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Congress of the United States House of Representatives

June 22, 2016

Secretary Anthony R. Foxx
U.S. Department of Transportation
1200 New Jersey Ave., SE
Washington, DC 20590-0001

Dear Secretary Foxx,

I am writing this letter concerning the Wisconsin Department of Transportation's (WisDOT) planned reconstruction of Interstate 94 (I-94) East-West in Milwaukee, Wisconsin. I believe the reconstruction plan devised by WisDOT for this project does not adequately consider the impact on adjacent low-income communities, especially the need for non-single-occupancy vehicle transportation solutions such as increased access to public transportation. I urge you to closely scrutinize any final Record of Decision for this project submitted by the State and to refrain from approval if serious shortcomings are not addressed.

National Environmental Policy Act (NEPA) regulations require that an agency preparing an EIS—as is needed for this project—must “rigorously explore and objectively evaluate all reasonable alternatives.” Inclusion of a robust and sustainable public transportation infrastructure must be part of the reasonable alternatives for the I-94 project, and indeed, a component of all projects that seek to mitigate highway congestion. Technical studies for the I-94 project admit that it will not achieve its stated purpose of reducing highway congestion unless public transit ridership in the corridor triples.

As the NEPA process unfolds, it is incumbent upon WisDOT, as well as, the Federal Highway Administration, **insure** that the social, economic, and interrelated indirect and cumulative effects, are considered when examining all reasonable alternatives as required under NEPA. Sadly, Wisconsin has a history of inadequate NEPA planning for major projects in Milwaukee, including illegally excluding the consideration of public transportation alternatives and needs. In a 2013 U.S. District Court of Wisconsin, Western District decision, *Milwaukee Inner City Congregations Allied for Hope & Black Health Coalition of Wisconsin v. Gottlieb*, the State of Wisconsin entered a settlement in which it agreed to provide additional monies for public transportation, after a federal court raised serious concerns about the exclusion of public transportation in a NEPA analysis for the project in question in that case. We can, and must, avoid a similar outcome on the I-94 project. This will require stronger oversight and pressure from your Department which will fund a major portion of this project.

The I-94 East West project bisects heavily African-American and Latino neighborhoods in my district. As you have acknowledged, “if you live near a freeway, chances are very high that you’re poor because of past transportation planning practices” and you warned about how “highways cut the heart out of low-income and minority communities have neither a car nor access to transit to get to a job.” The racial and economic segregation of my district is well documented as being one of the highest in the nation. This reality has remained constant for decades in part by excluding communities of color from access to jobs via multi-modal transportation. I know you understand what is at stake here as you have warned about “the growing gaps between the wealthy, the poor, and the middle class have been exacerbated” by a transportation system that “overwhelmingly” routed highways through low-income neighborhoods that separated communities.

A single-occupancy vehicle-only transportation model seems inappropriate for the adjacent neighborhoods and communities directly affected by the I-94 project, which disproportionately consist of low income and people of color. I am concerned that such an approach would further facilitate the movement of jobs and other services away from those in these communities who do not have access to automobiles. Recent data from our regional planning commission confirms that about 4 of every 10 African-American adults and 5 of every 10 Latino adults in the region lack drivers’ licenses.

I support the need for an adequate Interstate Highway System. I also support a well-balanced transportation system that meets the needs of my constituents, including my most economically disadvantaged constituents. Transportation projects like this one should connect people, including low-income communities, to opportunity. I agree with you that transportation facilities should be built by, for and with the communities impacted by them which is why it is critical that your Department helps ensure that WisDOT gets it right on this project. As you noted, “what decision-makers thought of low-income communities is reflected in where and how they built our transportation infrastructure.”

I look forward to learning about USDOT’s efforts in this matter. Please feel free to contact me should you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Gwen Moore". The signature is fluid and cursive, with the first name "Gwen" being more prominent than the last name "Moore".

Gwen Moore
Member of Congress

GM/dh