



Wisconsin Department of Transportation

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Scott Walker
Governor

Dave Ross
Secretary

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September 29, 2017

Michael Davies, PE
Division Administrator
Federal Highway Administration, Wisconsin Division
525 Junction Road, Suite 8000
Madison, WI 53717

RE: Request to Rescind Record of Decision
I-94 East-West, 70th Street to 16th Street, Milwaukee County
WisDOT Project ID 1060-27-00
FHWA-WI-EIS-2014-02-F

Dear Mr. Davies,

On September 9, 2016, the Federal Highway Administration, Wisconsin Division (FHWA) and the Wisconsin Department of Transportation (WisDOT) signed the Record of Decision selecting a preferred alternative and approving the environmental analysis for the I-94 East-West Corridor, 70th Street to 16th Street, Milwaukee County (the I-94 East-West Project).

Under s. 84.0145, Wis. Stats., the Legislature must specifically authorize WisDOT to proceed with this project. As you are aware, Governor Walker has recently signed 2017 Wisconsin Act 59, the State's biennial budget for FY 2017-19. The budget did not authorize WisDOT to advance the I-94 East-West Project. It is unlikely that the Legislature would take action independent of the budget process to authorize the project during this legislative session. Moreover, this project's environmental document is currently in litigation. (*NAACP Milw. Branch v. Ross*, Case No. 17-CV-297, E.D. Wis.). Without statutory authorization to advance this project, pursuing this litigation presents an unnecessary expense for all parties involved. For these reasons, WisDOT is requesting that FHWA rescind its approval of this project's Record of Decision.

Despite WisDOT's request to rescind the Record of Decision, the project's Final Environmental Impact Statement (FEIS) represents a significant effort and investment at both the state and federal level. Therefore, we would ask that FHWA confirm that the analysis presented in the FEIS may be used to support a future Record of Decision, to the extent allowed by law. WisDOT understands that over time, future circumstances may arise that would require WisDOT to re-evaluate all or parts of the analysis presented in the FEIS, or at least parts of it. This will occur according to applicable National Environmental Policy Act (NEPA) and Wisconsin Environmental Policy Act (WEPA) regulations.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Ross", with a long horizontal flourish extending to the right.

Dave Ross
Secretary