



April 20, 2023

Sent Via Electronic Mail

Mandy Putney
ODOT Urban Mobility Office
18277 SW Boones Ferry Road
Tualatin, OR 97224

RE: City of Oregon City Comments on I-205 Toll Project Environmental Assessment

Dear Ms. Putney:

Thank you for the opportunity to comment on the draft Environmental Assessment (“EA”) of the I-205 Toll Project (the “Toll Project”). Please accept these comments from the City of Oregon City (“Oregon City”), as well as the attached Technical Memorandum from Carl Springer and Kevin Chewuk at DKS Associates (the “DKS Technical Memorandum”), the Staff Comment Log (EA, Appendix K and Q), and the Comments on the I-205 Project Environmental Assessment prepared by Clackamas County Department of Transportation dated April 12, 2023. All these documents make up the City of Oregon City’s EA written comments.

For the reasons explained further below, Oregon City believes that the EA performed by ODOT is inadequate, unsupported by substantial evidence, and cannot support a finding of no significant impact (“FONSI”). Instead, we urge ODOT to undertake a full Environmental Impact Statement (“EIS”) or otherwise alter the project to one that can be supported by the law and evidence.

Oregon City has been a long-time partner of ODOT and has worked with the agency on numerous projects and facilities within or adjacent to Oregon City. Oregon City values its relationship with ODOT but cannot accept the analysis regarding the Toll Project or the impact that the Toll Project will have on Oregon City. As explained further below and in the attached comment log and studies, Oregon City is uniquely positioned to suffer significant adverse impacts that have not been acknowledged or mitigated. The diversion that will be caused by the Toll Project will cause untold impacts on the neighborhoods and businesses in Oregon City. There simply is no justification for having Oregon City suffer the brunt of the consequences for this project to make life easier for other citizens of the region or the state of Oregon.

In addition to the unique impacts on Oregon City, we join in the objections filed by our neighbors and regional partners including Clackamas County, and the cities of West Linn, Canby, Gladstone, Lake Oswego, and the overall Oregon City residential and business communities. Each of these communities will also suffer significant impacts that have not been adequately studied or mitigated.

Further we must reemphasize Oregon City's request for 30 days of additional EA review time. This letter and attachments encompass our best efforts to review the EA report and Appendix K and Q. While we are mindful of the over 2,000 pages of EA appendixes, Oregon City did not have the time or resources to review or hire experts to provide EA comments on the other appendixes. We are in receipt of your decision to deny our request for additional review time. We want to add that while the timeline for the EA review is consistent with 23 CFR 771.111(h) and was approved by the Federal Highway Administration, we ask you to revisit this decision as ODOT has elected to also pursue a similarly aggressive Regional Mobility Pricing Project schedule, and has released a long list of I-205 project documents that have not been available until recently. With this, combined with the work that is also underway to complete the Metro Regional Transportation Plan Update, cities like Oregon City just do not have the bandwidth to provide you with the detailed comments needed to get this decision right.

In short, and as explained further below and in the memorandum from DKS Associates, the EA cannot support a FONSI, and Oregon City urges ODOT to do the necessary work to perform a full EIS.

1. There Is No Authority for the Project as Proposed by ODOT

Before turning to the main issues regarding the EA, it is worth pausing to note that the project itself is not authorized by law. As described in Section 1.1 of the EA, the project is to use "variable rate tolls" on only a portion of I-205 – that portion "between Stafford Road and Oregon Route (OR) 213" as shown in Figure 1.1 of the EA. The authorization for the use of variable rate tolling is described in Section 1.3 of the EA as coming from HB 2017; however, HB 2017 is very specific in its grant of authority for tolling. Section 120(3) of HB 2017 (2017) provides as follows:

- "The commission shall implement value pricing in the following locations:
- (a) **On Interstate 205, beginning at the Washington state line and ending where it intersects with Interstate 5** in this state.
 - (b) On Interstate 5, beginning at the Washington state line and ending where it intersects with Interstate 205.
 - (4) In addition to areas listed in subsection (3) of this section, the commission may implement value pricing in other areas of this state."

Those sections require that, if tolling is implemented on I-205, it "shall" be from the Washington state line to the intersection with Interstate 5. There is no authority for the "half-a-loaf" project analyzed by ODOT in the EA and, therefore, the project itself lacks authorization from the legislature.

2. The Draft EA Does Not Adequately Assess Project Alternatives

The alternatives analyzed in Section 2 of the Draft EA consist of only two alternatives – a “no-build” alternative and the Toll Project itself. At no point does the EA analyze the option that was actually authorized in HB 2017 (2017) (i.e., value pricing “beginning at the Washington state line and ending where it intersects with Interstate 5”), nor does it analyze the reasonably foreseeable future action, which consists of the Regional Mobility Pricing Project (“RMPP”), which proposes congestion pricing along the same corridor, as well as additional corridors throughout the region. The RMPP is a reasonably foreseeable future action because its environmental review is already underway, with a scoping comment period having already been held from November 18, 2022, through January 6, 2023. The RMPP anticipates a draft EA in late 2023. <https://www.oregon.gov/odot/tolling/Pages/I-5-Tolling.aspx>. Given the additional tolling activity on Oregon roads in the foreseeable future, the Draft EA is inadequate in not assessing the impacts of the RMPP.

3. The Project Goals and Objectives Outlined in the EA in Several Instances Miss the Desired Outcomes

While we support the process, work, and engagement that went into the project goals and objectives, the I-205 Toll Project misses many of the key goals. The ODOT decision to place the toll gantries where proposed does little to nothing to limit diversion. The reported build alternatives analysis suggesting that pedestrians trying to use alternate modes of travel will be less safe is contrary to the goal of supporting safe travel regardless of mode of transportation. Our review of the EA finds little to suggest tolling alone supports multimodal transportation choices, nor is it clear if the financial analysis (not part of the EA) will generate funding to further support multimodal transportation. To suggest that Oregon City businesses will thrive because Main Street will be so congested that drivers will park and go use Oregon City businesses is at best a misinterpretation.

4. The Modeling Relied on by the EA is Insufficient to Establish the Full Impact of the I-205 Diversion and the Effects of Any Proposed Mitigation

The entire purpose of the EA is to assess the potential environmental effects of the use of “variable-rate” tolling on a portion of I-205. EA 1-1. One of the stated primary goals of the Toll Project is to “limit additional traffic diversion from tolls on I-205 to adjacent roads and neighborhoods.” EA 1-7. This goal is critical to Oregon City and to other local jurisdictions adjacent to and nearby the location of the Project who lack infrastructure to accommodate any more I 205 diversion. As identified in a variety of correspondence from Oregon City and other jurisdictions, the Project will have significant detrimental impacts to neighborhoods throughout Oregon City, most prominently in Downtown Oregon City, which is located at the receiving end of the Highway 43 Bridge, which would then be the City’s only non-tolled bridge crossing over the Willamette River. The EA acknowledges these impacts, but as explained in the DKS Technical Memorandum, the modeling done by ODOT in the EA is insufficient to establish the

full impact of the diversion caused by the Toll Project. Moreover, the modeling also is insufficient to determine the effect of ODOT's proposed mitigation.

5. The Mitigation Proposed for the Toll Project Is Insufficient, Inaccurate, and Unrelated to the Impacts of the Toll Project

As noted above and discussed in the DKS Technical Memorandum, in addition to the inaccurate modeling of the impacts, the identified mitigation is insufficient. For example, the EA modeling indicates that traffic volumes in the City of Gladstone decrease, yet the proposed mitigation includes medians, trees, and other improvements in Gladstone. While these improvements may well be warranted and be a good thing, they do not serve to mitigate the impacts of the Toll Project and should not be identified as such. As another example, the EA proposes mitigation at Main Street and 7th Street in Oregon City, yet geometric constraints make installation of the proposed mitigation impossible. There are a whole series of similar concerns with the proposed mitigation contained in the DKS Technical Memorandum that makes clear that the mitigation for the proposed Toll Project, even if it had been properly modeled, is inadequate.

6. Even with the Identified Mitigation, the "Build Alternative" Will Decimate Oregon City's Transportation System

All Oregon City intersections included in the EA study have worse traffic operations under the Build Alternative compared to the No Build Alternative. Some of those intersections will fail to satisfy the currently adopted intersection mobility standard. Oregon City is a metro area with significant development potential including three approved concept plan areas yet to be developed and the only yet to be developed Regional Center. With Oregon City's long-range planning for the eventual realization of these undeveloped or underdeveloped areas, Oregon City has invested years of funding to be prepared to comply with the Transportation Planning Rule by implementing a long list of right-sized transportation projects. The I-205 Toll Project and the associated diversion changes most of Oregon City's key transportation projection assumptions and drives the trip numbers to problem levels much sooner than planned. ODOT provides no guidance on how Oregon City will manage its transportation system as necessary to comply with the Transportation Planning Rule (OAR 660-012-0060). In addition to the specific intersections studied in the EA, there are a host of other intersections in Oregon City that were not studied, yet they, too, will fail. Again, the EA is flawed and lacks the more detailed micro-simulation modeling needed to understand the full impacts on Oregon City.

7. The Proposed I-205 Tolling Timeline puts Tolls Before Project Completion, and the EA Provides No Answers to How the Impacts of Tolling Before the Benefits are Achieved Will Affect Oregon City

The I-205 Improvements Project includes 7 miles of a third lane, improvements, updates or replacement of 9 bridges, and improvements to 2 interchanges. The balance of the schedule beyond Phase I is still under evaluation, but original estimates had the projects being completed in 2027. Phase I will include an additional lane across the Abernethy Bridge with the current 2-

lane configurations between Hwy 213 and Stafford Road. The ODOT proposal for 2024-2027 pre-completion tolling is going to exacerbate the community frustration with tolling and the propensity for diversion. The EA acknowledges that the traffic volumes would generally be higher on segments of SW Borland Road, SW Stafford Road, OR 99E, OR 213 and OR 43 if both bridges are tolled during the pre-completion period. The EA only states that any mitigation proposed to address near-term impacts that is determined to also help alleviate pre-completion tolling impacts could be implemented before tolling begins. Asking Oregon City residents to take on the impacts of pre-completion tolling, with no benefits of a complete project, is unacceptable. In accordance with Section 120(3) of HB 2017, tolling on I-205 “shall” be from the Washington state line to the intersection with Interstate 5. It’s also our understanding that the legislature never intended for tolling to be in place before the beneficial improvements were complete, and then only along the entire corridor.

8. I-205 Tolling Will Hurt the Local Economy and Will Devastate Oregon City’s Award-Winning Main Street

Due to the I-205 Toll Project, the entire downtown district would be adversely impacted in various ways. Congestion downtown will increase dramatically. Downtown Oregon City is a very small geographic area constrained by I-205, Hwy 99E, the Willamette River, the Clackamas River, and the Railroad. Therefore, dramatic increases in diversion traffic will only clog the downtown area. This will create a negative shopping and dining experience in Downtown Oregon City. The I-205 Toll Project will make it more difficult for retail merchants and restaurateurs to attract customers and workers, and access to limited parking along our already fragile network of one- and two-way streets will at times be impossible.

Tourism is an important economic sector for Oregon City. The tolling of I-205 will be harmful to the local tourism economy in the downtown area and will make it difficult for this burgeoning industry to grow.

9. The EA is Flawed in Relying on Assuming Reasonably Foreseeable Future Actions that Are Not Reasonably Foreseeable

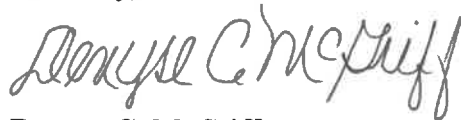
The EA identifies a project as Reasonably Foreseeable Future Actions (RFFA) that should not be considered as part of the No Build Alternative. The project is TriMet’s Southwest Corridor Project – the proposed light rail line from downtown Portland to Tualatin. The project is unfunded and has no reasonable expectation of being funded in the near future. A funding measure was proposed in November 2020 but rejected by the voters of the region. Including this project skews the results of the No Build and cumulative impacts of the Build Alternative. The analysis states “For example, the Southwest Corridor Light Rail Project and the Willamette Falls Drive Multimodal Improvements would provide alternative transportation options in the event of a road closure due to wildfire or flooding.” TriMet’s Southwest Corridor Project should not be included in the EA’s analysis as a reasonably foreseeable future action.

Conclusion

This letter contains only a high-level summary of the flaws in the EA. Most critically, the EA downplays the impacts that the Toll Project will have through diversion of traffic from I-205 onto the streets of Oregon City and its neighbors. There is limited transit availability, and any diversion off I-205 will have a 1:1 impact of increased traffic on city streets. Those impacts will have a devastating effect on Oregon City's economic vitality, as the traffic will cause bottlenecks throughout Downtown Oregon City – the economic heart of the city. It will also have additional impacts throughout the neighborhoods of Oregon City, as people search for alternative routes to avoid Downtown. This will cause additional stress for pedestrians and cyclists, not to mention the impact on the livability and quality of life in Oregon City. In short, while the Toll Project may result in an improvement to throughput on I-205, the cost of that improvement will be borne by Oregon City. The EA does not acknowledge those impacts.

As noted previously, the EA for the Toll Project is inadequate, flawed, and cannot support a Finding of No Significant Impact. A toll proposal in the Metro area should be done as a regional mobility pricing strategy, and ODOT should start over and proceed with an Environmental Impact Statement that truly grapples with the real and significant impact that Oregon City, and its neighbors, will bear should the Toll Project proceed.

Sincerely,



Denyse C. McGriff

Mayor

cc: Keith Lynch, FHWA
Kris Strickler, ODOT
Brendan Finn, ODOT