

**Major Amendment #1
to the
2018-2022 Transportation Improvement Program
for the
Green Bay Urbanized Area**

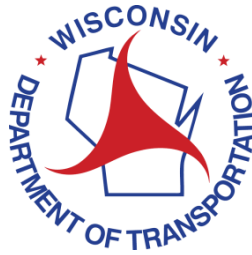
**Brown County Planning Commission/
Metropolitan Planning Organization (MPO) for the Green Bay Urbanized Area
December 6, 2017**



U.S. Department
of Transportation
**Federal Highway
Administration**



U.S. Department
of Transportation
**Federal Transit
Administration**



The preparation of this report has been financed in part through grants from the Federal Highway Administration and Federal Transit Administration, U.S. Department of Transportation, under the Metropolitan Planning Program, Section 104(f) of Title 23, U.S. Code. The contents of this report do not necessarily reflect the official views or policy of the U.S. Department of Transportation.

A full copy of the TIP and subsequent amendments and/or administrative modifications can be found on the Brown County Planning Commission website at <http://www.co.brown.wi.us/>. Click on Departments, Planning, Transportation, and Transportation Improvement Program (TIP) for the Green Bay Urbanized Area.



The Brown County Planning Commission/Metropolitan Planning Organization (MPO) for the Green Bay Urbanized Area invites you to follow us on Facebook at: <https://www.facebook.com/pages/Brown-County-Planning-Commission-Green-Bay-MPO/751165931582219> or on Twitter at <https://mobile.twitter.com/BCPCGreenBayMPO>.

RESOLUTION NO. 2017-14

RESOLUTION OF THE BOARD OF DIRECTORS OF THE
BROWN COUNTY PLANNING COMMISSION APPROVING
MAJOR AMENDMENT #1 TO THE
2018-2022 TRANSPORTATION IMPROVEMENT PROGRAM
FOR THE GREEN BAY URBANIZED AREA

WHEREAS, U.S. Department of Transportation (DOT) regulations require the development and annual endorsement of a Transportation Improvement Program (TIP) for each urbanized area by the Metropolitan Planning Organization (MPO); and

WHEREAS, In accordance with 23 CFR 450.334(a) the Brown County Planning Commission (BCPC) hereby certifies that the metropolitan transportation planning process is addressing major issues facing the metropolitan planning area and is being conducted in accordance with all applicable requirements of:

1. 23 U.S.C. 134 and 49 U.S.C. 5303, and this subpart;
2. Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C 2000d-1) and 49 CFR part 21;
3. 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, and national origin, in employment or business opportunity;
4. Sections 1101(b) of the FAST Act (P.L. 114-357) and 49 CFR Part 26 regarding the involvement of Disadvantaged Business Enterprises in the US DOT funded projects;
5. 23 CFR part 230, regarding the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts;
6. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and 49 CFR Parts 27, 37, and 38;
7. The Older Americans Act, as amended (42 U.S.C 6101), prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance;
8. Section 324 of title 23, U.S.C regarding the prohibition of discrimination based on gender; and
9. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR 27 regarding discrimination against individuals with disabilities

WHEREAS, the BCPC is the designated MPO for the Green Bay Urbanized Area with responsibility for carrying out an urban transportation planning program; and

WHEREAS, the BCPC Board of Directors is the Green Bay MPO's policy board.

THEREFORE, BE IT RESOLVED, that the BCPC Board of Directors approves Amendment #1 to the 2018-2022 Transportation Improvement Program for the Green Bay Urbanized Area.

NOW, BE IT FURTHER RESOLVED that the MPO planning process is compliant with the requirements of the Fixing America's Surface Transportation Act (FAST Act) and that the BCPC certifies that the urban transportation planning process certification requirements of 23 CFR 450.114 (c) are satisfied.

Dated at Green Bay, Wisconsin, this 6th day of December 2017.

BROWN COUNTY PLANNING COMMISSION



Norbert Dantine, Jr., President

ATTEST:



Chuck Lamine, AICP, Planning Director

Project Summary

The Brown County Planning Commission (BCPC) Board of Directors, as the policy board for the Green Bay Metropolitan Planning Organization (MPO), approved the following project in December 2013 as a part of *Major Amendment #1 to the 2014-2018 Transportation Improvement Program for the Green Bay Urbanized Area*:

Primary Jurisdiction Project Sponsor	Project Description	Type of Cost	Jan - Dec 2019			
			Federal	State	Local	Total
Brown County Village of Bellevue (50%/50%) 158-14-016 (2019)	S. Huron Road (CTH EA) Willow Road to STH 29 Reconstruction to urban section w/ roundabout at Willow Rd, 5' bike lanes & sidewalk 4516-07-00, 71 0.53 miles E	DESIGN RE CONST TOTAL	1,990	0	497	2,487
						0 0 2,487 2,487
			STP-U (now STBG) Approved			

Project Scope Revision Proposed by Brown County Public Works Department

WisDOT Northeast Region staff recently informed BCPC/MPO staff that the CTH EA project's design has been revised by the Brown County Public Works Department (PWD). Brown County PWD is now proposing to construct wide (14') driving lanes instead of the 5' bicycle lanes that were originally designed. The purposes of the wide driving lanes are to accommodate disabled vehicles and for temporary snow storage, but the wide driving lanes will also be able to be used by bicyclists.

Brown County PWD staff told BCPC/MPO staff that this scope revision is being proposed in response to a new state law that prohibits the condemnation of private land for bicycle and pedestrian facilities.

The new state law is as follows:

32.015 Limitations. Property may not be acquired by condemnation to establish or extend a recreational trail; a bicycle way, as defined in s. [340.01 \(5s\)](#); a bicycle lane, as defined in s. [340.01 \(5e\)](#); or a pedestrian way, as defined in s. [346.02 \(8\) \(a\)](#).

340.01 (5s) "Bicycle way" means any path or sidewalk or portion thereof designated for the use of bicycles and electric personal assistive mobility devices by the governing body of any city, town, village, or county.

340.01 (5e) "Bicycle lane" means that portion of a roadway set aside by the governing body of any city, town, village, or county for the exclusive use of bicycles, electric personal assistive mobility devices, or other modes of travel where permitted under s. [349.23 \(2\) \(a\)](#), and so designated by appropriate signs and pavement markings.

346.02 (8) (a) All of the applicable provisions of this chapter pertaining to highways, streets, alleys, roadways and sidewalks also apply to pedestrian ways. A pedestrian way means a walk designated for the use of pedestrian travel.

Brown County PWD staff indicated that condemnation is used for a variety of reasons when doing road projects. Because of this, condemnation is utilized for nearly every road project where right-

of-way needs to be acquired. PWD staff stated that this proposed scope revision will clarify the municipal utility accommodation within the project's right-of-way, satisfy the new state law, and fulfill the requirement for including multimodal facilities in federally-funded road projects. PWD and WisDOT staff also indicated that a decision about this proposed scope revision should occur quickly to enable the project to maintain its design and construction schedule.

BCPC/MPO Staff Analysis and Recommendation

When this new law was approved as a part of the current state budget, BCPC/MPO staff asked WisDOT and Federal Highway Administration (FHWA) representatives how the law will affect the bicycle and pedestrian components of projects that have been approved for federal Surface Transportation Block Grant (STBG) funds by the BCPC Board of Directors. The WisDOT and FHWA representatives told BCPC/MPO staff that they do not know how approved projects will be affected by the new law at this time. WisDOT representatives also told BCPC/MPO staff that:

- WisDOT's Office of General Counsel (OGC) is currently reviewing the new law to determine how it will affect approved and proposed road projects.
- Project sponsors should consult their legal staff (city attorney, county corporation counsel, etc.) to determine how to proceed with their projects.

BCPC/MPO staff was initially concerned that it may be premature to remove the 5' bicycle lanes from the project because WisDOT and FHWA do not currently know how the new law will affect the STBG Program and other transportation funding programs they manage. However, after speaking to a representative of WisDOT's OGC, BCPC/MPO staff found that Brown County PWD's proposed scope revision will likely be necessary if condemnation will have to occur for the CTH EA project.

Because Brown County PWD staff believes that condemnation will be necessary to complete the CTH EA project, BCPC/MPO staff recommends that the BCPC Board of Directors approve the proposed scope revision to allow the project to proceed under the new state law.

Public Comment Period and Public Hearing

BCPC/MPO staff conducted a 15-day public comment period and a public hearing on December 6, 2017. The public participation documents can be seen in the appendices of this amendment report. No comments were received during the public review period or at the public hearing.

Fiscal Constraint Demonstration

The project contained in *Amendment #1 to the 2018-2022 Transportation Improvement Program for the Green Bay Urbanized Area* is fiscally constrained as per federal requirements.

**Summary of Federal Funding Programmed
Fiscal Constraint Demonstration - Four Year Requirement**

Funding Source		Programmed Expenditures					Estimated Available Funding				
Agency	Program	2018	2019	2020	2021	Total	2018	2019	2020	2021	Total
FHWA	STBG (MPO Allocation)	\$652,000	\$10,337,000	\$1,581,000	\$4,713,000	\$17,283,000	\$652,000	\$10,337,000	\$1,581,000	\$4,713,000	\$17,283,000
	STBG (WisDOT)	\$854,000	\$854,000	\$854,000	\$854,000	\$3,416,000	854,000	854,000	854,000	854,000	\$3,416,000
	STP Flex	380,000	595,000	0	0	\$975,000	380,000	595,000	0	0	\$975,000
	HSIP	371,000	716,000	240,000	240,000	\$1,567,000	371,000	716,000	240,000	240,000	\$1,567,000
	NHPP	24,245,000	1,768,000	560,000	560,000	\$27,133,000	24,245,000	1,768,000	560,000	560,000	\$27,133,000
	TA	350,694	0	0	0	\$350,694	350,694	0	0	0	\$350,694
	Total	\$26,852,694	\$14,270,000	\$3,235,000	\$6,367,000	\$50,724,694	\$26,852,694	\$14,270,000	\$3,235,000	\$6,367,000	\$50,724,694
FTA	Section 5307	\$2,877,000	\$0	\$0	\$0	\$2,877,000	\$2,877,000	\$0	\$0	\$0	\$2,877,000
	Section 5310	168,392	0	0	0	\$168,392	168,392	0	0	0	\$168,392
	Section 5339	184,000	0	0	0	\$184,000	184,000	0	0	0	\$184,000
	Total	\$3,229,392	\$0	\$0	\$0	\$3,229,392	\$3,229,392	\$0	\$0	\$0	\$3,229,392

* Several projects were approved under MAP-21 and will be implemented under FAST Act. STP renamed Surface Transportation Block Grant Program in Fast Act.

BCPC Board of Directors Transportation Subcommittee (MPO Technical Advisory Committee)

Transportation Subcommittee members were provided the draft amendment document. No comments were received.

BCPC Board of Directors (MPO Policy Board)

The Brown County Planning Commission Board of Directors approved the amendment as recommended by MPO staff on December 6, 2017.

Appendix A

Email Message Sent to Interested Parties

Dear Interested Party:

You are invited to comment and are advised of a public hearing on ***Draft Major Amendment #1 to the 2018-2022 Transportation Improvement Program (TIP) for the Green Bay Urbanized Area.***

A digital version of the Draft Major Amendment #1 document can be viewed by clicking on the following link:

<http://www.public.applications.co.brown.wi.us/Plan/PlanningFolder/Transpotation/TIP/Amendment1-Report.pdf>

If you would like to review a hard copy of the document, copies are available for review at:

Brown County Planning Commission
Planning and Land Services Department
305 East Walnut Street, Room 320
Green Bay, WI 54301

The public review period and comment period will occur between November 22, 2017 and December 6, 2017.

If you would like to submit comments, please mail or email your comments by December 6, 2017, to:

Lisa J. Conard, Senior Planner
Brown County Planning Commission
Planning and Land Services Department
PO Box 23600
Green Bay, WI 54305-3600
conard_lj@co.brown.wi.us

You can also submit comments by telephone or through the Brown County Planning Commission/Green Bay MPO Facebook Page. The telephone number and Facebook link are shown at the end of this message.

A public hearing regarding the amendment will take place on:

Wednesday, December 6, 2017 at 6:30 p.m.
Green Bay Metro Transportation Center
901 University Avenue
Green Bay, WI 54302

Immediately following the hearing, the Draft Major Amendment #1 will be presented to the Brown County Planning Commission Board of Directors (MPO Policy Board) for approval consideration.

Thank you for your interest in the Green Bay MPO.

Sincerely,

Lisa J. Conard, Senior Planner
Brown County Planning Commission/Green Bay MPO
305 East Walnut Street, Room 320
Green Bay, WI 54301
Phone: (920) 448-6489
Email: Conard_LJ@co.brown.wi.us
Website: www.co.brown.wi.us/planning



Appendix B

**DRAFT Minutes
BROWN COUNTY PLANNING COMMISSION
BOARD OF DIRECTORS
Wednesday, December 6, 2017
Green Bay Metro Transportation Center
901 University Avenue, Commission Room
Green Bay, WI 54302
6:30 p.m.**

ROLL CALL:

Paul Blindauer	<u>X</u>	Phil Hilgenberg	<u>X</u>	Ray Tauscher	<u>X</u>
Brian Brock	<u>X</u>	Jacob Immel	<u>Exc</u>	Norbert Van De Hei	<u>X</u>
William Clancy	<u>X</u>	Kathleen Janssen	<u>X</u>	Jason Ward	<u>Exc</u>
Norbert Dantine, Jr.	<u>X</u>	Dotty Juengst	<u>X</u>	Dave Wiese	<u>X</u>
Bernie Erickson	<u>Exc</u>	Dave Kaster	<u>X</u>	Matthew Woicek	<u>X</u>
Kim Flom	<u>X</u>	Patty Kiewiz	<u>Exc</u>	Reed Woodward	<u>X</u>
Steve Grenier	<u>X</u>	Michael Malcheski	<u>X</u>		
Mark Handeland	<u>X</u>	Gary Pahl	<u>X</u>		
Matthew Harris	<u>X</u>	Terry Schaeuble	<u>X</u>	Br. Co. Board–DePere (Vacant)	
Frederick Heitl	<u>X</u>	Glen Severson	<u>X</u>	City of Green Bay (Vacant)	

OTHERS PRESENT: Chuck Lamine, Cole Runge, Lisa Conard, Dan Teaters, Kathy Meyer, Paul Fontecchio, Nick Uitenbroek (Brown County Public Works Department) and Scott (Mead & Hunt)

1. Approval of the minutes of the October 4, 2017 regular meeting of the Brown County Planning Commission Board of Directors.

A motion was made by G. Pahl and seconded by M. Harris to approve the minutes of the October 4, 2017 regular meeting of the Brown County Planning Commission Board of Directors. Motion carried.

2. **Overview and Public Hearing:** Draft Major Amendment #1 to the 2018-2022 Transportation Improvement Program (TIP) for the Green Bay Urbanized Area.

C. Runge provided an overview of the Draft Major Amendment #1 to the 2018-2022 TIP for the Green Bay Urbanized Area via PowerPoint.

C. Runge reviewed the S. Huron Road (CTH EA) project in the Village of Bellevue that was approved in December 2013 as part of Major Amendment #1 to the 2014-2018 TIP for the Green Bay Urbanized Area.

C. Runge stated that BCPC/MPO staff were recently informed by WisDOT Northeast Region staff of a new state law that prohibits the condemnation of private land for bicycle and pedestrian facilities. As a result of the new state law, the Brown County Public Works Department (PWD) is now proposing to construct wide driving lanes instead of the 5' bicycle lanes that were original designed. The purposes of the wide driving lanes are to accommodate disabled vehicles and for temporary snow storage. The wide driving lanes could also be used by bicyclists.

C. Runge stated that BCPC/MPO staff contacted WisDOT and Federal Highway Administration (FHWA) representatives for their interpretation of the new law and how it would affect this project and other projects. The WisDOT and FHWA representatives indicated that they do not know how approved projects will be affected by the new law at this time.

C. Runge stated that WisDOT's Office of General Counsel is currently reviewing the new law to determine how it will affect approved and proposed road projects.

C. Runge stated that staff are recommending approval of the PWD proposed scope revision to allow the project to proceed under the new state law.

C. Runge opened the public hearing.

C. Runge asked three times if anyone wished to speak. Hearing no comment, C. Runge closed the public hearing.

3. Discussion and action on the Draft Major Amendment #1 to the 2018-2022 Transportation Improvement Program (TIP) for the Green Bay Urbanized Area.

C. Runge asked for any questions or comments concerning the new state law or specifically the S. Huron Road project in the Village of Bellevue.

Question asked if the state law changed, could you go back and put in the bicycle lane and narrow the driving lane. C. Runge stated that once the curve is established, it would be expensive and difficult to go back and modify it.

C. Runge stated that two representative from the Brown County Public Works Department are in attendance if you have any specific questions for them.

Clarification was asked on the original project and that it was planned with two bicycle lanes and a sidewalk on the west side. C. Runge stated that the sidewalk is allowed to remain.

Paul Fontecchio, Highway Commissioner, discussed condemnation and the new state law.

Discussion occurred on federal requirements and funding.

Discussion occurred on bicyclists and bicyclist safety.

Question asked with the proposed new plan for the S. Huron Road project, what is the cost savings? P. Fontecchio stated an overall savings of \$50,000, \$40,000 is federal, county would save \$5,000 and the municipality would save \$5,000.

A motion was made by G. Pahl and seconded by S. Grenier to approve the Draft Major Amendment #1 to the 2018-2022 Transportation Improvement Program (TIP) for the Green Bay Urbanized Area. Motion carried.

Appendix C
Legal Notice Affidavit



PRESS-GAZETTE
media
A GANNETT COMPANY

STATE OF WISCONSIN
BROWN COUNTY

BROWN COUNTY PLANNING LEGALS
305 E WALNUT ST STE 320
GREEN BAY WI 543015027

RECEIVED

DEC 05 2017

BROWN COUNTY PLANNING
AND LAND SERVICES

NOTICE OF REQUEST FOR COMMENTS AND NOTICE OF PUBLIC HEARING ON THE DRAFT MAJOR AMENDMENT #1 TO THE 2018-2022 TRANSPORTATION IMPROVEMENT PROGRAM FOR THE GREEN BAY URBANIZED AREA. All interested persons are invited to comment and are advised of a public hearing on the Draft Amendment #1 to the 2018-2022 Transportation Improvement Program (TIP) for the Green Bay Urbanized Area. Copies of the amendment will be available at: Brown County Planning Commission Room 320, Northern Building 305 E. Walnut St. Green Bay, WI 54301. The public hearing will take place on: Wednesday, December 6, 2017 Green Bay Metro - Transportation Center 901 University Ave.

Green Bay, Wisconsin 6:30 p.m. Unless otherwise noticed, this completes the final program of projects. The public review and comment period for the amendment is scheduled for November 22 through December 5, 2017. Written comments should be mailed to Lisa J. Conard, Brown County Planning Commission, PO Box 23600, Green Bay, WI 54305-3600 by December 5, 2017. Published by Sandy Juno County Clerk Run November 22, 29, 2017 - WNASL.P

Being duly sworn, doth depose and say that she/he is an authorized representative of the Green Bay Press Gazette, a newspaper Green Bay, Wisconsin, and that an advertisement of which the annexed is a true copy, taken from said paper, which was published therein on

Account Number: GWM-284368
Order Number: 0002546785
No. of Affidavits: 1
Total Ad Cost: \$74.59
Published Dates: 11/22/17, 11/29/17

(Signed) *Alicia Mann* (Date) 11-29-17
Legal Clerk

Signed and sworn before me *M Rome*

My commission expires 1-12-2021



BROWN COUNTY PLANNING LEGALS
BROWN COUNTY PLANNING COMMISSION

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Appendix D

Comments Received

No comments were received.