

WisDOT budget check reinvigorates anti-highway campaigns

By: Matt Taub, matt.taub@dailyreporter.com July 8, 2015 2:10 pm



Crews prepare to lift a pier cap into position during work on the Zoo Interchange west of downtown Milwaukee on June 24. While some road projects across the state will lose financing, money for the Zoo Interchange has been left in place for "core phases" of ongoing work.

With legislators in Madison [removing a proposed reconstruction of Interstate 94 from the state budget](#) and calling for an audit of traffic projections used by the Wisconsin Department of Transportation, two groups in the Waukesha area are asking for a halt to roadway expansion projects in their region.

Last week, in trying to hold down the state's borrowing for transportation projects, Republicans on a state budget panel removed a proposed reconstruction of an east-west stretch of Interstate 94, which included work on Verona Road in Dane County, and an expansion of Interstate 39/90 from Madison to the Illinois state line. Both of these projects are likely now to be delayed by two years.

In the meantime, the change in roadway funding priorities has reinvigorated two groups who are calling for WisDOT and its local partners to nix construction plans in their area as well.

On July 2, the Waukesha County Environmental Action League joined local activists in filing a federal lawsuit against WisDOT to stop a four-lane freeway and development corridor between Interstate 94 and Highway 59 known as the West Waukesha Bypass.

According to the complaint filed in the U.S. Eastern District of Wisconsin, the purpose and need of the road expansion was never clearly defined and an environmental review never adequately conducted. A two-lane alternative was rejected on the grounds that it couldn't address potential traffic concerns after a draft environmental impact statement claimed a four-lane road was needed.

But Eric Glitzenstein of Meyer, Glitzenstein and Eubanks, an attorney who brought the complaint on the organizations' behalf, said the traffic projections appear to be inflated and an accident report counted accidents as far away as five miles from the route.

Allen Stasiewski, the Waukesha County Environmental Action League vice president and transportation team leader, said WisDOT is ignoring hours of public testimony, hundreds of petition signatures, pages of public comments, and innumerable news conferences and rallies opposing the bypass project.

"The DOT plowed right ahead," Stasiewski said. "Not a single one of our concerns was adequately addressed. The draft (environmental study) even claimed that the project has the support of the local community. The public was steamrolled and our concerns were paved over."

WEAL and its coalition partners advocate for a "no-build, improve" alternative that they say would cost a fraction of the \$65 million estimated for a four-lane highway, and would incur no new environmental impacts, preserve the Pebble Creek wetland and improve safety and road conditions.

In contrast to these groups' claims, according to information provided by Waukesha County, the bypass has been in county and regional transportation plans for decades. An April 2009 "[memorandum of understanding](#)" was signed by officials from Waukesha County, the city of Waukesha, the town of Waukesha, and WisDOT, identifying the local, county

and state responsibilities for studying and possibly building the West Waukesha Bypass, and a [final environmental impact statement](#) was completed in January.

Assuming the project moves forward, real estate acquisition will begin later this year throughout the project corridor. Design will continue through 2016. Construction will begin north of Summit Avenue in 2016 and south of Summit Avenue in 2016 or 2017.

Just a day before the group's lawsuit, a separate group known as the Highway J Citizens Group sent a letter to WisDOT, calling on it to immediately cease all further activity associated with the DOT's plans to widen and reconstruct a 7-1/2 mile section of Highway 164 in Washington County into a four-lane highway.

"In 2009 and 2010, the federal court twice rejected the Highway 164 expansion project, and in 2013, after (we) filed another federal court action, the Federal Highway Administration rescinded its prior approval and withdrew its federal funding of this highly controversial WisDOT project," said Jeff Gonyo, a Highway J Citizens Group Steering Committee member. "Yet despite these costly and embarrassing legal losses, the irresponsible FHWA and WisDOT bureaucrats still are determined to wastefully spend \$20 million of our hard-earned tax money to unnecessarily widen and reconstruct Highway 164."

The law firm of Meyer, Glitzenstein and Eubanks is also representing the Highway J Citizens Group, along with the Waukesha County Environmental Action League. The firm has issued an Aug. 1 for WisDOT to "halt all activities associated with this project, suspend the project approval, and take all necessary steps to bring the project into compliance with federal law." Otherwise, HJCG's attorneys say they will be pursuing additional federal litigation to stop this project once again.

Officials at Waukesha County and WisDOT did not immediately respond to a request for comment.

Despite Republicans pushing back on Gov. Scott Walker's roadway plans, not all projects are delayed or in question. Republican lawmakers followed through on plans to keep financing intact for the "core phases" of the ongoing work on the Zoo Interchange west of downtown Milwaukee. The only delay would be to a later phase of the project, one entailing the reconstruction of U.S. Highway 45 north of the interchange, as well as related work on nearby lanes and streets.

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