

**RECORD OF PUBLIC COMMENTS**

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

## **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

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PUBLIC COMMENTS ON

REGIONAL TRANSPORTATION SYSTEM PLANNING IN

SOUTHEASTERN WISCONSIN

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Public comments taken before

BREAH E. MADSON, Registered Professional Reporter and

Notary Public in and for the State of Wisconsin, at Tommy

G. Thompson Youth Center, 640 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**

735 North Water Street, Suite M185  
Milwaukee, WI 53202  
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SEWRPC, 06/26/2012

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SEWRPC, 06/26/2012

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TRANSCRIPT OF PROCEEDINGS		
05:44 1	COMMISSION STAFF MEMBER: Okay. No. 1,	
05:44 2	Jennifer Epps.	
05:44 3	JENNIFER EPPS: Good evening, everybody.	
05:45 4	My name is Jennifer Epps Addison. I am the	
05:45 5	economic program director for Citizen Action of	
05:45 6	Wisconsin. Thank you for hosting this meeting.	
05:45 7	My comments relate, really, to a couple	
05:45 8	of things. First of all, I think it's important	
05:45 9	for the federal administration to know that the	
05:45 10	structure of SEWRPC, in and of itself, I believe,	
05:45 11	is very anti-democratic. So Milwaukee represents	
05:45 12	the greatest portion of folks affected, it is the	
05:45 13	largest and densest urban area in the state. It	
05:45 14	has, really, as a city, no representation on	
05:45 15	SEWRPC, and as a county, it has an equal share of	
05:45 16	representation with the other counties involved. I	
05:45 17	believe a remedy for this, if we were to recertify	
05:46 18	SEWRPC, would be to have proportional	
05:46 19	representation so that we recognize the vastly	
05:46 20	different needs that dense urban areas have in	
05:46 21	transportation.	
05:46 22	The second issue, I think, that's really	
05:46 23	important is, we have opportunities to use highway	
05:46 24	funding, which primarily benefits white folks, to	
05:46 25		

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05:46 1 be honest, right? We have the opportunity to use  
 05:46 2 that funding through flexible funding to really  
 05:46 3 invest in transit, and this is not something that's  
 05:46 4 being discussed within communities of color. We  
 05:46 5 seriously have a transit issue in the City of  
 05:46 6 Milwaukee. There is a spatial gap between where  
 05:46 7 job opportunities exist and where folks of color  
 05:46 8 live, primarily. And we need to begin to address  
 05:46 9 that. And one of the ways that we can begin  
 05:46 10 addressing that is by diverting some of the federal  
 05:46 11 highway funds in flexible funding systems that  
 05:46 12 invest in public transportation and transit.

05:47 13 There's also an extreme need to more  
 05:47 14 deeply involve communities of color within the  
 05:47 15 planning of the region. We've seen in our state  
 05:47 16 and in our counties, our seven surrounding  
 05:47 17 counties, blow up over access to affordable  
 05:47 18 housing, access to jobs, and really an  
 05:47 19 unwillingness to allow transit to connect folks in  
 05:47 20 Milwaukee to the job opportunities that exist  
 05:47 21 outside the city.

05:47 22 We really need to have a regional  
 05:47 23 planning council that addresses that issue, whether  
 05:47 24 that be through a specific plan that specifically  
 05:47 25 talks about Milwaukee, the City of Milwaukee, and

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05:48 1 recertified.

05:48 2 I guess, lastly, what I will say is that  
 05:49 3 over the last year, we've seen our transit budget  
 05:49 4 decimated in Milwaukee County. Well, not just the  
 05:49 5 last year, but over the last eight years, we've  
 05:49 6 seen our transit budget decimated in Milwaukee  
 05:49 7 County. I live on the far northwest side of the  
 05:49 8 city, and for me, to get to even a job in the  
 05:49 9 central City of Milwaukee, it would take me well  
 05:49 10 over -- well over an hour, just to get to a job in  
 05:49 11 the actual City of Milwaukee, even though I live  
 05:49 12 there. And if I were to go all the way to try to  
 05:49 13 find a job where most of the folks in our community  
 05:49 14 have skills, like out to Grafton, like out to  
 05:49 15 Waukesha County, it would be nearly impossible for  
 05:49 16 me to get there in less than several hours, and in  
 05:49 17 some cases, without walking an extreme amount of  
 05:49 18 time.

05:49 19 So those are the issues that I see as  
 05:49 20 really important that I hope are addressed before  
 05:49 21 we move forward, because I think regional planning  
 05:49 22 cannot happen without taking into consideration the  
 05:49 23 largest urban area in the state. Thank you.

05:50 24 COMMISSION STAFF MEMBER: Thank you.  
 05:50 25 Michael Wilder.

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05:47 1 how we're going to address the transit needs of the  
 05:47 2 City of Milwaukee, which is vastly different than  
 05:47 3 the surrounding counties, or through some sort of  
 05:47 4 shared sacrifice where we begin to bring folks who  
 05:47 5 do not live in the city to the understanding that  
 05:47 6 the success of our region is really dependent on  
 05:47 7 addressing the more than 55 percent of African  
 05:48 8 American men who are sitting jobless in our city.

05:48 9 And I can tell you as a person who goes  
 05:48 10 door-to-door on almost a daily basis talking to  
 05:48 11 people who are looking for work, that one of the  
 05:48 12 biggest issues that they tell me with regards to  
 05:48 13 why they're having trouble accessing employment is  
 05:48 14 transit. I know you're going to hear from a lot of  
 05:48 15 people who are going to talk about sort of the  
 05:48 16 barriers to driving in our city. Whether it be  
 05:48 17 getting a driver's license, paying fines and fees  
 05:48 18 and those types of things, but what I can tell you  
 05:48 19 is that we have -- we are one of the only major  
 05:48 20 cities in the country that does not have a  
 05:48 21 dedicated transit fund. I think SEWRPC really  
 05:48 22 needs to be pushing the fact that we need dedicated  
 05:48 23 transit funding, that we need to invest in ways to  
 05:48 24 connect people to work, and that those sort of  
 05:48 25 corrective actions should be taken if this body is

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05:50 1 MICHAEL WILDER: Good afternoon. My name  
 05:50 2 is Michael Wilder, and I am the African American  
 05:50 3 Round Table director for Wisconsin Voices. The  
 05:50 4 African American Round Table is a coalition of  
 05:50 5 African American run or African American tailored  
 05:50 6 organizations that serve the African American  
 05:50 7 community. The majority of them are in Milwaukee,  
 05:50 8 but we also have -- we have organizations that are  
 05:50 9 in Racine and Kenosha and Beloit, and other  
 05:50 10 communities that have sizeable African American  
 05:50 11 populations.

05:50 12 I want to bring up two quick points. The  
 05:50 13 first point I want to bring up is the fact that I  
 05:50 14 think that meetings like this should be a little  
 05:50 15 bit more publicized. I just heard about this  
 05:51 16 meeting recently, and I think that it would be nice  
 05:51 17 to have the community's input on what's going on  
 05:51 18 here, and I think that the community needs to be a  
 05:51 19 little bit more notified of these types of  
 05:51 20 meetings. I think that will serve the interest of  
 05:51 21 the community.

05:51 22 And secondly, I just want to use an  
 05:51 23 example of some of the work that we did during the  
 05:51 24 recall election. We do 501(c)(3) nonpartisan civic  
 05:51 25 engagement work, and one of the things that we were

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05:51 1 able to find out is that a lot of the African  
 05:51 2 Americans in Milwaukee lack photo identification to  
 05:51 3 vote. Well, if you lack a photo identification to  
 05:51 4 vote, chances are you probably lack a driver's  
 05:51 5 license, and chances are you probably don't drive,  
 05:51 6 and chances are you're probably going to be  
 05:51 7 dependent on public transportation. So that is  
 05:51 8 something that we need to consider when we're  
 05:51 9 considering the plan moving forward with  
 05:51 10 transportation in this area, is that a lot of these  
 05:51 11 people in the African American community do not  
 05:51 12 have the transportation that we think they have,  
 05:51 13 and a lot of the skills that they have are working  
 05:52 14 in jobs that are surrounding the African -- or  
 05:52 15 surrounding the Milwaukee community, not in the  
 05:52 16 Milwaukee community.

A lot of these jobs have moved from the  
 city to the suburbs; so we need to find a way to  
 make it so that they can get to these jobs, and I  
 think that the fact that Milwaukee is not  
 represented proportionally is a concern of mine and  
 a concern of many in our community. Thank you.

COMMISSION STAFF MEMBER: Peter Slaby.

05:52 24 PETER SLABY: Okay. My name is Peter I.  
 05:52 25 Slaby, S-L-A-B-Y. I live here in Milwaukee, a

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05:54 1 SEWRPC with the Wisconsin DOT, but I'm happy you've  
 05:54 2 come to Milwaukee to do a little auditing and take  
 05:54 3 a -- I hope you take a good, good, good look.  
 05:54 4 Because currently, I am more concerned now than  
 05:54 5 ever with the current administration in power here  
 05:54 6 in Wisconsin. But public transit is critical. We  
 05:54 7 have to get folks moving about and across  
 05:54 8 Wisconsin, all the little towns. How do we move  
 05:54 9 goods and people for crying out loud?

And lastly, I'll try to wrap up here a  
 little bit. Keep in mind the 800,000 pound  
 elephant, which is already in the tent. It's  
 called climate change. Now, for those who say --  
 all the naysayers, I would want our federal folks  
 and our state SEWRPC and the Wisconsin DOT folks,  
 when they come across those who are  
 opposing systems that have to work for we public,  
 keep in mind there's a concept called "willful  
 blindness." It is a legal term that some people  
 have been convicted of willful blindness when they  
 were in a position to know and they did nothing.  
 But too many -- a good portion of our American  
 society is guilty of the malady; a human malady of  
 willful ignorance and willful blindness.

Anybody wondering, hey, what am I talking

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05:52 1 Wisconsinite for my lifetime and currently living  
 05:52 2 down in Bay View. You're looking -- this panel of  
 05:52 3 people in this room, you can look and gaze your  
 05:52 4 eyes on a living, breathing member of the public  
 05:53 5 transit riding community. I ride buses primarily  
 05:53 6 because I've always been riding public transit for  
 05:53 7 most of my life with other modes, but right now,  
 05:53 8 from last year, I have no car.

I've logged in 75 years. I live in elder  
 housing. I am permanently low income. Heed the  
 words of the first speaker, Jennifer Epps, and the  
 fellow that came behind -- after her. The concerns  
 of public access. For me, as a retired "seasoned"  
 citizen, I don't have to worry so much because I  
 can get around, and I'm pretty close in town, near  
 some good bus routes. The bus routes we still have  
 functioning.

But those in the outlying areas, it's  
 difficult for the folks who have to get to a job  
 for crying out loud. It is pathetic. So I  
 currently am underwhelmed with the, say, the last  
 20 years of Wisconsin administration, the  
 Department Of Transportation here in Wisconsin.  
 For all I know, maybe SEWRPC, I don't know, because  
 I'm not privy to understand the relationships of

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05:55 1 about? Well, you've got to go to a search engine  
 05:55 2 and just type in "willful blindness," and "bam,"  
 05:55 3 there's a whole ton of stuff. But don't be  
 05:55 4 bamboozled by the naysayers. You've got to hang  
 05:55 5 tough. Whether it's Washington or here in  
 05:55 6 Wisconsin, across this nation. But we transit  
 05:55 7 riders, we need systems that work for the long  
 05:56 8 haul, and for our coming generations of people.  
 05:56 9 That's all I got to say for now.

COMMISSION STAFF MEMBER: Nick DeMarsh.

NICK DeMARSH: I'm a Milwaukee Transit  
 Riders Union member. And --

COMMISSION STAFF MEMBER: Excuse me, sir.

NICK DeMARSH: Yes?

COMMISSION STAFF MEMBER: Identify  
 yourself, please.

NICK DeMARSH: Yes. My name is Nick  
 DeMarsh. Like I said, Milwaukee Transit Riders  
 Union member. So I'd like to reiterate what has  
 been said and go further to point out the legacy of  
 segregated housing in the city that's left us with  
 what is actually the most segregated city in the  
 country. And so as a result of that, we have  
 primarily white people living on the periphery of  
 the city, as well as jobs on the periphery of the

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05:57 1 city. So as a result of our planning priorities,  
05:57 2 we have, actually, a classist and racist planning  
05:57 3 going on right now where people not only have to  
05:57 4 travel long distances to get to those jobs, but  
05:57 5 because of the cuts to transit that have been  
05:57 6 mentioned, those jobs are actually very much  
05:57 7 inaccessible. So this needs to change. This is  
05:57 8 not currently following civil rights laws.

05:57 9 And in addition, this whole process is  
05:57 10 antidemocratic in the fact that the SEWRPC office  
05:57 11 is so far from the vast majority of the population  
05:57 12 of the SEWRPC planning region that should be here  
05:57 13 in Milwaukee, primarily, if not solely. So we  
05:57 14 would encourage SEWRPC to locate an office downtown  
05:57 15 or close by. And that's pretty much all I have.  
05:58 16 Oh, and of course, I would also like to encourage  
05:58 17 the entire process to be democratic in proportional  
05:58 18 representation on the SEWRPC planning committee so  
05:58 19 we could resolve some of these issues through a  
05:58 20 democratic process. Thank you.

05:58 21 COMMISSION STAFF MEMBER: No. 5, Rock  
05:58 22 Jackson.

05:58 23 ROCK JACKSON: Hello. My name is Rock  
05:58 24 Jackson. I'm a youth leader at the Pathfinder  
05:58 25 Drop-In Center on 4200 North Holton, and we have a

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05:58 1 problem down there where last year, our bus -- or  
05:59 2 Route 11 had got cut, and that left a lot of our  
05:59 3 youth members to walk a block and a half to get to  
05:59 4 the center when, usually, the bus would run right  
05:59 5 in front of it. And not only that, in the city,  
05:59 6 I've noticed that the buses have been cut a lot.  
05:59 7 There's been -- it's actually kind of like it's  
05:59 8 segregating people from the ghetto to getting out  
05:59 9 to the suburbs for jobs, and I feel that's against  
05:59 10 human rights. And I think that whoever did the  
05:59 11 planning for the last four years doesn't need to be  
05:59 12 planning for the next four years. That's all I got  
05:59 13 to say. Thanks.

05:59 14 COMMISSION STAFF MEMBER: No. 6, Jim  
05:59 15 Carpenter.

05:59 16 JIM CARPENTER: Good afternoon. My name  
05:59 17 is Jim Carpenter. I'm a member of the Milwaukee  
05:59 18 Area Transit Riders Union. I'm also an instructor  
05:59 19 at MATC in economics. There's a crisis on the  
06:00 20 planet. We're depleting our natural resources. We  
06:00 21 have climate change. As you may know, there was a  
06:00 22 recent conference in Brazil about this issue. Ban  
06:00 23 Ki-moon, the secretary general of the UN said that,  
06:00 24 "The nations of the world are in a mutual suicide  
06:00 25 pact." That's pretty strong language. Either he's

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06:00 1 way off base or it's true. And I think it's true  
06:00 2 because of this issue of denial that has already  
06:00 3 been brought up.

06:00 4 So the planet is in a crisis, including  
06:00 5 Milwaukee County. We have an unbalanced  
06:00 6 transportation system in the United States, which  
06:00 7 is leading to car addiction, burning too much oil,  
06:00 8 which is causing carbon dioxide increases in the  
06:00 9 atmosphere, which is causing climate change. And  
06:00 10 our sprawling highway networks are encouraging this  
06:00 11 car addiction.

06:00 12 Now, the SEWRPC, to its credit, and I've  
06:00 13 been following SEWRPC for a number of years, to its  
06:00 14 credit, has offered transportation improvement  
06:01 15 plans that include both transit and highway.  
06:01 16 Unfortunately, because of the political issues,  
06:01 17 only the highway parts have been implemented, and  
06:01 18 the transit has gone downhill in a death spiral.  
06:01 19 One of the reasons that has already been mentioned  
06:01 20 is that we do not have any dedicated source of  
06:01 21 local funding. And to its credit, SEWRPC has  
06:01 22 warned the community that without this dedicated  
06:01 23 source for funding for transit, transit will  
06:01 24 continue to go in a downward spiral.

06:01 25 And so it's a political failure; not so

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06:01 1 much of a planning failure, but I believe that  
06:01 2 SEWRPC has tools that can force the issue  
06:01 3 politically. For instance, I believe that SEWRPC  
06:01 4 should not put highway improvements in its TIP  
06:01 5 until the transit improvements that have been  
06:02 6 recommended are implemented. So let's -- I know it  
06:02 7 would take a lot of courage to take such a bold  
06:02 8 step and say, No more highway improvements in the  
06:02 9 TIP until we improve transit. I know that's a bold  
06:02 10 step, but they should do it, and I don't think  
06:02 11 SEWRPC should be certified until they choose such  
06:02 12 bold steps.

06:02 13 Now, how -- I know the leadership of  
06:02 14 SEWRPC, I've talked to them quite a bit, and I  
06:02 15 think they're very trustworthy, intelligent  
06:02 16 individuals, but I think it would be easier for  
06:02 17 them to take this bold step if we had a democratic  
06:02 18 SEWRPC, and SEWRPC was created on a proportional  
06:02 19 basis with one person, one vote, and Milwaukee  
06:02 20 would get greater representation. And of course,  
06:02 21 Milwaukee is where so much -- so many people are  
06:02 22 transit dependent.

06:02 23 Also, I'd like to see in the SEWRPC plans  
06:02 24 a discussion of the true costs of highways and  
06:03 25 automobiles, including all the externalities,

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06:03 1 including climate change, including the wars that  
 06:03 2 are fought for oil. I don't believe I saw all of  
 06:03 3 these externalities included in the plan, and I  
 06:03 4 think it would be very important to have a section  
 06:03 5 of the plans that discuss these externalities.  
 06:03 6 Finally, I would like to say that there's  
 06:03 7 a bill out there, I think it's HR 3200, if I'm not  
 06:03 8 mistaken, a bill to allow flexible transit funding  
 06:03 9 where money from capital funds can be -- can be --  
 06:03 10 transit capital funds can be used for operations,  
 06:03 11 and I would hope that SEWRPC would recommend that  
 06:03 12 this be implemented at the federal levels, and that  
 06:03 13 -- so Milwaukee will be able to use some of their  
 06:03 14 capital funds for operating funds to solve some of  
 06:03 15 this crisis. Thank you.  
 06:04 16 COMMISSION STAFF MEMBER: Excuse me,  
 06:04 17 folks. I'm going to be -- for the speakers, I'm  
 06:04 18 going to be holding up a sign that says "one  
 06:04 19 minute" just to make sure that everybody gets a  
 06:04 20 chance to speak. Please don't anybody be offended,  
 06:04 21 but I just want to make sure everybody gets a  
 06:04 22 chance to speak.  
 06:04 23 COMMISSION STAFF MEMBER: Karyn Rotker.  
 06:04 24 KARYN ROTKER: Thank you. My name is  
 06:04 25 Karyn Rotker, senior staff attorney and racial

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06:04 1 justice attorney of the ACLU of Wisconsin. I came  
 06:04 2 here by bus today from downtown. It took me 90  
 06:04 3 minutes. I just want to point that out. I also  
 06:04 4 just want to comment that my understanding, based  
 06:04 5 on the TMA certification process field handbook  
 06:04 6 from November 2009 was that FTA and FHW were  
 06:04 7 responsible for doing the publicity about this  
 06:04 8 meeting as opposed to the MPO. And that was  
 06:04 9 something that, at least, we didn't get notice of  
 06:05 10 at all.  
 06:05 11 I want to talk a little bit,  
 06:05 12 specifically, about some of the issues with SEWRPC.  
 06:05 13 I won't repeat what folks have said about the  
 06:05 14 undemocratic governance, and what we have said at  
 06:05 15 certification meeting after certification meeting,  
 06:05 16 but I will emphasize for the record that three  
 06:05 17 quarters of the low-income population, three  
 06:05 18 quarters of the minority population, and about 85  
 06:05 19 percent of the African American population lives in  
 06:05 20 Milwaukee County.  
 06:05 21 Milwaukee County also has about 45  
 06:05 22 percent of the people in the region, but gets 14 --  
 06:05 23 14 percent of the votes on SEWRPC's governance.  
 06:05 24 The problems we are seeing, and the issues with  
 06:05 25 project selection and transit are not unrelated to

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06:05 1 that form of governance. We are also the No. 1  
 06:05 2 most racially segregated region for African  
 06:05 3 Americans in the United States, and we're not doing  
 06:05 4 great for Latinos either. And SEWRPC knows this.  
 06:05 5 It's doing a housing study that has showed this.  
 06:05 6 There is a lot of data, and SEWRPC is well aware  
 06:05 7 that transit access is a racial justice issue as  
 06:06 8 well. And SEWRPC's plans have said this.  
 06:06 9 So we have these great plans that say,  
 06:06 10 Yes, we're going to have transit, but they're not  
 06:06 11 implemented. There absolutely needs to be more  
 06:06 12 effort by SEWRPC, by the governance, and by SEWRPC  
 06:06 13 staff to figure out ways to implement it. I note  
 06:06 14 that, again, the TMA certification process field  
 06:06 15 handbook revised November 17th, 2009, page 103,  
 06:06 16 talks about the TIP process, the Transportation  
 06:06 17 Improvement Program, the planning process, being  
 06:06 18 supported by a comprehensive and inclusive public  
 06:06 19 involvement effort that complies with Title 6 and  
 06:06 20 the executive order in environmental justice.  
 06:06 21 This might be demonstrated in numerous  
 06:06 22 ways, including an indication of public and state  
 06:06 23 call to input to TIP development methods. Not just  
 06:06 24 a committee, even if it's a committee that includes  
 06:07 25 some representatives of the City of Milwaukee, but

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06:07 1 not just a committee of elected officials that meet  
 06:07 2 in a room and decide how it's going to be done.  
 06:07 3 SEWRPC has, to my knowledge, and I've been to  
 06:07 4 90-some odd percent of the Environmental Justice  
 06:07 5 Task Force meetings, I don't think SEWRPC has ever  
 06:07 6 talked about some of the TIP development, for  
 06:07 7 example, that -- with the Environmental Justice  
 06:07 8 Task Force, such as prioritizing projects in ways  
 06:07 9 that help communities of color who need transit,  
 06:07 10 and maybe disadvantaged communities, or take  
 06:07 11 projects off the table for communities that don't  
 06:07 12 provide affordable housing or transit, including  
 06:07 13 using the authority to select road projects or not  
 06:07 14 select road projects. Just because that hasn't  
 06:07 15 been done in 35 years, doesn't mean it can't be  
 06:07 16 done now.  
 06:07 17 Similarly, we need to find ways to  
 06:07 18 maximize the amount of flexible funding, to use it  
 06:07 19 for transit, for capital improvements, for whatever  
 06:07 20 maintenance it can be used for. But this is also  
 06:07 21 an open discussion that needs to happen with the  
 06:07 22 community. And unfortunately, when these kinds of  
 06:08 23 issues are brought up, such as TIP prioritization  
 06:08 24 or flexible funding, a lot of the response from  
 06:08 25 SEWRPC has been, Well, we haven't done it that way

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06:08 1 before. We've done it this other way.  
 06:08 2 Well, this other way -- 35 years ago,  
 06:08 3 Milwaukee was not the most racially segregated  
 06:08 4 nation in the United States, and it is now. It  
 06:08 5 isn't working, and we need a change, and we need  
 06:08 6 you to help make sure there is that change from  
 06:08 7 SEWRPC, if they're going to be certified as a  
 06:08 8 planning commission, or otherwise find some  
 06:08 9 enforceable mechanisms to make sure that they  
 06:08 10 fairly represent all the people in the community,  
 06:08 11 and not just the suburban community.

06:08 12 COMMISSION STAFF MEMBER: Joyce  
 06:08 13 Ellwanger.

06:08 14 JOYCE ELLWANGER: That's a hard act to  
 06:08 15 follow. I'm Joyce Ellwanger and I'm with Micah. I  
 06:08 16 will be presenting some written statements; so I'll  
 06:09 17 just have a brief statement as the chair of the  
 06:09 18 Micah Transportation Work Group. There's several  
 06:09 19 things that concern us about SEWRPC, and the first  
 06:09 20 one I will illustrate, and for the second one, I  
 06:09 21 have a story.

06:09 22 The Haitians have a proverb that says,  
 06:09 23 "No one listens to the cry of the poor or to the  
 06:09 24 sound of a wooden bell." Because of the way SEWRPC  
 06:09 25 is structured, those of us who live where I live,

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06:09 1 in the central part of the City of Milwaukee in the  
 06:09 2 poor minority community, resonate to this proverb.  
 06:09 3 We have a wooden bell voice on the SEWRPC table.  
 06:09 4 It's not strong enough to be heard or listened to,  
 06:09 5 and that really needs to change.

06:09 6 My second concern is how transportation  
 06:09 7 dollars are allocated and spent. While many states  
 06:09 8 are facing the same problems in providing public  
 06:09 9 transit, they're leveraging STP dollars into  
 06:10 10 transit pots to fill vital services in their  
 06:10 11 cities. Wisconsin lags far behind in taking  
 06:10 12 advantage of this opportunity to leverage dollars  
 06:10 13 into transit. Instead we build more roads.

06:10 14 I want to tell you the story of Dave Hold  
 06:10 15 (phonetic) to illustrate why this is important to  
 06:10 16 Milwaukee and to me. I met David when he was  
 06:10 17 incarcerated at the Felmers Chaney Center, a  
 06:10 18 previous prison here in Milwaukee. He was part of  
 06:10 19 a group my husband picks up each Sunday to worship  
 06:10 20 with us at Bethesda Lutheran Church. The work  
 06:10 21 coordinator at the center helps inmates about to be  
 06:10 22 released to find jobs as part of a successful  
 06:10 23 transition back into the community.

06:10 24 David was transported to and from his job  
 06:10 25 in Menomonee Falls by the institution van, but when

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06:10 1 he was released, he lost his job because there was  
 06:11 2 no bus transportation to the factory where he  
 06:11 3 worked. Several other inmates also worked there,  
 06:11 4 and they will face the same fate on their release.  
 06:11 5 I was concerned, and I spoke to the work  
 06:11 6 coordinator about this placement and jobs that  
 06:11 7 defeat the purpose of successful reentry for these  
 06:11 8 people. He said the competition for jobs in  
 06:11 9 Milwaukee and along public transportation routes is  
 06:11 10 so fierce, he can't find jobs for the ones he is  
 06:11 11 placing. It's not just prisoners in our community  
 06:11 12 who face this hurdle. It's thousands of unemployed  
 06:11 13 workers in Milwaukee. We have a crisis of  
 06:11 14 unemployment in our city, and the lack of transit  
 06:11 15 to get to where jobs are available is the key  
 06:11 16 factor in this crisis.

06:11 17 Both of these illustrations point to the  
 06:11 18 need to make some changes on the SEWRPC board and  
 06:11 19 how funds are leveraged fairly in southeast  
 06:12 20 Wisconsin. I'm not satisfied to be a wooden bell  
 06:12 21 with no real voice. I'm not satisfied to see  
 06:12 22 thousands of unemployed people, eager to work,  
 06:12 23 unable to get to where the jobs are due to lack of  
 06:12 24 public transit to get them there. You can do  
 06:12 25 better. We can do better. SEWRPC can do better.

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06:12 1 We must do better for the health and safety of all  
 06:12 2 the people in our region.

06:12 3 COMMISSION STAFF MEMBER: Ruben Hopkins.

06:12 4 RUBEN HOPKINS: Good evening. I'm Ruben  
 06:12 5 Hopkins, chairman of the board for the Wisconsin  
 06:12 6 Black Chamber Of Commerce. A lot of what I had to  
 06:12 7 say, other people must have stole my notes, but  
 06:12 8 what I will say is, recently, the Wisconsin Black  
 06:12 9 Chamber, along with the NAACP and the ACLU, we  
 06:13 10 filed a Department Of Justice complaint, and that  
 06:13 11 complaint was based on the city's unfairness in  
 06:13 12 contracting.

06:13 13 In the city, the processes that they've  
 06:13 14 used over the years have consistently been unfair.  
 06:13 15 And no matter what we've tried to do, no matter how  
 06:13 16 we've tried to approach them, they refuse to come  
 06:13 17 to the table and tell us why they continue to use  
 06:13 18 these processes that were heavily unfair. So we  
 06:13 19 sought -- we are in the process of seeking remedy  
 06:13 20 at the Department Of Justice.

06:13 21 Somehow, we can tie SEWRPC, Milwaukee  
 06:13 22 County, the state, all have systems that  
 06:13 23 continually lock people out of the process. All  
 06:13 24 have systems that continually tell us that, Just be  
 06:13 25 patient, sooner or later, again, it will trickle

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06:14 1 down to you. We'll continue to give it to the  
 06:14 2 people that have it, and they have plans for you.  
 06:14 3 Well, I have -- I'm not concerned about  
 06:14 4 transportation. I want to see the economic  
 06:14 5 development take place in the City of Milwaukee. I  
 06:14 6 want to see some of the \$.13 cents in taxes that we  
 06:14 7 pay in gas, I want to see some of the construction  
 06:14 8 and that economic development come back to the City  
 06:14 9 of Milwaukee so that we can create businesses in  
 06:14 10 the city so that people can either walk to work or  
 06:14 11 take the bus locally to work. Because there are  
 06:14 12 thousands of men and women of all ages that are  
 06:14 13 waiting to go back to work, yet they're waiting for  
 06:14 14 some fantasy and illusion to take place where  
 06:14 15 you're going to connect the thousands of jobs that  
 06:14 16 are outside of the county with the thousands of  
 06:14 17 people that are sitting in the City of Milwaukee.  
 06:14 18 We happen to think that -- we happen to  
 06:14 19 think that if we use a system where if your  
 06:14 20 business is located in Milwaukee, you should have  
 06:15 21 some priority where contracting is concerned. If  
 06:15 22 you're within the county, you should have some  
 06:15 23 priority where contracting is concerned. When you  
 06:15 24 have systems like that, then what you begin to have  
 06:15 25 is the economic development occurring where the

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06:15 1 money is.  
 06:15 2 Currently, we see about 80 percent of the  
 06:15 3 contracts in the City of Milwaukee contract and  
 06:15 4 leave the city. We're seeing about the same amount  
 06:15 5 leave the county. So the rest of us are fighting  
 06:15 6 over the 20 percent that's left in contracting, and  
 06:15 7 then we look at the contracting, and the city has  
 06:15 8 said, through their own disparity studies, that  
 06:15 9 their systems are unfair.  
 06:15 10 So how SEWRPC ties into all of this, we  
 06:15 11 will soon find out as we do our research. But we  
 06:15 12 are -- we want to make sure that those of you that  
 06:15 13 are required to hold them accountable, that when we  
 06:16 14 ask you to come in and take a look at the processes  
 06:16 15 that they've been using, that you will be an honest  
 06:16 16 broker and come in and hold them accountable for  
 06:16 17 what they are doing, as well as what they're not  
 06:16 18 doing because the city cannot continue the way that  
 06:16 19 it is now.  
 06:16 20 It took me -- it took you 90 minutes by  
 06:16 21 bus; it took me a half an hour by car, and I'm off  
 06:16 22 of 21st and Highland, and so it took me a while to  
 06:16 23 get here as well. So I think that he's about ready  
 06:16 24 to hold the sign up on me; so I appreciate your  
 06:16 25 time. Thank you.

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06:16 1 COMMISSION STAFF MEMBER: Paul Trotter.  
 06:16 2 PAUL TROTTER: So who are the Feds and  
 06:16 3 who's the SEWRPC? Are you SEWRPC?  
 06:17 4 COMMISSION STAFF MEMBER: We're all  
 06:17 5 Federal.  
 06:17 6 PAUL TROTTER: Oh, they're all Federal.  
 06:17 7 You're all Federal? Where's SEWRPC? They're not  
 06:17 8 here? Oh, hi. Okay. Maybe I should just turn  
 06:17 9 this podium. Anyways, my name is Paul Trotter.  
 06:17 10 I'm a Story Hills resident, 439 North 50th Street  
 06:17 11 in Milwaukee, Wisconsin.  
 06:17 12 First, let me start off with  
 06:17 13 complimenting SEWRPC, and then I'll get into the  
 06:17 14 meat of this on their wonderful building of the  
 06:17 15 Marquette Interchange. That was a very smooth  
 06:17 16 process, so, you know, they are doing some good  
 06:17 17 things.  
 06:17 18 However, they did not plan for transit,  
 06:17 19 mass transit within that construction project. I  
 06:17 20 do like the earth tones. I do like the blue steel.  
 06:17 21 I do like the LED lights, and I do like the  
 06:17 22 stockade-type fences that surround the freeway. I  
 06:18 23 say "freeway" with quotes on each side because it  
 06:18 24 is not free. It's expensive.  
 06:18 25 But it's ironic that we have a beautiful

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06:18 1 mural in the Marquette Interchange. And that mural  
 06:18 2 is located on the entrance ramps to go south, to go  
 06:18 3 north, to go east, to go west in the -- on the  
 06:18 4 interchanges. That mural depicts the underground  
 06:18 5 railway, where blacks were allowed a conduit for  
 06:18 6 safe haven, safe harbor, to come to this area to  
 06:18 7 escape slavery. It's ironic that that mural, that  
 06:18 8 beautiful mural is in that area that is so close to  
 06:19 9 the incredible poverty in Milwaukee.  
 06:19 10 Now, it would be great if blacks could  
 06:19 11 escape, if minorities could get out of the city,  
 06:19 12 but they can't. They cannot get out of the city  
 06:19 13 because there is no transportation for doing so.  
 06:19 14 None. I did a search on Google today looking at  
 06:19 15 the top employers in Waukesha County, Pewaukee, and  
 06:19 16 so forth. Employers that have over 1,000  
 06:19 17 employees. Now, if you do a search on Google, you  
 06:19 18 can notice how you get there. You can go by car,  
 06:19 19 you can drive, you can take a transit. Well, if  
 06:19 20 you look at "car," you know you can get there in 25  
 06:20 21 minutes, or probably more with increased traffic.  
 06:20 22 If you Google "walking," it would take you five  
 06:20 23 hours, and those sidewalks would probably end when  
 06:20 24 you get to Waukesha. And I can't imagine a single,  
 06:20 25 black male walking in Waukesha on the streets and

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06:20 1 not being a target. Anyways, if you Google  
06:20 2 "transit," you get no results because there is no  
06:20 3 transit to these jobs, such as Cooper Industries or  
06:20 4 GE or Quad Graphics. There isn't. You can't get  
06:20 5 there.

06:20 6 Now, obtaining a car is very, very  
06:20 7 expensive. I can't imagine someone who doesn't  
06:20 8 have a job right now trying to get a car. We all  
06:21 9 know insurance is very expensive. We all know  
06:21 10 maintenance of cars is very expensive. I'll keep  
06:21 11 going here. I also -- you know, so we talked about  
06:21 12 the inability to get to the jobs, good paying jobs  
06:21 13 outside the city. So there is no escape.

06:21 14 Now, I also want to talk about the  
06:21 15 representation on SEWRPC's board. The affirmative  
06:21 16 action report that just came out has some serious  
06:21 17 problems with hiring the minorities for their  
06:21 18 board. I'm almost done. I'm almost done. Now,  
06:21 19 the whole idea for SEWRPC is to pave, to rebuild,  
06:21 20 pave, rebuild, all the time. Their whole thing is  
06:21 21 to expand the freeways, I mean, no, that doesn't  
06:21 22 work. It just doesn't work. Thank you very much.

06:22 23 COMMISSION STAFF MEMBER: Kori Schneider.  
06:22 24 KORI SCHNEIDER: Hi. I'm Kori Schneider  
06:22 25 from the Metropolitan Milwaukee Fair Housing

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06:23 1 "could be changed" or "would be more likely to be  
06:23 2 changed," with a change in governance structure.  
06:23 3 SEWRPC's lack of City of Milwaukee presence, as was  
06:23 4 mentioned before. It would be nice to have an  
06:23 5 office here. It would be nice to have increased  
06:23 6 outreach here. There have been some improvements  
06:23 7 over time, but we'd like to see some more.

06:23 8 In additional, SEWRPC should set  
06:23 9 priorities for county and local road projects that  
06:23 10 emphasize civil rights and environmental justice  
06:23 11 criteria. The TIP, as was explained by a number of  
06:24 12 people already, could have these kind of criteria  
06:24 13 in them, and we would like to see that change made.  
06:24 14 And SEWRPC should use more federal highway funds to  
06:24 15 expand transit through that flexible funding option  
06:24 16 that they have.

06:24 17 I think, in addition to these issues,  
06:24 18 it's important to acknowledge the progress that  
06:24 19 SEWRPC has made over the last eight years or so.  
06:24 20 First of all, they did develop the Environmental  
06:24 21 Justice Task Force. While the effectiveness of  
06:24 22 this body is not without its challenges, the  
06:24 23 potential to make sure that environmental justice  
06:24 24 is incorporated into SEWRPC's plans and policies is  
06:24 25 definitely there.

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06:22 1 Council. We're a civil rights for housing  
06:22 2 enforcement, a nonprofit organization that serves  
06:22 3 the four counties, four counties of the seven  
06:22 4 counties in southeastern Wisconsin. And today  
06:22 5 marks my third time testifying at a recertification  
06:22 6 hearing. Each time, my remarks center on the lack  
06:22 7 of regional equity in southeastern Wisconsin and  
06:22 8 the role that SEWRPC does or can play in that  
06:22 9 issue.

06:22 10 The comments so far from the community  
06:22 11 have articulated these issues much better than I  
06:22 12 can, but I'm just going to reiterate. First and  
06:22 13 foremost, SEWRPC's governance. I realize this is  
06:22 14 part of the state statute, not something that  
06:22 15 there's a lot of control of, but SEWRPC governance,  
06:23 16 I think, dictates all the other problems that  
06:23 17 follow.

06:23 18 And just one example. With a fair  
06:23 19 population proportionate governance system, the 3  
06:23 20 commissioners that Ozaukee County has would be  
06:23 21 countered with 30 from the city of -- from  
06:23 22 Milwaukee County. So if we look at that  
06:23 23 proportionally, we see that things are really out  
06:23 24 of whack.

06:23 25 Secondly, and these things all fall under

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06:24 1 The Regional Housing Study: I'm a member  
06:24 2 of the Regional Housing Study advisory committee,  
06:24 3 and for years was also a vocal proponent to make  
06:24 4 sure that that study got updated from the 1975  
06:24 5 housing plan. I think that their planning team is  
06:24 6 doing an excellent job so far. I think it's going  
06:24 7 to come down to the implementation. And again,  
06:24 8 that could be tied back into how those priorities  
06:25 9 and that TIP get set. You could base it on housing  
06:25 10 or jobs/housing imbalance.

06:25 11 And also, a long time Milwaukee community  
06:25 12 development professional was hired to do outreach  
06:25 13 in order to better engage low income and  
06:25 14 communities of color. That was an excellent step,  
06:25 15 and we've seen that all in the last four, maybe  
06:25 16 eight years since the last recertification. So  
06:25 17 while some may find that this recertification  
06:25 18 process is difficult, I credit this tension. I  
06:25 19 credit this forum with this community to speak and  
06:25 20 be able to push -- continue to push SEWRPC to make  
06:25 21 this progress. Without the tension and this  
06:25 22 pressure from the community, I don't think that we  
06:25 23 would have seen those improvements. The  
06:25 24 Environmental Justice Task Force, the housing  
06:25 25 study, the hiring of that particular outreach

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06:25 1 professional. But we have so much further to go;  
06:25 2 so I'm urging you all to urge SEWRPC to take this  
06:26 3 community's recommendations into account so that in  
06:26 4 four years and in eight years, we might be able to  
06:26 5 point to some more significant progress in a region  
06:26 6 that needs a lot of help.

06:26 7 COMMISSION STAFF MEMBER: Dennis  
06:26 8 Grzezinski.

06:26 9 DENNIS GRZEZINSKI: Good evening. My  
06:26 10 name is Dennis Grzezinski. I'm an attorney with  
06:26 11 Midwest Environmental Advocates. We're a nonprofit  
06:26 12 environmental law center that has a rather great  
06:26 13 interest in environmental justice.

06:26 14 I want to start by saying that SEWRPC has  
06:26 15 some really talented staff, and they have the  
06:26 16 ability, and they have had a history of doing some  
06:26 17 very good planning. The Regional Transportation  
06:26 18 Plan describes incredibly well how important the  
06:27 19 expansion and improvement of public transit systems  
06:27 20 is to, in particular, the low income minority  
06:27 21 population concentrated in the heart of Milwaukee  
06:27 22 and to the region's economy.

06:27 23 The report is wonderful in laying out how  
06:27 24 important it is that dramatic improvements in the  
06:27 25 public transit systems that serve that population

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06:27 1 in order for those folks to have any chance, any  
06:27 2 chance at all of participating in our economy, of  
06:27 3 having decent lives. I mean, they did a great job  
06:27 4 laying this out.

06:27 5 Unfortunately, SEWRPC has not fulfilled,  
06:27 6 or it's not followed up on its excellent analysis  
06:27 7 with corresponding action. SEWRPC is a  
06:27 8 metropolitan planning organization. Under the law  
06:28 9 it, as an MPO, has the authority to designate flex  
06:28 10 funds, to move funds under the STP program and the  
06:28 11 CMAQ program from highway expansion purposes to  
06:28 12 transit expenses and costs. However, SEWRPC has  
06:28 13 done very little, if anything, to exercise that  
06:28 14 authority to flex those funds and provide more  
06:28 15 dollars for transit, which its own plans  
06:28 16 absolutely, clearly demonstrate is essential.

06:28 17 Meanwhile, while the region's transit  
06:28 18 systems have been declining, highway expansion,  
06:28 19 which primarily serves to get white, suburban  
06:28 20 residents to their jobs, has been booming. You  
06:28 21 know, a billion here, a couple billion there,  
06:29 22 eventually, it adds up to real dollars. It's huge.  
06:29 23 Others have mentioned, but SEWRPC promised a number  
06:29 24 of years ago to open an office in the City of  
06:29 25 Milwaukee, a city which it abandoned years ago when

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06:29 1 it moved its offices from the heart of the City of  
06:29 2 Milwaukee out to what, at the time, was basically a  
06:29 3 cornfield outside of Pewaukee.

06:29 4 They have a wonderful office there. It's  
06:29 5 great. I can get there in my car. But if you  
06:29 6 don't have your own personal car, you can't get  
06:29 7 there. That is not right. We're all still waiting  
06:29 8 for the grand opening of that office in the City of  
06:29 9 Milwaukee. And I don't know how long we'll have to  
06:29 10 wait. But the question is: Who benefits and who's  
06:29 11 harmed by these disparities between -- disparity  
06:29 12 between the facilities, the ever-growing facilities  
06:30 13 provided for essentially those who are well off and  
06:30 14 white versus the declining, degrading,  
06:30 15 deteriorating public transit systems that serve all  
06:30 16 of us, but are really essential and used primarily  
06:30 17 by those who are darker and less well off than I  
06:30 18 am.

06:30 19 The question of that disparity is not  
06:30 20 simply and only a moral and ethical problem and  
06:30 21 incredible social problem. It's also a legal  
06:30 22 problem. It calls into question whether Wisconsin  
06:30 23 Department Of Transportation, SEWRPC, and even the  
06:30 24 Federal Highway Administration are complying with  
06:30 25 their obligations and duties under Title 6 of the

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06:30 1 Civil Rights Act. I don't believe -- and I've got  
06:31 2 about a sentence more. I don't believe you can  
06:31 3 adequately do your job of evaluating the  
06:31 4 recertification of our regional MPO without  
06:31 5 addressing the question of that disparity growing  
06:31 6 and increasing and how it relates to all of these  
06:31 7 agencies obligations under the civil rights laws.  
06:31 8 Thank you.

06:31 9 COMMISSION STAFF MEMBER: Samuel Jensen.  
06:31 10 SAMUEL JENSEN: My name is Samuel Jensen.  
06:31 11 I'm an organizer with the Milwaukee Transit Riders  
06:31 12 Union, and I'm here to present the statement that  
06:31 13 we've come up with as a group regarding SEWRPC's  
06:31 14 recertification.

06:31 15 The Milwaukee Transit Riders Union urges  
06:31 16 the U.S. Department Of Transportation not to  
06:31 17 recertify the Southeastern Wisconsin Regional  
06:32 18 Planning Commission until the commission commits to  
06:32 19 making a number of improvements in its operations,  
06:32 20 especially with regards to Title 6, civil rights  
06:32 21 compliance. As an organization made up of and  
06:32 22 representing bus riders in Milwaukee, Milwaukee  
06:32 23 Transit Riders Union understands that good regional  
06:32 24 planning is imperative in ensuring civil rights,  
06:32 25 economic justice and a clean environment in our

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06:32 1 region. We do not, however, believe that SEWRPC is  
06:32 2 conducting sound transportation, housing, land use,  
06:32 3 and environmental planning in our region. We  
06:32 4 believe SEWRPC is planning for sprawl, racial  
06:32 5 segregation and a lack of access to jobs.

06:32 6 Due to a lack of regional cooperation and  
06:32 7 funding for public transit, Milwaukee County and  
06:32 8 the region have cut hundreds of thousands of hours  
06:32 9 of bus service since the year 2000. This has made  
06:32 10 over 40,500 jobs inaccessible by bus in this  
06:32 11 period. These cuts in service hours have left many  
06:32 12 transit-dependent people stranded and hurt the  
06:32 13 economic and environmental sustainability of our  
06:32 14 region, and they've occurred at the same time that  
06:33 15 we've invested billions in highway expansions.

06:33 16 These cuts in services have also  
06:33 17 disproportionately affected low-income people and  
06:33 18 people of color, who are least likely to have  
06:33 19 access to other means of transportation. The  
06:33 20 Milwaukee Transit Riders Union demands that SEWRPC  
06:33 21 commit to the following three things before we can  
06:33 22 support its recertification.

06:33 23 Firstly, we demand that SEWRPC flex the  
06:33 24 federal highway funds of metro Milwaukee to the  
06:33 25 greatest extent possible towards funding, which

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06:33 1 would expand transit service and take civil rights  
06:33 2 issues into account when planning road  
06:33 3 construction. Secondly, we demand that SEWRPC work  
06:33 4 to remedy the underrepresentation of Milwaukee  
06:33 5 County, the City of Milwaukee, and low-income  
06:33 6 minority populations on its board and committees.  
06:33 7 And thirdly, we demand that SEWRPC finally do as  
06:33 8 it's been saying and move its offices to a central  
06:33 9 location within the City of Milwaukee, which is  
06:33 10 accessible by public transportation. Thank you.

06:33 11 COMMISSION STAFF MEMBER: Mary MacAdam.  
06:34 12 MARY MacADAM: Hi. My name is Mary  
06:34 13 MacAdam. I'm not representing anyone but myself,  
06:34 14 and I'm just here to tell you of my own experience.  
06:34 15 I've lived in Milwaukee for 40 years. When I moved  
06:34 16 here, Milwaukee had, like, the best bus system I  
06:34 17 ever saw. My friends from New York City said it  
06:34 18 was outclassing theirs. It's gone downhill every  
06:34 19 single year. It's just been -- okay. It's money,  
06:34 20 whatever. It's really been falling apart.

06:34 21 Where we are now is a really serious -- I  
06:34 22 work, currently, for a temporary agency. Because I  
06:34 23 have a car, I can get to work anywhere they want to  
06:34 24 send me. If I didn't have a car, I'd be turning  
06:34 25 down half, 50 percent of the jobs they're offering

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06:34 1 me because I can't get to them. I used to work,  
06:34 2 for many years, at a company up in Menomonee Falls.  
06:35 3 There is no bus service anywhere near it. We used  
06:35 4 to -- I know the years that I worked there, there  
06:35 5 were three different people at various times that  
06:35 6 would take the bus to 124th and Capitol, which is  
06:35 7 the county line, and walk close to two miles to get  
06:35 8 to work, and their start time was 7 in the morning.

06:35 9 Now, I'm saying that's an extraordinary  
06:35 10 measure that I don't think anybody should be put  
06:35 11 into the condition of having to do to get to work,  
06:35 12 and anyone who's not willing or able to do that  
06:35 13 shouldn't be in the position of saying they don't  
06:35 14 want work. I mean, it's just ridiculous.

06:35 15 And it's not just a matter of can they  
06:35 16 get to a job. Where I used to live, there was no  
06:35 17 grocery store in the neighborhood. You had to take  
06:35 18 the bus to 124th Street to Pick 'N Save and bring  
06:35 19 your grocery bags on the bus. You want to go to  
06:35 20 the laundromat, you've got to go take a bus. They  
06:35 21 cut bus services. You're affecting how they can  
06:35 22 get their food, how they can do their laundry, not  
06:36 23 just how they can go to work. It's affecting every  
06:36 24 aspect of their lives because there simply isn't  
06:36 25 convenient transportation.

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06:36 1 A long time ago, there was this talk  
06:36 2 about having the metra -- the train come up from,  
06:36 3 you know, Kenosha and extend them to Milwaukee. I  
06:36 4 don't know what happened to that idea, but I think  
06:36 5 that's a good idea. I think building some sort of  
06:36 6 rail service for -- to connect the communities is a  
06:36 7 good idea because my grandmother, in 1920, had an  
06:36 8 intra-urban rail system in a small town in Ohio,  
06:36 9 and they had a much superior means of getting  
06:36 10 around from one community to another than we have  
06:36 11 almost a hundred years later here, and I think that  
06:36 12 doesn't say a whole lot for how we've planned on  
06:36 13 our growth. And that's all I have to say.

06:36 14 COMMISSION STAFF MEMBER: Brian Peters.  
06:36 15 BRIAN PETERS: Just so you know, I'm  
06:37 16 going to ignore the sign. My name is Brian Peters  
06:37 17 and I am the housing policy advocate for  
06:37 18 Independence First. We are a center for  
06:37 19 independent living services for the four counties  
06:37 20 in the Milwaukee area. We serve people with  
06:37 21 disabilities of any variety, at any age. There are  
06:37 22 centers and independent living services in the  
06:37 23 other three counties in the SEWRPC representation.  
06:37 24 Society's access is one in the Racine/Kenosha area.

06:37 25 Through my work, I've worked with a

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06:37 1 variety of people with disabilities, and there is a  
06:37 2 high need for affordable housing, high unemployment  
06:37 3 and transportation is very critical for the people  
06:37 4 that we serve. We see these as the top three  
06:37 5 issues that have gotten continually worse over the  
06:37 6 years. And I have heard stories from many people  
06:38 7 here this evening; so I won't reiterate some of  
06:38 8 those things.

06:38 9 But on a personal note, I moved here from  
06:38 10 Illinois about 12 years ago, and one of the things  
06:38 11 that really surprised me was so much of the  
06:38 12 negative bias against the City of Milwaukee within  
06:38 13 the region. And unfortunately, the political  
06:38 14 structure of SEWRPC really reports to that part of  
06:38 15 the area. It also reaffirmed that area, and seems  
06:38 16 to trickle down to a lot of the projects, therefore  
06:38 17 affecting some of the funding.

06:38 18 For example, I saw, recently, two or  
06:38 19 three years ago, that KRM, the train system from  
06:38 20 the Kenosha/Racine/Milwaukee had been cut, and we  
06:38 21 have seen a lot of transit cuts as well, not only  
06:38 22 in the City of Milwaukee, but also in other  
06:38 23 communities nearby. But at the same time that  
06:38 24 these things are happening, we see people talking  
06:39 25 about expanding 794 and making it go farther than

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06:39 1 what it already is, and we just expanded 94. So it  
06:39 2 just seems ridiculous how some of this money is  
06:39 3 being spent while other cuts are happening.

06:39 4 I am also serving on the Environmental  
06:39 5 Justice Task Force. And I'm on the regional  
06:39 6 housing study advisory board, representing  
06:39 7 Independence First, and I have had many  
06:39 8 opportunities to communicate with SEWRPC staff, and  
06:39 9 they have been very responsive in the past, and  
06:39 10 they are always wonderful to answer any questions  
06:39 11 or concerns I have. One of the frustrating things  
06:39 12 is that I often want to challenge them that they  
06:39 13 are not only advisory, and they often say that they  
06:39 14 are. And it may or may not be true, but that  
06:39 15 doesn't mean that they have to help the  
06:39 16 communities; not follow their own plans.

06:40 17 SEWRPC does believe in a collaborative  
06:40 18 process within all of the communities that they  
06:40 19 serve within the planning process, and we need to  
06:40 20 see more of that. But they sometimes forget that  
06:40 21 collaboration is a two-way street, and SEWRPC has a  
06:40 22 lot more power and clout than they realize, and  
06:40 23 they can use that in helping guide some of the  
06:40 24 activities within the community, particularly in  
06:40 25 some of the other areas and provide more public

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06:40 1 service options. Thank you for listening.

06:40 2 COMMISSION STAFF MEMBER: Jim Rowen.

06:40 3 JIM ROWEN: Good evening. My name is Jim  
06:40 4 Rowen. I live at 3107 North Hackett Avenue in  
06:41 5 Milwaukee, and I'm representing myself tonight. I  
06:41 6 wasn't even planning on speaking. As you can see,  
06:41 7 I'm not particularly dressed for success tonight,  
06:41 8 and I usually do my talking on a blog or two that  
06:41 9 I'm sure is frequently read by SEWRPC.

06:41 10 I'd like to ask the evaluators here, how  
06:41 11 many of you were here for the 2008 session? Were  
06:41 12 any of you here? Okay. I was at the 2008 session  
06:41 13 and I was at the 2004 session, and I have to say,  
06:41 14 whereas I appreciate these meetings, there's a  
06:41 15 certain "Groundhog Day" feeling about them. That  
06:41 16 if you were to look at the transcript, as I  
06:42 17 remember seeing them unfold, and I think I read the  
06:42 18 2008 transcript or the postings, but you'll see  
06:42 19 that the same issues are being raised over and over  
06:42 20 again. The same complaints, the same observations  
06:42 21 about the lack of transit, the lack of justice, the  
06:42 22 lack of a really activist SEWRPC.

06:42 23 And I'm wondering if the same thing is  
06:42 24 going to happen when this report comes out in six  
06:42 25 months or a year. Whether we're going to look at

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06:42 1 those findings or the observations that were  
06:42 2 brought to the panel, and see that we're just  
06:42 3 repeating the same dynamic. And I would ask you,  
06:42 4 as the evaluators, because you're the ones who have  
06:42 5 some authority here, why does that happen? Why is  
06:43 6 there so little progress, at least observed by the  
06:43 7 people who come to testify, that they would bring  
06:43 8 the same stories, probably slightly different  
06:43 9 iterations or variations, but why are the issues  
06:43 10 still the same?

06:43 11 I would say that -- I would argue that  
06:43 12 the reason is not simply laid at the doorstep of  
06:43 13 SEWRPC. Some of this responsibility has to fall to  
06:43 14 the evaluators, to the agencies that have authority  
06:43 15 over SEWRPC. To tell SEWRPC, you, or it, the  
06:43 16 agencies want to see something different.

06:43 17 In the last meeting, there was -- in the  
06:43 18 2008 meeting, there was discussion -- or following  
06:43 19 the meeting, there was discussion from SEWRPC that  
06:43 20 there was going to be this downtown office that you  
06:44 21 purchased. And if I'm not mistaken, and I could be  
06:44 22 wrong about this, it was sort of a condition of the  
06:44 23 recertification in 2008 and 2009. It's 2012,  
06:44 24 halfway through the year. There's no downtown  
06:44 25 office. There's some discussion about that office

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06:44 1 being in the city and county municipal complex  
 06:44 2 downtown.  
 06:44 3 I used to work in the City Hall. You  
 06:44 4 could fire a cannon down some of those hallways and  
 06:44 5 not hit anybody now because the offices are  
 06:44 6 deplete -- the staff is depleted in those offices.  
 06:44 7 There's space available. There's simply no will on  
 06:44 8 the part of SEWRPC to implement its promise, and I  
 06:44 9 don't see that the evaluators are necessarily using  
 06:44 10 all of their authority to bring this about.  
 06:44 11 I want to say just one more thing.  
 06:44 12 SEWRPC will often say, We're just an advisory  
 06:44 13 agency. We don't have any authority to actually do  
 06:44 14 anything or recommend anything. Big picture:  
 06:45 15 That's simply not the case. When the freeway  
 06:45 16 expansion plan was drafted by SEWRPC, it wrote a  
 06:45 17 letter signed by the chairman of the commission to  
 06:45 18 the Governor urging the Governor to fund the  
 06:45 19 highway expansion plans.  
 06:45 20 So SEWRPC, when it wants to, can take an  
 06:45 21 advocacy and an activist role, and I would like to  
 06:45 22 see a lot more of that, and I'd like to see your  
 06:45 23 encouragement to SEWRPC to carry that role forward  
 06:45 24 in the community. Thank you.  
 06:45 25 COMMISSION STAFF MEMBER: Is there

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06:46 1 anybody who I didn't call on that submitted a form?  
 06:46 2 (Discussion off the record.)  
 06:46 3 JOHN POSSELL: Hi. My name is John  
 \* 06:46 4 Possell. I work for Milwaukee Careers Cooperative.  
 06:46 5 We are part of the Milwaukee Area Job Ride  
 06:46 6 Collaborative. We take people to work every day.  
 06:46 7 We span counties. We take people to and from work  
 06:46 8 within a 45-mile radius from the City of Milwaukee,  
 06:46 9 and one of the things I want to say is, transit is  
 06:46 10 a system, okay? And to the extent, in terms of  
 06:46 11 making things happen, transit needs to be regional,  
 06:46 12 but it also needs to be a system that ranges from  
 06:46 13 the trains to the buses to the rapids, all the way  
 06:47 14 down to the bike paths, including our kind of a  
 06:47 15 service, which actually takes people to the  
 06:47 16 employer. Getting them within two or three miles,  
 06:47 17 that works wonderful maybe this time of the year if  
 06:47 18 you like to get your exercise. It does not work  
 06:47 19 well in this climate in other times during the  
 06:47 20 year.  
 06:47 21 What is it you can do at the federal  
 06:47 22 level? You can use the funding criteria for  
 06:47 23 projects that have a regional and a system that  
 06:47 24 planning -- integrated planning process that keeps  
 06:47 25 getting referred to is actually given criteria

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06:47 1 points and funding projects that can change that.  
 06:47 2 The same thing is true of transit projects. SEWRPC  
 06:47 3 does an excellent job of providing the necessary  
 06:47 4 information to make decisions. A lot of what  
 06:47 5 people are frustrated with here is the decision  
 06:47 6 makers that are funding SEWRPC are making those  
 06:48 7 decisions based upon money, okay? And again, the  
 06:48 8 buses stop, by and large, at the county lines.  
 06:48 9 We have a business group here called M7,  
 06:48 10 which is promoting regionalization of employment.  
 06:48 11 Here again, that only works if you have a regional  
 06:48 12 transit authority because every study that SEWRPC  
 06:48 13 has done will show you, as you've heard, the vast  
 06:48 14 majority of the unemployed people are located in  
 06:48 15 the City of Milwaukee.  
 06:48 16 If you look at the little dots on the  
 06:48 17 maps, where are the jobs, by and large, they're  
 06:48 18 within that 45-mile radius that surrounds the  
 06:48 19 metropolitan area that we go to every day. We  
 06:48 20 cross two or three county lines every day going to  
 06:48 21 one particular employer. We're an employer-driven  
 06:48 22 program.  
 06:48 23 The plan calls for moving all these  
 06:48 24 companies back into the central cities, or the  
 06:48 25 metropolitan areas. Well, I think that's a

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06:49 1 wonderful concept. In reality, it's very  
 06:49 2 difficult. Partially because of the metropolitan  
 06:49 3 areas. Well, the metropolitan areas say they want  
 06:49 4 jobs, they're doing this, they're doing that. To  
 06:49 5 try to set up things in a metropolitan area for  
 06:49 6 businesses becomes more and more challenging in  
 06:49 7 terms of going through the committees and the city  
 06:49 8 to get permits and other kinds of things that are  
 06:49 9 out there.  
 06:49 10 The other things to look at in all of  
 06:49 11 this relates back to the jobs and training sites.  
 06:49 12 Training sites are also important transit options  
 06:49 13 for people because what you're hearing is there's a  
 06:49 14 mismatch in skills. There are jobs available, but  
 06:49 15 the people that we have available for those jobs  
 06:49 16 don't have the skills. So that has to be part of  
 06:49 17 that integrated system. And my focus is on jobs,  
 06:49 18 okay? And so I'll leave all of the other social  
 06:49 19 justice issues -- which are very valid. I'm not  
 06:50 20 challenging them, saying they're not valid, but  
 06:50 21 other people have articulated those much better  
 06:50 22 than I have. Thank you very much.  
 06:50 23 ALAN FREED: Thank you for having this  
 06:50 24 session. My name is Alan Freed. I'm an attorney  
 06:50 25 with Disability Rights Wisconsin, Milwaukee office.

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06:50 1 We also have an office in Madison. I just -- I  
 06:50 2 won't repeat everything else that most of the other  
 06:50 3 folks today have said. I do ascribe to it though,  
 06:50 4 and what is true for people of color in this county  
 06:50 5 and other urbanized counties in Wisconsin is also  
 06:51 6 true for people with disabilities. Many of them  
 06:51 7 are people of color, and many of whom are white,  
 06:51 8 and the thing in common that people with  
 06:51 9 disabilities have is endemic poverty, difficulty  
 06:51 10 with accessing resources, difficulty with accessing  
 06:51 11 job opportunities. And all of that is dependent on  
 06:51 12 a healthy and vibrant public transit system. Not  
 06:51 13 only in Milwaukee County, but a public transit  
 06:51 14 service area that extends into other counties. And  
 06:51 15 we've tried to establish an RTA here in the state,  
 06:51 16 but it failed, and it was voted down or not acted  
 06:51 17 upon. That's unfortunate. I think that SEWRPC  
 06:51 18 endorsed an RTA, and we compliment them for that  
 06:52 19 advocacy. We would hope that they try and advocate  
 06:52 20 for an RTA again going forward.

06:52 21 People with disabilities in Milwaukee  
 06:52 22 County outnumber people with or without  
 06:52 23 disabilities in some of the surrounding counties.  
 06:52 24 So they obviously don't have any proportional  
 06:52 25 representation in SEWRPC, or at the state, or in

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06:54 1 on developing a sustainable transportation network  
 06:54 2 that can serve everyone in the event of disasters  
 06:54 3 like that. So thank you for your time.

06:54 4 COMMISSION STAFF MEMBER: Nick DeMarsh.  
 06:54 5 NICK DeMARSH: Thank you for letting me  
 06:55 6 speak again. Nick DeMarsh. I'm a transit rider --  
 06:55 7 member of the Milwaukee Transit Riders Union.  
 06:55 8 Sorry, you guys caught me off guard. I didn't  
 06:55 9 realize I'd be speaking so early. I guess that was  
 06:55 10 poor planning on my part. Luckily, we didn't leave  
 06:55 11 the pavement yet.

06:55 12 So I just wanted to provide an anecdotal  
 06:55 13 story. I commute up to the suburbs and get off the  
 06:55 14 freeway at Mequon Road, Highway 32, also known as  
 06:55 15 Port Washington Road. That's been repaved or  
 06:55 16 widened three times in the past 15 years. So it  
 06:55 17 just shows the kind of direction that our planning  
 06:55 18 is going; where our resources are going.

06:55 19 And so the flexible funding should  
 06:55 20 obviously be prioritized because that's a lot of --  
 06:56 21 the poor planning that's resulted in this having to  
 06:56 22 be paved over and over and over again, that money  
 06:56 23 could be going to help pay for transit. And so I  
 06:56 24 think that's what SEWRPC should be keeping in mind.  
 06:56 25 That's what you guys should be encouraging them to

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06:52 1 Wis DOT, and they don't set the agenda. They  
 06:52 2 are -- they are a captive audience for those who do  
 06:52 3 set the agenda. And as an advocate for people with  
 06:52 4 disabilities, I can't tell you the number of times  
 06:52 5 that we get calls from folks who, but for want of  
 06:53 6 transportation, would have a job that would allow  
 06:53 7 them to, perhaps, get off of benefits, become  
 06:53 8 taxpayers, access education, improve their lot in  
 06:53 9 life, and all that is dependent on a vibrant and  
 06:53 10 healthy transportation network.

06:53 11 Stepping away from people with  
 06:53 12 disabilities and the importance of public transit  
 06:53 13 for accessing jobs, several people brought up the  
 06:53 14 environmental costs of focusing on road development  
 06:53 15 and being dependent on a car-focused economy, and I  
 06:53 16 would remind folks that all it takes is one crisis  
 06:53 17 is the Middle East, one more war about oil, and you  
 06:54 18 won't see gas prices at \$4 a gallon, which is about  
 06:54 19 where they have been here for the last few years;  
 06:54 20 you'll see gas prices approaching \$10 a gallon or  
 06:54 21 \$12 a gallon. And if that happens, and I wouldn't  
 06:54 22 even say "if," I would say when that happens, even  
 06:54 23 the middle class will be holding SEWRPC and the  
 06:54 24 state accountable for why so many dollars were  
 06:54 25 spent on roads, and so few dollars have been spent

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06:56 1 keep in mind when they say, Oh, we can't force  
 06:56 2 communities what to do because that money goes down  
 06:56 3 a hole when the planning is not going in the right  
 06:56 4 direction because things have to happen over and  
 06:56 5 over again. So it's really SEWRPC's responsibility  
 06:56 6 to make sure that our taxpayer money is spent  
 06:56 7 wisely the first time so it doesn't have to happen  
 06:56 8 over and over again.

06:56 9 Milwaukee's got a lot of potholes, and  
 06:56 10 we're on a 150-year paving cycle. So 15 years,  
 06:56 11 150, that seems like a large disparity that would  
 06:56 12 really helps cars, transit, bikes, walkers,  
 06:56 13 pedestrians, all that, depending on decent roads.  
 06:56 14 And so it's just not right that there's such a  
 06:56 15 strong disparity. So I would encourage that roads  
 06:56 16 get fixed prior to roads being widened. That's  
 06:57 17 another point I wanted to make.

06:57 18 And just a quote that I liked when I was  
 06:57 19 subbing for a teacher here in the schools. She had  
 06:57 20 it right by the door so that when the students  
 06:57 21 left, they could keep it in mind. And that is,  
 06:57 22 "Poor planning on your part does not constitute an  
 06:57 23 emergency on my part." So I think -- I think that  
 06:57 24 SEWRPC should keep that in mind, and thanks for  
 06:57 25 your time.

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06:57 1 COMMISSION STAFF MEMBER: Thank you.  
08:57 2 everyone, for your comments.  
06:57 3 ALEXIS KUKLENSKI: If there's no other  
06:57 4 comments, we thank you all for coming. We  
06:57 5 appreciate your time and we will be considering  
06:57 6 this as we put together the final report. Thank  
06:57 7 you.  
06:57 8 (Proceedings concluded at 6:57 p.m.)

(Proceedings concluded at 6:57 p.m.)

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STATE OF WISCONSIN     )  
                              ) SS:  
COUNTY OF MILWAUKEE )

I, BREAH E. MADSON, 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 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

My Commission Expires: June 02, 2013.

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8200 (-) 3.3	27 (n) - 2.22	6	activist (-) 43.22,	ALAN (-) 48.23
#230 (-) 2.8	28 (n) - 2.24		45.21	ALX08 (-) 53.33
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		6.57 (-) 1.13, 53.3	Addison (-) 4.8	almost - 6.10, 26
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02.01 - 54.23	3100 (-) 1.12	794 (-) 41.25	6.1	8.2, 19.3
1	3200 (-) 1.7		address (-) 7.17,	amount (-) 7.17, 20
1 (-) 42, 19.1	3230 (-) 3.15		7.20	analysis (-) 34.6
100 (-) 28.16	33 (-) 3.2		5.23	anecdotal (-)
101 (-) 19.16	330 (-) 20.15, 21.2	810 (-) 26.2	addressing (-)	51.12
11, 14.2	350 (-) 3.3	800,000 (-) 11.11	5.16, 30.38, 36.20	anesthetize (-) 42.10
120 (-) 39.6	361 (-) 3.4	895 (-) 3.5	34.22	anti (-) 4.12
124.20 - 41.8	381 (-) 3.6	894 (-) 1.11	adequately (-)	anti-democratic - 4
39.10	400 (-) 1.1	86.8 (-) 18.18	36.3	antisemitic (-)
13 (-) 2.12	410 (-) 2.4, 50.12		administration (-)	antisemitism (-)
14 (-) 2.14, 18.22	410 (-) 38, 38.15		4.10, 10.22, 11.5	auto (-) 1.10
15.11, 51.16	40,500 (-) 37.10		Administration (-)	anyway - 27.9, 20
52.10	410 (-) 3.15	90 (-) 26.20, 20.4	36.24	apart (-) 38.20
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150 (-) 52.11	439 (-) 2.22	54 (-) 42.1	22.12	apart - 38.20
150 (-) 52.11	470 (-)		advice (-) 32.2,	2.12
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1637 (-) 2.18	45-mile (-) 45.8,		45.21, 49.19	26.24, 43.1, 53.5
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17 (-) 2.16	48 (-) 3.2	ability -	40.17, 49.19, 59.3	24.16
170 (-) 19.15	48 (-) 3.4	91 (-) 3.1	33.11	approaching (-)
1845 (-) 3.3	48 (-) 3.4	29.12	33.11	50.20
1870 (-) 5.2, 2.7		absolutely - 32	affected (-) 41.3,	areas (-) 4.14
1929 (-) 32.4	510 (-) 15.21	15.11, 34.16	37.17	72.3, 6.10, 22.6
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	500 (-) 38.25	51.18, 10.13, 16.7	39.21, 39.21, 41.17	49.14
	500 (-) 38.25	37.3, 37.19, 40.24,	affected (-) 54.16	Areas - 14.18
	500 (-) 38.25	30.8	Affordable (-)	areas - 4.14
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200 (-) 42.11	6320 (-) 2.15	38.10	8.16, 8.16, 8.10	33.11
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44.23	6320 (-) 2.19	38.10	8.16, 8.16, 8.10	14.16
45.00 (-) 18.6	6320 (-) 2.19	38.10	8.16, 8.16, 8.10	40.21
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## 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

CERTIFIED  
TRANSCRIPT

PUBLIC COMMENTS taken before ANDREA  
REICHLER, a Registered Professional Reporter and Notary  
Public in and for the State of Wisconsin, at Tommy G.  
Thompson Youth Center, State Fair Park, 640 South 84th  
Street, Milwaukee, Wisconsin, on June 26, 2012,  
commencing at 5:00 p.m. and concluding at 7:30 p.m.

736 North Water Street, Suite M185  
Milwaukee, WI 53202  
(414) 224-9533

PUBLIC COMMENTS, 06/26/2012

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PUBLIC COMMENTS, 06/26/2012

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#### TRANSCRIPT OF PROCEEDINGS

MR. TOM RAVE: I'm Tom Rave, that's  
R-A-V-E, Executive Director of The Gateway to  
Milwaukee, and "the" is capitalized, 861 West  
Layton Avenue, Milwaukee 53221, and email address  
is TRAVE@GATEWAYTOMILWAUKEE.COM.

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

In listening to the comments at today's  
session, it appears that many people don't fully  
understand the role of SEWRPC and other  
participants in the world of transportation and  
transit. So a suggestion is for SEWRPC 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.

The other comment that I have is that  
SEWRPC is in a position, with the way it is

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structured, to call for a bigger organization --  
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.

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

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 needs also should be a priority.

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.

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.

The bottom line is who cares about

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07:00 1 Milwaukee's public transit riders who, in large  
07:00 2 numbers, are people of color? Who cares if  
07:00 3 Milwaukee public transit riders are boxed in the  
07:00 4 city without expandible public transit services?  
07:00 5 If SEWRPC cares, we would like to see  
07:00 6 SEWRPC address the above concerns by establishing  
07:00 7 a transparent presence here in the City of  
07:00 8 Milwaukee. By doing so, the conversation and the  
07:00 9 connection begins to better address environmental  
07:00 10 justice and civil rights issues that plague our  
07:00 11 city. And if the federal government cares about  
07:00 12 civil rights laws, they should ensure that these  
07:00 13 demands are met before we certify SEWRPC. Thank  
14 you.

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1 STATE OF WISCONSIN }  
2 } SS:  
3 COUNTY OF MILWAUKEE }

5 I, ANDREA REICHLER, a Registered  
6 Professional Reporter and Notary Public in and for the  
7 State of Wisconsin, do hereby certify that the above  
8 statements on the record was recorded by me on June 26,  
9 2012, and reduced to writing under my personal  
10 direction.

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

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

20 \_\_\_\_\_  
21 Notary Public  
22 In and for the State of Wisconsin

23 My Commission Expires: April 14, 2013.

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2.5	<b>91</b> 91 [1] - 2.5	<b>92</b> 92 [1] - 2.5	<b>93</b> 93 [1] - 2.5	<b>94</b> 94 [1] - 2.5	<b>95</b> 95 [1] - 2.5	<b>96</b> 96 [1] - 2.5	<b>97</b> 97 [1] - 2.5	<b>98</b> 98 [1] - 2.5	<b>99</b> 99 [1] - 2.5	<b>100</b> 100 [1] - 2.5	<b>101</b> 101 [1] - 2.5	<b>102</b> 102 [1] - 2.5	<b>103</b> 103 [1] - 2.5	<b>104</b> 104 [1] - 2.5	<b>105</b> 105 [1] - 2.5	<b>106</b> 106 [1] - 2.5	<b>107</b> 107 [1] - 2.5	<b>108</b> 108 [1] - 2.5	<b>109</b> 109 [1] - 2.5	<b>110</b> 110 [1] - 2.5	<b>111</b> 111 [1] - 2.5	<b>112</b> 112 [1] - 2.5	<b>113</b> 113 [1] - 2.5	<b>114</b> 114 [1] - 2.5	<b>115</b> 115 [1] - 2.5	<b>116</b> 116 [1] - 2.5	<b>117</b> 117 [1] - 2.5	<b>118</b> 118 [1] - 2.5	<b>119</b> 119 [1] - 2.5	<b>120</b> 120 [1] - 2.5	<b>121</b> 121 [1] - 2.5	<b>122</b> 122 [1] - 2.5	<b>123</b> 123 [1] - 2.5	<b>124</b> 124 [1] - 2.5	<b>125</b> 125 [1] - 2.5	<b>126</b> 126 [1] - 2.5	<b>127</b> 127 [1] - 2.5	<b>128</b> 128 [1] - 2.5	<b>129</b> 129 [1] - 2.5	<b>130</b> 130 [1] - 2.5	<b>131</b> 131 [1] - 2.5	<b>132</b> 132 [1] - 2.5	<b>133</b> 133 [1] - 2.5	<b>134</b> 134 [1] - 2.5	<b>135</b> 135 [1] - 2.5	<b>136</b> 136 [1] - 2.5	<b>137</b> 137 [1] - 2.5	<b>138</b> 138 [1] - 2.5	<b>139</b> 139 [1] - 2.5	<b>140</b> 140 [1] - 2.5	<b>141</b> 141 [1] - 2.5	<b>142</b> 142 [1] - 2.5	<b>143</b> 143 [1] - 2.5	<b>144</b> 144 [1] - 2.5	<b>145</b> 145 [1] - 2.5	<b>146</b> 146 [1] - 2.5	<b>147</b> 147 [1] - 2.5	<b>148</b> 148 [1] - 2.5	<b>149</b> 149 [1] - 2.5	<b>150</b> 150 [1] - 2.5	<b>151</b> 151 [1] - 2.5	<b>152</b> 152 [1] - 2.5	<b>153</b> 153 [1] - 2.5	<b>154</b> 154 [1] - 2.5	<b>155</b> 155 [1] - 2.5	<b>156</b> 156 [1] - 2.5	<b>157</b> 157 [1] - 2.5	<b>158</b> 158 [1] - 2.5	<b>159</b> 159 [1] - 2.5	<b>160</b> 160 [1] - 2.5	<b>161</b> 161 [1] - 2.5	<b>162</b> 162 [1] - 2.5	<b>163</b> 163 [1] - 2.5	<b>164</b> 164 [1] - 2.5	<b>165</b> 165 [1] - 2.5	<b>166</b> 166 [1] - 2.5	<b>167</b> 167 [1] - 2.5	<b>168</b> 168 [1] - 2.5	<b>169</b> 169 [1] - 2.5	<b>170</b> 170 [1] - 2.5	<b>171</b> 171 [1] - 2.5	<b>172</b> 172 [1] - 2.5	<b>173</b> 173 [1] - 2.5	<b>174</b> 174 [1] - 2.5	<b>175</b> 175 [1] - 2.5	<b>176</b> 176 [1] - 2.5	<b>177</b> 177 [1] - 2.5	<b>178</b> 178 [1] - 2.5	<b>179</b> 179 [1] - 2.5	<b>180</b> 180 [1] - 2.5	<b>181</b> 181 [1] - 2.5	<b>182</b> 182 [1] - 2.5	<b>183</b> 183 [1] - 2.5	<b>184</b> 184 [1] - 2.5	<b>185</b> 185 [1] - 2.5	<b>186</b> 186 [1] - 2.5	<b>187</b> 187 [1] - 2.5	<b>188</b> 188 [1] - 2.5	<b>189</b> 189 [1] - 2.5	<b>190</b> 190 [1] - 2.5	<b>191</b> 191 [1] - 2.5	<b>192</b> 192 [1] - 2.5	<b>193</b> 193 [1] - 2.5	<b>194</b> 194 [1] - 2.5	<b>195</b> 195 [1] - 2.5	<b>196</b> 196 [1] - 2.5	<b>197</b> 197 [1] - 2.5	<b>198</b> 198 [1] - 2.5	<b>199</b> 199 [1] - 2.5	<b>200</b> 200 [1] - 2.5	<b>201</b> 201 [1] - 2.5	<b>202</b> 202 [1] - 2.5	<b>203</b> 203 [1] - 2.5	<b>204</b> 204 [1] - 2.5	<b>205</b> 205 [1] - 2.5	<b>206</b> 206 [1] - 2.5	<b>207</b> 207 [1] - 2.5	<b>208</b> 208 [1] - 2.5	<b>209</b> 209 [1] - 2.5	<b>210</b> 210 [1] - 2.5	<b>211</b> 211 [1] - 2.5	<b>212</b> 212 [1] - 2.5	<b>213</b> 213 [1] - 2.5	<b>214</b> 214 [1] - 2.5	<b>215</b> 215 [1] - 2.5	<b>216</b> 216 [1] - 2.5	<b>217</b> 217 [1] - 2.5	<b>218</b> 218 [1] - 2.5	<b>219</b> 219 [1] - 2.5	<b>220</b> 220 [1] - 2.5	<b>221</b> 221 [1] - 2.5	<b>222</b> 222 [1] - 2.5	<b>223</b> 223 [1] - 2.5	<b>224</b> 224 [1] - 2.5	<b>225</b> 225 [1] - 2.5	<b>226</b> 226 [1] - 2.5	<b>227</b> 227 [1] - 2.5	<b>228</b> 228 [1] - 2.5	<b>229</b> 229 [1] - 2.5	<b>230</b> 230 [1] - 2.5	<b>231</b> 231 [1] - 2.5	<b>232</b> 232 [1] - 2.5	<b>233</b> 233 [1] - 2.5	<b>234</b> 234 [1] - 2.5	<b>235</b> 235 [1] - 2.5	<b>236</b> 236 [1] - 2.5	<b>237</b> 237 [1] - 2.5	<b>238</b> 238 [1] - 2.5	<b>239</b> 239 [1] - 2.5	<b>240</b> 240 [1] - 2.5	<b>241</b> 241 [1] - 2.5	<b>242</b> 242 [1] - 2.5	<b>243</b> 243 [1] - 2.5	<b>244</b> 244 [1] - 2.5	<b>245</b> 245 [1] - 2.5	<b>246</b> 246 [1] - 2.5	<b>247</b> 247 [1] - 2.5	<b>248</b> 248 [1] - 2.5	<b>249</b> 249 [1] - 2.5	<b>250</b> 250 [1] - 2.5	<b>251</b> 251 [1] - 2.5	<b>252</b> 252 [1] - 2.5	<b>253</b> 253 [1] - 2.5	<b>254</b> 254 [1] - 2.5	<b>255</b> 255 [1] - 2.5	<b>256</b> 256 [1] - 2.5	<b>257</b> 257 [1] - 2.5	<b>258</b> 258 [1] - 2.5	<b>259</b> 259 [1] - 2.5	<b>260</b> 260 [1] - 2.5	<b>261</b> 261 [1] - 2.5	<b>262</b> 262 [1] - 2.5	<b>263</b> 263 [1] - 2.5	<b>264</b> 264 [1] - 2.5	<b>265</b> 265 [1] - 2.5	<b>266</b> 266 [1] - 2.5	<b>267</b> 267 [1] - 2.5	<b>268</b> 268 [1] - 2.5	<b>269</b> 269 [1] - 2.5	<b>270</b> 270 [1] - 2.5	<b>271</b> 271 [1] - 2.5	<b>272</b> 272 [1] - 2.5	<b>273</b> 273 [1] - 2.5	<b>274</b> 274 [1] - 2.5	<b>275</b> 275 [1] - 2.5	<b>276</b> 276 [1] - 2.5	<b>277</b> 277 [1] - 2.5	<b>278</b> 278 [1] - 2.5	<b>279</b> 279 [1] - 2.5	<b>280</b> 280 [1] - 2.5	<b>281</b> 281 [1] - 2.5	<b>282</b> 282 [1] - 2.5	<b>283</b> 283 [1] - 2.5	<b>284</b> 284 [1] - 2.5	<b>285</b> 285 [1] - 2.5	<b>286</b> 286 [1] - 2.5	<b>287</b> 287 [1] - 2.5	<b>288</b> 288 [1] - 2.5	<b>289</b> 289 [1] - 2.5	<b>290</b> 290 [1] - 2.5	<b>291</b> 291 [1] - 2.5	<b>292</b> 292 [1] - 2.5	<b>293</b> 293 [1] - 2.5	<b>294</b> 294 [1] - 2.5	<b>295</b> 295 [1] - 2.5	<b>296</b> 296 [1] - 2.5	<b>297</b> 297 [1] - 2.5	<b>298</b> 298 [1] - 2.5	<b>299</b> 299 [1] - 2.5	<b>300</b> 300 [1] - 2.5	<b>301</b> 301 [1] - 2.5	<b>302</b> 302 [1] - 2.5	<b>303</b> 303 [1] - 2.5	<b>304</b> 304 [1] - 2.5	<b>305</b> 305 [1] - 2.5	<b>306</b> 306 [1] - 2.5	<b>307</b> 307 [1] - 2.5	<b>308</b> 308 [1] - 2.5	<b>309</b> 309 [1] - 2.5	<b>310</b> 310 [1] - 2.5	<b>311</b> 311 [1] - 2.5	<b>312</b> 312 [1] - 2.5	<b>313</b> 313 [1] - 2.5	<b>314</b> 314 [1] - 2.5	<b>315</b> 315 [1] - 2.5	<b>316</b> 316 [1] - 2.5	<b>317</b> 317 [1] - 2.5	<b>318</b> 318 [1] - 2.5	<b>319</b> 319 [1] - 2.5	<b>320</b> 320 [1] - 2.5	<b>321</b> 321 [1] - 2.5	<b>322</b> 322 [1] - 2.5	<b>323</b> 323 [1] - 2.5	<b>324</b> 324 [1] - 2.5	<b>325</b> 325 [1] - 2.5	<b>326</b> 326 [1] - 2.5	<b>327</b> 327 [1] - 2.5	<b>328</b> 328 [1] - 2.5	<b>329</b> 329 [1] - 2.5	<b>330</b> 330 [1] - 2.5	<b>331</b> 331 [1] - 2.5	<b>332</b> 332 [1] - 2.5	<b>333</b> 333 [1] - 2.5	<b>334</b> 334 [1] - 2.5	<b>335</b> 335 [1] - 2.5	<b>336</b> 336 [1] - 2.5	<b>337</b> 337 [1] - 2.5	<b>338</b> 338 [1] - 2.5	<b>339</b> 339 [1] - 2.5	<b>340</b> 340 [1] - 2.5	<b>341</b> 341 [1] - 2.5	<b>342</b> 342 [1] - 2.5	<b>343</b> 343 [1] - 2.5	<b>344</b> 344 [1] - 2.5	<b>345</b> 345 [1] - 2.5	<b>346</b> 346 [1] - 2.5	<b>347</b> 347 [1] - 2.5	<b>348</b> 348 [1] - 2.5	<b>349</b> 349 [1] - 2.5	<b>350</b> 350 [1] - 2.5	<b>351</b> 351 [1] - 2.5	<b>352</b> 352 [1] - 2.5	<b>353</b> 353 [1] - 2.5	<b>354</b> 354 [1] - 2.5	<b>355</b> 355 [1] - 2.5	<b>356</b> 356 [1] - 2.5	<b>357</b> 357 [1] - 2.5	<b>358</b> 358 [1] - 2.5	<b>359</b> 359 [1] - 2.5	<b>360</b> 360 [1] - 2.5	<b>361</b> 361 [1] - 2.5	<b>362</b> 362 [1] - 2.5	<b>363</b> 363 [1] - 2.5	<b>364</b> 364 [1] - 2.5	<b>365</b> 365 [1] - 2.5	<b>366</b> 366 [1] - 2.5	<b>367</b> 367 [1] - 2.5	<b>368</b> 368 [1] - 2.5	<b>369</b> 369 [1] - 2.5	<b>370</b> 370 [1] - 2.5	<b>371</b> 

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see [1] - 5.5 service [1] - 4.17, 4.24 services [1] - 5.4 session [1] - 3.15 set [1] - 6.16 SEWRPC [1] - 3.9, 3.11, 3.16, 3.18, 3.25, 5.5, 5.6, 5.13 share [1] - 4.20 shortages [1] - 3.23 silo [1] - 4.5 silo-like [1] - 4.5 situations [1] - 3.22 South [1] - 1.12 SOUTHEASTERN [1] - 1.5 4.5 [1] - 6.1 State [1] - 1.11, 1.12, 6.7, 6.21 STATE [1] - 6.1 statements [1] - 6.9 strategic [1] - 3.13 strategies [1] - 4.3 street [1] - 4.18 Street [1] - 1.13 streets [1] - 4.12 strongly [1] - 4.13 structured [1] - 4.1 suggestion [1] - 3.18 supporting [1] - 4.22	T THE [1] - 1.3 Thompson [1] - 1.12 today's [1] - 3.14 Tom [1] - 2.5, 3.2 TOM [1] - 3.2 Tommy [1] - 1.11 TRANSPORT [1] - 3.1 transit [1] - 3.16, 3.23, 4.14, 4.15, 4.17, 4.21, 4.24, 5.1, 5.3, 5.4 transparent [1] - 5.7 TRANSPORTATION [1] - 1.4 transportation [1] - 3.17 Transportation [1] - 4.5, 4.11 TRAVEL GATEWAYTOMILWAUKEE .COM [1] - 2.6	V versus [1] - 4.5	W waive [1] - 4.22 wait [1] - 4.16 waiting [1] - 4.17 wait [1] - 4.16 West [1] - 3.4 whereof [1] - 6.16 whole [1] - 4.4 WISCONSIN [1] - 1.5, 6.1 Wisconsin [1] - 1.11, 1.13, 6.7, 6.16, 6.21 witness [1] - 6.16 world [1] - 3.17 writing [1] - 6.9	Y Youth [1] - 1.12	U under [1] - 5.9
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Exhibit B

WRITTEN COMMENTS RECEIVED BY THE FEDERAL HIGHWAY  
ADMINISTRATION AND THE FEDERAL TRANSIT ADMINISTRATION  
FROM JUNE 12, 2012, THROUGH JULY 16, 2012



Written Comment

PUBLIC COMMENT ON REGIONAL  
TRANSPORTATION SYSTEM PLANNING IN SOUTHEASTERN WISCONSIN

June 26, 2012  
Tommy G. Thompson Youth Center  
Wisconsin State Fair Park  
Milwaukee, Wisconsin

Name: TOM RAVE

Representing: THE GATEWAY TO MILWAUKEE

Mailing Address: 861 W LAYDA AV  
MILWAUKEE

E-mail Address: TRAVER@GATEWAYTOMILWAUKEE.COM

Comment:

1. Good Review
2. Look at Plans
3. Please don't ignore the role of SEWRPC & others
4. Be considerate - future residents
5. All the information to execute strategy

Use the back side or add sheets as needed and leave at the Federal agency table. Additional comments will be accepted through July 16, 2012. Contact:

Planning Certification Review  
Federal Highway Administration  
525 Junction Rd, Suite 8000  
Madison, WI 53717  
Fax: 608-829-7526  
E-mail: wisconsin.fhwa@fhwa.dot.gov

Thank you.

Kuklenski, Alexis (FHWA)

From: Mook, Sandy (FHWA) on behalf of FHWA, Wisconsin (FHWA)  
Sent: Wednesday, June 27, 2012 9:18 AM  
To: Kuklenski, Alexis (FHWA)  
Cc: WI-DLT-TL (FHWA)  
Subject: FW: Southeastern Wisconsin Regional Planning Commission Comment

From: Eric Sullivan [mailto:eric.sullivan@tds.net]  
Sent: Wednesday, June 27, 2012 8:02 AM  
To: FHWA, Wisconsin (FHWA)  
Cc: Sen. Ernenbach@legis.state.wi.us  
Subject: RE: Southeastern Wisconsin Regional Planning Commission Comment

Federal Transit Administration  
Federal Highway Administration

To Whom It May Concern:

I am writing regarding the Southeastern Wisconsin Regional Planning Commission quadrennial federal review meeting on June 26, 2012 comment period.

I am writing to express my profound dissatisfaction with how the Southeastern Wisconsin Regional Planning Commission directs the use of Federal Funds. The Milwaukee Metropolitan area utilizes a disproportionate share of resources from State and Federal Transportation Tax sources to the detriment of the rest of the state of Wisconsin Tax payers and public transportation infrastructure customers. It does this because of an ideological insistence upon prioritizing personal over public transportation infrastructure. SE Wisconsin suffers from chronic poor air quality, low productivity of infrastructure, high rate of consumption of high productivity farmland, and yet the Southeastern Wisconsin Regional Planning Commission ignores the obvious answer of a higher blend of public transit infrastructure. This body blocks any transit initiative while lavishing money's upon private road contractors who then recycle those funds, one sided, into political campaign contributions. It looks like a prima facie case of bribery of public officials and you folks are the only ones who can investigate and put the brakes on this scandalous corruption. I would urge you to withhold all Federal funding of highway projects for the State of Wisconsin as such time as a balanced infrastructure plan is proposed and acted upon.

Eric Sullivan  
1917 Manchester Crossing  
Waukesha, WI 53597

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Fax: 414-847-1510  
www.voawi.org

RECEIVED BY:  
JUL 13 2012  
FHWA - Wisconsin Division Office

July 10, 2012

Planning Certification Review  
Federal Highway Administration  
525 Junction Rd., Suite 8000  
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 of 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 -- if our 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 at, 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 a necessity 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 program and federal transit program funds for either 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 it is 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 absolutely 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,  
  
Jim Stewart  
President/CEO  
Volunteers of America of Wisconsin, Inc.

**Kuklenski, Alexis (FHWA)**

**From:** Mook, Sandy (FHWA) on behalf of FHWA, Wisconsin (FHWA)  
**Sent:** Thursday, July 12, 2012 3:17 PM  
**To:** Kuklenski, Alexis (FHWA)  
**Cc:** WI-DLT-TL (FHWA)  
**Subject:** FW: Planning Certification Review

**From:** Nancy Stumpf [mailto:nstumpf13@gmail.com]  
**Sent:** Thursday, July 12, 2012 2:54 PM  
**To:** FHWA, Wisconsin (FHWA)  
**Subject:** Planning Certification Review

**Planning Commission Members:**

This email is a follow-up to my attendance at the recent public session held at the Tommy Thompson Building June 26<sup>th</sup>. I live in the town of Waukesha a few miles outside of Mukwonago. I decided that the proper way for me to attend the meeting was to ride there on my bicycle. I used the Fox River trail on the south side of Waukesha to get to the Glacial Drumlin trail in Waukesha. From there, I rode the New Berlin trail to the Oak Leaf trail and completed my ride on the Hank Aaron Trail. I reversed course to get home. On my way to the meeting I saw quite a few bike commuters returning home from work.

I bike the trails a lot. I try to use them for all my errands weather permitting. I also use the roads to bike if necessary. I appreciate the wide bike margin on the new Hwy 83 segment south of Hwy 59. Sometimes, riding on the roads can be a bit stressful but, for the most part drivers are very considerate. It would be nice to see signs reminding drivers of the 3 foot legal space requirement for bike riders.

The trails are especially important for families. It is a great form of exercise because it is safe, accessible and something families can do together. If we, as a society, want to prevent obesity and reduce health care costs, this is a great option.

I realize that it takes money for bike trails. The payback comes with the improvement in physical and family health. Based on my riding experience using trails in the Waukesha, Milwaukee and Madison areas, I can attest to "if you build it they will come" use of bike trails by families, retirees and commuters.

Thank you,

Nancy Stumpf  
S62W27610 Point DR  
Waukesha 53189

**Kuklenski, Alexis (FHWA)**

**From:** Mook, Sandy (FHWA) on behalf of FHWA, Wisconsin (FHWA)  
**Sent:** Tuesday, July 17, 2012 7:28 AM  
**To:** Kuklenski, Alexis (FHWA)  
**Cc:** WI-DLT-TL (FHWA)  
**Subject:** FW: SEWRPC Planning Certification Review

**From:** CoburnFaris, Cara [mailto:Cara.CoburnFaris@legis.wisconsin.gov]  
**Sent:** Monday, July 16, 2012 10:12 PM  
**To:** FHWA, Wisconsin (FHWA)  
**Subject:** SEWRPC Planning Certification Review

Rep. Tamara D. Grigsby (18th Assembly District)  
State Capitol, P.O. Box 8952  
Madison, WI 53708  
608/266-0645  
Rep.Grigsby@legis.wi.gov

July 16, 2012

Planning Certification Review  
Federal Highway Administration  
525 Junction Rd., Suite 8000  
Madison, WI 53717  
wisconsin.thwa@dot.gov

**To Whom It May Concern:**

I write to briefly express my observations on the recertification of the Southeastern Wisconsin Regional Planning Commission's (SEWRPC) regional transportation planning process. I speak on behalf of my constituents in Wisconsin's 18th Assembly District in the City of Milwaukee—people whose jobs, educations, and families depend on urban transit. I hope that my feedback will be useful as SEWRPC strives to fulfill its responsibility to conduct "continuing, cooperative, and comprehensive transportation planning." Thank you for the opportunity to comment.

The relationship between the Regional Transportation Operations Plan for Southeastern Wisconsin: 2012-2016 (RTOP) and the long-term Regional Transportation System Plan for Southeastern Wisconsin: 2035 (RTP) is unclear to me. The RTP discusses arterial streets and highways, bicycle and pedestrian facilities, and public transit. It includes plans for improvements and expansions of each of these components of our transportation system. Nevertheless, discussion of bicycle and pedestrian facilities and of public transit is nearly absent in the RTOP. Instead, the entire RTOP is devoted to improving arterial streets and highways. This benefits those who own vehicles and operate them on our roads.

However, safe, reliable, and affordable public transit and bicycle and pedestrian facilities are essential to my constituents, many of whom are low-income and do not own or have access to vehicles. Study after study has shown that strong public transit systems are essential to the economic well-being of metropolitan regions. (See *An Analysis of the Impact of Proposed 2011 Milwaukee County Transit Service Reductions on Access to Employment*, Center for Economic Development, University of Wisconsin-Milwaukee, September 2010). City dwellers depend on public transit to get to and from their jobs. In addition, a region's public transit system is an important factor that businesses consider when deciding where to locate corporate headquarters or new production facilities.

This is why, when the City of Milwaukee saw devastating cuts to its bus system last year, my constituents were disproportionately harmed compared to those who own and drive cars. Further damaging is the dismantling of agreements to enhance rail travel to, from, and within the City. Why does the RTOP not mention bus and rail? With the absence of meaningful plans to upgrade and expand public transportation and, instead, a focus on addressing travel congestion in Southeastern Wisconsin (a problem that public transit plays a direct role in alleviating), I am hard-pressed not to conclude that SEWRPC is putting the wishes of those who drive cars to and

from suburban areas far ahead of the needs of workers and families in the City of Milwaukee.

I wonder why it appears that my constituents, most of whom are black and either poor or working class, have been ignored in this planning process. Perhaps the makeup of SEWRPC has something to do with it. I will reiterate what many others have said before me: when each county has three representatives, then counties with higher populations are per capita underrepresented. If representation is to be proportional to the population, then where there are three representatives for Ozaukee County (the 25th wealthiest county in the U.S. in terms of per capita income) there should be roughly 20 representatives for the City of Milwaukee alone. Three representatives for all of Milwaukee County can hardly give voice to Milwaukee County, the City of Milwaukee, and my constituents in the 18th Assembly District.

The makeup of the Advisory Committee on Regional Transportation System Planning, which purportedly "is responsible for preparing the regional transportation plan and overseeing updates" to it, further troubles me. There are 29 Committee seats, and all but two of them are filled. These vacant seats also happen to be the only City of Milwaukee seats. Where my constituents are concerned, not only are they underrepresented because they live in Milwaukee County, but also they are silenced by the absence of City of Milwaukee representation on the Advisory Committee.

Without knowing the nature of these Committee vacancies, my most charitable assumption is that a genuine intention to have specific representation on behalf of the City of Milwaukee has been thwarted. If SEWRPC has a reason for this, I would be interested in hearing it. Regardless of the explanation, I hope that these vacancies have been short-lived and that the City of Milwaukee seats will be filled as soon as possible. This would not remedy disproportionate representation on the Committee or SEWRPC, but it would address these conspicuous, hurtful Committee vacancies.

Perhaps the lack of representation of the population of the City of Milwaukee explains why the current RTOP ignores public transit and focuses instead on projects that benefit people who drive their own vehicles. Regardless of the reason, it is clear that my constituents are not receiving a fair share of the benefits of regional transportation system investments. This is not cooperative, comprehensive planning; it is unjust. One step toward fairness is to structure SEWRPC and the Advisory Committee so as to allow for meaningful representation of the 18th Assembly District and others in the City of Milwaukee. Now more than ever my constituents need transportation planning to take into account urban economic development and the realities of the many people who work, live, and learn there.

Thank you for considering my comments.

Sincerely,  
Tamara Grigsby



2240 North 17th Street  
Milwaukee, WI 53205  
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walnutway@gmail.com  
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July 16<sup>th</sup>, 2012

Planning Certification Review  
Federal Highway Administration  
525 Junction Rd., Suite 8000  
Madison, WI 53717  
608.829.7536

**To whom it may concern:**

Walnut Way Conservation Corp. (Walnut Way) is a 501(c)(3) nonprofit neighborhood organization founded by residents in 2009. Its offices are located in Milwaukee's central city at 2240 N 17th Street in a carefully renovated, formerly infamous drug house. Understanding the importance of valuing place, residents restored this 1910 house, slated for demolition into an active Center where youth, families, elders, homeowners and renters participate in community development. Our mission is to sustain economically diverse and abundant communities through civic engagement, environmental stewardship, and creating venues for prosperity. Today, Walnut Way is the lead coordinating agency for the Lindsay Heights Quality of Life Plan, a plan for neighborhood revitalization of a 110-block area.

As a neighborhood-based organization, we are very concerned with transportation issues affecting our community. Review of SEWRPC's 2035 Regional Transportation Plan highlights some issues of significance to our community:

**Access to regional job centers** – Unemployment is a significant challenge in our community, and access to work opportunities for all residents of working age is of critical concern. While our community is well connected to downtown Milwaukee and major job centers within the City of Milwaukee, it is still a challenge to access suburban job centers. We hope to see implementation of strategies to connect these job centers with central city neighborhoods, including a focus on public and low-cost means of transportation.

**Public transit** – A major percentage of our residents do not have access to private vehicles. It is therefore important that public transit is available and effective. Residents hope to see continued modest costs and improved route service for the County's bus system, as well as development of other public transportation options.

**Multimodal infrastructure** – Our community is a diverse community of all ages and walks of life. Residents and visitors may walk, bike, or use public transportation or private automobiles. We hope to see increased funding allocations for infrastructure to improve multimodal transportation options.

**Safety** – Fund du Lac Avenue is a major arterial and corridor from Downtown to Milwaukee's Northwest side. Traffic counts and vehicle speeds are considerable, presenting safety concerns for nearby residents, pedestrians, and patrons of the Avenue's establishments. We would like to see planning and implementation for safety measures to improve safety of this major corridor.

Thank you for taking time to review our input to the Regional Transportation Plan. Please feel free to contact us with any questions. We look forward to implementation!

Regards,

Sharon Adams  
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Walnut Way Conservation Corp.  
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William R. Tisdale  
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July 16, 2012

Planning Certification Review  
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Submitted electronically only: [wisconsin.fhwa@fhwa.dot.gov](mailto:wisconsin.fhwa@fhwa.dot.gov)

To whom it may concern:

The Metropolitan Milwaukee Fair Housing Council (MMFHC) submits this correspondence in response to the request for comments regarding the recertification of Southeastern Wisconsin Regional Planning Commission (SEWRPC) as a Metropolitan Planning Organization (MPO). MMFHC also submitted comments for this purpose in 2004 and 2008.

MMFHC is a private, nonprofit organization. MMFHC's mission is to promote fair housing throughout the State of Wisconsin by combating illegal housing discrimination and by creating and maintaining racially and economically integrated housing patterns.

We commend SEWRPC for environmental justice progress made since the last recertification in 2008. Specifically this progress includes: the development of the Environmental Justice Task Force, updating the Regional Housing Study, and hiring an outreach specialist to better engage low income communities, persons with disabilities and communities of color.

Our comments are based on the lack of regional equity in southeastern Wisconsin and the role SEWRPC does or can play in that issue. Metropolitan Milwaukee's racial hyper-segregation has been well-documented in many ways over the last decades. Given the extreme nature of our regional conditions due to segregation and the implications on low income communities, persons with disabilities and communities of color, SEWRPC must continue to move towards more equitable planning. Our primary issues of concern, presented in greater detail in the paragraphs below, are: SEWRPC's governance structure; SEWRPC lack of permanent City of Milwaukee presence; SEWRPC's role in prioritizing county and local road projects to emphasize civil rights and environmental justice criteria; and SEWRPC's role in expanding transit in the region.

**SEWRPC's Governance:** SEWRPC is run by a Commission of three representatives from each of the seven counties in SEWRPC's region. This sets the tone for ALL of SEWRPC's planning and policies. For example: Ozaukee County has 10% of the population of Milwaukee County, yet both counties have three votes on the commission. With a fair, population-proportionate system, if Ozaukee has 3 SEWRPC commissioners, Milwaukee County should have 30! Milwaukee County has about 1/4 of the region's low income and minority residents and 85% of the region's African Americans, but only 14% percent of votes on the commission. This represents a serious environmental justice issue for SEWRPC and our region. Until this issue is resolved, SEWRPC will not be able to truly represent the needs of our region.

**SEWRPC's Lack of City of Milwaukee Presence:** At SEWRPC's 2008 recertification, recommendations were made that SEWRPC develop a greater City of Milwaukee presence with office space located in the city. This recommendation was made to better engage low income, minority and persons with disabilities into SEWRPC's planning decisions and policy recommendations. It appears no effort has been made towards this. We urge SEWRPC increase its City of Milwaukee presence.

**SEWRPC Should Set Priorities for County & Local Road Projects that Emphasize Civil Rights and Environmental Justice Criteria:** SEWRPC is responsible for creating our region's Transportation Improvement Plan (TIP). Through the TIP, road and highway projects in the seven-county region are prioritized for federal funding. Many MPOs around the country consider environmental justice criteria in their TIP priorities, but SEWRPC does not. Factors that could be considered include: 1) Does the community that the road project is in provide transit for low wage workers to access jobs in that community? 2) Does the community have a job/housing imbalance as defined by the SEWRPC Housing Study? 3) Is the project to build new roads or to repair existing roads? SEWRPC should include these criteria in deciding which local and county road projects have highest priority.

**SEWRPC Should Use More Federal "Highway" Funds to Expand Transit:** "One important provision in federal transportation legislation allows for the use of certain federal-aid highway program and federal transit program funds for either highway OR transit projects. This is referred to as flexible funding. In urbanized areas with populations greater than 200,000, MPOs, like SEWRPC, are responsible for considering "flexing" funds to meet local planning priorities."<sup>1</sup> SEWRPC should "flex" the funds to expand transit and meet environmental justice needs in Southeastern Wisconsin.

We thank you for the opportunity to participate in this recertification process and ask that you consider our recommendations as you engage in this recertification. Please do not hesitate to call with questions or clarifications.

Respectfully submitted,

Kori Schneider Peragine, Inclusive Communities Program Manager

<sup>1</sup> The Transportation Planning Process: Key Issues: A Briefing Book for Transportation Decisionmakers, Officials and Staff: A Publication of the Transportation Planning Capacity Building Program, Federal Highway Administration and the Federal Transit Administration

Kuklenski, Alexis (FHWA)

**From:** Mook, Sandy (FHWA) on behalf of FHWA, Wisconsin (FHWA)  
**Sent:** Monday, July 16, 2012 1:11 PM  
**To:** Kuklenski, Alexis (FHWA)  
**Cc:** WI-DLT-TL (FHWA)  
**Subject:** FW: SEWRPC Recertification Review Comments  
**Attachments:** Recertification Review Comments July 16, 2012.pdf; murphy rec- Attachment A.pdf; sewrpc rec -Attachment B.pdf; 2012 cert rw email-Attachment C.pdf; ORG CHART 2011-Attachment D.pdf; EEOC EMAIL - attachment E.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**From:** Karyn Rotker [<mailto:krotken@aclu-wi.org>]

**Sent:** Monday, July 16, 2012 12:57 PM

**To:** FHWA, Wisconsin (FHWA)

**Cc:** Hazeur, Camille (OST); Wagner, Fred (FHWA); Finkle, Lester (FHWA); Carter, Dorval (FTA); James Hall; Joyce Ellwanger; Dennis Grzesinski; DeMarsh, Nick; Jennifer Epps; Alan Freed; Pat McManus; Angela Walker  
**Subject:** SEWRPC Recertification Review Comments



Please find attached comments regarding the FHWA/FTA Recertification Review of the Southeastern Wisconsin Regional Planning Commission, and objecting to that recertification, submitted on behalf of the ACLU of Wisconsin, ATU Local 998, Black Health Coalition of Wisconsin, Citizen Action of Wisconsin, Disability Rights Wisconsin, Midwest Environmental Advocates, Milwaukee Inner-city Congregations Allied for Hope, Milwaukee Transit Riders Union, and NAACP-Milwaukee Branch. We would be happy to meet with you to further discuss our significant and serious concerns.

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July 16, 2012

Planning Certification Review  
Federal Highway Administration  
525 Junction Rd., Suite 8000  
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Submitted electronically only: [wisconsin.fhwa@dot.gov](mailto: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-discrimination, which was supposed to increase by 2.5% per year starting in 2007, and which instead has *declined*.<sup>1</sup> Yet rather than preserve 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 suggests a need for 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 - MTP, TIP and UPWP - must demonstrate consistency with Title VI and related requirements and principles."<sup>2</sup> The FHWA and FTA have an obligation to ensure that the MPO for southeastern Wisconsin is taking

<sup>1</sup> SEWRPC, "Assessment of Conformity of the Year 2035 Regional Transportation Plan and the Year 2009-2012 Transportation Improvement Program with Respect to the State of Wisconsin Air Quality Implementation Plan - Six County Southeastern Wisconsin Ozone Nonattainment Area and Three County Fine Particulate (PM2.5) Nonattainment Area" ("Conformity Analysis") (June 2010) at 38 (From 2005-2010 the decline was 4.5%.) (<http://www.sewrpc.org/SEWRPCFiles/publications/nr/nr-196-assessment-of-conformity-2035-rtp-2009-2012-tip.pdf>) The decline has continued since 2010. See also, Lloyd Grant, Jr., Managing Director, Milwaukee County Transit System, "Comments to the Wisconsin Commission on Transportation Finance and Policy (March 22, 2012) at 2. (<http://www.ridemts.com/uploads/Files/MCTS%20Comments%20to%20the%20Wisconsin%20Commission%20on%20Transportation%20Finance%20and%20Policy.pdf>)

<sup>2</sup> USDOT, FTA, FHWA, "TMA Certification Process Field Handbook - A Resource for Conducting a Certification Review of the Transportation Planning Process in Urbanized Areas with a Population of More than 200,000," ("Handbook") (revised Nov. 17, 2009), Sec. 2-12 at 126 (emphasis in original).



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 regional transportation system investments.

Under 23 CFR §§ 450.334(b)(1), (2), the FHWA and FTA have explicit authority to condition certification on 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 1960s, or even as of 1980 – but it is now and has been since at least 1990.<sup>3</sup> Thus Title VI and other civil rights laws demand a profound change in the way that regional planning occurs.<sup>4</sup> 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 on each area under continuing federal supervision.

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

- I. Civil Rights Compliance Obligates Changes in the Transportation Planning Processes 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.

<sup>3</sup> U.S. Census Bureau, “Racial and Ethnic Residential Segregation in the United States: 1980-2000” (Dec. 2004) at 68 ([http://www.census.gov/hhes/www/housing/housing\\_patterns/pdf/cenr-3.pdf](http://www.census.gov/hhes/www/housing/housing_patterns/pdf/cenr-3.pdf)) (“[T]he five most segregated metropolitan areas for Blacks in 2000 were, in order, Milwaukee-Waukesha . . . In 1990, Milwaukee-Waukesha was the most segregated . . . [I]n 1980, Detroit was followed by St. Louis.”); Daniel Denvir, “The Ten Most Segregated Urban Areas in America,” salon.com (March 29, 2011) ([http://www.salon.com/2011/03/29/most\\_segregated\\_cities/slide\\_show/10/](http://www.salon.com/2011/03/29/most_segregated_cities/slide_show/10/)) (2010 census data shows Milwaukee remains the most segregated metropolitan area in the country); Brookings Institution, 2010 ranking of the most segregated Greater Metropolitan Areas (GMA) in the U.S. (The Milwaukee GMA includes Milwaukee, Waukesha, Ozaukee, and Washington Counties.)

<sup>4</sup> In order to maintain its MPO status, SEWRPC is required to establish its compliance with federal civil rights and environmental regulations, including, *inter alia*, Title VI of the Civil Rights Act of 1964 and 49 CFR part 21; 49 U.S.C. § 5332, prohibiting discrimination in employment or business opportunity; the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and 49 CFR parts 27, 37, and 38; and the Clean Air Act, §§ 174 and 176 (c) and (d) and 40 C.F.R. part 93, targeting transportation-related air pollution. See 23 C.F.R. § 450.334(a). During the certification review, the FHWA and FTA must review whether SEWRPC is complying with these federal laws and regulations. 23 C.F.R. § 450.334(b).

- 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 comments is the significant, disproportionate, transit-dependence and segregation of persons of color in this region, as well as significant burdens 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.<sup>5</sup> Three of SEWRPC’s counties – Ozaukee, Washington and Waukesha – are more than 90% white non-Hispanic, and four counties – those three and Walworth – are only 1% African-American.<sup>6</sup> 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.<sup>7</sup> Persons with disabilities also disproportionately live in Milwaukee.<sup>8</sup> In fact, 61% of the persons in SEWRPC’s region with disabilities significant enough to affect their ability to live independently are in Milwaukee.<sup>9</sup> 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.

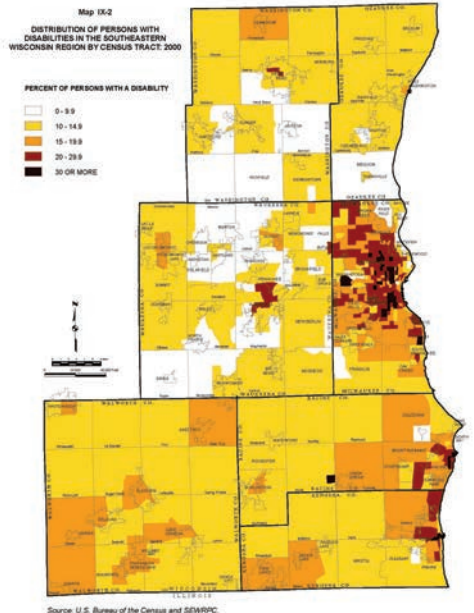
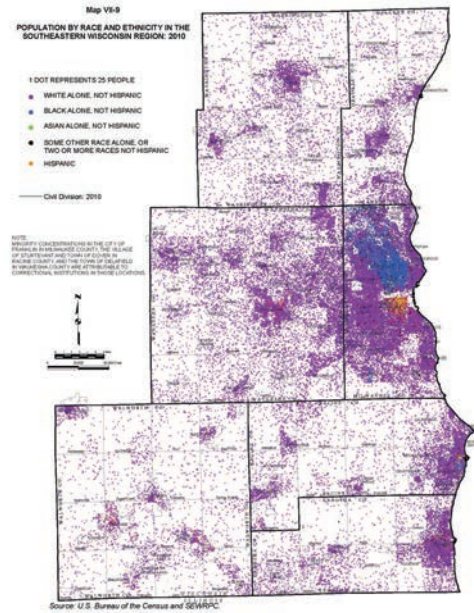
<sup>5</sup> US Census, Profile of General Population and Housing Characteristics: 2010 (Data set DP1) (calculated based on data for White non-Hispanic alone, Black non-Hispanic alone, Hispanic or Latino of any race). See also, SEWRPC, Draft Regional Housing Plan (“Housing Plan”), Ch. VII (approved draft) at Map VII-9 (<http://www.sewrpc.org/SEWRPCFiles/HousingPlan/Files/pr-054-chapter-07-draft.pdf>).

<sup>6</sup> Racine and Kenosha counties are majority white, but more diverse than the other counties.

<sup>7</sup> “Racial and Ethnic Residential Segregation,” *supra* n. 3 at Ch. 6.

<sup>8</sup> Housing Plan, Ch. IX (approved draft) at Map IX-2. At every comparable 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 Table IX-2. To a lesser extent persons with disabilities are also concentrated in the cities of Racine, Kenosha and Waukesha. (<http://www.sewrpc.org/SEWRPCFiles/HousingPlan/Files/pr-054-chapter-09-draft.pdf>).

<sup>9</sup> Calculated from 2008 – 2010 American Community Survey 3-Year Estimates, “Disability Characteristics.”





SEWRPC is well aware that overlaid on this residential segregation is a profound income and poverty gap, which is also concentrated in Milwaukee. For example, 58% of the households in the region with incomes below 80% of the region's median income – and 64% of those below 30% of the region's median – live in Milwaukee County.<sup>10</sup> SEWRPC also knows that the disparities in income and poverty rates have a profound racial component. In every county in the region with enough minority residents to make a comparison, Latino and African-American residents have average incomes far below those of white residents.<sup>11</sup> Persons with disabilities in the region also tend to have significantly lower incomes.<sup>12</sup>

In addition, SEWRPC is well aware of the profound, racialized, disparities in the mode of transportation, and of the need for transit to ameliorate them.

[L]ow-income households and a number of minority populations are particularly dependent upon public transit, as a significant proportion of those populations have no private vehicle available for travel. Driver's license data indicate a similar conclusion. Only about 68 percent of Milwaukee County Black/African American households indicate they have an automobile available for travel, and only an estimated 60 percent of Black/African American adults have a driver's license. Only about 80 percent of Milwaukee County Hispanic households indicate they have an automobile available for travel, and only an estimated 50 percent of Hispanic adults have a driver's license. As shown on Maps H-29 through H-35, the transit service recommendations of the plan would be particularly directed to serving minority and low-income populations.<sup>13</sup>

Transit – both paratransit and fixed-route service – is also clearly necessary to meet the needs of persons with disabilities, who are also disproportionately dependent on transit.<sup>14</sup> Further,

<sup>10</sup> Housing Plan, Ch VII (calculated from Table VII-13).

<sup>11</sup> Housing Plan, Ch. VII at VII-7, Tables VII-15 & VII-16

<sup>12</sup> See, e.g., 2008-2010 American Community Survey 3-Year Estimates, "Selected Economic Characteristics for the Civilian Noninstitutionalized Population by Disability Status," (showing that in Milwaukee County, for example, 25.2% of persons with disabilities had incomes below poverty level, compared to 15.6% of non-disabled persons); Housing Plan Ch. IX at Table IX-10. See also, *Mental Health: A Report of the Surgeon General—Executive Summary* (U.S. Dept. of Health and Human Services 1999) (about 5.4% of adults have a serious mental illness, but percentage is higher for African-Americans, in part related to socioeconomic factors, and most African-Americans with mental disorders are poor.)

<sup>13</sup> SEWRPC, "A Regional Transportation System Plan for Southeastern Wisconsin: 2035" ("2035 Plan") (July 2006) at 576, ([http://www.sewrpc.org/SEWRPCFiles/Publications/mr/049\\_regional\\_transportation\\_system\\_plan\\_for\\_se\\_wi\\_2035.pdf](http://www.sewrpc.org/SEWRPCFiles/Publications/mr/049_regional_transportation_system_plan_for_se_wi_2035.pdf)). In contrast, only 14% of adult whites lack vehicles and 73% have drivers licenses. John Pawasarat, "The Driver License Status of the Voting Age Population in Wisconsin" (University of Wisconsin-Milwaukee Employment and Training Institute, June 2005), at 1-2, 16, 22.

<sup>14</sup> See, e.g., 2008-2010 American Community Survey 3-Year Estimates, "Selected Economic Characteristics for the Civilian Noninstitutionalized Population by Disability Status," (in Milwaukee

"[a]ccessible, reliable transportation is one of the most critical — and perhaps least appreciated — components of becoming an active, productive member of the workforce for many Americans with disabilities. The best job, skills, or employment program provides few benefits if there is no reliable means of getting to work. Transportation systems have become increasingly accessible, but many people with disabilities are still not able to benefit from the options available to most Americans. Access to public and private transportation for individuals with disabilities is more than just physical accessibility. It can include travel training for individuals with cognitive disabilities, coordination of transportation resources, and understanding one's rights."<sup>15</sup>

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

The refusal to adequately fund transit is a severe and chronic problem that has a discriminatory effect in this region. While SEWRPC is not solely responsible for these failures, SEWRPC has failed to take meaningful – if any – steps to use tools that might be available to it, including TIP development alternatives, declining to approve certain road projects, and maximizing flexible funding for transit, in order to ameliorate these disparities.<sup>16</sup>

Instead, SEWRPC routinely reiterates the mantra that it is only "advisory," even with respect to the TIP process. But as the FHWA/FTA's own Recertification manual makes clear:

[I]n TMAAs, it is the MPO that selects projects for inclusion in the TIP (except for NHS projects and those funded under the bridge, interstate maintenance, and Federal Lands Highway program, which are selected by the State in cooperation with the MPO). [23 CFR 450.332(b)] The regulations state that the MPO must consult with the State and transit operators, but it is clearly the MPO that has the authority to select projects for the TIP. This can be a major distinction that deserves discussion in the Certification Review . . .<sup>17</sup>

County, for example, 10.1% of persons with disabilities commute to work by transit, compared to 5.5% of non-disabled workers.) And these statistics do not include the many persons with disabilities who are not employed but depend on transit to access other services, such as school, medical care, and shopping; Grant Comments, *supra* n. 1 at 1 (in 2011 MCTS provided more than 800,000 paratransit rides and more than 76,000 rides to wheelchair users). (<http://www.ridemcts.com/uploads/Files/MCTS%20Comments%20to%20the%20Wisconsin%20Commission%20on%20Transportation%20Finance%20and%20Policy.pdf>)

<sup>15</sup> U.S. Dept. of Labor, Office of Disability Employment Policy (<http://www.dol.gov/odep/topics/Transportation.htm>)

<sup>16</sup> As discussed extensively below, SEWRPC does not even admit the nature and extent of the problem.

<sup>17</sup> *Handbook* at Sec. 2-9, p. 105 (emphasis added). See also, e.g., 23 C.F.R. § 450.330(c) ("[i]n areas designated as TMAAs, all 23 U.S.C. and 49 U.S.C. Chapter 53 funded projects (excluding projects on the National Highway System (NHS)) and projects funded under the Bridge, Interstate Maintenance, and Federal Lands Highway programs shall be selected by the MPO in consultation with the State and public transportation operator(s) from the approved TIP . . .") (emphasis added).

SEWRPC also argues that it has done its planning in a certain way for decades and should continue to do so.<sup>18</sup> As noted above, through the decades of SEWRPC planning, segregation and disparate transit dependence in the region have worsened, not improved.

It is incumbent upon the FHWA and FTA to either decertify SEWRPC or impose conditions that require SEWRPC to engage in a fair TIP process and exercise its project selection authority, and to do so in a manner that reduces, rather than increases, segregation and discrimination in the region.

#### a. Transit is Necessary to Reduce the Discriminatory Effect of Transportation Programs, But it is Not Being Provided

As noted above, the 2035 Plan explicitly stated that transit was necessary to ensure that persons of color benefited from regional transportation system investments. The 2035 Plan also was explicit that transit improvements were to be given "equal priority" with other improvements.<sup>19</sup> Further, SEWRPC acknowledged that even during economic downturns it is necessary that "progress in plan implementation, particularly with respect to public transit, continues, and is not eroded through service reductions."<sup>20</sup>

The reality, however, is that both before and since the 2035 Plan was adopted there has not been progress in transit plan implementation or expansion; instead, there has been both an erosion of transit service and fare increases, with further, catastrophic, reductions predicted.<sup>21</sup>

<sup>18</sup> SEWRPC's reluctance to alter its processes in ways that would select more projects that benefit underserved communities – who disproportionately reside in Milwaukee – is likely related to its discriminatory governance structure. See, Sec. V, *infra*.

<sup>19</sup> 2035 Plan at 366.

<sup>20</sup> *Id.* (emphasis added).

<sup>21</sup> Between 2001 and 2007 there was a loss of more than 18% of route miles in Milwaukee, Washington and Waukesha counties combined, resulting in a significant reduction in employment access for transit-dependent persons. Rast, Joel, *Out of Service: The Impact of Transit Cuts on Access to Jobs in Metropolitan Milwaukee* (UWM-Center for Economic Development, Oct. 2008).

The year 2035 regional transportation plan proposed that transit service levels measured in vehicle miles of service double by the year 2035, with the increase in service levels beginning in 2007 and increasing approximately 2.5 percent annually to the year 2035. The plan also proposed that transit fare increases be held to general price inflation.

Since 2005, the base year of the year 2035 plan, transit service levels have declined approximately 4.5 percent [as of 2010]. With respect to transit fares, the adult base fare on the Milwaukee County Transit System, which represents over 90 percent of the transit service provided in Southeastern Wisconsin, was \$1.75 in 2005 . . . and . . . increase[d] to \$2.25 in 2010, representing an increase of 29 percent. General price inflation is estimated to have experienced an increase of about 12 percent over the same period.

From 1996-2011 transit aids increased only a total of 12.5% and the share of local transit costs covered by state operating aid declined from 43.5% to 35%, while during that same time period state funds for major highway development increased by 978%.<sup>22</sup> The state's 2011-13 budget actually reduced state operating assistance for transit by 10%, which cut the Milwaukee County Transit System budget by \$7 million.<sup>23</sup> Thus in Milwaukee alone, "since year 2000, MCTS has undergone six major route restructurings, eliminating 21 regular bus routes, 4 freeway flyer routes, numerous route segments and a series of reductions in the frequency and span of service on many bus routes. During this same period, the cost of a single bus fare increased 67%, from \$1.35 to \$2.25."<sup>24</sup>

The loss of transit has operated to the disproportionate detriment of communities of color, low-income communities, and persons with disabilities. Yet rather than respond even by admitting that the continued decline in transit funding is having a discriminatory effect, SEWRPC repeatedly misrepresents the nature of the transit crisis. For example, in April 2012 SEWRPC asserted that 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 transit improvement and expansion . . ."<sup>25</sup> even though the state had not funded 40% or

Conformity Analysis at 38. Furthermore, the constant erosion of the MCTS budget over the last 10 years has also led to ADA paratransit fare increases and loss of fixed and paratransit route hours and frequency.

Catastrophic reductions are anticipated, and have not yet occurred only because of "MCTS' receipt of \$25 million in federal stimulus dollars in 2009 . . . plus the unexpected influx of additional one-time federal dollars, [which] allowed MCTS to buy 125 new buses while maintaining its use of \$18 million in federal capital dollars in its operating budget. . . . [T]hese developments likely have delayed the threat of catastrophic service cuts until at least 2015. . . . But make no mistake – the fundamental problem remains. MCTS needs to continually replenish its fleet of 400 buses, yet using federal formula funds for that intended purpose will blow a hole in the system's operating budget. Barring a new stimulus package or other new federal support, another day of reckoning is approaching. And even before that day, MCTS will face annual budget shortfalls of \$3 million and possibly more, depending on the next state budget's treatment of transit aids. That could lead to a continued erosion of service even before the big hit comes a few years down the road." Rob Henken, President, Public Policy Forum, "County transit system may face massive cuts. With federal money gone, the system lurches toward crisis," in *Milwaukee Journal-Sentinel* (Feb. 19, 2011) (<http://www.jsonline.com/news/opinion/116508363.html>)

<sup>22</sup> WisDOT "Transportation Budget Trends" (Nov. 2010) at 22, Table 11; 62, Table 33; 63, Table 34. (<http://www.dot.wisconsin.gov/about/docs/budgettrends.pdf>)

<sup>23</sup> Sandler, Larry, "It's official: Rail line from Kenosha to Milwaukee is dead," *Milwaukee Journal-Sentinel* (July 25, 2011) (<http://www.jsonline.com/news/statepolitics/126116213.html>)

<sup>24</sup> Grant Comments, *supra* n. 1, at 2.

<sup>25</sup> SEWRPC, "Congestion Management Process in Southeastern Wisconsin" ("CMP") (April 2012) at 99 (<http://www.sewrpc.org/SEWRPCFiles/Publications/mr/mr-203-congestion-management-process-in-se-wisc.pdf>)



more of transit operating costs since 2003.<sup>26</sup> Similarly, although in 2011 the state eliminated Regional Transit Authorities, including the Southeastern Wisconsin RTA,<sup>27</sup> in April 2012 SEWRPC called for the “creation of a regional transit authority” without mentioning that the RTAs had been legislatively dissolved a year earlier.<sup>28</sup> And in April 2012 SEWRPC stated that a dedicated funding source was necessary for transit – without mentioning that more than a year earlier the Governor had said he would veto any effort to allow dedicated funding for transit.<sup>29</sup>

The wrongful assertions regarding the status of transit are discussed in more detail below in Sec. II. However, the FHWA and FTA cannot continue to allow this refusal to acknowledge the transit crisis, and the associated misrepresentations, to continue. This is not to say that efforts 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 other, concrete 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 process violates Title VI and other civil rights obligations by:

- **Failing to ensure TIP compliance with the 2035 Plan recommendations for annual increases in transit service.** This includes approving plans when the transit service necessary to achieve civil rights compliance is declining, failing to include criteria, scoring systems and/or incentives or disincentives that would lead to transit development, while at the same time, routinely approving road and highway projects that increase the disparities in transportation system access.
- **Failing to inform community of, or seek to maximize, flexible funding for transit.** Although federal law would allow the use of a substantial portion of STP 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 EJTF or diverse community groups. Neither has SEWRPC developed RTP or TIP priorities and processes to use and maximize STP funding for transit purposes, including allowable capital and preventive maintenance expenses, despite the documented need for

<sup>26</sup> Transportation Budget Trends at 63, Table 34.

<sup>27</sup> Sandler, *supra* n. 23.

<sup>28</sup> CMP at 99.

<sup>29</sup> CMP at 69, 99; Steve Schultze, “Holloway asks Walker to OK transit tax,” Milwaukee Journal-Sentinel (Jan. 26, 2011) (<http://m.jsonline.com/114665324.htm>).

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increased transit funding and the fact that the TIP includes hundreds of millions of dollars in STP funding for highway capacity expansion, in projects sponsored by WisDOT, counties, and local governments.<sup>30</sup>

- **Incorrectly asserting that it is only “advisory” and thus cannot exercise project selection authority.** SEWRPC routinely claims that it 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. *Supra* Sec. I. Further, to the extent that SEWRPC is advisory, it still has an obligation, with which it has not complied, to monitor the entities that submit projects for inclusion into the TIP – including WisDOT<sup>31</sup> and any advisory committees – to ensure that their processes, decisions and project selections 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.<sup>32</sup>
- **Failing and declining to consider scoring or other prioritization systems for projects in the TIP at all,**<sup>33</sup> much less systems and processes to prioritize transit. The

<sup>30</sup> See Transportation Planning Capacity Building Program, FHWA & FTA, “The Transportation Planning Process: Key Issues” at 12-13 ([http://www.planning.dot.gov/documents/briefingbook/tbbook\\_07.pdf](http://www.planning.dot.gov/documents/briefingbook/tbbook_07.pdf)) To the extent that it is WisDOT making or imposing some of the STP-funded highway project selections, the FHWA and FTA should consider this as a violation of WisDOT’s Title VI obligations due to the lack of any evaluation or assessment of the Title VI or civil rights effects of doing so.

<sup>31</sup> WisDOT alone is “sponsoring” multiple projects that add highway capacity (projects that the TIP labels as highway “improvements,” but which all add lanes, and thus add capacity) using \$334 million in Surface Transportation Program (STP) funding, a form of federal funding that could be flexed for transit purposes.

<sup>32</sup> See, 23 C.F.R. § 450.324(f) (“As a management tool for monitoring progress in implementing the transportation plan, the TIP should: (1) Identify the criteria and process for prioritizing implementation of transportation plan elements (including multimodal trade-offs) for inclusion in the TIP and any changes in priorities from previous TIPs. . . .”)

<sup>33</sup> SEWRPC has never had such a system. However, on June 13, a Housing Committee Advisory Committee member requested that SEWRPC develop and implement specific criteria to prioritize projects in the TIP in communities with affordable housing and transit, and for local road preservation, and to maximize flexible funding to increase STP funds going to transit instead of roads. Attachment A.

SEWRPC’s director, who had previously objected to efforts to change the project selection process, countered with a vague suggestion that “SEWRPC will explore with local governments, through its Advisory Committees for Transportation System planning and Programming . . . potentially establishing revised criteria that would take job/housing balance into consideration . . .” Attachment B. The language – to “explore” “potential” criteria to “consider” job/housing balance is vague and simply inadequate to resolve the underlying issue: the need to find ways to encourage actual implementation of transit projects, with concrete incentives and disincentives. Because, as noted above, the FHWA and FTA

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Handbook also makes clear that an MPO is authorized to use numerical ranking processes for project selection purposes.<sup>34</sup> SEWRPC’s failure to develop such processes is occurring despite the documented need for increased transit and suburban 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 exercise any authority to exclude projects from the TIP, even if those projects are likely to exacerbate disparities in the region.<sup>35</sup> As noted above, SEWRPC uses its claims 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 “emphasize preservation of the existing transportation system,” especially the transit system.**<sup>36</sup> The fact that public transit, especially transit used most by minority and low income residents, is in an ongoing state of crisis, while numerous projects to “improve”<sup>37</sup> 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.<sup>38</sup>

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

Further, to the extent that SEWRPC now 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 concerns 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 “proposal” underscores the lack of meaningful involvement and authority SEWRPC actually gives the EJTF. See *infra* Sec. IV.

<sup>34</sup> *Id.*

<sup>35</sup> SEWRPC routinely approves road expansions and improvements in its TIPs because, it says, these are projects identified in the 2035 Plan. But this routine approval occurs while reductions in the 2035 Plan’s transit recommendations also are occurring. Continuing to automatically approve road projects while transit declines inevitably has the effect of increasing the disparities in transportation system access between predominantly minority and low-income transit-dependent residents, and disproportionately white automobile users.

<sup>36</sup> 23 U.S.C. § 134(h)(1)(H) and 23 C.F.R. § 450.306(a)(8).

<sup>37</sup> Every project in the TIP that SEWRPC classifies as “Highway Improvement” is a project that adds lanes, and thus capacity.

<sup>38</sup> Tom Held, “Milwaukee freeways rank 44th in traffic congestion, report finds. But time stuck on freeway has improved since 2004,” Milwaukee Journal-Sentinel (Jan. 20, 2011) (<http://www.jsonline.com/news/milwaukee/114281234.html>).

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- **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 must: . . .

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 ideally should deal with the TIP development process itself rather than providing views on specific projects.<sup>39</sup>

The process SEWRPC uses – relying on local officials and agency representatives to decide what projects are included in the TIP<sup>40</sup> – does not include environmental justice communities. “Local elected officials and agency representatives,” even if those officials are from the city of Milwaukee, are not the same as representatives of minority, disabled and other underserved communities.

- **Improperly categorizing all forms of transit in the TIP as benefitting Environmental Justice communities.** SEWRPC makes no effort to document which forms of transit that exist benefit underserved communities and which do not, or to ensure that the entities submitting the projects to the TIP do so.<sup>41</sup> By counting transit as meeting Title VI and environmental justice requirements without any analysis of whether it in fact does so,

<sup>39</sup> Handbook, Sec. 2-9 at 103 (emphasis added).

<sup>40</sup> The “process” stated in the TIP is that SEWRPC “established advisory committees in each of the urbanized areas of the Region. These committees are made up of local elected officials and agency representatives responsible for transportation system improvement, operation, and maintenance within each urbanized area. The committees are charged with the responsibility of reviewing and approving the transportation improvement program as it is prepared annually for submission to the Commission and then to the state and federal governments.” SEWRPC, *A Transportation Improvement Program for Southeastern Wisconsin: 2011-2014* (Feb. 2011) at 2. ([http://www.sewrpc.org/SEWRPCFiles/Publications/TIP/TIP\\_2011-2014.pdf](http://www.sewrpc.org/SEWRPCFiles/Publications/TIP/TIP_2011-2014.pdf))

<sup>41</sup> See, e.g., TIP at Map G-8 (including all transit projects in the region in “Environmental Justice” chapter, without addressing the fact that many of the routes – especially those outside Milwaukee primarily serve commuters who live in outlying areas but work in the cities. Due to the housing segregation in the region, those commuter routes do not benefit communities of color and cannot be categorized as doing so.) Nor does SEWRPC evaluate whether or not, and to what extent, underserved communities will benefit from Milwaukee’s proposed streetcar, which accounts for a substantial portion of the TIP transit improvements. Similarly, SEWRPC does not evaluate the relative burdens and benefits of other transit projects in the region, such as the Kenosha streetcar project, again assuming without analysis that they satisfy environmental justice requirements.

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SEWRPC 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, *more than 92%* of the projected transit expansion costs for the entire four-year TIP period<sup>42</sup> - 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 time highway "improvements" with added lanes will constitute much greater percentages of TIP expenditures.<sup>43</sup> 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,"<sup>44</sup> not to try to obscure the project balance and effects of the total plan.

## 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.

There is no question that the 2035 Plan proposed a significant increase in transit capacity, and that it did so to, 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. SEWRPC, however, routinely "addresses" these matters by repeating its 2035 Plan proposals - even though SEWRPC knows those improvements have not occurred and provides no reasonable expectation for its assertions that they will occur. SEWRPC 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 Clean Air Act requirements,<sup>45</sup> and represents adequate congestion management efforts.

<sup>42</sup> Compare, TIP Figure 1 with TIP "TE" project listing for Milwaukee TMA. Also note that no post-2011 RTA items can be counted because the RTA no longer exists.

<sup>43</sup> Calling projects that add highway lanes "improvements" rather than expansions - which SEWRPC does - obscures the nature of those projects and the funding disparities.

<sup>44</sup> Handbook, Sec. 2-21 at 184. Federal regulations require the use of visualization techniques. 23 C.F.R. § 450.316(a)(1)(iii).

<sup>45</sup> Air quality is itself an issue with disparate effects, as in the region persons of color - especially African-Americans - are much more likely than whites to suffer respiratory impairments such as asthma. See, e.g., US Centers for Disease Control and Prevention, State Profile, "Asthma in Wisconsin," ([http://www.cdc.gov/asthma/stateprofiles/Asthma\\_in\\_WI.pdf](http://www.cdc.gov/asthma/stateprofiles/Asthma_in_WI.pdf)) Air quality issues also, of course, profoundly affect many persons with disabilities. See also, e.g., Sierra Club, "Highway Health Hazards," (2004) at 6-12 (citing studies on health effects related to highways). ([http://www.sierraclub.org/sprawl/report04\\_highwayhealthreport.pdf](http://www.sierraclub.org/sprawl/report04_highwayhealthreport.pdf))

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### a. Fiscal Constraint and Conformity Legal Requirements.

Federal law requires MPOs to "emphasize the preservation of the existing transportation system"<sup>46</sup> in a long-range transportation plan that is fiscally constrained.<sup>47</sup> A plan can only include projects where there is a financial plan that shows "how the adopted transportation plan can be implemented."<sup>48</sup> In the TIP, "[f]or purposes of transportation operations and maintenance, the financial plan shall contain system-level estimates of costs 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(a)(5)) and public transportation (as defined by title 49 U.S.C. Chapter 53)." 23 C.F.R. 450.324(h).<sup>49</sup> As the FHWA and FTA's own recertification Handbook makes clear, similar requirements apply to a metropolitan transportation plan.<sup>50</sup>

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 document 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.<sup>51</sup>

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

<sup>46</sup> 23 U.S.C. § 134(h)(1) (H); 23 C.F.R. § 450.306(a)(8).

<sup>47</sup> 23 U.S.C. § 134(i)(2)(C); 23 C.F.R. § 450.322(f)(10).

<sup>48</sup> 23 C.F.R. § 450.322(f)(10).

<sup>49</sup> See also, FHWA, *Financial Planning and Fiscal Constraint For Transportation Plans and Programs Questions & Answers* (April 15, 2009) ("All projects and programs funded under Title 23 and 49 (of the U.S. Code) must be listed in the TIP/STIP [see 23 CFR 216(g)]. There is an important distinction, however, between the specific projects listed in the TIP/STIP and the financial 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 TIP/STIP, this important information is needed to demonstrate how the transit operator and other Federal funds recipients in a metropolitan area and/or State will operate and adequately maintain the programmed Federal capital investments and should be provided in the financial plan and supporting information accompanying the TIP/STIP.") (emphasis added).

<sup>50</sup> 23 C.F.R. § 450.322(f)(10)(i).

<sup>51</sup> Handbook, Sec. 2-7 at 89.

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strategies for ensuring their availability. It is expected that the strategies, particularly for new funding sources requiring legislation, voter approval or multi-agency actions, include a specific plan of action that describes the steps that will be taken to ensure that the funds will be available within the timeframe shown in the financial plan.

The plan of action should provide information on the actions that will be taken to obtain the new funding such as how the support of the public, elected officials, business community, and special interests will be obtained, e.g. comprehensive and continuing program to make the public and others aware of the need for revenue sources and the consequences of not providing them. Past experiences (including historical data) with obtaining this type of funding, e.g., success in obtaining legislative and/or voter approval for new bond issues, tax increases, special appropriations of funds, etc., should be included. Where efforts are already underway to obtain a new revenue source, information such as the amount of support (and/or opposition) for the measure(s) by the public, elected officials, business community, and special interests should be provided.

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The financial plan will be part of the plan or TIP and will be reviewed through the public involvement process. The following are examples of specific cases where new funding sources should not generally be considered to be "reasonably available": (1) past efforts to enact new revenue sources have generally not been successful; (2) the extent of current support by public, elected officials, business community and/or special interests indicates passage of a pending funding measure is doubtful; or (3) no specific plan of action for securing the funding source and/or other information that demonstrates a strong likelihood that funds will be secured is available.<sup>52</sup>

SEWRPC also is responsible for ensuring that transportation planning conforms to air quality regulations under the Clean Air Act (CAA). The Milwaukee-Racine region is a nonattainment area for PM 2.5, and a "moderate" area for ozone.<sup>53</sup> Federal law mandates that "[t]ransportation plans and TIPs must be fiscally constrained consistent with DOT's metropolitan planning regulations at 23 CFR part 450 in order to be found in conformity [with CAA requirements]."<sup>54</sup> and transportation plans cannot be found in conformity if the projects are not fiscally constrained. For nonattainment and maintenance areas, including southeastern Wisconsin, the financial plan must include "specific financial strategies required to ensure the implementation" of the transit projects that are used to show conformity with the SIP.<sup>55</sup>

<sup>52</sup> 58 Fed. Reg. 58060 cols. 2-3.

<sup>53</sup> As of July 6, 2012, there had already been 14 ozone-related air quality advisories for the year for one or more counties in the region, compared to 6 for all of 2011. Wisconsin Air Quality Notice History ([http://dwr.wi.gov/topic/AirQuality/AQNSHistoryList.asp?county="](http://dwr.wi.gov/topic/AirQuality/AQNSHistoryList.asp?county=))

<sup>54</sup> 40 C.F.R. § 93.108.

<sup>55</sup> 23 C.F.R. § 450.322(f)(10)(vi).

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

SEWRPC's Conformity Analysis simply fails to address the real situation of transit, or provide any reasonable expectation for its reliance on proposed transit increases. The 2011-14 TIP does not itself include a Conformity Analysis. Instead, it refers to the 2009-12 Analysis,<sup>56</sup> 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 service would begin in the year 2012, with 3.1 percent annual increases to the year 2035. Though fair (sic) 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.<sup>57</sup>

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

- **Projecting annual 3.1% 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.**<sup>58</sup> The Conformity Analysis projected these transit increases were necessary to comply with the 2035 Plan without including a fiscally constrained method for achieving them. By 2011 - when SEWRPC included the dated Conformity Analysis with the new TIP - it should have been abundantly clear that necessary funding to achieve this projection was not a fiscally constrained reasonable expectation.<sup>59</sup> Therefore, the Analysis - and the TIP on which it was based - violated the legal requirement to include specific financial strategies required

<sup>56</sup> TIP at App. C ("The regional emissions analysis prepared for the year 2035 regional transportation system plan, which was approved on June 16, 2010, by the U.S. Department of Transportation Federal Highway and Transit Administrations, therefore applies to, and is consistent with, the proposed year 2011-2014 transportation improvement program.")

<sup>57</sup> Conformity Analysis at 38.

<sup>58</sup> The Congestion Management Plan completed in April 2012 now says that a 3.5% annual transit increase is necessary to meet the 2035 Plan transit requirements. *Id.* at 69.

<sup>59</sup> For example, in January 2011 - and thus before the TIP was finalized - Gov. Walker stated that he "opposed the local sales tax increase and the car rental tax for Milwaukee County and would veto them if they're approved by the Legislature," Schultze, *supra* n. 29. By then he had also rejected federal funding for rail transit. USDOT Release # 208-10 (Dec. 9, 2010) (<http://www.dot.gov/affairs/2010/dor20810.html>) See also, Patrick Marley, "Walker bill could put millions in transit aid at risk," *Milwaukee Journal-Sentinel* (Feb. 15, 2011). Walker's opposition to transit funding should not have surprised SEWRPC; by 2006 at the latest then-County Exec. Walker had expressed his opposition to dedicated taxes for transit. See, e.g., Larry Sandler, "Not on board with tax," *Milwaukee Journal-Sentinel* (Dec. 22, 2006).

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to ensure the implementation” of the transit projects. Rather than using a dated Conformity Analysis, SEWRPC should have made the profoundly discriminatory effect clear, and sought other methods, such as those described *supra* Sec. I, to address it.

- Assuming an RTA will have a role in the transit process. RTAs no longer exist.
- Assuming that fare increases will be held to inflation. There is no factual predicate to assert this will occur, particularly when SEWRPC’s own reports show a 29% fare increase (more than double the 12% inflation rate) from 2005-2010, and MCTS reports a 67% fare increase from 2000-2012.<sup>60</sup>
- Failing to address the already-existing discriminatory effect of the admitted delay in complying with the 2035 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 deterioration 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 2010 to 2011.<sup>61</sup> It did not address the actual reduction in state transit operating support that was imposed on MPS 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 in programmed FTA Sec. 5307 expenditures for Milwaukee for 2011, but only \$21 million in estimated available funding. Similar, significant funding gaps exist for each year of the TIP.<sup>62</sup>
- Failing to develop steps, processes or criteria to ensure that when and if additional fiscal constraints develop – as has repeatedly occurred for at least the past decade – transit projects benefitting communities of color and persons with disabilities will not be dropped while road projects that disproportionately benefit white, largely suburban, communities continue.

c. The Congestion Management Process is Also Based on Information that SEWRPC Knew or Should Have Known was Inaccurate.

<sup>60</sup> *Id.*; Grant Comments, *supra* n. 1 at 2.

<sup>61</sup> See, e.g., Table F-11 at F-15.

<sup>62</sup> *Id.*, at Table D-1.

TMA’s, including southeastern Wisconsin, also must develop Congestion Management Processes. Among the issues the CMP is to address is to identify and evaluate strategies including public transportation improvements.<sup>63</sup> As noted above, southeastern Wisconsin is designated as moderately ozone 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 CMP, SEWRPC’s April 2012 Congestion Management Plan provides another stark example of the lack of open, accurate, assessment of the transit system’s prospects. It recites many of the recommendations of the transit element of the 2035 Plan.<sup>64</sup> It then includes the following Summary and Conclusion:

The recommended expansion of public transit in Southeastern Wisconsin represented a doubling of transit service in Southeastern Wisconsin by the year 2035 from the base year—2005—of the regional transportation plan, and now represents a 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 3.5 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 this recommended expansion would be dependent upon the continued commitment of the State to be a partner in the maintenance, improvement and expansion, and attendant 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 1.0 percent, and are not nearly as dependent upon Federal and State funding.<sup>65</sup>

In addition to the same kinds of problems discussed *supra* Sec. II.b, the CMP contains additional misstatements and omissions.

<sup>63</sup> 23 CFR 450.320(c)(4)(iii).

<sup>64</sup> CMP at 54, 61-68.

<sup>65</sup> *Id.* at 69.

- SEWRPC is including factually incorrect information. The State has not funded 40% of transit operating expenses since 2003, and the State, by law, dissolved all its RTAs in 2011.
- SEWRPC relies on the prospect of dedicated transit funding, but fails to mention the profound 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. See *supra* Sec. II.b.

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

d. SEWRPC’s Transportation Plans Do 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 fiscally constrained. 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 violates 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 purport to manage congestion. It is critical that the FHWA and FTA hold SEWRPC accountable.

III. SEWRPC Fails to Set or Comply 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 for substantiating compliance. These goals and measurements should be used to verify that multimodal system access and mobility performance improvements in the MTP, TIP and underlying planning process comply with Title VI and related requirements.”<sup>66</sup> The MPO must also “[e]valuate the regional transportation system to ensure that services are accessible to persons with disabilities.”<sup>67</sup> Although the MPO normally certifies its own civil rights compliance, MPOs must have a reasonable basis for making this certification. Thus, FTA requires MPOs to “have an analytic basis in place for certifying their compliance with Title VI.”<sup>68</sup> This analytic basis must “identify the benefits and burdens of metropolitan transportation system investments for different socioeconomic groups.”

In their certification review, FHWA and FTA must determine whether SEWRPC’s “[c]riteria (to establish self-certification) appear[s] reasonable; ... [d]ocumentation [is] available to support self-certification; ... [and] [p]lanning/transportation agencies have procedures,

<sup>66</sup> Handbook at Sec. 2-12, p. 125.

<sup>67</sup> *Id.*

<sup>68</sup> FTA Circular 4702.1A at p. VII-1.

policies, and/or guidelines that address Title VI, ADA, ... as required by regulation.”<sup>69</sup> FHWA and FTA’s review further extends to whether MPO “[s]tandards, measures and benchmarks are reasonable to demonstrate significant disparity of impacts in accessibility to and delivery of transportation facilities/services.”<sup>70</sup>

There is no question that the 2035 Plan specifically and correctly stated that transit was necessary to ensure non-discrimination and that underserved communities receive a fair share of the benefits of transportation system investments. There also is no question that the Plan’s transit recommendations have not been implemented. But rather than acknowledge the discriminatory effect of this failure, SEWRPC tries to change the rules of the game by coming up with different measures, such as the number of persons of color who commute to work by car. SEWRPC therefore has violated civil rights requirements by:

- Self-certifying civil rights compliance, when the transit recommendations SEWRPC itself stated were needed to ensure non-discrimination have not occurred. Under the standards SEWRPC itself set out in its 2035 Plan, the reductions in transit since 2007 – especially when combined with highway increases – are having a discriminatory effect, but SEWRPC has not acknowledged this. Further, approving subsequent plans such as the TIP when this disparate treatment is occurring, without acknowledging that it exists, is also a method of administering its programs that has a discriminatory effect and that substantially impairs accomplishment of program objectives.<sup>71</sup>
- Changing the goals and measurements mid-stream. Rather than applying the standards used in the 2035 Plan – that the “public transit recommendations of the regional transportation plan would, in particular, serve minority and low-income populations within Southeastern Wisconsin” – to subsequent events to determine compliance, SEWRPC changed its measurement criteria, presumably so as to be able to assert that its TIPs and other transportation planning products do not have a discriminatory effect, rather than evaluating system performance on the basis of the criteria in its own long-range plan.<sup>72</sup>

<sup>69</sup> [http://www.planning.dot.gov/documents/primer/intro\\_primer.asp#2.11](http://www.planning.dot.gov/documents/primer/intro_primer.asp#2.11)

<sup>70</sup> [http://www.planning.dot.gov/documents/primer/intro\\_primer.asp#2.12](http://www.planning.dot.gov/documents/primer/intro_primer.asp#2.12)

<sup>71</sup> See, e.g., 49 C.F.R. § 21.5(b)(2) (a recipient of federal funding “may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting persons to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, or national origin.”); 49 C.F.R. § 27.7(b)(4) (“A recipient may not, directly or through contractual or other arrangements, utilize criteria or methods of administration: (i) That have the effect of subjecting qualified handicapped persons to discrimination on the basis of disability, (ii) That have the purpose or effect of defeating or substantially reducing the likelihood that handicapped persons can benefit by the objectives of the recipient’s program or activity . . . .”)

<sup>72</sup> See, e.g., TIP Table G-3 (evaluating commuting patterns by race, but including no mention of unemployment or transit-related lack of job access).



- **Including no meaningful goals 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 paratransit vans 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 is meeting those needs.
- **Ignoring the "disproportionate effect" aspect of civil rights requirements.** Title VI and other civil rights laws address *disproportionate* effects on communities of color and other underserved communities.<sup>73</sup> Thus even if some portion of persons 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 effects of those disparities, SEWRPC is failing to comply with civil rights requirements.<sup>74</sup>
- **Using circular logic to rely on the commuting method of employed persons to argue that discrimination is not occurring.** Job access is largely and increasingly limited by the lack of transit, so that persons without cars are going to 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 vehicles to access those jobs. SEWRPC does not address this issue, not even by acknowledging in its analysis that the unemployment rates for persons of color far outstrip unemployment rates for white persons in the region,<sup>75</sup> that unemployment rates for persons with disabilities are also far higher than for non-disabled persons,<sup>76</sup> or make the connection between transit-dependence and

<sup>73</sup> *Supra* n. 71.

<sup>74</sup> *Id.* and Table G-4, Table G-3 also fails to include any regional assessment of commuting patterns by race, instead focusing on county-level commuting habits by race without mentioning or addressing the fact that the *overwhelming* majority of the persons of color in the region live in Milwaukee or that, for example, there are virtually no African-Americans residing in Ozaukee, Walworth, Washington or Waukesha Counties. *Supra*, Introduction. This kind of data collection, and decision making based on it, obscures the situation rather than complying with civil rights requirements.

<sup>75</sup> See, e.g., Employment Status, 2006-2010 American Community Survey 5-Year Estimates (showing, for example, Milwaukee County - where the vast majority of the region's minority residents live - "official" unemployment rate of 18% for blacks, 12.4% for Hispanics, and 5.7% for white non-Hispanics); Marc Levine, "Race and Male Employment in the Wake of the Great Recession: Black Male Employment Rates in Milwaukee And the Nation's Largest Metro Areas - 2010" (UW-Milwaukee Center for Economic Development) (Jan. 2012) at 2 ("Only 44.7 percent of the metro area's working-age black males (those between the ages of 16 - 64) were employed in 2010 . . .") SEWRPC is aware of these disparities, see, Housing Study Ch. VII at VII-11-12, but fails to acknowledge or address them in the TIP.

<sup>76</sup> See, e.g., Employment Status by Disability Status, 2008-2010 American Community Survey 3-Year Estimates (showing, for example, that in Milwaukee county 21% of persons with disabilities who are in the workforce are unemployed, compared to 9% of non-disabled workers. This is not only a central city problem: for example, in Ozaukee county the unemployment rates are 15% for workers with disabilities

unemployment.<sup>77</sup> Since SEWRPC is failing to even acknowledge the discriminatory effects, it certainly is not ensuring that the *products* of its planning comply with non-discrimination 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. *Supra* Sec. I.b.
- **Failing to evaluate access to services and facilities other than employment:** The 2035 *Plan* shows that almost two-thirds of all bus trips on the region's systems are for purposes other than employment - such as schools, medical care, shopping, and recreation.<sup>78</sup> SEWRPC, however, fails to incorporate into its planning an assessment of whether its transit proposals provide meaningful access by 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 accepted in the literature, SEWRPC routinely minimizes or disregards 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 spending hundreds of millions of dollars for highway capacity expansion.<sup>79</sup>

and 5% for workers without disabilities).

<sup>77</sup> Federal regulations do recognize this barrier. See, e.g., 23 C.F.R. § 450.316(a)(1) (vii) (obligating MPO to "Seek[] out and 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 . . .")

<sup>78</sup> 2035 *Plan* at Table 95.

<sup>79</sup> See, e.g., Todd Litman, "Generated Traffic and Induced Travel Implications for Transport Planning," (Victoria Transport Policy Institute, Nov. 2011) at 2 ("Roadway improvements that alleviate congestion reduce the generalized cost of driving (i.e., the price), which encourages more vehicle use. Put another way, most urban roads have *latent travel demand*, additional peak-period vehicle trips that will occur if congestion is relieved. In the short-run generated traffic represents a shift along the demand curve; reduced congestion makes driving cheaper per mile or kilometer in terms of travel time and vehicle operating costs. Over the long run induced travel represents an outward shift in the demand curve as transport systems and land use patterns become more automobile dependent, so people must drive more to maintain a given level of accessibility to goods, services and activities. . .") and 24 ("Public transit service that offers door-to-door travel times and user costs that are competitive with driving can attract travelers from a parallel highway, limiting the magnitude of traffic congestion on that corridor.") (<http://www.vtpi.org/gttr/Lit.pdf>). See also, *Highway 1 Citizens Group v. USDOT*, *Error! Main Document Only.656 F.Supp.2d 868, 888-9 (E.D. WI 2009)* ("Error! Main Document Only.The fundamental flaw is that the EIS simply assumes (with no supporting analysis) that the area will continue

#### IV. SEWRPC 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, at a minimum, describe explicit procedures, strategies, and desired outcomes for: . . .

- (vi) Demonstrating explicit consideration and response to public input received during the development of the metropolitan transportation plan and the TIP;
- (vii) Seeking out and considering the needs of those traditionally under-served by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services.<sup>80</sup>

While SEWRPC has made some limited improvements in civil rights in the past four years by initiating a Housing Study and by including some Socio-economic Impact Analyses in planning, to a great extent SEWRPC still fails to meaningfully involve underrepresented communities in decision-making. Unfortunately, form often predominates over substance. SEWRPC's failure to obtain meaningful participation from underserved communities includes:

- **Providing late, limited notice about Recertification.** Although SEWRPC was notified of the recertification by letter dated May 22, 2012 (and presumably had been told about it before the letter was sent), and SEWRPC had an EJTF meeting on May 23, SEWRPC did not inform its own EJTF of the public meeting at that time. Instead, it waited more than two weeks until June 7, and then only informed the EJTF as the second item in an email that also was about the Housing Advisory Committee.<sup>81</sup>
- **Making no meaningful effort to involve EJTF in Recertification.** Although a core purpose of the EJTF is to "facilitate the involvement of, and help ensure the full and fair participation of, low-income, minority and disabled individuals and communities at all stages in relevant areas of regional planning, as determined in consultation with them,"

to urbanize whether or not new highways are built. Having assumed that the area will continue to urbanize with or without new roads, the EIS acknowledges that this project and others will continue to harm resources, but it essentially advises that, given the existing trend towards urbanization, the environmental harm will come to pass no matter what decision the agency makes. This discussion does little to assist informed decisionmaking 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.") SEWRPC's planning makes similar assumptions about highways and land use - with the same problematic outcomes.

<sup>80</sup> 23 C.F.R. § 450.316 (a).

<sup>81</sup> See Attachment C. Virtually identical concerns were raised in 2008.

SEWRPC never consulted the EJTF for assistance in developing the forum for, or attempting to ensure a diverse constituency participates in, the recertification process.<sup>82</sup>

- **Failing to ensure full functioning of EJTF.** With respect to the EJTF itself, SEWRPC has failed to take necessary steps to ensure that it is effective. The EJTF has had at least two official vacancies for months, if not years, and also has several members who rarely, if ever, attend meetings. Moreover, the EJTF routinely lacks a quorum, 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.<sup>83</sup>
- **Failing to involve EJTF or Environmental Justice Communities in TIP development process or any discussion or decision-making regarding flexible funding.** SEWRPC in fact has failed to even let the EJTF or affected communities know a TIP development process exists, or about the existence of flexible funding that under federal law could be used to support transit instead of certain road projects, much less give these groups any decision-making authority over those processes. Further, SEWRPC failed to even suggest that the EJTF be included in any TIP scoring criteria process, highlighting the lack of significance it gives in practice to the EJTF.<sup>84</sup>
- **Failing to provide demographic data on 2011 transit reductions, despite specific commitment to do so.** At the May, 2011 EJTF 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 EJTF recommendations about Housing Advisory Committee composition:** Although SEWRPC is engaging in a Housing Study, the EJTF's original recommendation was to ensure a substantial representation - about one-third - of the members be representatives of affected communities. Without EJTF 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

<sup>82</sup> Again, similar concerns were raised in 2008. Nevertheless, SEWRPC has taken no action to improve or facilitate EJ community involvement in recertification.

<sup>83</sup> One possibility for these problems is the lack of responsibility and decision-making authority SEWRPC gives the EJTF.

<sup>84</sup> *Supra* n. 33.



communities.<sup>85</sup> This alteration of the composition of the Advisory Committee may have the effect of limiting or eliminating some of the Committee's recommendations.

#### V. SEWRPC's Governance Structure is Discriminatory.

As FHWA and FTA are aware, SEWRPC 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 overwhelming majority of the region's low income and minority populations), gets no greater vote than Ozaukee County, less than one-tenth its size.<sup>86</sup>

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 SEWRPC - 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 SEWRPC 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 FTA to evaluate whether, as appears likely, the discriminatory governance structure is leading to discriminatory planning and project outcomes. We urge that the certifying agencies take all steps possible to ensure that a governance change occurs - including the decertification of SEWRPC in its current form and/or conditioning recertification on a redesignation.<sup>87</sup>

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

SEWRPC's hiring, promotion and contracting processes also remain a concern, as discussed during the last review.

- **SEWRPC continues to lack meaningful management diversity, yet it also continues to maintain a policy of promoting from within.** Although SEWRPC 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

<sup>85</sup> Contrast, Original EJTF Advisory Committee Composition recommendation (May 27, 2008, Attach. 2) ([http://www.sewrpc.org/SEWRPCFiles/CommissionFiles/CommitteeFiles/2008/2008-07-29\\_minutes\\_ejtf\\_att\\_02.pdf](http://www.sewrpc.org/SEWRPCFiles/CommissionFiles/CommitteeFiles/2008/2008-07-29_minutes_ejtf_att_02.pdf))

with Advisory Committee Roster, including as many or more persons from all groups EJTF suggested be included *except* advocates: (<http://www.sewrpc.org/SEWRPC/DataResources/CommissionAdvisoryCommittees/RegionalHousingPlan.htm>)

<sup>86</sup> Milwaukee County Total Population: 947,735; Ozaukee: 86,395. Census 2010, *supra* n. 5.

<sup>87</sup> The city of Milwaukee concurs. See, Resolution 080313 (10/29/08), passed unanimously by the Milwaukee Common Council and signed by Milwaukee's mayor.

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managerial control; this position (Public Involvement and Outreach "Manager") supervises no staff whatsoever.<sup>88</sup> This manager's salary has been significantly lower than the salaries of SEWRPC's other professional managers, and is much closer to the salaries of non-managerial professional staff, which also raises significant concerns about discrimination.<sup>89</sup> Certainly SEWRPC 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 SEWRPC's 37 professional staff members are persons of color.**<sup>90</sup> While this is a slight and positive percentage increase in the number of professionals of color, not a single one of SEWRPC's "principal," "chief" or "senior" professional staff members is a person of color. Moreover, while "planning" is obviously a core SEWRPC function, only one of SEWRPC's 15 planners is a person of color.
- **SEWRPC appears to be improperly inflating the number and percentage of its minority technical staff.** While SEWRPC claims that 9 of its 21 technical staff are persons of color, SEWRPC has routinely included low level, hourly, part-time, student interns as "technical staff," and it appears that 5 of these 9 fall into that category.<sup>91</sup> SEWRPC continues this misleading reporting despite having been provided EEOC information that interns - even paid interns - are not supposed to be counted or reported as "employees" at all.<sup>92</sup>

<sup>88</sup> See SEWRPC's Organizational Chart. Attachment D. SEWRPC's staff directory on its website, but not the Organizational Chart also includes another Public Involvement staff member who, upon information and belief, is *not* supervised by the Public Involvement Manager. This individual has normally been labeled a SEWRPC contractor, not an employee, and in past years was paid about the same salary as the Public Involvement "Manager."

<sup>89</sup> SEWRPC in the past provided salaries for each employee by name. It now declines to do so. We urge the reviewers to obtain this information to ascertain whether this individual is in fact paid a salary comparable to that of other managers.

<sup>90</sup> Based on a July 2010 Job Group Analysis contained in SEWRPC's 2011-12 Affirmative Action Plan (Table A-1). SEWRPC also is still using census data from 2000 to evaluate the labor market availability of minority workers. SEWRPC also did not include its Organizational Chart in its Affirmative Action Plan.

<sup>91</sup> In the past, SEWRPC classified its interns as "research aides." SEWRPC's 2011 Organizational Chart includes no research aides but instead includes a new category of "engineering technicians." These are SEWRPC's lowest-paid hourly positions and account for 5 of the 9 minority technical employees SEWRPC claims to have. They are presumably the interns.

<sup>92</sup> Email from EJ TECHASSISTANCE [EJ.TECHASSISTANCE@EEOC.GOV] to Karyn Rotker, 5/23/08, stating "Interns should not be included in the EEO-1 report." *This is true even if they are paid interns.* Attachment E. We urge FHWA and FTA to ascertain whether and to what extent any of these hourly employees are student interns and to require SEWRPC to adjust its reporting to, as required by EEOC, exclude interns from the "employees" definitions and calculations. If reviewers nevertheless allow inclusion of these interns as "staff," then SEWRPC should be required to disaggregate their data from the data of regular employees, and to acknowledge and address the fact that those interns - and thus also an extremely disproportionate percentage of staff of color, and especially African-American staff - are

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- **SEWRPC has not a single minority clerical worker.**

- **SEWRPC retains its office in Pewaukee, a 93% white non-Hispanic (and only 1% African-American) city that is completely inaccessible by transit.** SEWRPC has failed to move forward on the efforts it claimed to be undertaking during the 2008 last 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 employees.

- **SEWRPC 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 FTA to review SEWRPC'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.<sup>93</sup>

#### Conclusion

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

Submitted by the following organizations (listed alphabetically):

concentrated in hourly part time positions, at the lowest wage levels within SEWRPC, a practice that may itself be discriminatory.

<sup>93</sup> SEWRPC's pattern and practice of providing professional services contracts to white non-Hispanic persons and to companies owned and/or operated by white non-Hispanic persons without engaging in bidding or other affirmative action procedures, is also a "method of administration" that has the effect of discriminating against persons of color, in violation of 49 C.F.R. § 26.7(b).

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## ATTACHMENT A

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**CHAIR:**  
Finance & Personnel Committee  
Employee Retirement System Investment Committee  
Housing Trust Fund Advisory Board  
Milwaukee Arts Board

**MEMBER:**  
Steering & Rules Committee  
Zoning, Neighborhoods & Development  
Deferred Compensation Plan Board

June 13, 2012

### Recommendations for Housing Advisory Committee:

- L. The Housing Advisory Committee recommends that SEWRPC alter the process by which it selects 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 *all* the following criteria, with lesser scoring for projects in communities that only meet some of the criteria (e.g., higher priority to communities that have transit, affordable housing and focus on road repairs; lesser scoring if a community has affordable housing but no transit).

This amended process should also ensure that it is, in law and in intent, fully compliant with civil rights laws, in particular regulations implementing Title VI of the Civil Rights Act and Section 504 of the Rehabilitation Act, which prohibit 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 jobs/housing imbalance as defined in the Housing Study

1. Second tier: projects in communities that have no jobs/housing imbalance for lower wage workers, or that have a jobs/housing imbalance for lower wage workers and are taking concrete steps to reduce that imbalance, such as zoning for, facilitating and actively soliciting construction of affordable rental housing.

2. Third tier: projects in communities with no jobs/housing imbalance for lower wage workers, but a jobs/housing imbalance for moderate wage workers that are taking concrete steps to reduce that imbalance, such as zoning for and soliciting construction of moderate-income housing.

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

- I. Second tier: projects in communities that provide, or intend to provide, 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 cars) to jobs in that community

- C. Projects to repair and maintain roads (as vs building, expanding or widening roads).

And, conversely, that the process reduce preference within the TIP to:

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

- E. Projects in communities that fail to provide transit service for lower-wage workers to access jobs in those communities.

II. The Housing Advisory Committee recommends that SEWRPC alter its decision-making processes so that, to the maximum extent allowable by law, it uses federal flexible funding to increase transit investments to enable lower-wage workers to access employment.

According to USDOT,

The ability to transfer funds (with certain restrictions) between highway and transit programs was introduced so metropolitan areas could apply federal transportation funds to their highest priority transportation projects. The funds are not actually transferred from one bank account to another; rather, FHWA and FTA confirm program-eligible expenditures and reimburse accordingly. In urbanized areas (UAs) with populations greater than 200,000, MPOs are responsible for considering "flexing" funds to meet local planning priorities.

[http://www.planning.dot.gov/documents/briefingbook/briefingbook\\_07.pdf](http://www.planning.dot.gov/documents/briefingbook/briefingbook_07.pdf) (pp 12-13)

## ATTACHMENT B

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/Housing Balance Recommendations:

SEWRPC will explore with local governments, through its Advisory Committees for Transportation System Planning and Programming for the Kenosha, Milwaukee, and Racine urbanized areas, potentially establishing revised criteria that would take job/housing balance into consideration when recommendations are developed for funding, and including in the Transportation Improvement Program (TIP), projects with Federal Highway Administration Surface Transportation Program - Milwaukee Urbanized Area funding and Congestion Mitigation and Air Quality Improvement Program funding.

RHP TIP RECOMMENDATION INSERT (00204847).DOC  
KRYINMA/BRM  
6/11/12

ATTACHMENT C

From: "Korb, Gary K." <GKorb@SEWRPC.org>  
Date: June 7, 2012 4:16:40 PM CDT  
To: "Adams, Stephen P." <SADAMS@SEWRPC.org>, "Adelene Greene" <agreen@CO.KENOSHA.WI.US>  
<agreen@CO.KENOSHA.WI.US>, "Anderson, Nancy M." <NANDERSON@SEWRPC.org>, "Brian Peters  
<bpeters@INDEPENDENCEFIRST.ORG>" <bpeters@INDEPENDENCEFIRST.ORG>, "Brian Peters  
(brianind1@YAHOO.COM)" <brianind1@YAHOO.COM>, "D'Amico, Debra A." <DDamico@SEWRPC.org>,  
"Darryl Johnson (darryl@RIVERWORKSMKE.ORG)" <darryl@RIVERWORKSMKE.ORG>, "Deborah Moore  
(damoore@MILWAUKEE.GOV)" <damoore@MILWAUKEE.GOV>, "EnvJusticeTaskForce  
<EnvJusticeTaskForce@SEWRPC.org>" <EnvJusticeTaskForce@SEWRPC.org>, "Evenson, Philip C." <PEVENSON@SEWRPC.org>, "Guadalupe  
\"Wally\" Rendon (hbparacine@att.net)" <hbparacine@att.net>, "Jackie Schellinger  
(jrzak@YAHOO.COM)" <jrzak@YAHOO.COM>, "Korb, Gary K." <GKorb@SEWRPC.org>, "McKay,  
Benjamin R." <BMCKAY@SEWRPC.org>, "N. Lynette McNeely (nlmcneely@YAHOO.COM)"  
<nlmcneely@YAHOO.COM>, "Nancy Holmlund (nancyholmlund@SBCGLOBAL.NET)"  
<nancyholmlund@SBCGLOBAL.NET>, "Ness Flores (nessflores@SBCGLOBAL.NET)"  
<nessflores@SBCGLOBAL.NET>, "Ness Flores (phylie@SBCGLOBAL.NET)" <phylie@SBCGLOBAL.NET>,  
"Theresa Schuerman (Theresa.Schuerman@DWD.WISCONSIN.GOV)"  
<Theresa.Schuerman@DWD.WISCONSIN.GOV>, "Willie Wade (wwade@MILWAUKEE.GOV)"  
<wwade@MILWAUKEE.GOV>, "Yunker, Kenneth R." <KYUNKER@SEWRPC.org>  
Cc: "nancyholmlund@sbglobal.net" <nancyholmlund@sbglobal.net>  
Subject: Housing Plan & Transportation Recertification mtgs.

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 3:30 p.m. If you are interested, please note that the usual meeting room is not available, so the Committee will meet in Rooms 1, 2, and 3 of the Exposition Center at State Fair Park. A meeting agenda, location map, and updated list of preliminary plan recommendations are attached above. All chapters and other plan materials can be accessed at: <http://www.sewrpc.org/SEWRPC/Housing/CurrentRegionalHousingPlanUpdate.htm>. Thank you for the good discussion and comments on the regional housing plan during the May 9<sup>th</sup> and prior Task Force meetings.

A public open house meeting on regional transportation system planning in Southeastern Wisconsin will be held on Tuesday, June 26, from 5:00 to 7:30 p.m. The meeting location is the Tommy G. Thompson Youth Center at State Fair Park, 640 S. 84<sup>th</sup> Street, in Milwaukee. This meeting has been scheduled by the U.S. Department of Transportation (USDOT), as part of a review process conducted every four years. The process is a planning certification review of metropolitan transportation planning conducted in Southeastern Wisconsin by the Regional Planning Commission, the Wisconsin Department of Transportation, and local units of government in the Milwaukee Metropolitan Area. For this area, SEWRPC serves as the official metropolitan planning agency. The review evaluates whether the areawide transportation planning meets Federal law and regulations.

For the meeting on June 26<sup>th</sup>, representatives of the Federal Highway Administration, Federal Transit Administration, SEWRPC Commissioners and staff, Wisconsin Department of Transportation, and area transit operators will be available in an "open house" format throughout the evening to individually respond to questions and provide information. At any time during the meeting, oral 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  
525 Junction Rd., Suite 8000  
Madison, WI 53717  
Fax: 608-829-7526  
Email: [Wisconsin.fhwa@dot.gov](mailto:Wisconsin.fhwa@dot.gov)

We appreciate the past Task Force interest expressed in transportation planning, and encourage members to attend the public meeting on June 26<sup>th</sup> to learn more and offer comments. The SEWRPC website at <http://www.sewrpc.org/SEWRPC/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

Gary Korb  
Regional Planning Educator  
UW-Extension working with SEWRPC  
262-547-6721  
[gkorb@sewrpc.org](mailto:gkorb@sewrpc.org)

ATTACHMENT D

SEWRPC Salary Ranges  
Staff Position

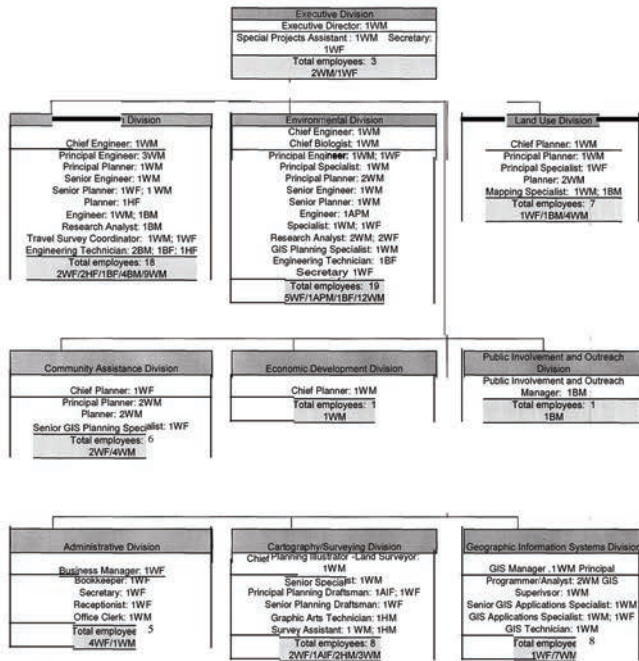
Salary Range

Division Head	\$60,000	\$105,000
Special Assistant (hourly)	\$45.00	\$45.00
Principal Engineer	\$60,000	\$84,000
(hourly)	\$30.00	\$45.00
Principal Planner/Specialist	\$52,000	\$82,000
Principal Programmer/Analyst	\$48,000	\$80,000
(hourly)	\$23.00	\$38.00
Senior Engineer	\$50,000	\$65,000
Senior Planner/Specialist	\$40,000	\$60,000
GIS Supervisor	\$37,000	\$60,000
Engineer	\$38,000	\$58,000
Senior GIS Applications Specialist	\$31,000	\$50,000
Planner/Specialist	\$28,000	\$48,000
GIS Applications Specialist	\$29,400	\$44,000
Travel Survey Coordinator	\$28,000	\$42,000
Senior GIS Planning Specialist	\$27,400	\$42,000
Research Analyst	\$27,400	\$37,000
GIS Planning/Mapping Specialist	\$25,000	\$37,000
Principal Planning Draftsman	\$36,400	\$40,000
Senior Planning Draftsman	\$27,400	\$37,000
Planning Draftsman	\$25,000	\$35,000
Graphic Arts Technician	\$25,000	\$45,000
Certified Survey Technician	\$27,000	\$40,000
GIS Technician	\$25,000	\$37,000
Survey Assistant	\$25,000	\$35,000
Engineering Technician		
(hourly)	\$11.00	\$16.00
Bookkeeper	\$27,400	\$42,000
Executive Secretary	\$33,900	\$45,800

Figure A- 1

Organizational Display

Southeastern Wisconsin Regional Planning Commission: 2011



BF - Black Female  
BM - Black Male  
HF - Hispanic Female  
HM - Hispanic Male  
APM - Asian/Pacific Islander Male  
AIF - American Indian Female

Classification	Staff Position	Salary Range
Secretary		\$25,500 - \$42,000
Receptionist		\$25,000 - \$35,000
Office Clerk		\$25,000 - \$33,000

ATTACHMENT E

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

Karyn L. Rotker  
Senior Staff Attorney  
Poverty, Race & Civil Liberties Project  
ACLU of Wisconsin Foundation  
207 E. Buffalo St. #325  
Milwaukee WI 53202  
(414) 272-4032 ext. 21  
(414) 272-0182 (fax)  
[krotker@aclu-wi.org](mailto:krotker@aclu-wi.org)  
[www.aclu-wi.org](http://www.aclu-wi.org)

Karyn Rotker

From: E1 TECHASSISTANCE [mailto:E1.TECHASSISTANCE@EEOC.GOV]  
Sent: Friday, May 23, 2008 1:26 PM  
To: Karyn Rotker  
Subject: RE: Interns & EEO 1 form

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

>>> "Karyn Rotker" <[krotker@aclu-wi.org](mailto:krotker@aclu-wi.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 consider upon graduation full-time employment."

Thus, they are paid summer/break internships.

-----Original Message-----

From: E1 TECHASSISTANCE [mailto:E1.TECHASSISTANCE@EEOC.GOV]  
Sent: Thursday, May 22, 2008 9:05 AM  
To: Karyn Rotker  
Subject: RE: Interns & EEO 1 form

Yes, it does.

>>> "Karyn Rotker" <[krotker@aclu-wi.org](mailto:krotker@aclu-wi.org)> 5/22/2008 9:44 AM >>>  
that is unclear - I can ascertain that. Does it make a difference?

-----Original Message-----

From: E1 TECHASSISTANCE [mailto:E1.TECHASSISTANCE@EEOC.GOV]  
Sent: Thursday, May 22, 2008 7:43 AM  
To: Karyn Rotker  
Subject: Re: Interns & EEO 1 form

Are the interns permanent employees?

>>> "Karyn Rotker" <[krotker@aclu-wi.org](mailto:krotker@aclu-wi.org)> 5/21/2008 2:42 PM >>>

In a matter we are looking into with an employer of about 70 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.