

MINUTES OF THE FIFTEENTH MEETING

ADVISORY COMMITTEE ON REGIONAL TRANSPORTATION PLANNING

DATE: May 24, 2006
TIME: 9:00 a.m.
PLACE: Harbor Lights Room
Downtown Transit Center
909 E. Michigan Avenue
Milwaukee, Wisconsin

Committee Members Present

Frederick J. Patrie, Chairman.....	Director of Public Works, Kenosha County
Sandra K. Beaupre	Director, Bureau of Planning, Division of Transportation Investment Management, Wisconsin Department of Transportation
John M. Bennett	City Engineer, City of Franklin
Daniel A. Boehm	Manager of Research and Planning, Milwaukee County Transit System
(Representing Kenneth J. Warren)	
Donna L. Brown.....	Systems Planning Group Manager, Southeast Region, Wisconsin Department of Transportation
Larry H. Bruss.....	Regional Pollutant and Mobile Source Section Chief, Bureau of Air Management, Wisconsin Department of Natural Resources
(Representing Kevin Kessler)	
Allison M. Bussler	Chief of Staff, Waukesha County Executive's Office
Shane Crawford	Director of Public Works, Walworth County
Robert R. Dreblow	Highway Commissioner, Ozaukee County
Paul A. Feller	Director of Public Works, City of Waukesha
Thomas M. Grisa	Director of Public Works, City of Brookfield
Richard M. Jones	Commissioner of Public Works, City of Racine
William A. Kappel	Director of Public Works, City of Wauwatosa
Glenn M. Lampark.....	Director of Public Works, Racine County
Michael M. Lemens	Director of Engineering, City of Kenosha
Jeffrey J. Mantes	Commissioner of Public Works, City of Milwaukee
Dwight E. McComb	Planning and Program Development Engineer, Federal Highway Administration, U.S. Dept. of Transportation
Peter T. McMullen	Program and Planning Analyst, Wisconsin Department of Natural Resources
(Representing Gloria L. McCutcheon)	
Larry Moore	Community Partnership Coordinator, City of Milwaukee Housing Authority
Kenneth M. Pesch	Highway Commissioner, Washington County
Jeffrey S. Polenske.....	City Engineer, City of Milwaukee
Wallace C. Thiel	Village Administrator, Village of Hartland
Sandra Rusch Walton.....	Director, Injury and Violence, Prevention Program, City of Milwaukee Health Department

Staff Members and Guests Present

Robert E. BeglingerChief Transportation Engineer, SEWRPC
Philip C. Evenson..... Executive Director, SEWRPC
Christopher T. Hiebert Senior Engineer, SEWRPC
David M. Jolicoeur..... Senior Engineer, SEWRPC
Karyn Rotker..... Staff Attorney, ACLU
Ronald J. Rutkowski Transportation Planning Director,
Department of Public Works, Milwaukee County
Gretchen Schuldt.....CASH
Chris Thiel Milwaukee Public Schools
Kenneth R. Yunker Deputy Director, SEWRPC

WELCOME AND ROLL CALL

Chairman Patrie welcomed all of those in attendance and indicated that roll call would be accomplished through a sign-in roster circulated by Commission staff.

CONSIDERATION OF APPROVAL OF MINUTES OF MAY 10, 2006, MEETING

Chairman Patrie drew the Committee's attention to item number 11 on page four of the May 10, 2006, meeting minutes which states that the Federal Highway Administration and Federal Transit Administration had reviewed, on two previous occasions, the Commission's efforts to comply with the provisions of Title VI of the Civil Rights Act of 1964 and Executive Order 12898, the *U.S. DOT Order on Environmental Justice*, and that both times, the Commission's Title VI and Environmental Justice efforts were found to be compliant. He then asked if there were any questions or comments on the minutes of the Advisory Committee's fourteenth meeting held on May 10, 2006. There being no questions or comments, a motion to approve the minutes as published was made by Mr. Bennett, seconded by Mr. Crawford, and carried unanimously by the Committee.

CONSIDERATION AND DISCUSSION OF APPENDIX C, "EVALUATION OF THE IMPACTS OF THE RECOMMENDED YEAR 2035 REGIONAL TRANSPORTATION PLAN ON MINORITY AND LOW-INCOME POPULATIONS IN SOUTHEASTERN WISCONSIN" AS REFERRED TO THE COMMITTEE ON MAY 10, 2006

Chairman Patrie noted that the Committee members had received a May 2, 2006, memorandum from the American Civil Liberties Union (ACLU) and the Commission staff response of May 9, 2006, and Committee members, by majority vote on May 10, 2006, elected to hold this meeting to discuss those concerns raised by the ACLU in the May 2, 2006, memorandum and the Commission staff response. Mr. Yunker then noted that the ACLU transmitted to the Commission staff an additional memorandum on May 23, 2006, which was in response to the Commission staff's May 9, 2006, response to the original May 2, 2006 ACLU memorandum.

[Secretary's Note: The May 23, 2006, ACLU memorandum is included with these minutes as Attachment A.]

Mr. Moore made a motion that the Commission staff review the May 23, 2006, ACLU memorandum and revise and enhance Appendix C as may be appropriate based upon the ACLU comments. Ms. Walton seconded the motion. Mr. Patrie stated that there was motion on the floor and asked if there was any

comments or questions prior to the Committee voting on the issue. The following questions were raised and comments made by Committee members:

1. Mr. Bennett and Ms. Brown asked for clarification on the motion. Mr. Yunker stated that he understood the motion to be that the Commission staff would make one more good faith effort to respond to the concerns raised in the ACLU memorandum of May 23, 2006, and refine and enhance any analyses in Appendix C which may be appropriate. He asked Mr. Moore and Ms. Walton if that was the intent of their motion and they concurred that it was.
2. Mr. Mantes stated that the Milwaukee Public Schools had recently transmitted correspondence to the Commission staff and asked if that correspondence would be part of the record. Mr. Yunker responded that the correspondence Mr. Mantes is referring to is a May 16, 2006, letter from the Milwaukee Public Schools under the signatures of Mr. William G. Andreopoulos, Superintendent of Schools, and Mr. Joseph Dannecker, Board President. Mr. Yunker stated that the May 16, 2006, Milwaukee Public Schools letter and the May 22, 2006, Commission staff response would be attached to these minutes.

[Secretary's Note: The May 16, 2006, Milwaukee Public Schools letter to the Commission staff and the May 22, 2006, Commission staff response are included with these minutes as Attachment B.]

3. Mr. Grisa stated his concern that revisiting Appendix C now, after it had already been approved on February 8, 2006, may lead to subsequent requests to modify Appendices or Chapters after they had already been approved and asked when the cycle would end if the Committee allowed this exception. Mr. Yunker responded that the Commission staff envisions this as the last potential changes to Appendix C, and noted that the revisions to Appendix C would be included with these minutes.

[Secretary's Note: The revisions to Appendix C have been included with these minutes as Attachment C.]

4. Mr. McMullen noted that the Wisconsin Department of Natural Resources had prepared a letter regarding Appendix C and that he delivered that letter to Commission staff immediately prior to the meeting. Mr. Yunker stated that the Wisconsin Department of Natural Resources letter would be included in the minutes.

[Secretary's Note: The May 23, 2006, Wisconsin Department of Natural Resources letter is included with these minutes as Attachment D.]

- Appendix C has been revised to include a table which identifies each air toxic pollutant and the amount of each pollutant generated by the transportation system in the year 2001 and under the regional transportation plan in the year 2035.
- The following text would be added following the first full paragraph on page 14 of Chapter X, "Plan Implementation":

"The Cities and Counties of Milwaukee, Racine, and Kenosha are currently conducting a corridor alternatives analysis and environmental impact statement of commuter rail. The study is scheduled to be completed in early 2007, with a decision to be made at that time by the Cities and Counties and the recently

created Regional Transit Authority as to whether to proceed to preliminary engineering and implementation.

Milwaukee County is currently conducting an alternatives analysis and environmental impact study of a guided street tram. The study is scheduled to be completed in the summer of 2006, with a decision to be made at that time as to whether to proceed to preliminary engineering and implementation.

Study of the other potential commuter rail lines would be jointly undertaken by the counties through which the lines extend, in cooperation with the municipalities to be served by the commuter rail lines. Study efforts could be initiated as feasibility studies, prior to corridor studies and environmental impact statements. Feasibility studies were completed for the extension of Chicago-based commuter rail through Kenosha and Racine Counties to the City of Burlington, and through Walworth County to the Village of Walworth. The studies were completed in the late 1990's, and concluded that commuter rail extension was not feasible at that time.

Study of potential guideway implementation for the express transit lines would be the responsibility of Milwaukee County, except the line extending between Milwaukee and Waukesha Counties, which would be the joint responsibility of Milwaukee and Waukesha Counties."

- The analysis of year 2035 regional transportation plan costs and revenues indicates that estimated costs are approximately in balance with estimated revenues given the system level estimating techniques. The additional study of the year 2020 plan costs and revenues was not conducted as implementation of the 2020 plan was proceeding on, and even ahead of, schedule from 1995 through 2001.]
5. Mr. Pesch stated that at the Committee's May 10, 2006, meeting that the Committee voted to consider the May 2, 2006, ACLU memorandum and the May 9, 2006, Commission staff response. He added that this motion includes correspondence beyond the May 9, 2006, date approved by the Committee and noted that the Committee was about to vote to potentially modify an Appendix based upon correspondence to Commission staff which the Committee members have not seen. Mr. Yunker stated that the Commission staff, after reviewing the May 23, 2006, ACLU memorandum, would make one more effort to further enhance the analyses in Appendix C. Mr. Pesch indicated that he believed Appendix C was extensive and complete, and he noted his disagreement with the need for additional analyses in Appendix C.
 6. Mr. Bennett stated that the motion does not change Appendix C as approved by the Committee, but may provide some enhancement of the Appendix. He added that if this would permit the Committee to continue to achieve unanimity on the regional transportation plan, that he would vote in favor of the motion.
 7. Mr. Grisa stated that he appreciated the Commission staff efforts throughout the planning process. He asked if this additional review and enhancement of Appendix C could negatively affect the completion of the plan. Mr. Yunker responded that the Commission staff did not believe that it would.

8. Mr. Thiel asked to whom the May 23, 2006, ACLU memorandum was addressed. Mr. Yunker responded that the May 23, 2006, memorandum was addressed to Mr. Philip C. Evenson, Executive Director of the Commission staff.

There being no further comments or discussion regarding Appendix C, Mr. Patrie suggested that the Committee vote on the motion by Mr. Moore, seconded by Ms. Walton. The motion passed unanimously.

DISCUSSION OF PUBLIC TRANSIT IMPLEMENTATION

Chairman Patrie asked if there was any other business to come before the Committee. Mr. Polenske noted a concern regarding implementation of the public transit improvements in the plan. Mr. Mantes stated that historically, public transit recommendations in the plan have not achieved the same level of implementation as the arterial street and highway recommendations. He stated that the City of Milwaukee was seeking greater emphasis in the plan regarding the need to implement public transit improvements. The following questions were raised and comments made following the remarks by Mr. Polenske and Mr. Mantes:

1. Mr. Yunker noted the Committee had this discussion before and that the plan recommends implementation of all elements of the plan – including public transit improvement and expansion, bicycle and pedestrian facilities, transportation systems management, travel demand management, and arterial streets and highways. He added that the plan recommends that implementation of each element of the plan needs to proceed and that not one element of the plan is of higher priority than any other element.
2. Mr. Mantes asked if the Commission staff would consider adding text emphasizing the need to implement each element of the plan. Mr. Yunker responded that the Commission staff would propose adding such text to the recommended plan chapter. He added that the Commission staff intended to prepare an additional newsletter which would describe the final recommended plan, and the newsletter would also include the proposed discussion.
3. Mr. Bennett stated that any additional text should emphasize the need for implementation of all elements of the plan. Mr. Boehm concurred and asked if it would be possible to prepare an assessment of implementation of the each plan element on an annual basis. Mr. Yunker responded that the Commission will be reviewing/reaffirming/amending the plan every four years and assessments of implementation of each plan element will be made at that time. He added that to the extent possible, the Commission staff will assess implementation of each plan element and document that assessment in the Commission's Annual Report.
4. Mr. Grisa stated that this Committee is recommending a long-range plan, and ultimately, implementation was the responsibility of State, county, and municipal governments. Mr. Jones added that criticism of plan implementation should not be directed at the Commission or Commission staff.
5. Mr. Mantes stated that the plan guides the physical development of the Region and identifies transportation system needs, and the City of Milwaukee suggested that text be added emphasizing the need to implement recommended public transit improvement and expansion.
6. Mr. Jones stated that the biggest impediment to implementing public transit improvement and expansion has been a lack of consistent funding from year-to-year. Mr. Kappel noted that each member of this Committee has a responsibility to advocate for the implementation of all elements of the plan.

7. Mr. Evenson noted that he had just arrived from a “Milwaukee 7” Regional Economic Development Advisory Council meeting in which the Council has begun to develop its agenda. He stated that, while the Council is in the embryonic phase of its efforts, it is focusing on key infrastructure and policy essential to the maintenance and expansion of the Region’s economy, and it may develop into an important advocate for the improvement and expansion of public transit in southeast Wisconsin.
8. Ms. Walton stated that public transit needs to be more important to the future of the Region than it has been in the past. Mr. Yunker noted that the recommended regional transportation plan recommends a 100% increase in public transit as compared to a 4% increase in arterial street and highway lane-miles.
9. Mr. Patrie asked if there were any objections to the City of Milwaukee’s request that the Commission staff develop additional text regarding the need to achieve implementation of all elements of the plan, including public transit. There were no objections.

[Secretary’s Note: The following text is proposed to be added to the first full paragraph on page 13 of Chapter IX, “Recommended Regional Transportation Plan”. This text would also appear in the newsletter summarizing the final plan, the report summary chapter, and in presentations regarding the plan.

“All elements of the plan are considered to be of equal priority, and each element needs to be fully implemented to meet existing and forecast future year 2035 transportation needs and to provide a comprehensive, multi-modal, balanced, high quality transportation system in southeastern Wisconsin.

- Public Transit
- Bicycle and Pedestrian Facilities
- Transportation Systems Management
- Travel Demand Management
- Arterial Streets and Highways
 - Freeways
 - Surface Arterials

Over the past 30 years, significant progress was made with respect to implementation of previous regional plan recommendations. With respect to public transit, the overall improvement and expansion achieved from 58,000 bus-miles of service in 1975 to 69,000 bus-miles of service in 2005 has been limited by reductions in service which have occurred during periods of economic downturns and recessions, specifically during the early 1980’s and the early 2000’s. For example, between 1987 and 2000, public transit bus-miles of service expanded from about 61,000 to 81,000 bus-miles of service, or about 33 percent or about 2.3 percent annually, but with the economic downturn and attendant State and local budget problems since 2000, bus-miles of public transit service have declined by about 15 percent. To fully implement the regional plan, there will be a need to assure that during economic downturns, progress in plan implementation, particularly with respect to public transit, continues, and is not eroded through service reductions.”]

ADJOURNMENT

Mr. Patrie noted that this was the last meeting of the Committee and on behalf of the Commission he thanked Committee members for their service. The fifteenth meeting of the Advisory Committee on Regional Transportation Planning was adjourned at 9:40 a.m. on a motion by Mr. Kappel, seconded by Mr. Lemens, and carried unanimously by the Committee.

Signed

Kenneth R. Yunker
Recording Secretary

Attachment A

MEMO

TO: PHILIP EVENSON, SEWRPC
FROM: KARYN ROTKER, ACLU OF WISCONSIN
RE: FOLLOW UP ON May 9, 2006 LETTER
DATE: 5/23/06

I am sending this to follow up on your May 9, 2006 letter to me. I believe that SEWRPC's "Evaluation Of The Impacts Of The Year 2035 Regional Transportation Plan 'TSM Plus Highway' Alternative On Minority And Low-Income Populations In Southeastern Wisconsin" remains inadequate and should not be approved in its current form. I address the points in your letter according to the item number you supplied.

OVERVIEW ISSUES

1, 2. "Regional" and "systems" planning: You indicated that SEWRPC sought to comply with environmental justice requirements. You also stated that SEWRPC's analyses are "necessarily general in nature and represent the best estimates of impacts that would actually be occurred should transportation projects be implemented . . . [and] cannot be done at the depth and level of precision found in 'project' level planning, engineering decision and environmental impact statement preparation."

However, it is quite clear that federal regulations and policies require SEWRPC - as a Metropolitan Planning Organization - to include the kind of data I requested, as those affect low income and minority communities. Those legal and policy authorities include (but are not limited to) the following, which clearly support the type of public involvement, data collection, and mitigation analyses we have requested.

A. Chapter 23 of the Code of Federal Regulations (CFR), Section 450.316(a) (4/1/06): (Titled: Metropolitan transportation planning process: Elements.)

. . . The following factors *shall be* explicitly considered, analyzed as appropriate, and *reflected in the planning process products*: . . .

(4) The likely effect of transportation policy decisions on land use and development and the consistency of transportation plans and programs with the provisions of all applicable short- and long-term land use and development plans (the analysis should include projections of

metropolitan planning area economic, *demographic*, environmental protection, growth management, and land use activities consistent with metropolitan *and local/central city development goals (community, economic, housing, etc.)* . . .

(6) The effects of all transportation projects to be undertaken within the metropolitan planning area, without regard to the source of funding (the analysis shall consider the effectiveness, cost effectiveness, and financing of alternative investments in meeting transportation demand and supporting the overall efficiency and effectiveness of transportation system performance *and related impacts on community/central city goals regarding social and economic development, housing, and employment*); . . .

(13) The overall social, economic, energy, and environmental effects of transportation decisions (*including consideration of the effects and impacts of the plan on the human, natural and man-made environment such as housing, employment and community development, . . . and appropriate emphasis on transportation-related air quality problems. . .*);

(14) Expansion, enhancement, and increased use of transit services; . . .

B. **Chapter 23, CFR Section 450.316(b) (4/1/06): (Titled: Metropolitan transportation planning process: Elements.)**

(T)he metropolitan transportation planning process *shall*: . . .

(1) (vi) *Seek out and consider the needs of those traditionally underserved* by existing transportation systems, including but not limited to low-income and minority households; . . .

(2) Be consistent with Title VI of the Civil Rights Act of 1964 and the . . . [Rehabilitation Act], which ensure that no person shall, on the grounds of race, color, sex, national origin, or physical handicap, be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination under any program receiving Federal assistance from the United States Department of Transportation;

(3) Identify actions necessary to comply with the Americans With Disabilities Act of 1990. . .

C. **Chapter 23 CFR Section 450.322(b) (4/1/06): (Titled: Metropolitan transportation planning process: -Transportation plan.)**

. . . (T)he [transportation] plan *shall*: . . .

(7) Reflect a multimodal evaluation of the transportation, *socioeconomic*, environmental, and financial impact of the overall plan, . . .

(9) Reflect, to the extent that they exist, consideration of: the area's comprehensive long-range land use plan and metropolitan development objectives; national, State, and local *housing goals and strategies*, *community development and employment plans and strategies*, and environmental resource plans; local, State, and national *goals and objectives such as linking low income households with employment opportunities*; and the area's *overall social, economic*, environmental, and energy conservation goals and objectives; . . .

D. **US Department of Transportation Order To Address Environmental Justice in Minority Populations and Low-Income Populations, Vol. 62 Federal Register (4/15/97) (pp. 18377-18381)¹**

4. POLICY:

a. It is the policy of DOT to promote the principles of environmental justice . . . through the incorporation of those principles in all DOT programs, policies, and activities. *This will be done by fully considering environmental justice principles throughout planning and decision-making processes* in the development of programs, policies, and activities, using the principles of the National Environmental Policy Act of 1969 (NEPA), Title VI of the Civil Rights Act of 1964 (Title VI), the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (URA), the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) and other DOT statutes, regulations and guidance that address or affect infrastructure planning and decisionmaking; social, economic, or environmental matters; public health; and public involvement.

b. . . DOT shall observe the following principles:

(1) *Planning and programming activities* that have the potential to have a disproportionately high and adverse effect on human health or the environment *shall include explicit consideration of the effects on minority populations and low-income populations. Procedures shall be established or expanded, as necessary, to provide meaningful opportunities for public involvement by members of minority populations and low-income populations during the planning and development of programs, policies, and activities (including the*

¹FHWA Order 6640.23 FHWA Actions to Address Environmental Justice in Minority Populations and Low-income Populations (12/2/98), contains largely identical language and requirements.

identification of potential effects, alternatives, and mitigation measures).

7. PREVENTING DISPROPORTIONATELY HIGH AND ADVERSE EFFECTS

b. . . . *These [environmental justice] requirements will be administered so as to identify, early in the development of the program, policy or activity, the risk of discrimination so that positive corrective action can be taken. In implementing these requirements, the following information should be obtained* where relevant, appropriate and practical:

--Population served and/or affected by race, color or national origin, and income level;

--Proposed steps to guard against disproportionately high and adverse effects on persons on the basis of race, color, or national origin;

--present and proposed membership by race, color, or national origin, in any planning or advisory body which is part of the program.

c. Statutes governing DOT operations will be administered so as to identify and avoid discrimination and avoid disproportionately high and adverse effects on minority populations and low-income populations by:

(1) *identifying and evaluating environmental, public health, and interrelated social and economic effects* of DOT programs, policies and activities,

(2) *proposing measures to avoid, minimize and/or mitigate disproportionately high and adverse environmental and public health effects and interrelated social and economic effects, and providing offsetting benefits* and opportunities to enhance communities, neighborhoods, and individuals affected by DOT programs, policies and activities, where permitted by law and consistent with the Executive Order,

(3) *considering alternatives* to proposed programs, policies, and activities, where such alternatives would result in avoiding and/or minimizing disproportionately high and adverse human health or environmental impacts, consistent with the Executive Order, and

(4) *eliciting public involvement opportunities and considering the results thereof, including soliciting input from affected minority*

and low-income populations in considering alternatives.

APPENDIX:

f. *Adverse effects means the totality* of significant individual or cumulative *human health or environmental effects, including interrelated social and economic effects*, which may include, but are not limited to: bodily impairment; infirmity, illness or death; air, noise, and water pollution and soil contamination; destruction or disruption of man-made or natural resources; destruction or diminution of aesthetic values; destruction or disruption of community cohesion or a community's economic vitality; destruction or disruption of the availability of public and private facilities and services; vibration; adverse employment effects; displacement of persons, businesses, farms, or nonprofit organizations; increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community; and the denial of, reduction in, or significant delay in the receipt of, benefits of DOT programs, policies, or activities.

E. **FHWA & FTA: Overview of Transportation and Environmental Justice (5/00):**

... To certify compliance with Title VI and address environmental justice, MPOs need to:

Enhance their analytical capabilities to ensure that the long-range transportation plan and the transportation improvement program (TIP) comply with Title VI [of the Civil Rights Act];

Identify *residential, employment, and transportation patterns of low-income and minority populations* so that their needs can be identified and addressed, and the benefits and burdens of transportation investments can be fairly distributed;

Evaluate and - where necessary - improve their public involvement processes to eliminate participation barriers and *engage minority and low-income populations in transportation decision making*.

3. Continuous Planning: You indicated that SEWRPC's planning processes are continuous in nature. That does not, however, justify failing to include all the required information we have discussed in the past - especially since most of these issues were explicitly raised with SEWRPC staff during the planning process and prior to issuance of the draft reports.

4. Advisory Committee Composition: You indicated that the Advisory Committee on

Transportation only includes local government officials. However, the 2035 plan is not starting from scratch. Significant portions are based on the Regional Freeway Reconstruction Study, and the advisory committee for that plan did include corporate and road-building interests, but no organizations representing low-income, minority, disabled or transit-dependent communities. Similarly, the Advisory Committee for the 2005 Population Study upon which this current plan is also based included business groups, but no low income or minority community organizations. Note that, as discussed above, Environmental Justice requires SEWRPC to actually maintain data on the participation of low income and minority groups on advisory committees - a requirement that highlights the importance given to participation of such groups. Instead, however, SEWRPC staff rejected the NAACP's request to participate on the committee, and never even told the advisory committee about the Black Health Coalition's request to make a group presentation to the advisory committee.

SPECIFIC ISSUES

1. Disproportionate Impact on Low Income and Minority Communities: You stated that you would amend the analysis to reflect that in the region "there is a greater minority and low-income population in areas adjacent to freeways proposed to be widened."² This means, under the laws and policies discussed above, that planning must propose measures to avoid, minimize and/or mitigate disproportionately high and adverse environmental and public health effects and interrelated social and economic effects, and to provide offsetting benefits, to the affected communities.

2: Demographic Data: You stated that "[d]etailed demographic data on minority and low-income populations have been used throughout the preparation of the regional land use and transportation plans." Chapter I, p. 7a, of the 2035 Transportation Plan makes it clear that the first step in planning is developing a "socioeconomic inventory" followed by employment, population and household forecasts. Yet Chapter V - which includes data on employment, population and household trends - does not even mention race (or disability). Such an analysis would show, for example, whether and how the racial and income composition of county populations has changed over time. It also would include information on the disabled population, and projected changes - which have implications for transportation (and land use, and other) planning. Without that information it is impossible to fully and fairly evaluate the current and potential future circumstances of low income and minority communities in the region, to assess their needs, or to evaluate whether or not they are likely to benefit from or be burdened by particular plans.

3. Employment Data: I repeatedly requested that you consider readily available data on employment patterns, by race and income. Under environmental justice requirements such an analysis is required, particularly since, as noted in the preceding item, SEWRPC itself recognizes the importance of "employment" data in the planning process. Even though before you prepared the draft report I gave you an electronic link to a UWM website on which this information was readily available, SEWRPC staff failed to incorporate it.

²As discussed below (#5), there are other adverse effects which must also be considered, and which are not contingent upon whether or not an individual resides next to the highway.

The data SEWRPC omitted is significant. As just one of many examples, this data shows that only 6523 African-American persons worked in *all* of Waukesha County in 2000 - a fact clearly relevant to an analysis of the extent to which African-Americans may (or may not) benefit from improved highway access to Waukesha County. Again, this is an example - not a full discussion - of information that SEWRPC staff could and should have incorporated in the report and in a meaningful analysis.

4. Transit Dependence: You have modified the language of App. C to include some data on the racially disparate availability of drivers' licenses, as well as racially disparate vehicle access. I note that as of 5/11/06 - the day *after* the 2035 Transportation Plan was approved - the Public Transit section of Chapter VII (pp. 20, 21, 23, 24) still had blanks where data had yet to be developed or included. This is a serious concern, not only because the Advisory Committee apparently approved a plan with missing data, but because it suggests that the level of care and analysis given to public transit planning is inadequate.

5. Adverse Effects: You amended App. C to identify as adverse effects "air pollutants and noise." However, the DOT (and FHWA) environmental justice orders require *all* of the following potential adverse affects to be considered, and that clearly did not occur:

bodily impairment, infirmity, illness or death; air, noise, and water pollution and soil contamination; destruction or disruption of man-made or natural resources; destruction or diminution of aesthetic values; destruction or disruption of community cohesion or a community's economic vitality; destruction or disruption of the availability of public and private facilities and services; vibration; adverse employment effects; displacement of persons, businesses, farms, or nonprofit organizations; increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community; and the denial of, reduction in, or significant delay in the receipt of, benefits of FHWA programs, policies, or activities. . . .

Further, some of these adverse effects may be experienced by persons who do not reside in proximity to the highways proposed to be widened; proximity is certainly not the only touchstone for determining whether an individual or community experiences adverse effects.

6. Congestion: In my prior letter, I raised the concern that SEWRPC presupposes that traffic congestion equally burdens all communities, and that reducing congestion equally benefits all communities. The point I was making - which SEWRPC still has not addressed - is that even if traffic congestion increases, it is less likely to burden people who don't drive on freeways. Thus, for example, because African-Americans tend to drive less (#4) and do not work in Waukesha (#3), increased traffic congestion on I-94 to Waukesha would seem not to be a particular burden for them. *THIS* is the kind of analysis of the racially disparate impacts of congestion that SEWRPC has not undertaken.

7, 8: Job Access: While the plan proposes doubling of transit, SEWRPC needs to acknowledge that it is starting from a very low baseline, and overall transit expenditures will still be

significantly less than those for roads. A comparison of Chapter VIII, Map 11 and Map 12 shows SEWRPC's own prediction that even if *no* highway expansion occurs, an average driver in the region will still have reasonable access to more than 27,000 jobs, while even if *all* transit implementation occurs an average transit user will have only about 1/4 of that (access to 7700 or more jobs) (and that amount only during peak daytime hours). There is no analysis of job access during evening hours, and especially during second and third shift hours. Given the racial and income demographics of transit users, this information is relevant to determining the benefits and burdens of plans, and in particular the priority that the public transportation elements of those plans must be given in order to even attempt to fairly distribute benefits and burdens.

9. Gas Price Increases: Increasing gasoline prices have already led to an increase in transit usage. As we have repeatedly requested, the study should consider whether and how that fact - and possible future price increases - could and should be used to "expand, enhance, and increase use of transit services" as discussed in the federal planning regulations listed above (23 C.F.R. Sec. 450.316(a)(14)), and thereby help provide offsetting benefits to low income and minority communities.

10. Accessibility to other Services: In reviewing the report, I see that accessibility to various facilities and services is included; however, the report does not include accessibility by transit to schools other than colleges and universities even though approximately 1/4 of transit usage is by students.

11. Transit Implementation: While the study includes proposals for future transit increases, the reality is that for decades transit plans have not been fully implemented. Further, the reversals of the limited gains made in the late 1990s have disproportionately burdened low income and minority communities - by, for example, the elimination of transit service for Milwaukee residents to commute to jobs in Washington County, and the fare increases and route reductions in Milwaukee County. The regional transportation plan needs to make it clear that the failure to dramatically improve transit will significantly and disproportionately burden low income and minority communities, and needs to include specific goals, objectives and methods to *prioritize* transit implementation, not just include it as one of many planning items.

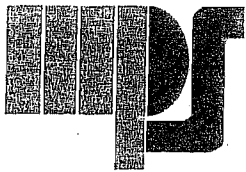
12. Health and Pollution Effects: In December, I provided you with an Associated Press report, based on EPA data, that *more than 40% of all African-Americans in Wisconsin* live in "*neighborhoods where air pollution seems to pose the greatest health danger.*" I asked you to evaluate this information, to determine, for example, whether minority communities are already suffering pollution-related health effects, whether those neighborhoods overlap with neighborhoods that are exposed to high levels of transportation-related pollution, and what the health effects are. Even if the baseline pollution is not caused by vehicle traffic, its existence clearly needs to be documented as it may cause minority communities to suffer greater adverse effects (including illness) by any incremental increase in vehicle pollution, as well as by air pollution related to road construction. It is necessary to have this information in order to determine whether and how to mitigate such effects, but this has not occurred.

13. Qualitative Data: The groups meeting with SEWRPC staff repeatedly said that qualitative

data needed to be obtained and included in the report. In addition to the issue of access to jobs, we repeatedly raised housing, health, pollution and other environmental effects. These were not included in the study.

14. Disproportionate Effect on Milwaukee County: As I indicated in my letter, there is no question that the overwhelming majority of low income and minority persons in the region reside in Milwaukee County. There is also no question that Milwaukee County as a whole - and, to a proportionately greater extent, likely the city of Milwaukee - is going to suffer disproportionate burdens from highway construction, including a disproportionate loss of housing, businesses, and tax base, and a disproportionate amount of effects from ongoing construction since every portion of the freeway expansion designated as "major" reconstruction is going to occur in Milwaukee. Regardless of whether or not there are more low income or minority persons living near the freeway in Milwaukee, these burdens on the county as a whole will clearly disproportionately harm low income and minority persons.

Attachment B



MILWAUKEE PUBLIC SCHOOLS

OFFICE OF THE SUPERINTENDENT

CENTRAL SERVICES BUILDING

5225 West Vliet Street

P.O. Box 2181

Milwaukee, Wisconsin 53201-2181

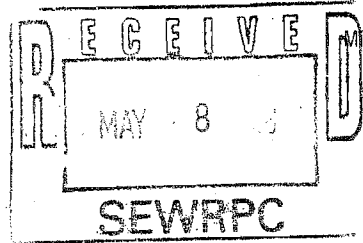
Area: 414: 475-8001

Fax: 414: 475-8585

TTY: 888: 435-6101

May 16, 2005

Philip Evenson
Executive Director
Southeastern Wisconsin Regional Planning Commission
P.O. Box 1607
Waukesha, WI 53187-1607



Dear Mr. Evenson:

The Milwaukee Public Schools, under the leadership of the Milwaukee Board of School Directors, is opposed to the Southeastern Wisconsin Regional Planning Commission's (SEWRPC) proposed expansion of freeways within the City of Milwaukee, as we understand this plan to be presented.

The MPS Board and Administration have a number of concerns related to the expansion, proposed within the regional transportation plan, including, the potential impacts on the health of students, families and staff members, the potential negative impact on the economic vitality of the city and the direct effects of freeway expansion on MPS infrastructure.

Therefore, it was with great concern that we learned of the decision on the part of the SEWRPC Regional Transportation Planning Advisory Committee to approve the regional transportation plan before the complete review and approval of the federally required low income/minority impact statement that must accompany the plan. It is our understanding that further consideration of the low income/minority impact statement will be taken up on May 24, 2006.

Given the importance of having a clear understanding of the potential negative effects that such a project may have on citizens within the City of Milwaukee, we fail to understand why final approval of the project was not delayed until the very real issues surrounding the potential adverse effects of the expansion plan were fully considered. The fact that the SEWRPC Planning Committee knowingly allowed the plan to move forward before the potential adverse effects on the region's low income and minority population were fully accounted for is troubling. In effect, a portion of the community appears to have been left out.

In addition, it is our understanding that the plan passed by the committee is built on a budget with a \$65 million annual deficit. This element of the plan was revealed after the close of the official period for public comment. As a school district, we are well aware of the state's limited fiscal resources. With the state already dealing with deficit issues and with school districts across Wisconsin faced with budget cuts, we find it troubling that the plan passed by the committee appears to add to the state deficit from the outset. Thank you for your time and attention.

Sincerely,

William G. Andreopoulos
Superintendent of Schools

Joseph Dannecker
Board President

Cc: Senator Herb Kohl
Senator Russell Feingold
Congresswoman Gwen Moore
Mayor Tom Barrett
SEWRPC Regional Transportation Planning Advisory Cttee.

May 22, 2006

Mr. William G. Andrekopoulos
Superintendent of Schools
Milwaukee Public Schools
Post Office Box 2181
5225 West Vliet Street
Milwaukee, WI 53201-2181

Mr. Joseph Dannecker
Board President
Milwaukee Public Schools
Post Office Box 2181
5225 West Vliet Street
Milwaukee, WI 53201-2181

Dear Messrs: Andrekopoulos and Dannecker:

The Commission has received your letter of May 16, 2006, expressing concerns on behalf of the Milwaukee Public Schools relative to the inclusion of freeway widening proposals in the adopted regional transportation plan, and to a recent action by the Commission's Regional Transportation Planning Advisory Committee to recommend to the Regional Planning Commission an updated regional transportation system plan prior to further consideration of the low-income/minority impact analysis that by Federal requirement must accompany the plan.

In response to your concerns, please be advised of the following:

- The planning proposal that certain freeways in the City of Milwaukee be considered for widening is not a new one. That proposal was first included in the adopted regional transportation plan in 2003. The Advisory Committee's action simply carries forward that proposal into an update and extension of the broader regional transportation plan.
- The freeway widening proposals set forth in the adopted regional plan are far from being determinative as to whether or not freeways within the City of Milwaukee will be widened as such time as they are completely rebuilt over the next 25 to 30 years. The plan recommends that the Wisconsin Department of Transportation include a widening alternative in its future engineering and environmental studies attendant to rebuilding freeway segments. While the Commission in its regional systems planning work makes broad statements as to the probable positive and negative impacts of freeway widening proposals, it is only when the Wisconsin Department of Transportation undertakes detailed engineering and environmental study efforts that such impacts can be precisely determined and conveyed to all parties concerned. Hence, the Milwaukee Public Schools and all other concerned parties will have ample opportunity in future years to make known whatever specific concerns there might be attendant to freeway reconstruction directly to the Wisconsin Department of Transportation, the agency that is ultimately responsible for decisions as to the precise scope of any freeway rebuilding effort.
- The draft systems level analysis attendant to estimated plan impacts on low-income and minority groups has been made widely available for some time. The Advisory Committee reviewed and approved a preliminary draft on February 8, 2006. Subsequent to the Advisory Committee's next meeting on March 1, 2006, the American Civil Liberties Union of Wisconsin

Mr. William G. Andrekopoulos
Mr. Joseph Dannecker
May 22, 2006
Page 2

(ACLU) transmitted a statement of concerns about the preliminary draft analysis (See Attachment 1 to this letter). The Commission staff response of March 29, 2006, to the ACLU letter is provided in Attachment 2 to this letter. The Advisory Committee received the ACLU statement and the Commission staff response well in advance of the Committee's May 10 meeting. The ACLU transmitted to the Advisory Committee on May 2, 2006, a memorandum repeating their concerns and raising additional concerns (See Attachment 3 to this letter). The Commission staff provided to the Advisory Committee on May 9, 2006, a response to the ACLU memorandum, along with a revised analysis of the plan impacts on minority and low-income populations (See Attachments 4 and 5). Most importantly, the Advisory Committee was told at the May 10, 2006, meeting by a representative of the U.S. Department of Transportation, Federal Highway Administration, that the Regional Planning Commission's work was determined in 2002 and again in 2004 to fully meet all Federal requirements of Title VI and "environmental justice", and that the Commission's current work on the regional transportation plan update again fully meets these requirements, including with respect to analysis of plan impacts on minority and low-income populations. Therefore, even though the Advisory Committee agreed to meet once again to consider the final draft impact analysis and comments submitted thereon, the Committee felt comfortable moving ahead by unanimously recommending to the Regional Planning Commission adoption of the Committee's draft transportation system development recommendations attendant not only to freeways, but to arterial streets and highways, and to transit and to bicycle systems as well.

- The Regional Planning Commission's responsibility under State law is to identify, through a cooperative, participative planning process, transportation system needs in our portion of the State of Wisconsin. While we are fully mindful of costs and budgets, our plans must put forth for consideration by the Governor and State Legislature, a true picture of system development and maintenance needs. If southeastern Wisconsin can get its fair share of available Federal and State revenues over the next 25 to 30 years, we see no reason why the plan being put forth cannot be substantially, if not fully, implemented.

Additional documentation attendant to this effort is available on the Commission's website at www.sewrpc.org. Thank you for your interest in this important matter.

Sincerely,

Philip C. Evenson
Executive Director

PCE/lw
#118229 v1 - MPS/FreewayExp
Attachments

cc: Senator Herb Kohl
Senator Russell D. Feingold
Congresswoman Gwen Moore
Mayor Tom Barrett
SEWRPC Regional Transportation Planning
Advisory Committee

bcc: Bill Drew

Attachment C

The following changes have been made to Appendix C in response to the May 23, 2006, memorandum from the American Civil Liberties Union of Wisconsin.

- The conclusions section on page C-8 has been revised as follows:

Conclusions

In conclusion, the analysis of potential adverse impacts of the reconstruction of the existing freeway system, including the proposed widenings under the year 2035 regional transportation plan, indicates the following:

- While some segments of the freeway system, including those proposed to be widened, are located adjacent to concentrations of minority and low income populations, the vast majority of the freeway system and the freeway segments proposed to be widened are not adjacent to such concentrations. Also, the vast majority of census blocks having an above average concentration of a minority population are not located adjacent or in proximity to the freeway system, or to freeway segments proposed to be widened under the recommended plan.
- The residences and businesses which are estimated to need to be acquired under the recommended plan—particularly those required for additional lanes—are not disproportionately located in areas with above county or regional averages of minority or low income populations.
- There is not a significant over-representation of minority and low income populations in areas located in proximity to freeways proposed to be widened within each county. With respect to the Region as a whole, there is a greater minority and low income population in areas adjacent to freeways proposed to be widened. However, as noted above, the residences and businesses which are estimated to be needed to be acquired to provide additional lanes on the freeway are not disproportionately located in areas with above county or regional averages of minority or low income populations. There is not an expected disproportionate impact on

minority and low income populations with respect to transportation-related air pollution. Transportation-related air pollutant emissions, even with an anticipated 40 percent increase in traffic regionwide, may be expected to significantly decline due to cleaner, more efficient vehicles by about 80 percent regionwide for ozone-related emissions of volatile organic compounds and nitrogen oxides, 55 percent regionwide for fine particulates and carbon monoxide, and 70 percent regionwide for air toxic substances. The reductions in emissions generated on central Milwaukee County freeways adjacent to minority and low income populations may be expected to be even greater, as traffic increases on these freeways may be expected to be less than regionwide increases.

- A paragraph has been added at the end of the Introduction section on page C-1 as follows:

Table C-3B presents the work commuting patterns in the year 2000 from county of residence to county of work for the minority population of the Region and compares these patterns to those of the white population. The commuting patterns of the minority and white populations are very similar, with few exceptions. With respect to mode of travel to and from work, the total minority population utilized carpooling and public transit more than the white population. However, driving alone, and automobile travel including both driving alone and carpooling, were the predominant modes of travel for work travel for both white and minority populations of the Region.

- A section has been added following the first full paragraph on page C-13 discussing the benefits of the proposed public transit element of the plan:

Moreover, a comparison of the improvements in accessibility under the transit element of the plan (see Maps C-38 and C-39) to the improvements in accessibility under the highway element of the plan (see Map C-24) clearly indicates that the transit element of the plan may be expected to result in substantial increases in transit accessibility to jobs, and the highway element of the plan may be expected to result in only modest increases in highway accessibility to jobs.

- A section has been added at the end of Appendix C as follows:

- **PLAN IMPLEMENTATION**

Table C-3B

**PERCENTAGE DISTRIBUTION OF EMPLOYED REGION RESIDENTS
BY COUNTY OF RESIDENCE, COUNTY OF WORK, AND RACE: YEAR 2000**

Race	County of Residence	County of Work								Total
		Kenosha	Milwaukee	Ozaukee	Racine	Walworth	Washington	Waukesha	Other	
Total Minority	Kenosha	80.6	6.5	--	11.3	--	--	1.6	--	100.0
	Milwaukee	0.3	85.5	1.8	0.6	0.3	1.1	9.9	0.5	100.0
	Ozaukee	--	35.7	50.0	--	--	7.1	7.1	0.1	100.0
	Racine	5.9	7.6	0.8	82.4	0.8	--	1.7	0.8	100.0
	Walworth	--	3.6	--	3.6	82.1	--	3.6	7.1	100.0
	Washington	--	23.5	5.9	--	--	47.1	17.6	5.9	100.0
	Waukesha	--	30.8	--	1.1	--	1.1	65.9	1.1	100.0
White	Kenosha	79.2	4.2	0.2	12.9	1.3	--	1.6	0.6	100.0
	Milwaukee	0.4	79.7	1.7	1.4	0.2	1.0	14.9	0.7	100.0
	Ozaukee	--	34.7	52.2	0.2	0.2	4.5	5.5	2.7	100.0
	Racine	6.8	16.1	0.5	68.7	2.1	0.3	5.2	0.3	100.0
	Walworth	2.0	5.6	--	5.6	71.6	0.3	7.6	7.3	100.0
	Washington	0.2	22.6	7.3	0.2	0.2	50.8	15.6	3.1	100.0
	Waukesha	0.2	32.0	0.7	0.7	0.7	1.6	62.4	1.7	100.0

Source: U.S. Census Transportation Planning Package and SEWRPC.

Table C-3C

**DISTRIBUTION OF EMPLOYED PERSONS BY COUNTY OF WORK,
RACE, AND MODE OF TRAVEL: YEAR 2000**

Race	Mode of Travel	County of Work						
		Kenosha	Milwaukee	Ozaukee	Racine	Walworth	Washington	Waukesha
White alone, Non-Hispanic	Drive alone	83.2	82.0	83.5	85.6	79.6	82.8	86.9
	Carpool	9.3	8.8	8.1	8.1	8.6	9.5	7.5
	Bus	0.6	3.1	0.1	0.7	0.3	0.5	0.5
	Other	3.6	4.2	3.9	2.7	6.3	2.7	1.9
	Worked at Home	3.3	1.9	4.4	2.9	5.2	4.5	3.2
	Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Black or African American alone	Drive alone	65.6	59.0	64.9	63.9	66.8	60.1	75.2
	Carpool	17.8	15.5	26.3	17.9	9.7	25.0	13.0
	Bus	5.2	19.5	7.7	9.8	13.6	13.5	9.7
	Other	9.8	3.8	0.8	6.7	9.9	1.4	1.9
	Worked at Home	1.6	2.2	0.3	1.7	0.0	0.0	0.2
	Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Asian alone	Drive alone	78.1	69.2	67.8	74.1	65.1	86.0	80.8
	Carpool	14.9	14.0	27.8	23.3	20.4	9.2	13.4
	Bus	0.0	5.6	0.0	0.0	0.0	0.0	0.4
	Other	4.4	9.4	0.7	1.9	13.0	4.8	2.5
	Worked at Home	2.6	1.8	3.7	0.7	1.5	0.0	2.9
	Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Other Race alone or Two or More Races ^a	Drive alone	73.9	68.2	69.8	83.4	70.7	76.6	80.8
	Carpool	10.8	16.2	15.9	12.0	25.4	13.0	12.2
	Bus	0.0	8.8	0.0	2.6	0.0	0.0	3.0
	Other	9.6	5.3	7.9	1.6	2.8	0.9	2.9
	Worked at Home	5.7	1.5	6.4	0.4	1.1	9.5	1.1
	Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Hispanic	Drive alone	65.6	60.2	57.1	69.9	62.1	61.2	67.6
	Carpool	24.9	21.7	34.1	20.1	25.3	33.7	24.0
	Bus	1.0	11.1	1.8	4.4	1.3	1.0	2.4
	Other	6.9	6.0	5.1	4.7	9.0	3.1	4.8
	Worked at Home	1.6	1.0	1.9	0.9	2.3	1.0	1.2
	Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0

NOTE: Includes travel from outside the seven-county SEWRPC Region.

^aIncludes persons identifying themselves as two or more races, Native Hawaiian or Pacific Islander, American Indian or Alaska Native, or other race.

Source: U.S. Census Transportation Planning Package and SEWRPC.

DOCS #119059

6/22/2006

KES

All elements of the year 2035 regional transportation plan are considered to be of equal priority, and each element needs to be fully implemented to meet existing and forecast future year 2035 transportation needs and to provide a comprehensive, multi-modal, balanced, high quality transportation system in southeastern Wisconsin.

- Public Transit
- Bicycle and Pedestrian Facilities
- Transportation Systems Management
- Travel Demand Management
- Arterial Streets and Highways
 - Freeways
 - Surface Arterials

The plan recommends about a 100 percent expansion of public transit and, with respect to arterial streets and highways, about a 12 percent expansion of capacity in terms of route-miles and 4 percent in terms of lane-miles. A review conducted as part of this year 2035 planning effort of the implementation to date of the previous year 2020 plan concluded that about 15 to 20 percent of the recommendations of each element of the plan had been implemented—public transit expansion, arterial street and highway capacity expansion, and off-street bicycle and pedestrian facilities.

Looking over the past 30 years, significant progress has been made with respect to implementation of previous regional plan recommendations. With respect to public transit, the overall improvement and expansion achieved from 58,000 bus-miles of service in 1975 to 69,000 bus-miles of service in 2005 has been limited by reductions in service which have occurred during periods of economic downturns and recessions, specifically during the early 1980's and the early 2000's. For example, between 1987 and 2000, public transit bus-miles of service expanded from about 61,000 to 81,000 bus-miles of service, about 33 percent or about 2.3 percent annually. But with the economic downturn and attendant State and local budget problems since 2000, bus-miles of public transit service have declined by about 15 percent. To fully implement the regional plan, there will be a need to assure that progress in plan implementation particularly with respect to public transit continues during economic downturns, and is not eroded through

service reductions. As minority and low income populations disproportionately use, and are dependent upon, public transit, these populations are disproportionately impacted by reductions in transit service. The Commission will monitor and report on progress in plan implementation as part of plan review conducted every four years.

- The last paragraph on page C-13 has been revised as follows:

“The transit element of the plan would provide a substantial increase in transit service and accessibility by expanding service coverage, expanding service hours, increasing service frequency, and reducing service travel time by expanding rapid and express transit service. A doubling of transit service overall is recommended, with rapid transit to more than triple and express transit to be initiated. Accessibility would be improved not only to hospitals, colleges and universities, recreational facilities, major passenger terminals, retail centers, and parks, but to most activity locations and centers including jobs and employment centers, medical offices and centers, and schools.

The plan also includes a number of recommendations beyond service improvement and expansion to further enhance public transit service and ridership. These recommendations include provision of reserved surface street lanes for express bus routes, provision of bus bypass lanes at metered freeway on-ramps, provision of priority traffic signal systems for express and major local routes and the surface arterial portion of rapid transit routes, expansion of the regional network of park-ride lots from 49 to 74, development of a single website for all public transit information within southeastern Wisconsin, and the expansion of annual transit pass programs to additional colleges and universities and employers throughout the Region.”

- The following has been provided as an attachment to Appendix C:

“Transportation-related air pollutants represent only a portion of total air pollutants; for example, about 20 percent of ozone-related volatile organic compound emission and 40 percent of nitrogen oxide emissions are from transportation sources. Map C-A1 presents U.S. Environmental Protection Agency data on toxic chemical emissions by industries. It is intended to provide a relative comparison of industrial toxic emissions throughout a region and the nation. Comparison of the location of industrial air pollution with the location of

industrial jobs indicates a general correlation between manufacturing activity and industrial air pollution (see Map C-A2). Some of the highest levels of industrial air pollution occur in areas with concentrations of minority and low income populations, and also in areas with little to no minority or low income population.”

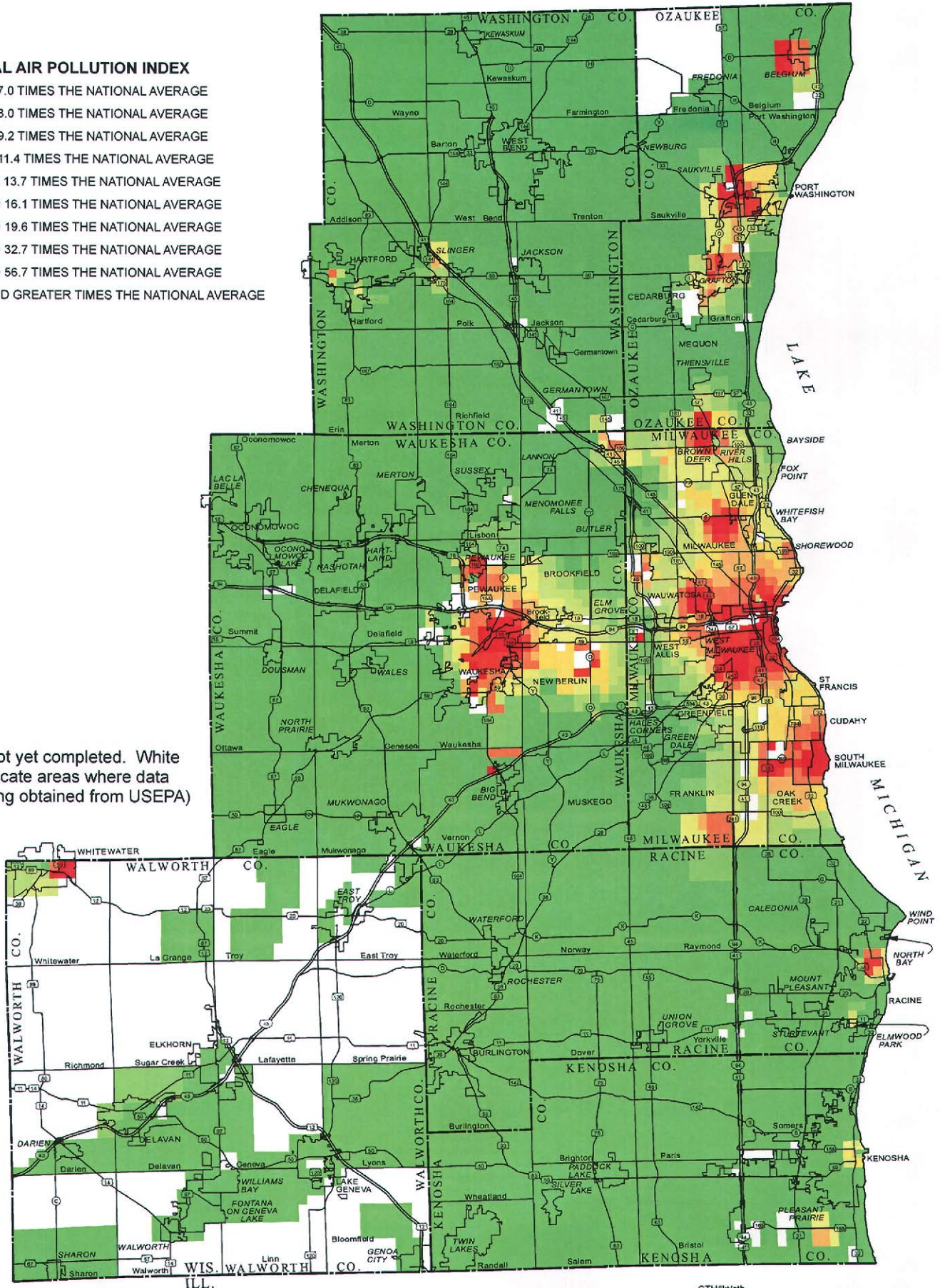
Map C-A1

INDUSTRIAL AIR POLLUTION RISK SCREENING ENVIRONMENT INDEX FOR SOUTHEASTERN WISCONSIN: YEAR 2000

INDUSTRIAL AIR POLLUTION INDEX

- UP TO 7.0 TIMES THE NATIONAL AVERAGE
- 7.1 TO 8.0 TIMES THE NATIONAL AVERAGE
- 8.1 TO 9.2 TIMES THE NATIONAL AVERAGE
- 9.3 TO 11.4 TIMES THE NATIONAL AVERAGE
- 11.5 TO 13.7 TIMES THE NATIONAL AVERAGE
- 13.8 TO 16.1 TIMES THE NATIONAL AVERAGE
- 16.2 TO 19.6 TIMES THE NATIONAL AVERAGE
- 19.7 TO 32.7 TIMES THE NATIONAL AVERAGE
- 32.8 TO 56.7 TIMES THE NATIONAL AVERAGE
- 56.8 AND GREATER TIMES THE NATIONAL AVERAGE

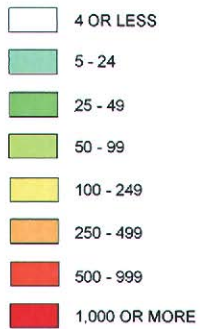
(Map is not yet completed. White areas indicate areas where data is still being obtained from USEPA)



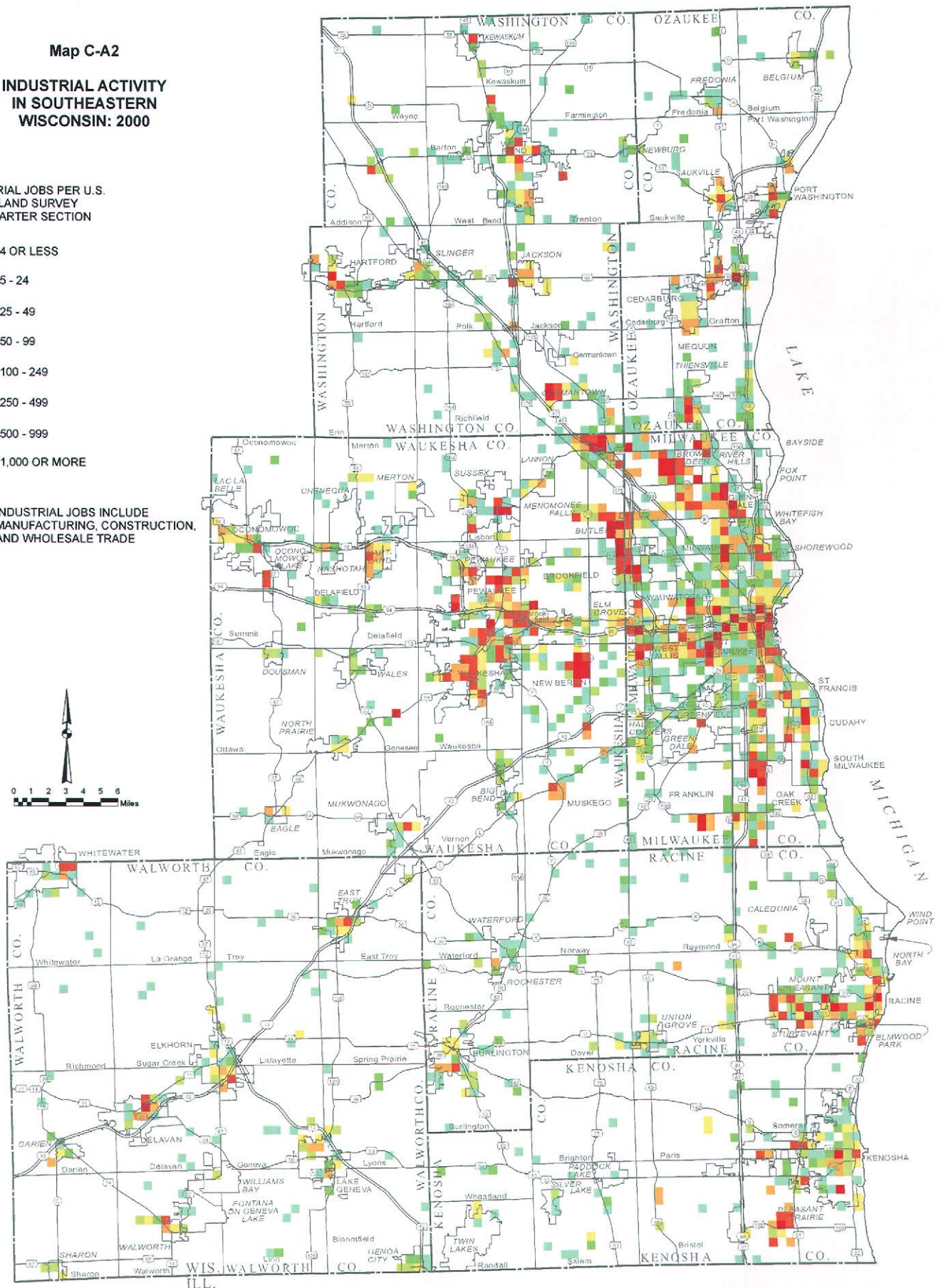
Map C-A2

**INDUSTRIAL ACTIVITY
IN SOUTHEASTERN
WISCONSIN: 2000**

INDUSTRIAL JOBS PER U.S.
PUBLIC LAND SURVEY
ONE-QUARTER SECTION

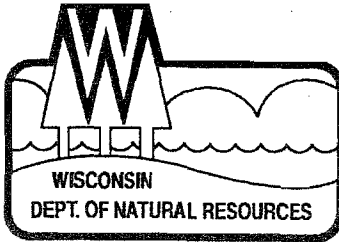


NOTE: INDUSTRIAL JOBS INCLUDE
MANUFACTURING, CONSTRUCTION,
AND WHOLESALE TRADE



Source: SEWRPC.

Attachment D



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary
Gloria L. McCutcheon, Regional Director

Southeast Region Headquarters
2300 N. Dr. Martin Luther King, Jr. Drive
Milwaukee, Wisconsin 53212-0436
FAX 414-263-8606
Telephone 414-263-8500
TTY Access via relay - 711

May 23, 2006

File Ref: 1600

Mr. Philip C. Evenson, Executive Director
Southeastern Wisconsin Regional Planning Commission
W239 N1812 Rockwood Drive
P.O. Box 1607
Waukesha, WI 53187-1607

Dear Mr. Evenson:

At the May 10 meeting, I voted to adopt the *Regional Transportation System Plan for Southeastern Wisconsin: 2035*. To be consistent with the Department's previous positions regarding freeway expansion in the region, I want to reiterate our expectation that the project level plan will minimize impacts to environmental corridors and recreational facilities, right-of-way requirements and communities. We share the regional transportation plan's vision of a multimodal transportation system which protects the quality of the Region's natural environment and minimizes the disruption of both the natural and manmade environment.

In a May 2 Memorandum, the American Civil Liberties Union of Wisconsin identified concerns about impacts to low and minority income groups. The Commission's response on May 8 describes the Commission's on-going communications with the ACLU. The Department would like to be informed when citizens or groups express interest in environmental regulatory issues and be involved in pertinent discussions. In March 2002, the Department endorsed the principles of environmental justice as part of the Technical Advisory Committee of the Southeastern Wisconsin Freeway Study. The principles are based on the commitment that *all citizens receive the benefits of a clean, healthy, and sustainable environment and involve a broad public involvement in the decision making process.*

The Commission's efforts in establishing a workgroup of state and federal resource agencies linking transportation planning and environmental analysis was a productive effort for the participating federal and state agencies including the Federal Highway Administration, U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, U.S. Fish and Wildlife, Wisconsin Department of Transportation, and Wisconsin Department of Natural Resources. This collaborative approach helped environmental resource agencies identify potential environmental issues early in the planning process and provide a link to system level alternative analysis to project level design. The Commission should consider applying this workgroup effort to other groups that share common interests related to transportation planning.

The Department has appreciated being part of the transportation planning process. We offer some additional suggestions to *Appendix C: Evaluation of the Impacts of the Recommended Year 2035 Regional Transportation System Plan on Minority and Low-Income Populations in Southeastern Wisconsin* in the attached Wisconsin Department of Natural Resources' Comments on Appendix C document.

Sincerely,

Gloria McCutcheon, P.E.
Regional Director

cc: Al Shea- AD/5
Kevin Kessler- AM/7

John Melby- SER
Mike Thompson- SER

**Wisconsin Department of Natural Resources' Comments on Appendix C:
The Regional Transportation System Plan for Southeastern Wisconsin: 2035
May 2006**

Considerations to the regional transportation plan related to the ACLU Memorandum, Commission response, or presented in Appendix C:

- The Department recommends that the response under Item 5 (page 3) should be expanded to include a list of air pollutants such as CO, benzene, PAH, 1-3 butadiene, and acrolein which are in air contaminants from motor vehicles.
- *Upgrading to Rail Transit or Bus Guideways* on page C-11 and associated Map C-28 on following page (text page 17 and Map 2 on page 17a) are key elements for providing alternatives to traffic congestion and for enhancing current and planned transit. The proposed lines, for the most part, are listed as *potential* lines with a plan recommendation for corridor studies as a federal requirement. As a result, these lines are technically not part of the plan until after they proceed to preliminary engineering.

The previous 2020 Transportation Plan indicated the status of three of the potential commuter rail services were in the feasibility study phase. The current plan makes no mention of the study results for the Walworth to Chicago and the Burlington to Chicago lines mentioned in the previous plan, and states in the current plan that the Kenosha-Racine-Milwaukee is undergoing *further* study before it can advance to a preliminary engineering phase. In order for these important multimodal transportation system elements to be meaningful to the plan, a table should be added to the plan document identifying the status of proposed studies, a corridor analysis timeline, and the responsible operator(s), similar to the plan document Table 2 (page 9a and 9b) outlining potential stages of the transit element.

- A Commission response mentions 34 percent capital and operating costs devoted to public transit in the recommended plan. Table 4 (page 40a, Chapter IX) indicates a 65 million dollar average annual shortfall for the plan implementation. The previous Regional Transportation Plan: 2020 recommended the Commission conduct a study to examine the previous plan shortfall. Was the study conducted? The Department recommends the plan address this shortfall, and how restructuring of the plan to meet projected revenues could impact the various transportation elements.