

# Finding of No Significant Impact

Milwaukee County East-West BRT Project



November 2018

# Table of Contents

1.	Introduction .....	3
2.	Project Description.....	3
3.	Project Purpose and Need .....	3
	Large population of people who rely on transit in the project area .....	4
	A lack of competitive travel alternatives in the project area.....	4
	Population and employment growth and density in the project area.....	5
4.	Alternatives Considered.....	6
	No Build Alternative.....	6
	Build Alternative .....	7
5.	Public Involvement, Agency Coordination, and Public Opportunity to Comment....	10
6.	Description of Mitigation Measures .....	11
7.	Summary of Environmental Consequences and Findings.....	12
	NEPA Finding.....	12
	Section 106 Finding .....	12
	Section 4(f) Finding .....	14
	Air Quality Conformity Finding.....	14
	Section 7 Finding .....	14
	Environmental Justice Finding .....	15

# 1. Introduction

This document provides the basis for a determination by the United States Department of Transportation (USDOT), Federal Transit Administration (FTA) of a Finding of No Significant Impact (FONSI) for the East-West Bus Rapid Transit (BRT) project (the project). This determination is made in accordance with the National Environmental Policy Act (NEPA) of 1969, 42 United States Code (USC) § 4331 *et seq.*; FTA's implementing procedures (23 Code of Federal Regulations [CFR] § 771.121); Section 4(f) of the USDOT Act of 1966, 49 USC § 303; and the National Historic Preservation Act of 1966, 54 USC § 300101 *et seq.*

FTA, as the federal lead agency, and Milwaukee Transport Services (MTS), the operator of the Milwaukee County Transit System (MCTS), and Milwaukee County as the local project sponsor, jointly prepared the Environmental Assessment (EA) to describe potential impacts on the physical, human, and natural environment that may result from the proposed Milwaukee County East-West BRT project. The EA was prepared pursuant to 23 CFR § 771.119 and issued by FTA on August 28, 2018. This FONSI is prepared by FTA pursuant to 23 CFR § 771.121, and incorporates, by reference, the EA and other cited documentation.

## 2. Project Description

The proposed project, located entirely within Milwaukee County, follows Wisconsin Avenue, Hawley Road, and Bluemound Road from downtown Milwaukee to the City of Wauwatosa, where it would use 94<sup>th</sup> and 92<sup>nd</sup> Streets to serve the Milwaukee Regional Medical Center (MRMC) and Milwaukee County Research Park (MCRP), then follow Watertown Plank Road to its terminus at the Watertown Plank Road Park-and-Ride. The BRT route is approximately nine miles long. BRT will operate in exclusive lanes for approximately 51 percent of the total route and will take advantage of transit signal priority (TSP) at 33 intersections to reduce travel times in the corridor. The alignment will have 19<sup>1</sup> stations; all stations include amenities such as real-time signage, shelters, and off-board fare payment. Proposed BRT service will operate every 10 minutes at peak, and every 15 to 30 minutes off-peak. Peak periods are 6:00 AM to 9:00 AM and 3:00 PM to 6:00 PM. The East-West BRT will operate Monday through Saturday from 4:30 AM to 1:30 AM and Sundays from 6:00 AM to 1:30 AM.

## 3. Project Purpose and Need

The purpose of Milwaukee County's East-West BRT project is to provide transit service to improve regional mobility while maintaining local accessibility. The project would use existing transportation infrastructure to expand the capacity of the overall transportation network and encourage higher-density development patterns. The proposed project would address the transportation needs of increased population density and employment growth in the project area and support local and regional land use, transportation, and economic development initiatives. The project would improve accessibility, mobility, transit travel times, reliability, and passenger amenities in the transit-reliant project area.

The East-West BRT project is needed to serve a large population of transit-reliant people in the corridor. This need is amplified by roadway congestion and a lack of competitive travel alternatives within the project area. That roadway congestion, along with frequent local bus stops, contribute to unreliable transit

---

<sup>1</sup> All stations, except for the terminal stations, have two platforms (one platform in each direction).

travel times. Lastly, the area population and employment growth is trending higher in the future which will compound these needs further.

## Large population of people who rely on transit in the project area

Current excessively long travel times via transit result in a lack of access to jobs, healthcare, education, and other activities for those without an automobile. An estimated 18 percent of the population has incomes below the federal poverty level<sup>2</sup> and 18 percent of households do not have access to an automobile within a half mile of the proposed East-West BRT stations. These populations are more likely to use transit and more likely to benefit from convenient access to transit.

## A lack of competitive travel alternatives in the project area

Though MCTS service is well-used, there are many challenges to using existing transit in the corridor: low frequency on some routes, long travel times, and poor on-time performance and reliability. These factors make existing transit service an uncompetitive option for choice riders, and can make travel conditions difficult for transit-dependent riders. Given existing congestion conditions and constrained parking in downtown Milwaukee, on the Marquette University Campus, and at MRMC, as well as population and employment growth projections for the East-West corridor, there is a need to provide a reliable high-quality transit option in the corridor.

### Service Frequency

Travel times for transit riders consist of three parts: time spent traveling to and from the station, time spent waiting for the transit vehicle, and time spent riding.

Service frequency directly affects the time spent waiting for each bus, establishing the convenience of service and resultant service use. The Southeast Wisconsin Regional Planning Commission (SEWRPC)<sup>3</sup> defines desirable transit service frequencies on a grid routing system as 10 minutes or better during peak periods and 20 minutes or better during off-peak periods.<sup>4</sup> Regular routes 30 and 31 and the GoldLine, which currently operate in the East-West corridor, do not meet this standard, as Routes 30 and 31 operate at frequencies of every 20 minutes during peak periods, and GoldLine operates every 15 minutes during peak periods. Route 30X is an express route. The schedules for the Route 30 and the 30X have been coordinated to improve frequency where their routing overlaps. All Route 30X bus stops are also served by the Route 30. The combined route 30 and 30X frequency is 10-11 minutes on weekdays and 12-15 minutes on weekends.

Furthermore, riders on the GoldLine and other local routes currently wait for buses at signposts or at basic shelters with posted schedules; thus, there are not consistent amenities such as shelter, light, or real-time bus information. Providing these amenities improves the customer experience.

### Travel Times, On-Time Performance and Reliability, and Capacity

Bluemound Road and Wisconsin Avenue offer direct travel between the east and west endpoints of the East-West corridor but suffer from peak hour congestion, slow travel speeds, and frequent delay and

<sup>2</sup> 2015 ACS 5-year sample of Table C17002: RATIO OF INCOME TO POVERTY LEVEL IN THE PAST 12 MONTHS

<sup>3</sup> The Southeast Wisconsin Regional Planning Commission official metropolitan planning organization (MPO) and regional planning commission (RPC) for the seven-county southeastern Wisconsin area, including Milwaukee and Wauwatosa.

<sup>4</sup> MCTS Development Plan, Community Assistance Planning Report No. 279, prepared in October 2010

stops related to turning vehicles, signalized intersections (there are nearly 50 signalized intersections along the East-West route), pedestrian movements, and conflicts with buses and delivery trucks. These sources of delay incrementally degrade the conditions and increase the transit travel time along the arterial street system to unacceptable levels during the peak commuting hours of the day.

Furthermore, existing transit routes operate in mixed traffic, are given no traffic signal priority or preferential treatment, and thus, have frequent stops along their routes resulting in unreliable travel times. The GoldLine, the existing route that overlaps with much of the proposed BRT route, operates eastbound and westbound between the Wisconsin Avenue/92nd Street stop and the Wisconsin Avenue/Cass Street stop with a scheduled travel time of 37 minutes during the commuter peaks. This timetable estimate provides an average 10 mph speed during the trip (about 6.6 miles in length). While this is the scheduled GoldLine travel time, the actual travel time is often longer because travel is unreliable and difficult to predict.

An MCTS bus is considered “on time” if it arrives within five minutes of its scheduled time, and SEWRPC<sup>5</sup> sets an on-time performance standard of 90 percent. The GoldLine, Routes 30, and 30X, the three local routes that operate in the corridor today, fail to meet on-time performance standards.

Capacity also affects on-time performance. In September 2016, buses were at the seated-capacity of a standard 35-seat bus during the peak periods.<sup>6</sup> Any increase in transit ridership will quickly push the current buses over their capacity. Buses that are at or above capacity dwell longer at stops, as passengers cannot quickly board or disembark, leading to further delays and slower travel times.

In summary, the GoldLine, Routes 30, and 30X are well-used and are at or above peak hour capacity. All three routes struggle with on-time performance and reliable travel time.

### Rider Attraction to Transit

An indicator of future commuting conditions is that traffic volumes have grown in Milwaukee County over the last 50 years<sup>7</sup>. While the vehicle-miles traveled (VMT) in Milwaukee County has not shown the same level of growth as the overall seven-county region, the data shows an upward trend in the VMT in Milwaukee County.<sup>8</sup> These indicators of congestion and delay incrementally strengthen the need to offer attractive travel choices to people who currently own and drive their own vehicle on their daily commute. The current transit system, operating in mixed traffic on these roadways, suffers from this same congestion and delay, which worsens transit reliability, and does not compete effectively with single-occupant vehicles. BRT service and infrastructure improvements will provide shorter and more reliable travel times, shorter waits, and improved waiting conditions in the corridor, all of which have been shown to attract more people to transit.

## Population and employment growth and density in the project area

Population and employment in the project area is anticipated to grow significantly between 2017 and 2050 due to aggressive employment growth forecast for the MRMC and high employment and population

---

<sup>5</sup> These transit performance standards are published by the SEWRPC in their MCTS Development Plan, Community Assistance Planning Report No. 279, prepared in October 2010.

<sup>6</sup> The SEWRPC benchmark for capacity of the system is a load factor of 1.33 for the peak hour buses. Load factor is calculated by dividing the number of passengers by the number of seats. Currently only Route 30X exceeds this benchmark with a load factor of 1.46, though the other routes just barely met this capacity standard.

<sup>7</sup> Source: SEWRPC

<sup>8</sup> Source: SEWRPC

growth in downtown Milwaukee<sup>9</sup>. The highest population density today is in the Marquette University area, west of downtown Milwaukee. The lowest population density is near the western end of the project area, by the MRMC. The two most significant areas of travel demand in the corridor are the MRMC campus and the Milwaukee central business district (downtown Milwaukee). Downtown Milwaukee has the highest traffic congestion in the project area, and has the highest potential for increased transit use due to its density of employment and high cost for parking. Access to competitive transit alternatives are needed to sustain and encourage these employment and residential density patterns.

## 4. Alternatives Considered

### No Build Alternative

The No-Build alternative is used as the baseline for comparison to the Build alternative. The No-Build alternative is defined as the combination of two components:

- The current transit services and roadway network in the project area, and
- Currently planned improvements or changes to the current transit services and roadway network through the horizon year of the study (year 2035).

### Current Transit Services

Within the project area, there are currently 15 different bus routes available to the public. Of these 15, six primary routes run in the East-West direction: Route 30, Route 30X, Route 31, Route 79, Route 85, and the GoldLine. Of these six, the GoldLine is the only route that operates along the entire length of the East-West corridor and overlaps much of the proposed BRT route.

These transit routes share general purpose lanes and operate in mixed traffic, are given no traffic signal priority or preferential treatment, and have frequent stops along their routes. These conditions, combined with infrequent transit service (primary bus routes identified above operate at headways of 14-24 minutes during commuter peak hours) and the grid nature of transit service in Milwaukee County contribute to long transit travel times. Full service and route details are available at <https://www.ridemcts.com>.

The public also has access to private commercial transportation options, aside from traditional bus service. For example, Yellow Cab taxi service and Uber allow for both customer pick-up and drop off from any reasonable and convenient location. These modes of transport do not require intermittent stops along the way, decreasing passenger travel time and are available 24/7. For those who are elderly or have disabilities, there are similar services available such as Senior Express and Transit Plus.

Senior Express focuses on delivering clients within South Eastern Wisconsin including: Milwaukee, South Milwaukee, West Milwaukee, New Berlin, West Allis, St. Francis, Oak Creek, Franklin, Hales Corners, Greenfield, Bay View, and Cudahy. To utilize this service, one would simply call or email a request. First Transit and Transit Express are contracted with MCTS to provide appropriate transportation for paratransit riders in the Transit Plus Program. This option requires riders to fill out an application, qualifying them to use the service. Upon approval, rides are available anywhere in Milwaukee County from 4:30AM to 1:00AM.

---

<sup>9</sup> Source: SEWRPC

## Planned Improvements or Changes to Transit and Roadway Systems

The No-Build alternative does not include construction of the Build alternative, which is the locally preferred alternative (LPA). The only improvements assumed to occur to the transit network with the No-Build alternative would be those outlined in *VISION 2050: A Regional Land Use and Transportation Plan*<sup>10</sup> for the “Without New Funding” scenario. This scenario assumes current funding streams and sources remain intact but no new or improved funding sources are available. This includes The Milwaukee Streetcar,<sup>11</sup> which opened in November 2018.

The No-Build alternative assumes the signalized systems along the route would be optimized to maintain the system as much as possible without infrastructure improvements.

VISION 2050 includes reconstruction of I-94 along a portion of the corridor, anticipated for 2021-2025. However, current transportation budget gaps exist and indicate this expansion may be indefinitely delayed. Therefore, the traffic analysis completed for the East-West BRT project does NOT include this freeway expansion project.

The No-Build alternative would not improve transit conditions or address the needs identified in the corridor. The No-Build alternative does not meet the project purpose and need, but is used as the baseline for comparison to the Build alternative.

## Build Alternative

### Alignment and Runningway

The Build alternative is a BRT alignment that would operate along Wisconsin Avenue and Bluemound Road from the Downtown Transit Center (future Couture development) in Milwaukee through the MRMC campus in Wauwatosa to the Swan Boulevard (Watertown Plank Road) Park-and-Ride. The alignment follows Bluemound Road west of Hawley Road and Wisconsin Avenue east of Hawley Road. Along the Build alternative, buses would operate on existing roads in either mixed traffic lanes or dedicated transit lanes. Dedicated lanes would be on 92<sup>nd</sup> and 94<sup>th</sup> Streets through MRMC, on Hawley Road, and on Wisconsin Avenue between Hawley Road and 9<sup>th</sup> Street and between Plankinton Avenue and Van Buren Street. Mixed traffic lanes and dedicated lanes were selected to offer the most efficiency and least impact in each segment of the corridor.

### Physical Construction

#### ROADWAY RECONSTRUCTION

Complete roadway reconstruction<sup>12</sup> would only occur along 92<sup>nd</sup> Street and 94<sup>th</sup> Street on the MRMC campus between Wisconsin Avenue and Watertown Plank Road. No other roadways in the proposed BRT alignment would be reconstructed. This segment of the proposed route would be constructed with a dedicated guideway with BRT bus lanes operating on one side of the road and general traffic lanes on the other side. Sidewalks would be constructed along the guideway side of each road and storm sewer facilities would be constructed as necessary within this section. The MRMC is dedicating all required right-of-way for this section of the BRT route.

---

<sup>10</sup> [http://www.sewrpc.org/SEWRPC/VISION\\_2050/2050RegLandUseTranspPlan.htm](http://www.sewrpc.org/SEWRPC/VISION_2050/2050RegLandUseTranspPlan.htm)

<sup>11</sup> <http://www.themilwaukeeestreetcar.com/index.php>

<sup>12</sup> Based on current concept plans, the length of reconstruction is approximately 2,500 linear feet.

## TRAFFIC SIGNAL IMPROVEMENTS

Of the 49 signalized intersections in the corridor, 33 are anticipated to receive TSP equipment or lower-level signal treatments to improve the efficiency of bus operations. This technology gives priority to BRT vehicles and requires activation equipment in the vehicles and receiver and controller equipment in the traffic signal control cabinet. Experience has demonstrated that when TSP is implemented in a corridor, the local bus service operations as well as general traffic flow improve, making this a benefit to the overall corridor.

## PAVEMENT MARKING

The exclusive transit lanes will be repurposed roadway lanes, accomplished by either restricting an existing regular travel lane to transit use only, or removing parking and designating this area for exclusive transit use. Dedicated transit lanes would be marked and signed as transit, bicycle, and right-turn use lanes only.

## STATION CONSTRUCTION

The line will serve 19 stations that will be constructed near the following locations:

- Downtown Milwaukee Transit Center (Couture Development)
- Wisconsin Avenue & Van Buren Street
- Wisconsin Avenue & Broadway
- Wisconsin Avenue & Plankinton Avenue
- Wisconsin Avenue & 5th Street
- Wisconsin Avenue & 9th Street
- Wisconsin Avenue & 12th Street
- Wisconsin Avenue & 16th Street
- Wisconsin Avenue & 27th Street
- Wisconsin Avenue & 35th Street
- Wisconsin Avenue & 45th Street
- Wisconsin Avenue & 52nd Street
- Hawley Road & Michigan Street
- Bluemound Road & 68th Street
- Bluemound Road & 76th Street
- Bluemound Road & Glenview Avenue
- Bluemound Road & 95th Street
- 92nd Street & Connell Avenue (MRMC)
- Swan Boulevard (Watertown Plank Road) Park-and-Ride

These BRT stations may include many of the following elements:

- Level boarding platform or curb – 14 to 15 inches above the roadway to allow a seamless transition onto the vehicle and faster boarding and reduced vehicle dwell times
- Recognizable shelters of a modular design to allow variable sizing based on demand, possibly with vertical wall panels and a roof or canopy



- Branding and aesthetic consistency to provide maximum visibility and an identifiable service to distinguish from existing MCTS services
- Consistent scale and level of finish to the shelters, both of which could be different for downtown Milwaukee from the rest of the East-West Corridor
- Use of materials that are easy to maintain, repair, and refurbish
- Real-time passenger information
- Bike parking<sup>13</sup>
- Route and schedule info
- Off-vehicle ticket vending machine
- Shelter lighting
- Seating
- Trash and recycling receptacles

Station construction will occur within the existing right-of-way in the terrace, between the roadway and adjacent sidewalk. Although many stations will be constructed within existing terrace space, 14 stations will require a small “bump-out” toward the roadway to allow the station to fit within the terrace. Construction would include reconstructing adjacent curb and gutter as necessary, minor reconstruction of storm sewer systems as necessary due to curb and gutter work, concrete platform construction, construction of the station building and associated facilities, and minor upgrades to sidewalks and pedestrian crossings near several station locations.

No other roadway work is anticipated and no permanent new right-of-way or permanent easement is anticipated to construct these stations. Some minor temporary easements may be needed adjacent to these station locations to allow temporary occupancy of construction equipment or personnel during construction.

## Operational Characteristics

### FREQUENCY AND HOURS OF OPERATION

BRT service is expected to operate with a frequency of 10 minutes during peak times, and every 15 to 30 minutes off-peak. The East West BRT would operate Monday through Saturday from 4:30 AM to 1:30 AM and Sundays from 6:00 AM to 1:30 AM. Travel times are estimated to be 37 minutes in each direction between service endpoints (Downtown Transit Center [future Couture development] and Watertown Plank Road [Swan Boulevard] park-and-ride). The Build alternative (as described in Section 4 of this document and Chapter 2 of the EA) would be fully integrated into the existing local transit system, with some modifications planned to existing bus routes.

### RIDERSHIP FORECASTS

Ridership is expected to grow with the introduction of the East West BRT Build alternative. The growth in ridership is estimated at about 3,350 new transit trips daily<sup>14</sup>. This ridership growth results in a reduction in daily vehicle use estimated at about 13,400 vehicle miles traveled<sup>15</sup>. The BRT route can accommodate this ridership growth, even with the elimination of the GoldLine<sup>16</sup>.

---

<sup>13</sup> BublR Bike Stations may be installed near some BRT stations, but would be planned and funded separately from the BRT project.

<sup>14</sup> STOPS model estimate.

<sup>15</sup> 2017 traffic analysis

<sup>16</sup> This route is proposed to be eliminated and replaced. The main segment of this route (downtown to MRMC) will be replaced with the BRT service. A complete description of all modifications to existing transit service can be found in Chapter 2 of the EA. GoldLine vehicles will be redirected to and continue to operate on other MCTS routes.

## BUS TYPE

MCTS plans to use either the existing clean diesel MCTS buses or quieter hybrid-electric buses for the BRT. Either type of bus would be new and relatively fuel-efficient 40-foot buses, with the following features:

- Multiple doors for efficient boarding
- Mix of seating and standing room
- Potential for interior bike storage
- 75-person capacity
- 12 to 15-year life expectancy

At peak hour, MCTS estimates that nine BRT buses would be operating in the corridor. The BRT buses would be uniquely-branded with visually distinct bus wraps, color schemes, and logos to provide maximum visibility and distinguish them from regular MCTS buses. This will allow transit users to see these buses from a distance and distinguish them from other operating on non-BRT routes. Details of these branding themes will be determined after final design.

## Project Costs

### CAPITAL COSTS

Capital costs for the Build alternative are estimated at \$50 million. Milwaukee County is pursuing federal funds to build the project through the FTA's Capital Investment Grant (CIG) Program. The CIG program would fund 80 percent of the capital costs. The local 20 percent match was approved in Milwaukee County's 2017 budget.

### OPERATION AND MAINTENANCE COSTS

The annual operation and maintenance costs are estimated at \$5,724,500. Modifications to existing bus routes in the corridor are estimated to save \$5,221,300. As a result, the incremental regional cost of implementing the East-West BRT service plan is \$503,200 annually. Operations and maintenance costs include operating personnel, maintenance equipment and personnel, and administration of bus services. The budget to operate the BRT is accounted for in the current MCTS budget and would be funded like other bus routes in the MCTS system; that is, through bus fares, advertising and sponsorships, and state and federal funding.

## 5. Public Involvement, Agency Coordination, and Public Opportunity to Comment

The EA document was made available for public comment from August 28, 2018, to September 30, 2018. The legal notice of availability was published on August 28, 2018 in the Daily Reporter and on August 30, 2018 in the Milwaukee Journal-Sentinel. Copies of the document were available for review online at the project website [eastwestbrt.com](http://eastwestbrt.com) (pdf format) and hard copies were available for review at the following locations:

- Milwaukee County Transit System: 1942 N. 17<sup>th</sup> Street, Milwaukee, WI 53205
- Milwaukee Public Library-Central: 814 W. Wisconsin Ave, Milwaukee, WI 53233
- Wauwatosa Public Library: 7635 W North Avenue, Wauwatosa, WI 53213
- Milwaukee County Department of Transportation: 10320 W. Watertown Plank Rd, Wauwatosa, WI 53226

- Federal Transit Administration Region V: 200 West Adams Street, Suite 320, Chicago, IL 60606

MCTS held a public meeting on Thursday, September 13, 2018, at Bethesda Church (2810 W. Highland Blvd. Milwaukee, WI 53208) from 5:00 pm to 8:00 pm. The meeting was advertised via the project email list, website, MCTS Facebook page, press release to mainstream media, and an advertisement in the Milwaukee Journal-Sentinel on Thursday August 30, 2018. Phone calls were also made to a list of organizations that represent low-income and minority populations in the corridor, notifying the organization about the publication of the EA, comment period, and public meeting.

A total of 23 people signed in at the public meeting. All attendees were provided with a project fact sheet and a comment form upon entering the meeting venue. The public meeting was held in an open house format, with a brief informational presentation at approximately 6:00 pm. A series of boards described the project area, its regional context, features of BRT, project costs, the EA findings, and the next steps for the project.

MCTS received 13 comments during the comment period via the project email list, the “contact us” form on the project website, and by US mail. An agency comment letter was received from the United States Environmental Protection Agency (USEPA). Comments frequently received, but not specifically asked during the EA comment period, are regularly updated in the Frequently Asked Questions (FAQ) section of the project website at eastwestbrt.com. Attachment A contains a summary table of the comments and responses, copies of the comments and the USEPA letter.

No changes to the EA were necessary because of the public comments. Four of the 13 public comments generally stated support for the project. Other comments included:

- Concerns with removal of the GoldLine and use of the Waukesha Metro Route 1 to points farther west.
- Questions about changes to connecting bus service.
- Question about how the project will be funded if federal funds do not materialize.

## 6. Description of Mitigation Measures

The EA describes the proposed project, its likely impacts, and potential mitigation measures to avoid or minimize those impacts. Attachment B describes the mitigation commitments that FTA requires of MCTS as a condition of FTA’s finding that the project will have no significant impact. These mitigation commitments are based on the mitigation measures identified in the EA, and were presented at the public meeting on September 13, 2018. Satisfaction of the mitigation commitments will be a condition of any grant that FTA may make for the project.

# 7. Summary of Environmental Consequences and Findings

## NEPA Finding

MCTS will construct the project in accordance with the design features and mitigation measures presented in the EA as well as this FONSI. MCTS prepared the EA with FTA oversight in compliance with NEPA, 42 U.S.C. § 4321, *et. seq.*, and 23 CFR § 771.121.

After reviewing the EA and supporting documents, including public comments and responses made thereto, FTA finds that the project would result in permanent impacts on one resource category: noise. FTA finds that the project would not result in any substantial permanent impacts on the following resource categories: land use and economic development; neighborhoods and community facilities; historic and cultural resources (Section 106 resources); visuals and aesthetics; right-of-way and property; indirect and cumulative impacts; soils and geology; air quality; vibration; water quality; wildlife and vegetation; threatened and endangered species; contaminated and hazardous materials; safety and security; utilities; energy; 6(f) resources; 4(f) resources; or environmental justice populations.

FTA finds that the project would result in temporary construction impacts on the following resource categories: neighborhood and community facilities; historic and cultural resources (Section 106 resources); soils and geology; air quality; noise and vibration; wildlife and vegetation; threatened and endangered species; contaminated and hazardous materials; safety and security; and utilities. Please see Attachment B for proposed measures to mitigate these impacts. Pursuant to 23 CFR § 771.121, FTA finds that, with the mitigation that MCTS has committed to, the proposed project will have no significant impact on the environment. The record provides sufficient evidence and analysis for determining that an Environmental Impact Statement is not required.

## Section 106 Finding

Section 106 of the National Historic Preservation Act (NHPA) of 1966, as implemented by 36 CFR Pt. 800, requires federal agencies to consider the effects of their actions on historic properties before undertaking a project. This project also is subject to the provisions of Wisconsin's burial site protection law, Wisconsin Statute §157.70, which protects all human burials on private and non-federal public lands in Wisconsin from disturbance.

The Area of Potential Effect (APE) for archaeological and architecture/history (above-ground) resources were defined by FTA in consultation with the Wisconsin State Historic Preservation Office (SHPO).

The APE for archaeology included all areas of potential ground disturbance associated with the project. Eleven cemetery/burial sites and five archaeological sites have been reported along the proposed route. Only one of the burial sites, the Calvary Cemetery (BMI0023) is catalogued. Catalogued burial sites are conferred more protection under Wisconsin state law. Since the existing roadway footprint (curb-to-curb width) is not expected to change at any location along the proposed BRT route, the addition of dedicated bus-only lanes and changing of roadway markings will not affect archaeological resources.

Any ground disturbance required for construction of BRT stations or for other purposes, including within the existing roadbed has the potential to impact archaeological and cemetery/burial sites; these areas were included in the APE. However, because many of these areas can be expected to have been previously

disturbed through urban expansion and infrastructure development, MCTS does not expect to disturb archaeological resources. Further, in accordance with the provisions of Wisconsin Statute 157.70 (4) and Wisconsin Administrative Code HS 2.04 (4), the Wisconsin Historical Society may require that all ground disturbing work within the boundaries of uncatalogued burial sites be monitored by a qualified archaeologist, as defined by Wisconsin Statute 157.70 (1). If at any point, project activities should result in the inadvertent discovery of human remains or burials, all activities in the area of the discovery should be halted and the area of the discovery fenced and secured. The local Sheriff's Department and the Wisconsin Historical Society should be immediately notified in compliance with Wisconsin burial sites protection laws (Wis Stat § 157.70 and Wisconsin Administrative Code HS 2).

The architecture/history survey resulted in the identification of numerous historic properties in the APE. This includes the following nine National Register-listed and eligible properties:

- AHI #16322, 1145 West Wisconsin Avenue, Gesu Church (Listed)
- AHI #17092, 1121 West Wisconsin Avenue, Johnson Hall – Marquette University (Listed)
- AHI #27212, 935 West Wisconsin Avenue, Calvary Presbyterian Church (Listed)
- AHI #27242, 833 West Wisconsin Avenue, St. James Episcopal Church (Listed)
- AHI #27251, 900 West Wisconsin Avenue, Alexander Mitchell House Gazebo (Listed)
- AHI #30276, 3424 West Wisconsin Avenue, Harnischfeger House (Determined Eligible)
- AHI #41848, 900 West Wisconsin Avenue, Alexander Mitchell House (Listed)
- AHI #42021, 2708 West Wisconsin Avenue, Grand Avenue Elementary School (Determined Eligible)
- AHI #79394, West Wisconsin Avenue, The Victorious Charge (Determined Eligible)

In addition to these individual properties, portions of two National Register-listed historic districts fall within the APE for architecture/history:

- East Side Commercial Historic District
- West Side Commercial Historic District

Lastly, the following seven properties within the APE were recommended potentially eligible for the National Register:

- AHI #16184, 720 East Wisconsin Avenue, Northwestern Mutual Life Company Building
- AHI #16199, 626 East Wisconsin Avenue, Milwaukee Gas Light Building
- AHI #41850, 509 West Wisconsin Avenue, Hotel Schroeder/Hilton Milwaukee City Center
- AHI #77413, 6819 Wellauer Drive, house within proposed Grand Parkway Historic District
- AHI #113811, 611 East Wisconsin Avenue, IBM Building
- AHI #113849, 1217 West Wisconsin Avenue, Science Building/Marquette Hall
- AHI #113860, 1600 West Wisconsin Avenue, Ardmore Apartment Hotel

The Determinations of Eligibility (DOEs) recommended all properties as eligible for the National Register, and the FTA adopted those recommendations. The SHPO disagreed with FTA's determination of eligibility for the Ardmore Apartment Hotel, but concurred with the other six eligibility determinations on January 12, 2018. Based on the nature and extent of adjacent project activities, and potential for direct and/or indirect effects, DOEs were recommended for each of the six potentially eligible individual properties, as well as the proposed Grand Parkway Historic District, to formally assess National Register eligibility.

A Determination of No Adverse Effects (DNAE) document was prepared and adopted by FTA, which was then signed by the SHPO on July 2, 2018 indicating concurrence and concluding the Section 106 process.

To minimize potential impacts to historic properties, the project team developed a small-scale, low-impact station with a transparent shelter design to be used at six station locations adjacent to historic properties.

Based on the historic resources analysis included in the EA, as well as consultation with Wisconsin SHPO and other Section 106 Consulting Parties, the FTA finds, in accordance with 36 CFR § 800, that the Section 106 coordination and consultation requirements for the project have been fulfilled.

## Section 4(f) Finding

Section 4(f) of the USDOT Act of 1966 (49 U.S.C. § 303) is a national policy which states that the Secretary of Transportation may not approve transportation projects that use publicly owned parks, recreation areas, wildlife and waterfowl refuges, or any significant historic site unless a determination is made that there is no prudent or feasible alternative to using that land, and that all possible planning has been done to minimize harm. The requirements for treatment of these resources are codified in federal law in 49 U.S.C. § 303 and 23 U.S.C. § 138, and implemented through 23 CFR § 774. Based on the evaluation in the EA, no public parklands, recreational areas, historic sites, or wildlife and waterfowl refuges that are afforded protection by Section 4(f) are within the proposed project limits. FTA finds that the project is in compliance with the Section 4(f) requirements.

## Air Quality Conformity Finding

The Milwaukee County East-West BRT project is identified in the 2017-2020 Transportation Improvement Program (TIP) for Southeastern Wisconsin (project number 101). The TIP is a listing of all arterial highway, public transit, and other transportation improvement projects proposed to be carried out by State and local governments over the next four years (2017-2020) in the seven county Southeastern Wisconsin Region.

Federal regulations require a conformity determination (as defined in the Clean Air Act Section 176(c)) of the regional transportation plan and improvement program for Southeastern Wisconsin with respect to the applicable State of Wisconsin air maintenance plans or interim emissions analyses. On November 16, 2016, the U.S. Department of Transportation's Federal Highway and Transit Administrations jointly reviewed and determined that the 2017-2020 TIP and the regional transportation system plan satisfy the provisions under 40 CFR § 93.122(g) related to the reliance on a previous regional emissions analysis, and are in conformity with the 2008 eight-hour ozone NAAQS for the Wisconsin portion of the Chicago-Naperville, IL-IN-WI nonattainment area, and the 2006 24-hour PM<sub>2.5</sub> NAAQS and maintenance plan for the Southeastern Wisconsin three-county PM<sub>2.5</sub> maintenance area.

## Section 7 Finding

Congress passed the Endangered Species Act (ESA) in 1973 (16 U.S.C. § 1531), with the intent of protecting and recovering imperiled species and the ecosystems upon which they depend. The Act is administered by the U.S. Fish and Wildlife Service (USFWS) and the Commerce Department's National Marine Fisheries Service (NMFS). The USFWS has primary responsibility for terrestrial and freshwater organisms, while the responsibilities of NMFS are mainly marine wildlife.

The ESA directs all Federal agencies to work to conserve endangered and threatened species and to use their authorities to further the purposes of the ESA. Section 7 of the ESA, called "Interagency Cooperation," is the mechanism by which Federal agencies ensure the actions they take, including those they fund or



authorize, do not jeopardize the existence of any listed species. Under the ESA, species may be listed as either endangered or threatened. "Endangered" means a species is in danger of extinction throughout all or a significant portion of its range. "Threatened" means a species is likely to become endangered within the foreseeable future.

Two federally-listed species are known to occur within a mile of the project alignment that may be affected by project activities, the Northern Long-eared Bat (NLEB) and the Rusty Patched Bumble Bee.

Although potential NLEB habitat consisting of forested tracts and riparian corridors exist within 500 feet of the project corridor, the construction activities would be within existing transportation right-of-way (ROW) within urban and suburban areas. This developed urban landscape does not support protected plant communities that may provide habitat to threatened or endangered species. Few, if any, trees would be removed. Also, per the Wisconsin DNR, there are no known NLEB, hibernacula, or roosting sites in Milwaukee County. The project is not likely to have adverse impacts on the NLEB. During construction, any required tree removal would occur at a time that avoids impacts to potential summer bat roost habitat during the pup season (July 1 to August 15). The project is not within the critical habitat zone for the Rusty Patched Bumble Bee, and therefore, no impacts are expected. FTA finds that the project is in compliance with the Section 7 regulations at 50 CFR § 402.

## Environmental Justice Finding

Executive Order 12898 provides that "each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and/or low-income populations." A disproportionately high and adverse effect on minority or low-income populations is defined as an adverse effect that: (a) is predominantly borne by a minority population and/or a low-income population; or (b) will be suffered by the minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population.

Based on the analysis contained in the EA and the mitigation commitments made by MCTS, the East-West BRT project would not result in adverse environmental justice impacts. As a result, FTA finds that the project will not result in disproportionately high and adverse effects on minority or low-income populations.

### Conclusion

Based on the EA and its supporting documents, FTA finds that pursuant to 23 CFR §771.121, there are no significant impacts on the environment associated with the construction and operation of the proposed Milwaukee East-West BRT project. Preparation of an Environmental Impact Statement is not warranted.



Kelley Brookins  
Regional Administrator  
U.S. Department of Transportation  
Federal Transit Administration



Date