

David Bragdon Statement Before C.R.C. Review Panel

May 19, 2010

The Metro Council, along with JPACT, is the MPO for the Oregon portion of the region. We also perform sub-contract work for other agencies, including TriMet and ODOT, pertaining to EIS preparation, modeling and forecasting. We are also democratically elected to represent the people of the Oregon side of the region – the people who pay the taxes and fees, rely on the freight, depend on the jobs, live in the neighborhoods, receive the paychecks and breathe the air which this project would affect for the coming decades.

In all these roles – MPO, sub-contractor to the highway divisions, representative of people - we have been intimately involved in the CRC, just as we have been involved in other major transportation projects of the past decades. We take our professional and political responsibilities seriously, do not reach conclusions without extensive study, and we have a track record of successful regional inter-agency collaboration, including completion of projects which successfully engage multiple cities, special districts, and a myriad of state and federal agencies.

My personal involvement dates to 2007 when the LPA proposal drafts first came to our Council. I was subsequently appointed to the project sponsors' council, and like other local officials I have spent countless hours endeavoring to shape this project in a positive direction, and develop a proposal which our region can afford and embrace.

I started this process with two basic principles, both of which *once* made me a supporter of the conditional Locally Preferred Alternative legislation which I marshaled through our Council in July 2008. Those principles are:

My first assumption was that the north-south corridor in our region is very important, and in need of improvements: portions of the system are congested at some periods during weekdays, freight is not granted the priority that its economic importance would warrant, transit service is limited, bicycle and pedestrian access is nearly impractical, some of the structural elements are old and worn, the draw span creates challenges to navigation and unreliability for vehicles, and the interchanges discourage optimal urban development. The status quo on Interstate 5 should not be acceptable – we need to act to address these significant disadvantages. No rational participant in this process would dispute that statement, though they may define the problem(s) in varying ways, or with differing areas of emphasis. (Which may be part of our problem today – imprecision in problem statements.)

My second hypothesis was that solutions in a complex corridor such as this one would of necessity be innovative and multi-faceted, and could *only* be the result of collaboration and teamwork among a multitude of agencies and interests. Successful mega-projects elsewhere, whatever their other merits or demerits, ranging from Boston's Big Dig to Denver's international airport, *only* come to fruition when the coalition in support of them consistently expands – and those coalitions *only* expand when issues are addressed in a meaningful, inclusive, and problem-solving manner, and a variety of disciplines and creative solutions are brought to bear. By contrast, proposed mega-projects tend to stall, as this one has, and fail, when they are imposed from above, are sold simply on the basis of platitudes not based in fact or financial rigor, or are the product of one agency's or one professional discipline's toolbox to the exclusion of all the other tools in the transportation toolbox.

After my nearly three years of involvement – again, three years which started with me as a vote in favor of the conditional LPA – my reluctant conclusion is that the current CRC proposal by the state highway divisions dramatically fails both of those basic tests: it has not been proven to be a cost-effective solution to the many challenges in this corridor, and it has not been planned and developed in an innovative or inclusive manner. As a result of the state highway divisions resisting any scrutiny or suggestions which did not fit their pre-determined approach, confidence in the project, including my own, has been eroding at a time when a successful project would need to be gaining credibility.

That credibility can only be restored by substantive changes in the product and its direction, *not*, I stress, *not* by more public relations efforts, which simply try to persuade the community that the current product is not so bad. “Not so bad” is hardly sufficient compared to the great upside potential opportunity that a new crossing could present for our region, so the fix needs to be a technical, engineering, design, planning, financial fix – not another sales job. We need Plan B, not more unending promotion and defense of a Plan A which has failed to pan out.

Moreover, we need an expedited process to get us to Plan B quickly, through a collaborative governance model which makes the highway divisions participants in the process, a role for they are qualified, rather than being the manager of the process itself, a role they have shown they are not qualified for. That's not a moral judgment or criticism; it's just a matter of miscasting - one of the institutional causes of the current stalemate is that the state highway divisions are simultaneously a contestant *and* a judge in the proceedings.

The support will be there for a good product. What's missing is not the support – what's missing is that good product. The support was there not so long ago, and local officials have repeatedly and constructively pointed the way for that support to be revived through re-direction of the project. It *can* be done, but only through the type of interagency collaboration which characterizes successful megaprojects in urban areas in the 21st century. In this case, the

two state highway divisions' unilateral control and limited mission has not only unnecessarily squandered the unprecedented degree of cooperation which exists at the local level, but has jeopardized our bi-state region's chances to capitalize on what should be a great opportunity.

This metropolitan region has a remarkable – indeed, unprecedented - degree of local collaboration. In 2008, governing boards of local governments on both sides of the river joined hands and cast votes on a conditional Locally Preferred Alternative containing elements which prior to 2008 had been matters of dispute rather than agreement, an accomplishment which we should celebrate: we affirmed our common commitment to a replacement bridge in the existing I-5 alignment (rather than in some other alignment, or rather than a tunnel, etc. etc.), we affirmed that light rail transit was an integral part of a solution, we recognized that tolls were an ingredient for paying for and managing this new asset which we all wanted to enjoy. Amid the controversy today, it is worth pausing and remembering that as recently as 2008, that level of agreement among partner agencies was achieved.

Those diverse boards all conditionally approved the Locally Preferred Alternative in a spirit of good faith, with mutual assurances that we would continue to work together to address the many unresolved issues inherent in as complex a project as this. (As I said in my second principle, as we were in the vanguard of supporters for a project, we knew the coalition needed to continue to expand, which can only be done by addressing valid concerns.) Recognizing that different communities and different agencies have differing perspectives, or value different aspects of the project with varying degrees of emphasis, we nonetheless all resolved to continue working toward “yes.”

The unresolved issues were all clearly stated in local resolutions and other communications, and done so in a constructive manner designed to reach solutions rather than stymie progress. You can read those communications quite plainly in the record from 2008 and before and since: Some interests were concerned about the impact of tolls on certain segments of the community, either economically or geographically. Other interests wanted to be shown more precisely how improvements would benefit trucking and commerce, beyond repetition of the unproven assertion that “more road capacity” automatically equates to “greater freight mobility,” in the absence of design or pricing features which actually grant preference to freight. Other interests offered to help validate that a project would meet the two states' greenhouse gas emissions laws. Other groups asked for assurances that interchange design would improve their business districts, as had been promised. And everybody involved asked for a realistic finance plan, based on foreseeable fiscal capacity to pay, relative to other priorities.

For the Metro Council's part, in addition to some of the issues I have just mentioned, I might highlight four major overriding concerns which were incorporated in our resolution of support –

let me reiterate, this was a resolution *of support*, with conditions, in July 2008 - four major concerns which have been raised repeatedly in communications from our technical staff or elected officials in one form or another dating from October 29, 2006 through February 24, 2010, copies of which I will give you:

- Concerns about how the size, operations and management of this segment of the interstate would impact other parts of the transportation system, including other segments of I-5, the parallel I-205, and north-south arterials in the City of Portland. We have an adopted Regional Transportation Plan for our region which indicates which portions of the surface highway and street system are mature and are financially, physically and environmentally unlikely to expand, so it was important that the CRC fit that system rather than cause indirect disruption to it.
- Proper application of 21st century forecasting and modeling techniques, particularly on the issue of how increased physical capacity would affect induced demand for single occupancy auto trips (not incidentally, the factor which is the biggest obstacle to freight mobility as well as the largest contributor to greenhouse gas generation) and ensure that the project will support the local jurisdictions' adopted land use aspirations on both sides of the river. Oregon and Washington have very similar land use systems and planning practices, so it makes sense that a new transportation project be shown to support those goals in each state. (In fact, that's the law in both states.)
- Interchanges which fit the context and aspirations of our neighborhoods and business districts.
- And, of course, a finance plan which would reveal what our citizens – whether they pay federal taxes, state taxes, a regional tax, and/or tolls – would pay for this project, and how their paying for this project would affect their ability (in effect, their Congressional and legislative delegations' capacity) to also pay for the other major transportation capital projects we want and need.

I think you would agree that these basic questions, like many others incorporated in the local governments' conditional support of the LPA, are not just reasonable, but are basic and necessary. And I would add that the conditions - while legally binding and therefore perhaps call the validity of the LPA into question since the conditions have not yet been fulfilled - were not stated so much as questions or demands but rather as invitations – as invitations for the state agencies to work with us as partners. “Here are things we can do to make this the best project possible,” we were trying to say. When I cast my vote for the conditional LPA, I was not just casting my vote for the physical elements described in that document, I was also casting my vote to work with all the various agencies in good faith to resolve the remaining unresolved issues.

I do not regret that vote, because as I stated in my first principle, the status quo in this corridor needs action and the basic elements of the LPA, I am persuaded, are sound. But, to be quite candid, as I look at that vote, I have come to conclude that my faith in the process was naïve and misplaced, and that avenues toward the mutual problem-solving implicit in our conditional approval of the LPA have been closed, replaced with one-way streets: one way streets along which the highway divisions unilaterally define the problem (auto congestion at certain times of day) and then define the solution (more physical capacity) using a very limited range of tools from a small toolbox, without regard to economic cost or environmental externalities or impacts outside the narrowly defined problem area.

I and many others in our region are eager to be supporters of a project. We have demonstrated through our hours and hours of commitment and carefully crafted proposed work that we are more than ready to be team players. I will leave you copies of communications, with which I am proud to be professionally associated, as I believe they represent the cutting edge of transportation planning issues in urban America today and could lay out the path toward a CRC of which we can all be proud. Those documents are:

- An October 19, 2006 letter from our Council to the CRC task force, highlighting the same issues we are still raising today – many of which have not been addressed by the highway divisions despite the passage of more than three years.
- The Metro Council's July 17th, 2008 conditional approval of the LPA – again, this was an *approval* - which lists suggestions and requests such as a *truly* independent evaluation of the induced demand issue and 21st century forecasting and modeling techniques – major conditions which the highway divisions have still not fulfilled even though the approval of the LPA was contingent on them.
- The Metro Council's February 5th, 2009 resolution, again expressing support for a project and advocating for performance measures and demand management techniques to be fully incorporated in the design and post-construction phases – a suggestion which the highway divisions appear to have ignored until recently.
- A "Road to Construction" policy statement of December 3, 2009 by Portland Mayor Sam Adams and myself, suggesting that fiscal capacity and performance measures be used in the refinement process – which the highway divisions had not done despite prior indications that they might.
- The January 19, 2010 letter to the two Governors from the four elected officials on the Project Sponsors' Council, again suggesting better performance measures and fiscal assessment as well as a *truly independent* look at assumptions – to which the Governors subsequently replied that they would essential stay the course and not permit a truly independent review.

- The February 24, 2010 scope of work proposed after unprecedented collaboration among the professional staffs of the local jurisdictions, again in a demonstration of unity which should be considered an asset for a good project. Additionally, at local expense, our agency as well as other jurisdictions have engaged staff and consulting time on various other elements of the project including the proposed interchanges which many of our citizens understandably see as damaging to their communities and businesses. I believe Portland's representative will speak next about the work they have commissioned by the URS firm, which we feel is useful and essential work, but it makes no sense different jurisdictions are having to commission this work in a fragmented way - but they are doing so due to a lack of faith in the state highway divisions' process. It is unclear whether and how this local work would be assimilated into the work of the state highway divisions, if at all. Even after all these years and expenditure of public dollars, the inner workings of the project are opaque even to those of us supposedly most intimately involved.

We feel these documents represent best practices for the era in transportation planning, design and engineering. But my experience of the past several years is that rather than being met on the ground of policy, finance, engineering or design, the promoters of the current CRC proposal choose to engage primarily in the arena of spin and slogans. Rather than addressing issues by hiring an engineer or architect they tend to hire another lobbyist. But spin and slogans are unlikely to generate the broad political and financial support a project like this needs.

Where does that leave you? As a result, you, with all due respect, have been placed in a bind by your clients. You have been billed as an expert panel, which unquestionably you are. But the Governors and the highway divisions have also billed you as independent, which, again with all due respect, you would need to prove yourself to be. You have been hired by the highway divisions, given a very narrow scope of work by the highway divisions, and are being supervised and given information by the highway divisions. And so it is with no disrespect to you that many of us in the community believe it likely you are expected to rubber stamp what the highway divisions want you to tell them. It was clear from the Governors' letter that you are not allowed to consider the possibilities of an inclusive Plan B - which this situation desperately needs - and are instead confined to implementing their Plan A.

I hope that you can find a way to do the right thing for Vancouver and Portland, within the confines of your contract with your clients in Salem and Olympia. But like I say, I think you're in a bind.

Whoever it is, if not you, unless somebody intervenes and helps get us all on the path to a workable Plan B, the impartial body deciding the fate of Plan A may not be you, but very well may be a federal judge - and federal judges don't make good transportation planners and they

don't work very quickly. But that is the path, to a federal court room, that this project and its current EIS is on now.

Meantime, we will keep trying to do our job here, on behalf of the people we represent and the economic and environmental needs of our citizens and future generations. In the coming weeks, our Council will discuss whether or not to officially suspend our 2008 conditional approval of the LPA, in light of the highway divisions' non-compliance with its conditions. We will also have to evaluate whether our agency would be willing to sign an EIS if in our view it does not meet the standards for evaluation of alternatives that the law demands. Our Council will also have to weigh an amendment to our Regional Transportation Plan with regard to number of lanes, which would be required to enable a project to go forward, as well as a unique feature of Oregon transportation planning law called a Land Use Final Order, which the Metro Council also must vote on before a project can proceed.

I would prefer that we be able to do our job, and vote on those decision points, in an atmosphere of collaboration and mutual problem-solving with the state governments. That has not been the atmosphere over the past three years. Only by working together can we all achieve the potential that a good Columbia River Crossing project could achieve for all of us.