

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

Policy Session Worksheet

Presentation Date: April 12, 2023 **Approx. Start Time:** 11 a.m. **Approx. Length:** 30 Mins

Presentation Title: I-205 Toll Project Environmental Assessment Findings Summary and Letter of Comment

Department: Transportation and Development

Presenters: DTD – Dan Johnson (Director), Jamie Stasny (Transportation and Land Use Policy Coordinator)

Other Invitees: Mike Bezner – Assistant Director, Karen Buehrig – Long Range Planning Manager, Chris Lyons – Government Affairs Manager, PGA

WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

Approval of formal comment letter for ODOT's I-205 Toll Project Environmental Assessment

EXECUTIVE SUMMARY:

ODOT is in the midst of the public comment period for the I-205 Toll Project Environmental Assessment. Our team has reviewed over 2,000 pages of information and is in development of a staff technical letter containing all of the technical issues with the assessment.

A summary of these findings is included in the materials (See Attachment A). Staff will provide an overview of these findings and will be available to answer questions during the policy session.

Staff has drafted a letter of comment for review (See Attachment B). If approved this letter will be submitted to ODOT and FHWA as formal public comment. The staff technical letter will be appended prior to submittal.

Next Steps:

Staff will return at a policy session on April 19th to present the final staff technical letter and to answer any questions.

FINANCIAL IMPLICATIONS (current year and ongoing):

Is this item in your current budget? YES NO

What is the cost? \$ N/A

What is the funding source? N/A

STRATEGIC PLAN ALIGNMENT:

- This item relates to all five of the county's Performance Clackamas goals:
 - Build public trust through good government;

- Grow a vibrant economy;
- Build a strong infrastructure;
- Ensure safe, healthy, and secure communities; and
- Honor, utilize, promote, and invest in our natural resources.

LEGAL/POLICY REQUIREMENTS:

N/A

PUBLIC/GOVERNMENTAL PARTICIPATION:

Involves several departments and external partner agencies.
Clackamas County has submitted comments on the record throughout the EA process.

OPTIONS:

- A. The Board authorize staff to finalize and submit the board comment letter with the final staff technical letter upon completion.
- B. The Board direct staff to incorporate suggested edits and to finalize and submit the draft comment letter with the final staff technical letter upon completion.
- C. The Board direct staff not to finalize the draft comment letter at this time.

RECOMMENDATION:

Option A. The Board authorize staff to finalize and submit the board comment letter with the final staff technical letter upon completion.

ATTACHMENTS:

- Attachment A - Summary of I-205 Toll Project EA Findings
- Attachment B - DRAFT I-205 Toll Project EA Public Comment Letter BOCC 4.5.23

SUBMITTED BY:

Division Director/Head Approval _____
Department Director/Head Approval _____
County Administrator Approval _____

For information on this issue or copies of attachments, please contact Dan Johnson @ 503-742-4325



COMMENTS ON: ODOT I-205 Toll Project Environmental Assessment

The Oregon Department of Transportation (ODOT) issued a draft [Environmental Assessment](#) in February with a detailed description of the impacts of its plans to toll the I-205 Abernethy and Tualatin River bridges in Clackamas County beginning in late 2024.

Clackamas County is very concerned about the many negative impacts of the proposed project on county residents and businesses, including those listed below.

Significant diversion of traffic onto county and city roadways, resulting in:

- Decreased safety and increased congestion that ODOT is unable to adequately mitigate
- Additional traffic diversion beyond what is already occurring due to existing freeway bottleneck
- High levels of traffic stress for people walking and rolling along roadways
- Decreased access to local businesses in congested, unsafe conditions
- The need to evaluate the difference of impacts between I-205 widening with tolling and widening without tolling

No decrease in Vehicle Miles Traveled (VMT) on local roads

- Clackamas County and its cities lack travel options such as transit
- People will just shift their driving from I-205 to local roadways, not decrease it

Severe impacts to Equity Framework and Environmental Justice Communities

- They will either pay the toll or travel on more congested, less safe local routes
- The most vulnerable of our community lose money, time and/or health

Proposed mitigation measures are inadequate and lack committed funding

- Proposed mitigation measures are poorly defined and unlikely to be constructed.
- There are no plans to complete mitigation measures before tolling begins

Minimal analysis of significant issues that will impact communities

- Little to no analysis of tolling impacts without the addition of the third lane to I-205
- No analysis of cumulative impact of I-205 tolling along with the Regional Mobility Pricing Project (RMPP), ODOT's next tolling project to toll all lanes on I-5 and I-205 in the Portland metropolitan area

In response, Clackamas County requests:

- 1) Federal Highway Administration (FHWA) not issue a Finding of No Significant Impact (FONSI) for this project
- 2) FHWA direct ODOT to develop an Environmental Impact Statement (EIS) for this project, combined with the RMPP, to address the deficiencies and issues with the EA and provide meaningful opportunities for public engagement.

More information about [County views on tolling](https://www.clackamas.us/transportation/odot-tolling): <https://www.clackamas.us/transportation/odot-tolling>

DRAFT: April 4, 2023



DRAFT

April 21, 2023

Mandy Putney
Oregon Department of Transportation
Via email
CC: Keith Lynch, FHWA; Kris Strickler, ODOT; Brendan Finn, ODOT

Dear Ms. Putney,

Thank you for the opportunity to provide comments on the I-205 Toll Project Environmental Assessment (EA). Clackamas County would like to take this opportunity to once again reiterate its **request for a 30-day extension** to the public comment period as the current 60-day period is insufficient for review of the EA, which contains over 2,000 pages of analysis that needs to be carefully reviewed.

Despite the short amount of review time available, the County has identified several serious procedural concerns and deficiencies in the EA that can only be fully addressed through the **completion of a comprehensive Environmental Impact Statement (EIS)**.

An overview of our concerns is included below. More detailed comments can be found in the attached technical letter. [< Technical Letter forthcoming >](#)

1. This project would cause significant impacts due to diversion of traffic onto County and City roadways
 - The proposed tolling would shift trips off I-205 onto the local system, resulting in significant safety and congestion impacts that ODOT is unable to mitigate below the level of significance.
 - The EA acknowledges that the project could cause as much as 50% of the current afternoon peak period traffic to reroute to local streets.
 - Impacts caused by the proposed project are in addition to those already occurring in this area due to the existing bottleneck on the freeway.
 - Additional analysis is necessary to evaluate the difference of impacts between I-205 widening with tolling and widening without tolling.
2. Increased traffic volumes on the local system would cause high levels of traffic stress for people walking and rolling along County and City roadways.

- The EA documents that impacted roadways do not have adequate vehicular capacity, intersection control, or pedestrian or bicycle facilities to address the increases in congestion, or the impacts to safety that this project presents to people walking and rolling. Currently, the EA does not propose adequate mitigation for these impacts.
3. Tolling will not change people's travel modes.
- Clackamas County and our cities lack viable alternatives to car travel such as transit. This means that people would not be able to consistently utilize other travel modes that reduce greenhouse gas emissions. ODOT is not proposing mitigation to address the lack of transit or the lack of a complete protected bikeway path through the tolling corridor; as a result, vehicular miles traveled would not be reduced under the Project as suggested in the EA, but rather shifted to the local roadway network.
4. Mitigation measures proposed in the EA are inadequate and lack commitment.
- The mitigation measures proposed are poorly defined, unenforceable, and unlikely to be constructed.
 - The proposed transportation "monitoring program" is undefined and therefore we are unable to evaluate its effectiveness.
 - In short, we have no confidence that the significant negative impacts of the project can or will be adequately mitigated or that the suggested mitigation will be constructed in time to prevent significant impacts when tolling is scheduled to begin.
5. The EA lacks analysis of the impacts of pre-completion tolling
- The project asserts that tolls would be initiated prior to construction of the third lane of I-205 yet provides little to no analysis of the impacts of tolling before the third lane is added. This is an unacceptable significant impact that will be experienced by the region for years and an example of the inadequacy of the current analysis and proposal.
6. The local economy would be significantly, negatively impacted by the Proposal.
- The proposed project would negatively impact our local economy, which is contrary to the assertion by ODOT that the additional traffic and congestion on the local system would improve business conditions. Like most of the EA, the benefits and impacts are improperly focused on I-205 while ignoring impacts to

local communities. More localized analysis must be completed to understand the true impacts to our communities and local economy.

7. This project would significantly impact low income residents, seniors, and other vulnerable populations
 - The current proposal would force vulnerable residents either to devote needed income to tolling or travel on more congested local routes because the Low Income Toll program is too restrictive in who it serves.
 - As mentioned previously, increased traffic on local roads would significantly reduce safety for travelers on these roads, and lower-income residents may be the most likely to take transit or alternative modes. Therefore, the project would hurt the most vulnerable of our community in multiple ways – by impacting their budget, their time, and their health.

8. The cumulative impacts of I-5 and I-205 Tolling must be evaluated
 - It is critical that an EIS be required to evaluate the cumulative impacts of the Regional Mobility Pricing Project (“RMPP”) and the I-205 Tolling project. The current EA provides an improperly narrow assessment of the I-205 project under an unlikely set of assumptions and essentially ignores the RMPP, which is anticipated to commence within a year of the I-205 project. As a result, many of the impact conclusions and mitigation requirements described in the EA could be invalid.
 - The EA does not meet NEPA’s requirement to provide the full picture of implications, environmental consequences, viable alternatives and mitigation solutions associated with ODOT’s plan to implement tolling more broadly in the Portland Metro area, and instead only looks at a small isolated piece of the larger project. The preparation of separate staggered EAs for projects related in proximity, timing, and administration is an inefficient use of local, State and federal resources.

As the federal lead agency, we firmly believe that the EA does not currently support a Finding of No Significant Impact (FONSI). Instead, the County urges the Federal Highway Administration to direct ODOT to proceed with an Environmental Impact Statement (EIS) for this project, combined with the RMPP, to address the deficiencies and issues identified above and in the attached technical letter.

Thank you for your consideration.

Sincerely,

X