



Mr. Pete Buttigieg
 Secretary of Transportation
 United States Department of Transportation
 1200 New Jersey Ave, SE
 Washington, DC 20590

March 16, 2021

Dear Secretary Buttigieg,

The undersigned faith leaders, civil rights organizations, environmental groups, and public interest advocates **urge you not to reissue the old, out-of-date Record of Decision (ROD) for the stalled I-94 East-West expansion and reconstruction in Milwaukee, Wisconsin.** USDOT was right to withdraw its initial ROD for the project in 2017, and we urge you to uphold this decision and require a new Environmental Impact Statement (EIS) before this project is approved.

We support your commitment to tackling climate change, advancing racial equity, and charting a more forward-thinking course in American transportation policy. Reissuing an ROD for the expansion of I-94 would be wholly inconsistent with this laudable agenda, and with the Biden administration’s larger plans to address global warming, confront structural racism, and ensure a fair and effective COVID-19 recovery. This project’s racial equity problems parallel those of the Texas I-45 expansion, which federal officials recently halted to investigate Title VI violations.¹

USDOT, the Federal Highway Administration (FHWA) and Wisconsin Department of Transportation (WISDOT) **must be required to prepare a new Environmental Impact Statement.** Among other procedural and substantive shortcomings, the initial EIS failed to

¹ DeBenedetto, Paul, “Federal Highway Administration Asks Texas To Halt I-45 Expansion, As Harris County Sues TxDOT,” Houston Public Media, March 11, 2021, <https://www.houstonpublicmedia.org/articles/news/transportation/2021/03/11/393410/federal-highway-administratio-n-asks-texas-to-halt-i-45-expansion-as-harris-county-sues-txdot/>.

conduct a meaningful, legally required environmental justice analysis, and used outdated traffic projections from 2009 that no longer reflect current commuting behavior.

Highway expansion will not meet the needs of the region. USDOT, FHWA and WISDOT should prepare a reasonable alternative for the I-94 East-West Corridor that makes necessary repairs and safety improvements without adding lanes or increasing the project's footprint. This alternative must also improve public transportation to mitigate the harm already inflicted upon communities of color. As long-standing FHWA principles make clear, "Fair distribution of the beneficial and adverse effects of the proposed action is the desired outcome."²

During the I-94 project's public involvement process prior to the 2016 ROD, thousands of Milwaukeeans urged WISDOT not to expand the highway, but to invest in public transportation and local infrastructure improvements instead. That was also the official position of Milwaukee County, the City of Milwaukee, and the City of Wauwatosa. As you review this project, please consider the following:

1. The Current I-94 Proposal Will Disproportionately Harm Milwaukeeans of Color

When USDOT withdrew the ROD for this project in 2017, the Reverend Marilyn Miller, then president of Milwaukee Innercity Congregations Allied for Hope (MICAHA), spoke for many Black members of our community when she said "We will not stand by and allow the government to continue to roll over us like the cars on these proposed massive freeways."³

The distribution of the benefits and burdens of the proposed action has been anything but fair to persons of color in Milwaukee. Transportation officials have a long history of "rolling over" communities – particularly communities of color – to build and expand the nation's highway system. Milwaukee is no exception: starting in the 1960s, policymakers routed the region's interstate highways through Black and Latinx neighborhoods. This process of "urban renewal" displaced Milwaukeeans of color and obstructed their ability to build generational wealth.⁴

These discriminatory policy decisions still reverberate today. Overinvestment in highways like I-94 and underinvestment in or divestment from public transportation, as well as segregated and discriminatory housing patterns that this project will exacerbate, have made Milwaukee the most racially segregated metropolitan area for Black residents in the United States.⁵ Unfortunately, transportation officials did not adequately evaluate, avoid, or minimize the disproportionate

² FHWA, "Guidance on Environmental Justice and NEPA," (Dec. 16, 2011),

https://www.environment.fhwa.dot.gov/env_topics/ej/guidance_ejustice-nepa.aspx.

³ "Coalition Celebrates Final Rejection of Expensive I-94 E/W Expansion," WISPIRG.org, October 10, 2017, <https://wispirg.org/news/wip/coalition-celebrates-final-rejection-expensive-i-94-ew-expansion>.

⁴ Teran Powell, "The Construction Of Milwaukee's Freeways: An Asset For Some, Detrimental For Others," Milwaukee Public Radio (WUWM), March 11, 2019, <https://www.wuwm.com/post/construction-milwaukeees-freeways-asset-some-detrimental-others>.

⁵ Michelle Maternowski, "Measuring Black/White Segregation in Metro Milwaukee," WUWM.org, March 3, 2017, <https://www.wuwm.com/post/measuring-blackwhite-segregation-metro-milwaukee>.

burden upon and harm to communities of color that would result from expanding I-94 while public transit languishes.

Moreover, Milwaukeeans who do not have access to a car – primarily and disproportionately persons of color, but also people with disabilities – will not benefit substantially from this project. The project as currently proposed would displace businesses owned by persons of color. The project would also increase pollution and health risks to the disproportionately Black and Brown Milwaukeeans who live near the highway, and who – as the COVID pandemic has so glaringly highlighted – are already more likely to suffer from health problems.⁶

2. Expanding I-94 Will Increase Global Warming Emissions

We support the Biden administration’s commitment to aggressive climate action. We continue to see evidence that the transportation sector is the leading source of greenhouse gas emissions in the United States and deserves particular attention.⁷ A new EIS is necessary to ensure that this project’s adverse climate impacts are addressed and potential mitigation strategies considered.

Expanding I-94 would bring more cars and trucks to the road, leading to an increase in planet-warming emissions. This is incompatible with a climate-forward agenda. To equitably reduce emissions from the transportation sector, we must instead make it easier for people not to have to rely on cars for mobility.

We welcome your support, as Secretary of Transportation, for public transit and safe walking and biking infrastructure. Not only will such measures considerably reduce greenhouse gas emissions; they will also make our communities fairer, healthier, and altogether better places to live – for everyone.⁸

3. Expanding I-94 is a Waste of Public Resources

USDOT should also refuse to reinstate the ROD because this project is a fiscal boondoggle. Expanding and improving just 3.5 miles of I-94 would waste upwards of \$1 billion in public funds – resources that could be used to improve Wisconsin’s infrastructure in ways that do not increase our dependence on cars, cause significant harm to vulnerable populations, or increase global warming emissions.

Proponents of the project, including USDOT, FHWA and WISDOT, argue that we must add capacity to the highway to reduce congestion and crash rates. But decades of academic studies and many more years of practical experience have shown that expanding freeways leads to more

⁶ “Living Near Highways and Air Pollution,” American Lung Association, <https://www.lung.org/clean-air/outdoors/who-is-at-risk/highways>, accessed January 15, 2021.

⁷ “Fast Facts on Transportation Greenhouse Gas Emissions,” Overviews and Factsheets, US EPA, August 25, 2015, <https://www.epa.gov/greenvehicles/fast-facts-transportation-greenhouse-gas-emissions> .

⁸ Alana Miller et al., “The Road to Clean Transportation” (Frontier Group, 1000 Friends of Wisconsin & WISPIRG Foundation, August 2018), <https://wispirg.org/sites/pirg/files/reports/The%20Road%20to%20Clean%20Transportation%20-%20Aug%202018.pdf> .

traffic and congestion in the long run, not less.⁹ The agency’s own studies demonstrated that the expansion project’s goal of reducing rush hour congestion could not be met unless public transit service was doubled, but the project provided no funding at all for transit, and local transit services have continued to decline.

Furthermore, WISDOT could achieve significant safety improvements by redesigning and rebuilding the road without adding lanes or expanding its footprint.¹⁰ As we have pointed out in our comments, WISDOT failed to seriously consider these realities throughout the DEIS and FEIS process.

4. Repairing the Highway and Investing in Public Transit is a Better Option

There are more popular, cost-effective, and equitable ways to improve transportation in Milwaukee’s East-West Corridor. In 2014, members of our coalition worked with a former New Jersey Department of Transportation official to develop a better solution for the region: the “Rehab and Transit Option” would repair the highway without expansion and create a modern rapid transit network.¹¹

This plan would connect Milwaukeeans to points of interest and employment centers in the region that are currently hard to reach, such as the Regional Medical Center and State Fair Park. A “Rehab and Transit Option” could also be significantly less expensive than the proposed project.

5. We Do Not Need Bigger Highways to Boost the Economy and COVID-19 Recovery

Supporters of this project contend that expanding and improving I-94 is important for economic development, particularly as we emerge from the COVID-19 pandemic. We appreciate that large-scale infrastructure projects can play a vital role in helping the American economy recover from the pandemic-induced recession. But such investments must align with our collective objectives and values, and they should have the support of the local community. Expanding I-94 fails on each of these fronts.

We do not have to add lanes or expand I-94’s footprint to support Wisconsin’s pandemic recovery. Repairing the highway without expansion and investing in local roads, public transit, walking and biking, and electric transportation infrastructure would stimulate the local economy while setting us on a course towards a brighter, cleaner, more equitable transportation future.

⁹ Gilles Duranton and Matthew A Turner, “The Fundamental Law of Road Congestion: Evidence from US Cities,” *American Economic Review* 101, no. 6 (October 1, 2011): 2616–52, <https://doi.org/10.1257/aer.101.6.2616> .

¹⁰ Ashwat Narayanan, “WisDOT Alternative Could Lead to More Severe Crashes,” 1000 Friends of Wisconsin (blog), February 19, 2015, <https://www.1kfriends.org/wisdot-alternative-could-lead-to-more-severe-crashes/> .

¹¹ Mark L. Stout, “The Rehab-Transit Option: A Better Solution for Milwaukee’s East-West Corridor” (Mark L. Stout Consulting and Wisconsin Public Interest Research Group, December 2, 2014), <https://wispirg.org/reports/wip/rehab-transit-option> .

Furthermore, the pandemic is likely to have a lasting impact on Wisconsinites' travel behavior. Traffic along this stretch of highway has changed significantly since USDOT issued its old Record of Decision in 2016. This is another reason why the agencies should prepare a new Environmental Impact Statement to evaluate alternatives to expanding the highway.

Conclusion: Prepare a New Environmental Impact Statement (EIS)

Our coalition has opposed the expansion of I-94 for close to a decade. Thousands of our members have testified against this wasteful project at WISDOT's public hearings, at state legislative listening sessions, at city council meetings and at community forums. Throughout the project's environmental review process, our organizations' comments extensively documented the serious civil rights failings, grave environmental concerns, and questionable transportation policy justifications of this boondoggle. Some of our member organizations have successfully challenged this and other harmful highway expansions in court.

To date, USDOT, FHWA and WISDOT have refused to consider a reasonable multi-mode alternative that repairs or reconstructs the highway in its current form, without adding lanes or expanding its footprint. Consequently, the agencies have failed to examine how such an alternative could improve road safety and alleviate congestion along I-94, potentially at a lower cost than by adding highway capacity, with positive rather than adverse impacts on residents.

In light of these substantive and procedural shortcomings, USDOT was right to rescind its Record of Decision in 2017, and USDOT should decline to reissue the now outdated ROD. ***Instead, the agencies must be required to prepare a new Environmental Impact Statement*** that adequately considers reasonable alternatives, accounts for the project's cumulative costs and benefits, and includes a meaningful environmental justice analysis, an inventory of the project's climate impacts, a realistic assessment of the expansion's traffic impacts, and a comprehensive mitigation plan that addresses, among other things, the harms inflicted upon communities of color by long-standing neglect of transit while highway expansion has continued. Finally, the agencies must ensure robust public involvement in this process.

Milwaukeeans – and all Americans – deserve a transportation system that works for everyone in their community; that challenges rather than exacerbates long standing racial inequities; and that cuts rather than increases greenhouse gas emissions.

We would be happy to further discuss our alternative vision for transportation in the Milwaukee area and across the state. Please feel free to reach us by contacting Megan Severson at megan@wisconsinenvironment.org or at 608-385-9946. Thank you for considering our concerns.

Sincerely,

Deb Nemeth, Executive Director, 1000 Friends of Wisconsin

Leng Leng Chancey, Executive Director, 9to5 Wisconsin

Karyn Rotker, Senior Staff Attorney, ACLU of Wisconsin
Florian Skwierczynski, WI Legislative Conference Board President, Amalgamated Transit Union
James Davies, Executive Director, Bublr Bikes
Mark Quam, President, Chippewa Valley Transit Alliance, Inc.
Caressa Givens, Chair, City of Milwaukee Bicycle and Pedestrian Task Force
Gary Crevier, President, ESTHER
Jennifer Abel, Chair, Great Waters Group of the Sierra Club
Dave Backmann, Director, Greening Greater Racine
Terry Wiggins, Advocacy Lead, Interfaith Earth Network of Southeastern Wisconsin
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Bruce Chopp, President, NAOMI
Elizabeth Ward, Chapter Director, Sierra Club - Wisconsin Chapter
David Rhoads, Co-Chair, Southeast Wisconsin Solar Group Buy Program
Sister Barbara Pfarr, Waukesha County Transit Task Force Chair, SOPHIA
Nancy Gloe, President, Waukesha County Environmental Action League
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