 4(f) Report and EA/FONSI do not properly or adequately consider the impact of shutting down four major roads through Jackson Park. These roads include Cornell Drive, which is a continuation of roads that go both south and north outside Jackson Park. South, the road system into Indiana, where it is part of a major transportation grid that runs from Northwest Indiana, through the South Side of Chicago, and through Jackson Park. North, the roads connect with Lake Shore Drive and extend through the south side of Chicago, the downtown area, and up to the Wisconsin border. The FONSI Report again dismisses these issues in addressing Concern #11 about the configuration of these roads with its standard response:

The federal agencies do not have authority over the siting, construction, design, or operation of the OPC, which is subject to municipal authority, nor do they have the authority to either close or prevent the closure of roads owned, operated, and maintained by the City. The roadway closures and construction of the OPC are separate local land use and land management decisions by the City and do not require any federal approvals.

The “local” actions of the “municipal authority” includes closing the Midway Plaisance going east from Hyde Park to Lake Short Drive, and South of the site of the planned OPC: the partial closure and reconfiguration of two other major roads through Jackson Park, Hayes Avenue, which is located South of the proposed OPC and, further south, Marquette Avenue. All of these thoroughfares receive heavy local and commuter traffic. Parking issues which are severely

implicated are simply ignored. The reasons for these road closures are neither discussed nor analyzed in the Section 4(f) Report despite the fact that their closure (and the commensurate construction of the OPC) are the actual reasons for the need to further take away parkland to expand both Lake Shore Drive and Stony Island and the request for federal funding for that plan.

Third, neither the FONSI Report nor the Section 4(f) Report discuss the implications for the road network of the construction of the OPC (which is *not* a Presidential Library), which will be located just to the south of the Griffin Museum of Science and Industry. The advent of the OPC is likely to draw additional traffic into the area, which will place added stress on the current road system and even greater stress than any and all of the nine proposed roadway alternatives that the Report considers as “Avoidance Alternatives” under Section 5.0 (Section 4(f) Report at 43-58). None of these alternatives considered keeping the current state of affairs – without an OPC and the related road closures in Jackson Park – by considering alternatives that would not destroy the public park, as statutorily required. In other words, the failure to utilize the proper baseline is a fatal flaw in the Section 4(f) Report as well as in the EA/FONSI which rely upon the document.

Fourth, other significant failures exist which are improperly masked under the guise of “mitigation” to improperly justify conclusions in the Section 4(f) Report and the EA/FONSI. The references to mitigation efforts are not only inappropriate given the failure to follow the statutory framework for Section 4(f), but were spawned from a flawed Section 106 process (also ostensibly led by the FHWA). Further, the EA and FONSI rely upon flawed mitigation references to support a pre-ordained decision seeking to avoid further, ignoring the direct, indirect and cumulative impacts, and improperly invoking the flawed mitigation to suggest that there are no significant impacts. Indeed, the proposed mitigation is inadequate to justify a finding of no significant impact

to the historic parkland and area resources that will be damaged or destroyed as a result of the true scope of the projects at issue. This is seen in numerous ways.

Thus, even though severe and numerous adverse effects on the physical and cultural landscape were found to exist as a result of the OPC and related roadwork, the FHWA mouths the words “mitigation” as if it provides a statutory cure once stated. The law does not permit such wordsmithing to substitute for substantive analysis. Similarly, there is an acknowledgement that the proposed federal action would disturb state-listed plants in this parkland, but the implications of this admission are nevertheless wholly ignored.² It is also in the flight path of large numbers of migratory birds that fly north and south along the west side of Lake Michigan. Further, the proposed actions, alone and as extensions of the underlying projects, raise possible unique and unknown (as well as known) risks to a Great Lakes Fishery & Ecosystem Restoration Project, which are just assumed to be mitigated without any real effort to address the concerns. And all of this is further complicated by the fact that the OPC tower will be 235 feet high, located very close to the West Lagoon in Jackson Park, which is directly connected, via the East Lagoon, to Lake Michigan, whose waters are now rising again to record heights, after declining for several years. If this were not enough, the destruction of the Women’s Garden to allow for certain road work leads to storm water discharge being dumped into the Jackson Park lagoons, which is likewise passed by in silence. This collection of adverse effects and impacts – irrespective of the purported mitigation – collectively reflect that there are significant adverse effects that threaten “the unique characteristics of the geographic area such as proximity to historic or cultural resources, park land ... wetlands ... or ecologically critical areas,” and loss of part of this significant scientific, cultural,

² This is important under NEPA regulations which “may adversely affect state-listed endangered or threatened species or its habitat.” 40 C.F.R. § 1508.27(b)(9).

and historic resource. 40 C.F.R. § 1508.27(b)(3), (b)(8). Put differently, the whole here is greater than the sum of its parts. And, as a consequence, an environmental impact statement is absolutely necessary, as it has been for countless projects of this size, magnitude and location. Yet in response to these urgent concerns, the FONSI Report in its answer to Concern #11 about the fate of the Women's garden writes that the project will result in the loss of "temporarily" the Perennial or Women's Garden,' only to conclude that only to conclude "[u]pon completion of the OPC campus, the Women's Garden would be replaced with a new garden of equivalent size and improved accessibility." How long that would take, or where that garden would be located or why it is an adequate substitute for a historical landmark is never explained.

The Applicable Case Law. There is a huge body of case law that explores and clarifies the application of the Section 4(f) process. In this short letter, we will not attempt to review all the caselaw that has come up under the statute, but given our wide experience on these issues, and having consulted with others, we are confident that case law applying Section 4(f) does not support the position taken in the Section 4(f) Report, either when permits have been granted or denied.

The major case dealing with Section 4(f) is *Citizens to Preserve Overton Park, Inc. v. Volpe*, 401 U.S. 402 (1971), which involved a challenge to the use federal funds to support the construction of I-40, a six-lane interstate highway through Overton Park, located in Memphis, Tennessee. In *Overton Park*, the Secretary of Transportation had approved the project, most of which went underground, notwithstanding that it took about 26 acres of parkland and divided the local zoo from the rest of the park. He did so without publishing a statement of findings to support his decision, and without explaining how the planned expansion met the two key conditions for Section 4(f) proposal—the absence of feasible and prudent alternative routes, and why further design changes could not reduce the harm to the park.

Justice Thurgood Marshall held that formal findings were not needed under the Administrative Procedure Act, but he nonetheless reversed the decision of both the District Court and the Sixth Circuit that had sustained that determination. In his opinion, the decision below could not be supported solely by reference to a declaration made by the Memphis City Council in support of the new road, or by “litigation affidavits” that the Secretary had made the decision himself and that his determination was supportable on the strength of the record. These affidavits were dismissed as “merely ‘post hoc’ rationalizations,” and thus an “inadequate basis of review.” *Id.* at 419. The Court further held that this matter was not committed to agency discretion under the Administrative Procedure Act, because the substantive standards of Section 4(f) were “clear and specific directives.” *Id.* at 411. “This language is a plain and explicit bar to the use of federal funds for construction of highways through parks—only the most unusual situations are exempted,” and further that “the very existence of the statutes indicates that protection of parkland was to be given paramount importance.” And in ensuring those protections, the Secretary’s decisions were subject to “a thorough, probing, in-depth review.” *Id.* at 415.

It is quite clear that the Secretary could not meet that standard by approving the Section 4(f). There are no clever ad hoc exceptions to the clear and specific commands of Section 4(f). *Overton Park* does not recognize any “local” exemption, but subjects these uses to the same tests as any national or state project. 401 U.S. 404, at note 2 & 3. Section 4(f) also makes the protection of parkland the paramount object of the statute. It does so even in cases in which the construction of land outside of the park system would require the additional costs of eminent domain proceedings or the removal of either businesses or private homes along alternative some alternative route. “The few green havens that are public parks were not to be lost unless there were truly

unusual factors present in a particular case or the cost of community disruption from alternative routes reached extraordinary magnitudes.” *Id.* at 413.

Sadly, this OPC presents the opposite scenario. The disruption in this case comes from a project that calls for ripping out of roadways and parkland inside Jackson Park in order to allow for the construction of the OPC and roadways to accommodate it. It is critical, moreover, to note that there is far less flexibility in siting an entire highway than there is in finding a suitable home for the OPC. The former requires continuous connections, so that the movement of any one segment of a public road necessarily requires adjustments to be made in other portions of the grid. No such adjustments are necessary if the OPC is built outside Washington Park, where it can be effectively served by preexisting train and bus routes, as well as a preexisting road system that runs up to its front door, and all consistent with statutory requirements and public policy concerns. The simple proposition here is that it would require an extraordinary justification to build the OPC in Jackson Park, which is nowhere in evidence.

It is also the case that fifty years later *Overton Park* continues to set the applicable standard under which public projects may be built in public parks or in ways that pose threats to local historical sites, or wildlife and waterfowl. Thus the constructive use provisions of Section 4(f) were invoked in *Citizen Advocates for Responsible Expansion, Inc. (I-Care) v. Dole*, 770 F.2d 423 (5th Cir. 1985) when the Fifth Circuit in reliance on *Overton Park* held that the so-called planned “Overhead” expansion of the highway system in Fort Worth, Texas could not be sustained because, among other reasons, the proposed expansion of the Overhead constituted an unnecessary constructive use of the Water Garden and historic sites, since feasible and prudent alternatives superior to the appellees’ proposed expansion plans existed.” The Water Garden was a unique historical site in downtown Fort Worth, and the Fifth Circuit applied the constructive use

provisions of Section 4(f), which it “construed broadly,” and held that the Overhead “substantially impaired” the value of that site, which undermined the consent obtained from the Secretary of Transportation.

In *I-Care*, as with *Overton Park*, no one claimed that the proposed extensions of the highway system were not of urgent necessity. The acute traffic jams near the center of Fort Worth at the junction of I-30 and I-45 were known to local commuters “as the ‘Mixmaster,’ a complicated maze of highways, access roads, ramps, and merging lanes. It is located at or close to the southeastern corner of the central business district of the city.” *Id.* at 426. Thus, the project did not pass muster under Section 4(f), even though there were pressing needs for the road expansion. The situation with the OPC is the exact opposite. No highway integration requires that the OPC be located in Jackson Park, and the location outside of Washington Park removes, not adds, pressures on the highway grid. The rejection of the Secretary’s 4(f) order in *I-Care* necessarily requires that the Secretary in this case reject the conclusion of the Joint Report.

The analysis that applied to *I-Care* carried over without a hitch to *Druid Hills Civic Association, Inc. v. Federal Highway Administration*, 772 F.2d 700 (11th Cir. 1985), which was decided within days of *I-Care*, and involved issues regarding the development of the Carter Presidential Library. At issue in that case was yet another protracted struggle over the siting of the 2.4-mile Presidential Parkway in Atlanta that was “a proposed 2.4-mile highway running east from the I-75/I-85 stub in downtown Atlanta to Ponce de Leon Avenue, an east-west arterial that is part of the Olmsted Park network in Atlanta’s Druid Hills Historic District.” 772 F.2d at 704. One of the two undisputed factual predicates for the dispute was that the existing network of roads was inadequate to meet the traffic needs of the area, resulting from the “poor operation of major arterial routes and filtering of through-traffic onto neighborhood streets” (*Id.* at 709), so that some

extension of the Interstate system was a foregone conclusion. But there was a huge controversy over which of the many possible alternative routes should be used, which was made even more difficult by virtue of the simple fact that each of these proposed roads necessarily had to infringe on some area of historical merit that was eligible for protection under Section 4(f). After an exhaustive review process (which *included* a full Environmental Impact Statement), the designated route received the approval of both the Department of Transportation and the District Court, which was in turn reversed and remanded by the Eleventh Circuit.

Throughout its decision, the Eleventh Circuit applied the precise statutory framework that had been articulated in *Overton Park*. *Id.* at 713-14. It did not take issue with the analysis in the full-scale Environmental Impact Statement (EIS) that sufficient attention had been paid to the strengths and weaknesses of the proposed route. It also supported the decision of the District Court that ruled out the “no-build” option, given the imperative need to relieve traffic congestion. Nonetheless, it remanded the case for a further review because the administrative record did not “contain adequate information to enable the Secretary to weight the relative damage to protected properties which would result from building each of these roads.” *Id.* at 716-717. Hence the remand so that the analyses of these alternative routes had to meet the same specificity as that given to the chosen route.

The contrast between the *Druid Hills* situation and the current dispute over the OPC could not be clearer. The proposed construction of the OPC will snarl the current road system, which is already heavily burdened. Yet, an alternative outside Washington Park does not impose any burden of properties protected by Section 4(f), so that the application of the *Overton Park* standard to the current dispute requires an immediate rejection of the Section 4(f) Report, which through its artificial separation of “local” activities ignores the avoidance alternative that stands at the top of

the Section 4(f) analysis. The ultimate approval in that case shows that the standards by which these hard cases should be resolved has never been read to block any and all alterations to the transportation system.

The same analysis is reinforced by District Court opinion in *Committee of 100 On the Federal City v. Foxx*, 87 F.Supp.3d 191 (D.D.C. 2015) in which the issue under NEPA was whether to issue a preliminary injunction to block the construction of a new seven-block stretch of underground track in the heart of Washington D.C. The old track was first constructed in 1904. It was too narrow and too low to carry side-by-side modern “double-stacked” containers that could double the hauling capacity of trains that ran throughout the middle Atlantic states and beyond. The CSXT railroad had committed \$842 million to complete this “National Gateway Initiative” which was challenged by the plaintiffs, including neighbors of the new project. The district court did an exhaustive analysis of the EIS that had been prepared in the case and concluded that it had considered all the relevant alternatives (including the no-action alternative) and refused the injunction, even though the individual plaintiffs had a legitimate claim that they were subject to nuisance-like activities, for which the district court concluded further relief down the road could be awarded if necessary. 87 F.Supp.3d at 203.

Foxx reaffirmed the applicability of *Overton Park*, as it required the reviewing court to “undertake a ‘thorough, probing, in depth’ review of the agency’s decision.” *Id.* at 202. It also provides a meaningful contrast to the situation involving the OPC. In *Foxx*, there was literally no alternative corridor through which the new tracks could be passed. Yet the court only approved of the situation after it agreed that the removal of some 200 trees would “would inflict a sufficiently severe and irreversible injury to Ms. Harrington and other residents to clear the bar of irreparable harm.” *Id.* at 205. Tellingly, it noted that “even if the mature trees were replaced with saplings, it

would take years for them to grow to the size of the current ones.” It follows that the wanton destruction of old-growth trees to make way for the OPC should be sufficient to scuttle the OPC, because the gratuitous destruction of up to 1,000 of them is wholly indefensible when the existence of an alternative site makes the avoidance of the harm—which was not possible in *Foxx*—the unambiguous solution.

The final case that is worth a brief but incomplete survey is an ongoing dispute under NEPA, which also makes cross references to *Overton Park*. The litigation over the construction of the Dakota Access Pipeline has been going on now for over four years. The construction of a 1,072-mile pipeline has been completed, and the pipeline has been in operation now for two years and ships about 570,000 barrels of oil per day, all without any adverse incident. After massive litigation, in *Standing Rock Sioux Tribe v. U.S. Army Corps of Engineers*, 471 F. Supp.3d 71, 76 (D.C.C. 2020) (referencing ten of its prior opinions),³ the district court on July 6, 2020 issued an order for the pipeline to be shut down on the grounds that the Army Corps of Engineers and Energy had not complied with the requirements of NEPA. Because of “the seriousness” of the deficiencies of the Corps not to prepare a full EIS, the district court held that the failure to fully examine the impact on the DAPL pipeline of a potential spill under Lake Oahe, a large but shallow lake that had been constructed by the Army Corps in 1959, violated NEPA. The disputed permit covered 1,094 linear feet of the entire pipeline, which lies hundreds of feet below the lake, but the court held that the low probability of such an event was offset by the potential seriousness of the consequences, and hence was prepared to shut down the pipeline at great expense and dislocation

³ One of the authors has been deeply critical of the entire effort to shut down the pipeline under NEPA. See Richard A. Epstein, *The Many Sins of NEPA*, 6 Texas A & M Law Review 1 (2018). Richard A. Epstein, [Fossil Fuel Strangulation by Judicial Decree](#), Hoover Institution, July 13, 20209

for a period of at least thirteen months. Its order was stayed by the federal appellate court of the District of Columbia, and which has recently held that an injunction requiring the pipeline to be shut down and emptied of oil during the review did not contain the necessary findings and was remanded for further proceedings before the district court in that regard. *See Standing Rock Sioux Tribe v. United States Army Corps of Engineers*, 2021 WL 244862 (D.D.C. App. Jan. 26, 2021).

For these purposes at least, the saga of the *Standing Rock* case again offers a decisive rebuke to both the refusal or perform an EIS as to well as to the proposal to construct the OPC in Jackson Park. No longer is the discussion directed to the occurrence of some remote risks of an accidental discharge that could damage water and fishing rights, against which major constructive safeguards had been designed into the system. Now it is the *absolute certainty* that approval to construct the OPC, if not set aside on judicial review, will result in the massive destruction of an Olmsted Park, coupled with the massive loss of trees, impacts on the lagoon and surrounding ecosystem, and drastic traffic disruption in the short and long-run. If, under current law, the position of the DAPL pipeline is a close case under NEPA, the OPC is a flat violation of the Transportation Act (and of course of NEPA as well).

Conclusion. We have reviewed in this letter five issues: the basic statutory scheme under Section 4(f); the conclusions of the Section 4(f) Report and the FONSI; the details of the statutory scheme and its associated regulations; the particulars of the OPC plan; and the caselaw decided both under Section 4(f), and, where applicable, under NEPA. We can state with complete certainty that the Section 4(f) Report does not come remotely close to satisfying the standards that have been applied under these rules for the past 50 years. Similarly, the recently issued FONSI is a result-oriented effort to avoid the necessary development of an environmental impact statement; to that end, whether it be the general statutory scheme or the case law associated with the various

pipeline litigation, a project of this nature and size demands and requires such environmental review. Given the undisputed avoidance option of building an OPC outside Washington Park, this project should not be approved under the Transportation Act or NEPA. We think that the proper disposition of this case is beyond dispute. We believe that both Secretaries should stop this project now, properly review all feasible and prudent alternatives, and advocate for the performance of a full environmental impact statement that can further inform the decision making, rather than requiring the filing of legal action in federal court against any decision that offers its stamp of approval to this fatally flawed project.

Were a proper review process performed, POP is confident that the fundamental and paramount policies of protecting the environment and parkland would be easily satisfied by looking at alternatives near the Washington Park area, which does not involve destruction of either Jackson Park or Washington Park, but instead provides the opportunity to avoid the massive and intrusive destruction of parkland, the incredible bottlenecks associated with the closure of various roadways, the removal of historically significant gardens, trees and park spaces. As the enclosed overviews provide, the Washington Park area provides access, space, grandeur, history, and economic development all the while avoiding the adverse environmental, historical and other impacts. While the effort to discuss alternatives has not occurred, POP remains prepared to discuss the enclosed alternative with you at any time.

Respectfully submitted,

/s/ Herbert L. Caplan

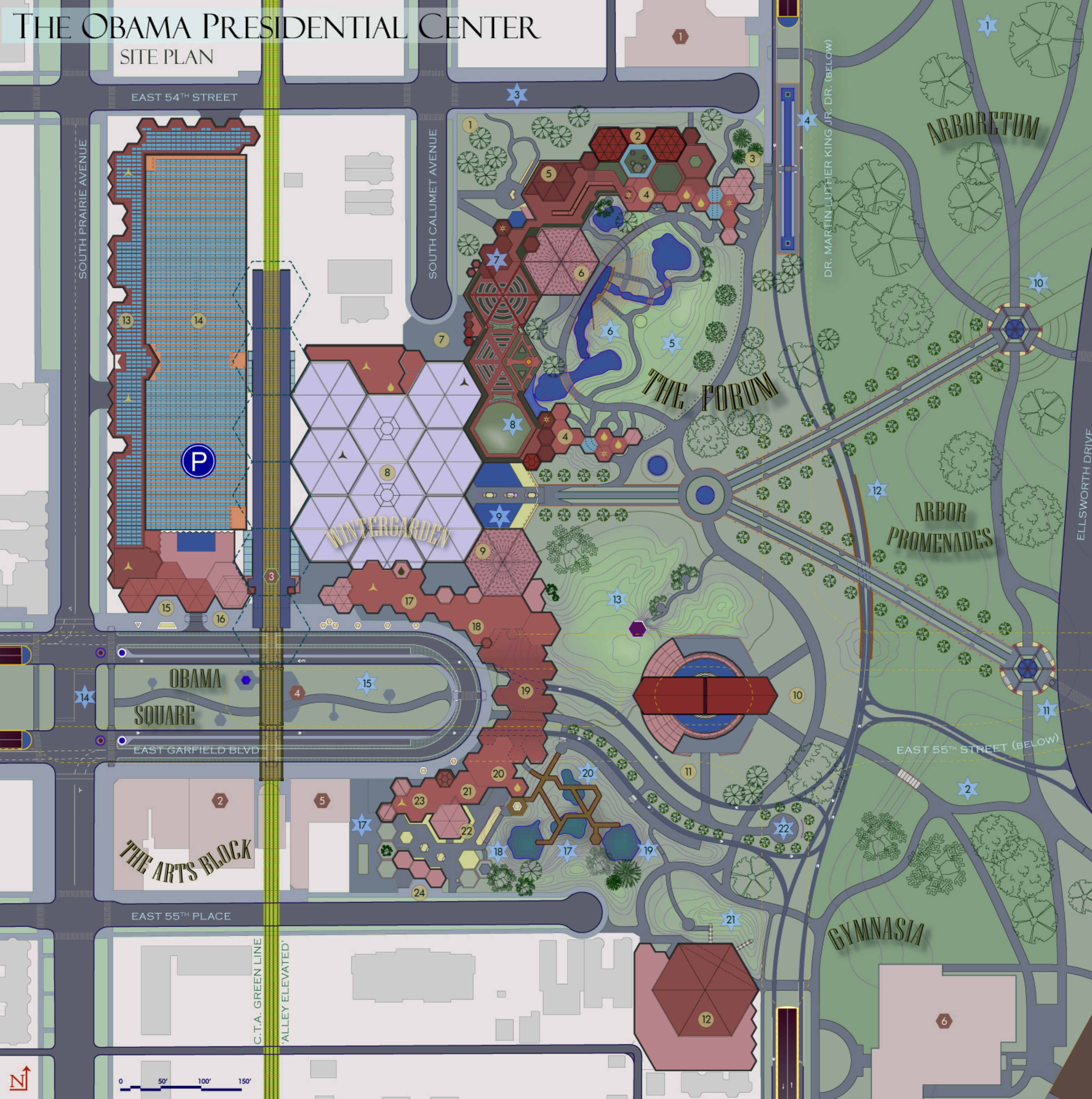
Herbert L. Caplan
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President, Protect our Parks

Enclosures

cc. Secretary of Interior Designee Haaland (w/encl.)
Honorable Lori Lightfoot (w/encl.)
Valerie Jarrett (w/encl.)
Martin Nesbitt (w/encl.)

THE OBAMA PRESIDENTIAL CENTER

SITE PLAN



LEGEND

Existing Community Infrastructure

1. Burke Elementary School
2. University of Chicago 'Arts Block'
3. Chicago Transit Authority Green Line ~ Garfield Station
4. Chicago Transit Authority Overpass and Station House (Chicago Landmark)
5. Green Line Theatre (University of Chicago)
6. Washington Park Field House

Site Features

1. Washington Park Arboretum (Existing)
2. Washington Park Arboretum Extension
3. Motorcade staging / Burke School Access
4. Colonnade / Reflecting Pool
5. Forum Hill and Ponds (Secured Public Access)
6. Forum Earth Terraces with Demountable Seating
7. Community Gardening: Sun-protected Raised Gardens
8. Public Rooftop Garden
9. Formal Entry Promenade and Reflecting Pool
10. Northern Entry Pavilion / Chicago Fire Department Access
11. Southern Entry Pavilion and Fountain (Primary)
12. Dedicated Bicycle Trail and Bicycle Underpass
13. Native Savannah Garden / Sheltered Seating
14. Obama Square: Entry Monuments
15. Obama Square: Boulevard Improvements and Traffic Calming
16. Arts Block Plaza and Outdoor Reflecting Rooms
17. Rare and Endangered Native Plant Gardens
18. Bog Garden
19. Fen Garden
20. Boardwalk and Perimeter Integrated Seating
21. Community Theater and Court Earth Terrace Seating
22. The Granite Slab


New Architectural Features

- * Public Stair / Elevator Towers: Rooftop Access
 - Public Restrooms
 - ▲ Restaurant / Retail Space
1. The Barack Obama Foundation: Welcome Garden and Formal Entry
 2. The Barack Obama Foundation: Offices and Presidential Quarters
 3. Arboretum Visitors' Center
 4. Public Viewing Terraces (Maeniana)
 5. Gardening Education Center and Storage
 6. Rostrum (Convertible for Interior and Exterior Use)
 7. Wintergarden Community Loading and Northern Access
 8. Wintergarden (Secured Public Access)
 9. Museum Entry Hall, Security, and Ticketing
 10. Monument Tower, Plaza, and Reflecting Pool
 11. Sky Room Public Entry Hall
 12. Athletic Center and Public Theater with Outdoor Pavilion Conversion
 13. Hotel Guest Rooms Above Neighborhood Retail / Rooftop Solar Array
 14. Integrated Parking Facility (Bus Unloading, CTA Kiss-and-Ride, OPC)
 15. Hotel Entry and Hotel Restaurant
 16. CTA Transit Hub - Underground Access
 17. Presidential Reading Room (Above)
 18. Welcome Kiosk and Cafe
 19. Chicago Public Library - Obama Square Branch (Bridge)
 20. Chicago Park District Nature Education and Outreach
 21. Shared Chicago Park District / Arts Block Lyceum
 22. Orchid Conservatory
 23. Resident Artists' Open Studio
 24. Site Maintenance Facility



ACCESS AND PROXIMITY

 C.T.A. GREEN LINE

 STATION HOUSES

NORTHBOUND SERVICE TO: MCCORMICK PLACE (3.75 MI)
CHICAGO LOOP (5.75 MI)

SOUTHBOUND SERVICE TO: ENGLEWOOD (2.75 MI)
WOODLAWN (1.0 MI)


 C.T.A. RED LINE

 STATION HOUSES

NORTHBOUND SERVICE TO: CHINATOWN (4.0 MI)
CHICAGO LOOP (5.6 MI)
NORTH SIDE / EVANSTON

SOUTHBOUND SERVICE TO: 95TH STREET (5.0 MI)
PULLMAN (FUTURE) (10.5 MI)

 METRA ROCK ISLAND DISTRICT LINES

 PROPOSED WHISTLE STOP STATION

NORTHBOUND SERVICE TO: LASALLE STREET STATION
CHICAGO LOOP (5.6 MI)

SOUTHBOUND LOCAL TO: BEVERLY (6.0 MI)
SOUTHBOUND REGIONAL TO: BLUE ISLAND / JOLIET (34.5 MI)

 PROPOSED GARFIELD / 55TH BUS RAPID TRANSIT

EASTBOUND SERVICE TO: METRA ELECTRIC DIST. (1.0 MI)
LAKEFRONT PARKS (1.25 MI)

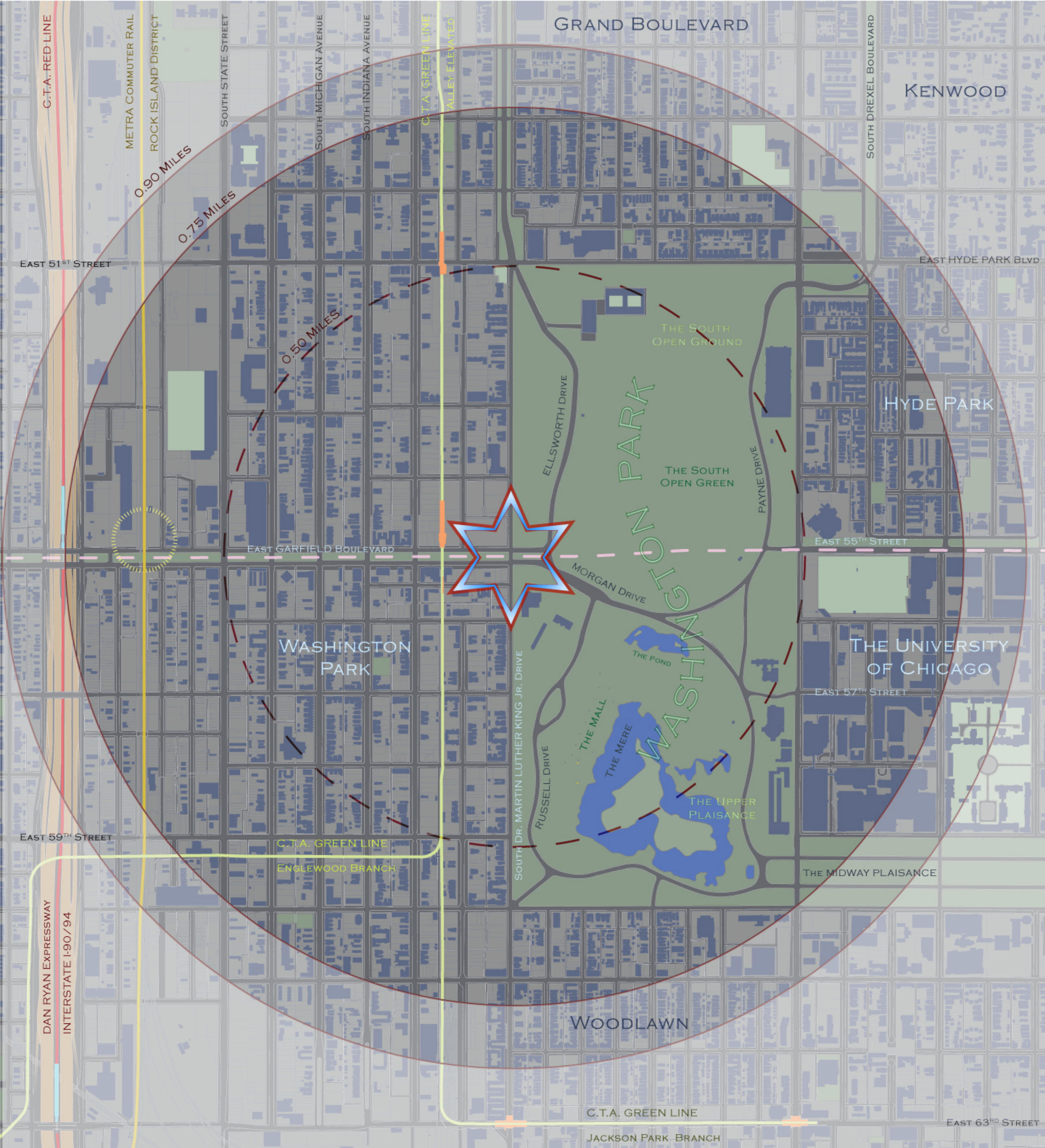
WESTBOUND SERVICE TO: MIDWAY AIRPORT (6.5 MI)
C.T.A. ORANGE LINE (6.5 MI)

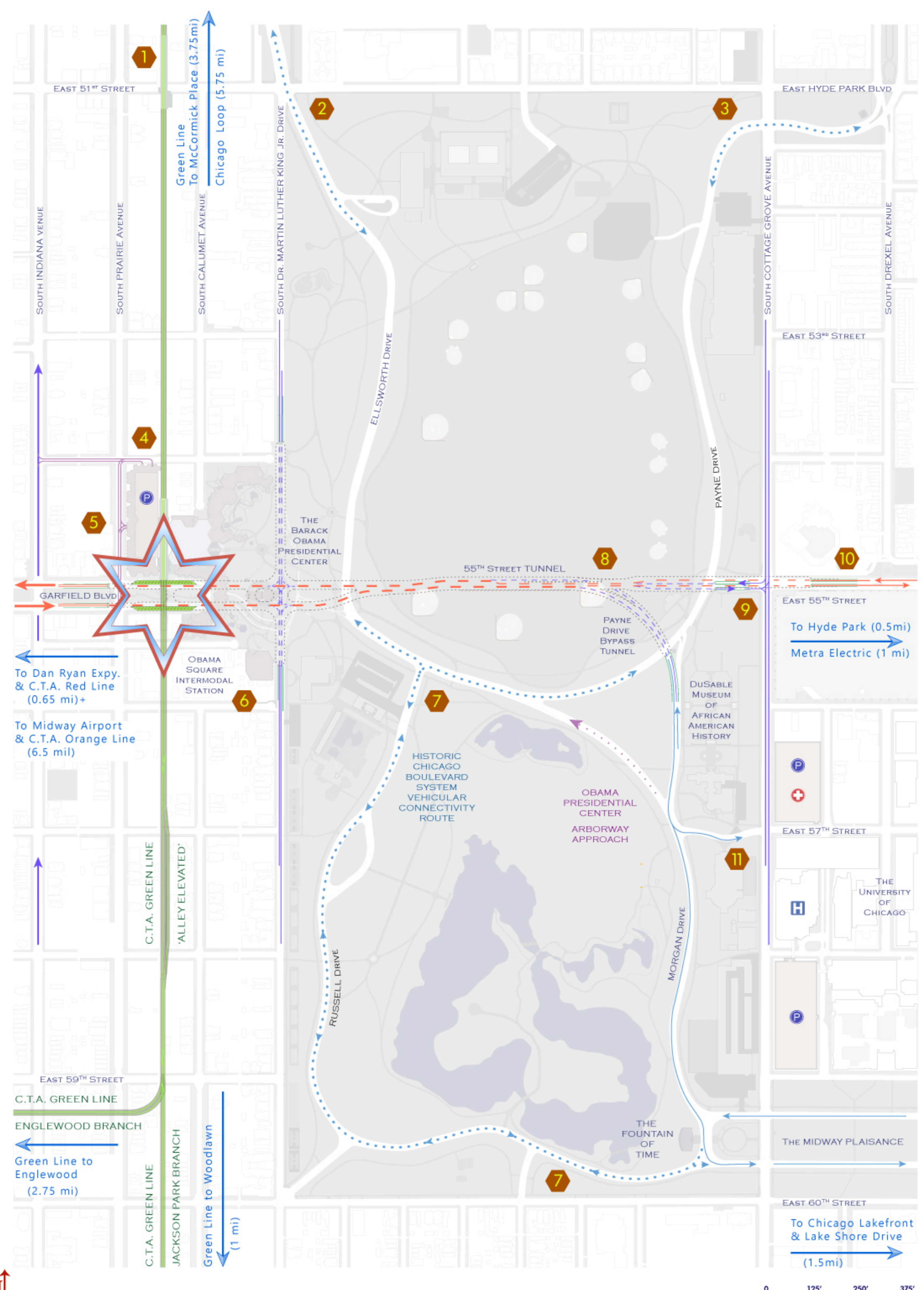


SITE OF OBAMA PRESIDENTIAL CENTER

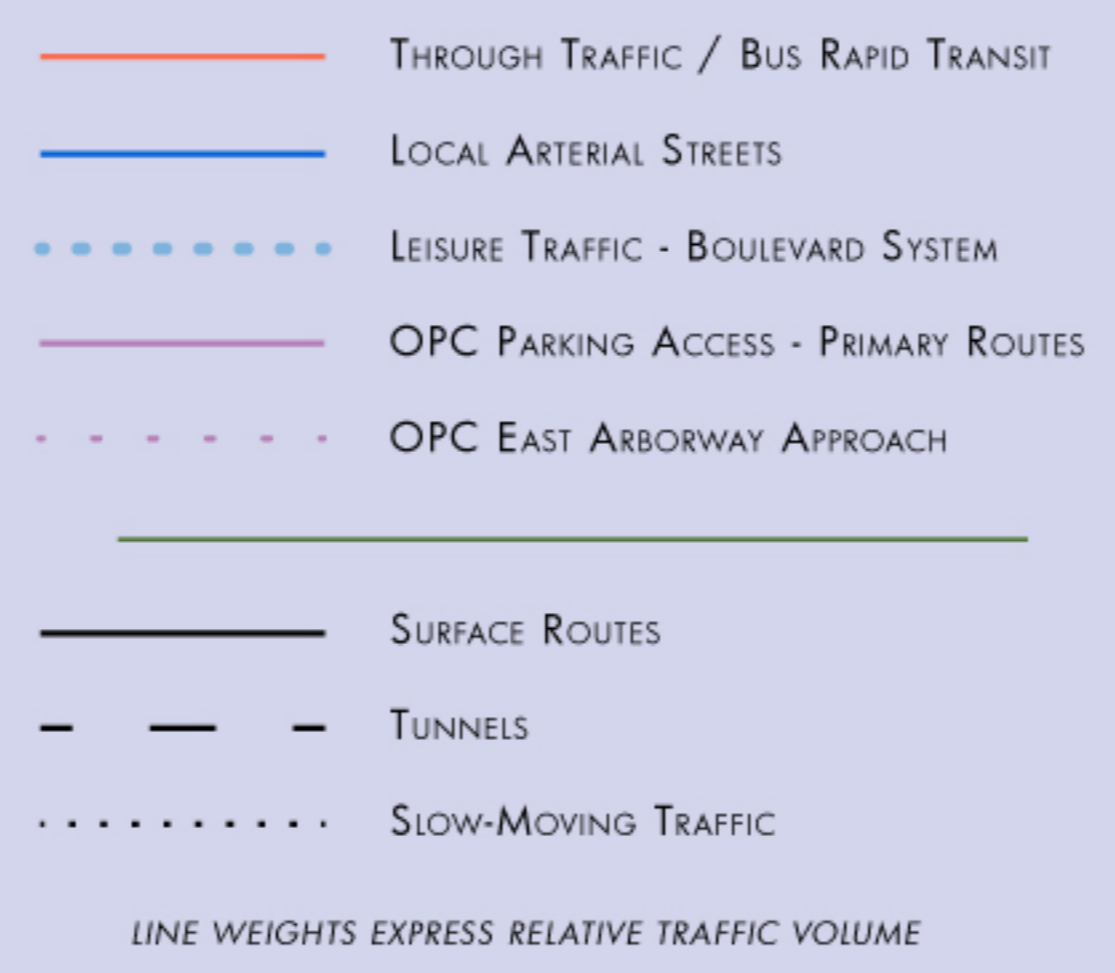


0 500' 1000' 1500'





VEHICULAR CIRCULATION



Circulation Keynotes

1. C.T.A. Green Line: 51st Street Station
2. Olmsted Boulevards: Dr. Martin Luther King Jr. Drive (South Park Way) Boulevard Leisure Traffic Connectivity Route
3. Olmsted Boulevards: Drexel Square and Drexel Boulevard Boulevard Leisure Traffic Connectivity Route
4. OPC Garage: Obama Presidential Center parking & Long-term parking entry / exit. (See Inset)
5. OPC Garage: Access Point for CTA Kiss-n-ride, Retail Parking. Exit for CTA / Hotel Loading and Buses. (See Inset)
6. Obama Square: Sheltered Intermodal Transfer Green Line Station. BRT Service to Lakefront / Midway.
7. Olmsted Boulevards: Russel Drive Vehicular Route to/from Garfield Boulevard Boulevard Leisure Traffic Connectivity Route
8. Underpass: Payne Drive Grade Separation and Merge Lane
9. Tunnel Exit: Turn Lanes to Cottage Grove Avenue Cottage Grove Dedicated Tunnel Entry Point
10. Tunnel Exit: Cottage Grove Bypass - 55th Street Through Traffic Bus Rapid Transit Line from Midway to Metra Electric
11. Medical Route: Secondary Access Route from Tunnel Alternate route to Trauma Center and Emergency Room

OPC Vehicular Circulation

1. OPC & Long-term parking entry / exit.
2. CTA Kiss-n-ride, Retail Parking entry / exit.
3. Hotel Loading and Drop-offs, entry only.
4. Hotel Loading and Short-Term Parking.
5. Tour Bus and School Bus Parking / Drop-off
6. CTA and OPC Vehicular Loading Zone
7. Ramp Down to C.T.A. Kiss-n-Ride Daily Parking
8. Retail Short-term Parking
9. Ramp Up to OPC and Long-Term Parking
10. Obama Square: Curbside Parking (Westbound)
11. Obama Square: Protected Bike Lane (Westbound)
12. Wintergarden Public Loading

OPC Pedestrian Access

1. Retail Parking Sallyport
2. Hotel Valet
3. OPC Employee Entrance / Checkpoint
4. C.T.A. Green Line Station House
5. Green Line North Exits / Parking Elevators
6. Wintergarden Garage Entry
7. Wintergarden Main Entries
8. Wintergarden Community Loading Entry
9. Obama Museum Pavilion: Main Entry
10. The Forum: Main Entry
11. Barack Obama Foundation: Street Entry

