RECORD OF PUBLIC COMMENTS

PLANNING CERTIFICATION REVIEW OF THE SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION: 2012
INTRODUCTION

This document presents the public comment received by the U.S. Department of Transportation Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) regarding the transportation system planning and programming being conducted by the Southeastern Wisconsin Regional Planning Commission during a formal public comment period of June 12, 2012, through July 16, 2012, and made at a public meeting held on June 26, 2012. The public meeting and comment period was conducted as part of a federally required quadrennial certification review conducted by FHWA and FTA of the metropolitan planning and programming process carried out by the commission.

The document presents in the following exhibits:

- The transcript of oral comments given at a public meeting held June 26, 2012 (Exhibit A).
- Written comments received from June 12, 2012, through July 16, 2012 (Exhibit B).
Exhibit A

TRANSCRIPT OF PUBLIC MEETING
HELD JUNE 26, 2012, AT THE DOWNTOWN TRANSIT CENTER
IN MILWAUKEE, WISCONSIN
Appendix A-1

ORAL COMMENTS DURING PUBLIC MEETING JUNE 26, 2012

BROWN & JONES REPORTING, INC.

PUBLIC COMMENTS ON
REGIONAL TRANSPORTATION SYSTEM PLANNING IN
SOUTHEASTERN WISCONSIN

Public comments taken before
NATIONAL CONFERENCE, Registered Professional Reporter and
Notary Public in and for the State of Wisconsin, at Tommy
G. Thompson Youth Center, 560 South 84th Street, West
Allis, Wisconsin, on June 26, 2012, commencing at
5:44 p.m. and concluding at 6:57 p.m.

CERTIFIED TRANSCRIPT

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SEWRPC, 06/26/2012

APPEARANCES CONT'D

Dennis Greenleaf
1560 North Park Avenue, #202
Milwaukee, Wisconsin 53202

Samuel Jensen
805 East Loomis Street, #3
Milwaukee, Wisconsin 53212

Mary Mackin
2536 South 2nd Street
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SEWRPC, 06/26/2012

APPEARANCES

Speaker: Jennifer Epps
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1632 North 10th Street
Milwaukee, Wisconsin 53205

Ruben Hopkins
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Milwaukee, Wisconsin 53208

Paul Trotter
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Milwaukee, Wisconsin 53206

Kurt Schneider
600 East Mason Street
Milwaukee, Wisconsin 53202


TRANSCRIPT OF PROCEEDINGS

COMMISSION STAFF MEMBER: Okay. No. 1.

JENNIFER EPPS: Good evening, everybody.

17:45

My name is Jennifer Epps, Addisons. I am the
Economic Program Director for Citizen Action
of Wisconsin. Thank you for hosting this meeting.

My comments relate, really, to a couple of
things. First of all, I think it's important
for the federal administration to know that the
structure of SEWRPC, in and of itself, I believe,
is very anti-democratic. So Milwaukee represents
the greatest portion of folks affected, it is the
largest and densest urban area in the state. It
has, really, as a city, no representation on
SEWRPC, and as a county, it has an equal share of
representation with the other counties involved. I
believe a remedy for this, if we were to recertify
SEWRPC, would be to have proportional
representation so that we recognize the vastly
different needs that dense urban areas have in
transportation.

The second issue, I think, that's really
important is, we have opportunities to use highway
funding, which primarily benefits white folks, to
be honest, right? We have the opportunity to use that funding through flexible funding to really invest in transit, and this is not something that’s being discussed within communities of color. We seriously have a transit issue in the City of Milwaukee. There is a spatial gap between where job opportunities exist and where folks of color live, primarily. And we need to begin to address that. And one of the ways that we can begin addressing that is by diverting some of the federal highway funds to flexible funding systems that invest in public transportation and transit.

There’s also an extreme need to more deeply involve communities of color within the planning of the region. We’ve been in our state and in our counties, our seven surrounding counties, plan over access to affordable housing, access to jobs, and really an unwillingness to allow transit to connect folks in Milwaukee to the job opportunities that exist outside the city.

We really need to have a regional planning council that addresses that issue, whether that be through a specific plan that specifically talks about Milwaukee, the City of Milwaukee, and

dedicated.

I guess, lastly, what I will say is that over the last year, we’ve seen our transit budget decreased in Milwaukee County. Well, not just the last year, but over the last eight years, we’ve seen our transit budget decreased in Milwaukee County. I live on the far northwest side of the city, and for me, to get to even a job in the central City of Milwaukee, it would take me well over 45 minutes, just to get a job in the actual City of Milwaukee, even though I live there. And if I were to go all the way to try to find a job where most of the folks in our community have skills, like out to Grafton, like out to Waukesha County, it would be nearly impossible for me to get there in less than several hours, and in some cases, without walking an extreme amount of time.

So those are the issues that I see as really important that I hope are addressed before we move forward, because I think regional planning cannot happen without taking into consideration the largest urban area in the state. Thank you.

COMMISSION STAFF MEMBER: Thank you.

Michael Wilder.

how we’re going to address the transit needs of the City of Milwaukee, which is vastly different than the surrounding counties, or through some sort of shared sacrifice where we begin to bring folks who do not live in the city to the understanding that the success of our region is really dependent on addressing the more than 56 percent of African American men who are sitting in jail in our city.

And I can tell you as a person who goes door-to-door on almost a daily basis talking to people who are looking for work, that one of the biggest issues that they tell me with regards to why they’re having trouble accessing employment is transit. I know you’re going to hear from a lot of people who are going to talk about sort of the barriers to driving in our city. Whether it be getting a driver’s license, paying fines and fees and those types of things, but what I can tell you is that we have -- we are one of the only major cities in the country that does not have a dedicated transit fund. I think SEWRPC really needs to be pushing the fact that we need dedicated transit funding, that we need to invest in ways to connect people to work, and that those sort of corrective actions should be taken if this body is

MICHAEL WILDER: Good afternoon. My name is Michael Wilder, and I am the African American Round Table director for Wisconsin Voices. The African American Round Table is a coalition of African American-run or African American-lead organizations that serve the African American community. The majority of them are in Milwaukee, but we also have -- we have organizations that are in Racine and Kenosha and Beloit, and other communities that have sizable African American populations.

I want to bring up two quick points. The first point I want to bring up is the fact that I think that meetings like this should be a little bit more publicized. I just heard about this meeting recently, and I think that it would be nice to have the community’s input on what’s going on here, and I think that the community needs to be a little bit more notified of these types of meetings. I think that will serve the interest of the community.

And secondly, I just want to use an example of some of the work that we did during the recall election. We do 501(c)(3) nonprofit civic engagement work, and one of the things that we were
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1. Able to find out is that a lot of the Africans
2. Americans in Milwaukee lack photo identification to
3. vote. Well, if you lack a photo identification to
4. vote, chances are you probably lack a driver's
5. license, and chances are you probably don't drive,
6. and chances are you're probably going to be
7. dependent on public transportation. So that is
8. something that we need to consider when we're
9. considering the plan moving forward with
10. transportation in this area, is that a lot of these
11. people in the African American community do not
12. have the transportation that they think they have.
13. and a lot of the skills that they have are working
14. in jobs that are surrounding the African -- or
15. surrounding the Milwaukee community, not in the
16. Milwaukee community.
17. A lot of these jobs have moved from the
18. city to the suburbs; so we need to find a way to
19. make it so that they can get to these jobs, and I
20. think that the fact that Milwaukee is not
21. represented proportionately is a concern of mine and
22. a concern of many in our community. Thank you.
23. COMMISSION STAFF MEMBER: Peter Slaby,
24. PETER SLABY: Okay. My name is Peter I.
25. Slaby, S-L-A-B-Y. I live here in Milwaukee, a

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1. SEWRPC with the Wisconsin DOT, but I'm happy you've
2. come to Milwaukee to do a little auditing and take
3. a -- I hope you take a good, good, good look.
4. Because currently, I am more concerned now than
5. ever with the current administration in power here
6. in Wisconsin. But public transit is critical. We
7. have to get folks moving about and across
8. Wisconsin, all the little towns. How do we move
9. people and people for crying out loud?
10. And lastly, I'll try to wrap up here a
11. little bit. Keep in mind the 800,000 pound
12. elephant, which is already in the tent. It's
13. called climate change. Now, for those who say --
14. all the naysayers, I would want our federal folks
15. and our state SEWRPC and the Wisconsin DOT folks,
16. when they come across those who are
17. opposing systems that have to work for me public.
18. keep in mind there's a concept called "willful
19. blindness." It is a legal term that some people
20. have been convicted of willful blindness when they
21. were in a position to know and they did nothing.
22. But too many -- a good portion of our American
23. society is guilty of the malady; a human malady of
24. willful ignorance and willful blindness.
25. Anybody wondering, hey, what am I talking

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1. Wisconsinite for my lifetime and currently living
2. down in Bay View. You're looking -- this panel of
3. people in this room, you can look and gaze your
4. eyes on a living, breathing member of the public
5. transit riding community. I ride buses primarily
6. because I've always been riding public transit for
7. most of my life with other modes, but right now,
8. from last year, I have no car.
9. I've logged in 75 years. I live in elder
10. housing. I am permanently low income. Read the
11. words of the first speaker, Jennifer Eggs, and the
12. fellow that came behind -- after her. The concerns
13. of public access. For me, as a retired "seasoned"
14. citizen, I don't have to worry so much because I
15. can get around, and I'm pretty close in town, near
16. some good bus routes. The bus routes we still have
17. functioning.
18. But there in the outlying areas, it's
19. difficult for the folks who have to get to a job
20. for crying out loud. It is pathetic. So I
21. currently am endeavors with the, say, the last
22. 30 years of Wisconsin administration, the
23. Department of Transportation here in Wisconsin.
24. For all I know, maybe SEWRPC. I don't know, because
25. I'm not privy to understand the relationships of

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1. about? Well, you've got to go to a search engine
2. and just type in "willful blindness," and "ham,"
3. there's a whole ton of stuff. But don't be
4. bamboozled by the naysayers. You've got to hang
5. tough. Whether it's Washington or here in
6. Wisconsin, across this nation. But we transit
7. riders, we need systems that work for the long
8. haul, and for our ensuing generations of people.
9. That's all I got to say for now.
10. COMMISSION STAFF MEMBER: Nick DeMarsh.
11. NICK DEMARSH: I'm a Milwaukee Transit
12. Riders Union member. And --
13. COMMISSION STAFF MEMBER: Excuse me, sir.
14. NICK DEMARSH: Yes?
15. COMMISSION STAFF MEMBER: Identify
16. yourself, please.
17. NICK DEMARSH: Yes. My name is Nick
18. DeMarsh. Like I said, Milwaukee Transit Riders
19. union member. So I'd like to reiterate what has
20. been said and go further to point out the legacy of
21. segregated housing in the city that's left us with
22. what is actually the most segregated city in the
23. country. And as a result of that, we have
24. primarily white people living on the periphery
25. of the city, as well as jobs on the periphery of the
city. So as a result of our planning priorities, we have, actually, a classist and racist planning process in Milwaukee, and I believe that's really bad. But also, transportation is a critical issue. So in Milwaukee, particularly, if not solely. So we would encourage SEWRPC to locate an office downtown or close by. And that's pretty much all I have.

Oh, and of course I'd like to encourage the entire process to be democratic in proportional representation on the SEWRPC planning committee so we could resolve some of these issues through a democratic process. Thank you.

COMMISSION STAFF MEMBER: No. 5. Rock

ROCK JACKSON: Hello. My name is Rock Jackson. I'm a youth leader at the Pathfinder Drop-In Center on 4208 North Holton, and we have a

problem down there where last year, our bus -- or Route 11 had got cut, and that left a lot of our youth members to walk a block and a half to get to the center when, usually, the bus would run right in front of it. And in fact, that's the city. I've noticed that the buses have been cut a lot. There's been -- it's actually kind of like it's segregating people from the ghetto to getting out to the suburbs for jobs, and I feel that's against human rights. And I think that whoever did the planning for the last four years doesn't need to be planning for the next four years. That's all I get to say. Thanks.

COMMISSION STAFF MEMBER: No. 6. Jim Carpenter.

JIM CARPENTER: Good afternoon. My name is Jim Carpenter. I'm a member of the Milwaukee Area Transit Riders Union. I'm also an instructor at MATC in economics. There's a crisis on the planet. We're depleting our natural resources. We have climate change. As you may know, there was a recent conference in Brazil about this issue. Ban Ki-moon, the secretary general of the UN said that, "The nations of the world are in a mutual suicide pact." That's pretty strong language. Either he's

way off base or it's true. And I think it's true because of this issue of denial that has already been brought up.

So the planet is in a crisis, including Milwaukee County. We have an unbalanced transportation system in the United States, which is leading to car addiction, burning too much oil, which is causing carbon dioxide increases in the atmosphere, which is causing climate change. And our sprawling highway networks are encouraging this car addiction.

Now, the SEWRPC, to its credit, and I've been following SEWRPC for a number of years. Its credit, has offered transportation improvement plans that include both transit and highway.

Unfortunately, because of the political leanings only the highway projects have been implemented, and the transit has gone downhill in a steep spiral.

One of the reasons that has already been mentioned is that we do not have any dedicated source of local funding. And to its credit, SEWRPC has warned the community that without this dedicated source for funding for transit, transit will continue to go in a downward spiral.

And so it's a political failure: not so
that form of governance. We are also the No. 1 most racially segregated region for African Americans in the United States, and we're not doing well for Latinos either. And SEWRPC knows that. It's doing a heck of a study that has shown this. There is a lot of data, and SEWRPC is well aware that transit access is a racial justice issue as well. And SEWRPC's plans have said this.

So we have these great plans that say yes, we're going to have transit, but they're not implemented. There absolutely needs to be more effort by SEWRPC, by the governance, and by SEWRPC staff to figure out ways to implement it. I note that, again, the TIP certification process field handbook revised November 17th, 2009, page 103, talks about the TIP process, the Transportation Improvement Program, the planning process, being supported by a comprehensive and inclusive public involvement effort that complies with Title 6 and the executive order in environmental justice. This might be demonstrated in numerous ways, including an indication of public and state call to input to TIP development methods. Not just a committee, even if it's a committee that includes some representatives of the City of Milwaukee, but not just a committee of elected officials that meet in a room and decide how it's going to be done. SEWRPC has, to my knowledge, I've been to 90-some odd percent of the Environmental Justice Task Force meetings. I don't think SEWRPC has ever talked about some of the TIP development, for example, that -- with the Environmental Justice Task Force, such as prioritizing projects in ways that help communities of color who need transit, and maybe disadvantaged communities, or take projects off the table for communities that don't provide affordable housing or transit, including using the authority to select road projects or not select road projects. Just because that hasn't been done in 35 years, doesn't mean it can't be done now.

Similarly, we need to find ways to maximize the amount of flexible funding, to use it for transit, for capital improvements, for whatever maintenance it can be used for. But this is also an open discussion that needs to happen with the community. And unfortunately, when these kinds of issues are brought up, such as TIP prioritization or flexible funding, a lot of the responses from SEWRPC has been, well, we haven't done it that way...
before. We've done it this other way.

Well, this other way -- 35 years ago.

Milwaukee was not the most racially segregated
city in the United States, and it is now. It
wasn't working, and we need a change, and we need
to help make sure there is that change from
SEWRPC, if they're going to be certified as a
planning commission, or otherwise find some
enforceable mechanisms to make sure that they
fairly represent all the people in the community,
and not just the suburban community.

COMMISSION STAFF MEMBER: Joyce
Ellwanger.

JOYCE ELLWANGER: That's a hard act to
follow. I'm Joyce Ellwanger and I'm with Mican. I
will be presenting some written statements, so I'll
just have a brief statement as the chair of the
Mican Transportation Work Group. There's several
things that concern us about SEWRPC, and the first
one I will illustrate, and for the second one, I
have a story.

The Haitians have a proverb that says,

"No one listens to the cry of the poor or to the
sound of a wooden bell." Because of the way SEWRPC
is structured, those of us who live where I live,

in the central part of the City of Milwaukee in the
central minority community, resonate to this proverb.

We have a wooden bell voice on the SEWRPC table.

It's not strong enough to be heard or listened to,
and that really needs to change.

My second concern is how transportation
dollars are allocated and spent. While many states
are facing the same problems in providing public
transit, they're leveraging STP dollars into
transit pots to fill vital services in their
cities. Wisconsin lags far behind in taking
advantage of this opportunity to leverage dollars
into transit. Instead we build more roads.

I want to tell you the story of Dave Mold
(pheticism) to illustrate why this is important to
Milwaukee and to me. I met David when he was
incarcerated at the Walworth County Center, a
previous prison here in Milwaukee. He was part of
a group my husband picks up each Sunday to worship
with us at Bethel Lutheran Church. The work
coordinator at the center helps inmates about to be
released to find jobs as part of a successful
transition back into the community.

David was transported to and from his job
in Menomonee Falls by the Institution van, but when

he was released, he lost his job because there was
no bus transportation to the factory where he
worked. Several other inmates also worked there,
and they will face the same fate on their release.
I was concerned, and I spoke to the work
coordinator about this placement and jobs that
defend the purpose of successful reentry for these
people. He said the competition for jobs in
Milwaukee and along public transportation routes is
so fierce, he can't find jobs for the ones he is
placing. It's not just prisoners in our community
who face this hurdle. It's thousands of unemployed
workers in Milwaukee. We have a crisis of
unemployment in our city, and the lack of transit
to get to where jobs are available is the key
factor in this crisis.

Both of these illustrations point to the
need to make some changes on the SEWRPC board
and how funds are leveraged fairly in southeast
Wisconsin. I'm not satisfied to be a wooden bell
with no real voice. I'm not satisfied to see
thousands of unemployed people eager to work,
able to get to where the jobs are due to lack of
public transit to get there. You can do
better. We can do better. SEWRPC can do better.

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414-224-9533
down to you. We'll continue to give it to the people that have it, and they have plans for you.

Well, I have -- I'm not concerned about transportation. I want to see the economic development take place in the City of Milwaukee. I want to see some of the $13 costs in taxes that we pay in gas. I want to see some of the construction and that economic development come back to the City of Milwaukee so that we can create businesses in the city so that people can either walk to work or take the bus locally to work. Because there are thousands of men and women of all ages that are waiting to go back to work, yet they're waiting for some fantasy and illusion to take place where you're going to connect the thousands of jobs that are outside of the county with the thousands of people that are sitting in the City of Milwaukee.

We happen to think that -- we happen to think that if you use a system where if your business is located in Milwaukee, you should have some priority where contracting is concerned. If you're within the county, you should have some priority where contracting is concerned. When you have systems like that, then what you begin to have is the economic development occurring where the money is.

Currently, we see about 60 percent of the contracts in the City of Milwaukee contract and leave the city. We're seeing about the same amount leave the county. So the rest of us are fighting over the 20 percent that's left in contracting, and then we look at the contracting, and the city has said, through their own disparity studies, that their systems are unfair.

So how SEWPC fits into all of this, we will soon find out as we do our research. But we are -- we want to make sure that those of you that are required to hold them accountable, that when we ask you to come in and take a look at the processes that they've been using, that you will be an honest broker and come in and hold these accountable for what they are doing, as well as what they're not doing because the city cannot continue the way that it is now.

It took me -- it took you 90 minutes by bus: it took me a half an hour by car, and I'm off of 31st and Highland, and so it took me a while to get here as well. So I think that he's about ready to hold the sign up on me: so I appreciate your time. Thank you.
not being a target. Anyways, if you Google
transit," you get no results because there is no
transit to these jobs, such as Cooper Industries or
GE or Quad Graphics. There isn't. You can't get
there.

Now, obtaining a car is very, very
expensive. I can't imagine someone who doesn't
have a job right now trying to get a car. We all
know insurance is very expensive. We all know
maintenance of cars is very expensive. I'll keep
going here. I also -- you know, so we talked about
the inability to get to the jobs, good paying jobs
outside the city. So there is no escape.

Now, I also want to talk about the
representation on SEWRPC's board. The affirmative
action report that just came out has some serious
problems with the priorities for their
board. I almost did. I almost did. Now,
the whole idea for SEWRPC is to have, to rebuild,
pave, rebuild, all the time. Their whole thing is
to expand the freeways. I mean, no, that doesn't
work. It just doesn't work. Thank you very much.

COMMISSION STAFF MEMBER: Kori Schneider
KORI SCHNEIDER: Hi. I'm Kori Schneider
from Metropolitan Milwaukee Fair Housing

Council. We're a civil rights for housing
enforcement, a nonprofit organization that serves
the four counties, four counties of the seven
counties in southeastern Wisconsin. And today
marks my third time testifying at a recertification
hearing. Each time, my remarks center on the lack
of regional equity in southeastern Wisconsin and
the rule that SEWRPC does or can play in that
issue.

The comments so far from the community
have articulated these issues much better than I
can, but I'm just going to reiterate. First and
foremost, SEWRPC's governance, I realize this is
part of the state statute, not something that
there's a lot of control of, but SEWRPC governance,
I think, dictates all the other problems that
follow.

And just one example. With a fair
representation proportional governance system, the 3
commissioners that Ozaukee County has would be
countered with 30 from the city of -- from
Milwaukee County. So if we look at that
proportionally, we see that things are really out
of whack.

Secondly, and these things all fall under
"could be changed" or would be more likely to be
changed, with a change in governance structure.
SEWRPC's lack of City of Milwaukee presence, as was
mentioned before. It would be nice to have an
office here. It would be nice to have increased
outreach here. There have been some improvements
over time, but we'd like to see some more.

In addition, SEWRPC should set
priorities for county and local road projects that
emphasize civil rights and environmental justice
criteria. The TIP, as was explained by a number of
people already, could have these kind of criteria
in there, and we would like to see that change made.
And SEWRPC should use more federal highway funds to
expand transit through that flexible funding option
that they have.

I think in addition to these issues,
it's important to acknowledge the progress that
SEWRPC has made over the last eight years or so.
First of all, they did develop the Environmental
Justice Task Force. While the effectiveness of
this body is not without its challenges, the
potential to make sure that environmental justice
is incorporated into SEWRPC's plans and policies is
definitely there.

The Regional Housing Study: I'm a member
of the Regional Housing Study advisory committee,
and for years was also a vocal proponent to make
sure that study got updated from the 1975
housing plan. I think that their planning team is
doing an excellent job so far. I think it's going
to come down to the implementation. And again,
that could be tied back into how those priorities
and that TIP get set. You could base it on housing
or jobs/housing imbalance.

And also, a long time Milwaukee community
development professional was hired to do outreach
in order to better engage low income and
communities of color. That was an excellent step.
and we've seen that all in the last four, maybe
eight years since the last recertification. So
while some may find that this recertification
process is difficult, I credit this tension. I
credit this forum with this community to speak and
be able to push -- continue to push SEWRPC to make
this progress. Without the tension and this
pressure from the community, I don't think that we
would have seen those improvements. The
Environmental Justice Task Force, the housing
study, the hiring of that particular outreach
it moved its office from the heart of the City of Milwaukee out to what, at that time, was basically a cornfield outside of Racine.

They have a wonderful office there. It's great. I can get there in my car. But if you don't have your own personal car, you can't get there. That is not right. We're all still waiting for the grand opening of that office in the City of Milwaukee. And I don't know how long we'll have to wait. But the question is, who benefits and who's harmed by these disparities between -- disparity between the facilities, the ever-growing facilities provided for essentially those who are well off and white versus the declining, deteriorating public transit systems that serve all of us, but are really essential and used primarily by those who are darker and less well off than I am.

The question of that disparity is not simply and only a moral and ethical problem and incredible social problem. It's also a legal problem. It calls into question whether Wisconsin Department Of Transportation, SEMPRC, and even the Federal Highway Administration are complying with their obligations and duties under Title 6 of the

Civil Rights Act. I don't believe -- and I've got about a sentence more. I don't believe you can adequately do your job of evaluating the

recertification of our regional NDP without addressing the question of that disparity growing and increasing and how it relates to all of those agencies obligations under the civil rights laws.

Thank you.

COMMISSION STAFF MEMBER: Samuel Jensen.

SAMUEL JENSEN: My name is Samuel Jensen. I'm an organizer with the Milwaukee Transit Riders Union, and I'm here to present the statement that we've come up with as a group regarding SEMPRC's recertification.

The Milwaukee Transit Riders Union urges the U.S. Department Of Transportation not to recertify the Southeastern Wisconsin Regional Planning Commission until the commission commits to making a number of improvements in its operations, especially with regards to Title 6, civil rights compliance. As an organization made up of and representing bus riders in Milwaukee, Milwaukee Transit Riders Union understands that good regional planning is imperative in ensuring civil rights, economic justice and a clean environment in our
region. We do not, however, believe that SEWRPC is conducting sound transportation, housing, land use, and environmental planning in our region. We believe SEWRPC is planning for sprawl, racial segregation and a lack of access to jobs.

Due to a lack of regional cooperation and funding for public transit, Milwaukee County and the region have cut hundreds of thousands of hours of bus service since the year 2000. This has made over 40,000 jobs inaccessible by bus in this period. These cuts in service hours have left many transit-dependent people stranded and hurt the economic environmental sustainability of our region, and they've occurred at the same time that we've invested billions in highway expansions.

These cuts in service have also disproportionately affected low-income people and people of color, who are likely to have access to other means of transportation. The Milwaukee Transit Riders Union demands that SEWRPC commit to the following three things before we can support its recertification:

- First, we demand that SEWRPC flex the federal highway funds of metro Milwaukee to the greatest extent possible towards funding, which would expand transit service and take civil rights issues into account when planning road construction. Second, we demand that SEWRPC work to remedy the underrepresentation of Milwaukee County, the City of Milwaukee, and low-income minority populations on its board and committees. And thirdly, we demand that SEWRPC finally do as it's been saying and move its offices to a central location within the City of Milwaukee, which is accessible by public transportation. Thank you.

COMMISSION STAFF MEMBER: Mary MacAdam.

MARY MACADAM: Hi, my name is Mary MacAdam. I'm not representing anyone but myself, and I'm just here to tell you of my own experience.

I've lived in Milwaukee for 40 years. When I moved here, Milwaukee had, like, the best bus system I ever saw. My friends from New York City said it was outclassing theirs. It's gone downhill every single year. It's just been -- okay, it's money, whatever. It's really falling apart.

Where we are now is a really serious -- I work, currently, for a temporary agency. Because I have a car, I can get to work anywhere they want to send me. If I didn't have a car, I'd be turning down half, 50 percent of the jobs they're offering me because I can't get to them. I used to work, for many years, at a company up in Waukesha Falls. There's no bus service anywhere near it. We used to -- I know the years that I worked there, there were three different people at various times that would take the bus to 124th and Capitol, which is the county line, and walk close to two miles to get to work, and their start time was 7 in the morning.

Now, I'm saying that's an extraordinary measure that I don't think anybody should be put into the condition of having to do to get to work, and anyone who's not willing or able to do that shouldn't be in the position of saying they don't want work. I mean, it's just ridiculous.

And it's not just a matter of can they get to a job. Where I used to live, there was no grocery store in the neighborhood. You had to take the bus to 124th Street to Pick 'n Save and bring your grocery bags on the bus. You want to go to the laundromat, you've got to get to take a bus. They cut bus services. You're affecting how they can get their food, how they can do their laundry, not just how they can go to work. It's affecting every aspect of their lives because there simply isn't convenient transportation.
variety of people with disabilities, and there is a
high need for affordable housing, high unemployment
and transportation is very critical for the people
that we serve. We see these as the top three
issues that have gotten continually worse over the
years. And I have heard stories from many people
here this evening; so I won't reiterate some of
these things.

But on a personal note, I moved here from
Illinois about 12 years ago, and one of the things
that really surprised me was so much of the
negative bias against the City of Milwaukee within
the region. And unfortunately, the political
structure of SEWRPC really reports to that part of
the area. It also reaffirmed that area, and seems
to trickle down to a lot of the projects, therefore
affecting some of the funding.

For example, I saw, recently, two or
three years ago, that KRP, the train system from
the Kenosha/Racine/Milwaukee had been cut, and we
have seen a lot of transit cuts as well, not only in the City of Milwaukee, but also in other communities nearby. But at the same time that
these things are happening, we see people talking
about expanding 94 and making it go farther than

what it already is, and we just expanded 84. So it
just seems ridiculous how some of this money is
being spent while other cuts are happening.

I am also serving on the Environmental
Justice Task Force. And I'm on the regional
housing study advisory board, representing
Independence First, and I have had many
opportunities to communicate with SEWRPC staff, and
they have been very responsive in the past, and
they are always wonderful to answer any questions
or concerns I have. One of the frustrating things
is that I often want to challenge them so that they
are not only advisory, and they often say that they are.
And it may or may not be true, but that
doesn't mean that they have to help the
communities to not follow their own plans.

SEWRPC does believe in a collaborative
process within all of the communities that they
serve within the planning process, and we need to
see more of that. But they sometimes forget that
collaboration is a two-way street, and SEWRPC has a
lot more power and clout than they realize, and
they can use that to help guide some of the
activities within the community, particularly in
some of the other areas and provide more public
service options. Thank you for listening.

COMMISSION STAFF MEMBER: JIM ROWAN.

JIM ROWAN: Good evening, my name is Jim
Rowan. I live at 3107 North Kackett Avenue in
Milwaukee, and I'm representing myself tonight. I
wasn't even planning on speaking. As you can see,
I'm not particularly dressed for success tonight,
and I usually do my talking on a blog or two that
I'm sure is frequently read by SEWRPC.

I'd like to ask the evaluators here, how
many of you were here for the 2008 session? Were
any of you here? Okay. I was at the 2008 session
and I was at the 2004 session, and I have to say,
whereas I appreciate these meetings, there's a
certain 'Groundhog Day' feeling about them. That
if you were to look at the transcript, as I
remember seeing them unfold, and I think I read the
2008 transcript or the postings, but you'll see
that the same issues are being raised over and over
again. The same complaints, the same observations
about the lack of transit, the lack of justice, the
lack of a really activist SEWRPC.

And I'm wondering if the same thing is
going to happen when this report comes out in six
months or a year, whether we're going to see
those findings or the observations that were
brought to the panel, and see that we're just
repeating the same dynamic. And I would ask you,
as the evaluators, because you're the ones who have
some authority here, why does this happen? Why is
there so little progress, at least observed by the
people who come to testify, that they would bring
the same stories, probably slightly different
iterations or variations, but why are the issues
still the same?

I would say that -- I would argue that
the reason is not simply laid at the doorstep of
SEWRPC. Some of this responsibility has to fall to
the evaluators, to the agencies that have authority
over SEWRPC. To tell SEWRPC, you or it, the
agencies want to see something different.

In the last meeting, there was -- in the
2008 meeting, there was discussion -- or following
the meeting, there was discussion from SEWRPC that
there was going to be this downtown office that you
purchased. And if I'm not mistaken, and I could be
wrong about this, it was sort of a condition of the
recertification in 2005 and 2009. It's 2012,
halfway through the year. There's no downtown
office. There's some discussion about that office
being in the city and county municipal complex
downtown.
I used to work in the City Hall. You
could fire a cannon across some of those hallways and
not hit anybody now because the offices are
depleted - the staff is depleted in those offices.
There's space available. There's simply no will on
the part of SEMPC to implement its promise, and I
don't see that the evaluators are necessarily using
all of their authority to bring this about.
I want to say just one more thing.
SEMPC will often say we're just an advisory
agency. We don't have any authority to actually do
anything or recommend anything. Big picture:
That's simply not the case. When the freeway
expansion plan was drafted by SEMPC, it wrote a
ticker signed by the chairman of the commission to
the Governor urging the Governor to fund the
highway expansion plans.
So SEMPC, when it wants to, can take an
advocacy and an activist role, and I would like to
see a lot more of that, and I'd like to see your
courage to SEMPC to carry that role forward
in the community. Thank you.

COMMISSION STAFF MEMBER: Is there

anybody who didn't call on that submitted a forum?
(Discussion off the record.)

JOHN POSSELL: Hi. My name is John
Possell. I work for Milwaukee Career Cooperative.
We are part of the Milwaukee Area Job Core.
Collaborative. We take people to work every day.
We span counties. We take people to and from work
within a 45-mile radius from the City of Milwaukee,
and one of the things I want to say is, transit is a
system, okay? And to the extent, in terms of
making things happen, transit needs to be regional,
but it also needs to be a system that reaches from
the trains to the buses to the rapid, all the way
down to the blue paths, including our kind of a
service, which actually takes people to the
employer. Getting them within two or three miles,
that works wonderful, maybe this time of the year if
you like to get your exercise. It does not work
well in this climate in other times during the
year.
What is it you can do at the federal
level? You can use the funding criteria for
projects that have a regional and a system that
planning -- integrated planning process that keeps
getting referred to is actually given criteria

poets and funding projects that can change that.
The same thing is true of transit projects. SEMPC
does an excellent job of providing the necessary
information to make decisions. A lot of what
people are frustrated with here in the decision
makers that are funding SEMPC are making those
decisions based upon money, okay? And again, the
to buses stop, by and large, at the county lines.

We have a business group here called M7,
which is promoting regionalization of employment.
Here again, that only works if you have a regional
transit authority because every study that SEMPC
does will show that, as you've heard, the vast
majority of the unemployed people are located in
the City of Milwaukee.

If you look at the little dots on the
maps, where are the jobs. By and large, they're
within the 45-mile radius that surrounds the
metropolitan area that we go to every day. We
cross two or three county lines every day going to
one particular employer. We're an employer-driven
program.
The plan calls for moving all these
companies back into the central cities, or the
metropolitan areas. Well, I think that's a

twonderful concept. In reality, it's very
difficult. Partially because of the metropolitan
areas. Well, the metropolitan areas say they want
jobs, they're trying this, they're doing that. To
try to set up things in a metropolitan area for
businesses becomes more and more challenging in
terms of going through the committees and the city
to get permits and other kinds of things that are
out there.
The other things to look at in all of
this relates back to the jobs and training sites.
Training sites are also important transit options
for people because what you're hearing is there's a
mismatch in skills. There are jobs available, but
the people who have available for those jobs
don't have the skills. So that has to be part of
that integrated system. And my focus is on jobs.
Okay? And so I'll leave all of the other social
justice issues -- which are very valid. I'm not
challenging them, saying they're not valid, but
other people have articulated those much better
than I have. Thank you very much.

ALAN FREED: Thank you for having this
session. My name is Alan Freed. I'm an attorney
with Disability Rights Wisconsin, Milwaukee office.
We also have an office in Madison. I just -- I won't repeat everything else that most of the folks today have said. I do believe that, you're a captive audience for those who do set the agenda. And as an advocate for people with disabilities, I can't tell you the number of times that I get calls from folks who, but for want of transportation, would have a job that would allow them to, perhaps, get off of benefits, become taxpayers, access education, improve their lot in life, and all that is dependent on a vibrant and healthy transportation network.

Stepping away from people with disabilities and the importance of public transit for accessing jobs, several people brought up the environmental costs of focusing on road development and being dependent on a car-focused economy, and I would remind folks that all it takes is one crisis in the Middle East, one more war about oil, and you won't see gas prices at $4 a gallon, which is about where they have been here for the last few years; you'll see gas prices approaching $10 a gallon or $12 a gallon. And if that happens, and I wouldn't even say "if," I would say when that happens, even the middle class will be holding SEMPRC and the state accountable for why so many dollars were spent on roads, and so few dollars have been spent on developing a sustainable transportation network that can serve everyone in the event of disasters like that. So thank you for your time.

COMMISSION STAFF MEMBER: Nick Deforsch.

NICK DEFORSCH: Thank you for letting me speak again. Nick Deforsch. I'm a transit rider -- member of the Milwaukee Transit Riders Union. Sorry, you guys caught me off guard. I didn't realize I'd be speaking so early. I guess that was

So I just wanted to provide an anecdotal story. I commute up to the suburbs and get off the freeway at Kequon Road, Highway 32, also known as Port Washington Road. That's been repaved or widened three times in the past 15 years. So it just shows the kind of direction that our planning is going; where our resources are going.

And so the flexible funding should obviously be prioritized because that's a lot of the poor planning that's resulted in this having to be paved over and over again. That money could be going to help pay for transit. And so I think that's what SEMPRC should be keeping in mind. That's what you guys should be encouraging them to keep in mind when they say, oh, we can't force communities what to do because the money goes down the hole when the planning is not going in the right direction because things have to happen over and over again. So it's really SEMPRC's responsibility to make sure that our taxpayer money is spent wisely the first time so it doesn't have to happen over and over again.

Milwaukee's got a lot of potholes, and we're on a 15-year paving cycle. So 15 years, 150, that seems like a large disparity that would really help cars, transit, bikes, walkers, pedestrians all that, depending on decent roads. And so it's just not right that there's such a strong disparity. So I would encourage that roads get fixed prior to roads being widened. That's another point I wanted to make.

And just a quote that I liked when I was subbing for a teacher here in the schools. She had it right by the door so that when the students left, they could keep it in mind. And that is, "Poor planning on your part does not constitute an emergency on my part." So I think -- I think that SEMPRC should keep that in mind, and thanks for your time.
COMMISSION STAFF MEMBER: Thank you, everyone, for your comments. ALEXIS KUBELSKI: If there's no other comments, we thank you all for coming. We appreciate your time and we will be considering this as we put together the final report. Thank you.

(Proceedings concluded at 6:37 p.m.)

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414-224-9533

STATES OF WISCONSIN
COUNTY OF MILWAUKEE

I, BRENNOE F. MASON, Registered Professional Reporter and Notary Public in and for the State of Wisconsin, do hereby certify that the above public comments were recorded by me on June 26, 2012, and reduced to writing under my personal direction. I further certify that I am not a relative or employee of attorney or counsel of any of the parties, or a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

In witness whereof I have hereunto set my hand and affixed my seal of office at Milwaukee, Wisconsin, this 2nd day of July, 2012.

My Commission Expires: June 02, 2013.

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414-224-9533
Appendix A-2

ORAL COMMENTS GIVEN PRIVATELY DURING PUBLIC MEETING JUNE 26, 2012

BROWN & JONES REPORTING, INC.

PUBLIC COMMENTS IN RE:
2012 FEDERAL PLANNING CERTIFICATION REVIEW OF THE REGIONAL TRANSPORTATION PLANNING PROCESS CONDUCTED IN SOUTHEASTERN WISCONSIN

PUBLIC COMMENTS taken before ANDREA REICHEL, a Registered Professional Reporter and Notary Public in and for the State of Wisconsin, at Tommy G Thompson Youth Center, State Fair Park, 840 South 84th Street, Milwaukee, Wisconsin, on June 26, 2012, commencing at 5:00 p.m. and concluding at 7:30 p.m.

1

TRANSCRIPT OF PROCEEDINGS

1. MR. TOM RAVE: I'm Tom Rave, that's R.A.V.E. Executive Director of The Gateway to Milwaukee, and the "the" is capitalized; 861 West Layton Avenue, Milwaukee 53214, and email address is TRAVEL@GATEWAYMILWAUKEE.COM.

2. We are working on a regional economic development concept called Aeropolis, with a capital A, Milwaukee. SDMPC plays a key role in this effort, and we have a good working relationship with them. SEMPRC is good at preparing plans, using the data available, but it is not a strategic planning organization.

3. In listening to the comments at today's session, it appears that many people don't fully understand the role of SEMPRC and other participants in the world of transportation and transit. So a suggestion is for SEMPRC to have a public relations in education effort so that people would more understand what its role is and help educate people to talk to the appropriate decision-makers about situations that are causing shortages, particularly transit.

4. The other comment that I have is that SEMPRC is in a position, with the way it is structured, to call for a bigger organization -- a bigger regional organization, that it would be in position to make decisions and execute strategies on a broader basis for the benefit of the whole region versus the silo-like approach that's currently in place in the area.

5. MS. JACKIE IVY: My name is Jackie Ivy. I am the chair of the NAACP Transportation Committee.

6. We, the members of the Milwaukee Branch NAACP Transportation Committee, agree that Milwaukee streets and highways need repairs. We also strongly agree that Milwaukee's public transit riders need also should be a priority.

7. Often Milwaukee public transit riders, who are mostly people of color, wait long hours for public transit service. While waiting, they watch street construction repair. To us, something is wrong with that picture.

8. Also, it's a shame that Milwaukee Public transit riders' connection to outlying counties in the city where family-supporting wage jobs and affordable housing opportunities are inaccessible due to Milwaukee County transit service cuts.

9. The bottom line is who cares about
Milwaukee's public transit riders who, in large numbers, are people of color. Who cares if Milwaukee public transit riders are boxed in the city without expendable public transit services?

If SEWRPC cares, we would like to see SEWRPC address the above concerns by establishing a transparent presence here in the City of Milwaukee. By doing so, the conversation and the connection begins to better address environmental justice and civil rights issues that plague our city. And if the federal government cares about civil rights laws, they should ensure that these demands are met before we certify SEWRPC. Thank you.

I, ANDREA REICHEL, a Registered Professional Reporter and Notary Public in and for the State of Wisconsin, do hereby certify that the above statements on the record was made by me on June 26, 2012, and reduced to writing under my personal direction.

I further certify that I am not a relative or employee or attorney or counsel of any of the parties, or a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

In witness whereof I have hereunder set my hand and affixed my seal of office at Milwaukee, Wisconsin, this 2nd day of July, 2012.

Notary Public
In and for the State of Wisconsin

Exhibit B

July 10, 2012

Planning Certification Review
Federal Highway Administration
525 Junction Rd., Suite 5000
Madison, WI 53717
Re: SEWRPC

To whom it may concern:

I would like to take a moment to comment on some critical issues as related to the certification review of the Southeastern Wisconsin Regional Planning Commission (SEWRPC).

Volunteers of America Wisconsin is a national, nonprofit organization which provides housing and intensive residential care services for frail elderly and disabled individuals in Southeastern Wisconsin. Our homes operate and employ staff 24 hours per day, 365 days per year. In the southeastern Wisconsin region, we have homes in Kenosha, Milwaukee, and Waukesha counties.

Since taking on the leadership of this organization 10 years ago, we have seen an increasing number of employees who simply cannot get to work in a reasonable period of time as a result of inadequate public transportation. In some instances, a 3-hour one-way bus ride is incurred as a result of the current bus schedules connecting Milwaukee and Waukesha Counties. Few employees can access their workplaces by transit at all. Diminished hours of service on evenings and weekends further compounds this problem.

Most of our employees live in Milwaukee, because housing costs in counties such as Waukesha are simply too high for them. Most are also women of color. Many live in or near, poverty level and must rely on several jobs to make ends meet. Additionally, many of our employees do not have reliable vehicles, making reliance on public transportation necessary rather than a choice. And if our employees cannot get to work, this hurts not only them but also the frail and disabled clients they serve.

It is my understanding that federal transportation legislation allows for the use of certain federal-aid highway programs and federal transit program funds for other highway or transit projects. These “flexible” funds are an important resource for communities such as ours. It is also my understanding that other communities use scoring systems that give some preference or priority in choosing projects that benefit minority communities. While SEWRPC makes recommendations about transportation, land use and natural resource issues and sets priorities for federal funding of projects is it not adequately addressing the concerns of minority and low-income residents. Adequate, basic transportation and affordable housing are critical.

I strongly urge you to seriously consider the impact on minority and low-income residents who already must work, who want to work, but cannot access many employers such as ours without the housing and transportation so desperately needed.

Thank you for your time and consideration of this most critical issue which will have long-lasting consequences for so many Wisconsin residents.

Sincerely,

Volunteers of America Wisconsin, Inc.
Kulinski, Alexis (PHWA)

From: Kulinski, Alexis (PHWA) on behalf of FoH-AM, Videocon (FoH-AM)
Sent: Thursday, July 12, 2012 3:13 PM
To: Kulinski, Alexis (PHWA)
Cc: FoH-AM, Videocon (FoH-AM)
Subject: PHWA Planning Certification Review

Planning Committee Members.

The meeting is a follow-up to my attendance at the recent public session held at the Fennimore Township Building June 25th. I live in the town of Waukesha a few miles outside of Milwaukee. I decided that the proper way for me to attend the meeting was to ride there on my bicycle. I rode the Fennimore Trail on the south edge of Waukesha to get to the Glencoe Trail in Waukesha. From there, I rode the New Berlin trail to the Carlsbad Trail and completed my ride on the Hank Aaron Trail. I was impressed to see how well the trails were used and how well the trailheads were organized. The trails are an excellent resource for families. It is a great form of exercise because it is easy, accessible and something families can do together. I, as a society, need to prevent obesity and reduce healthcare costs, this is a great opportunity. I realize that I take money off my bike trails. The paycheck comes with the improvements in physical and family health. Based on my riding experiences using trails in the Waukesha, Waukesha and Madison areas, I am satisfied if you lead build 7 that they would be used by residents of the area.

Thank you,

Alexis Stumpf
3200770160 Rive Dr
Waukesha, Wisconsin

---

Kulinski, Alexis (PHWA)

From: Kulinski, Alexis (PHWA) on behalf of FoH-AM, Videocon (FoH-AM)
Sent: Tuesday, July 17, 2012 7:38 AM
To: Kulinski, Alexis (PHWA)
Cc: FoH-AM, Videocon (FoH-AM)
Subject: PHWA Planning Certification Review

Thank you for submitting your comments.

Doremity, Theodore

Walnut Way Committee

Planning Certification Review

Federal Highway Administration
324 Junction Rd, Suite 8000
Madison, WI 53708
848-234-7065

To whom it may concern:

Walnut Way Committee

(312) 876-3260

Subject: Walnut Way Committee

From: Donald V. DeRiggi (18th Assembly District State Capitol, Room 402B Madison, WI 53707

July 10, 2012

Planning Certification Review

Federal Highway Administration
324 Junction Rd, Suite 8000
Madison, WI 53708

walnutway@dot.wi.gov

To Whom It May Concern:

I write to briefly express my observations on the condition of the Southeastern Wisconsin Regional Planning Commission’s (SWRPC) regional transportation planning process. I speak on behalf of constituents in Waukesha County who wish to address residents from the City of Milwaukee—people whose jobs, education, and life are deeply affected. I hope that my comments will be useful to SWRPC as they undertake an important policy process to establish a vision for the transportation planning.

The relationship between the Regional Transportation Commission (RTA) and the Southeast Regional Planning Commission (SWRPC) is unique. The RTA’s transportation and transit services are an important aspect of the regional transportation planning process. However, the SWRPC’s planning process, which is focused on regional transportation planning, is an important aspect of the regional transportation planning process. This relationship highlights the need for a comprehensive approach to regional transportation planning.

I urge the Walnut Way Committee to consider the following recommendations for the Walnut Way Committee:

1. Implement a comprehensive approach to regional transportation planning.
2. Ensure that regional transportation planning aligns with the goals and priorities of the Walnut Way Committee.
3. Consider the impacts of transportation planning on the community and residents of the affected areas.

Thank you for your consideration.

Donald V. DeRiggi
Kulakowski, Alexis (FHWA)

From: Alexis Kulakowski (FHWA) on behalf of FHWA, Wisconsin (FHWA)
Sent: Monday, July 16, 12:11 PM
To: Kulakowski, Alexis (FHWA)
Cc: wi@fhwa.dot.gov; Brett, Wisconsin (FHWA); Cel, Hamer, Cecilia DST (FHWA); Magee, Ted (FHWA); Park, Leanne (FHWA); Carter, Gerald (FHWA); James Hall; Bruce Shaugnessy (FHWA); Sarah (FHWA); Sara (FHWA); Anthony Yelton; Josh Yelton
Subject: 50088: Recertification Review Comments

Major: FHWA, FHWA, FHWA, FHWA, FHWA, FHWA, FHWA, FHWA, FHWA, FHWA


Dear Alexis,

Please find the attached comments regarding the FHWA/FTA Recertification Review of the Southeastern Wisconsin Regional Planning Commission (SEWRPC), and opening of the certification, submitted on behalf of the State of Wisconsin, USG, local state, local council of Governments, Transportation Disadvantaged, Metropolitan Planning Organizations, andWisconsin DOT. We are happy to review any further discussion or comment needs.

Karyn L Rotter
Senior Staff Attorney
ACU of Wisconsin
201 E 2nd St St Suite 315
Milwaukee WI 53202
(414) 272-8242 x 22
(414) 272-1624 (Fax)
trotter@acuwis.org
www.acuwis.org

Karyn L Rotter

July 16, 2012

Planning Certification Review
Federal Highway Administration
525 Junction Rd, Suite B00
Madison, WI 53717

Submitted electronically only: wisconsin.fhwa.dot.gov

Re: Recertification of Southeastern Wisconsin Regional Planning Commission as a Metropolitan Planning Organization

To Whom It May Concern

Thank you for the opportunity to comment on the FHWA/FTA joint review of the recertification of the Southeastern Wisconsin Regional Planning Commission (SEWRPC). While there has been some limited progress, such as by SEWRPC conducting a regional Housing Study, we are raising many of the same concerns and criticisms that were raised four, and even eight, years ago. The deficiencies are particularly severe with respect to transportation planning and transit implementation which is necessary to achieve non-displacement, which was supposed to increase by 2.5% per year starting in 2007, and which instead has declined.1 Yet rather than perceive the existing transportation system, there has been a large and continuing increase in highway capacity expansion that disproportionately benefits white, non-disabled persons. The fact that these deficiencies remain urgent is a strong and immediate (federal) intervention.

Our comments are long, but the core point is this:

The FHWA and FTA’s own guidance explicitly states that “[t]he products of the transportation process – MPO, TIP and UPWP – must demonstrate compliance with Title VI and related requirements and principles.” The FHWA and FTA have an obligation to ensure that the MPO for southeastern Wisconsin is taking

1 SEWRPC’s “Assessment of Conformity of the Year 2005 Regional Transportation Plan and for Year 2009-2031 Transportation Improvement Program with Respect to the State of Wisconsin Air Quality Implementation Plan – Six County Southeastern Wisconsin Council on Transportation Nonattainment Area and Three County Fine Particles (PM2.5) Nonattainment Area” (Conformity Analysis) (June 2005) at 38 (from 2005-2020 for decline vis 4.2%); http://www.epa.gov/region5/air/Conform/50088-Recertification-attachment-1.pdf
2 “The Recertification has continued since 2005. For more, Lloyd Granz, Jr., Managing Director, Milwaukee County Transit System, “Comments to the Wisconsin Commissioner on Transportation Finance and Policy” (March 17, 2012) at 2.
3 http://www.wicommunitychoices.org/document/67392/64582/1728759522276/Audit%20of%20the%20transportation%20planning%20process%20in%20urbanized%20areas%20with%20a%20population%20of%20more%20than%20200,000.pdf

Respectfully submitted,

Rolf Schneider-Porat, Inclusive Communities Project Manager

[Note: The transportation planning process for issues and a draft by the Transportation Disadvantaged, Offices, and Subs. (FHWA, FHWA, FHWA, FHWA, FHWA, FHWA, FHWA, FHWA, FHWA, FHWA) was submitted electronically only: wisconsin.fhwa.dot.gov.]

B-3
active, concrete and specific steps to actually implement the transit plans that ensure that communities of color and persons with disabilities receive a fair share of the benefits of the regional transportation system investments. Under 23 CFR §§ 450.33A(4)(2), the FHWA and FTA have explicit authority in condition certification of the MPO taking corrective action, to limit certification to specific categories of projects, or to “decertify” the MPO and thereby withhold up to 20% of federal funding for the metropolitan planning area and/or withhold approval of certain categories of projects. SEWRPC often mentions how it has been planning for the region for decades, Milwaukee was not the most segregated region when SEWRPC began planning in the 1950’s, or even as of 1980, but it is now and has been since at least 1992. Thus Title VI and other civil rights laws demand a profound change in the way that regional planning occurs. Because SEWRPC is not complying with applicable federal laws and requirements, we urge you to exercise your authority and decertify SEWRPC for the violations described below, or at a minimum order specific corrective action in each area under continuing federal supervision.

Our objections to the decertification of SEWRPC fall into the following categories:

I. Civil Rights Compliance Obligates Changes in the Transportation Planning Process to Prioritize Transit Expansion and Transportation System Preservation, But SEWRPC Has Refused to Make These Changes.

II. Contrary to Federal Regulations, SEWRPC’s Transportation Plans and TIPs Are Not Fiscally Constrained or Based on Accurate Information, and Adversely Affect Title VI, Environmental Justice, and Air Quality.

III. SEWRPC Fails to Set or Comply with Goals and Standards to Measure Civil Rights Compliance.

1 U.S. Census Bureau, “Racial and Ethnic Residential Segregation in the United States: 1980-2000” (Dec. 2004) at 9 (http://www.census.gov/prod/2004pubs/acs2000res.pdf) (stating that the most segregated metropolitan areas for Blacks in 2000 were: Milwaukee-Waukesha-Brown County, WI, followed by Detroit-Warren-Dearborn, MI, in 1993, Milwaukee-Waukesha was the most segregated). (2) In 1980, Detroit was followed by St. Louis, MO.


3 In order to maintain its MPO status, SEWRPC is required to establish its compliance with federal civil rights and environmental regulations, including, among others, Title VI of the Civil Rights Act of 1964 and 49 C.F.R. part 21, 40 U.S.C. § 3512, prohibiting discrimination in employment or business opportunity, the Americans with Disabilities Act, Section 503 of the Rehabilitation Act, and 49 C.F.R. parts 21, 27, 29, and 36; and the Clean Air Act, (42 U.S.C. § 1101) and 40 C.F.R. part 93, targeting transportation-related air pollution. See 23 C.F.R. § 450.33A. During the certification process, the FHWA and FTA must review whether SEWRPC is complying with these federal laws and regulations. 23 C.F.R. § 450.33A.

IV. SEWRPC Fails to Ensure Adequate Input and Decision-Making From Diverse Community Groups and Its Environmental Justice Task Force.

V. SEWRPC’s Governance Structure is Discriminatory.

VI. SEWRPC’s Hiring, Promotion and Contracting Practices Fail to Adequately Include Persons of Color.

Introduction

The background for these concerns is the significant, disproportionate, transit-dependence and segregation of persons of color in this region, as well as significant barriers and segregation of persons with disabilities. Within the seven-county area served by SEWRPC, Milwaukee County has 47% of the region’s total population, 63% of its Latino population, and 86% of its African-American population. Three of SEWRPC’s counties—Grainger, Washington and Waukesha—are more than 90% white, non-Hispanic, and four counties—those in and Walworth—are only 5% African-American. Further, communities of color are concentrated not only in Milwaukee County, but within the city of Milwaukee. These disparities render Milwaukee the most segregated metropolitan area in the United States for African-Americans and in the top third for segregation of Latinos. Persons with disabilities also disproportionately live in Milwaukee. In fact, 81% of the persons in SEWRPC’s region with disabilities are significant enough to affect their ability to live independently are in Milwaukee. The maps included on the following two pages – maps created by SEWRPC itself as part of its current regional Housing Study—graphically demonstrate the nature and extent of segregation in the region.

1 U.S. Census, Profile of General Population and Housing Characteristics: 2010 (Data Set D1F7) (released on December 28, 2011). See also SEWRPC, Draft Regional Housing Plan (“Housing Plan”), Ch. VII (approved draft) at Map VII-9 (http://www.renwes.org/SEWRPCFiles/HousingPlanFiles/0644545704090127007.json).

2 Wisconsin and Kenosha counties are majority white, but more diverse than the other counties.

3 “Racial and Ethnic Residential Segregation,” supra n. 3 at Ch. 6.

4 Housing Plan, Ch. IX (approved draft) at Map IX-2. At every competitive age level (5-17, 18-64, 65+) the highest percentages of persons with disabilities live in Milwaukee County, while the lowest percentages are in Waukesha County. Id. at Map IX-2. To lesser extent persons with disabilities are also concentrated in the cities of Racine, Kenosha, and Kenosha County.

SEWRPC is well aware that the region’s residential and non-residential construction is expanding and that a significant portion of new development is occurring along the edges of existing communities, particularly in the eastern part of the region. The rapid growth of the region is putting pressure on existing transportation networks and is leading to congestion and reduced travel times. SEWRPC is also aware of the need for better coordination among different modes of transportation and the importance of maintaining and improving existing facilities. The region is facing challenges in terms of balancing the need for expansion with the need to preserve and enhance the quality of life for its residents.

In addition, SEWRPC is working to ensure that the region’s transportation system meets the needs of its diverse population, including people with disabilities. The agency is committed to ensuring that all residents have access to safe, reliable, and affordable transportation options. SEWRPC is also working to address the impact of transportation on the environment, including reducing greenhouse gas emissions and improving air quality.

SEWRPC recognizes that the region is facing significant challenges in terms of transportation and land use planning, and is committed to working with its partners to develop solutions that will benefit all residents.

Transit – both paratransit and fixed-route service – is also crucial to meeting the needs of people with disabilities and those who are not dependent on personal vehicles. SEWRPC is committed to improving the quality of transit service in the region, including increasing the frequency and reliability of service, as well as expanding service to more areas. The agency is also working to ensure that transit services are accessible to people with disabilities, including those with mobility impairments.

SEWRPC is also aware of the need for better coordination among different modes of transportation and the importance of maintaining and improving existing facilities. The agency is committed to working with its partners to develop solutions that will benefit all residents.

The region is facing significant challenges in terms of balancing the need for expansion with the need to preserve and enhance the quality of life for its residents. SEWRPC recognizes that the region is facing significant challenges in terms of transportation and land use planning, and is committed to working with its partners to develop solutions that will benefit all residents.
more of transit operating costs since 2003. Similarly, although in 2011 the state eliminated Regional Transit Authorities, including the Southeastern Wisconsin RTA, in April 2012 SEWRPC called for the “creation of a regional transit authority” without mentioning the RTA had been legislatively dissolved a year earlier. And in April 2012 SEWRPC stated that a dedicated funding source was necessary for transit — without mentioning that more than a year before the Governor had said he would veto any effort to allow dedicated funding for transit.

The weightings and rankings of the status of transit are discussed in more detail below in Sec. II. However, the FHWA and FTA cannot continue to allow this refused to acknowledge the transit crisis, and the associated micromanagement, to continue. This is not to say that the effort to provide transit should cease, but rather that the FHWA and FTA have an obligation to ensure that the region’s MPO and WisDOT stop doing things the way they have been done in the past and take, or at least consider, actions to reverse this trend and provide minority communities and persons with disabilities a fair and needed share of the benefits of transportation system investments.

b. SEWRPC’s TIP Development and Project Selection Process Violates Title VI and Environmental Justice Requirements

Although SEWRPC has certified that its TIP complies with civil rights requirements, that certification appears to be inaccurate and must be closely scrutinized. SEWRPC’s TIP development and project selection processes violate Title VI and other civil rights obligations by:

- Failing to ensure compliance with the 2003 Plan recommendations for annual increases in transit service. This includes approving plans that the transit service necessary to achieve civil rights compliance is declining, failing to include criteria, scoring systems, and performance measures that ensure that service increases, while at the same time, routinely approving plans that increase the disparities in transportation system access.

- Failing to consider community of, or seek to maximize, feasible funding for transit. Although federal law would allow the use of a substantial portion of STIP funding for transit, including certain forms of preventive maintenance as well as capital expenses, instead of for highways, SEWRPC has never even mentioned this law or policy to the EJ or diverse community groups. Neither has SEWRPC developed EJ or TIP priorities and processes to use and maximize STIP funding for transit purposes, including affordable capital and preventive maintenance expenses, despite the document need for increased transit funding and the fact that the TIP includes hundreds of millions of dollars in STIP funding for highway capacity expansions, in projects sponsored by WisDOT, counties, and local governments.

- Incorrectly asserting that it is only “advisory” and thus cannot exercise project selection authority. SEWRPC’s current plan is only “advisory” and thus has no authority over project selection (or decision not to select projects), even though it is clear that as the MPO SEWRPC does have the ultimate authority over TIP project selection. See Sec. I. Further, to the extent that SEWRPC is advisory, it still has an obligation, with which it has not complied, to ensure the entities that seek projects for inclusion into the TIP — including WisDOT — and any advisory committees — to ensure that their processes, decisions, and project selection comply with civil rights requirements.

- Including no articulated criteria for project selection or prioritization in the TIP. It is not clear that even the TIP Advisory Committees engaged in a process for determining how the TIP should be developed and projects prioritized, other than doing things the way they have been done in the past.

- Not making prior efforts to consider core or other prioritization systems for projects in the TIP at all, much less systems and processes to prioritize transit. The Handbook also makes clear that an MPO is authorized to use numerical ranking processes for project selection purposes. SEWRPC’s failure to develop such processes is occurring despite the document need for increased transit and urban transit affordable housing to reduce documented segregation and unequal transit dependence in the region.

- Failing and refusing to exclude projects from the TIP. SEWRPC has repeatedly refused to exclude any project from the TIP, even if those projects are likely to exacerbate the EJ crisis and further micromanagement. As noted above, SEWRPC uses its criteria of being only advisory to argue that it has no authority to decline projects.

- Utilizing inaccurate fiscal constraint planning. As discussed infra Sec. II, SEWRPC’s planning does not fully or accurately acknowledge the transit constraints or develop methods to address them.

- Failing to adequately “enhance preservation of the existing transportation system,” especially the transit system. The fact that public transit, especially transit used most by minority and low-income residents, is in an ongoing state of crisis, while numerous programs to “improve” highways by adding capacity are approved, highlights the inadequate focus given to transit system (and local road) preservation. The disparate treatment is of even greater concern because research shows that the region’s traffic congestion problems are far less severe than in many other parts of the country.

have confirmed that the MPOs are not simply advisory with respect to the TIP; this is a critical distinction.

Further, it is to the extent that SEWRPC may develop criteria for project selection and prioritization, the FHWA and FTA should require that the Environmental Justice Task Force — the body that represents the concern of underserved communities — not local governments, be given the ultimate responsibility for the process. The fact that SEWRPC did not even mention the EJTF in its June 13 “preliminary” endorsement of the lack of meaningful involvement and authority for the EJTF in the June Sec. IV.

Second, SEWRPC routinely approves road expansions and improvements in its TIP because, it says, these projects identified in the 2013 Plan. But this routine approval occurs while reductions in the 2003 Plan were not recommended, also are occurring. Continuing to automatically approve road projects while transit declines inevitably has the effect of increasing the disparity in transportation system access between predominantly minority and low-income transit-dependent residents, and disproportionately white automobile users.

23 USC § 1540(e)(1)(D) and 23 C.F.R. § 455.306(a)(B).

23 every project in the TIP that SEGWRPC classifies as a “highway improvement” is a project that adds lanes, and thus capacity.


12

- Failing to involve diverse communities, or its Environmental Justice Task Force, in any part of the TIP development process. The FHWA/FTA Handbook explicitly states that the TIP:

- "Be supported by a comprehensive and inclusive public involvement effort that complies with Title VI and the Executive Order on Environmental Justice. This might be demonstrated in numerous ways, including an indication of public and stakeholder input to TIP development methods. Public involvement should deal with the TIP development process itself rather than providing views on specific projects.

- The process SEWRPC uses — relying on legal officials and agency representatives to decide what projects are included in the TIP — does not include environmental justice communities. "Local elected officials and agency representatives," even if those officials are from the city of Milwaukee, may not be the same as representatives of minority, disabled and other underserved communities.

- Improperly categorizing all forms of transit in the TIP as benefiting Environmental Justice communities. SEWRPC makes no effort to document which forms of transit exist benefit underserved communities and which do not, or to ensure that the entities submitting the projects to the TIP do so. By counting transit as meeting Title VI and environmental justice requirements without any analysis of whether it is fact does so.
SEWERPC significantly and improperly overstates the benefits that environmental justice communities of color receive from the TIP.

- Using charts and methods that obscure the disparities between road and transit funding. By using charts that only show the distribution of the 2011 expenditures, which includes, in the Milwaukee TMA, some 92% of the planned transit expansion cases for the entire four-year TIP period, the TIP obscures the fact that transit expenditures will constitute a significantly smaller percentage of improvements in every year after the first year of the TIP while highway improvements and added lanes will constitute much greater percentages of TIP expenditures. These methods of describing the data also appear to run counter to requirements to use visualization to “strengthen public participation in the planning and project delivery process and specifically to aid the public in understanding proposed plans,” not to try to obscure the project balance and effects of the road plan.

II. Contrary to Federal Regulations, SEWERPC’s Transportation Plans and TIPs Are not Fiscally Constrained or Based on Accurate Information, and Adversely Affect Title VI, Environmental Justice, and Air Quality.

There is no question that the 2015 Plan proposed a significant increase in transit capacity, and that it did so, among other things, meet Title VI and environmental justice requirements. Transit, however, is not moving forward.

Multiple federal laws and regulations require an MPO to consider and address transit development. SEWERPC, however, routinely “addresses” these matters by requiring in their 2015 Plan proposal—even though SEWERPC knows these improvements have not occurred and provides no reasonable expectation for its assertions that they will occur. SEWERPC then improperly uses the existence of these theoretical transit projects to claim that its overall planning does not have a discriminatory effect, does not violate Civil Air Act requirements, and represents adequate congestion management efforts.

- Compare, TIP Figures 3 with TIP “TIP” project listing for Milwaukee TMA. Also note that no post-2011 data items can be found to be located in the RIA to long term.

- Ceiling projects that add highway lanes “improvements” rather than expansions—just SEWERPC does, which ignores the nature of these projects and the funding disparity.

- Handbooks, Sec. 322 at 184. Federal regulations require the use of visualization techniques. 23 C.F.R. § 450.335(a)(1)(III).

- Air quality is itself an issue with departures, as in the regions of color—especially African-Americans—are much more likely than others to suffer respiratory ailments such as asthma, Sec. e.g., EN Centers for Children at Risk and Prevention, State Platform, “Asthma in Wisconsin” http://www.cscc.org/researchfiles/asthma/WI/GAP. Air quality issues also, of course, produce deep disagreements over many policies. See also, Cohn, “Highway Health Hazards,” 2004, at 6-12 (citing studies on health effects related to highways.) http://www.census.gov/quickfacts/table/ICP200411/04/001

a. Fiscally Constrained and Conformity Legal Requirements.

Federal law requires MPOs to “emphasize the preservation of the existing transportation system” in a long-range transportation plan that is fiscally constrained. A plan can only include projects where there is a financial plan that shows how the adopted transportation plan can be implemented. In the TIP, “[f]or purposes of transportation operations and maintenance, the financial plan shall contain system-level estimates of existing and revenue sources that are reasonably expected to be available to adequately operate and maintain Federal-aid highways (as defined by 23 U.S.C. 101(c)(5)) and public transportation (as defined by title 49 U.S.C. Chapter 53).” 23 C.F.R. § 450.324(b). As the FHWA and FTA’s own recertification Handbook makes clear, similar requirements apply to a metropolitan transportation plan.

The ultimate goal of [fiscal constraint] is to produce a MTP and TIP that can be reasonably implemented with the revenue anticipated to be available. The requirement eliminates the wish list syndrome and ultimately bolsters the credibility of the transportation planning process and the cooperating agencies by presenting a priority package of improvements that can be delivered. Fiscal constraint is not an end unto itself, rather it is the tool to establish a budget, prioritize within that budget, and then illustrate that the adopted MTP and TIP are realistic.

The DOT has discussed the “reasonably expected to be available” test at some length.

Simply identifying new funding sources without identifying strategies for ensuring their availability will not be acceptable. The financial plan must identify

- 23 C.F.R. § 450.322(b)(3).

- See e.g., FHWA, Financial Planning and Fiscal Constraint for Transportation Plans and Programs (December & January, 2010) (“all programs and projects listed under Title 23 and 49 of the U.S. Code must be listed in the TIP/STIP; see 23 C.F.R. 216(b).” There is an important distinction, however, between the specific projects found in the TIP/STIP and the fiscal plan and information that accompany and support the TIP/STIP. Highway and transit operations and maintenance (O&M) activities typically do not involve Federal funds, and are therefore not required to be listed individually in a metropolitan transportation plan. TIP or STIP. While these non-federal sources are not included in the project listings of the STIP/STIR, the information revealed in the discussion should reflect the potential for and expected levels of O&M expenditures and adequately maintain the programmed Federal capital investment and should be provided in the financial plan and supporting information accompanying the TIP/STIP.” emphasis added).
- 23 C.F.R. § 450.322(b)(3).
- Handbook, Sec. 3-7 at 88.

b. The TIP and Conformity Analysis Are Not Fiscally Constrained, and Are Based on Inaccurate Information.

SEWERPC’s Conformity Analysis simply fails to address the real allocation of funds, or provide any reasonable expectation for its reliance on projected transit increases. The 2011-14 TIP does not itself include a Conformity Analysis. Instead, it refers to the 2009-12 Analysis, which states:

Due to the lag in implementing the planned transit service expansion and the increase in average fare per revenue passenger, this conformity determination assumed the proposed 100 percent increase in transit mode would begin in the year 2012, with 3.5 percent annual increases in the year 2035. Though fair (die) increases have been greater than the inflation in recent years, it was also assumed that, with the creation of a regional transit authority that the average increase in transit fares would be held to general price inflation to the year 2035.

Thus the Conformity Analysis is also based on incorrect facts and assumptions and cannot be considered accurate or valid. These include:

- Projecting annual 5% increases in transit service beginning in 2012 while failing to include any funding source that can be “reasonably expected” to be available for the transit expansion on which the Conformity Analysis is based.
- The Conformity Analysis projected these transit increases were necessary to comply with the 2005 Plan, without including a fiscally constrained method for achieving them. By 2011 - when SEWERPC included the dated Conformity Analysis with the new TIP - it should have been abundantly clear that the necessary funding decreases for these projects was not a fiscally constrained reason.
- Therefore, the Analysis — and the TIP on which it was based — violated the legal requirement to include specific financial strategies required

TIP at App. C ("The regional emissions analysis prepared for the year 2035 regional transportation system plan, which was approved on June 6, 2010, by the U.S. Department of Transportation Federal Highway and Transit Administrations, therefore apply to, and is consistent with, the proposed year 2001-2014 transportation improvement program.

Conformity Analysis at 39.

The Congestion Management Plan completed in April 2012 now says that a 3.5% annual transit increase is necessary to meet the 2001 Plan transit requirements. Id. at 49.

For example, in January 2011 — and then before the TIP was finalized — C.W. Walker stated that he “opposed the local sales tax increase and the car sales tax for Milwaukee County and would vote against them if approved by the Legislature.” Walker, supra. p. 29. By then he had also rejected federal funding for rail transit. "UWDOT: Bellesa #209-8 from 9/12/09). http://www.dott.dotstate.wi.gov/Files/2010/09/12/09/120910D209-8.doc". Patrick McCarthy, "Wisconsin ed in other Federal funding programs," Milwaukee Journal-Sentinel (Feb. 13, 2011). Walker's opposition to transit funding should not have surprised SEWERPC; by 2006 in the absence of County Executive Walker opposition was used as cases for transit. Sec. e.g., Larry Sneider, “Not on board with that,” Milwaukee Journal-Sentinel (Dec. 22, 2006).
to ensure the implementation of the transit projects. Rather than using a dated Cost Benefit Analysis, SEWRPC should have made the profoundly discriminatory effect clear, and sought other methods, such as those described supra Sec. 1, at address b.

- Assuming an IFTA will have a role in the transit process. IFTAs no longer exist.

- Assuming that fare increases will be held in inflation. There is no factual predicate to assume that fares will increase, particularly when SEWRPC's own reports show a 29% fare increase (more than double the 15% inflation rate) from 2005-2010, and MCTS reports a 67% fare increase from 2002-2012. 11

- Failing to address the already-existing discriminatory effect of the awaited delay in complying with the 2003 Plan's transit recommendations.

Similar failures to address issues relevant to fiscal constraint are seen in the 2011-14 TIP. As a result of SEWRPC's omissions, there is no way for decision makers or the public to know what projects and service levels to anticipate for the transit system, how soon in the planning horizon further service and fare changes or project modifications are likely to be made, and what the impacts will be across the metropolitan region of that lost transportation capacity. Nor has SEWRPC conducted any analysis to determine whether and to what extent the deceleration of the existing transit system will have a discriminatory effect. Other omissions include:

- Failing to address substantial funding reductions. For example, the TIP assumed an increase in state funding for MCTS from 2002 to 2017. 12 It did not address the actual reduction in state transit operating support that was imposed on MCTS and other transit providers, or have a plan to fill those gaps.

- Programming transit expenditures that are nearly double anticipated revenues for those programs. For example, the TIP shows $43 million programmed for MCTS FY2011, but only $21 million in estimated available funding. Similar, significant funding gaps exist for each year of the TIP. 13

- Failing to develop steps, processes or criteria to ensure that when and if additional fiscal constraints develop - as has reportedly occurred for at least the past decade - transit projects benefiting communities of color and persons with disabilities will not be deprioritized while road projects that disproportionately benefit white, largely suburban, communities are advanced.

1. The Congestion Management Process is Also Based on Information that SEWRPC Korean should Have Known was Incorrect.

- Id., Grant Comments, supra n. 3 at 2.

- Id., supra, Table H-11 at F-15.

- Id., at Table F-I-1.

- TMAs, including southeast Wisconsin, also must develop Congestion Management Processes. Among the issues the CPM is to address is to identify and evaluate scenarios including public transportation improvements. 14 As noted above, southeast Wisconsin is designed as ratepayer-owned impaired, and the current year’s pattern of unhealthy ozone days emphasizes the need for significant congestion management.

While transit is, on paper, an integral component of the region’s CPM, SEWRPC’s April 2012 Congestion Management Plan provides another example of the lack of open, accurate, assessment of the transit system’s prospects. It neglects many of the recommendations of the transit element of the 2003 Plan. 15 It then includes the following Summary and Conclusions:

The recommended expansions of public transit in Southeastern Wisconsin represented a doubling of transit service in Southeastern Wisconsin by the year 2035 from the base year—2003—of the regional transportation plan, and more represents somewhat more than doubling from current year 2010 regional transit service levels, given the reductions in transit service in the Region between 2005 and 2010. As shown in Figure 3, this would entail about a 5 to 5.5 percent annual increase in transit service to the year 2035, slightly higher than the annual increase which occurred between 1995 and 2000. Significant implementation of the year 2020 plan occurred between 1997 and 2000 as transit service expanded by over 25 percent. However, due to State and local budget problems, transit service was significantly reduced from 2000 to 2010.

Implementation of the recommended expansion would be dependent upon the continued commitment of the State to be a partner in the maintenance, improvement and expansion, and on funding of public transit. The State has historically funded 40 to 45 percent of transit operating costs, and has increased funding to address inflation in the cost of providing public transit, and to provide for transit improvement and expansion.

- Implementation of the recommended expansion of public transit in Southeastern Wisconsin would also be dependent upon attaining dedicated local funding for public transit. Most public transit systems nationwide have dedicated local funding, typically a sales tax of 0.25 to 1 percent, and are not nearly as dependent upon Federal and State funding. 16

In addition to the same kinds of problems discussed supra Sec. IIb, the CPM contains additional misstatements and omissions.

- SEWRPC is including factually incorrect information. The State has not funded 40% of transit operating expenses since 2003, and the State, by law, abolished all its IRTAs in 2011.

- SEWRPC relies on the prospect of dedicated transit funding, but fails to mention the projected resistance to any form of dedicated funding for transit — even though SEWRPC knows that resistance exists. This was (or should have been) obvious to SEWRPC well before April 2012. For more Sec. I.h, supra.

Consequently, the CPM also cannot be considered accurate or valid, and SEWRPC’s action based upon it cannot be allowed to stand.

4. SEWRPC’s Transportation Plan Does Not Comply with Federal Requirements.

Because the budgets for the increased transit, SEWRPC is claiming will occur do not exist, SEWRPC’s plans cannot be considered factually consistent. To the contrary, SEWRPC has provided no reasonable expectation these transit improvements — which are critical to both non-discrimination and air quality — will occur, but SEWRPC continues to act as if compliance was anticipated. SEWRPC’s position is simply incorrect, and it validates federal law, regulations and policies. SEWRPC cannot continue to claim “credit” for hypothetical, non-existent transit services, either to ensure non-discrimination, claim to meet air quality standards, or argue to manage congestion. It is critical that the FTA and PTA hold SEWRPC accountable.

III. SEWRPC’s Plans Flout or Ignore with Goals and Standards to Measure Civil Rights Compliance.

As part of a certification review, evaluation of civil rights compliance is mandatory. These requirements include that an MPO is “Establishing goals and measurements to substantiate compliance. These goals and measurements must be used to verify that multi-modal system access and mobility performance improvements is the MTP, TIP and underlying planning process comply with Title VI and related requirements.” 17 The MPO must also “[I]dentify the regional transportation planning process to ensure that the transportation plans are not discriminatory. ” 18

- Through the CPM process, SEWRPC knows that non-discrimination and air quality considerations are critical to both its federal and state funding sources. 19

In their certification review, FHWA and PTA must determine whether SEWRPC’s “[c]ertification to establish self-certification appears reasonable, ... documentation is available to support self-certification, ... and [d] [i]nteragency transportation agencies have procedures.

- Id., supra, Table H-11 at D-25.

- Id., supra, Table H-11 at F-15.

- Id., supra, Table H-11 at F-15.

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- Id., supra, Table H-11 at F-15.
including no meaningful gaps or measurements to address the needs of persons with disabilities. SEWRPC’s discussion of the needs of persons with disabilities is generally limited to physical access to vehicles, such as pedestrian fans or buses. It includes no broader discussion of the needs of persons with disabilities such as, for example, the extent to which persons with disabilities are dependent on transit for employment, medical care and other needs, or any evaluation of how the system meets those needs.

- Ignoring the “disproportionate effect” aspect of civil rights requirements. Title VI and other civil rights laws have addressed disproportionate effects on communities of color and other underserved communities. Thus, even if some portion of people of color commute to work by car, there is no question that a disproportionate number are transit dependent, as are many persons with disabilities, by ignoring the discriminatory aspects of those disparities, SEWRPC is failing to comply with civil rights requirements.

- Using circular logic to rely on the planning method of employers to argue that discrimination is not occurring. Job access is largely and increasingly limited by the lack of transit, so that persons whose cars are available have a much more difficult time getting jobs and, conversely, persons of color who have jobs (and thus commute to work) of course are likely to have access to those jobs. SEWRPC does not address this issue, even by acknowledging in its analysis that the unemployment rates for persons of color far exceed unemployment rates for white persons in the region, that unemployment rates for persons with disabilities are also far higher for non-disabled persons, or make the connections between transit dependence and unemployment. Since SEWRPC is failing to even acknowledge the discriminatory effects, it is certainly not ensuring that the products of its planning comply with nondiscrimination requirements.

- Improperly counting all transit as meeting civil rights requirements. Providing no analysis of which forms of transit benefit underserved communities and which do not. Supp. Sec. 1.8.

- Failing to evaluate access to services and facilities other than employment. The 2005 Plan makes almost two-thirds of all bus stops on the region’s systems for purposes other than employment — such as schools, medical care, shopping, and recreation. SEWRPC, however, fails to incorporate into its planning an assessment of whether its transit proposals provide meaningful access to transit to non-employment destinations and any racially disparate effect, or adverse effect on persons with disabilities, of reductions on that access.

- Failing to meaningfully evaluate the effect of highway improvement and expansion on regional segregation. Although the concept of induced (or generated) travel is widely adopted in the literature, SEWRPC routinely endorses it and also routinely argues that land use is not significantly related to highway capacity expansion. It does not, meaningfully review or evaluate research supporting the existence of these problems, consider their effect in this hyper-segregated region with its associated, disparate transit dependence, or focus on alternatives to reduce the adverse effects of existing patterns. SEWRPC uses its positions on these issues to justify the need for the spending hundreds of millions of dollars for highway capacity expansion.

and 5% for workers without disabilities). 20

20 Federal regulations do recognize this barrier. See, e.g., 23 C.F.R. 490.316(a)(1)(ii) (directing MPO to “identify, not consider,” the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services...). 21

21 2005 Plan at Table 59.

22 See, e.g., Todd Litman, "Transportation Impacts of Fridelant Hazardous Waste Disposal Sites," (1997) (reporting that hazardous waste disposal sites may have a disproportionate effect on communities of color and other underserved communities).

IV. SEWRPC’s Fails to Ensure Adequate Input and Decision-Making From Diverse Community Groups or its Environmental Justice Task Force.

Under federal regulations:

- The participation plan shall be developed by the MPO in consultation with all interested parties and shall... (ii) state the specific procedures, strategies, and... 28

- (iii) sunset and considering the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services...) 29

While SEWRPC has made some limited improvements to civil rights in the past four years by initiating a Housing Study and by including some Socio-economic Impact Analysis in planning, to a great extent SEWRPC still fails to meaningfully involve underserved communities in decision making. Unfortunately, far too often poor communities of color, SEWRPC’s failure to obtain meaningful participation from underserved communities includes:

- Providing late, limited notice about Recontinentalization. Although SEWRPC was notified of the recontinentalization by letter dated May 22, 2012 (and presumably had been told about it before the letter was sent), and SEWRPC had an ETF meeting on May 25. SEWRPC did not inform its own ETF of the public meeting at that time. Instead, it waited more than two weeks until June 7, and then only informed the ETF on the second term in an email that also was about the Housing Advisory Committee.

- Making no meaningful effort to involve ETFs in Recontinentalization. Although a core purpose of the ETF is to facilitate the involvement of, and help ensure the full and fair participation of, low-income, minority, and disabled individuals and communities, the draft in relevant areas of regional planning, as determined in consultation with them, to urbanize whether or not new highways are built. Having assured that the area will continue to urbanize with or without new roads, the EIS acknowledges that this project and others will continue to have outcomes, but it essentially admits that, given the existing trend towards urbanization, the environmental toll will come to pass no matter what decision the agency makes. This discussion does not get into the core issue of an infused decision-making or informed public participation because it does not discuss whether, or the extent to which, the agency’s decision is likely to contribute to the problems associated with urbanization and suburban sprawl... 30

- SEWRPC makes minor similarities absent (and with the same problematic outcomes).

25 C.F.R. 490.316(a).

26 See Attachment C. Virtually identical concerns were raised in 2008.

- SEWRPC never consulted the ETF for assistance in developing the forum for, or attempting to ensure a diverse community participates in, the recontinentalization process.

- Failing to ensure full functioning of the ETF. With respect to the ETF itself, SEWRPC has failed to take necessary steps to ensure that it is effective. The ETF has only two of the three official vacancies for months, if ever, and also has several members who rarely, if ever, attend meetings. Moreover, the ETF essentially lacks a purpose, as was the case for virtually all of 2011 as well as for many prior meetings. SEWRPC has failed to take effective action to evaluate this performance and meaningfully remedy it.

- Failing to involve ETF or Environmental Justice Committee in TIP development processes or any decision-making regarding prospective federal funding. SEWRPC’s 2012 EIS is the first fact has failed even in the ETF or affected communities knew a TIP development process exists, or about the existence of federal laws that fund that under federal law could be used to support transit instead of other road projects, much less give these groups any decision-making authority over these proposals. Further, SEWRPC failed to even suggest that the ETF be included in any TIP scoring criteria process, highlighting the lack of significance given in practice to the ETF.

- Failing to provide demographic data on new transit development; despite specific commitment by the MPO to do so. At the May 2012 ETF meeting, SEWRPC’s executive director specifically agreed to provide information on the anticipated effects on communities of color and low income communities of the anticipated significant transit reductions, especially when coupled with expected highway budget increases. While SEWRPC eventually provided budgetary information about the transit situation, it never provided the demographic information it had agreed to.

- Rejecting ETF recommendations about Housing Advisory Committee composition. Although SEWRPC is engaged in a Housing Study, the ETF’s original recommendation was to ensure a substantial representation — about one-third of the members be representatives of affected communities. Without ETF consent, and despite concerns about excessive local government representation, SEWRPC decided to restructure the Advisory Committee to give far less representation to these groups and greater representation to local government officials, including many from suburban
communities.39 This alteration of the composition of the Advisory Committee may have the effect of limiting or eliminating some of the Committee’s recommendations.

V. SEWRC’s Governance Structure is Discouraging.

As FHWA and PTA are aware, SEWRC is made up of 21 members, three each from seven counties in the region. Milwaukee County, with 47% of the region’s population (and the overwhelmingly urban nature of the region’s low income and minority populations), gets no greater vote than Ozaukee County, less than one-tenth its size.40

Further, communities of color and low income communities are disproportionately concentrated within the city of Milwaukee. Yet the city of Milwaukee has no representation on SEWRC— even though the city has more residents of color than in all six of the other counties in the region combined (and, in fact, more residents of color than the total populations of five of the six other counties in the region)— so the city’s lack of representation on SEWRC clearly dilutes the decision-making power of persons of color in the region.

This discriminatory governance structure cannot be divorced from the planning processes. At a minimum, it is incumbent on the FHWA and PTA to evaluate whether, as appears likely, the discriminatory governance structure is leading to discriminatory planning and project outcomes. We urge that the certifying agency take all steps possible to ensure that a governance change occurs— including the decertification of SEWRC in its current form and/or conditioning recertification on a redesignation.

VI. SEWRC’s Hiring, Promotion and Contracting Practices Fail to Adequately Include Persons of Color.

SEWRC’s hiring, promotion and contracting processes also remain a concern, as discussed during the last review:

• SEWRC continues to lack meaningful management diversity, yet it also continues to maintain a policy of promoting from within. Although SEWRC has, since the last review, hired one person of color designated as a “manager,” this appears to be more about providing the appearance of some management diversity than giving actual managerial control to this person (Public Involvement and Outreach Manager) supervises no staff whatsoever.41 This manager’s salary has been significantly lower than the salaries of SEWRC’s other professional managers, and is much closer to the salaries of non-managerial professional staff, which also raises significant concerns about discrimination.42 Certainly SEWRC should not be using this person to claim it has achieved adequate management diversity or to justify efforts to promote from within.

• Only four of SEWRC’s 37 professional staff members are persons of color.43 While this is a slight and positive percentage increase in the number of professionals of color, not a single one of SEWRC’s “principal” or “senior” professional staff members is a person of color. Moreover, while “planning” is visibly a core SEWRC function, only one of SEWRC’s 13 planners is a person of color.

• SEWRC appears to be improperly inflating the number and percentage of its minority technical staff. While SEWRC claims that 9 of its 21 technical staff are persons of color, SEWRC has recently included bus drivers, hourly, part-time, student interns as “technical staff,” and appears that 5 of these 9 fall into that category.44 SEWRC combines misleading reporting despite having been provided EEOC information that interns— even those of color— are not supposed to be counted or reported as “employees” at all.45

49 See SEWRC’s Organizational Chart, Attachment D, SEWRC’s staff directory on its website, but not the Organizational Chart also includes names of Public Involvement staff members who, upon information and belief, are not supervised by the Public Involvement Manager. This individual has actively been labeled a SEWRC “complaint,” not as employee, and in past years was paid the same salary as the Public Involvement Manager.

50 SEWRC is in the past provided salaries for each employee by name. We do not do this to SEWRC. We urge the review to obtain this information to ascertain whether this individual is in fact paid a salary comparable to that of other members.

51 Based on a July 2010 EEO Group Analysis conducted in SEWRC’s 2011-12 Affirmative Action Plan (FIAA). SEWRC also is still using census data from 2000 to evaluate the labor market availability of minority workers. SEWRC did not include its Organizational Chart in its Affirmative Action Plan.

52 In the past, SEWRC classified its income as “research aides.” SEWRC’s 2011 Organizational Chart includes research aides but instead includes a new category of “engineering technicians.” These are SEWRC’s lower-paid hourly positions and account for 2 or 3 of the 5 minority technical employees in SEWRC claims to have. They presumably are the interns.

53 Email from “[email redacted]” to “[email redacted]” on April 20, 2008, stating “tensions could not be included in the EEOC report.” That is true even if they paid interns. Attention E. We urge FHWA and PTA to ensure whether and to what extent any of these hourly employees are paid interns and to require SEWRC to adjust its reporting as is required by EEOC, including interns from the “employees’” definitions and calculations. If researches nevertheless allow inclusion of these interns as “employees,” SEWRC should be required to disaggregate their data from data of regular employees, and to acknowledge and add the fact that these interns— and thus also an erroneously disproportionate percentage of persons of color— are employees.

54 SEWRC has not a single minority clerical worker.

• SEWRC retains its office in Pewaukee, a 93% white non-Hispanic and only 1% African-American city that is completely inaccessible by transit. SEWRC has failed to move forward on the efforts it claimed to be undertaking during the 2008 site review to open an office in Milwaukee. This isolation in a profoundly racially segregated community is likely to have the effect of discriminating against potential minority employer.

• SEWRC has a history of hiring professional service contractors without any competitive bidding and without even collecting demographic information, much less engaging in affirmative action. We urge the FHWA and PTA to review SEWRC’s professional service contracts to determine whether this practice continues and whether, as in past years, these contractors are overwhelmingly, if not exclusively, white non-Hispanic persons.55

Conclusion

For the above stated reasons, the undersigned groups urge you to take immediate, concrete action to remedy the deficiencies in SEWRC’s role as regional MPO for transportation, including by decertifying SEWRC and requiring that a new MPO, with proportional representation from the city of Milwaukee, be created. If you decline to decertify SEWRC, we urge you to condition certification on specific requirements that address the inequities currently practiced by SEWRC and closely monitor implementation of these conditions. These conditions would include, among others, that SEWRC fundamentally change the way in which it conducts transportation planning so as to ensure that the outcomes of the planning do not have the effect of discriminating against communities of color and persons with disabilities. We also request that the FHWA ensure an office in Milwaukee and comply with affirmative action in hiring, promotion, and use of contractors. Most of all, we urge you to require that SEWRC take immediate and concrete steps to ensure and facilitate implementation of these portions of its plans that provide significant benefits to communities of color and low income communities.

Submitted by the following organizations (listed alphabetically):

ACLU of Wisconsin Foundation
By: Kayen Briner, Senior Staff Attorney
209 E. Buffalo St., Suite 325
Milwaukee, WI 53202

Black Health Coalition of Wisconsin
By: Dr. Patrick A. McManus, President/CEO
320 W. Vicer St.
Milwaukee, Wisconsin 53208

Citizen Action of Wisconsin
By: Jennifer Epps, Executive Director
271 S. Second St., Suite 300 S
Milwaukee, WI 53204

Disability Rights Wisconsin
By: Alan Fried, Superintending Attorney
6737 W. Washington St., Suite 3290
Milwaukee, WI 53214

ATTU Local 908
By: Alan Simonis, President
1949 N. Farrell Ave., Suite 202
Milwaukee, WI 53202

Wisconsin Environmental Advocates
By: Dennis Grombal, Senior Counsel
1824 N. Farrell Ave., Suite 202
Milwaukee, WI 53202

Mukwonago Area Congregations Allied for Hope (MACAH)
By: Rev. Willie Brisco, President
925 N. 4th St.
Mukwonago, WI 53149

MADCC
By: Donna Starr, Program Director
274 N. 4th St.
Mukwonago, WI 53149

NAACP—Milwaukee Branch
By: Bruce G. Hamilton, President
2745 N. Dr. Martin Luther King Jr. Dr.
Milwaukee, WI 53212

electronic copies:
Camille Hines, Director, Departmental Office of Civil Rights, USDOT
(Camille.Hines@dot.gov)
Fred Wagner, Chief Counsel, FHWA (Fred.Wagner@dot.gov)
Lester Fatke, Title VI program lead, FHWA (Lester.Fatke@dot.gov)
Dorval Carter, Chief Counsel, PTA (Dorval.Carter@dot.gov)
ATTACHMENT A

B. Projects in communities that provide public transportation in compliance with at least 75% of the transit recommendations from the regional transportation plan focused on connecting transit-dependent workers (i.e., workers who lack access to jobs in that community)

C. Projects in communities that extend or improve on the provision of more than 50% of the transit services for that community in the regional transportation plan focused on connecting transit-dependent workers (i.e., workers who lack access to jobs in that community)

D. Projects in communities with job/high-income inspires as defined in the Housing Study, especially for lower-income workers

E. Projects in communities that do not provide transit service for lower-wage workers to access jobs in these communities

The Housing Advisory Committee recommends that SEWRPC alter its decision-making process and ensure, to the maximum extent allowable by law, that it uses federal funding to increase transit investments to enable lower-wage workers to access jobs in these communities.

According to USDOT:

1. The ability to transfer funds (with certain restrictions) between highway and transit programs was introduced to provide funds to projects and programs that meet the following criteria.

2. The criteria are:

   a. Community in need of transit
   b. Community with a high number of transit-dependent workers
   c. Community with a high number of jobs that are accessible by transit
   d. Community with a high number of low-income households

3. The transfer of funds is limited to a maximum of 10% of the funds available for highway programs.

4. The transfer of funds is subject to certain restrictions, including:

   a. The funds can only be transferred to projects that are consistent with the regional transportation plan.
   b. The funds can only be transferred to projects that are consistent with the needs and priorities of the community.
   c. The funds can only be transferred to projects that are consistent with the needs and priorities of the region.

5. The transfer of funds is subject to the approval of the SEWRPC Board of Directors.

http://www.planning.org/documents/briefingbook/briefingbook.pdf (pp 12-13)

ATTACHMENT B

June 13, 2012

Recommendations for Housing Advisory Committee:

1. The Housing Advisory Committee recommends that SEWRPC alter the process by which it scores federally-funded road and other projects for the TIP.

This amended process should be based on objective criteria that give greater preference to projects in communities that meet the following criteria, with lower scoring for projects in communities that only meet some of the criteria (e.g., higher priority to communities that have transit, affordable housing, and lower costs for road repairs, lower scoring if a community has affordable housing but no transit).

This amended process should also ensure that it is, in law and in fact, fully compliant with civil rights laws, in particular regulations implementing Title VI of the Civil Rights Act and Section 5106 of the Rehabilitation Act, which prohibits federally-funded entities from using criteria or methods of administration that have the effect of discriminating against, or providing lesser services to, persons of color and persons with disabilities, and the Fair Housing Act and CDBG laws and regulations which prohibit the perpetuation of segregation and discrimination.

A. Projects in communities that are providing affordable housing for families and/or persons with disabilities and that do not have any job/high-income imbalance as defined in the Housing Study.

1. Second tier: projects in communities that have no job/high-income imbalance for lower-wage workers, or that have a job/high-income imbalance for lower-wage workers and are taking concrete steps to reduce that imbalance, such as zoning for and soliciting construction of transit-friendly housing.

2. Third tier: projects in communities with a job/high-income imbalance for lower-wage workers, but a job/high-income imbalance for moderate-income workers that are taking concrete steps to reduce that imbalance, such as zoning for and soliciting construction of moderate-income housing.
Potential New Recommendation for Regional Housing Plan
For Review by Advisory Committee
June 13, 2012

The following would be added as recommendation No. 7 under the Job-Site/Housing Balance Recommendations:

SEWIPC will replace with local governments, through its Advisory Committees for Transportation System Planning and Programming for the Kenosha, Milwaukee, and Racine urbanized areas, the regional transit oriented development sites (RTOD) that will be redeveloped under the Transit-Oriented Development Initiative (TOD) as part of the Federal Highway Administration’s Surface Transportation Program - Milwaukee Urbanized Area funding and Compliance Mitigation and Air Quality Improvement Program funds.

ATTACHMENT C

From: "Korb, Gary K." <gkorb@sewipc.org>
Date: June 21, 2012 4:16 PM CDT
To: "Adams, Steven P." <SGS@sewipc.org>, "Ferriere, Charles W.<charles@FWSRWSC.COM>", "Anderson, Nancy A." <WINNERENGNRSEWIPC>, "Bryan Peters <bryan.peters@sewipc.org>, "KORB, Gary K." <gkorb@sewipc.org>, "Eliason, Debra A." <deb@sewipc.org>, "Derrill, Tiana M." <tinna@sewipc.org>, "Tubbs, Theodore L." <tubbs@sewipc.org>, "Guenther, Bruce W." <gw@sewipc.org>, "Borer, Richard L." <rb@sewipc.org>
Subject: Housing Plan & Transportation: Reconciliation meeting.

Dear Environmental Justice Task Force members,

There are two upcoming meetings which we would like to call to your attention:

The next Regional Housing Plan Advisory Committee meeting will be held on Wednesday, June 13, from 1:30 to 3:00 p.m. If you are interested, please note the usual meeting room is not available, so the Committee will meet in Rooms 2, 2, and 3 of the Eisenhower Center at State Fair Park. A meeting agenda, location map, and updated list of preliminary plan recommendations are attached. All chapters and other plan materials can be accessed at: http://www.state.org/WI/SEWIPC/Regional/RegionalHousingPlan/RegionalHousingPlan.htm. Thank you for your good discussion and comments on the regional housing plan during May 9th and prior Task Force meetings.

A public open house meeting on regional transportation planning system planning in Southwestern Wisconsin will be held on Tuesday, June 26, from 5:00 to 7:30 p.m. The meeting location is the Townie 6, Thompson Youth Center at State Fair Park, 640 S. 640 SPE. The meeting has been scheduled by the U.S. Department of Transportation (USDOT), as part of a public outreach process conducted every four years. The process is a planning certification review of metropolitan transportation planning conducted in Southwestern Wisconsin by the Regional Planning Commission, the Wisconsin Department of Transportation, and local units of government in the Milwaukee Metropolitan Area. For this area, SEWIPC serves as the official metropolitan planning agency. The review evaluates whether the area's transportation planning meets federal law and regulations.

For the meeting on June 26th, representatives of the Federal Highway Administration, Federal Transit Administration, SEWIPC Commissioners and staff, Wisconsin Department of Transportation, and area transit operators will be available at a "drop in" format throughout the evening to individually respond to questions and provide information. At any time during the meeting, and comments may be provided individually to a court reporter or submitted in writing. A brief presentation will be given by USDOT at 5:30 p.m., and afterward oral comments may be offered during a public hearing in "town hall" format. All written comments must be submitted no later than July 16, 2012, by mail, fax, or email to:

Planning Certification Review
Federal Highway Administration
555 South Second St., Suite 8000
Madison, WI 53717
Fax: 608-228-7108
Email: wisconsin.state@fha.dot.gov

We appreciate the participation of the Environmental Justice Task Force members in transportation planning, and encourage members to attend the public meeting on June 26th to learn more and offer comments. The SEWIPC website at http://www.state.org/WI/SEWIPC/Transportation.htm contains much background information regarding transportation planning in the region.

Please feel free to contact us with any questions.

Thanks, and we hope that you enjoy the summer season.

Gary Korb
Regional Planning Educator
Union Extension working with SEWIPC
262-547-8722
gkorb@sewipc.org
SEWRPC Salary Ranges

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Classification | Staff Position | Salary Range |
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ATACHMENT E

Is it proper to count the interns in the same manner as full time staff?

Karyn L. Reitker
Senior Staff Attorney
Poverty, Race & Civil Liberties Project
ACLU of Wisconsin Foundation
207 E. Buffalo St., #205
Milwaukee WI 53202
(414) 272-4032 ext. 21
(414) 272-0183 (fax)
ktrojan@acuw.org
www.acuw.org

Karyn Reitker

From: ktrojan@acuw.org
Date: Friday, May 23, 2008 12:22 PM

Thank you for the clarification. I thought as much. Interns should not be included in the EEO-1 report.

>>> "Karyn Reitker" <ktrojan@acuw.org> 5/23/2008 12:22 PM >>>

"The interns are paid based upon their year in school, and how relevant their coursework is to the planning fields. The internship is designed to last through the summer. However, students may also work during the school year and on holiday breaks. We do have students who have returned consecutive summers. Our goal is to encourage minority students to consider planning, engineering, and related careers, and explore upon graduation full-time employment."

Thus, they are paid summer/break internships.

—Original Message—
From: ktrojan@acuw.org
Date: Thursday, May 22, 2008 9:05 AM

To: Karyn Reitker

Subject: RE: Interns & EEO 1 form

Yes, it does.

>>> "Karyn Reitker" <ktrojan@acuw.org> 5/22/2008 9:44 AM >>>

that is unclear - I can ascertain that. Does it make a difference?

—Original Message—
From: ktrojan@acuw.org
Date: Thursday, May 22, 2008 7:43 AM

To: Karyn Reitker

Subject: RE: Interns & EEO 1 form

Are the interns permanent employees?

>>> "Karyn Reitker" <ktrojan@acuw.org> 5/21/2008 2:42 PM >>>

In a matter we are looking into with an employer of about 73 employees.

we have discovered that part-time interns are being counted as "technical staff" for affirmative action purposes. The interns do receive hourly pay

(while other staff is salaried), and do not appear to receive any benefits.