

March 17, 2021

Robert Van Brocklin, Chair, Oregon Transportation Commission
Members of the Oregon Transportation Commission
Salem, Oregon
Via email.

Dear Bob:

Press accounts (Willamette Week, February 24, 2021, attached) now make it clear that ODOT has been concealing and willfully misrepresenting its plans to build an eight- or ten-lane freeway through Portland's Rose Quarter. Your staff has known for years that it planned to build a 160-foot wide roadway through the Rose Quarter, and intentionally hid that information from the public—and apparently also from you and the Commission—and either lied or misled the public in its answers to direct questions about that basic fact.

I have been repeatedly asking detailed questions about the width of the freeway (as well as other essential issues) since early 2019, and your staff has either not responded, or has offered false or misleading information in reply. To summarize:

- On March 13, 2019 I published a commentary, "The Hidden Rose Quarter MegaFreeway" pointing out that the 126-foot roadway illustrated in the project's environmental assessment would accommodate an eight-lane freeway. (This observation was also included in formal comments on the project's Draft Environmental Assessment).
- On April 18, 2019, I testified to the Oregon Transportation Commission, noting factual inaccuracies and omissions by ODOT staff, including omitting traffic data from the EA, denying the existence of detailed project plans, denying they had included the Columbia River Crossing in their traffic projections, claiming that they're not widening the freeway, something Metro described as "not objectively true," and "misleading."
- On December 1, 2020, I testified before the Oregon Transportation Commission, reiterating these concerns and noting that ODOT staff had never acknowledged, denied or refuted these claims. The Commission directed its staff to meet with me to address this question and others I raised.
- On December 16, 2020, I met (via Zoom) with several ODOT staff, including the project managers of the Rose Quarter project. I specifically asked about the width of the Rose Quarter Project, and was told I'd be given a written

answer to that and my other questions by Brendan Finn. Here is an excerpt of a transcript of that meeting:

Joe Cortright

My understanding is that you have a 126-foot right of way for the expansion, at least as it goes under the Broadway and Weidler overpasses. . . . Is that right? Is it 126 feet? . . . this was a matter of reporting what's in the EA, in the right of way section, it says 126 feet wide. Am I reading that correctly? . . . Megan, is the right way 126 feet wide, or am I wrong about that?

Brendan Finn

Joe, we will provide will provide all that in writing for you.

Joe Cortright

I'd like to get the width. And I'd also like to get detailed drawings that show the right of way, and excavation and proposed structures . . . whatever you have now that shows what the actual physical footprint of both the structures and the road right of way will be in the Rose Quarter.

- On January 16, 2021, ODOT staff mailed a written reply to my questions, which contained no information about the actual physical width of the proposed Rose Quarter roadway, instead repeating vague statements about the purposes of the project.

The anticipated right of way provides for the existing travel lanes and the new auxiliary lanes and full shoulders in the northbound and southbound directions between I-84 and I-405. The anticipated right of way would also provide the opportunity for bus on shoulder use and the space needed for fire, life, and safety requirements and provisions under the highway covers.

- On January 21, 2021, I again testified to the OTC. I reviewed this entire chronology, documented your staff's intransigence and obfuscation and said:
You say you've finished your environmental review, you're not going to do an EIS, and that the project has "no significant impact" on the environment. And yet you've never told us how wide it really is, and you're demanding a formal public records request to get that information. Despite repeated questions, and the direction of this commission, your staff is still treating the most basic question—how wide is the freeway they're building—as some kind of state secret.

And that is where the public record stood—until No More Freeways unearthed three different documents showing that all along the Oregon Department of

Transportation has been planning a much wider freeway at the Rose Quarter than it has ever publicly disclosed.

It is now apparent that ODOT, as well as its consultants, have long known and decided that the I-5 Rose Quarter Project would be approximately 160 feet wide as it crosses under Broadway and Weidler Streets in Portland. That is established in a series of documents which are attached to this letter: a 2016 memorandum on the design parameters for freeway caps prepared by consultant HDR [HDR], by electronic CAD files showing the parameters of the proposed construction [CAD], and by a landscape planning cross-section prepared by consultant Marianne Zarkin [Zarkin].

All of these facts were fully known to ODOT staff on every occasion I appeared before the commission and asked these questions, and yet your staff failed to reveal the existence of any of these documents, or to disclose the actual width of the project as documented in each of them. Instead, they provided either non-answers or intentionally incomplete and evasive answers.

The existence of these detailed plans, each replete with dimensions, shows that the illustration included in the February 15, 2019 Environmental Assessment was intentionally misleading, showing just 126 feet of a proposed roadway width, and omitting an additional 34 feet of roadway (for a total width of 160 feet). Rather than including actual plans, with actual measurements, ODOT chose to create a separate carefully edited and incomplete illustration. This reveals their intent to hide the actual width of the project. (See the EA width illustration and corrected EA width illustration, attached).

It makes a mockery of public engagement and “transparency” when, under repeated questioning, and with an admonition from the OTC to reveal this information, your staff instead chose to conceal and mislead about this very fundamental aspect of this project. Why, it is reasonable to ask, is your staff treating the actual physical dimensions of the roadway they are proposing to build as a secret? Why, only after years of questioning are we finally finding out how wide a freeway ODOT wants to build?

The answer is clear: While they are claiming that this project is merely a minor adjustment of on- and off-ramps, it is actually a massive expansion of the freeway. Their plan is plainly to engineer a 160-foot roadway, and then when the project is opened, to simply re-stripe this much wider space for eight or ten lanes of travel.

This is central to the public interest in understanding the effects of this project on the environment, the neighborhood and regional transportation. The department has pinned all of its claims about the modesty or insignificance of this project’s social and environmental impacts on the transparently false claim that it is no more than six lanes wide. An eight- or ten-lane freeway would create vastly more traffic and pollution, and ODOT has not modeled or revealed the impacts of this. This

much larger freeway will significantly deteriorate the local environment, with more emissions, more local street traffic and significant impacts on the health, safety and livability of the project area.

I've highlighted a single issue in these comments, but as the Commission knows, in my testimony and comments I've identified a series of other, equally serious errors and misrepresentations in the EA: modeling that assumes, counter-factually, that the Columbia River Crossing was built in 2015 (and therefore misstates environmental impacts), failure to analyze congestion pricing, omission of key traffic forecasting data and assumptions, and other issues.

It is a betrayal of public trust to advance this project on the basis of such inaccurate and deceptive representations. It is also likely a violation of the National Environmental Policy Act to fail to honestly and accurately disclose the nature and size of this project and its likely environmental and social impacts.

It is therefore unjustifiable for ODOT to proceed with the further work on the Rose Quarter project under a purported "finding of no significant impact" based on these misrepresentations. ODOT needs to proceed to a full Environmental Impact Statement for the Rose Quarter freeway widening project. This full environmental impact statement should:

- (1) present a complete analysis and justification of the selected 160 foot roadway width and assess alternative, smaller widths;
- (2) model traffic, air pollution, greenhouse gas, noise and other neighborhood impacts of 8 and 10 lane roadways;
- (3) model traffic flows using actual 2015 data as a baseline, rather than fictitious numbers that assume the Columbia River Crossing was built in 2015;
- (4) explicitly includes the effects of induced demand as documented in the academic literature and the National Center for Sustainable Transportation induced travel calculator; and
- (5) include an analysis of congestion pricing as a means of cost-effectively reducing congestion in this corridor, as directed by Governor Brown.

Very truly yours,

Joseph Cortright
1424 NE Knott Street
Portland, OR 97212

cc: Governor Kate Brown
Senate President Peter Courtney
House Speaker Tina Kotek
Members, Joint Transportation Committee

Attachments

CAD: Images from a computer-aided design files created by ODOT showing the cross-section of the proposed Rose Quarter Freeway at Broadway/Weidler, with the roadway width measured using the CAD files internal dimensions.

HDR: Memo, April 7, 2016. From Andy Johnson (HDR) and Ron Hughes (AECOM), to Mike Mason and John Makler (ODOT), Subject: Broadway/Weidler Lid Structure Design Concept Feasibility Analysis.

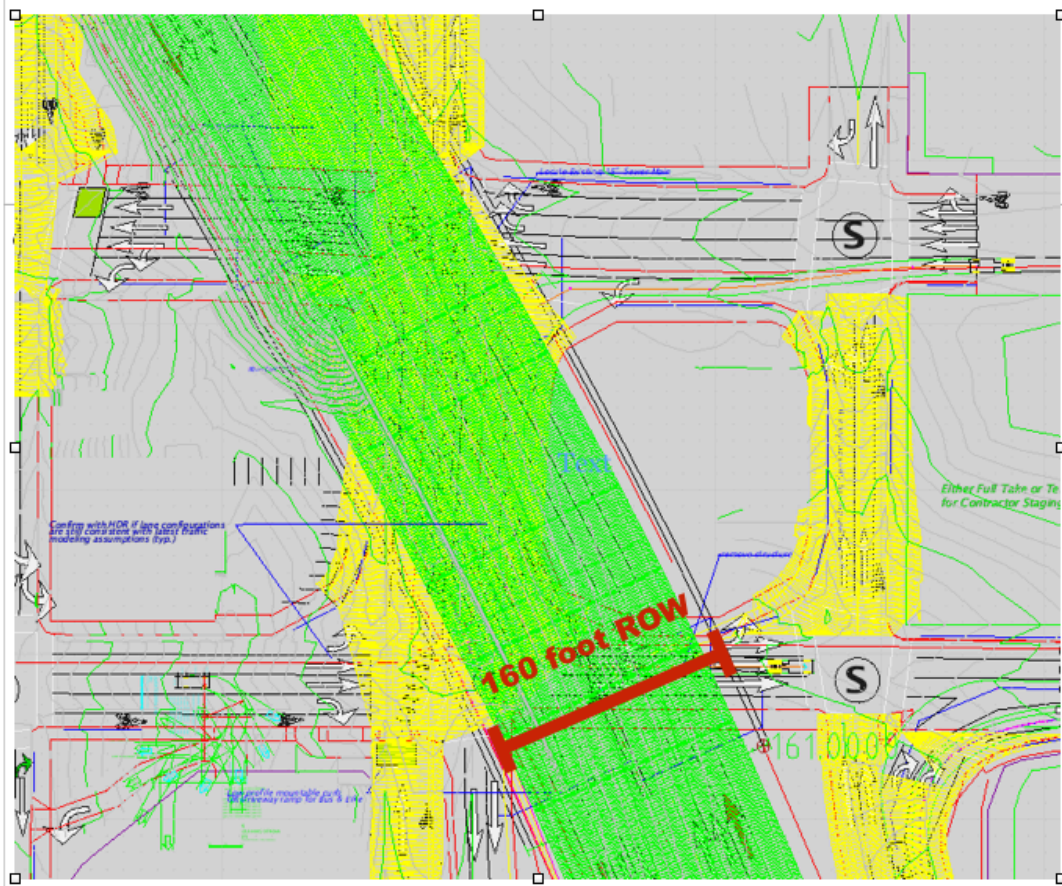
Zarkin: A cross section of the Rose Quarter Freeway prepared by ODOT consultant Marianne Zarkin, undated.

EA Width Illustration: Figure 4: I-5 Cross Section (N/NE Weidler Overcrossing – Existing Conditions and Proposed Improvements), Environmental Assessment, February 15, 2019

Corrected EA Width Illustration: The previously listed EA width illustration corrected to show the entire 160-foot roadway as specified in CAD, HDR and Zarkin plans.

Willamette Week: Jaquiss, Nigel, “Questions about the footprint of the I-5 Rose Quarter Project Intensify,” *Willamette Week*, February 24, 2021.

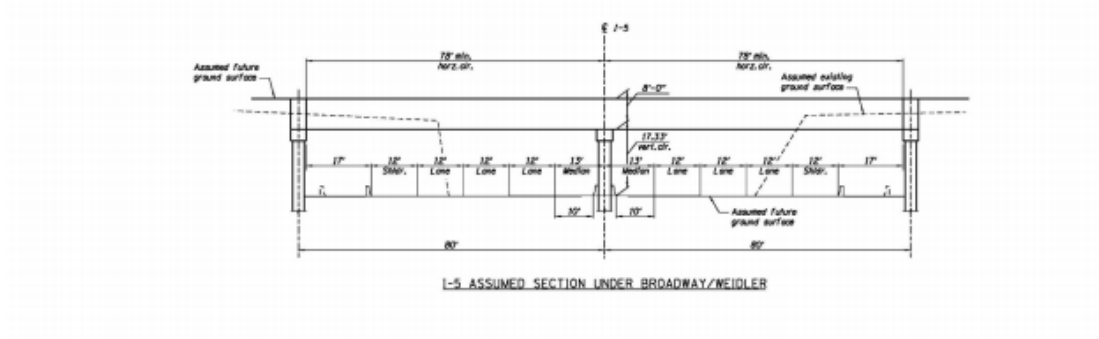
CAD



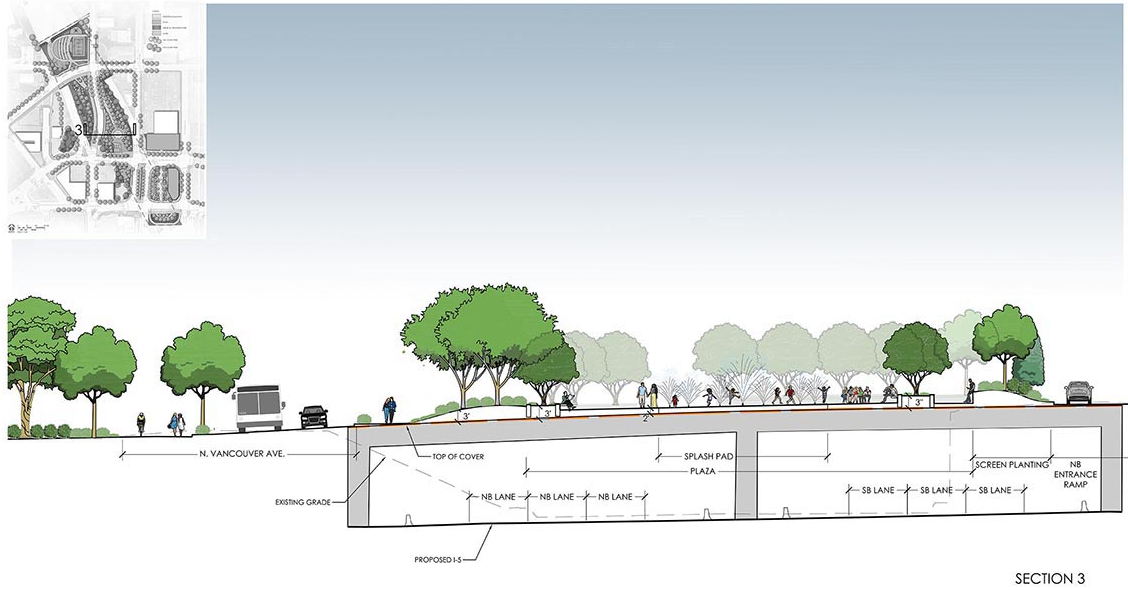
HDR

HDR ODOT | Broadway-Weidler
MEMO

Figure 2: Lid Concept Cross Sections

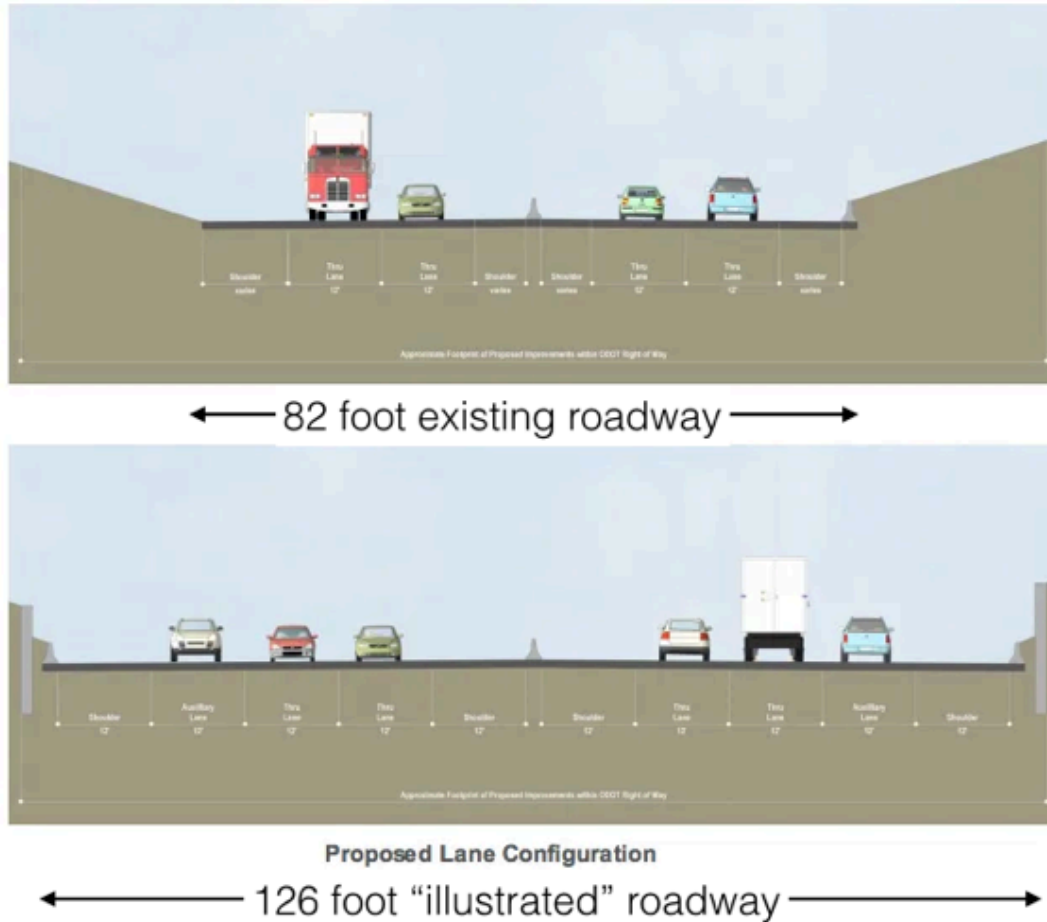


ZARKIN



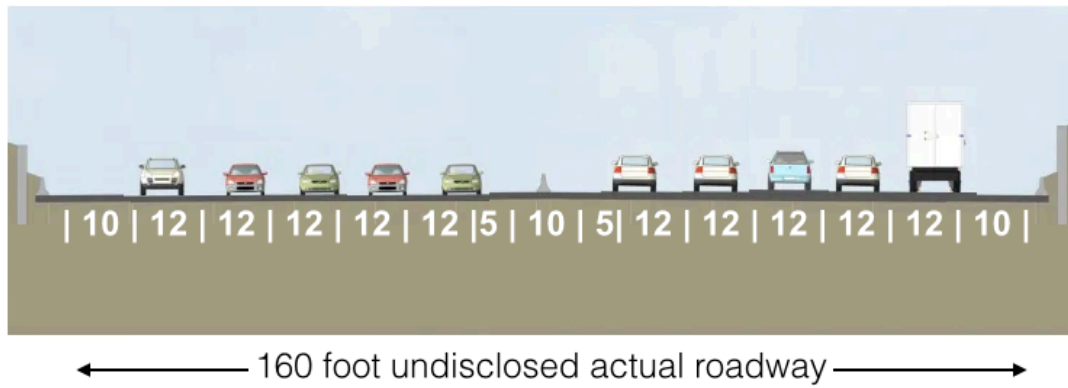
EA_Width Illustration

Figure 4. I-5 Cross Section (N/NE Weidler Overcrossing) – Existing Conditions and Proposed Improvements



Note: 82 foot and 126 arrows not in original document

Corrected EA Width Illustration



Note: ODOT illustration corrected to show that a ten-lane freeway fits in the 160 roadway.

Willamette Week:

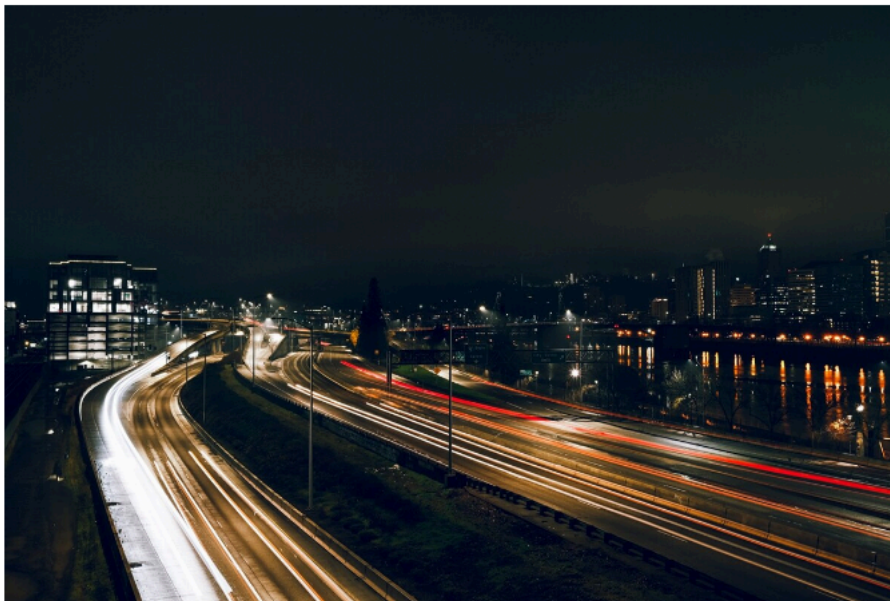
Jaquiss, Nigel, "Questions about the footprint of the I-5 Rose Quarter Project Intensify," Willamette Week, February 24, 2021.

<https://www.wweek.com/news/2021/02/24/questions-about-the-footprint-of-the-i-5-rose-quarter-project-intensify/>

WILLAMETTE WEEK

Questions About the Footprint of the I-5 Rose Quarter Project Intensify

"Freeways are a thing of the past," says Commissioner Jo Ann Hardesty.



Rose-Colored Glasses: ODOT and critics have different visions for I-5 at the Rose Quarter. (Alex Wittwer)

By Nigel Jaquiss

Last month, City Commissioner Jo Ann Hardesty took over leadership of the Portland Bureau of Transportation. On March 1, she'll have her first meeting with the Oregon Department of Transportation on a contentious subject: the proposed widening of Interstate 5 through the Rose Quarter.

Hardesty will bring with her some firm views. "Freeway expansions are not going to get us to our climate goals," she says. "In fact, freeways are a thing of the past."

Her skepticism cranks up the heat on ODOT, which already saw the neighborhood restoration nonprofit Albina Vision Trust walk away from the Rose Quarter project last June. That move led the city, Multnomah County and Metro to withdraw support from a project that community members say must address both climate concerns and historical

racial injustices.

Meanwhile, ODOT is sitting on funding appropriated for the \$795 million project back in 2017 and getting direction from state lawmakers that is contrary to the desires of Portland critics.

But when Hardesty sits down with ODOT, she'll have leverage: fresh information uncovered by the group No More Freeways, which opposes the Rose Quarter expansion.

Through public records requests, the group found two separate documents—one in a consultant's report and another in a design drawing—that show the project's right of way when it passes under the Broadway/Weidler interchange could be as wide as 160 feet but certainly no less than 126 feet.

More Freeways says the crucial point is that ODOT's design calls for a footprint that is significantly wider than the current freeway at the Broadway/Weidler interchange, which the group pegs at 82 feet.

That opens the possibility for more lanes, traffic and emissions.

When *WW* asked ODOT about the documents, an agency spokeswoman said the project, which is still in the early design phase, would indeed be significantly wider than the current freeway because, in addition to new auxiliary lanes, it would also have four 12-foot shoulders.

Those shoulders are just extra space, ODOT says. "The shoulders are not proposed for use as new or future travel lanes," ODOT spokeswoman April deLeon-Galloway explains.

But Joe Cortright, a Portland economist and member of No More Freeways says the new "shoulders" could easily be striped to create more lanes—which would generate more traffic and more emissions.

Cortright notes that a wider footprint also complicates the other major community interest: placing caps over I-5 to reunite the Albina neighborhood, which was cut in two by construction of the freeway in the 1960s. A bigger footprint makes capping the freeway harder to engineer and more expensive.

"ODOT is claiming this project will have very minor impacts on traffic," Cortright says. "Research shows that when you widen a freeway, it induces more traffic. You are building a structure that can accommodate eight to 10 lanes. And the cost of building caps would increase dramatically."

If the highway footprint is, in fact, wider than previously disclosed, that could give new leverage to the project's critics.

ODOT conducted traffic modeling for the project's environmental assessment based on four lanes of traffic and a new auxiliary lane on each side.

"The traffic analysis in the environmental assessment modeled a six-lane facility," deLeon-Galloway says.

If critics and local officials can demonstrate that the highway is indeed wider than six lanes, they may be able to force ODOT to conduct a more thorough assessment of the project's environmental impacts.

Transportation is by far the largest source of emissions in Multnomah County, so concerns about whether ODOT's project would increase them, contrary to local and state climate goals, are a big deal—as is trying to repair some of the damage done to Portland's Black community when I-5 was built.

Winta Yohannes, managing director of the Albina Vision Trust, declined to comment for this story, saying her organization was waiting to see new renderings of proposed freeway caps that an ODOT contractor will produce next month.

But others are bubbling with questions.

Metro Council President Lynn Peterson, who formerly served as transportation adviser to Gov. John Kitzhaber and secretary of transportation for the state of Washington, has been unsatisfied with ODOT's answers about the project's width.

Peterson raised the issue at a January meeting of the Rose Quarter Executive Steering Committee and again at a meeting Feb. 22. Peterson says ODOT's response this week—that there would be four 12-foot shoulders, rather than two—was new information to her.

"That was 24 feet wider than I had envisioned," Peterson says. "That raises several questions. I would like to know more about why the inside shoulder width is necessary. I don't think that's there on other parts of the freeway."

(ODOT says it made the width plain in an environmental assessment for the project released in 2019, although the numbers were simply attached to a cross section of the highway rather than explicitly identified.)

Another member of the executive steering committee, Julia Brim-Edwards, is on the panel because she's a member of the Portland Public Schools board. PPS owns Harriet Tubman Middle School, located adjacent to the project.

Brim-Edwards says the district still hasn't gotten the answers it needs from ODOT about how the project would affect air quality for Tubman's 700 students. A wider footprint isn't likely to mollify the school district.

"Our concerns remain unchanged. The proximity of the project to Harriet Tubman Middle School and the historical and current air quality remain unchanged," Brim-Edwards says.

"We disagreed with the air quality standards they proposed and remain concerned the project hasn't addressed issues PPS has raised since the very beginning," she adds.

But state lawmakers recently signaled they want more driving rather than less. In a pending bill, the co-chairs of the Legislature's Joint Transportation Committee propose to scrap congestion pricing in favor of tolls on Portland-area interstate highways—essentially giving the green light to as much car traffic as possible.

So who's in charge? Hardesty says with Joe Biden in the White House and Democrats fully in control of Congress, ODOT will find that putting climate and social justice first is the order of the day for a project scheduled to begin in mid-2022.

She says the agency must listen to what Portlanders—the people the project would affect most—want. (She first offered her views on the Rose Quarter project [to the news website BikePortland](#) last week.)

Hardesty plans to make sure local voices get heard.

"My superpower is, I'm a community organizer," she says. "There's no path forward without congestion pricing, and I'm not excited about adding lanes."