



Date: July 13, 2021

To: Transportation Secretary Pete Buttigieg
FHWA Acting Administrator Stephanie Pollack

CC: Governor Kate Brown
Portland Commissioner Jo Ann Hardesty
Metro Council President Lynn Peterson
Portland Mayor Ted Wheeler
Portland Public School Board Member Julia Brim-Edwards
Multnomah County Commissioner Jessica Vega Pederson
Oregon Transportation Commission
Rose Quarter Freeway Expansion Project Director Megan Channell

From: Joe Cortright, No More Freeways
Aaron Brown, No More Freeways

Subject: **Welcome to Oregon, Pete! There's a solution for the Rose Quarter Freeway Expansion: a community-driven Environmental Impact Statement.**

Greetings, Secretary Buttigieg, welcome to Oregon! We are delighted to learn that you're coming out to Eugene to tour one of America's greatest Bus Rapid Transit lines and support Representative Peter DeFazio's INVEST Act. It's imperative that the Biden Administration live up to its promise to Build Back Better, and the investments proposed in transit, vehicle electrification, and walkable communities in the INVEST Act are exactly the sorts of policies that will help our economy recover, put Americans to work, and lower our carbon emissions. We'd normally recommend you spend time hiking in the beautiful Cascade mountains that shape the Willamette Valley, but given that there are hundreds of thousands of acres of wildfires currently burning within a hundred mile radius of Eugene, we suggest that you return sometime in the spring before our newly found "Wildfire Smoke Season" that apparently is a new, permanent season here in the Pacific Northwest.

We're also writing to thank you for having FHWA administrator Stephanie Pollock respond to our letter about the I-5 Rose Quarter Freeway Expansion project.¹

As you know we've had to take the unfortunate step of bringing legal action against FHWA to address the deep flaws in ODOT's environmental assessment of the Rose Quarter

¹ A full copy of Joe Cortright's March 30 letter to Secretary Buttigieg can be found here:
<https://nomorefreewayspx.files.wordpress.com/2021/03/033021-secretary-buttigieg-letter.pdf>



project, that you and FHWA staff have been directed by lawyers to avoid direct communications with our organization.²

We know you're still new in your job, and that you've inherited a lot that you had little to do with, and are still learning about.

We're sure as you learn more about the Rose Quarter Freeway Expansion project, you'll see that, unlike the INVEST Act or the other progressive infrastructure legislation under discussion in Washington, it's the antithesis of the Build Back Better mantra of the Biden Administration. As we've pointed out—and we won't belabor the point here—widening the freeway will generate more traffic and more greenhouse gas emissions, something that's been intentionally hidden by ODOT modeling that ignores the science of induced demand, which under-represents the true size of the freeway they'll build, and which makes loaded (and false) assumptions about the area freeway system. It's not the kind of science-based work that takes climate change seriously that we know you want your USDOT to champion.³

Beyond that, you should know that not only is this particular project an egregious example of the devastation that freeways have done to traditionally African-American and low income communities around the nation, but that despite its professed interest in being "community centered" and promoting "restorative justice" the project would make traffic worse, make walking and biking more inconvenient and hazardous. Moreover, ODOT has repeatedly ignored or overridden local input on the project. The agency buried their own report in February 2020 in which Black Oregonians expressed deep skepticism of ODOT's ability to serve the Black community.⁴ The Albina Vision Trust, a Black led community organization, walked away from the project last summer based on ODOT duplicity.⁵ The City of Portland and Multnomah County have likewise dropped out as project partners. ODOT fired a subsequent Community Advisory Committee that it had appointed, after the committee started asking inconvenient questions and demanded more decision-making authority.⁶ ODOT's replacement Community

² The full NEPA complaint can be read here: <https://nomorefreewayspx.files.wordpress.com/2021/04/complaint.pdf>

³ In 2019, during the Public Comment period for ODOT's Environmental Assessment, No More Freeways submitted a technical memo detailing all of the numerous ways that ODOT's traffic models were deeply, deeply flawed, and biased to support ODOT's proposed expansion. It's a long and wonky document, but you can read our Technical Memorandum detailing these slights-of-hand here:

https://nomorefreewayspx.files.wordpress.com/2019/04/nmf_technical_memo-1.pdf

⁴ ODOT's "African American Discussion Groups: Summary Report" document detailing these findings were not made publicly available until after the Oregon Transportation Commission voted to move forward with the Environmental Assessment in April 2020, despite this document being published in February. The report can be viewed on the Rose Quarter Freeway Expansion website:

https://www.i5rosequarter.org/wp-content/uploads/2020/06/20200204_AADiscussionGroups_Report_Final.pdf

⁵ "Racial Justice Group Albina Vision Trust Withdraws Its Support for I-5 Rose Quarter Expansion" - *Willamette Week* <https://www.wweek.com/news/state/2020/06/30/racial-justice-group-albina-vision-trust-now-wont-support-i-5-rose-quarter-project/>

⁶ "Inside a Contentious, Now-Shuttered Advisory Committee on the Portland I-5 Widening Plan" - *Portland Mercury* <https://www.portlandmercury.com/blogtown/2020/09/08/28796932/inside-a-contentious-now-shuttered-advisory-committee-on-the-portland-i-5-widening-plan>



Advisory Committee, the Historic Albina Advisory Board, has similarly used their platform to express severe disappointment with the agency's lack of accountability or transparency for their decision making. As press accounts document, the latest set of advisory committees including representatives of the Black community excoriated ODOT for disregarding clearly stated community preferences.⁷ ODOT responded to these community concerns by claiming they were proposing a new transit-only lane on the freeway (a lane that local transit providers TriMet vigorously denied knowing anything about) and also proposing to rebrand the Freeway Expansion with a new logo for the project.⁸⁹

We know you and the new administration did nothing to create this mess. But now, this problem is sitting in your inbox. ODOT's sloppy work was done nominally on FHWA's behalf and at FHWA's direction, but as we've noted in neither environmental nor social terms does the current form of the project reflect the values you've espoused as DOT Secretary.

The Rose Quarter Freeway Expansion is emblematic of many of the legacy problems associated with the US Freeway system, and rather than solving or even lessening these problems it actually makes them worse, much worse. Historically freeways divided communities, and that was definitely the case for this section of I-5. Now the Oregon Department of Transportation is proposing to "fix" this problem by making the freeway even wider, and adding more lanes of traffic and more air pollution, literally widening the freeway into the backyard of a historically Black middle school. Our automobile dominated transportation system is the single largest source of greenhouse gases in Oregon, and despite the region's best efforts, greenhouse gas emissions from transportation in Portland have jumped 1,000 pounds per person annually in the past five years. Again, the proposed freeway widening "fix" would make this problem worse, by inducing additional car travel with associated higher pollution and greenhouse gas emissions. This comes literally days after the state of Oregon suffered over 100 deaths from a heat wave, a climate disaster that sent temperatures to over 116 degrees. Nearly 40% of Oregon's carbon emissions come from transportation - as we brace for what will certainly be a dismal wildfire season of loss and destruction, it seems unconscionable to let this agency continue to steamroll forward with freeway expansions instead of investing in buses, light rail, sidewalks and bike lanes - transportation solutions that reduce emissions and solve a myriad of other problems. Finally, the legacy of the Interstate freeway system has been to disenfranchise and disregard community concerns. ODOT has cynically manipulated the public involvement process, leading community groups and the City of Portland

⁷ "Rose Quarter freeway meeting punctuated by talk of distrust, jobs, restorative justice" - *The Oregonian*
<https://www.oregonlive.com/commuting/2021/05/rose-quarter-freeway-meeting-punctuated-by-talk-of-distrust-jobs-restorative-justice.html>

⁸ "ODOT Proposes Dedicated Bus Lanes on I-5 in the Rose Quarter. But Who Asked for Them?" - *Willamette Week*
<https://www.wweek.com/news/state/2021/03/31/odot-proposes-dedicated-bus-lanes-on-i-5-in-the-rose-quarter-but-who-asked-for-them/>

⁹ "ODOT plans to rebrand the I-5 Rose Quarter freeway project" - *BikePortland.org*
<https://bikeportland.org/2021/04/08/odot-plans-to-rebrand-the-i-5-rose-quarter-freeway-project-329859>



to drop out of the project. In the case of Houston's I-45 project, you've shown that USDOT won't be a party to this kind of disrespect for local community concerns.

In a perfect world, ODOT would listen to the counsel of a wide array of elected officials who demanded an Environmental Impact Statement throughout 2019. Mayor Ted Wheeler, then-Portland Commissioner Chloe Eudaly, the board of Portland Public Schools, Multnomah County Commissioner Jessica Vega Pederson, Oregon House Speaker Tina Kotek, Representative Karin Power and a litany of other elected officials and agencies have made their demands for ODOT to conduct an EIS known for years¹⁰. But since ODOT refuses to listen to local elected leaders and Governor Brown has yet to use her executive authority to demonstrate climate action, you, Secretary Buttigieg, can help us set this wayward agency straight. It is well within your power to direct FHWA lawyers to settle our lawsuit and agree that ODOT and FHWA need to undertake a full EIS for this project.

Forcing ODOT to start over with an Environmental Impact Statement that studied alternatives to a 160-foot wide freeway gives the community so many more options.¹¹ Buildable caps, crucial for repairing the damage done to this neighborhood, would be substantially cheaper with a narrower freeway. Cleaner air for the nearly 500 students at Harriet Tubman Middle School (approximately 70% identifying as nonwhite) can only be delivered by narrowing the width of the freeway. Tackling the existential threat of the climate emergency demands that ODOT narrow the width of this freeway. The numerous restorative justice, public health, transportation, local neighborhood, education, and climate advocates clamoring to see this project improved would all see better outcomes with a more narrow freeway width - that ODOT refuses to give, unless you force them to study it under the requirements of an Environmental Impact Statement. **No More Freeways doesn't understand why Governor Kate Brown hasn't used her position to demand a full EIS from ODOT - but since she hasn't, Secretary Buttigieg, the power is yours to make it happen.**

NEPA's "FONSI" provisions are designed, essentially, for projects where there really aren't any environmental issues and social impacts, and where no one has raised serious questions about a sponsoring agency's analysis. The needs and interests of everyone with an interest in this project and this community would better be met by calling a timeout, drawing

¹⁰ ODOT received over two thousand comments during the public comment period for the Rose Quarter Freeway Expansion's Environmental Assessment back in Spring 2019. Over 89% of the comments ODOT received were in opposition to the proposed expansion. You can read a selection of letters from community leaders opposing this project (including the Audubon Society of Portland, Business for a Better Portland, Oregon Walks, the Harriet Tubman Middle School PTSA, and the Eliot Neighborhood Association) who demanded a full Environmental Impact Statement on our website: <https://nomorefreewayspx.com/publiccomment/>

¹¹ As Joe wrote in the No More Freeways letter in March, ODOT has been deliberately hiding from the public the width of this freeway from months, and we only got this information after numerous public records requests after the agency stonewalled us during repeated public testimony to elected officials and bodies including the Oregon Transportation Commission and the Rose Quarter Freeway Expansion's Executive Steering Committee. Joe wrote on *City Observatory* the full details of how the agency fought to keep from the public the information about the width of the freeway: <https://cityobservatory.org/revealed-odots-secret-plans-for-a-10-lane-rose-quarter-freeway/>



breath, and doing things right: from building on the science, considering a wide range of alternatives, and engaging honestly with the community in a way which empowers them to shape the decision, rather than presenting them with a pre-ordained solution generated almost exclusively by highway engineers.

The alternative, a pitched legal battle over the deficiencies in the existing Environmental Assessment, doesn't serve the interests of the community or the FHWA.

Again: We know you and your staff are observing the legal nicety of not communicating except through attorneys at this point. We don't expect a direct reply. But we think all of those watching FHWA will have an interest in the questions and suggestions we've posed here, so rather than sending this letter directly, we're posting it as an open letter for all. We hope that local elected officials reading this letter will similarly recognize that any iteration of this project that delivers health, safety, climate, and restorative justice goals will require ODOT to avoid widening the freeway; the only mechanism left at our disposal to force this outcome is making ODOT conduct an Environmental Impact Statement, ideally led by community voices such as the Albina Vision Trust.

There's so much more we can accomplish if we work together, than if we're dragged through a lengthy, expensive legal process. **Please use your power to force ODOT to conduct a full and accurate Environmental Impact Statement for the Rose Quarter Freeway Expansion.**

Hope to see you soon, and not in court.

PS: Next time you're in Oregon, we'll take you on a tour of Tom McCall Waterfront Park, where 50 years ago, Portland tore out an urban freeway to build a treasured community asset. We can also visit the dense, vibrant and walkable neighborhoods of southeast Portland that are flourishing today because we chose not to destroy them by building the Mt. Hood Freeway. There's so much more we can do to strengthen, revive and enhance our communities if we stop squandering our resources and land on ever more wider roadways.

Attachment: March 30, 2021 No More Freeways letter to Secretary Pete Buttigieg