

resurfacing project. The City of Milwaukee has also expressed to us an interest in reconstructing their adjacent segment of S. 76<sup>th</sup> at the same time.

State Fair Park does have access from S. 76<sup>th</sup> Street to their Gate 9 (at Pierce Street) and there is an existing traffic signal at this location that is only used very briefly during State Fair (for 2 days out of 365 days in a year). A thorough investigation of proposed traffic patterns into and around State Fair would be necessary to evaluate the different freeway ramp locations. Unfortunately, all of our attempts to obtain a comprehensive and unified traffic analysis from State Fair Park have failed. The relationships between the many different entities at the park, such as the **State Fair Park Board** (reporting to the Wisconsin Department of Tourism), **Capital Police** (reporting directly to the Wisconsin Department of Administration), **Wisconsin Exposition Center, Petit Center and Milwaukee Mile** have historically been strained.

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

The City would prefer the construction of Modernization Alternative 3 (M3) since it retains access to South 84<sup>th</sup> Street as it currently exists. South 84<sup>th</sup> Street is designated as a Connecting Highway for STH 181. The current 52' pavement was constructed in 1984 by WisDOT to accommodate larger traffic volumes (14,000 vpd currently) with 4 lanes of traffic if the limited parking were prohibited. In 2005, WisDOT installed a new radio frequency interconnected traffic signal system and new actuated traffic signals on S. 84th St. at Greenfield Ave. and Gates 3 and 5 of State Fair Park (ID 2165-03-30). South 84<sup>th</sup> Street has many more commercial land uses adjacent and there is a greater potential for other development to occur along this street.

#### West Greenfield Avenue Off Ramp

The City would also prefer to keep access to Greenfield Avenue available from all directions on the freeway. This allows for additional access routes to State Fair Park as well as the numerous commercial opportunities along STH 100.

The City has several water mains, sanitary sewers, storm sewers and electrical circuits that cross the freeway. At our preliminary meetings with the utility team, we were told that we would be required to contribute 10% towards the relocation of our water main that currently hangs on the Greenfield Avenue bridge. Our records indicate that during the initial construction of the freeway in 1962, the City was fully reimbursed for any utility work associated with freeway construction.

The City also looks forward to working closely with WisDOT on the W. Greenfield Avenue (STH 59) reconstruction/resurfacing project (ID 2230-14-00). WisDOT did not consult or even formally inform the City that **KL Engineering, Inc.** in Madison was selected back on June 18, 2008 to design this project. The City anticipates an extensive amount of water main, sanitary sewer and street lighting work with this project that will significantly affect the timing of this project. In addition, the City is very concerned about storm water quality associated with this project. WisDOT constructed portions of this roadway in 1962 and 1977 without any sumps in the inlets. In 2004, WisDOT also informed us during the Greenfield Ave. hazard elimination project (ID 2230-13-70), that sumps could not be installed.

### 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**. We recently received complaints from MMSD and nearby residents that this outfall was almost completely clogged.

The City of West Allis is required to comply with **WDNR administrative rules (NR 216)** including the use of the DNR's "Source Loading and Management Model" (SLAMM) to estimate pollutants such as total suspended solids (TSS) and total lead (TPb). This model indicates that a significant source of non point source pollutants is from the freeway due to their heavy traffic levels. In fact, the TSS and TPb levels coming from the freeway corridor are among the highest in the entire City. The City of West Allis cannot be expected to accommodate the clean up of these pollutants on behalf of WisDOT.

The existing Zoo Interchange was also constructed with **storm inlets (without sumps)** instead of catch basins (with sumps). Because of this decision in 1962, all pollutants are washed directly into Underwood Creek instead of being captured in a sump for later removal (the incentive for this decision was that WisDOT was spared the required annual maintenance costs of cleaning out these sumps). The sump is designed to settle out large particles and other heavy materials.

### West Allis Bike Trail

The City has been in frequent contact with WisDOT and WisDNR regarding the routing of a detour for the Hank Aaron Bike Trail over the City's own proposed bike trail. The City's own bike trail project, that was initially authorized to begin expenditures on March 29, **2005**, has experienced several setbacks throughout the years.

On September 18, 2008, Greg Baer from WisDOT's Rails & Harbors Section, Rail Engineering & Safety Unit, sent a letter to Union Pacific Railroad requesting preliminary engineering estimates for both the alternatives developed over three years ago to cross the railroad with the bike trail. The first alternative is an **at grade crossing** which would include the closure of another crossing elsewhere. The second alternative is a **tunnel crossing** which would require a 30-hour closing of the tracks. We have not received a response from the railroad even though a 6-week period was discussed at a meeting with Union Pacific on August 6, 2008.

We would hope that the portion of the proposed trail directly under the "Belton" I-894 Bridge could eventually be straightened out by lengthening the bridge slightly (instead of the current configuration which infringes on Union Pacific ROW) so that the entire trail can remain on We Energies ROW. We Energies has already granted preliminary approval for a trail license on their ROW.

### Noise Analysis for Environmental Assessment

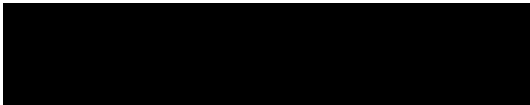
The City has received numerous requests for noise abatement from the residents who live near the freeway. Many residents claim that promises had been made throughout the years for noise abatement along the existing freeway but they never materialized.

**Local Traffic Impacts During Reconstruction**

We are concerned about the local traffic impacts during reconstruction. The two obvious roadways that will have increased traffic are W. Greenfield Avenue and STH 100. But, we feel that W. Lincoln Avenue, S. 92<sup>nd</sup> Street, S. 76<sup>th</sup> Street, S. 60<sup>th</sup> Street and maybe even W. Oklahoma Avenue will be significantly impacted during work on the interchange. As an example, when I-894 was resurfaced a few years, we received complaints from residents along S. 92<sup>nd</sup> Street that the traffic increased to a point that they could not get out of their driveways during rush hour.

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/pd

cc: West Allis Common Council  
State Senator Jim Sullivan  
State Representative Anthony Staskunas  
Tracy P. Gilliam, DOT Project Supervisor  
Brad Heimlich, Forward 45  
Paul Ziehler, West Allis City Administrative Officer  
Michael Pertmer, West Allis Director of Public Works



**CITY OF WAUWATOSA**  
**ENGINEERING & OPERATIONS DEPARTMENT**

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**WILLIAM A. KAPPEL**  
 Director of Public Works

May 30, 2008

Ms. Carrie Cooper  
 WisDOT  
 141 N.W. Barstow  
 Waukesha, WI 53187

RE: SAFTEA-LU6002 Impact Analysis Methodology Document Zoo Interchange  
 (I94/I894/USH45) USH 45 Reconstruction Project Milwaukee County, WI WisDOT Project  
 I.D.1060-33-01.

Dear Ms. Cooper:

After reading the draft material on the above referenced Zoo Interchange Project, I would offer the following comments on behalf of the City of Wauwatosa.

Section 13 Water Resources/Floodplains/Stormwater Impact Methodology

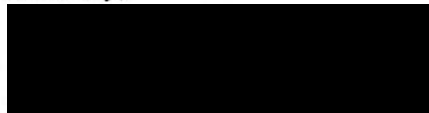
The City of Wauwatosa strongly suggests that the minimum standards that should be applied to this project are the same as the criteria that local governmental entities are required to meet. This includes the standards in NR 216 as well as the governing rules of MMSD chapter 13. The city is extremely sensitive to adding impervious surfaces without supplying adequate storage that might contribute to local flooding especially after the large sums of money that have been spent to protect the community.

I am enclosing a copy of the minutes from the Common Council's Traffic and Safety Committee where this matter was discussed.

Several members of the Common Council are also looking for WisDOT to address the issue of alternate modes of transportation as part of this Zoo Freeway Planning process. I only mention this so it does not come as a surprise to staff as we go forward into this process.

I appreciate the opportunity to comment on these matters and look forward to working with you and the rest of the WisDOT staff assigned to this project.

Sincerely,



William A. Kappel  
 Director of Public Works  
 City of Wauwatosa



**CITY OF WAUWATOSA**

7725 WEST NORTH AVENUE  
WAUWATOSA, WI 53213  
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**TRAFFIC & SAFETY COMMITTEE MEETING  
Tuesday, May 13, 2008**

PRESENT: Aids. Jay, Maher, McBride, Meaux, Stepaniak -5

ALSO PRESENT: W. Kappel, Dir. of Public Works; Chief B. Weber, Police

Ald. Meaux as Chair called the meeting to order at 7:00 p.m.



## Zoo Interchange Communication Process

Mr. Kappel said that he is seeking direction on the committee's desired level of participation as the Zoo Interchange reconstruction process proceeds. The city is a participating agency, and he will serve on the technical advisory committee. He will be offering comments on the three documents mentioned by Wisconsin Department of Transportation (DOT) representatives at the recent Committee of the Whole meeting on the interchange plans. The Agency Coordination Plan is a document of about 14-15 pages. The Impact Analysis Methodology document is fairly general, but there are some areas such as air quality and water quality where specific methods are included. The Interchange Draft Purpose and Needs statement addresses projected 2020 and 2035 conditions if no changes are made. In part, he will seek assurance that environmental standards are adhered to at the same level required of the city. At the two public meetings scheduled later this month (May 21 at State Fair Park and May 29 at Wauwatosa West), maps will be displayed showing transportation, property acquisitions, and potential designs.

Ald. Maher commented on the need for a broader discussion about the transportation system as opposed to focusing exclusively on Hwy. 45. To what extent is this an issue that should be part of the discussion and how might one attempt to pursue these different intra-modal systems? As discussion ensued, he noted that design is to be fairly complete by October 2009, which means that a lot of discussion has already occurred and drawings have been made. There are issues of mass transportation that we should try to bring to the table as well as issues of local connecting streets, impacts on neighborhoods, and alternate patterns of traffic. Mr. Kappel said that he can include that concern in his advisory committee comments. DOT representatives also heard some of that from the Committee of the Whole last week. They mentioned that proposed revisions take into account implementation of the SEWRPC 2035 plan, but there does not seem to be a united regional effort to institute that plan. Milwaukee's city engineer and the past two mayors have been vocal about transit, but there has been no agreement between the city and county on direction.

Ald. McBride asked if other agencies with a broader transportation outlook have been invited to be participating agencies—non-profits, for example, that are considering alternative uses. Mr. Kappel said that generally those invited are the municipalities affected by the program itself. Most of the Indian tribes have been included; others are federal and state agencies and local units of government.

Mr. Kappel commented on the West Suburban TIA (traffic impact analysis) dealing with local roads adjacent to the freeway that is also now underway. It started as a local initiative about three years ago when the city invited DOT officials and others to discuss traffic concerns, particularly about Watertown Plank Road in connection with expansion at the Research Park and medical center. The state ultimately took it over and hired a consulting firm so that all options could be explored. The TIA results will be brought into the interchange study. Some information is due in about June, which Mr. Kappel will bring back to the committee. Recommendations are expected to include widening of roads, potential new roads, and ingress and egress to the county grounds and Research Park. Some improvements to local roads might be handled under traffic mitigation efforts prior to the freeway reconstruction.

Moved by Ald. Stepaniak, seconded by Ald. McBride to direct that the need to meet environmental regulations at the same level required of the city be communicated to the state; Ald. Maher offered an amendment to add that support for a multi-modal approach also be communicated –

Ald. Jay disagreed with bringing mass transit into the discussion, feeling that light rail, a trolley system or even a dedicated bus lane is not a wise direction in which to go. Ald. McBride noted that County Executive Walker has promoted dedicated bus lanes as an alternative, but all options should be looked at



before deciding that something doesn't make sense. The concern is that the DOT does not seem to be looking at just the highway and not a multi-modal transportation system.

In response to a question from Ald. Jay about Blue Mound Road plans, Mr. Kappel explained that planners will focus on the impact of the reconstruction process on local roads once they get further along in the design process. Staff has some experience with measures that might be available for mitigation during reconstruction and will try to get that incorporated into the project. He was unsure about any expansion of Blue Mound Road but noted that improvements have been made at the Hwy. 100/Mayfair Road intersection and Hwy. 100 is to be resurfaced and possibly widened as part of mitigation efforts. He also noted that much of the reconstruction will occur at night.

Mr. Kappel indicated that he will try to bring information back to this committee as he receives it. There may be times, however, when a response is needed prior to reporting. He will provide copies of any city response, and updates could also be provided in the weekly Same Page report. It is the committee's call on whether something should come to the committee or to the entire Council.

The general consensus was to request updates on at least a monthly basis, with emergency updates as needed on issues of particular importance such as land acquisition or issues that affect the watershed or the railroad line. Ald. Maher felt that as much information as possible should go out to residents, particularly through the city newsletter and the website. Ald. McBride added that input from affected retail districts such as the Village, Mayfair Mall, and the North Avenue corridors should be sought so that staff can speak on their behalf. Mr. Kappel said that several of the groups that are meeting include businesses; he will investigate inclusion of the BID director. Mayfair Mall is at the table as well as the Regional Medical Center, and the Research Park.

The Chair ruled that the motion on the floor is not directly related to the agenda item, being more substantive in terms of direction than relating just to the communication process with the committee, and directed that the subject of the Zoo Interchange be brought back to committee at the first meeting in June.

Mr. Kappel summarized that he would use the weekly Same Page report as well as update the committee monthly based on the project's meeting schedule. Further discussion of some of the more policy-related issues would be possible at the next meetings. He will try to contact the committee if it seems there is something they might want to weigh in on. In the response to DOT due by the end of the month, he will inform them of the concern about meeting environmental laws at the same level required of the city. MMSD also has an interest in that requirement, and it may be a request of other municipalities as well.

Ald. Stepaniak suggested a briefing to this committee and discussion of the transportation chapter of the Comprehensive Plan draft. Although the new Comprehensive Plan won't get into the Hwy. 45 options very much, it does deal with major traffic corridors and related issues. Mr. Kappel will follow through on setting up a presentation.

The meeting adjourned at 8:00 p.m.

Carla A. Ledesma, City Clerk  
Wauwatosa, Wisconsin



November 24, 2008

Mr. Brad Heimlich, Project Manager  
Forward 45  
135 S. 84<sup>th</sup> St., Suite 325  
Milwaukee, WI 53214

Dear Mr. Heimlich,

The Wisconsin Exposition Center is located on the Wisconsin State Fair grounds. It is the state's largest exhibit hall with over 200,000 gross square feet of space.

The Wisconsin Exposition Center draws an attendance of nearly 2,000,000 people per year hosting popular events such as Journal Sentinel Sports Show, the Realtors Home and Garden Show, the NARI Home Improvement Show, the Milwaukee RV Show and the Milwaukee Boat Show and others. The venue is also part of the 11 day Wisconsin State Fair's overall programming with exhibits and entertainment.

I attended the Zoo Interchange Public Information Session October 27 and had an opportunity to review the various interchange designs and improvements. I understand and appreciate the need for 1-94 Zoo Interchange Improvements and commend you on successful Marquette Interchange Project.

For events held at the Wisconsin Exposition Center, 84th St is the main entry point into Wisconsin State Fair Park, through gates 4 and 5. After studying the various plans it appears that the M3 alternative would provide the least amount of disruption and confusion for the public attending events at this venue and continues to provide easy access to events at State Fair Park.

I am particularly concerned with any improvements that would remove the 84<sup>th</sup> Street ramp (M1 alternative). With its easy access and ample parking the location of this venue on State Fair grounds is a major selling point for events that are hosted here. The M1 alternative would reroute traffic through several residential areas along 76<sup>th</sup> street and O' Conner Street (Texas U-Turn). This re-routing of traffic takes attendees on a confusing whirlwind tour of neighborhoods and through West Allis before arriving at this destination. This




will most likely cause reduction in attendance at events held at the Wisconsin Exposition Center which will significantly impact our revenues.

In addition to attendees, we have thousands of exhibitors and vendors who exhibit at the shows at the Expo Center. The M1 alternative would take vendors driving box trucks, semis and vehicles with trailers on a circuitous route through residential neighborhoods, city streets and u-turns. The current route off the 84<sup>th</sup> St ramp is easy, direct and efficient.

I understand there are future development plans under consideration on the corner of 84<sup>th</sup> and Greenfield and along Greenfield Ave which may include a hotel, restaurant and retail. The 84<sup>th</sup> St ramp and exit is the main thoroughfare from the Interchange and provides easy on/off freeway access, greater marketing opportunities and exposure along this street that the M1 alternative.

We hope you take our concerns into consideration and *please* keep us apprised of developments. If you like to discuss in greater detail please feel free to contact me at 414.727.8845.

Sincerely,

  
Sandra Lange  
President



April 1, 2008

Wisconsin Department of Transportation

Attention: Carrie Cooper, WisDOT and Charlie Webb, Forward 45

Subject: Zoo Interchange

The Milwaukee Metropolitan Sewerage District (District) submits the following comments for consideration by the Wisconsin Department of Transportation (WisDOT) as it undertakes an environmental assessment and design for the above-referenced project.

Flooding is a risk each generation re-discovers. The regional floods of June 21-22, 1997 and August 5-6, 1998, confirmed our inability to physically control flooding. Flooding is a risk which we try to manage, but can never control.

#### **Impervious material causes peak flood runoff**

In the District service area, there is a reasonably close causal relationship between impervious surfaces and peak flood runoff. That is, in the highly urbanized area, the environmental effect of miles new impervious surface is destructive flash flooding. The regional management goal is to slow runoff and reduce the peak flow.

The District's approach to regional flood risks is uniform across all watersheds in the service area and is comprehensive. The regional approach has been promulgated as "Chapter 13" of the District's Rules.

All development or redevelopment that adds more than one half acre of impervious surface must provide compensatory "retention." The reasonably available methods to minimize peak flood runoff from new impervious surface are listed, in order of preference, in section 13.11(2), MMSD Rules:

- (a) Preservation of the natural features of development sites, including natural storage and infiltration characteristics;
- (b) Preservation of existing natural streams, channels, and drainage ways;
- (c) Minimization of new impervious surfaces;

- (d) Conveyance of stormwater in open vegetated channels;
- (e) Construction of structures that provide both quantity and quality control, with structures serving multiple sites being preferable to structures serving individual sites; and,
- (f) Construction of structures that provide only quantity control, with structures serving multiple sites being preferable to structures serving individual sites.

**Trans 401 does not address Peak Flooding  
from new Impervious Transportation Surfaces.**

WisDOT Trans 401 addresses only water quality problems arising from transportation project construction based on the “2 year 24 hour storm,” more accurately the “50% annual probability storm.” Trans 401 is about water quality and pollutants in frequent stormwater runoff, not the destructive effects of out-of-bank flooding.

**Common law of Reasonable Use**

Highway construction has followed the “common enemy” rule which held that water was the common enemy of all to be runoff without liability. The common enemy rule was abandoned in favor of the “reasonable use” doctrine in 1974 (*State v. Deetz*).

The reasonable use rule is: one must “do no harm” to others when draining water down gradient. Common law “reasonable” management of surface water is a somewhat flexible duty, but more care must be exercised in a highly urbanized and largely impervious area.

**Reasonable Runoff is a Rate not to exceed 0.5 cfs/acre**

The District (and the 28 government units served by the District) have adopted a bright line meaning to “reasonable use.” Reasonable Use means a maximum runoff release rate of 0.5 cubic feet per second per acre for the 1% probability 24 hour (or 100 year recurrence interval) storm event. The technical support for the runoff rate is voluminous and available upon request.

0.5 cfs/acre provides a level of protection against increasing the existing peak flood flow from the “100 year 24 hour storm” event (5.88 inches), more correctly called the “1% annual probability storm.”

Storms greater than the 1% probability will increase the peak flood flow causing harm, but are uncontrollable, an “Act of God.” An Act of God is an unusual and extraordinary manifestation of the forces of nature which reasonable human foresight, pains, and care could not prevent. See, *In Re: Flood Litigation*, 216 W.Va. 534, 607 S.E.2d 863 (W. Va. Sup Ct. 2004), [www.state.wv.us/wvscs/docs/fall04/31688.htm](http://www.state.wv.us/wvscs/docs/fall04/31688.htm), (flood victims suing logging and mining operations that altered the natural state of the land causing an



“unreasonable” increase in peak flood flows), contra, *Estate of Donnell et al., v. City of Milwaukee*, (unpublished opinion, WI Ct. Apps, 1991) (downhill landowners can’t prove a Target Store parking lot, less than 1% of the watershed, caused “substantial” damage during a 500 year flood event).

Region flood means the peak flow and peak elevation of water with a 1% probability of occurring during any one year, considering rainfall time and intensity patterns, rainfall duration, area distribution, antecedent moisture, and snow melt.

Without the 0.5 cfs/acre reasonable runoff rate, peak flood flow would increased by 30% in some streams by 2020. The metropolitan area is expected to achieve “full build out” by 2050. Therefore, reasonable care must be taken as new impervious surfaces are added to minimize the adverse effects of peak flood flows. The duty of care applies equally to redevelopment of existing imperious areas.

### **The Reasonable Use doctrine applies to DOT projects**

In 1977, the Legislature enacted §88.87 regarding the impact of highways on pre-existing drainage, and included the WisDOT.

Section 88.87, decrees that transportation projects **shall not** impede the general flow of water in any **unreasonable matter so as to cause** either an unnecessary accumulation of waters flooding or water-soaking uplands, or an unreasonable accumulation and **discharge of surface waters flooding** or water-soaking low lands.

### **The interplay of Environmental Assessments and the reasonable use duty**

Section 1.11, Wis. Stats., directs state agencies to bear in mind (to the fullest extend possible) the foreseeable adverse environmental impacts arising from implementation of each agency’s mission, and mitigation alternatives.

The common law has evolved from the common enemy rule to the reasonable use doctrine because the hydrologic models can foresee the watershed runoff changes from development and more imperious land area. The cause and effect relationship is plain in the context of the highly urbanized Milwaukee Metropolitan area.

WDOT should consider measures to retain and show the rate of runoff when adding new imperious areas just as every other public and private developer is required to do follow the reasonable runoff rate (0.5 cfs/acre).

### **It would be arbitrary to ignore regional flood management**

Sometime local policies are parochial, selfish or matters of taste. Flood management for the Milwaukee Metropolitan area is none of that. The runoff rate and possible management practices are state of the art, based on the best available science and will effective “shave the peak” off flood flows.



As additional protection, the District has a watercourse program. The program has removed property that is flood prone and has build structures to protect other flood prone communities. Parks have been re-landscaped for detention of flood waters and detention facilities have been built. The estimated costs of the District's watercourse remediation is \$350 million for the Menomonee River Watershed in which this roadway is located.

The Smart Growth Comprehensive Planning law, §1.13, Wis. Stats., encourages state agency to pursue their mission consistent with a range of "smart growth" actions. One smart action is local laws adopted to balance individual property rights with community interests. The Milwaukee Metropolitan regional flood management approach is undertaken to protect property, the current economic base and public welfare from the devastating risks of flash flooding.

Land use established prior to 2001 made the flood risk real. After 2002, attention to reducing runoff in every development and redevelopment is essential for the overall goal of not making the flood risk worst. WisDOT can pursue its transportation mission consistent with the local smart growth requirement to "do no harm" from surface water runoff.

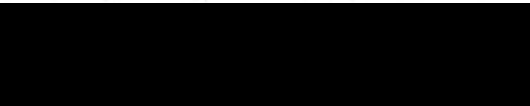
### **Significant New Impervious Surface**

This project is expected to add significant of new impervious surfacse which will cause increases in the peak regional flood flows, an adverse environmental legacy. WisDot must identify which mitigating methods are most feasible to prevent increases in peak flood flows from any new impervious surfaces.

### **Conclusion**

The District is a "cooperating agency" that has a special expertise (hydrologic assessment) with respect to regional flood management, a relevant environmental effect generated by transportation mission of WisDOT. §1.11(2)(d) and Ch. Trans 400.04(4), Wis. Adm. Code. WisDOT has a duty to "consult" with the District on the regional flood impacts and mitigation caused by planned transportation projects, individually and cumulatively. We hope the consultation will lead to a better understanding of the swift dynamics of urban flash flooding. WisDOT can greatly assist by considering these factors early in the design process.

Respectfully submitted,



Debra Jensen  
Planning Services Supervisor

Attachments



**Division of Transportation  
System Development**  
Southeast Regional Office  
Traffic Operations Center  
633 W. Wisconsin Ave., Suite 1200  
Milwaukee, WI 53203

**Jim Doyle, Governor**  
**Frank J. Busalacchi, Secretary**  
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May 20, 2008

Debra Jensen  
Planning Services Supervisor  
Milwaukee Metropolitan Sewage District  
206 W. Seeboth Street  
Milwaukee, WI 53204-1446

Dear Ms. Jensen,

This letter is in response to the letters you sent to our regional office via e-mail on April 4<sup>th</sup>, 2008, regarding the following projects: Airport Spur, 27<sup>th</sup> & Layton, STH 167, and the Zoo Interchange. Thank you for sharing your opinion and the basis for your opinion. The Department has reviewed the referenced administrative codes and state statutes and finds no new information that would change the Department's position. Our past and present practices are consistent with State law.

While the Department is not required to follow MMSD Chapter 13 rules, we have always taken, and will continue to take into consideration both quantity and quality impacts, no matter how small or big the project is. As you may know, the Department must follow its own set of rules for its transportation projects, which have the force and effect of law.

The Department's long-standing policy is to cooperate with local political subdivisions in every way possible in carrying out its program responsibilities, and this includes accommodating local concerns whenever possible and consistent with the statewide objectives involved. We have always and will continue to practice sound engineering judgment in properly handling our storm water runoff, making sure we do not have any significant upstream or downstream flooding impacts.

As always, we will be happy to meet with you to discuss our transportation projects, your concerns and any particular locations within your District that you feel are in need of particular attention. The Department has always been good neighbors with the communities where our transportation improvements are situated. Rest assured the Department will properly evaluate and implement reasonable non-cost prohibitive storm water management practices to the maximum extent practicable on our transportation improvement projects.

Sincerely,

Don Berghammer, P.E.  
WisDOT SER Environmental, Utility & Railroad Services Supervisor

Cc: Dewayne Johnson, P.E., SER Director  
Claudia Peterson, SER Technical Services Manager  
Roberto Gutierrez, P.E., SER SE Freeway Group Project Development Chief  
John Oimoen, P.E., SER North Group Project Development Chief  
Donna Brown, SER Zoo Interchange Manager  
Dan Scudder, P.E., Bureau of Equity & Environment Chief  
Rodney Taylor, P.E., State Drainage Design Engineer  
Reem Shana, P.E., SER Storm Water and Erosion Control Engineer  
Kurt Flierl, P.E., NS Corridor Project Manager  
Gary Metzger, P.E., STH 167 Project Manager  
Carrier Cooper, Zoo I.C. Environmental Specialist



Division of Transportation  
Investment Management  
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Telephone: 608-267-7348

Facsimile (FAX): 608-267-3567

March 26, 2009

John Venice, Manager-Industry and Public Projects  
Union Pacific Railroad Company  
301 West Lake Street, Room 103  
Northlake, IL 60164

Dear Mr. Venice:

Subject: Project ID 1060-33-01  
Zoo Interchange  
UP Crossings  
Hank Aaron State Trail (former Soo Line) Underpass  
MP 89.91 on the Milwaukee Subdivision

Dear Mr. Venice,

As you may be aware, the triple intersection Warren through truss bridge located just south of I-94 in Milwaukee County has been determined eligible for the National Register of Historic Places. The Determination of Eligibility prepared by WisDOT and concurred in by the State Historic Preservation Office is attached. As you are also aware, this truss bridge may be affected by the proposed Zoo Interchange reconstruction. Specifically, if an offset alignment is used for your rail line over I-94, the truss bridge will likely be replaced by a new bridge. It is WisDOT's understanding that if the existing alignment is used, the bridge will not be affected and will remain in service.

Based on our meetings and conference calls throughout 2008 and February 2009 between Union Pacific Railroad and the Zoo Interchange team it is WisDOT's understanding that Union Pacific does not object to the removal of the bridge in the event the track is aligned to the east, provided WisDOT and FHWA assume the cost of a replacement bridge. It is WisDOT's understanding that the qualities that make this bridge historic, namely its design, would not be affected by I-94 moving closer to the bridge.

WisDOT and the Federal Highway Administration are coordinating with the Wisconsin State Historic Preservation Office (SHPO) in compliance with Section 106 of the National Historic Preservation Act to assess what mitigation measures should be implemented in the event the truss bridge is removed. We are requesting your input into this process, as owner of the bridge.

Mitigation measures commonly proposed on projects of a similar nature are 1) preparing archival quality photographic documentation of the bridge before it is removed, 2) developing an exhibit, such as a museum-style panel of photographs and text which presents the history of the bridge and which is suitable for a public exhibit, and 3) offering the bridge to interested

parties who would commit to removing the bridge and reassembling it in a new location. WisDOT and FHWA will implement the mitigation measures at our cost.

Please contact me within 30 days of the date of this letter if you have any objections for historic reasons to the potential removal of the bridge and /or if you have any input into the development of mitigation measures.

Sincerely,

Gregory A. Baer, P.E.  
Railroad Project Coordination Engineer

Attachments cc w/attachs: DOT Zoo Team – Sandy Ratz



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

**From:** JNVENICE@UP.COM [mailto:JNVENICE@UP.COM]

**Sent:** Tuesday, April 14, 2009 4:34 PM

**To:** Baer, Gregory - DOT

**Subject:** Zoo Interchange Historic bridge letter, Hank Aaron State Trail

Hello Greg-

our bridge folks do not have any objections to the removal of the referenced Hank Aaron State Trail bridge under a new alignment plan for the Zoo Interchange, nor the proposed handling of the bridges historical preservation as outlined in the Wisconsin DOT letter attached below.

Let me know if you have any further questions.

"Baer, Gregory - DOT" <gregory.baer@dot.wi.gov>

04/10/2009 10:57 AM

To "John N Venice (E-mail)" <JNVENICE@UP.COM>

cc

Subject Zoo Interchange Historic Letter

John,

Here is a copy of the Historical letter I sent you that we discussed at the OCR meeting yesterday (Thursday).

Gregory Allen Baer, P.E.  
Rails and Harbors Section  
Wisconsin DOT  
(608) 266-0233

April 9, 2009

Ms. Carrie Cooper  
Wisconsin Department of Transportation  
141 N.W. Barstow Street  
Waukesha, WI 53187

Subject: Zoo Interchange Reconstruction

Dear Ms. Cooper:

Milwaukee County Parks System staff has reviewed the potential impacts to Milwaukee County Parks associated with the Zoo Interchange reconstruction project, as communicated by WisDOT in January 2009. Our understanding, based upon the most recent design alternatives presented to us is that the following impacts may occur:

- 0.4 acre acquisition and/or permanent easement from Underwood Parkway at US 45 in the form of a 50 to 60 foot wide strip to accommodate a wider bridge crossing over the parkway
- Minor acquisition and/or permanent easement (less than 0.1 acre) from Chippewa Park adjacent to I-94

With appropriate compensation for the acquired real estate, site restoration and replacement of vegetative screening at Chippewa Park to provide a buffer between the freeway and the park, the Parks Department concurs that the Zoo Interchange reconstruction as currently proposed should not have an adverse effect on these two parks.

In addition to the above-mentioned acquisitions for highway right-of-way, WisDOT is also considering constructing storm water retention/detention ponds in Honey Creek Parkway near 84<sup>th</sup> Street and in Underwood Parkway near Rainbow Park. The proposed pond in the Honey Creek parkway would not affect any roads or trails. The proposed pond in the Underwood parkway would require removal of a several-hundred foot segment of Underwood Parkway, which currently carries the Oak Leaf Trail.

These ponds, if constructed, may or may not require a transfer of ownership.

The Parks Department concurs with the concept of placing the storm water retention/detention ponds in the parkways provided that:

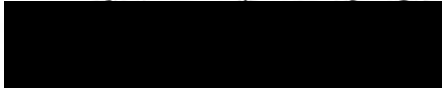
- A future agreement is developed between Milwaukee County and WisDOT stating that WisDOT will be responsible for construction and all future maintenance of the ponds.
- Reasonable compensation is provided to the County for the loss of land and existing facilities lost or impaired in functionality.
- WisDOT restores the Oak Leaf Trail connection such that the trail is not closed during construction.
- WisDOT is responsible for removing the Underwood Creek Parkway pavement and all site restoration required due to construction and maintenance of the pond.

- The Milwaukee County Executive and Board of Supervisors approves the requested acquisitions, the compensation and the terms of the agreement to be negotiated with WisDOT.

The County Board of Supervisors and the County Executive must approve any transfer of Milwaukee County-owned land. Therefore, the Parks Department's initial concurrence on the park impacts and the potential storm water ponds is made pending future County Board input and resolution of any pending design-related issues that might be identified in the project's design phase. WisDOT should advise the Parks Department when the exact acreages and locations of the impact areas are determined.

Please feel free to contact me to discuss these matters further as the design process continues.

Sincerely,

A black rectangular redaction box covering the signature of Sue Black.

Sue Black, Director