

SHEBOYGAN COUNTY RESOLUTION NO. 15 (2017/18)

Re: **Supporting Reconstruction and Improvement of State Highway 23**

WHEREAS, since before Wisconsin became a state, the traffic corridor between Sheboygan and Fond du Lac has been an important commercial lifeline for northeastern Wisconsin as evidenced by the establishment of the Plank Road Trail between the two communities, and

WHEREAS, the Plank Road trail was subsequently replaced by a railroad line and, with the advent of the motor vehicle traffic, the establishment of State Highway 23, and

WHEREAS, notwithstanding the size of the cities connected by State Highway 23 and the importance of the highway, efforts to have the two-lane roadway widened and improved to a four-lane highway were stalled while, at the same time, two-lane roadways with much less traffic between much smaller cities were improved and widened, and

WHEREAS, recognizing the need for improvements, in 1999 the Wisconsin legislature enacted what is now Wis. Stat. § 84.013(3)(ra) which enumerated that State Highway 23 was to be widened and improved as a four-lane divided highway between Highway 67 in Sheboygan County to US Highway 41 (Interstate 41) in Fond du Lac County, and

WHEREAS, as an enumerated project, the improvements to State Highway 23 were to be financed by both State of Wisconsin funds and federal funds through the Federal Highway Administration,

WHEREAS, in preparation for the improvements, numerous studies were performed and designs evaluated, and the land for the expansion was acquired, and

WHEREAS, as construction was about to commence, in June 2011 an environmental group initiated a US District Court action contesting the expansion using as its basis to stop the project a claim that the federal environmental impact statement required to be performed was deficient in that the projected traffic volumes for an improved highway were flawed and that the need for a four-lane highway was not justified, and

WHEREAS, because of the litigation, work on the project was stayed and ultimately stopped when on May 22, 2016, US District Judge Lynn Adelman ruled on the lawsuit, finding that the expansion of Highway 23 to four lanes would not be allowed to proceed utilizing federal funds, and

WHEREAS, because the decision of Judge Adelman was contrary to the will of the people as expressed through their elected officials and perpetuated an unsafe and inadequate highway condition, the State of Wisconsin recently enacted the Executive Budget for the 2017-2019 biennium as 2017 WI Act 59, including Section 9145(2i) and (2j) requiring the Wisconsin Department of Transportation to conduct rehabilitation work on State Highway 23 in the 2017-2019 biennium and reserving up to \$19,400,000 for construction work on State Highway 23, and

WHEREAS, WI Act 59 provides that if the earmarked sums are not used on State Highway 23 construction by January 1, 2019, the money may be diverted for use to other major projects, and

WHEREAS the County Board is well aware that the present condition of State Highway 23 between Highway 67 and US Highway 41 (Interstate 41) represents a safety hazard and is inadequate for the current commercial and individual transportation requirements for the region;

NOW, THEREFORE, BE IT RESOLVED the Sheboygan County Board of Supervisors supports all state and federal efforts to improve State Highway 23 and encourages all necessary studies, including a new Limited Scope Supplemental Environmental Impact Statement that will address the issues raised in the US District Court decision, to be completed promptly and accurately so that the needed construction of State Highway 23 can be commenced and completed.

BE IT FURTHER RESOLVED that the Clerk shall send copies of this Resolution to the Wisconsin Department of Transportation, local legislators, and such other individuals or agencies as directed by the County's Administrator and/or County Board Chairperson.

Respectfully submitted this 24th day of October, 2017.

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