

MARATHON COUNTY METROPOLITAN PLANNING COMMISSION

SEPTEMBER 18, 2018
2:00 P.M.

212 RIVER DRIVE,
WAUSAU, WI ROOM 2

Marathon County Mission Statement: *Marathon County Government serves people by leading, coordinating, and providing county, regional, and statewide initiatives. It directly or in cooperation with other public and private partners provides services and creates opportunities that make Marathon County and the surrounding area a preferred place to live, work, visit, and do business. (Last updated: 12-20-05)*

Commission Purpose: *The Commission shall be concerned with studies and recommendations relating to activities including but not limited to land-use; natural resources; utilities; and transportation systems within the metropolitan planning area. (Commission Bylaws last updated: 6-12-08)*

Members: *John Robinson – Chair, George Peterson – Vice Chair, Allan Opall, Betty Hoenisch, Steve Hagman, Robert Mielke, Raynard Zunker, Jeff Weisenberger, John Prah, Milton Olson, Chris Voll, Barbara J. Ermeling, Brent Jacobson, Kregg Hoehn, Russ Habeck - WisDOT NC Regional Director*

AGENDA ITEMS:

1. CALL TO ORDER;
2. WELCOME AND INTRODUCTIONS;
3. PUBLIC COMMENT;

POLICY DISCUSSION AND POSSIBLE ACTION:

4. APPROVE MINUTES OF THE AUGUST 14, 2018 MEETING;
5. CREATION OF THE CITIZEN'S TRANSIT ADVISORY COMMITTEE (CTAC);
6. PAVEMENT, BRIDGE AND FREIGHT PERFORMANCE MEASURES;
7. ROADWAY INVESTMENT POLICY QUESTION - COUNTY INFRASTRUCTURE COMMITTEE;
8. SURFACE TRANSPORTATION PROGRAM BLOCK GRANT FUNDING;
9. WI DEPARTMENT OF TRANSPORTATION ANALYSIS OF WISCONSIN ACT 59;
10. TRANSPORTATION ALTERNATIVES PROGRAM (TAP) GRANT AWARDS;
11. NEXT MEETING DATE – OCTOBER 9, 2018;
12. ADJOURN.

Any person planning to attend this meeting who needs some type of special accommodation in order to participate should call the County Clerk's Office at 715-261-1500 or e-mail infomarathon@mail.co.marathon.wi.us one business day before the meeting.

SIGNED 
PRESIDING OFFICER OR DESIGNEE

FAXED TO: 848-9361 848-5887
Daily Herald City Pages
Midwest Radio Group – 848-3158
CenterState Marketplace – 446-2370
FAXED BY: BI
FAX DATE/TIME: 09/13/2018
FAXED BY/DATE/TIME 12:40 PM

NOTICE POSTED AT COURTHOUSE:

By: _____
Date: _____
Time: _____

MARATHON COUNTY METROPOLITAN PLANNING COMMISSION
Minutes
August 14, 2018

Commissioners: John Robinson – Chair, Raynard Zunker, Thomas Mullaley (for Hoenisch), Steve Kunst (for Opall), Randy Fifrick (for Voll), Mark Thuot (for Hoehn), Milton Olson, Jeff Gates (for Jacobson), Robert Mielke, Gary Olsen

TAC Members: Dave Mack, Darryl Landeau, Dave Meurett, Keith Rusch, Eric Lindman, Brad Lenz

Others Present: Andrew Lynch, Brenda Iczkowski, Michael Wodalski

1. Call to Order

In the presence of a quorum, with the agenda being properly signed and posted, the meeting was called to order by Chair Robinson at 2:00 p.m. in Room 5, 212 River Drive, Wausau, Wisconsin.

2. Welcome and Introductions

All were welcomed.

3. Public Comment – NONE

4. Approve Minutes of the May 8, 2018 meeting

Action: MOTION / SECOND BY OLSON / MULLALEY TO APPROVE THE MAY 8, 2018 MINUTES AS DISTRIBUTED. MOTION CARRIED BY VOICE VOTE, NO DISSENT.

5. Transportation Improvement Program (TIP) Amendment

Discussion: Mack reviewed the two projects in the amendment. The first project is a transit related grant; WETAP/Wheels to Work grant program will be funded this year and needs to be put in the TIP by the WisDOT request costing approximately \$131,182 for 2018. The second project is installing CMC Retrofit Barriers (high-tension barrier) west of 72nd Avenue and western Marathon County with a cost of \$69,525 for 2018 and construction of \$477,405 in 2020. Table 2 in the packet showed all the totals of the program within the TIP that have federal funding.

Action: MOTION / SECOND BY KUNST / FIFRICK TO APPROVE RESOLUTION #4-18 TO ADOPT THE AMENDMENT TO THE 2018-2021 TRANSPORTATION IMPROVEMENT PROGRAM FOR THE WAUSAU METROPOLITAN AREA . MOTION CARRIED BY VOICE VOTE, NO DISSENT.

Follow Through: Staff will include the amendment in the TIP and send it to WisDOT and FHWA for their consideration.

6. Surface Transportation Program Block Grant Program Allocations

Discussion: STP Urban Program now know as Surface Transportation Program Block Grant Program. Every couple years we get an allocation from the DOT to get funded for the program. The program is set up on a 5 year cycle with rotation every 2 years. Wausau STP Urban had 1.3 million available for funding. A letter from the WisDOT was received in June, explaining the program was reevaluated. The program cycle would be changed from 2018-2022 to 2019-2022 with funding of \$696,566. After reviewing the scoring by the Wausau MPO, it is recommended to fund the top two projects being North 6th Street getting \$535,000 and then County Road K getting \$144,500 with the remaining balance going to North 6th Street.

Action: MOTION / SECOND BY MIELKE / Mullaley TO APPROVE STAFF RECOMMENDATION TO FUND THE NORTH 6TH STREET AND COUNTY ROAD K AT THEIR SPECIFIED AMOUNT AND LEAVE THE REMAINING \$17,066 IN THE ACCOUNT. MOTION CARRIED BY VOICE VOTE, ONE OPPOSE.

Follow Through: Staff will send the adjusted ranking to WisDOT for consideration.

MARATHON COUNTY METROPOLITAN PLANNING COMMISSION

August 14, 2018

7. 2019 Unified Planning Work Program Projects

Discussion: Mack briefly reviewed the 2019 Unified Planning Work Program potential work projects that were included in the packet. The list contains the 5 major categories that staff allocates their time.

Action: **FOR INFORMATIONAL PURPOSES ONLY.**

Follow Through: **NONE AT THIS TIME.**

8. Next Meeting – September 11, 2018

Action: **CONSENSUS REACHED THAT THE NEXT MEETING WILL BE SCHEDULED SEPTEMBER 11, 2018 AT 2:00 PM.**

Follow Through: This meeting will be scheduled.

9. Adjourn

Action: There being no further business to come before the members, **MOTION / SECOND BY MIELKE/KUNST TO ADJOURN THE MEETING OF THE MARATHON COUNTY METROPOLITAN PLANNING COMMISSION AT 2:35 PM. MOTION CARRIED BY VOICE VOTE, NO DISSENT.**

Submitted by:

Dave Mack, MPO Director

Marathon County

Conservation, Planning and Zoning

DM: BI

September 14, 2018

PAVEMENT PERFORMANCE MEASURES



Final Rulemaking

The Federal Highway Administration (FHWA) published in the *Federal Register* (82 FR 5886) a [final rule](#) establishing performance measures for State Departments of Transportation (DOTs) to use in managing pavement and bridge performance on the National Highway System (NHS). The National Performance Management Measures; Assessing Pavement Condition for the National Highway Performance Program and Bridge Condition for the National Highway Performance Program Final Rule addresses requirements established by the Moving Ahead for Progress in the 21st Century Act (MAP-21) and reflects passage of the Fixing America's Surface Transportation (FAST) Act. The rule is effective **May 20, 2017**.

Performance Measures

- | |
|---|
| ✓ % of Interstate pavements in Good condition |
| ✓ % of Interstate pavements in Poor condition |
| ✓ % of non-Interstate NHS pavements in Good condition |
| ✓ % of non-Interstate NHS pavements in Poor condition |

About Condition

- **Good condition:** Suggests no major investment is needed.
- **Poor condition:** Suggests major reconstruction investment is needed.

Penalty Provisions

If FHWA determines the State DOT's Interstate pavement condition falls below the minimum level for the most recent year, the State DOT must obligate a portion of National Highway Performance Program (NHPP) and transfer a portion of Surface Transportation Program (STP) funds to address Interstate pavement condition.

Target Setting

State DOTs:

- Must establish targets, regardless of ownership, for the full extent of the Interstate and non-Interstate NHS.
- Must establish statewide 2- and 4-year targets for the non-Interstate NHS and 4-year targets for the Interstate by May 20, 2018, and report by October 1, 2018.
- May adjust targets at the Mid Performance Period Progress Report (October 1, 2020).

Metropolitan Planning Organizations (MPOs):

- Support the relevant State DOT(s) 4-year target or establish their own by 180 days after the State DOT(s) target is established.



PAVEMENT PERFORMANCE MEASURES



Key Dates	
May 20, 2017	Final rule effective date.
January 1, 2018	1st 4-year performance period begins.
May 20, 2018	State DOT targets must be established.
January 1, 2018	State DOTs collect data for Interstate pavements that conform to the final rule (IRI, Rutting, Cracking %, Faulting, and Inventory).
Within 180 days of relevant State DOT(s) target establishment	MPOs must commit to support state target or establish separate quantifiable target.
October 1, 2018	Baseline Performance Period Report for 1 st Performance Period due. State DOTs report 4-year targets for Interstate and 2-year and 4-year targets for non-Interstate NHS; etc.
April 15, 2019, and each April 15 thereafter	State DOTs submit first Interstate data that conform to the final rule.
January 1, 2020	State DOTs collect data for non-Interstate NHS pavements that conform to the final rules.
October 1, 2020	Mid Performance Period Progress Report for the 1 st Performance Period due. State DOTs report 2-year condition/performance; progress toward achieving 2-year targets; etc.
June 15, 2021, and each June 15 thereafter	State DOTs submit non-Interstate NHS data that conform to the final rule.
December 31, 2021	1st 4-year performance period ends.
October 1, 2022	Full Performance Period Progress Report for 1 st Performance Period due. State DOTs reports 4-year condition/performance; progress toward achieving 4-year targets, etc. Baseline Performance Period Report for 2 nd Performance Period due. State DOTs report 2-year and 4-year targets for Interstate and non-Interstate NHS; baseline condition; etc.

Visit www.fhwa.dot.gov/tpm/ to learn about training, guidance, and other implementation-related information.





Wisconsin Department of Transportation

www.wisconsindot.gov

Scott Walker
Governor

Dave Ross
Secretary

Division of Transportation Investment Management
4822 Madison Yards Way
P O Box 7913
Madison, WI 53707-7913
Telephone: 608-266-0255
FAX: 608-267-0294

May 18, 2018

To: Wisconsin Metropolitan Planning Organizations

Subject: 2019-2021 Targets for the National Performance Management Measures Second Performance Rule (PM2) – 23 CFR Part 490

Pursuant to the regulations promulgated by the U.S. Department of Transportation Federal Highway Administration, the Wisconsin Department of Transportation (WisDOT) has established statewide targets for the federal performance measures intended to assess pavement and bridge conditions on the National Highway System (NHS). The 2019 and 2021 NHS pavement condition targets are identified in Exhibit A. The 2019 and 2021 NHS bridge condition targets are identified in Exhibit B.

Comments for FHWA on the PM2 Rule Calculations

WisDOT would like to provide the following comments about the calculations for the pavement condition performance measure:

The FHWA pavement rating metrics of “good”, “fair”, and “poor” allow national comparisons of NHS condition, using data all states can reasonably collect. While WisDOT understands the utility a simplified measure provides for broad national comparisons, the department cautions that these newly created measures provide only a rudimentary assessment that does not precisely correlate with the more comprehensive condition assessment measure used by the department for establishing condition of state highways. WisDOT uses the Pavement Condition Index (PCI) method to assess state highway conditions. PCI is an American Society of Testing and Materials standard (ASTM D6433-11) that has been widely accepted and used by transportation agencies since its development in the 1970s. PCI is a comprehensive pavement condition measure that involves the identification and measurement of unique distress types for developing accurate condition ratings. PCI provides key information about the causative factors creating the distresses defining pavement condition, and that information is essential to the development of cost-effective improvement plans.

Exhibit A

Wisconsin Department of Transportation NHS Pavement Condition Targets

Measure	2-Year Target (2019)	4-Year Target (2021)
Interstate – Percentage pavements in “Good” condition	NA	≥ 45%
Interstate – Percentage pavements in “Poor” condition	NA	≤ 5%
Non-Interstate NHS – Percentage pavements in “Good” condition	≥ 20%	≥ 20%
Non-Interstate NHS – Percentage pavements in “Poor” condition	≤ 12%	≤ 12%

Exhibit B

Wisconsin Department of Transportation NHS Bridge Condition Targets

Measure	2-Year Target (2019)	4-Year Target (2021)
Percentage of NHS bridges by deck area in “Good” condition	≥ 50%	≥ 50%
Percentage of NHS bridges by deck area in “Poor” condition	≤ 3%	≤ 3%

TRANSPORTATION PERFORMANCE MANAGEMENT

The Federal Highway Administration (FHWA) has finalized six interrelated performance rulemakings to implement the TPM framework established by the Moving Ahead for Progress in the 21st Century Act (MAP-21) and the Fixing America's Surface Transportation (FAST) Act.

Collectively, the rules address challenges facing the U.S. transportation system, including:

- improving safety
- maintaining infrastructure condition
- reducing traffic congestion
- improving efficiency of the system and freight movement
- protecting the environment and
- reducing delays in project delivery.

The rules establish national performance measures; State Departments of Transportation (DOTs)



and metropolitan planning organizations (MPOs) will establish targets for applicable measures. New and existing plans will document the strategies and investments used to achieve the targets; progress toward the targets will be reported through new and existing mechanisms.

Learn more at the FHWA TPM web site:

[\(http://www.fhwa.dot.gov/tpm/\)](http://www.fhwa.dot.gov/tpm/)



Freight Reliability Measure



WHAT: Measurement of travel time reliability on the Interstate System (Truck Travel Time Reliability (TTTR) Index). Read the final rule in the [Federal Register](#) [82 FR 5970 (January 18, 2017)].

WHO: State DOTs and MPOs.

WHY: Through MAP-21, Congress required FHWA to establish measures to assess performance in 12 areas, including freight movement on the Interstate. The measure considers factors that are unique to this industry, such as the use of the system during all hours of the day and the need to consider more extreme impacts to the system in planning for on-time arrivals. [23 CFR 490.607]

WHEN: State DOTs must establish 2- and 4-year targets by **May 20, 2018**. Those targets will be reported in the State's baseline performance period report due by **October 1, 2018**. The State DOTs have the option to adjust 4-year targets in their mid performance period progress report, due **October 1, 2020**.

MPOs must either support the State target or establish their own quantifiable 4-year targets within 180 days of the State target establishment.

HOW: Freight movement will be assessed by the TTTR Index. Reporting is divided into five periods: morning peak (6-10 a.m.), midday (10 a.m.-4 p.m.) and afternoon peak (4-8 p.m.) Mondays through Fridays; weekends (6 a.m.-8 p.m.); and overnights for all days (8 p.m.-6 a.m.). The TTTR ratio will be generated by dividing the 95th percentile time by the normal time (50th percentile) for each segment. The TTTR Index will be generated by multiplying each segment's largest ratio of the five periods by its length, then dividing the sum of all length-weighted segments by the total length of Interstate.

State DOTs and MPOs will have the data they need in FHWA's National Performance Management Research Data Set (NPMRDS) as data set includes truck travel times for the full Interstate System. State DOTs and MPOs may use an equivalent data set if they prefer.

Note: The FHWA is preparing guidance on how all rules should be implemented.





Wisconsin Department of Transportation

www.wisconsin.gov

Scott Walker
Governor

Dave Ross
Secretary

Division of Transportation Investment Management
4822 Madison Yards Way
P O Box 7913
Madison, WI 53707-7913

Telephone: 608-266-0255
FAX: 608-267-0294

May 18, 2018

To: Wisconsin Metropolitan Planning Organizations

**Subject: 2019-2021 Targets for the National Performance Management Measures
Third Performance Rule (PM3) – 23 CFR Part 490**

Pursuant to the regulations promulgated by the U.S. Department of Transportation Federal Highway Administration, the Wisconsin Department of Transportation (WisDOT) has established statewide targets for the federal performance measures intended to assess performance of the National Highway System, freight movement on the Interstate System and Congestion Mitigation and Air Quality Improvement Program. WisDOT and the Southeastern Wisconsin Regional Planning Commission (SEWRPC) collectively agreed to unified targets for the Peak Hour Excessive Delay (PHED) measure and the Non-Single Occupancy Vehicles (Non-SOV) measure for the Milwaukee urbanized area. The 2019 and 2021 targets for the six performance measures are identified in Exhibit A.

Additionally, FHWA determined that WisDOT is required to coordinate with the Minnesota Department of Transportation (MnDOT) and the Metropolitan Council (Council), Minneapolis-St. Paul metropolitan area MPO, to establish PHED and Non-SOV performance measures for less than one mile of NHS roadway in the Wisconsin portion of Minneapolis-St. Paul-MN-WI urbanized area. The PHED and Non-SOV targets, which MnDOT, WisDOT and the Council collectively established are included in Exhibit B.

Comments for FHWA on the PM3 Rule Calculations

WisDOT is supplying the data as required, but the department cautions its use. While the reliability measures may be useful for describing reliability of individual urban areas or individual states, these measures are not practical to use for inter-state comparisons. The following reliability metric calculations use the "normal" or 50th percentile travel time in the denominator. Comparisons should not be drawn between states with greater prevalence of recurring congestion with "normal" travel times that are significantly higher than free-flow travel times, and states with "normal" travel times that are close to the posted or free-flow speed.

The reliability measures are based on the following metrics:

- **Travel Reliability Metric: Level of Travel Time Reliability (LOTTR)** = $\frac{80^{\text{th}} \text{ percentile travel time}}{50^{\text{th}} \text{ percentile travel time}}$
- **Freight Reliability Metric: Truck Travel Time Reliability (TTTR)** = $\frac{95^{\text{th}} \text{ percentile travel time}}{50^{\text{th}} \text{ percentile travel time}}$

These reliability metrics do not allow for meaningful comparison between states because urbanized areas with higher levels of recurring congestion may have 50th percentile travel times well above the free-flow travel times, while other urbanized areas with lower levels of recurring congestion have 50th percentile speeds that are closer to the free-flow travel times. For example, it is difficult to compare two 10-mile freeway corridors with a posted speed of 60 mph, when one route has an 80th and 50th percentile travel times of 20 minutes (30 mph) and 10 minutes (60 mph) respectively, while the other route with higher levels of recurring congestion has 80th and 50th percentile travel times of 30 minutes (20 mph) and 15 minutes (40 mph) respectively. While the reliability measures show that these two routes have the same reliability index, the route with the lower 50th percentile travel time has significantly better traffic flow and throughput. For these reasons, these reliability measures should not be used to make simple comparisons between states.

Exhibit A
Wisconsin Department of Transportation

Measure	2017 Results	2-Year Target (2019)	4-Year Target (2021)
Travel Reliability			
1) Percent of person-miles traveled that are reliable on the Interstate	97.9%	94.0%	90.0%
2) Percent of person-miles traveled that are reliable on Non-Interstate NHS	93.9%	NA	86.0%
Freight Reliability			
3) Truck Travel Time Reliability Index on the Interstate	1.16	1.40	1.60
Peak Hour Excessive Delay			
4) Annual Hours of Peak Hour Excessive Delay per Capita on NHS routes in the Milwaukee Urbanized Area	8.96 Hours per capita	NA	8.60 Hours per capita
Non-SOV Travel			
5) Percent of Non-SOV Travel on NHS routes in the Milwaukee Urbanized Area	20.3% (2016)	20.2%	20.1%
Emission Reductions			
6) Total Emissions Reductions in nonattainment or maintenance areas for:			
• VOC	25.190 Kgs	21.991 Kgs	63.419 Kgs
• NOx	100.616 Kgs	160.358 Kgs	327.716 Kgs
• PM2.5	18.375 Kgs	16.345 Kgs	34.109 Kgs

Exhibit B
Minneapolis-St. Paul-MN-WI Urbanized Area

Measure	2017 Results	2-Year Target (2019)	4-Year Target (2021)
Peak Hour Excessive Delay			
4) Annual Hours of Peak Hour Excessive Delay per Capita on NHS routes in the Minneapolis-St. Paul Urbanized Area	8.65 Hours per capita	NA	8.50 Hours per capita
Non-SOV Travel			
5) Percent of Non-SOV Travel on NHS Minneapolis-St. Paul Urbanized Area	23.2% (2016)	25.0%	25.0%

Marathon County Roadway Investment Policy

The Marathon County Infrastructure Committee Chair, John Robinson along with County Administration, Highway Department, and the Metropolitan Planning Organization staff, have begun the conversation regarding assistance in developing policies relative to infrastructure needs to support potential economic development on roadway improvement, maintenance and jurisdictional transfer.

The following will be sent to all of the State County Highway Commissioners, County Planning Directors, and MPO Directors:

Marathon County and the Wausau Metropolitan Planning Organization are working to develop a policy to help us prioritize improvements to county roads and we would greatly appreciate your knowledge and input. Specifically we are looking at creating a policy that addresses scheduled maintenance/replacement and economic development opportunities. We are interested in formulating specific criteria to determine if a request meets the threshold for action. In the event that you have existing policies relative to the questions below, we would sincerely appreciate if you would be willing to share them:

What is your current policy on upgrading roads to all season use?

What is your policy on road upgrades for economic opportunities?

Are your county roads programmed or funded (cost sharing) differently in metropolitan versus rural areas?

If anyone is interested in receiving a copy of the policy we create, simply let us know and we would be happy to pass it along.

Regional Planning Officials: \$47M In Federal Funding Gone From Urban Road Projects

State DOT Officials Counter, Say Locals Haven't Lost Any Federal Funding
Tuesday, September 11, 2018, 6:35pm
By Rich Kremer

Regional planning officials are questioning a program change at the Wisconsin Department of Transportation that they claim has cost them \$47 million in federal funding for urban road projects. The agency disputes that, saying that no federal funds have been pulled.

The federal funding comes to the state through grants to DOT. The agency then sends that money to regional groups that distribute it to cities and counties with road projects in urban areas.

This month, regional officials went public with claims that a year's worth of the federal dollars had disappeared without explanation by the DOT.

June Coleman, DOT program and policy chief, sent a letter to the agency's regional planning commissions this summer. It said that "due to the program delay," the current cycle would utilize four years of funding instead of five, "effectively dropping fiscal year 2018."

Regional planning officials in Green Bay and Appleton have claimed they're losing \$3 million in funds because of this change. Madison officials report they're missing out on nearly \$7 million. Eau Claire County Highway commissioner Jon Johnson said he was expecting \$625,000 in federal funding to rebuild County Highway T, north of Eau Claire. "But now, with the recent update from the Department of Transportation, we're looking at a loss of \$186,000, which means I have to come up with that funding in addition to my local share to have this project stay on track," he said.

A Sept. 7 statement from DOT spokesman Christian Schneider to WPR said there was confusion from local officials over what he called an accounting change based on how many years into the future the program is planned. He said previously, the program was administered through five-year cycles, but because of a delay in the program due to debates within state government over whether to use federal or state funding, it has now shifted to a four-year cycle.

"The bottom line is that no Metropolitan Planning Organization (MPO) has lost or is losing their (Surface Transportation Program) allocation," Schneider wrote. "More than \$47.4 million in federal funding was used for local STP projects by MPOs in fiscal year 2018. The money did not 'disappear,' it was simply not counted in the forward-looking plan that ends in 2022."

In an email statement, Federal Highway Administration spokesman Doug Hecox said the agency is aware of concerns related to the federal funding through it's "Fixing America's Surface Transportation (FAST) Act."

"State departments of transportation, like WisDOT, are not required to distribute the funds to Transportation Management Areas annually, but to do so in a reasonable manner over the life of the FAST Act," Hecox told WPR.

Wisconsin County Highway Association executive director Dan Fedderly said from an accounting perspective, the DOT's accounting change explanation makes sense, but it doesn't answer the question of where the money went. He said that DOT officials aren't responding to requests for more information by his group and local officials.

"We've been unable to get any of the data, any of the information," said Fedderly. "In fact, the department has refused to schedule additional meetings to provide us with the information just so we can see where and what and the level of funding."

Fedderly, who has worked as a consultant for the DOT and counties for 35 years, said the lack of communication from the department since Gov. Scott Walker appointed Dave Ross to replace former DOT Secretary Mark Gottlieb was "absolutely unique." Ross took over in December 2016 after Gottlieb resigned his position. Fedderly said that lack of communication is putting local road projects in jeopardy.

"Without a clearly open and transparent record of where the funds are, what funds are available, what funds aren't available, it becomes extremely difficult for the MPOs, and in turn for us, to move these projects forward in an effective manner for the citizens of Wisconsin," Fedderly said.

In an interview and written statement dated on Sunday, former Secretary Gottlieb said Walker has been "increasingly inaccurate" about recent comments about the state's ability to save money on highway projects by not adding lanes when roads are rebuilt.

WisDOT Analysis of 2017 Act 59
DRAFT

- Wis. Stat. § 32.015¹ provides that property needed to establish or extend a recreational trail, bicycle lane, or bicycle or pedestrian way may not be acquired through the use of eminent domain.²
- This prohibition does not prohibit condemnation for sidewalks.
 - The statute does not include a reference to “sidewalk”, which is defined under Wis. Stat. § 340.01(58).³
 - While the definition of “pedestrian way” under § 346.02(8)(a) is defined broadly as “a walk designated for the use of pedestrian travel,” the purpose of the section is to provide that “[a]ll of the applicable provisions of the chapter pertaining to ... sidewalks also apply to pedestrian ways.” Therefore, the term “pedestrian way” should be read to include only those walks providing pedestrian travel that are not sidewalks.
- This prohibition applies whether a condemnor seeks to establish or extend the bike or pedestrian facility as a standalone project or in conjunction with a highway improvement project.
- However, effect should be given to the terms “establish” and “extend” as used in the statute.
 - If the condemnor is not (1) “establishing” a recreational trail, bike facility or pedestrian way where none previously existed; or (2) “extending” an existing recreational trail, bike facility, or pedestrian way to areas where none previously existed, the prohibition on the use of condemnation to acquire property does not apply.
 - For example, condemnors may use eminent domain to acquire new right-of-way for projects where the highway has existing bicycle lanes to reestablish the bicycle lanes.
- Recreational trail is not defined in the statute. Using the common meaning of the term recreation leads to the conclusion that property for improvements that are purely for recreational or leisure purposes, i.e. with their primary purpose not being the provision of a transportation solution, that would be newly created or added on to as part of a highway project or separately cannot be acquired by condemnation. Further, recreational trail should not be construed to include sidewalks, which are for the purpose of pedestrian travel within a right-of-way.

¹ Property may not be acquired by condemnation to establish or extend a recreational trail; a bicycle way, as defined in s. 340.01(5s); a bicycle lane, as defined in s. 340.01(5e); or a pedestrian way, as defined in s. 346.02(8)(a).

² § 340.01(5s): “Bicycle way” means any path or sidewalk or portion thereof designated for the use of bicycles and electric personal assistive mobility devices by the governing body of any city, town, village, or county.

§ 340.01(5e): “Bicycle lane” means that portion of a roadway set aside by the governing body of any city, town, village, or county for the exclusive use of bicycles, electric personal assistive mobility devices, or other modes of travel where permitted under s 349.23 (2) (a), and so designated by appropriate signs and pavement markings.

§ 346.02(8): Applicability to pedestrian ways.

- (a) All of the applicable provisions of this chapter pertaining to highways, streets, alleys, roadways and sidewalks also apply to pedestrian ways. A pedestrian way means a walk designated for the use of pedestrian travel.
- (b) Public utilities may be installed either above or below a pedestrian way, and assessments may be made therefor as if such pedestrian way were a highway, street, alley, roadway or sidewalk.

³ “Sidewalk” means that portion of a highway between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, constructed for use of pedestrians.

WisDOT**State Fiscal Year 2018-2022 Transportation Alternatives Program (TAP) Awards**

Sponsor	Award	Project Title
Beloit School District	\$478,362	Inman Parkway Sidewalk
City of Ashland	\$720,000	City of Ashland Pedestrian & Bike Improvements
City of Kaukauna	\$75,440	STH 96 / Green Bay Road Bicycle Lane Extension
City of Madison	\$847,155	Garver Path
City of Milwaukee	\$638,400	East and West Washington Street / West Scott Street Bicycle Boulevard
City of Milwaukee	\$256,000	Milwaukee Complete Streets Handbook
City of Milwaukee	\$573,300	Pedestrian & Transit Intersection Improvements
City of Milwaukee	\$595,846	Safe Routes to School Plan Implementation Phase 1
City of New Richmond	\$777,529	County Road A Off-Road Trail
City of Oshkosh	\$255,277	Tribal Heritage Crossing Connection
City of River Falls	\$48,000	City of River Falls Bicycle and Pedestrian Plan
City of Wausau	\$640,497	Business Campus Bicycle and Pedestrian Trail - 72nd Ave.
City of Wausau	\$70,400	Wausau Safe Routes to School Plan
City of Wauwatosa	\$448,143	Wauwatosa BikeShare III
East Central WI Regional Planning Commission	\$572,240	East Central Wisconsin Regional Planning Commission Safe Routes to School Plan
Forest County Potawatomi Community	\$60,000	USH 8 Pathway to Wellness Project-Feasibility Study
Jefferson County Parks	\$1,102,840	Interurban Transportation Trail - Watertown to Oconomowoc
Kenosha County	\$386,096	County C Shared-Use Path - 114th Avenue to 100 feet East of Des Plaines River
Milwaukee County Parks Department	\$2,000,000	Historic Lake Park Ravine Bridge Replacement
Milwaukee County Parks Department	\$96,160	Greenfield Park Oak Leaf Trail Reconstruction
Milwaukee County Parks Department	\$120,000	Little Menomonee River Parkway Oak Leaf Trail Relocation
Milwaukee Public Schools	\$328,800	Milwaukee Public Schools Safe Routes to School Program

Sponsor (continued)	Award	Project Title
Sparta Area School District	\$7,778	Blinking Crosswalk Signs for a Safer Route to School
Town of Iron River	\$663,974	Iron River Community Sidewalk Project
Village of Allouez	\$468,424	Doty School Safe Routes to School Project
Village of Cottage Grove	\$554,800	Glacial Drumlin Path
Village of Howard	\$528,192	Velp Avenue Trail - Phase 1
Village of Rothschild	\$710,052	Rothschild-Schofield Business 51 Bypass Trail
Waukesha County	\$1,696,000	Pewaukee to Brookfield Bicycle Pedestrian Trail
TOTAL	\$15,719,705	