

MEETING MINUTES

SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION

**Advisory Committee on Transportation System
Planning and Programming in the Milwaukee Urbanized Areas**

DATE: March 20, 2009
TIME: 9:30 A.M.
PLACE: Milwaukee County Downtown Transit Center
Harbor Lights Room
909 East Michigan Street
Milwaukee, Wisconsin

Milwaukee Urbanized Area Members Present

Voting Members

Brian Dranzik, ChairmanFiscal and Policy Administrator, Department
of Transportation and Public Works, Milwaukee County
John M. Bennett City Engineer, City of Franklin
Daniel A. Boehm Director of Administration,
(Representing Roy de la Rosa) Milwaukee County Transit
Scott Brandmeier Director of Public Works and Village Engineer,
Village of Fox Point
Allison Bussler Interim Director, Department of Public Works,
Waukesha County
Robert R. Dreblow Highway Commissioner, Ozaukee County
Benedict Eruchalu Resident Contract Manager-Highway Design,
(Representing Milwaukee County) Department of Transportation and Public Works,
Milwaukee County
Lois C. Gresl Major Projects Manager, City of Milwaukee
(Representing the City of Milwaukee)
Thomas M. Grisa Director of Public Works, City of Brookfield
Robert C. Johnson Transit Director, Waukesha Metro Transit,
City of Waukesha
David Karnes Traffic Engineer,
(Representing Milwaukee County) Department of Transportation and Public Works,
Milwaukee County
Michael J. Maierle Manager of Long-Range Planning,
City of Milwaukee
Jeffery J. Mantes Commissioner, Department of Public Works,
City of Milwaukee
Michael J. Martin Director of Public Works, Village of Hales Corners
Jeffrey S. Polenske City Engineer, City of Milwaukee
Jack Takerian Interim Director of Transportation and Public Works,
(Representing Scott Walker) Milwaukee County

Clark Wantoch Administration and Transportation Design Manager
(Representing Paul Vornholt) City of Milwaukee
Bill Wehrley City Engineer, City of Wauwatosa
(Representing William A. Kappel)

Non-Voting Members

Sheri Schmit Planning Manager, Systems Group, Southeast Region,
(Representing Dewayne Johnson) Wisconsin Department of Transportation
Kenneth R. Yunker Executive Director, SEWRPC

Guests and Staff Present

Fred Abadi Director of Public Works, City of Waukesha
Tim Barbeau Engineer, Village of Butler
Brian Bliesner Local Program Engineer Chief,
Bureau of Project Development,
Wisconsin Department of Transportation
Dustin Block Daily Reporter
Tom Boyke Project Engineer, Ruekert & Mielke, Inc.
Jim Buske Engineering and GIS Manager, Village of Brown Deer
Melinda Dejewski City Engineer and Director of Public Works,
City of St. Francis
Brian DuPont Senior Engineer, Jahnke and Jahnke Associates, Inc.
Jon Edgren Highway Commissioner, Washington County
Gary Evans Highway Engineering Manager, Waukesha County
Mike Hawes Management Intern, Village of Shorewood
Alex Henderson Management Assistant and Special Project Coordinator,
Village of Bayside
Chris T. Hiebert Chief Transportation Engineer, SEWRPC
Ryan W. Hoel Principal Engineer, SEWRPC
Bill Hoppe City Engineer, City of Mequon
Craig Liberto Structural Design Manager, City of Milwaukee
Thomas P. Longtin State Program Engineer, Southeast Region,
Wisconsin Department of Transportation
Michael Loughran Planning and Development Manager, City of Milwaukee
Todd Michaels Village Manager, Village of Greendale
David Murphy Director of Public Works and Village Engineer,
Village of Grafton
Reginald Newson Liaison to the Wisconsin Office of Recovery and
Reinvestment, Operations Director, Southeast Region,
Wisconsin Department of Transportation
Xylia N. Rueda Research Analyst, SEWRPC
Ron Schildt Division Engineer for Transportation, City of New Berlin
Carl Tisonik Director of Public Works, Village of Greendale
Kyle Vandercar City Engineer, City of South Milwaukee

Magdelene Wagner Assistant City Engineer, City of Pewaukee
 Martin Weddle Research Analyst, County Board, Milwaukee County
 Roy Wilhelm Director of Public Works, Village of Saukville
 Thomas Wiza Director of Public Works, City of Cedarburg

ROLL CALL

Chairman Dranzik called the meeting of the Advisory Committee on the Transportation System Planning and Programming for the Milwaukee Urbanized Area to order at 9:30 a.m. He indicated that a sign-in sheet was being circulated for the purposes of taking roll and recording the names of all persons in attendance at the meeting, and declared a quorum of the Committee present.

DISCUSSION OF PROJECT ELIGIBILITY AND THE PROJECT SELECTION PROCESS FOR THE WISCONSIN DEPARTMENT OF TRANSPORTATION STAGE II SOLICITATION FOR AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 FUNDING WITHIN THE MILWAUKEE URBANIZED AREA

Mr. Yunker stated that the purpose of this meeting would be to begin discussion on the procedure on the project selection process for use of the \$38.7 million in Federal Highway Administration (FHWA) Surface Transportation Program-Milwaukee Urbanized Area (STP-MUA) American Recovery and Reinvestment Act (ARRA) funds less the \$150,000 already approved. He stated that the Advisory Committee has developed guidelines and rules for the selection of projects for FHWA STP-MUA funding. He then proceeded to review those guidelines as documented in the in the first three pages of the SEWRPC Staff Memorandum entitled *Proposed Allocation of FY 2010, 2011, and 2012 Surface Transportation Program Funds and Selection of Projects for Funding Within the Milwaukee Urbanized Area* (These first three pages of the memorandum were distributed at the meeting and are in Attachment A to these minutes).

Mr. Yunker suggested that the Advisory Committee could first consider which types of projects would be eligible for FHWA STP-MUA ARRA funding:

1. Transit Projects – Mr. Yunker noted that in addition to the FHWA STP-MUA ARRA funds, ARRA allocated \$28.5 million in FTA Section 5307/5340 funds to the Milwaukee urbanized area that is intended for capital projects. Mr. Yunker stated that the Advisory Committee in the past has recommended that the FHWA STP-MUA and Federal Transit Administration (FTA) Section 5307 funds allocated to the Milwaukee urbanized area be split between highway and public transit modes based upon the relative proportion of capital needs of each mode as determined in the regional transportation system plan. Mr. Yunker added that under the year 2035 regional transportation system plan, 37 percent of the available funds would be allocated to public transit capital needs and 63 percent would be allocated to highway projects. Mr. Yunker noted that this historically resulted in a transfer of \$10.7 million in FHWA STP-MUA funds to transit projects. Lastly, Mr. Yunker noted that the available ARRA FHWA and FTA funds represented approximately 58 percent highway funding and 42 percent transit funding.
2. Transportation Enhancement Projects – Mr. Yunker stated that because transportation enhancement projects are funded through funds available on a statewide basis, the Advisory

Committee in the past has recommended that these types of projects not be funded with FHWA STP-MUA funding. Mr. Yunker added that the Wisconsin Department of Transportation (WisDOT) is soliciting transportation enhancement projects for use of \$15.9 million in ARRA FHWA transportation enhancement funding available on a statewide basis.

3. Resurfacing and Reconstruction of Collector Streets – Mr. Yunker stated that the resurfacing and reconstruction of collector streets have historically been eligible for use of FHWA STP-MUA funding and are eligible for FHWA STP-MUA ARRA funding; however, the Advisory Committee in the past has recommended that only the rehabilitation and reconstruction of arterial streets and highways be funded with FHWA STP-MUA funding, as the level of available funding has not been adequate to address arterial resurfacing and reconstruction.
4. Rehabilitation and Reconstruction of Bridges – Mr. Yunker stated that the rehabilitation and reconstruction of local bridges are typically funded through FHWA bridge program funds, and have not been historically funded with FHWA STP-MUA funding. He noted that such funds were not included in the FHWA ARRA funds, and that any local bridge projects in the Milwaukee area would need to be funded with the \$38.7 million in FHWA ARRA funding allocated to the Milwaukee urbanized area.
5. Safety and Intersection Improvement and Congestion Management and Air-Quality Improvement (CMAQ) Improvement Projects – Mr. Yunker stated that because safety and intersection improvement and CMAQ improvement projects have historically been funded through their own FHWA funding programs, the Advisory Committee in the past has recommended that types of projects not be funded with FHWA STP-MUA funding, but these projects are eligible for use of FHWA STP-MUA ARRA funds. He noted that WisDOT is soliciting projects for FHWA CMAQ funds at this time with the routine annual FHWA funding that they receive.

Mr. Yunker stated that the ARRA legislation includes language stating that priority in the selection of projects shall be given to projects that are located in economically distressed areas, and handed out materials including the ARRA legislation, information FHWA has made available on their website, and more detailed maps for the Milwaukee urbanized area. Mr. Yunker noted that two maps prepared by Commission staff illustrated those areas within the Milwaukee urbanized area considered to be economically distressed, as their unemployment rate was at or greater than one percent above the national average, or their per capita income was less than 80 percent of the national average. Mr. Yunker noted that these maps were based on year 2000 census data and demonstrated that within the Milwaukee urbanized area the census tracts that would meet the criteria for an economically distressed area are particularly located within the City of Milwaukee, but there are also some small areas in the Cities of Wauwatosa, Cudahy, South Milwaukee, West Allis, and Waukesha. Mr. Yunker also referred to a table prepared by Commission staff that provides the 24-month average unemployment rate for cities and villages having a population of 25,000 or more within southeastern Wisconsin. He noted that based on this data, only the City of Milwaukee would have a 24-month average unemployment rate greater than one percent above the national average within the Milwaukee urbanized area.

[Secretary's Note: Attachment B to these minutes contains the hand-outs related to economically distressed areas distributed to the Advisory Committee.]

Mr. Yunker then asked the Advisory Committee for suggestions with respect to public involvement and outreach in the selection of FHWA STP-MUA ARRA funded projects and received no suggestions from the Advisory Committee regarding public involvement and outreach.

Responding to a question by Mr. Abadi, Mr. Yunker stated that at the March 16, 2009, meeting of the Advisory Committee, WisDOT was seeking the approval by the Milwaukee Urbanized Area Advisory Committee of four Stage 1 solicitation projects within the Milwaukee urbanized area for use of FHWA STP-MUA ARRA funds, which would allow the construction of these projects in 2009. He further responded that WisDOT had informed the Advisory Committee at that meeting that of the four projects, only the bridge project in the Village of Oconomowoc Lake needed to be approved at that meeting so that it could be constructed in 2009. Mr. Yunker stated that at that meeting the Advisory Committee unanimously approved the Village of Oconomowoc Lake bridge project in the amount of \$150,000 for use of FHWA STP-MUA ARRA funds.

Responding to an inquiry by Mr. Takerian, Mr. Newson stated that following the April 1, 2008, deadline for the Stage 2 solicitation of projects, WisDOT will review each project for eligibility and ability to meet the deadline for use of FHWA STP-MUA ARRA funds. He further stated that WisDOT will send the list of eligible projects to SEWRPC for review and prioritization by the Advisory Committee. In addition, Mr. Newson stated that the State Legislature's Joint Finance Committee would have to authorize the expenditure of the Federal ARRA funds on the eligible projects. Mr. Newson added that WisDOT will work to get the list of eligible projects to SEWRPC as soon as possible.

Responding to an inquiry by Mr. Brandmeier, Mr. Yunker stated that the Advisory Committee would establish the selection process for the projects to be funded from the \$38.7 million of ARRA FHWA STP-MUA funding, and that location within economically distressed areas is a criteria to be considered.

Mr. Abadi asked if there were any other criteria that should be considered in selection of projects for FHWA STP-MUA ARRA funding. Mr. Yunker responded that the purpose of this meeting was for the Advisory Committee to begin discussion on determining the project selection process.

Responding to a question by Mr. Bennett regarding using an "allocation" of funds based on arterial lane-miles as has been used for the selection of projects in the past, Mr. Yunker stated that the Advisory Committee could decide to use such a project selection process, but suggested that the Advisory Committee should first determine the types of projects to be funded.

Mr. Grisa suggested that the priority in selecting projects should be as follows: 1.) arterial street and highway projects, 2.) collector street projects, 3.) intersection and safety improvement projects, 4.) bridge projects, 5.) transit projects, and 6.) CMAQ projects. Mr. Grisa further suggested that the FHWA STP-MUA ARRA funding not be used for transportation enhancement projects because there is a separate FHWA ARRA funding that is available statewide for this type of project.

Mr. Mantes suggested that since there was a separate transit funding source of \$28.5 million under the ARRA legislation, that transit projects should not be funded with any of the \$38.7 million in ARRA FHWA STP-MUA funds. He further suggested that bridge projects should be ranked above projects on collector streets. Mr. Mantes also stated his agreement with Mr. Grisa that FHWA STP-MUA ARRA funding should not be used on transportation enhancement projects, and suggested that FHWA STP-MUA ARRA funds should also not be used on CMAQ projects, because WisDOT was currently soliciting projects under the routine annual Federal CMAQ program.

Mr. Abadi stated his agreement in not using FHWA ARRA funding on transit projects, noting that the \$28.5 million in FTA ARRA funds were allocated to the Milwaukee urbanized area. He also noted that the transit funding represented 42 percent of the total ARRA funding allocated to the area. Mr. Abadi then stated that if collector street projects were made ineligible for use of FHWA STP-MUA ARRA funding, municipalities within the Milwaukee urbanized area which did not have arterial street and highway projects under their jurisdiction ready to advance to construction would be unable to use ARRA funding. Mr. Brandmeier added that the same result may occur if bridge projects were prioritized above collector street projects.

Mr. Takerian made a motion to divide the \$38.7 million of FHWA STP-MUA ARRA funding between projects consisting of the rehabilitation and reconstruction of bridges and the resurfacing and reconstruction of arterial streets and highways—\$11.6 million, or 30 percent, for the rehabilitation and reconstruction of bridges and \$27.1 million, or 70 percent, for the resurfacing and reconstruction of arterial streets and highways. The motion was seconded by Mr. Martin, and Chairman Dranzik asked if there was any discussion on the motion. Mr. Grisa inquired about the purpose of dividing the funding between arterial street and highway projects and bridge projects. Mr. Takerian responded that it ensures that bridge projects are funded. Mr. Yunker added that it would be difficult to compare bridge projects with arterial street and highway projects.

Mr. Martin suggested that a portion of the FHWA STP-MUA ARRA funds also be used on collector street projects. Mr. Takerian agreed that collector street projects be considered for some portion of the ARRA funding allocated to arterials.

Mr. Grisa asked whether the Advisory Committee would develop a rating system to rank eligible projects using various criteria, such as traffic volume, pavement condition, bridge condition, and project location within an economically distressed area. Mr. Yunker asked WisDOT staff as to the amount of time the Advisory Committee would have to select projects for ARRA funding. Mr. Newson responded based on the February 27, 2009, letter from WisDOT Secretary Busalacchi to local governmental officials, in order for projects seeking ARRA funds to be constructed in 2009, they may need to be approved by the Advisory Committee sometime before May 1, 2009. He further responded that the remaining projects seeking ARRA funds would have to be able to meet a PS&E submittal deadline of December 1, 2009. Mr. Bliesner mentioned that the State would be looking for quick action by the Advisory Committee in selection of FHWA STP-MUA ARRA funded projects.

[Secretary's Note: Following the meeting, WisDOT Secretary Busalacchi in his March 23, 2009, letter to local government officials stated that projects currently scheduled for construction between January 1, 2010, and September 30, 2010, which were previously ineligible for FHWA ARRA funding, would now be eligible if construction of the project could be advanced to 2009. To accommodate this change, the deadline for project submittal was extended to April 8, 2009, and a PS&E submittal deadline of June 1, 2009, was added.]

Mr. Takerian stated that the percentages mentioned in his motion to divide the FHWA STP-MUA ARRA funds were meant to be approximate. He suggested that the percentages could be refined after the Advisory Committee had an opportunity to review eligible projects. He further suggested that the ARRA funding for arterial street and highway projects be apportioned as in the past based on a community's portion of the total planned arterial lane-miles within the Milwaukee urbanized area.

Mr. Evans and Mr. Dreblow requested that Commission staff provide the Advisory Committee with the level of Local Bridge Program funds and FHWA STP-MUA funds allocated to the Milwaukee urbanized area. Mr. Yunker stated that Commission staff would provide this information on funding levels in the meeting minutes.

[Secretary's Note : In the latest Federal funding cycle—fiscal years 2010 through 2012—the Milwaukee urbanized area was allocated \$5.3 million annually in Local Bridge Program funds and \$15.9 annually in FHWA STP-MUA funds.]

Mr. Abadi repeated his suggestion that communities be permitted to use their allocated ARRA funding on collector street projects. Mr. Polenske stated that it is difficult to consider how projects should be selected without knowing the total number and total dollar amount of each type of eligible project. Mr. Polenske and Mr. Grisa suggested that perhaps a rating system could be developed to rank the eligible projects. Responding to a question by Ms. Gresl, Mr. Newson stated that the State would not rank or select the eligible projects for FHWA ARRA funds in the Milwaukee urbanized area before sending the projects to SEWRPC. Mr. Yunker stated that the Commission staff was hoping to get from the Advisory Committee in this meeting a determination of the types of projects that should be considered for ARRA FHWA STP-MUA funding. Mr. Yunker stated that so far the Advisory Committee seems to be in agreement that arterial street and highway, bridge, and perhaps collector street projects should be eligible for FHWA STP-MUA ARRA funding. Mr. Yunker noted that it would be difficult to evaluate and compare bridge projects with arterial street and highway projects (and collector street projects). Mr. Yunker noted that the motion before the Committee was to allocate funding between bridge projects (30 percent), and arterial street and highway projects (70 percent). Further, he stated that it would appear that the Committee was considering allocating the arterial portion of the funding, and selecting projects based on the proportion of arterial lane-miles under jurisdiction of each county and municipality. This is the procedure currently used to rate and rank arterial street and highway projects seeking FHWA STP-MUA funds. Mr. Yunker noted that the Committee was also considering permitting communities to fund collector facilities along with arterials. Mr. Yunker stated that a system would need to be developed for rating and ranking bridge projects.

There being no further discussion on the motion, Chairman Dranzik asked for the motion to be put to a vote. The motion to divide the ARRA FHWA STP-MUA funding with 30 percent for the rehabilitation and reconstruction of bridges and 70 percent for the resurfacing and reconstruction of arterial streets and highways and collector streets (with the final project selection to be determined following review by the Advisory Committee of the listing of candidate projects) was passed by the Milwaukee Urbanized Area Committee by a vote of 17 ayes and 1 nay, with Mr. Brandmeier voting against the motion.

CONSIDERATION OF STAGE I MILWAUKEE URBANIZED AREA PROJECTS FOR AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 FUNDING

Mr. Yunker stated that there were three projects in the Milwaukee urbanized area—Reconstruction with Additional Traffic Lanes of CTH Q between USH 41 and Pilgrim Road in Washington County, Reconstruction with Additional Traffic Lanes of CTH Y between CTH Q and STH 175 in Washington County, and Bridge Rehabilitation of River Road Bridge (1.2 Miles North of CTH P) over Indian Creek River in the Village of River Hills—that were authorized by the Governor and the Wisconsin State Legislature Joint Finance Committee for ARRA FHWA STP-MUA funding in the Stage I solicitation and are projects that could be, if approved for funding by the Advisory Committee, under construction in

2009. Mr. Yunker added that at its March 16, 2009, meeting, the Advisory Committee had unanimously approved one project from the Stage 1 solicitation, a bridge over the Oconomowoc River in the Village of Oconomowoc Lake for \$150,000.

Mr. Takerian made a motion that the selection of the three remaining Stage 1 solicitation projects be deferred until the eligible Stage 2 solicitation projects are available for review by the Advisory Committee. The motion was seconded by Mr. Mantes, and Chairman Dranzik asked whether there was any discussion on the motion.

Mr. Edgren stated that WisDOT staff had informed Washington County that the funding for the Lannon Road (CTH Y) and County Line Road (CTH Q) reconstruction projects would not come from the \$38.7 million in FHWA ARRA funds allocated to the Milwaukee urbanized area, but from FHWA ARRA funds available statewide. Ms. Schmit stated that the projects would, if approved by the Committee, be funded with the FHWA ARRA funds allocated to the Milwaukee urbanized area.

Responding to an inquiry by Mr. Takerian, Mr. Bleisner stated that the amounts being requested for use of FHWA STP-MUA ARRA funds were \$307,734 for the River Road bridge project, \$4,248,000 for the County Line Road (CTH Q) reconstruction project, and \$3,658,000 for the Lannon Road (CTH Y) reconstruction project. Mr. Bleisner stated that deferring approval of the remaining three Stage 1 solicitation projects until the eligible Stage 2 solicitation projects are available for review by the Advisory Committee may still permit the Stage 1 projects to begin construction in 2009.

There being no further discussion on the motion, Chairman Dranzik asked for the motion to be put to a vote. The motion to defer the approval of the remaining Stage 1 solicitation projects until the eligible Stage 2 solicitation projects were available for review passed unanimously.

ADJOURNMENT

There being no further business to come before the Committees, the meeting was adjourned at 11:20 a.m.

Respectfully submitted,

Kenneth R. Yunker
Acting Secretary

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Attachment A

MEMORANDUM

TO: Advisory Committee on Transportation System Planning and Programming for the Milwaukee Urbanized Area.

FROM: SEWRPC Staff

DATE: April 1, 2008

SUBJECT: PROPOSED ALLOCATION OF FY 2010, 2011, AND 2012 SURFACE TRANSPORTATION PROGRAM FUNDS AND SELECTION OF PROJECTS FOR FUNDING WITHIN THE MILWAUKEE URBANIZED AREA.

INTRODUCTION

There is a need at this time to select those transportation projects to be funded in the years 2010, 2011, and 2012 with Federal Highway Administration Surface Transportation Program (STP) funds designated for the Milwaukee urbanized area. The Advisory Committee on Transportation System Planning and Programming for the Milwaukee Urbanized Area (Milwaukee Area TIP Committee) has developed guidelines for the selection of projects to be funded with STP-Milwaukee urbanized area funds; has previously selected projects for funding for the years 1992 through 2009 under those guidelines; and has programmed those projects for implementation in previous transportation improvement programs for southeastern Wisconsin.

The purpose of this memorandum is to review the guidelines, and apply the guidelines for the years 2010, 2011, and 2012, so that projects can be recommended for funding.

GUIDELINES FOR SELECTION OF PROJECTS FOR FUNDING

At meetings held on April 16 and May 28, 1992, April 20, 1993, September 15, 1995, November 6, 1997, January 5, 2000, February 7, 2002, November 12, 2003, and January 19, 2006 the Committee acted to recommend, and/or reaffirm, to the Regional Planning Commission as the Metropolitan Transportation Planning Organization (MPO) for the Milwaukee urbanized area, guidelines for the selection of projects to receive Milwaukee urbanized area STP funds. The following briefly summarizes the Committee's recommendations to date:

1. Projects of a "safety" and "transportation enhancement" nature should be funded through funds made available on a statewide basis for these two Federal program categories, and not with STP funds allocated to the Milwaukee urbanized area.

2. Projects of a “transportation control” nature, having positive air quality impacts, should be funded with Federal congestion mitigation and air quality (CMAQ) improvement program funds which apply to the entire air quality nonattainment area in Wisconsin, and not with STP funds allocated to the Milwaukee urbanized area.
3. Prior to November 2003, projects on those arterial streets and highways identified for inclusion in the National Highway System (NHS) were to be funded with Federal funds provided statewide for this purpose, and not with STP funds allocated to the Milwaukee urbanized area. In addition, the lane-miles of NHS arterial facilities were not used for STP fund allocation. At its November 2003 meeting, the TIP Committee determined that projects on NHS facilities under the jurisdiction of county and municipal governments would be eligible for funding with STP-M funds because available NHS funds prior to that date had been spent almost exclusively on facilities under the jurisdiction of the Wisconsin Department of Transportation (WisDOT). It was also determined that lane-miles of NHS facilities under county and municipal jurisdiction would be used for STP fund allocation. Lastly, it was recommended in November 2003 that efforts to obtain an NHS local program should continue, and should they be successful, county and municipal NHS lane-miles would then cease to be used for STP fund allocation.
4. Projects on streets and highways identified as arterials on the adopted regional transportation system and county jurisdictional highway system plans should be funded with STP funds allocated to the Milwaukee urbanized area. Projects on non-arterials—collector and land access streets—which are not identified in regional transportation or county jurisdictional highway system plans should not be funded with STP funds designated for the Milwaukee urbanized area.
5. Both major categories of Federal transportation funds which are allocated by the U.S. Department of Transportation directly to the Milwaukee urbanized area—Federal Highway Administration (FHWA) STP funds and the Federal Transit Administration (FTA) Section 5307 (formerly Section 9) capital funds—should be considered flexible as to allocation to transportation mode, being available to meet both arterial highway and transit capital needs as identified under the adopted regional transportation system plan. Federal law explicitly encourages such flexible treatment of funds. The FTA Section 5307 capital and FHWA STP funds allocated to the Milwaukee urbanized area would be divided between public transit and county and local arterial highways based upon their capital funding needs as determined by the adopted regional transportation system plan. That need under the adopted year 2035 regional plan has been determined to result in an allocation of 37 percent of the available capital funds to the transit mode and 63 percent of the available funds to the highway mode. Such allocation of funds based on the year 2035 plan is proposed to be used by the Advisory Committee and the Commission to allocate FHWA STP and FTA Section 5307 funding between arterial highways and public transit for the years 2010 through 2012. The year 2020 plan was used to allocate such funding for the years year 2002 through 2009; the year 2010 plan was used to allocate such funding for the years 1997 through 2001, and the year 2000 plan was used to allocate such funding for the years 1995 and 1996.
6. All STP funds determined to be available for transit would be kept in a single “pool” for use by all transit operators in the Milwaukee urbanized area. Prior to the year 2001 the operators annually negotiated a division of FTA Section 5307 capital funding in the Milwaukee

urbanized area. Since 2001, the transit operators determined to use a formula to allocate FTA Section 5307 funds annually among the transit operators. The transit operators could choose to use that same formula or some other method, such as a negotiation and selection of projects to be funded, to allocate STP funds among the transit operators.

7. The TIP Committee recommended that all STP funds be expended annually on eligible projects, with the selection of such projects to be related to a “paper” allocation system whereby each governmental unit having current jurisdictional responsibility for eligible facilities (all arterial facilities on the year 2035 regional transportation plan except those facilities on the NHS prior to November 2003, and all arterial facilities on the year 2035 regional transportation plan under the jurisdiction of county and local governments since November 2003) would be credited STP funds annually based on its proportion of total eligible existing and planned system facility lane-miles in the year 2035 regional transportation plan. The “paper” allocations would be accumulated from year-to-year, with debits to occur from each account as projects are selected for implementation. The ratio of each governmental unit’s account balance to the Federal share of a proposed project would constitute the primary basis for arterial highway project selection annually.
8. The amount of annual funding historically allocated to the City of Milwaukee (approximately \$4 to \$5 million) has permitted the City to implement each year a number of substantial highway improvement projects. For the remaining local communities and for the counties involved, implementation of a substantial project is possible perhaps once every few or several years or more. Consequently, a project evaluation and ranking procedure is used to rank projects for Federal funding for these local governments. This procedure considers for each project the potential Federal funding requested and the Federal funding balance credited to the community concerned.

These recommendations of the Committee were accepted by the MPO when the Commission approved the 1993-1998 TIP and its successors, the 1995-1997 TIP, the 1998-2000 TIP, the 2000-2002 TIP, the 2002-2004 TIP, the 2005-2007 TIP, and the 2007-2010 TIP.

A first step in applying these guidelines for the years 2010, 2011, and 2012 is to allocate STP funds for the years 2010, 2011, and 2012 between highway and transit projects. The guideline recommends that Milwaukee area FHWA STP funds and FTA section 5307 funds should be combined and allocated between highway and transit needs based upon their relative capital project needs as set forth in the year 2035 regional transportation plan. In that plan Milwaukee area county and local arterial highway capital project needs represent an estimated 63 percent of total area capital project needs, and Milwaukee area public transit capital project needs represent 37 percent of total area capital project needs. It is unknown at this time how much Federal funding the U.S. Congress will authorize and appropriate in FY 2010, 2011, and 2012 with respect to FTA Section 5307 and FHWA STP funds for the Milwaukee urbanized area. Accordingly, it is necessary to estimate those authorizations and appropriations, recognizing that the actual appropriations may be more or less than the estimate, and that the quantitative analysis set forth herein may need to be revised. Based on historic annual authorized and appropriated funding levels, the Federal funding for the Milwaukee urbanized area for FY 2010, 2011, and 2012 is estimated to include \$15.9 million annually of FHWA STP funds and \$19.6 million annually of FTA Section 5307 funds (based on an average of the last three years of FTA funding), for an annual total of \$35.5 million of Federal funds.

heading to fund the award and oversight by the Administrator of grants made under this heading.

FEDERAL HIGHWAY ADMINISTRATION
HIGHWAY INFRASTRUCTURE INVESTMENT

For an additional amount for restoration, repair, construction and other activities eligible under paragraph (b) of section 133 of title 23, United States Code, and for passenger and freight rail transportation and port infrastructure projects eligible for assistance under subsection 601(a)(8) of such title, \$27,500,000,000, to remain available through September 30, 2010: *Provided*, That, after making the set-asides required under this heading, 50 percent of the funds made available under this heading shall be apportioned to States using the formula set forth in section 104(b)(3) of title 23, United States Code, and the remaining funds shall be apportioned to States in the same ratio as the obligation limitation for fiscal year 2008 was distributed among the States in accordance with the formula specified in section 120(a)(6) of division K of Public Law 110–161: *Provided further*, That funds made available under this heading shall be apportioned not later than 21 days after the date of enactment of this Act: *Provided further*, That in selecting projects to be carried out with funds apportioned under this heading, priority shall be given to projects that are projected for completion within a 3-year time frame, and are located in economically distressed areas as defined by section 301 of the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3161): *Provided further*, That 120 days following the date of such apportionment, the Secretary of Transportation shall withdraw from each State an amount equal to 50 percent of the funds awarded to that State (excluding funds suballocated within the State) less the amount of funding obligated (excluding funds suballocated within the State), and the Secretary shall redistribute such amounts to other States that have had no funds withdrawn under this proviso in the manner described in section 120(c) of division K of Public Law 110–161: *Provided further*, That 1 year following the date of such apportionment, the Secretary shall withdraw from each recipient of funds apportioned under this heading any unobligated funds, and the Secretary shall redistribute such amounts to States that have had no funds withdrawn under this proviso (excluding funds suballocated within the State) in the manner described in section 120(c) of division K of Public Law 110–161: *Provided further*, That at the request of a State, the Secretary of Transportation may provide an extension of such 1-year period only to the extent that he feels satisfied that the State has encountered extreme conditions that create an unworkable bidding environment or other extenuating circumstances: *Provided further*, That before granting such an extension, the Secretary shall send a letter to the House and Senate Committees on Appropriations that provides a thorough justification for the extension: *Provided further*, That 3 percent of the funds apportioned to a State under this heading shall be set aside for the purposes described in subsection 133(d)(2) of title 23, United States Code (without regard to the comparison to fiscal year 2005): *Provided further*, That 30 percent of the funds apportioned to a State under this heading shall be suballocated within the State in the manner and for the purposes described in the first sentence of subsection

SEC. 301. ELIGIBILITY OF AREAS. (42 U.S.C. § 3161)

(a) IN GENERAL.— For a project to be eligible for assistance under section 201 or 209, the project shall be located in an area that, on the date of submission of the application, meets one or more of the following criteria:

(1) LOW PER CAPITA INCOME.— The area has a per capita income of 80 percent or less of the national average.

(2) UNEMPLOYMENT RATE ABOVE NATIONAL AVERAGE.— The area has an unemployment rate that is, for the most recent 24-month period for which data are available, at least 1 percent greater than the national average unemployment rate.

(3) UNEMPLOYMENT OR ECONOMIC ADJUSTMENT PROBLEMS.— The area is an area that the Secretary determines has experienced or is about to experience a special need arising from actual or threatened severe unemployment or economic adjustment problems resulting from severe short-term or long-term changes in economic conditions.

(b) POLITICAL BOUNDARIES OF AREAS.— An area that meets 1 or more of the criteria of subsection (a), including a small area of poverty or high unemployment within a larger community in less economic distress, shall be eligible for assistance under section 201 or 209 without regard to political or other subdivisions or boundaries.

(c) DOCUMENTATION.—

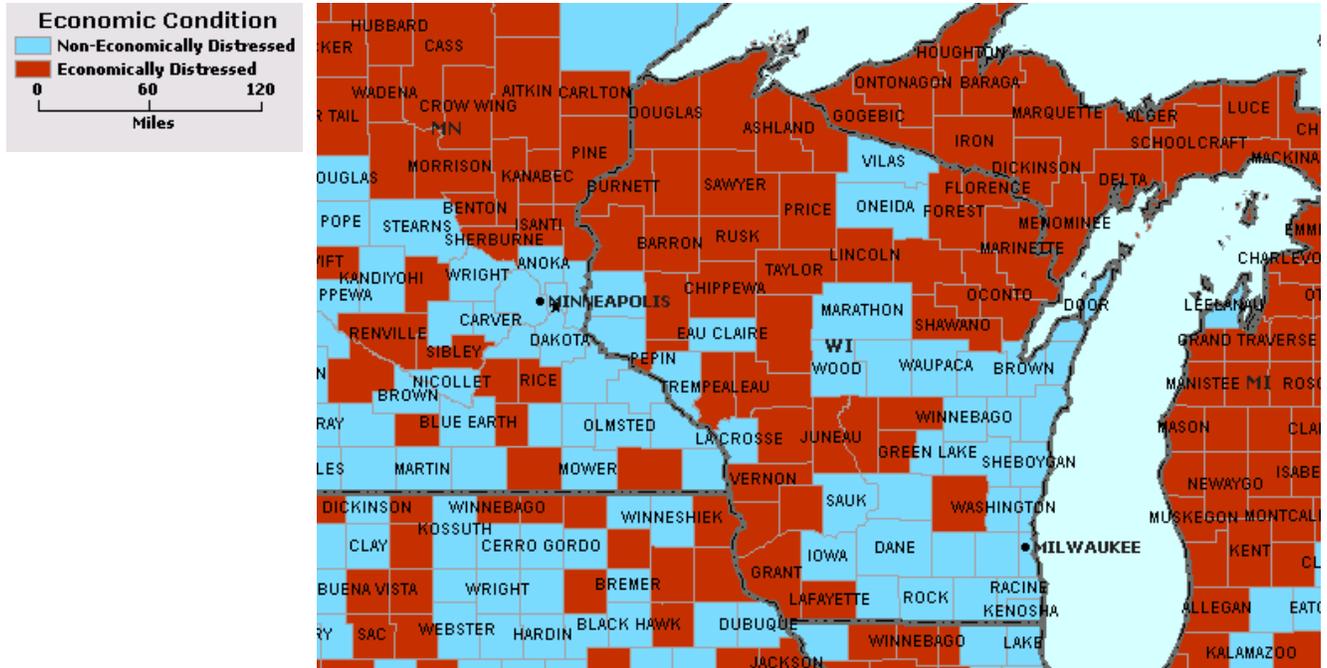
(1) IN GENERAL.— A determination of eligibility under subsection (a) shall be supported by the most recent Federal data available (including data available from the Bureau of Economic Analysis, the Bureau of Labor Statistics, the Census Bureau, the Bureau of Indian Affairs, or any other Federal source determined by the Secretary to be appropriate), or, if no recent Federal data is available, by the most recent data available through the government of the State in which the area is located.

(2) ACCEPTANCE BY SECRETARY.— The documentation shall be accepted by the Secretary unless the Secretary determines that the documentation is inaccurate.

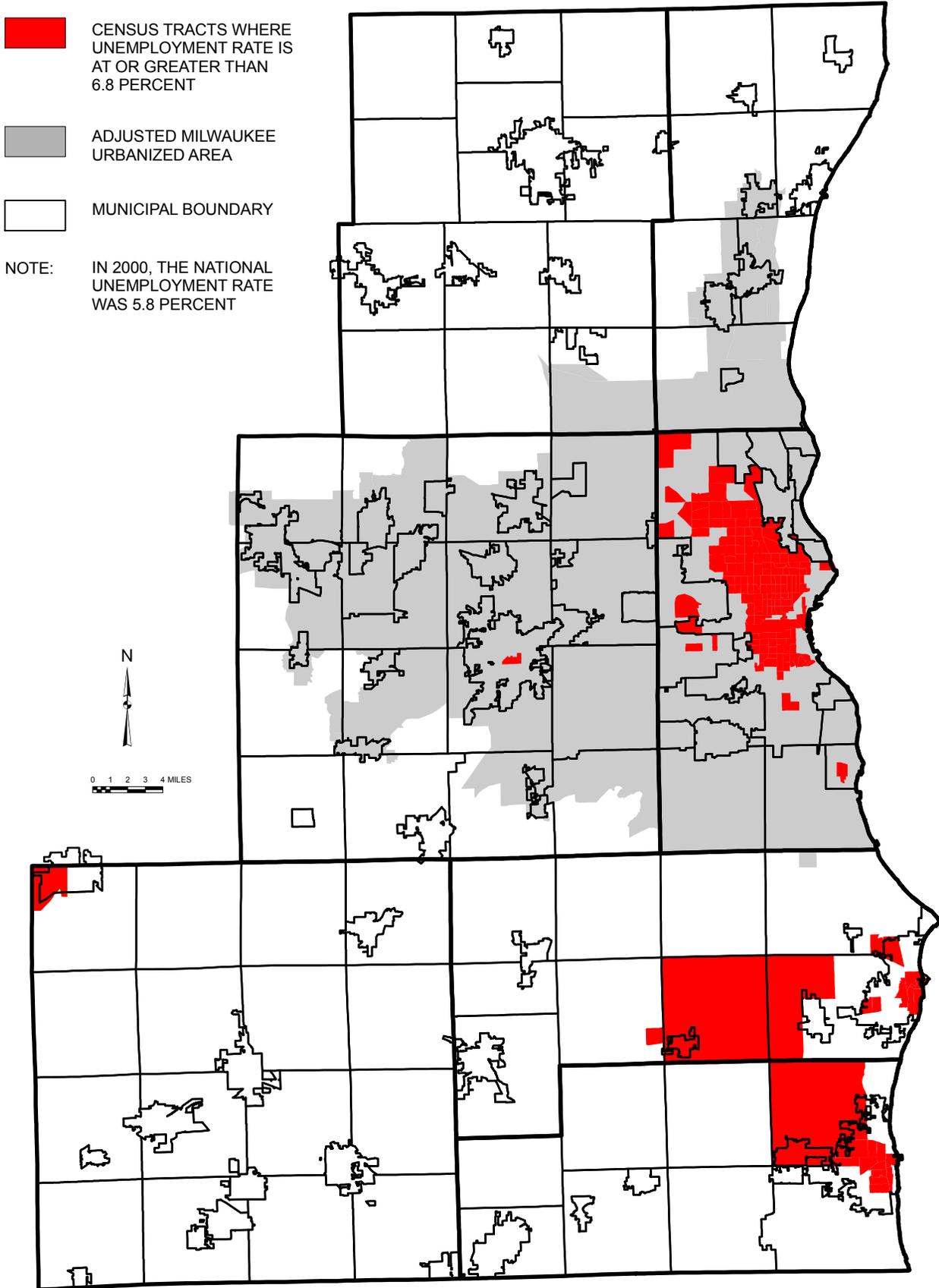
(d) PRIOR DESIGNATIONS.— Any designation of a redevelopment area made before the effective date of the Economic Development Administration Reform Act of 1998 shall not be effective after that effective date.

Attachment B (continued)

Economically Distressed Areas Map



CENSUS TRACTS WITH AN UNEMPLOYMENT RATE AT OR ABOVE 6.8 PERCENT: 2000



Source: U.S. Census Bureau and SEWRPC.

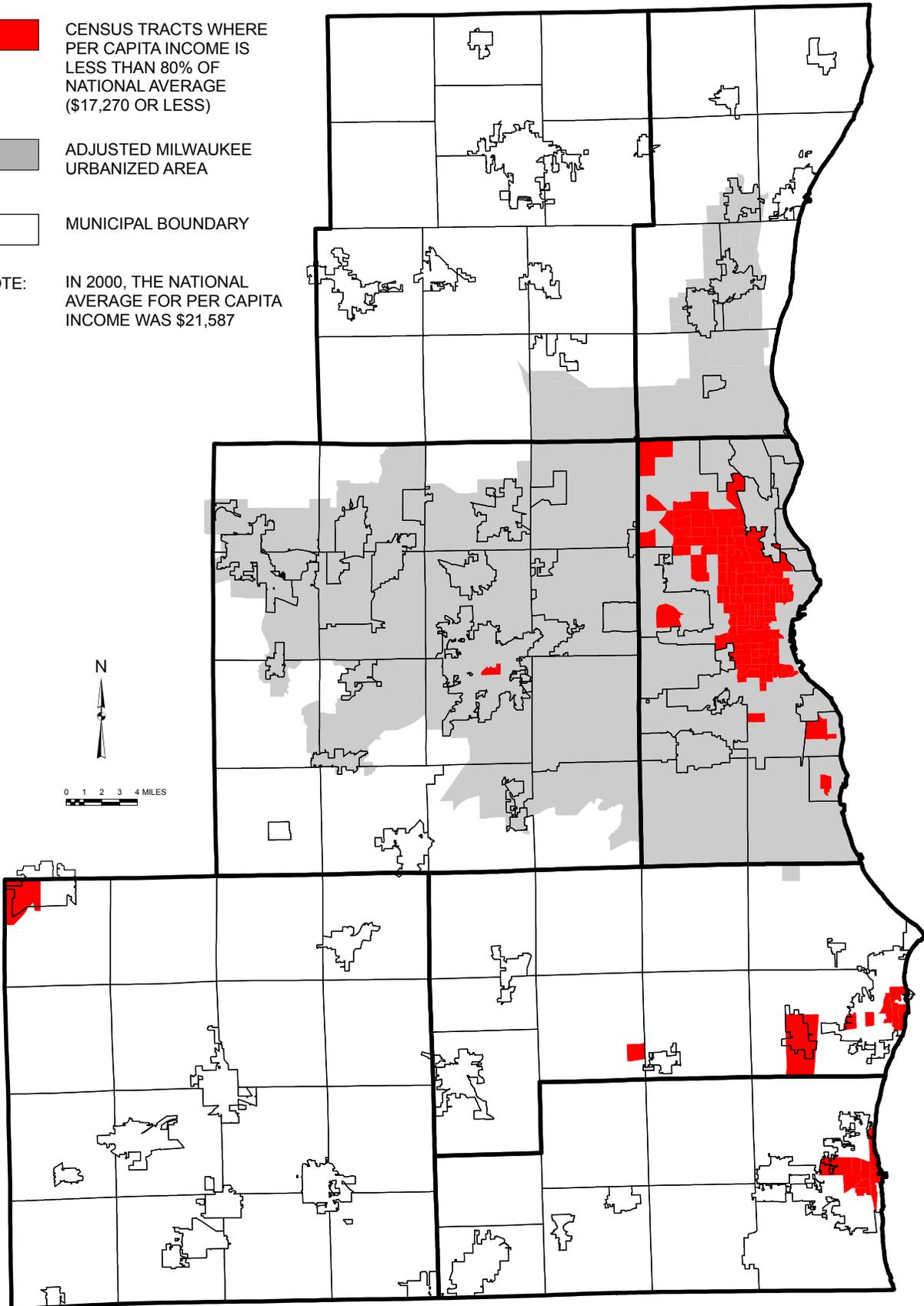
CENSUS TRACTS WITH PER CAPITA INCOME OF LESS THAN 80 PERCENT OF THE NATIONAL AVERAGE: 2000

 CENSUS TRACTS WHERE PER CAPITA INCOME IS LESS THAN 80% OF NATIONAL AVERAGE (\$17,270 OR LESS)

 ADJUSTED MILWAUKEE URBANIZED AREA

 MUNICIPAL BOUNDARY

NOTE: IN 2000, THE NATIONAL AVERAGE FOR PER CAPITA INCOME WAS \$21,587



Source: U.S. Census Bureau and SEWRPC.

Attachment B (continued)

24-MONTH AVERAGE UNEMPLOYMENT RATE FOR
CITIES AND VILLAGES WITH 25,000 PLUS POPULATION:
FEBRUARY 2007-JANUARY 2009

Place	Unemployment Rate	Greater than 5.7 Percent
Brookfield City	3.6	No
Caledonia Village	2.4	No
Franklin City	4.1	No
Greenfield City	4.7	No
Kenosha City	6.2	Yes
Menomonee Falls Village	4.0	No
Milwaukee City	7.3	Yes
Mount Pleasant Village	6.0	Yes
New Berlin City	3.9	No
Oak Creek City	4.3	No
Racine City	9.5	Yes
Waukesha City	5.4	No
Wauwatosa City	3.9	No
West Allis City	5.1	No
West Bend City	6.4	Yes
United States	4.7	--

Source: U.S. Bureau of Labor Statistics, Wisconsin Department of Workforce Development, and SEWRPC.

DOCS #143603

3/18/2009

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