

## MINUTES

### SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION INTERGOVERNMENTAL AND PUBLIC RELATIONS COMMITTEE

Monday, November 13, 2006

10:30 a.m.

SEWRPC Office Building  
Commissioners' Conference Room  
W239 N1812 Rockwood Drive  
Waukesha, Wisconsin

Present:

Excused:

Commissioners:

Allen L. Morrison, Chairman  
Kenneth C. Herro, Vice-Chairman  
Charlene S. Brady  
Thomas H. Buestrin  
Anita M. Faraone  
Richard A. Hansen  
Lee Holloway  
Gustav W. Wirth, Jr.

Michael J. Miklasevich

Absent:

Staff:

Philip C. Evenson	Executive Director
Kenneth R. Yunker	Deputy Director
Robert P. Biebel	Special Projects Engineer
Loretta Watson	Executive Secretary

#### ROLL CALL

Chairman Morrison called the meeting to order at 10:30 a.m. Roll call was taken and a quorum declared present. Mr. Evenson noted for the record that Commissioner Miklasevich had asked to be excused.

#### APPROVAL OF MINUTES OF FEBRUARY 24, 2005, MEETING

On a motion by Mr. Herro, seconded by Mr. Hansen, and carried unanimously, the minutes of the Intergovernmental and Public Relations Committee held on February 24, 2005, were approved as published.

**BRIEFING ON CHANGES TO THE FORMULA FOR THE ALLOCATION OF FEDERAL TRANSIT FUNDS IN THE MILWAUKEE URBANIZED AREA**

Mr. Evenson noted that the Commission has many responsibilities under its designation by the Federal government as the metropolitan planning organization (MPO) for transportation purposes in the Region. Among those responsibilities, he said, is one that involves intergovernmental negotiations relative to how annual Federal Transit Administration (FTA) appropriations made to the Milwaukee urbanized area are allocated to the five transit operators presently providing public transit services in that urbanized area: Milwaukee County, Ozaukee County, Washington County, Waukesha County, and the City of Waukesha. In past years, the Commission has convened intergovernmental discussions which have resulted in a unanimous agreement as to how those transit funds should be allocated. Based upon a request received from Milwaukee County, he noted, the most recent round of such discussions was held this year and unanimous agreement was not achieved. The change sought by Milwaukee County would eliminate from the allocation formula any credit for population and population density and make the entire formula dependent upon four individual measures of actual transit service provided; revenue passengers, passenger miles, revenue vehicle miles, and revenue vehicle hours. Since unanimous agreement was not achieved, he concluded, it is the Commission's responsibility to make a determination for FTA fund allocation in 2007, the FTA looking to the Commission as the MPO to provide a fair and equitable distribution of funds.

Mr. Evenson then asked Mr. Kenneth R. Yunker, the Commission's Deputy Director, to brief the Committee on the history of the allocation methods used in the Region relative to FTA funds, on the process followed by the Commission staff on meeting with the five transit operators during the year to discuss Milwaukee County's request for reconsideration of the allocation formula, and on the Commission staff's recommendations relative to this matter. With the aid of a Power Point presentation (copy attached to Official Minutes), Mr. Yunker then briefed the Committee members on this matter. He concluded his briefing by noting that the Commission staff recommends that beginning in 2007 the FTA allocation formula be based entirely on four measures of transit service provided. This would have the effect of increasing FTA funds provided to Milwaukee County by about \$867,500, or five percent, and decreasing FTA funds provided to the other four operators collectively by the same amount. He noted, however, that the funding reduction impacts on the other four transit operators could be expected to be offset by increased State operating funds owing to the way in which the State of Wisconsin distributes other Federal and State transit operating funds to the smaller transit operators throughout the State. The net effect, he said, would be about a one percent reduction in combined Federal and State operating funds to the four transit operators. The basis for the Commission staff's position, he said, relates to a principle that rewards the amount of effort expended when distributing scarce available funding. Allocating scarce Federal funds to transit operators solely on the basis of transit service efforts made ensures that this principle is fully followed. Mr. Yunker concluded his remarks by noting that the proposed allocation change was objected to by Waukesha County.

During and following Mr. Yunker's presentation, there were a number of questions and comments made by Committee members relative to this matter. The following summarizes those questions and comments:

1. In response to a question by Mr. Hansen, Mr. Yunker indicated that the national formula that allocates FTA funds to the large urbanized areas in the nation is based in part on factors relating to population and population density. The national formula, however, also recognizes the level of effort made in providing transit service.

2. In response to a comment by Mr. Wirth, Mr. Yunker indicated that the present practice in Milwaukee County of utilizing FTA funds intended for capital reinvestment for what are essentially operational expenses is indeed shortsighted and not sustainable in the long run. Milwaukee County's precarious financial position, he said, dictates this course of action and represents another reason why the Commission staff has for some time been indicating that public transit systems in the Region need to be given a dedicated source of funding that is not related to the property tax.
3. In response to several comments by Mr. Herro relative to the way in which State transit funding is allocated among transit operators in Wisconsin, Mr. Yunker observed that when both Federal and State funds are taken together, Milwaukee County's funding level as a percentage of total operating cost is less than other transit operators in the State. Typically, he said, the smaller transit operators in the State cover nearly 60 percent of their operating costs with combined Federal and State funding. Such funding for Milwaukee County is significantly lower, no more than 55 percent.
4. Mr. Herro commented that there is considerable concern in Waukesha County that the assumption being made by the Commission staff that State funding will effectively "backfill" almost all of Waukesha County's loss in Federal funding may not be a sound assumption, since counties have not been treated well by the State Legislature, and the forthcoming State Biennial Budget could well change the way in which the smaller transit systems are treated. Mr. Yunker noted that a proposal made by the Commission staff during the transit operator meetings sought to address this uncertainty but that proposal was essentially rejected by both Waukesha and Milwaukee Counties. Mr. Evenson noted that no one can predict what changes may lie ahead in transit funding at either the national or the State level of government, but urged the Committee members to focus on the present situation and what is fair and equitable in terms of apportioning whatever funds are made available.
5. Mr. Wirth acknowledged the concern of Waukesha County relative to potential future State transit funding decision-making and suggested that it might be possible to reconsider this matter when future conditions may warrant. In response, Mr. Evenson indicated that the proposal put forth by the Commission staff makes the most sense in terms of fairness and equity and in terms of going forward no matter what future funding efforts lie ahead, but that any of the transit operators could at any time request reconsideration of the allocation determination.
6. Mr. Hansen indicated that the discussion on this matter represents the ultimate test of the Regional Planning Commission. Based on the presentation, he said, the staff has put a lot of time and effort into this matter and has come forward with a fair and equitable solution to a difficult problem. Mr. Wirth agreed with Mr. Hansen's position, indicating that his main concern lies in the future if State transit funds are significantly reduced. Ms. Faraone also agreed with Mr. Hansen, noting that the proposal by the Commission staff is fair and equitable and that none of us know what the future holds.
7. Noting that Milwaukee County did not agree to a compromise proposal put forth by the Commission staff during the meetings of transit operators, Ms. Brady asked that Mr. Holloway comment on Milwaukee County's position relative to this matter. In response, Mr. Holloway noted that Milwaukee County, unlike the other counties in the Region, has a

deteriorating property tax structure, one that can no longer be relied upon to support the transit needs of the County's residents. Moreover, Milwaukee County residents to a greater extent than any other county must rely upon transit for day-to-day traveling needs, since so many residents do not have ready availability to an automobile. He noted that Milwaukee County is not shutting down the transit system, but rather doing everything it can to save it. The proposal put forth by Milwaukee County and supported by the SEWRPC staff which distributes Federal funds based upon the amount of service provided is fair and equitable and needed to help support the Milwaukee County Transit System.

At the conclusion of the discussion, on a motion by Mr. Wirth and seconded by Ms. Faraone, the transit allocation formula proposed by the Commission staff was endorsed by a vote of seven ayes and one nay, Mr. Herro voting no.

### **BRIEFING ON THE PROPOSED GREAT LAKES WATER COMPACT**

Mr. Evenson noted that another matter of current interest relates to the proposed Great Lakes-St. Lawrence River Basin Water Resources Compact approved by the Great Lakes Governors meeting in Milwaukee last year and now under consideration by the several legislatures of the Great Lakes States. He asked Mr. Robert P. Biebel, the Commission's Special Projects Engineer, to brief the Committee members on this matter.

With the aid of a Power Point presentation (copy attached to Official Minutes), Mr. Biebel then briefed the Committee members on the proposed Compact, focusing on certain changes in definition of terms and on how the proposed Compact compares with practices under the current Water Resources Development Act. For the first time, he said, the term "diversion" would be explicitly defined. He then called attention to particular diversion situations in the Greater Kenosha area and in New Berlin, noting that the present practice – as evidenced by the Town of Bristol – of providing Lake Michigan water to a community totally beyond the subcontinental divide and simultaneously returning spent water through sewerage systems that discharge to Lake Michigan would be permitted under the proposed Compact only upon the unanimous agreement of all Great Lakes Governors. A similar diversion west of the divide to a portion of a straddling community, such as New Berlin, could be approved by the Governor of the State as is presently the case, after consultation with the other Great Lakes Governors.

A brief discussion ensued following Mr. Biebel's presentation. Mr. Herro indicated that it is not good public policy to give a single Governor veto authority over a particular action that could be designed so as to be environmentally benign. Referring to the large Illinois diversion that is set at two billion gallons of water a day and that would be grandfathered under the proposed Compact, Mr. Wirth inquired as to whether or not Chicago is able to sell some of that water. In response, Mr. Evenson said the City of Chicago already sells about half of the diversion amount to suburban communities to support growth in the Greater Chicago-land area. As such, water sales are a revenue producer for the City of Chicago. In response to an inquiry by Mr. Herro, Mr. Evenson said that when the Commission staff was invited to brief Senator Neal Kedzie and State staff members on the Commission's water supply study, issues attendant to the proposed Compact were brought up; however, the Commission staff did not take a stand on behalf of the Commission one way or another as to whether or not the State Legislature should endorse the proposed Compact.

## **BRIEFING ON THE ZOO INTERCHANGE**

Mr. Evenson noted that there was considerable interest lately in the announcement by Governor Jim Doyle that he would seek legislative approval of an initiative to proceed with the rebuilding of the Zoo Interchange as soon as possible, beginning with preliminary engineering and environmental studies in 2007. He asked Mr. Yunker to brief the Committee members on the Zoo Interchange reconstruction proposal as envisioned by the Wisconsin Department of Transportation.

With the aid of a Power Point presentation (copy attached to Official Minutes), Mr. Yunker then reviewed with the Committee members the critical importance of the Zoo Interchange in the regional transportation system; the proposed State schedule for reconstruction of the Interchange, with actual construction work to begin in 2012; and the improvements to be considered as the Wisconsin Department of Transportation moves forward with the necessary engineering and environmental studies. In general, he said, the Department is proposing to undertake reconstruction of the Zoo Interchange in a very similar manner to how it approached the reconstruction of the Marquette Interchange.

Following Mr. Yunker's presentation, a brief discussion ensued. Mr. Holloway commented that it is clear that with increasing development at the Medical Center and at the Research Park, something needs to be done to address increasing traffic congestion. Mr. Evenson noted that the Region's primary trauma center is located near the Zoo Interchange and that severe traffic congestion impedes access to that center by emergency vehicles. In response to an inquiry by Mr. Herro, Mr. Evenson noted that the only negative comments made to date regarding the Governor's proposal have come from the Office of Milwaukee Mayor Tom Barrett and a few other local elected officials who are calling for a full-scale environmental impact statement as opposed to the environmental assessment process proposed by the State. Mr. Yunker observed that either of the two processes must address all environmental impacts associated with the proposed project. The major differences are that the environmental impact statement approach could not be undertaken with respect to the Interchange unless one or more connecting freeway segments were simultaneously included, thus extending the time and cost of the project. By choosing the environmental assessment process, he said, the State would not be able to provide additional through capacity in the Interchange at this time, but must focus on addressing existing design and safety problems. In response to an inquiry by Mr. Hansen, Mr. Evenson indicated that the Racine County CTH K/STH 164 improvement proposal included in the Commission's plans do not call for freeway construction in that corridor and, consequently, would have little impact at the Zoo Interchange. With respect to the USH 12 freeway in Walworth County, projects to complete the freeway between Elkhorn and Whitewater, and perhaps on to Madison may eventually occur but likely will need to await the completion of a connecting freeway in Lake County, Illinois.

## **CORRESPONDENCE/ANNOUNCEMENTS**

Mr. Evenson reported that there were no announcements or correspondence to be brought to the attention of the Committee.

**ADJOURNMENT**

There being no further business to come before the Committee, the meeting was adjourned at 1:30 p.m. on a motion by Mr. Wirth, seconded by Ms. Faraone, and carried unanimously.

Respectfully submitted,

Philip C. Evenson  
Executive Director

PCE/lw  
Attachments  
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