



U.S. Department
of Transportation
**Federal Highway
Administration**

Wisconsin Division Office
567 D'Onofrio Drive, Suite 100
Madison, WI 53719

April 24, 2006

In Reply Refer to: HDA-WI

Mr. Robert J. Bauman, Alderman
Milwaukee Common Council
City Hall Room 205
200 E. Wells St
Milwaukee, WI 53202

Dear Mr. Bauman:

In response to your letter of April 19, 2006, neither Congress nor FHWA has imposed any deadline for commitment of the remaining \$91.5 million of Wisconsin Interstate Cost Estimate Substitution (ICE) funding provided under Section 1045 of the Intermodal Transportation Efficiency Act of 1991, as amended. Legislation made the ICE funding available to the U.S. Secretary of Transportation to incur obligations for such projects approved by the Secretary upon the request of the Governor after consultation with appropriate local government officials. Amounts made available remain available until expended and are subject to any limitation on obligations for Federal-aid highways. The remaining funding can only be rescinded by specific legislative action. To date, Congress has not taken such action and FHWA is not aware of any intention to do so.

On August 10, 1999 Governor Thompson submitted the *Letter of Agreement on the Allocation of ICE Dollars and on Milwaukee Transportation Projects* executed by the Governor, the Mayor of Milwaukee, and the Milwaukee County Executive requesting approval as the basis for allocation of the full amount of ICE funding. U.S. Department of Transportation Secretary Slater's January 20, 2000 response withheld approval of the project identified as "Local Transportation Options," and the corresponding \$91.5 million pending resolution of related Title VI complaints and definition of a specific project based on the result of an alternatives analysis for a downtown circulator system.

The Title VI complaints have been resolved. However, as you noted, the alternatives analysis defining the locally preferred transit alternative has yet to be completed. Our coordination with FTA on this project has established that the alternatives analysis must be completed, Milwaukee County must endorse the locally preferred alternative, and the SEWRPC Regional Transportation Systems Plan must be amended to include the project. Upon completion of these steps, the three



parties to the original agreement must submit a request to the U.S. Secretary of Transportation defining the transit project and seeking approval as the basis for the release of the remaining funding.

Operating procedures governing this ICE-Substitute provision provide that WisDOT advise FHWA by August 1 as to the amount of ICE funding needed for obligation in the following fiscal year so the FHWA Office of Budget and Finance can budget accordingly. Upon allocation, FHWA will transfer funding allocated for the approved "local transportation options" project to FTA for administration. Specific questions related to procedures for alternatives analyses, new starts funding, or obligation of transit funding should be referred to the FTA Region 5 Office.

I trust this responds to your concerns and provides further information on the process to be followed in securing release of the remaining ICE funding. If you have further questions regarding the ICE funding, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Bruce E. Matzke". The signature is written in black ink and is positioned above the typed name.

Bruce E. Matzke
Division Administrator

cc: Donald Gismondi, Deputy Regional Administrator, FTA Region 5