

Minutes of the Forty-sixth Meeting of the

ENVIRONMENTAL JUSTICE TASK FORCE

DATE: February 18, 2020
TIME: 4:30 p.m.
PLACE: Milwaukee Urban League
435 W. North Ave.
Milwaukee, WI 53212

Members Present

Aloysius Nelson Commissioner, Southeastern Wisconsin Regional Planning Commission;
Chair Director, Division of Veterans Services, Kenosha County
Fabi Maldonado Racine County Supervisor, District 2
Keith Martin..... Engineering Specialist - Advanced 2, Wisconsin Department of Transportation,
Southeast Region
Ella Dunbar Program Services Manager, Social Development Commission, Milwaukee
N. Lynnette McNeely Legal Redress Chair, Waukesha County NAACP
Theresa Schuerman (by telephone) Walworth County Bilingual Migrant Worker Outreach
Yolanda Adams (by telephone)..... Wisconsin Deputy State Director for the Elderly,
League of United Latin American Citizens (LULAC)
Huda Alkaff (by telephone) Founder and Director, Wisconsin Green Muslims

Guests and Staff Present

Liz Callin Senior Transportation Planner, SEWRPC
Eric Lynde Chief Special Projects Planner, SEWRPC
Benjamin McKay Deputy Director, SEWRPC
Kevin Muhs..... Executive Director, SEWRPC
Nakeisha Payne Public Involvement and Outreach Manager, SEWRPC
Barbara Richards Sierra Club
Karyn Rotker..... Senior Staff Attorney, ACLU of Wisconsin
Jennifer Sarnecki Principal Transportation Planner, SEWRPC
Bruce Wiggins..... Member of the Public

CALL TO ORDER AND INTRODUCTIONS

Mr. Nelson called the meeting of the Environmental Justice Task Force (EJTF) to order at 4:35 p.m., welcomed those in attendance and requested that EJTF members and guests introduce themselves.

APPROVAL OF THE SEPTEMBER 4, 2019, AND NOVEMBER 6, 2019, MEETING MINUTES

Mr. Nelson asked if there were any questions or comments on the September 4, 2019, and November 6, 2019, meeting minutes. There were none. Mr. Nelson then asked for a motion to approve the meeting

minutes. Mr. Maldonado moved, and Ms. McNeely seconded the approval of the September 4, 2019, and November 6, 2019, meeting minutes. The motion was approved unanimously.

PUBLIC COMMENTS

Mr. Nelson asked if there were any public comments. Ms. Rotker noted in reference to the upcoming agenda item on the 2020 Review and Update of VISION 2050, that the potential benefits and burdens of the transportation system as a whole should be considered as part of the updated equity analysis for VISION 2050.

REVIEW OF EJTF ACTION ITEM LIST

Mr. Nelson asked Ms. Sarnecki to review the EJTF Action Item List (available [here](#)). Ms. Sarnecki explained that Commission staff added a status column to the list based on a request from Mr. Nelson during the November 6, 2019, meeting. She noted that staff added two new open action items as a result of the November 6, 2019, meeting and indicated that Commission staff will continue working to implement the five ongoing action items. The following discussion occurred after the review of the action item list:

1. Mr. Nelson noted the importance of ensuring an accurate count during the 2020 U.S. Census. He further noted that there are not enough applicants to personally contact households despite efforts to publicize the importance of the U.S. Census to increase the count. Ms. Dunbar noted that applicants are experiencing a long wait between completing an application and receiving a response from U.S. Census staff regarding the position. Ms. Dunbar indicated, and Mr. Nelson agreed, that the application process is complex, requiring background checks and fingerprints. Ms. Dunbar shared a phone number of a local office where individuals can check the status of their employment application (414-977-1000). Ms. Dunbar stated that the hourly wage for U.S. Census workers in the Milwaukee area range from approximately \$20 to \$22 per hour. Ms. Payne added that her understanding is that the hourly wage for U.S. Census workers in Kenosha County are approximately \$17 per hour and up to \$24 per hour in Racine County. Mr. Nelson noted that EJTF members should encourage individuals to apply for positions with the U.S. Census given the relatively high hourly wages. Mr. Maldonado indicated that he is a member of Wisconsin's 2020 Census Complete Count Committee and offered to share concerns expressed by EJTF members.
2. Mr. Nelson inquired if EJTF members should be provided Commission business cards to share contact information with individuals when participating in external meetings.

[Secretary's Note: EJTF members will not be provided Commission business cards, but are encouraged to utilize their existing business cards or online profiles when connecting with external contacts.]

3. Ms. McNeely inquired how U.S. Census data are utilized by Commission staff. Mr. Muhs responded that the U.S. Census products from the decennial Census and American Community Survey (ACS) impact nearly all activities conducted by Commission staff. Mr. McKay agreed that Census data are fundamental to community planning and added, as an example, that Kenosha County plans to update their comprehensive plan after 2020 Census data are available so that the County can make more informed land use and housing decisions. Mr. McKay noted that,

although the ACS provides useful data, it is collected using a sample of the population resulting in a higher margin of error than the decennial Census.

4. Ms. Dunbar asked how previously incarcerated individuals are counted in the U.S. Census given their potential reluctance to participate in the count. Mr. Nelson indicated that individuals should have a valid address filed with the Department of Corrections in order to be counted in the U.S. Census. Ms. McNeely asked how incarcerated individuals are counted in the U.S. Census noting that many prisons are located in northern Wisconsin, rather than near the areas where the prisoners may have lived. Ms. Rotker stated that the U.S. Census counts prisoners where they are incarcerated, not at their home address. Ms. Richards stated that the areas where prisons are located may not necessarily have the same political perspective as those areas from which prisoners originally resided, resulting in fewer individuals being represented within the prisoners' home addresses.

[Secretary's Note: As stated by Ms. Rotker, the U.S. Census Bureau counts prisoners at the location where they are incarcerated, as indicated in Federal Register, Vol. 81, No. 126, Thursday, June 30, 2016, which states, "the Census Bureau has determined that the practice of counting prisoners at the correctional facility for the 2020 Census would be consistent with the concept of 'usual residence'...defined as the place where a person lives and sleeps most of the time, which is not always the same as their legal residence, voting residence, or where they prefer to be counted. Therefore, counting prisoners anywhere other than the facility would violate the concept of usual residence, since the majority of people in prisons live and sleep most of the time at the prison." As further stated in the Final 2020 Census Residence Criteria and Residence Situations, the U.S. Census will, "count people at their usual residence, which is the place where they live and sleep most of the time," as stated in the Federal Register, Vol. 83, No. 27, Thursday, February 8, 2018.]

5. Ms. McNeely stated that the 53206 zip code experiences a higher rate of incarceration and noted that if incarcerated individuals are not counted based on their original addresses, these areas may experience a reduction in Federal funding and public services. Ms. McNeely requested that Commission staff explore how this might impact Federal funding levels in areas that experience higher-than-average incarceration rates.

[Secretary's Note: A majority of Federal funding is provided in the form of block grants to states or utilizes other data such as the number of low-income children or students in a school's discounted lunch program. However, the Federal Transit Administration (FTA) funding formulas consider population when apportioning some transit funds. For example, based on the transit formula funding data unit values for Fiscal Year 2020, the Milwaukee urbanized area received approximately \$3.89 per person in transit funding through the FTA Section 5307 Urbanized Area Formula Program. The FTA allocated \$2.46 for each low-income individual through the Section 5307 Program in Fiscal Year 2020. The Milwaukee urbanized area received approximately \$4.21 for each person with a disability under 65 years of age and individuals 65 years of age and older through the FTA

Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program.]

6. Ms. Dunbar indicated that she has had discussions with Commission staff regarding how the Social Development Commission can more effectively utilize U.S. Census data in future grant applications and analyses. She requested a meeting with Commission staff to review the U.S. Census data currently available, how to access it, and specific tools that are available for analyses.

[Secretary's Note: After the EJTF meeting, Commission staff contacted Ms. Dunbar and offered to meet and review U.S. Census data and tools for use in future grant applications. Ms. Dunbar responded that she will contact Commission staff to arrange a meeting in the future.]

OVERVIEW OF THE COMPOSITION OF APPLICANTS FOR RECENTLY FILLED COMMISSION POSITIONS

At Mr. Nelson's request, Mr. Muhs reviewed the four positions hired to the Commission staff since the last EJTF meeting. The following discussion occurred after the review:

1. Ms. Dunbar asked if the Transportation Demand Management (TDM) Coordinator position is new. Mr. Muhs responded that this position is relatively new to the Commission, and that the initial TDM Coordinator hired in 2019 left the position for personal reasons.
2. Ms. McNeely inquired what activities are conducted and what the typical educational and professional background is for the Land Surveying Assistant and Water Engineer positions. Mr. Muhs indicated that the Commission serves as the land surveyor for five counties and that a Land Surveying Assistant measures the dimensions of physical space. He stated that the typical educational and professional background would be an Associate's Degree from a technical college, which provides an opportunity to enter the profession without significant post-high school educational and professional experience. Mr. Muhs indicated that the Water Engineer position typically requires a Professional Engineer (P.E.) license and between five to ten years of professional experience.
3. Ms. McNeely inquired if the Chief Land Use Planner supervises staff. Mr. Muhs responded that the Chief Land Use Planner will supervise approximately ten staff.
4. Ms. Dunbar asked if the Commission targets Historically Black Colleges and Universities (HBCU) when recruiting for open positions. Mr. Muhs responded that most recruitment efforts focus on local and regional institutions of higher education, which do not include HBCUs. Ms. Dunbar noted that there are local HBCU alumni organizations that could be contacted. Mr. Nelson added that there are fraternities and sororities that could also be a connection to HBCU alumni groups. Mr. Muhs indicated that Commission staff attended the National Society of Black Engineers conference and plan to follow-up with individuals who provided their resumes.
5. Mr. Nelson asked how Commission staff advertise position openings and suggested that national websites, such as Indeed, may help generate additional applicants. Mr. Muhs responded that the outreach is dependent on the position, but generally positions are posted in the Milwaukee Journal-Sentinel, El Conquistador Latino Newspaper, the Milwaukee Courier, and LinkedIn. The opening may be posted on specific trade websites or publications, depending on the position.

6. Ms. McNeely asked if diversifying the Commission staff was discussed when hiring the new positions. Mr. Muhs noted that diversity continues to be a major consideration of Commission staff during the hiring process.
7. Ms. Dunbar inquired if there are opportunities for advancement at the Commission. Mr. Muhs responded that the Commission has frequently hired leadership positions from within the organization. He noted that the Commission offers a tuition reimbursement and training program to assist current employees with career advancement.
8. Mr. Martin inquired if the Commission hires summer interns. Mr. Muhs responded that the Commission is considering hiring summer interns, which could include targeting individuals that attend local colleges and universities and/or working with the Milwaukee Metropolitan Sewerage District to find potential candidates.
9. Ms. Schuerman suggested that the Job Center of Wisconsin could be utilized to post open positions and that apprenticeships could help diversify the Commission's workforce.

[Secretary's Note: After the EJTF meeting, Ms. Schuerman emailed Commission staff the contact information for the apprenticeship program and a link to the Job Center of Wisconsin. Mr. Lynde responded that the Commission currently utilizes the Job Center of Wisconsin for job postings and that the Commission does not have many positions that would lend themselves to an apprenticeship program, but that Commission staff will consider it in the future.]

PUBLIC INVOLVEMENT AND OUTREACH UPDATE

Ms. Payne provided an update of recent events attended by Commission staff as listed in the report [here](#). Questions and comments following her update are summarized below.

1. Mr. Nelson indicated he heard positive reports about the event unveiling a mural honoring Black Veterans at the Milwaukee County War Memorial. Ms. Dunbar stated that she was in attendance and concurred that it was a successful event.
2. Mr. Nelson noted that he would share contact information for a representative from the State Department of Veterans Affairs that may be able to provide feedback on updated outreach materials.
3. Ms. McNeely asked if there are plans to participate in the Democratic National Convention and that a booth could present an opportunity to share information about VISION 2050. Mr. Muhs responded that the Commission's work is focused on serving the residents of Southeastern Wisconsin rather than visitors. Mr. Muhs noted, however, that Commission staff is working with the City of Milwaukee on logistics, primarily how to encourage alternative modes of transportation. Mr. Muhs added that Commission staff is open to ideas to engage with residents during the Democratic National Convention.

PRESENTATION AND DISCUSSION OF MATERIALS RELATED TO 2020 REVIEW AND UPDATE OF VISION 2050

Mr. Lynde and Ms. Callin reviewed a PowerPoint presentation (available [here](#)) that summarized public comment received during the first round of public involvement for the 2020 Review and Update of VISION 2050. The presentation also included the review of a draft chapter for the 2020 Update that identified the changes that will be made to VISION 2050 as part of the 2020 Update, including an updated financial analysis for the transportation system recommended in VISION 2050, along with updated equity analyses of potential benefits and impacts to people of color, low-income populations, and people with disabilities. The materials that were reviewed and their locations can be found below.

- Chapter 4: Update of VISION 2050 (available [here](#))
- Appendix D: Equity Analysis of Updated Transportation Component (available [here](#))
- Appendix E: Summary of Public Comments (available [here](#))
- Supplementary material containing all comments received during the first round of public involvement for the 2020 Review and Update (available [here](#))

The presentation generated the following discussion:

1. Ms. McNeely asked for more detail regarding the dockless scooter recommendation and Ms. Dunbar noted that if scooters are not parked in appropriate locations, they may present an obstacle for individuals in wheelchairs. Mr. Lynde responded that the recommendation notes that dockless scooter and bike share programs provide important first-mile/last-mile connections and may extend the reach of transit services. The recommendation also encourages that local governments address safety concerns relating to dockless scooters and bike share by ensuring users obey traffic laws and establish requirements for appropriate parking of scooters in the public right-of-way. Mr. Lynde indicated that the City of Milwaukee is currently developing policies for dockless scooters. Mr. Muhs noted that dockless scooters and bikes can block accessible paths for people with disabilities if not properly used or parked and that Commission staff is providing recommendations related to dockless bike share and scooter implementation for local governments to consider.
2. Regarding updates to the bicycle and pedestrian element, Ms. McNeely asked how it addresses safety and referenced a recent bicycle crash that resulted in a fatality. Mr. Muhs responded that VISION 2050 addresses bicycle safety at intersections where bicycle paths cross roadways and notes that enhanced bicycle facilities, such as protected, buffered, and raised bicycle lanes and separate paths within a road right-of-way, can improve the safety and level of comfort experienced by bicyclists. Ms. McNeely asked how the recommended bicycle facilities serve diverse communities. Mr. Muhs responded that a number of bicycle facilities are recommended within and connecting to communities of color, including, as an example, a recommended off-street bicycle path along a railroad right-of-way in the 30th Street Industrial Corridor between W. Wisconsin Avenue and W. Congress Street in the City of Milwaukee, which will provide substantial access to neighborhoods on the Milwaukee's north side.
3. Regarding updates to the travel demand management element, Mr. Wiggins asked if the recommendation to price personal vehicle travel at its true cost considers air quality impacts. Mr. Muhs responded that the recommendation is targeted at infrastructure costs, such as costs associated with construction, maintenance, and operation of street, highway, and parking

facilities. He noted that Commission staff will consider how externalities, such as air quality, could be considered in the future, recognizing that estimating these types of costs can be complicated.

4. Ms. Dunbar asked if the freight recommendations address safety at railroad crossings, such as the increased use of train horns. Mr. Lynde responded that those living near railroad crossings tend to oppose greater use of horns. Mr. Muhs indicated that VISION 2050 recommends reducing conflicts involving freight trains, including upgrading or closing rail crossings, installing warning devices and/or gates, and consolidating traffic on adjacent roads. Mr. Muhs stated that it is ideal to have grade-separated crossings to reduce potential conflicts, but that improving rail crossing infrastructure can be expensive. Ms. Dunbar noted that there was a recent news report of a fatality in the City of Wauwatosa that indicated the individual may have purposefully stepped in front of the oncoming train. Mr. Muhs responded that it is difficult to know a pedestrian's intent in certain situations. Mr. Nelson requested that Commission staff gather statistics on incidents at railroad crossings and map where they occur.

[Secretary's Note: Commission staff analyzed the pedestrian casualties at public railroad-roadway grade crossings in Southeastern Wisconsin that occurred from January 2000 through June 2020 on the five railroads operating in the Region (see Attachment 1). The analysis shows that from January 2000 through June 2020, a total of 20 pedestrian and bicycle casualties, including 11 fatalities and nine injuries, occurred at public railroad-roadway grade crossings in the Region.]

5. Ms. Dunbar asked if there are restrictions on hours when hazardous materials can travel along rail corridors. Mr. Muhs responded that based on research conducted by Commission staff regarding the transport of oil by rail, there are relatively few options for local governments to limit train travel as railroads have the authority to travel unrestricted.
6. Ms. Richards referenced the risk of environmental catastrophes as a result of ethanol shipments through Port Milwaukee and requested that VISION 2050 include a recommendation for infrastructure improvements to address this risk. Mr. Muhs responded that Commission staff works with Port Milwaukee, which identifies and mitigates the risk associated with hazardous shipments through the Port as normal operating practice. Mr. Muhs also noted that Commission staff will be conducting a study on transportation resiliency to flooding. Ms. Richards suggested that staff consider including a discussion in the study on whether to retreat or rebuild certain infrastructure in areas subject to frequent flooding. Mr. Muhs indicated that due to the high level of economic development along Lake Michigan and its tributary waterways, it would likely be difficult to completely retreat from the area.
7. Ms. Dunbar asked how transit service improvements related to the Foxconn manufacturing campus are included in the 2020 Update. Ms. Callin responded that recommended transit improvements to serve the Foxconn manufacturing campus area were amended into VISION 2050 in December 2018 and are included in the 2020 Update. She noted that they are not included in the Fiscally Constrained Transportation System (FCTS) due to a lack of funding identified for the recommended improvements.

8. Mr. Nelson suggested extending the east-west express bus route in western Kenosha County, which is currently recommended to end in Twin Lakes, to connect to the Lake Geneva Park-Ride Lot and the recommended commuter bus route serving that lot.

[Secretary's Note: As part of the 2020 Review and Update, staff extended the recommended east-west express bus route in western Kenosha County, which was previously recommended to end in Twin Lakes. The extension would operate between Twin Lakes and Genoa City, providing a connection to the recommended commuter bus route along USH 12 that serves the Lake Geneva Park-Ride Lot.]

9. Mr. Maldonado asked what transit services would be impacted by the 35 percent reduction in transit service levels expected under the FCTS. Ms. Callin responded that the transit reductions would likely include less frequent service and fewer hours of service. Mr. Muhs indicated that Commission staff obtained input from transit operators on what types of service reductions would be most likely under the FCTS. As an example, the Milwaukee County Transit System noted that the freeway flyers would likely be the first services cut due to budgetary constraints. Mr. Muhs added that the 35 percent reduction in transit service is based on a financial model of expected revenues and costs that quantifies which portion of the VISION 2050 transportation component can be implemented without an increase in revenues. Ms. Rotker asked if the 35 percent reduction in transit service is measured from current levels. Mr. Muhs confirmed that it is based on the difference between current levels of transit service and added that VISION 2050 recommends more than a 100 percent increase in transit service.
10. Mr. Maldonado asked what percentage of the State's transportation budget is allocated to transit. Mr. Muhs responded that approximately 8 percent of the State's transportation budget is allocated to transit services. Mr. Nelson asked if the additional funding for transit in the 2019-2021 State budget would help close the funding gap. Mr. Muhs responded that although the 2019-2021 State budget increased transportation funding over previous years, the increase is less than the rate of inflation, which has been approximately 2 to 3 percent per year, whereas the funding increase in the 2019-2021 State budget provided an increase of approximately 1 percent per year. Mr. Muhs added that transit operators are also suffering from the 10 percent decrease in transit funding from the budget passed about ten years ago.
11. Mr. Maldonado asked how much additional funding would be needed to fund the transit system recommended in VISION 2050. Mr. Muhs responded that the additional annual funding needed to achieve the public transit system recommended in VISION 2050 is approximately \$250 million, including a mix of local, State, and Federal funding. Mr. Muhs responded that among the options to close the funding gap for transit service are creating local dedicated transit funding and restoring State financial assistance for transit to historical levels of 55 to 65 percent of operating expenses. Both options would require passing State legislation.
12. Ms. Richards noted that she is involved with a group to generate support for regional transit services in less dense areas of the State. Mr. Maldonado asked if there was a lobbying group for public transit operators. Mr. Muhs responded that the Wisconsin Public Transportation Association (WIPTA) represents transit operators in Wisconsin and there are additional statewide transit coalitions such as the WISDOM Transit Task Force and the Wisconsin Public Interest Research Group (WISPIRG).

13. Ms. McNeely asked if increases in reckless driving could be partly the result of decreases in public transit options.

[Secretary's Note: In response to Ms. McNeely's question, Commission staff compared the speed-involved fatalities in the City of Milwaukee to transit service characteristics between 2004 and 2018, including unlinked passenger trips, revenue vehicle-miles, revenue vehicle-hours, and operating costs. Given the complexity related to the available data and the potential contributing factors, it is extremely difficult to determine a direct relationship between declines in transit service availability or ridership and increases in reckless driving fatalities in the City of Milwaukee. There are likely several factors that have caused the recent increases in the number of reckless driving and speed-related traffic fatalities in Milwaukee County and the City of Milwaukee. For example, research has shown that the number of traffic-related fatalities can be affected by changes in economic factors, vehicle fleet age, regulations and enforcement, and roadway design and condition.

These factors were also identified as part of the City of Milwaukee Carjacking and Reckless Driving Task Force, created in April 2019, to investigate the issue of carjacking and reckless driving in the City and make recommendations to reduce the number of carjackings, theft of vehicles, reckless driving incidents and injuries, and mobile drug trafficking. At the March 6, 2020, Carjacking and Reckless Driving Task Force meeting, a list of draft recommendations was reviewed. The list included three main categories of potential solutions, including engineering solutions; accountability and enforcement; and prevention and education. The agenda also included a presentation from the Wisconsin Policy Forum on their report, "Wrong Way: Black Auto Deaths up in Wisconsin," which indicates that a decline in transit ridership is "notable because transit is a safer mode of transportation than automobile travel." The report recognizes the complexity of the problem of motor vehicle fatalities among Wisconsin's black residents. Commission staff agrees that transit provides a safer alternative to driving an automobile based on a much lower incidence of vehicle crashes resulting in injuries and fatalities compared to driving. Additional transit service and frequency would reduce the number of individuals who are driving, thereby reducing exposure to reckless driving incidents.

In addition, Commission staff have responded to concerns regarding reckless driving by including measures in the 2020 Review and Update of VISION 2050 that recommend addressing reckless driving as part of a coordinated effort with State and local transportation departments, law enforcement agencies, and local stakeholders.]

REVIEW AND DISCUSSION OF PRELIMINARY DRAFT OF THE SECOND EDITION OF SEWRPC MEMORANDUM REPORT NO. 221, “A COMPARISON OF THE MILWAUKEE METROPOLITAN AREA TO ITS PEERS”

Due to time constraints, Mr. Muhs requested that EJTF members review the preliminary draft report, which is available [here](#), following the meeting and provide staff with any questions or feedback.

ADDITIONAL PUBLIC COMMENTS

1. Ms. Rotker asked if the EJTF would be interested in a future agenda item to discuss how to tie together topics related to transit access, roadway project funding, and affordable housing. Mr. Muhs indicated that he would be open to having a conversation about what that could include and how to proceed.
2. Mr. Wiggins noted that the joint City of Milwaukee and Milwaukee County Task Force on Climate and Economic Equity is an important initiative and stated that Montre Moore, of the Commission staff, attended their recent meeting.

ANNOUNCEMENTS AND CORRESPONDENCE

Mr. Nelson noted that Ms. Rivera has stepped down from the EJTF and thanked Ms. Rivera for her service on the EJTF. Mr. Nelson added that a replacement will be identified to fill the vacancy.

Mr. Nelson requested that Commission staff consider ways to provide high-level information prior to the meeting so that input from EJTF members can be generated more effectively during meeting. Ms. Dunbar suggested providing an executive summary of the materials in advance of the meeting. Mr. Nelson added the key items requiring EJTF input should be at the top of future agendas to ensure there is adequate time for discussion. Mr. Muhs responded that Commission staff will coordinate with Mr. Nelson to determine how to address his request and will adjust future agendas accordingly.

NEXT MEETING DATES

Mr. Muhs noted that the next meeting date has not yet been set and that Commission staff will contact EJTF members to identify a future meeting date.

ADJOURNMENT

Mr. Nelson asked for a motion to adjourn. Mr. Maldonado moved, and Mr. Martin seconded the motion to adjourn. The motion was approved unanimously and the meeting was adjourned at 6:20 p.m.

Respectfully submitted,

Jennifer B. Sarnecki
Recording Secretary

* * *

SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION

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SEWRPC Staff Memorandum

ANALYSIS OF PEDESTRIAN AND BICYCLIST CASUALTIES AT PUBLIC RAILROAD-ROADWAY GRADE CROSSINGS IN SOUTHEASTERN WISCONSIN: 2000-2020

July 2, 2020

INTRODUCTION

At the request of the Southeastern Wisconsin Regional Planning Commission's Environmental Justice Task Force (EJTF), Commission staff analyzed the pedestrian and bicyclist casualties at public railroad-roadway grade crossings that occurred in the seven-county Southeastern Wisconsin Region from January 2000 through June 2020. Specifically, staff analyzed incidents of trains striking pedestrians and bicyclists at public railroad-roadway grade crossings, including: the locations of the incidents, the grade crossing control and warning devices installed at these locations at the time of the incidents, the speed of the trains at the time of the incidents, the type of pedestrian or bicyclist casualty (injury or fatality)¹, and the pedestrian or bicyclist action during the incident (including suicide).

RAILROADS OPERATING IN SOUTHEASTERN WISCONSIN

- Five railroads currently operate in Southeastern Wisconsin (see Map 1)
 - Canadian National Railroad
 - Canadian Pacific Railroad
 - East Troy Railroad Company
 - Union Pacific Railroad
 - Wisconsin & Southern Railroad






GOVERNMENT AND FREIGHT RAILROAD PUBLIC GRADE CROSSING SAFETY RESPONSIBILITIES

- The Federal Railroad Administration (FRA) provides primary regulatory oversight of the nation's system of railroads, including freight railroads, intercity passenger railroads (e.g., Amtrak), and commuter railroads. The FRA has developed a range of regulations related to railroad safety, including regulations related to railroad-roadway grade crossings and quiet zones.
- The State of Wisconsin's Office of the Commissioner of Railroads (OCR) has a principal focus of monitoring the safety of public railroad crossings in Wisconsin and ensuring that they have the appropriate level of grade crossing traffic control and warning devices.

¹ The Federal Railroad Administration defines "casualty" as a fatality or injury resulting from a train striking a pedestrian.

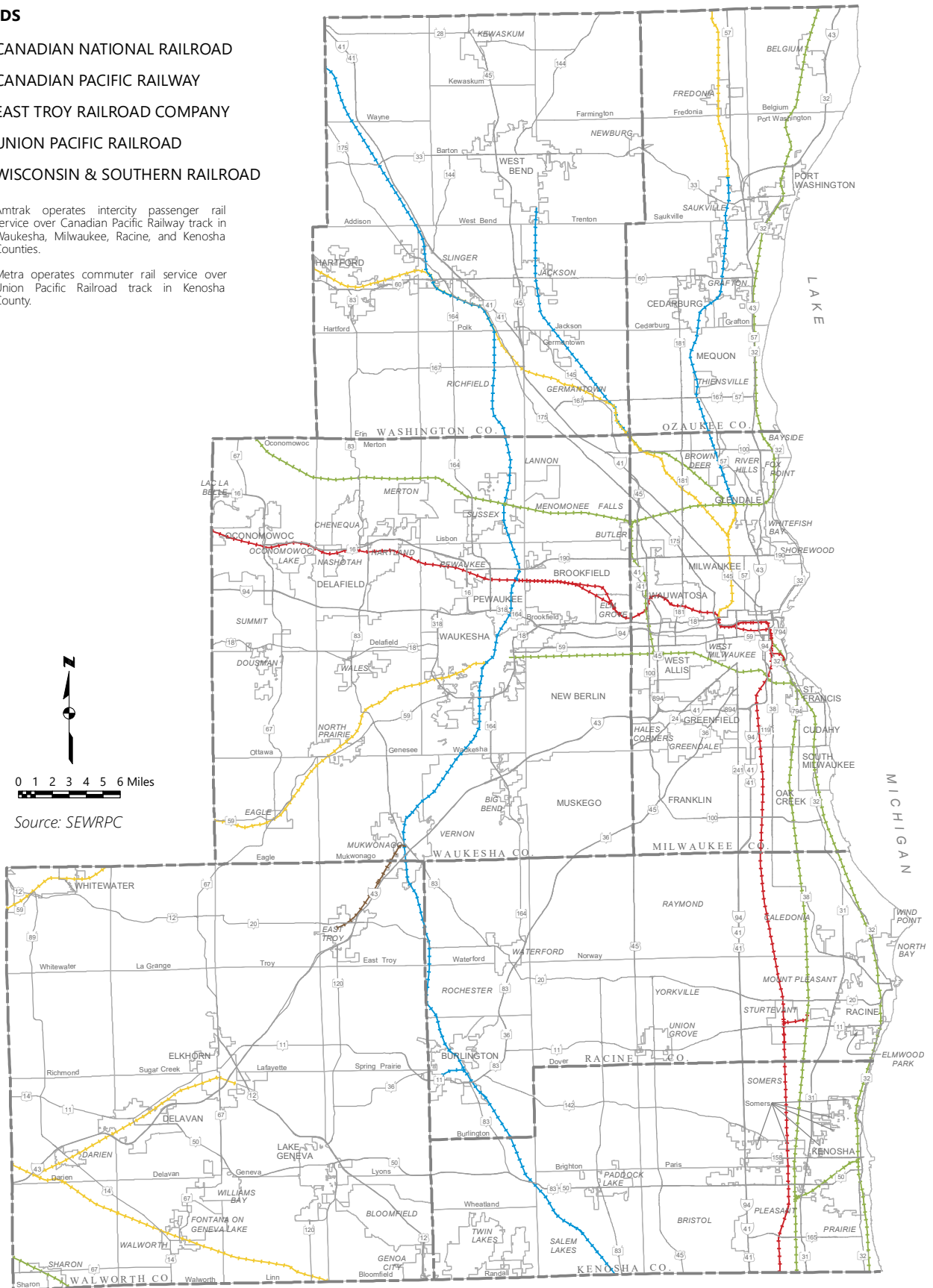
Map 1
Railroads Operating in Southeastern Wisconsin: 2020

RAILROADS

-  CANADIAN NATIONAL RAILROAD
-  CANADIAN PACIFIC RAILWAY
-  EAST TROY RAILROAD COMPANY
-  UNION PACIFIC RAILROAD
-  WISCONSIN & SOUTHERN RAILROAD

Note: Amtrak operates intercity passenger rail service over Canadian Pacific Railway track in Waukesha, Milwaukee, Racine, and Kenosha Counties.

Metra operates commuter rail service over Union Pacific Railroad track in Kenosha County.



Source: SEWRPC

Attachment 1 (continued)

- The Wisconsin Department of Transportation (WisDOT) supports railroad safety by administering grant programs to help improve railroad infrastructure in the State and by providing technical assistance as necessary. WisDOT also administers over 500 miles of State-owned railroad corridors that are leased primarily to the Wisconsin & Southern Railroad (WSOR). In addition, WisDOT is responsible for planning, constructing, and maintaining state highways and any associated traffic control devices—such as traffic signals—that may be coordinated with other public grade crossing protection devices.
- County and local governments are responsible for planning, constructing, and maintaining county highways and local roads and any associated traffic control devices that may be coordinated with other public grade crossing protection devices. County and local governments also provide emergency response services.
- Privately owned railroads are responsible for operating and maintaining public railroad grade crossing infrastructure, including active traffic control and warning devices such as gates, flashing lights, and bells. Railroads also maintain their own emergency response services (including railroad police forces).
- Following any safety-related incidents occurring along a rail corridor, including pedestrian and bicyclist casualties, railroads are responsible for documenting the incidents and submitting incident reports to the FRA.²

QUIET ZONES

- Quiet zones are segments of railroad corridors in which train engineers are prohibited from routinely sounding train horns as a warning prior to traveling through grade crossings within those segments.
- Local governments can request that the FRA establish quiet zones along portions of railroad corridors that travel through their communities.³ The FRA establishes quiet zones only if it determines that sufficient grade crossing traffic control and active warning devices exist along the rail corridor segments.
- In accordance with Federal regulations, train engineers are permitted to sound train horns within quiet zones in emergency situations (e.g., to warn a pedestrian standing on the track) or to comply with other railroad or FRA rules.
- Quiet zones in the Region are currently located in the Villages of Bayside, Elm Grove, Fox Point, Hartland, Mukwonago, Oconomowoc Lake, Pleasant Prairie, Richfield, and Sussex, and in the Cities of Burlington, Mequon, Milwaukee, Oak Creek, Oconomowoc, Waukesha, Wauwatosa, and West Allis.

PEDESTRIAN AND BICYCLIST CASUALTIES AT PUBLIC RAILROAD-ROADWAY CROSSINGS BETWEEN 2000 AND 2020

- From January 2000 through June 2020, a total of 20 pedestrian and bicyclist casualties, including 11 fatalities and nine injuries, occurred at public railroad-roadway grade crossings in the Region (see Tables 1 and 2 and Maps 2, 3, and 4).
- The largest concentration of casualties occurred in the City of Waukesha, which had three fatalities and five injuries, including three casualties occurring at two pedestrian crossings (Cutler Street and Carroll Street).
- The second largest concentration of casualties occurred in the City of Wauwatosa, which had four fatalities and one injury at the grade crossings located at N. 68th, 70th, and 72nd Streets.

² 49 CFR Part 225, Railroad Accidents/Incidents, Reports Classification, and Investigations.

³ 49 CFR Parts 222 and 229, Use of Locomotive Horns at Highway-Rail Grade Crossings.

Table 1
Pedestrian and Bicyclist Casualties at Public Railroad-Roadway Grade Crossings in Southeastern Wisconsin: 2000-2020

No. ^a	Year ^b	County	Community	Grade Crossing Location		Grade Crossing Control/Warning Devices ^c			Train Speed (MPH)	Casualty Type	Pedestrian/Bicyclist Action
				Roadway	Railroad	Passive Traffic Control	Active Traffic Control	Active Warning Devices			
1	2001	Milwaukee	City of West Allis	71st Street	Union Pacific Railroad	Crossbuck signs	Gates	Flashing lights and bell	15	Fatality	--
2	2005	Waukesha	Village of Pewaukee	Oakton Avenue	Canadian Pacific Railway	--	Gates	Flashing lights and bell	40	Injury	Other ^d
3	2005	Waukesha	Village of Pewaukee	W. Wisconsin Avenue	Canadian Pacific Railway	--	Gates	Flashing lights and bell	40	Fatality	Other ^e
4	2007	Kenosha	City of Kenosha	56th Street	Union Pacific Railroad	Crossbuck signs	--	--	8	Injury	--
5	2007	Kenosha	Village of Salem Lakes	272nd Avenue	Canadian National Railroad	--	Gates	Flashing lights and bell	46	Injury	Stopped on crossing ^f
6	2011	Waukesha	City of Waukesha	Cutler Street ^g	Canadian National Railroad	Crossbuck signs	--	Flashing lights	35	Injury	Did not stop ^h
7	2011	Waukesha	City of Waukesha	Barstow Street	Canadian National Railroad	Crossbuck signs	Gates	Flashing lights and bell	32	Injury	Went around the gate ⁱ
8	2012	Milwaukee	City of Wauwatosa	N. 68th Street	Canadian Pacific Railway	--	Gates and traffic lights	Flashing lights and bell	35	Fatality	Other ^j
9	2013	Waukesha	City of Waukesha	Arcadian Avenue	Canadian National Railroad	Crossbuck signs	Gates	Flashing lights and bell	33	Injury	Went around the gate ^k
10	2013	Waukesha	City of Waukesha	Whiterock Avenue	Canadian National Railroad	Crossbuck signs	Gates	Flashing lights and bell	34	Injury	Went around the gate ^k
11	2013	Waukesha	Town of Waukesha	Lawnsdale Road (CTH I)	Canadian National Railroad	Crossbuck signs	Gates	Flashing lights and bell	41	Fatality	Suicide/Attempted Suicide ^l
12	2014	Waukesha	City of Oconomowoc	S. Main Street	Canadian Pacific Railway	--	Gates	Flashing lights and bell	50	Fatality	Went around the gate ^m
13	2014	Milwaukee	City of Wauwatosa	N. 68th Street	Canadian Pacific Railway	Crossbuck signs	Gates and traffic lights	Flashing lights and bell	35	Fatality	Other ⁿ
14	2016	Waukesha	City of Waukesha	Carroll Street ^g	Canadian National Railroad	Crossbuck signs	--	Flashing lights	31	Injury	Stopped on crossing ^o
15	2018	Waukesha	City of Waukesha	Carroll Street ^g	Canadian National Railroad	Crossbuck signs	--	Flashing lights and bell	32	Fatality	Did not stop ^p
16	2019	Waukesha	City of Waukesha	N. Grand Avenue	Wisconsin & Southern Railroad	Crossbuck signs	Gates	Flashing lights and bell	34	Fatality	Went around the gate ^l
17	2020	Milwaukee	City of Wauwatosa	N. 72nd Street	Canadian Pacific Railway	Crossbuck signs	Gates and traffic lights	Flashing lights and bell	-- ^q	Fatality ^q	Suicide/Attempted Suicide ^q
18	2020	Milwaukee	City of Wauwatosa	N. 70th Street	Canadian Pacific Railway	Crossbuck signs	Gates and traffic lights	Flashing lights and bell	-- ^q	Fatality ^q	Suicide/Attempted Suicide ^q
19	2020	Milwaukee	City of Wauwatosa	N. 70th Street	Canadian Pacific Railway	Crossbuck signs	Gates and traffic lights	Flashing lights and bell	-- ^r	Injury ^r	-- ^r
20	2020	Waukesha	City of Waukesha	N. Grand Avenue	Canadian National Railroad	Crossbuck signs	Gates	Flashing lights and bell	-- ^s	Fatality ^s	-- ^s

Note: Prior to May 2011, railroads were not required to report a pedestrian casualty to the FRA if the railroad determined the individual had intended to commit suicide. This table does not include such incidents.

^a See Maps 2, 3, and 4.

^b Data from January 2000 through June 2020. No pedestrian or bicyclist casualties occurred in Southeastern Wisconsin in 2000, 2002, 2003, 2004, 2006, 2008, 2009, 2010, 2015, and 2017.

Table continued on next page.

Table 1 (Continued)

- ^c Traffic control and warning devices that were installed at the crossing at the time the casualty occurred.
- ^d Railroad reported that an elderly pedestrian crossed the track, became confused, turned around, and was struck by the train.
- ^e Railroad reported that a pedestrian walked in front of the train while attempting to secure his dog. Train applied its emergency brakes.
- ^f Railroad reported that two intoxicated pedestrians walked past activated control/warning devices. One of the pedestrians stopped on the tracks, waved, and was struck by the train.
- ^g Pedestrian crossing.
- ^h Railroad reported that a pedestrian attempted to cross the tracks in front of the train and was struck by the locomotive.
- ⁱ Railroad reported that a teenage bicyclist crossed the tracks in front of the train and was struck by the locomotive.
- ^j Railroad reported that a pedestrian wearing a hood and headphones walked past the activated control/warning devices and was struck by the train. The train sounded its horn and applied its emergency brakes.
- ^k Railroad reported that a pedestrian walked past the activated control/warning devices and was struck by the train.
- ^l Railroad reported that a pedestrian walked past the activated control/warning devices and stopped in the crossing in front of the train.
- ^m Railroad reported that a pedestrian walked past the activated control/warning devices and was struck by the train. The train sounded its horn.
- ⁿ Railroad reported that a pedestrian walked past the activated control/warning devices and was struck by the train. The train sounded its horn and applied its emergency brakes.
- ^o Railroad reported that a pedestrian was standing in the pedestrian crossing while the control/warning devices were active and was struck by the train.
- ^p Railroad reported that an elderly pedestrian walking a dog walked past the activated control/warning devices and was struck by the train.
- ^q FRA incident reports not yet available. Preliminary news report indicated that the pedestrian committed suicide.
- ^r FRA incident report not yet available. Preliminary news reports indicated that a 13-year old bicyclist proceeded across the tracks after an east-bound train passed the crossing and was struck by a west-bound train.
- ^s FRA incident report not yet available. Preliminary news reports indicated that the railroad reported striking a pedestrian at 3:00 a.m.

Source: FRA and SEWRPC

Attachment 1 (continued)

Table 2
Total Pedestrian and Bicyclist Casualties at Public Railroad-Roadway Crossings
in Southeastern Wisconsin by County and Municipality: 2000-2020

County	Community	Casualties ^a		
		Injuries	Fatalities	Total
Kenosha	City of Kenosha	1	0	1
	Village of Salem Lakes	1	0	1
Milwaukee	City of Wauwatosa	1	4	5
	City of West Allis	0	1	1
Ozaukee	--	--	--	--
Racine	--	--	--	--
Walworth	--	--	--	--
Washington	--	--	--	--
Waukesha	City of Oconomowoc	0	1	1
	Village of Pewaukee	1	1	2
	City of Waukesha	5	3	8
	Town of Waukesha	0	1	1
	Region	9	11	20

Note: Prior to May 2011, railroads were not required to report a pedestrian casualty to the FRA if the railroad determined the individual had intended to commit suicide. This table does not include such incidents.

^a Data from January 2000 through June 2020.

Source: FRA and SEWRPC

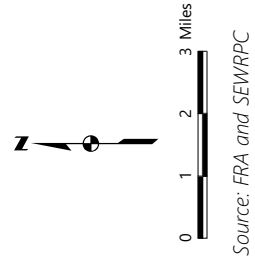
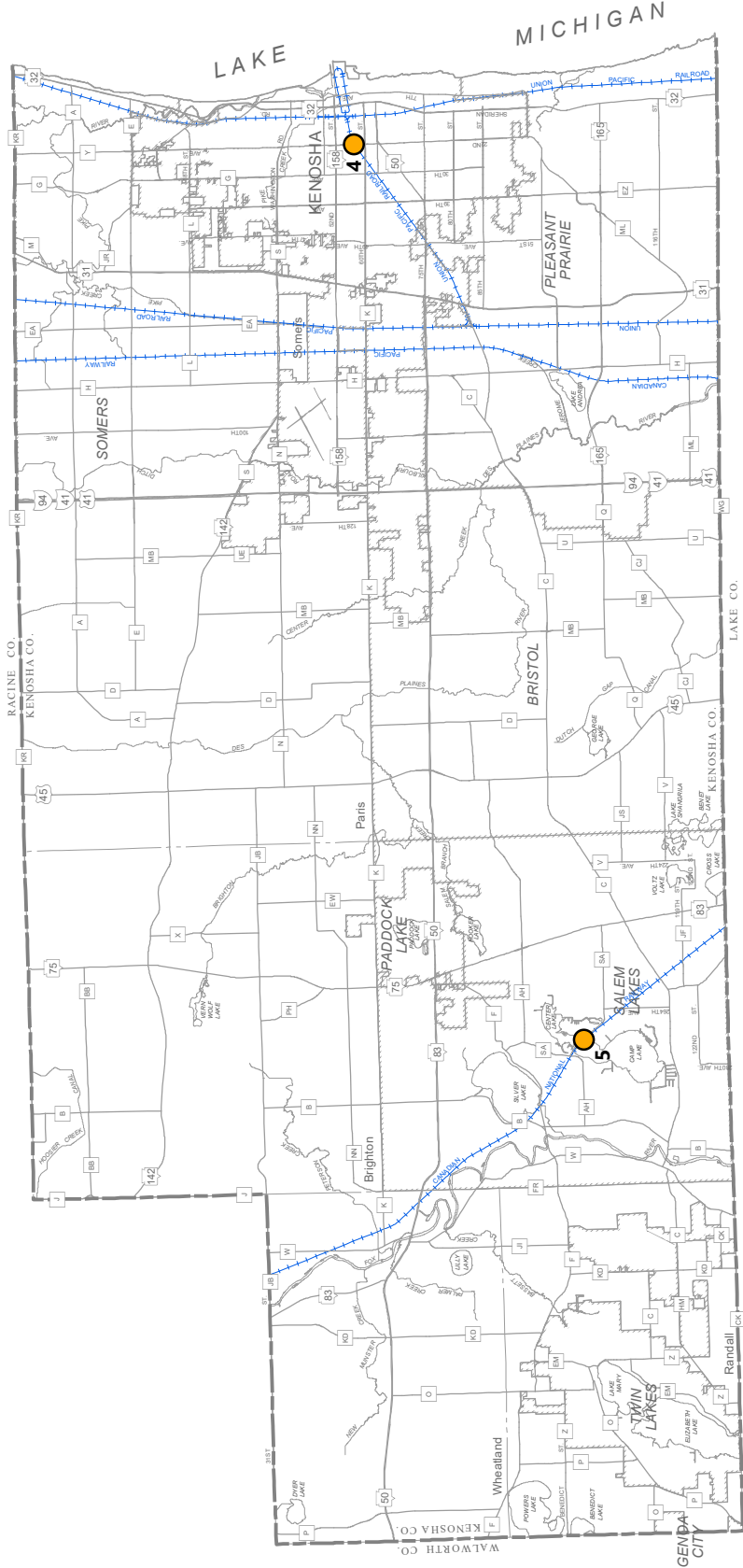
- No casualties occurred in the City of Milwaukee, likely due to the large number of grade-separated crossings⁴ within the City.
- Nearly all casualties occurred at crossings with active traffic control and warning devices, including gates, flashing lights, and bells.
- 11 casualties involved trains traveling at speeds less than 40 mph and four additional casualties also likely involved trains traveling at speeds less than 40 mph.⁵
- Reported pedestrian and bicyclist casualties involved:
 - Three pedestrians who were aged 65 years old and older
 - One pedestrian who was attempting to secure a loose dog
 - One intoxicated pedestrian
 - Three teenagers—one who was wearing headphones and two who were riding bicycles
 - Three individuals who likely committed suicide⁶

⁴ A grade-separated crossing consists of a railroad bridge over a roadway or a roadway bridge over a railroad.

⁵ Incident reports for the four casualties that have occurred to date in 2020 are not yet available. Casualties at or near these crossings in previous years involved trains traveling less than 40 mph.

⁶ Prior to May 2011, railroads were not required to report a pedestrian casualty to the FRA if the railroad determined the individual had intended to commit suicide. Since June 2011, railroads have been required to report suicides and attempted suicides. Railroads typically submit incident reports to the FRA prior to local coroners making an official cause of death determination. As such, a railroad's initial determination that a fatal incident was an accident or a suicide may not initially match the subsequent local coroner's cause of death determination. In these cases, the railroads are directed to amend their initial reports.

**Map 2
Pedestrian and Bicyclist Casualties at Public Railroad-Roadway Crossings in Kenosha County: 2000-2020**



PEDESTRIAN AND BICYCLIST CASUALTIES

RAILROAD

FATALITY

INJURY

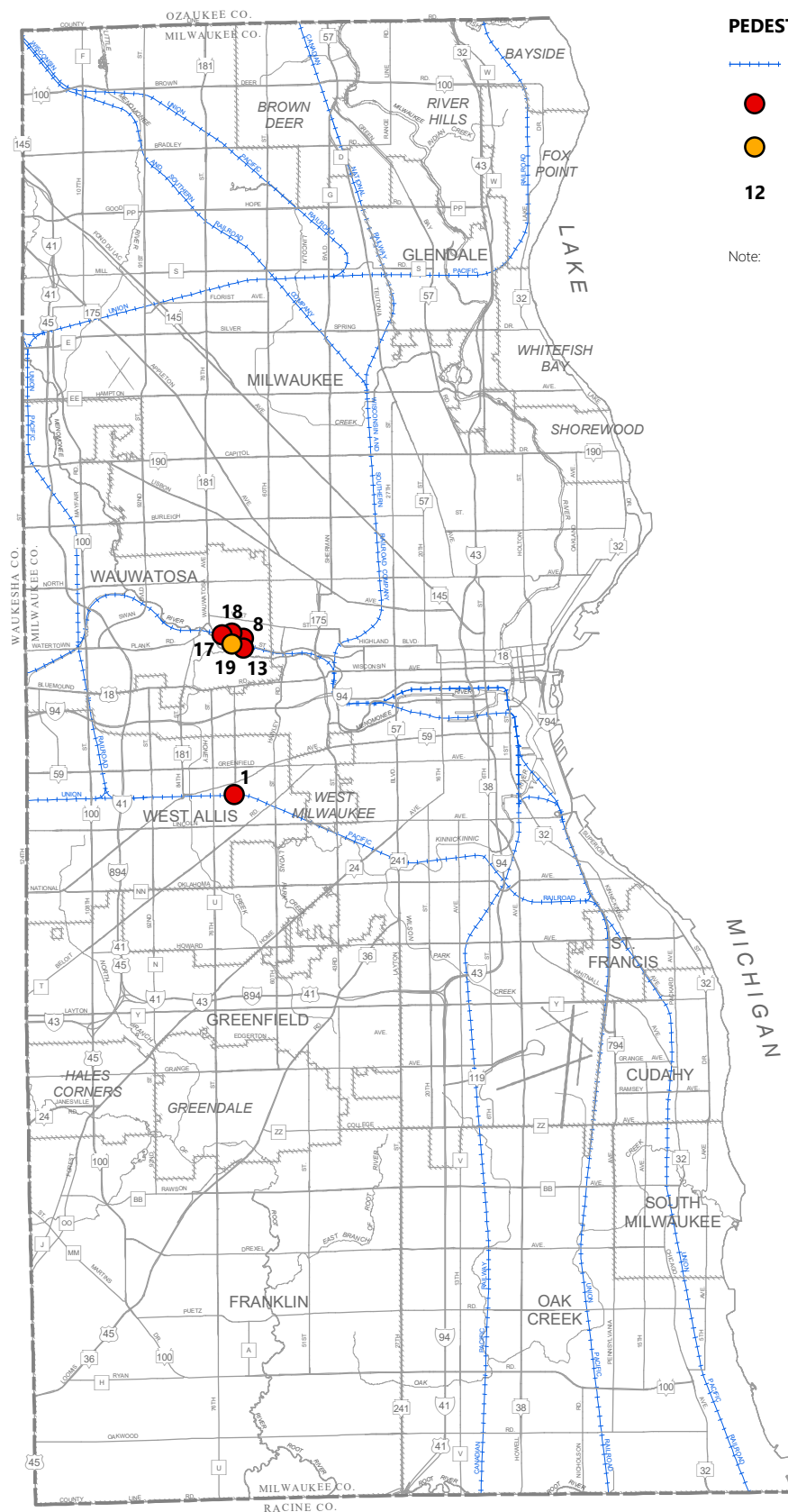
12
REFERENCE NUMBER
(SEE TABLE 1)

Note: Casualty refers to a fatality or injury resulting from a train striking a pedestrian or bicyclist.

Casualty data are from January 2000 through June 2020. Prior to May 2011, railroads were not required to report a casualty to the FRA if the railroad determined the individual had intended to commit suicide. This map does not show such incidents.

Map 3

Pedestrian and Bicyclist Casualties at Public Railroad-Roadway Crossings in Milwaukee County: 2000-2020



PEDESTRIAN AND BICYCLIST CASUALTIES

—+—+—+ RAILROAD

● FATALITY

● INJURY

12 REFERENCE NUMBER
(SEE TABLE 1)

Note: Casualty refers to a fatality or injury resulting from a train striking a pedestrian or bicyclist.

Casualty data are from January 2000 through June 2020. Prior to May 2011, railroads were not required to report a casualty to the FRA if the railroad determined the individual had intended to commit suicide. This map does not show such incidents.

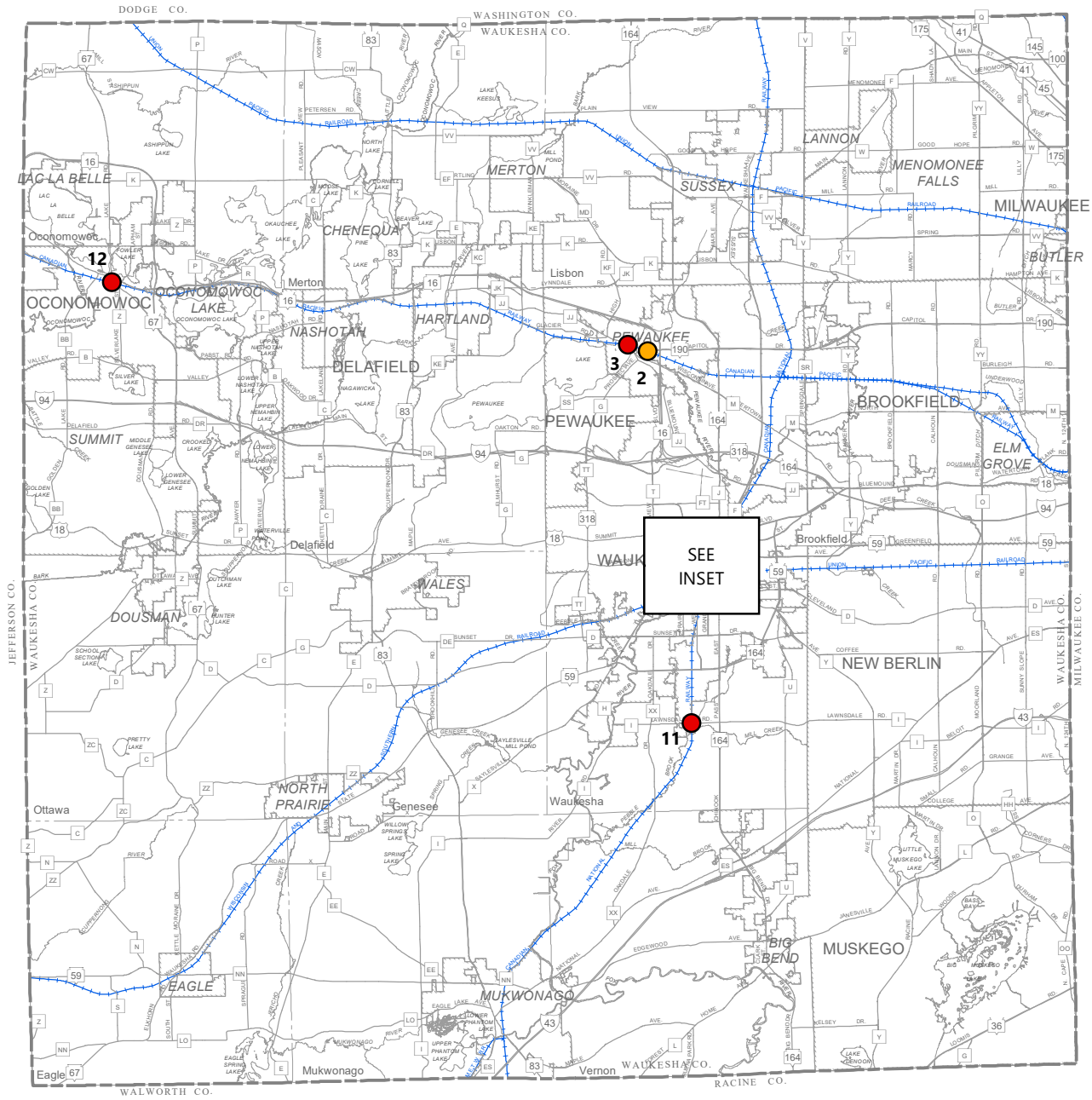


0 1 2 3 Miles

Source: FRA and SEWRPC

Map 4

Pedestrian and Bicyclist Casualties at Public Railroad-Roadway Crossings in Waukesha County: 2000-2020



PEDESTRIAN AND BICYCLIST CASUALTIES

++++ RAILROAD

● FATALITY

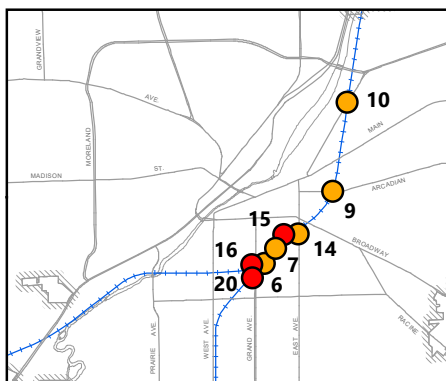
● INJURY

12 REFERENCE NUMBER (SEE TABLE 1)

Note: Casualty refers to a fatality or injury resulting from a train striking a pedestrian or bicyclist.

Casualty data are from January 2000 through June 2020. Prior to May 2011, railroads were not required to report a casualty to the FRA if the railroad determined the individual had intended to commit suicide. This map does not show such incidents.

INSET



0 1 2 3 Miles

Source: FRA and SEWRPC