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## **Federal Court Derails Highway 23 Project**

*Flawed Traffic Forecasts Ends Federal Funding in Huge Victory for Taxpayers*

On Friday, the U.S. Eastern District Court upheld claims in a lawsuit filed by 1000 Friends of Wisconsin and cut off federal funding for the beleaguered Highway 23 road expansion project between Fond du Lac and Plymouth. The Court agreed with the land use organization that the Wisconsin Department of Transportation used unsupported, inflated traffic forecasts to justify the project.

The Court also agreed that the Department's environmental impact statement violated federal law by failing to consider whether updated population projections that showed that the population in the area of Highway 23 would grow only about one-third as quickly as the Department had previously projected would affect the asserted need for expanding the highway.

"This is a huge win for taxpayers," said Steve Hiniker, Executive Director of 1000 Friends of Wisconsin. "We have known for years that the state DOT has been using artificially high traffic forecasts to justify a number of highway expansion projects. Now a federal court has validated our claims."

According to the ruling, the Wisconsin DOT failed to justify the amount of traffic it projected as likely to use the road in the future. The Court ruled that the project is ineligible for federal funding until documented accurate traffic forecasts can be made that justify expanding the highway. The state can now either go back to the drawing board and do verifiable forecasting or scrap the expansion plans. The ruling does not stop the state from building the project using only state funds.

"We encourage the DOT to immediately make safety improvements along Highway 23 that could always have been done without expanding the highway to 4 lanes," added Hiniker.

This case could have dramatic ramifications for other highway building plans in the state. Critics of DOT building plans have questioned a number of projects based on faulty traffic projections – including the proposed almost billion dollar expansion of the I-94 corridor near Miller Park in Milwaukee.

"We call on the legislature to stop funding any road expansion project that has not already begun construction until updated, accurate and verifiable traffic forecasts can be made. The state cannot afford to spend billions of dollars on highway projects that are not justified by accurate data," concluded Hiniker.

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