



Date:

February 8, 2021

To:

PPS Board Chair Michelle DePass
PPS Board Vice Chair Andrew Scott
PPS Director Gary Hollands
PPS Director Julia Brim-Edwards
PPS Director Elidh Lowrey
PPS Director Amy Kohnstamm
PPS Director Herman Greene

CC:

| | |
|---|--|
| PPS Superintendent Guadalupe Guerrero | Irvington ES PTA |
| PPS Chief of Staff Jonathan Garcia | Adah Crandall, Sunrise Movement PDX |
| PPS Director of Government Affairs Courtney Westling | Allan Rudwick, Eliot N'Hood Association |
| Harriet Tubman Middle School PTSA | Portland Commissioner Jo Ann Hardesty |
| Dr Martin Luther King Jr ES PTA | Mult Co Comm Jessica Vega Pederson |
| Boise-Eliot-Humboldt ES PTA | Metro Council President Lynn Peterson |
| Sabin ES PTA | Winta Yohannes, Executive Director, Albina Vision Trust |

From: Aaron Brown, No More Freeways

Subject: ODOT's proposed Rose Quarter Freeway Expansion is already doomed. Let the Tubman community plan for their future on their own terms.

No More Freeways is grateful for this opportunity to reach out to the Portland Public School Board, district staff and the numerous community leaders who have a stake in the future of Harriet Tubman Middle School. We are writing this letter to you today because we are concerned that the Oregon Department of Transportation (ODOT) has not fully disclosed to you the full history, current status or likelihood of this project moving forward, which has significant impacts for how PPS can best serve the needs of the Tubman community in the years ahead. As we will outline below, the agency has numerous hurdles to clear in the months ahead related to legal challenges, funding shortages, and design problems for this freeway expansion to move forward.



We believe that district leadership, parents, students, and community leaders gearing up to plan for the future of the Tubman campus should be appropriately briefed on the history and status of the project to better demand a future that meets the needs of the entire Tubman community.

Abbreviated Memo Summary:

We strongly encourage you to not let ODOT's doomed plans for freeway expansion set the terms on rushing a necessary, deliberate, community-driven visioning process for the future of Harriet Tubman Middle School. If the greater Tubman community wants to relocate the building, they should do so on their own timeline, not on an expedited process to rush the community out of ODOT's path. PPS and the extended Tubman community need to hear from non-ODOT sources about how the proposed freeway expansion is not inevitable but in fact currently facing multiple dead ends. Furthermore, it's entirely possible that (with full community support) we can demand that ODOT study alternatives to expansion, including policy mechanisms that could significantly improve air quality at the existing site. No More Freeways fully supports the Tubman community's right to self-determination for the future of their school; we want to make sure the community is armed with the history of the Rose Quarter Freeway Expansion proposal as well as the full set of facts and circumstances to make a decision that best serves the community's needs. One important mechanism at your disposal to give the community the opportunity to fully explore these options (including the possibility of improving the air quality at the existing site without freeway expansion) is for PTAs and PPS Board Members to demand Governor Kate Brown direct ODOT to conduct a full Environmental Impact Statement (EIS) on the Rose Quarter Freeway Expansion, as neighborhood advocates and community leaders have demanded for years.

History of Rose Quarter Fight: Why won't ODOT even *study* cheaper, greener alternatives to freeway expansion?

No More Freeways was founded in August 2017, months after passage of House Bill 2017 unlocked state funding for ODOT to proceed with the Rose Quarter Freeway Expansion. We've since organized with community partners and have assembled a coalition of climate, transportation, and public health advocates as well as neighborhood and PTA leaders to formally oppose the project as well as all other freeway expansions



ODOT is proposing across the Portland region. As veteran transportation advocates, we believe that ODOT's prioritization of massive freeway expansions is a terrible use of scarce transportation funding that should instead be spent on basic road maintenance, public transportation, transportation safety improvements, promotion of vehicle electrification, and basic improvements for safer biking and walking.¹ Our critiques of the agency's inability to reform to meet Oregon's values of climate action, cleaner air, ameliorating systemic racism or stopping traffic fatalities have garnered significant attention and support in the past few years, most recently in a notable longform expose written by Ted Sickinger and Jayati Ramakrishnan in *The Oregonian*.²

ODOT chose a quick and dirty EA rather than a full scale EIS 3 years ago

For the proposed Rose Quarter Freeway Expansion, ODOT has adamantly claimed that an Environmental Assessment (EA), and not a full blown Environmental Impact Statement (EIS), would be sufficient preparation and study. Their decision to take this shortcut was likely spurred by the desire to expedite their construction timeline, save costs and avoid community critique; however, their decision also leaves them particularly vulnerable to legal challenges claiming that alternatives to the project were not fully vetted. **No More Freeways has been loudly pushing for a full EIS for the Rose Quarter for nearly five years.** We believe this more thorough study provides opportunities for the community to more fully understand the impact this massive freeway expansion will have on our community's streets, our children's lungs and the planet they stand to inherit. An EIS also would force ODOT to consider alternatives to expansion.

(The irony, of course, is that if ODOT had done the full EIS when we asked, it would be done by now; the objective information we request to answer these questions and proposals for a better alternative would have emerged.)

¹ For more information on the latest work of a coalition of environmental, transportation and social justice advocates pushing for meaningful reform of where transportation dollars are spent in the state, check out the recent letter penned by members of the Clean and Just Transportation Network proposing to the Oregon Transportation Commission that Oregon spend incoming federal infrastructure dollars on alternatives to road expansions. This letter, signed by Climate Solutions, Verde, Oregon Environmental Council, No More Freeways, The Street Trust, 1000 Friends of Oregon, and BikeLoudPDX, is available here:

<https://nomorefreewayspx.files.wordpress.com/2022/01/community-letter-to-otc-re-iija-scenarios.pdf>

² "Oregon will fail its climate goals if ODOT acts on big freeway projects, environmentalists say" *The Oregonian*. November 28, 2021.

<https://www.oregonlive.com/environment/2021/11/oregon-will-fail-its-climate-goals-if-odot-acts-on-big-freeway-projects-environmentalists-say.html>



ODOT has refused to study better alternatives to a wider, disruptive freeway

Despite community demands for years, **ODOT has adamantly refused to even study alternatives to expansion** such as how congestion pricing would solve the problem of recurring traffic congestion without having to spend billions to widen the freeway. Decades of academic research supports the “fundamental law of traffic congestion,” which suggests that increasing road capacity merely encourages more people to drive. It’s simply impossible to eliminate congestion by widening roads without first implementing road pricing during peak travel hours.³ In 2018, ODOT’s own consultants published a report suggesting that pricing, and not expansion, was the only mechanism that would reduce congestion.⁴

ODOT failed to include congestion pricing in its environmental analysis

The agency claimed that they couldn’t study the possibility of implementing congestion pricing before expansion because of uncertainty of when the state would begin setting up tolling, and therefore they are legally not entitled to consider it because it was “within the foreseeable future.” However, at present ODOT is actively considering using road pricing to raise the revenue necessary to bond against to build the Rose Quarter Freeway. ODOT is clearly trying to prevent the public from learning whether whether the benefits of congestion reduction could be achieved by implementing pricing alone. This is one of the many central claims made in the April 2021 lawsuit *No More Freeways* filed with the Eliot Neighborhood Association and Neighbors for Clean Air (more on that below).

³ For what it’s worth, while there are many good faith concerns about equity and regressivity of tolling, evidence suggests that the motorists who would pay the majority of the tolls would be wealthier and whiter than students and families in the Albina Neighborhood who suffer from the externalities of traffic, noise and air pollution.. Furthermore, with smart policy and appropriate community engagement, the benefits of congestion pricing can be targeted to frontline communities. To quote UCLA Professor Dr Michael Manville: “Arguing that congestion pricing isn’t fair implicitly assumes that the status quo *is* fair. But that’s not obvious..It is appropriate to worry that priced roads might harm the poor while helping the rich. But we should also worry that free roads do the same, and think about which form of unfairness we are best able to mitigate. People who worry about harms to the poor when roads are priced, and not when roads are free, may be worried more about the prices than the poor.”

- “[Is congestion pricing fair to the poor?](https://medium.com/100-hours/is-congestion-pricing-fair-to-the-poor-62e281924ca3)” Dr. Michael Manville, August 14, 2017.

<https://medium.com/100-hours/is-congestion-pricing-fair-to-the-poor-62e281924ca3>

⁴ “...according to a firm hired by the Oregon Department of Transportation (ODOT), none of the dozen highway-widening projects that are currently being planned in and around Portland by state officials would be enough in coming years to stem the increasing congestion choking Portland highways.” - “[A New Report Shows Highway Widening Won’t Solve Portland’s Congestion Woes.](https://www.portlandmercury.com/news/2018/03/07/19724128/a-new-report-shows-highway-widening-wont-solve-portlands-congestion-woes)” *Portland Mercury*, March 7, 2018.

<https://www.portlandmercury.com/news/2018/03/07/19724128/a-new-report-shows-highway-widening-wont-solve-portlands-congestion-woes>



ODOT has concealed important facts about the Rose Quarter Freeway widening

ODOT issued their EA in mid-January 2019; community advocates pounced on the numerous deceits and slights-of-hand concealed in their report. For one, the EA omitted any salient quantitative traffic information. ODOT was slow to release the traffic projection data on which they based their (dubious) claims about the supposed climate, congestion and air pollution benefits of the expansion; when it was finally released after public demands, our traffic engineers found numerous clear, demonstrable inaccuracies in the data deliberately included to “put their thumbs on the scale” to justify this proposal and minimize the traffic, air pollution, and carbon impacts of this project, including adding numerous other unbuilt freeway expansions to their calculations.⁵

There is widespread opposition to the Rose Quarter Freeway Expansion - and significant support for a full Environmental Impact Statement

The public comment on ODOT’s EA ended in April 2019, with over 89% of the thousands of comments received from the public in opposition to the proposal. Portland Public Schools itself in 2019 passed its own resolution asking for a full EIS, and a full EIS was requested in a letter submitted by Tubman MS parents.⁶ Community leaders demanding a full EIS in March 2019 included then-Commissioner Eudaly, State Representative Karin Power, Metro, Audubon Society of Portland, Business for Better Portland, Oregon Walks, The Street Trust, Albina Vision Trust, the Eliot Neighborhood Association, the City’s Bicycle and Pedestrian Advisory Committees, the Planning and

⁵ We won’t bore you in this memo with technical details about the numerous, deliberate slights-of-hand that were baked into the traffic projections we ultimately received, but they were substantial, and we submitted a rigorous critique of their traffic projections to the 2019 Public Comment period. A traffic engineer who worked with us to produce our traffic memo submitted to the EA commentary told the Portland Mercury in December 2019 “At the end of the day, the [environmental assessment] was a half-assed effort that was quite obviously prepared to reach a pre-ordained conclusion.” Our technical memo highlighting ODOT’s deliberate malfeasance to justify their freeway expansion is available here: https://nomorefreewayspx.files.wordpress.com/2019/04/nmf_technical_memo-1.pdf

OPB covered the story in March 2019: “ODOT acknowledged Tuesday that its traffic modeling for another freeway project — a \$500 million upgrade to I-5 in Portland’s Rose Quarter area — assumes that the Columbia River Crossing will still be built.” “[ODOT Used Long Dead I-5 Bridge Replacement To Plan Rose Quarter Upgrade.](https://www.opb.org/news/article/odot-used-long-dead-i-5-bridge-replacement-to-plan-rose-quarter-upgrade/)” *Oregon Public Broadcasting*, March 26, 2019.
<https://www.opb.org/news/article/odot-used-long-dead-i-5-bridge-replacement-to-plan-rose-quarter-upgrade/>

⁶ The resolution from this PPS vote in March 2019 is available here: <https://www.pps.net/cms/lib/OR01913224/Centricity/Domain/219/3-19%2015%20Final%20Packet.pdf>
The letter from the Harriet Tubman PTSA parents is available here: <https://nomorefreewayspx.files.wordpress.com/2019/04/harriettubmanparents.pdf>



Sustainability Commission, and many more.⁷ Metro's letter calling for an EIS called ODOT's claims that this project wasn't a freeway expansion "not objectively true and is potentially misleading."⁸ Subsequent calls for an Environmental Impact Statement were made later in 2019 by other leaders including then-Speaker Tina Kotek, Representative Rob Nosse, Senator Michael Dembrow, and Mayor Ted Wheeler. **There is overwhelming support from community leaders for a full Environmental Impact Statement, yet ODOT continues to ignore these demands for basic project scrutiny.**

ODOT ignored community concerns and pushed ahead with a fast-track EA

Multiple newspapers reported in August 2019 that, after community outcry, ODOT and its overseers at the Oregon Transportation Commission (OTC) intended to move forward with an Environmental Impact Statement after the loud community opposition.⁹ However, likely under the direction of their newly appointed Chair Bob Van Brocklin, the OTC abruptly changed direction and pushed forward with a plan to have the OTC vote to approve the existing EA in December 2019. After Governor Kate Brown stepped in with a sternly written letter the day before the vote, the OTC deferred until a vote ultimately held in early April 2020, drawing up a list of conditions they would meet in order to convince local elected officials to support the existing EA. Those stipulations included the establishment of a Community Advisory Committee (since shuttered after members expressed frustration with ODOT's management)¹⁰, the Executive Steering Committee (since abandoned by Albina Vision Trust, Mayor Wheeler, then-Commissioner Eudaly, and Commissioner Vega Pederson), the directive to study freeway caps (completed by an independent entity that published numerous documents deeply critical of ODOT's existing plans)¹¹, and for the continued coordination with Portland Public Schools (which, according to our conversations with PPS staff and

⁷ To see the dozens of letters submitted as Public Comment for the 2019 Environmental Assessment from a list of prominent local organizations, please check out our website: <https://nomorefreewayspx.com/publiccomment/>

⁸ Metro's EA letter, Dated April 1 2019:

<https://nomorefreewayspx.files.wordpress.com/2019/04/ea-review-comment-letter-040119.pdf>

⁹ "Critics of ODOT's I-5 Rose Quarter Project Believe The Agency Will Conduct A Full Environmental Impact Statement" *Willamette Week*:

<https://www.wweek.com/news/2019/08/27/critics-of-odots-i-5-rose-quarter-project-believe-the-agency-will-conduct-a-full-environmental-impact-statement/>

¹⁰ "Inside a Contentious, Now-Shuttered Advisory Committee on the Portland I-5 Widening Plan" *Portland Mercury*, September 8, 2020.

<https://www.portlandmercury.com/blogtown/2020/09/08/28796932/inside-a-contentious-now-shuttered-advisory-committee-on-the-portland-i-5-widening-plan>

¹¹ "More proof of ODOT's Rose Quarter Freeway coverup" *City Observatory*, June 16 2021

<https://cityobservatory.org/more-proof-of-odots-rose-quarter-freeway-coverup/>



board members, appears to not have progressed in any meaningful fashion).¹² A letter penned in March 2020 by the City, County, Metro, Albina Vision Trust, and PPS demanded either an EIS or rigorous, fully empowered advisory committees as this project moved forward; ODOT is currently delivering neither.¹³

ODOT has been a terrible partner for PPS

Historically, it's important to note that PPS officials opposed the siting of I-5 in the early 1960s over concerns that it would disrupt and devastate schools in the freeway's path. The Tubman School building (then the Eliot Elementary School) predates the I-5 freeway by more than a decade. ODOT chose to route I-5 through PPS property in the early 1960s. Three different ODOT projects (Interstate Avenue/Highway 99, I-5 and the Fremont Bridge off ramps) triggered a long term decline in the neighborhood's population, destroying hundreds of homes (and what would today be hundreds of millions of dollars of home equity) in what was the largest Black neighborhood in the state of Oregon. And when PPS was working to re-open Tubman in the last decade, it had to contend with the unhealthy air created by ODOT's freeway. ODOT contributed nothing toward the more than \$10 million cost of installing air filtering equipment sufficient to make the inside of Tubman usable for education.

We also wish to call attention, particularly to newer PPS board members, that **ODOT has been a truly abysmal partner to Portland Public Schools over the past few years in disclosing the impacts this expansion would have on the Tubman campus.** PPS leadership and staff have spoken up as early as 2018 noting that ODOT has conducted minimal engagement with the district.¹⁴ ODOT also broke promises to engage with PPS in the leadup to the Spring 2019 Environmental Assessment. Despite our multiple inquiries to numerous entities over months, it took a public records request to unearth documents showing the full footprint of ODOT's proposed freeway - which not only moved the freeway closer to the Tubman campus but actively involved taking PPS land to build it.¹⁵ PPS staff told *Oregon Public Broadcasting* the district was

¹² Jonathan Maus at bikeportland.org has a great run down of the January 2020 OTC meeting.

<https://bikeportland.org/2020/01/24/odot-takes-more-heat-for-rose-quarter-missteps-at-commission-meeting-310020>

The full list of "Rose Quarter Proposed Actions" adopted by the OTC here:

<https://bikeportland.org/wp-content/uploads/2020/01/OTC-January-23-2020-RQ-Proposed-Actions.pdf>

¹³ You can read this letter here:

https://nomorefreewayspdx.files.wordpress.com/2021/01/03.27.20_i5rq_otc_jointletter.pdf

¹⁴ "Council hears concerns about I-5 expansion impacts on Tubman Middle School" *BikePortland*. January 19, 2018:

<https://bikeportland.org/2018/01/19/council-hears-concerns-about-i-5-expansion-impacts-on-tubman-middle-school-264998>

¹⁵ "Taking Tubman: ODOT's plan to build a freeway on school grounds" *City Observatory*. April 13, 2021:

<https://cityobservatory.org/taking-tubman-odots-plan-to-build-a-freeway-on-school-grounds/>



unaware of these plans.¹⁶ These public records requests also uncovered that the proposed freeway was much larger than ODOT was suggesting - wide enough for ODOT to build a freeway wide enough for a full ten lanes through the entire corridor.¹⁷

No More Freeways also caught ODOT bringing in numerous air quality experts to make claims this expansion would improve air quality, without giving said experts the opportunity to independently review the data on which ODOT's dubious claims were based, thereby rendering their assertions irrelevant and arguably deeply misleading.¹⁸

These are just a few examples of a long history of deception and broken promises from ODOT; given their track record, we strongly encourage PPS leadership and parents to ask themselves if they believe ODOT is a trustworthy partner to truly facilitate PPS' proposed relocation of Tubman or the rehabilitation of the neighborhood around the campus.

No More Freeways and others have filed suit in federal court to stop the Rose Quarter project until a full EIS is prepared

In April 2021, No More Freeways joined co-plaintiffs Neighbors for Clean Air and the Eliot Neighborhood Association in a NEPA lawsuit against ODOT, alleging that the agency hadn't fully studied alternatives to expansion.¹⁹ We held a rally attended by over 150 people at Tubman Middle School, with speakers including Tubman teachers and students opposing the proposal.

Governor Brown has said she supports Tubman relocation regardless of the outcome of the I-5 Rose Quarter project

In July 2021, Governor Kate Brown announced her support for finding funding to relocate Tubman. *Willamette Week* quoted her spokesperson saying that "...the governor finds the air quality and health impacts to students at Harriet Tubman Middle School to be very concerning, and she supports moving the school—regardless of the Rose Quarter project."²⁰ **We think it's critical to point out that despite insinuations**

¹⁶ "ODOT plans to take part of school grounds for I-5 widening project" *OPB*. April 13, 2021:

<https://www.opb.org/article/2021/04/13/odot-plans-to-take-part-of-school-grounds-for-i-5-project/>

¹⁷ "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/>

¹⁸ "ODOT's peer review panel admits it didn't validate Rose Quarter travel forecasts" *City Observatory*, April 14, 2021.

<https://cityobservatory.org/odots-peer-review-panel-admits-it-didnt-validate-rose-quarter-travel-forecasts/>

¹⁹ More information about the lawsuit, as well as a link to the official text of the complaint, is available on the NMF website: <https://nomorefreewayspx.com/2021/04/05/lawsuit/>

²⁰ "Gov. Kate Brown Wants to Move Harriet Tubman Middle School." *Willamette Week*. July 28, 2021.

<https://www.wweek.com/news/schools/2021/07/28/gov-kate-brown-wants-to-move-harriet-tubman-middle-school/>



otherwise, it is on record from Governor Kate Brown herself that any potential Tubman relocation conversation is independent of the proposed freeway expansion. If the Tubman community wants to relocate their school, any potential funding from the state legislature should allow them to do so independent of whether ODOT moves forward with the proposed expansion.

An opportunity to support restorative justice, buildable caps, and neighborhood healing without polluting the neighborhood with freeway expansion

ODOT unveiled their latest plans for the Rose Quarter that included significant improvements in the streetscape and reconnective capacity of the buildable caps in August 2021. Called “Hybrid 3” as a mix of previous options prepared from ODOT, the proposal incorporates proposals made by the Historic Albina Advisory Board (HAAB) after a contentious set of meetings in which community members expressed frustration and distrust with the agency.²¹ Approved by the OTC in September 2021, the Hybrid 3 proposal is undeniably an improvement on the original proposed 2019 plans, but still includes the massive, 160-foot wide expansion of the mainline freeway below the buildable caps. None of our lawsuit’s concerns about the harm the extra lanes of freeway will bring to the local community and the planet are addressed.

No More Freeways wants to be explicit in our firm, unequivocal support of the leadership at the Albina Vision Trust to reclaim and heal the neighborhood. As NMF has said repeatedly, we are overwhelmingly supportive of efforts led by AVT to restore the neighborhood from the injustices of twentieth century freeway expansion through the construction of buildable caps.²² Unfortunately, ODOT’s insistence on building a 160-foot wide freeway wide enough for a full ten lanes makes any proposal for buildable caps more expensive, less capable of holding larger buildings, and more polluted with terrible air quality that will give nearby inhabitants a litany of respiratory and cardiac diseases. We are fully supportive of Albina Vision’s efforts and assumed leadership to heal the neighborhood and cultivate a thriving 21st century Black neighborhood. **We firmly believe that their efforts to shape the neighborhood will be more successful if ODOT is forced to engage in a more thorough Environmental Impact Statement that studies alternatives to expansion.** Portland

²¹ [“Rose Quarter freeway meeting punctuated by talk of distrust, jobs, restorative justice”](https://www.oregonlive.com/commuting/2021/05/rose-quarter-freeway-meeting-punctuated-by-talk-of-distrust-jobs-restorative-justice) *The Oregonian*. May 20, 2021.

<https://www.oregonlive.com/commuting/2021/05/rose-quarter-freeway-meeting-punctuated-by-talk-of-distrust-jobs-restorative-justice.html>

²² Our September 2021 letter to the OTC on our support for buildable caps in Albina is available here:

<https://nomorefreewayspx.files.wordpress.com/2021/09/090721-no-more-freeways-and-allies-testimony-to-otc-on-hybrid-3.pdf>



Public Schools' defined their restorative justice initiatives through the bold and commendable decision to let Albina Vision inherit the Blanchard site for AVT's redevelopment; if ODOT truly wanted to take a restorative justice approach to heal the harms caused by their freeway expansion sixty years ago, they would be working to remove the freeway entirely and giving Albina Vision the keys to redesign the land for parks and housing, not spending billions to widen the freeway and continually marginalizing efforts for self-determination and ownership from these community groups.

Similarly, we'd like to offer our support to local Black contractors who are eager at opportunities for an unprecedented investment in new job opportunities; No More Freeways points to available research demonstrating that investments in public transit, biking and walking infrastructure instead of massive freeways creates as many as 70% more jobs as freeway expansion.²³ **ODOT has deliberately and shamefully pitted environmentalists and restorative justice advocates against contractors and laborers in pursuit of their freeway expansions instead of collaborating on infrastructure proposals that meets everyone's goals.**²⁴

Don't buy what ODOT tells you: the future of the proposed Rose Quarter Freeway Expansion Project is deeply uncertain.

Despite the polished proclamations from ODOT's well-funded communications department and the Governor's office, their proposal is in serious doubt with legal and funding challenges.

ODOT is Still Half A Billion Dollars Short

The Rose Quarter Freeway Expansion leadership was asked by the OTC in September 2021 to provide a funding plan at the December 2021 meeting, tasking the

²³"[Road and public transit maintenance create more jobs than building new highways.](https://t4america.org/2021/03/15/road-and-public-transit-maintenance-creates-more-jobs-than-building-new-highways)" *Transportation for America*. March 15, 2021.

<https://t4america.org/2021/03/15/road-and-public-transit-maintenance-creates-more-jobs-than-building-new-highways>

²⁴ "For ODOT to pin these two issues (economy and environment) against each other in the year 2020 — where they are co-mingled rather than opposing interests — is not what I expected to come from a state agency in Oregon."

"[Guest Opinion: Time for ODOT to start over or scrap the I-5 Rose Quarter project.](https://bikeportland.org/2021/03/03/guest-opinion-time-for-odot-to-start-over-or-scrap-the-i-5-rose-quarter-project-327403?fbclid=IwAR0pFufMr-sBc5ukwr2MN3d2EJ2sYaNNYwtLLUeC2qGu-y1vTHkCFG1p_60)" *BikePortland*. March 15 2021.

https://bikeportland.org/2021/03/03/guest-opinion-time-for-odot-to-start-over-or-scrap-the-i-5-rose-quarter-project-327403?fbclid=IwAR0pFufMr-sBc5ukwr2MN3d2EJ2sYaNNYwtLLUeC2qGu-y1vTHkCFG1p_60



project leaders with asking local government agencies to help fund the budget gap.²⁵ They postponed the discussion until January, and in January ODOT admitted there remains a \$500 million funding gap for the project with no local governments eager to fund the shortfall.²⁶ The project cost has ballooned to \$1.25 billion (it was slated to cost \$450 million in 2017), and this cost doesn't include the additional \$120 million Governor Brown is promising PPS for Tubman's potential relocation. While ODOT staff and other project boosters have repeatedly insinuated that the rising costs were due to the further refinement of buildable caps, the agency has been murky about putting out quantitative breakdowns about the cost overruns. Continued rampant inflation and local governments facing their own budget shortfalls suggest that the gap is only going to widen, and with such anemic support for this project among local leaders, it's hard to imagine Portland's electeds actively lobbying Salem or DC for further funding over their other priorities, or statewide officials wanting to fund a "Portland highway project" over other statewide projects not facing such scrutiny. Multiple OTC members have expressed concern about the rising costs and expressed uncertainty of their ability to move forward as costs escalate.

ODOT faces multiple credible lawsuits

In April 2021, No More Freeways joined with co-plaintiffs Neighbors for Clean Air and the Eliot Neighborhood Association and filed a lawsuit against the federal government demanding a full EIS that studied alternatives to freeway expansion for tackling the traffic congestion at the Rose Quarter. We also wrote Secretary Pete Buttigieg a letter stating our concerns about the federal government's approval of ODOT's Environmental Assessment.²⁷

In our main federal NEPA lawsuit, seeking a full EIS and consideration of pricing and transit alternatives to the I-5 Rose Quarter "Improvements", the court has finalized a

²⁵"[State Transportation Commissioners Approve Rose Quarter Freeway Cover. But Only if Local Governments Agree to Pay.](https://www.portlandmercury.com/blogtown/2021/09/10/36288748/state-transportation-commissioners-approve-rose-quarter-freeway-cover-but-only-if-local-governments-agree-to-pay)" *Portland Mercury*. Jan 20, 2022.

<https://www.portlandmercury.com/blogtown/2021/09/10/36288748/state-transportation-commissioners-approve-rose-quarter-freeway-cover-but-only-if-local-governments-agree-to-pay>

²⁶ "Rose Quarter freeway project in Portland short hundreds of millions. ODOT says" *The Oregonian*. January 20, 2022.

<https://www.oregonlive.com/commuting/2022/01/rose-quarter-freeway-project-in-portland-short-hundreds-of-millions-odot-says.html>

²⁷ Our letter to Secretary Pete Buttigieg is available here:

<https://nomorefreewayspx.files.wordpress.com/2021/03/033021-secretary-buttigieg-letter.pdf>

His office followed up, responding that he was unable to engage with us due to the filed lawsuit. We wrote him an additional follow up letter in July 2021:

<https://nomorefreewayspx.files.wordpress.com/2021/07/071321-nmf-welcomes-secretary-buttigieg-to-portland-asks-for-community-led-eis-on-rose-quarter.pdf>



date by which ODOT and the FHWA must produce the record of the decision making process for their Finding of No Significant Impact (FONSI). The case will then be argued later in this spring.

Our second suit at the state level contends that ODOT's findings of compatibility with Portland's Comprehensive Plan are flawed and premature since ODOT continues to redesign the project. There is relatively little case law in this area and the Land Use Board of Appeals has recently decided that they do not have jurisdiction. That means that the case will now move to Oregon Circuit Court where we'll have the opportunity to depose and take testimony from officials involved in making the findings.

Each of these lawsuits have the capacity to delay the project indefinitely beyond ODOT's current promise of a 2023 construction date, and a successful NEPA lawsuit would require ODOT to conduct the full EIS we have demanded for years.

Federal government revokes important approval

This January, in possible response to our litigation, the federal government rescinded the Finding of No Significant Impact (FONSI) for the Environmental Assessment submitted by ODOT in early 2019. While ODOT downplayed the news as an inevitable procedural move for the federal government to support the "Hybrid 3" model, ODOT's own staff admitted to the media they were surprised by the news.²⁸ It represents a significant setback; the agency cannot move forward with the project without the federal approval. If and when ODOT reapplies for the FONSI, it will provide us an additional opportunity to get further paperwork on the public record detailing the shortcomings of this project unavailable in 2019. This represents a significant opportunity to persuade the federal government to hold ODOT accountable to the impact this project will have on our community.

Opposing this project is in line with PPS' climate goals - and the demands of nationally-recognized PPS students activists

As an article in *The Oregonian* explored in depth last November, 40% of Oregon's carbon emissions come from transportation.²⁹ All available evidence suggests

²⁸"What really happened yesterday with fed's disapproval of I-5 Rose Quarter project?" *BikePortland*. Jan 21, 2022. <https://bikeportland.org/2022/01/21/what-really-happened-yesterday-with-federal-disapproval-of-i-5-rose-quarter-project-344091>

²⁹ "[Oregon will fail its climate goals if ODOT acts on big freeway projects, environmentalists say](#)" *The Oregonian*. November 28, 2021.



that continuing to widen freeways merely induced more driving and therefore producing more emissions.³⁰ ODOT's intention to expand highways directly contradicts Governor Brown's executive order calling for a 45 percent reduction of GHG emissions from 1990 levels by 2035. Given this, the decision of PPS to acquiesce to a freeway expansion in the backyard of their campus is morally comparable to moving a school to make way for the construction of a new pipeline or landfill. What role does PPS want to play in fighting or exacerbating the climate disaster their students will inherit?

While not immediately relevant to the future of the Tubman campus, urgent and unprecedentedly bold action on climate is undeniably relevant to the future of Tubman's students. After learning about the proposed expansion in the backyard of her school, former Tubman student and current Grant High School sophomore Adah Crandall helped co-found the "Youth Vs ODOT strikes, which have taken place every other week since April 2021 outside the downtown ODOT offices to call attention to ODOT's atrocious inaction on climate. The rallies have grown in size significantly over the previous months and Crandall and her co-organizers have appeared on OPB's *Think Out Loud* and the front cover of *Willamette Week* as well as garnered national attention in *Bloomberg's CityLab* and *Vice*.³¹ Along with other PPS students, Crandall also co-lead the Portland Youth Climate Strike this past summer, which directed thousands of students (many of them PPS students) in a march past ODOT.³²

As PPS grapples with critiques accusing the district of not acting boldly enough to address the climate crisis, it's worth asking if it's appropriate for PPS to roll over and acquiesce to a massive expansion of fossil fuel infrastructure in the backyard of one of their facilities, and what role parents and community organizations can play in putting pressure on our civic institutions to challenge construction of these dangerous facilities. At the very least, it's worth asking why PPS hasn't pushed harder for ODOT to conduct a full EIS (including considering joining the NMF lawsuit) to further study the climate

<https://www.oregonlive.com/environment/2021/11/oregon-will-fail-its-climate-goals-if-odot-acts-on-big-freeway-project-s-environmentalists-say.html>

³⁰ ODOT and others attempt to claim that we can hit carbon reduction targets by "getting cars out of congestion" or by moving towards a full fleet of electric vehicles. Unfortunately this slight-of-hand obscures the reality that it is driving itself, not cars stuck in congestion, that causes carbon emissions. Furthermore, while rapid vehicle electrification will be a necessary component in decarbonizing our transportation system, we as a state simply won't hit our reduction targets without creating communities where Oregonians can thrive while simply driving fewer miles by replacing trips with shorter trips and with biking, walking, and public transit. No More Freeways co-founder Chris Smith explained this dynamic in a November 15, 2021 letter to the Joint Policy Advisory Committee on Transportation (JPACT), available here:

<https://nomorefreewayspx.files.wordpress.com/2021/11/no-more-freeways-mtip-testimony-on-ibr-and-electrification.pdf>

31

³² "The Road Warriors: For months, a group of youthful climate activists have waged a battle to halt a Portland highway expansion — and turn U.S. transportation policy around." *Bloomberg CityLab*. January 22, 2022.

<https://www.bloomberg.com/news/features/2022-01-22/in-portland-youth-activists-are-driving-a-highway-revolt>



impacts this proposed expansion will have on the future of their students, who are desperate for adult cooperation on urgently needed climate action. This is an opportunity for parents and elected officials to honor the leadership and bravery of their students by showing up to challenge the existential threat further fossil fuel infrastructure represents to current and future generations.

If ODOT implements congestion pricing before freeway expansion, Tubman and surrounding Albina neighborhood would get cleaner air

While No More Freeways is wholly supportive of whatever solutions for the future of Tubman the community supports, we want to make sure community leaders know **it's possible that current ambient levels of air pollution could be significantly lowered if ODOT implemented congestion pricing without widening the freeway.** The leading academic studying the link between air pollution and traffic solutions, University of British Columbia's Dr Alex Bigazzi, has published extensive research showing that implementation of congestion pricing without expansion has demonstrable impact in reducing air pollution.³³ Without a full EIS, it's impossible to know the full quantifiable improvements, and the community may want a new campus regardless of any air quality improvements. But it's worth noting that **if Tubman's relocation is being driven primarily by concern about air pollution, there is a policy proposal that could significantly clean the air at Tubman while saving the state a billion dollars. ODOT refuses to even study the possibility.**

As the landlord of a large and centrally-located property, even if the state builds PPS a new Tubman, the district is going to suffer a significant economic loss in the value of the existing building and land after a proposed expansion. If the freeway expansion leaves the property officially unhealthy enough for the siting of an existing middle school, what entity *will* want to locate there? Is PPS comfortable leaving the existing Tubman campus as an ultimate sacrifice zone at the expense of freeway expansion? Even if PPS does relocate Tubman, the district will almost certainly receive a higher market rate value for the parcel without the expansion of the freeway - or could

³³ "Road pricing best way to reduce vehicle emissions, concludes UBC study" *Canadian Broadcasting Company*. Oct 5, 2017: <https://www.cbc.ca/news/canada/british-columbia/road-pricing-reduce-emissions-ubc-study-1.4342859>
The most comprehensive review of literature on the link between air pollution and congestion:
Alexander York Bigazzi, Mathieu Rouleau, "Can traffic management strategies improve urban air quality? A review of the evidence," *Journal of Transport & Health*, Volume 7, Part B, 2017, Pages 111-124, ISSN 2214-1405, <https://doi.org/10.1016/j.jth.2017.08.001>. (<https://www.sciencedirect.com/science/article/pii/S2214140517301330>)



look at further ways to ensure the future of the site is healthy enough that it enhances the neighborhood plans to be enacted by the Albina Vision Trust.

Tubman funding shortcoming

Finally, we wish to note that the \$120 million proposal from the state legislature is still \$40 million short of the \$160 million figure that PPS estimates would cover the cost of a brand new middle school. It's worth asking which entity will be asked to foot the bill to cover any additional costs of the expansion, what assurances the district will receive from ODOT or the Governor about covering that shortfall, and whether ODOT at this point warrants any trust to follow through on commitments. Every dollar that PPS spends on a new school is a dollar the district could be spending on a myriad of crucial and necessary capital improvements around the district, but will instead be spending to mitigate ODOT's insistence on freeway expansion. If ODOT's implementation of congestion pricing policy could deliver cleaner air to the district, would Tubman relocation be the top priority the district would ask for \$120 million from the state legislature?

The Tubman Community Should Plan for their Future on their own terms - not on ODOT's

While we understand the need for PPS to quickly finalize plans to navigate a funding request from the legislature, PPS board members and parents should know that the urgency imposed by ODOT to move the school in the next few years is deeply unwarranted considering the number of likely snags this freeway expansion is likely to catch in the months ahead. As a close follower of the state agency, it's very characteristic of ODOT to establish false urgency and claim that "we have to move quickly" on a decision to stymie legitimate community concerns or engagement.

The needs of Tubman's existing students, as well as the historic and symbolic importance of the school, are complex and myriad and not easy to succinctly summarize; **it's imperative that any Tubman relocation conversation is not undertaken in direct rushed reaction to ODOT's proposed expansion but instead is proactively undertaken to best understand and serve the community's needs, regardless of the freeway proposal.** Having board members and PTA leaders call on ODOT to conduct a full EIS is a critical mechanism to ensure these conversations are given the time and attention they are due.



No More Freeways intends to reach out to the offices of PPS Board Members and to PTAs in the Tubman cluster individually in the weeks ahead to offer opportunity for questions and further discussion of this memo. We look forward to further discussion and collaboration.