

September 30, 2013 VIA EMAIL to Robert.Wagner@dot.wi.gov

Robert Wagner
Wisconsin Department of Transportation – NE Region
944 Vanderperren Way
Green Bay, WI 54304

Re: Project ID 1440-13/15-00
WIS 23 corridor project Fond du Lac to Plymouth
Comments on Limited Scope Supplemental Draft Environmental Impact Statement

Dear Mr. Wagner:

Introduction

These comments are submitted on behalf of 1000 Friends of Wisconsin, Inc. regarding the Limited Scope Supplemental Draft Environmental Impact Statement (LSSDEIS) on the above project. 1000 Friends objects to construction of the preferred alternative, which would expand the existing 2-lane highway into a 4-lane highway throughout the 19 mile long corridor and construct expressway-like interchanges at a number of intersections. The LSSDEIS has identified and described some safety improvement needs at a number of specific locations in the corridor, and 1000 Friends would support construction of safety improvements, such as left-hand turn lanes and passing lanes at high-accident intersections and at appropriate segments of the corridor. However 1000 Friends objects to any other build alternatives.

The LSSDEIS seeks to justify the transformation of the existing 2-lane highway into a 4-lane mega-highway as being needed in order to deal with safety and congestion issues. The discussion of safety issues in the LSSDEIS demonstrates that as a whole, the 19-mile highway corridor has a better accident safety record than the average Wisconsin highway. Accordingly, a rational approach to addressing safety concerns would be to take site-specific steps to correct safety problems at those few intersections where a record of significant safety problems is present, and to add left-turn lanes and passing lanes at appropriate locations in the corridor, rather than spending almost \$130 million in taxpayer money to double the number of highway lanes over the entire 19 mile corridor. The LSSDEIS presents future increases in travel demand as the underlying basis for needing to expand Highway 23 to 4 lanes. 1000 Friends believes, as set forth in more detail below, that careful examination of the LSSDEIS itself, and appropriate consideration of well-documented changes in travel patterns on Highway 23, in Wisconsin generally, and throughout the United States demonstrate that WisDOT's projections of future traffic needs are erroneous, arbitrary, and unreasonable. For these reasons, 1000 Friends objects to the preferred alternative, and believes that the LSSDEIS is deficient and inadequate to satisfy the requirements of NEPA and WEPA.

Safety Issues Do Not Require Expansion to 4 Lanes

As noted above, the LSSDEIS demonstrates that the 19 mile Highway 23 corridor has a better accident safety record, as a whole, than the average Wisconsin highway. This alone strongly indicates that site-specific safety measures, rather than transformation of the entire corridor into a 4-lane mega-highway is what is needed for safety reasons. Moreover, as noted in the LSSDEIS, a large portion of the accidents that do occur on this corridor are the result of collisions with deer. Taking the existing 2-lane highway, and adding 2 additional travel lanes is likely to increase the number of collisions between vehicles and deer, since the proposed change will basically double the roadway distance that deer will need to traverse in order to cross the highway. Since collisions with deer already represent a large portion of the accidents which occur on the highway, anything that would tend to increase collisions with deer would be significant. This is not addressed in the LSSDEIS.

WisDOT's Projections of Travel Demand Lack Support

The LSSDEIS attempts to justify the need to expand this highway corridor to 4 lanes on the basis of projected future increases in traffic or travel demand. However, WisDOT's future traffic projections, and the methodology used to prepare them is erroneous, arbitrary, and unreasonable, in light of the fact that patterns of travel – on highway 23, in Wisconsin generally, and across the United States – have changed from the post-World War II pattern of year after year, inexorable growth in traffic. As the LSSDEIS itself admits, in Appendix LS-A, at page A-1:

In general, statewide counts seemed to peak in about 2005. . . .
Wis 23 is not the only corridor which has experienced a decrease
in traffic counts.

However, despite the observed change in traffic levels, and the huge inaccuracy in WisDOT's 2005 projections for annual year-to-year growth in travel demand, WisDOT continues to seek to justify expansion of Highway 23 to 4 lanes on the basis of assumptions that traffic demand will continue to increase, year after year into the future, just at a slower rate than before. Despite well-documented evidence that previous trends have ended, and an 8 to 10 year pattern of decreases and leveling off of traffic, WisDOT continues to estimate future traffic volumes using Traffic Analysis Forecast Information System (TAFIS), a projection "tool" which assumes that "the growth rate may not be less than .5%" per year. (Appendix LS-A, p. A-3)

The level of inaccuracy in the WisDOT traffic forecasting methodology is revealed by examining Tables 1, 5 and 6 in Appendix LS-A. Table 1, at page A-4, sets forth WisDOT's earlier 2005 Traffic Projections, which forecast future annual growth in traffic on individual segments of the highway at between 1.7% and 2.8% per year. For the easternmost segment, designated 590195 (between CTH A and CTH P), Table 1 shows **the 2005 actual traffic count of 9525 increasing to a projected 17375 by 2036.**

Reviewing Table 5 and Table 6, on page A-17, allows a comparison of the 2005 projection with later actual counts. Table 5 again shows **the 2005 projection that traffic demand on the easternmost segment would increase from the actual count of 9525 to a projected 17375 in 2036.** Table 6 shows that **the traffic count in 2011 actually showed a decrease to 7100, not an increase.** If traffic had increased by 2.7% per year between 2005 and 2011, a daily count of about 11, 185 would have been expected in 2011. Instead, actual traffic was about 36.5% lower than WisDOT had projected.

As Appendix LS-A explains, WisDOT then prepared a new 2012 No Build forecast, and projected that daily traffic would increase from the 7100 count that was recorded in 2011 to 7800 by 2035.

If the 2012 projections turn out to be accurate regarding a continuing increase in traffic demand of about .5% per year for more than the next 20 years, leading to approximately 7800 vehicles per day by 2035, that would mean that WisDOT's earlier 2005 projections of 17375 vehicles per day were about 220% of what WisDOT now projects will be the case. It should be obvious that the margin for error, or level of inaccuracy, in WisDOT's traffic projections is huge. And, as explained in greater detail below, a decision on this project based on WisDOT's assumption that there will continue to be inexorable year by year growth in traffic demand would be arbitrary, erroneous and unreasonable, because it would ignore a substantial and mounting body of evidence that the prior trend of annual growth has ended.

The LSSDEIS does not provide any detail regarding the travel demand projections for Highway 23 produced by its newer 4-step travel demand model, which the LSSDEIS acknowledges at page A-4 "is preferred" and as explained at page A-16 usually has "better information regarding future growth patterns than TAFIS. The LSSDEIS also does not provide information regarding calibration of either the TAFIS or the 4-step travel demand model, and does not provide any details regarding how WisDOT combined the results from the two different methods to arrive at its projections for Highway 23, other than describing its preference for wanting to use final projections that were within 10% of the projections produced separately by each of the two methods. Without disclosing such information, the 2012 projections presented by WisDOT in the LSSDEIS lack credibility, and as far as anyone could tell from the publicly available information, might as well have been pulled out of a hat.

WisDOT's Traffic Demand Projections Ignore the Established Trend of Stable or Declining Traffic

As noted above, WisDOT admits that traffic counts statewide and on Highway 23 seem to have peaked. WisDOT's continued assumption of approximately .5% growth per year in traffic volumes, however, ignores much more than that apparent peak alone. There is a large and growing body of evidence, reports, and documentation demonstrating that the change in travel patterns is real and continuing. WisDOT's refusal to consider that information would be arbitrary, erroneous, and unreasonable. 1000 Friends is citing some of that evidence here to assist WisDOT in further researching the subject and incorporating the data, both new and no longer new, into a well-founded and adequate evaluation of the future capacity needs of the Highway 23 corridor.

Vehicle miles traveled (VMT) per capita in the United States peaked in 2004 as well as for light-duty vehicles only. Total VMT for light-duty vehicles peaked in 2006, nationally, and total U.S. VMT peaked in 2007, with approximately .5% decrease annually thereafter.¹ Future increases in travel are likely to be from population growth, not in miles driven per person.² And Wisconsin is a state

¹ Davis, B., T. Dutzik, and P. Baxandall. Transportation and the New Generation Transportation: Why Young People Are Driving Less and What It Means for Transportation Policy. 2012; Horner, J. Will 2013 Continue The 7-Year Downward Trend In American Driving?; Puentes, R., and A. Tomer. The Road... Less Traveled: An Analysis of Vehicle Miles Traveled Trends in the U.S. 2008; Sivak, M. Has Motorization in the U.S. Peaked? Part 2: Use of Light-Duty Vehicles. Ann Arbor, MI, 2013.

² Pace, D., and D. Pickrell. Driven to Extremes: Has Growth in Automobile Use Ended? 2013.

with low population growth. This trend of slowing car use extends outside the U.S. and is true of developed cities around the world.³

The previous pattern of growth is over, and has not merely been interrupted by the economic recession

Numerous scholars and reporters have found a host of reasons that underlie the end of traffic growth patterns. They include demographic changes, cultural and economic changes, developments in technology that reduce the need for travel, and others. Any objective consideration of the combination of these changes on patterns of driving will lead to a conclusion that the recent recession has played only a small part in this, and that economic recovery will not return us to patterns of traffic growth.

For 50 years, people spent more and more time behind the wheel, but they can't just keep adding more time. Their time budgets for driving time are maxed out.⁴ For decades, as more and more women joined the workforce, their driving added VMT. However, that growth in workforce participation has now reached its peak and VMT has flattened. Female employment and licensing have risen fully.⁵

The younger generation of Millennials are buying fewer cars, driving them less, getting licenses later, using technology to replace travel, and tending to favor denser areas that require lower VMT to get around.⁶ WISDOT's own budget projections for coming years do not anticipate increases in numbers of drivers' licenses or car registrations. Telecommuting, shopping over the internet, and socializing through social media, Skype and video conferencing each eliminate the need for people, especially tech-savvy young people to travel by car. It is estimated that 16-18% of young people have decided to drive less for environmental reasons.⁷

Finally, while the economy has played some role in the decline in VMT, most major changes in travel patterns have spanned a longer period of time than the recent economic downturn. VMT stopped tracking GDP around 2000-2001, and the effect of rising income has weakened. Employment is down since the early 2000s, especially among the young. While reductions in driving mirror employment, even the employed are driving less.⁸ The market for vehicle ownership in the U.S. has been saturated since roughly 2004, and rates of ownership per household, etc., peaked prior to the economic downturn.⁹ In addition, state-level trends confirm that the decline in driving is more than an economic aftershock.¹⁰

³ Newman, P., and J. Kenworthy. "Peak Car Use": Understanding the Demise of Automobile Dependence. *World Transport Policy & Practice*, Vol. 17, No. 2, 2011.

⁴ Horner, supra; Newman, P., and J. Kenworthy, supra.

⁵ Horner, supra; Polzin, S. E. *The Case for Moderate Growth in Vehicle Miles of Travel: A Critical Juncture* in. 2006.

⁶ Davis, B., T. Dutzik, and P. Baxandall, supra; Horner, supra; Pace, D., and D. Pickrell, supra; Sivak, M., and B. Schoettle. *Recent Changes in the Age Composition of Drivers in 15 Countries*. Ann Arbor, MI, 2011.

⁷ Davis, B., T. Dutzik, and P. Baxandall, supra.

⁸ Horner, supra; Pace, D., and D. Pickrell, supra;

⁹ Davis, B., T. Dutzik, and P. Baxandall, supra; Sivak, M. *Has Motorization in the U.S. Peaked?* Ann Arbor, MI, 2013.

¹⁰ Baxandall, P. *Off the Road: A State-by-State Analysis of the National Decline in Driving*. 2013.

The State Smart Transportation Initiative recently pointed out that a variety of players have noted the decline in VMT, and its implications for the longer run:

Flat-to-declining highway transportation demand has been with us for about a decade, and a consensus is building for the position that it is not a historic aberration but rather a durable trend. A roundup of recent VMT-related news:

VMT data has prompted Fitch Rating to caution toll road investors about revenues. Fitch, an international credit rating firm, said:

“The revenue of some toll roads may come under pressure if the driving decline trend continues for the long run, according to Fitch ratings.

Americans have driven less each year since 2004 and those ages 16 to 34 have reduced their driving more than any other age group.” . . .

Meanwhile, U.S. DOT is emphasizing the VMT trend as a fundamental reason for federal transportation revenue shortfalls. Testifying before s subcommittee of the House Transportation and Infrastructure Committee, Undersecretary Polly Trottenberg said:

“It is generally recognized that the decline in VMT, and the corresponding decrease in fuel tax revenue between 2007 and 2009, was partially a reflection of fewer people and goods moving on our Nation’s highways as economic activity slowed. However, evidence suggests that the flattening or decline of VMT is a long-term trend independent of the recession, as VMT has generally continued to decline annually since 2009 when the economy began to recover.”¹¹

For all of these reasons, it would be arbitrary, unreasonable and erroneous for WisDOT to simply assume that travel demand will again return to a pattern of annual growth as the result of continuing recovery from the recent recession. WisPIRG Foundation has reviewed and summarized much information regarding current trends and the likely direction of future developments in traffic volume in “A New Direction: Our Changing Relationship with Driving and the Implication for America’s Future,” Spring 2013. (A copy is attached).

As a result of faulty projections regarding future traffic needs, WisDOT erroneously eliminated alternatives from consideration

Alternatives such as site specific safety improvements at intersections with relatively high accident rates, left turn lanes, and passing lanes where appropriate, were rejected from consideration because they could not satisfy WisDOT’s faulty projections of future traffic needs. Accordingly, those alternatives, such as the dramatically less expensive safety focused approach favored by 1000 Friends, need to be reconsidered in the light of more reasonable projections that accurately reflect the plateauing and decline of traffic volumes on Highway 23, in Wisconsin, and throughout the U.S.

The LSSDEIS fails to appropriately address the cost of the proposed project in view of the condition of the state budget and of the state and federal transportation funds.

¹¹Sundquist, E., VMT in the news, August 5, 2013, <http://www.ssti.us/2013/08/vmt-in-the-news-a-warning-to-investors-a-policy-lesson-for-congress-a-reality-check-on-climate-policy-and-charts/>;

WEPA requires an EIS to address: “Any irreversible and irretrievable commitments of resources that would be involved in the proposed action should it be implemented; Wis. Stats., Section 1.11(2)(c)5.

NEPA imposes a similar requirement. This obligation is particularly important here because the nearly \$130 million estimated cost of the proposed project is a significant sum, compared to the much lower cost of a site-focused safety-oriented alternative. This might be of lesser concern if the state’s budget were flush, and if the state and federal transportation funds were not suffering as a result of improved gas mileage, flat per gallon highway gasoline tax rates, and stagnant or decreasing vehicle miles being traveled, both here in Wisconsin and in the United States. There are far more planned highway expansion projects currently underway or being considered in Wisconsin than there are transportation fund revenues to pay for them. The result recently has been very large increases in state bonding -- in borrowing from future taxpayers -- to pay for those projects that are already underway. Meanwhile, state of Wisconsin funding for maintenance of local county, city, village and town roads has been stagnant, and significantly decreasing as a share of transportation funding. Meanwhile, state funding for public transit in Wisconsin has been significantly cut, with only a portion of the most recent cuts proposed to be restored in the next budget. Meanwhile, existing highways, roads, and streets in Wisconsin, whether under the responsibility of the state, counties, cities, villages, or towns, are getting more and more potholed, cracked, or otherwise deteriorated, with no apparent end in sight.

Every ten million dollars spent on building new highway lanes that are not needed now, and are likely not going to be needed in the future, could instead be spent on maintaining or improving existing roads or streets or public transit systems – or on reduced debt being placed on our children or grandchildren if we do a better job as a state of living within our means. The LSSDEIS does not fairly portray the choices involved between devoting almost \$130 million on expanding Highway 23 to 4 lanes, or devoting a significant portion of those funds to other pressing transportation needs.

The LSSDEIS inadequately addresses indirect and cumulative impacts

An EIS must take a hard look at indirect and cumulative impacts. 40 C.F.R. § 1508.25. Indirect effects are also known as “secondary” effects. A “cumulative impact” is: the impact on the environment which results from the incremental impact of the action when added to other past, present and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. 40 C.F.R. § 1508.7. The goal is to highlight negative impacts or effects that might occur if the minor effects of multiple actions accumulate over time. An agency cannot simply state that development will occur with or without the project, but instead must actually analyze the possible growth-inducing effects of a proposed project. See, e.g., Highway J Citizens Group v. USDOT, 656 F.Supp.2d 868,888-9 (E.D. Wis. 2009). There is little description or analysis in the LSSDEIS regarding indirect impacts of the proposed project. Despite acknowledging that a number of residences and businesses will need to be removed, and that several hundred acres of agricultural land

will be taken out of production, the LSSDEIS simply states that there will be no expected impact on economic development. Similarly, there is little or no real analysis of the cumulative impacts of this project, together with other transportation projects connecting from the east, west, north or south. 1000 Friends submits that this is not sufficient under NEPA and WEPA.

The LSSDEIS fails to address greenhouse gas emissions

Even after crediting for carbon dioxide emission reductions projected to result from initial relief of congestion, adding one new land-mile of highway has been estimated at increasing carbon dioxide emissions by more than 100,000 tons over its 50-year expected lifetime.¹² Between emissions resulting from production of the highway construction materials, emissions resulting from construction operations themselves, and emissions resulting from induced vehicle travel, the proposed added lane-miles of added highway in the Highway 23 corridor will result in large additional greenhouse gas emissions. The LSSDEIS is inadequate in failing to describe the magnitude of those emissions, in failing to assess their impact on global climate change, and on the state and federal commitments to reduce such emissions.

1000 Friends objects to the notice for the August 28, 2013 public hearing, the information displayed at the hearing, and the statements of WisDOT representatives at the hearing as misleading regarding WisDOT's schedule for the project.

The hearing notice, displays, and statements by WisDOT representatives at the August 28, 2013 open house and public hearing informed people that "Because of projected cost increases to major projects statewide, WisDOT has rescheduled the construction of WIS 23 to begin in 2018 and be completed in 2020." The clear message to recipients of the notice, and to those who attended the hearing, was that the Department's plans for this stretch of highway, whatever they might be, were not going to be implemented during the next several years. In view of the announced timetable for constructing this project, and the billion dollar gap in anticipated highway funding, compared to planned projects, members of the public could reasonably conclude that they were not going to be affected for at least 4 years, and possibly as many as 7 years, if ever, by whatever decisions WisDOT might make in the coming months regarding the LSSDEIS.

However, on September 4, a week after the public hearing, Secretary Gottlieb announced that WisDOT had advanced the start date for construction on Highway 23 to 2015. This dramatic change in the priority given to this project, and its scheduling by WisDOT, greatly changed the near-term impacts of WisDOT's choices between alternatives, and eliminated the opportunity for taking another look at trends in actual VMTs a few years farther down the road, before proceeding with construction of the chosen alternative. At the public hearing, WisDOT's representative stated that such a review of actual travel demands, to reassess the need for expanded capacity, could be done within the project timetable as it then stood. Secretary Gottlieb's announcement of WisDOT's sudden rescheduling of the project has eliminated the opportunity to do such a review.

¹² Clark Williams-Derry, Increases in greenhouse-gas emissions from highway-widening projects, Sightline Institute, October 2007, at: http://sightline.org/research/energy/res_pubs/analysis-ghg-roads

1000 Friends of Wisconsin previously requested that additional time should be provided for public comments on the LSSDEIS, and that WisDOT should publicize the change in project scheduling together with the extension of the comment period, and should consider conducting another public hearing in which information provided to the public regarding the contemplated project schedule matches the actual schedule. Those requests were denied. 1000 Friends continues to believe that a public hearing should be held with an accurate notice regarding the Department's proposed schedule for this project, and accurate information available to attendees regarding the schedule, and renews its requests in this regard.

Very truly yours,

/s/

Dennis M Grzezinski

Enclosure

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