



December 3, 2008

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Civil Rights/Environmental Justice Complaint:
State Agency Approval of:
I-94 North-South Corridor Expansion
Drexel Interchange addition
S. 27th St./I-894 Interchange reduction

INTRODUCTION

1. This complaint is being filed to object to plans of the Wisconsin Department of Transportation relating to the reconstruction and expansion of I-94, the construction of an interchange at Drexel Ave. ("Drexel Interchange"), and the closure of a significant portion of an interchange at 27th St. and I-894 ("27th St./894 Interchange"). The Record of Decision in this case required the commencement of legal action to occur by Dec. 3, 2008.
2. Complainant objects on civil rights and environmental justice grounds to WisDOT's plans. In particular, complainants object to the fact that WisDOT has taken actions with both the intent and effect of imposing disproportionate and unnecessary harm upon the residents of the city of Milwaukee - the state's only majority-minority city.
3. At the same time, WisDOT has refused to meaningfully consider or take actions that would provide offsetting benefits to residents of color.

4. The burdens WisDOT plans to impose on the Milwaukee and its residents of color are not narrowly tailored to meet a compelling need.
5. For the reasons set forth in detail below, WisDOT's decision-making process, and the underlying decision itself, are actions and methods of administration that have a discriminatory effect on persons of color and therefore violate Title VI of the Civil Rights Act and environmental justice requirements.

PARTIES

6. The Complainant, American Civil Liberties Union of Wisconsin, is a membership organization dedicated to protecting civil rights, including the right to equal protection, and to opposing against discrimination in all its forms. ACLU of Wisconsin members reside throughout the state of Wisconsin, including in the city of Milwaukee and in the corridor study area.
7. The ACLU of Wisconsin is also affiliated with the ACLU of Wisconsin Foundation, which seeks to protect civil rights, including the right to equal protection, and which advocates and litigates against all forms of discrimination.
8. The ACLU of Wisconsin and the ACLU of Wisconsin Foundation long have worked to oppose segregation in the metropolitan Milwaukee area. For at least six years, that work has included extensive support for regional and transportation equity, and for environmental justice.
9. The Complainant's offices are located at 207 E. Buffalo St., #325, Milwaukee, WI 53202.
10. WisDOT is a governmental agency of the state of Wisconsin, headed by the Secretary of Transportation, Frank Busalacchi.
11. WisDOT's main offices are located at Hill Farms State Office Bldg., 4802 Sheboygan Ave., P.O. Box 7910, Madison, WI 53707.
12. WisDOT receives federal funding, including but not limited to funding from the Federal Highway Administration, for projects including highway construction.

BACKGROUND

13. A majority of the residents of the city of Milwaukee are persons of color; only 45.4% of the city's residents are non-Hispanic white persons.
14. The city of Milwaukee is the only majority-minority city in the state of Wisconsin.

15. The U.S. Census Bureau has identified the Milwaukee-Waukesha region as, overall, the most racially segregated region in the United States for African-Americans.¹
16. The racial residential disparities between the city of Milwaukee and the suburbs are particularly severe.²
17. The U.S. Census Bureau has also identified the Milwaukee-Waukesha region as being in the top third in the United States of ethnically segregated regions for Hispanics.³
18. Minority and low-income populations in Milwaukee are transit-dependent to far greater extents than majority or higher income populations.⁴
19. There are also significant disparities in the prevalence of auto ownership and drivers licensure between the predominantly low income and minority residents of Milwaukee's central city and the predominantly white residents of suburban communities.
20. Fewer than half of African-American and Hispanic adults in Milwaukee County have valid drivers' licenses, compared to 73% of white Milwaukee County adults.⁵
21. In each of the counties in the study area, but particularly in Milwaukee, persons of color - especially African-Americans - are much more likely to reside in households with no vehicles available than are white non-Hispanic persons.⁶

¹U.S. Census Bureau, *Racial and Ethnic Residential Segregation in the United States: 1980-2000*, Ch. 5 (Aug. 2002) (averaging five separate measures of segregation, the most "segregated metropolitan area[] for Blacks in 2000 [was] . . . Milwaukee-Waukesha . . .").

²See, e.g., Levine, Mark, *Two Milwaukees: Separate and Unequal*, UWM-Center for Economic Development (April 2003), at pp. 4-5.

³*Racial and Ethnic Residential Segregation, supra.*, Ch. 6.

⁴*SEWRPC Planning Report 049, 2035 Regional Transportation System Plan* (2006), p. 123, confirming that "[h]ousehold income is strongly correlated with transit tripmaking. Households in the lowest quartile of household income, particularly over the last 10 years, make up a substantial share of total weekly transit trips -- about 64 percent in 1991 and 54 percent in 2001. See also, *id.*, pp. 137-8.

⁵Pawasarat, John, "The Drivers License Status of the Voting Age Population in Wisconsin," UWM-Employment and Training Institute (June 2005), pp. 1-2.

⁶See, e.g., U.S. Census 2000, Data Set 3, Tables HCT 33B, 33H, and 33I, for Kenosha, Racine and Milwaukee Counties. The same holds true within the city of Milwaukee.

22. WisDOT failed to gather meaningful data on issues such as drivers licensure or vehicle availability by race or ethnicity,⁷ or to evaluate the civil rights and environmental justice implications of these disparities.
23. The majority-minority residents of the city of Milwaukee are less likely to commute outside Milwaukee, and thus less likely than white non-Hispanic persons to benefit from highway reconstruction or expansion.⁸
24. WisDOT has, and prior to the time it made the final decision at issue, had, actual knowledge of the racial and ethnic disparities that result in persons of color benefitting far less from highway expansion and reconstruction than white non-Hispanic persons.

FACTS

25. WisDOT decided to construct a new, full service diamond interchange at Drexel Ave. and I-94 in Oak Creek, Wisconsin.
26. The planned Drexel Interchange is in the city of Oak Creek, which according to the 2000 census was 89.6% non-Hispanic white.
27. The planned Drexel Interchange is near, and is also intended to benefit, the city of Franklin, which according to the 2000 census was 89.1% non-Hispanic white.⁹

⁷See, FEIS at 3-46, addressing only aggregate lack of vehicle availability, not the racial implications thereof. WisDOT's failure to address the racial and ethnic nature of commuting patterns was raised as a concern in comments submitted on Jan. 25, 2008, by Complainant and other organizations and thus was available to WisDOT.

⁸Armstrong, Peter, UWM-Center for Economic Development Census Analysis, Attachment A to Jan. 25, 2008 comments submitted to WisDOT by organizations including Complainant. The data shows, for example, that fewer than ½ of 1% of "Enterprise Community" (inner city) residents in Milwaukee commute to Racine or Kenosha counties. Thus, the corridor highway construction will not provide a substantial benefit to them.

Despite having been provided this data, WisDOT ignored the civil rights or environmental justice effects of it, instead simply asserting that most persons of color commute by car, FEIS at 4-48, and implying - but not evaluating - whether such persons will benefit from the project. Moreover, WisDOT failed to evaluate the vehicle ownership or commuting patterns of white non-Hispanic residents - who clearly are more likely to drive to work and less likely to use transit than persons of color, and who therefore will *disproportionately* benefit from the project.

⁹Moreover, according to the 2000 Census (Data Set 1, PCT 17), 1275 of Franklin's 1489 African-American residents (86 %), and 539 of its 780 Latino residents (69%) are in Franklin because they are confined in correctional institutions (presumably, the Milwaukee County House of Corrections); thus longer term Franklin residents are even more overwhelmingly and disproportionately white non-Hispanic than the overall census data indicates.

28. Construction of the Drexel Interchange is intended to facilitate development in and near S. 27th St. in Oak Creek and Franklin.
29. WisDOT explicitly recognizes that construction of a new interchange at Drexel Ave. is “very likely” to induce growth and create adverse effects on the city of Milwaukee and its residents, including:
 - a. “[P]otential to influence interregional land development patterns -- redevelopment along 27th Street in Milwaukee may be discouraged as the ease of developing ‘greenfield’ sites in Oak Creek and Franklin increases;” and
 - b. “[M]ay increase the competitiveness of new ‘greenfield’ sites and discourage reinvestment in existing urban corridors.”¹⁰
30. WisDOT made the decision to build the Drexel Interchange with the knowledge that it will benefit the majority-white residents of Oak Creek and Franklin while having adverse effects on the majority-minority residents of the city of Milwaukee.
31. WisDOT also proposes to eliminate currently existing, convenient access to I-894 Southbound at the South 27th Street Interchange in the city of Milwaukee.
32. WisDOT explicitly recognizes that closing the 27th St./894 Interchange is likely to create negative development effects on the city of Milwaukee and its residents, including:

“[R]educed access/indirection may impact the potential of airport area businesses that are dependent on transportation (logistics, hospitality) as well as established commercial businesses along Layton Ave.”¹¹
33. The harm from closure of the 27th St./894 Interchange is likely to disproportionately affect the Latino community and businesses in the city of Milwaukee, which are concentrated on the south side in and near the 27th St. corridor.
34. The FEIS does not indicate that meaningful consideration was given to the nature of the businesses likely to be affected by closing the 27th St./894 Interchange or whether doing so would impose a disproportionate harm on minority businesses and/or minority communities.

¹⁰FEIS, Indirect Effects Summary Exhibit 4-2. See also, FEIS at 4-8 (constructing Drexel Interchange may “redirect development from other areas within southern Milwaukee County to this area”.)

¹¹FEIS, Indirect Effects Summary Exhibit 4-2.

35. WisDOT recognizes that the city of Milwaukee, as well as Oak Creek and Franklin, were all working to increase business opportunities along the 27th St. corridor.¹²
36. The FEIS does not indicate that consideration was given to the Title VI or environmental justice effects of facilitating development in and near Oak Creek and Franklin's portion of the 27th St. corridor while limiting urban development and redevelopment in the city of Milwaukee's portion of the 27th St. corridor.
37. Contrary to the requirements of Title VI, WisDOT did not discuss the racially or ethnically discriminatory impacts of the recommendation to construct the Drexel Interchange, much less justify the recommendation as narrowly tailored to meet a compelling need.
38. Contrary to the requirements of Title VI, WisDOT did not discuss the racially or ethnically discriminatory impacts of the recommendation to close or restrict the 27th St./894 Interchange, much less justify the recommendation as narrowly tailored to meet a compelling need.
39. Contrary to the requirements of Title VI, WisDOT did not discuss the racially or ethnically discriminatory impacts of the cumulative recommendations to construct the Drexel Interchange and restrict the 27th St./894 Interchange, much less justify the recommendations as narrowly tailored to meet a compelling need.
40. WisDOT also proposes to widen I-94 from 6 to 8 lanes throughout the project area, including in the city of Milwaukee.
41. Adding lanes to the project area is anticipated to cost \$200 million.¹³
42. WisDOT concedes that adding the \$200 million additional lanes will have only a "minimal effect," and in particular that "[t]ravel time savings are expected to be minimal" in all the counties under study.¹⁴
43. WisDOT explicitly recognizes that *declining* to widen I-94 is likely to increase the market for land closer to downtown Milwaukee,¹⁵ and thus provide economic development benefits to the majority-minority residents of the city.

¹²FEIS at 3-21.

¹³FEIS Summary, p. V.

¹⁴FEIS, Indirect Effects Summary Exhibits 4-1, 4-2.

¹⁵FEIS, Indirect Effects Summary Exhibit 4-2.

44. WisDOT did not consider the Title VI and environmental justice effects and potential offsetting benefits, such as downtown economic development benefits, to the majority residents of color of Milwaukee, of refraining from widening I-94.
45. Contrary to the requirements of Title VI, WisDOT did not discuss the racially or ethnically discriminatory impacts on the broader community of the recommendation to widen I-94,¹⁶ much less justify the recommendation as narrowly tailored to meet a compelling need.
46. In deciding to widen I-94, WisDOT rejected the policy and position of the Milwaukee Public School Board, which objected to the widening and expressed concern regarding air pollution in the study area.¹⁷
47. While recognizing that several schools - especially Milwaukee Public Schools' Lowell and Garland elementary schools - were extremely close to the highway and have minority student populations in excess of the minority populations of the surrounding neighborhoods,¹⁸ WisDOT failed to evaluate, or develop plans to mitigate, the effects of air or noise pollution or other potential health effects created by potential induced travel or by the multi-year construction process itself.¹⁹
48. WisDOT is aware that transit dependent residents will not significantly benefit from the I-94 reconstruction or expansion.²⁰
49. Recipients of federal funds are obligated to propose "measures to avoid, minimize, and/or mitigate disproportionately high and adverse environmental and public health effects and interrelated social and economic effects," and by failing to "provid[e] offsetting benefits

¹⁶WisDOT limited its discussion of whether there were racial effects to persons living near the highway. Yet even though it discusses potential harms and benefits to the city of Milwaukee as a whole, it unreasonably failed to gather or analyze data on the racial and ethnic composition of the broader community, and on whether this broader, majority-minority community would be harmed by or benefit from particular decisions.

¹⁷FEIS at 7-6.

¹⁸FEIS at 4-46.

¹⁹These concerns were raised in comments submitted to WisDOT by groups including Complainant on Jan. 25, 2008. WisDOT also failed to evaluate or seek to mitigate the potential health effects, particularly to the students in these schools, despite having been provided a list of dozens of studies showing adverse health effects to persons near highways, as Attachment B-3 to those comments.

²⁰FEIS at 4-37.

and opportunities to enhance communities, neighborhoods, and individuals affected by FHWA programs, policies, and activities . . .”²¹

50. WisDOT failed to evaluate whether the Title VI and environmental justice effects and potential offsetting benefits to communities of color from improving transit could offset or outweigh the incremental and minimal travel time improvements for white suburban commuters from spending \$200 million adding lanes to highways.
51. WisDOT failed to evaluate whether the Title VI and environmental justice effects and potential offsetting benefits to communities of color from economic development and/or pollution reduction associated with using \$200 to construct the KRM line rather than to widen highways offset or outweigh the incremental and minimal travel time improvements that adding lanes would provide to white suburban commuters.²²
52. WisDOT does not know how the I-94 reconstruction and expansion will be funded.²³
53. In arguing that the corridor plan cannot address transit expansion, WisDOT failed to mention, much less evaluate, the fact that substantial amounts of state funds are being spent on highway projects,²⁴ or to evaluate whether some portion of those state funds could instead be used for transit expansion.
54. WisDOT failed to evaluate the Title VI and environmental justice effects of the state’s shrinking role in funding transit.²⁵

²¹*FHWA Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, Order 6640.23 (Dec. 2, 1998), at Sec. 5.c.

²²See, e.g., SEWRPC, *KRM Commuter Link Newsletter, Edition 3* (Jan. 2007), at pp. 4-6.

²³FEIS at 7-8 – 7-9.

²⁴For example, FHWA has confirmed that the federal government paid only 49% of the near-billion dollar cost of the Marquette Interchange, while the state paid 51% of the cost. This information was not available at the time comments were submitted, since the Marquette Interchange had not been completed, but should now be considered.

²⁵The “ ... 2003-05 State budget provided no funding increase for public transit Statewide and the 2005-07 budget only provides a 2 percent annual increase. An annual 4 to 5 percent increase may be essential to address rising costs, including inflation and real increases in fuel costs, and to support system improvement and expansion.” SEWRPC, *March 2006 Newsletter regarding the Regional Land Use and Transportation System Plans*. The state’s 2007-09 budget provides a mere 2.5% increase for the Milwaukee County Transit System, plus an additional \$4 million over the two years. See <http://www.legis.state.wi.us/lfb/2007-09budget/Act%2020/dot.pdf>, p. 8.

55. WisDOT failed to evaluate the Title VI and environmental justice effects of public transit reductions that have occurred this decade in Milwaukee.²⁶
56. In arguing that highway widening is necessary regardless of transit expansion, WisDOT failed to even mention, much less evaluate, the existence and effect of current and projected shortfalls in state and federal transportation funds.
57. In arguing that highway widening is necessary regardless of transit expansion, WisDOT failed to acknowledge the potential, if not likely, insufficiency of resources to pay both for the state's highway plans and for the expansion of transit capacity included within the regional transportation plan, WisDOT ignores the resulting competition between highways and transit for funding and the effect of that competition on racial and environmental justice in the region.
58. WisDOT also failed to analyze the Title VI and environmental justice effects - including, but not limited to, racial impacts - of requiring local communities such as the majority-minority city of Milwaukee to pay far greater shares of costs for transit improvements than of costs for highway construction and expansion.²⁷
59. In deciding to build the Drexel Interchange, WisDOT emphasized that construction was actively supported by Oak Creek and Franklin, both of which opposed any “no build” alternative.²⁸ Both these cities are overwhelmingly white non-Hispanic.
60. In deciding not to rebuild a full 27th St./894 Interchange, WisDOT rejected the requests of city of Milwaukee officials who supported maintaining the interchange.²⁹

²⁶The “ ... 2003-05 State budget provided no funding increase for public transit Statewide and the 2005-07 budget only provides a 2 percent annual increase. An annual 4 to 5 percent increase may be essential to address rising costs, including inflation and real increases in fuel costs, and to support system improvement and expansion.” SEWRPC, *March 2006 Newsletter regarding the Regional Land Use and Transportation System Plans*. The state’s 2007-09 budget provides a mere 2.5% increase for the Milwaukee County Transit System, plus an additional \$4 million over the two years. See <http://www.legis.state.wi.us/lfb/2007-09budget/Act%2020/dot.pdf>, p. 8.

²⁷From 2000 to 2005 state funding for the Milwaukee County Transit system increased only 5%, while local funding for MCTS grew by 30%. *SEWRPC Planning Report 049, 2035 Regional Transportation System Plan*, at p. 274 and n. 3.

²⁸See, e.g., FEIS at 2-33 and 5-9.

²⁹FEIS at 7-5.

61. In deciding to widen I-94, WisDOT rejected the policies and positions of the city of Milwaukee - the state's only majority-minority city - which long has opposed the expansion of I-94 from six to eight lanes.³⁰
62. In refusing to use some of the project money for transit expansion, WisDOT rejected the policies and positions of the city of Milwaukee - the state's only majority-minority city - which has repeatedly requested that transit improvements to occur concurrent with, or in lieu of, highway expansion.³¹
63. WisDOT did not evaluate the racial demographics of Oak Creek and Franklin, nor did it evaluate the civil rights and environmental justice effects of acceding to projects desired by overwhelmingly white cities while rejecting requests from a majority-minority city.
64. WisDOT failed to evaluate the civil rights and environmental justice effects of its deferential approval of projects sought by officials from overwhelmingly white communities contrasted with the effect - individually and cumulatively - of rejecting projects sought by and imposing projects opposed by the majority-minority city of Milwaukee.
65. WisDOT failed to evaluate the civil rights or environmental justice effects of highway expansion, at the same time that transit is being reduced, and whether that increase has the effect of increasing the gap between benefits provided disproportionately to white non-Hispanic communities with significantly lesser benefits provided to communities of color.

³⁰On April 23, 2002, the Milwaukee Common Council adopted, and on May 1, 2002, the mayor signed, a resolution expressing the city's opposition to widening. Legislative File 011729.

³¹These include at least the following actions, of which WisDOT is aware:

- Nov. 20, 2007: The City of Milwaukee Common Council passed, and Mayor Barrett signed, a resolution opposing the addition of highway capacity to the I-94 N-S Corridor in the absence of integrated planning **and implementation** of mass transit facility improvements. The city requested that WisDOT to reduce the cost of the I-94 project by roughly 10%, or \$200 million, and transfer those funds to the Kenosha-Racine-Milwaukee commuter train line. Legislative File 071114; FEIS at 7-5.
- Dec. 28, 2007: The City of Milwaukee, Department of Public Works, requested a multi-modal approach to provide mobility in the study corridor. FEIS at 7-5.
- Jan. 25, 2008: The City of Milwaukee, Department of Public Works, requested that transit alternatives be incorporated and evaluated in the environmental document. Also requested peer review of DEIS (in part to enable this kind of review of alternatives). FEIS at 7-5.

CLAIMS

66. WisDOT is subject to Title VI of the Civil Rights Act, 42 U.S.C. § 2000d, and its implementing regulations, including Title VI regulations administered by the Department of Transportation, 49 C.F.R. Ch. 21 and the Federal Highway Administration, 23 C.F.R. Ch. 200.
67. WisDOT violated Title VI of the Civil Rights Act by taking actions, including deciding to construct the Drexel Interchange, close half the Layton Interchange, and widen I-94, that have the purpose or effect of discriminating against the majority-minority residents of the city of Milwaukee and that are not narrowly tailored to meet a compelling governmental need.³²
68. WisDOT violated Title VI of the Civil Rights Act by taking actions, including deciding to construct the Drexel Interchange, close half the 27th St./894 Interchange, and widen I-94, that have the purpose or effect of discriminating against the majority-minority residents of the city of Milwaukee, without providing offsetting benefits to the residents of Milwaukee, including benefits in the form of enhanced mass transit upon which those residents disproportionately depend.
69. WisDOT violated 23 C.F.R. § 200.9(b)(4) by failing to collect adequate and meaningful statistical data on participants, affected communities, and beneficiaries of State highway programs, including data on race, color and national origin, by, *inter alia*:
 - a. Failing to collect or evaluate demographic data on the race and ethnicity of likely beneficiaries of its planning, including but not limited to racial and ethnic demographic data on the residents of Oak Creek and Franklin who will benefit from the Drexel Interchange;
 - b. Failing to collect or meaningfully evaluate demographic data on the race and ethnicity of persons less likely to benefit from its planning, such as persons who lack access to vehicles;
 - c. Unreasonably narrowing the definition of “affected community,” and limiting its data collection accordingly, so as to exclude analysis, by race and ethnicity, of the effects of its proposals - such as economic development effects - on the majority-minority residents of Milwaukee;

³²That WisDOT’s own plans recognize that adding lanes will only minimally improve travel times evidences the lack of a compelling need to do so. The fact that the Wisconsin Department of Natural Resources concurrence for the EIS recommended that the EIS “should analyze a hybrid alternative of Safety & Design Improvements in Metro Milwaukee with Safety & Design Improvements and Capacity Expansion outside of Metro Milwaukee” (a request that WisDOT unreasonably refused to address) further highlights the lack of necessity for the widening proposed here.

- d. Failing to consider, the racial/ethnic impact and potential offsetting benefits, including economic development benefits, to residents of the city of Milwaukee if some of the plans - such as the plan to widen I-94 - are *not* implemented; and
 - e. Failing to consider, the racial/ethnic impact and potential benefits of implementing regional transit recommendations as part of the corridor plan.
70. WisDOT violated 49 C.F.R. § 21.5(b)(2) by using criteria and methods of administration that have the effect of subjecting persons to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, or national origin, by, *inter alia*:
- a. Using criteria and methods of administration that treat differently projects and preferences of by local officials in overwhelmingly white Oak Creek and Franklin and those of local officials in majority-minority Milwaukee;
 - b. Failing to meaningfully comply with environmental justice requirements, including, *inter alia*, the requirements of the FHWA Order on Environmental Justice, to propose “measures to avoid, minimize, and/or mitigate disproportionately high and adverse environmental and public health effects and interrelated social and economic effects” and to “provid[e] offsetting benefits and opportunities to enhance communities, neighborhoods, and individuals affected by FHWA programs, policies, and activities;”
 - c. Failing to meaningfully address identified negative impacts on minority communities, including negative economic development issues such as the anticipated burdens from construction of the Drexel Interchange, while also failing to evaluate the disproportionate benefits conferred on white non-Hispanic residents of Oak Creek and Franklin;
 - d. Failing to meaningfully consider whether the decision to close the 27th St./894 Interchange has the effect of discriminating against persons of color who disproportionately reside in the city of Milwaukee, including but not limited to Latino residents and Latino-owned businesses located near, or relying on, this interchange;
 - e. Failing to develop a plan to mitigate health effects to the disproportionately minority students of schools adjacent to the study area, in particular Lowell and Garland schools;
 - f. Refusing to provide offsetting benefits, including but not limited to the economic development benefits that its own FEIS stated could be conferred by declining to widen the highway, to majority-minority city of Milwaukee residents;
 - g. Failing to ensure that transit elements of regional plans are in fact implemented; and
 - h. Failing to ensure that WisDOT plans and expenditure of billions of dollars provide offsetting benefits, such as improved transit service, to the majority-minority residents of the city of Milwaukee.

71. WisDOT violated 49 C.F.R. § 21.5(b)(3) and 49 C.F.R. § 21.5(d) by selecting sites and locations that have the purpose or effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination on the grounds of race, color, or national origin, and that have the purpose or effect of defeating or substantially impairing the accomplishment of the law by, *inter alia*:
 - a. Deciding to construct the Drexel Interchange in Oak Creek, particularly at the same time it is closing half the 27th St./894 Interchange in Milwaukee; and
 - b. Deciding to widen I-94 against the wishes of the city of Milwaukee officials, against the suggestions of the state's own Department of Natural Resources, and despite the desired offsetting benefits that would accrue to the majority-minority city of Milwaukee residents if the highway were not widened.

RELIEF REQUESTED:

Wherefore, complainant requests the following relief:

72. That OCR accept this complaint pursuant to 49 C.F.R. § 21.11(b);
73. That an investigation and compliance evaluation of WisDOT be conducted pursuant to 49 C.F.R. § 21.11(a),©;
74. That WisDOT be ordered to:
 - a. Conduct a full and meaningful civil rights and environmental justice analysis of the I-94 North-South corridor plan, including the processes, decisions and outcomes of that plan, by an entity experienced in conducting such analyses;
 - b. Consider the feasibility of constructing transit improvements in the corridor rather than additional highway lanes, including consideration of the offsetting benefits of doing so to the majority-minority residents of the city of Milwaukee;
 - c. Refrain from adding highway lanes in the corridor;
 - d. Ensure that transit improvements are constructed in the corridor;
 - e. Refrain from constructing the Drexel Interchange; and
 - f. Refrain from reducing interstate highway access at the 27th St. /I-894 Interchange
75. That in the alternative, OCR suspend or terminate federal financial assistance to WisDOT, pursuant to 49 C.F.R. § 21.13.
76. That OCR provide such other relief as it deems just and proper.

Respectfully submitted:

/s/

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