

TRANSPORTATION REFORM MOST SIGNIFICANT REFORM ENACTED!

In a major victory for citizens and their pocketbooks, the Legislature and the Governor worked together over the last few months to pass the most significant piece of transportation fiscal reform in recent years.



The Need for an Audit

For years, citizens and various public interest groups have questioned the state's spending on highway expansion projects. In February 2003, Senator Carol Roessler (R-Oshkosh) and Representative Suzanne Jeskewitz (R-Menomonee Falls), co-chairs of the Legislature's Joint Committee on Audits, led their committee to request a Legislative Audit Bureau investigation of the Major Highway Projects program.

As one of the first groups invited to give input to the Legislative Audit Bureau, 1000 Friends of Wisconsin focused on sharing with the Legislative Audit Bureau the findings of our March 2003 legislative briefing booklet, *Exceeding the Limit: WisDOT and Transportation Financing in Wisconsin*. The request for an audit could not have been better timed since one of the key findings in the booklet was that, historically, there has been a lack of transparency in how WisDOT spends state funds.

1000 Friends of Wisconsin concluded that the lack of access to information inhibits the public's ability to understand how its tax dollars are being spent and that an audit of WisDOT was needed. Additional findings in the briefing booklet that were relevant to the audit included indications 1) that spending on Major Highway Projects was out-of-control, particularly in relation to spending on repair and maintenance work, and 2) that the approval process for Major Highway Projects, generally a proxy for highway expansion, amounted to little more than a rubber-stamp.

(Continued on page 3)

WHY SMART GROWTH IS GOOD FOR DEMOCRACY

Almost 55 years ago, the "father of wildlife conservation," and the grandfather of today's environmental movement, Aldo Leopold wrote an essay entitled, "The Land Ethic." In this essay, which has arguably had more impact on the environmental movement than any other single document, Leopold expresses frustration at our society's treatment of the land, on which we so deeply depend for our existence, both actual and spiritual.

Leopold delves into the nature of ethics and ethical decision-making and asks us to look beyond the strictly economic value of land – "entailing privileges but no obligations." He makes the case that all ethics so far rest upon a single premise: that "the individual is a member of a community of interdependent parts. His instincts prompt him to compete for his place in that community, but his ethics prompt him also to cooperate." In his essay, Leopold challenges society to enlarge the boundary of the "community" to include soils, waters, plants and animals – collectively: **the land**.

ALDO LEOPOLD'S CHALLENGE

1000 Friends and the Land Ethic

1000 Friends of Wisconsin, the predominant land-use organization in the state, struggles daily with the implementation of Leopold's Land Ethic. As our work illustrates, we believe that the best decisions – the most ethical ones – are made when the community comes together in an appropriate forum to air conflicts and create solutions that balance the good of the community (current and future) with that of the individual.

In practice, Wisconsin's Comprehensive Planning Law, which 1000 Friends co-authored and helped to pass in the legislature, puts this into action as it requires communities to come together to plan for how they will use and protect their resources now and in the future. One of the law's component's that distinguishes it from laws

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DIRECTORS' COLUMN: STEVE HINIKER

A Little Change in Transportation Policy Could Go a Long Way

Policy makers interested in creating jobs, reducing spending and improving the quality of life in Wisconsin should take a close look at the state's penchant for paving over paradise. A little change could go a long way.

The state is considering highway reconstruction and expansion plans that include spending more than 6 billion dollars over the next twenty to thirty years in southeast Wisconsin. Officials admit that the plans leave them several billion dollars in the red—leading to the prospect of even higher gas taxes down the road if the paving plan is approved.

Even more amazing is that while highways would be torn up for the next two decades in southeastern Wisconsin, transit improvements are set up for secondary status: new transit dollars would be made available only after all of the paving plans are funded. Its easy to see where this is headed. Don't look for a bus or a train to take when the cars are backed up behind the orange barrels.

There are alternatives to this nightmare and there is even time and perhaps political will to implement an alternative. The political will may come from the fact that the transit alternative develops jobs in the areas where jobs are so badly needed.

Rather than put all of our limited dollars into road expansion, we should invest in transit alternatives and repairing existing roads. At a time when highways are being torn up for reconstruction, it only makes sense to increase the options to use buses or trains. Transit alternatives will reduce the pressure of cars on surface streets and decrease the negative impacts that reconstruction will have on commerce in the city.

Investment in transit will also create more jobs where they are needed most.

According to the Washington, D.C. based Surface Transportation Policy Project (STPP), investing in transit improvements produces 20% more new jobs than investments in new road construction. (Visit our website at www.1kfriends.org for a copy.) Moreover, since those transit construction projects are located in major urban areas, the new jobs are created closer to the residents in cities where industrial jobs have been hit with the heaviest losses in recent years.

A separate study conducted by the Wisconsin Department of Transportation shows that transit construction projects deliver \$6 in benefits for every dollar invested. Compare that to the assertion promoted by the road building industry over the last year that there is a \$3 return on every dollar invested in state highways.

Lawmakers now have an historic opportunity to improve our transportation system and to improve jobs and the economy at the same time. It is up to us to hold them to the task.



Welcome New Members: Thanks for your support!

Society: Michal Dawson, 2706 * Martin Schreiber, 2716.

Friend: Priya Barnes, 2715 * Andy Sullivan, 2707 * Steve Tesmer, 2709.

Basic: Mary Elise Cieslewicz, 2714 * Norbert Dall, 2708 * Alfred (Bud) & Karen Hanson, 2713 * R. Taylor Marshall, 2711 * Sandra McKitrick, 2710 * Ruth Shelly, 2712.

TRANSPORTATION REFORM

(Continued from page 1)

Audit Findings

When the Legislative Audit Bureau released its report in late November many of our biggest concerns were confirmed, and some new concerns were created, while other questions remained unanswered. The key finding of the audit was that cost overruns on just seven Major Highway Projects, six of which were enumerated between 1989 and 1995, totaled \$381 million dollars. Cost overruns on one project alone reached \$86 million, evidencing seriously out-of-control spending. The audit also found that a potential savings of \$382 million on remaining Major Highway Projects has not been realized because "value engineering," a cost-benefit analysis process, has not been sufficiently implemented. Also, arguments that environmental regulations are driving up the costs on highway projects appear to be overblown.

Meanwhile, questions about how Major Highway Projects spending compares to spending on highway repair and highway maintenance, as well as to aids to local governments and funding for alternative modes, remain unsatisfactorily answered. We believe these questions should be addressed in future audits.

Legislative Action

In January 2004, co-chairs Roessler and Jeskewitz held a public hearing to discuss the results of the audit. 1000 Friends of Wisconsin testified, commending the co-chairs and the Legislative Audit Bureau on their work, as well as expressing our hope that the audit serves as a first step, not an end of the process. Building directly on the hearing and testimony of 1000 Friends of Wisconsin and others, Senator Roessler and Representative Jeskewitz introduced identical transportation reform bills in each house of the Legislature.

Of the two companion bills, AB 893, is arguably the most significant piece of transportation reform legislation in recent years because it does the following five things:

- It will require that the Transportation Projects Commission (TPC) receive notification that a project's environmental impact statement or environmental assessment has been approved by the federal government before it can approve that project, thus adding increased restraint to what has been a "rubber stamp" approval process.
- It will require WisDOT to implement a "Change Management System" to manage changes to a project's size, scale and scope that occur during the design and construction process.

- It will require WisDOT to provide semi-annual reports to the TPC relating to the Change Management System, thus increasing the TPC's ability to track and oversee Major Highway Projects.
- It will prohibit the Legislature from enumerating projects without TPC approval, reducing the type of political pressure on the Major Highway Projects approval process that led to four projects, with an estimated cost of \$500 million, being included in the 2003-2005 budget by the Legislature after the TPC refused to approve them.
- It will increase the amount of information available to the public, increasing transparency and accountability.

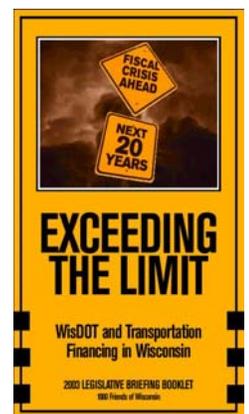
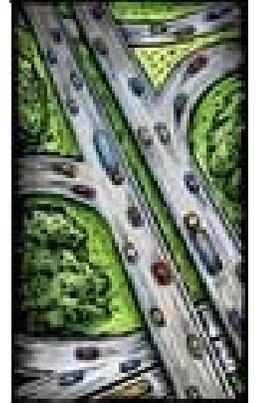
Assembly Bill 893 was passed by the Senate in mid-March on the last day of the 2003-2004 Legislative Session. 1000 Friends of Wisconsin had very positive follow-up meetings with both Representative Jeskewitz and Senator Roessler to thank them for their important work, as well as to discuss other needed legislative changes. On an invitation from the Governor's office, 1000 Friends of Wisconsin joined Governor Doyle as he signed AB 893 into law at a press conference in Sheboygan on April 8, 2004.

Strong First Steps

While the audit identified major problems with the Major Highway Projects program and AB 893 will lead to increased monitoring and restraint of this program, these measures are just first steps. When it comes to transportation reform, the rubber hits the road when the state allocates funding to different programs. 1000 Friends of Wisconsin looks forward to further indications that meaningful reform is gaining momentum when the Legislature and Governor decide how to spend taxpayers' money next spring in the 2005-2007 Budget. We'll keep you posted.

Ward Lyles, Transportation Policy Director
ward@1kfriends.org

For those of you who want to learn more about exactly how WisDOT spends your money, please call Ward at 608.259.1000 for a copy of our legislative briefing booklet, *Exceeding the Limit*.



SMART GROWTH AND DEMOCRACY

(Continued from page 1)

enacted in other states is its insistence on grassroots inclusive public participation in land use issues.

TO ACHIEVE CONSERVATION—WE NEED “MORE CONSERVATION EDUCATION”

But is it good enough to have a law on the books without education and enforcement? This is the point at which other states that have tried to pass similar laws have failed. Leopold's answer to this question again challenges the process of implementation, explaining that the usual answer to the dilemma of achieving conservation is “more conservation education.” He asks whether it is the volume of education or the content that is lacking. In the first three years of the law's existence, the lesson we may have learned is that it is not the volume of education that matters.

A myriad of organizations have worked to educate Wisconsinites about this law, its requirements and its opportunities yet still, significant misinformation and misconception abound – some to such a degree that they have threatened to derail this progressive effort at challenging the status quo of land use decision-making – as you have read about in the legislative sections of our newsletter. [See *good news about the legislative story of the Comprehensive Planning law on page 5*]

The law's spirit – as Leopold recommends – assigns obligations, calls for sacrifice and implies changes in current philosophy of values – most notably, *balancing* the good of the community with that of the individual property owner.

As co-authors of the state's Comprehensive Planning Law, and as an organization dedicated to promoting development that does not sacrifice economic, environmental, cultural or social resources, we have a significant stake in this struggle. In order to effectively implement this law, we need to better understand the concerns and motivations of those who oppose community planning. And we need to understand how we can better articulate the spirit of this law so that Wisconsinites not only understand the opportunity it provides for truly inclusive community planning – but that they participate in the often long and sometimes difficult planning process.

The best way for Wisconsin's law to succeed is if we are successful at encouraging grassroots support for planning – and *encourage everyday citizens to get involved*.

Armed with accurate information and inspiration, everyday citizens will reengage; we are witnessing the beginnings of this on the national level as we prepare for the 2004 presidential election. We hope that the renewed

commitment to civic engagement we're seeing on the national level will reverberate throughout Wisconsin.

In order to foster this engagement locally, 1000 Friends in the coming months will unveil a new website. The site will be a clearinghouse of current information and tools to help citizens answer questions and find help with land use and transportation issues. The site will feature extensive resources on community planning, legislation, transportation and 1000 Friends' public policy initiatives. Other highlights of the site will be regular news updates, case studies of best practices, downloadable publications and an expanded search capability that will identify resources based on your location.

Wisconsin's Comprehensive Planning Law is one of the most innovative planning laws in the country – in large part because of its public participation components – and many are watching to see if it succeeds or fails. We cannot afford to allow it to fail as so much is at stake. 1000 Friends continues to be committed to doing our part to ensure its success.

Andrea Dearlove, Assistant Director
Kevin Pomeroy, Planning Director

Save the Date!

Policy, Planning and Practical Strategies for Creating Active Community Environments

5 Regional Workshops for: Citizens, Planners, Safe Community Coalitions, Community Recreation & Fitness Providers, Traffic Safety Engineers, Municipal Officials, Bicycling & Walking Safety Advocates, School Officials, Law Enforcement, Neighborhood Associations, Nutrition & Physical Activity Coalitions, Public Health Professionals, Aging Services/Area Agencies on Aging.

9am-3:30pm, \$18 registration fee includes lunch, two breaks and materials

Monday June 21 - Madison, WI

Tuesday, June 29 - Wauwatosa, WI

Wednesday, June 30 - Oshkosh, WI

Thursday, July 15 - Eau Claire, WI

Thursday, July 29 - Minocqua, WI



Presented by Department of Health & Family Services-Division of Public Health, Wisconsin Walks, Health Promotion Project, University of Wisconsin-Madison. In collaboration with AARP of Wisconsin, Bicycle Federation of Wisconsin, 1000 Friends of Wisconsin, WI Department of Transportation. Registration materials are available. For more information, contact info@wisconsinwalks.org, 262-375-6180



LEGISLATIVE WRAP-UP: THE 2003-2004 LEGISLATIVE SESSION



The regular legislative session ended in March. For better or for worse, many bills got stranded somewhere in the process. Those bills that survived the process were either signed or vetoed by Governor Doyle. The following is a brief update on the status of various bills we've worked on during the 2003-2004 session.

Public Waters Deregulation (a.k.a. the "Jobs Creation Bill")

Act 118 - Signed into law on January 22nd, 2004. Act 118 is now undergoing the Department of Natural Resources administrative rulemaking process. This fall and winter when the legislation that would become 2003 Wisconsin Act 118 was speeding through the legislature, the main concern repeated again and again—by the public, by statewide conservation groups, and by preeminent conservationists such as Gaylord Nelson—was that, as *written*, the legislation threatened to undermine current protections of Wisconsin's waters and the public trust in those waters.

Governor Doyle, legislative leaders, and the Department of Administration responded to this concern by pledging that Act 118 was never intended to lower environmental standards or weaken the protection of public rights in our navigable waters. They promised that their intention was for the Department of Natural Resources to adopt administrative rules that would ensure the continued current protection of the public trust, including the protection of fish and wildlife habitat, natural scenic beauty and water quality.

In response, the DNR drafted a set of emergency administrative rules to fill the void while permanent rules are being drafted. 1000 Friends and others provided comment on the rules at the March 24th Natural Resource Board meeting. 1000 Friends urged the Natural Resource Board to swiftly adopt the emergency rules with several recommended modifications to the list of "areas of special natural resource interest" and waters with "public rights features." We believe these emergency rules must be adopted in the interim in order to fulfill the promise not to lower current environmental standards and to ensure that Wisconsin's waters continue to be "swimmable and fishable" rather than just developable.

The Natural Resource Board approved emergency rules on April 6th. To see 1000 Friends' full comments on the emergency rules (NR 1, etc.) visit our website at www.1kfriends.org.

Smart Growth-Related Bills

AB 435 - This bill, introduced by Rep. Mary Williams early in the session, sought to repeal the Smart Growth comprehensive planning law in its entirety. We're happy to report that it never made it out of committee this session.

AB 551—Under this bill, no county development (i.e., comprehensive plan), nor any amendment to the plan, may take effect in a town unless the town's board approves the county board's action. The bill's authors and supporters intended it to foster more cooperation between counties and towns on comprehensive planning, which we firmly support. However, we were concerned that as it was written it just as easily could be used by opponents of planning to unnecessarily stall the process at the 11th hour. 1000 Friends opposed this bill for a number of reasons. First, many counties across the state are already working cooperatively with towns, cities and villages on their comprehensive plans. Second, it could harm economic development, transportation, housing, recreational planning and other important county functions that could be prevented from taking effect within towns. Finally, it appears to be motivated by a concern with county zoning control rather than planning, and current state law already provides that county zoning ordinances cannot take effect unless they have town board approval. Governor Doyle vetoed this bill. *1000 Friends is working with the Towns Association and others on options that would encourage town and county cooperation with full engagement by towns at the beginning of the planning process.*

AB 608 - On April 13th, Governor Doyle recognized the importance of comprehensive planning to the vitality of Wisconsin's local communities by signing AB 608 into law (2003 Wisconsin Act 233). This bill makes three changes to the state comprehensive planning law : 1) It clarifies the relationship of regional planning commissions with respect to other governmental bodies by reasserting current state law, which holds that regional planning commission plans are advisory; 2) It clarifies the list of actions that must be consistent with a local governmental unit's comprehensive plan by removing the "catchall phrase"; and 3) It simplifies the overall list of actions that must be consistent with a local governmental unit's comprehensive plan by paring it down to zoning, shoreland zoning, official mapping and subdivision regulation.

Confusion about the law was functioning as a road block to communities, especially rural towns that have been wary of engaging in the planning process as long as ambiguities persisted.

These changes will allow communities across the state to move forward and reap the benefits of comprehensive planning as it was intended by the law—as a locally driven, locally controlled process.

The bill was introduced by Reps. Albers, Berceau, Freese, Gunderson, Hineš, Jensen, M. Lehman, Mussser, Pettis, Powers, Plouff and Olsen and co-sponsored by Senators Stepp and Lazich. The bill was supported by the WI Towns Assoc., WI Realtors, WI Builders, the League of WI Municipalities, and the WI Counties Association among others.

(Continued on page 6)



LEGISLATIVE WRAP-UP: 2003-2004 LEGISLATIVE SESSION

(Continued from page 5)

AB 728 - This bill created a special notice requirement for owners or leaseholders of property that may be used for non-metallic mining (e.g., gravel pits). Before a local comprehensive plan may take effect, a local governmental unit must provide written notice specifically to property owners / leaseholders with non-metallic mining interests. 1000 Friends opposed this bill because the comprehensive planning law already requires local governments to provide notice and the opportunity for public participation in the planning process to *all* citizens. Governor Doyle signed this bill into law.

The Stewardship Fund

AB 480 - This bill attempted to reinstate cuts to the Stewardship Fund that the Governor had vetoed in the biennial budget earlier this year. It would have significantly weakened the ability of the state and local land trusts to conserve land by cutting the Stewardship Program's bonding authority by \$245,000,000. The bill failed to pass this session.

Transportation

AB 893 - On the heels of an eye-opening legislative audit of the state's major highway projects program, Senator Roessler and Representative Jeskewitz introduced this bill to bring greater accountability to the citizens and taxpayers of Wisconsin when it comes to road building. Governor Doyle signed this bill into law (2003 Wisconsin Act 217) on April 8th.

• ***Please see the more complete story on AB 893 on page 1, and the legislative profile on page 7 of this newsletter.***

Wetlands

AB 780 - This bill would have created a broad exemption from all water quality standards that apply to wetland regulations. This new exemption would have applied to wetland development activities that meet all the following requirements: (1) The site of the activity is located in a city, village, town, or county that has adopted a comprehensive plan under the state's smart growth law; (2) The wetland area that will be affected by the activity has "negligible functional values"; and (3) The activity incorporates a plan by the person engaging in the activity to create at least 1.5 acres of wetland for each acre of wetland affected by the activity. This bill was introduced in response to a single constituent complaint from a developer in Fond du Lac. It passed out of the Assembly Natural Resources committee but never made it to the assembly floor for a vote.

Groundwater Protection

AB 926 - Hailed by conservation, agriculture, municipal and development interests as a "good first step" toward much-needed comprehensive management and protection of Wisconsin's groundwater, the "Groundwater Protection Act of 2004" also provided a very rare example this last session of a bipartisan, open and collaborative legislative process led by co-authors Senator Neal Kedzie (R-Elkhorn) and Representative DuWayne Johnsrud (R-Eastman).

While the legislation is far from ideal, it represents positive progress in the area of groundwater protection and will provide a framework by which to evaluate groundwater management in Wisconsin. It accomplishes a number of things, including: protects sensitive surface water resources from damage by high capacity well withdrawals, allows for locally-led water management planning efforts by communities in the southeast and northeast regions of the state (Waukesha and Brown counties) that are designated as Groundwater Management Areas because of imminent groundwater quantity concerns, and it establishes Groundwater Protection Areas in which high-capacity well permits will be submitted to higher environmental review standards. Both Representative Johnsrud and Senator Kedzie indicated that this legislation represents the beginning of continuing efforts to protect groundwater for the future. The Governor signed this bill into law on Earth Day.

• ***Kudos to 1000 Friends Board Member and Wisconsin waters guru, Steve Born, for his contributions to this legislation!***

Please contact Lisa MacKinnon at lmac@1kfriends.org or 608/259-1000, ext.107 if you would like more information on the legislation mentioned in this article.

THANK YOU THANK YOU THANK YOU
Special thanks to all of you who have taken the time to contact your legislators and attend hearings on these and other important land use issues over the course of this legislative session.

Look for details on the
1000 Friends Annual Meeting
in your next newsletter!



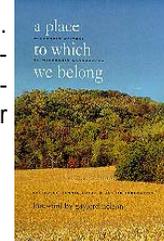
1000 FRIENDS PUBLICATIONS: ORDER NOW AT REDUCED PRICES!

A Place To Which We Belong; Wisconsin Writers on Wisconsin Landscapes

Edited by Dennis Boyer and Justin Isherwood, with a forward by Gaylord Nelson

This anthology of nearly fifty short essays by Wisconsin writers explores a personal sense of place. Wonderfully wide-ranging yet united by a common theme, the chapters include both intimate contemplations of lakes and gardens and big picture overviews of science, politics and land use. The contributors ask, "What gives us a sense of place? What binds us to places that somehow touch our minds, hearts and souls? What makes a place worthy of protection and respect?"

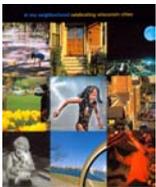
A Place to Which We Belong is a treasure for Wisconsinites, not only as a tribute to our varied landscapes, but also as a celebration of Wisconsin writers. (\$8.00 & \$2.00 shipping and handling)



GREAT GIFTS
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A PERFECT
ADDITION TO
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In My Neighborhood; Celebrating Wisconsin's Cities

Edited by Andrea Dearlove and Mary McIntyre



This is an anthology of essays, poems and amazing photographs of Wisconsin cities for those who value a rich urban experience while seeking to preserve and enhance Wisconsin's environment. It was written to remind people of what cities offer that you can't find in a suburb or rural area. The book celebrates cities and reminds us of our responsibilities to them. (\$12.00 & \$2.00 shipping and handling)

A Citizens' Guide to Land Use in Wisconsin is also available at a reduced price.

See the enclosed order form for details. Thanks and enjoy!

Discounts available for bulk orders. Call 608.259.1000 to inquire.

Spotlight on Wisconsin Legislators

Senator Carol Roessler and Representative Suzanne Jeskewitz

As Co-Chairs of the Legislature's Joint Committee on Audit, Senator Carol Roessler and Representative Suzanne Jeskewitz made major inroads towards transportation reform in the 2003-2004 session of the Legislature. To learn more about the important work they and their committee performed, see the article on page 1.

Senator Roessler (R-Oshkosh) represents the City of Oshkosh and parts of Winnebago and Fond du Lac counties in the Fox Valley. From 1982 to 1987, she served in the Assembly and has served in the Senate since 1987. "As Co-Chairs of the Audit Committee, we are serious about reigning in cost overruns on our major transportation projects," said Sen. Roessler upon passage of AB 893 by the Senate. "The reporting requirements in this bill will make certain the Department and the Legislature more closely scrutinize how taxpayer dollars are being spent on transportation."

Rep. Suzanne Jeskewitz (R-Menomonee Falls) has represented part of Waukesha County in southeastern Wisconsin in the Assembly since 1996. Following the passage of AB 893 by the Senate, Rep. Jeskewitz said, "We were able to accomplish our goal of making the Major Highway Program more accountable and addressing the unacceptable cost overruns. I am so pleased that we were able to take the politics out of the enumeration of major highway projects by prohibiting the Legislature from approving projects without TPC approval."



SENATOR ROESSLER
(ABOVE)

REPRESENTATIVE JESKEWITZ
(BELOW)





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WISCONSIN LANDSCAPES

A BIT OF PERSPECTIVE



1000 FRIENDS OF WISCONSIN

Perfecting the Places We Live
to Protect the Places We Don't



at this!

The recent audit of the Major Highway Projects program indicated that cost overruns on just seven projects totaled \$381 million. What else could the state have purchased with that money? Chomp on these figures for a bit of perspective:

- **A completed comprehensive plan for every Wisconsin county, town, village and city** - with at least \$70 million left over. (72 Counties - \$500,000 each; 1265 Towns - \$150,000 each; 1295 Villages - \$150,000 each; and 190 Cities - \$250,000 each)
or
- **6,600 full scholarships to UW-Madison for Wisconsin residents, including tuition, fees, room and board for four years; that's 90 scholarships per county.** (Cost: \$14,350 per year)
or
- **46 free public transit rides for every state resident.** (254 million \$1.50 rides)
or
- **10 new bike/pedestrian paths for every county in the state.** (Est. \$500,000 each)
or
- **6 years of full \$60 million funding for the Stewardship Fund.**
or
- **19,000 brand new Honda Civic Hybrids.** (\$20,000 per Civic Hybrid)
or
- **A High Speed Rail System between Madison and Milwaukee** (\$176 million) and a Commuter Rail Start-Up System for Dane County (\$189 million)