

## Wilson, Jason - DOT

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**From:** DOT DTSD SE Zoo  
**Sent:** Tuesday, April 05, 2011 10:47 AM  
**To:** Payant, Dobra - DOT  
**Cc:** Mohr, Bill - DOT; Wilson, Jason - DOT  
**Subject:** FW: Zoo Interchange proposal

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**From:** Dennis McBride [mailto:dmcbride@wauwatosa.net]  
**Sent:** Monday, April 04, 2011 10:48 PM  
**To:** DOT DTSD SE Zoo  
**Subject:** Zoo Interchange proposal

William Mohr, P.E.  
WisDOT Major Project Manager  
Wisconsin Department of Transportation  
Southeast Regional Office  
Waukesha, WI 53187

Mr. Mohr:

As a Wauwatosa resident and 4th District Alderman, I commend WisDOT for improving its previous proposal for the Zoo Interchange. The new proposal, which decreases the amount of taxable land to be taken for the new roadway and which eliminates some problematic ramps and "Texas u-turns," is much better than the previous one. However, the new proposal is not without significant flaws, and I hope that WisDOT will revise that proposal to reduce the impact on Wauwatosa's streets and environmental corridors.

### Traffic:

Rebuilding the Zoo Interchange is essential to the region's and state's economies. Nevertheless, we need to remember that cars are meant to serve people and not the other way around. Wauwatosa is a city of beautiful neighborhoods which are friendly to pedestrians, and the new proposal will have a negative impact on some of those neighborhoods.

Highway 100 is already a nightmare for pedestrians. The new proposal would make that situation worse by increasing the speed and flow of traffic on Highway 100, particularly at the Blue Mound Road intersection, where WisDOT proposes to create an even more massive intersection with triple left-turn lanes. Not only will this destroy any sense of pedestrian safety at that intersection, it will deprive many businesses of parking and make it extremely difficult for customers to reach those businesses. Please don't turn Highway 100 into another freeway.

Equally problematic is the proposed expansion of Glenview Avenue between Wisconsin Avenue and Blue Mound Road. The extra lanes of traffic will encourage vehicular speed, noise, and pollution; require the removal of mature trees; reduce pedestrian safety, especially for students at the neighborhood's two elementary schools; alter the historic Rockway Place neighborhood; and decrease property values.

In the past six years, two cars have driven off Glenview Avenue and landed in the backyard of the home on the southeast corner of Rockway and Glenview. In March 2005, a car crashed through the fence and landed a few feet from the owners' swing set. In March 2010, a car drove off Glenview and through the back of the garage.

The Glenview Avenue sidewalk receives heavy foot traffic year round. Elementary school children walk to Wilson and St. Jude schools; high school students walk from the bus stop at Wisconsin Avenue to Wisconsin Lutheran High School; a constant flow of runners and bikers use Glenview to reach Honey Creek Parkway; and local residents and children walk on Glenview to patronize the businesses on Blue Mound Road. A dramatic increase in traffic along this pedestrian corridor, coupled with less protected sidewalks, will pose a serious threat to pedestrian safety.

Alderman McBride

1. The proposed improvements to Highway 100 are not expected to increase speeds. It will improve the flow of traffic and reduce congestion, which will improve safety for drivers and pedestrians. The proposed improvements will not turn Highway 100 into a freeway. In fact, a new traffic signal will be added at Wisconsin Avenue. WisDOT will continue to work with the City of Wauwatosa and adjacent businesses to refine access control at intersections during the project's design phase.
2. After the Supplemental Draft EIS was made available for review, WisDOT met with the City of Wauwatosa to discuss proposed changes to Glenview Avenue. As a result of those discussions WisDOT has modified its plan for Glenview Avenue. Glenview Avenue would be reconstructed between Bluemound Road and Wisconsin Avenue, but the road would not be any wider than it is today. See Section 2.5.4.

It is projected that the "improvements" to Glenview Avenue will result in 1,000 more cars using Glenview each day. Inevitably, the proposed widening of Glenview will not accomplish the DOT's goals. Rather, road widening always results in additional traffic, and that will lead first to additional traffic on Glenview north of Wisconsin Avenue and second to increased DOT pressure to again widen Glenview between Blue Mound Road and Wisconsin Avenue. Destroying a historic, pedestrian-friendly residential area to temporarily promote better traffic flow is not an intelligent use of our resources. Anything that makes this area more dangerous and less beautiful will have a negative impact on property values, too.

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I hope that the DOT will work with historic communities like Wauwatosa to preserve their character, rather than merely serving the interest of allowing cars to go through our communities faster. We need to find a balance. One way to do that would be to promote better public transit in and around the County Medical Complex and the Blue Mound Road corridor. Nothing in the DOT proposals addresses promoting greater transit use.

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#### **Stormwater:**

The new DOT proposal would remove four acres of historic Honey Creek Parkway, five acres of the Oak Leaf bike trail at Underwood Creek Parkway, and three acres of the south berm of the Monarch Trail which is being created on the County Grounds at the new UWM Innovation Park. Excavation at the south berm will be used to fill in its surrounding wetlands. The ponds will reduce quality green space, bird habitat, recreation, and property values. Milwaukee County taxpayers will be responsible for pond maintenance and liability.

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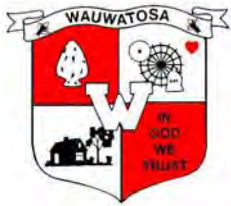
Alternatives include smaller systems that would occupy the existing right-of-way. These would be less expensive to maintain and more attractive to the eye. Additional alternatives include in-line storage, bio-swales, underground cisterns, and bio-filtration fields, and use of permeable pavement where possible.

Again, the current proposal is far better than the previous ones. Nevertheless, the DOT must take steps to reduce the serious negative impacts that the new proposal would have on Wauwatosa.

Sincerely,

Dennis McBride  
Alderman - 4th District  
City of Wauwatosa  
258-4574

3. WisDOT's role in transit operating support and developing or funding new or expanded transit systems is directed by state statute and documented in Section 3.9.2 Socioeconomic Impacts (Environmental Justice subsection, under "Transportation") and Section 6.2.3.
4. The proposed pond locations and sizes represent a worst case. WisDOT will evaluate other stormwater treatment methods, and other smaller pond locations within WisDOT right-of-way. WisDOT would maintain all stormwater ponds.



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## **Wauwatosa Needs Transit Options to Offset the Impact of the Zoo Interchange Overflow**

Statement of Endorsement by Alderwoman Linda Z Nikceвич

**Issue:** Why should Wauwatosa Taxpayers bear the brunt of the Zoo Interchange Overflow traffic on our local streets? On the WisDOT website it says the "DOT supports all forms of transportation. The department is responsible for planning, building and maintaining Wisconsin's network of state highways and Interstate highway system. The department shares the costs of building and operating county and local transportation systems - from highways to public transit and other modes. WisDOT plans, promotes and financially supports statewide air, rail and water transportation, as well as bicycle and pedestrian facilities." Why aren't transit options being provided as options to help reduce traffic on Wauwatosa Streets and the Zoo Interchange?

**Current Status:** As an Alderperson for the City of Wauwatosa, I care for and am concerned with issues and opportunities that affect this city. I have been attending events and following the issue on the zoo interchange and transit. I have talked to many authorities and interested parties regarding the issue of the Zoo Interchange and its affect on the city of Wauwatosa.

When the WI DOT did its first presentation to the city of Wauwatosa two years ago, I asked, "how does transit factor into this plan"? The gentleman said, "it doesn't, we are about the cement". I was upset then and now even more because the new plans are being drawn up that there is more traffic on the streets of Wauwatosa and I am hearing about cuts in transit services like the Freeway flyer and others. When your own reports states that the street traffic on key Wauwatosa streets in the Zoo corridor will see an increase of 41% to 50+% while the actual interchange during that same time period will only see 18+% change, there is something wrong.

**Facts:** Wauwatosa is a community of approximately 47,000 people. Yet we have over 70,000+ people work in this community of which 16,000+ work at the Regional Medical Center alone. This attributes to the fact that Wauwatosa has an extremely low unemployment rate. We are the second largest employer inside Milwaukee County behind the city of Milwaukee. The numbers that contribute to this entire mix are amazing, annually **approximately** 6 million visitors to the Medical Center and some 16

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Alderwoman Nikceovich

1. WisDOT will pay for the reconstruction of Watertown Plank Road, Highway 100 and Glenview Avenue. As state highways, Highway 100 and Bluemound Road are maintained by WisDOT.
2. WisDOT's role in transit operating support and developing or funding new or expanded transit systems is directed by state statute and documented in Section 3.9.2 Socioeconomic Impacts (Environmental Justice subsection, under "Transportation") and section 6.2.3.
3. Traffic volumes on Wauwatosa arterials would increase more if WisDOT does not reconstruct the study-area freeway system. Anticipated 2035 traffic volumes on Glenview Avenue would be 14,000 vehicles per day under the preferred alternative and 17,000 vehicles per day under the No-Build Alternative. The regional transportation plan assumes a 100 percent increase in mass transit and concludes that additional freeway capacity is still needed.
4. The State of Wisconsin recognizes Wauwatosa is an important employment center and entertainment destination for the region. The recent and planned robust future development plans for the County Grounds, Regional Medical Center, and Milwaukee County Research Park, all of which are located in Wauwatosa, will generate increased traffic on Watertown Plank Road, Highway 100 and Glenview Avenue as well as the freeway system. This development is supported by the City of Wauwatosa through a recent TIF district on the County Grounds and included in the City's comprehensive plan.

The Supplemental Draft EIS and Final EIS Section 2.5.4 refer to the West Suburban Traffic Impact Analysis undertaken by the City of Wauwatosa, City of Milwaukee, and Milwaukee County under the leadership to WisDOT. The results of this study have been coordinated with the Zoo Interchange reconstruction and helped form the basis for the Adjacent Arterials Component, which is part of WisDOT's preferred alternative.

million+ visitors to Mayfair Mall and around 1.3 million visitors to the Zoo. That does not include numbers at the Research Park with corporate headquarters and large employers like GE or other businesses on our western corridor.

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**Potential Transit Options:** In Wauwatosa's comprehensive plan there is a section on Transportation. It clearly states, "Therefore, as WisDOT proceeds with plans for the interchange, it will be imperative that the City maintains a prominent seat at the table, helping to ensure that *before* construction begins there are plans in place to guarantee that an adequate level of highway service will be maintained, the City's streets will not have to bear the full brunt of rerouted traffic, and the impact on City businesses and residences is minimized."

<http://www.wauwatosa.net/DocumentView.aspx?DID=391> Page 41

<http://www.wauwatosa.net/DocumentView.aspx?DID=369>

There are two locations that offer a variety of options to the DOT. Long range we have to be thinking intermodal station connecting Bus Rapid Transit, Light Rail, Bus, Shuttle and more to ease the congestion.

1. Station Option 1 – The Village Little Red Store. With 200+ parking spots already owned by the city next to the rail and just a half mile from the Medical Center, Research Park and the future Innovation Park it is centrally located in a dense business area with restaurants and shopping.
2. Station Options 2 – Thurner Heat Treating Building. It is being inspected as a potential Brown Field and could be eligible for grant money to clean it up. Sits right behind the Post Office off of Hwy 100 between Watertown Plank and Walnut. Large location for an intermodal station. Bus Rapid Transit is eventually suppose to run down Wisconsin Ave. through the Medical Center and Research Park. It could easily continue on to Mayfair or the Intermodal Station we are proposing along Hwy 100.

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**Request for Transit Options:** I have decided to take a proactive stance because I reviewed the facts, looked at the congestion on our local streets and gridlock on the busiest freeway interchange in the state and listen to the businesses and residents concerned with the issue. When an opportunity like the reconstruction of the Zoo Interchange comes to our community, at the same time the routes for Freeway Flyers, Bus Rapid Transit and all other forms of transportation need to be part of the mix. Plus the fact that in this tough budget cycle the City of Wauwatosa taxpayers bear the brunt of **all** that additional traffic on our roads. Wauwatosa maintains and provides police patrol to the local streets and provides emergency services to the different portions of the Zoo Interchange. Please understand that I support the economic growth of our city, but want efficient transportation options to not only include "the cement", but include transit to augment our city streets to help all the employees, patients and visitors travel through our fair city.

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5. See comment No. 2
6. The preferred alternative will decrease crashes on the study-area freeway system, including those portions of US 45 in Wauwatosa. The Milwaukee County Sheriff patrols the freeway. WisDOT maintains Highway 100 in Wauwatosa.



**How to Proceed:** I would like to have the WIDOT not only present its freeway configurations, but its traffic mitigation plan that will serve our community. I believe that the WI DOT needs to take a serious look at this community to help it deal with the traffic, wear and tear, gridlock and pollution created by a thriving community that attracts many visitors and workers to Wauwatosa which is situated at the busiest interchange in Wisconsin.

Submitted by: Alderwoman Linda Z. Nikceвич

April 1, 2011

## Wilson, Jason - DOT

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**From:** DOT DTSD SE Zoo  
**Sent:** Tuesday, April 05, 2011 10:45 AM  
**To:** Payant, Dobra - DOT  
**Cc:** Wilson, Jason - DOT  
**Subject:** FW: Comments on proposed zoo interchange project

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**From:** Jeffrey Roznowski [mailto:jroznowski@wauwatosa.net]  
**Sent:** Monday, April 04, 2011 5:35 PM  
**To:** Mohr, Bill - DOT; DOT DTSD SE Zoo  
**Cc:** Anheuser, Tim; Gutierrez, Roberto - DOT  
**Subject:** Comments on proposed zoo interchange project

Good day:

As a Wauwatosa Alderman and advocate of sustainable activities, I would like to offer the following comments on the proposed Zoo Interchange Project. I had an opportunity to hear a presentation on the project by Bob Gutierrez and Tim Anheuser at the March 8, 2011 Wauwatosa Traffic and Safety Committee Meeting. I have also received comments from several Wauwatosa residents and businesses.

First of all, the current scaled back plan has done a good job of addressing the aging infrastructure of the interchange at a significantly lower cost. In particular, the modifications at Watertown Plank Road address the source of much of the interchange's traffic, namely the traffic to and from the Medical Complex and Research Park.

I am concerned about the impact on traffic flow within the streets of Wauwatosa, however, as well as the impact to green space and historical preservation, and the lack of mass transit options.

1. Several Wauwatosa streets, specifically Bluemound Road, Mayfair Road, Glenview Ave, and Wisconsin Ave, will absorb a considerable increase in traffic flow as a result of this project. The intersection and lane expansions detailed in the proposal will likely increase vehicle speeds and put pedestrian safety at risk. Children will need to cross intersections of up to 10 lanes to go to school. Businesses will lose parking spaces, with access to businesses, especially on Bluemound and Mayfair, more problematic. Wauwatosa will likely incur additional costs to maintain the wider roads

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2. The character of Wauwatosa is defined by its commitment to green space and historical preservation. As past president of the Wauwatosa Historical Society and chair of the TosaGreen Summit, these are two values I am passionate about. I am concerned we will lose some of that historical character as we widen lanes on Glenview and Wisconsin. I am equally concerned about the loss of green space brought about the addition of detention ponds. We may never recover the loss of parkways, parklands, bike trails and portions of the monarch trail

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3. I was disappointed that the plan did not take this unique opportunity to develop alternative transit plans. Rather than increase the size of access roads, I would have preferred to see a greater emphasis placed on bike trails, bike lanes, bike rentals, and mass transit options such as bus lanes, trams and shuttles, and rail. Much of that infrastructure is already in place, especially railroads tracks to the Wauwatosa Village, County grounds, and points west of Wauwatosa. Visionary approaches would use this project to connect the western suburbs with downtown Milwaukee using rail, thereby addressing affordable options to the rising cost of gasoline and making the metro area more attractive to new college grads and young professionals.

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As you continue to evolve your plans for the zoo interchange, I urge you to more formally partner with the City of Wauwatosa on ways to better balance traffic patterns, while preserving green space and historical character, and blending in mass transit options.

Thank you.

Alderman Roznowski

1. This statement is not correct. If the study-area freeway system is not reconstructed with additional capacity, arterial streets adjacent to the freeway will experience increases in traffic because drivers will divert from the congested freeway to adjacent arterial streets. The proposed improvements to arterial streets will not increase speeds. Highway 100 and Watertown Plank Road are the only streets that will be widened. WisDOT will maintain Highway 100. WisDOT will pay for the reconstruction and widening of Watertown Plank Road. This eliminates the need for Wauwatosa to pay for replacing its deteriorated pavement, a project the Wauwatosa DPW was contemplating in 2011.
2. After the Supplemental Draft EIS was made available for review, WisDOT met with the City of Wauwatosa to discuss proposed changes to Glenview Avenue. As a result of those discussions WisDOT has modified its plan for Glenview Avenue. Glenview Avenue would be reconstructed between Bluemound Road and Wisconsin Avenue, but the road would not be any wider than it is today. See Section 2.5.4.

The proposed pond locations and sizes represent a worst case. WisDOT will evaluate other stormwater treatment methods, and other smaller pond locations within WisDOT right-of-way. The Oak Leaf Trail will be maintained.

3. WisDOT's role in transit operating support and developing or funding new or expanded transit systems is directed by state statute and documented in Section 3.9.2 Socioeconomic Impacts (Environmental Justice subsection, under "Transportation") and Section 6.2.3.

Jeff

Jeff Roznowski  
6th District Alderman - City of Wauwatosa  
Phone: 414-258-0633  
Mobile: 414-803-9500



**MAYOR'S OFFICE**

**Dan Devine**  
Mayor

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March 25, 2011

Mr. William Mohr, P.E.  
Major Projects Manager  
WisDOT, SE Transportation Region  
141 N.W. Barstow Street,  
Waukesha, WI 53187-0798

Re: Comments on the Supplemental Draft Environmental Impact Statement (SDEIS)

Dear Mr. Mohr:

The City of West Allis would like to offer the following comments on the Supplemental Draft EIS document for the Zoo Interchange project.

**Traffic Diverted to Local Streets**

The City is cautiously recommending the construction of the Reduced Impacts Alternative. As the City stated in our original April 2009 letter, we are still concerned though about traffic being diverted from the freeway onto local streets as stated in the Supplemental DEIS:

*An additional traffic study...has determined that some amount of freeway traffic will opt to use arterials in the study area to access local development. This diverted traffic results in the need for improvements to these arterials.*

The City was also previously concerned that higher levels of congestion would occur under the 6-lane alternative, where several segments would even operate at level of service F. The City does not want congestion on the freeway to inhibit our efforts to redevelop several brownfield sites within the City. Our easy access and close proximity to downtown Milwaukee are some of the greatest selling points for our location in the region. The City agrees with these conclusions stated in the Supplemental DEIS:

*"The freeway is highly interconnected with local land use, and the reconstruction of the freeway could either hinder or facilitate local economic development depending on the alternative selected"*

*"The lack of capacity on the freeway system places greater pressure on local arterial roads to carry regional traffic, which indirectly affects local traffic operations and the quality of the local business environment along arterials...The 6-lane alternative is likely to provide some operational improvements along the freeway, but traffic break downs (level of service F) would continue, encouraging drivers to continue to use local arterial streets as alternative routes. The 8-lane alternative would add new capacity to the study-area freeway system and make operational improvements that would maintain a level of service D or better on the freeway during peak travel times. As a result, this alternative would provide the*

*most relief to the local arterial road system by encouraging regional traffic to stay on the freeway system."*

The Supplemental DEIS does address this issue with the Reduced Impacts Alternative as follows:

*The Reduced Impacts Alternative would also add new capacity to the study-area freeway system and make operational improvements that would maintain a level of service D or better on the freeway during peak travel times. As a result, this alternative would provide relief to the local arterial road system by encouraging regional traffic to stay on the freeway system*

The City supports the effort to reduce trips made on local roads but is concerned that the operational improvements planned on the freeway system will not provide the anticipated relief to the local arterial road system. The City would like to see the projected traffic volumes for all our arterial road system.

#### **South 84<sup>th</sup> Street**

The City prefers that the exit ramp and entrance ramps remain at S. 84<sup>th</sup> Street (STH 181) as is shown in the Reduced Impacts Alternative and described in the Supplemental DEIS:

*The Reduced Impacts Alternative, which maintains full access at 84<sup>th</sup> Street, would mimic what is in place today, and would not worsen the traffic volumes along 76th Street via diversion from 84th Street*

We still do not believe that all motorists would choose to use the Texas U-turn because it actually adds up to a mile to their trip. The City still believes that the Supplemental DEIS understates the impact to S 76 St. if the Texas u-turn would be built:

*"76th Street would see an increase in traffic under Alternative E1 compared to the E1/E3 Hybrid Alternative. In 2035, traffic volumes on 76th Street between I-94 and Greenfield Avenue would increase 14 percent (from 14,000 vpd to 16,000 vpd) under Alternative E1 compared to the No-Build and would decrease 14 percent (14,000 vpd to 12,000 vpd) under the E1/E3 Hybrid Alternative."*

*"However, this effect is not expected to be substantial. Residences along 76th Street are already affected by a relatively higher traffic volume because the street is a main arterial and it is adjacent to State Fair Park. Also, access to 76th Street from I-94 by the proposed service roads under E1 would be similar to exiting conditions. The street currently has access to I-94 by way of frontage roads and local roads that connect with the 84th Street and 70th Street interchanges with I-94."*

We therefore would like to see the traffic projections that support the new statement in the Supplemental DEIS that *"the Reduced Impacts Alternatives would not divert freeway traffic to local streets because of lack of capacity"*.

#### **West Greenfield Avenue**

The City is pleased to see that the Reduced Impacts Alternative includes access to Greenfield Avenue from all directions on the freeway, including from I-94. This access would allow for additional routes to State Fair Park as well as the numerous commercial opportunities along STH 59 and STH 100. This access will facilitate additional economic development in these areas.

City of West Allis, Mayor Dan Devine

1. WisDOT will provide projected traffic volumes for the freeway no-build vs. the preferred freeway build alternative for key local roads in the Final EIS. See page 3-43.
2. Under the preferred alternative, Highway 100, 84<sup>th</sup> Street/Glenview Blvd, Watertown Plank Road and 76<sup>th</sup> Street will see less traffic than under the no build condition. Greenfield Avenue will see more traffic between Highway 100 and I-894 under the preferred alternative and will see more traffic between 92<sup>nd</sup> Street and 76<sup>th</sup> Street due to the combination of the preferred alternative and the future conversion of Greenfield Avenue to four lanes.

The City is also pleased that the Reduced Impacts Alternative has significantly reduced the real estate needs for the south leg of the interchange thereby preserving the tax base in West Allis.

*For the City of West Allis, impacts to the property base would only occur along the south leg of the Zoo Interchange. On the south leg, the total loss in assessed value to the West Allis tax base for the Reduced Impacts Alternative would be approximately \$57,000 or 0.001 percent of the City's total tax base. Using current tax rates, this would result in an annual property tax revenue loss of approximately \$500 for West Allis.*

### **Storm Water Quality**

The majority of storm water from the Zoo Interchange drains through a large 96" trunk storm sewer with an outfall into **Underwood Creek**. The City's own NR 216 report concurs with the finding of the Draft EIS:

*Between 2003 and 2005, MMSD began water quality monitoring at seven sites along Underwood Creek and the south branch. This monitoring noted that conventional pollutants, including fecal Coliform bacteria, total phosphorus, soluble phosphorous, total Kjehldahl nitrogen, and to a lesser extent, dissolved oxygen, exceeded State of Wisconsin criteria or recommended maximums. Toxic pollutants were also present in Underwood Creek, but at no time did the levels exceed State of Wisconsin chronic criteria. MMSD developed a water quality index used to evaluate river and creek water quality. This measurement is based on nationally recognized indices and established water quality criteria. The water quality in Underwood Creek was regularly classified as either "fair" or "bad", with 2005 providing the worst year for water quality, on average. The study also noted that the concentrations of suspended solids, log fecal coliform, copper, and zinc in Underwood Creek increased with rainfall (MMSD, 2008).*

The City of West Allis supports WisDOT's efforts to take responsibility for this pollution and is eager to see what specific actions WisDOT will take to reduce this pollution in Underwood Creek:

*"To comply with State Statute 87.30 and NR 216 and to address concerns raised by MMSD and the City of West Allis, WisDOT and FHWA are also investigating retention/detention basins to manage stormwater from the proposed improvements. The retention/detention ponds would also improve water quality by allowing solid pollutants (sand, grit, etc.) to settle out of the water before it flows into storm sewers or streams. If these retention/detention ponds are built, WisDOT will provide landscaping around the pond.*

*Potential locations for retention/detention basins include:*

*South Leg—Reconfiguration of the Greenfield Avenue interchange may make space available for one or more small ponds on the east side of US 45/ I-894.*

The City would prefer to instead develop this very valuable land adjacent to the Greenfield Avenue interchange rather than use that area for retention/detention basins.

### **Noise**

The City is concerned that a noise barrier may not be considered feasible on the east side of I-894 north of Lincoln Avenue even though there may be up to a 10 dB noise reduction with the provision of a barrier.

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3. Because of the dense urban nature of the corridor and the lack of open and available land for storm water facilities, WisDOT will be conducting a project wide hydrologic study of the Underwood Creek and the Honey Creek to optimize storm water facilities while not increasing the region flood levels in those waterways.
4. As presented in the Supplemental Draft EIS, a noise barrier was analyzed on the east side of I-894, north of Lincoln Avenue. The noise barrier could achieve a 10 decibel reduction at the north end of the residential development. However, as the homes to the south are further away from I-894 the noise barrier becomes less effective and the noise level reduction eventually decreases to only 5 decibels. The noise barrier is feasible in that it meets the noise level reduction required by the Wisconsin Administrative Code TRANS 405 of 8 decibels. However, only 12 residences and a one church received the 8 – 10 decibel reduction. The cost per abutting property that would receive the 8 – 10 decibel reduction was \$52,164 which exceeded the Wisconsin Administrative Code TRANS 405 criteria of \$30,000. Therefore, the noise barrier does not meet all the criteria and is not considered to be a reasonable mitigation measure. If during final design there are substantial changes in roadway design from the alternatives modeled for the Supplemental Draft EIS or the Final EIS, noise abatement measures will be reviewed.

The City would also like to discuss the requirements for prohibiting development within new setback limits based on noise considerations:

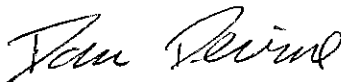
*"The 66 dBA Leq(1h) setback distance along undeveloped areas abutting the study-area freeway system would be 385 feet. The setback distance indicates that noise levels within these distances, measured perpendicular to the centerline of the nearest lane in either direction, is 66 dBA or greater. This setback distance was developed to assist local planning authorities in developing land use control over the remaining undeveloped lands along the project in order to prevent further development of incompatible land use. Noise mitigation for future developments constructed within the setback distance will be the responsibility of the local communities or the developer"*

There are areas adjacent to the freeway where we are considering future development so we have concerns as to what limits would be placed on these sites. We have questions about the future viability of these sites if the following rules apply:

*"The local government must provide documentation of land use controls, which would reasonably eliminate the need for noise barriers adjacent to future developments that abut freeways or expressways."*

The City can be expected to offer other comments and concerns as this project continues through design and construction. Thank you for your consideration of our comments and for taking the opportunity to discuss the Zoo Interchange with us.

Sincerely,



Dan Devine,  
Mayor

PD:DD:jfw

cc: Mike Lewis  
Peter Daniels  
Paul M. Ziehler

MYR\CORR\ZIP.SDEIS 033111

5. The setback distance to 66 dBA Leq(h) was not provided to prohibit development. It was provided to help your community prevent further development of incompatible land use. The goal of the land use controls would be to ensure that future developments are built with sufficient noise mitigation as part of the development. If the city and a developer feel that the best use for a vacant parcel along I-894 is residential, then that development should have a noise mitigation plan that results in noise levels in areas of frequent outdoor use to be below 66 dBA Leq(h). WisDOT would be willing to discuss the measures available to the city or developers for creating developments on vacant land abutting I-894.



Preserving The Environment •  
Improving Water Quality

Kevin L. Shafer, P.E.  
Executive Director

Via mail and email –  
[dotdtsdsezoo@dot.wi.gov](mailto:dotdtsdsezoo@dot.wi.gov)

March 28, 2011

William Mohr, P.E. Major Projects Manager  
Wisconsin Department of Transportation (DOT), Southeast Region  
141 N.W. Barstow Street  
Waukesha, WI 53187

**Re: The Supplemental Draft Environmental Impact Statement (EIS) on Zoo Interchange does not consider Release Rates to Mitigate 73 cubic feet per second (cfs) of Increased Peak Flood Flow.**

Dear Mr. Mohr,

The Supplemental EIS about the *Reduced Impacts Alternative* for freeway modernization in the Zoo Interchange corridor indicates significant increases in peak flood flow. The Six-Lane *Reduced Impact Alternative* will increase impervious pavement by 96.3 acres draining to Underwood Creek, Honey Creek and the Menomonee River, flash flood epicenters.

The District calculates that approximately 73 cfs would be added to peak flow during a 1% probability 24 hours rainfall event by 96.3 acres of new imperious land cover.

After modeling and validation of hydraulics in Metropolitan watersheds, reasonable surface water release rates are 0.5 cfs per acre during a 1% probability/recurrence interval and 0.15 cfs per acre during a 50% probability/recurrence. Based on science, these release rates have to be in the scope of work for design of Zoo Interchange detention structures.

I trust that DOT will incorporate the release rates in the preliminary design.

Sincerely,

Kevin L. Shafer, P.E.  
Executive Director

*milwaukee metropolitan sewerage district*

260 W. Seeboth Street, Milwaukee, WI 53204-1446

414-225-2088 • email: [KShafer@mmsd.com](mailto:KShafer@mmsd.com) • [www.mmsd.com](http://www.mmsd.com) 

## MMSD

1. WisDOT is not subject to MMSD's Chapter 13. WisDOT will work with MMSD during the project's design phase to minimize stormwater run-off from the study-area freeway system.





March 21, 2011

SE Transportation Region  
P.O. Box 798  
Waukesha, WI 53187-0798

To Whom It May Concern:

Following are official comments regarding the proposed "Reduced Impact Alternative" of the Zoo Interchange Renovation Project from the Administration of the Milwaukee County Zoo. While the plan is projected to reduce the amount of Zoo property taken and Zoo buildings demolished, there is considerable concern about its remaining impact on Zoo operations. More specifically:

- **Zoofari Conference Center/Warehouse**

- The entrance and exit from the Zoofari Conference Center are eliminated. This impedes access to the building which functions as a meeting center, warehouse, and maintenance and skilled trade shops. Semi trucks and other large delivery vehicles make frequent stops at this building. Without access, the warehouse function is severely diminished or possibly eliminated. Clients renting the building for meetings and functions during regular Zoo hours would be required to enter through the Zoo's main entrance gates. This would require additional operational expenses to staff those gates when the Zoo is closed and increase the inconvenience of accessing the building. In addition, the encroachment of Highway 45 will eliminate parking for up to 50 cars. There is also concern that the encroachment will add additional noise and vibration to the building, diminishing the ambience of the meeting space and eventually the revenues that it generates.

- **Parking**

- The Zoo requires a specific amount of parking capacity to support its operation and business plan. The latest interchange renovation proposal still eliminates 700 – 850 parking spaces which must be replaced, most likely with a parking structure.



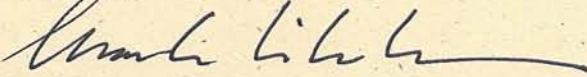
- **Zoo Exit and Entrance Drive**
  - The redesign of the intersections and addition of entrance ramps at Bluemound Road and Highway 45 will directly affect the way visitors enter and exit the Zoo grounds. Traffic control lights that can be remotely activated to keep traffic moving may be needed at the exit drive. It may also require that the Zoo's entrance and exit drives be relocated farther west of the new intersection. If so, it should be done at the State's expense.
- **Highway 100/Bluemound Road Intersection**
  - The expansion of this intersection will require the acquisition of zoo property. It could also affect access to the "Bliffert" Property which may seriously limit the potential of future development of revenue generating projects. It appears that the Zoo will lose most of the on-street parking along Bluemound Road.
- **Right of Way North of I-94**
  - The newest plan appears to be taking a portion of Zoo property. The Zoo is concerned that this acquisition and the realignment of the railroad bridge over I-94 will reduce or damage the mature landscape buffer that borders the highway. This is an important noise barrier as well as aesthetic portion of Zoo property. In addition, the Zoo must maintain vehicular access to the train track and trestle in this area.
- **Tunnel under I-94/Property South of I-94**
  - Access from the main Zoo grounds on the north side of I-94 to the south side of I-94 must be maintained. If the tunnel is replaced or altered, it must accommodate the train tracks at present grade. The Zoo prefers non-train vehicular traffic access be maintained with a 16' height. The Zoo also prefers to preserve the road that connects Zoo Property to the City of West Allis.
  - The Zoo still houses animals in the former animal hospital and in isolation pens adjacent to it. There is serious concern that the encroachment of a new ramp near that area will cause excessive noise and vibration and render them useless. If so, these facilities must be replaced. Access to the south end property must be maintained for the train and vehicles at all times during construction.
- **Miscellaneous**
  - The Zoo has several bill board locations that produce annual income. If these bill boards have to be removed, the Zoo would expect to be compensated for lost future revenue.



- During construction, an eight foot high perimeter fence must be maintained at all times.
- The Zoo will expect fair compensation for any property or facilities taken by the State.

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Respectfully,

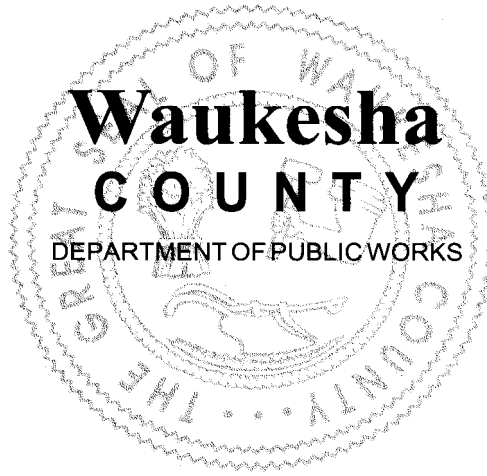
A handwritten signature in dark ink, appearing to read "Charles Wikenhauser", with a long horizontal flourish extending to the right.

Charles Wikenhauser  
DIRECTOR



## Milwaukee County Zoo

1. WisDOT will work with the Milwaukee County Zoo during the design process to address all of the Milwaukee County Zoo's Concerns.



**Waukesha County**  
**Testimony in Support of Reconstructing The Zoo Interchange.**

Gary M. Evans P.E.  
Engineering Services Manager  
Waukesha County Department of Public Works  
515 W. Moreland Boulevard Waukesha, WI 53188

**Traffic:**

It is the busiest interchange in the State, in fact it carries more traffic than the Marquette interchange. In the evening rush hour, the zoo interchange causes delays on I-94 as far west as Moorland Road and on USH 45 as far north as Capitol Drive. Improving the interchange will reduce congestion on I-94 and USH 45 and will improve travel times for Waukesha County residents who work in Milwaukee County and vice versa. It will also reduce delays for goods and service entering and leaving our county, reducing costs to our businesses and by extension to all of us.

**Emmissions:**

An improved interchange will reduce vehicle emissions in the area surrounding the interchange. When vehicles are slowed or at a standstill, concentrations of harmful vehicle emissions are higher than when vehicles are moving, rebuilding the interchange will provide healthier air quality in and around the area surrounding the zoo, as well as the freeways and surrounding neighborhoods that approach the interchange.

**Decaying infrastructure.**

As recent history has shown some bridges within the interchange have failed suddenly and many others need to be replaced. We should not wait until another bridge fails, with potentially catastrophic effects before acting and neither should the public have to endure long ramp closures and unnecessary delays and detours. In these especially frugal times we should also be mindful of the very high costs to the tax payer when emergency construction is needed to replace a failed bridge.

Left hand on and off ramps.

When the interchange was built 40 years plus ago this type of ramp was common. Traffic volumes were lighter and problems associated with cars merging from the left and weaving across two or three lanes of traffic to make an exit on the right were not considered to be a major issue. Current day design practice considers such ramp combinations to be a poor design. Existing left and right ramp combinations on the approaches and exits of the interchange are inherently dangerous as they lead to vehicles weaving across three lanes of traffic over very short distances. This weaving often forces through traffic to slow down or brake and is also the likely cause of many of the delay problems associated with the interchange.

In conclusion Waukesha County supports a safer and more efficient Zoo Interchange as it will be a major benefit not only to our citizens, but it will improve the safety and welfare of all who use the Zoo Interchange. We also recommend that work begin on the project as soon as possible so that we can minimize the possibility of fatal or injury accidents that may result from the current interchange design or any other bridge failures at the interchange.



**P.O. Box 152, Hubertus, WI 53033**  
**Jeffrey M. Gonyo, Steering Committee Member**

April 3, 2011

William Mohr, P.E.  
Wisconsin Department of Transportation (WisDOT)  
SE Transportation Region  
141 NW Barstow Street, P.O. Box 798  
Waukesha, WI 53187-0798

**RE: HJCG Official Public Hearing Comments** on the Supplemental Draft Environmental Impact Statement [SDEIS] for the WisDOT's Zoo Interchange Corridor Study [Project ID# 1060-33-01, Milwaukee County]. These public comments comprise a total of **79** pages (including all attached documents).

Dear Mr. Mohr:

On behalf of the ***HIGHWAY J CITIZENS GROUP, U.A. (HJCG)***,<sup>1</sup> I am submitting these **official public hearing comments** on the Milwaukee Zoo Interchange Study's Supplemental Draft Environmental Impact Statement (SDEIS) to express our **strong opposition** to the following expansion alternatives: **1)** The Wisconsin Department of Transportation's (WisDOT) "Modernization Improvements" (both 6-lane and 8-lane versions) **and 2)** The "Reduced Impacts Alternative" first presented in the SDEIS this year.<sup>2</sup>

For the many reasons specified herein, the SDEIS document and the public hearing process related to this environmental document again do **not** meet the strict requirements of the **National Environmental Policy Act (NEPA)**, the **Clean Water Act (CWA)**, **Federal Aid Highways Act (FAHA)**, **Clean Air Act (CAA)** and other federal statutes, regulations and

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<sup>1</sup> The **HJCG** is a grassroots citizens organization with **over 15,000 members statewide**. Since 1999, our organization's general mission has been to: **1) Stop** unnecessary, fiscally-irresponsible and environmentally-damaging road expansion projects in our affected communities (focusing on those proposed projects located here in Southeastern Wisconsin), **2) Protect** our groundwater quality, **3) Promote** proper land use decisions, and **4) Preserve** our overall "quality of life" in this beautiful Kettle Moraine area of Wisconsin.

<sup>2</sup> These written public hearing comments on the Supplemental Draft Environmental Impact Statement (SDEIS) for the Milwaukee Zoo Interchange Corridor Study are being submitted **IN ADDITION TO** the oral testimony that I presented to the Wisconsin Department of Transportation panel on March 23, 2011 at the public hearing on this project. Please be sure at **all pages** of these written public hearing comments (including **all** attached supporting documents) **become part of the administrative record** for the Milwaukee Zoo Interchange Corridor Study.

case law that govern these types of federally-funded road projects in Wisconsin.<sup>3</sup> My specific objections to this project are as follows:

**A. The Milwaukee Zoo Interchange Study's SDEIS Failed to Properly Consider Several Reasonable Alternatives (which were improperly "screened out" without any valid explanation either in the original DEIS or the SDEIS).**

An EIS must discuss alternatives to a proposed action. 42 U.S.C. § 4332(c)(iii). The CEQ regulations specify that the agency preparing an EIS must "**rigorously explore and objectively evaluate all reasonable alternatives**, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated." 40 C.F.R. § 1502.14(a). See **Highway J Citizens Group, U.A. et al. v. U.S. Department of Transportation, et al.**, 656 F.Supp.2d 868 (E.D. Wis. 2009) and **Highway J Citizens Group, U.A. v. U.S. Department of Transportation, et al.**, Case No. 05-C-0212, (E.D. Wis. March 23, 2010) – see the attached **Exhibit "A"** and **Exhibit "B"** respectively.

In the case of the Milwaukee Zoo Interchange Study, the SDEIS again has so **narrowly defined** the project's "**purpose and need**" that any alternative that does not involve expanding this interchange was summarily screened out from further consideration.

**FIRST**, the "**transportation demand management**" (TDM) and "**transportation system management**" (TSM) alternatives were **improperly screened out** as reasonable alternatives to alleviate traffic congestion on our Milwaukee metropolitan area freeway system. Given the increasing gas prices and rising costs associated with automobile travel in our struggling economy, it now makes "good common sense" to **place greater emphasis on public transit alternatives**, which would significantly reduce freeway traffic congestion. Greater emphasis on both TDM and TSM alternatives here would **eliminate the need for constructing the more-costly and environmentally-damaging "Modernization" alternatives** specified in the DEIS and SDEIS – thereby **making the "Spot Improvement" alternatives a more feasible option** to solving the Milwaukee metropolitan area's traffic congestion and safety problems on the freeway system.

**SECOND**, the WisDOT again has **improperly and illegally dismissed all of the "Spot Improvement" alternatives** without an adequate discussion as to why these reasonable alternatives would not solve the traffic congestion and safety problems on the freeway system (both in Milwaukee County and in some of the surrounding counties such as Waukesha and Washington Counties). These "Spot Improvement" alternatives would "replace the existing freeway and bridges while **addressing the safety issues** that can be fixed with **modest** right-of-way acquisition."

This alternative **costs much less to the taxpayers of Wisconsin** than the "Reduced Impacts Alternative" now being promoted by the WisDOT in the SDEIS, which has a **\$1.6 billion price tag** attached to it. In addition, because the "Spot Improvement" alternatives would require **fewer residential and business relocations**, this alternative would be **much**

<sup>3</sup> As explained herein, the SDEIS is **not** in compliance with the two **Highway J Citizens Group, U.A. et al. v. U.S. Department of Transportation, et al.** federal court decisions issued by the U.S. District Court for the Eastern District of Wisconsin on September 14, 2009 and March 23, 2010, respectively. Copies of these two federal court decisions are attached as Exhibits "A" and "B" to these public hearing comments.

## Highway J Citizens Group

1. The TSM and TDM alternatives were dismissed from consideration as stand-alone alternatives. Page 2-6 of the Draft EIS states that the “Modernization Alternatives assume certain TDM elements will be implemented, and would include certain TSM elements like ramp metering, variable message signs, crash investigation sites and closed-circuit television cameras.” Indeed, many of these elements are in place on the study-area freeway-system today. The TDM alternative assumes a 100 percent increase in mass transit and the regional plan concludes that it will still not eliminate the need to add capacity to the study-area freeway system. See Section 2.2.2 and 2.2.3 of the Final EIS.
2. The Spot Improvement Alternatives were eliminated from consideration because they would not meet the purpose and need of the project, namely they would not adequately accommodate anticipated future traffic volumes. No local governments have advocated for the Spot Improvement Alternatives, and these alternatives have little public support. Also, the Spot Improvement Alternatives are not consistent with the regional transportation plan. See *Evaluation of Spot Improvements Against Purpose and Need*, Section 2.2.4.

less economically and environmentally-destructive than either the two more massive “Modernization” alternatives or the “Reduced Impacts Alternative” discussed in the SDEIS.

The key issue here is “improving traffic safety” and the WisDOT acknowledges that the “**Spot Improvements**” alternative would do exactly that – i.e. improve traffic safety. When combined with the TDM, TSM and our off-alignment alternatives (such as using the “Old Highway 164” in Waukesha County [now called CTH F] linked with a new roadway in the empty WE Energies Power-line Corridor or CTH Y to form a direct metropolitan bypass connection around Milwaukee between I-94 in Waukesha County and Highways 41/45 in Washington County), these “**Spot Improvements**” become a very reasonable, cost-effective and environmentally-friendly alternative instead of the WisDOT’s unduly emphasized “Modernization” alternatives (including those with the so-called “reduced impacts”).

**THIRD**, the WisDOT’s SDEIS has improperly “screened out” the HJCG’s “Power Corridor” Alternative and fails to mention the separate and distinct “Highway Y” Alternative – both of which have been presented repeatedly during the Zoo Interchange Project’s EIS process during the past three years. These two more fiscally and functionally prudent alternatives would link Highway F (known as Highway 164 prior to 1999 and then Highway 74 from 1999 through 2005) either to an empty WE Energies Power Corridor or to Highway Y, which then would directly-connect Interstate 94 in Waukesha to Highway 41/45 at the Lannon Road/Highway Y interchange in Germantown, thereby creating a more efficient way to get around the Milwaukee Metropolitan area and relieving traffic congestion at the Zoo Interchange (see the detailed maps of the Zoo Interchange, the Power Corridor alternative and the “Highway Y” alternative attached as **Exhibits “C”, “D” and “E”**.)

The original DEIS didn’t even mention these two alternatives. The SDEIS then summarily dismissed the “Power Corridor” alternative “without more than a glance” and failed to even mention the separate and distinct “Highway Y” alternative. This “legally fatal” mistake is very similar to the one made by the WisDOT and their federal agency partners (U.S. Department of Transportation, Federal Highway Administration and U.S. Army Corps of Engineers) in the Highway J Citizens Group, U.A. case (where the federal district court held that these agencies failed to consider the “Highway Y” alternative and ordered these agencies to do so).

In the Highway J case, Judge Adelman stated:

“However, the EIS does not demonstrate that defendants conducted a reasonable inquiry into whether the County Y alternative would have satisfied the project’s purposes. As far as the EIS reveals, defendants did no more than glance at the County Y alternative before dismissing it from detailed study. Although defendants state that the County Y alternative was not substantially different from the Power Corridor alternative (which was studied in more detail), they do not explain this conclusion. Indeed, defendants do not even identify the criteria they relied on when concluding that the two alternatives were substantially the same, and the criteria are not obvious. Although the EIS states that the County Y alternative would have been less efficient than the Power Corridor alternative due to conflicts with local traffic, defendants do not show that this conclusion was the product of any kind of expertise or careful study. Again, it appears that defendants simply glanced at the map and then formed an off-the-cuff opinion.”

3. The Power Corridor Alternative was proposed by the Highway J Citizens Group during the WIS 164 corridor study and documented in WisDOT and FHWA's EIS for the WIS 164 project, approved in 2001. The WIS 164 EIS documents the impacts and traffic carrying aspects of that alternative and why it was not selected for implementation. The Highway J Citizens Group was the only entity to advocate for this alternative as part of the Zoo Interchange study. No other members of the public or local, county, regional, state or federal agencies asked WisDOT to consider it as part of the Zoo Interchange study. The Draft EIS did not mention the Power Line Corridor because there is no connection between the power line corridor 10-15 miles west of the project area and the deficiencies in the Zoo Interchange corridor. There is no provision in NEPA that requires all alternatives to be evaluated. The Power Corridor alternative and County Y alternative failed to rise to the level of other alternatives considered that had the ability to address the project's need factors. This document mentions the Power Corridor alternative in Section 2.3.4.

The Power Corridor alternative and Highway Y alternative are both located in the same general area as the WIS 164 improvements constructed by WisDOT. Although the Highway J Citizens Group does not agree with WisDOT's decision to widen WIS 164 instead of the power Corridor or Highway Y alternative, the fact is that it would not make sense to implement a second highway improvement in the vicinity of WIS 164 that would have the same purpose as the recently constructed WIS 164 widening.



This is exactly what the WisDOT did here in the Zoo Interchange's SDEIS when it did **"no more than a glance"** at the "Power Corridor" alternative and, even worse, took **no look whatsoever** at the separate and distinct "Highway Y" alternative we presented during the EIS process. According to the requirements specified in the **Highway J** case, the WisDOT must model **each** of these alternatives to provide information that may or may not justify their dismissal. If the WisDOT dismisses these alternatives after studying them, they must state their reasons for doing so **based upon sound data and methods**. That means they must **explain** the reasons supporting their conclusions, and those reasons must be more than simply an analyst's personal opinion.

Furthermore, consistent with the two **Highway J** federal court rulings, the WisDOT cannot use the need for additional capacity on the Zoo Interchange as a reason for refusing to study alternative means of addressing that capacity (such as either the "Power Corridor" alternative or "Highway Y" alternative). Citing **Simmons v. Army Corps of Engineers**, 120 F.3d 664 (7<sup>th</sup> Cir. 1997), the **Highway J** case has held that the WisDOT must "determine whether less destructive alternatives might achieve the purpose of the project." Here, just as in the **Highway J** case, the WisDOT simply **assumed** that the Zoo Interchange must be expanded because local transportation plans (such as those provided by the Southeastern Wisconsin Regional Planning Commission) document the need for additional capacity. Just as what was required in the **Highway J** case, the WisDOT must **rigorously examine** all reasonable alternatives (including the two "off alignment" alternatives presented here) to address the traffic congestion problems on the Zoo Interchange instead of automatically assuming that it must be expanded to address those problems.

Both the "Power Corridor" alternative (using Highway F connected to the WE Energies Power Corridor) and the "Highway Y" alternative (using Highway F connected to Highway Y) would create a **congestion-relieving connection** between Interstate 94 in Waukesha County and Highways 41/45 in Washington County while bypassing Milwaukee County. Therefore, either of these two "off-alignment" alternatives would alleviate many traffic problems on the Zoo Interchange with **one simple, cost-effective and environmentally-friendly solution**. Given these facts, WisDOT is **required by law** (as discussed in the **Highway J** case) to **fully-examine** these two off-alignment alternatives.

In summary, the **HJCG strongly believes** that the **full implementation** of both **Transportation System Management and Transportation Demand Management alternatives** combined with the **immediate construction** of one of our citizen-supported, **reasonable** alternate routes, **AND rebuilding the Milwaukee Zoo Interchange using "Spot Improvements" alternative** is the **most cost-effective, community-friendly solution** to addressing the traffic congestion and safety problems on the freeways in Milwaukee, Waukesha and Washington Counties (i.e. the Milwaukee metropolitan area).

#### **B. The Indirect Effects and Cumulative Impacts Sections of the Zoo Interchange Study's SDEIS Fails to Properly Consider the Adverse Affects of Air Pollution (Especially Greenhouse Gases).**

In the **Highway J** case, Judge Adelman ordered the WisDOT to incorporate air quality as part of the discussion in the indirect effects and cumulative impacts sections of the Highway 164 FEIS. That discussion also must include the effects of the proposed project on greenhouse gases.

4. The Draft EIS and Supplemental Draft EIS document the project's air quality impact in Section 3.20. Certain pollutants like ozone cannot be evaluated on a project-level basis because ozone is a regional pollutant. Therefore the project's inclusion in a conforming regional transportation plan and Transportation Improvement Program is an appropriate and relevant evaluation tool.

Greenhouse gases are noted in the Draft EIS and Supplemental Draft EIS. The EPA has not yet developed criteria for greenhouse gas impacts. FHWA's position is that greenhouse gas emissions are a national issue, and cannot be meaningfully addressed on a project-level basis.

In this case, the Zoo Interchange Study's SDEIS claims that it is unable to analyze the project's impact on greenhouse gases as it relates to that specific project because greenhouse gas emissions are a regional problem. However, the **Highway J** case **specifically requires** an air pollution analysis be done on a local, individualized basis. What that means is this requires consideration of **each** federally funded project, **not** of the broader air quality control regions that may encompass numerous projects. Merely because a project is part of a Transportation Improvement Plan found to comply with a State Implementation Plan (SIP) for air quality does **not** mean, in any way, that the project automatically satisfies the indirect effects and cumulative impacts examination requirements under NEPA.

In addition, NEPA requires each agency to undertake **independent review** of the environmental consequences of its action (42 U.S.C. § 4332), and federal agencies have long been aware of the greenhouse effect and the role of carbon dioxide as a major greenhouse gas. See 54 Fed.Reg. 21,985, 21,986, 21,990 (May 22, 1989) (Nat'l Hwy. Transp. Safety Bd.). See also **Massachusetts v. EPA**, 549 U.S. 497, 127 S.Ct. 1438, 1462-63, 167 L.Ed.2d 248 (2007) (EPA arbitrarily and capriciously refused to regulate greenhouse gases under Clean Air Act); **Center for Biological Diversity v. Nat'l Hwy. Transp. Safety Bd.**, 538 F.3d 1172, 1200-03 (9th Cir. 2008) (NHTSB arbitrarily and capriciously refused to quantify value of carbon emissions reduction in cost-benefit analysis). Thus, both the U.S. Environmental Protection Agency (USEPA) and the federal courts (including the recently decided **Highway J** case) now require that **greenhouse gas emissions from any proposed project be fully analyzed**.

In the SDEIS for the Milwaukee Zoo Interchange Corridor Study, the WisDOT has **failed to adequately consider the adverse affects of air pollution** and has **not** determined the project's effect on greenhouse gas emissions. Thus, the SDEIS **fails** to meet the strict requirements of NEPA.

**C. WisDOT's "Open Forum" Public Hearing for the Milwaukee Zoo Interchange Corridor Study Which Allowed Citizens to Offer their Comments in Private to a Court Reporter is Legally Inadequate Under Section 128 of FAHA (as interpreted by the Highway J case).**

The Milwaukee Zoo Interchange Corridor Study's "Open Forum" Public Hearing held on both March 22, 2011 and March 23, 2011 **violates Section 128 of the Federal Aid Highways Act (FAHA)** because some of the oral testimony was given to court reporters in private where other attending citizens could not **hear** it. In addition, the remaining oral testimony given to a panel of WisDOT representatives does not satisfy the FAHA public hearing requirements because while this testimony was being given, the citizens who were in other rooms either looking at the exhibits or talking to WisDOT officials could not **hear** that testimony being given.

In the **Highway J** case (September 14, 2009 decision), Judge Adelman held that "a public hearing must allow citizens an opportunity to express their views in front of agency representatives and other citizens." Such a "public hearing" requires, at the least, an opportunity for citizens to make their views **generally known** to the agency and the

5. WisDOT provided an opportunity for citizens to express their views in front of agency representatives and other citizens. The Adelman decision did not state that providing an opportunity for private testimony violates public hearing requirements.

Written testimony is not instantly available for citizens to hear yet it is an acceptable method of providing comments. All testimony is public record and available for review by anyone.

community. Such a public hearing forum must be “**accessible to or shared by all members of the community.**”

In the March 23, 2010 **Highway J** decision, Judge Adelman further stated the following:

“A public hearing is one at which a member of the public may present her views to agency representatives in front of the members of the community who attend the hearing. A member of the public speaking **privately** to an agency representative or a court reporter does **not** constitute a public hearing merely because some other members of the public might happen to be within hearing distance. Further, although members of the public who attend an open house can speak with each other as they walk around and view the exhibits on display, this does not provide them with the opportunity to make their views generally known to attendees. WisDOT’s open house was held **over a seven-hour period**, FEIS at 9-1, and thus it is unlikely that a citizen could have spoken to all 312 attendees at once, as she could have if WisDOT had held a real public hearing.”

With respect to the Zoo Interchange Public Hearing, the **multiple activities** going on at the same time in **separate** rooms over a period of **nine hours** on two separate days made it **virtually impossible** for the oral testimony given (whether before the WisDOT panel or in private to the court reporter) to be “accessible to or shared by all members of the community.” Furthermore, the citizens who gave oral testimony in private to court reporters were **not** afforded an opportunity to hear their neighbors who were **simultaneously giving** oral testimony to the WisDOT panel in another room. Also, since their testimony was given in private, **no one** was afforded an opportunity to **hear** it either.

Finally, the Zoo Interchange Project’s public hearing fails to satisfy FAHA (as interpreted in the Highway J case) because it did **not** include the speeches or oral presentations by the WisDOT agency officials to the public. Also, WisDOT did not transcribe their oral presentations so there is no verbatim record of them.

Thus, the WisDOT’s Zoo Interchange Corridor Study Public Hearing **does not comply with the FAHA requirements** for public hearings (as interpreted in the **Highway J** case – which is the **controlling** law in Wisconsin).

**D. The Milwaukee Zoo Interchange Project’s SDEIS Is Not In Compliance with the Clean Water Act because of the failure to consider other reasonable alternatives – especially the two “off alignment” alternatives previously discussed).**

The proposed Zoo Interchange expansion will **cause severe runoff problems** especially into Underwood Creek and Honey Creek and thus violates the Clean Water Act. The plans identified in the SDEIS for addressing this runoff are **not adequately explained or justified**. Furthermore, there is **no discussion of off-alignment alternatives** (like either the “Power Corridor” and “Highway Y” alternatives in Waukesha and Washington Counties that would act a pressure-relieving bypass around the Milwaukee Metropolitan area).

In addition, the SDEIS **fails to fully consider** the impacts of the Zoo Interchange expansion on several acres of wetlands in the Underwood Creek Parkway area. Our

6. WisDOT has not yet applied for permits under the Clean Water Act. The project's compliance with the Clean Water Act will be determined at a future date.

proposed reasonable alternatives previously discussed would **minimize** and possibly **eliminate** those impacts.

In the **Highway J** case, Judge Adelman held that, if an EIS's discussion of reasonable alternatives is found to be deficient, then the Section 404 permits issued to fill wetlands for the project also will be found to be deficient. That is exactly the case here. Because the **wetlands discussion is deficient** in the SDEIS, the Section 404 permits cannot be validly issued under the Clean Water Act.

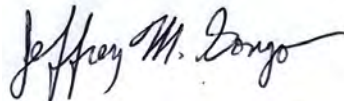
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#### **E. Conclusion.**

For all of the aforementioned reasons, the Highway J Citizens Group, U.A. is **strongly opposed** to all of the "Modernization Improvements" (six lane and eight lane) and the so-called "Reduced Impacts Alternative" for the Milwaukee Zoo Interchange. Other reasonable alternatives (including off-alignment alternatives using either the "Power Corridor" or "Highway Y" through Waukesha and Washington Counties) have **not** been fully studied or even considered. Greenhouse gas emissions, wetland impacts and runoff issues also have **not** been properly considered. Finally, the WisDOT's open forum public hearing does **not** satisfy FAHA's requirement that **all** hearing attendees be able to **hear** the oral testimony given by other citizens in attendance.

If you have any questions or need further information, please either call me at **(262)-644-8334** or write to me at the address specified above. Thank you for your anticipated cooperation in this very important matter.

Sincerely,



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Jeffrey M. Gonyo,  
Steering Committee Member for the  
***Highway J Citizens Group, U.A.***  
Phone: (262)-644-8334

Enclosures (see complete list of supporting documents on the next page)



## **CITY OF WAUWATOSA**

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WAUWATOSA, WISCONSIN 53213  
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**JILL DIDIER**  
Mayor

May 26, 2011

Roberto Gutierrez, P.E.  
Southeast Freeway Chief  
DTSD SE Region  
141 NW Barstow Street  
P.O. Box 798  
Waukesha, WI 53187-0798

RE: Comments by City of Wauwatosa Concerning the Zoo Interchange Project SDEIS  
Project I.D.: 1060-33-01  
Zoo Interchange/USH 45 Corridor

Dear Mr. Gutierrez:

Thank you for the opportunity to comment on the above referenced project. The City of Wauwatosa appreciates your willingness and openness to meet with Council/Committee/Residents/Business Owners and staff to work toward a mutually acceptable design. The city also appreciates the state's willingness to invest capital dollars in Wauwatosa's infrastructure to mitigate our concerns on the Reduced Impact Alternative. In the sections below I have summarized the city's position on the four outstanding areas of concern.

**I. Improvement to Highway 100/Blue Mound Road**

The city is certainly supportive of the design change that will allow the city owned parking on Blue Mound Road to remain intact. This change is beneficial to both areas residents and businesses.

There are still some concerns however regarding protecting pedestrians attempting to cross Hwy. 100 at Blue Mound Road. Our request is that respite areas for pedestrians in the medians be of sufficient width to provide adequate safety for any pedestrians unable to cross the entire intersection in one traffic cycle. Countdown pedestrian signals are also requested at all signalized intersections affected by this improvement.

Lastly, in order to ensure that traffic flows as efficiently as possible, the city is requesting WisDOT synchronize the signals (or possibly interconnect them) to ensure optimum traffic flow.



## **II. Improvements to Watertown Plank Road**

The city is supportive of the design concept for Watertown Plank Road improvements as proposed by the plan. It is, however, our request that WisDOT engineers coordinate with the city and area developers to locate the intersection of Innovation Drive in a manner compatible with UWM's final design plans.

As part of final design the city and the Milwaukee Regional Medical Center will want to coordinate signage and streetscape elements of Watertown Plank Road. Therefore, the city would like the opportunity to provide input as part of the final design process and develop potential cost sharing agreements as part of the WisDOT contract for bid items outside the scope of standard WisDOT contracts.

It is further the city's understanding that the utility plan for Watertown Plank Road includes a provision for the underground installation of the electric lines proposed by the American Transmission Company. These electric lines are necessary to provide electricity to the new Milwaukee County Substation near the WE Energies power plant. The city is supportive of the underground installation of these cables.

## **III. Improvement of N. 95<sup>th</sup> Street**

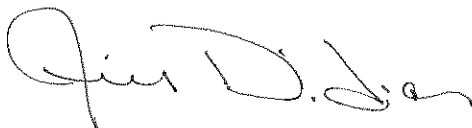
The city's understanding is that the proposed improvement of N. 95<sup>th</sup> Street between Blue Mound Rd. and Wisconsin Ave. will act as an alternative access point for traffic trying to reach the Milwaukee Regional Medical Center. Under the current project schedule this work is planned for 2015 or 2016. The city's request is that WisDOT look at moving this project element forward in the schedule. In this fashion some of the traffic currently thought to use Glenview Ave. during construction of the Zoo Interchange itself may be more easily directed to the MRMC via N. 95<sup>th</sup> St.

## **IV. Glenview Avenue**

The city appreciates WisDOT's willingness to meet with staff to discuss options on this element of the project. Staff has developed an alternative to the proposed bi-directional turn lane and we will be discussing this plan with WisDOT officials in the near future. It should be noted that both WisDOT and staff are committed to holding another public information meeting with area residents before finalizing any option.

In summary, the city again wants to thank the Zoo Interchange Project staff for their willingness to work with Wauwatosa residents and city staff in order to provide the best plan possible moving forward. In addition we look forward to partnering with the state and it's stakeholders during the design and construction phase of the project to possibly include utility and streetscape improvements as part of the final plans.

Sincerely,



Jill Didier  
Mayor

cc: Alderpersons  
James Archambo, City Administrator  
Dept. Heads



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
ST. PAUL DISTRICT, CORPS OF ENGINEERS  
180 FIFTH STREET EAST, SUITE 700  
ST. PAUL MINNESOTA 55101-1638

JUN 09 2011

Operations  
Regulatory (2007-6778-RMG)

Wisconsin Department of Transportation  
Attn: Roberto Gutierrez  
141 NW Barstow Street  
Waukesha, Wisconsin 53187

Dear Mr. Gutierrez:

Thank you for the information submitted May 13, 2011 regarding selection of the preferred alternative for the Zoo Interchange National Environmental Policy Act (NEPA) document. The Zoo Interchange project area includes approximately 7 miles of freeway corridor leading to and through the Zoo Interchange from I-94 at 124<sup>th</sup> Street (west limit) to 70<sup>th</sup> Street (east limit) and I-894/US 45 at Lincoln Avenue (south limit) to US 45 at Burleigh Avenue (north limit). We received the Preferred Zoo Interchange Alternative Technical Memorandum on May 15, 2011.

Please accept the following comments on the information provided:

1. Please update your Corps of Engineers (Corps) contacts listed in the draft Coordination plan (Section 2.3). Remove Dale Pfeiffle, and please insert Anthony Jernigan (requested role as Cooperating Agency), phone (262) 717-9544 email [Anthony.D.Jernigan@usace.army.mil](mailto:Anthony.D.Jernigan@usace.army.mil). Please provide duplicate copies of all information distributed for the final EIS, to the attention of Ms. Rebecca Graser in our Waukesha office as well (phone: (262) 717-9531, [Rebecca.M.Graser@usace.army.mil](mailto:Rebecca.M.Graser@usace.army.mil)).
2. Of the practicable alternatives evaluated, the Reduced Impacts Alternative (including the Adjacent Arterials Component) would impact the least amount of aquatic resources, and avoids Advanced Identification (ADID) wetlands. It is my understanding that the Reduced Impacts Alternative (including the Adjacent Arterials Component) will be identified as the FHWA/WDOT preferred alternative in the FEIS.
3. Based on the available information and the level of analysis to date, the preferred alternative (the Reduced Impacts Alternative and Adjacent Arterials Component), is the least environmentally damaging practicable alternative.

If you have any questions, contact Anthony Jernigan in our Waukesha field office at (262) 717-9544. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,

Tamara E. Cameron  
Chief, Regulatory Branch

Operations-Regulatory  
(2007-6778-RMG)

Copy furnished:  
Michael Sedlacek, US Environmental Protection Agency;  
Stephanie Hickman, FHWA Wisconsin Division;  
Mike Thompson, WDNR.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590  
JUN 13 2011

REPLY TO THE ATTENTION OF:

E-19J

William Mohr, P.E., Major Projects Manager  
Wisconsin Department of Transportation, Southeast Region  
141 N.W. Barstow Street  
Waukesha, Wisconsin 53187

Re: Selection of Preferred Alternative for the Zoo Interchange Corridor Study,  
Milwaukee County, Wisconsin

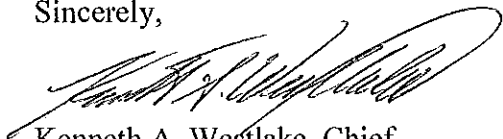
Dear Mr. Mohr:

The U.S. Environmental Protection Agency is responding to a request for preferred alternative concurrence from the consultant to Wisconsin Department of Transportation (WisDOT) and Federal Highway Administration (FHWA). As stated in the message from CH2M Hill, the Reduced Impacts Alternative including the Adjacent Arterials Component (RIA) has been identified as the preferred alternative for addressing long-term mobility needs and safety concerns in the study area.

Impacts associated with the RIA were analyzed in the Supplemental Draft Environmental Impact Statement (EIS) dated February 2011. In our April 4, 2001 comment letter, we rated the three build alternatives as equally acceptable from an impacts standpoint and identified three comments – clarification of Advance Identification wetlands information, need for additional information concerning non-ADID wetland mitigation, and request for a commitment to include all Mobile Source Air Toxics mitigation measures in the Record of Decision. We concur with WisDOT's selection of the RIA as the preferred alternative for the reconstruction of the Zoo Interchange.

We look forward to reviewing the Final EIS and FHWA's and WisDOT's responses to our Supplemental Draft EIS comments. Should you have any questions regarding the contents of this letter, please do not hesitate to contact me or Kathy Kowal of my staff at (312) 353-5206 or via email at [kowal.kathleen@epa.gov](mailto:kowal.kathleen@epa.gov).

Sincerely,



Kenneth A. Westlake, Chief  
NEPA Implementation Section  
Office of Enforcement & Compliance Assurance

cc: Wesley Shemwell, FHWA  
Charlie Webb, CH2M Hill

**State of Wisconsin**  
**DEPARTMENT OF NATURAL RESOURCES**  
Southeast Region Headquarters  
2300 N. Dr. Martin Luther King, Jr. Drive  
Milwaukee WI 53212-3128

Scott Walker, Governor  
Cathy Stepp, Secretary  
John Hammen, Acting Regional Director  
Telephone 414-263-8500  
FAX 414-263-8606  
TTY Access via relay - 711



June 15, 2011

File Ref: 1600

Bill Mohr  
Wisconsin Department of Transportation, Southeast Region  
141 N.W. Barstow St.  
Waukesha WI 53187

Dear Mr. Mohr:

Thank you for the opportunity to review and provide comments on the Preferred Zoo Interchange Alternative - The Reduced Impacts Alternative including the Adjacent Arterials Component. The Department concurs with the selection of the preferred alternative for addressing the deteriorated conditions and obsolete design and minimizing the adverse environmental impacts of reconstructing this section of the regional freeway system.

I am available by telephone (414) 263-8648 and email [MichaelC.Thompson@Wisconsin.gov](mailto:MichaelC.Thompson@Wisconsin.gov) and look forward to participating in refined utility relocation, stormwater, floodplain, and hydraulic analysis, and final design projects.

Sincerely,

Michael C. Thompson  
Environmental Analysis Team Supervisor

Cc: John Hammen, DNR  
Dave Siebert, DNR