

**COUNTY OF MILWAUKEE
INTEROFFICE COMMUNICATION**

DATE: May 16, 2014

TO: Marina Dimitrijevic, Chair, County Board of Supervisors
Michael Mayo Sr., Chair, Transportation, Public Works and Transit Committee,
County Board of Supervisors

FROM: Brian Dranzik, Director, Department of Transportation

SUBJECT: Contract between the Milwaukee County Department of Transportation and the Wisconsin Department of Transportation (WisDOT) for the Milwaukee County Transit System (MCTS) to provide Transit Services as a result of the Settlement Agreement between WisDOT and the Plaintiffs (MICAH and BHC) as part of the Zoo Interchange Freeway Reconstruction Project.

POLICY

Proposed additions, deletions, and modifications to transit routes and services are subject to County Board approval prior to implementation. Requests for such changes are researched and reported to the County Board by Transit System staff.

BACKGROUND

In March 2012, the Federal Highway Administration approved of the Zoo Interchange Reconstruction and Expansion Project at a projected cost of \$1.7 billion.

In August 2012, the American Civil Liberties Union of Wisconsin and Midwest Environmental Advocates filed a lawsuit against federal transportation agencies and the Wisconsin Department of Transportation (WisDOT) on behalf of Milwaukee Inner City Congregations Allied for Hope (MICAH) and the Black Health Coalition of Wisconsin (BHC) for inadequately addressing the needs of persons who rely on transit within the scope of the \$1.7 billion project.

As a result of the settlement, WisDOT and MICAH and BHC (the plaintiffs) must ultimately agree to any newly created route. The Milwaukee County Department of Transportation and MCTS have worked with WisDOT and the plaintiffs to provide assistance in the route development that address the terms of the settlement agreement. At this time, WisDOT is proposing to fund additional transit service during the reconstruction of the Zoo Interchange, with a focus on creating new local or express routes, or extending existing transit services from Milwaukee to locations within western, northwestern, or southwestern Milwaukee County or within Waukesha and Washington Counties.

Per the terms of the agreement, MCTS has reviewed transit expansion opportunities within the project area that have the potential to:

- Reduce existing transit travel times;
- Serve areas with high job concentrations

The proposed settlement agreement will make about \$2.875 million available to MCTS annually from 2014 to 2018 for transit routes and related services specific to the settlement agreement. WisDOT is also planning to provide \$500,000 annually for marketing efforts related to these routes.

At this time, an initial route-specific contract is being developed between WisDOT and MCTS to fund a reverse commute express service route from the central city to Park Place Business Park in Milwaukee County and the Menomonee Falls industrial park in Waukesha County.

- ❖ Route 279
 - Start date of August 24, 2014
 - New service will follow Fond du Lac Avenue between Milwaukee and Menomonee Falls.
 - Transit services will focus on typical work-shift start and end times, 7-days per week for all three-shifts.
 - 2014 cost of \$245,000 – 100% funded
 - 2015 cost of \$668,000 – 100% funded
 - A map is attached to this report for reference.

Finally, additional routes have been identified and are currently under review by the plaintiffs and WisDOT.

RECOMMENDATION

Approval of operation of MCTS Route 279 will benefit Milwaukee County residents, and have no overall fiscal impact on MCTS. Costs for this new service will be offset with revenue from the State of Wisconsin over the settlement agreement period. The route will reduce transit travel times to areas of employment in northwestern Milwaukee County and within Waukesha County.

It should be noted that Milwaukee County was not a party to the lawsuit referenced in this memorandum and approval of this agreement in no way makes Milwaukee County a party to the lawsuit. Milwaukee County will function as the transit service provider to fulfill the terms of the agreement between the plaintiffs and WisDOT under the general direction of WisDOT.

The attached resolution would authorize the Milwaukee County Department of Transportation to enter into the necessary agreement with the Wisconsin Department of Transportation to provide the transit routes and related services as directed by WisDOT.

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FISCAL NOTE

The cost for the Milwaukee County Transit System to provide the transit routes and related services identified in this memorandum are offset with revenue from the State of Wisconsin.

Prepared by: Dan Boehm, Chief Administrative Officer, MCTS
James H. Martin, Director of Administration, MCDOT

Approved by:

Brian Dranzik
Director, Department of Transportation

Attachment

cc: Chris Abele, Milwaukee County Executive
Kelly Bablitch, Chief of Staff, County Board of Supervisors
Raisa Koltun, Interim – Chief of Staff, Milwaukee County Executive
John Zapfel, Deputy Chief of Staff, Milwaukee County Executive
Don Tyler, Director, Department of Administrative Services
Josh Fudge, Fiscal and Budget Administrator, Department of Administrative Services
Anthony Geiger, Fiscal and Budget Analyst, Department of Administrative Services

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(ITEM) From the Director of the Department of Transportation, recommending approval of a contract between the Milwaukee County Department of Transportation and the Wisconsin Department of Transportation to implement Route 279 providing express bus service from the central city to the Park Place Business Park in Milwaukee County and Menomonee Falls Industrial Park, effective August 24, 2014.

A RESOLUTION

WHEREAS, in March 2012, the Federal Highway Administration approved of the Zoo Interchange Reconstruction and Expansion Project at a projected cost of \$1.7 billion; and

WHEREAS, in August 2012, the American Civil Liberties Union of Wisconsin and Midwest Environmental Advocates filed a lawsuit against federal transportation agencies and the Wisconsin Department of Transportation (WisDOT) on behalf of Milwaukee Inner City Congregations Allied for Hope (MICAH) and the Black Health Coalition of Wisconsin (BHC) for inadequately addressing the needs of persons who rely on transit within the scope of the \$1.7 billion project; and

WHEREAS, as a result of the settlement, WisDOT and MICAH and BHC (plaintiffs) must ultimately agree on any newly created route; and

WHEREAS, the Milwaukee County Department of Transportation and MCTS have worked with WisDOT and the plaintiffs to provide assistance in the route development that address the terms of the settlement; and

WHEREAS, the proposed settlement will make about \$2.875 million available to MCTS annually from 2014 to 2018 for transit routes and related services specific to the settlement agreement; and

WHEREAS, WisDOT is also planning to provide an additional \$500,000 annually for marketing efforts related to these routes; and

WHEREAS, at this time, WisDOT is proposing to fund additional transit service during the reconstruction of the Zoo Interchange, with a focus on creating new local or express routes, or extending existing transit services from Milwaukee to locations within western, northwestern, or southwestern Milwaukee County or within Waukesha and Washington Counties; and

46 WHEREAS, at this time, an initial route-specific contract is being
47 developed between WisDOT and MCTS to fund a reverse commute
48 express service route from the central city to Park Place Business Park in
49 Milwaukee County and the Menomonee Falls industrial park in Waukesha
50 County; and

51
52 WHEREAS, it should be noted that Milwaukee County was not a
53 party to the lawsuit between WisDOT and the plaintiffs MICAH and BHC
54 and approval of the transit services contract between WisDOT and
55 Milwaukee County in no way makes the County a party to the lawsuit and
56 that Milwaukee County will only function as the transit service provider to
57 fulfill the terms of the settlement agreement between the plaintiffs and
58 WisDOT under the general direction of WisDOT; now, therefore

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60 BE IT RESOLVED, the Milwaukee County Department of
61 Transportation is authorized to enter into a contract with the Wisconsin
62 Department of Transportation for the Milwaukee County Transit System to
63 provide Transit Services including operation of the proposed Route 279
64 which is expected to become effective August 24, 2014 as a result of the
65 Settlement Agreement between WisDOT and the Plaintiffs (MICAH and
66 BHC) as part of the Zoo Interchange Freeway Reconstruction project; and

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68 BE IT FURTHER RESOLVED these transit services are provided with
69 the purpose of reducing travel times and increasing access to areas of
70 employment; and

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72 BE IT FURTHER RESOLVED the Milwaukee County Department of
73 Administrative Services is authorized to process a 2014 administrative
74 appropriation transfer for Org Unit 5600 Transit/Paratransit to increase
75 operating budget authority to reflect the additional expenditures that will
76 result from entering into the contract with the State of Wisconsin Department
77 of Transportation and to recognize the state revenue which fully offsets the
78 increased cost for the transit services being provided.

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: 5/16/14

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: Contract between the Milwaukee County Department of Transportation and the Wisconsin Department of Transportation for the Milwaukee County Transit System to provide Transit Services as a result of the Settlement Agreement between WisDOT and the Plaintiffs (MICAH and BHC) as part of the Zoo Interchange Freeway Reconstruction Project

FISCAL EFFECT:

- | | |
|---|--|
| <input type="checkbox"/> No Direct County Fiscal Impact
<input type="checkbox"/> Existing Staff Time Required
<input checked="" type="checkbox"/> Increase Operating Expenditures
(If checked, check one of two boxes below)
<input type="checkbox"/> Absorbed Within Agency's Budget
<input checked="" type="checkbox"/> Not Absorbed Within Agency's Budget
<input type="checkbox"/> Decrease Operating Expenditures
<input checked="" type="checkbox"/> Increase Operating Revenues
<input type="checkbox"/> Decrease Operating Revenues | <input type="checkbox"/> Increase Capital Expenditures
<input type="checkbox"/> Decrease Capital Expenditures
<input type="checkbox"/> Increase Capital Revenues
<input type="checkbox"/> Decrease Capital Revenues
<input type="checkbox"/> Use of contingent funds |
|---|--|

Indicate below the dollar change from budget for any submission that is projected to result in increased/decreased expenditures or revenues in the current year.

	Expenditure or Revenue Category	Current Year	Subsequent Year
Operating Budget	Expenditure	\$245,000	\$668,000
	Revenue	\$245,000	\$668,000
	Net Cost	\$0	\$0
Capital Improvement Budget	Expenditure	\$0	\$0
	Revenue	\$0	\$0
	Net Cost	\$0	\$0

DESCRIPTION OF FISCAL EFFECT

In the space below, you must provide the following information. Attach additional pages if necessary.

- A. Briefly describe the nature of the action that is being requested or proposed, and the new or changed conditions that would occur if the request or proposal were adopted.
- B. State the direct costs, savings or anticipated revenues associated with the requested or proposed action in the current budget year and how those were calculated.¹ If annualized or subsequent year fiscal impacts are substantially different from current year impacts, then those shall be stated as well. In addition, cite any one-time costs associated with the action, the source of any new or additional revenues (e.g. State, Federal, user fee or private donation), the use of contingent funds, and/or the use of budgeted appropriations due to surpluses or change in purpose required to fund the requested action.
- C. Discuss the budgetary impacts associated with the proposed action in the current year. A statement that sufficient funds are budgeted should be justified with information regarding the amount of budgeted appropriations in the relevant account and whether that amount is sufficient to offset the cost of the requested action. If relevant, discussion of budgetary impacts in subsequent years also shall be discussed. Subsequent year fiscal impacts shall be noted for the entire period in which the requested or proposed action would be implemented when it is reasonable to do so (i.e. a five-year lease agreement shall specify the costs/savings for each of the five years in question). Otherwise, impacts associated with the existing and subsequent budget years should be cited.
- D. Describe any assumptions or interpretations that were utilized to provide the information on this form.

- A. A reverse commute transit express service route from the central city to Park Place Business Park in Milwaukee County and the Menomonee Falls industrial park in Waukesha County will be initiated August 24, 2014.
- B. This new transit service will be fully funded by WisDOT using Zoo Interchange Project traffic mitigation funds for transit route support. Total cost in 2014 is projected to be \$245,000. Total cost in 2015 is projected to be \$668,000.
- C. No budgetary impacts are anticipated as the cost for providing these transit routes and related services are fully offset with revenue from the State of Wisconsin.
- D. The Transit routes and related services will be funded by revenue from the State of Wisconsin throughout the legal settlement agreement period.

¹ If it is assumed that there is no fiscal impact associated with the requested action, then an explanatory statement that justifies that conclusion shall be provided. If precise impacts cannot be calculated, then an estimate or range should be provided.

² Community Business Development Partners' review is required on all professional service and public work construction contracts.

Department/Prepared By James H. Martin – Director of Administration - MCDOT

Authorized Signature _____

Did DAS-Fiscal Staff Review? Yes No

Did CBDP Review?² Yes No Not Required

Route 279 Menomonee Falls Industrial Park Express

