
1000 FRIENDS OF WISCONSIN

LANDSCAPES

WINTER 2006



Transit NOW



Fred Bartol

“Transportation and land use
- it's impossible to separate
the two.”

Modern Transit: *Let's Connect!*

cover story on page 3

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The Director's Desk

Transportation and land use -
 it's impossible to separate the two.

When cities arose on the American horizon, there were no cars. Densely clustered residential areas intermingled with commercial areas close to job centers made perfect sense. Work, play and shopping all occurred within walking distance of home except for occasional trips to other cities or recreational destinations. Trains served intercity travel needs.

Mass transit in the form of streetcars, buses and trolleys served longer intracity trips.

The automobile made this construct obsolete at least in the eyes of the real estate industry. Those who could afford to buy a car could afford to escape the city and start a new dream in the suburbs. As roads were built, more land opened up fueling a cycle of land consumption unequaled in the history of the planet.

To get an insight into just how much land was opened up by new roads, take a look at southeastern Wisconsin. Between 1970 and 1990, the population of southeast Wisconsin grew by only 3%. Yet the area of urbanized land grew by 26% or 8 times faster than the population growth!

At the same time, city populations shrunk. The population of Milwaukee neared 750,000 in 1960 but dropped to just under 600,000 in the last population census. The drop in population and the dispersal of jobs throughout the region has resulted in a significant drop in transit use, thus increasing the reliance on the car for transportation.

Many cities are seeing redevelopment in ways that could not have been predicted just a decade ago. The cities of Milwaukee and Madison are seeing building booms that show no signs of slowing. Condominium mania has turned long vacant stretches along the Milwaukee River on Commerce Street into hot new neighborhoods.

Neighborhoods once dismissed as "blighted" are making strong comebacks. In Madison, the growth in downtown condominiums is quickly changing the skyline. These neighborhoods are fueling a rise in transit ridership.

Congestion on highways is becoming untenable and commuters are looking for options. As gas prices continue to skyrocket (nearly doubling every year) the look for alternatives is accelerating. Cities across the nation are building light rail and trolley systems to meet the new demand for transit. After several decades of decline, there is strong evidence of resurgence in transit use.

So what is the future for Wisconsin? We have one of the finest highway systems in the nation. That highway system has helped us with our jobs and has given most of us tremendous mobility. Unfortunately, the system that we have built here is unbalanced. Those of us, who need transit because we are either carless or cannot drive, have few options. We have overspent on highways and underinvested in transit.

We need to rebalance our system so that our cities can thrive and be competitive with other, more transit-friendly cities. We need transit for our carless population and we need more transit so that we can curb our reliance on the automobile.

We have devoted most of this issue of Landscapes to exploring the link between transportation and land use to provide you with a better idea of where we are headed in Wisconsin.

And many thanks to the anonymous donor whose gift enabled us to print this issue in color.

Steve Hiniker

Modern Transit: *Let's Connect!*

Ward Lyles - Transportation Policy Director

cover story

One of the most exciting and promising developments in all of urban planning right now is the rediscovery and revival of streetcars in cities across the country.

By generating sustainable economic development and improving mobility, modern streetcars are rapidly becoming a key feature of cities building strong 21st century economies.

With the Madison Streetcar Feasibility Study and the Madison Streetcar Campaign both kicking off in early 2006, Madison is poised to join the leaders in this national movement. Kenosha got ahead of the curve a few years ago when it built a heritage streetcar, or trolley, line that it now seeks to expand. 1000 Friends is at the center of the action, working to bring streetcars back to Wisconsin cities.



People boarding Portland Streetcar

Didn't we try this already?

From the late 1800s through the 1920s and even into the 1930s and 1940s, streetcars played an essential role in the transportation systems of most American cities. Streetcar lines ran in Wisconsin cities as varied as Appleton and Ashland, Sheboygan and Superior, Marinette and Milwaukee. Along with driving, bicycling, walking, and even riding horses, they gave people real choices for getting around town.

Many of the classic midwestern neighborhoods that continue to be among Wisconsin's most treasured and sought after places to live grew up along streetcar lines. Still today in those neighborhoods:

- Homes nestle together on lots with sidewalks and modest yards.
- Homes exhibit high quality construction and strong attention to detail, tangible signs of investment and commitment to the neighborhood.

- Front porches and tree-lined sidewalks that encourage neighborliness strike a balance with back yards and garages that provide privacy.
- Small parks lined with homes and walkable and bikeable schools allow children the freedom to roam and provide parents peace of mind about safety.
- Corner stores and local shops line main streets and connect residents to the local economy and build a strong sense of community.

Notably, many of the innovative Traditional Neighborhood Design neighborhoods currently being developed across the state are essentially mimicking the key features of our century-old streetcar neighborhoods.

A confluence of pressures replaced streetcars with buses and cars in cities across the country in the first half of the 20th century. The allure of new rubber-tired buses, the independence provided by the automobile, and the machinations of the automotive industry all played key roles in the removal of nearly every streetcar line in America by 1950. Now, after half a century of dormancy, streetcars are taking the nation by storm. More than 35 cities across the nation either have operating streetcar systems or are working to establish them. Among those cities are not only the urban pioneers of the Pacific Northwest like Portland, San Francisco, Tacoma and Seattle, but also cities from coast to coast that are usually associated with America's autocratic culture, such as Atlanta, Charlotte, Miami, Dallas and San Diego.



Madison Streetcar neighborhood

Why are streetcars making this resurgence?

Community advocates, business leaders, and transportation planners have learned a key lesson that our fore-bearers did not know when they removed streetcar systems more than 50 years ago. Namely, automobiles are not a one-size fits all transportation solution, especially in urban areas.

The American love affair with the automobile has spurred tremendous economic growth while allowing unprecedented personal freedom and flexibility. But the costs are catching up with us:

- We waste too much time and money stuck in traffic.
- Oil prices are rising and supplies will only run shorter and shorter.
- Parking lots chew up valuable land, while runoff contributes to flooding and lower water quality.
- Exhaust from tailpipes is a leading cause of air pollution that contributes to asthma and cancer.
- Suburban sprawl destroys valuable farmland and natural areas.
- Roads and highways demand huge government subsidies for construction, maintenance and repair.

Nonetheless, cars and trucks are, and will remain, a major part of our transportation system. However, every city in the country that is focused on sustainable economic growth and a high quality of life has come to the consensus that multi-modal transportation solutions are necessary. A combination of modes that includes cars, bikes, and trains is imperative for a healthy future in the 21st century. For a city or region to be successful, each mode in its transportation system needs to be used where it is most effective.

The Streetcar as Circulator

Streetcars are not passenger trains, built to move travelers tens or hundreds of miles between cities at speeds at or above interstate speeds. They are not commuter trains that are designed to move commuters five, ten or twenty miles from bedroom suburbs to urban employment centers at highway speeds. Although closely related, they are also not light rail, intended to move city-goers a few miles at a time within a major metropolitan region at major roadway speeds.

Instead, streetcars are circulator systems ideal for moving residents, workers, shoppers and tourists in and around neighborhoods, downtowns and commercial and employment centers. Riders travel as much as a few miles or as little as a few blocks at a time, at speeds similar to cars on local streets. (See sidebar for information on the different types of streetcars.)

The Streetcar as Circulator – Good for Business

When a heritage trolley line running through Memphis' began service, business increased for local restaurants and shops, especially over the lunch hour as workers could go farther, faster during their lunch breaks. In Tacoma, businesses have seen profits rise by as much as 30% since the Link streetcar line opened. Imagine the possibilities for increased business throughout the day if the UW-Madison campus, the downtown area around the Capitol, the east Isthmus and south Madison neighborhoods, and even the University Research Park are connected with frequent, easy-to-ride streetcars.

Similarly, a streetcar circulator system can provide important connections for city landmarks, tourist attractions, and special event venues. In Tacoma and Portland, streetcars have been used to link such destinations as universities, hospitals, downtowns, redevelopment areas, and arts districts.

In Madison, residents and tourists alike could greatly benefit from a streetcar system that links Camp Randall Stadium, the Kohl Center, and the Overture Center for the Arts with restaurants, bars and shops along State Street, downtown, and in adjacent neighborhoods offering – more options for a night out on the town!

The Streetcar as Circulator – Good for Mobility

Considerably smaller than light rail or commuter rail cars, modern streetcars run quietly and comfortably on downtown and neighborhood streets as part of a multi-modal transportation system. Streetcars are narrow enough to operate in regular travel lanes, passing through intersections along with car and bicycle traffic. Because of their small size, streetcar tracks also leave room in the street for on-street parking and bicycle lanes.

Streetcars not only run comfortably in the street with other modes of transportation, but a single trip can easily combine multiple modes.

- Easily accessible stops are great for pedestrians.
- When less crowded they can easily accommodate bicycles and Segways.

Types of streetcars

Which one is Desired?



Vintage or Heritage Trolleys are streetcars used decades ago that have undergone refurbishment to run again. Prime examples of vintage trolleys are the Kenosha streetcar line, which uses PCC Streetcars (shown here), and the New Orleans streetcar system of stage and movie fame.



© Gomaco Trolley Co.

Another type of streetcar is the *replicar*, which is a replica or completely rebuilt original streetcar that is made to look like original streetcars from the early part of the 20th century. Among other places, replicars are used in Little Rock (shown here) and Charlotte.



The third type of streetcar is the *modern* streetcar, with a new, sleek, comfortable design, running today in Portland, Oregon (shown here) and Tacoma, Washington, and under consideration in Madison.

- Some cars are even designed with special loading areas for bikes.
- Streetcars have very low floors, which mean that passengers can load and unload very quickly because there is no step up, including people with disabilities and special needs.

Also, in Portland, Flexcar, a car sharing program similar to Community Car in Madison, has locations in the immediate vicinity of many streetcar stops.



Passengers enjoying a ride on a Portland Streetcar

The Streetcar as Circulator – Good for the Environment

Not only do streetcars promote business and enhance mobility, but they also are an environmentally friendly transportation option. Streetcars are powered by electricity run through discreet overhead wires that can be affixed to existing utility poles. As a result, there is minimal noise pollution from acceleration and braking and no sooty air from diesel fumes.

Streetcars can play a role in creating local energy independence and sustainability. Transit systems have struggled with recent gas price increases that force tough decisions about raising fares or cutting routes just at the time when consumers need more public transportation options. While streetcars do rely on electric generation at a power plant, the range of options for creating the energy is much greater than for powering cars and buses.

21st Century Transit – Catalyzing Development and Attracting New Riders at an Affordable Price

Although streetcars are very similar to buses in that they travel in traffic at speeds that are neighborhood friendly; there are clear advantages of streetcars that have major implications for economic development and building the base of people who use public transportation.

21st Century Transit – Catalyzing Development

While the fact that bus routes can easily be changed means flexibility, it also means impermanence. Streetcar rails are a clear indication that streetcars are there to stay. As a result, streetcars can play a major role in catalyzing redevelopment, while buses tend to have

minimal influence on development patterns and land economics but are very useful for serving areas with changing transportation demands.

For example, imagine opening a business or buying a condo in a new development, much less investing tens or hundreds of millions of dollars in a redevelopment project in an urban area. You want to know that transit service will still be there in ten, twenty or more years to make sure you are making a good investment. Streetcars provide that confidence. The numbers tell the story in Portland, Tampa and Charlotte (see Economic Development sidebar on the next page).

21st Century Transit – Attracting New Riders

Bus routes and schedules are often intimidating to people for whom the bus is practical only on occasion, especially tourists and conventioners. Even regular bus riders who may use some routes daily are often hesitant to use the bus for trips to occasional destinations. In both cases, there is the lack of confidence about where you will end up. Meanwhile, the fact that streetcars run on rails gives potential riders that sense of confidence that they know where they will end up and how they will get back. You only have to spend a little time in San Francisco or New Orleans to see how effective streetcars have been in creating a transit system that is attractive and easy to use for tourists and locals.

By virtue of running on rails, streetcars can also provide a much smoother and more comfortable ride than buses, not to mention cars. Combined with the novelty factor stemming from the freshness of streetcars and other types of rail, the more comfortable ride and easier to understand routes contribute to what is known as ‘rail-attractiveness.’ Basically, the phenomenon experienced in other cities has been that people who might not otherwise ride the bus will become public transportation users because streetcars and other types of rail will bring them in the door. For example, in Tacoma, which has a population just smaller than Madison, the Link streetcar line replaced a bus line and ridership skyrocketed from 141,000 riders a year to more than 700,000 in its first year of operation.

21st Century Transit – At an Affordable Price

Any time a community begins to seriously consider some sort of rail transit investment, a cadre of well-funded transit naysayers descends on the local lecture hall and talk radio circuit. They pitch witticisms about light rail ‘train wrecks’ and ‘rail disasters’ zeroing in on the costs of light rail. Needless to say, all transportation investments, including commuter rail, light rail, streetcars, and yes, highways and roads, cost money. However, recent cost-benefit studies have shown that transit is as good an, if not a better, investment than highways and roads. Streetcars, in particular, provide great financial bang for the buck.

Part of the reason streetcars are affordable, particularly for smaller metro areas like those in Wisconsin, is that construction can be done quickly and easily. Since the streetcars themselves are much lighter than light rail or commuter rail vehicles, laying the tracks does not require digging up as much of the road. In Portland, construction was done just a few blocks at a time, minimizing the impact on residents and businesses along the line.

When it comes to conventional cost measures, the numbers vary pretty widely. Some cities, such as Kenosha, Charlotte and Memphis have kept costs well under \$10 million per mile by using existing rail rights-of-way. Costs in Portland for its start up system were \$57 million for a 4.8 mile single-track loop, roughly \$12 million per mile. However, that cost also included extremely expensive intersections with the existing MAX light rail system. In Tacoma, costs were much higher, around \$40 million per mile, because the system was built with the future intention of using the tracks as part of a light rail system, rather than just streetcars, running throughout the greater Seattle-Tacoma region.

Communities such as Madison and Kenosha that are looking to create or expand streetcar systems got a huge boost this fall when the Federal transportation reauthorization bill included a new Small Starts program. This program will provide roughly \$200 million a year for transit investments in smaller metro areas that have historically had a hard time competing for transit funds with large metro areas such as Los Angeles, New York or Philadelphia. Combined with innovative local financing options such as targeted improvement districts and parking revenues, this funding makes building a streetcar line affordable and realistic.

Let's Connect!

Three-quarters of a century ago, buses were the 'cool' new technology while streetcars were considered out-of-date and unattractive. When the auto industry forced competition between streetcars and buses, streetcar riders flocked to buses. Today, the tables are turning, but with a twist.

Streetcars are the current transit mode of choice for cities seeking to create and support vital, thriving downtowns and neighborhoods. Fortunately, however, there is now recognition that buses and streetcars are both great urban transportation options that complement each other. Not only that, but as can be seen in the Transport 2020 process, streetcars are an integral part of regional transportation systems that include cars, trucks, buses, and commuter rail as well.

As they are saying out on the west coast -
Let's connect!

Connecting Madison: Streetcar Study Moving Forward



*Madison's Mayor Dave at the wheel
of a Portland streetcar.*

In 2005, Madison mayor Dave Cieslewicz convened a City of Madison streetcar committee to begin work on streetcars to complement the Transport 2020 process (see article on page 7). During 2006, transportation and economic development consultants hired to work with the committee will use public outreach to assess economic development potential, transportation improvements, neighborhood benefits, and other impacts of a streetcar system. They will also identify potential areas that make sense to connect and possible routes for streetcar lines.

To learn more go to <http://www.ci.madison.wi.us/mayor/urbanrail.html>.

Over this same period, 1000 Friends will partner to build the Madison Streetcar Campaign with Downtown Trolley and the Dane County Alliance for Rail Transit. The campaign will focus on conducting public education and outreach efforts to make people aware of streetcars and build excitement around the potential they hold for the region.

You can sign up for the Campaign's monthly email updates by emailing ward@1kfriends.org.

Economic Development

In Portland, more than \$1 billion dollars in private capital has been invested along the line since 1997, creating more than 3,600 new housing units and two million square feet of office, retail and hotel space.

In 1998, the Charlotte City Council agreed to invest \$16.7 million on a two mile transit corridor to be served first by vintage trolleys and later by light rail. Proponents of the investment projected that within eight years property values would be enough to pay for the line. Instead, it took only four years as property values increased 89.6% in less than three years as more than \$400 million in private funds were invested in development along the line.

In less than two years after its TECO line opened, Tampa experienced more than \$800 million in privately funded construction within two blocks of the line. Most of that redevelopment is residential and mixed-use and will contribute to increased ridership on the streetcar line in the near future.

These success stories are prompting many cities, including Madison, to pursue streetcars as a key tool in promoting economic development and livability in downtown areas.



Redevelopment along the Portland streetcar line.

Transport 2020:

Looking Forward to Regional Transportation Choices

Ward Lyles, Transportation Policy Director

Dane County is one of the fastest growing counties in the state, with Madison and its suburbs ranking among the top places in the country to live and do business year after year. While the population growth means more jobs, more tax base and more residents to contribute to the overall quality of life, the growth also creates problems.

Front and center among those problems is the challenge of getting all of the people where they need to go without harming our neighborhoods, our environment and our quality of life. There is consensus in the region that adding more lanes to the beltline and expanding major roads in and out of downtown Madison simply will not get the job done.

Building on previous light rail and commuter rail studies, in 2000 Dane County, the City of Madison and the Wisconsin Department of Transportation teamed up to conduct a long range transportation improvement study, Transport 2020, to address regional transportation challenges. Former 1000 Friends executive director Dave Cieslewicz served as Dane County Executive Falk's appointee on the oversight committee for the study.

Transport 2020 set out to weigh the costs and benefits of various transportation investments, including highway improvements, bus transit and rail transit. In the transportation world, this process is known as the alternatives analysis and is a key step in securing the federal funding required for the improvements sought by the region. Congresswoman Tammy Baldwin recently secured an additional \$750,000 to fund the next phase of the process, an environmental impact study (EIS).

The upshot of the Transport 2020 process so far has been a recommendation for a multi-modal public transit system consisting of a start-up system and a full-system vision. The start-up system consists of:

- improvement of existing Madison Metro bus service;
- creation of regional express bus lines into Madison from Waunakee, Sun Prairie, Stoughton, Oregon, and Verona;
- construction of a commuter rail line from Greenway Station on the west side of Madison, along the edge of the UW-Madison campus, through downtown and the intended east isthmus redevelopment area to East Towne Mall near I-90; and,
- park and ride lots at regional bus and commuter rail stations.

The estimated capital costs for the start-up system are \$242 million, while annual operating costs would run about \$39 million, or \$10 million more than existing Madison Metro service. For comparison, the estimated costs for the reconstruction of the Verona Road interchange, a few-mile stretch of the beltline, are approximately \$150 million.

The full-system vision includes all of the components of the start-up system, plus:

- additional regional express bus lines into Madison from Cross Plains, Fitchburg, McFarland, Cottage Grove and DeForest;
- extension of the commuter rail line to the Dane County Regional Airport, Sun Prairie and McFarland; and,
- a streetcar system (see cover article in this issue).

The estimated capital costs of the full system vision are \$331 million, not including the costs of the streetcar system, while operating costs would run about \$50 million per year.

Together, the components of Transport 2020 can help minimize traffic increases and time losses due to congestion. Commuter rail and streetcars can help catalyze transit-oriented development that supports greater density, increases the tax base, and results in more efficient land use. More transit options will also lead to a higher quality of life because of the added amenity value of rail options, as well as the healthier environment arising from less automobile pollution.

It's an exciting time to support regional transit in Dane County!

Visit www.transport2020.net for more information.



Commuter Rail Test

Fred Bartol

Kenosha-Racine-Milwaukee Commuter Rail T.O.D. priorities take shape

Kerry Thomas, Communications Director for Transit NOW

The Kenosha-Racine-Milwaukee (KRM) Commuter Rail project is a planned 33-mile commuter rail service between Milwaukee and Kenosha that will connect with the existing Metra commuter rail line that runs from Chicago to Kenosha, WI. The KRM will use upgraded existing rail right-of-way, with stops in Kenosha, Somers, Racine, Caledonia, Oak Creek, South Milwaukee, Cudahy/St. Francis, and terminating at the Inter-modal Transfer Facility (Amtrak station) in downtown Milwaukee. The train is projected to carry 1.1 million passengers per year on 7 weekday round trips and 3 weekend round trips, with fares similar to bus fares for affordable commuting. KRM will connect eight Wisconsin communities (3 of our 5 biggest cities) with 24 communities in Illinois and downtown Chicago.

Where are we?

Feasibility Study
Detailed Planning Study & Alternatives Analysis

⇒ **Environmental Impact Statement/Preliminary Engineering**

Final Engineering & Design
Construction & Equipment Acquisition
Operation (2009)

RTA created

A Regional Transit Authority (RTA) for the counties of Kenosha, Racine, and Milwaukee was created in July 2005 with the purpose of providing a recommendation for the long-term financing, scope, and permanent existence of a RTA that would include KRM commuter rail. The 7-member RTA Board is currently being created. It is expected that they will begin work in January 2006.

Environmental Impact Study Underway

The Environmental Impact Study refines the KRM project costs and cost-effectiveness, land use and development impacts, ridership projections, environmental impacts, long-term financial plans, and technical plans. At the end of the study, the KRM project will be evaluated by the Federal Transit Administration (FTA) and compared to similar projects across the nation. Only projects that meet the strict FTA criteria will be eligible for the federal funds and be allowed to proceed to preliminary engineering.

Transit-Oriented-Design a Top Priority

Good transit-oriented-design (T.O.D.) is essential to good train ridership and can significantly enhance the economic, social, and environmental benefits that KRM commuter rail can provide. To optimize commuter rail benefits and meet FTA's strict criteria for federal funding—the land use component of the EIS process includes a critical examination and update

of land use plans, zoning, and development plans around each of the 8 stations. Most of the stations are planned in traditional compact downtowns,



Metra train coming into the station *Transit NOW*

giving the KRM project a big head start on the T.O.D. work. Over the next year, the EIS consultant and Southeastern Wisconsin Regional Planning Commission will be working closely with each of the municipalities to optimize T.O.D. plans for 1/2 mile surrounding the stations. Transit NOW is organizing a conference in March to enhance these T.O.D. efforts and outcomes.

An “In” on the outcome

Transit NOW will be hosting forums, listening sessions, and town hall meetings to educate the public and incorporate their ideas into the KRM project as it develops. We have played the lead role in providing comprehensive community outreach and education, and facilitating regional cooperation and policy solutions for the KRM commuter rail project—and are thrilled to have 1000 Friends of Wisconsin as an effective and long-time partner in moving the KRM project forward.

Stay in the loop on the KRM project and RTA developments by getting KRM e-mail updates. Simply send your email address to:

kthomas@transitnow.org.

For more information visit: www.1kfriends.org,
www.transitnow.org, www.sewrpc/wiseride.org or
Transit NOW at 262-966-1425 or 262-246-6151.

Milwaukee Connector Study: Linking Downtown Milwaukee

Peter Beitzel, vice president of business development for the Metropolitan Milwaukee Association of Commerce and chairperson of the Milwaukee Connector Study steering committee.

Milwaukee may soon be home to a new, improved, state-of-the-art transit system that combines the economic development benefits of fixed transit; the increased speed of a transit system in a dedicated lane; the comfort and sleekness of a modern design attractive to new riders; and relatively low economic start-up costs due to dedicated federal funds.

The Wisconsin Center District, in partnership with Milwaukee County, the City of Milwaukee and the Metropolitan Milwaukee Association of Commerce, is conducting the Milwaukee Connector Study to evaluate transit improvements in Milwaukee. The proposed system could provide a desired 13-mile linkage between activity centers, housing, jobs, attractions, hotels, shopping and educational institutions in downtown and nearby neighborhoods. The proposed system criss-crosses the city with two routes, one from Miller Park to the Milwaukee campus of the University of Wisconsin and the other from 35th Street and Fond du Lac Avenue to the Historic Third Ward.

The study is currently focused on rubber-tire vehicle technologies and is evaluating a guided street tram technology, which employs electric-powered, rubber-tired vehicles guided by a track embedded in the street. The added capacity of the trams, along with a reserved transit travel lane, would reduce the number of diesel buses needed throughout the transit system and would improve travel times for existing and new riders. Maximum wait times for vehicles during peak periods of the day would be 6 minutes.

Shortly, the study will reach a critical juncture with the release of an LPA, or "Locally Preferred Alternative," in Federal Transit Administration jargon. The LPA will outline the study's recommendations for vehicle technology; route and station locations; capital and operational costs with financing scenarios; governance options; traffic and parking mitigation strategies; and transit-oriented economic development benefits.

Milwaukee is in a unique position to have this modern transit system built with 80 percent paid with Federal funds, while most other cities face a 50 percent local share from the Federal Transit Administration. Local funding scenarios do not call for additional property taxes.

For more online information please visit www.milwaukeeconnector.com.



Downtown Connector Technology in France

Environmental Justice Conference

Lisa MacKinnon, 1000 Friend's Policy Director, attended a very interesting and constructive continuing legal education workshop on November 30th in Chicago sponsored by the American Planning Association, the Local Government Center of the Albany Law School, and ELPC entitled, "The Intersection Between Environmental Justice and Local Land Use Planning and Zoning." The workshop was intended to help members of planning and zoning boards, local legislative bodies, local chief elected officials, municipal attorneys and professional planners develop a greater awareness of how to incorporate environmental justice principles into land use planning and zoning actions. Leading national and regional practitioners and experts presented practical advice and case studies to demonstrate how social equity goals can be effectively integrated into local planning regulations and zoning laws.



LEGISLATIVE UPDATE

Lisa MacKinnon with transportation analysis by Ward Lyles

2005 - 2006 Legislative Session

The 2005 legislative session is winding down and by the time you read this, bills will have made it through the Assembly and Senate and will be on Governor Doyle's desk awaiting approval. Here are updates on some that we have been watching and weighing in on lately:

Assembly Bill 645 – Repealing the Comprehensive Planning law – 1000 Friends OPPOSES

Despite the clear outcry of support for maintaining and funding the comprehensive planning law during the recent budget session, Representative Mary Williams is sponsoring a bill to repeal the Smart Growth Comprehensive Planning law in its entirety yet again. The bill is identical to AB 435, which Representative Williams sponsored in the 2003 legislative session, and which never made it out of committee. Co-sponsors of this current bill are Representatives Williams, Suder, Gronemus, Meyer, Wood, Musser, Ballweg, Petrowski and Owens, and Senator Zien.

Fortunately, no action has been taken on this bill since our last newsletter, which means that it is stalled in the Rural Committee and has had no public hearing scheduled. We will keep you informed if anything changes



Senate Bill 331 - Repeal of Gas Tax Indexing - 1000 Friends WELCOMES

In another major victory for transportation reform advocates, the automatic annual increase to the gas tax, known as indexing, will end effective April 2007 with the passage of Senate Bill 331. The bill moved quickly through the legislature in December, passing in the Senate 20-13 and the Assembly 74-30. Governor Doyle signed it into law on December 22nd.

1000 Friends has long supported the repeal of indexing as a way to increase transparency and accountability in transportation spending. The repeal of indexing will build upon the 1000 Friends' supported reforms Governor Doyle signed last year that are also helping to reduce the waste of transportation tax dollars.

1000 Friends has been the leading organization supporting efforts to repeal the automatic increase to the gas tax.



You can find your legislator's contact information at <http://165.189.139.210/WAML/> or www.legis.state.wi.us

For helpful hints on effective communication with your legislator, visit our Government and Policy page on the 1000 Friends Website: http://1kfriends.org/Government_and_Policy/Govt_&_Policy.htm

You can find email contact information for your particular legislators at: <http://www.legis.state.wi.us/leginfo/senmail.asp> (Senators) <http://www.legis.state.wi.us/leginfo/asmmail.asp> (Assembly)

If you have questions regarding these bills or any other legislative matters, please feel free to contact Lisa MacKinnon at 608/259-1000 extension 107 or my email at lmac@1kfriends.org.



Assembly Bill 620 - Special Zoning Notice for Landowners -1000 Friends OPPOSES

This bill requires that if an ordinance adopting a comprehensive plan has the effect of changing the allowable use of any property within the boundaries of the political subdivision, the political subdivision must send a notice at least 30 days before the hearing. A copy of the proposed ordinance must be to each person whose property the allowable use of which may be affected and who has previously notified the political subdivision in writing of his or her desire to be placed on a list to receive such a notice. 1000 Friends opposes this bill because we think it is unnecessary for the following reasons:

1. The adoption of a comprehensive plan does not automatically change the existing zoning. The local government must still go through a separate zoning amendment process, which by law requires public notice and a public hearing.
2. Most local governments already provide absentee property owners with such notices upon request.
3. The bill has the potential for abuse. Individuals or interest groups could arrange for hundreds of notice requests to be made, requiring a considerable expenditure of local government staff and financial resources, which are already limited.

1000 Friends registered against this bill at a public hearing held on 8/24/05. The bill has since passed out of the Assembly committee on Property Rights and Land Management on a straight party line vote. It also passed the Assembly in late October and has been referred to the Senate committee on Veterans, Homeland Security, Military Affairs, Small Business and Government Reform. As of this printing a public hearing had not been scheduled.

Creation of DNR Regulatory Reform Committee Announced

On December 5th, Senate Majority Leader Dale Schultz (R-Richland Center) and Senate President Alan Lasee (R-De Pere) announced the creation of a "DNR Regulatory Reform Committee" that intends to study and make recommendations on the regulation of Wisconsin's natural resources by the DNR. The committee has been created to "focus on the content and enforcement of such issues as pier regulations, wetlands regulations, and land use regulations impacting the rights of property owners and economic development in the state." The committee has stated it will hold hearings starting in early January to "bring forth recommendations that will make the DNR respect the rights of property owners."

State Senator Alan Lasee (R-De Pere) has announced that his website now contains a complaint form for state residents who have had problems with the DNR. While Senator Lasee is clearly seeking negative comments from state residents, we think it is only fair and in the interest of democracy that the site be visited by those who would like to convey their compliments and constructive comments regarding the DNR to this new Senate Committee. We think this website form provides a great opportunity for state residents to send the committee their comments on how they have enjoyed a state park, how they have appreciated the ability to spend quiet time with their family fishing, boating, camping, hiking or hunting on public land and how DNR regulation and enforcement of our natural resource laws makes that possible. Or perhaps you would like to issue a call to the committee to bring back the Public Intervenor's office to represent the strong public interest in our natural resources.

See next column for website details! ⇌⇌⇌

Do You have a Compliment You Would Like to Pass on to the DNR?

Have You Been Meaning to Request That the Legislature Bring Back the Public Intervenor's Office But Haven't Gotten Around to it Yet?

Or Perhaps You Feel That the DNR Could Do an Even Better Job of Enforcing the Laws that Protect our Treasured Natural Resources?

Well, Have We Got a Website for You!

www.legis.state.wi.us/senate/sen01/news

We hope our members will take the time to make their voices heard now that it's so easy. And we urge you to copy your comments to Senator Dale Schultz, Speaker John Gard and Governor Doyle, as well.



LEGISLATIVE UPDATE

Assembly Bill 675 - Measure 37 **"Copycat" Bill – 1000 Friends** **OPPOSES**

This proposal would require a governmental unit that enacts or enforces a land use regulation that "restricts the use of private real property or prohibits the development of property that otherwise could be developed and that reduces the fair market value of the property" to pay the property owner compensation equal to the reduction of the fair market value of the property. It also provides that in lieu of a compensation payment, "the governmental unit may remove, modify, or not apply all or part of the land use regulation and allow the property owner to use the property in a manner that was permitted at the time that the owner acquired the property."

The bill has a lot of similarities to provisions in Measure 37 in Oregon, which we discuss on page 13 of this newsletter.

1000 Friends testified before the Assembly Committee on Property Rights and Land Management in opposition to this proposal on September 21st. Since then, the committee voted, again on a straight party line, to pass the bill out of committee. It was referred to the Assembly Committee on Rules in early December. As of this printing, no further hearings had been scheduled. We will keep you informed so that you can contact your legislators and committee members.



Assembly Bill 254 - Forestry Bill *1000 Friends SUPPORTS as amended* *by Assembly Substitute Amendment*

This is an omnibus forestry bill that makes a number of policy changes to the forestry program.

1000 Friends supports expanding the availability of public information about the state's forest land holdings through an inventory. The state's recent sustainable forest certification would be complemented by this practice, as well. Regarding the requirement for a report every 15 years on the health and economic impact of lands that have no active management, we believe that in order to fully inform decision makers and the public the report should include a discussion of any public benefits received from areas where active timber harvesting is prohibited (i.e., where the decision is made in order to preserve riparian buffers, maintain historic and cultural sites, etc.).

1000 Friends testified for information only on March 24th indicating that we would only support the bill with recommended amendments. The bill was passed out of committee without the amendments but then the bill's sponsors worked to get the amended version passed by the Assembly. In early November it was referred to the Senate Committee on Agriculture and Insurance. No public hearing had been scheduled in the Senate as of this printing.

1000 Friends issued a joint press release with Gathering Waters Conservancy and The Nature Conservancy thanking Representatives Friske and Hubler for paying attention to the concerns of the conservation community regarding the initial versions of the bill.

For the joint press release on AB 254 by 1000 Friends, visit:

<http://www.1kfriends.org/documents/11101kfriendsforestry.pdf>

Senate Bill 379/Assembly Bill 793 **Downtown Revitalization Bill – 1000** **Friends SUPPORTS**

A bipartisan bill introduced by Senators Lassa, Harsdorf, Erpenbach, Leibham, Miller, Plale and Roessler and cosponsored by Representatives Shilling, Vruwink, Seidel, Berceau, Boyle, Fields, Freese, Gronemus, Krawczyk, Kreibich, Lehman, McCormick, Molepske, Moulton, Pettis, Richards, Sheridan, Turner and Zepnick. This far-reaching bill would support the preservation and restoration of qualified historic buildings in Wisconsin, promote the redevelopment of and certification of downtowns and main streets, promote the construction of new state buildings in downtown districts, and require notification to local governments by the Department of Transportation if a major highway project is planned that will involve a bypass of the downtown.

The bill has been referred to the Committee on Job Creation, Economic Development and Consumer Affairs in the Senate and the Committee on Urban and Local Affairs in the Assembly. No public hearings had been scheduled as of the date of this printing.



Oregon's Controversial Measure 37 Declared Unconstitutional and Invalid

Will Wisconsin's Legislators Pay Attention?

Lisa MacKinnon, Policy Director, 1000 Friends of Wisconsin

On October 14th, the State of Oregon Circuit Court in Marion County ruled that the state's controversial "land use reform" law, Measure 37, is unconstitutional because it grants special privileges and immunities, impairs a legislative body's plenary power, suspends laws, and violates separation of powers. In addition, the judge ruled that the law violates substantive due process and procedural due process guaranteed by the U.S. Constitution.

Oregon's Measure 37 was promoted by Oregonians in Action, a group that bills itself as a "lobbying organization that leads the fight for land-use regulatory reform and protection for private property rights." Adopted by Oregon voters via the state's ballot initiative process in the November 2004 election, the law creates a claim for compensation by landowners against the state and local governments for the enactment or enforcement of a land use regulation if the land use regulation restricts the use of the property and has the effect of reducing the fair market value of the property. Under this measure, state and local governments have a choice to:

(1) pay compensation (based on date of acquisition by a family member or a legal entity owned by any one or combination of family members) and continue to apply and enforce the land use regulation; or

(2) modify, remove, or not apply ("waive") the regulation to allow the owner to use the property for a use permitted at the time the owner acquired the property.

Supporters of the law say it is needed to "protect the private property rights" of farmers and other landowners in the state from zealous land use regulation. Ironically, the vast majority of plaintiffs in the case against Measure 37 are farmers and nursery owners who are concerned about the continued viability of their family farms and businesses in the face of the increased land development that is projected to occur as the result of the law.

Measure 37 is an unfunded mandate that land use advocates believe seeks to roll back Oregon's land use protections. The measure promises compensation payments to property owners, but local and state governments do not have the money to satisfy the claims through compensation payments. So far more than 1,000 property owners have filed claims against Oregon's state and local governments contending that land use regulations have "devalued" their property and demanding to build thousands of houses and millions of square feet of commercial development based on the provisions of the new law.

In the absence of adequate funding, the effect of Measure 37 is to force the state and local governments to issue waivers of land use regulations for individual property owners. Furthermore, Measure 37 is an assault on the democratic process as it eliminates all normal notice and public hearing requirements.

For now, the fate of Measure 37 remains unclear. By law, the state of Oregon must appeal the ruling to the Oregon Supreme Court. A decision is not expected until the fall of 2006.

How does Oregon's Measure 37 Ruling Affect Us in Wisconsin?

The Oregon ruling was particularly timely here in Wisconsin because it is the model for a recent Wisconsin legislative proposal, AB 675 introduced by Representative Sheryl Albers. The text of Oregon's law and Rep. Albers' AB 675 are substantially similar. As a result of the Oregon circuit court decision, the Wisconsin Assembly Property Rights and Land Management Committee delayed their vote on AB 675, for a few weeks; however, the committee has since adopted the bill on a straight party-line vote despite the fact that the law it is based on was just declared invalid and unconstitutional in Oregon. On December 5th, the bill was referred to the Assembly Committee on Rules and as of the date of this article it has not been scheduled for further legislative action.

1000 Friends of Wisconsin opposes AB 675 because it will make it extremely difficult for local governments to perform their state-authorized duties with respect to land use. Laws like this may be intended as a way to ensure fairness from the government. However, what they really do is pit neighbor against neighbor and grind the necessary ability of a government to do land use regulation to a halt. Those who are able to take advantage of the waiver provisions of such a law win a lottery at the expense of their neighbors.

If this law is enacted, many local governments could end up spending the majority of their time and financial resources processing these claims rather than protecting the health, safety and welfare of citizens in the community. In an era when the state is considering TABOR and other caps on local government spending, where is the compensation outlined in § 895.45 (2) through (5) of AB 675 going to come from? And what other government services will need to be unfairly cut in order to cover the costs of this type of law?

We think the Oregon ruling should give the Wisconsin legislature and supporters of the bill a good reason to slow down and question whether they want to expose Wisconsin to similar unfairness and legal liability based on such a law.

The Oregon circuit court ruling, Wisconsin AB 675, and 1000 Friends of Wisconsin's testimony in opposition to AB 675, are available at the following websites:

<http://www.friends.org/issues/documents/M37/constitutional-challenge/M37-Opinion-Order-MSJ.pdf>

<http://www.legis.state.wi.us/2005/data/AB675hst.html>

http://www.1kfriends.org/Government_and_Policy/Govt_&_Policy.htm

Around the State



1000 Friends Co-sponsors a Successful Workshop: “Using the Managed Forest Law as a Conservation Tool”

On November 3, 2005, 1000 Friends of Wisconsin, Gathering Waters Conservancy, UW-Madison Department of Forest Ecology and Management and UW-Extension (represented by Mark Rickenbach and Rebecca Gass) co-sponsored a half-day workshop entitled “Using the Managed Forest Law as a Conservation Tool” at UW-Madison’s Pyle Center.

This workshop was one of the ideas that came out of the Land Use Leadership Team discussions at the Governor’s Forestry Conference in November 2004. It was designed for natural resource professionals who interact with the Managed Forest Law program, such as agency staff, land trust staff, volunteers, consultants and others with an interest in using MFL as a conservation tool. The workshop participants included representatives from the DNR, the US Fish and Wildlife Service, Trout Unlimited, several different county land and water resource departments, and more than fourteen different land trusts, conservancies and environmental organizations.

Bud Jordahl, UW-Madison Professor Emeritus and Wisconsin Conservation Hall of Fame inductee, helped craft the 1985 Managed Forest Law Act and he welcomed participants and gave a brief history of the creation of the act, including the major policy considerations at the time.

Kris Tiles, UW-Extension Basin Educator for the Upper Chippewa, gave an introduction to the current MFL program and answered a number of audience questions about eligibility, criteria and enrollment information.

Mark Rickenbach, Assistant Professor in the UW-Madison Department of Forest Ecology and Management, discussed the evidence and potential for land protection through the use of the MFL and highlighted both the programs benefits and limitations for these purposes.

A panel discussion followed with on-the-ground examples of how the MFL has been used by individual owners and groups who have conservation goals for their forest land. Bill Carlsen, DNR Forestry Team Leader for southwest Wisconsin (Iowa, Grant and Richland Counties), discussed the detailed conservation-minded planning that goes into a MFL management plan. Fred Clark, owner of Clark Forestry Consulting, Inc., shared some consulting experiences on MFL management plans. And Rick Remington, Land Program Director for the West Wisconsin Land Trust, discussed various land management opportunities and experiences with the MFL program. Finally, Carol Nielson, the Tax Law Program Manager for the Forest Tax Section of the DNR, provided many detailed and useful answers to numerous audience questions about the nuts and bolts of the MFL program.

Our goal was to help a non-forest professional audience discover how the MFL can be used to preserve forestlands that they might be dealing with in the course of their work, get answers to specific questions regarding the program, and hear some real examples of how the MFL has been used as a conservation tool on land around Wisconsin.

Thanks to all of the organizers and presenters for your time and expertise in putting the workshop together!

Lisa MacKinnon - Policy Director



*Bill Carlsen, Fred Clark and Rick Remington
in panel discussion at MFL conference.*

Wal-Mart Movie Makes Waves

Thousands in Wisconsin viewed the new Robert Greenwald film *Wal-mart - The High Cost of Low Prices* at over 40 screenings held across the state over the last few weeks. Many of the screenings included spirited discussions about Wal-Mart’s expansion plans and business ethics and the event at the Barrymore Theater in Madison featured a live performance from the Mercury Players production of Walmartopia (<http://www.walmartopia.com>). More information about the film, resources for concerned citizens, and a searchable database of screenings is available at <http://www.walmartmovie.com>.

Quotes from News Stories by or about 1000 Friends

Implementation of Comprehensive Planning Law

Lakeland Times (Letter to the editor)
December 6, 2005

1000 Friends Board Member
Bill Lindsay

"This is in response to a letter in the Nov. 15 issue, page 11, *What a difference a Day makes*.

I appreciate the determination of Jay Verhulst in pursuing what he believes is best for his community. However, Mr. Verhulst continues to miss the point on Wisconsin's comprehensive planning law and continues to use arguments from an organization in the state of Oregon to make his case.

Eight of the 10 townships in Iron County have completed their comprehensive plans and two will finish by year's end. These plans will be incorporated into the overall county plan. Having served as Town of Sherman (Springstead area) chairman during the planning process, I know the importance of planning for future growth. I also know from first-hand experience that it is important to make sure local residents are involved and have ownership in the plan.

While Mr. Verhulst likes to point out that Mr. Day from the state of Oregon does not like the Wisconsin law, I have pointed out successes in this area, and I know there are many more in other areas of our state.

Developing a plan is not an easy job and can take several years. However, a good plan ensures that local residents will control their future. That is good for property rights and it is good for local control."

Repeal of Gas Tax indexing

Wisconsin State Journal
(Letter to the editor)
December 18, 2005

1000 Friends Transportation Policy Director
Ward Lyles

"Regarding Bob Cook's argument in last Sunday's Forum that repealing the gas tax indexing formula will lead to "lost lives, lost jobs and lost time," forget the scare tactics. Repealing automatic increases has only one direct impact which is increasing transparency and accountability in transportation investments.

Eliminating indexing does nothing to prevent the gas tax from going up next week, much less next year. If legislators want to, they can vote tomorrow to increase the gas tax by one penny, one dollar, whatever they want. The key word is vote, meaning those legislators will have to risk being held accountable by their constituents at the polls.

If there is less money in the future for transportation spending, as Cook suggests, it will be because legislators and the governor have to make tougher choices and set priorities within a limited budget. Considering that over the last 15 years Wisconsin has had over \$1 billion in cost overruns on overbuilt highway projects, tougher choices might not be such a bad thing.

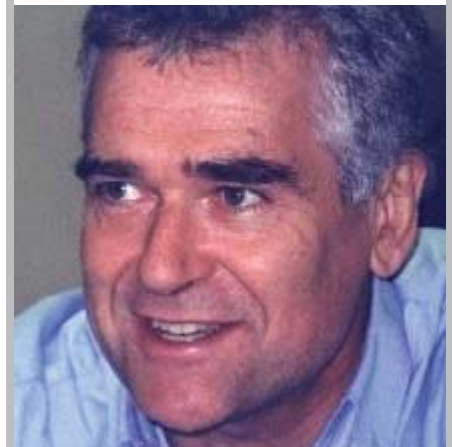
If legislators are willing to look, there is enough slush in the highway budget to not only avoid increasing transportation spending overall but also to increase funding for local governments and improve transit service statewide. Lower taxes and healthier communities – now that sounds like a winning formula!!"

Gas tax indexing will be repealed effective April 2007, a major victory for transportation reform advocates.

Dr. Karl-Henrik Robért Founder of "NaturalStep" Sustainability Framework

On October 17, 2005, Professor Karl-Henrik Robért, M.D., Ph.D., presented a free lecture as part of Northland College's Van Evera Lecture Series. Together with a network of scientists, he created the Natural Step Foundation in 1989 as a way of advancing the concepts behind the Natural Step sustainability framework. The Natural Step (TNS) is an international organization that promotes a science-based guideline for social, ecological, and economic stability. Dr. Robért describes it as a system of cooperative efforts to foster economic improvement while still living within the limits of the natural environment. It is the framework used by the Swedish municipalities and has since been adopted by communities around the world, including Ashland and Washburn, Wisconsin, the two first communities in the US to adopt this sustainability model to guide their municipal planning, operations, and development.

Dr. Robért appeared at Northland College for an afternoon workshop on the Natural Step framework and an evening lecture entitled "Planning for Success: What is Sustainability and How to Get It."





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