

Jan. 25, 2008

Mr. Gutierrez:

Citizens Allied for Sane Highways submits the following comments on the North-South I-94 Draft Environmental Impact Statement.

Comments on the DEIS and public participation process

In announcing that WisDOT was indeed going to propose to expand the freeway, WisDOT Secretary Frank Busalacchi also said that construction on the Mitchell Interchange would begin in 2009, rather than in 2011 or 2012 as agency representatives repeatedly assured area residents during numerous public meetings. Mr. Busalacchi said he wanted to be sure that Mitchell Interchange reconstruction and the rebuilding and possible expansion of the Zoo Interchange did not occur at the same time. The department's plan means that I-94 reconstruction in Milwaukee will last two or three years longer than previously proposed. As Milwaukee County is expected to be designated a non-attainment area for particulate pollution in 2009, the department should be seeking to *minimize* the construction period in the city, not to stretch it out. The decision to accelerate construction of the Mitchell Interchange puts Milwaukee residents' health unnecessarily at risk.

The department also should provide for public review and comment on its full plan for reducing construction-related particulate pollution before the project begins.

WisDOT did not consider in the DEIS the effects of free-trade agreements on the types of vehicles that might be driven on Wisconsin freeways. Many vehicles produced and registered in other countries may not be required to adhere to US environmental standards and regulations. Those vehicles are more likely to be driven in Milwaukee County, a major metropolitan area, than in other sections of the North-South project area. In addition, the DEIS contains no analysis of environmental / health impacts of the potential or likely alternative fuels that may replace or supplement gasoline. Both of these omissions may well understate the potential pollution generated through freeway expansion. In addition, the report's failure to consider, in any way, the potential global warming impacts of the proposed project is a serious omission.

The DEIS public hearing process was inadequate. At the Milwaukee hearing, WisDOT assigned court reporters to take testimony behind closed doors and members of the public were unable to hear each other speak. When I tried to go into the room to listen to testimony, a WisDOT representative stopped me and told me that was not allowed. Robert Gutierrez of WisDOT later told me that I could follow people as they were about to enter the room and ask if I could listen to their testimony. Even that insufficient option was not offered by the WisDOT representatives staffing the desks closest to the closed hearing room. WisDOT

clearly did not want the public to listen to public testimony. A picture of WisDOT's set-up for public testimony is below.



The department's presentation on the project was designed as a sales pitch for the project and was terribly unbalanced. There was no discussion of potential negative impacts included (and not included) in the DEIS. The presentation was not designed to allow public input or opposing viewpoints

CASH has numerous other concerns with the draft statement:

- WisDOT's \$1.9 billion cost estimate for the project includes a 3% annual inflation adjustment. Based on recent history, this is unrealistically low. The American Road & Transportation Builders Association reported in October that the cost of highway and street construction materials was up 6% from September 2006 to September 2007. "Over the last three years, annual highway and street construction material prices have increased nearly 32 percent," the association said.
- The traffic and pollution impact estimates included in the report are fiction. Those impacts are based on expansion of transit options to the extent recommended in the 2035 regional transportation plan prepared by the Southeastern Wisconsin Regional Planning Commission. That plan proposes "a near doubling of transit service in southeastern Wisconsin by the year 2035" and calls for a significant increase in state funding to support expanded transit. The problem, of course, is that there are neither plans nor funds to implement the plan's transit recommendations. WisDOT needs to incorporate its transit plans into the DEIS or prepare new impact estimates for the I-94 proposal based on the most *likely* transit scenarios, not the most optimistic ones.

- A new Congressional Budget Office study shows that one short-term effect when gas prices increase is a decrease in freeway traffic volume, but only when there is a good transit alternative. WisDOT failed to independently analyze potential impacts that offering transit could have on freeway traffic volumes. Instead, WisDOT relied totally on old research by the Southeastern Wisconsin Regional Planning Commission. SEWRPC officials have repeatedly and publicly stated that their regional transportation studies and freeway reconstruction study should *not* be relied upon for accuracy at specific project levels. SEWRPC proved its own point with its wildly inaccurate estimate of how many homes (SEWRPC said 72) in Milwaukee would have to be acquired for expansion of North-South I-94. Other estimates in SEWRPC reports should be considered no more accurate than that one.
- WisDOT's plan does not consider the induced demand generated by an expanded freeway.
- The plan puts a disproportionate burden on the city of Milwaukee and its residents. WisDOT acknowledges that construction of an interchange in Oak Creek may have negative impacts on efforts to redevelop the 27th St. business corridor on the south side of Milwaukee and may negatively affect older business corridors in general.
- The environmental justice analysis is inadequate at best. The study suggests that minorities would benefit from the project because "the study-area freeway system connects Chicago to Milwaukee, both of which are 'minority majority' communities." The reader can only guess at the supposed relevance of that. The study does not discuss how many minorities actually travel between those cities using the freeway, nor does it mention the scores of majority-white communities connected by North-South I-94. The DEIS does not include available documentation regarding work commuting patterns, which would shed substantial light on the issues of who benefits from the expansion proposal and who does not.
- That WisDOT offered an educational program at Garland Elementary is irrelevant. Although the DEIS says the program increased neighborhood awareness of the project, WisDOT provides absolutely no data to back that up.
- There is no funding plan for the project. The source of funds needs to be identified before the state commits to such enormous expenditures. State residents have a right to know how this will affect their taxes and transportation fees and the state's financial outlook. They also have a right to know how a project that will absorb so many resources will affect other needed road and highway projects in the state.

- The project would drain money desperately needed for mass transit in the Milwaukee region. The DEIS discusses the state's past contributions to transit systems, but does not directly address how this massive project would affect future transit funding. WisDOT's decision to fund freeway construction instead of transit disproportionately affects low-income and minority populations that are more reliant on transit. SEWRPC, in the 2035 regional transportation plan, said significant additional funding would be needed to implement and maintain its transit recommendations including "an annual 4 to 5 percent increase" in state funding.
- The DEIS does not include adequate protections for students and staff at schools near the Interstate. Numerous studies show that traffic-generated particulates and pollution have adverse effects on health, particularly among children. A recent study shows that students attending schools within 500 meters of a freeway can suffer permanent lung damage. In Milwaukee, schools within 500 meters of the North-South freeway within the project area include Cooper, Garland, Lowell and Whittier elementary schools; Ronald Wilson Reagan College Preparatory High School, IDEAL Charter School and Professional Learning Institute at the Sholes Educational Complex; St. Roman Parish; and Salam School.
- The project would have potentially unacceptable negative impacts on many threatened and endangered plant and animal species, and does not contain adequate mitigation plans.
- Plans to mitigate the loss of wetlands also are insufficiently addressed in the DEIS. Repeated, vague assurances that WisDOT will come up with specific mitigation plans of all types at unspecified future dates is inadequate.
- The DEIS does not analyze or discuss potential light pollution from the project. This is a significant omission because homes and businesses – particularly those in Milwaukee -- would be nearer to the freeway.
- The DEIS does not adequately analyze impacts of the project on traffic speeds and traffic volumes on adjacent streets. The report, for example, lists eight streets that may see a 5,000+ increase in traffic volume during project construction. There are other streets and neighborhoods, however, that will be significantly affected by detoured traffic. While they may not see 5,000-vehicle increases, they also may be built to handle a much smaller volume of traffic than the streets listed. Smaller traffic increases on those streets would still have extremely negative consequences. The overall traffic impact analysis is lacking in substance and does not adequately explain the completed project's potential impacts on local-street volumes and safety, or on neighborhood environs.

- The DEIS states that the preferred expansion alternative would increase impermeable surface associated with the affected freeway area by 50% in Milwaukee County, compared to an average increase of 25% throughout the entire project area in all three counties. The greatest runoff impacts would be felt in the densely developed Milwaukee County, where the lack of permeable ground makes cleansing runoff difficult. The DEIS also does not include plans to mitigate potential flooding and includes insufficient information about planned efforts to reduce polluted runoff from the freeway. The document suggests that WisDOT will rely on grass ditches in Milwaukee County to cleanse the runoff. The DEIS does not discuss potential drainage problems associated with the freeway. This is especially a concern for Milwaukee residents whose homes and businesses will be very close to the freeway lanes themselves, which will be built to drain *toward* those homes and businesses.
- The DEIS is silent on the impact of oil prices on construction costs, and is silent on the impact of oil prices on how much people drive. These are both glaring omissions.

Thank you for considering these comments.

Gretchen Schuldt
Co-chair
Citizens Allied for Sane Highways