

1 SHEBOYGAN COUNTY RESOLUTION NO. 15 (2017/18)

2
3 Re: Supporting Reconstruction and Improvement of State Highway 23
4
5

6 WHEREAS, since before Wisconsin became a state, the traffic corridor between Sheboygan
7 and Fond du Lac has been an important commercial lifeline for northeastern Wisconsin as
8 evidenced by the establishment of the Plank Road Trail between the two communities, and
9

10 WHEREAS, the Plank Road trail was subsequently replaced by a railroad line and, with the
11 advent of the motor vehicle traffic, the establishment of State Highway 23, and
12

13 WHEREAS, notwithstanding the size of the cities connected by State Highway 23 and the
14 importance of the highway, efforts to have the two-lane roadway widened and improved to a
15 four-lane highway were stalled while, at the same time, two-lane roadways with much less traffic
16 between much smaller cities were improved and widened, and
17

18 WHEREAS, recognizing the need for improvements, in 1999 the Wisconsin legislature
19 enacted what is now Wis. Stat. § 84.013(3)(ra) which enumerated that State Highway 23 was to be
20 widened and improved as a four-lane divided highway between Highway 67 in Sheboygan County to
21 US Highway 41 (Interstate 41) in Fond du Lac County, and
22

23 WHEREAS, as an enumerated project, the improvements to State Highway 23 were to be
24 financed by both State of Wisconsin funds and federal funds through the Federal Highway
25 Administration,
26

27 WHEREAS, in preparation for the improvements, numerous studies were performed and
28 designs evaluated, and the land for the expansion was acquired, and
29

30 WHEREAS, as construction was about to commence, in June 2011 an environmental group
31 initiated a US District Court action contesting the expansion using as its basis to stop the project a
32 claim that the federal environmental impact statement required to be performed was deficient in that
33 the projected traffic volumes for an improved highway were flawed and that the need for a four-lane
34 highway was not justified, and
35

36 WHEREAS, because of the litigation, work on the project was stayed and ultimately stopped
37 when on May 22, 2016, US District Judge Lynn Adelman ruled on the lawsuit, finding that the
38 expansion of Highway 23 to four lanes would not be allowed to proceed utilizing federal funds, and
39

40 WHEREAS, because the decision of Judge Adelman was contrary to the will of the people
41 as expressed through their elected officials and perpetuated an unsafe and inadequate highway
42 condition, the State of Wisconsin recently enacted the Executive Budget for the 2017-2019 biennium
43 as 2017 WI Act 59, including Section 9145(2i) and (2j) requiring the Wisconsin Department of
44 Transportation to conduct rehabilitation work on State Highway 23 in the 2017-2019 biennium and
45 reserving up to \$19,400,00 for construction work on State Highway 23, and
46

47 WHEREAS, WI Act 59 provides that if the earmarked sums are not used on State Highway
48 23 construction by January 1, 2019, the money may be diverted for use to other major projects, and
49

STATE OF WISCONSIN) I, Jon Dolson do hereby
COUNTY OF SHEBOYGAN) certify that the above is a
true and correct copy of the original on file in the office of the
County Clerk and that it was adopted by the County Board of
Supervisors on this date.

Date: 10-24-2017
(Seal)


County Clerk

50 WHEREAS the County Board is well aware that the present condition of State Highway 23
51 between Highway 67 and US Highway 41 (Interstate 41) represents a safety hazard and is
52 inadequate for the current commercial and individual transportation requirements for the region;
53

54 NOW, THEREFORE, BE IT RESOLVED the Sheboygan County Board of Supervisors
55 supports all state and federal efforts to improve State Highway 23 and encourages all necessary
56 studies, including a new Limited Scope Supplemental Environmental Impact Statement that will
57 address the issues raised in the US District Court decision, to be completed promptly and accurately
58 so that the needed construction of State Highway 23 can be commenced and completed.
59

60 BE IT FURTHER RESOLVED that the Clerk shall send copies of this Resolution to the
61 Wisconsin Department of Transportation, local legislators, and such other individuals or agencies as
62 directed by the County's Administrator and/or County Board Chairperson.
63

64
65 Respectfully submitted this 24th day of October, 2017.
66

67 *L.C. Bernis*
68 _____
69 *Tom Wagon*
70 _____
71 *Chris A. Prang*
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73 *William C. Grogan*
74 _____
75 *Bo Diller*
76 _____
77 *James Baumgart*
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79 *Mark S. Mundy*
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81 *Vernor Koch*
82 _____
83 *Edward Sun*
84 _____
85 *Jim Dany*
86 _____
87 *Kath Acker*
88 _____
89 *Roger K. Stott*
90 _____
91 *Chuck Tomasz*
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93 _____
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[Signature]

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Brian C. Hoffmann

Boyer R. Otter

William C. Grogan

James P. Elmer

Jay Upman

[Signature]

Al Bosma

FISCAL NOTE
October 2017

Resolution No. 15 (2017/18) RE: Supporting Reconstruction and Improvement of State Highway 23

This resolution is affirming support to have all State and Federal efforts continue towards the improvement of State Highway 23 from Highway 67 to US Highway 41.

If future reconstruction were to begin on Highway 23, the County would not incur costs for the highway roadwork, but would be responsible for the finishing work on the Old Plank Road Trail. The grading for the trail would be part of the Highway 23 project. In the Five Year Capital Plan, the Old Plank Road Trail has been earmarked in the out years waiting for the State to decide on initiating the Highway 23 project. If the project is to move forward, the Five Year Capital Plan will reflect the Old Plank Road Trail in the coinciding years for completion.

Funding:

No additional funding is required for this resolution at this time.

Respectfully Submitted,



Wendy A. Charmon, Finance Director
October 20, 2017