

April 18, 2023

To: Oregon Department of Transportation
I205TollEA@odot.oregon.gov
Oregon Tolling@odot.oregon.gov

From: The Redland-Viola-Fischers Mill CPO

Response and Objection to Environmental Assessment

Redland-Viola-Fischers Mill CPO (CPO) is an unfunded, non-expert, volunteer run community planning organization organized under the laws of the State of Oregon and Clackamas County. The CPO represents citizens and businesses within its jurisdictional boundaries west of the Clackamas River and extending south and east. An excerpt of the County's CPO map is included for reference. The CPO is entirely rural, and its residents for the most part use I 205 when travelling towards the Metro areas and as such will be directly impacted by tolling.

In two years of presentations at CPO board meetings, opposition to tolling has been consistently and emphatically voiced by the CPO residents, with no one speaking in its favor. The CPO's constituency is therefore uniformly against tolling of any nature.

The CPO files this response and opposition pursuant to motion passed by the CPO board after notice and extensive discussion.

1. The CPO joins in other responses and objections.

The CPO joins with Clackamas County, and the responding Clackamas County cities, in their objections to the Environmental Assessment (EA), for the reasons stated. Those entire responses, and any amendments to their responses, are incorporated into this objection by reference.

2. The CPO's objection to tolling and the EA.

The CPO objects to the EA, and ODOT's tolling proposals, as follows:

a. Tolling is regressive and inherently unfair. Alternate funding sources should be used whenever possible.

b. Vote before Tolling. ODOT should not implement tolling until the scope of improvements covered, and the duration that tolls would be imposed, are approved by popular vote.

c. ODOT cannot implement tolling for costs beyond the strict repayment of current widening and bridge construction. The EA does not establish sufficient grounds for the federal Department of Transportation's approval, as the EA fails to demonstrate sufficient grounds to allow for permanent tolling under Section 1216(a) of TEA-21 continued as part of SAFETEA-LU the Value Pricing Pilot Program (VPPP) (Congestion Pricing).

d. Missing vehicles. ODOT states without proving both that congestion will decrease, and air quality will increase. ODOT does not explain where the current traffic, and anticipated increases in traffic over the next 20 years, will go in lieu of I 205. Major portions of Clackamas County roads and highways have been constructed by the County and ODOT itself, to utilize I 205, and alternatives to I 205 do not exist in most all situations.

For example, State Road 213, a major north south arterial from the southern portions of the County and areas below, simply terminates to the north at I 205. Current traffic on 213 during rush hours can line up for as much as a mile prior to I 205, and there is no other place for that traffic to go except onto I 205. This is also true for State roads 99E and 43. These situations, created and maintained by ODOT, will exist well into the future without sufficient mitigation.

e. Local traffic must be part of the mitigation of diversion analysis. ODOT has not been clear in its presentations, certainly from a layperson's review of the EA, whether it includes in its traffic estimates local traffic and local commutes. Prior communications have indicated they do not consider local traffic to be part of the diversion analysis. This is wrong.

Many local commuters have no alternative to I 205. Much, even most, of the local traffic uses I 205 because ODOT designed the State roads within Clackamas County to use I 205 for local purposes. Equity should estop ODOT from ignoring a situation it helped create.

Geographic limitations furthermore prevent any realistic non-tolled alternatives to I 205. The best example of this is how I 205 threads the geographic obstacles of the Clackamas River and the West Linn foothills. The river itself, along with the Tualatin River, present barriers, with only the two-lane Oregon City bridge as a non-tolled alternative for traffic over the river.

There is no reason local commutes should not be counted as part of ODOT's Congestion Pricing analysis, especially in determining whether traffic congestion will lessen, and air quality improve due to tolling.

f. Tolling must be fair and equitable to economically challenged persons. Rule and statutory language used to describe the nature of tolling and the obligations it creates must be clear that the claim against users is a non-priority, unsecured claim and not as a penalty or fine. Statutory language characterizing it as anything other than a non-priority unsecured claim will, among other things, cause tolling claims to have priority in reorganization efforts of debtors under Title 11 of the US Code, and therefore in direct competition with debtor's cost of living and daily expenses.

g. Tolling must only be initiated on a region, or State-wide basis. Funding new transportation projects through tolling is a new concept for ODOT and Oregon. It is inherently unfair to Clackamas County citizens for ODOT to first implement its new tolling program solely in Clackamas County. Doing so will mean Clackamas County citizens will pay, and will always

have paid, more into ODOT's tolling program than any other group of Oregon citizens. This, for the cost adding seismic reinforcements, and replacing an "interstate" bridge that is integral to the region's transportation system.

While it is true that Clackamas County citizens will benefit from these improvements, the greater benefit will be to the region and State.

There is irony here: as stated above, ODOT's proposes to not even count local commutes in its plans to mitigate diversion due to tolling. We therefore apparently count for tolling, but not for mitigation.

No explanation is given for this anomaly, no legitimate reason would seem to exist.

3. Amendments to this Response and Objection, and others.

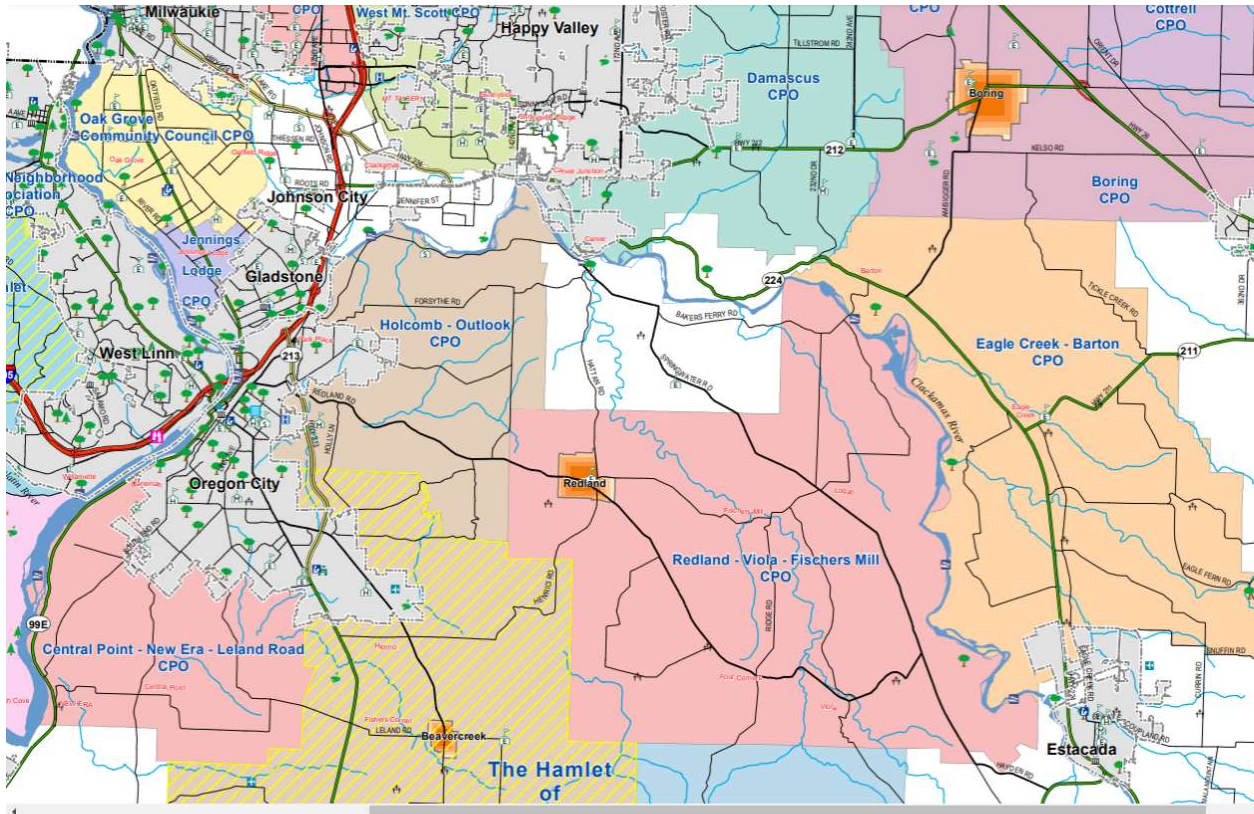
ODOT's must consider all amendments to this Response and Objections, and those amendments filed by others.

The EA is dense, and technically complex, and therefore well beyond the ability of lay persons to understand it and cogently respond. The CPO, being made up of non-expert volunteers, lacks resources and therefore the ability to hire rebuttal experts of its own, and must therefore rely on the experts hired by other impacted jurisdictions.

The deadlines for responding to the EA allow for insufficient time for those other impacted jurisdictions to hire experts and for those experts to read, digest and analyze the EA before the several deadlines to respond that ODOT has established for comments. Nonetheless, the CPO understands other Clackamas County jurisdictions are or will be hiring experts to help with their responses to the EA.

As a matter of equity, fairness, full disclosure and analysis of Clackamas County's current and future transportation needs, and the dire impact tolling will have on them, ODOT must allow and consider those experts' responses and objections, even after passage of the deadlines it has arbitrarily set, including for this CPO to amend this Response and Objection as needed.

Thank you for this opportunity to respond and object.



C:

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