



Secretary of Transportation Anthony Foxx
United States Department of Transportation
1200 New Jersey Ave, SE
Washington, DC 20590

Also transmitted electronically via www.transportation.gov/contact-us

May 5, 2016

Dear Secretary Foxx,

In response to the Wisconsin Department of Transportation and Federal Highway Administrations' Final Environmental Impact Statement for the Interstate 94 East-West Corridor project in Milwaukee, ***the undersigned organizations and individuals respectfully urge you not to issue a Record of Decision for the preferred alternative.***

As you recently pointed out, America's transportation decisions mustn't repeat the mistakes of our past, but ought to connect people of all backgrounds to opportunity. The proposed capacity expansion of this urban highway – especially absent the inclusion of transit as part of the preferred alternative – would ***further exacerbate racial and socio-economic divisions in one of America's most segregated and poverty-stricken metropolitan areas.*** Not only will communities of color, who are more likely to depend on public transit, be underserved by this project; the proposed expansion of I-94 would have disproportionate, adverse public health, economic, environmental and social impacts on these communities.

The agencies failed to develop and evaluate a reasonable alternative that repairs or reconstructs the highway without expanding highway capacity; makes prioritized safety improvements; expands public transportation capacity; and employs additional traffic management strategies. The agencies also did not adequately examine how such a reasonable alternative could better meet safety goals and alleviate congestion along I-94, potentially at a lower cost than by adding highway capacity, with positive rather than adverse impacts on regional neighborhoods and communities.

This project suffers from similar deficiencies to those found by the federal court three years ago in the Zoo Interchange expansion immediately to the West. Concerns about the reliability and credibility of WisDOT's decision-making regarding the state's highway expansion programs resulted in the state legislature recently directing that an audit of those programs be conducted. That audit, which includes an evaluation of the agency's traffic projection methods, has not been completed. Meanwhile, the federal court on Friday, 4/29 issued a decision in *1000 Friends of Wisconsin v. US Department of Transportation*, rejecting the defendants' after-the-fact rationalizations for the traffic projections for the proposed expansion of Highway 23 in Sheboygan and Fond du Lac Counties into a 4-lane expressway, as being contrary to WisDOT's stated policies, and not being reasoned.

The proposed expansion of I-94 is deeply troubling not only to the undersigned organizations and individuals. We are joined in our concern by dozens of community groups, faith organizations, social justice and civil rights advocates, environmental and public interest organizations; by local government bodies, including the Milwaukee County Board of Supervisors, the City of Milwaukee's

Common Council, and the City of Wauwatosa's Common Council; and not least by thousands of Milwaukeeans and Wisconsinites, all of whom have publicly and repeatedly called for more responsible, community-oriented alternatives to the expansion of I-94. We are attaching formal comments submitted to WisDOT by some of these organizations, including ACLU, Sierra Club – John Muir Chapter, and 1000 Friends of Wisconsin.

For the reasons set out in those comments, we request that, rather than issuing the Record of Decision, you instruct WisDOT to more seriously evaluate and ultimately select a project design that returns the highway to a safe state of repair without adding lanes, is less disruptive to surrounding neighborhoods, and includes transportation options and travel demand management strategies that better serve all communities and residents of the Milwaukee region.

Sincerely,

Larry Dupuis, Legal Director & Karyn Rotker, Senior Staff Attorney, ACLU of Wisconsin Foundation

Catoya Roberts, Executive Director, Milwaukee Inner-City Congregations Allied for Hope

Peter Skopec, Director, Wisconsin Public Interest Research Group Foundation

Elizabeth Ward, Conservation Programs Coordinator, Sierra Club – John Muir Chapter

Ash Narayanan, Director of Transportation Policy, 1000 Friends of Wisconsin

Dennis M Grzezinski, J.D., Law Office of Dennis M Grzezinski

Appendix A: Excerpts of FEIS comments submitted by ACLU, Sierra Club – John Muir Chapter, Wisconsin Public Interest Research Group Foundation, 1000 Friends of Wisconsin *et al.*

Exacerbating Racial and Socio-economic Inequity

As noted in FEIS comments prepared and submitted by the ACLU and other organizations:

Tens of thousands of Milwaukee-area residents –disproportionately, African-Americans and Latinos – lack cars and/or drivers' licenses, and rely on public transportation for access to work, health care, education, and leisure activities. Due to recent cuts in state funding that have resulted in reduced service, 31,000 fewer jobs in the Milwaukee area are served by transit today than in 2001, with outsize impacts on communities of color, persons with disabilities, and other low-income persons. The same populations are disproportionately impacted by pollution and correlating public health impacts that come from urban highways, and that will result from an expansion I-94.

WISDOT neither appropriately considered the social, economic, and interrelated indirect and cumulative effects of the project, especially on communities of color, nor seeks to avoid or meaningfully minimize or mitigate these effects. WISDOT also failed to adequately evaluate Title VI or environmental justice issues in relation to the I-94 East-West Corridor project.

The Department also failed to develop and evaluate the effects of a reasonable alternative that repairs or reconstructs the highway and makes prioritized safety improvements without expanding highway

capacity, while expanding public transportation capacity and employing additional traffic management strategies. This is particularly troubling given racially disparate transit dependence in the region.

Inability to Meet Project's Ill-defined Purpose and Need

As noted in FEIS comments prepared and submitted by the Sierra Club – John Muir Chapter and other organizations:

Based on the I-94 East-West Corridor project's defined purpose and need, the selected alternative must improve deteriorated freeway pavement conditions, address obsolete design of the roadway and bridges, relieve current and future freeway congestion, and lower an unacceptably high crash rate.

It is worth noting that the project's defined purpose and need fails to account for the broader needs of communities in Milwaukee's East-West Corridor, a tract that is home to socio-economically and demographically diverse constituencies, as well as to key regional economic and activity centers. By focusing its East-West Corridor study's purpose and need exclusively on criteria of pavement condition, roadway design, congestion and safety along I-94, WISDOT's preferred alternative is, unsurprisingly, geared towards improving travel conditions solely for drivers along the highway – and, as noted below, the preferred alternative is unlikely to achieve even this outcome – rather than towards bettering transportation in the East-West Corridor as a whole.

The public record shows that the preferred alternative is unlikely to resolve peak hour congestion issues without robust implementation of transit expansion and travel demand management. Yet WISDOT failed to adequately examine how non-expansion options, coupled with improved transit service and complementary TDM strategies, could better alleviate congestion along I-94, potentially at a lower cost and with positive rather than adverse impacts on regional neighborhoods and communities.

Cost-effectiveness and Opportunity Costs

As noted in FEIS comments prepared and submitted by the Wisconsin Public Interest Research Group Foundation, 1000 Friends of Wisconsin and other organizations:

With limited state and federal transportation funds available, spending hundreds of millions of dollars above and beyond the cost of fixing I-94 will make it harder to meet Wisconsin's most pressing transportation priorities, from maintaining our existing highway network, local roads and bridges, or investing in public transit and bike and pedestrian infrastructure upon which millions of people rely, in Milwaukee and beyond.

We call on WISDOT and USDOT to implement “fix-it-first” policies that prioritize maintenance and repair of our existing transportation infrastructure and the creation of a transportation system that is safe, effective and affordable for everyone, including communities of color, people with disabilities and transit riders, as well as for drivers.

Appendix B: Full FEIS comments submitted by ACLU *et al.*

Appendix C: Full FEIS comments submitted by Dennis Grzezinski on behalf of Sierra Club – John Muir Chapter *et al.*

Appendix D: Full FEIS comments submitted by 1000 Friends of Wisconsin