

**U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION**

**FINDING OF NO SIGNIFICANT IMPACT  
I-5 Rose Quarter Improvement Project  
Multnomah County, Oregon  
Key Number 19071**

**This Finding of No Significant Impact is submitted pursuant to:  
42 U.S.C. 4332(2)(c) and 49 U.S.C. 303**

The Federal Highway Administration (FHWA) has determined that this project will not have a significant adverse impact on the human or natural environment pursuant to 23 CFR 771.121. This Finding of No Significant Impact (FONSI) is based on information provided in Interstate 5 (I-5) Rose Quarter Improvement Project Revised Supplemental Environmental Assessment (RSEA)<sup>1</sup>, which is incorporated by reference. These documents provide sufficient evidence and analysis for determining that an Environmental Impact Statement is not required.

The Revised Build Alternative has been selected for implementation. FHWA has conducted an independent review to confirm that impacts resulting from the Revised Build Alternative have been fully considered in the context of the Council on Environmental Quality's (CEQ's) Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (40 Code of Federal Regulations [CFR] 1500-1508, effective 1978, amended 2005<sup>2</sup>). CEQ's regulations require consideration of both context and intensity to determine whether an action's impacts are significant.

The Revised Build Alternative (the Project) is a site-specific action with effects primarily limited to the existing I-5 corridor in Portland, Oregon, between Interstate 84 (I-84) to the south and Interstate 405 (I-405) to the north; local surface streets; and adjacent properties. This segment of I-5 is the top traffic bottleneck in Oregon, and the 28th worst freight bottleneck in the nation and had the highest crash rate on urban interstates in Oregon from 2011–2015. The Project would improve safety and operations on I-5 in this segment and improve multimodal community connections in the Broadway/Weidler interchange. In considering the intensity of impacts that will result from the Project, FHWA reviewed the Oregon Department of Transportation's (ODOT's) evaluation of the following:

Project Benefits and Adverse Impacts

The anticipated transportation and environmental benefits of the Revised Build Alternative would include the following:

- Operations (speed and travel time) on I-5 would improve in both the AM and PM commute periods.
- Conditions for pedestrians and cyclists would be improved by increased physical separation between motorized and non-motorized users, sidewalk gap closures, and reduction in the complexity of intersections along N/NE Broadway, N/NE Weidler Street, N/NE Wheeler Avenue, N Williams Avenue, N Vancouver Avenue, and the new N/NE Hancock crossing.

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<sup>1</sup> I-5 Rose Quarter Improvement Project Revised Supplemental Environmental Assessment, March 2024. FHWA and ODOT.

<sup>2</sup> Pursuant to 40 CFR 1506.13 and consistent with agency practice, the CEQ regulations that were in effect on November 17, 2016, when the NEPA process for the I-5 Rose Quarter Improvement Project was initiated, continue to apply to the I-5 Rose Quarter Improvement Project RSEA as it is a continuation of the ongoing NEPA process started under those regulations.

- Multimodal benefits would include improved access to transit, improved mobility and safety for transit riders and people walking and biking, and improved physical connections to areas east and west of I-5 provided by the new highway cover and the new Clackamas Pedestrian and Bicycle Bridge.
- The Revised Build Alternative would include approximately 8,500 feet (or more than 1.5 miles) of street improvements, including wider and improved sidewalks, widened and improved bicycle facilities, additional Americans with Disabilities Act (ADA)-compliant street crossings, and safer ingress and egress to parcels throughout the Project Area.
- Police, fire, and emergency responders would experience beneficial effects from reduced delays and crashes on I-5 and in the Broadway/Weidler interchange area.
- Safety improvements and reductions in congestion and delays on I-5 would have beneficial effects on the regional economy by improving the movement of goods and people.
- Improved traffic operations on the local street system and the addition of new pedestrian and bicycle enhancements would provide benefits to the local business environment.
- The Revised Build Alternative would restore east–west neighborhood street connections over I-5 and improve overall community cohesion within the Project Area.
- Treatment facilities to manage stormwater runoff would provide treatment for areas that currently are not treated as well as new impervious surface areas.
- Completing the Revised Build Alternative would be consistent with the goals and objectives identified in the Adopted Central City 2035 Plan and the Citywide Pedestrian Plan (PedPDX).

ODOT developed the original design concept and refined it in collaboration with the City of Portland, Historic Albina Advisory Board, and key community partners with the objective of avoiding and minimizing adverse impacts. As a result, Project impacts, described in detail in the RSEA, would primarily be minor to moderate in degree; short term in duration; and would end once Project construction is complete. The most likely adverse impacts include the following:

- Short-term air quality impacts during construction would include the release of fugitive dust generated by soil excavation, surface grading, hauling, and various other construction activities, as well as exhaust emissions from construction equipment. ODOT will require construction contractors to implement a variety of measures to control dust and exhaust emissions from construction equipment and vehicles. If construction activities increase traffic congestion in the area, carbon monoxide and other emissions from delayed vehicles may increase slightly.
- During construction, 13 historic properties could be affected by noise and vibration, increased truck traffic, traffic congestion, changes to access, increased dust, and temporary changes to the historic setting due to the presence of construction equipment, staging areas, and materials storage areas. ODOT will require construction contractors to follow a variety of best management practices to minimize these types of impacts. ODOT and FHWA have also developed a Programmatic Agreement (PA) in consultation with the Oregon State Historic Preservation Office (SHPO) to avoid and/or minimize the potential for Project-related vibration to historic properties.
- During construction, there would be the potential for spills or releases of oil and fuel from mechanical equipment, including the mobilization or release of existing contamination in soil and groundwater. Such spills or releases could potentially increase human health and safety hazards for construction workers and the public. ODOT will require construction contractors to implement a range of measures to address hazardous materials concerns, including testing

procedures for identifying the presence of lead-based paint and asbestos; requirements for the safe transport, use, and storage of hazardous materials; and the obligation to develop a Health and Safety Plan, a Project-specific Pollution Control Plan, and a Contaminated Media Management Plan.

- There would be a permanent conversion of approximately 2.7 acres of commercial and undeveloped land to transportation right of way (ROW).
- Construction activities would result in a short-term increase of noise levels from construction activities. Construction contractors must implement noise abatement measures in accordance with Oregon Standard Specifications for Construction. The City of Portland may require additional measures in its noise variance. No substantial operations-related noise impacts are anticipated.
- Short-term construction-related impacts to transit would include temporary bus stop closures or relocations, bus route detours, and changes to streetcar operations. To address short-term impacts during construction, Tri-County Metropolitan Transportation District of Oregon (TriMet) has indicated that it may consider implementing bus route detours around the impacted area for the duration of the construction period to avoid multiple temporary changes for a single bus route.
- Construction-related impacts would include short-term highway and local street motor vehicle traffic delays; detours and delays for cyclist, pedestrian, and transit riders; and modifications to event access at Moda Center and the Oregon Convention Center. ODOT will coordinate with the Moda Center, City of Portland, and Oregon Convention Center to avoid traffic disruptions during major events to the extent practicable.
- Highway lane closures are likely on I-5 during removal and construction of the overcrossing structures and retaining walls, including potential late night and weekend closure of all directional lanes. ODOT will develop a comprehensive transportation management plan that documents construction staging and schedule, alternate routes for all modes of travel during road closure, and lane closure restrictions, as well as transportation management and operation strategies. Temporary local street closures, crosswalk closures, or turn restrictions will be implemented as necessary to limit traffic diversion onto local streets in residential neighborhoods.
- Existing above- and below-ground utilities would likely be affected during construction, with effects ranging from brief temporary service interruptions to major relocations of electric transmission and distribution lines, water supply lines, and large capacity sewer lines. Coordination with utility providers and the use of standard construction procedures and techniques will minimize disturbance to system users and avoid damage or impacts to existing utilities.
- Previously undiscovered archaeological resources could be altered, damaged, or destroyed by the operation of heavy equipment or during compaction, excavation, or grading of soils during construction and subsurface maintenance activities. Potential impacts to archaeological resources during construction would be addressed through an Inadvertent Discovery Plan and a Project-specific PA between FHWA, Oregon SHPO, and ODOT that will identify mandatory protocols to be followed in the event of an inadvertent discovery.

#### Public Health and Safety

The Project would improve safety on I-5 by providing new ramp-to-ramp connections (auxiliary lanes) designed to separate slower vehicles entering and exiting the highway from higher-speed vehicles using the through lanes on the highway. Auxiliary lanes are proven to increase safety by

providing drivers more time to merge, which reduces rear-end and sideswipe crashes. The new ramp-to-ramp connections are expected to reduce the frequency of crashes as compared to the No-Build Alternative. Additionally, wider shoulders included in the Project would provide space for vehicles to move to the side of the road in the event a break down or non-injury crash and can be used by emergency vehicles to access crashes or other events. In addition, conditions for pedestrians and bicyclists would improve from increased travel route options, improved ramp terminal intersections, physical separation from motorized users, and reduced complexity of intersections.

The Project would also improve safety and mobility for pedestrians, cyclists, and transit riders by constructing new widened and well-lit sidewalks, ADA-accessible ramps, high-visibility and marked crosswalks, and widened and improved bicycle facilities, as well as increasing route options for pedestrian and bicycle routes through a new crossing at N/NE Hancock; bike lanes on N/NE Broadway and N/NE Weidler; improved pedestrian and bicycle facilities on N Vancouver, N Williams, and N Broadway; and construction of the Clackamas Pedestrian and Bicycle Bridge. These project improvements would support the ability of pedestrians and cyclists to safely and comfortably use the local street network within the Project Area, potentially contributing to positive public health outcomes.

Health and safety concerns associated with noise and hazardous materials would be addressed by mitigation measures included in the Project. Proposed noise walls would reduce existing and future traffic noise levels at sensitive receptors in the Project Area, including Harriet Tubman Middle School and Lillis-Albina Park. To address hazardous materials concerns, the Project will complete Phase II Environmental Site Assessments where warranted, and ODOT will take action on removing hazardous materials based on the results of the Phase II studies. Additional commitments for construction, including a Health and Safety Plan, a Project-specific Pollution Control Plan, and a Contaminated Media Management Plan, will prevent adverse effects from hazardous materials from occurring during construction.

Long-term air pollution effects from implementation of the Project are not anticipated. The estimated mobile source air toxics (MSAT) emissions from highway operations with the Revised Build Alternative would be equal to or lower than the MSAT emissions for the No-Build Alternative in 2045.

#### Unique Characteristics

The Project would not adversely affect any unique characteristics of the geographic area, including historic buildings, archaeological resources, or park lands. The Project is located in a highly urbanized and built portion of the City of Portland, within the existing I-5 transportation corridor. The Project Area does not contain prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas; therefore, these areas would not be affected by the Project. FHWA and ODOT have developed a Project-specific PA in consultation with the SHPO to avoid and/or minimize the potential for Project-related construction impacts to historic properties in the Project Area. FHWA and ODOT have also developed an Inadvertent Discovery Plan and a Project-specific PA between FHWA, Oregon SHPO, and ODOT that identifies mandatory protocols to be followed to protect archaeological resources in the event of an inadvertent discovery.

#### Controversy (of Effects on the Quality of the Human Environment)

ODOT considered the degree to which anticipated effects on the quality of the human environment presented in the RSEA are controversial per 40 CFR 1508.27(4). Controversial in this context refers to disagreement with respect to the character of the effects on the environment (size, nature, type, etc.) and whether the disputed information is a matter of legitimate scientific debate regarding the potential environmental impacts of the Project, not opposition to the Project writ large.

ODOT acknowledges the controversy surrounding the resource analyses presented in the RSEA, particularly for those analyses completed for air quality, climate change, and traffic operations. Numerous comments were received questioning the methodologies used to analyze the impacts associated with these topics and the results reported in the Supplemental Environmental Assessment. ODOT responded to these comments in its Comment Summary Report (Appendix G of the RSEA), explaining the validity of the methodologies, model assumptions and inputs, and other elements of the analysis.

#### Uncertainty and Unique or Unknown Risks

Effects are typically considered highly uncertain or involving unique or unknown risks if an agency employs new or experimental techniques with unpredictable results or new science in its analysis. Construction and operation of the Project involves established techniques with effects that are familiar and well understood. The RSEA thoroughly analyzed and documented these effects using settled science and accepted methodologies.

Where the analysis identified potential Project impacts to currently unknown resources, ODOT has included appropriate mitigation measures to address them. The Project will complete Phase II Environmental Site Assessments where warranted, and ODOT will take action on removing hazardous materials based on the results of the Phase II studies. Additional commitments for construction, including a Health and Safety Plan, a Project-specific Pollution Control Plan, and a Contaminated Media Management Plan, will prevent adverse effects from hazardous materials occurring during construction. As described previously, FHWA and ODOT have developed an Inadvertent Discovery Plan and a Project-specific PA between FHWA, Oregon SHPO, and ODOT that identifies mandatory protocols to be followed to protect archaeological resources in the event of an inadvertent discovery.

#### Precedent

The Project is a safety improvement project that does not substantially add highway capacity and is not expected to induce growth. As required by NEPA, ODOT prepared an RSEA to determine if significant impacts might occur. ODOT and FHWA will continue to determine the appropriate class of action for future projects on a project-by-project basis. The Project has logical termini, independent utility, and represents a reasonable expenditure of funds; it does not require additional improvements to be made to the transportation system for it to operate nor is it part of any larger project(s). The Project would complement the land use, urban design, and transportation system currently envisioned for the planning districts of Lower Albina and Lloyd in the City of Portland's Adopted Central City 2035 N/NE Quadrant Plan and PedPDX, the Pedestrian Master Plan adopted in 2019. Therefore, this action will not set a precedent for future projects with significant effects or represent a decision in principle about a future consideration.

#### Cumulative Impacts

The Project is a stand-alone action with logical termini and independent utility. It does not require or trigger other actions to be taken in response or consequence. The cumulative impacts analysis in the RSEA considered reasonably foreseeable future actions (RFFAs) having the potential to contribute to a cumulative effect within the Project Area and surrounding area, based on the financially constrained project list included in Metro's 2018 Regional Transportation Plan (RTP). None of these RFFAs, in combination with this Project, would result in significant cumulative impacts, and the Project's contribution would not be substantial. The RSEA provides sufficient documentation to allow FHWA to conclude that the Project would not have significant cumulative impacts and is not related to other actions with individually insignificant but cumulatively significant impacts.

## Other Laws and Requirements

The Project would not adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places (NRHP) or cause loss or destruction of significant scientific, cultural, or historical resources. The Project is located in a highly urbanized and built portion of the City of Portland, within the existing I-5 transportation corridor. The analysis of potential impacts to historic resources listed in or eligible for listing in the NRHP determined that construction and operation of the Project would not result in significant short-term or long-term impacts to historic resources. FHWA and ODOT have developed a Project-specific PA in consultation with the SHPO to avoid and/or minimize the potential for Project-related construction impacts to historic properties in the Project Area, and implementation of noise abatement measures during construction will reduce the potential for Project-related noise and inadvertent impacts to historic properties. FHWA and ODOT have also developed an Inadvertent Discovery Plan that identifies mandatory protocols to be followed to protect archaeological resources in the event of an inadvertent discovery.

The Project would not adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act (ESA) of 1973. On October 19, 2020, the National Marine Fisheries Service (NMFS) notified ODOT that the Project was consistent with the Federal Aid Highway Program (FAHP) opinion. Based on NMFS' review and verification that the Project is consistent with the FAHP opinion, FHWA has determined that the Project would not adversely affect ESA-listed species, designated critical habitats, or Essential Fish Habitat, pursuant to Section 7(a)(2) of the ESA and Section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act.

The Project does not threaten a violation of federal, state, or local law or requirements imposed for the protection of the environment. All applicable permits will be acquired prior to construction.

The Project is expected to cost \$1.3 billion. Consistent with federal requirements, this full project cost is shown in Metro's adopted 2023 RTP. The Project is also included in the 2018-2021 Statewide Transportation Improvement Program, with \$21,000,000 programmed for the ROW phase in fiscal year 2020. The Metropolitan Transportation Improvement Program (MTIP) was amended on April 13, 2020, to include this ROW phase (MTIP Amendment MR20-10-MAR2).

In consideration of the foregoing factors, and the information provided in the attached I-5 Rose Quarter Improvement Project RSEA, FHWA concludes that Project impacts would not be severe or intense enough to cause significant environmental impacts that would warrant preparation of an Environmental Impact Statement. The FHWA takes full responsibility for the accuracy, scope, and content of the information in this decision document.

**3/6/2024**

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Date

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