

April 18, 2019

Chair Tammy Baney  
Commissioner Julie Brown  
Commissioner Martin Callery  
Commissioner Alando Simpson  
Commissioner Bob Van Brocklin  
Oregon Transportation Commission  
355 Capitol Street NE  
Salem, OR 97301-3871A

**Public Testimony, April 18, 2018 Commission Meeting**

Dear Chair Baney and Commissioners:

Oregon's citizen commissions play a unique and vital role in our government. Your job is not so much to be technical experts, as to represent the fundamental values of the people of Oregon and assure that they are manifested way the Oregon Department of Transportation is administered.

Today, I'd like to spend my time discussing the merits and wisdom of spending half a billion dollars widening the I-5 freeway at the Rose Quarter. But I'm not going to do that.

There's a more fundamental point must be resolved before we can have that necessary discussion. If our democracy, if our system of government is going to work, it depends critically on the honesty, transparency and good faith of those who work for the government, in this case the Oregon Department of Transportation.

Objectively, the conduct of the Oregon Department of Transportation has failed to conform to the most minimal expectations of professional conduct.

There is much I could say to evidence this, but let me just highlighting six major points.

**ODOT suppressed basic traffic data from its Rose Quarter Environmental Assessment.**

The traffic projections prepared for the Rose Quarter project, released February 15, initially omitted any daily traffic figures. You should all be extremely familiar with average daily traffic (ADT), it is the most common measure of traffic volume. ODOT routinely uses it to measure all state highways, it produces a book listing the ADT of thousands of segments of state highways. A traffic forecast without ADT is functionally the equivalent of a financial report that contains no dollar figures. Yet that is what ODOT presented to the public.

It is unacceptable for a \$500 million transportation project not to reveal what level of traffic it is being planned for.

**ODOT concealed the assumption its modeling assumed the Columbia River Crossing was built in 2015.**

The group I work with, No More Freeways, immediately asked for detailed data. After some weeks, and some significant pressure from the city of Portland, ODOT released a very fragmented and partial set of data on traffic—still omitting ADT figures. But it was enough to make reveal to someone with a strong technical background that ODOT had assumed a massive increase in traffic flows in the Rose Quarter compared to current levels. As we investigated, it was apparent that the ODOT modeling had assumed that the Columbia River Crossing was built, and existed, not in the future, but in 2015. ODOT used these fictional numbers—imaginary cars, coming across an un-built freeway bridge—to generate its so-called “No-Build” forecast of traffic levels in the Rose Quarter.

If you will read the project’s Environmental Assessment, you will find no reference to the Columbia River Crossing. So the major assumption behind the project traffic forecasts, manifested in numbers that were suppressed from the Environmental Assessment was that there would be a CRC.

ODOT took active steps to conceal its assumption that CRC would be included. An ODOT spokes person told the Vancouver Columbian on March 25th “there is no conjectural Interstate 5 Bridge project baked into the Rose Quarter plan.”

The very next day, March 26th, confronted with the evidence that CRC was in fact, buried in the forecasts, the ODOT staff told Oregon Public Broadcasting “traffic modeling includes all of the road projects in the Portland region’s transportation plan, ‘including the CRC ... We’re sort of staying with what the adopted projects are.’”

It is unacceptable for a state agency to conceal its assumption that its traffic projections include an un-built, \$3 billion dollar project and assume it was completed five years ago.

**ODOT denied the existence of detailed engineering plans, and improperly withheld them from the public**

ODOT staff have actively obstructed the public’s efforts to understand what is being proposed. Along with the Environmental Assessment, ODOT released some computer renderings showing what selected aspects of the project would look like if built. Iain Mackenzie, a local architect, asked ODOT for the engineering plans used to generate those renderings. He was told by ODOT staff “no such documents exist.” Mackenzie persisted, knowing that it’s simply not possible to generate such renderings without such engineering plans. He filed a public records request. After two weeks, ODOT responded, saying it would take a further 2 weeks, and \$6000, to produce the documents, which it had previously claimed didn’t exist. Finally, after being challenged by Mackenzie’s attorney, ODOT produces 33 gigabytes of plan data—data it had a month earlier claimed were non-existent. Mackenzie and others had just a few days before the comment deadline, in the process

discovering an additional travel lane added to NE Broadway, and a widened freeway structure over the Eastbank Esplanade path along the Willamette River.

It is unacceptable to tell the public that no plans exist when your agency has prepared 33 gigabytes of plans.

### **ODOT misled the public claiming its not a freeway widening**

ODOT has insisted that this is not a freeway widening project, when it is building a right of way that the appendices to the Environmental Assessment show will be 126 feet wide—wide enough to accommodate an eight-lane freeway if striped in the same fashion as other interstate freeways in Portland. Even Metro called ODOT's claims that the freeway isn't being widened "not objectively true" and "potentially misleading."

It is unacceptable to tell the public you're not widening a freeway when you're building a right of way sufficient to hold an eight-lane freeway.

### **ODOT falsely claimed that the RQ is the #1 crash location in the state**

A major talking point emphasized by ODOT is that the Rose Quarter is "the #1 crash location in the state." That is false: Other ODOT facilities in Portland—82<sup>nd</sup> Avenue, Powell Boulevard and Barbur Boulevard— have crash rates that are as much as three times higher, and which unlike the Rose Quarter, actually kill people on a regular basis.

It is unacceptable to distort highway crash statistics to claim that a relatively injury-free location is the "#1 crash site" in the state.

### **ODOT omitted congestion pricing from its plans for the next quarter century**

Despite claims that it is moving forward with pricing, as directed by the Legislature, the planning documents and traffic projections for the RQ contain no mention of congestion pricing.

It is unacceptable to present a supposed 25-year plan for a freeway corridor that does not include legislatively adopted congestion pricing as part of its traffic projections.

ODOT has concealed data. It has hidden its assumption about using the CRC to inflate traffic levels for its modeling, it has willfully concealed traffic and plan data essential to understanding what's being proposed. It's simply excluded altogether the congestion pricing which this commission has said will be undertaken at some point during the planning period of this project.

These omissions, misstatements, and deceptions are not minor or isolated instances. They are part of a widespread and consistent pattern of practice by ODOT, which has the practical effect of denying the public the opportunity to understand, much less meaningfully participate in this decision, something that is required by state and federal law.

Our citizens and our democracy rely on the honesty of public servants doing their jobs and, at a bare minimum, telling the truth. When government officials intentionally lie, deceive, and deny the existence of key facts, they undercut the foundation of our democracy. Public servants at the Oregon Department of Transportation have an affirmative obligation to tell the truth and reveal the facts. In the case of the proposed Rose Quarter project, they are doing so only belatedly and grudgingly, if at all, with the evident intent to deny the public the right to know and participate. And in the process they're damaging our state. We deserve better.

The issues raised here may be beyond your technical expertise. But the need for honesty and transparency are subjects well within your ken as citizens and leaders. The legislation passed in the last session, HB 2017, now makes this commission directly responsible for the management and staffing of this agency. I hope you will take the appropriate actions to assure that regardless of the decision we ultimately take regarding this project, it is the result of a process that we can all agree was fair, open, and fully informed.

Cordially,

A handwritten signature in black ink, appearing to read 'Joseph Cortright', with a long horizontal stroke extending to the right.

Joseph Cortright  
1424 NE Knott Street  
Portland, OR 97212