By Supervisor Cullen File No. 21-758

**A RESOLUTION**

Disputing Wisconsin Department of Transportation (WisDOT) claims and reaffirming Milwaukee County’s opposition to further expansion of Interstate 94 (I-94)

WHEREAS, the Wisconsin Department of Transportation (WisDOT) has identified the segment of Interstate 94 between 70th Street and 16th Street (I-94 East-West Corridor) in Milwaukee County for reconstruction as that freeway segment was constructed in 1961 and has exceeded its intended lifespan; and

WHEREAS, in 2014 WisDOT intended to further widen I-94 to increase road lane mile capacity for drivers and reconfigure an obsolete design which may pose safety issues, at an approximate cost of $850 million (File No. 14-941), while in 2015 Milwaukee County and the City of Milwaukee opposed widening, instead favoring in-kind replacement and funding for transit (File No. 15-426), leading to the Wisconsin Governor rescinding the project in 2017; and

WHEREAS, on July 8, 2020 the Wisconsin Governor revived the I-94 East-West Corridor project and in his proposed budget for the 2021-2023 Biennium grants WisDOT a debt authority of $40 million for the Corridor; and

WHEREAS, the County Board of Supervisors adopted the resolution in File No. 21-378 attempted to reaffirm Milwaukee County’s position against further expansion of Interstate 94, which was in turn vetoed by the County Executive due to a “lack of process, public notice and comment, and committee involvement,” but was later reviewed by the Committee on Transportation, Public Works and Transit where the public had greater opportunity to opine to their representatives; and

WHEREAS, on April 15, 2021, WisDOT announced it would expand review of the I-94 East-West Project with a supplemental environmental impact statement to update the information WisDOT uses for the project and allow greater public participation; and subsequently a majority of the County Board of Supervisors chose to not adopt the resolution in File No. 21-378 not withstanding the veto of the County Executive, where many members of the County Board expressed a desire to see the result of WisDOT’s supplemental environmental impact statement; and

WHEREAS, after the County Board failed to override the veto of the County Executive, a majority of the Wisconsin legislative Joint Finance Committee, including a representative residing in the City of Oak Creek, chose to halve the transit operating assistance for the transit systems operated in Milwaukee and Dane Counties, with the rationale to punish Madison and Milwaukee’s transit systems for receiving federal COVID-19 relief dollars, though every other transit system in Wisconsin also received federal assistance and did not have their State assistance slashed; and

WHEREAS, the Oak Creek legislator and others from Milwaukee County have directly harmed the long-term ability for Milwaukee County to transport workers to employers in their legislative districts while simultaneously supporting further destruction of the property tax base which the State makes Milwaukee County over-reliant upon to fund State-mandated services; and

WHEREAS, the Wisconsin Governor signed the budget for the 2021-2023 biennium which included paying for the I-94 expansion but halving transit operating assistance, hastening the fiscal cliff Milwaukee County faces in its ability to continue connecting workers with jobs in the County (File No. 21- 515) and making a racial disparate impact inevitable (File Nos. 21-396 & 21-397); and

WHEREAS, WisDOT has an institutional bias dedicated toward perpetual highway expansion, almost always finding a justification for highway expansion in any environmental impact statement, supplemental or otherwise:

* It was originally founded as the State Highway Commission in 1911
* WisDOT’s civil engineers justify road and highway expansion with the pseudo-scientific analysis of “level of service” (LOS) based on arbitrary standards established by the American Association of State Highway and Transportation Officials (AASHTO) and American Society of Civil Engineers (ASCE), resulting in road widening for every traffic problem
* In 2014, the same WisDOT officials wanted to construct a double-decker highway in the same corridor
* The current WisDOT Secretary-Designee was for eleven years the executive of the roadbuilder-dominated Transportation Development Association of Wisconsin

; and

WHEREAS, the WisDOT Secretary-Designee has argued highway widening increases safety; wider lanes and roads allow for faster speeds, which rather than slower speeds work against driver safety, especially in an urban area; and

WHEREAS, the WisDOT Secretary-Designee posited the Project would primarily benefit Milwaukee County residents and accommodate future traffic growth, U.S. Census Bureau data shows stagnant population growth in Milwaukee County; likewise traffic counts dating to 2000 available online at WisDOT’s “Maps and GIS” interactive application, show stagnant traffic counts in the Corridor with no apparent upward trend (hereto attached to this file); and

WHEREAS, policies such as enhanced public transit such as Milwaukee County’s East-West Bus Rapid Transit and congestion tolling are possible alternatives among others for reducing congestion and having highway users bear the cost of congestion rather than continuing a tragedy of the commons; and

WHEREAS, WisDOT’s projected cost is based on the 2016 estimate of $1.106 billion, confirmed by WisDOT engineers in City of Milwaukee File No. 201224, resulting in an underestimation by not properly accounting for inflation; as the Wisconsin Legislative Fiscal Bureau notes in its 2021 Informational Paper 37:

Although the general rate of inflation over the [last five and ten years] has been low by historical standards [mostly below 2 percent], state highway construction inflation averaged 3.9% during the most recent 10-year period and 3.2% over the most recent five-year period. These construction costs, which are a significant draw on the transportation fund, are increasing more rapidly than the primary tax and fee structures that support it.

; and

WHEREAS, the WisDOT Secretary-Designee has estimated an in-kind reconstruction of the Project Corridor could cost $800 to $850 million, savings of at least $300 million, more than twice the $128 million cost of the highly debated streetcar in the City of Milwaukee, the latter of which Milwaukee County has no position on; and

WHEREAS, eminent scholar and Harvard economist, Edward Glaeser, co-wrote the July 14, 2021 paper, “Economic Perspectives on Infrastructure Investment,” for the Aspen Institute Economic Strategy Group which among other things, found:

* “Even assuming that it was feasible to expand the highway network enough to sharply lower traffic delays, the underlying goal of traffic-free roads is not the same as determining the optimal stock of highway capital.”
* “Engineering estimates of infrastructure need are likely to be overstated because of the failure to consider more efficient use of existing infrastructure assets. Cost-benefit analysis should be used to choose among the different approaches to reducing congestion.”
* “Cost-benefit analyses in the transportation sector have been plagued by erroneous predictions for decades, with project boosters often overpredicting future expected demand.”

; and

WHEREAS, a traffic and emissions-inducing wider highway contradicts Milwaukee County’s stated objectives to fight climate change via its City-County Joint Taskforce on Climate and Economic Equity (File No. 19-582) and making Milwaukee County the healthiest county in Wisconsin (File No. 19-397); and

WHEREAS, there are other more cost-effective, economically productive, and community-building ways to reduce traffic congestion and improve safety on I-94 while improving regional transportation and the economy overall for everyone; now, therefore,

BE IT RESOLVED, Milwaukee County hereby reaffirms its opposition to the expansion and lane mile capacity increase of the Interstate 94 East-West Corridor between 70th Street and 16th Street and reaffirms its support for reconstruction of the existing interstate footprint, with improved safety modifications like removal of left-lane offramps, coinciding with an increase of transit funding above the 2019-2021 biennial baseline, adjusted for inflation; and

BE IT FURTHER RESOLVED, the Office of Government Affairs staff is authorized and requested to communicate the contents of this resolution to the Wisconsin Governor, State policymakers, and Wisconsin Counties Association, and support legislation that achieves the criteria outlined in this resolution.