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July 31, 2018

Via E-mail bryan.lipke@dot.wi.gov
Bryan Lipke, WisDOT Planning Project Manager
Wisconsin Department of Transportation, Northeast region
944 Vanderperren Way
Green Bay, WI 54304

Re: Public Comments on the 2018 Limited Scope Draft Supplemental Environmental Impact Statement for the State Highway 23 Project, Project ID 1440-13/15-00

Dear Mr. Lipke,

Wisconsin Infrastructure Investment Now, Inc. (WIIN) is a nonprofit organization, and its mission is to educate the public, elected officials and regulators on the societal and economic benefits of the responsible investment in, and expansion of, transportation facilities, renewable and traditional energy projects, mining and other infrastructure projects. WIIN has reviewed the 2018 Limited Scope Draft Supplemental Environmental Impact Statement (LS SEIS) for the State Highway 23 Project, Project ID 1440-13/15-00 (Project) prepared by the Wisconsin Department of Transportation (WisDOT). WIIN appreciates the opportunity to submit comments on the LS SEIS.

WIIN's contributors and supporters include organizations and individuals that reside and/or work in the Project area and will be impacted by the proposed highway project. WIIN has industry knowledge that further supports the Department's findings in Section 1 of the LS SEIS, Purpose and Need for the Project, as well as several other sections and appendices.

A study released by the U.S. Department of Transportation found that 71% of Wisconsin's roads are in poor or mediocre condition and 14% of Wisconsin's bridges are structurally deficient or functionally obsolete.[1] The American Society of Civil Engineers' (ASCE) most recent report card gave road quality in the United States a "D" grade.[2] The Wisconsin Taxpayer Alliance's report card rated

[1] U.S. DOT Road and Bridge Data by State, available at https://www.transportation.gov/policy-initiatives/grow-america/road-and-bridge-data-state (last visited April 12, 2016).

[2] American Society of Civil Engineers, 2017 Infrastructure Report Card for America, available at https://www.infrastructurereportcard.org/ (last visited July 26, 2018).

Wisconsin's highway condition as a "D."[3] A recent analysis by the Wisconsin County Highway Association supports the findings of the U.S. DOT, the ASCE and the Wisconsin Taxpayer Alliance.[4]

The Reason Foundation recently released the 23rd Annual Report on the Performance of State Highway Systems. In the 21st Annual Report, released in 2014, Wisconsin was ranked 15th in Overall Highway Performance. In the 22nd Annual Report released in 2016, Wisconsin's Overall Highway Performance ranking fell to 28th. In the most recent Annual Report, Wisconsin's Overall Highway Performance ranking fell to 38th.

The drop in overall ranking, however, is not the most alarming data in the report. The percentage of rural interstate miles, rural primary miles and urban interstate miles that are in "poor condition" have increased dramatically in the last 4 years.

Wisconsin Highways in "Poor Condition"*

	2014 Report	2016 Report	2018 Report	Ranking Drop
Rural Interstate	16th	41st	46th	-30
Rural Primary	38th	40th	44th	-6
Urban Interstate	28th	38th	40th	-12

*Source: 21st, 22nd and 23rd Annual Highway Report on the Performance of State Highway Systems, avail. at https://reason.org/topics/transportation/annual-highway-report/.

All of this data supports the information in the LS SEIS concerning the existing and future traffic volumes and resulting operation (§ 1.3.D.), existing highway geometric characteristics (§ 1.3.E.), access (§ 1.3.F.) and safety (§ 1.3.G.) of the Project area.

With respect to safety, the LS SEIS provides crash data for the time period 2012 – 2016 and preliminary crash data for 2017 (§ 1.3.G.). Not in the LS SEIS, is the total number of fatal crashes along the Project route from 1999 (the year the Project was identified as a Major Project) to 2016. Of the 19 fatal crashes in that time period, 6 (or 31%) occurred in the last five years. WisDOT's data and analyses together with the fatality crash data from 1999-2016, show an increase in the number of fatal or serious injury accidents along the Project route. Truck traffic accounts for 22-26% of all traffic along the Project route (§ 1.3.B.), which is to be expected given that Wis 23 links two urbanized areas. The vast

[3] Wisconsin Taxpayers Alliance 2015 Report Card, available at http://cdn.p2a.co/49430/HmTowho4iN1452717209QWEZmeJ2G3 (last visited July 26, 2018).

[4] *See* WCA and WCHA Respond to Wisconsin Department of Transportation Comments on Statewide Road Conditions (March 17, 2016), available at http://www.thewheelerreport.com/wheeler_docs/files/0317wcha.pdf (last visited July 26, 2018).

majority of accidents along the Project involved drivers crossing the center line. WisDOT has properly concluded that safety risks associated with the current two-lane design are only substantially mitigated with the four-lane on-alignment option (Appendix F-27). While WisDOT's data and analyses are thorough and support the safety need for the Project, the human element should be further highlighted.

Well-maintained and functional highways and bridges are necessary for people and goods to access the markets and services and are a critical component to economic stability and growth in Wisconsin. A recent study released by ASCE concluded that "the nation's surface transportation infrastructure is failing to sustain the economy."[5] Additionally, "18% of the nation's vehicle miles of travel occur on roads without sufficient capacity to carry current traffic levels."[6] "By 2040, it is estimated that Americans will be earning a total of $252 billion less than would have been possible if all infrastructure had been sufficient."[7] Furthermore, "[t]he operating, reliability, travel time, safety, and environmental costs of a deficient transportation system affect the cost structure and competitiveness of firms operating in the U.S. Due to costs imposed by deficient infrastructure, in 2020 the U.S. economy is expected to export $28 billion less in goods than would have been the case with sufficient infrastructure, and in 2040 exports are expected to be $72 billion less."[8] The ASCE's conclusions are further supported by Area Development Magazine's annual survey that has consistently ranked highway accessibility as one of the most significant factors influencing business decisions to locate or relocate.[9]

The Center on Budget and Policy recently released a study on the economic impact of proper infrastructure investment, like the Project:

> The investment will improve state economies, now and in the future. Higher-quality and more efficient infrastructure will boost productivity in states that make the needed investments, lifting long-term economic growth and wages. In the short term, even though employment is recovering, millions of Americans are working less than they would like and making less than it takes to get by. Key infrastructure investments would provide immediate job opportunities. [10]

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[5] ASCE, *Failure to Act: The Economic Impact of Current Investment Trends in Surface Transportation Infrastructure*, p. 8, available at http://www.asce.org/uploadedFiles/Issues_and_Advocacy/Our_Initiatives/Infrastructure/Content_Pieces/failure-to-act-transportation-report.pdf (last visited July 26, 2018).

[6] *Id.* at p. 12.

[7] *Id.* at p. 15.

[8] *Id.*

[9] Area Development Magazine, *13th Annual Consultants Survey*, Chart U (highway accessibility ranked No. 2 in 2016), available at http://www.areadevelopment.com/Corporate-Consultants-Survey-Results/Q1-2017/responding-consultants-say-finding-skilled-labor-number-one-priority.shtml (last visited July 26, 2018).

[10] Center on Budget and Policy Priorities, *It's Time for States to Invest in Infrastructure* (Aug. 10, 2017), available at, http://www.cbpp.org/research/state-budget-and-tax/its-time-for-states-to-invest-in-infrastructure (last visited July 26, 2018).

In order for Wisconsin to continue to support and grow its economy, investment in infrastructure, such as the Project, is needed. Among the Purposes and Need identified for the Project are:

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> • Provide system continuity between the city of Sheboygan and the city of Fond du Lac. WIS 23 is a major east-west connecting highway between these population centers of east central Wisconsin.

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> • Improve the operational efficiency of the WIS 23 corridor, appropriate for the highway's function as a Corridors 2030 Connector route, promoting regional and statewide economic development.

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The Project has been identified as a Major Project since 1999. The only option that substantially meets the regional economic development need of the project is the four-lane on-alignment option (Appendix F-25).

Finally, WisDOT's evaluation of reasonable alternatives is based, in part, on traffic forecasts and population data. In a Decision and Order dated April 29, 2016, issued by the United States District Court for the Eastern District of Wisconsin in Case No. 11-C-0545, WisDOT's prior traffic forecasts and population data analyses were questioned. The LS SEIS contains new traffic forecasts and population data analyses, which have corrected the deficiencies found by the District Court. Specifically, the District Court concluded that WisDOT did not follow its own procedures in reconciling two different traffic forecasts, because it took the higher of two numbers, rather than developing a "compromise" number. The ***current*** policy for how to reconcile differing traffic forecasts is contained in Chapter 9, Section 10.5 of the Transportation Planning Manual.[11] The District Court also faulted WisDOT for not using updated Department of Administration demographic information. As described in Appendix B (pages 2-3) to the LS SEIS, the most recent demographic data has been utilized in its traffic forecasts. The LS SEIS demonstrates that WisDOT followed its own procedures called for in the current version of the Transportation Planning Manual to develop the no-build forecasts for the Project. Any analytical deficiencies found by the District Court have been corrected.

WIIN appreciates the opportunity to provide comments on the LS SEIS. If WisDOT has any questions concerning WIIN's submission, please contact me at your convenience.

[11] Transportation Planning Manual (May, 2018), Chapter 9, Section 10.5, avail. at https://wisconsindot.gov/Documents/projects/data-plan/plan-res/tpm/9.pdf (last visited July 30, 2018).

Sincerely yours,

/s/ *Robb Kahl*

Robb Kahl
Executive Director