

Intergovernmental Committee Meeting  
Thursday, April 8, 2021 5:00 PM

Virtual

## **Agenda**

1. Introductions
2. Public Comment
  - \*To sign-up for public comment email  
PublicComment@pps.net or call  
503-916-3904.
3. Legislative Update
4. 1-5 Rose Quarter update
5. Federal Infrastructure Package update
6. Adjourn

# The I-5 Rose Quarter Freeway and Harriet Tubman Middle School

Joe Cortright  
April 2021

Submitted to Portland Public Schools,  
on behalf of No More Freeways

# ODOT's plans for Harriet Tubman Middle School

*Eastbank Freeway Work -- Broadway-Weidler Couplet on right 1962*

**Tubman (Eliot School) predates I-5**



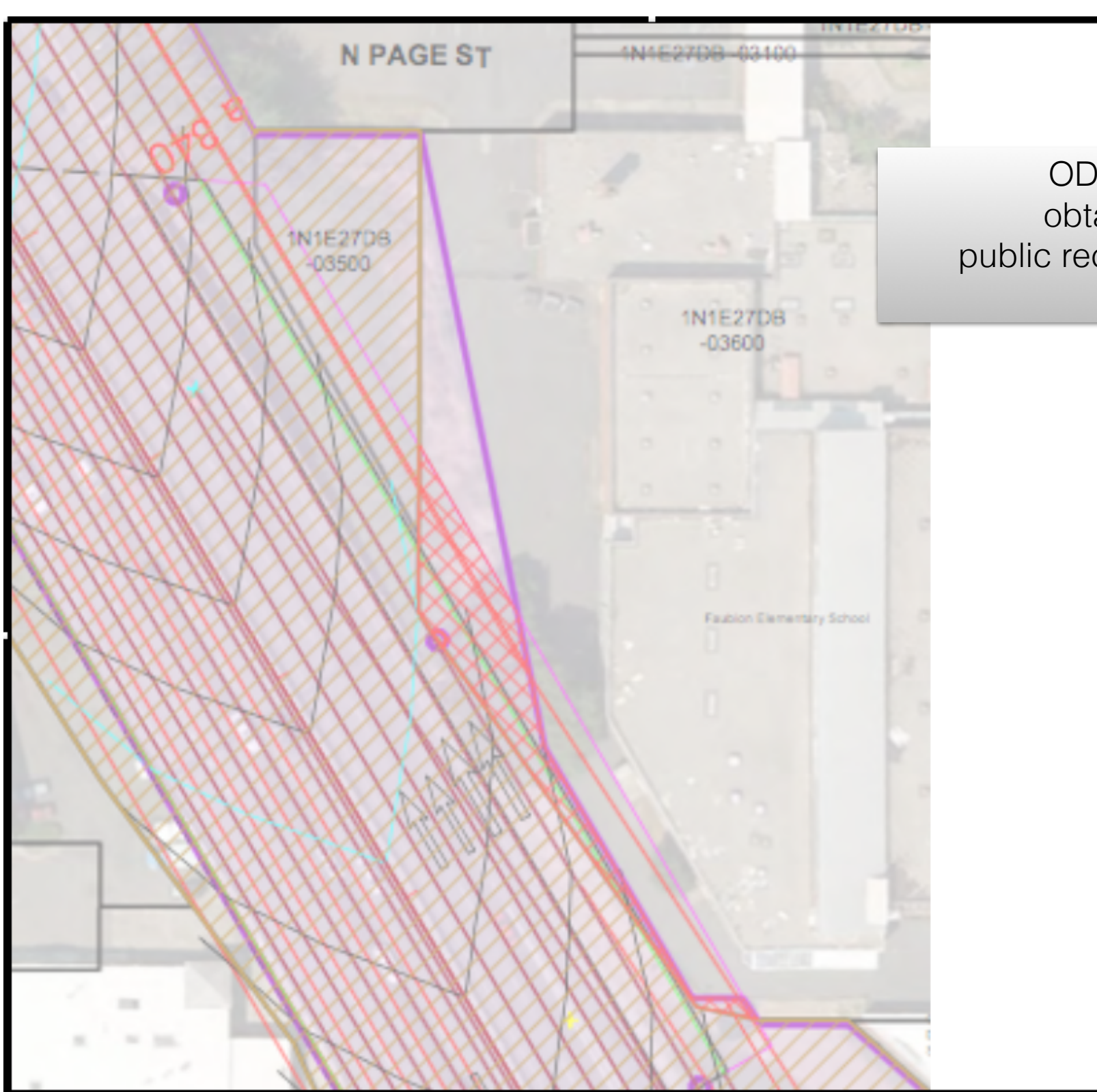
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# ODOT's Plan: Move I-5 closer to Tubman

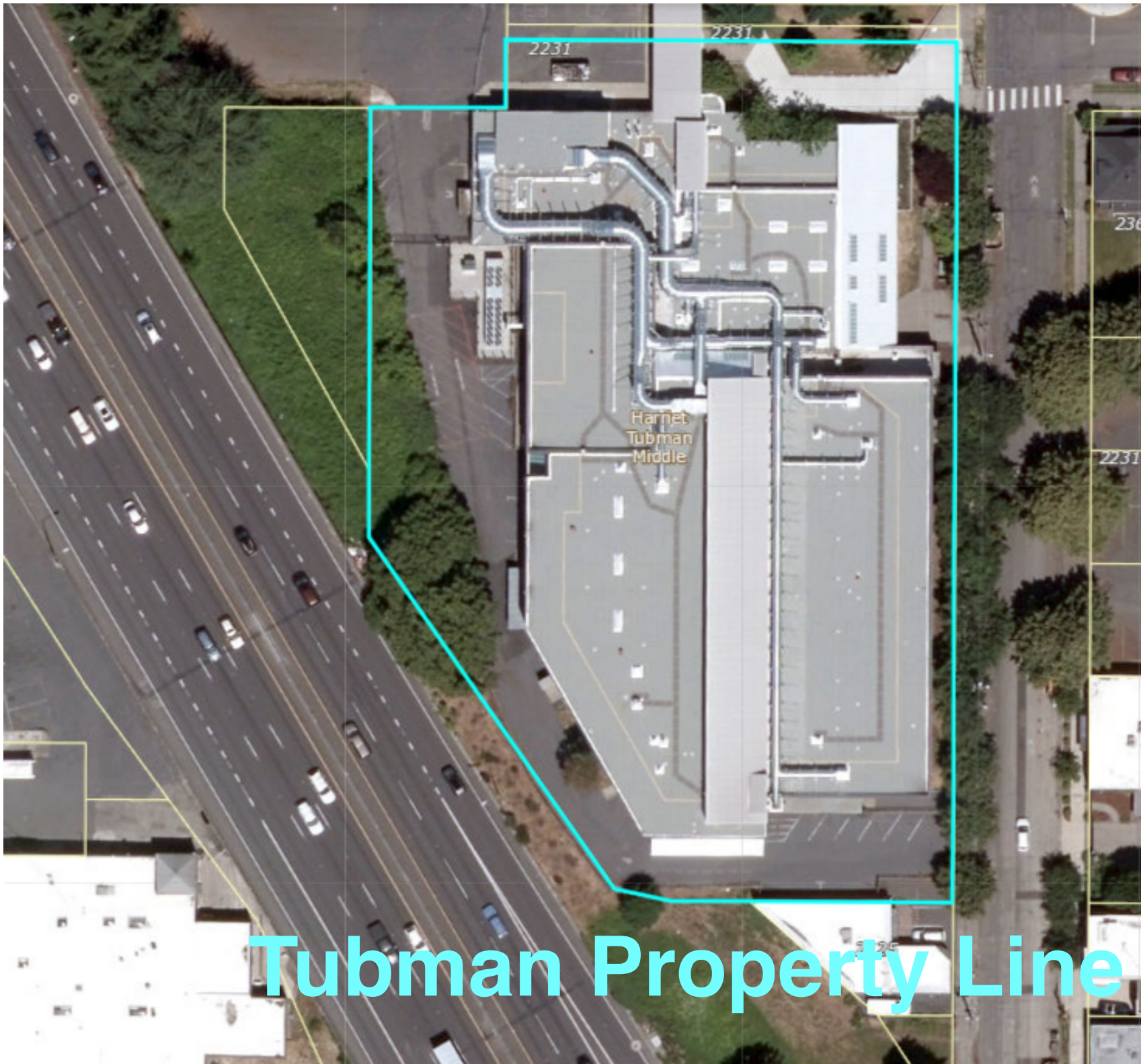


For starters, it would cut away this hillside  
to **expand and add lanes.**



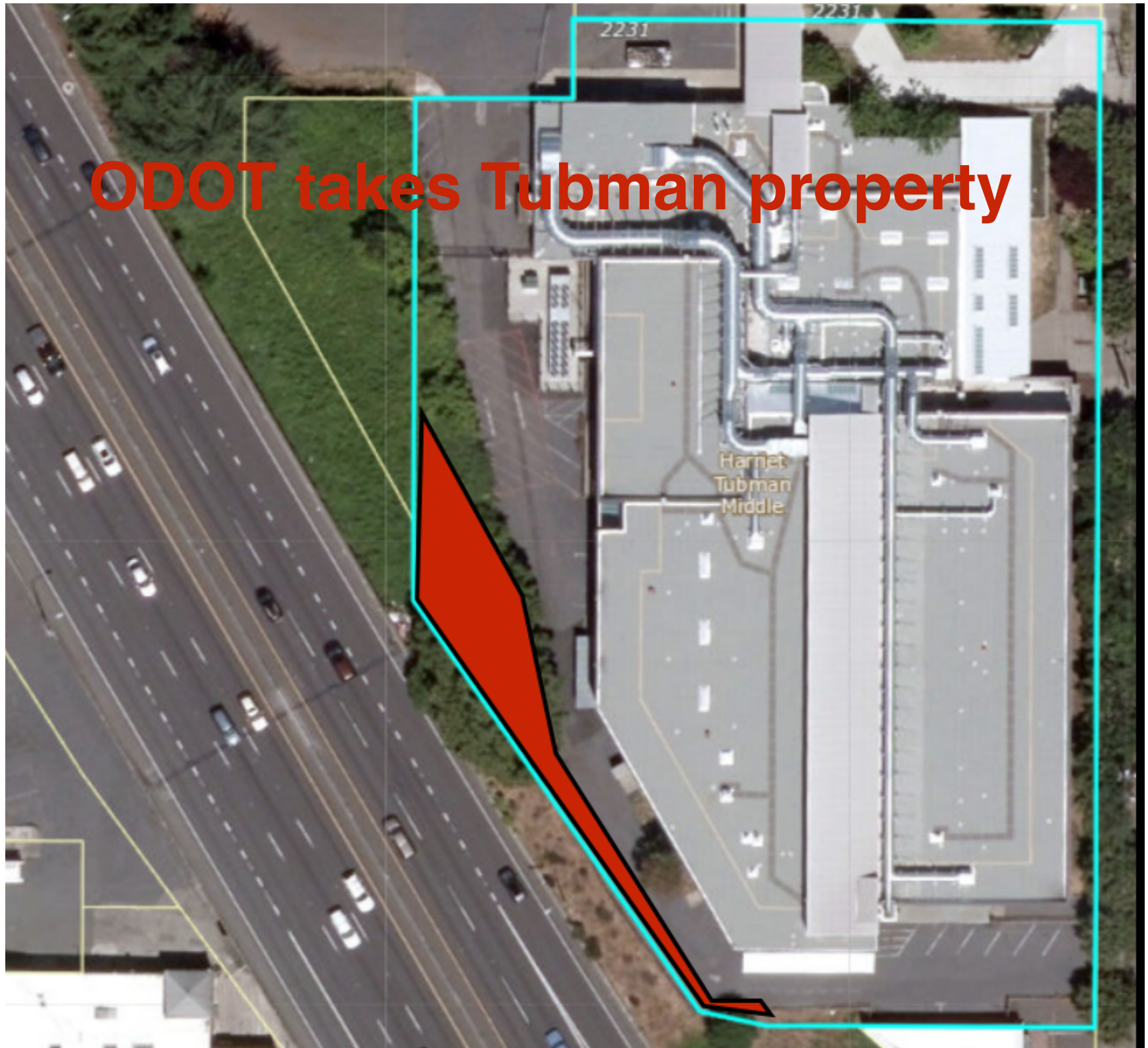


ODOT plan  
obtained by  
public records request,  
2020



**Tubman Property Line**

**ODOT takes Tubman property**





**22 foot tall noise walls**

# Peer Review: Move Noise Wall Closer to Tubman



I-5 ROSE QUARTER  
IMPROVEMENT PROJECT

## Noise Findings cont.

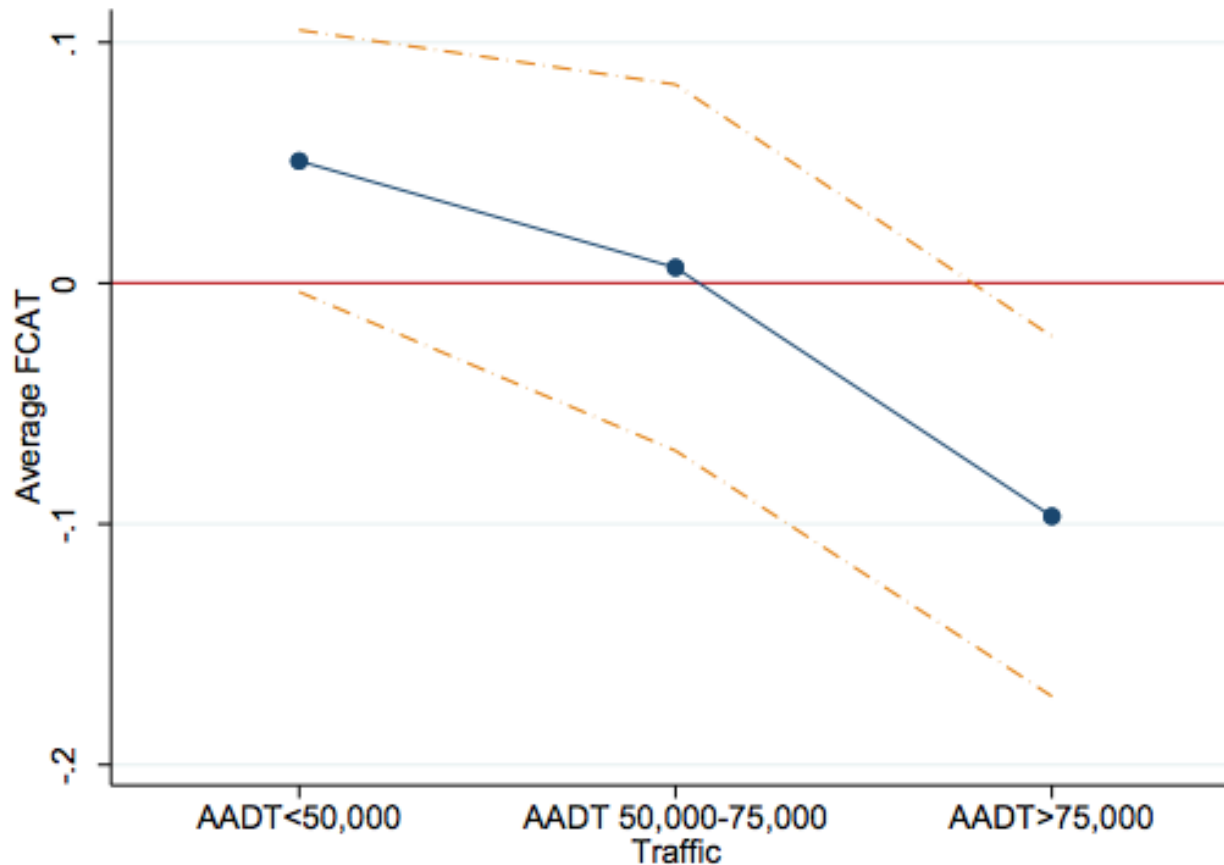
3. The Environmental Assessment mitigation proposed for Harriet Tubman Middle School, Lillis Albina Park and the surrounding neighborhoods (sound walls 2B and 4B) are feasible and reasonable.

### Suggestions to ODOT:

- a. Sound wall 2B moved closer to Harriet Tubman Middle School will provide even more protection (it would be in coordination with Portland Public Schools).
- b. Sound wall 1 was shown to reduce noise but was not cost effective. The panel suggested that an updated cost effectiveness analysis might yield another mitigation.

# Busier roads = lower achievement

Figure 5: Effects of being downwind 60% of the time by traffic



Jennifer Heissel, Claudia Persico, David Simon, Does pollution drive achievement? The effect of traffic pollution on academic performance. NBER Working Paper No. 25489.



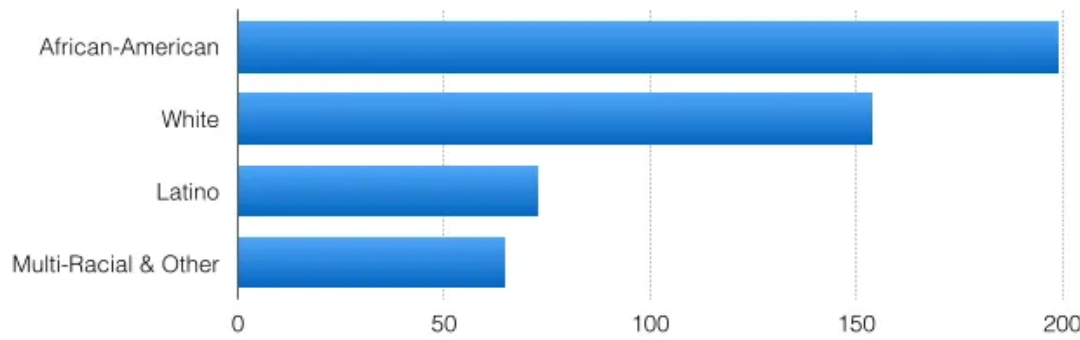
# Tubman students

Portland Public Schools  
Enrollment Summary by Race and Ethnicity, October 2018

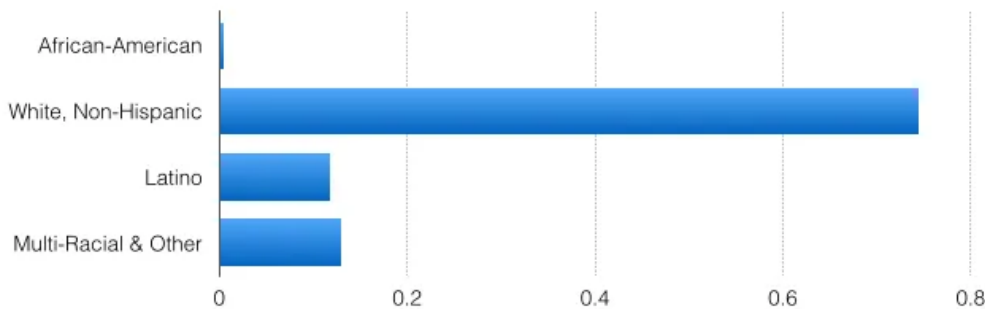
Name	School Program	Latino Ethnicity		One racial group, not Latino								Multi-Racial				Total		
		#	%	African American	Asian	Native American	Pacific Islander	White	Asian/White	Other Ancestries								
Harriet Tubman		73	14.9	199	40.5	6	1.2	8	1.6	2	0.4	154	31.4	5	1	44	9	491

Two-thirds  
children of color

Half are on FRPL



# Vancouver commuters



Race and ethnicity of peak hour, drive-alone commuters  
driving from Clark County to jobs in Oregon

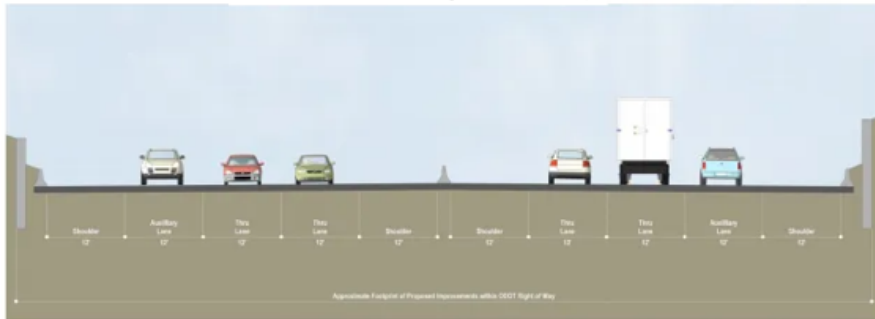
Three quarters  
non-Hispanic white

Median income  
\$82,000

Figure 4. I-5 Cross Section (N/NE Weidler Overcrossing) – Existing Conditions and Proposed Improvements

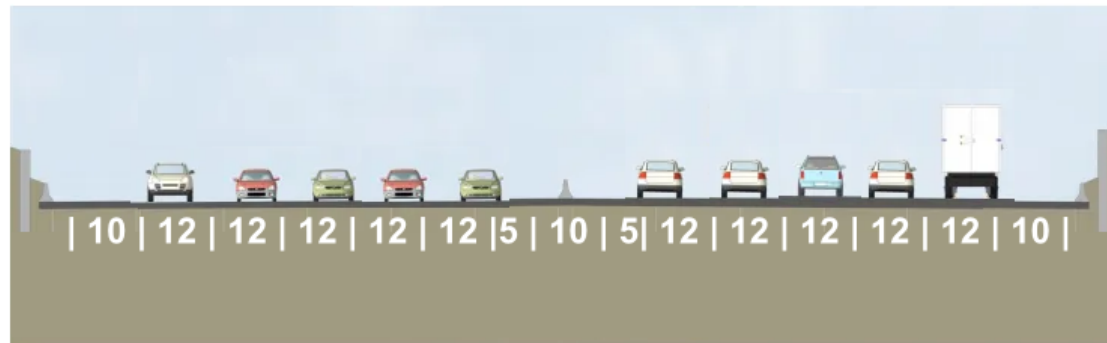


← 82 foot existing roadway →



Proposed Lane Configuration

← 126 foot "illustrated" roadway →



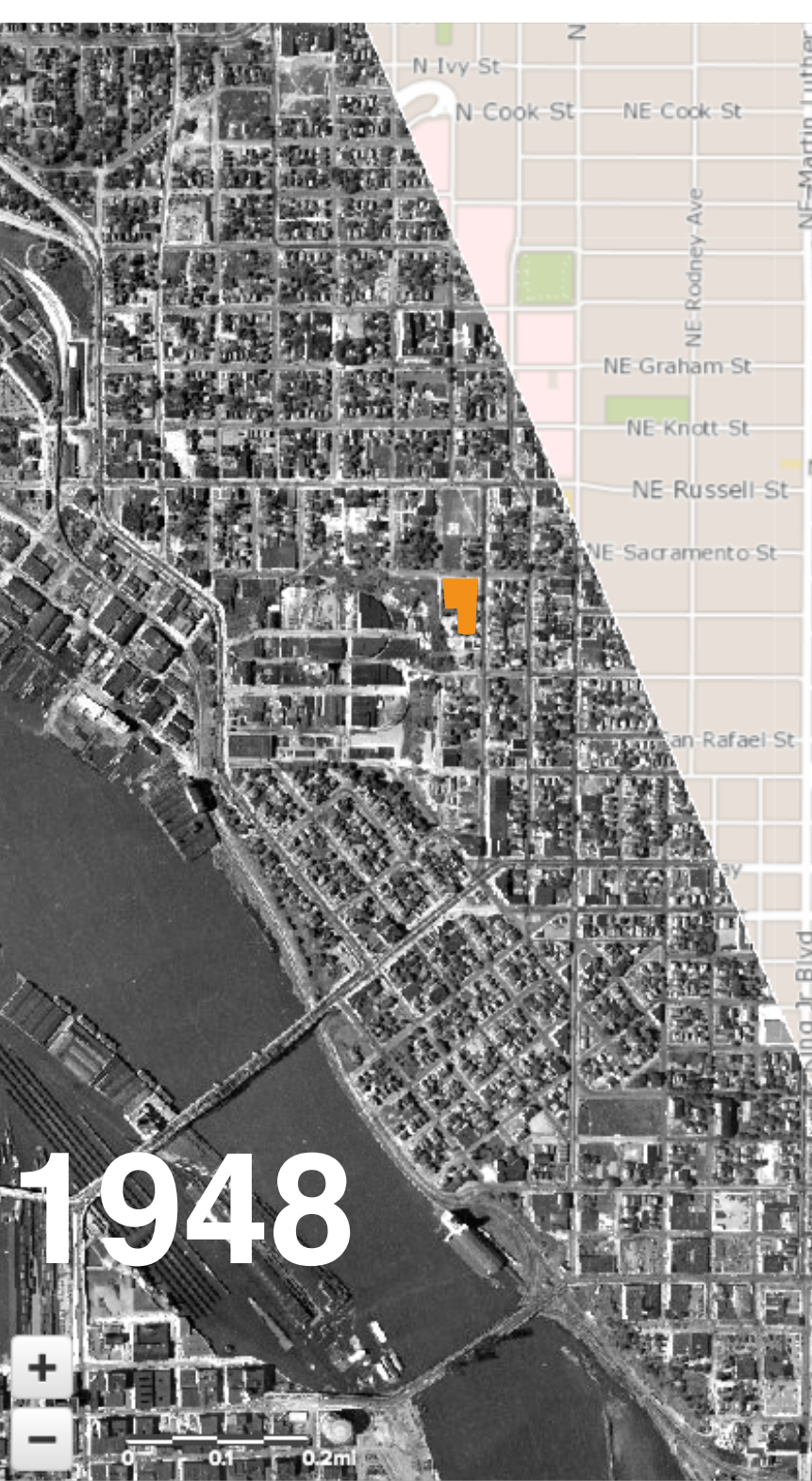
← 160 foot undisclosed actual roadway →

ODOT is really building a 160 foot wide roadway, enough for a ten lane freeway

But they examined the traffic impacts of just six lanes.



How ODOT highways  
decimated Albina



## 1948: Albinia Before Freeways

# ODOT builds Highway 99W/Interstate Avenue (1951)



Before



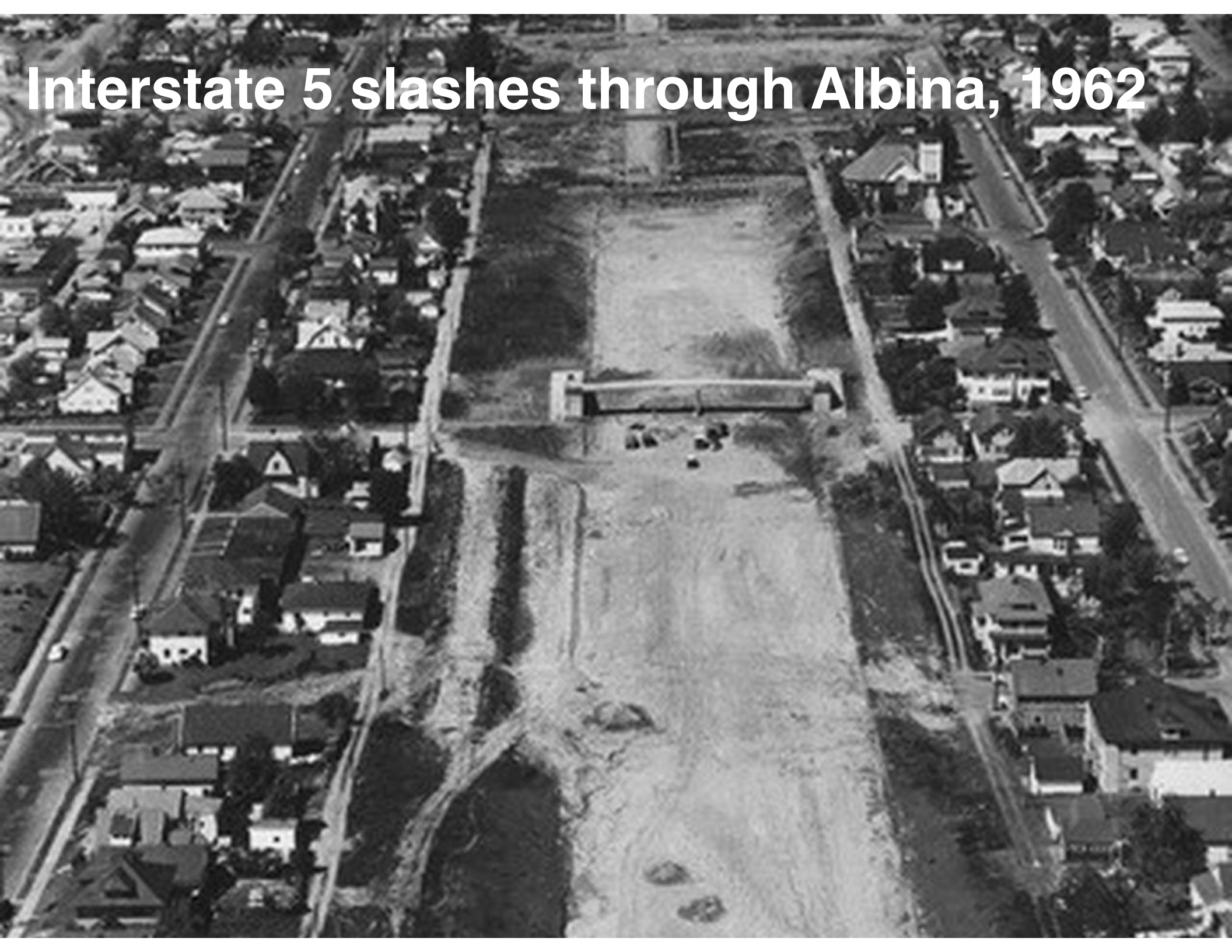
Initial Demolition (1951)



1951: Oregon State Highway Department builds Highway 99W along Willamette River

Interstate Avenue was an extension of “Harbor Drive”

# Interstate 5 slashes through Albina, 1962





1962: Oregon State  
Highway Department builds  
Interstate 5



1962

# Fremont Bridge Ramps 1973





ODOT Built the long I-405 Kerby  
ramps as the first part of the  
(proposed & unbuilt)  
Prescott Freeway

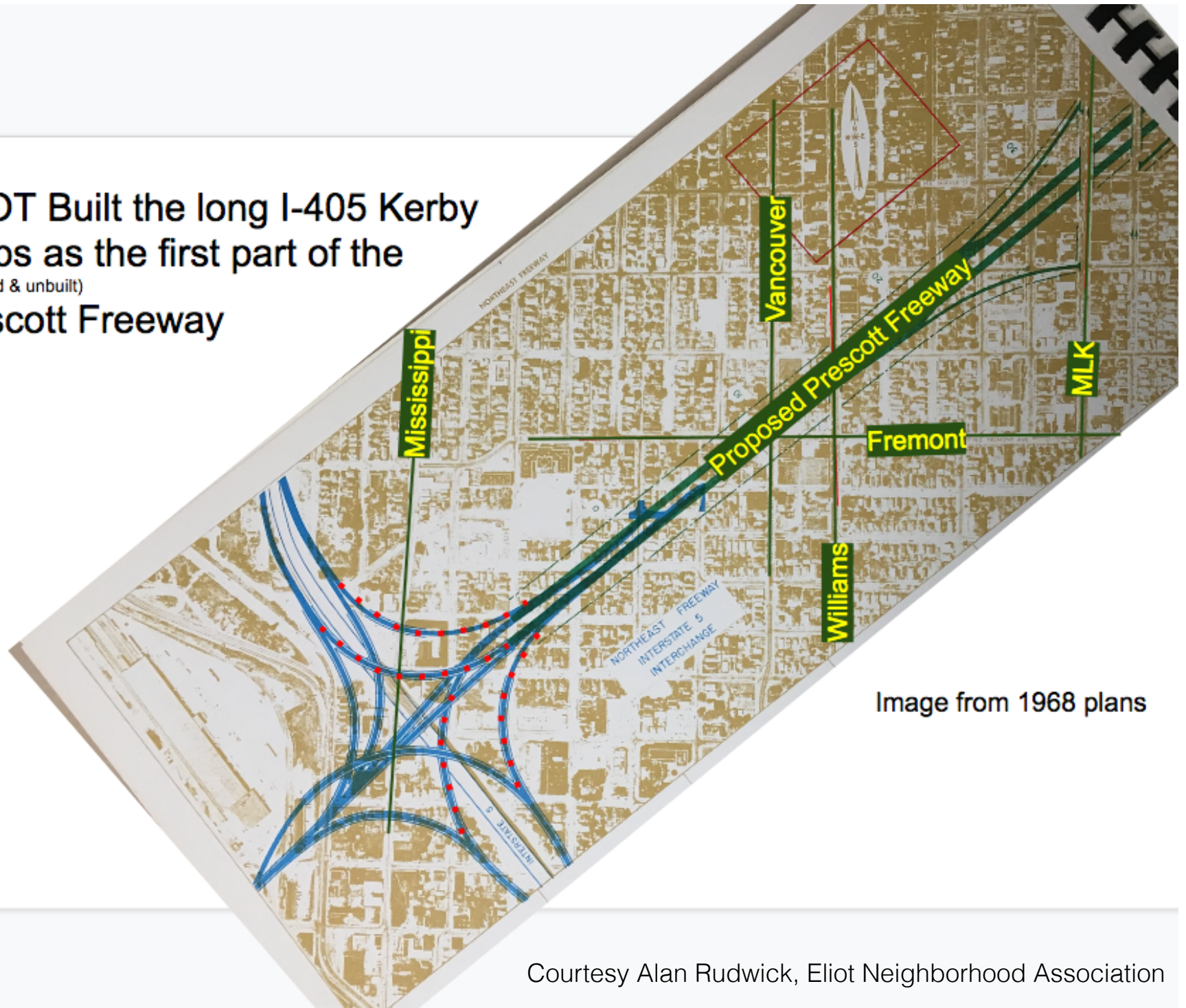
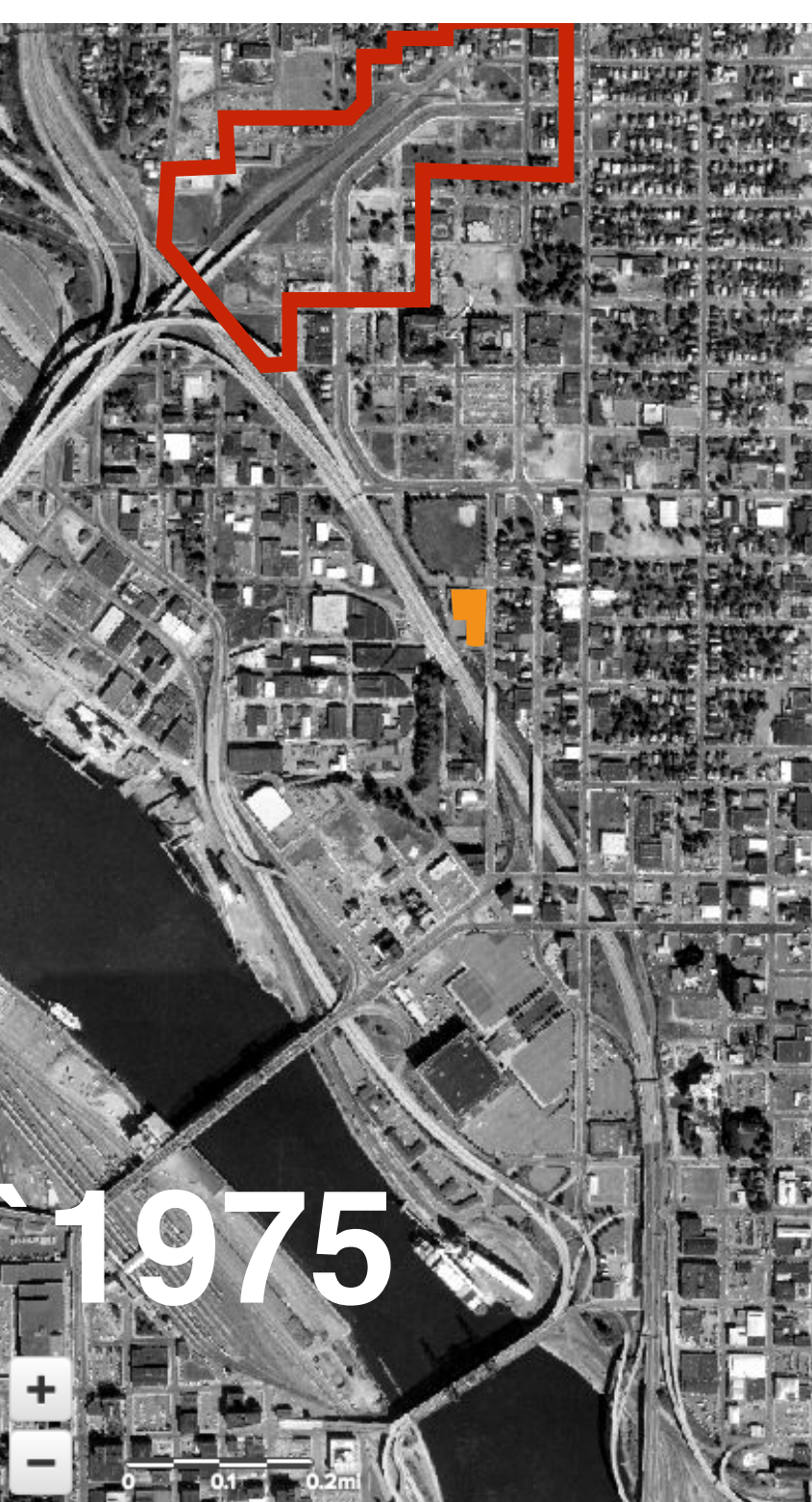


Image from 1968 plans

Courtesy Alan Rudwick, Eliot Neighborhood Association



1975: Oregon State Highway Department builds Fremont Bridge

Bridge includes 1/3 rd mile of unfinished "Prescott Freeway"



Three Decades of ODOT  
Highway Building Divides  
the Neighborhood

Albina Now Looks Like This



Here's all the land  
that was destroyed  
by ODOT  
freeways between  
1951 and 1973

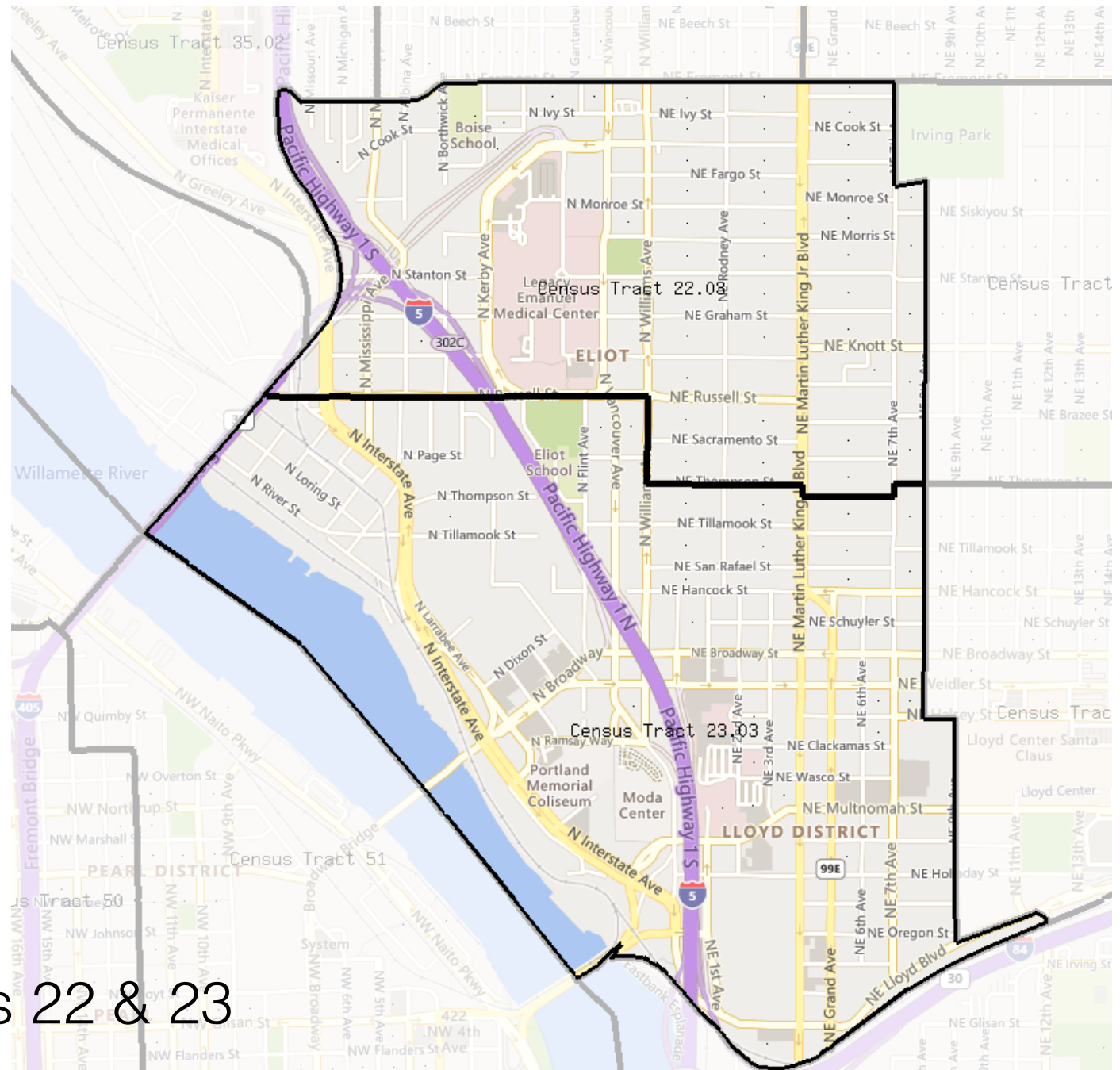
(1948 base image shown)



Here's all the land  
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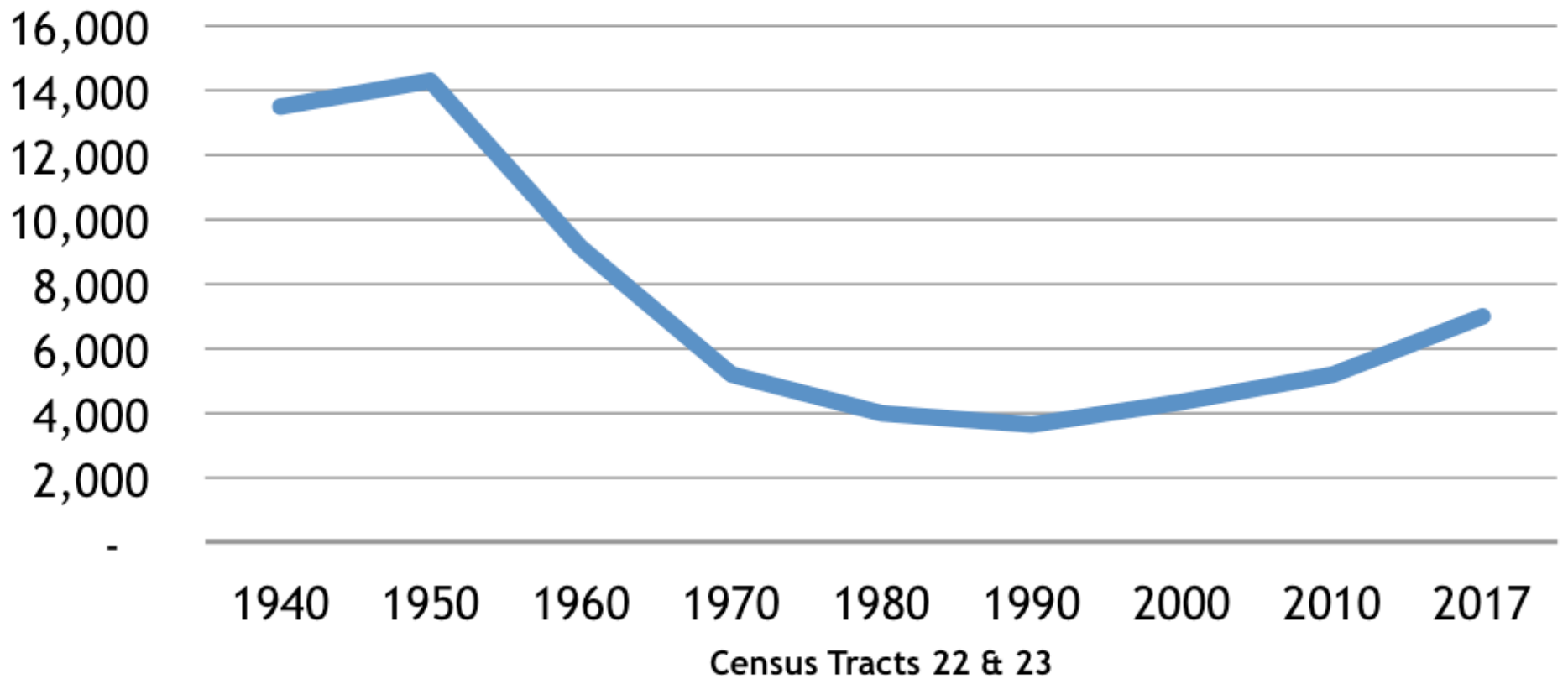
(1948 base image shown)

# Albina

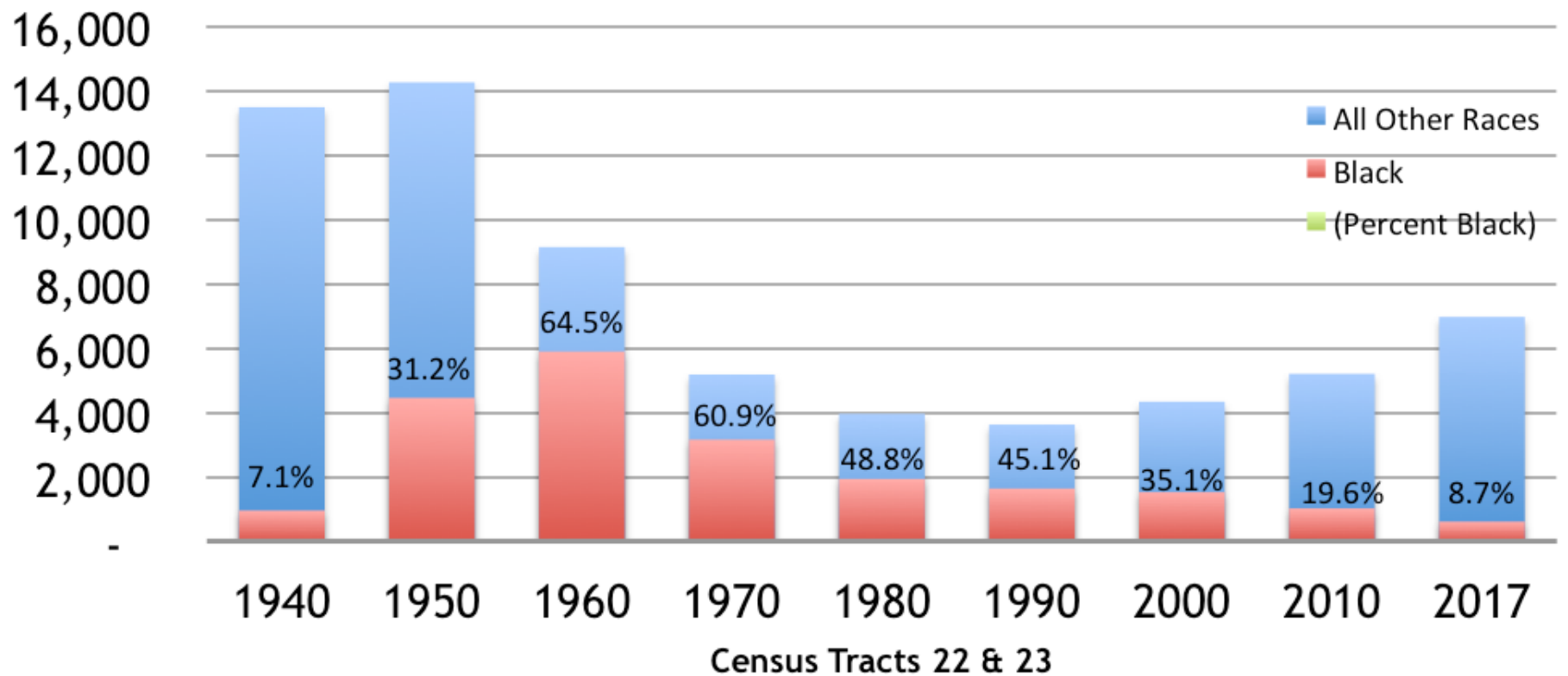


Census tracts 22 & 23

## Albina's Population Fell 2/3rds from 1950 to 1970



## Racial Transition in Albina since 1940



# ***WELCOME!***

## **EXECUTIVE STEERING COMMITTEE (ESC) MEETING**

- *Choose your phone or computer speakers/microphone for audio. If you use your phone, please mute your computer speakers to prevent sound feedback.*
- *ESC members will be muted at the start of the meeting and when not speaking.*
- *This meeting is being live captioned. Public observers will remain muted. To provide **public comment**, please be ready to dial: **(971) 247-1195**.*
- *If you experience **technical difficulties**, call or text **(503) 479-8674** and assistance will be provided as soon as possible. Thanks!*





# Agenda

- » Welcome
- » Public Comment
- » Project Update
  - » Committee Updates
  - » I-5 Mainline Design Overview
  - » Air Quality Recap
- » ODOT Urban Mobility Office Update
- » Portland Public Schools Update
- » Independent Highway Cover Assessment
  - » Workshop #1 Recap
  - » Workshop #2 Preview
- » Next Steps



# 7 Principles of Agreement

1. Your voice matters
2. Speak your truth
3. Listen for understanding
4. Deal with issues not with people
5. Experience discomfort
6. Remain respectfully engaged
7. Expect and accept non-closure

# PUBLIC COMMENT





# Public Comment

- » Raise your hand if you wish to make a public comment
- » Focus comments on today's topics
- » Speakers will have up to **1 minute** for their comment – speakers will be notified and then **muted** at “time”
- » Please mute the meeting in the background on your computer
- » See the agenda for options for providing more extensive comments

**To make a live comment via phone, dial: 971-247-1195**

Meeting ID:

849 2643 7770

Passcode: 407290

1. Dial \*9 to raise your hand.
2. After you are invited to speak, dial \*6 to unmute yourself.

# PROJECT UPDATE



**I-5 ROSE QUARTER**  
IMPROVEMENT PROJECT



# Community Oversight Advisory Committee

- Breakout Group Discussion
  1. Recommendations for DBE and workforce diversity program success
  2. Advice on Construction Manager/General Contractor approach
- Diversity Plan
  - Review schedule: development in 2021
  - Members will review and comment on plan



# Historic Albina Advisory Board

- Project Update
  - Responses to questions
  - Committee updates
- Independent Highway Cover Assessment
  - Work Session #1
- Charter and Subcommittee Discussion
- Project Branding Update

# Q&A

# DISCUSSION

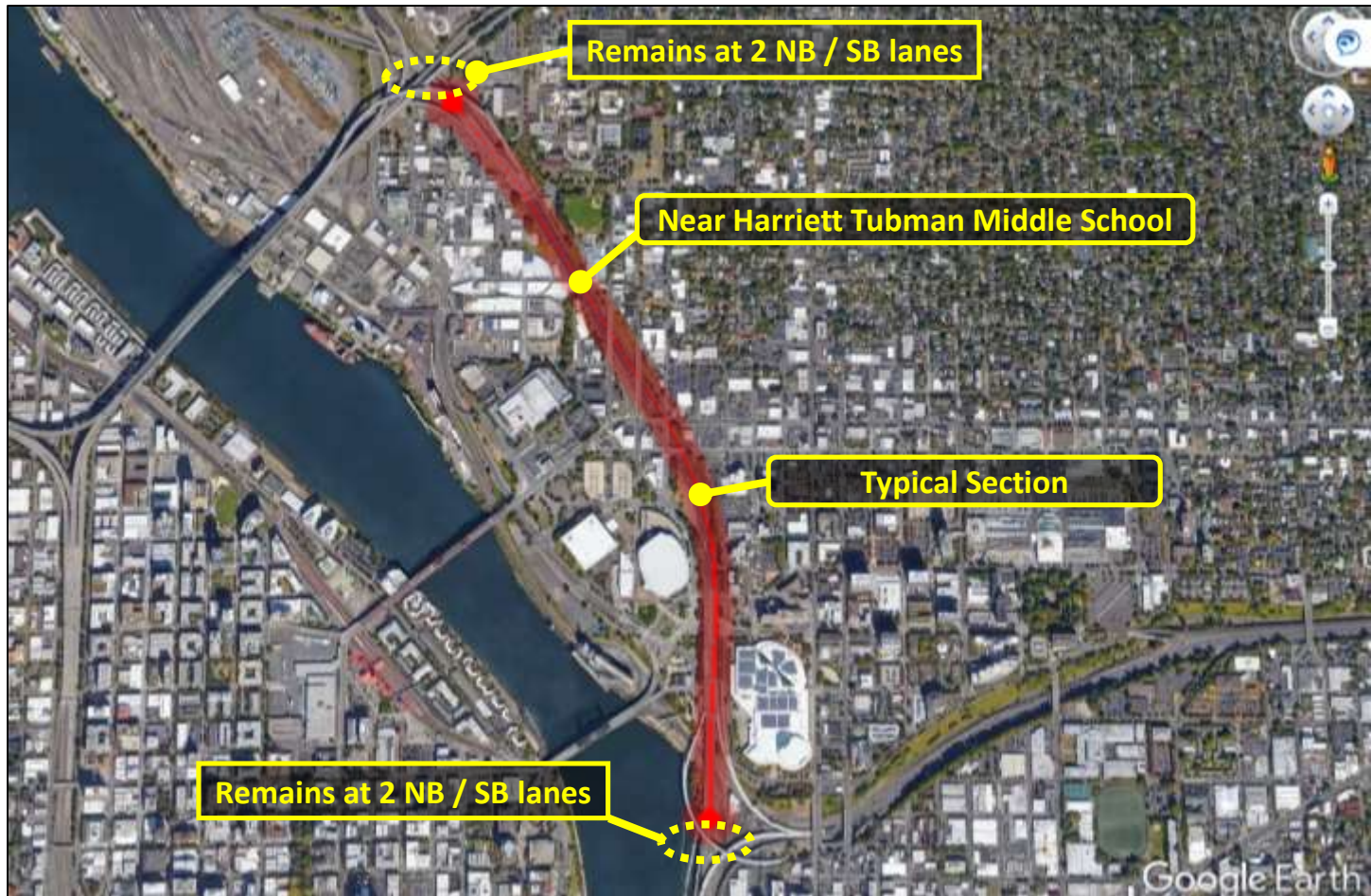


# I-5 MAINLINE DESIGN OVERVIEW



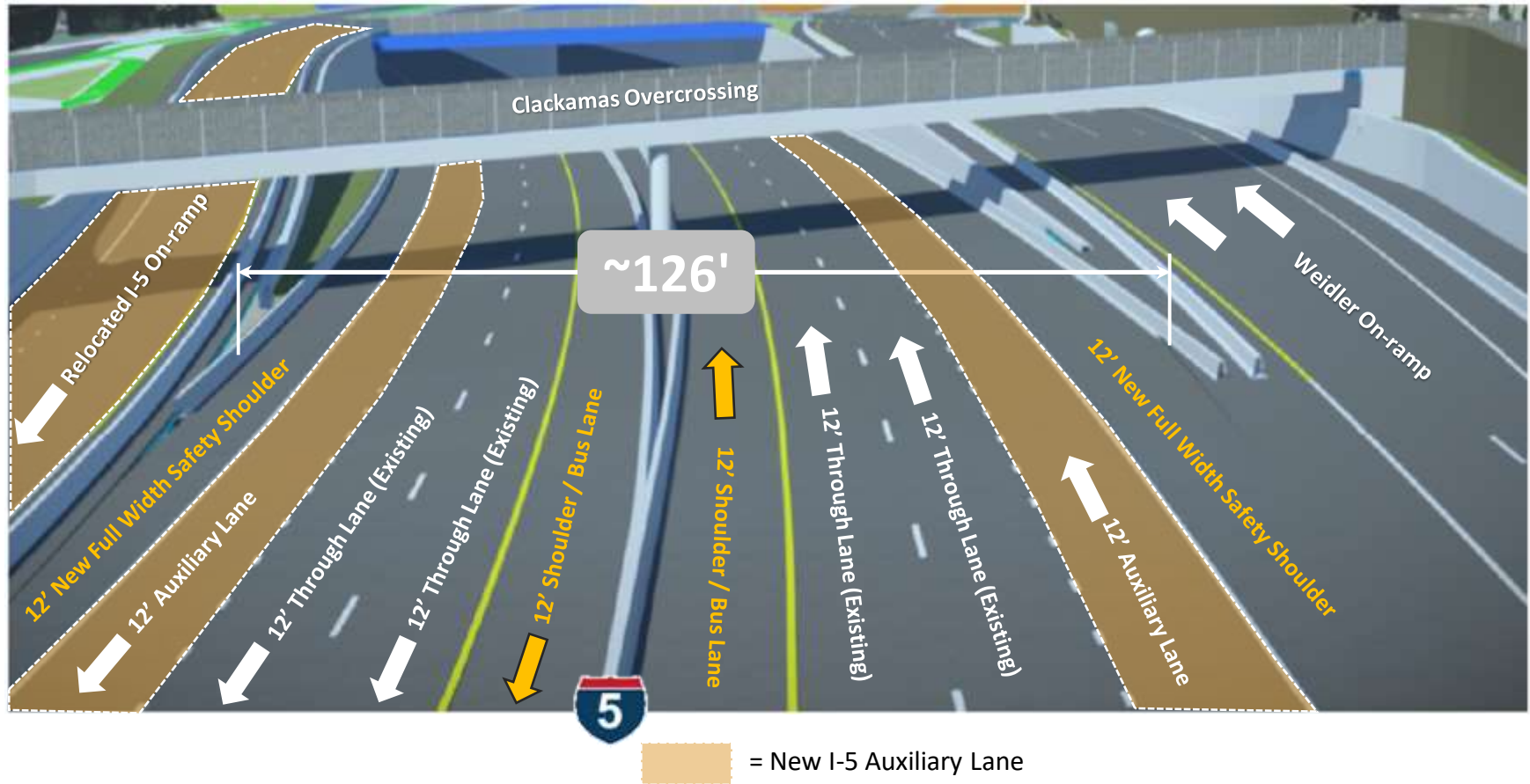


# I-5 Cross-Section Examples





# Typical Cross Section



**View from I-5 looking north towards Weidler Off-ramp**

All proposed images are conceptual only and are based on preliminary design. Community input will inform design progression and help to shape the future design.



# Existing Condition at the Highway Covers

**ISSUE!**  
Narrow shoulders

**ISSUE!**  
Traffic  
affected by  
merging  
ahead



**ISSUE!**  
Traffic affected by  
merging ahead

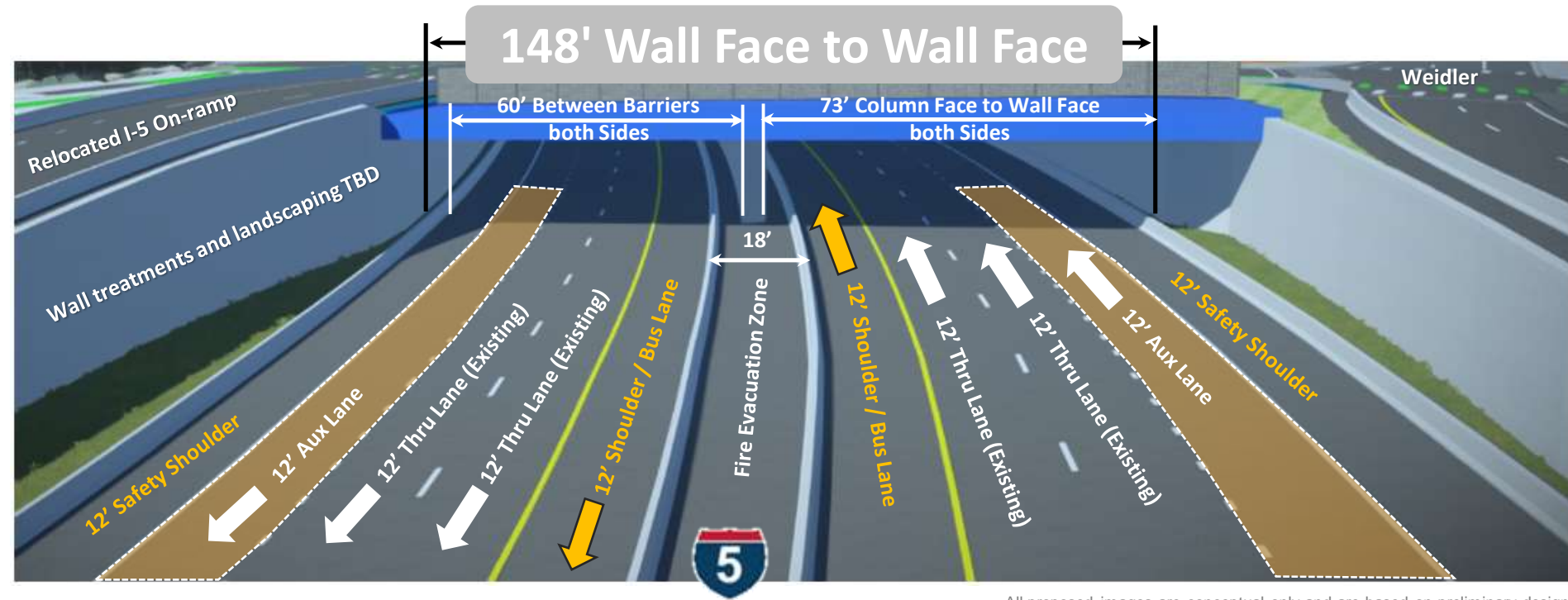
**ISSUE!**  
Narrow shoulder


*View from I-5 looking north towards Williams Ave*

All proposed images are conceptual only and are based on preliminary design. Community input will inform design progression and help to shape the future design.



# Proposed Cross Section - at Highway Covers



 = New I-5 Auxiliary Lane

All proposed images are conceptual only and are based on preliminary design. Community input will inform design progression and help to shape the future design.

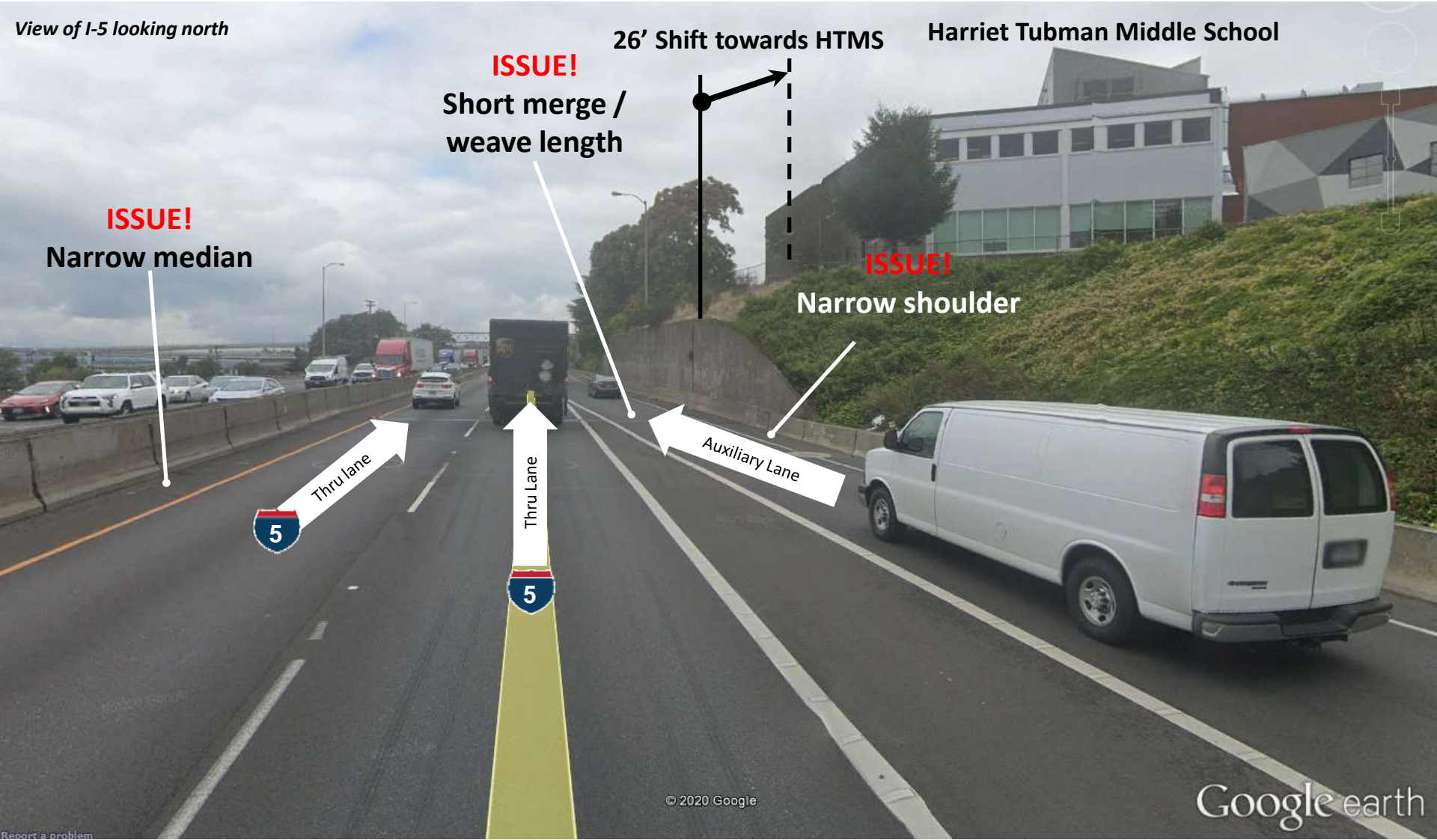
*View from I-5 looking north at Weidler*



*View from I-5 looking north towards Harriet Tubman Middle School*

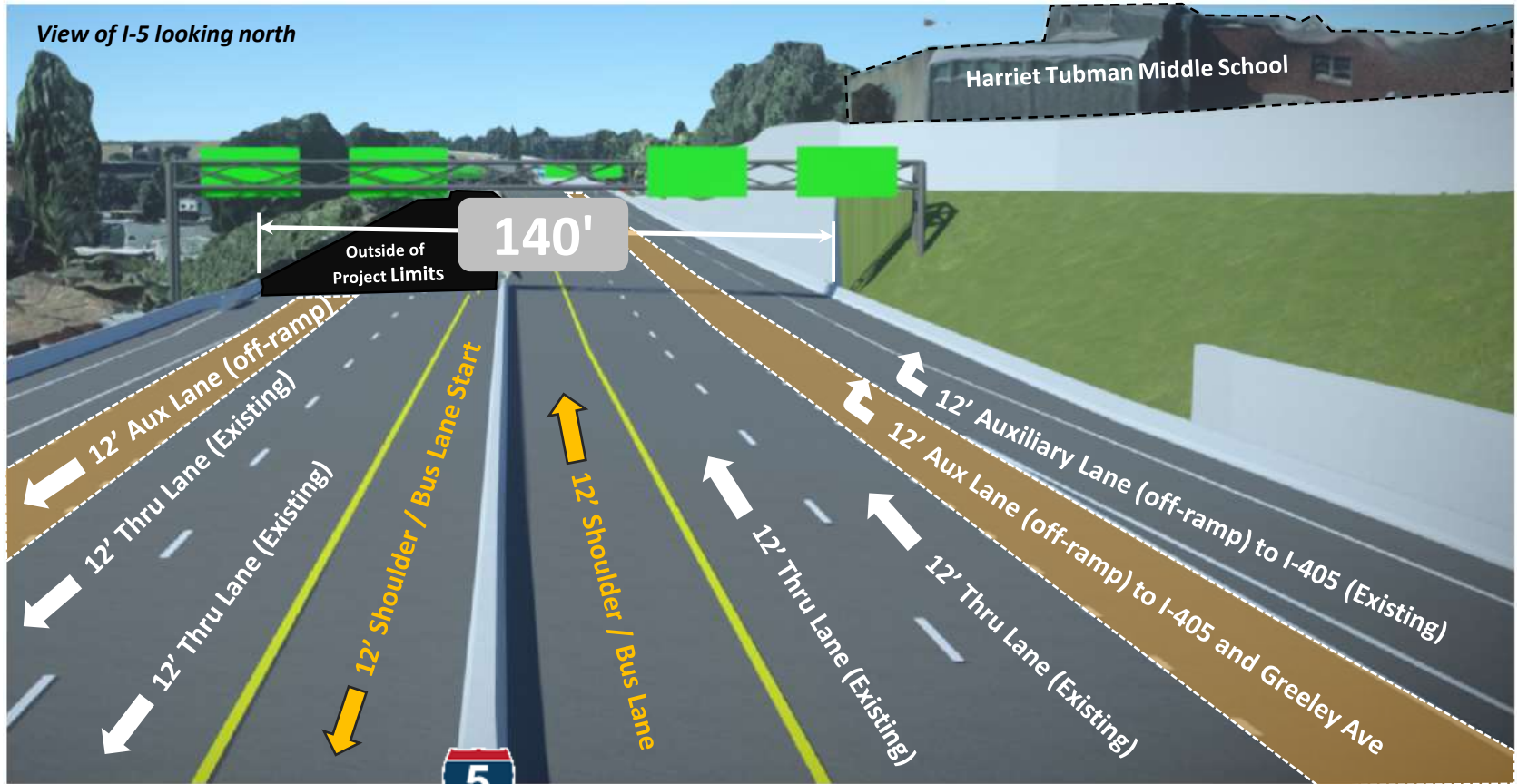



All proposed images are conceptual only and are based on preliminary design. Community input will inform design progression and help to shape the future design.





# Proposed Cross Section – near Harriet Tubman Middle School

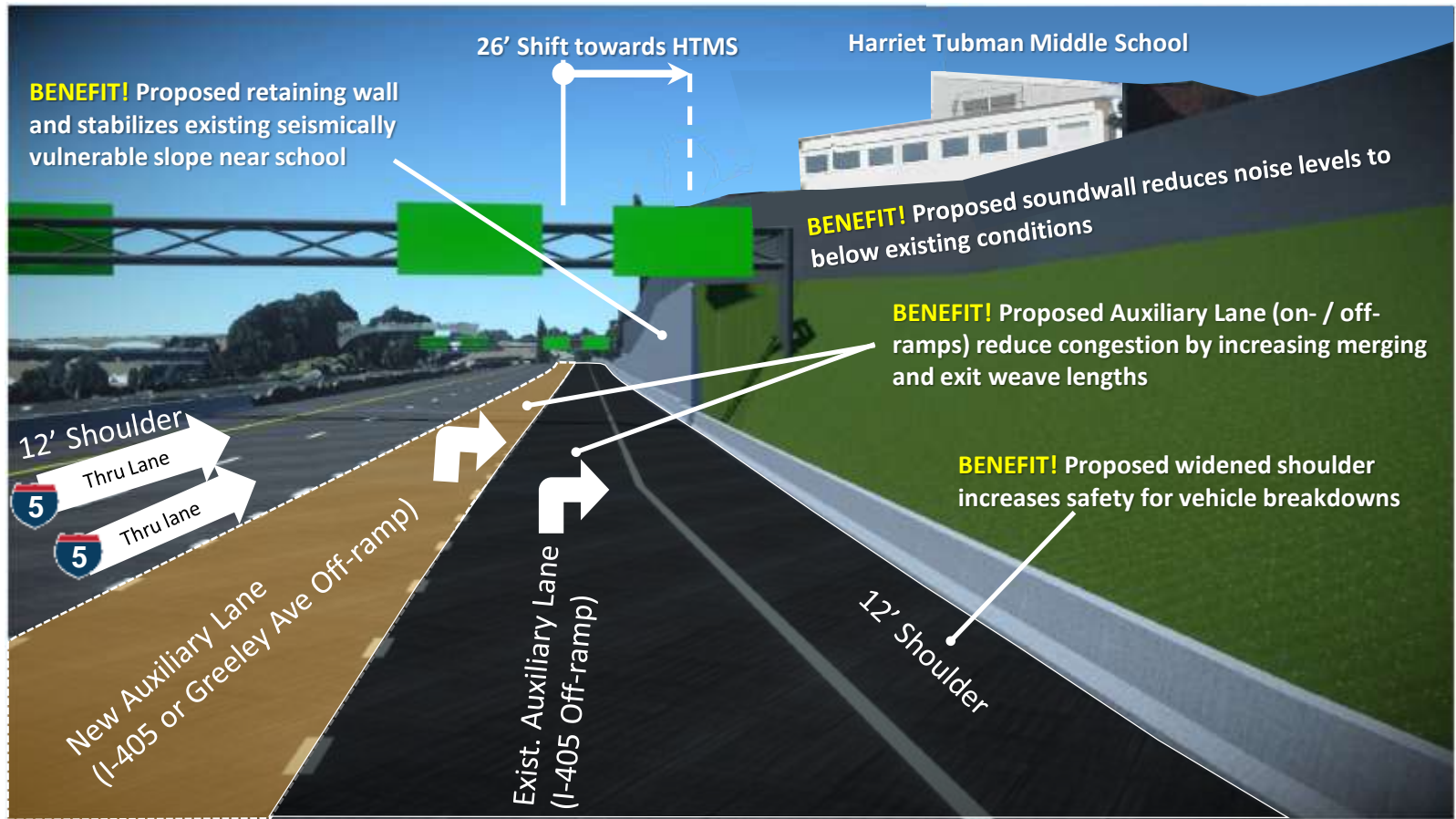


 = New I-5 Auxiliary Lane

All proposed images are conceptual only and are based on preliminary design. Community input will inform design progression and help to shape the future design.



# Improved I-5 Auxiliary Lane and Increased Shoulder



All proposed images are conceptual only and are based on preliminary design. Community input will inform design progression and help to shape the future design.

# Q&A

# DISCUSSION



# AIR QUALITY RECAP



# ENVIRONMENTAL ASSESSMENT



**I-5 ROSE QUARTER**  
IMPROVEMENT PROJECT



# Environmental Phase

- Lead Federal Agency - Federal Highway Administration (FHWA)
- Lead State Agency - Oregon Department of Transportation (ODOT)

## Cooperating Agencies

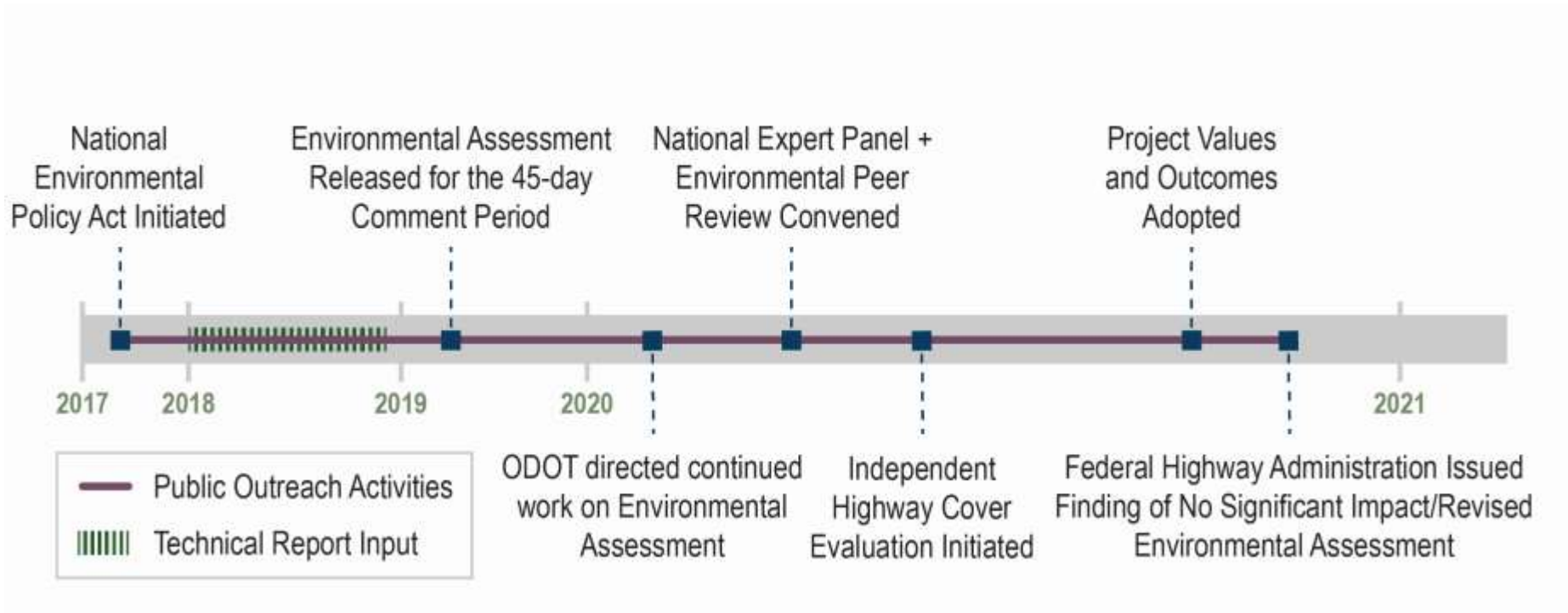
- National Marine Fisheries Services
- United States Corps of Engineers
- United States Coast Guard

## Participating Agencies

- Oregon State Office of Historic Preservation
- TriMet
- Metro
- City of Portland (withdrew in July 2020)
- Port of Portland
- Portland Streetcar



# EA and Peer Review Timeline





# Environmental Study Topics

## Transportation

- Traffic Operations and Safety
- Bike and Pedestrian
- Transit
- Access Management

## Environmental

- **Climate Change**
- Water Resources
- Aquatic Resources

## Health

- **Air Quality**
- **Noise**
- Hazardous Materials

## Heritage

- Archeological Resources
- Historic Resources
- Section 4(f)

## Social

- Socioeconomics
- Environmental Justice

## Built Environment

- Land Use
- Right of Way
- Utilities

**Transportation**

**Environmental**

**Health**

**Heritage**

**Social**

**Built Environment**



# Environmental Assessment Key Findings

- Air quality and greenhouse gas emissions slightly improve in the area resulting from the I-5 Rose Quarter Project.
- Noise will increase in the area with and without the project.
  - Two sound walls are proposed to reduce noise at Lillis Albina Park, Harriet Tubman Middle School, and residential neighborhoods near I-5.

# Q&A

# DISCUSSION



# ENVIRONMENTAL PEER REVIEW

*Report Completed May 31, 2020*





# Panel members



- **Song Bai, Ph.D., P.E.**, Manager, Emissions and Community Exposure Assessment, Bay Area Air Quality Management District



- **Andrew Eilbert, MS**, Physical Scientist, Environmental Measurement and Modeling Division, US Department of Transportation Volpe Center



- **Deborah Jue, MS**, Principal and CEO, Wilson Ihrig Acoustics, Noise and Vibration



# Panel members



- **Dr. Beverly Scott, Ph.D.,** CEO, Beverly Scott and Associates



- **Tim Sexton, MS, MPH, AICP, ENV SP,** Assistant Commissioner, Chief Sustainability Officer, Minnesota Department of Transportation



- **Charles Shamoon, J.D.,** Assistant Counsel, New York City Department of Environmental Protection



- Panel was selected and convened by ***Grace Crunican, MBA,*** Crunican LLC



# Project Partner Participation

- We invited and received active participation from Portland Public Schools, City of Portland and Metro to observe panel deliberations and ask questions.
- Our invitations for active participation from Multnomah County and Albina Vision Trust were declined.



# Peer Review Panel Process

1. Convened to receive briefing with Q&A from ODOT (*Project partners observed panel discussions*)
2. Provided Environmental Assessment (EA) and supporting technical reports for review
3. Ongoing Q&A during review of Environmental Assessment materials
4. Second meeting held to ask questions, get clarification and hold Panel discussion (*Project partners observed panel discussion and asked questions*)
5. Panel reached consensus on assessment and findings
6. Report drafted by Crunican and redrafted/edited by all panel members



# Panel Process

Peer review guided by three key questions:

1. What was the panel's assessment of the Environmental Assessment **METHODOLOGY** used by ODOT?
2. Was the Environmental Assessment **ANALYSIS** conducted by ODOT appropriate?
3. Did the **MITIGATION** measures proposed in the Environmental Assessment adequately address the impacts identified in the analysis?

In addition, the Panel offered some unsolicited advice.



# Scope of Peer Review

1. Air Quality analysis
2. Noise analysis
3. Greenhouse Gas (GHG) analysis
4. Other considerations provided by Panel



# Consensus Panel Findings

1. ODOT's Environmental Assessment accurately and adequately addressed requirements for Noise and Air Quality under the National Environmental Policy Act (NEPA).
2. NEPA has no specific requirements for project-level greenhouse gas (GHG) analysis.
3. The Peer Review Panel is concerned that the construction impacts haven't been addressed yet by either ODOT or the community partners.
4. Though the process has not included construction yet, it is not too early to get those impacts documented and mitigation negotiated.
5. The panel noted several actions that could begin to address the restorative justice process and reconnect the community.



# Air Quality Findings

1. ODOT properly followed US Environmental Protection Agency (EPA) and NEPA methodology.

Portland is in air quality attainment status (for CO and PM) & project-level conformity (hot-spot) analysis is not required.

- a. Because diesel particulate matter (DPM) is a serious health consideration, ODOT should have included diesel particulate matter statistics in the Environmental Assessment, though it would not have changed the conclusions.
- b. Peer reviewers recommend that ODOT evaluate diesel particulate matter impacts from construction activities.



# Air Quality Findings (continued)

2. ODOT correctly analyzed long term air quality impacts.
3. ODOT properly concluded that no mitigation was required.



# Noise Findings

1. The Environmental Assessment noise analysis methodology was correct.
2. The noise analysis was properly conducted, however:
  - a. ODOT could have made the report easier for a layperson to understand.
  - b. Construction noise (as opposed to the long-term noise impact of the project) has yet to be evaluated and there are many innovations in the industry that should be examined to protect the local community from construction impacts.



# Noise Findings cont.

3. The Environmental Assessment mitigation proposed for Harriet Tubman Middle School, Lillis Albina Park and the surrounding neighborhoods (sound walls 2B and 4B) are feasible and reasonable.

## Suggestions to ODOT:

- a. Sound wall 2B moved closer to Harriet Tubman Middle School will provide even more protection (it would be in coordination with Portland Public Schools).
- b. Sound wall 1 was shown to reduce noise but was not cost effective. The panel suggested that an updated cost effectiveness analysis might yield another mitigation.



# Noise Findings cont.

The construction analysis provides a great opportunity for ODOT and the community to work together and consider possible mitigation opportunities, including use of:

1. The New York City noise ordinance as a guide
2. National Cooperative Highway Research Program (NCHRP) best practices
3. Quiet pavement
4. Sound attenuating drapes and cantilevered plywood tops with blankets
5. Special provisions of Section 8 of ODOT noise manual
6. Evaluation and monitoring of reflective noise
7. Permanent walls with top edge and sound absorption features



# Greenhouse Gas Findings

1. ODOT went above the legal requirements of NEPA when it took greenhouse gas emissions issues into consideration.
  - The use of the MOVES model and the Infrastructure Carbon Estimator (ICE) was a good step toward capturing the greenhouse gas emissions impacts. There are no standards to follow.
2. Much of the greenhouse gas emissions analysis stems from the air quality analysis. There is no actual hard data to tie suggested actions to air quality changes.
3. No Mitigation was proposed by the panel.



# Other Considerations

1. The issues raised by the partner agencies and community members need to be addressed by ODOT sitting down with these groups and working through mutual and competing goals.
2. Mitigating construction activity is critical for the community to be protected from the noise and diesel particulate matter effects of project construction.
3. Steps toward restorative justice should be taken.

# Q&A

# DISCUSSION



# Urban Mobility Office

## Comprehensive Congestion Management and Mobility Plan Update

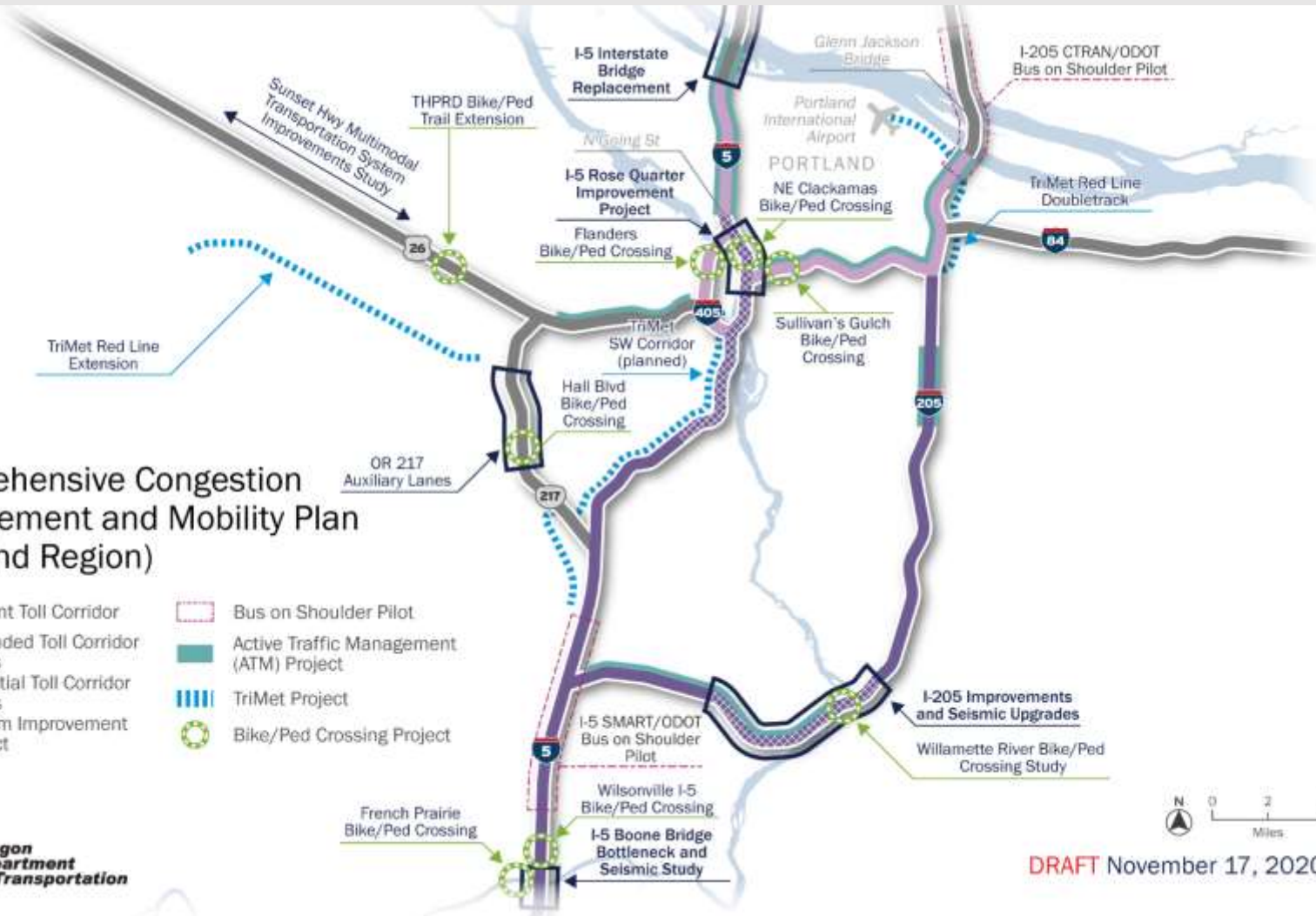
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Brendan Finn | Director, Urban Mobility Office

Lucinda Broussard | Toll Program Director, Urban Mobility Office

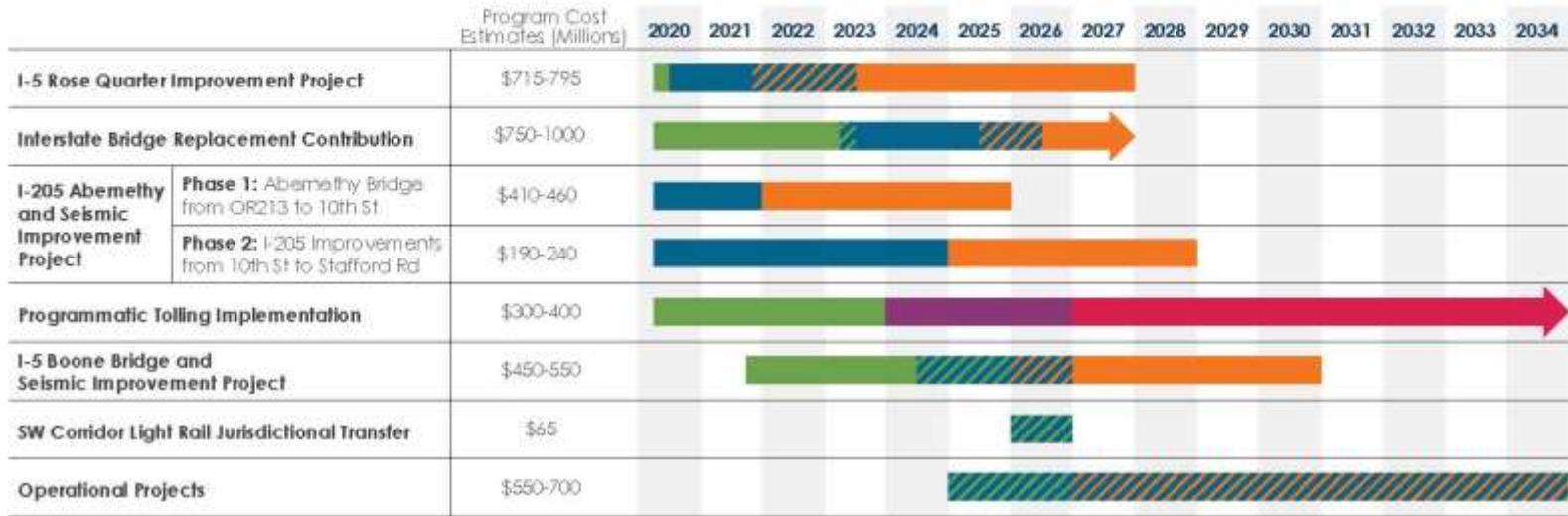
# Comprehensive Congestion Management and Mobility Plan (Portland Region)

-  Current Toll Corridor
-  Expanded Toll Corridor Limits
-  Potential Toll Corridor Limits
-  System Improvement Project
-  Bus on Shoulder Pilot
-  Active Traffic Management (ATM) Project
-  TriMet Project
-  Bike/Ped Crossing Project



DRAFT November 17, 2020

## COMPREHENSIVE CONGESTION MANAGEMENT and MOBILITY PLAN: INVESTMENT AND IMPLEMENTATION STRATEGY



### Legend

- Planning Phase
- Planning / Design Phase
- Design Phase
- Design / Construction Phase (Alternative Delivery)
- Construction Phase
- Design, Build, Test, and Implement Phase
- Toll Operations Phase



# Modern Tolling

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- All electronic tolling:
  - No toll booths
  - No stopping
- Transponders are placed on the windshield and connect to a prepaid account



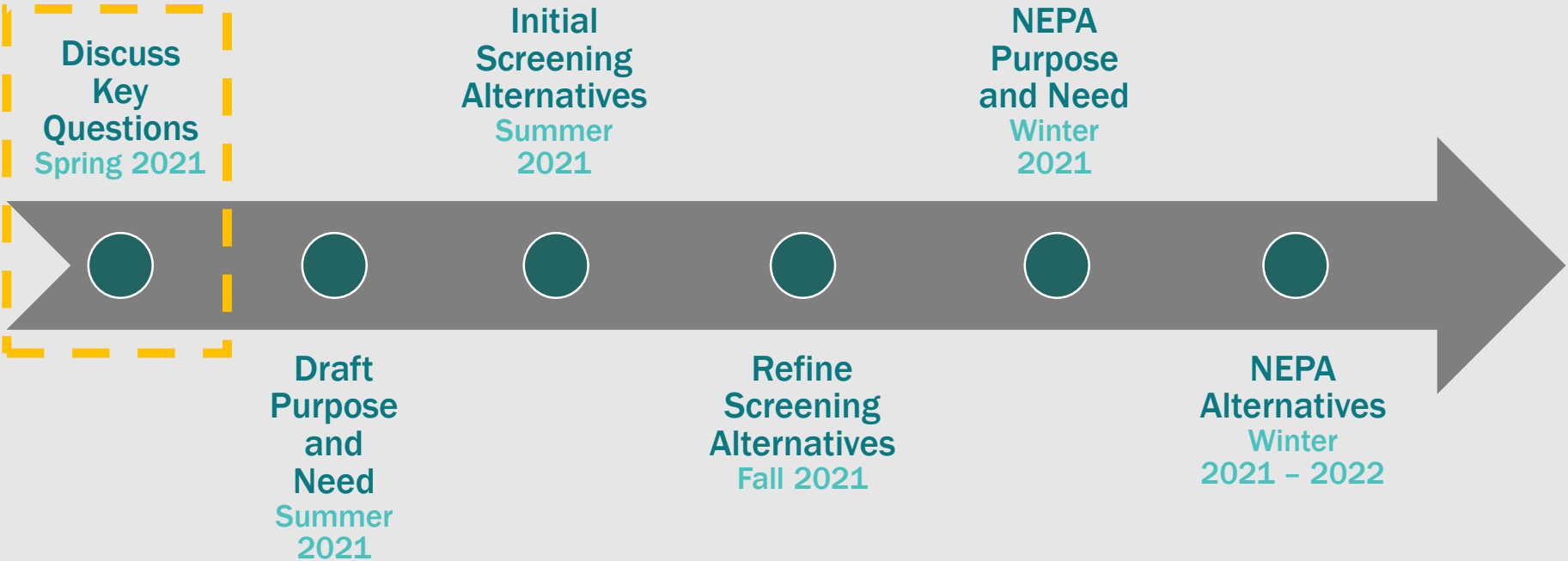
# Tolls & Equity

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- **Can tolls be equitable? Or, what would equitable tolls look like?**
- How does current transportation policy contribute to inequitable outcomes?
- **How can tolls create benefits for everyone? What would that look like?**
- Are these questions / concerns / needs / fears that must be addressed in order for you to effectively work on this committee?

EMAC - June 29, 2020

# I-5 anticipated milestones (2021 - 2022)



# What's next for I-205?



# Q&A

# DISCUSSION



# PORTLAND PUBLIC SCHOOLS UPDATE



**I-5 ROSE QUARTER**  
IMPROVEMENT PROJECT

March 22nd,  
2021

ESC Meeting

ODOT // I-5 Rose Quarter Improvement Project

# Independent Cover Assessment

ZGF

**INDEPENDENT  
COVER ASSESSMENT** **I-5 ROSE QUARTER  
IMPROVEMENT PROJECT**



# Agenda

- 01 **Work Session 1 Summary**  
*10 minutes*
- 02 **Preliminary Design Ideas + Opportunities**  
*20 minutes*
- 03 **Feedback + Discussion**  
*20 minutes*
- 04 **Next Steps**  
*5 minutes*

A blue-tinted photograph of a crowded outdoor event. In the center, there is a large, ornate gazebo with a pointed, ribbed roof and a decorative finial. The gazebo is surrounded by a dense crowd of people of various ages and ethnicities. Some people are standing and talking, while others are sitting on chairs or on the ground. The background is filled with large, leafy trees, and the overall atmosphere appears to be a community gathering or festival. The text "Work Session 1 Summary" is overlaid in white, bold, sans-serif font across the middle of the image.

# Work Session 1 Summary

# Work Session 1

## Goals and Process

- **Goal:** Listen/Assess
- **Theme:** “How can highway covers support the community’s vision for neighborhood revitalization and provide restorative justice for the Historic Albina Community?”
- ICA’s engagement process involves 3 work sessions, each of which includes 2 community workshops, a 2-week online open house, 1 meeting with the HAAB, and 1 meeting with the ESC.

## Work Session 1

# Community Workshops: Participants

- Outreach to **100+** community organizations, churches, neighborhood businesses, individuals and at large stakeholders
- **48 participants**, of which 41 were Black historic community members, business owners and/or residents

## Work Session 1

# Community Workshops: Participants

- **8 local business owners**, 6 of whom were Black historic Albina community members
- **30 Black historic community members** recommended by community organizations, churches, individuals
- **6 Black/BIPOC community members** recommended by affordable housing providers
- **3 at-large organizations** from list reviewed with HC3 in Feb
- Group A-8, Group B-30, Group C-6, (**Group D-41**), Group E-4 = 48

# Work Session 1

## Feedback Summary

### Community Wealth

- **Black CDC**, along with **Black controlled land trust** that holds developable land in trust and can work with other partners to develop it for community benefit and maintain affordability
- A **Black Enterprise Zone** that can provide incentives and benefits to Black businesses operating in area
- **Business spaces** of all types and sizes for **rental and ownership** w/support services & access to capital
- **Permanently affordable** rental and ownership **housing** that is mixed-use, multi-generational, built to high sustainability standards, **with childcare near-by**, including different types of living spaces such as live/work for artists and makers
- **Job training/education** development center for vocational, technical, and clean energy jobs
- Black **food** sovereignty **center/market** that provides job training, fresh produce for local businesses and residents, and can supply large local operators (hospitals, Convention Center, hotel venues)

# Work Session 1

## Feedback Summary

### Community Health

- A **cultural health + wellness center** with programming that addresses **mental, physical and spiritual health** and provides recreation and health classes/spaces, access to healthy food and pop-up clinics
- **Large and accessible gathering space** for multigenerational community celebrations, festivals, events and space for active recreation

### Community Cohesion

- **A Black cultural center** that showcases history of Black Portland and creates experiences and education around Black art, Black food, Black music, etc
- Public realm aesthetics and **art installations** that reflect **Black culture, art and experience**

# Work Session 1

## Online Open House Statistics

### Who visited our Work Session 1 online open house?

- Had **537 visitors**, of which **213** filled out survey
- **86%** of visitors were **white** or preferred not to answer
- **4%** were **Black**, and an additional **7%** were **BIPOC**
- Over half of the visitors were **under the age of 44 (52%)**
- Only **17%** of visitors **live in the neighborhood**
- **19%** of visitors said they **used to live in neighborhood**

# Work Session

## **Next Steps**

### Looking Ahead – Work Session 2

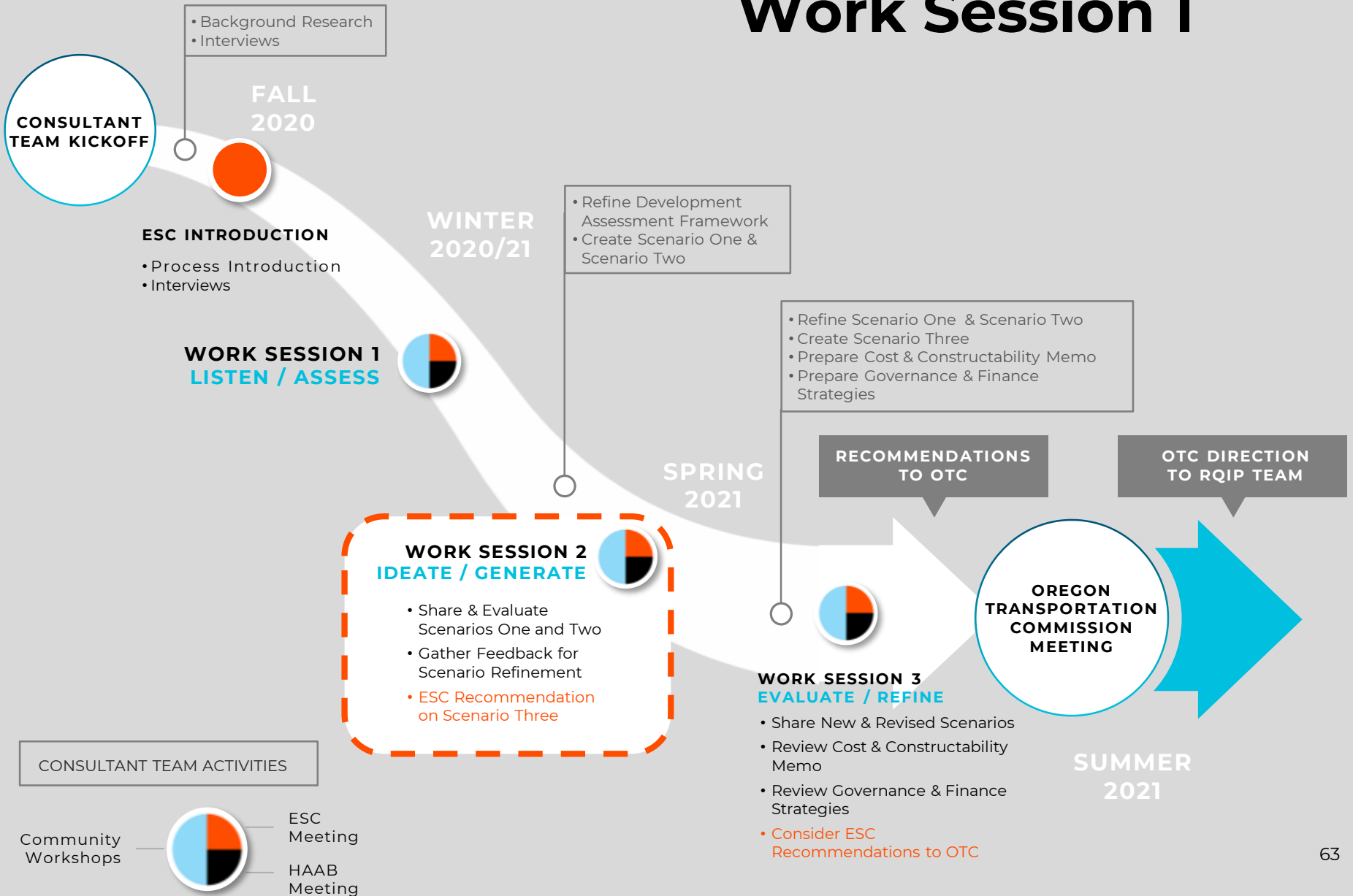
- Online Open House **April 16th**
- Community Workshops **April 15<sup>th</sup> and 17<sup>th</sup>**
- HAAB Workshop **April 20<sup>th</sup>**
- ESC Workshop **April 26<sup>th</sup>**

An aerial photograph of a city, likely New York City, showing a dense urban grid with various buildings, streets, and green spaces. A semi-transparent blue overlay covers the entire image. The text is centered in the middle of the image.

# **Preliminary Design Ideas + Opportunities**

# Purpose and Goals

## Work Session 1



# Preliminary Design

## **Role of Governance**

**Determining the right governance structure and recommendations for the Rose Quarter is a multi-step process that begins with understanding community priorities.**

1. What are the community's priorities?
2. What roles and responsibilities are required to deliver on those priorities?
3. What types of entities can fulfill those roles?
4. Do those entities already exist? Do they need to be created or brought together?

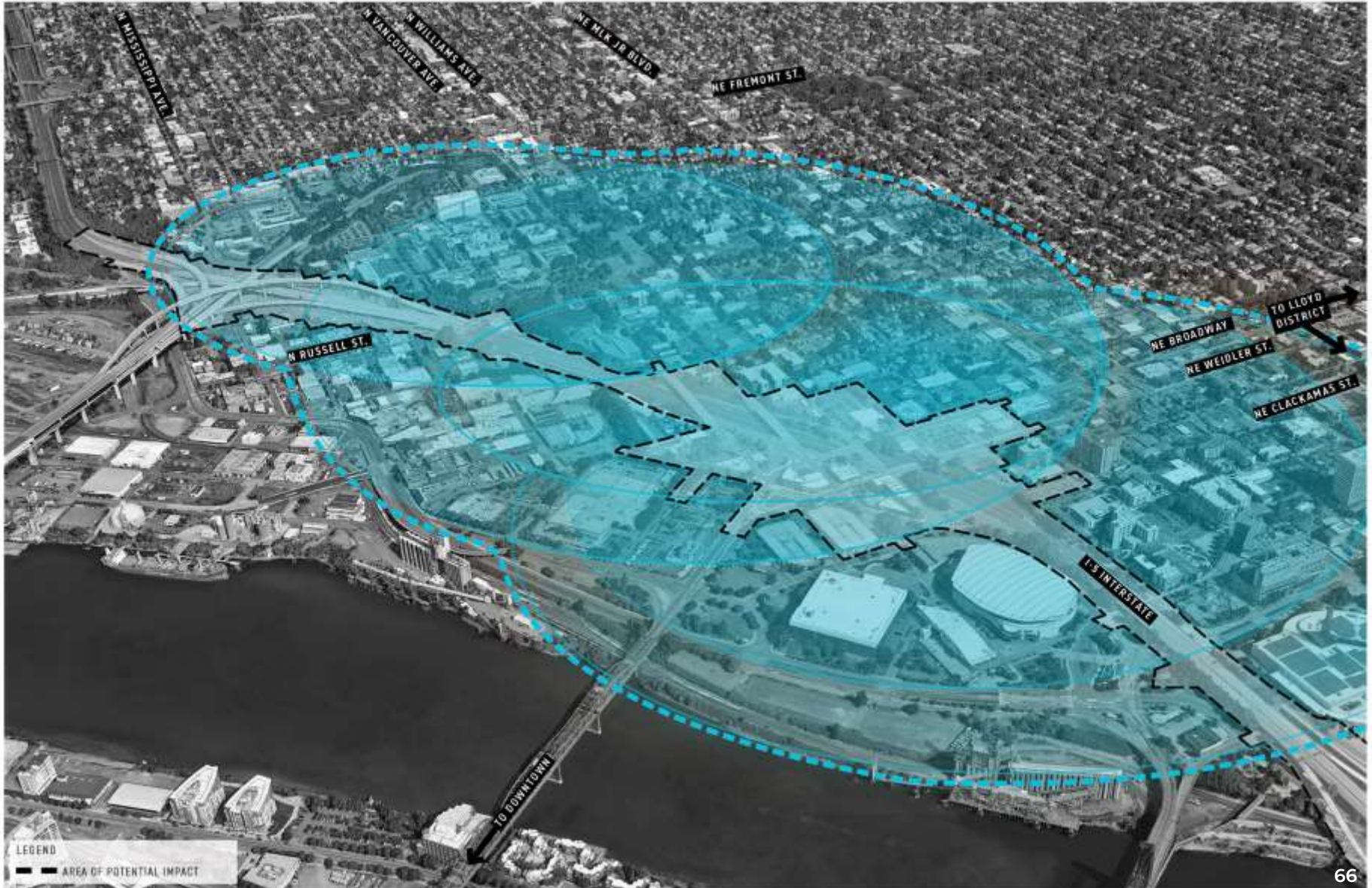


**We are  
here!**

# Preliminary Design **Exploration**

- **Community Priorities**
- **Neighborhood Context**
- **Street Network Challenges and Opportunities**
- **Framework Design Ideas**

# Neighborhood **Zone of Influence**



# Neighborhood **Assets/Services**

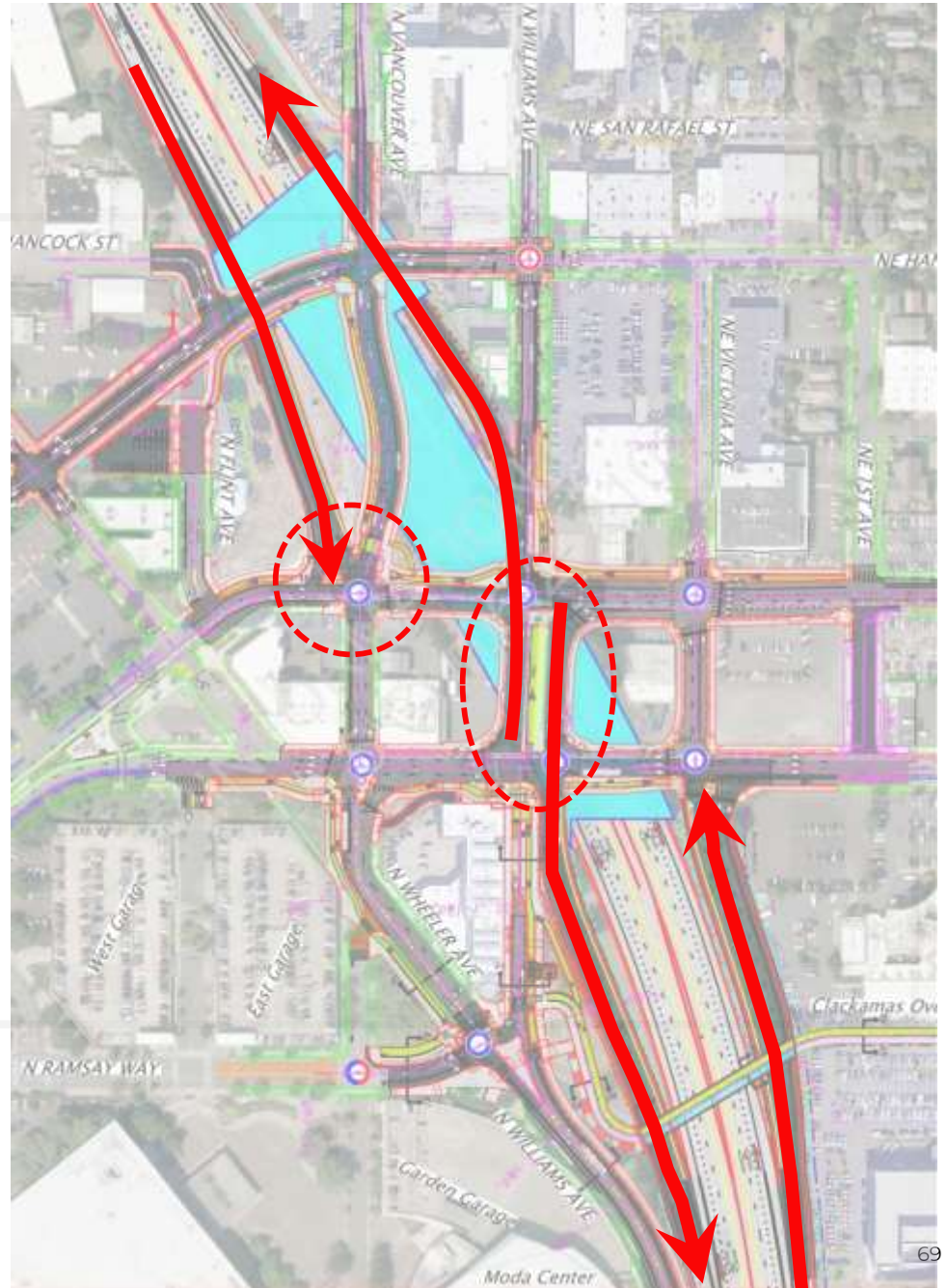


# Neighborhood **Assets/Services**



# Street Network **20% Design**

- Challenging / irregular land parcels
- Large-scale streets
- Complex intersections
- Some unintuitive circulation



# Street Network Goals

1. **Urban form and access** – create developable parcels to support community vision
2. **Direct and efficient** networks – for all modes
3. **Safe and comfortable** – minimize conflicts
4. **Reduce complexity and confusion** – make navigation logical

**from a freeway space,  
to a restored  
neighborhood place...**

# Preliminary Design **Explorations**

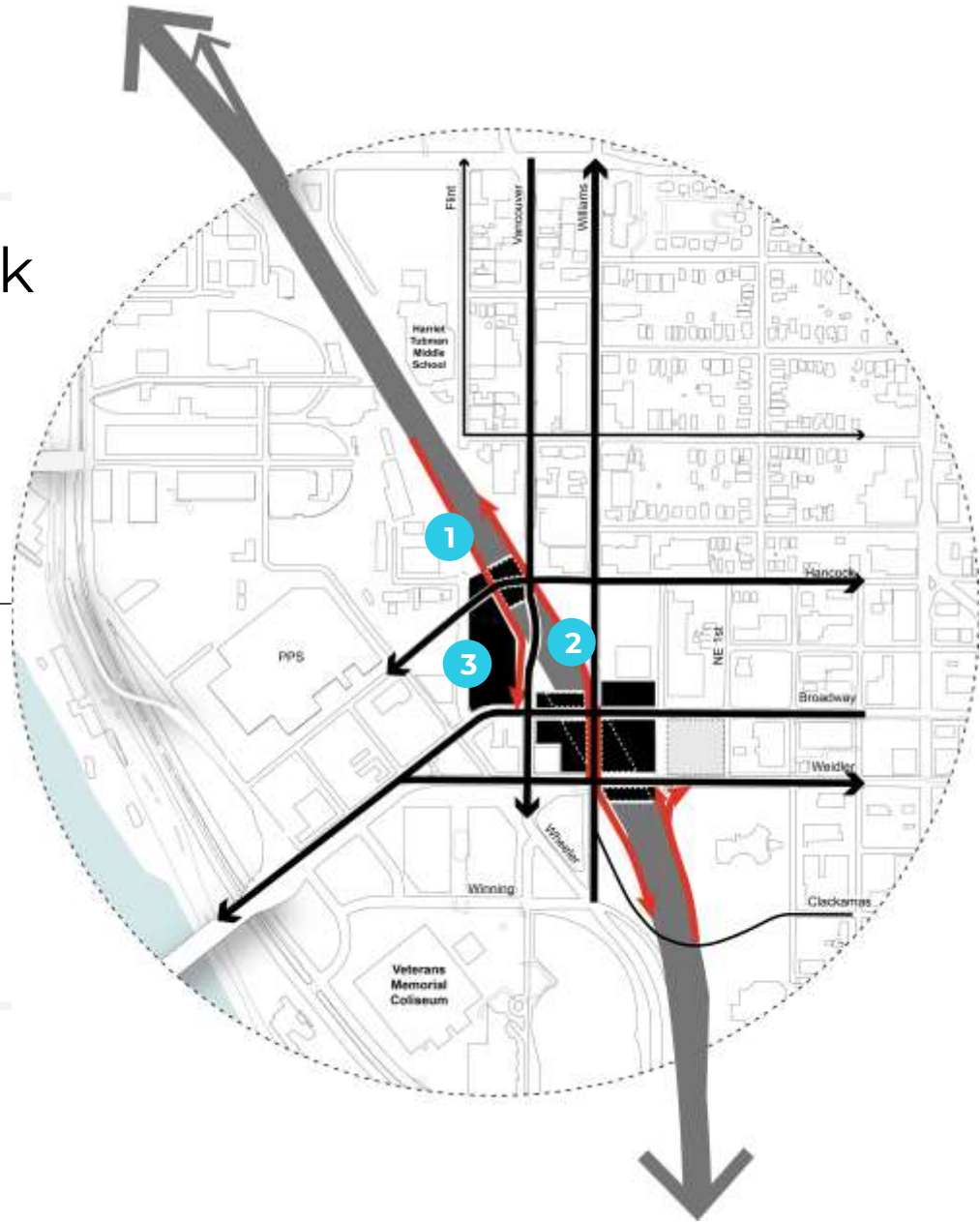
## Big Moves

- 1. Reduce freeway interchange impacts in the neighborhood**
- 2. Restore the street grid**
- 3. Create larger, more contiguous development parcels to support the community vision**
- 4. Require community vision to be supported off the cover**

# Preliminary Framework Design Idea 1

Maintain Existing Ramp Terminals

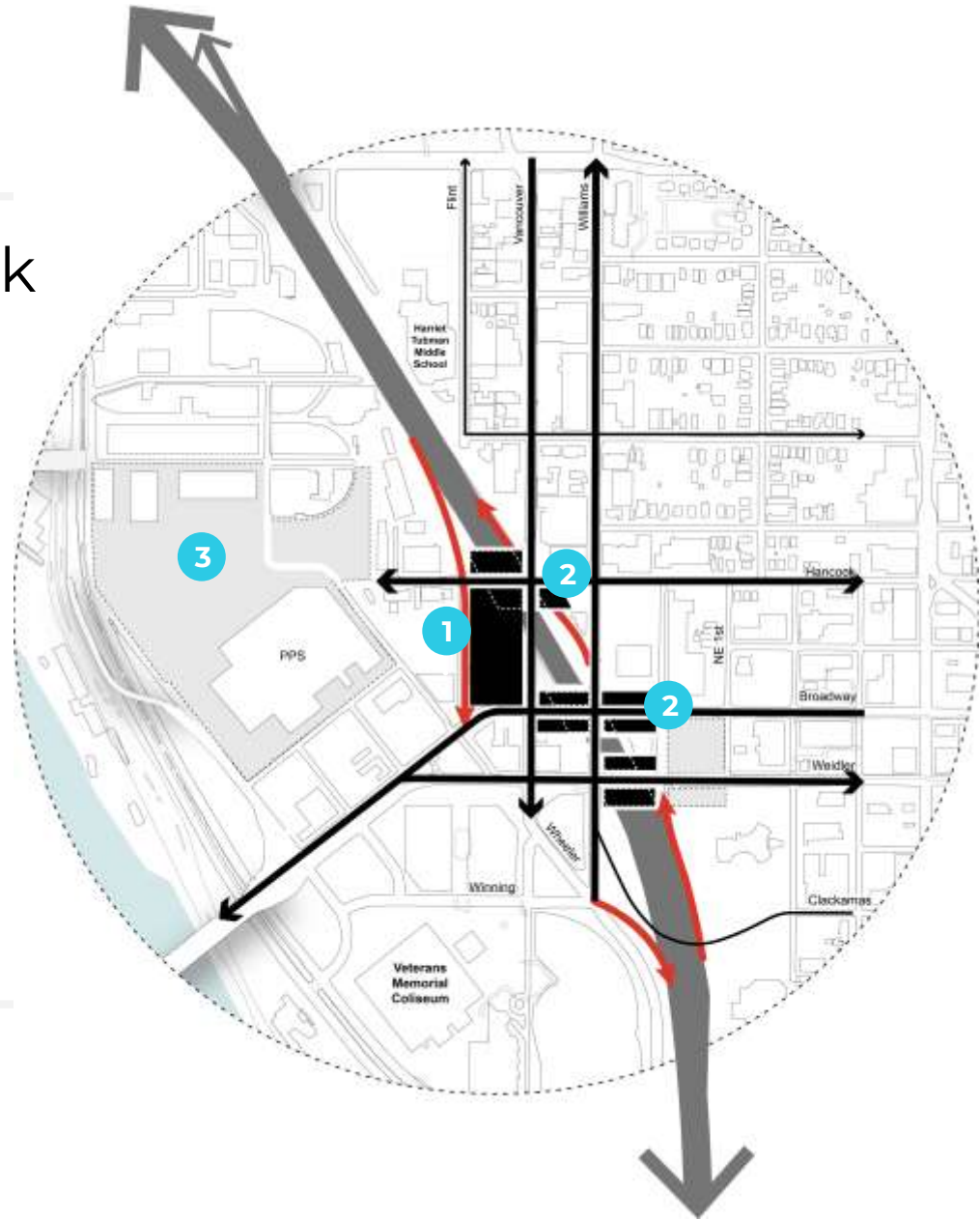
- 1 Move some freeway interchange impacts – **sb off-ramp**
- 2 **Minimize** cover development
- 3 Creates **larger** and **contiguous development parcels** that support the community vision



# Preliminary Framework Design Idea 2

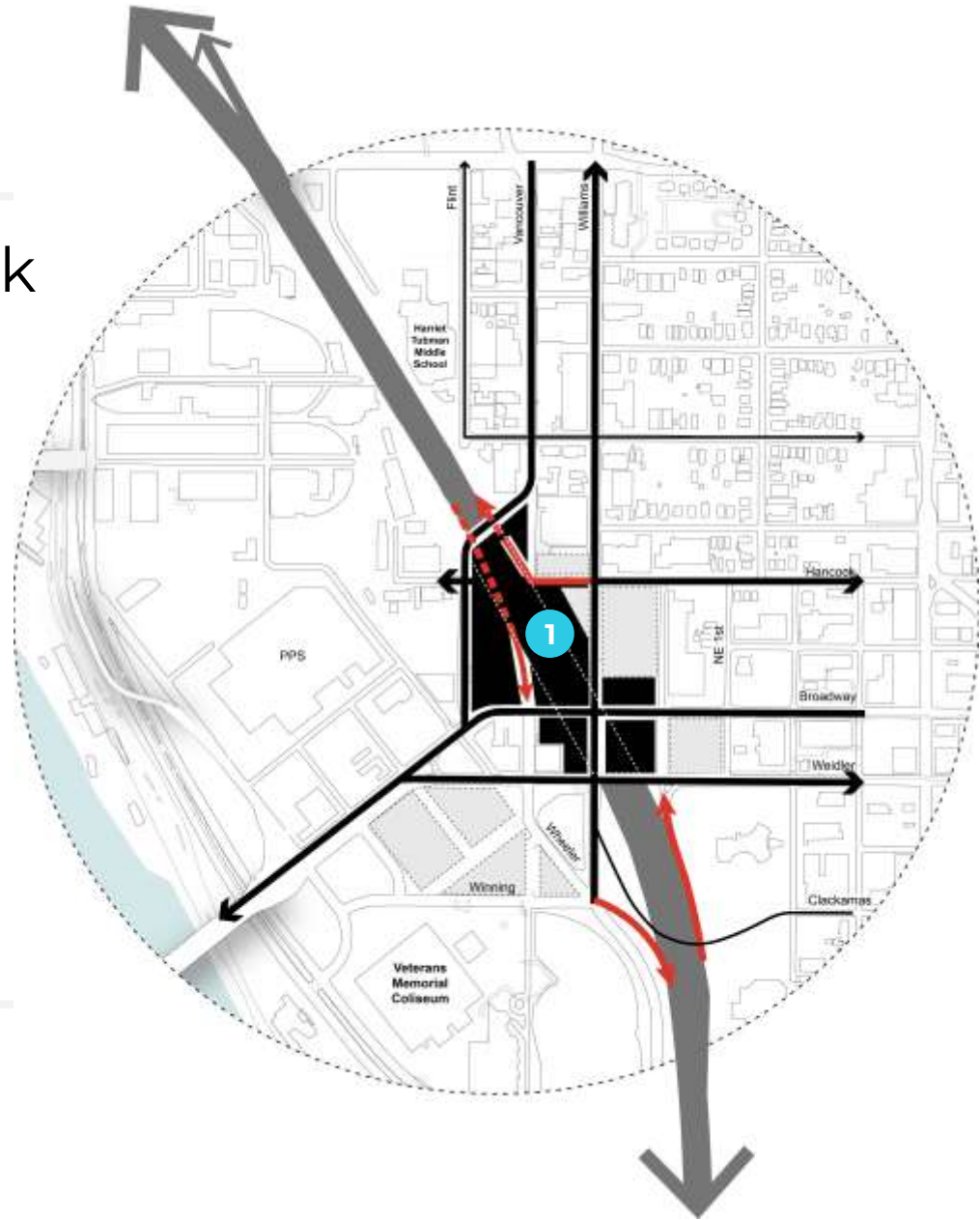
## Enhance Connections

- 1 Move some freeway interchange impacts – **sb off-ramp**
- 2 Restores and enhances the street grid
- 3 Community vision is supported **off the covers**



# Preliminary Framework Design Idea 3

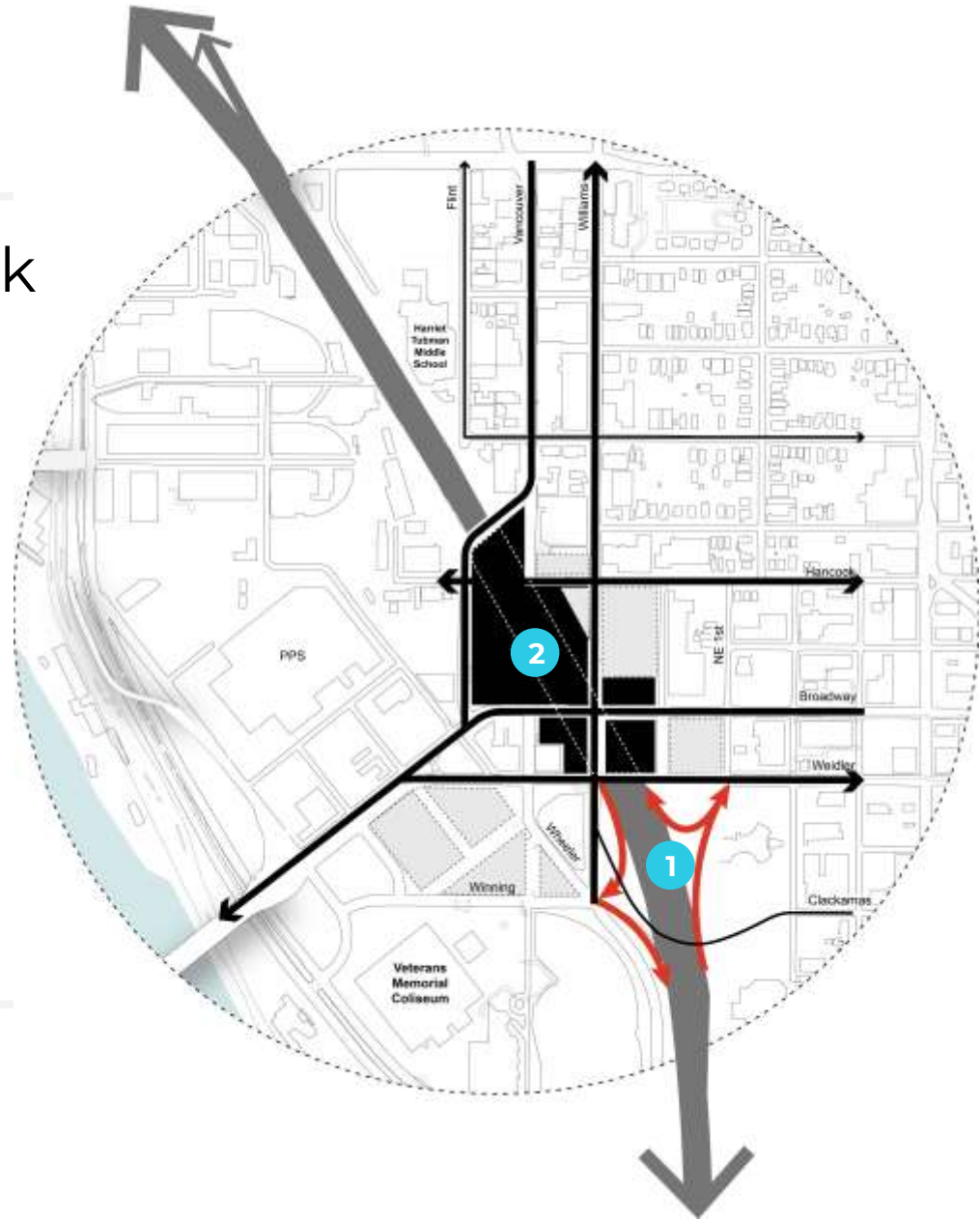
- 1 Creates **large development parcels** that support the community vision – with some tradeoffs



# Preliminary Framework Design Idea 4

Create a Large Flexible Parcel

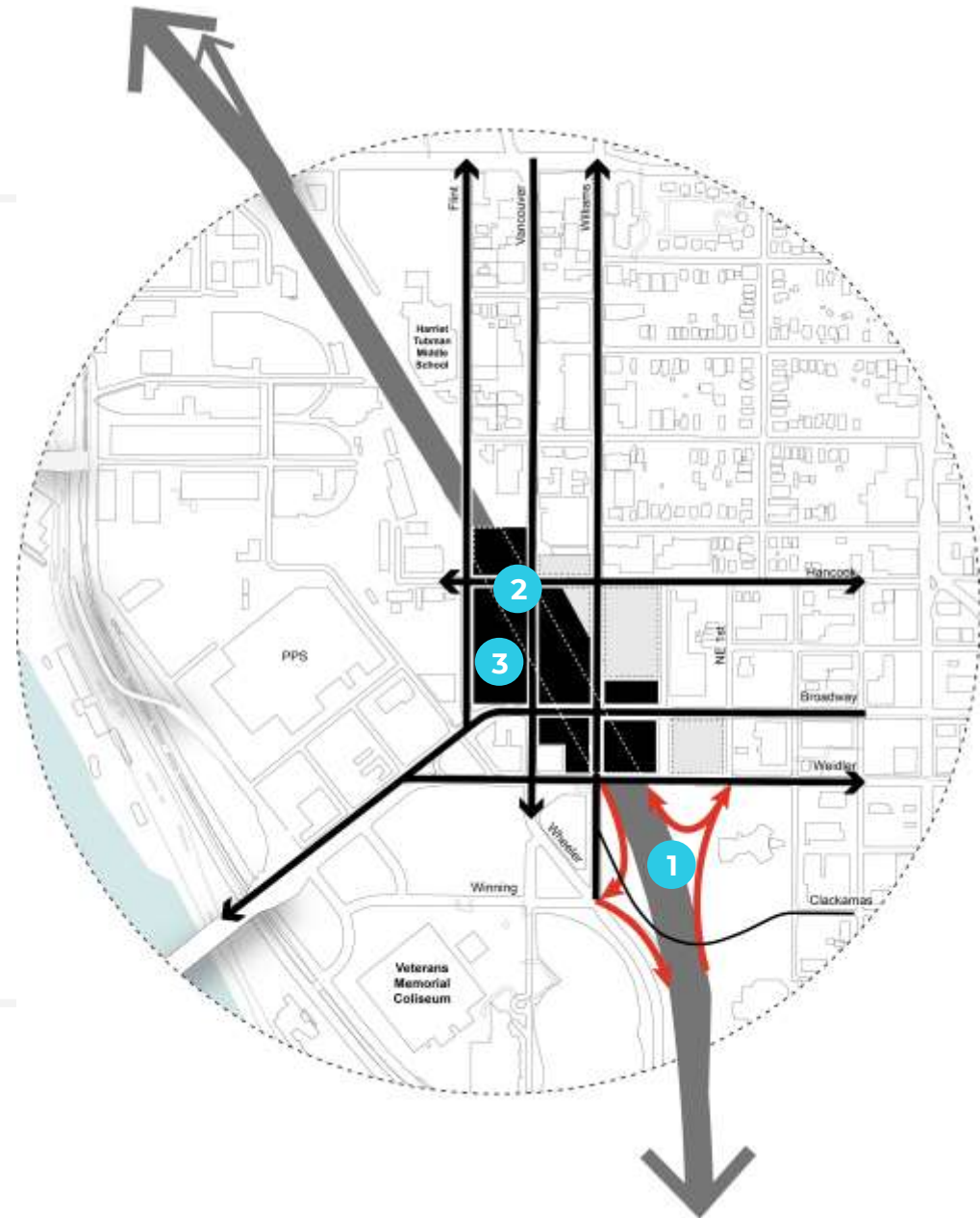
- 1 Move freeway impacts out of the neighborhood –**ramps to the south**
- 2 Creates **larger** and **contiguous development parcels** that support the community vision



# Preliminary Design Design Idea 5

## Complete the Grid

- 1 Move freeway impacts out of the neighborhood –**ramps to the south**
- 2 **Restores street grid**
- 3 Creates **larger** and **contiguous development parcels** that support the community vision



An aerial photograph of a city, likely San Francisco, showing a river (the San Francisco Bay) and a complex highway interchange. The image is overlaid with a teal color filter. The text "Feedback + Discussion" is centered in white.

# Feedback + Discussion

# NEXT STEPS



# THANK YOU!

[www.i5RoseQuarter.org](http://www.i5RoseQuarter.org)



**I-5 ROSE QUARTER**  
IMPROVEMENT PROJECT

## **Summary of Reopen and Rebuild America's Schools Act**

*Sponsored by House Chairman Bobby Scott and co-sponsored by 154 others  
Sponsored by Senator Jack Reed and co-sponsored by 28 others*

### BILL TITLE:

Reopen and Rebuild America's Schools Act of 2021

### TITLE I:

#### **Grants for the Long-Term Improvement of Public School Facilities**

### PURPOSE

Support long-term improvements to public school facilities.

### ALLOCATION TO STATES

- Outlines the allocation of funds to States as well as State responsibilities under this Act.
- States shall be allocated funds in proportion to the funds that all Local Education Agencies (LEAs) in the State receive under Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA).
- This section requires States to
  - Issue and review regulations to ensure safe, healthy, and high-performing buildings and develop an online, publicly searchable database that outlines the condition of all public school facilities in the State.
  - Other State requirements include a 10% matching requirement, a commitment to maintain school infrastructure spending provision, and a supplement-not-supplant provision.
  - The matching requirement additionally allows States to use federal sources in fiscal years when appropriations exceed \$7 billion.
  - Requires that States submit a plan to the Secretary of Education (Secretary) for approval to carry out the competitive grant program.

### GRANTS TO QUALIFIED LOCAL EDUCATIONAL AGENCIES

- Includes eligibility requirements and other provisions for the competitive grant program. LEAs eligible for grants in a State must:
  - include all districts with the highest concentrations of poverty (based on numbers of poverty and percentages of poverty) according to a State-determined threshold;
  - prioritize their highest poverty schools; and
  - be among districts in the state with current or historic fiscal limitations to raise funds to improve school facilities, and districts with severe environmental needs
- States shall allocate all funds competitively to LEAs based on the poverty level of the school, fiscal limitations to raise funds to improve school facilities, and the severity of the need to improve school facilities.
- States must prioritize subgrants to fund projects necessary to reopen schools in line with Center for Disease and Control and Prevention (CDC) guidelines.
- States must also ensure that the distribution of grants represents the geographic diversity of the State. States must set reasonable thresholds for whether schools meet high percentages or high numbers of students living in poverty for eligibility.

- States may distribute up to 10% of the total allocation of grants to enable LEAs to leverage existing public programs or public-private partnerships to expand access to high-speed broadband sufficient for digital learning.
- LEA applications will be prioritized by greatest need, based on factors including:
  - Median age
  - Capacity issues
  - Condition of building systems such HVAC, water, and sewer and roofs, windows, and doors
  - Poverty level of schools to be served
  - Health and safety risks for students and staff
  - Improving broadband access

#### AUTHORIZATION OF APPROPRIATIONS

Authorizes \$100 billion total to be appropriated for Title I of this Act from FY 2022 through FY 2026 and provides States until September 30, 2030 to spend allocations.

#### TITLE II

#### **School Infrastructure Bonds**

#### RESTORATION OF CERTAIN QUALIFIED TAX CREDIT BONDS

Restores Sections 54A, 54E, and 6431 of the Internal Revenue Code of 1986 as if the repeals by the Tax Cuts and Jobs Act of 2017 had not taken effect. It amends Section 54(E)(d)(3) of the Code to allow proceeds from Qualified Zone Academy Bonds to be used for construction and retrofitting of public school facilities. Section 201 permanently increases the national limitation for QZABs from \$400 million annually to \$1.4 billion annually and removes the private business contribution requirement for LEAs to participate in the QZAB program.

#### SCHOOL INFRASTRUCTURE BONDS

Amends the Internal Revenue Code of 1986 by adding “Section 54BB. School Infrastructure Bonds.” Section 202 designates a total national bond limitation of \$30 billion for qualified school infrastructure bonds (QSIBs), \$10 billion each for FY 2022, FY 2023, and FY 2024. States may distribute up to 10% of the total bond limitation to enable LEAs to leverage existing public programs or public-private partnerships to expand access to high-speed broadband sufficient for digital learning.

QSIB Program will also:

- allocate bond authority to states based on the proportion of funds that States receive under Title I, Part A of ESEA;
- require that the federal government provide a tax credit of 100 percent of the interest on any QSIB—
- such credit may be issued as a tax credit to the bondholder or as a direct payment to the bond issuer;
- reserve 0.5% of the bond allocation for outlying areas, and 0.5% of the bond allocation for schools funded by the BIE; and
- require States to use the same criteria outlined in Section 103 in distribution of bond authority, excluding provisions related to fiscal capacity, to LEAs.

#### ANNUAL REPORT ON BOND PROGRAM

Requires the Secretary of Education to annually submit to Congress a report that includes the LEAs that participated in the bond program as well as LEAs that were unable to participate due to fiscal challenges.

### **TITLE III** **Uses of Funds**

#### **ALLOWABLE USES**

Outlines the allowable uses of funds for Title I and Title II, and includes (among others):

- developing the required facilities master plan
- constructing, modernizing, renovating, or retrofitting public school facilities, which may include seismic retrofitting for schools vulnerable to natural disasters
- carrying out major repairs of public school facilities
- installing furniture or fixtures with at least a 10-year life in public school facilities
- constructing new public school facilities
- acquiring and preparing sites on which new public school facilities will be constructed
- extend the life of basic systems and components of public school facilities;
- ensure current or anticipated enrollment does not exceed the physical and instructional capacity of public school facilities
- compose building design plans that strengthen the safety and security on school premises
- improve energy and water efficiency to lower the costs of energy and water consumption in public school facilities
- improve indoor air quality in public school facilities

#### **REQUIREMENTS FOR HAZARD-RESISTANCE AND ENERGY AND WATER CONSERVATION**

Requires LEAs that receive funds for new construction to meet or exceed the requirements of a nationally recognized, consensus-based model building code, and the performance criteria under the WaterSense program of the Energy Policy and Conservation Act (42 U.S.C. 6294b).

#### **GREEN PRACTICES**

Outlines the requirements for green practices for Title I and Title II projects.

#### **USE OF AMERICAN IRON, STEEL, AND MANUFACTURED PRODUCTS**

Includes a Buy America provision for iron, steel, and manufactured products.

### **Title IV** **Reports and Other Matters**

#### **COMPTROLLER GENERAL**

Requires GAO to submit to Congress a report that must include the geographic distribution of projects, the impact of projects on student and staff health and safety, and how funds under these projects could be made more accessible to high-poverty schools and those with fiscal capacities.

#### **STUDY AND REPORT OF PHYSICAL CONDITIONS OF PUBLIC SCHOOLS**

Requires that the Institute of Educational Sciences carry out a national study that includes the condition of public school facilities as well as the impact of such facilities on students and staff.

#### **DEVELOPMENT OF DATA STANDARDS**

Requires that the Secretary of Education, in consultation with the EPA, CDC, DOE, and NIOSH, develop guidance on data to be collected by States.

### INFORMATION CLEARINGHOUSE

Requires that the Secretary of Education, in consultation with the officials in Section 307, to disseminate information to schools on financing for green projects.

### TITLE V

#### **Impact Aid Construction**

### TEMPORARY INCREASE IN FUNDING FOR IMPACT AID CONSTRUCTION

Temporarily increases funding for the Impact Aid Construction program under ESEA by \$170 million over FY 2022, 2023, 2024, 2025 and 2026.

### TITLE VI

#### **Assistance for Repair of School Foundations Affected by Pyrrhotite**

### ALLOCATIONS TO STATES

Requires the Secretary of Education to create a program, within 180 days of the bill's enactment into law, that would provide federal funding to states to distribute grants to LEAs for the repair or replacement of crumbling foundations due to pyrrhotite. Requires the Secretary of Education to publish on the Department of Education's website instructions on how a state may receive funding for this program.

### GRANTS TO LOCAL EDUCATIONAL AGENCIES

Requires the Secretary to award funds to states to either pay the future costs of repairing foundations deteriorating due to pyrrhotite, or to reimburse LEAs for the cost of repairs or replacement during the previous five-year period prior to this provision becoming law.

### ELIGIBILITY:

LEAs must demonstrate that the school contains pyrrhotite in the foundation using proper laboratory, core, or visual inspections done by a professional engineer licensed in the state. LEAs must also have had any testing of the foundation done through the proper channels outlined by the state or other entity overseeing relief efforts for crumbling foundations. The LEA must also only use the funding for the allowable uses described in the bill and must have all work performed by a contractor or architect licensed in the state. the lea must meet these same requirements for a reimbursement grant and must provide information indicating that the project was carried out with these parameters at the time it was completed.

### APPLICATION:

LEAs must submit an application to the state including, at minimum, information pertaining to the LEA's eligibility requirements, and an estimate of the cost of doing the construction. If the LEA is applying for reimbursement, their application must include eligibility requirements as well as an itemized explanation of the costs incurred for their project, as well as any amounts they already received from other federal, state, local, or private sources. If applying for reimbursement, the LEA must also include the amount of reimbursement funds requested and the percentage of any funds covered by an insurance policy.

### APPROVAL AND DISBURSEMENT:

The state must approve any application from an LEA that is complete with the criteria outlined above. The state will then transmit an application to the Secretary. Within 60 days of receiving the application from the state, the Secretary must either approve or deny the application. If the Secretary approves the application, the Secretary must disburse funds to the state within 60 days of the application's approval.

Once the state has received the funds from the Secretary, the state must disburse those funds to the LEA within 60 days.

FEDERAL SHARE:

To be eligible for federal funds, the state must provide at least 40% of the project's total costs, in the case of both reimbursement and grants made out in the future. In addition, the federal government may not provide any more than 50% of the total cost of the project.

ALLOWABLE USES:

Funds may be used to repair or replace a concrete foundation and other affected areas of a school in order to restore the structural integrity of the school to the health and safety standards outlined by the project's architect or engineer, and to restore the school to the condition it was in prior to the foundation's damage due to pyrrhotite. Funding may be used for engineering reports, architectural design, core tests, and other activities directly related to the project.

PROHIBITED USES:

LEAs receiving federal funds for a project may not use this funding for any work done to outbuildings, sheds, barns, swimming pools, playgrounds, ballfields, ponds, or water features. Funds may not be used for the purchase of any items not directly related to the repair or replacement of the school's crumbling foundation. Prohibited items include desks, chairs, electronics, sports equipment, or other school supplies. Any other activities not explicitly described in the "allowable uses" section are also prohibited.

AUTHORIZATION OF APPROPRIATIONS

Requires funds to be authorized to carry out the program for fiscal year 2022 and each fiscal year afterwards.