

**Winnetka Village Council**  
**STUDY SESSION**  
**Village Hall**  
510 Green Bay Road  
April 10, 2018

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**AGENDA**

- 1) Call to Order
- 2) Public Comment
- 1) Jurisdictional Transfer – Process Overview
- 2) Closed Session
- 3) Adjournment

**NOTICE**

All agenda materials are available at [villageofwinnetka.org](http://villageofwinnetka.org) (Government > Council Information > Agenda Packets & Minutes); the Reference Desk at the Winnetka Library; or in the Manager's Office at Village Hall (2<sup>nd</sup> floor). Webcasts of the meeting may be viewed on the Internet via a link on the Village's web site: <http://www.villageofwinnetka.org/government/village-videos/>.

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## Agenda Item Executive Summary

**Title:** Jurisdictional Transfer- Process Overview

**Presenter:** Steven Saunders, Director of Public Works/Village Engineer & James Bernahl, Assistant Director of Public Works

**Agenda Date:** 04/10/2018

**Consent:**  YES  NO

- |                                     |                         |
|-------------------------------------|-------------------------|
| <input type="checkbox"/>            | Ordinance               |
| <input type="checkbox"/>            | Resolution              |
| <input type="checkbox"/>            | Bid Authorization/Award |
| <input type="checkbox"/>            | Policy Direction        |
| <input checked="" type="checkbox"/> | Informational Only      |

### Item History:

None.

### Executive Summary:

Attached is a memo that presents an overview of the process to complete a jurisdictional transfer of roadways with the Illinois Department of Transportation (IDOT).

The 2016 Downtown Master Plan (DMP) recommended improvements to the Green Bay Road Corridor, which is central to all three of Winnetka's business districts (Indian Hill, Elm, and Hubbard Woods). These recommendations have been more recently evaluated and advanced by the DMP Task Force, in its development of a Streetscape & Signage Plan for the Elm Business District. The Task Force will also present concepts for Green Bay Road, and in particular, the Elm Street intersection, focusing on pedestrian safety and incorporation of the Village's streetscape design standards.

Staff and Teska Associates held a coordination meeting with IDOT in February to learn more about jurisdictional transfer and options the Village could pursue. Key takeaways from that meeting included:

- Desire to focus on process that facilitates advancing the "road diet" concept first raised in the DMP;
- Purpose of road diet is for pedestrian safety at the Elm/Green Bay intersection;
- Jurisdictional transfer was employed on Green Bay Road in both Kenilworth and Glencoe; IDOT expressed interest in a complete transfer within Winnetka's boundaries; and
- Jurisdictional transfer may occur with or without funding assistance from IDOT and other grants.

### Recommendation:

Informational only.

### Attachments:

- 1) Staff Memo, Jurisdictional Transfer Overview Process, dated April 4, 2018
  - Attachment A: IDOT Recommended JT Submittal Process
  - Attachment B: Phase I Study Overview

# Memorandum

To: Robert Bahan, Megan Pierce, and David Schoon  
From: James Bernahl  
CC: Steve Saunders  
Date: April 4, 2018  
Re: **Jurisdictional Transfer Overview Process**

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The following memo is intended to describe the process for jurisdictional transfer of roadways. The information contained within this memo is a summarization of the latest “Highway Jurisdiction Guidelines – for Highway and Street Systems” booklet published by the Illinois Department of Transportation (IDOT), and also includes information provided by IDOT staff.

## **Definition of ‘Jurisdiction’**

Jurisdiction is the authority and obligation to administer, control, construct, maintain, and operate a highway subject to the provisions of the Illinois Highway Code [Chapter 605 of the Illinois Compiled Statutes (ILCS)].

When an agency has jurisdiction of a street or highway, that agency is responsible for the upkeep of that highway, including reconstruction, signing, maintenance, etc. All of these responsibilities remain with the agency until the jurisdiction is transferred to another highway authority.

It should be noted that a jurisdictional transfer does not automatically include the transfer of land rights associated with the highway; a separate process is required for land rights.

## **Definition of ‘Highway’**

A highway is defined as any public way for vehicular travel which has been established by statute, dedication, or prescription. The term ‘highway’ includes rights of way, bridges, drainage structures, signs, guardrails, and all other appurtenances necessary for vehicular travel. A highway in a municipality may be referred to as a ‘street.’

## **Highway Systems & Authorities**

In 1959 the Illinois General Assembly revised and codified the laws relating to public highways and established the current four systems of highways and their associated highway authorities as follows:

- State, Department of Transportation
- County, County Board
- Township & Road District, Highway Commissioner
- Municipal, Corporate Authorities

## **Types of Jurisdictional Transfers**

There are two types of jurisdictional transfers (JTs).

1. **Mandatory**: A jurisdictional transfer can occur because it is mandated by statute. For example, a municipality that annexes territory that includes a township road is mandated by statute to assume jurisdiction of that township road. Department of Transportation (IDOT) approval is not required for mandated jurisdictional transfers.
2. **Agreed-To**: Agreed-to jurisdictional transfers occur because of the logical need to transfer authority to another highway system. IDOT approval is required for agreed-to jurisdictional transfers. Agreed-to jurisdictional transfers can be:
  - a. Associated with an improvement that is state-let or constructed;
  - b. Associated with an improvement that is locally-let or constructed;
  - c. Not associated with an improvement; or
  - d. "Present worth," which provides funding based on the present worth value of the highway and/or structure, and the funding is deposited in the local agency's Motor Fuel Tax (MFT) account.

Jurisdictional transfers involving the first two situations above will typically have a direct or indirect association with the improvement. The improvement may upgrade the actual segment of highway to be transferred (direct), or the improvement may be in exchange for the local agency accepting the jurisdiction of another highway (indirect).

## **Highway System Continuity**

When negotiating a jurisdictional transfer, the proposed transfer should maintain highway system continuity. This means that the limits of the transfer should begin and end at logical termini in order to preserve an integrated highway network. As a rule, a highway should terminate at either a highway within its own system or at a highway that is in a higher system. Some exceptions to these criteria occur due to extenuating circumstances surrounding the particular jurisdictional transfer and are evaluated on a case-by-case basis.

## **Functional Classification**

Functional classification is the process by which highways are grouped into classes or systems based on the type of service they provide for access and mobility. Functional classification often indicates what highway authority would be appropriate for jurisdiction based on the public sector served.

It is important to note that a jurisdictional transfer does not change the functional classification of a highway. However, when negotiating jurisdictional transfers with local agencies, the functional classification of the road in question should be considered; i.e. it would not be as desirable to transfer a high-type, high-volume road to a township as it would be to transfer it to a county or municipality.

For more detail on the submittal process for the recommended submittal process of a JT, see *Attachment A*.

### **Other Considerations**

When considering if a jurisdictional transfer is the most appropriate course of action it is recommended that a highway authority consider long-term obligations and scope complexities. It is recommended that a benefit-cost analysis be performed to afford a realistic comparison of value.

The following is a list of recommended areas to be considered as part of any analysis:

1. Limits of the proposed jurisdictional transfer. How do the limits of the jurisdictional transfer align with other existing highway limits and road classifications?
2. Long-term maintenance costs. What are the anticipated costs for initial construction, but also annual maintenance obligations and useful life of a transferred road?
3. Other involved agencies. Which and how many participating agencies/ land owners that may be involved in the approval process?
4. Legal obligations. Does the jurisdictional transfer create a new or modify existing legal obligations against future claims?
5. Future restrictions of land use. Does the proposed jurisdictional transfer limit the agencies rights to modify the classification or usage?
6. Modifications to existing agreements. What, if any, modifications to existing agreements may be required in the future? For example, does the jurisdictional transfer of the roadway require a modification to an existing maintenance agreement with IDOT?

### **Jurisdictional Transfer Agreement Process Timeframe**

IDOT personnel recommend that interested highway authorities seeking to pursue a transfer should coordinate an informal meeting with IDOT staff first to discuss the limits and conditions of the potential transfer. Due to the various complexities of this process, the anticipated timeframe for completion can vary dramatically. For example, the inclusion of multiple agencies such as MWRD, Metra, Cook County Forest Preserve, etc. can increase the approval process timeframe.

### **Example Projects**

#### **Village of Winnetka**

The Village of Winnetka has participated in a jurisdictional transfer in the past; the last was initiated in October 2000. The Village Council authorized staff to sign a letter of intent with the State of Illinois for a portion of Tower Road. The limits of the proposed JT were from Vernon Avenue west to the Village limits (1100-feet west of Forest Way Drive). The reason a JT was pursued for this portion of Tower Road involved proposed utility upgrades (water) and roadway improvements. At that time, the Village hoped to coordinate scheduled roadway improvements for Tower Road from Green Bay Road west to Vernon Avenue with the rehabilitation of this deteriorated section of Tower Road.

This JT did not require the obtainment of any additional right-of-way or approval from additional agencies. IDOT did agree based on the condition of the roadway to offer a fiscal contribution for future improvements. Although the work was completed in a timely manner and an agreement was executed on May 12, 2006 the Village received final approval of the agreement on September 6, 2007.

#### **Village of Wilmette**

The Village of Wilmette used jurisdictional transfer on both Green Bay Road and Sheridan Road. The Village began work on Green Bay Road in the early 1990's, when the road was owned by the State

and was in need of substantial repairs. The Village also wished to pursue a design that promoted a two-lane roadway with a center turn lane, in addition to sidewalks added on the east side of the road. Wilmette was not able to provide much detailed information as this was before many electronic records, but it appears the cost sharing for the work was split between federal funding (70%), IDOT (24%), and Village (6%) for the resurfacing work.

Wilmette's JT for Sheridan Road was approved in August, 2007; the process, however, began with a letter of intent between the Village and IDOT in May, 2001. The major condition of this transfer was that Sheridan Road be completely reconstructed. The limits of the JT were from 10<sup>th</sup> Street to Isabella Street and Isabella Street from the CTA tracks to Sheridan Road. Ultimately the project scope included new pavement, extensive underground utility replacement, modernized traffic signals, and streetscape enhancements. The construction work was performed in 2008 and 2009. The main goal appears to have been safer travel and pedestrian enhancements. The reconstruction resulted in one travel lane in each direction, a center two-way left turn lane, and outside bike lanes.

#### Village of Glencoe

The Village of Glencoe provided general information about their recent experiences with participation in JTs. Many of their more recent transfers took place in the early and mid-1990's and varied between IDOT and Cook County.

The objective of these JTs was for positive local control of the roadways and future improvements. A good example of this was when Glencoe opted to take control of the entire section of Green Bay Road that runs from Scott Avenue to the Northern Village Limits. This section of Green Bay Road was previously a four lane road with minimal lane widths of 10-feet. The Village opted to modify this design by increasing the width of the drive lanes, reducing the number of drive lanes from four to two, and introducing a center turn lane. Funding for these improvements was paid for from Surface Transportation Funds (STP) made available through the Northshore Council of Mayors; as part of the JT, IDOT agreed to pay for the Village's portion of the funds (30%).

The Village of Glencoe also participated in JTs for a portion of Dundee Road from Forest Way Drive to Green Bay Road, and a portion of Park Avenue from Sheridan Road to Green Bay Road. The Village indicated that all of these JTs were relatively quick to complete as IDOT was more aggressive in the 1990's to reduce its ownership and maintenance of roadways. It is important to note that none of the sections of roadway transferred to Glencoe required a change in roadway classification or obtainment of additional right-of-way. Substantial State and Federal funding was available at that time for proposed improvements.

#### **Roadways Currently Under IDOT Jurisdiction in Winnetka**

IDOT currently has jurisdiction of four sections of roadway within the Village of Winnetka. The Village has a maintenance agreement with IDOT and receives State funds for the assisting with the maintenance of these roadways. The following table is a list of the names and limits of each State owned roadway.

<b>Roadways Under IDOT Jurisdiction in Winnetka</b>		
<b><u>Roadway Name</u></b>	<b>Limits</b>	
	<b><u>From</u></b>	<b><u>To</u></b>
Forest Way Drive	Willow Road	Tower Road
Willow Road	West Village Limits	Provident Avenue
Green Bay Road	South Village Limits	North Village Limits
Sheridan Road	South Village Limits	North Village Limits

**IDOT Preliminary Discussion Meeting Overview**

On Friday, February 23, 2018, representatives from the Village met with the IDOT District One Management team to discuss the potential development of streetscape improvements along the Green Bay Road corridor. The limits of the discussion included all three commercial districts (Hubbard Woods, Elm, and Indian Hill).

The meeting focused on the Village’s conceptual streetscape improvements for both the east and west Elm Business District. The goal of the meeting was to solicit initial feedback and discuss potential funding sources that may be applicable for this project. The group discussed various standard Federal and State funding programs and the submittal requirements for each.

IDOT presented the option of pursuing a jurisdictional transfer (JT) to assist the Village in subsidizing costs for proposed improvements. IDOT expressed their interest in wanting to remove this specific section of Green Bay Road from the State’s owned and maintained roadway network. IDOT indicated that the sections of Green Bay Road to the south in Kenilworth and to the North in Glencoe had been transferred to each community via JT. IDOT specified that it would be their goal to only transfer segments of roadways based on their continuity; for example, from Scott Avenue to Tower Road. IDOT did not express interest in transferring smaller non-continuous sections such as in the Elm Business District.

Staff also discussed the requirements of a Phase I study; this would be required for many funding sources, and mandatory for any Federal grant funds related to the project. Phase I reports are required to ensure that a proposed improvement has been carefully evaluated, that appropriate policies and criteria are being used, that the design reflects an assessment of environmental concerns and, if required, that public involvement has occurred. These reports should be able to stand on their own and document all major design decisions and exceptions to policy. Further information on Phase I studies, see *Attachment B*.

IDOT did advocate that some of the benefits for pursuing a JT not only would be the assistance of funding but the flexibility that could be afforded to the Village to modify the existing conditions.

**Next Steps for Consideration**

The following is a list of options for consideration by the Village for pursuing a JT. Each option varies in the time required to complete and the availability of additional funding assistance. With each option a thorough understanding of the considerations listed below should be understood and investigated as part of the final decision process.

## Considerations

1. Condition of existing roadway (perform full depth analysis, IMS).
2. Future maintenance needs and anticipated schedule for repairs.
3. Anticipated long-term maintenance costs (estimated useful life of roadway design).
4. Cost for full depth roadway replacement and public utility upgrades (storm, sanitary, water, and electric).
5. Future economic impacts based on proposed improvements.
6. Environmental Impacts – Environmental conditions/hazards not known at this time.
7. Agencies involved with transfer (e.g. Park District, Railroad, State, other unknown property owners, etc.).
8. Village schedule for proposed improvements.
9. Flexibility in permitting process.
10. Assumed legal obligations and responsibilities after the completion of the JT.

- **Option No. 1** - Request a JT only, no grant application or request for additional funding (Federal, State, or Other). Estimated timeframe to complete: 3 to 6 months.

This option would be the quickest to obtain a JT but would eliminate the possibility of obtaining additional funding initially for potential infrastructure improvements.

- **Option No. 2** – Request JT with direct payment from IDOT based on Present Worth, Future Maintenance Repairs, Full Depth Analysis, and Replacement. This option assumes a Village-coordinated improvement. Estimated timeframe to complete: 6 to 18 months.

This option would allow for the obtainment of additional funding assistance directly from the State made via a direct payment to the Village. Consideration should be given to the overall schedule as obtainment of funding would be based on the schedule for the State budget and approval process. This option also assumes that the Village will take the lead in the design and construction of proposed improvements. It should be understood that if complications or changes in the scope are encountered, these additional costs would be assumed by the Village.

- **Option No. 3** – Request JT as part of grant application (Federal, State, or Other). This option assumes IDOT leads the proposed improvements, including design, construction, and conveyance. Estimated timeframe to complete: 18 to 24 months.

This option can take the longest to complete but would provide the greatest opportunity for additional funding. Pursuing this option would require that all proposed improvements meet current Federal and State regulations as set forth in the grant. A benefit of this option is that IDOT would be a supporter of the grant application and could act as lead of the project. At the completion and approval of the project, the Village would assume ownership and responsibility.

**Conclusion**

As the Downtown Master Plan Task Force refines and concludes its work, this information will inform future discussions on improvements and financing strategies.

**Attachments**

- Attachment A: IDOT Recommended JT Submittal Process
- Attachment B: Phase I Study Overview

## **Attachment A: IDOT Recommended JT Submittal Process**

A draft Jurisdictional Transfer Agreement form should be submitted for review via email to [DOT.D1.BLRS@illinois.gov](mailto:DOT.D1.BLRS@illinois.gov). Forms BLR 05210, BLR 05211, and/or BLR 05212 may be used for processing the transfer. The Agreement form is available on the IDOT website at the following link under the Local Roads and Streets: <http://www.idot.illinois.gov/home/resources/Forms-Folder/1>.

The jurisdictional transfer agreements should contain the following items and any other items pertinent to providing a clear understanding between the parties in the transfer:

1. Conveyor/Recipient. The document should clearly indicate the highway authority conveying and the highway authority receiving the segment of highway involved.
2. Location Description. Provide a clear description of the highway and the beginning and ending points involved in the transfer. Use route numbers and local highway names. Include federal route numbers when available.
3. Length. Accurately measure the length of highway to be transferred to the nearest hundredth of a mile (hundredth of a kilometer).
4. Structures. Indicate and identify all structures to either be included or excluded in the transfer by their structure number. Any structure not excluded is considered a part of the jurisdictional transfer.
5. Illinois Statutes. The jurisdictional transfer should identify the State law that authorizes the legality of the transfer.
6. Other Information. Include any additional information that may assist in identifying the transfer. Jurisdictional transfers involving an improvement should include the applicable project number, State section number, local agency section number, contract number, etc.
7. Location Map. Include a map (minimum 8½" x 11" (216 mm x 279 mm)) to provide the location of the affected highway involved. The map should be legible and indicate the limits of the portion of highway to be transferred.
8. Resolutions and Ordinances. The State law requires that a resolution from the county and an ordinance from the municipality be executed for an agreed-to jurisdictional transfer.
9. Effective Date of Jurisdictional Transfer. Clearly define the date and method by which a jurisdictional transfer will take place.

IDOT encourages electronic submission of the draft JT agreement and supporting documents. An electronic copy of the form should be submitted to the following email address: [DOT.D1.BLRS@illinois.gov](mailto:DOT.D1.BLRS@illinois.gov).

## **Attachment B: Phase I Study Overview**

### Phase I Funding

A Phase I study would confirm if a project is eligible to receive Federal dollars for proposed roadway and pedestrian improvements. Certain items such as aesthetic lighting, landscaping, and hardscape improvements may not be eligible for Federal funding but would be evaluated as part of the overall review. IDOT has indicated that a typical Phase I approval process is between 18 to 24 months.

IDOT suggested prior to submitting a Phase I report that they would seek to finalize the JT agreement. The approval of a standard JT agreement could be completed in approximately a 6-month period. The timeframe for when the transfer of the ownership for the roadway would begin would be part of the terms of the JT. Should the Village choose to pursue a Federal grant, IDOT indicated that in the past they have agreed to pay grant match contribution amounts as compensation for a JT approval.

IDOT suggested that an additional option for the Village is to pursue a JT only, not as part of a grant submittal. The Village could still seek compensation from IDOT directly based on the current condition of the roadway and the future estimated maintenance repairs.

### Phase I Report

Phase I work can vary from a very minor study to an in-depth investigation of corridors, alternative alignments and cross sections, different highway types, and other design features with consideration of social, economic, environmental, and engineering factors. In addition, safety, serviceability, and economy must be considered during project development. The Phase I study should clearly describe the need for the improvement and how to implement the improvement in a logical and organized manner.

To effectively analyze a proposed improvement, Phase I studies should be developed concurrently with public involvement activities and any required environmental analyses. The Phase I study will culminate in the completion of a Phase I report that documents the findings of the study.

### Purpose

Phase I studies are developed to ensure that, as practical, highway locations and proposed designs are consistent with Federal, State, and local goals and objectives. Consideration should be given to the following when performing a Phase I study:

1. Design Uniformity. When conducting Phase I studies, best practices include: ensure that proposed improvements will satisfy a need, are designed and constructed according to IDOT policies and criteria, and that uniform designs are used statewide. Designers must seek, however, to use all of the flexibility inherent in the policies to craft the best possible solutions to identified transportation problems.
2. Public Involvement. Develop the final design in conformance with the public involvement requirements.

3. Public Interest Considerations. Make final project decisions in the best overall public interest. A Phase I study should fully consider the need for safe and efficient transportation, public services, and the costs of eliminating or minimizing adverse impacts to the social and natural environment.
4. Adverse Effects of Project. Ensure that the potential adverse economic, social, and environmental effects of any proposed action have been fully considered.

#### Types of Phase I Studies

For complex projects, a separate corridor and design study may be required to determine the location and design of a proposed improvement. However, for minor type improvements, only a separate Phase I engineering study is required. Depending upon the complexity and potential impact of a proposed improvement, the following types of Phase I studies are prepared:

1. Corridor Study. A corridor study is required for a complex highway project on a new location of significant length and where alternative corridors are available. A corridor study will determine, in part, the selection of a specific corridor for the proposed highway. Alternative alignments should be developed within a general corridor location during the corridor study to determine the suitability of that corridor. These improvements typically will have a substantial social, economic, and environmental effect, or they will essentially change the layout or function of connecting roads and streets. The impacts of a complex highway project, such as a freeway on new location, will also require the preparation of a separate environmental document (normally an environmental impact statement, EIS) to address the environmental issues of both the corridor and subsequent Phase I design studies.
2. Major Design Study. For complex highway projects requiring a separate corridor study, a Phase I design study is prepared after the corridor location has been selected and approved. The design study determines, in part, the specific alignments, profiles, and the major design features (e.g., typical sections, location and type of interchanges, road closures) of the proposed highway improvement. Because a separate environmental report is required with this category of work, environmental investigations are initiated during the corridor phase and are completed concurrently along with the design study.
3. Combined Design Study (Combined Corridor and Design Study). A combined design study is conducted for a proposed highway project within a predetermined highway corridor or location. The acceptability of the corridor or location usually results from a decision to use the existing highway alignment due to constraints imposed by land use and development, or due to the results of prior engineering studies (e.g., a transportation systems plan). For example, the reconstruction of an urban arterial highway requiring additional right-of-way and some business or residential relocations, will normally be a suitable project for a combined design study. Other examples include upgrading an existing two-lane rural highway to a four-lane expressway, the addition of an interchange, or a change in type for an existing interchange. For these types of projects, an environmental assessment is usually required. However, if significant impacts are known in advance, an EIS will be required.