

..Number

..Version  
ORIGINAL  
..Reference

..Sponsor  
ALD. BAUMAN

..Title

Resolution expressing the City of Milwaukee's support for the American Civil Liberties Union of Wisconsin's civil rights and environmental justice complaint relating to the reconstruction and expansion of Interstate 94.

..Analysis

This resolution expresses the City of Milwaukee's support for a complaint filed with the U.S. Department of Transportation's Departmental Office for Civil Rights and the Federal Highway Administration's Office of Civil Rights by the American Civil Liberties Union of Wisconsin on December 3, 2008. This complaint relates to the Wisconsin Department of Transportation's plans to reconstruct and expand Interstate 94 between the Mitchell Interchange and the Illinois State Line, construct a new interchange at Drexel Avenue and close a significant portion of the interchange at S. 27<sup>th</sup> Street and Interstate 894. The complaint objects to WisDOT's plans on civil rights and environmental justice grounds and requests that the complaint recipients conduct an investigation and compliance evaluation of WisDOT pursuant to federal civil rights regulations administered by the U.S. Department of Transportation. The complaint also requests that WisDOT be ordered to:

1. Conduct a full and meaningful civil rights and environmental justice analysis of the I-94 North-South corridor plan;
2. Consider the feasibility of constructing transit improvements in the corridor, rather than additional highway lanes;
3. Refrain from adding highway lanes to the corridor;
4. Ensure that transit improvements are constructed in the corridor;
5. Refrain from constructing the proposed Drexel Interchange; and
6. Refrain from reducing interstate highway access at the 27<sup>th</sup> Street/Interstate 894 Interchange.

The ACLU also requests that, in lieu of these actions, the complaint recipients suspend or terminate federal financial assistance to WisDOT.

..Body

Whereas, On December 3, 2008, the American Civil Liberties Union of Wisconsin ("ACLU") filed a complaint with the U.S. Department of Transportation's Departmental Office for Civil Rights and the Federal Highway Administration's Office of Civil Rights relating to the Wisconsin Department of Transportation's plans to reconstruct and expand Interstate 94 between the Mitchell Interchange and the Illinois State Line, construct a new interchange at Drexel Avenue and close a significant portion of the interchange at S. 27<sup>th</sup> Street and Interstate 894; and

Whereas, The ACLU complaint objects to WisDOT's plans on civil rights and environmental justice grounds, particularly that WisDOT's actions have "both the intent and effect of imposing disproportionate and unnecessary harm upon the residents of the city of Milwaukee – the state's only majority-minority city"; and

Whereas, The ACLU asserts that WisDOT has failed to consider or take actions that would provide benefits to Milwaukee residents of color to offset the negative effects of its Interstate 94 plans; and

Whereas, The ACLU alleges that WisDOT's decision-making process regarding this project, and the decision itself, discriminates against persons of color and therefore violates Title VI of the Civil Rights Act and environmental justice requirements; and

Whereas, In its complaint, the ACLU requests that the complaint recipients conduct an investigation and compliance evaluation of WisDOT pursuant to 49 C.F.R. s. 21.11(a)(c) (Title VI civil rights regulations administered by the U.S. Department of Transportation), and that WisDOT be ordered to:

1. Conduct a full and meaningful civil rights and environmental justice analysis of the I-94 North-South corridor plan;
2. Consider the feasibility of constructing transit improvements in the corridor, rather than additional highway lanes;
3. Refrain from adding highway lanes to the corridor;
4. Ensure that transit improvements are constructed in the corridor;
5. Refrain from constructing the proposed Drexel Interchange; and
6. Refrain from reducing interstate highway access at the 27<sup>th</sup> Street/Interstate 894 Interchange.

; and

Whereas, As an alternative to these actions, the ACLU requests that the complaint recipients suspend or terminate federal financial assistance to WisDOT; and

Whereas, The Common Council finds that the City of Milwaukee and its residents and taxpayers would not benefit from – and would in fact be harmed by – WisDOT's plans to add lanes to Interstate 94 south of the Mitchell Interchange, construct an interchange at Drexel Avenue and reduce interstate highway access at the 27<sup>th</sup> Street/Interstate 894 interchange; and

Whereas, On December 11, 2007, the Common Council adopted File Number 071114, a resolution expressing the City's opposition to the proposed reconstruction and expansion of Interstate 94 and its support for a new strategic approach to transportation investments in Southeastern Wisconsin; and

Whereas, In a recently-completed audit of the City's residential street paving program, the City Comptroller found that over one-fifth of Milwaukee's residential streets are in poor condition and that the cost of bringing all residential streets up to fair or good condition could be as much as \$780 million over the next 25 years; and

Whereas, It is fundamentally unjust for the federal governmental to saddle local property taxpayers with the burden of paying for repairs to existing local streets while at the same time funding the reconstruction and expansion of Interstate highways; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the City of Milwaukee supports the American Civil Liberties Union of Wisconsin's complaint against the Wisconsin Department of Transportation relating to the reconstruction and expansion of Interstate 94, which was filed with the U.S. Department of Transportation on December 3, 2008; and, be it

Further Resolved, That the City of Milwaukee endorses the relief requested by the complainant in the complaint; and, be it

Further Resolved, Upon adoption of this resolution, the City Clerk shall send certified copies of the resolution to the U.S. Department of Transportation's Departmental Office for Civil Rights and Federal Highway Administration Office of Civil Rights.

..Requestor

..Drafter  
LRB08549-1  
JDO  
12/10/2008