

**Laura Dawson-Bodner**

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**From:** Nikolai Ursin  
**Sent:** Thursday, June 16, 2011 3:30 PM  
**To:** Laura Dawson-Bodner  
**Subject:** FW: Letter on Council Resolution 11-4264  
**Attachments:** Cortright\_to\_Metro\_June 16.pdf; crc\_presentation\_request.pdf; odot\_reply\_jan21\_2011.PDF; Impresa\_Response\_to\_ODOT\_Feb11.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

For the CRC record.

-----Original Message-----

**From:** Nikolai Ursin On Behalf Of Barbara Roberts  
**Sent:** Thursday, June 16, 2011 3:28 PM  
**To:** Nikolai Ursin  
**Subject:** FW: Letter on Council Resolution 11-4264

-----Original Message-----

**From:** Joe Cortright [<mailto:jcortright@gmail.com>]  
**Sent:** Thursday, June 16, 2011 2:56 PM  
**To:** Metro Council; Tom Hughes; Shirley Craddick; Carlotta Collette; Carl Hosticka; Kathryn Harrington; Rex Burkholder; Barbara Roberts  
**Subject:** Letter on Council Resolution 11-4264

Attached please find a letter addressed to President Hughes and Metro Council members. In addition, there are three other documents which are referenced in the letter, which are attached to this email.

I was unable to attend the hearing on this matter, and the Council discussion of this resolution made reference to my work and to my submitted written testimony on the Columbia River Crossing. This letter responds to questions posed about my work and comments on the accuracy of CRC traffic forecasting.

Please add this to the record for council resolution 11-4264.

Thank you.

Joe Cortright  
Impresa, Inc.  
1424 NE Knott Street  
Portland, OR 97212



# IMPRESA

ECONOMICS

June 16, 2011

Metro President Hughes  
Metro Councilors Burkholder, Colette, Craddick, Harrington, Hosticka, Roberts  
Metro  
800 NE Grand Avenue  
Portland, OR 97232

RE: Resolution 11-4264

Dear President Hughes and Metro Councilors:

I was disappointed to learn that the Council voted last week to adopt Resolution 11-4264. While I was unable to attend the meeting in person, I have subsequently been able to listen to the recording of the meeting. I wanted to take this opportunity to address some incorrect statements that were made.

In his statements to Chris Smith—who presented written testimony on my behalf—Councilor Burkholder asked whether my work had been peer reviewed and claimed that the traffic projections for the Columbia River Crossing (CRC) had been validated by independent outside reviews. Inasmuch as I wasn't present, I'd like to take this opportunity to respond and correct the record.

My October 4, 2010 report made three points about the CRC: that the actual thirty year cost of the project was likely to approach \$10 billion, that traffic levels on I-5 were far below the levels forecast by the CRC, and that the project poses significant risks to the region's and the state's finances. Nothing in the staff report or the record on Resolution 11-02442 contradicts these statements.

The need for the CRC, the justification for its size, the analysis of its environmental impacts and the viability of its financing plan are all based on traffic projections that are demonstrably wrong. Actual data, obtained from the Oregon Department of Transportation, showed that traffic on the I-5 bridges is today more than 17,000 vehicles per day below the levels forecast in the DEIS.

Councilor Burkholder claims that you should in effect ignore this discrepancy because the traffic modeling used in the DEIS was peer reviewed in 2008, and because the Independent Review Panel appointed by Governor's Kulongoski and Gregoire had reviewed and vindicated CRC's work. Let me address each of these reviews in turn.

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The so-called peer review of traffic modeling was undertaken in a two-day session in 2008. The four peer reviewers were selected by CRC project proponents, with no input from the public or project opponents. The peer reviewers were not provided either with the criticisms of the CRC traffic estimates (including the DEIS record), nor did they hear any testimony or presentations from those who raised questions about the traffic projections, nor did they review any post-2005 data on actual traffic volumes over the I-5 bridges. Also, it is important to note that they concluded only that the CRC methods and assumptions used were “within standard practice.” The panel did not vouch for the accuracy or reliability of the CRC forecast numbers. Unless the body reviewed actual post-2005 data, gave full hearing to questions and criticisms of CRC modeling, and offered an opinion about the reliability of the model outputs, it hardly constitutes a basis for treating these estimates as accurate.

In 2010, Governors Kulongoski and Gregoire appointed an Independent Review Panel (IRP) to examine the CRC. Councilor Burkholder claims that “The Independent Review Panel that was convened came in, had some good criticisms, every criticism has been responded to and we’ve adopted almost every one of those.” (Metro Council Recording, June 9, 2011).

This is not the case. In fact, the IRP raised numerous significant questions about the project, traffic projections and related issues, most of which are still unaddressed. Specifically:

- The IRP said that the CRC would need to do new and more finely detailed traffic projections (p 179). These have not been prepared.
- The IRP said that the CRC should do a sensitivity analysis of 8-, 10- and 12-lane configurations (p. 119). These have not been prepared.
- The IRP said that the City of Portland and ODOT should “fully program” a solution for the Rose Quarter bottleneck (p. 114). This has not been done.
- The IRP said that the project will need to undertake new risk assessments. This has not been done (p. 196).
- In addition, the IRP called for the project to be phased and that contingency plans be developed for a scaled-down project in the event that not all of the anticipated financial resources arise (p 13). No phasing plan has been made available for public review nor has one been adopted; nor has CRC subjected a phased or truncated project to NEPA analysis.

Finally, CRC project sponsors frequently make the argument that questioning CRC traffic projections amounts to challenging the award-winning Metro traffic modeling process.

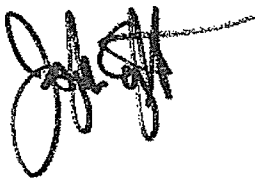


Councilor Burkholder strongly implied this position when he challenged a citizen's testimony. But in fact, the CRC estimates are not taken directly from the Metro model. According to CRC documents obtained in response to a public records request, the CRC staff substituted their own judgment for the results of the Metro model, by manually re-assigning thousands of vehicles of projected future traffic from the I-205 bridge to the I-5 bridge, in a process the CRC euphemistically referred to as "post-processing." [Columbia River Crossing. (2010). Description of Revised Toll Model and Traffic and Gross Revenue Projections for Tolling Scenarios Deliverable AF 3003 (Identified as "PEAC-10"). Vancouver, WA: Columbia River Crossing.]

Councilor Burkholder asks whether my research has been peer-reviewed. The public debate about the CRC is, in significant part, the "peer review" of the CRC traffic estimates. I and other professionals, who have substantial expertise in transportation, economics, environmental issues, community development and other fields have critically reviewed the CRC plans and raised important questions. I have made my research publicly available, and have presented and defended it in a number of public meetings. On November 24, 2010, I wrote to President-elect Hughes (as well as Mayor Adams, and Tri-Met Manager McFarlane) offering to present my findings and answer questions about them. None of these entities responded to my offer. The only response to my report was a letter from ODOT Director Matt Garrett (January 21, 2011), to which I replied in detail on February 11, 2011.

I am more than happy to answer any questions about my report and defend my findings, and would welcome such an opportunity. And I would note for the record that my key conclusions about total project costs, inaccurate traffic projections, and financial risks have not been disproved by CRC advocates.

Best regards,

A handwritten signature in black ink, appearing to read 'JCortright', with a long horizontal line extending to the right.

Joseph Cortright

Attachments

Garrett Letter, January 21, 2011  
Cortright Response to Garrett, February 11, 2011  
Cortright Letter to Hughes, et al, November 24, 2010



November 24, 2010

Mr. Sam Adams, Mayor  
City of Portland  
1221 SW Fourth Avenue  
Portland, OR 97204

Mr. Neil McFarlane, General Manager  
Tri-Met  
4012 SE 17<sup>th</sup> Avenue  
Portland, OR 97214

Mr. Tom Hughes, President-elect  
Metro  
600 NE Grand Avenue  
Portland, OR 97232

Gentlemen:

Through its membership on the Project Sponsor's Council each of your organizations plays a key role in the development of the proposed Columbia River Crossing. While there is still considerable debate over the exact form and extent of the proposed project, it is clear that it represents the largest single public works project currently being considered in the region.

At the request of Plaid Pantry, Inc., my firm has recently completed an analysis of the financial aspects of this project. Our work shows that the actual costs of the project are much larger than the \$3.6 billion price tag that has been widely repeated by project advocates, and that the cost and schedule risks associated with the project are very large. In addition, it now appears that the traffic forecasts used to justify the size of the project, to estimate its environmental impacts and to calculate its financing are significantly in error.

This information should be of great value to the region's decision makers as they move forward with plans to address the congestion problems in the I-5 corridor. I would like to request the opportunity to make a presentation to the Project Sponsor's Council at the earliest available opportunity to present this information for their consideration.

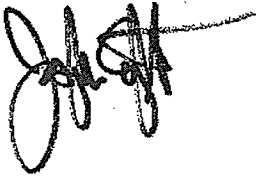
1424 NE Knott Street  
Portland, OR 97212  
503.213.4443  
[www.impresaconsulting.com](http://www.impresaconsulting.com)

I am providing electronic copies of my report for your review. If possible, I would like to get approximately 30 minutes of the council's time to present the findings of my analysis, and to be able to answer your questions about the report.

I would also be more than happy to invite the careful scrutiny of this work by the council and by the staff of the Columbia River Crossing. In addition, I am in the process of preparing an addendum to this report that incorporates additional information which we have obtained in the past month.

This is plainly a momentous decision for the region. I hope you will take the time to carefully consider this information before taking any further action on this project.

Best regards

A handwritten signature in black ink, appearing to read 'J. Cortright', with a long horizontal stroke extending to the right.

Joseph Cortright  
FOR IMPRESA, INC.

Electronic Attachment: CRC Financial Analysis



# Oregon

John A. Kitzhaber, MD, Governor

## Department of Transportation

Office of the Director  
1158 Chemeketa St. NE  
Salem, OR 97301-2528

January 21, 2011

The Honorable Peter Courtney, Senate President  
The Honorable Richard Devlin, Oregon State Senator  
The Honorable Ted Ferrioli, Senate Republican Leader  
The Honorable Dave Hunt, Oregon State Representative  
The Honorable Mary Nolan, Oregon State Representative  
The Honorable Bruce Hanna, Co-Speaker of the House of Representatives

Dear Senators and Representatives:

In October 2010, you received a memorandum from Mr. Chris Girard, president and CEO of Plaid Pantries, Inc. and an attached report prepared by Mr. Joseph Cortright. The report raised questions about cost estimation, traffic modeling and financial planning methodologies used for the Columbia River Crossing project (CRC). The Oregon Department of Transportation (ODOT) has prepared this letter to address and correct the inaccuracies and misrepresentation of the CRC included in the report. I am pleased to take this opportunity to share my confidence in project planning conducted to date and the ability of the department, along with the Washington State Department of Transportation (WSDOT), to deliver this critical project on budget.

The report references the recently-completed analysis by the CRC Independent Review Panel (IRP) convened by the Oregon and Washington governors, but did not include the IRP's primary conclusion. In the IRP's cover letter to the Governors, the panelists, all recognized national authorities in their areas of specialization, wrote:

The IRP is unanimous in assessing that the CRC must move forward with a new crossing to be built at the earliest possible date... This report outlines the IRP findings regarding the work to date and offers recommendations to serve as a "road map" for Oregon and Washington toward project completion. Complying with these recommendations will be the most expeditious path for the CRC and bring substantial long-term benefit to the region. (Cover letter dated July 27, 2010, CRC Independent Review Panel.)

Like the conclusion of the IRP, Mr. Girard writes that, "There is no doubt that we need to address the congestion on the I-5 system." I am in agreement with this statement. I am also in agreement with Mr. Girard's summary sentence that "We need to come up with an affordable, responsible, and buildable solution that works for Oregon and its taxpayers, especially small businesses, and all stakeholders who depend on a well-functioning I-5 system." I am confident that the CRC project will accomplish our shared goal.



especially small businesses, and all stakeholders who depend on a well-functioning I-5 system." I am confident that the CRC project will accomplish our shared goal.

### **Traffic forecasts**

Mr. Cortright alleges that CRC traffic volume forecasts are not accurate. Specifically, he states that CRC will make the Rose Quarter area of I-5 more congested and that the tolling forecasts also are inaccurate.

*Response:* Mr. Cortright's conclusion is based on traffic counts for the I-5 bridge, which have shown a recent decline with the current recession. It is typical for traffic volumes to decline during a recession and to rise during boom periods. These fluctuations are expected. Based on the most recent counts, evidence suggests that traffic volumes are resuming their long-term upward trend on both I-5 and I-205.

Estimating future traffic volumes requires a dynamic model with inputs on land use, socioeconomics, trip origins and destinations, and travel mode and route choice. CRC's traffic analysis comes from Metro's nationally-recognized travel demand model. This is the same model all regional transportation projects have used, including the recently completed MAX Green Line. A multi-jurisdictional team, including all of our local partners, has reviewed CRC traffic modeling forecasts. In addition, an expert review panel composed of national experts in the field of traffic modeling conducted an independent analysis in 2008 and validated the methods and results. The panel found that the travel demand model used for CRC is an advanced trip-based tool and that it was a valid tool for a project of this type. Specifically, the experts concluded:

- Vehicle operating cost assumptions, of which fuel costs are a component, were reasonable. Vehicle operating cost (gasoline, oil, tire and general maintenance costs on a per mile basis) was found to be the appropriate measure to use as it reflects the long-term relationship between fuel price and vehicle fleet fuel efficiency.
- The overall approach to the tolling analysis is within standard practice and the methods used are reasonable.
- The traffic analysis and forecasts, including vehicle miles traveled results, are reasonable.

The traffic analysis shows that CRC will reduce congestion, reduce auto travel, reduce greenhouse gas emissions, reduce energy consumption, and improve safety and trip reliability for all users, as compared to the no-build conditions. This is a result of the multimodal aspects of the project, which add light rail and improved bicycle and pedestrian facilities. Although there still will be congestion at the Rose Quarter after CRC is completed, the analyses have found that the project will not increase congestion there, and the number of auto trips will not change significantly.

The Oregon and Washington Transportation Commission chairs and the directors of the state transportation departments directed a CRC Tolling Study in 2009. The research

studied multiple tolling scenarios to understand traffic demand and diversion effects better, as well as toll revenue implications.

During this time, two new analytical surveys validated and updated assumptions used in the model. First an origin-destination survey compared the travel patterns of bridge users forecasted by the model under existing conditions to actual travel patterns in the corridor. If necessary it modified the trip distribution function in the model. The results of this survey performed well to forecast patterns within the corridor. Second, a "stated preference survey" determined a corridor-specific value of travel time for use in the regional travel demand model.

The tolling study analysis shows that most motorists will not change their behavior when forced with a toll on I-5. The largest change in travel patterns will be a reduction in travel demand across the river. Others will change their time of travel to the off-peak times or change their mode of travel. There would also be a small percentage of trips that will divert to I-205 in the tolled scenario, as explained further below.

When looking at the tolled versus no-toll scenarios in the year 2030, the major result is that tolling and transit improvements will reduce auto travel across the river by more than 26,000<sup>1</sup> trips per day (about 13 percent). Across the Columbia River, there will be about a 4.5 percent shift of auto trips on an all-day basis from the I-5 corridor to I-205, with more diversion in the off-peak hours than peak hours. South of I-84, the models estimate that diversion to I-205 will be approximately one percent on an all-day basis.

### **Cost estimates**

Mr. Cortright alleges a capital cost estimate for the project that is much higher than estimated.

*Response:* Mr. Cortright includes another transportation project in his cost estimate as well as flawed methodologies to overestimate other costs. The ultimate cost and time to construct a project is subject to many variables, including inflation, demand for materials or labor and the availability of funding.

The Washington State Department of Transportation's nationally recognized Cost Estimate Validation Process (CEVP) has been used to develop cost estimates for the CRC project. These estimates are updated regularly as project plans are developed and refined. CEVP provides a range of costs, determined through a risk-based analysis that estimates the probability that actual construction costs will fall somewhere within the range. The

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<sup>1</sup> This value is associated with the toll rate studied for the Draft Environmental Impact Statement, which was a \$1-2 variable rate toll on I-5 and no toll on I-205.

current capital estimates of \$3.2 – \$3.6 billion were developed in 2009<sup>2</sup>. Mr. Cortright disregards this rigorous process used to develop capital cost estimates for CRC.

Unanimous agreement of the CRC Project Sponsors Council has resulted in design revisions over the past year. These decisions will be factored into the next cost estimate update, expected in early 2011. The recent CRC Independent Review Panel commended the project's risk assessment approach, and recommended this methodology be used again following additional evaluation of the bridge type and design changes which have been made throughout the corridor. This process has been successfully applied to many large projects in the state of Washington. Recent construction bids for the Alaska Way Viaduct project in Seattle were well within the estimated range. Others states in the nation are now using this model.

In making his assertion that project costs will actually be much higher than estimated, Mr. Cortright incorrectly includes in his analysis costs to improve the Rose Quarter. The CRC project includes five miles of highway and interchange improvements, a replacement bridge over the Columbia River, light rail extension from Portland to Vancouver, and significantly better bicycle and pedestrian access and paths. The Rose Quarter is outside of the project area and, therefore, should not be part of the CRC project cost estimates.

The report methodology also incorrectly combines capital costs, operation and maintenance costs, and financing costs in a way that erroneously depicts capital costs. It could be compared best to the following example: A home buyer might need a \$250,000 mortgage to purchase a \$300,000 home. While paying off the 25-year mortgage, the home owner will pay utility bills, maintenance costs and interest costs associated with the mortgage which will total far more than \$300,000 over the 25-year period. However, these other costs do not change the original cost of the home, which is still \$300,000.

In the case of the CRC project, its capital cost, as stated above, is \$3.2 - \$3.6 billion and not the much higher number that Mr. Cortright asserts. All additional relevant costs to the project are addressed in the project's finance plan (see following answer).

### **Funding plan**

Mr. Cortright's report asserts the CRC project poses a financial risk to transportation finance in the Portland metropolitan region because of cost overruns, revenue shortfalls and schedule delay.

*Response:* The CRC project has been working to reduce the risk of cost overruns since 2005. As stated above, the Washington State Department of Transportation's nationally

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<sup>2</sup> This cost range is for year of expenditure dollars, i.e. the cost when the funds will be spent, planned for 2013-2019. There is a 40 percent probability that actual construction costs will be higher than \$3.2 billion and a 90 percent probability that actual construction costs will be lower than \$3.6 billion.



recognized Cost Estimate Validation Process (CEVP) is being used to develop cost estimates and manage risks.

To address a recommendation made by the Independent Review Panel about risks associated with the bridge design, ODOT and WSDOT have convened an expert review panel of bridge structural engineers and architects to discuss risks, constructability, aesthetics, and costs for all bridge types that would be feasible for the corridor. A final report is due in January 2011 and will be used to develop the new cost estimate.

It is standard practice for transportation projects to develop a financing plan to fully cover capital construction costs as well as any costs related to its financing process, such as interest. The CRC finance plan fully accounts for all project costs, including capital construction costs, maintenance and operations costs, and financing and interest costs. These are not additional or unaccounted for costs to the project as Mr. Cortright asserts.

Funding for CRC will come from a combination of federal and state funds and toll revenue. Federal highway funds are being sought from a category known as Projects of National Significance. Very few projects in the country and no other projects in the region can compete for these funds. Additionally, the New Starts transit funds will be awarded after a competitive process at the national level. These sources are unique to the CRC project and do not affect other Oregon projects.

The project team seeks the following funding allocations:

|                                |                       |
|--------------------------------|-----------------------|
| Federal highway funds          | \$0.40 billion        |
| New Starts transit funds       | \$0.85 billion        |
| State of Oregon and Washington | \$0.90 billion        |
| Toll revenues                  | \$1.36 billion        |
| <u>Existing resources</u>      | <u>\$0.05 billion</u> |
| Total:                         | \$3.56 billion        |

The states have not determined the actual toll rate, but they plan rates that vary by time of day. At a later stage, before bonding, the project will conduct an investment grade study.

#### **State and regional benefits**

Mr. Cortright's report states that CRC will have negative economic consequences for the region.

*Response:* This is contrary to the project's economic analysis. The project will also create or maintain 20,000 construction and construction related jobs that are much needed in the region. Additionally, the I-5 bridges over the Columbia River are directly connected to the economic growth and vitality of the state and the region.

One in five jobs in Oregon is trade related, and \$40 billion in freight crosses the Columbia River each year with both the Port of Portland and Port of Vancouver located

In closing, ODOT and WSDOT are employing best practices in all aspects of project planning to support the analysis, planning, construction and delivery of the Columbia River Crossing project. WSDOT researched 10 mega projects across the country to delve into lessons learned about project delivery. Best practices identified are key aspects of the CRC project delivery plan, including a co-located project office; strong ownership by the departments; ongoing management and tracking of scope and budget; a rigorous cost estimation process that accounts for risks and is frequently updated; early and frequent coordination with tribal governments, resource agencies and project partner agencies; and ongoing communication with the public and interested stakeholder groups. In addition, national and international experts have regularly evaluated CRC analyses. This external validation of project traffic modeling, greenhouse gas emissions methodology, value engineering, and construction planning continues to demonstrate that project management and delivery methods recognized as best practices.

The CRC team is committed to using industry best practices and due diligence as the project moves forward. We'll continue to provide updates along the way and are able to meet with you to address any questions you may have.

Sincerely,



Matthew L. Garrett  
Director

cc: The Honorable Ted Wheeler, Oregon State Treasurer  
Paula Hammond, Secretary, Washington State Department of Transportation  
CRC Project Sponsors Council Members

## MEMORANDUM

February 7, 2011

TO: Mr. Chris Girard, Plaid Pantry

FROM: Joe Cortright, Impresa

RE: Response to Mr. Garrett's Reply to Impresa's CRC Analysis

This memorandum responds to the comments made by ODOT Director Matt Garrett in a January 21, 2011 communication to legislative leaders, responding to Impresa's October 4, 2010 report on the financial aspects of the Columbia River Crossing.

Mr. Garrett questions Impresa's analysis of traffic forecasts, cost estimates, and the CRC funding plan. Impresa stands by the accuracy of all of the data and conclusions in our report, and based on our analysis, we disagree with Mr. Garrett's comments. We continue to conclude:

- Traffic levels in the I-5 corridor have been declining since 2005, raising serious doubts about the reliability of the project's future traffic projections. Flawed traffic projections undercut the need for the project itself, the rationale for its size, the accuracy of its environmental assessment, and the viability of its financing plan.
- The total cost that will have to be paid by taxpayers and bridge-users for the Columbia River Crossing over the next thirty years will be \$10 billion, including capital, interest and operating costs, and the attendant improvements that will likely be needed to resolve identified issues in the Rose Quarter. The region's road-users and taxpayers will have to pay all of these costs, not just the widely publicized initial capital cost.
- The proposed financing plan for the project poses major risks for the state and the region, and there is a high probability of cost overruns and revenue shortfalls.

The reasons for our conclusions and specific responses to each of the points raised by Mr. Garrett are presented in this memorandum. Mr. Garrett's comments are shown in *italic*, and our comments follow in **normal text**.

## Traffic forecasts

Impresa's report found that traffic volumes have been in decline on I-5 since 2005, and are falling dramatically behind CRC projections, undercutting the rationale for the project itself, the justification for its sizing, the analysis of its environmental impacts, and the viability of its financial plan. Mr. Garrett disputed our analysis of traffic data.

*"... traffic counts for the I-5 bridge, which have shown a recent decline with the current recession."*

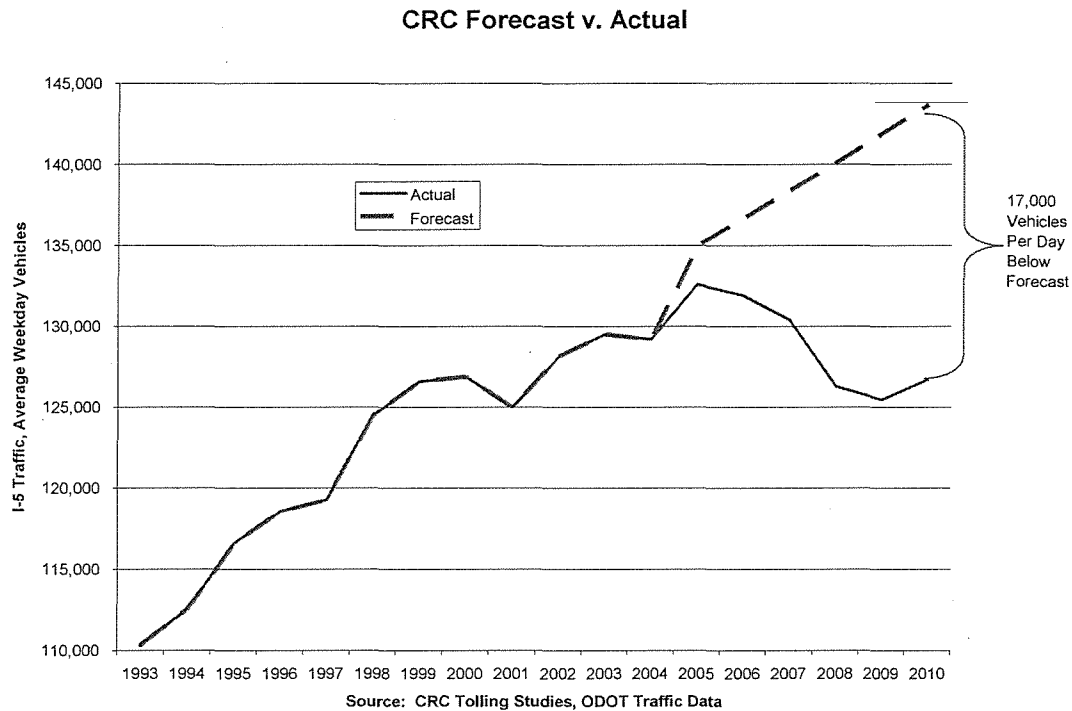
As we noted in our analysis, the decline is not recent, and predates the current recession which started in December 2007.

*"It is typical for traffic volumes to decline during a recession and to rise during boom periods. These fluctuations are expected."*

The data shows that historically, previous recessions have had only minor and transitory impacts on traffic growth changes. The current stagnation in traffic growth on I-5 is a decade-long trend, reflecting fundamental changes in travel behavior and a response to much higher fuel prices. In addition, the CRC modeling makes no allowance for recessions. Traffic levels are assumed to increase steadily each year without interruption. (See for example, document PEAC-54, page 15).

We analyzed ODOT's latest data on traffic levels on I-5, through November 2010. These data show:

- Traffic growth rebounded modestly in 2010. According to ODOT's calculation, for the first 11 months of 2010, traffic levels were up 1 percent over the 12 months of 2009. (Compared to the first 11 months of 2009, traffic in the first 11 months of 2010 was up 0.7%).
- Traffic in 2010 was 126,700 vehicles per average weekday.
- This traffic level is still almost 6,000 vehicles per day below the 2005 peak of 132,600.
- The 2010 traffic level is 17,000 vehicles per day below the DEIS forecast of 143,700 vehicles per day in 2010.
- At ODOT's calculated current rate of growth of 1.0% per year, 2030 traffic will be 154,400; this is about 30,000 vehicles per day **less** than the DEIS forecast.
- In order to reach the DEIS forecast, traffic growth would have to almost double -- to 1.9% per year -- and grow that fast every year for the next two decades. Over the past decade, traffic has increased that fast in only one year (2002).



This 17,000 vehicle per day shortfall from projections would have a material adverse effect on project financing. The shortfall to date coupled with the much lower than predicted level of growth would produce financial results similar to those outlined in our original report. In that report (page 15), we showed that a slower than projected rate of traffic growth on the I-5 bridges would produce a debt service payment shortfall of more than \$1 billion over the life of the project.

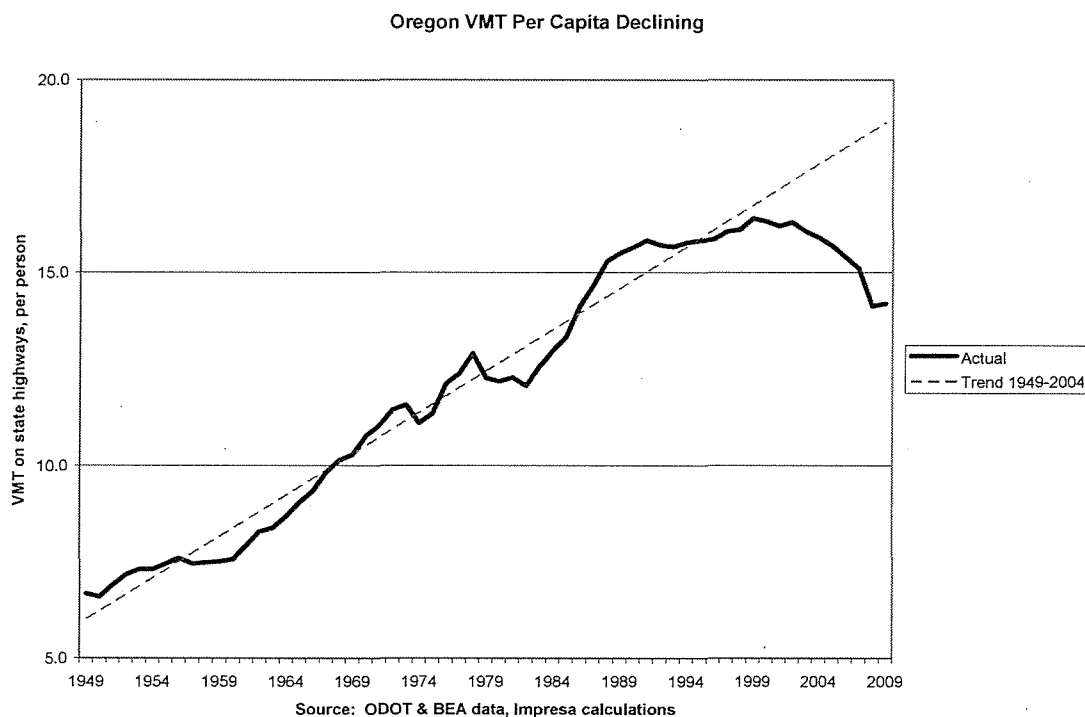
Our report explicitly addressed the role of the recession in influencing traffic levels on I-5. We noted that the decline in I-5 traffic volumes preceded by two full years the advent of the recession. The dramatic difference between the CRC forecast and actual traffic levels is not a minor “fluctuation”—it is a sea change in travel behavior reflecting important national and regional trends.

*“... evidence suggests that traffic volumes are resuming their long-term upward trend on both I-5 and I-205.”*

Mr. Garrett presents no data to show what the actual “upward trend” of traffic volumes is now. The question is not merely whether they are rising, but whether they will recover to the previous levels, and whether they will grow at anything close to the rate CRC projected five years ago. The evidence shows the growth rate is much slower than

forecast, raising serious questions about the need for the project, its sizing, and how it will be financed.

As we noted in our report, per capita vehicle miles traveled continues to decline nationally. The doubling of fuel costs since 2005 has produced a dramatic change in travel behavior. This is confirmed by ODOT's own data on travel on state highways; vehicle miles traveled per capita on state highways peaked in 1999, and are 13% below that level. On a per capita basis, Oregonians are driving on state highways at rates lower than at any time since 1987. This shift is not a small or temporary change induced by the recession—it is a long term shift in the nation's driving habits that is not captured in transportation models calibrated in an era of cheap energy (Oregon State Vehicle Miles Traveled for state owned highways, [http://www.oregon.gov/ODOT/TD/TDATA/tsm/vmtpage.shtml#Oregon\\_VMT\\_Graph](http://www.oregon.gov/ODOT/TD/TDATA/tsm/vmtpage.shtml#Oregon_VMT_Graph)).



This trend is also confirmed by similar data from the Washington DOT. Between 2006 and 2009, per capita vehicle miles traveled in Washington State have declined 3.9% (Washington State Department of Transportation, 2010)

*A multi-jurisdictional team and an expert review panel has reviewed the model.*

In 2008, the CRC convened a Travel Demand Model Review Panel consisting of staff from four other metropolitan planning organizations. This panel was not provided with copies of comments on the DEIS that questioned and criticized the data, methodology and findings of the CRC traffic forecasts. The panel spent two days reviewing the

methodology, but did not independently develop its own estimates, and there is no indication it reviewed actual traffic data from 2005 (the base year of the forecast) and 2008.

Our report pointed out that the problems of over-estimating future traffic levels are endemic to the entire class of models used by CRC and metropolitan planning organizations. This is not our conclusion, it is the conclusion of independent expert review by the Government Accountability Office (2005) and the National Academy of Sciences (Committee for Determination of the State of the Practice in Metropolitan Area Travel Forecasting, 2007). Claiming that the travel demand model review panel found that the methodology was consistent with the general practice doesn't refute the point made in our report, and the general practice is seriously flawed.

*"Vehicle operating costs, of which fuel costs were a component were reasonable."*

The CRC traffic forecasts are based on the Metro model which relies upon travel behavior surveys taken in 1994 when the price of gasoline was less than \$1 per gallon. The CRC traffic models contain no explicit variable that addresses changes in fuel costs. The model is based on the assumption that the per mile cost of driving will not increase faster than inflation, and that increases in real (i.e. inflation-adjusted fuel prices) will be exactly offset by improvements in vehicle fuel economy, leaving travel behavior unchanged regardless of any change in fuel prices. As shown above, this premise is incorrect.

*"... tolling analysis is within standard practice."*

As we noted, a careful review of toll revenue forecasts undertaken for other similar projects shows that standard practice methods consistently over-estimate future traffic and associated revenue (Bain, 2009). We also showed that WashDOT's forecasts for the Tacoma Narrows Bridge have significantly over-estimated toll revenues. The CRC has not commissioned an independent, investment-grade forecast that would reflect probable results that would be achieved in practice.

*"... two new analytical surveys validated and updated assumptions used in the model. First, an origin-destination study compared the actual patterns"*

In fact, as we noted in Section 1.4 of our original report, the authors of the CRC traffic forecasts manually adjusted the model outputs, substituting their own judgment for the modeled results, and inflating traffic volumes assigned to the I-5 bridge by 6% as part of what they euphemistically labeled "post-processing."

*"a 'stated-preference' survey determined corridor specific value of time for use in the regional travel demand model."*

As we noted in our analysis, the stated preference survey is regarded as a second-best method for estimating the actual value that travelers attach to travel time savings. We

also noted that the CRC survey systematically under-sampled low and moderate income households, biasing upward its value of time estimates. The IRP agreed with these concerns and concluded that a new travel demand forecast would be needed, in conjunction with the investment grade forecast (page 179).

It is also worth noting that the travel demand modeling for the CRC does not include an estimate of the effect of the “pay by plate surcharge” that travelers will have to pay if they don’t purchase transponders. The CRC states that the surcharge may be an additional \$1.50 on top of the toll, so most of the region’s population will face a \$3.50 or higher toll (a \$2.00 toll plus a \$1.50 surcharge) to use the CRC at peak hours. The CRC has not estimated the effect of the combined toll/surcharge on travel behavior. The actual surcharge may be higher. The Washington Transportation Commission found it necessary and has just approved a \$2.75 per transaction “pay by plate” surcharge above the transponder toll for the Tacoma Narrows Bridge (WAC 468-270-070).

*“There will be about a 4.5 percent shift of auto trips on an all day basis from the I-5 corridor to I-205.”*

This estimate is highly dependent upon the incorrect value of time assumptions used in the forecast, and is further affected by the failure to include the effect of the pay by plate surcharge on travel demand. Overestimating the value of time has resulted in the CRC underestimating diversion. Moreover, it is exactly this diversion effect which has shown to be systematically underestimated by standard models, and is only corrected by undertaking an investment grade analysis, which has not been done for the CRC.

### **Cost estimates**

Impresa’s analysis concluded, based on estimates obtained from CRC and ODOT, that the total capital and operating cost of the CRC, plus the improvements needed at the Rose Quarter for the CRC to work as designed, would cost the region \$10 billion over the next 30 years.

*The CRC finance plan fully accounts for all project costs, maintenance and operations costs and financing and interest costs.”*

The widely quoted \$3.9 billion capital construction price tag, still repeated by CRC, does not include the full 30 year cost of building, financing and operating the project. Prior to the release of documents obtained in response to a public records request, there was no publicly available information on the total dollar amount of operations, maintenance or interest costs of the project.

The total cost of the project over the next 30 years, including the fix for the Rose Quarter that was addressed by the IRP, will be roughly \$10 billion, assuming that there are no cost overruns. As documented in our original report, none of these estimates were made by Impresa; every figure was taken from estimates prepared by CRC, ODOT and the IRP.



*“The Rose quarter is outside of the project area and therefore, should not be part of the CRC project cost estimates.*

The reports of both the Independent Review Panel and the city of Portland’s engineering consultants, URS, identified the bottleneck at the Rose Quarter as a major issue. Unless the chokepoint at the Rose Quarter is fixed, the utility of the entire CRC investment is jeopardized. They write:

“Questions about the reasonableness of investment in the CRC bridge because unresolved issues remain to the south threaten the viability of the project.”  
(Independent Review Panel Report, 2010, page 112).

The IRP panel recommends a new set of traffic studies to test whether the CRC will simply shift the bottleneck south, and calls for ODOT and the City of Portland to “fully develop a solution for I-5 from I-405 to I-84” and to program that solution in conjunction with the phasing of the construction of the CRC (page 113).

*“Cortright disregards this rigorous process used to develop capital cost estimates for the CRC.”*

Actually, the IRP found that the Cost Estimation Validation Process (CEVP) used to-date on the CRC was anything but rigorous. After their review they found that total project costs were “unknown with any certainty,” that the CEVP had “significant weakness” and had been undertaken for a different design than that now contemplated. They called the assumptions used for cost estimates and project schedules unreasonable and optimistic. The IRP concluded that the CEVP was “not accurate enough” to support a financial plan.

“The February 2009 CEVP workshop was based on an LPA design, which is fundamentally different from the current LPA “refined” design currently contemplated for the Final EIS. As the CEVP performed in February 2009 used information and assumptions available at the time which are fundamentally different than the design concept and assumptions being put forth in the Final EIS, there is a significant risk that the range of numbers and dates used for the financing model, which in turn will be used for funding and financing of the Project is not accurate enough for such purposes.”  
(Independent Review Panel Report, pages 166-167)

Additional quotations taken from the Independent Review Panel report are shown in the Appendix to this document.

And, as we now know, based on the report of the Bridge Review Panel (issued February 4, 2011), the “open-web” design proposed for the bridge in the project refinement is now regarded as un-buildable.

*“The recent CRC Independent Review Panel commended the project’s risk assessment approach . . .”*

In fact, the IRP offered many significant criticisms of the CRC risk analysis. The IRP cited incorrect assumptions in the CEVP process that “dramatically affect the assumptions on the identification of potentially emerging risks, the probability of those risks occurring and the schedule and cost impact these risks would then have on the project.” Similar concerns have been raised by the federal government’s independent Project Management Oversight Consultant (PMOC). The PMOC consultant, Gannett-Fleming, found that project budget and schedule documents assumed a unrealistic 12 month in-water work window (IWWW), and that with a likely 4-month IWWW, the project may be “not constructible.”(Gannett Fleming Inc., 2009, page 4-8) While acknowledging progress in negotiating the in-water work window with regulatory agencies, the latest PMOC report concluded that the final implications for the project will not be know until the Biological Opinion is issued.

*“The report methodology also incorrectly combines capital costs, operation and maintenance costs and financing costs in a way that erroneously depicts capital costs.”*

This is not correct. Our report never describes interest, operating costs or maintenance costs as “capital costs.” We are quite clear that our estimates represent the total 30-year cost of the CRC. It is also worth noting that Mr. Garrett does not challenge the accuracy of any of the operation and maintenance costs or interest costs. These are the total costs that Oregon and Washington taxpayers and road users would have to pay over the next 30 years. In addition, it seems likely that some costs would be even higher than CRC has estimated. For example, as noted earlier the Washington Transportation Commission has just approved a \$2.75 pay by plate surcharge for the Tacoma Narrows Bridge—nearly double the cost assumed in CRC estimates.

*The home buyer analogy.*

Mr. Garrett offered an analogy of a consumer buying a home. We don’t believe this a relevant example, but within that context, it is not just the advertised price of the “home” that the consumer must consider. Aside from the purchase price, it is critical that the homeowner know if he/she can make the monthly payments. In the case of the CRC, we don’t know if we can get a loan (bonding), how much we can finance, what the interest rate, fees and terms will be, or how we can make the \$450 million “down payment” in the current and foreseeable weak economy. And in this analogy, the consumer will only get a loan by pledging other state assets as a guarantee, and agreeing to pay all of the contractor’s cost overruns.

The finance plan proposed for the CRC is an integral part of the project and deserves close scrutiny. As proposed, the financing is the equivalent of a high risk, negative amortizing home loan of exactly the type that generated the huge increase in home mortgage delinquencies in the past five years. It is based on unrealistic and unsupported assumptions of steady traffic increases and continuous toll rate increases. As noted in our original report, the interest cost alone would be nearly double the cost of the kind of standard level-payment, fully amortizing mortgage that most consumers would recognize,

because it capitalizes interest payments in early years, and “backloads” debt repayment based on the assumption of steady and continuous increases in total toll revenue. And the project will require the states to offer “credit enhancements”—essentially an unconditional guarantee to make up revenue shortfalls and cost overruns. The total cost of the project, not just an estimated price tag for capital costs, should be carefully scrutinized by state policymakers, because the taxpayers and users of the bridge will end up paying the total costs, including making good on guarantees, not just the estimated capital costs.

### **Funding plan**

Impresa’s analysis found the funding plan for the Columbia River Crossing is at best uncertain and risky. There is a high probability of cost-overruns, such as those experienced in ODOT’s Pioneer Mountain-Eddyville and Newberg-Dundee projects. It is also likely that the project has overestimated likely revenues from tolling. In addition, the project faces significant and unresolved risks in obtaining federal funding, and in negotiating an in-water work window consistent with the project schedule and budget.

*“At a later stage, before bonding, the project will conduct an investment grade study.”*

Mr. Garrett does not dispute the need for the investment grade analysis, also recommended by the Independent Review Panel. The CRC has offered no rationale as to why such a study should not be undertaken immediately. The Legislature and the Governor should have access to the same high quality, independent financial analysis that an investor would insist upon, prior to their deciding whether to finance and guarantee this project.

Mr. Garrett’s statement does not specify who would undertake the investment grade study, and when it would occur. As the IRP and financial industry documents make clear, the investment grade study has to be undertaken by an entity independent of the project in order to be credible, in the same way that auditing is done by independent, outside firms.

*“Federal highway funds are being sought from a category known as Projects of National Significance. Very few projects in the country and no other projects in the region can compete for these funds . . . . These sources are unique to the CRC project and do not affect other Oregon projects.”*

The category of “Projects of National and Regional Significance” was established in the SAFTEA-LU transportation funding bill of 2005. All of the funds in that program were earmarked by Congress for 25 named projects, and funding under this section ran from fiscal year 2005 to 2009.

There is currently no legal authorization for a “Projects of National Significance” category. There have been legislative proposals to enact a “Projects of National Significance” category, but no legislation has passed either house of Congress. This source of funding is at best speculative.

The CRC makes it clear in its financial plan—as pointed out in our initial report—that it will seek federal funding for the CRC from whatever sources possible, including earmarks and other discretionary highway funds.

If PNRS funds are not sufficiently available for the CRC project, other discretionary highway funds will be sought, such as High Priority Projects (HPP) and Interstate Maintenance Discretionary (IMD) funds.  
(Final EIS Financial Plan—Draft Report, September 2010, page 2-6.)

Funding for the CRC from earmarks and discretionary funds therefore will likely reduce the availability of federal funding for other project in Oregon. In the previous transportation legislation, the money allocated for projects of “national significance” was earmarked by Congress based on local priorities: Oregon used the earmarks it received under the Projects of National and Regional Significance program of SAFETEA-LU to fund the statewide I-5 bridge repair program.

While funding allocation under the PNRS program was envisioned as a criteria-based administrative program, the entire \$1.8 billion funding authorization was earmarked to specific projects in SAFETEA-LU. Oregon received an award of \$160 million to improve bridges throughout the state in the I-5 corridor, and Washington received a \$220 million award for the Alaska Way Viaduct project.  
(Final EIS Financial Plan—Draft Report, September 2010, page 2-6.)

While Mr. Garrett has raised questions about some issues, and argued about the characterization of some costs, his letter does nothing to disprove the accuracy of any of the specific figures on costs or traffic levels presented in Impresa’s October 4, 2010 report. Over the next 3 decades, according to the project’s own estimates, the region’s travelers and taxpayers will end up spending at least \$10 billion to construct and operate the Columbia River Crossing, and to upgrade the Rose Quarter bottleneck sufficiently to make the CRC work. The project is based on traffic projections that have not been borne out in practice, and which grossly overstate future traffic levels and likely toll revenues. Our initial conclusions stand that this project poses enormous financial risks for the state and region.

## References

- Bain, R. (2009). *Toll Road Traffic and Revenue Forecasts: An Interpreter's Guide*: Author.
- Committee for Determination of the State of the Practice in Metropolitan Area Travel Forecasting. (2007). *Metropolitan Travel Forecasting: Current Practice and Future Direction* Washington: Transportation Research Board of the National Academies.
- Gannett Fleming Inc. (2009). *Columbia River Crossing (CRC) Project Risk Assessment Report*. Mill Valley, CA: Author.
- Government Accountability Office. (2005). *Highway and Transit Investments: Options for Improving Information on Projects' Benefits and Costs and Increasing Accountability for Results* (GAO-05-172). Washington, DC.
- Washington State Department of Transportation. (2010). *The 2010 Congestion Report* (Gray Notebook Special Edition). Olympia, WA: Washington State Department of Transportation.

## **Appendix: Independent Review Panel Findings**

Independent Review Panel. (2010). *Columbia River Crossing Independent Review Panel Final Report*. Olympia: Author.

Page 12

“No Cost Estimate Validation Process (CEVP) has been done on the current design. Past CEVP efforts were conducted on a version of the bridge no longer under consideration. The earlier Constructability Workshop reviewed a previous version of the bridge as well.”

Page 14

“The IRP is unable to assess the accuracy of the cost estimate for the project. Past efforts to determine an accurate cost have been largely negated due to the change in bridge type and the continuing controversy regarding Hayden Island. Until a resolution to these two issues is achieved and the NEPA process is closer to completion, the total cost of the project is unknown with any certainty. Conducting a new CEVP and other cost estimation activities are necessary to rectify this situation.”

Page 166

“However, the validity of the Basis of Estimate is only as good as the inputs used for the CEVP model. This is where the IRP sees a significant weakness in the Final CEVP Report as presented to the IRP and thus potentially in the cost and schedule dates used in the financial model.”

Page 194

The open-web design is “one that has never been built anywhere in the world and which will require extensive testing and engineering to determine its viability for this project”

Page 159

“The schedules that have been provided to the IRP do not reflect major, important issues that have been identified in this report, which should be considered before the schedule is finalized.”

Page 160

“The IRP believes the schedules provided are very optimistic and aggressive as to essential milestones. In many cases recent events have made the schedules obsolete.”

Page 160

“Response to IRP requests with dated and in many cases no longer valid project schedules suggest that CRC is not using project schedules as a core management tool. This can detract from the credibility of and confidence in the project management staff and can lead to public uncertainty in the delivery of the Final EIS as currently promised to the Governors.”

Page 164

“The current CEVP costs are relative only and form little basis for actual conditions as they exist at this time.”

Page 166-167:

“The February 2009 CEVP workshop was based on an LPA design, which is fundamentally different from the current LPA “refined” design currently contemplated for the Final EIS. As the CEVP performed in February 2009 used information and assumptions available at the time which are fundamentally different than the design concept and assumptions being put forth in the Final EIS, there is a significant risk that the range of numbers and dates used for the financing model, which in turn will be used for funding and financing of the Project is not accurate enough for such purposes.”

Page 168

“Until these changed conditions are considered in conjunction with the other risks included in the CEVP, the credibility of the cost basis for the project as a means for communicating the needed funding and financing is problematic.”





June 14, 2011

To : LUFO Steering Committee Invitees

Distribution List: Mayor Sam Adams, City of Portland  
 Mayor Shane Bemis, City of Gresham  
 Mayor Jeremy Ferguson, City of Milwaukie  
 Mayor Doug Neeley, City of Oregon City  
 Councilor Rex Burkholder, Metro  
 Commissioner Ann Lininger, Clackamas County  
 Commissioner Loretta Smith, Multnomah County  
 Matt Garrett, ODOT

In 1998, following application by TriMet, the Metro Council adopted a Land Use Final Order (LUFO) for the South/North Project establishing the light rail route, stations, park-and-ride lots, maintenance facilities and highway improvements for the South/North Corridor extending from Milwaukie to Vancouver, Washington. In 1999, 2004 and 2008, the Council adopted LUFO amendments for the Project, the most recent approving the Portland-Milwaukie Light Rail Project.

Now TriMet wishes to apply for a fourth LUFO amendment to authorize the Columbia River Crossing (CRC) Project, which would modify the light rail facilities and highway improvements for that portion of the South/North Project located in Oregon from the Expo Center and Victory Boulevard to the Oregon/Washington state line.

Under Oregon Laws 1996, Chapter 12, before TriMet may apply for a LUFO amendment, it must first receive recommendations from the LUFO Steering Committee and ODOT. The LUFO Steering Committee consists of one elected representative from each affected city and county and one representative each from TriMet, ODOT and Metro. As a representative of your local government or agency, I am asking you to participate as a member of the LUFO Steering Committee in making a recommendation to TriMet on this project.

The LUFO Steering Committee will be meeting to act on the LUFO Amendment on June 23, from 3:30 to 5:00 pm. The meeting will be held at Portland City Hall, in the Rose Room on the third floor. City Hall is located at 1221 SW 4<sup>th</sup> Avenue, Portland Oregon. In preparation for the meeting I am enclosing a Steering Committee staff report Draft Steering Committee Recommendation for your review, along with the Steering Committee meeting agenda.

Sincerely,



Neil McFarlane  
 General Manager



Land Use Final Order Steering Committee  
Columbia River Crossing  
Thursday June 23, 2011, 3:30 – 5:00p.m.  
Portland City Hall, Rose Room 3<sup>rd</sup> floor  
1221 SW 4<sup>th</sup> Avenue, Portland

|           |  |
|-----------|--|
| 3:30 p.m. | <b>Welcome and Introductions</b><br>Neil McFarlane<br>TriMet General Manager                               |
| 3:40 p.m. | <b>Project Update</b><br>Steve Witter<br>TriMet Project Manager  |
| 3:50      | <b>Purpose of Land Use Final Order (LUFO) Legislation HB 3478</b><br>Mark Greenfield<br>Project Consultant |
| 4:05      | <b>Steering Committee Formal Capacity</b><br>Mark Greenfield<br>Project Consultant                         |
| 4:20      | <b>Overview of the LUFO Process and LUFO Schedule</b><br>Mark Greenfield<br>Project Consultant             |
| 4:35      | <b>Overview of the LUFO Amendments</b><br>Steve Witter<br>TriMet Project Manager                           |
| 4:50      | <b>Discussion</b><br>Steering Committee  |
| 5:10      | <b>Steering Committee Recommendation Action</b><br>Steering Committee                                      |
|           | <b>Adjourn</b>   |

**Date:** June 13, 2011

**To:** South/North LUFO Steering Committee

**From:** Alan Lehto, Director of Project Planning

**Subject:** Adoption of Land Use Final Order Recommendation for South/North Project  
(Columbia River Crossing)

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The purpose of this memorandum is to provide you with an overview of the State of Oregon requirements governing amendments to a "land use final order" (LUFO) for the South/North Project. In summary, House Bill 3478 (Oregon Laws 1996, Chapter 12), Section 6(1) requires TriMet to apply to the Metro Council for a LUFO for the South/North Project "following receipt of recommendations from the Department of Transportation and the Steering Committee." Section 6(2) requires TriMet to follow this same procedure when seeking to amend the originally approved LUFO. Such amendments are required when, as here, any siting of the light rail route, a light rail station, park-and-ride lot or maintenance facility, or a highway improvement is proposed outside the locations identified in the originally adopted LUFO for the Project.

An Intergovernmental Agreement executed on June 3, 1998 between Metro, TriMet, ODOT, Multnomah and Clackamas Counties, and the cities of Portland and Milwaukie, established the LUFO Steering Committee as required under House Bill 3478. In addition to voting members from these seven jurisdictions and agencies, the LUFO Steering Committee also includes the City of Oregon City as a non-voting ex officio member, because House Bill 3478 provides for extension of the South/North Project to Oregon City at some future date. For purposes of the Portland-Milwaukie Project, for which Metro adopted a LUFO amendment in 2008, the City of Gresham also was added to the LUFO Steering Committee as a voting member, since that amendment required an expansion of the Ruby Junction Maintenance Facility in Gresham.

Attached for consideration by the LUFO Steering Committee is staff's recommendation for a LUFO amendment for the South/North Project (Columbia River Crossing portion) that would be forwarded to TriMet and the Metro Council following your adoption of it. Although the project extends into the State of Washington, the recommendation concerns only that portion of the light rail alignment extending from the Expo Center to the Oregon/Washington state line, which is the area within Metro's land use decision-making jurisdiction. Likewise, the recommendation concerns only those highway improvements located within the State of Oregon. The project provides for highway improvements along the I-5 corridor between N. Victory Boulevard and the Oregon/Washington state line, including two new bridges crossing the Columbia River (including light rail and bicycle/pedestrian facilities); widening of Interstate 5 from approximately N. Victory Boulevard to the state line; interchange improvements at Hayden Island, Marine Drive and Victory Boulevard; an integrated rail/vehicle/bike/pedestrian bridge connecting Hayden Island to the Expo Center area; new roadway connections; and various road realignments, widenings and modifications. The addition of highway

improvements to the light rail project initially approved in 1998 is authorized by House Bill 3478 when the rail and highway improvements are addressed together in a draft environmental impact statement for the South/North Project, as is the case here. This combination of light rail and significant highway improvements is not unique to this LUFO amendment. Highway improvements were included in the 2008 LUFO amendments for the Portland to Milwaukie section of the South/North Project, and also as part of the Westside Corridor Project, which extended light rail from Portland to Hillsboro, widened US 26 and Oregon 217, and provided for numerous related highway improvements. Like the South/North Project, the Westside Corridor Project was subject to a LUFO approval process.

The Columbia River Crossing portion of the South/North Project also will require some improvements to the Ruby Junction Maintenance Facility in Gresham. This facility was first authorized in 1980 as part of the Portland to Gresham light rail project. The facility includes light rail tracks, vehicle storage spaces and maintenance bays, an operation center, and related facilities necessary to maintain light rail vehicles. As part of the 2008 LUFO amendments, the Metro Council approved the modification and expansion of the Ruby Junction facility and expanded its boundaries. Because all anticipated improvements associated with the Columbia River Crossing project will occur within those previously approved boundaries, a LUFO amendment is not needed. Still, staff deems it appropriate to acknowledge the improvements proposed for the Ruby Junction Maintenance Facility in the LUFO Steering Committee recommendation.

The recommendation for the Columbia River Crossing portion of the South/North Project consists of two parts: (1) a textual description of the light rail route, station, maintenance facility and highway improvement amendments; and (2) maps illustrating the "locations" of these facilities and improvements. The maps are required under Section 6(1)(a) of House Bill 3478, which provides that the locations "be in the form of boundaries within which the light rail route, stations, lots and maintenance facilities and the highway improvements shall be located." The map for the Ruby Junction Maintenance Facility is copied from the 2008 LUFO that the Council previously approved and is included for informational purposes.

Along with a recommendation from ODOT, your recommendation of LUFO amendments to TriMet is the first step in the LUFO amendment process. Upon receipt of recommendations from the LUFO Steering Committee and ODOT, TriMet will file an application with the Metro Council. The Council can either approve the application as submitted or refer it back to TriMet for revisions. Under the Intergovernmental Agreement signed by the parties, any referral back to TriMet may be subject to LUFO Steering Committee review and recommendation. Council adoption of the LUFO must be accompanied by findings of compliance with 10 criteria established by the Land Conservation and Development Commission. A copy of those criteria is attached.

In some instances, the boundaries have been drawn broadly to provide greater flexibility in determining the appropriate locations for the light rail route, the Hayden Island station and the highway improvements that are the subject of this LUFO amendment proceeding. This provides some greater engineering flexibility and helps to avoid the need for additional LUFO amendments.

If you have any questions, please feel free to call me at 503-962-2136, Steve Witter at 360-816-8889. Thank you for your consideration of these proposed LUFO amendments.

## Laura Dawson-Bodner

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**From:** Kathryn Sofich on behalf of Rex Burkholder  
**Sent:** Thursday, June 16, 2011 12:26 PM  
**To:** Laura Dawson-Bodner  
**Subject:** FW: The CRC deserves a REAL vote in Salem

Per your email I'm doing one last look, and found this one. I'll email you when I'm completely done.

Kathryn

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**From:** Lenny Dee [mailto:lenny@onwardoregon.org]  
**Sent:** Sunday, June 12, 2011 9:24 AM  
**To:** Rex Burkholder  
**Subject:** Re: The CRC deserves a REAL vote in Salem

Hi Rex,

I very much appreciate the frank feedback. There are people of good will on both sides of the question. Personally I've been uncomfortable with the arguments opponents of CRC have been making because I believe they're asking the wrong questions. I've enclosed my thoughts on what we really should be discussing and would greatly appreciate your take on it

There is overwhelming observable, scientific evidence that the Earth as we know it won't exist by the end of this century. Its happening as we sit here in the relative comfort of the Pacific Northwest-acquifers drying up in the midwest, severe drought in the southwest, glaciers disappearing from Glacier Park. Despite a down economy world-wide emissions rose a record 6% in 2010. The Netherlands recognizing what is coming has a funded 200 year plan to mitigate damages which includes literally knocking down housing to provide space for rising waters. Will we be building moats around Miami, New Orleans, Washington D.C., and lower Manhattan? Arizona will be over 105 degrees 14 weeks a year, Florida and Texas will have be over 90 degrees half a year. How will the Northwest deal with thousands of climate refugees from a parched Southwest? There is a part of us that shuts down when hearing how monumental the problem is. We intuitively know that the way we live and work needs to change as its part of a problem that is overwhelming systematic.

Our politicians are guilty of capitulating their leadership responsibility. No one wants to be labeled as Dr. Gloom. Crisis can bring opportunity. The folks we vote for, give money to, and knock on doors for don't see a way of providing the forthright leadership we need. If asked would Governors Kitzhaber and Gregoire disagree with MIT's scientists projections of a nine degree temperature rise by the end of the century?

At Onward Oregon we share a similar lack of backbone. We've opposed the Columbia River Crossing on the basis of financial risks and faulty transportation projections. While that might be an affective short term argument it begets the primary question of why facilitate an economic lifestyle model that have to all to soon radically change. If we're going to spend \$3 billion on a project in this region wouldn't it be smarter to start envisioning and planning a truly self sufficient economy.

On Fri, Jun 10, 2011 at 4:31 PM, Rex Burkholder <[Rex.Burkholder@oregonmetro.gov](mailto:Rex.Burkholder@oregonmetro.gov)> wrote:  
Lenny,

Well, at last someone saying that the Legislature has been asleep at the wheel while the local governments have been doing the real work on this project. Yes, the Legislature has a huge responsibility and has been absent. They direct ODOT. They approve ODOT's budget but your, and others, ire and fire has been directed at the local and regional governments that have

been doing an excellent job vetting and refining this project. I am confident that, if the Legislature put one tenth as much time into this project as many citizens, business leaders and elected officials in the metro region have, they would see that it has been thoroughly examined, with exhaustive review of 47 or so alternatives and it is a model of a multi-modal, focused and refined proposal.

That said, I am quite disappointed that onwardoregon would repeat the poppycock put forward by some opponents of the bridge, whose work, by the way, has never been peer reviewed, unlike the proposal that has had *four* separate, independent reviews. Attacking people who live in Vancouver (as if they have three heads), claiming no state impact when every community up and down I-5 and beyond relies on moving goods and people through the Portland region to be successful, claiming tolls would adversely affect the 205 bridge (not true, a negligible 4.5% at rush hour diversion), ignoring how tolls would actually reduce potential growth in Clark County (which, BTW, has a urban growth boundary of its own, since 1990!), air quality in North Portland would actually improve compared to no-build, and to attack the cost of the project when fully one-third is for taking Light Rail to the second largest center in the region (that's right, Vancouver is part of the region and its bigger than Gresham).

Sorry for the rant but usually your positions are well researched, not regurgitated.

+++++

Rex Burkholder  
Metro Councilor, District 5  
Oregonmetro.gov  
[503-797-1546](tel:503-797-1546)

Policy Assistant:  
Kathryn Sofich [503-797-1941](tel:503-797-1941)  
[Kathryn.sofich@oregonmetro.gov](mailto:Kathryn.sofich@oregonmetro.gov)

*Making a Great Place*

**From:** The Team at Onward Oregon <[the\\_team@onwardoregon.org](mailto:the_team@onwardoregon.org)>  
**Reply-To:** "[the\\_team@onwardoregon.org](mailto:the_team@onwardoregon.org)" <[the\\_team@onwardoregon.org](mailto:the_team@onwardoregon.org)>  
**Date:** Fri, 10 Jun 2011 15:08:27 -0700  
**To:** rex burkholder <[rex.burkholder@oregonmetro.gov](mailto:rex.burkholder@oregonmetro.gov)>  
**Subject:** The CRC deserves a REAL vote in Salem

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|--|---|
| <p>As of today, no one who would pay for the <u>proposed Columbia River Crossing</u> has voted on it, and no one who has voted on it will have to pay for it. The legislature is now poised to pass ODOT's budget with the CRC as a line item, but the legislature has yet to have the opportunity to seriously evaluate and offer input on the CRC plan.</p> <p><u>Tell your representatives the CRC needs a real vote &gt; &gt; &gt;</u></p> <p>An <u>op-ed</u> from Senator Chris Telfer and Rep. Katie Eyre Brewer calls out the real potential price tag of the CRC:</p> <p><i>While the project is estimated to cost as much as <b>\$3.9 billion</b>, that's just the tip of the iceberg. That</i></p> | <p><b>Error! Filename not specified.</b></p> <p>10 reasons we need to re-think the Columbia River Crossing:</p> <p><b>1. Too expensive:</b> The Columbia River Crossing is a gigantic project and we can't afford it; bridge construction represents only 10-20 percent of the total project cost.</p> <p><b>2. Smaller solutions work:</b> Most of the traffic over the bridge is local and can be</p> |

*estimate doesn't account for cost overruns. If recent Oregon Department of Transportation projects are a barometer, policymakers will need to consider a much higher price tag. Over the next 30 years, according to CRC planners' own numbers, taxpayers and road users will end up paying a total of \$8.6 billion in tolls, increased taxes, interest payments and collection costs.*

Tell your representatives a project so mammoth deserves a real vote > > >

Representatives Ben Cannon and Lew Frederick point out the environmental injustice the CRC would bring in a recent opinion piece:

*At \$3.6 billion, the CRC's price tag raises questions about priorities. For us, however, **the potential health impacts are especially troubling**. Asthma rates near I-5 are already close to double the national average. North Portland's air is on track to contain levels of 15 toxins in excess of national benchmarks by 2017. Levels of benzene, a Class A carcinogen found in car and truck emissions, recently hit 10 times the cancer benchmark. Benzene inhalation can cause blood disorders, anemia, excessive bleeding and immune system damage.*

Tell your representatives there are still plenty of questions about the CRC > > >

An investigation by the Willamette Week finds that "**most of the case for the Columbia River Crossing isn't true**," and that lawmakers haven't examined the real issues:

*More than 20 lawmakers—Republicans and Democrats—have raised hard questions about the project. They say Oregon hasn't taken a serious look at the project's risks or at **cheaper ways to fix the traffic problems at the Oregon-Washington border** ... In the current legislative session, lawmakers have debated the proper size of chicken cages, whether it's OK to use plastic bags, and what kind of dirt should be named the official state soil. But they have only*

*fixed with smaller, less expensive solutions. Yet there has been no meaningful discussion by planners of alternatives like a freight lane, retro-fitting, or other alternatives that exist.*

### **3. It will go over budget:**

ODOT is two times over budget on three of its largest projects, studies of mega-projects like the CRC over the past 70 years have found 90% of them go over budget.

**4. Fixing the bridge is cheap:** Demolishing the bridge costs the same as retrofitting the bridge to be seismically safe.

### **5. There are worse bridges:**

The Oregon Department of Transportation has identified 29 structurally unsafe interstate bridges in Oregon, the I-5 bridge ISN'T on that list (but the Marquam bridge is)

### **6. A bridge for**

**Washingtonians:** The bridge mostly benefits commuters in Washington's Clark County, but Oregonians will foot most of the cost. And while the Columbia River Crossing wouldn't benefit the whole state, the whole state will pay.

### **7. Tolling causes chaos:**

Unless I-205 is tolled, traffic would flood over to that freeway crossing.

**8. Spreading Sprawl:** The Columbia River Crossing would ignite Vancouver sprawl. Indeed, Clark County developers will benefit from avoiding Oregon's income tax

*glanced at the project known as the CRC.*

**We need a real discussion on real options based on real information before moving ahead with the CRC. Tell your representatives today.**

Onward,  
The Team at Onward Oregon  
[www.OnwardOregon.org](http://www.OnwardOregon.org)

and urban growth boundary.

**9. Light rail is uncertain:**

There's no commitment from Vancouver/Clark County to build light rail.

**10. Communities don't want it:**

The Northeast Coalition of Neighborhoods, which represents 12 neighborhood associations, has taken a position against the bridge.

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Mailing Address:

Onward Oregon

P.O. Box 15132

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Lenny Dee

Onward Oregon

Oregon's Home For Online Progressive Action

<http://OnwardOregon.org>



## Laura Dawson-Bodner

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**From:** Shirley Craddick  
**Sent:** Friday, July 22, 2011 1:50 PM  
**To:** Laura Dawson-Bodner  
**Subject:** FW: Resolution No. 11-4264

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**From:** Sterling Thomas [evolutionschildren@hotmail.com]  
**Sent:** Friday, June 10, 2011 7:50 AM  
**To:** Shirley Craddick  
**Subject:** Resolution No. 11-4264

Please vote no on Resolution No. 11-4264

The following is my evidence for why this resolution should be voted down.

For the last several years, ODOT and its consultants have championed an irresponsible and costly highway project that may have worked in the 20th century but fails to inspire today. It is extremely costly – about \$4 billion, or \$4,000 for every household in the region.

If this happens, we'll burden future generations with billions of dollars of debt for thirty years.

In 2008, when Metro adopted a Locally Preferred Alternative (available [here](#)) they placed a set of conditions on their approval. On Thursday of next week Metro Councilors are being asked to say that the project's highway consultants have satisfied Metro's conditions. They haven't.

The full article can be found here:

[http://www.bta4bikes.org/btablog/2011/06/03/take-action-on-the-columbia-river-crossing/?utm\\_content=evolutionschildren@hotmail.com&utm\\_source=VerticalResponse&utm\\_medium=Email&utm\\_term=leads%20the%20Bicycle%20Transportation%20Alliance%20to%20believe&utm\\_campaign=Metro%20will%20vote%20today%20on%20Columbia%20River%20Crossing.%20Act%20now.content](http://www.bta4bikes.org/btablog/2011/06/03/take-action-on-the-columbia-river-crossing/?utm_content=evolutionschildren@hotmail.com&utm_source=VerticalResponse&utm_medium=Email&utm_term=leads%20the%20Bicycle%20Transportation%20Alliance%20to%20believe&utm_campaign=Metro%20will%20vote%20today%20on%20Columbia%20River%20Crossing.%20Act%20now.content)

Thank you for your time.

Sincerely,  
Sterling Thomas



**Laura Dawson-Bodner**

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**From:** Tom Hughes  
**Sent:** Thursday, June 16, 2011 11:09 AM  
**To:** Laura Dawson-Bodner  
**Subject:** FW: Vote No on CRC

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**From:** Brock Howell [<mailto:brockwhowell@gmail.com>]  
**Sent:** Friday, June 10, 2011 8:43 AM  
**To:** Tom Hughes  
**Subject:** Vote No on CRC

Dear Mr. Hughes:

As a Washington State resident, I urge you to vote "no" today on the CRC. The Columbia River Crossing is a boondoggle project that is projected cost billions and will, in fact, cost billions more in overruns. It will lock us into decades of debt, limit our opportunities to promote downtown development in Vancouver, and put sprawl into my rural Clark County. We need a project that fits our vision of building vibrant neighborhoods -- retrofitting the rail bridge for high-speed rail and ship passage, building light rail and bike bridge, and building a local Hayden Island bridge.

Sincerely,  
Brock Howell



## Laura Dawson-Bodner

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**From:** Ron Buel [ronb@donavoncards.com]  
**Sent:** Friday, June 10, 2011 10:01 AM  
**To:** Shirley Craddick; Barbara Roberts  
**Subject:** FW: About Metro resolution 11-4264 on the Columbia River Crossing  
**Attachments:** CRC\_Financial\_Analysis\_by\_Impresa\_Inc.pdf

Barbara and Shirley:

I wish to express my extreme disappointment in both of your votes today for CRC resolution 11-4264. Saying, as you did, that you have faith in the people who are pushing and running this project demonstrates excessive naivete' and an unwillingness to face reality.

This project will never get the money it seeks from the feds without the public support of the two local Congressmen in whose district this project sits. It is clear to those of us who have been following the Oregon and Washington state legislatures on this issue, that the CRC will not get the \$900 million it seeks for construction from those two states any time in the near future. The tolling plan is absolutely ludicrous, needing \$5.8 billion over the next five years to be collected from tolls so that we can have \$1.4 billion up front for construction, as the CRC plan says is the case.

Where is the money going to come from then? Why isn't there any construction money from the feds or either state when the LPAs were passed three years ago? When the CRC has paid competent people like Richard Brandman and Patricia McCaig, and they can't get the job done?

Did you seriously read with any care the so-called "independent review panel reports"? Have you taken the time to look at the project's claims in the DEIS about greenhouse gas emissions, induced travel, land-use or air toxics and air pollution, all questions raised by the North-NE Neighborhood Coalition and Coalition for a Livable Future? Do these issues just not concern you? Do you really believe the CRC spokespeople on these subjects? What is the basis of your faith in them? Any objective reading of the review panel reports will not lead to confidence in the CRC DEIS. There's a reason why those of us who wrote over 200 pages of testimony on the DEIS have never been responded to in any way. We will see the CRC in federal court, that much is certain.

Look I support light rail, but I have been talking to people in Vancouver, like David Madore of U.S. Digital Corp., who oppose the project and oppose tolls. I don't think light rail operations will be funded in the vote required by Washington State statute in November 2012. Where is the project then?

This project has been sold to us by people who say they want to lessen congestion, but this project is not going to do that, and the URS report proved that. This project has been sold to us by people who say we need \$1.56 billion of interchanges, but do we really need to spend all that money? This project has been sold to us on the basis that it will not change land-use or induce new travel. That's simply not true. At what point does your faith waver? Really, what does it take? Is this just a mechanical political exercise in which you don't have the right to use your own powers of reason, in which you place your faith in your long-time buddies without question?

I do not feel that either of you served voters today, or our democracy. I listened carefully to your questions, and I heard no serious and informed questions and opinions about the concerns raised by Bragdon, Collette, Hosticka and Liberty in 2008. I didn't hear very good reassurances to your questions you did ask from Boyd or Cotugno, either.

And Shirley, the design of the bridge is not the issue here. The highway bridge is roughly one-tenth of the cost of this project and the federal aviation administration will not let us build a high bridge because of Pearson Air Park nearby. Now you could fight that and add a year to the project planning process, but you probably wouldn't win the issue anyway.

I think you should be concerned about Metro's legacy on this issue, about digging a deeper hole with the \$75 million to be spent in the next biennium that begins July 1. The worm has turned and Metro needs not to go along to get along any more.

Regards, Ron Buel (503-358-8677)

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**From:** Ron Buel [mailto:ronb@donavoncards.com]

**Sent:** Friday, June 03, 2011 11:09 PM

**To:** 'carl.hosticka@oregonmetro.gov'; Shirley.craddick@oregonmetro.gov; 'carlotta.colette@oregonmetro.gov'; 'barbara.roberts@oregonmetro.gov'

**Cc:** Joe Cortright (joe@impresaconsulting.com); 'Jim Howell'; Bill Scott (bscott@zipcar.com) (bscott@zipcar.com); George Crandall (gcrandall@ca-city.com); 'Mara Gross' (maragross@gmail.com); Gerik Kransky (gerik@bta4bikes.org); fredtrain@aol.com; 'ina.zucker@oregonmetro.gov'; 'nikolai.ursin@oregonmetro.gov'; alanmwebber@comcast.net; david.m@usdigital.com

**Subject:** About Metro resolution 11-4264 on the Columbia River Crossing

Carl; Shirley; Carlotta; & Barbara:

At one time or another, I have talked to all four of you about the Columbia River Crossing (CRC). My hope is that you will take the time to read my thoughts below about the Columbia River Crossing and Resolution 11-4264 and then decide to oppose it.

To write this e-mail, I have carefully read Resolution 11-4264 and the "Independent" reports produced by the CRC – the Travel Demand Model Review Panel Report and the Greenhouse Gas Expert Review Panel Report, which Rex and Barbara's Resolution (inaccurately) says have satisfactorily answered the concerns raised by Collette, Liberty, Bragdon and Hosticka when they voted on the LPA in 2008 (two for, two against). I am more than a little familiar with the Draft Environmental Impact Statement (DEIS), and I read more than 200 pages of testimony on the DEIS submitted by Bob Stacey, Fred Nussbaum, Doug Allen, Jim Howell, Joe Cortright, Bill Scott and other long-time opponents of this project. This testimony has never been responded to in any way by the CRC, incidentally.

I attended every one of the hearings on the CRC LPA at the Metro Council, at the Portland City Council, at the Portland City Planning Commission, and at the Portland-Multnomah County Sustainability Commission – more than 12 altogether. I was present when Ron Higbee of URS presented his report on CRC traffic to the Portland Freight Committee, a report for which the City paid \$100,000. I have read the Independent Review Panel Report, and Joe Cortright's 40-page report for Plaid Pantry (attached), as well as Matt Garrett's response to Cortright and Cortright's response back.

I have more than a little experience writing and thinking about transportation since 1966. I wrote several front-page stories about Bay Area Rapid Transit construction in San Francisco for the Wall Street Journal when I was reporter and bureau chief. I wrote a book on U.S. transportation published by Prentice-Hall in 1970. I served on the Tri-Met Board of Directors. When I was Executive Assistant to Neil Goldschmidt when he was a City Commissioner and Mayor, I was involved in a number of transportation issues as we totally re-made Portland's transportation and land-use policies – killing the Mt. Hood Freeway and the I-405 extension through NW Portland and the Robert Moses-designed (PVMTS) plan for multiple freeways in the Portland area, starting light rail and the transit mall, helping to create Metro, etc. After city hall, as a member of Sensible Transportation Options for People, we fought and stopped the Westside Bypass. I served as a member of Mayor Vera Katz' Freeway Loop Group. I have lived and used autos and mass transit in Tokyo, San Francisco, Los Angeles and St. Louis, not just this area.

Rather than delving deeply into policy-work speak, I will try my best to keep my remarks limited to a few basic points and, I hope to keep them on a simpler, more readable level.

## OVERVIEW

This Project is based on a *descendant paradigm* of the 1950s and 1960s when we thought we could build our way out of freeway congestion, an approach which has been proven *not* to work in every major city in the U.S. The \$1,560,000,000 worth of CRC work on six interchanges, including the \$880 million to be spent on the grand combined Hayden Island/Marine Drive Interchange, are the best demonstrations of excessive expenditures in the 22% increase in highway lane capacity that this project will produce in the so-called bridge impact area. This is not a bridge project, it is a freeway expansion project. The bridge is a loss leader. No least-cost analysis as required by Oregon State law has been undertaken on the CRC.

What do I believe, then, is the *ascendant paradigm* that the CRC freeway expenditures ignore? The ascendant paradigm is people driving less, living in more compact urban areas, walking and bicycling, and using mass transit and high speed rail. The ascendant paradigm is based on market economics – the rising price of less abundant and therefore more costly fossil fuels. It is based on sustainability. It is also based on a growing recognition that we need to reduce air pollution, air toxics, and carbon dioxide or greenhouse gas emissions, all of which are produced by our fossil fuel-based vehicles. In Oregon, more than 50% of our passenger vehicles such as pick-ups, SUVs and Vans have truck axles, a very high rate nationally, and this means we produce even more carbon per vehicle mile traveled. Based on people per acre, despite Metro and the Urban Growth Boundary, this region is twice as sprawled out as Vancouver B.C., which doesn't help either. We must live the ascendant paradigm, and the CRC does not help us do that.

This CRC project cannot be financed. Former Metro employee Richard Brandman was paid \$16,480 a month for two years to lead the CRC project and try to raise money from the feds and the states for construction. He failed to raise any construction money and was removed. The Highway Trust Fund is depleted and the days of 90% federal money for freeways are long gone, and the fact that higher fuel prices are causing people across the country to drive less means the Trust Fund continues to face much higher demand than it can meet. The two U.S. Representatives in whose districts this project sits – Earl Blumenauer and Jaimie Butler-Herrera -- are not publicly endorsing the project. It's hard to get federal money when your Congressional Representatives are not publicly supportive. In the Washington State legislature, this project is far behind two multi-billion-dollar projects in the Seattle area which are also mostly un-funded. The \$450 million from Washington State for the CRC is not coming anytime soon. And, if you've been reading the tea leaves in the Oregon State Legislature, you will see that our legislators are not exactly enamored of this project. Patricia McCaig and Governor Kitzhaber have been unable to get their HJM22 (which memorializes the president and Congress on behalf of the CRC) out of the House Transportation and Economic Development Committee or the House Rules Committee -- so far. And, even if they do succeed in getting it to the floor of the House, it will have difficulty passing. If you think our state legislature is ready to spend \$450 million on this project, and raise the gas tax to do it, then what Barbara and Rex are recommending Metro do in Resolution 11-4264 makes sense. I don't believe that has a chance of happening.

Downstate legislators are as aware of their local transportation needs, as are people in the Portland region who support the Sunrise Parkway, widening of 217, replacing the Sellwood Bridge, and even the Newberg-Dundee bypass and Milwaukie light rail, long before they would spend all of this money on the CRC, especially the \$80 million this biennium (a rate of \$3.3 million a month) and the \$75 million next biennium on the slush fund that plans and promotes and lobbies for this CRC project. The \$450 million of Oregon state monies needed for CRC construction and Oregon's share of the \$130 million spent so far on the slush fund aren't competitive with local projects? Nonsense.

There is also great difficulty with the CRC plan for tolls as a source of financing. The no-tolls group in Vancouver, led by David Madore, CEO of U.S. Digital Corp. (see no-tolls.com and Couv.com), is stirring up considerable opposition to this whole project, based on tolls and project costs. The CRC plan for tolls is back-loaded to keep the tolls low in the first few years. As a result, interest costs over the 30-year life of the toll revenue bonds, will add \$2.7 billion to the cost of tolls. Using transponders for regular commuters and photos of license plates for non-commuters, we will send out bills to collect the tolls, which will cost, according to the CRC, another \$1.7 billion over 30 years for collection. This means we have to collect \$5.7 million from tolls over the 30 year-life of the bonds to get the \$1.3 billion for construction. Will mass transit take 37% of the trips across the bridge in 2030 as projected by the CRC team – that means there will be less toll money. Will only 3% of the peak-hour commute drivers who might today use the I-5 bridge go to the un-tolled Glenn Jackson Bridge as projected by the CRC? If the percentage of drivers who want to avoid tolls by using I-205 goes up beyond 3%, that means less toll money too. Remember, too, that traffic in the last five years has been going down steadily over the existing I-5 bridges. All this means the Wall Street Bond Buyers, when they decide to buy the bonds that will provide us with \$1.3 billion for construction up front, are going to want a guarantee from Oregon and Washington that the full faith and credit of both state's future transportation monies will be used to pay them. Me, I don't think the state legislature in either state is going to want to do that. Apparently Metro thinks they will? For a great more detail on the tolling problems, read Joe Cortright's attached paper.

Clark County will NOT vote for light rail. Washington State law requires that Clark County voters must pass a measure to approve operating funding for light rail, a vote that is now scheduled to occur in November of 2012. Voters there did not pass such a measure last time it was on the ballot. If David Madore and Jaimie Herrera and the tea party were not fighting the tolls and the project itself, there might be more hope today. This is a suburban county. There are no plans to build a network of connecting bus lines to the light rail stations. Instead, there will be \$60 million spent on park-and-ride garages near the light rail stations in Vancouver. The KATU poll showed commuters to jobs in Oregon, who make up a large chunk of voters, were 55% opposed to tolls *before* Madore started his campaign. Tim Leavitt, the Mayor of Vancouver, wants tolls now, but ran a campaign against them when he was a candidate. Does Metro want the states to spend another \$75 million planning and promoting a project that doesn't have light rail? Without light rail, the only really likely money for the project, \$800 million-plus from the Federal Transportation Administration, goes away. Why is Metro going out further on this limb now before the Clark County vote? None of the transit money can come anyway before November, 2012 when the vote occurs. ODOT is expected to spend \$50 million on this project for planning and promotion in the next biennium, beginning next month. Aren't there better uses for that money in your opinion? Why are you rubber-stamping this project?

The CRC will NOT reduce congestion! Nor will it reduce air pollution or carbon. The CRC DEIS says reductions in carbon and air pollution are based on speeding up cars in the bridge impact zone because of free-flowing traffic with more lanes. Yet, when Ron Higbee of URS stood up before the Portland Freight Committee a year ago, he put up a Powerpoint slide that said that with a 10-lane bridge and the interchange improvements, traffic in the 2030 modeling year in the southbound a.m. peak will be at 99% of capacity at Victory Blvd. or Delta Park. This means that every workday morning, all those single-passenger cars from Clark County will back up the less than two miles from Delta Park onto the big new \$3.6 billion bridge. The five lanes coming South across the new bridge and Hayden Island will be joined going South by two more lanes coming off Marine Drive, meaning that seven lanes will have to narrow to three lanes at Delta park going South. I am sure you can understand why there will be congestion.

After the Fremont Bridge I-5 South narrows to two lanes, and then after being joined by a Southbound lane off the Fremont Bridge, it narrows to two lanes again going under Broadway at the Rose Quarter, and then one-lane goes onto the Banfield. Indeed, the Independent Review Panel recommended that \$1.3 billion be "programmed with" the CRC project (at the same time) to clean up the traffic problems at the Rose Quarter. The panel didn't suggest a source for that money while they were pointing out that the new bridge and increased traffic will



make the problems at the Rose Quarter worse, which CRC staff had never admitted. Higbee of URS also pointed out that, after the big new bridge is built, there would be new, additional congestion in the a.m. peak where Alberta dumps the Swan island a.m. traffic onto southbound I-5. Does all this sound like congestion reduction to you?

And when the CRC is supposedly cleaning up congestion in the bridge impact zone, what happens on the arterials going on and off I-5, and what happens on the alternatives to I-5 like MLK. In fact, this comment in the Greenhouse Gas Emissions Expert Panel Analysis is telling: "Thus, the Draft EIS restricted its quantification of the greenhouse gas emissions from the highway to the portion of the highway where such data were available, namely the river crossings themselves." All traffic projections used by Metro and the CRC for the region show vehicle miles traveled increasing dramatically, and traffic across the Columbia growing dramatically through 2030 whether the new bridge is built or not. We all know that the state goals are for an 80% reduction in greenhouse gas emissions or carbon by 2050. In the region, this will depend on reducing vehicle miles traveled, since vehicle pollution produces 33% to 38% of the region's carbon. But this bridge is designed to accommodate significantly **more** vehicle travel, a 32% projected increase in VMT by 2030, which means that its impact on carbon dioxide or greenhouse emissions will not be salutary, but will be negative from a climate change standpoint. You can only make it positive by limiting your analysis of global warming pollution to the "bridge impact area" which you say you are going to improve (but you really aren't, at least according to URS). How can this now be satisfying Councilor Collette's motion, which passed by a 4-3 vote, for independent review of the CRC impacts on carbon emissions?

The "No Build alternative" is a false strawman, used to make the new bridge look good. While making its traffic modeling and air pollution and carbon claims, the DEIS compares the new bridge and freeway expansion to a no-build alternative in which traffic will grow fast across the bridge because of growth and development in Clark County. In fact, the DEIS claims that traffic will grow as fast or faster without the new bridge as it will with the new bridge. And it claims that congestion on and near the existing I-5 bridges will just get worse and worse and the peak hours will just expand and expand. This isn't happening, however, in the years since the base work was done in 2004. Gasoline prices have doubled. Driving is down all across the country – even in the years before the recession. See Joe Cortright's report that is attached. Ignore the 2010 uptick which was caused by the summertime work on the Glenn Jackson Bridge and people using I-5 as an alternative. Yes, if you say tolls will significantly reduce traffic across the bridge, and that a fantastic 37% of the trips across the river will be made by light rail in the 2030 modeling year, you can get the numbers to work out so that the no-build has more traffic than the new bridge. That happens only if you can make the toll revenue bonds work politically, and if Clark County voters vote for light rail and then decide to use those big new \$60 million park-and-ride garages in Downtown Vancouver. But, even if all that is true, all of the DEIS comparisons are with a "no build" that is not going to see traffic growth as projected. So the DEIS *comparisons* become bogus. One of the main reasons the comparisons are bogus is they fail to accommodate the growth in fuel prices and its impact on driving in general. The Expert Panel report on traffic modeling does not address this fuel price problem in any realistic way – read it for yourself. It's as if these traffic modelers from Atlanta and Dallas don't want to see their own traffic models as wrong and incomplete, and if they admitted the impact of gas price increases here, they would have to deal with their own inability to make accurate projections themselves with their own current growth projections that justify highway building. Resolution 11-4264 says that the CRC traffic modeling is just fine. It isn't.

Isn't induced travel caused by perception, not by actual travel time and speeds? There are no changes in land-use projected in the CRC DEIS when the new bridge and interchanges are compared to the no-build. This is despite the fact that we know 5,000 acres near I-5 in Battleground, La Center, Ridgefield, Three Rivers and North Vancouver are zoned for housing but are today undeveloped. In this housing downturn, the developers who own this land that is sub-divided and permitted are desperate to see a big new bridge. A tip-off came when Rich Carson resigned as Planning Director of Clark County because of all the land he had to zone for housing, which he claimed no one could afford to serve with utilities or schools or roads. When he resigned, he claimed

that housing developers with their contributions to the Clark County Commissioners controlled the zoning decisions. Read the story in the Columbian. To see the impact of a big new bridge, look at what happened with the Glenn Jackson bridge across the Columbia. The projections made before 1982 when it was built are 50% below actual traffic across the bridge today – because of land-use changes. Vancouver and Clark County planners say population in Clark County will grow from 450,000 today to 1,000,000 in 2050 (that's 38 new persons a day every day). A big new CRC will surely cause perceptions that make sprawl happen, and increase vehicle miles traveled, carbon and air pollution, whether or not there are tolls on the bridge or light rail from Vancouver to Portland. Where are these figures built into the comparisons between the no-build and the new CRC? They aren't. All of the modeler talk in the panel report about the absence of induced travel is just trying to make the new bridge look good compared to the no build strawman. Your resolution just buys it all, but I don't think the federal courts will buy it when a NEPA lawsuit is filed by all of the state's major environmental, land-use and transportation organizations who oppose the CRC.

I hate to see our Metro government walk deeper into this muddy money pit that is the CRC by saying that all these problems have been addressed by the CRC and these phony independent panels, peopled as they are by bureaucrats who support highway building elsewhere. Especially when Jim Howell and George Crandall have prepared a common sense alternative that is cheaper, better and faster to jobs. Resist the political pressure and serve the public interest.

Regards, Ron Buel (503-358-8677)

## Laura Dawson-Bodner

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**From:** Ina Zucker on behalf of Carl Hosticka  
**Sent:** Friday, July 08, 2011 3:31 PM  
**To:** Laura Dawson-Bodner  
**Subject:** FW: Thanks

CRC public comment

-----Original Message-----

**From:** [jlabbe@urbanfauna.org](mailto:jlabbe@urbanfauna.org) [<mailto:jlabbe@urbanfauna.org>]  
**Sent:** Friday, June 10, 2011 10:12 AM  
**To:** Carl Hosticka; [chosticka@comcast.net](mailto:chosticka@comcast.net)  
**Subject:** Thanks

Carl,

Thank you for your not vote on the CRC resolution yesterday. It is tremendously disappointing to watch Rex and the others vote to relinquish Metro's control over a massive freeway expansion, but we can take some consolation in that the vote was not unanimous.

Best,

Jim



## Laura Dawson-Bodner

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**From:** Ina Zucker on behalf of Carl Hosticka  
**Sent:** Friday, July 08, 2011 3:31 PM  
**To:** Laura Dawson-Bodner  
**Subject:** FW: Metro Hearing on CRC

CRC public comment

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**From:** Chris Girard [<mailto:chrisg@plaidpantry.com>]  
**Sent:** Friday, June 10, 2011 9:55 AM  
**To:** Carl Hosticka  
**Subject:** Metro Hearing on CRC

Hello Councilor Hosticka,

Thank you for the position you took on the CRC resolution yesterday. I was disappointed in the final outcome, but am glad that citizens had the opportunity to voice their ongoing concerns. I sensed that Councilors Roberts and Craddick still have significant concerns, notwithstanding their ultimate votes on the resolution, so my hope is that meaningful oversight by Metro can continue on this project, particularly with regard to the financing.

I admire your willingness to take what had to be an uncomfortable position, and that to me is a sign of leadership and courage on your part.

Very Respectfully,

Chris Girard  
President & CEO  
Plaid Pantries, Inc.  
503-526-8300



## **Laura Dawson-Bodner**

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**From:** Ina Zucker on behalf of Carl Hosticka  
**Sent:** Friday, July 08, 2011 3:30 PM  
**To:** Laura Dawson-Bodner  
**Subject:** FW: Please Vote "No" on Resolution No. 11-4264

CRC public comment

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**From:** Will Vanlue [<mailto:vanlue@gmail.com>]  
**Sent:** Friday, June 10, 2011 7:22 AM  
**To:** Carl Hosticka  
**Subject:** Re: Please Vote "No" on Resolution No. 11-4264

Dear Council Member Hosticka,

Thank you so much for reasonably considering the facts yesterday and for voting "no" on the CRC resolution. Although none of your fellow council members seemed able to do the same and listen to their better judgement, I am glad to know that I am one of a select group of Metro residents who's representative actually listens to their constituents.

Have a good weekend,  
Will Vanlue

--

W.D. Vanlue  
503-732-0184  
[vanlue@gmail.com](mailto:vanlue@gmail.com)

On Mon, Jun 6, 2011 at 9:52 AM, Will Vanlue <[vanlue@gmail.com](mailto:vanlue@gmail.com)> wrote:  
Dear Council Members Hosticka and Collette,

My name is Will Vanlue and I am a home owner in Tigard, Oregon. I work for a consulting company located on the east side of I-5 in Lake Oswego. I am writing today to urge you to vote "No" on Resolution No. 11-4264 this Thursday.

The current plans for the CRC do not address the issues outlined at the start of the project, and many of projections made by ODOT, especially related to future funding of the project, are faulty at best, and flat-out lies at worst.

Widening I-5 at the point of the crossing will only funnel additional traffic into constrained lanes further south on the freeway. As I'm sure you're aware, the interchange between I-5 and 217 near where I live and work regularly becomes clogged with traffic at rush hour. There are only a few lanes merging into a few others and it is regularly causes traffic delays, congestions, and increased incidences of vehicle collisions. The much, much larger CRC will cause the same issue further north on I-5, magnified by the number of lanes the current proposal includes.

Additionally, current projections show a decreasing number of motor vehicles needing to use the cross in upcoming years. Projections of revenue from user fees (tolls, etc) will not meet the needed levels of revenue to support this project.

Further more, the current project does not adequately address the needs and safety of road users who travel in something other than a single-occupancy vehicle. More space and safer access to the cross needs to be made for people riding bicycles, trains, buses, or those who travel on foot. Encouraging these modes will reduce the demand from single-occupancy vehicles while simultaneously reducing the maintenance costs of the project.

Again, I respectfully ask that you vote "No" on Resolution No. 11-4264 this Thursday. Your "No" vote will help protect the safety and tax dollars of your constituents.

Thank you for your time and consideration.

Sincerely,  
Will Vanlue

--

W.D. Vanlue  
503-732-0184  
vanlue@gmail.com



## **Laura Dawson-Bodner**

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**From:** Ina Zucker on behalf of Carlotta Collette  
**Sent:** Friday, July 08, 2011 3:37 PM  
**To:** Laura Dawson-Bodner  
**Subject:** FW: Please Vote "No" on Resolution No. 11-4264

CRC public comment

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**From:** Will Vanlue [<mailto:vanlue@gmail.com>]  
**Sent:** Friday, June 10, 2011 7:28 AM  
**To:** Carlotta Collette  
**Subject:** Re: Please Vote "No" on Resolution No. 11-4264

Dear Council Member Collette,

I am very disappointed to hear that you voted in favor of the CRC resolution yesterday, despite the fact that (by Metro's own judgement) the conditions laid out previously have not been met by the CRC project staff.

It is very difficult for myself and others that live and work in your district to understand why you ignored the evaluation of the facts of the matter and instead voted with others who are taking a dangerous "leap of faith" with our tax dollars. I can't help but assume that your lack of ability to review the facts of a situation will factor into how people choose to vote in the next Metro election.

I hope that when future decisions come up for a vote, you will fully consider the concerns of your constituents and the impact your decisions have on our community.

Sincerely,  
Will Vanlue

--  
W.D. Vanlue  
503-732-0184  
[vanlue@gmail.com](mailto:vanlue@gmail.com)

On Mon, Jun 6, 2011 at 9:52 AM, Will Vanlue <[vanlue@gmail.com](mailto:vanlue@gmail.com)> wrote:  
Dear Council Members Hosticka and Collette,

My name is Will Vanlue and I am a home owner in Tigard, Oregon. I work for a consulting company located on the east side of I-5 in Lake Oswego. I am writing today to urge you to vote "No" on Resolution No. 11-4264 this Thursday.

The current plans for the CRC do not address the issues outlined at the start of the project, and many of projections made by ODOT, especially related to future funding of the project, are faulty at best, and flat-out lies at worst.

Widening I-5 at the point of the crossing will only funnel additional traffic into constrained lanes further south on the freeway. As I'm sure you're aware, the interchange between I-5 and 217 near where I live and work regularly becomes clogged with traffic at rush hour. There are only a few lanes merging into a few others and it

is regularly causes traffic delays, congestions, and increased incidences of vehicle collisions. The much, much larger CRC will cause the same issue further north on I-5, magnified by the number of lanes the current proposal includes.

Additionally, current projections show a decreasing number of motor vehicles needing to use the cross in upcoming years. Projections of revenue from user fees (tolls, etc) will not meet the needed levels of revenue to support this project.

Further more, the current project does not adequately address the needs and safety of road users who travel in something other than a single-occupancy vehicle. More space and safer access to the cross needs to be made for people riding bicycles, trains, buses, or those who travel on foot. Encouraging these modes will reduce the demand from single-occupancy vehicles while simultaneously reducing the maintenance costs of the project.

Again, I respectfully ask that you vote "No" on Resolution No. 11-4264 this Thursday. Your "No" vote will help protect the safety and tax dollars of your constituents.

Thank you for your time and consideration.

Sincerely,  
Will Vanlue

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W.D. Vanlue  
503-732-0184  
vanlue@gmail.com

## Metro | Agenda

Meeting: Metro Council  
Date: Thursday, June 9, 2011  
Time: 2 p.m.  
Place: Metro Council Chambers

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### CALL TO ORDER AND ROLL CALL

1. INTRODUCTIONS
2. CITIZEN COMMUNICATIONS
3. "IT'S OUR NATURE" COMMUNICATION INITIATIVE Brennan-Hunter
4. CONSENT AGENDA
  - 4.1 Consideration of the Minutes for May 19, 2011
  - 4.2 **Resolution No. 11-4246**, For the Purpose of Amending the 2010-2013 Metropolitan Transportation Improvement Program (MTIP) to Allocate Funds to Manage the Regional Mobility Program.
5. RESOLUTIONS
  - 5.1 **Resolution No. 11-4261**, For the Purpose of Adopting an Order on a Request for an Extension of Time for Completion of Comprehensive Planning for Bonny Slope West (Study Area 93) by Multnomah County on Appeal from an Order of the Chief Operating Officer. Burkholder
  - Public Hearing*
  - 5.2 **Resolution No. 11-4264**, For the Purpose of Concluding that the Concerns and Considerations Raised about the Columbia River Crossing Project in Exhibit A to Resolution No. 08-3960B have been Addressed Satisfactorily. Burkholder
6. CHIEF OPERATING OFFICER COMMUNICATION
7. COUNCILOR COMMUNICATION

ADJOURN



# Metro | Agenda

Meeting: Metro Council  
Date: Thursday, June 9, 2011  
Time: 2 p.m.  
Place: Metro Council Chambers

**REVISED**

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## CALL TO ORDER AND ROLL CALL

1. INTRODUCTIONS
2. CITIZEN COMMUNICATIONS
3. "IT'S OUR NATURE" COMMUNICATION INITIATIVE Brennan-Hunter
4. CONSIDERATION OF THE MINUTES FOR MAY 19, 2011
5. RESOLUTIONS
- 5.1 **Resolution No. 11-4261**, For the Purpose of Adopting an Order on a Request for an Extension of Time for Completion of Comprehensive Planning for Bonny Slope West (Study Area 93) by Multnomah County on Appeal from an Order of the Chief Operating Officer. Burkholder
- Public Hearing*
- 5.2 **Resolution No. 11-4264**, For the Purpose of Concluding that the Concerns and Considerations Raised about the Columbia River Crossing Project in Exhibit A to Resolution No. 08-3960B have been Addressed Satisfactorily. Burkholder
6. CHIEF OPERATING OFFICER COMMUNICATION
7. COUNCILOR COMMUNICATION

ADJOURN



**Resolution No. 11-4264**, For the Purpose of Concluding that  
the Concerns and Considerations Raised about the Columbia  
River Crossing Project in Exhibit A to Resolution No. 08-3960B  
have been Addressed Satisfactorily.

Metro Council Meeting  
Thursday, June 9, 2011  
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CONCLUDING THAT ) RESOLUTION NO. 11-4264  
THE CONCERNS AND CONSIDERATIONS )  
RAISED ABOUT THE COLUMBIA RIVER ) Introduced by Councilor Rex Burkholder  
CROSSING PROJECT IN EXHIBIT A TO  
RESOLUTION NO. 08-3960B HAVE BEEN  
ADDRESSED SATISFACTORILY

WHEREAS, the Joint Policy Advisory Committee on Transportation (JPACT) recommended and the Metro Council endorsed the Locally Preferred Alternative (LPA) for the Columbia River Crossing Project by Resolution No. 08-3960B (For the Purposes of Endorsing the Locally Preferred Alternative for the Columbia River Crossing Project and Amending the Metro 2035 Regional Transportation Plan with Conditions); and

WHEREAS, Resolution No. 08-3960B supported a Columbia River Crossing Project that includes a replacement bridge with three northbound and three southbound through lanes plus auxiliary lanes for merging and weaving, using tolls for both finance and for demand management and selecting light rail transit to Vancouver as the preferred transit mode; and

WHEREAS, among the conditions of Council endorsement of the LPA was a list of concerns and considerations, contained in Exhibit A to Resolution No. 08-3960B as reflected in Exhibit A to this resolution, to be addressed before the Council would approve a land use final order (LUFO) for the project; and

WHEREAS, Resolution No. 08-3960B indicated that the Metro Council will invite public review and discussion on the issues raised in Exhibit A; and

WHEREAS, the Columbia River Crossing Project Team in cooperation with the Integrated Project Staff and Project Sponsors Council responded to the concerns and considerations adopted by the Metro council as well as by the governing bodies of the other partner jurisdictions and agencies; and

WHEREAS, the Governors of Oregon and Washington commissioned an Independent Review Panel and a Bridge Review Panel to provide independent expert evaluation and recommendation; and

WHEREAS, the Project Team presented its assessment to JPACT on June 9, 2011, and JPACT voted to recommend that the Metro Council accept the responses as satisfactory; now, therefore,

BE IT RESOLVED THAT the Metro Council:

1. Accepts the responses to the concerns and considerations set forth in Exhibit A to Resolution No. 08-3960B and attached to this resolution as Exhibit A, also, as satisfactory, based upon the assessment contained in the documentation attached to this Resolution as Exhibit B and supports completion of a Final Environmental Impact Statement for the project consistent with changes documented in this Exhibit.
- ~~1.2.~~ Acknowledges further refinements and decisions will be made and will include effective engagement with the Metro Council.



2.3. Directs the Chief Operating Officer to send a copy of this resolution to the Columbia River Crossing Project.

ADOPTED by the Metro Council this 9th day of June, 2011

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Tom Hughes, Council President

Approved as to form:

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Alison Kean Campbell, Acting Metro Attorney

**RESOLUTION 08-3960B**  
**Exhibit A**

**Metro Council Concerns and Considerations**  
**Columbia River Crossing "Locally Preferred Alternative"**

The Metro Council recognizes that endorsement of a "Locally Preferred Alternative" is one important narrowing step that enables the project management team to proceed with further analysis of a reduced range of alternatives. The Council is cognizant that many important issues are generally still unresolved at the time of endorsement of an LPA, but that clear articulation of concerns is required to make sure that such unresolved issues are appropriately resolved during the next phase of design, engineering, and financial planning, with proper participation by the local community and its elected representatives. If those sorts of outstanding issues are not satisfactorily resolved during that post-LPA selection phase, then the project risks failing to win the approval of necessary governing bodies at subsequent steps of the process.

While the Metro Council endorses the LPA, Replacement Bridge with Light Rail and Tolls, as described in Resolution 08-3960A, the Metro Council simultaneously finds that the following issues will need to be satisfactorily addressed in the upcoming refinement of design, engineering and financial planning:

**FORMATION OF A LOCAL OVERSIGHT COMMITTEE TO SUCCEED THE TASK FORCE**

The Metro Council concluded on June 5, 2008 through Resolution 08-3938B that further oversight of the project is needed once the Task Force's work is concluded. The Council suggested that the Governors of Oregon and Washington convene such a local oversight group. On June 19, 2008, the Governors issued a joint letter that concluded there is a need to reconvene the CRC Project Sponsor's Council as the oversight committee to succeed the Task Force, including representatives from Washington State Department of Transportation, the Oregon Department of Transportation, cities of Portland and Vancouver, Metro, the Southwest Washington RTC, TriMet and CTRAN. The Governors charged the committee with advising the two departments of transportation and two transit agencies on a consensus basis to the greatest extent possible regarding the major issues requiring further oversight and resolution.

**PROJECT ISSUES REQUIRING LOCAL OVERSIGHT DURING PLANNING, DESIGN, ENGINEERING, FINANCE AND CONSTRUCTION**

The Governors have charged the Project Sponsors Council with project oversight on the following issues, milestones and decision points:

- 1) Completion of the Environmental Impact Statement (EIS),
- 2) Project design, including, but not limited to: examining ways to provide an efficient solution that meets safety, transportation and environmental goals,
- 3) Timelines associated with project development,
- 4) Development and use of sustainable construction methods,
- 5) Ensuring the project is consistent with Oregon and Washington's statutory reduction goals for green house gas emissions, and
- 6) A finance plan that balances revenue generation and demand management, including the project capital and operating costs, the sources of revenue, impact to the funds required for other potential expenditures in the region.

The Metro Council has identified additional areas of concern that need to be addressed by the Project Sponsors Council as the project moves forward:

**A. TOLLING**

Implementation of tolls on the existing I-5 Bridge should be undertaken as soon as legally and practically permissible. Consideration should be given to potential diversion of traffic to I-205 and potential tolling I-5 and I-205 with those revenues potentially used for projects on these two facilities in the Portland-Vancouver metropolitan area.

**B. NUMBER OF AUXILIARY LANES**

Determine the number of auxiliary lanes in addition to the three through lanes in each direction on the replacement bridge across the Columbia River and throughout the bridge influence area.

**C. IMPACT MITIGATION AND COMMUNITY ENHANCEMENT**

Identify proposed mitigation for any potential adverse human health impacts related to the project and existing human health impacts in the project area, including community enhancement projects that address environmental justice.

**D. DEMAND MANAGEMENT**

Develop of state-of-the-art demand management techniques in addition to tolls that would influence travel behavior and reduce greenhouse gas emissions.

**E. FINANCING PLAN**

A detailed financing plan showing costs and sources of revenue must be proposed and presented to the partner agencies and to the public. The proposed financing plan should indicate how the federal, state and local (if any) sources of revenue proposed to be dedicated to this project would impact, or could be compared to, the funds required for other potential expenditures in the region.

**F. CAPACITY CONSIDERATIONS, INDUCED DEMAND AND GREENHOUSE GASES**

Further analysis is required of the greenhouse gas and induced automobile demand forecasts for this project. The results of the analysis must be prominently displayed in the Final Environmental Impact Statement. The analysis should include comparisons related to the purpose and function of the so-called "auxiliary" lanes. A reduction in vehicle miles traveled should be pursued to support stated greenhouse gas reduction targets as expressed by legislation in Oregon and Washington and by the Governors.

**G. PRESERVATION OF FREIGHT ACCESS**

The design and finance phase of the CRC project will need to describe specifically what physical and fiscal (tolling) methods will be employed to ensure that trucks are granted a priority which is commensurate with their contributions to the project and their important role in the economy relative to single-occupancy automobile commuting. Ensure that freight capacity at interchanges is not diminished by industrial land use conversion.

**H. LIGHT RAIL**

As indicated in the Item 2 "resolved" in the body of the resolution, the Metro Council's endorsement of the LPA categorically stipulates that light rail must be included in any phasing package that may move forward for construction.

**I. DESIGN OF BICYCLE AND PEDESTRIAN FACILITIES**

More detailed design of bicycle and pedestrian facilities is required to inform the decisions of the local oversight panel described above. The project should design “world class” bicycle and pedestrian facilities on the replacement bridge, bridge approaches and throughout the bridge influence area that meet or exceed standards and are adequate to meet the demand generated by tolls or other demand management techniques.

**J. URBAN DEVELOPMENT IMPACTS AT RE-DESIGNED INTERCHANGES**




More design of the interchanges related to the CRC is required to fully evaluate their community impact. The design of interchanges within the bridge influence area must take into account their impact on urban development potential. The Metro Council is also concerned that the Marine Drive access points preserve and improve the functionality of the Expo Center.


**K. BRIDGE DESIGN**

The bridge type and aesthetics of the final design should be an important consideration in the phase of study that follows approval of the LPA and precedes consideration of the final decision.

# Metro Conditions from Exhibit A to Resolution No. 08-3960B

Overall Status Classification:

-  Issue is settled or on track to be settled with the conclusion of the FEIS and ROD  
 Issue is settled or on track to be settled with the conclusion of the FEIS and ROD but further refinement and decision-making after the FEIS/ROD will be required  
 Conflict or inconsistency between jurisdictions; or issue is unresolved; or issue needs additional work

| OVERALL STATUS CATEGORY  | NUMBER | ISSUE  | EXPLANATION OF STATUS   |
|--|--------|--|---|
|  | A      | Tolling – Implement tolling on I-5 as soon as legally and practically permissible; consider diversion to I-205 and tolling of that facility with revenues used for projects in the region. | <p>The project has undertaken various analyses of tolls and the impact of tolling, though additional studies and analysis will need to be undertaken as the project advances. At the direction of the governors of Oregon and Washington, the project is working with the treasurers and legislators of both states to review and refine the financing plan and toll assumptions to minimize financial risk and provide accountability and oversight as the project moves toward construction. At this point, tolling of I-5 is an essential element of the project, both to manage congestion and as part of the funding package for the CRC project along with federal and state funding.</p> <p>Tolling of interstate facilities must be consistent with the provisions of Title 23 U.S.C. Section 129, the federal law that specifies the circumstances under which interstate facilities may be tolled. The CRC project qualifies, though tolling of I-205 does not because federal regulations allow tolling of existing facilities only if a project involves reconstruction or replacement of that facility. Reconstruction or replacement of I-205 is not being proposed as part of the CRC project nor is tolling being proposed for I-205 in connection with the CRC project. At this time, tolling is not being considered to fund other projects in the region. Further information on federal requirements can be found at: <a href="http://www.ops.fhwa.dot.gov/tolling_pricing/toll_agreements.htm">http://www.ops.fhwa.dot.gov/tolling_pricing/toll_agreements.htm</a></p> <p>Tolling of I-5 during construction of a new facility is permissible under federal statutes, but no recommendations or decisions about tolling during construction have been made. Tolling during construction could serve as a demand reduction measure to reduce traffic during the construction phase. An aggressive construction phase Transportation Demand Management (TDM) program has been developed and tolling during construction is still a possibility. Specific decisions on tolling, including the possibility of advance tolling as well as toll rates and toll structure, will be made by the appropriate bodies after consultation with the project's local partners (<u>including the Metro Council</u>) and a public outreach and education process. Under current statutory authority, the Washington Transportation Commission and the Oregon Transportation Commission have tolling authority in their respective states. In Washington, the legislature reserves the authority to impose tolls on any state route or facility. The issues of tolling and tolling authority may also be explored in the forthcoming discussions on governance related to the project. <u>If the decision is made to implement tolling during construction, this condition will be satisfied. If the project is considering not implement tolling during construction, the project will engage the Metro Council prior to the tolling decision.</u></p> |

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|  |   |  | <p>Analyses conducted for the CRC project included using the regional traffic forecasting model to assess the impact of various tolls on total traffic and diversion to I-205. The Tolling Study Report, released in January 2010, included analyses of a no-build scenario, a no-toll build scenario, and ten other scenarios with varying toll structures and some with tolling of the I-205 and I-5 bridges. Key findings from the analysis undertaken for the CRC project included:</p> <ul style="list-style-type: none"> <li>• The regional travel forecasting models project that under the base tolling scenario, the CRC project will reduce auto travel on I-5 across the Columbia River, as compared to the No Build. The CRC project will also reduce overall person trips on I-5, as compared to the No Build due to the effect tolls have on shifting some cross river trip origins and destinations.</li> <li>• When looking at the tolled vs. no toll scenarios, tolling and transit improvements reduce auto travel across the river on I-5 by approximately 40,000 trips per day for the base tolling scenario (the numbers of trips vary by tolling scenario).</li> <li>• At the Columbia River, there is an approximate 4.5% shift of auto trips on an all day basis from I-5 to I-205 as compared to the Build No-Toll scenario. More diversion to I-205 is predicted in the off-peak hours when capacity is available than during peak hours. On I-205 south of I-84, the models estimate that diversion will be approximately 1% on an all day basis as compared to the no build.</li> </ul> <p>The Tolling Study Report had three principal conclusions about diversion:</p> <ul style="list-style-type: none"> <li>• For most of the I-5 only toll scenarios, the majority of drivers would not change their travel patterns. Some would choose a new destination or a non-tolled route. Additional diversion to transit is minimal due to the already significantly increased ridership associated with project improvements.</li> <li>• Higher tolls on I-5 would cause more route diversion; however, the percentage of diversion tends to be lower during peak periods when travelers' willingness to pay tolls may be higher and/or alternative routes are congested, and thus, time-consuming and diversion during off-peak periods occurs when available capacity can accommodate the diversion.</li> <li>• For scenarios that toll both the I-5 and I-205 bridges, traffic levels would be higher on I-5 and lower on I-205 compared to tolling only the I-5 bridge. However, compared to the No Toll "No Build" project scenario, total cross-river traffic demand would be less on both the I-5 and I-205 bridges as many trips would divert to transit or not be made across the Columbia River. The No Toll "No Build" scenario would result in the most significant congestion in the I-205 corridor due to diversion from the I-5 corridor due to the severe congestion bottleneck in that corridor.</li> </ul> <p>Additional information about the impact of tolling and diversion to I-205 can be found in The Tolling Study report at:<br/> <a href="http://www.columbiarivercrossing.org/FileLibrary/Tolling/CRC_TollingStudyCommitteeReport.pdf">http://www.columbiarivercrossing.org/FileLibrary/Tolling/CRC_TollingStudyCommitteeReport.pdf</a></p> |
|  | B | Number of Auxiliary Lanes – Determine the number of auxiliary lanes across the Columbia River. | <p>During summer 2010, additional study was undertaken through the Integrated Project Staff (IPS) and the Project Sponsors Council (PSC). Developing performance measures and a more robust Transportation Demand Management Plan were among the actions considered to reduce the need for auxiliary lanes. The IPS recommendation forwarded to the PSC on August 5, 2010 was for a configuration with three through lanes and two auxiliary lanes in each direction and with standard 12-foot shoulders. The new recommendation results in narrower bridges as a result of reducing the project from 12 to 10 lanes. PSC concurred and forwarded its recommendation to the Governors on August 13, 2010.</p>   |

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|   |  |   | <p>The decision on the number of lanes will be confirmed and finalized with the publication of the Final EIS and the issuance of the Record of Decision. Both are expected in 2011.</p>  |
| C |  | <p>Impact Mitigation and Community Enhancement – Mitigate for adverse human health impact of the project or existing health impacts in the project area; implement community enhancement projects that address environmental justice.</p> | <p>The project is committed to providing users and the surrounding neighborhoods with a safe and reliable transportation facility. The project is working with and within the surrounding communities to help build upon and support their community goals. The CRC project has been working with and will continue to work with the community to blend the transportation system enhancements and improvements into the fabric of the community. The project's goals include designing and constructing the project with as little disruption to the community as possible and developing the project such that it enhances the transportation and livability of the community and preserves the environmental, scenic, aesthetic, historic, natural and social resources of the area.</p> <p>The philosophy of the project is to leave the area better off and to provide enhancements within the community as part of the overall project design rather than providing an <u>enhancement fund-funding source for future enhancements</u> elements separate and disjointed from the rest of the project. Many enhancements are included in the project, such as improved local street connections in downtown Vancouver and Hayden Island, the provision of light rail transit in the corridor, replacement of substandard facilities for bicyclists and pedestrians with new "world class" facilities, local auto access from North Portland to Hayden Island on a separate arterial bridge and a safer highway network for all users <u>and inclusion of public art in the transit element of the project</u>. <u>In addition to these features that are part of the project's responsibility, there is agreement to continue to explore creation of a community enhancement fund as an on-going responsibility of the Departments of Transportation. This will require consideration of alternative funding mechanisms, establishment of criteria for administration and decision-making and definition of the conditions that support creation of such a fund.</u></p> <p>Human health issues are embedded in the National Environmental Policy Act's intent and in its implementation. The analyses conducted for the Columbia River Crossing DEIS, and further updates for the FEIS, address all potentially significant human health impacts that could reasonably result from the proposed action. The project, with planned mitigation, would not have adverse health impacts. Key findings leading to the conclusion that the project would not have adverse health impacts include analyses related to air quality, noise and vibration, climate change and greenhouse gases, and water quality. These four areas are highlighted below:</p> <ul style="list-style-type: none"> <li>• All criteria air pollutants and mobile source air toxins will be lower, in some cases significantly lower, in 2030 than they are today. Some pollutants will be slightly higher in some areas with the project than with the no-build, but emissions will be substantially below today's levels and will be well within relevant standards established to promote public health and welfare. Long-term mitigation for air quality impacts is not proposed. The FEIS will describe measures to reduce impacts from construction emissions.</li> <li>• Noise impacts from highway traffic will be lower with the project than without due to proposed mitigation, primarily sound walls. All light rail noise can be mitigated.</li> <li>• The project will reduce greenhouse gas (GHG) emissions compared to the no-build. The project will implement recommendations from the Governor's Climate Change Integration Group regarding how transportation in Oregon can reduce GHG emissions.</li> </ul> |

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|  |  | <ul style="list-style-type: none"> <li>Currently, all runoff from the river crossing and most runoff from I-5 in the project area discharges untreated into the Columbia River and other surface waters. The project will provide water quality treatment for 115 percent of the new impervious surface, including the entire river crossing and most of I-5 in the project area that is currently untreated. These changes are beneficial to the health of aquatic species and people.</li> </ul> <p>The Draft EIS included and the Final EIS will include more detailed information, including analysis, applicable standards, conclusions, and mitigation where appropriate on the following topics related to human health:</p> <ul style="list-style-type: none"> <li>Air Quality</li> <li>Noise and Vibration</li> <li>Land Use and Economics</li> <li>Neighborhoods</li> <li>Pedestrians and bicycles</li> <li>Traffic and Transit</li> <li>Visual and Aesthetics</li> <li>Parks and recreation</li> <li>Public services</li> <li>Environmental justice</li> <li>Hazardous materials</li> <li>Water Quality</li> </ul> <p>The major steps to the impact analysis that followed or occurred simultaneously with data collection were: neighborhood resource mapping, the completion of displacement surveys, review of potential impacts and benefits from other disciplines (such as air quality), evaluation of potential impacts to low-income housing developments, and a robust outreach and communication program.</p> <p>In response to questions raised by various parties commenting on the DEIS, including the Multnomah County Health Department, the project team did undertake additional analyses including assessing greenhouse gases, additional air quality and noise studies. The Final EIS will include substantially more documentation than the DEIS related to health impacts.</p> <p>The CRC website will provide access to the FEIS and technical reports upon their publication.</p> |
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|  | D | Demand Management – Develop state-of-the-art demand management techniques in addition to tolls to influence travel behavior and reduce greenhouse gas emissions.   | <p>The TDM Working Group developed both a Construction Phase and a Post-Construction Phase TDM program. The recommended Construction Phase program is a bi-state, multi-pronged approach that seeks to maximize use of alternative modes of travel through targeted marketing and additional services. The IPS has also endorsed a Post-Construction TDM Program with the goal of shifting as much as an additional 11 percent of peak person trips to non-SOV modes above the level assumed in the travel forecasts generated for the project, resulting in a non-SOV mode share that could exceed 50 percent. The Construction Phase TDM Plan was endorsed by the PSC. Additional follow-on work has been recommended to move toward implementation.</p> <p>To facilitate the active management of the corridor, the PSC adopted the concept of a Mobility Council on March 6, 2009. The Mobility Council would regularly assess all aspects of the corridor and the direct and indirect impacts. The PSC vision of the Mobility Council would include active management in four areas: the toll rate structure, the use of through and auxiliary lanes; transit policies; and transportation demand management strategies. During 2009 and 2010, the PSC oversaw the development and endorsed the TDM plans. TDM Plans were presented to and endorsed by the PSC on January 22, 2010 and on August 9, 2010.</p> <p>The PSC also established a Performance Measures Advisory Group to help establish performance measures, targets and strategies to help inform the design of the CRC project and to manage the system after construction. Key performance measures focused on the following goal areas: 1) System Access, Mobility and Reliability, 2) Financial Responsibility and Asset Management, 3) Climate, Energy Security and Health, 4) Safety and Security, 5) Economic Vitality, and 6) Land Use. The Performance Measures Advisory Group recommendations were presented to and endorsed by the PSC on January 22, 2010 and August 9, 2010.</p> <p>The Governance Committee of the IPS is developing recommendations for consideration by the PSC on governance structures to implement the Mobility Council and establish its charge and authority. <u>Further consultation will be required with the Metro Council on coordination of roles and responsibilities of the Mobility Council with Metro transportation and land use policy direction.</u></p> |
|  | E | Financing Plan – Develop a financing plan for presentation to the project partners and the public that indicates federal, state and local funding and how the project could impact other expenditures in the region. | <p>A Conceptual Finance Plan was developed and shared with the PSC on January 22, 2010. The plan illustrates how the project could be funded using a combination of federal and state funds and toll revenues. On May 14, 2010, the PSC received additional presentations related to tolling and federal funding priorities. The funding plan in the FEIS is based on these concepts and will be updated as appropriate. At the direction of the governors of Oregon and Washington, the project is working with the treasurers and legislators of both states to review and refine the financing plan and toll assumptions to minimize financial risk and provide accountability and oversight as the project moves toward construction. The funding plan will be continually reviewed with the PSC as it evolves and will be finalized prior to the Federal Transit Administration (FTA) approval of entry into final design, which is anticipated in 2012. The federal funding sources being sought for the project are principally those for which no other projects in the region are eligible. <u>The funding contribution from each state is intended as a state contribution in recognition of the statewide significance of the project and is not intended to be the region's share of a broader state funding package. The region's continued support for the project finance plan is predicated on the federal and state funding contributions accordingly.</u> Financing issues will continue to evolve with consultation among the project partners.</p> <p>Additional work remains on the financing plan with each additional step requiring more detailed analyses in accordance with requirements of the Federal Transit Administration and Federal Highway Administration. After the approval of the Final EIS, additional financial analysis and</p>  |

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|  |   |  | <p>commitment will be required before federal agencies authorize entering into final design. An even more detailed financial analysis and a higher level of commitment will be required before federal agencies enter into a full funding grant agreement. Since issuance of bonds for the construction of the project is envisioned, a formal investment grade bond revenue analysis and a determination of bonding capacity will be required in the future.</p> <p>The Tolling Study can be found at: <a href="http://www.columbiarivercrossing.org/FileLibrary/Tolling/CRC_TollingStudyCommitteeReport.pdf">http://www.columbiarivercrossing.org/FileLibrary/Tolling/CRC_TollingStudyCommitteeReport.pdf</a><br/> Information presented to the PSC about funding from federal sources can be found at:<br/> <a href="http://www.columbiarivercrossing.org/FileLibrary/MeetingMaterials/PSC/PSC_WorkshopMaterials_051410_1of2.pdf">http://www.columbiarivercrossing.org/FileLibrary/MeetingMaterials/PSC/PSC_WorkshopMaterials_051410_1of2.pdf</a></p>   |
|  | F | <p>Capacity Considerations, Induced Demand and Greenhouse Gases – Conduct additional analysis of GHG and induced automobile demand; prominently display the results in the FEIS; include comparisons of the auxiliary lanes; pursue reductions in VMT in support of targets established by the states.</p> | <p>In November 2008, the Greenhouse Gas Emissions Expert Review Panel was convened to review the GHG and climate change methodology used in the project's Draft EIS. In its report issued on January 8, 2009, the panel validated the methodology and confirmed the findings in the Draft EIS - that the CRC project would be expected to reduce GHG emissions relative to the No-Build. They made suggestions for future analyses that will be incorporated into the FEIS. This updated analysis has been completed including use of the latest EPA MOVES model, taking into account mode shift to transit, bike and pedestrian, the effect of speeds on emission rates and the reduction of emissions due to crashes and bridge lifts. This analysis shows similar results to the DEIS analysis but with even greater GHG reductions than previously estimated. Additionally, the GHG and Climate Change analysis in the CRC Draft EIS received the 2009 NEPA Excellence Award from the National Association of Environmental Professionals. The Greenhouse Gas Expert Review Panel's report can be found at:<br/> <a href="http://www.columbiarivercrossing.org/FileLibrary/TechnicalReports/GHG_PanelReport_010809.pdf">http://www.columbiarivercrossing.org/FileLibrary/TechnicalReports/GHG_PanelReport_010809.pdf</a></p> <p>Since release of the DEIS, several groups, including the Transportation Demand Working Group, the Performance Measures Advisory Group, and the IPS, have worked on strategies designed to enhance mobility, especially through promotion of alternative modes of travel that reduce both GHG emissions and VMT. The strategies and plans of each of these groups have been endorsed by PSC. Additional work relating to implementation of these strategies and plans will be needed as the project advances. Further discussion relating to the recommendations and implementation of transportation demand management strategies can be found in Issue D, above.</p> <p>A qualitative analysis of the potential for induced travel demand was conducted by the Travel Demand Expert Review Panel. In its report dated November 25, 2008, the panel concluded that "the CRC project finding that the project would have a low impact to induce growth is reasonable for this corridor because the project is located in a mature urban area." The report can be found at:<br/> <a href="http://www.columbiarivercrossing.org/FileLibrary/TechnicalReports/TravelDemandModelReview_PanelReport.pdf">http://www.columbiarivercrossing.org/FileLibrary/TechnicalReports/TravelDemandModelReview_PanelReport.pdf</a></p> <p>An additional study of induced growth was conducted by Metro during summer 2010 using its Metroscope model. This quantitative study also concluded "that the proposal would have negligible impact on population and employment growth in Clark County, when comparing the projected growth that would occur with the project with the projected growth that would occur even with no change to the existing bridge." According to Metro, the three main conclusions from its summer 2010 analysis using Metroscope were:</p> <ul style="list-style-type: none"> <li>• The CRC project produces a minor difference in regional growth relative to the no-build alternative and almost no change compared to the No-Build if tolls are imposed on I-5.</li> </ul> |

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|  |   | <ul style="list-style-type: none"> <li>• The results using Metroscope reinforce the previous qualitative analysis with its quantitative approach.</li> <li>• The no-build and build scenarios result in basically the same growth patterns for population and employment and confirm the validity of the approach used for forecasting traffic volumes in the Draft and Final EIS involving holding population and employment forecasts constant between the Build and No-Build scenarios.</li> </ul> <p>Results of the Metroscope analysis were summarized by Metro in its news release that can be found at:<br/> <a href="http://news.oregonmetro.gov/1/post.cfm/metro-finds-columbia-river-crossing-toll-bridge-with-light-rail-would-have-negligible-impact-on-growth">http://news.oregonmetro.gov/1/post.cfm/metro-finds-columbia-river-crossing-toll-bridge-with-light-rail-would-have-negligible-impact-on-growth</a></p>   |
|  | G | <p>Preservation of Freight Access – Describe the physical improvements and tolling methods that will be used to ensure trucks are granted priority due to their importance relative to single-occupant autos; ensure that freight capacity at interchanges is not diminished by industrial land use conversion.</p> <p>The importance of freight has been recognized throughout the project. The Freight Working Group provided key input to the design process, including the design of key interchanges such as the Marine Drive interchange. The design standards used for the project seek to accommodate trucks used in commerce. The ramp terminals, ramps, and interchanges have been sized to provide needed capacity for trucks. Freight-only lanes and ramps were considered, but were not recommended by the Freight Working Group.</p> <p>The project's plan for the Marine Drive interchange includes a flyover ramp from eastbound Marine Drive to northbound I-5 and braided ramps on southbound I-5 between the Marine Drive and Interstate/Victory Boulevard interchanges. Analyses conducted for the project indicate that neither of these is required short-term and can be delayed until after year 2030. Both projects, however, are considered part of a long-term solution because of the importance of accommodating freight movements, particularly those associated with the Port of Portland and other industrial uses along Marine Drive. The revised plan for the Hayden Island Interchange includes provision of an arterial bridge across the Portland Harbor, connecting Hayden Island to North Interstate Avenue and Martin Luther King Blvd in lieu of ramp connections through the I-5/Hayden Island interchange complex to the Marine Drive interchange. This has a beneficial impact for freight by removing this auto traffic from the key freight access interchange, the Marine Drive interchange.</p> <p>Electronic tolling is planned for the project. It is currently assumed that trucks will pay more based on number of axles or weight.</p> <p>Both DOTs share the concern about capacity being used up by unplanned non-industrial development, but must rely upon the partners with land use authority to prevent industrial lands from being converted to other uses with unacceptable transportation impacts. One of the relatively new methods of protecting the capacity of interchanges being used in Oregon is an Interchange Area Management Plan (IAMP). An IAMP identifies long-range improvements, access management strategies, and land use tools that are used to protect the interchange. IAMPs are adopted by the local jurisdiction and by the Oregon Department of Transportation. Development of IAMPs is underway for both the Hayden Island and Marine Drive interchanges <u>and will include provisions dealing with limits on conversion of industrially zoned land to commercial. In addition, changes to industrially zoned land is controlled by Metro's Urban Growth Management Functional Plan (Title 4) which limits non-industrial uses in areas designated Regionally Significant Industrial area which applies to significant areas near the interchanges in the CRC bridge influence area.</u> Adoption by the City of Portland and the Oregon Transportation Commission are expected sometime during 2011.</p> |

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|  | H | Light Rail Transit – Implement light rail transit as a required element in any plan that moves forward.   | Light rail transit was selected as the high capacity transit mode and is being advanced as a key element of the project. Confirmation of the selection of light rail transit as a project element will be with the publication of the Final EIS and the issuance of the Record of Decision. Both actions are expected in 2011. The project will pursue FTA authorization to proceed to final design in 2012 contingent on the FTA's approval of a capital and operating financing plan. In addition, C-TRAN is considering referral of a measure to the voters for operating support for LRT.  |
|  | I | Design of Bicycle and Pedestrian Facilities – Undertake additional design to include “world class” bicycle and pedestrian facilities on the bridge, approaches and throughout the bridge influence area; meet or exceed standards; be adequate to meet the demand considering tolls and other transportation demand measures. | <p>A “world class” facility for pedestrians and bicyclists is being advanced. It will feature a facility for bicyclists and pedestrians on the main span with more width than other facilities in the Portland-Vancouver region and far exceeds minimum standards. The capacity of the facility is calculated to be more than adequate for the predicted use. The Pedestrian and Bicycle Advisory Committee (PBAC) spent considerable effort helping develop a complete system that features a river crossing using one of the lower-level sections of the bridge for the main river crossing. PBAC helped develop appropriate connections at both ends of the project and for Hayden Island. PBAC also recommended development of a future maintenance and security plan that has been endorsed by PSC and committed to by the Oregon and Washington DOTs <u>to include reliable funding for maintenance and security, programming of activity space to create “eyes on the pathway,” visible and regular monitoring by security personnel with cameras and call boxes, appropriate lighting and posting of laws and ordinances.</u></p> <p>Connections for bicyclists and pedestrians to the local network in downtown Vancouver, Hayden Island, and streets and multi-use paths in the vicinity of Marine Drive and Delta Park are still undergoing refinement. The project is committed to providing good connections that meet or exceed all applicable standards, such as width and grade, that avoid or minimize conflicts among modes of travel, and that seeks to improve the existing circuitous routing patterns in the area. Many features needed to implement this vision for a world class facility in the corridor, such as the precise locations, widths, grades, etc will be determined in the final design phase including consultation with local agencies and stakeholders.</p>  |
|  | J | Urban Development Impacts at Re-designed Interchanges – Undertake additional evaluation of the impact of redesigned interchanges and urban development potential; preserve and improve access to the Expo Center.   | <p>Several of the interchanges, especially the Marine Drive and Hayden Island interchanges, have undergone considerable additional analyses. Key participants in these evaluations have been the Marine Drive Stakeholder Group and the Portland Working Group.</p> <p>Several options for the Marine Drive interchange were explored. Key issues considered in the designs for the Marine Drive interchange included the impact on freight movements, access to existing industrial uses in the area, access to the Expo Center, and the creation of parcels that could be put to beneficial uses.</p> <p>The Hayden Island interchange also underwent additional study designed to further the Hayden Island Plan and implement features that are supportive of transit, seek to implement a “main street” for Tomahawk Island Drive, and minimize the footprint of the project on Hayden Island. Additional analyses led to a new concept (known as Concept D) utilizing an arterial bridge to provide access between Hayden Island and N. Expo Road with a corresponding elimination of direct freeway ramps within the project design between Hayden Island and the Marine Drive interchange. Efforts are currently underway to incorporate this into a design that will be included as the preferred option in the Final EIS. Additional refinement work addressing urban design characteristics will continue as the project advances toward construction. The Portland Working Group and other stakeholders will be consulted as the project seeks to advance the design <u>and final design details for the local streets, trails, sidewalks and crosswalks are subject to approval by the City of Portland.</u></p> <p>Overall, the combination of improvements at and around the Marine Drive and Hayden Island interchanges substantially improves local connectivity and access apart from the freeway improvements and the resulting removal of the congestion bottleneck.</p> |

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|  |   | Access to/from Expo is substantially improved and representatives from Expo have been involved in the process.   |
|  | K | <p>Bridge Design – Consider bridge type and aesthetics before the final design.</p> <p>In seeking to achieve a quality design meeting aesthetic values, the project has made extensive use of advisory groups including the Urban Design Advisory Committee (UDAG), a Sustainability Working Group, the Independent Review Panel (IRP), the Hayden Island Design Group, and a constructability working group. The Urban Design Advisory Committee (UDAG) developed design guidelines and recommended a two-level, two-bridge concept that is being advanced. Overall guidance has been provided by the IPS and PSC to meet these objectives. UDAG's recommended guidelines are currently being developed into "architectural standards" <u>to be adopted</u> by WSDOT and CRC staff to use as the project moves into final design. These standards will be shared with UDAG, the cities of Portland and Vancouver, <u>Metro</u>, and other stakeholders and will be used for the bridge and other elements of the project.</p> <p>Beginning on November 3, 2010, the Bridge Expert Review Panel began reassessing bridge types, and constraints. In its final report on February 3, 2011, the Panel offered three more feasible bridge type alternatives for consideration, a tied arch, cable-stayed and deck truss. The panel found all three options less expensive and more suitable for the crossing over the Columbia River than the open web box bridge type that had been advanced. At the direction of the governors of Oregon and Washington, the two state DOTs reviewed the Panel's recommendation and reported back to the governors with project findings on February 25, 2011. On April 25, 2011, the governors of Oregon and Washington announced the selection of the deck truss bridge type for the replacement bridge. The governors cited several reasons for the selection including reducing and eliminating risks to schedule and budget; affordability; and the ability to secure funding.</p> <p>The Bridge Panel's final report can be found at:<br/> <a href="http://www.columbiarivercrossing.com/FileLibrary/GeneralProjectDocs/BRP_Report.pdf">http://www.columbiarivercrossing.com/FileLibrary/GeneralProjectDocs/BRP_Report.pdf</a></p> <p>The Washington and Oregon DOT's findings can be found at:<br/> <a href="http://www.columbiarivercrossing.org/FileLibrary/GeneralProjectDocs/DOTs_Draft%20Recommendation.pdf">http://www.columbiarivercrossing.org/FileLibrary/GeneralProjectDocs/DOTs_Draft%20Recommendation.pdf</a></p> <p>The Governors' announcement can be found at:<br/> <a href="http://www.columbiarivercrossing.com/FileLibrary/GeneralProjectDocs/DeliverCRC_GovPR.pdf">http://www.columbiarivercrossing.com/FileLibrary/GeneralProjectDocs/DeliverCRC_GovPR.pdf</a></p> <p>The governors recognized the importance of design and aesthetic considerations and committed to specific actions. They committed to engaging the design community and stakeholders in the design process. They directed the project to add an architect to the project team and establish architectural specifications for the contractor to follow. Details of these actions are being developed and will be announced and advertised by the project.</p> <p>The Governors' April 25, 2011 announcement of the "Next Steps" can be found at:<br/> <a href="http://www.columbiarivercrossing.org/FileLibrary/GeneralProjectDocs/Gov_BridgeRecommend.pdf">http://www.columbiarivercrossing.org/FileLibrary/GeneralProjectDocs/Gov_BridgeRecommend.pdf</a></p> |

## STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 11-4264, for the purpose of CONCLUDING THAT THE CONCERNS AND CONSIDERATIONS RAISED ABOUT THE COLUMBIA RIVER CROSSING PROJECT IN EXHIBIT A TO RESOLUTION NO. 08-3960b HAVE BEEN ADDRESSED SATISFACTORILY

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Date: May 23, 2011

Prepared by: Andy Cotugno  
503-797-1763

## BACKGROUND

### Overview

The Columbia River Crossing (CRC) is a proposed multimodal bridge, transit, highway, bicycle and pedestrian improvement project sponsored by the Oregon and Washington transportation departments in coordination with Metro, TriMet and the City of Portland as well as the Regional Transportation Council of Southwest Washington, CTRAN and the City of Vancouver, Washington. (More detailed project information may be found at: <http://www.columbiarivercrossing.org/>).

The CRC project is designed to improve mobility and address safety problems along a five-mile corridor between State Route 500 in Vancouver, Washington, to approximately Columbia Boulevard in Portland, Oregon, including the Interstate Bridge across the Columbia River.

The project would be funded by a combination of Federal Transit Administration (FTA) New Starts funding for the transit component, Federal Highway Administration (FHWA) funding for highway, freight, bicycle and pedestrian improvements, with local match being provided by the states of Oregon and Washington through toll credits and other funding. Tolls are also proposed for a new I-5 bridge to pay for a portion of the capital project and manage transportation demand.

### Locally Preferred Alternative Approval

In July, 2008 the Metro Council adopted Resolution No. 09-3960B endorsing the Locally Preferred Alternative (LPA) consisting of replacement of the I-5 Interstate Bridge with three through lanes each direction plus auxiliary merging and weaving lanes, extension of light rail transit to Vancouver, Washington, provision of bike and pedestrian facilities on the bridge and connecting to the regional network and implementation of congestion pricing as both a demand management and revenue tool.

However, that resolution also raised a number of concerns and considerations needing to be addressed prior to finalizing the project through publication of a Final Environmental Impact Statement. Some of the concerns and considerations dealt with issues that could potentially change specific aspects of the project design (such as the number of lanes or the design of the Hayden Island Interchange) while other concerns dealt with development of further information about the potential impacts of the project (such as the impact on traffic on I-205).

This staff report and Exhibit B to this resolution provide information relating to those concerns and considerations and analyses and conclusions reached since that action. The overall purpose of this resolution is to provide sufficient information to demonstrate that all of the concerns and considerations have been adequately addressed, thereby allowing the project development to be completed.

The underlying policy direction calling for the project in the first place is laid out in the Regional Transportation Plan adopted and periodically updated by Metro. In addition the staff report for Resolution No. 08-3960B approving the Locally Preferred Alternative provides considerable background on the alternatives considered, impacts evaluated and process followed to arrive at that decision, much of which is also published in the Draft Environmental impact Statement for the project.

#### Adoption of concerns and considerations to be addressed further

While the Metro Council expressed their support for this LPA, they also expressed concern about a number of issues they felt needed to be addressed before the project development is completed. As such the resolution also identified those concerns and considerations, calling for them to be addressed by the CRC project. Of particular concern were the following:

1. Assessment of tolling including timing of implementation and whether to extend tolls to I-205 and the traffic impacts if tolls are not extended to I-205;
2. Evaluation of the number of auxiliary lanes in addition to the three through lanes each direction;
3. Consideration of mitigation for any potential adverse human health impacts including community enhancements that address environmental justice;
4. Development of state of the art demand management techniques in addition to tolls;
5. Development of a financing plan with particular attention to how the revenue sources impact other projects in the region;
6. Assessment of greenhouse gases and the potential for induced growth and travel demand;
7. Preservation of the priority for freight access including ensuring that interchange capacity is not diminished by industrial land conversion;
8. Inclusion of light rail as part of any phasing plan that is developed;
9. Development of the bike/pedestrian facilities throughout the bridge influence area as “world-class” facilities;
10. Re-examination of interchange designs to minimize community impacts and maximize LRT station-area development opportunities. Particular attention should be paid to revisiting the Hayden Island Interchange and ensuring adequate access to the Expo Center;
11. Consideration of the bridge type and design to ensure aesthetic considerations are reflected in the final design.

#### CRC Response to concerns and conditions

In response to the conditions adopted by the Metro Council, as well as numerous other concerns raised by the other participating jurisdictions, the CRC Project responded through a multi-pronged approach:

1. The Project Sponsors Council (PSC) met on a much more frequent basis to review analyses and develop agreements on changes to incorporate into the project or reasons with better support documentation if changes were not warranted.
2. An Integrated Project Staff (IPS) working group was created co-chaired by the PSC co-chairs to carry-out the analyses commissioned to respond to the conditions.
3. Subcommittees of the IPS with participation by multiple partners were convened to focus on the following topics:
  - a. Hayden Island Interchange re-design or removal;
  - b. Vancouver City Center Interchange removal;
  - c. Number of auxiliary lanes;
  - d. Induced growth;
  - e. Application of performance measures to the project scope decisions;
  - f. Definition of construction mitigation travel demand management program;
  - g. Definition of post-construction travel demand management program;

- h. Post-construction governance and the role of a Mobility Council;
  - i. Phasing strategies.
4. The Governors of Oregon and Washington commissioned an Independent Review Panel which met from April to July of 2010. It was comprised of eight nationally recognized experts in developing, financing and implementing large complex multi-modal projects to do a thorough independent review of the project. They made recommendations for changes, and actions to be taken to reduce risk. The full recommendation report can be accessed at:  
[http://crrreview.columbiarivercrossing.org/documents/IRP\\_report.pdf](http://crrreview.columbiarivercrossing.org/documents/IRP_report.pdf)
  5. In response to one of the recommendations of the Independent Review Panel, the Governors of Oregon and Washington commissioned a Bridge Review Panel which met from September 2010 to February 2011. It was comprised of 11 internationally recognized bridge experts plus the state bridge engineers for the states of Oregon and Washington and representatives from TriMet and C-TRAN. They were charged with evaluating the viability of the bridge type being pursued and recommend whether to proceed with the current bridge type proposal or an alternate bridge type, including consideration of whether some of the constraints that have controlled key aspects of the bridge design could be altered. The full report from the Bridge Panel can be accessed at:  
[http://www.columbiarivercrossing.com/FileLibrary/GeneralProjectDocs/BRP\\_Report.pdf](http://www.columbiarivercrossing.com/FileLibrary/GeneralProjectDocs/BRP_Report.pdf)  
The decision of the Governors on the recommendation of the bridge panel can be accessed at:  
[http://www.columbiarivercrossing.com/FileLibrary/GeneralProjectDocs/DeliverCRC\\_GovPR.pdf](http://www.columbiarivercrossing.com/FileLibrary/GeneralProjectDocs/DeliverCRC_GovPR.pdf)
  6. The City of Portland contracted with the engineering consulting firm URS to provide independent expertise in examining design options to remove or revise the Hayden Island Interchange and traffic operations and engineering analysis of 8, 10 and 12 lane bridge options.

#### Satisfaction of Concerns and Considerations

Exhibit B to this resolution provides documentation on how each condition has been satisfied. Presented in the table is a brief restatement of the condition being addressed and a synopsis of the conclusions and recommendations about each condition. In addition, in most cases there is an electronic link to the CRC web-site providing direct access to the full report on that subject. In this manner, the reader can review the overall conclusion but also access greater detail if desired. Also presented as part of Exhibit B is an assessment by the Project Sponsors Council and the Independent Project Staff of whether the concern is fully and finally decided and will be reflected as such in the Final Environmental Impact Statement or whether there is agreement in principle with further decisions still pending later in the process. For example, there is agreement in principle about the parameters for tolling although the specific toll rates will not be made until much closer to opening day. In each case where a future decision will be necessary, the character of that future process is provided.

The conditions and conclusions presented in Exhibit B are as follows:

- A. Tolling
- B. Number of Auxiliary lanes
- C. Impact Mitigation and Community Enhancement
- D. Demand Management
- E. Financing Plan
- F. Greenhouse Gases and Induced Demand
- G. Preservation of Freight Access
- H. Light Rail Transit
- I. Bike/Pedestrian Facilities
- J. Interchange redesign and urban development impacts
- K. Bridge Design



## Next Steps

The effect of adoption of this resolution is to concur that the concerns and considerations are sufficiently addressed to proceed with finalizing the Final Environmental Impact Statement (FEIS). Certain aspects are direct changes to the design, such as the number of lanes and the configuration of the Hayden Island and Marine Drive interchanges accompanied with a local access bridge across North Portland Harbor that will be reflected accordingly in the FEIS document itself. Other concerns and considerations represent an agreement in principle with a recognition that Metro will be engaged in future decision-making on project details as they develop, including the setting of toll rates, the timing of toll implementation, the specific design of demand management programs and the Mobility Council, implementation of the finance plan, development of a community enhancement fund, bike, pedestrian and local street design details, station area development and aesthetic treatment of the bridge itself. Of particular concern to the Metro Council are certain issues that require further attention as the project proceeds:

- Finalizing whether to implement tolls during construction to serve as a demand management tool to mitigate traffic impacts during construction and provide an important contribution to the financing plan.
- Further consideration of establishment of a community enhancement fund, including purpose, amount, administrative and selection criteria and source of funding.
- Ensuring the state contribution to the project recognizes the statewide significance of the project and is not at the expense of other regional priorities.

## **ANALYSIS/INFORMATION**

### **1. Known Opposition**

The CRC is a very large and complex transportation project. There are strong feelings – pro and con – associated with the project. Opposition to the project includes concerns raised regarding the need for the project, greenhouse gas emissions that could be generated by the project, costs, tolls, the light rail extension to Vancouver, Washington and the aesthetic qualities of the bridge type. Opposition to tolls and light rail in Clark County has been well organized and aggressive. Opposition on the Oregon side has included concern that the project will simply worsen the bottleneck on I-5 in the vicinity of the Fremont Bridge and I-84 interchange. While it does not worsen that bottleneck, there remains criticism that the project shouldn't be built if it doesn't address an equally severe bottleneck just downstream.

Support for the project includes addressing the severe bottleneck and safety issues, the impact on freight movement and the opportunity to significantly improve transit service to Vancouver.

### **2. Legal Antecedents**

#### **Federal**

- National Environmental Policy Act
- Clean Air Act
- SAFETEA-LU
- FTA New Starts Process

#### **State**

- Statewide Planning Goals
- State Transportation Planning Rule
- Oregon Transportation Plan
- Oregon Highway Plan
- Oregon Public Transportation Plan

- Oregon Bicycle and Pedestrian Plan

#### **Metro**

- Resolution No. 02-3237A, "For the Purpose of Endorsing the I-5 Transportation and Trade Study Recommendations," adopted on November 14, 2002.
- Resolution No. 07-3782B, "For the Purpose of Establishing Metro Council Recommendations Concerning the Range of Alternatives to Be Advanced to a Draft Environmental Impact Statement For the Columbia River Crossing Project," adopted on February 22, 2007.
- Resolution No. 07-3831B, "For the Purpose of Approving the Federal Component of the 2035 Regional Transportation Plan (RTP) Update, Pending Air Quality Conformity Analysis," adopted on December 13, 2007.
- Resolution No. 08-3911, "For the Purpose of Approving the Air Quality Conformity Determination for the Federal Component of the 2035 Regional Transportation Plan and Reconfirming the 2008-2011 Metropolitan Transportation Improvement Program," adopted on February 28, 2008.
- Resolution No. 08-3938B, "For the Purpose of Providing Metro Council Direction to its Delegate Concerning Key Preliminary Decisions Leading to a Future Locally Preferred Alternative Decision for the Proposed Columbia River Crossing Project," adopted on June 5, 2008.
- Resolution No. 08-3960B "For the Purpose of Endorsing the Locally Preferred Alternative for the Columbia River Crossing Project and Amending the Metro 2035 Regional Transportation Plan with Conditions." adopted July 17, 2008.
- Ordinance 10-1241B "For the Purpose of Amending the 2035 Regional Transportation Plan (Federal Component) and the 2004 Regional Transportation Plan to Comply With Federal and State Law; to Add the Regional Transportation Systems Management and Operations Action Plan, the Regional Freight Plan and the High Capacity Transit System Plan; to Amend the Regional Transportation Functional Plan and Add it to the Metro Code; to Amend the Regional Framework Plan; and to Amend the Urban Growth Management Functional Plan." Adopted on June 10, 2010.

### **3. Anticipated Effects**

The approval of this resolution would be to "perfect" the endorsement of the Locally Preferred Alternative and remove the conditions imposed by Resolution No. 08-3960B. This would allow the project scope to be finalized through the Final Environmental Impact Statement, would allow Metro to consider approval of the Land Use Final Order and allow the Federal Highway Administration and Federal Transit Administration to issue a Record of Decision. With these actions in place, the project can proceed from the current development stage into final design.

### **4. Budget Impacts**

If there is a role for Metro to play, the CRC project would reimburse Metro for any costs incurred for such work (this could be additional updated travel forecasting and updated rating information for the New Starts submission, for example).

### **RECOMMENDED ACTION**


Adopt Resolution No. 11-4264 For the Purpose of Concluding that the Concerns and Considerations Raised About the Columbia River Crossing Project in Exhibit A to Resolution No. 08-3960B have been Addressed Satisfactorily.

**Columbia River CROSSING**

## A long-term, comprehensive solution

### JPACT/Metro Council: Status of LPA Conditions

Andy Cotugno  
June 9, 2011



Oregon Department of Transportation    Washington State Department of Transportation    Federal Transit Administration • Federal Highway Administration  
City of Vancouver • City of Portland • SW Washington Regional Transportation Council • Metro • C-TRAN • TriMet

## I-5 Transportation/Trade Partnership Recommendations for BIA

- **Fix three I-5 bottlenecks:**
  - I-5 Salmon Creek in Clark County    - Completed 2006
  - Delta Park in Portland    - Completed 2010
  - Interstate Bridge and nearby interchanges    - FEIS to be submitted 2011




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**Columbia River CROSSING**

|                   |                      |                          |           |                       |                    |                            |
|-------------------|----------------------|--------------------------|-----------|-----------------------|--------------------|----------------------------|
| Regional Planning | Problems & Solutions | Preliminary Alternatives | Draft EIS | Preferred Alternative | Final EIS & R.O.D. | Engineering & Construction |
| 1999-02           | 2005                 | 2006                     | 2007-08   | 2008-11               | 2011               | 2012                       |

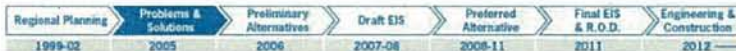
## Purpose and Need: Address Six Problems

- **Congestion**  
Growing travel demand exceeds capacity
- **Public transit**  
Service and reliability are limited by congestion
- **Freight**  
Mobility through the area is impaired
- **Safety**  
Crash rates are too high
- **Bicyclists and pedestrians**  
Paths and connections are inadequate
- **Earthquake safety**  
Bridges don't meet current seismic standards



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Columbia River  
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## 70 Ideas to Solve Transportation Problems

- **Six categories:**
  - River Crossing – 23 ideas
  - Transit – 14 ideas
  - Bicycle and Pedestrian – 6 ideas
  - Freight – 5 ideas
  - Transportation Demand/System Management – 18 ideas
  - Roadways North and South – 2 ideas

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## Alternatives in Draft Environmental Impact Statement published May 2008

1. No build
2. Replacement bridge with bus rapid transit
3. Replacement bridge with light rail
4. Supplemental bridge with bus rapid transit
5. Supplemental bridge with light rail

All "build" alternatives include peak tolling, interchanges, freight, and pedestrian/bicycle improvements between SR-500 and Delta Park.

5



## LPA Endorsement with Conditions

- July 2008 - All 6 local sponsor agencies vote in favor of LPA resolutions
- Some sponsor agency leaders had questions for the FEIS process, including:
  - Need independent review of travel demand analysis
  - Need independent review of GHG analysis
  - Can tolling or other TDM strategies further reduce demand?
  - Can increasing transit service further reduce demand?
  - Raised concern over induced growth and costs
  - Consider specific design changes, including number of lanes and interchange designs
  - Interest in community enhancement fund
- Adopted into MTP and RTP in July 2008

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## Locally Preferred Alternative

- **Replacement I-5 bridge**
  - 3 through lanes with up to 3 auxiliary lanes; now decided upon 2 auxiliary lanes
  - 2 or 3 bridge structures; now decided upon 2 bridges
- **Improvements to closely-spaced highway interchanges**
- **Light rail extension to Clark College**
- **Pedestrian and bicycle facility improvements**
- **Tolling as a finance and demand management tool**

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## Status report on Metro's LPA conditions



Oregon Department  
of Transportation

Washington State  
Department of Transportation

Federal Transit Administration • Federal Highway Administration  
City of Vancouver • City of Portland • SW Washington Regional Transportation Council • Metro • C-TRAN • InMet

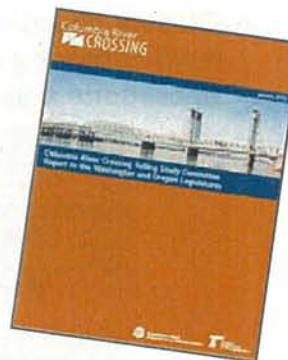
## Metro's Conditions (from Resolution 08-3960B)

- A. Tolling
- B. Number of Auxiliary Lanes
- C. Impact Mitigation and Community Enhancement
- D. Demand Management
- E. Financing Plan
- F. Capacity Considerations, Induced Demand and Greenhouse Gases
- G. Preservation of Freight Access
- H. Light Rail
- I. Design of Bicycle and Pedestrian Facilities
- J. Urban Development Impacts at Redesigned Interchanges
- K. Bridge Design

## A. Tolling

### • Analyses of Tolling

- Tolling analysis for DEIS/FEIS (2008 – 2011)
- Tolling Study Report to the Legislatures (2009 – 2010)
- Oregon Treasurer's Analysis (Underway)
- Investment Grade Analysis (Future)





## Tolling Study Scenarios

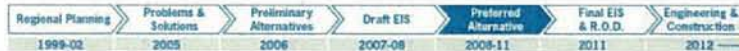
|                       | Scenarios Analyzed                                    | Min/Max Toll Rate<br>(2008\$)                  | Min/Max Toll Rate<br>(2018\$)                  | Tolls<br>Collected              | Toll Schedule Type                  | Tolling Start<br>Date     |
|-----------------------|---|--|--|---------------------------------|-------------------------------------|---------------------------|
| Tolling I-5 Only      | Scenario 1A<br>DEIS Toll Rate                         | \$1.00 / \$2.00                                | \$1.34 / \$2.69                                | Each Way                        | Symmetric Variable Toll<br>Schedule | July 1, 2018<br>(FY 2019) |
|                       | Scenario 1B<br>Lower than DEIS Toll Rate              | \$1.00 / \$1.50                                | \$1.34 / \$2.02                                |                                 | Symmetric Fixed Toll<br>Schedule    |                           |
|                       | Scenario 1C<br>Flat Toll Rate                         | \$1.65   | \$2.22   |                                 | Symmetric Fixed Toll<br>Schedule    |                           |
|                       | Scenario 1D<br>Additional Price Points                | \$1.00 / \$1.50                                | \$1.34 / \$2.02                                |                                 | Symmetric Variable Toll<br>Schedule |                           |
|                       | Scenario 1E<br>1.5x DEIS Toll Rate                    | \$1.50 / \$3.00                                | \$2.02 / \$4.03                                |                                 | Symmetric Variable Toll<br>Schedule |                           |
|                       | Scenario 1F<br>2x DEIS Toll Rate                      | \$2.00 / \$4.00                                | \$2.69 / \$5.38                                |                                 | Symmetric Variable Toll<br>Schedule |                           |
|                       | Scenario 1G<br>3x DEIS Toll Rate                      | \$3.00 / \$6.00                                | \$4.03 / \$8.07                                |                                 | Symmetric Variable Toll<br>Schedule |                           |
|                       | Pre-Completion Tolling <sup>1</sup><br>DEIS Toll Rate | \$1.00 / \$2.00                                | \$1.34 / \$2.69                                | Each Way                        | Symmetric Variable Toll<br>Schedule | July 1, 2018<br>(FY 2019) |
| Tolling I-5 and I-205 | Scenario 2A<br>DEIS Toll Rate                         | \$2.00 / \$4.00                                | \$2.69 / \$5.38                                | Southbound<br>Only <sup>2</sup> | Symmetric Variable Toll<br>Schedule | July 1, 2018<br>(FY 2019) |
|                       | Scenario 2B<br>Lower than DEIS Toll Rate              | \$2.00 / \$3.00                                | \$2.69 / \$4.03                                |                                 | Symmetric Variable Toll<br>Schedule |                           |
|                       | Scenario 2C<br>Lower I-205 Toll                       | I-5: \$2.00 / \$4.00<br>I-205: \$2.00 / \$3.00 | I-5: \$2.69 / \$5.38<br>I-205: \$2.69 / \$4.03 |                                 | Symmetric Variable Toll<br>Schedule |                           |

<sup>1</sup> Pre-Completion Tolling to be added to any other scenario

<sup>2</sup> A round-trip toll is collected on scenarios tolling Southbound only

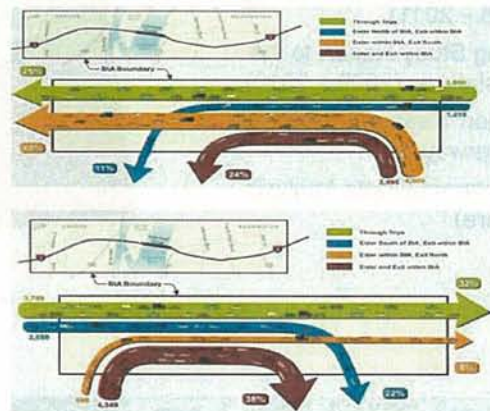
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## B. Number of Auxiliary Lanes

- Closely spaced interchanges and high volumes of traffic entering and exiting the corridor complicate operations and design.



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## Number of auxiliary lanes recommendation and decision

- Additional study during summer 2010 through Integrated Project Staff (IPS) and Project Sponsors Council (PSC) and included 8, 10, and 12 lane scenarios.
- Recommendation for three through lanes and two auxiliary lanes across the bridge.
- Results in a narrower bridge section and two fewer lanes than studied in DEIS.



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| Regional Planning | Problems & Solutions | Preliminary Alternatives | Draft EIS | Preferred Alternative | Final EIS & R.O.D. | Engineering & Construction |
|-------------------|----------------------|--------------------------|-----------|-----------------------|--------------------|----------------------------|
| 1999-02           | 2005                 | 2006                     | 2007-08   | 2008-11               | 2011               | 2012                       |

## C. Conclusions related to health impacts

- **Project increases opportunities for physical activity:**
  - Improved pedestrian and bicycle facilities
  - Transit Oriented Development
- **Noise impact from highway traffic will be lower than no-build due to mitigation, including sound walls. All light rail transit noise can be mitigated.**
- **Currently, all runoff from river crossing and much of I-5 is untreated. Project will treat all runoff from river crossing plus much of I-5.**
- **All criteria air pollutants and mobile source air toxins will be lower in 2030 than today. Long-term mitigation for air quality is not proposed.**

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| Regional Planning | Problems & Solutions | Preliminary Alternatives | Draft EIS | Preferred Alternative | Final EIS & R.O.D. | Engineering & Construction |
|-------------------|----------------------|--------------------------|-----------|-----------------------|--------------------|----------------------------|
| 1999-02           | 2005                 | 2006                     | 2007-08   | 2008-11               | 2011               | 2012                       |

## C. Community enhancements

- **Project will provide multi-modal transportation improvements and enhancements for the community within the project area:**
  - Light rail transit in the corridor
  - A safer system for all users
  - Local street improvements, including Tomahawk Island Dr.
  - Separate arterial bridge from north Portland to Hayden Island
  - Public art component of transit element
  - Significantly improved bicycle and pedestrian pathways and connections
- **Will continue to examine setting up a Community Enhancement Fund**

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## D. Transportation Demand Management

TDM Working Group developed a comprehensive program with:

- **Construction phase – focused on “saving vehicle trips” in the corridor to reduce possible capacity losses resulting from construction**
- **Post-construction phase – to be implemented by the Mobility Council**

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## Post-construction TDM programs

- The Mobility Council could direct the post-construction TDM program to achieve desired results based on the framework developed by the Performance Measures Advisory Group (PMAG).
- PMAG's goal areas covered:
  - System access, mobility, and reliability
  - Financial responsibility and asset management
  - Climate, energy security, and health
  - Safety and security
  - Economic vitality
  - Land use

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## Post-construction TDM programs

- PMAG's identified a need to coordinate:
  - Traditional transportation actions under state DOT jurisdiction (tolls, freeway operations)
  - Other agencies' transportation actions (arterial operations, transit service and fares)
  - Other agencies' indirect policies and actions (land use, parking policies)

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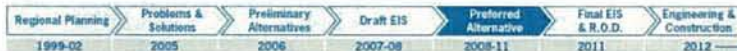


## E. Finance plan

Conceptual Financing Plan presented to PSC in January 2010

|  |                              |
|--|------------------------------|
| <b>New Starts</b><br>Assumes full FTA New Starts request granted. CRC may fulfill FTA local match requirements using local highway expenditures, per Congressional action.   | <b>\$850 million</b>         |
| <b>Projects of National Significance</b><br>Additional funding above and beyond existing allocations. Assumed likely based on scope of CRC project and historical success in securing Federal discretionary funding. | <b>\$400 million</b>         |
| <b>Additional WSDOT/ODOT Funding</b><br>Assumes additional funding generated from both DOTs.   | <b>\$900 million</b>         |
| <b>Toll Bond Proceeds</b>  | <b>\$1.1 - \$1.4 billion</b> |

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## Status of finance plan activities

- Updated financial element for Final EIS is being prepared.
- At the direction of the Oregon governor, the state treasurer is currently conducting an independent review.
- An investment grade study will be conducted prior to bonding.
- Request for state and federal funds intended to not be at the expense of other regional priorities

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## F. Capacity considerations, induced demand and greenhouse gases

### Capacity Considerations and Induced Demand

- Strategies to enhance mobility and reduce traffic volumes were developed by the Transportation Demand Management Working Group, the Performance Measures Advisory Group and Integrated Project Staff (IPS).
- Metro conducted a quantitative study using Metroscope and concluded the project would have negligible impact on population and employment growth in Clark County.

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## Capacity considerations, induced demand and greenhouse gases

### • Greenhouse Gases

- DEIS analysis showed that the project would reduce GHG emissions relative to no-build.
- Greenhouse Gas Emissions Analysis Expert Review Panel, convened in 2008, validated methodology and findings in DEIS and recommended refinements.
- Updated analysis using latest EPA model (MOVES) showed greater emission reductions than previously estimated.
- The GHG and Climate Change analysis was recognized with a 2009 NEPA Excellence Award from National Association of Environmental Professionals.

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## G. Preservation of freight access

- The Freight Working Group has been a key participant, especially with regard to the Marine Drive interchange.
- A flyover ramp to further improve freight access could be constructed later at the Marine Drive interchange.



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- An arterial bridge connect to Hayden Island, instead of additional ramp connections to I-5, frees capacity for freight movements at the Marine Drive and Hayden Island interchanges.
- Interchange Area Management Plans for Marine Drive and Hayden Island interchanges use access management strategies and land use tools to help protect the interchanges.

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## H. Light rail transit

- Light rail transit is being advanced as a key element of the project.
- The terminus selected is near Clark College.
- The route through Vancouver and station locations have been identified and are included in the project.
- Three park-and-ride facilities have been identified for Vancouver and are included in the project.



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| Regional Planning | Problems & Solutions | Preliminary Alternatives | Draft EIS | Preferred Alternative | Final EIS & R.O.D. | Engineering & Construction |
|-------------------|----------------------|--------------------------|-----------|-----------------------|--------------------|----------------------------|
| 1999-02           | 2005                 | 2006                     | 2007-08   | 2009-11               | 2011               | 2012 →                     |



## I. Bicycle and pedestrian facilities

- The project is seeking to implement a “world class” facility.
- The width on the main span will be greater than other crossings in the region and far exceed minimum standards.
- Connections will be provided to north Portland, Hayden Island and Vancouver.
- Special efforts are being made to improve upon the existing, circuitous routing.

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## PBAC Recommendations: Maintenance and Security Program Summary

- Reliable funding for maintenance and security
- Programming of activity space for “eyes on the pathway”
- Visible and regular monitoring by security personnel with cameras, and call boxes
- Appropriate lighting
- Posting of laws and ordinances
- Citizen and volunteer participation for maintenance, operations and programming

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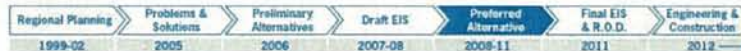
26

## J. Urban development impacts at redesigned interchanges

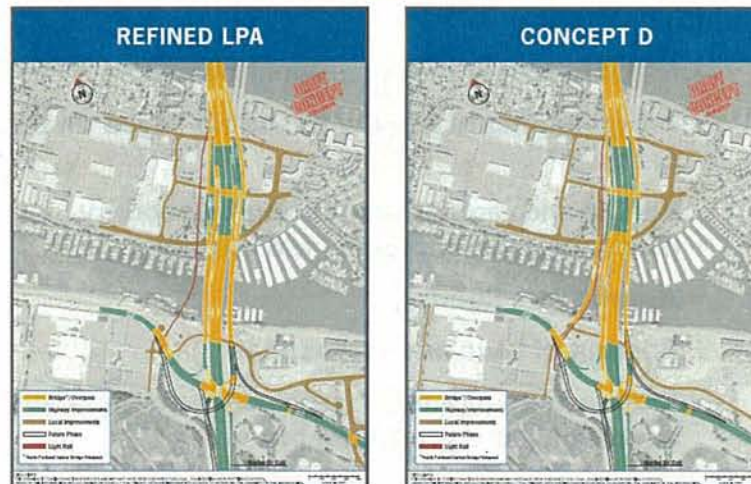
- The Marine Drive Stakeholder Group and Portland Working Group have been key participants in redesign efforts.
- The Hayden Island interchange was redesigned to further the Hayden Island Plan, to support transit, and implement a “main street” concept for Tomahawk Island Drive.
- The Hayden Island and Marine Drive interchange designs are matched with the arterial bridge connecting Hayden Island to a better connected local street system to access north Portland.

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## Hayden Island interchange examples – refined LPA vs Concept D



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## K. Bridge design

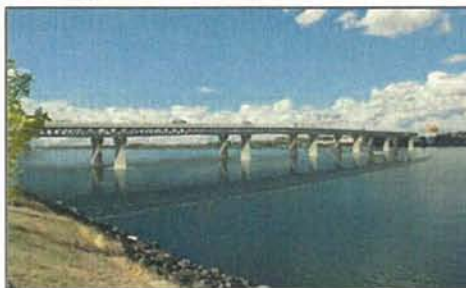
- Beginning in November 2010, the Bridge Review Panel reviewed project constraints (marine and aviation) and the bridge type.
- The Bridge Review Panel identified three bridge types more suitable than the open web truss design that had been advanced: cable-stayed, tied-arch and composite truss.
- The governors of Oregon and Washington selected a bridge type on April 25, 2011 and directed that the project add a bridge architect to the project.

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## Bridge design

- The Governors' decision to select the bridge truss type was based on:
  - Reducing and eliminating risks to schedule and budget
  - Affordability
  - Securing funding



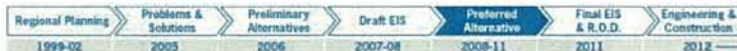
30

## Status of Metro's LPA conditions

- Resolved or will be resolved with FEIS/ROD
  - On track, but requires additional actions/decisions beyond FEIS/ROD
  - Unresolved
- 
- A. Tolling
  - B. Number of Auxiliary Lanes
  - C. Impact Mitigation and Community Enhancement
  - D. Demand Management
  - E. Financing Plan
  - F. Capacity Considerations, Induced Demand and Greenhouse Gases
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  - J. Urban Development Impacts at Redesigned Interchanges
  - K. Bridge Design

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## Metro Resolution No. 11-4264

- Accepts responses to the concerns and considerations from LPA resolution
- Supports proceeding with publishing FEIS
- Acknowledges further refinements and decisions will be made and Metro will be involved

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### Existing Problems

The Columbia River Crossing (CRC) project is a long term, comprehensive solution to address problems on five miles of Interstate 5 between Portland and Vancouver. The project will address six issues that currently affect people's safety, quality of life and the regional economy:

**COLLISIONS:** An average of more than one crash per day occurs in the project area. Collisions are more likely to occur when the Interstate Bridge lifts and traffic stops.

**CONGESTION:** Four to six hours of congestion occur on and around the Interstate Bridge each day and could grow to 15 hours a workday by 2030 if no action is taken.

#### LIMITED TRANSIT OPTIONS:

Buses are the only transit option crossing the Interstate Bridge and they get caught in traffic just like cars.

**FREIGHT IMMOBILITY:** Congestion and outdated interchange designs negatively impact the annual flow of \$40 billion worth of interstate and international commerce across the Interstate Bridge to nearby ports, businesses and distribution facilities.

#### NARROW BIKE AND PEDESTRIAN PATH:

The four foot wide path across the Columbia River is hard to access, close to traffic and discourages people from using it.

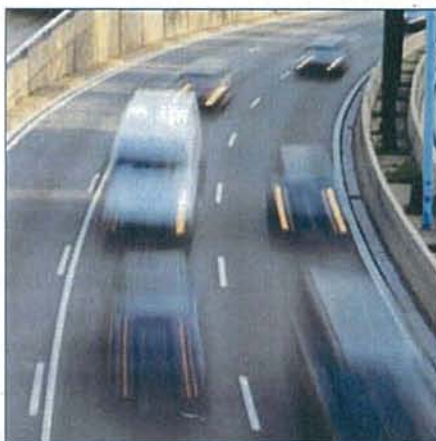
**EARTHQUAKE RISK:** The Interstate Bridge pilings sit in sandy river soils which could behave like liquid during an earthquake, causing the bridge to fail.

Transportation and planning agencies are working together at the local, state and federal level to address the problems and maximize environmental, economic and community benefits in the CRC project area.

### Project Benefits

Benefits to local residents, the natural environment and the regional economy include:

- Reduced congestion on I-5 and adjacent neighborhoods
- A more reliable trip for freight, autos, and transit
- 20,000 new and sustained jobs with improved access to ports and highways
- Seventy percent fewer collisions per year
- No bridge lifts
- Reduced emissions and improved water quality
- Earthquake protection



The CRC project will provide a safer and more reliable trip for pedestrians, bicyclists, freight, autos, and transit.



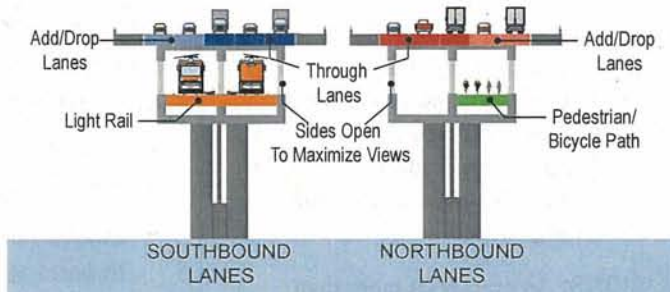
# Moving Forward

Columbia River Crossing local partners have reached consensus on the major project elements.

- Replace the I-5 bridge
- Enhance pedestrian and bicycle paths
- Extend light rail to Vancouver
- Improve closely-spaced interchanges



The CRC project area is a five-mile segment of I-5 from Columbia Boulevard in Portland to SR 500 in Vancouver.



Current design calls for two structures with a total of 10 lanes and full safety shoulders.

## Replacement I-5 Bridge

A new river crossing will replace the existing Interstate Bridge structures to carry I-5 traffic, light rail, pedestrians and bicyclists. The design currently calls for two structures with a total of 10 lanes (three through lanes plus two lanes to connect interchanges in each travel direction) and full safety shoulders. The new crossing will allow marine traffic to travel without bridge lifts and will meet current earthquake standards.

In April 2011, the governors of Oregon and Washington directed project staff to continue development of the bridge design using a deck truss bridge type. As part of this process an architect will be hired to work with design engineers and stakeholders on bridge aesthetics.

## Enhanced Pedestrian and Bicycle Routes

New and improved pathways will meet disability standards and provide a safer trip across the bridge and in the project area. The multiuse path on the I-5 bridge will be widened from its current four feet. The bridge path will have views looking east to Mt. Hood. The pathways, lanes and sidewalks on land in north Portland and in Vancouver will connect to regional trails and facilities.







Light rail station concept for downtown Vancouver.

## Light Rail Extension

Light rail will be extended from Portland's Expo Center MAX station to Clark College in Vancouver. The 2.9-mile extension will include one station on Hayden Island, four transit stations in Vancouver and three Vancouver park and rides. This new extension will provide easier connections to the region's light rail and streetcar lines, Amtrak passenger rail and C-TRAN and TriMet bus routes. The route runs adjacent to I-5 from the Expo Center to the Columbia River. In downtown Vancouver, trains will travel north on Broadway Street and south on Washington Street in a dedicated lane. Trains will travel east and west on 17th Street. The terminus station will be located at a park and ride near Clark College and the Marshall/Luepke Center. CRC's community advisory groups are working closely with the project on transit-related issues, including safety, security and design.

## Interchange Improvements

I-5 will be improved for safety and freight mobility within the five-mile project area. Plans call for improving links to and

from arterials and state highways, connecting interchanges via merge lanes and lengthening on/off ramps. The following interchanges will be improved: Marine Drive, Hayden Island/Jantzen Beach, SR 14/City Center, Mill Plain and Fourth Plain. The Hayden Island interchange has undergone recent design refinements developed in conjunction with island residents and businesses that minimize impacts. The design provides I-5 access, as well as local access via an arterial bridge over North Portland Harbor.

## Cost and Funding

Construction is expected to cost \$3.2 to \$3.6 billion (in year of expenditure dollars). Funding is expected from federal and state sources and tolling. This cost estimate will be refined in spring 2011 to include a deck truss bridge type.

### Electronic Tolling

Tolls will be collected electronically, without the use of toll booths, to keep traffic moving. In addition, the project assumes the toll amount would vary by time of day with drivers traveling outside peak hours paying a lower toll. Toll rates and policies will be set in the future by the state legislatures and transportation commissions.

## Schedule and Next Steps

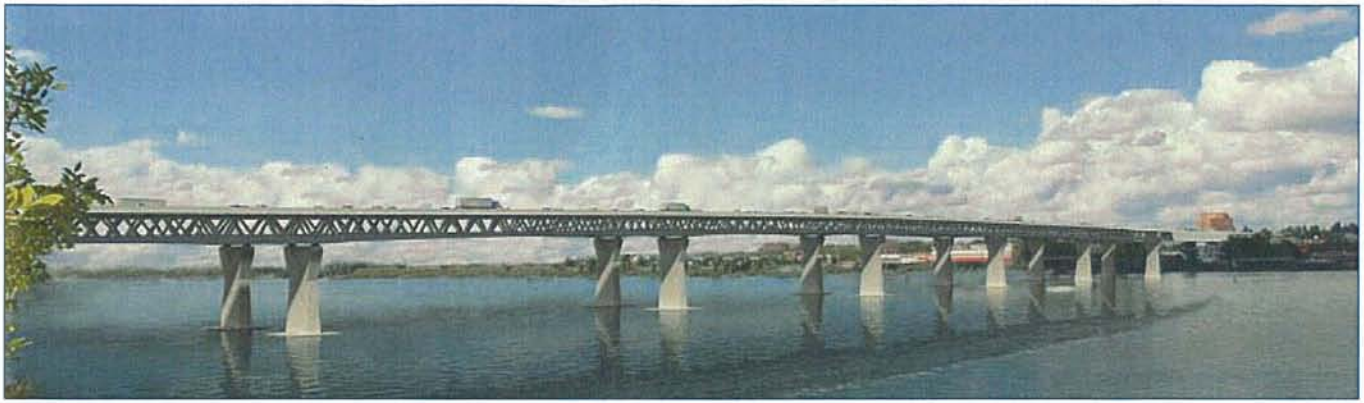
In July 2008, local project partners reached consensus that a replacement bridge and light rail extension would best meet project goals and community needs. Since then, partner agencies have worked collaboratively to review and refine designs to move the project closer to construction.

In 2011, cost estimates and the financial plan will be revised.

Analysis of the project's environmental and community effects will be included in a Final Environmental Impact Statement, which is required to request a Record of Decision (ROD) from the federal government. With a ROD, the project may begin final design and property acquisition.







Concept rendering of deck truss bridge for replacement I-5 bridge.

## Project Sponsors Council

The governors of Oregon and Washington formed the Project Sponsors Council (PSC) in 2008 to advise the departments of transportation on project development. Members include two citizen co-chairs; the directors of the Oregon and Washington transportation departments; elected officials from the governing boards of Portland, Vancouver, Metro, RTC and C-TRAN; and the TriMet executive director. This group is charged with advising the departments of transportation on: completion of the Environmental Impact Statement, project design, project timeline, sustainable construction methods, compliance with greenhouse gas emission reduction goals and the financial plan.

## Tribal Consultation

CRC is committed to government-to-government consultation with tribes that may be affected by this project. The CRC tribal consultation process is designed to encourage early and continued feedback from, and involvement by, tribes potentially affected by the project and to ensure their input is incorporated into the decision-making process.

## Community Involvement

Since October 2005, CRC staff has had over 26,000 face-to-face conversations at more than 875 events on evenings, weekends and work days. Public comments received as a result of this comprehensive outreach program were, and will continue to be, considered by local partners to inform project development.

CRC has received advice from several community advisory groups that represent diverse interests and inform decision-making. Advisory groups have provided feedback to CRC staff and the Project Sponsors Council on the following topics:

- Freight mobility
- Pedestrian and bicycle pathway designs
- Urban design
- Transit alignment and station design
- Interchange design
- Community outreach

## HOW CAN I GET INVOLVED?

- Visit [www.ColumbiaRiverCrossing.org](http://www.ColumbiaRiverCrossing.org) to sign up for updates and view the project calendar
- Attend an advisory group meeting
- Invite CRC staff to your group to discuss the project
- Contact the project office to talk with a staff member

E-mail: [feedback@columbiarivercrossing.org](mailto:feedback@columbiarivercrossing.org)

Mail: 700 Washington Street, Suite 300  
Vancouver, WA 98660

Phone: 360-737-2726 or 503-256-2726

Fax: 360-737-0294

## Columbia River



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Oregon Department  
of Transportation



Washington State  
Department of Transportation

**AMERICANS WITH DISABILITIES ACT (ADA) INFORMATION** Materials can be provided in alternative formats: large print, Braille, cassette tape, or on computer disk for people with disabilities by calling the Columbia River Crossing (CRC) project office at (866) 396-2726. Persons who are deaf or hard of hearing may contact the CRC project through the Telecommunications Relay Service at 7-1-1.

**TITLE VI NOTICE TO PUBLIC** WSDOT and ODOT ensure full compliance with Title VI of the Civil Rights Act of 1964 by prohibiting discrimination against any person on the basis of race, color, national origin or sex in the provision of benefits and services resulting from its federally assisted programs and activities. For questions regarding WSDOT's Title VI Program, you may contact the Department's Title VI Coordinator at (360) 705-7098. For questions regarding ODOT's Title VI Program, you may contact the Department's Civil Rights Office at (503) 986-4350.

UPDATED: May 12, 2011

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

**Errata Sheet:****Resolution No. 11-4264, Exhibit B****Revisions adopted by JPACT on 6/9/11**

|  |   |   |  |
|--|---|---|--|
|  | E | <p>Financing Plan – Develop a financing plan for presentation to the project partners and the public that indicates federal, state and local funding and how the project could impact other expenditures in the region.</p> | <p>A Conceptual Finance Plan was developed and shared with the PSC on January 22, 2010. The plan illustrates how the project could be funded using a combination of federal and state funds and toll revenues. On May 14, 2010, the PSC received additional presentations related to tolling and federal funding priorities. The funding plan in the FEIS is based on these concepts and will be updated as appropriate. At the direction of the governors of Oregon and Washington, the project is working with the treasurers and legislators of both states to review and refine the financing plan and toll assumptions to minimize financial risk and provide accountability and oversight as the project moves toward construction. The funding plan will be continually reviewed with the PSC as it evolves and will be finalized prior to the Federal Transit Administration (FTA) approval of entry into final design, which is anticipated in 2012. The federal funding sources being sought for the project are principally those for which no other projects in the region are eligible. The funding contribution from each state is intended as a state contribution in recognition of the statewide significance of the project and is not intended to be the region's share of a broader state funding package. The region's continued support for the project finance plan is predicated on the federal and state funding contributions accordingly. Financing issues will continue to evolve with consultation among the project partners.</p> <p>Additional work remains on the financing plan with each additional step requiring more detailed analyses in accordance with requirements of the Federal Transit Administration and Federal Highway Administration. After the approval of the Final EIS, additional financial analysis and commitment will be required before federal agencies authorize entering into final design. An even more detailed financial analysis and a higher level of commitment will be required before federal agencies enter into a full funding grant agreement. Since issuance of bonds for the construction of the project is envisioned, a formal investment grade bond revenue analysis and a determination of bonding capacity will be required in the future. <u>As the finance plan is finalized, it will take into account the impact on phasing.</u></p> <p>The Tolling Study can be found at: <a href="http://www.columbiarivercrossing.org/FileLibrary/Tolling/CRC_TollingStudyCommitteeReport.pdf">http://www.columbiarivercrossing.org/FileLibrary/Tolling/CRC_TollingStudyCommitteeReport.pdf</a><br/> Information presented to the PSC about funding from federal sources can be found at:<br/> <a href="http://www.columbiarivercrossing.org/FileLibrary/MeetingMaterials/PSC/PSC_WorkshopMaterials_051410_1of2.pdf">http://www.columbiarivercrossing.org/FileLibrary/MeetingMaterials/PSC/PSC_WorkshopMaterials_051410_1of2.pdf</a></p> |
|--|---|---|--|





60911c-12

TERRY PARKER  
P.O. BOX 13503  
PORTLAND, OREGON 97213-0503

**Subject: Testimony to Metro Council on the Columbia River Crossing, May 9, 2011**

Even though a more cost effective Columbia River Crossing could be built by constructing a new through traffic six to eight lane freeway bridge only, and retaining the current historical bridges for Main Street type local traffic, transit operations including light rail, bicycles and pedestrians; the Locally Preferred Alternative comes close to meeting the primary transport needs of a new river crossing with one glaring exception.

What's missing from the CRC is an equitable financing plan. While there is a bunch of freeloaders wanting a world class ride and a group of transit advocates whom also want their mode choice paid for by somebody else, both hypocritically offering up an oratory of negative of lip service about the highway components of project; currently the only true "stakeholders" – a term reserved for investor shareholders and actual financial contributors - are the highway users that have been targeted to fund the entire project through excessive tolling and from motorist paid taxes and fees. When nearly one third of the price tag is for light rail and \$300 million plus is for an array of lavish bicycle infrastructure - be it federal, state or local, directly or indirectly - the only funding source is being placed on the backs of just the highway users. This mindset clearly demonstrates the current financial plan is a complete injustice equating to a show of prejudice that embraces arrogant discrimination and in legitimacy, lacks any kind of across the board equity.

Charging motorists high and excessive tolls will only have a negative impact on jobs and the local economy, especially for small businesses. People that drive across the bridge to go to work will have less discretionary dollars to maintain a vibrant economy. I for one will no longer cross the river from the Expo Center - where I participate in a number of events - just to have dinner with friends at their favorite restaurant in downtown Vancouver. Congestion priced tolls will simply make it too expensive, so I'll just eat at home.

To remedy this political indiscretion and bias, special interests need to be set a side, and a "change of direction cultural shift" needs to be endorsed that broadens the tolling base by distributing the costs for a new CRC to the users of all vehicle modes. Each transport mode needs to pay its own way for the specific infrastructure utilized. This can be done by establishing an equity policy of fairness principals that adds tolls for bicycles and adds a surcharge to transit fares while minimizing the highway tolls for tax abused motorists.

In closing, the CRC is NOT a social engineering project as some narrow-minded people are attempting to make it out to be. It is a transportation project to better connect the two sides of the Columbia that must be designed to provide for better traffic flow by reducing the current bottlenecks while meeting the basic needs of all user groups. That's not to say any of the infrastructure should be lavish, world class or even a costly monumental work of art. "Basic" however must also pertain to fairness that includes requiring all user groups to be equally treated when it comes to paying their share of the costs for the infrastructure they use.

Respectfully,

Terry Parker

**If the highway component of the CRC is the local match for light rail, then transit fare surcharges need to help pay for the highway component - that's called "equity"**





The Columbia River Crossing should be regarded as a question for this Metro Council: What legacy do you want to leave for Metro?

When the CRC finally realizes it can't get the financing for construction from Oregon, Washington or the Feds, will you be proud that you have helped the DOTs spend more than \$200 million planning, promoting and lobbying for this project? Are you proud that Oregon's half share didn't go to construction projects that would provide real construction jobs today, like the Sellwood Bridge, Milwaukie Light Rail, widening of 217 or the Sunrise Parkway out to your Damascus?

Are you proud of supporting a CRC project that the CRC finance plans says will need to collect \$5.8 billion from tolls over the next 30 years -- so the CRC can get \$1.4 billion of construction money?

When Clark County voters turn down light rail in November of 2012, and the CRC becomes simply a big, expensive freeway expansion project, will you be proud?

When the \$3.8 billion project is built and traffic congestion on I-5 in the bridge impact area is *worse, not better*, will you be proud?

When the region and state fail to meet their ambitious greenhouse gas emission reduction goals because Metro still thinks we can build our way out of traffic congestion, will you be proud? And are you really proud of the panel's statement you are approving today, that it was okay to look only at carbon from the crossings themselves, as if this CRC project will have no impact on Vehicle Miles Traveled in the region, or congestion on arterials, or congestion on entrances and exits to I-5, or congestion further South on I-5? As if climate change didn't matter. That's the legacy you will leave.

When the housing slowdown finally comes to an end and Clark County begins to sprawl out again on the 5,000 acres of un-developed land near I-5 that is today zoned for housing, and the big, new bridge helps those developers sell their newly-built homes in Battleground, La Center, Ridgefield and Three Rivers, will you be proud of that sprawl?

When the federal court gets the lawsuit that this state's major environmental organizations will file on the CRC Environmental Impact Statement, and the court decides against the CRC project plans, will you be proud of your decisions, because you are saying today you are confident that EIS is just fine?

Are you proud of the options you are giving this region for crossing the Columbia? Have you personally decided that there isn't a better, cheaper and faster plan? You like the 17 lanes across Hayden Island and the \$1.5 billion for six interchanges, including \$880 million for the grand, combined Marine Drive/Hayden Island interchange?

What is the legacy that this Council wants to leave for Metro?



Douglas R. Allen  
734 SE 47<sup>th</sup> Ave.  
Portland, OR 97215  
June 9, 2011

TO: METRO COUNCIL  
SUBJECT: Resolution 11-4264

Council President and members of council:

I oppose the resolution.

The Project Sponsors Council was supposed to make sure that the project is consistent with State goals for reducing greenhouse gas emissions.

They failed us.

Whether this project costs \$3 billion or \$10 billion, the math comes out the same. We are spending multiple billions of dollars, yet making no net progress on reducing greenhouse gas emissions from our highway system.

The "expert review panels" and "Metroscope" modeling don't contradict this dismal assessment. They confirm it. The real story, though, is much worse.

The Draft EIS climate change analysis was based on travel demand forecasts. This means "garbage in/ garbage out." The Expert Review Panel approved the technical calculations, but the assumptions about growth in Clark County, and about the project alternatives, were dictated by the CRC, not by science.

The travel demand modeling, and the more recent "Metroscope" analysis all use politically-based assumptions about growth in Clark County. This means that the baseline "No Build" numbers are totally bogus.

This project is built on fear – fear of what will happen if it isn't built. Predictions are that mobility across the Columbia will grind to a halt, devastating our economy. They are based on straight line projections that have already been proven wrong.

We have seen this before.

In the 1980's, Metro, ODOT, and the City of Portland fought tooth and nail to prevent light rail from being considered as an alternative to widening McLoughlin Boulevard north of Tacoma street. Traffic growth was going to swamp Sellwood and Westmoreland, and only widening would do the job. But McLoughlin was not widened, and traffic today is no worse.

On the other hand, after the I-205 bridge was built, it became overcrowded much sooner than predicted.

Our travel forecasting models may have advanced since the 1980's, but for medium to long range predictions they are no better, and are just as much based on political mandates as they ever were.

Let's stop attempting to predict the future of traffic, and let's start deciding what we want. Real science, of the type being done today at Portland State's Center for Transportation Studies, shows that attempting to reduce motor vehicle emissions by adding general purpose travel lanes, is a fools errand.

A standard of "NO WORSE THAN NO-BUILD" is also not acceptable:

The Council must demand a higher rate of return, in terms of environmental benefits, on the public money that is to be poured into this project.

The project is not there yet. Do not pass any resolution claiming otherwise.

Kevin Jensen

**TESTIMONY**

On behalf of the Iron Workers and as an Advisor to the Columbia River Crossing Coalition, I'd like to offer testimony in support of the CRC Resolution. The CRC Coalition represents over 400 labor organizations, businesses and individuals that support the project including the Oregon State Building and Construction Trades, OregonAFL-CIO, and all three major business organizations in the state.

First I'd like to thank the METRO Council and JPACT for their good, thorough work on this issue. We appreciate and respect the process, are happy to be a part of it, and believe that it will yield a better project.

I urge you all to support the CRC Resolution (No. 11-4264). This Resolution is an important step that will allow the CRC to move forward.

The CRC continues to be a critical project for our region. The CRC offers a comprehensive transportation plan, designed to address the needs associated with our region's continued growth. Additionally, the Crossing supports both Washington and Oregon's larger transportation plan.

A Columbia River Crossing replacement bridge will provide safer travel, more commuter choice and better freight mobility. The new Crossing will not only solve a wide range of transportation issues, it will ensure the vitality of our northwest economy and uphold the environmental ethics

6/9/2011

Page 2 of 2

of our region.

The Crossing will also generate upwards of 20,000 jobs and reduce congestion by 70%.

An improved Columbia River Crossing is needed to improve mobility, accessibility, prosperity and safety for years to come.

- Mobility – Easier to move \$40 billion of freight; reduces congestion by 70 percent.
- Accessibility – Removes barriers to commerce and services in a critical trade corridor.
- Prosperity – Improves our competitiveness in attracting successful businesses.
- Safety – New bridge designed for 2,500 year seismic standard (1), plus safer travel, no bridge lifts.

Progress on the Crossing is consistent, as was evident with Governors Gregoire and Kitzhaber's decision to move forward with the composite deck-truss design.

Please help move the project forward by supporting the CRC resolution.







JONATHAN F. SCHLUETER  
*Executive Director*

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# Where Westside Commuters Live and Work

## Washington County Work Force (2009)

Total Primary Jobs = 222,766

### Numbers Of Jobs And The Counties Where Workers Live

(Share of total county workforce)




|                     |         |         |
|---------------------|---------|---------|
| Washington County   | 113,664 | (51.0%) |
| Multnomah County    | 42,465  | (19.1%) |
| Clackamas County    | 23,679  | (10.6%) |
| Marion County       | 7,879   | ( 3.5%) |
| Clark County        | 7,561   | ( 3.4%) |
| Yamhill County      | 6,842   | ( 3.1%) |
| Columbia County     | 3,469   | ( 1.6%) |
| Lane County         | 2,962   | ( 1.3%) |
| Polk County         | 1,585   | ( 0.7%) |
| Deschutes County    | 1,427   | ( 0.6%) |
| All Other Locations | 11,233  | ( 5.0%) |

## Clackamas County Work Force (2009)

Total Primary Jobs = 133,283

### Numbers Of Jobs And The Counties Where Workers Live

(Share of total county workforce)



|                     |        |         |
|---------------------|--------|---------|
| Clackamas County    | 55,539 | (41.7%) |
| Multnomah County    | 32,004 | (24.0%) |
| Washington County   | 18,509 | (13.9%) |
| Marion County       | 6,741  | ( 5.1%) |
| Clark County, Wash. | 5,172  | ( 3.9%) |
| Yamhill County      | 2,172  | ( 1.6%) |
| Lane County         | 1,805  | ( 1.4%) |
| Linn County         | 1,058  | ( 0.8%) |
| Deschutes County    | 1,036  | ( 0.8%) |
| Columbia County     | 1,020  | ( 0.8%) |
| All Other Locations | 8,227  | ( 6.2%) |

Data Source: WorkSource Oregon, 2010

Compilation and Graphic by: Westside Economic Alliance (6-3-11)





## How much do Oregonians earn--- and who pays the highest taxes?



Does it seem like you are earning less but spending more than you were in 2007? Take a look around---you are in good company.

Oregonians earned \$15 billion less in 2009 than we reported earning just two years earlier, according to new data released this week by Oregon's Department of Revenue. Based on personal income tax filings for the 2007 and 2009 tax years, Oregonian's adjusted gross incomes fell from a record \$98.7 billion to \$83.7 billion in the latest year for which information is available.

Among 1.8 million Oregon tax returns, residents on the Westside of the Portland metropolitan region continued to lead the state with annual income levels and tax contributions paid in the 2009 tax year.

Washington and Clackamas County residents finished the year in a statistical dead-heat, paying an average of \$3,643 and \$3,641 in personal income taxes respectively. Clackamas County taxpayers narrowly edged their neighbors by reporting the highest gross incomes in the state, earning an average of \$62,155 in 2009 compared to \$61,983 in Washington County.

In fourth place among Oregon taxpayers, residents of Multnomah County reported earnings of \$53,250 and paid an average of \$3,099. Surrounding Hood River, Columbia and Yamhill counties were also in the top ten among Oregon counties.



Together, Oregon's three largest counties accounted for 48.4 percent of the adjusted gross earning of the state and just over half (51 percent) of the personal income tax revenue collected by the Department of Revenue for the 2009 tax year.

Taxpayers living in Clark County, Washington, reported earnings of more than \$2.2 billion from Oregon employers, and paid more than \$126 million in Oregon income taxes in 2009, making them the eighth largest county contributing to Oregon state coffers.

Among Oregon's 36 counties, rural Wheeler in north central Oregon reported the lowest incomes among its 566 taxpayers, averaging just \$27,736 and a tax contribution of \$1,326 in 2009. In fact, all seven counties in eastern and south eastern Oregon reported incomes and tax contributions that were barely half the average earnings and tax contributions from the Portland metropolitan region.

Statewide the adjusted gross income of 2009 Oregon tax filers fell to \$83.7 billion, down 7.1 percent from \$90.1 billion reported the year before, and the lowest earnings seen in our state since 2005. As a result, the 2009 tax liability for all filers also fell to \$4.7 billion, down 7.2 percent from the \$5.0 billion collected in 2008.

Among 29,854 newcomers to the state of Oregon, nearly 52 percent were attracted to live in Multnomah, Washington and Clackamas counties. Lane and Deschutes counties were the next most popular destinations.

In 2009, more than 26,000 Oregon taxpayers also left the state. To no one's surprise, the majority went looking for new opportunities in our bordering states of Washington (24.5 percent) and California (18.1 percent), followed by Arizona (5.6 percent) and Idaho (4.1 percent).

What is remarkable about these latest figures is that these trends have remained virtually unchanged---through good times and bad---over the past 10 years. While the numbers of Oregonians abandoning our state have declined since 1999, their preferred destinations and the percentages of total out migration remain almost identical for the past decade to all four western states.

For an updated copy of the [economic](#) and [demographic](#) indicators in the five metropolitan counties of our service region, see WEA's [website](#).

Westside Economic Alliance  
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Portland, Oregon 97223  
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6/2/2011

## Tri-County Economic and Demographic Indicators

|  | Clackamas  | Multnomah  | Washington   | Oregon / U.S.                        |
|--|--|--|--|--------------------------------------|
| Resident Population (April 1, 2010)  | 375,992  | 735,334  | 529,710  | 3,831,074                            |
| Total non-farm employment:<br>Public and Private Sectors (April 2011)          | 135,200  | 430,000  | 237,000  | 1,624,500                            |
| Percentage of resident work force who<br>are currently unemployed (April 2011) | 8.9%   | 8.7%   | 7.8%   | 9.6% (Oregon)<br>9.0% (U.S.)         |
| Adjusted Gross Income (2009 tax returns)                                       | \$10.0 billion<br>(11.9% of statewide totals)<br>(24.6% of tri-county totals)  | \$16.9 billion<br>(20.2% of statewide totals)<br>(41.7% of tri-county totals)  | \$13.6 billion<br>(16.3% of statewide totals)<br>(33.6% of tri-county totals)  | \$83.7 billion                       |
| State Income Taxes Paid (2009 tax returns)                                     | \$585.5 million<br>(12.6% of statewide totals)<br>(24.7% of tri-county totals) | \$985.7 million<br>(21.2% of statewide totals)<br>(41.5% of tri-county totals) | \$801.5 million<br>(17.2% of statewide totals)<br>(33.8% of tri-county totals) | \$4.6 billion                        |
| Median Household Income (2009)   | \$59,876   | \$50,733   | \$60,963   | \$48,457 (Oregon)<br>\$50,221 (U.S.) |
| Average age of county residents  | 39.4 years   | 35.3 years   | 34.9 years   | 37.0 years                           |
| Education attainment levels:   |  |  |  |                                      |
| High School Diploma or GED<br>among residents age 25 or older                  | 91.6%  | 89.0%  | 90.5%  | 85.3%<br>U.S. Average                |
| Bachelor's degree or higher<br>among residents age 25 or older                 | 32.7%  | 39.1%  | 38.3%  | 27.9%<br>U.S. Average                |

*Note: The figures shown here in blue represent all-time record highs*

Sources:

U.S. Census Bureau

Portland State Center for Urban Studies

WorkSource Oregon

Oregon Dept. of Revenue

237  
430  
135  
802

800 K

Updated: 6/1/11

Tri-county Economic Indicators 6-11.xls/Tri-county

Updated: 6/1/11

## *Prosperity and Poverty in Oregon & SW Washington*

|                                     | Clackamas | Clark         | Multnomah | Washington | Yamhill  |
|-------------------------------------|-----------|---------------|-----------|------------|----------|
| Median household income (2009)      | \$59,876  | \$56,074      | \$50,773  | \$60,963   | \$64,889 |
| Average wage per job (2010)         | \$42,158  | 41,158 (2009) | \$47,216  | \$53,983   | \$34,468 |
| Percent receiving Food Stamps       | 11%       | 13.8% (2008)  | 19%       | 12%        | 18%      |
| Unemployment rate April 2011        | 8.9%      | 10.2% *       | 8.7%      | 7.8%       | 9.6%     |
| Job gains / losses since April 2010 | 300       | NA            | +2200     | +3900      | +190     |

Sources: U.S. Census Bureau  
 WorkSource Oregon  
 Wash. Dept. of Employment Security

\* Clark County estimates are not seasonally adjusted

Report updated: June 2, 2011



**Testimony to the Metro Council  
On Resolution No. 11-4261  
Bob Stacey  
June 9, 2011**

Last summer, the Independent Review Panel appointed by Governors Kulongoski and Gregoire endorsed building a ten to twelve lane CRC. Their reasoning was simple: traffic will grow as the region grows. In fact, they said, building a bigger bridge is just the first step toward rebuilding the region's entire freeway system to accommodate future increases in traffic.

I don't agree with the Panel's conclusion. But they laid out the only reason for building a ten-lane bridge that makes a particular kind of sense. If it's inevitable that our region will have a lot more traffic as it grows, we'll need a big bridge and wider freeways to accommodate that massive growth in driving.

Of course, many of us believe that it's not possible to build our way out of congestion. Instead, we need to build our communities and transportation systems to give us all more choices in how we get around. We believe that tolling the I-5 and I-205 crossings—and building world class transit and bike-ped facilities—will enable us to reduce peak-hour driving and allow freight to move reliably. Many supporters of the ten-lane CRC agree with those ideas as well.

And therein lies a paradox. If we build the ten-lane bridge, adopt effective peak hour tolls, and build light rail, we won't need ten lanes, or even eight, to serve the resulting traffic. But we'll end up with a huge, underused and very expensive white elephant—sort of a WPPS for wheels. On the other hand, if we fail to manage the big bridge with congestion pricing, traffic will grow, swamping I-5 and raising pressure to widen the freeway in Oregon to match the capacity of the bridge.

So the choice before you is every bit as important as the decisions this region made in the past to stop the Mt Hood Freeway and the Western Bypass, and to build light rail to Gresham and Hillsboro. This vote will either continue a 40 year strategy to build compact communities served by a balanced transportation system, or make a big U-turn toward investing in more and wider roads.

If we intend to strengthen our neighborhoods and protect the planet, we will invest in transit, active transportation and freight mobility, not commuter peak hour driving. We won't waste dollars we don't even have on an oversized CRC.

Nearly everyone in the region wants some kind of improvement in the I-5 crossing. We should continue to move forward thoughtfully. That means you should advise the departments of transportation and FHWA that you will continue to withhold final approval of the locally preferred alternative until it is modified to reduce its size and cost.



Friday, June 1, 2007

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### *Cars should be our servants, not masters*

Your Tuesday, May 22, 2007 headline on biodiesel requires some comment.

"In Biodiesel we trust" ... and ethanol, too, on and on. Instead, we should be facing honestly another inconvenient truth. The urban automobile is a mixed bag at best: It has created quite a series of problems; some have been clearly identified, like air pollution, energy consumption, accidents, aggressive behaviors; others are less obvious, but no less visible and identifiable.

A very important one is provided by the fact that with the advent of mass production of automobiles these have shaped, or reshaped, our cities, replacing good public transit. Since then cities have been shaping or reshaping us and the environment in which we live, for better but certainly also for worse. It's high time we recognize this reality and focus on corrective measures because cities are where most people live, work, and play.

If we recognize and face this inconvenient truth, it becomes obvious that not all urban problems will be solved by hybrids, biodiesels; ethanol, and smaller autos. Land overuse and underuse still will be with us and will adversely affect our lives in so many ways.

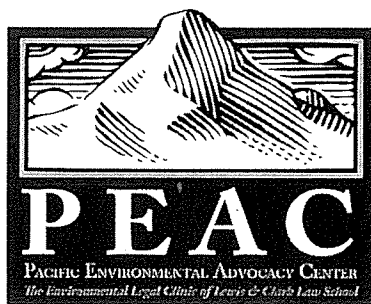
So what are we to do? We must change, we must fit the auto to the city, not the city to the auto; let autos be our servants, not masters.

As the famous "Pogo" cartoonist Walt Kelly said, "We have met the enemy and he is us." We need to quit catering to automobiles; we need an alternative to move the people of our cities. The most comprehensive and efficient way is with greatly improved, usable transit, a true transit alternative, and there are plenty of good examples around if we only look, especially outside our country. We need to shed our hubris and look at Europe, Japan, and other places, for that matter. Or, closer to home, maybe just Canada-- Vancouver, British Columbia, or Toronto.

Let us then face this inconvenient truth and act now. Let us change Portland with people in mind, not automobiles-- the hour is late, but not too late.

Ray Polani  
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Director, A.O.R.T.A  
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June 9, 2011

Testimony of Tom Buchele, PEAC Managing Attorney, on behalf of Northwest Environmental Defense Center, Coalition for a Livable Future, Columbia Riverkeeper, Audubon Society of Portland, Organizing People-Activating Leaders, Community Health Partnership, Upstream Public Health, the Association of Oregon Rail and Transit Advocates, and the Rosemere Neighborhood Association.

Because the time for testimony has been so severely limited, I will focus my testimony on one legal issue—the violation of NEPA that is likely going to occur because of the CRC’s refusal to issue a Supplemental DEIS, rather than moving immediately to an FEIS. I realize that METRO’s primary concern is not how or whether the CRC and FHWA have complied with all aspects of federal law or with the specific requirements of NEPA, but your May 23, 2011 Staff Report references the pending FEIS repeatedly and acknowledges that NEPA is one of the “legal antecedents” that METRO should at least consider.

And with respect to NEPA, that staff report repeats one of the fundamental legal errors regarding NEPA that the CRC, FHWA, and now METRO, continue to repeat—namely that the actual scope of this mammoth project need not be finalized and thoroughly analyzed until the FEIS stage. The CEQ regulations could not be more clear on this point: “scoping” is process

required under NEPA that is used to determine the issues that must be addressed in the DEIS/FEIS. Such scoping must occur BEFORE the DEIS is drafted and released for comment. 40 CFR § 1501.7. If the FHWA/CRC had complied with the proper procedure, based on the scoping process, the FHWA/CRC should have issued a DEIS that “fulfill[s] and satisfy[s] to the fullest extent possible the requirements established for final statements [under NEPA].” 40 CFR §1502.9(a). Then, the primary purpose of the FEIS is to add responses and opposing points of view based on the comments submitted regarding the DEIS. 40 CFR § 1502.9(b). If an agency makes “substantial changes to the proposed action” or finds or develops “significant new.... information relevant to environmental concerns and bearing on the proposed action or its impacts,” the appropriate legal course of action is not to simply dump all of that new analysis into the FEIS and call it good. NEPA specifically requires that the CRC and FHWA issue a supplemental DEIS that gathers all of the new analysis into one public document, allows the public to comment on that new information, and requires the CRC and FHWA to directly respond to those comments. 40 CFR § 1502.9(c).

No one can seriously dispute that, since the CRC DEIS was issued in 2008, the CRC has made “substantial changes” to the proposed project—indeed METRO is one of the entities that has insisted on such changes—and, even more obviously, the CRC has developed an enormous volume of significant new analysis and information regarding the environmental impacts of the proposal, and METRO was one of many entities insisting that this new information was both significant and necessary in order to fully understand and evaluate the environmental impacts and overall merits of this proposal. The only legal course under NEPA, in light of these changes and substantial new information, is for the CRC to issue a Supplemental DEIS. But today METRO apparently will be endorsing the patently illegal option of simply dumping all of this

new information into a FINAL EIS and denying the public a meaningful opportunity to comment on all of these changes and new information.

The scope of this project and the analysis required for the project should have been determined during the SCOPING process. Then, the DEIS should have been a near final version of the required EIS, containing all of the necessary information and analysis that the CRC is only now completing. Instead, as is made obvious by the significant changes and substantial, subsequent analysis, the FHWA/CRC issued a DEIS that was nothing more than a lengthy NEPA scoping document. Only after the public has had an opportunity to comment on all of the required analysis, presented at the same time and in one comprehensive document, in this case in a Supplemental DEIS, should the FHWA and CRC even consider issuing an FEIS. Any other course of action clearly violates mandatory federal law.





Testimony to the Metro Council - June 9, 2011 by Jim Howell

## **The CRC process and the "Myth of sunk Costs"**

- ② Some of you actually believe the CRC is a viable project but I suspect that some of you have your doubts but are inclined to vote for the resolution because of all the time and money that has already been spent. The following is a quote from an essay "The Myth of Sunk Costs" by Paul Lemberg, a well-respected business coaching expert and growth strategist.

- ③ **"When we make decisions about the future, many of us base a good part of our analysis on the resources we have invested thus far. It's a natural thing to do; you've put time, energy, money, perhaps other things - and perhaps most important, your reputation - on the line, and it's quite reasonable to consider the totality of that investment when thinking about what you do next.**

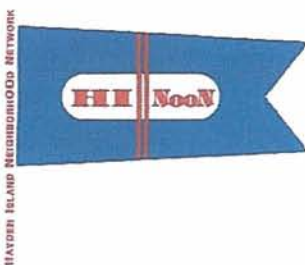
**Actually, it isn't. It isn't reasonable at all.**

**The only reasonable thing that to consider is the impact of your actions on the future."**

This is sage advice and I recommend you Google "The Myth of Sunk Costs" to read the whole essay.

- ① The current CRC plan lacks credibility, despite being endorsed by both Governors at a recent CRC pep rally. It fails on so many levels. It will not reduce traffic congestion, it will not reduce pollution and greenhouse gas emissions, it will not improve freight movement and it will not create jobs because it cannot be financed and will be tied up in court.
- ③ It is time for public officials like you to admit that this massive freeway project should not and cannot be built and that the 7 years and \$130 million of taxpayer's money expended so far is "sunk costs" and cannot be recovered.
- ⑥ **Please do not vote for Res. #11-4264. Rather, recommend to the Oregon Transportation Commission that they pull the plug on this massive freeway project and initiate common sense alternatives.**





June 9, 2011

Tom Hughes, President  
Metro Council  
Hand Carried

re: RESOLUTION 11-4264

Dear President Hughes:

Regarding

Hayden Island Neighborhood Network (HINooN) believes that METRO's findings relative to Exhibit B, Item J, Urban Development Impact do not adequately address the on-going dispute between Hayden Island residents and the CRC on several key Land Use issues. We are particularly concerned that some of CRC's plans ARE NOT CONSISTENT WITH THE RECENTLY ADOPTED HAYDEN ISLAND PLAN (the "HIP").

**Exhibit A to Resolution 08-3960 said in part:**

"More design of the interchanges related to the CRC is required to fully evaluate their community impact. The design of interchanges within the bridge influence area must take into account their impact on urban development potential."

Since METRO's resolution was passed, a great deal of positive and creative work has been accomplished to plan Hayden Island facilities with the goal of avoiding adverse impacts on the community. The Hayden Island Plan was developed and adopted, in part to adjust the Island's future growth to incorporate the CRC Project. CRC and City staff, Island Stakeholders, and Island residents then spent many hundreds of hours working on preliminary designs of Island facilities. This work is continuing but there are unresolved conflicts that should be officially recognized now and incorporated into your resolution as items to be resolved. Here are our concerns:

1. **Neighborhood Retail Center:** The Hayden Island Plan specifically designates areas adjacent to the east side of the freeway as a neighborhood retail center. This is a critically important part of the HIP, meant to provide space for local-service retail businesses that might not be viable in the Regional (big box, big business) Retail Center on the west side of the freeway. The proposed FEIS shows these areas as storm water treatment wetlands to treat runoff from the bridges. We have consistently reminded the CRC of this conflict but they have been non-responsive.
2. **Storm Water Treatment Wetlands:** The storm water treatment wetlands, in addition to being in conflict with the HIP, appear to be an inappropriate use of the areas. They will be fenced to keep the public out of the contaminated water and sediments. They will be a long term maintenance problem and may well attract more undesirable wildlife like



raccoons and coyotes to the Island. They are a solution that seems more appropriate for a rural area rather than the center of an urban area. Other storm water treatment solutions are available, including on-bridge systems that have been researched by WSDOT for other bridge projects.

3. **Park and Ride on The Island:** Kiss and ride drop off points. HINooN's strong feeling, since there is no transit service planned within the community, is that we need to see clear provisions to establish permanent facilities that will serve the needs of our aging and mobility challenged population.
4. **The East side Multi-use Path:** Plans for elements of this part of the project should be included in the FEIS. They seriously need additional discussion and clarification.
5. **Public areas and Park Facility under the Main Bridge on Columbia River and Marine Park on the North Portland Harbor:** These are part of the HIP. These are important enhancements to the Island and the region that the project could provide. The Island has one small park currently, insufficient for Island residents and the multitude of visitors who come to The Island.
6. **Local Street Design:** The HIP lays out much of the criteria, but these designs need to be further refined for the interchange area, including ped/bike/scooter/auto circulation. Access to commercial properties should be no less convenient than current conditions provide. These points are critical to the timely and appropriate post-project redevelopment of The Island.

HINooN, our residents and business and all those who have contributed to The Island's work on the CRC thank the CRC and the regional leaders for the great effort made together to make the massive Island intersection better. We look forward to working with the CRC to further refine the concepts. We want these specific points to be recorded with the metro resolution that there is a commitment to refine these land use. The community expects to continue to be involved in the details.

Sincerely,

Hayden Island Neighborhood Network

  
By: Roger Staver, Chair

Cc: Metro Council Members



**Victor Viets, P.E.**

---

Civil Engineer (Retired) / Project Manager  
USCG Licensed Captain: 100 Ton Vessels  
Community Planning Volunteer

421 N. Tomahawk Island Dr.  
Portland, OR 97217  
503/307-4131  
v.viets@comcast.net





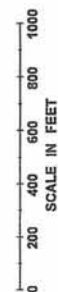
# Hayden Island Adopted Neighborhood Plan

**Gateway Park  
Columbia River**









## 6 / 8 / 2011

- LEGEND
-  NEW RETAINING WALL
  -  NEW BICYCLE / PEDESTRIAN ROUTE
  -  NEW BRIDGE
  -  NEW CENTER BARRIER
  -  NEW HCT STATION
  -  NEW ROAD PAVEMENT, STRIPING & SIDEWALK
  -  NEW VEGETATIVE FILTER STRIP
  -  NEW STORMWATER DETENTION FACILITY
  -  TRAFFIC DIRECTION & NUMBER OF LANES
  -  EXISTING BRIDGE REMOVAL
  -  EXISTING PAVEMENT REMOVAL

**DISCLAIMER:** THIS DRAWING IS FOR INFORMATION PURPOSES AND MAY NOT HAVE BEEN PREPARED FOR LEGAL, ENGINEERING OR SURVEYING PURPOSES. USERS OF THIS INFORMATION SHOULD REVIEW OR CONSULT THE PRIMARY DATA AND INFORMATION SOURCE TO ASCERTAIN THE USABILITY OF THIS INFORMATION.



# IMPRESA

ECONOMICS

June 8, 2011

Metro President Hughes  
Metro Councilors Burkholder, Colette, Craddick, Harrington, Hosticka, Roberts  
Metro  
800 NE Grand Avenue  
Portland, OR 97232

RE: Proposed Resolution 11-4264

Dear President Hughes and Metro Councilors:

I want to strongly urge you not to adopt Resolution 11-4264, as proposed. Fundamental questions about the proposed Columbia River Crossing remain unanswered. To give your approval at this point would be premature at best and at worst a dereliction of your duty to the region's citizens.

While there are a wealth of reasons to oppose moving forward with this project, I will restrict my analysis only to those instances in which the advocates of the Columbia River Crossing have simply failed to meet the conditions identified by Metro Council when it deliberated on a locally preferred alternative nearly three years ago.

## **1. CRC traffic projections are incorrect**

The traffic projections used to justify the project's construction, to analyze the project's environmental impact, and to establish its financial viability are simply wrong. We have five full years of data since the base year of the CRC projections (2005); this is 20 percent of the planning period. Rather than increasing by 7,000 vehicles per day as the model predicted, ODOT's own published data show that traffic has decreased by 7,000 vehicles per day. This clearly shows that the traffic projections are already inaccurate. Calendar Year 2010 daily traffic on the I-5 bridges is about 17,000 vehicles per day below the level estimated by the CRC models. The traffic modeling is based on incorrect assumptions about low gasoline prices and a very high value of user time. In addition, the Independent Review Panel appointed by the two governors identified the need to address the likelihood that the CRC would simply shift the I-5 bottleneck to the Rose Quarter, and recommended that additional traffic studies be performed. Nothing further has been done on this issue since that panel's report.

1424 NE Knott Street  
Portland, OR 97212  
503.213.4443  
[www.impresaconsulting.com](http://www.impresaconsulting.com)

## **2. CRC traffic and greenhouse gas review panels ignored contrary data**

The purportedly independent reviews of the projects traffic modeling and greenhouse gas emissions estimates are flawed and inadequate. The so-called “peer review” panel for traffic modeling met for two days and consisted of members chosen by the CRC. The panel was not provided with analyses that criticized the CRC projections, and it did not examine actual post-2005 data on traffic counts (as illustrated in the preceding paragraph) show that the forecasts are already demonstrably wrong. This is one of many examples in which the CRC has received substantive public testimony questioning and contradicting its methodology and conclusions and then simply ignored these questions and criticisms. Similarly, the greenhouse gas review panel did not review the accuracy of traffic modeling, which created an artificially inflated “no-build” emissions estimate, and ignored the effects of induced demand from additional highway capacity.

## **3. The CRC has no financial plan**

The Columbia River Crossing has not prepared a credible financial plan which gives this Council any basis for understanding how this project will be financed, how that financing will affect other projects in this region, or—perhaps most importantly—an honest and accurate assessment of the fiscal risks to the state and region from moving ahead with this project.

Nearly three years have elapsed since the Council imposed these conditions, and essentially nothing has been done to address project financing. The Metro staff report makes reference to an un-adopted “conceptual” finance plan floated more than a year ago, on which no action has been taken. There has been no opportunity for public scrutiny of or debate on financial issues; my own analysis of CRC toll financing was only possible because I was able to obtain key financial documents through a public records request. Neither the Oregon nor the Washington Legislatures has approved even one cent for project construction. The Washington Legislature has not approved necessary tolling authority for the bridge. No agreement has been reached between the two states about financial responsibility for the project, or for any cost overruns. Voters in Clark County have not provided the necessary voter approval of transit operations. It is a fair summary of CRC finances and project approval to say that no one who has voted for the project will pay for it, and no one who would need to pay for the project has voted for it.

Fundamental questions about financial risks to the state and region remain unanswered. The CRC has eliminated plans to undertake a “Funding Risk Analysis Memo” from its project schedule. I have reviewed several successive iterations of the CRC’s project schedule, including versions obtained in response to public records requests. The November 2009 version of the schedule identifies task FN 1520: Funding Risk Analysis Memo. The August 2010 version of the schedule indicates that this task is “no longer



required.” This task does not appear in the December 2010 version of the project schedule, and no more recent schedule has been prepared.

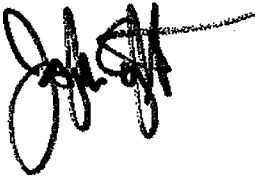
An independent, investment grade financial analysis is essential. This was a key recommendation of the Independent Review Panel appointed by Governors Kulongoski and Gregoire. Its recommendations were accepted by the two state DOT directors. The report said, in part:

It is clear that if tolling is to be part of the investment package, where tolls are the source for paying back revenue bonds, an investment grade analysis will have to be conducted. Such an analysis will have to be at a much higher level of specificity, for example, knowing what the tolling schedule will be. This investment grade analysis will include another travel demand analysis, most likely requiring a more up-to-date database upon which to calibrate the model. Project financiers typically will only accept as investment grade quality work that is performed by certain entities who typically have proven experience in conducting such studies.  
Independent Review Panel 2010, page 176.

The Metro Council cannot reasonably ascertain whether its project financing conditions have been met until it is in receipt of an independent, investment grade analysis. Governor Kitzhaber has recently committed to undertake such an analysis; the Council should wait until this is complete before taking action. It would not be prudent to do otherwise.

In sum, none of the issues that the Metro Council identified three years ago are close to being resolved. The project’s traffic projections are demonstrably wrong, and as a consequence so too is its analysis of greenhouse gas emissions. The project has no financial plan, nor has anyone committed to funding project construction. The risks the CRC poses for transportation finance in the region have simply not been examined. The essential independent, investment grade analysis has not been performed. The questions that citizens and leaders appropriately posed three years ago remain unanswered to this day. It would be a serious error to proceed further with the CRC in these circumstances. The Council should insist on real answers to its questions before taking further action.

Best regards,

A handwritten signature in black ink, appearing to read 'Joseph Cortright', with a long horizontal line extending to the right.

Joseph Cortright



June 8, 2011

To: Metro Commissioner Carl Hosticka

Re: Columbia River Crossing Improper Alternative Analysis and Purpose and Need for Environmental Impact Statement of NEPA.

Dear Commissioner Hosticka,

Before more funding is designated for the planning or development of the Columbia River Crossing (CRC) it is important to realize that a critical alternative analysis has not been completed as required by the National Environmental Policy Act.

According to the Council on Environmental Quality (CEQ) Regulations for implementing NEPA, the analysis and comparison of alternatives is considered "the heart" of the National Environmental Policy Act. A full range of alternatives should be included in the analysis to ensure that the government has fulfilled its mandate and requirements under NEPA statutes, otherwise more time and money will be wasted by governing jurisdictions.

The alternatives accepted into the CRC process during NEPA scoping were removed without being considered, vetted and/or thoroughly studied. During the first phase of the CRC analysis study, documents were handed out by staff stating that all concepts recommended during the scoping process needed to be considered. Unfortunately viable new bridge alternatives that would relieve congestion with the ability to connect local traffic, freight, high speed and commuter rail were never seriously studied.

An alternative third bridge in an alternative corridor, (once in the CRC study area) west of the existing Burlington Northern Santa Fe (BNSF) freight/Amtrak bridge was recommended for further study in the I-5 Partnership Study, I-5 Partnership Bridge Influence Area Study, and the SW Regional Transportation Council Visioning Corridor's Study in 2008. Similar alignments in this location are in adopted regional transportation plans in both states, but no research data regarding alignment, capacity or demand modeling was conducted for a third bridge alternative west of the BNSF bridge.

A properly conducted Environmental Impact Statement (EIS) of the new CRC bridge, as proposed by both Oregon and Washington's Department of Transportation, compared to a new third bridge will show striking differences in cost and impact to the environment. The third bridge could facilitate four new tracks; double tracks for high-speed rail and double tracks for freight. The long distance high-speed rail corridor could also serve as a one stop seven minute commute line between a 4<sup>th</sup> Plain Blvd Vancouver, Washington Station to the new Portland Rose Quarter Transit hub which could immensely reduce congestion on I-5 and connect with other alternative transportation systems.

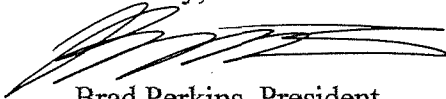
The following are documented attempts by local, state and federal officials and appointed groups encouraging the CRC to complete a thorough alternative study:

1. On March 22, 2006, the Washington Co-Chair at the beginning of the CRC Advisory Task Force states that the third Bridge is not going to be studied in this process.
2. On March 22, 2006, the CRC Task Force, an Advisory Committee to the CRC Sponsor Council, was strongly encouraged to vote on removing project alternatives without review.
3. Letters from Clark County Commissioners dated July 12, 2006, December 18, 2006 and February 22, 2007, stated concerns that alternatives are not being studied for NEPA.
4. The NEPA process has not been followed. There exists 4 (f) Resources or significant historical sites in the plan area, such as the following: Fort Vancouver, Pearson Airport, Northbound CRC Bridge, the Apple Tree, Native American Archeological sites and Delta Park . (see SHPO Officer Tim Wood letter dated March 6, 2007).
5. Letter from U.S. Representative Earl Blumenauer dated January 7, 2008, expressed concerns that the NEPA process has not followed NEPA criteria.
6. Letter from State Senator Benton that was signed by 13 elected officials recommends a thorough study of RC-14 "port to port" that must commence immediately in order to follow the NEPA requirements.
7. Clark County Commissioners who sit on the South West Washington Regional Transportation Council and CTRAN stated "the third bridge option was not fully vetted". (see letter dated July 23, 2010)
8. South West Washington Regional transportation Council, A CRC Sponsor Agency, letter dated November 15, 2010 states "The third bridge option....WAS NOT FULLY VETTED."

We also question the purpose and need statements by ODOT and WSDOT for the Columbia River Crossing. Relief of congestion and job creation are the two most popular reasons given for a new bridge. Compared to a third bridge alternative both reasons for need could be satisfied with less impact to the environment. Another reason given for a new bridge is because the existing I-5 bridges are considered too old and unsafe and yet studies show that seismic upgrades could be conducted with a fraction of the cost of a replacement bridge and greatly improve safety. Lastly the I-5 draw bridge is said to be outdated and the use needs to be minimized. This problem could be relieved by centering the draw bridge on the BNSF train bridge for better alignment for water cargo and/or boats to the taller center span on the I-5 bridges. Thus the use of the draw bridge on I-5 could be reduced by 95%.

Thank you for your time and consideration into this important matter.

Sincerely,



Brad Perkins, President  
Cascadia High Speed Rail Advocates,  
cascadiahsr@aol.com

cc: Representative Peter DeFazio, Representative Earl Blumenauer, Representative John Mica, Senator Ron Wyden, Senator Jeff Merkeley, Governor John Kitzhaber, State of Oregon House and Senate, Metro Commissioners, Transportation Secretary Ray LaHood



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CLARK COUNTY  
WASHINGTON

BOARD OF CLARK COUNTY COMMISSIONERS

Betty Sue Morris • Marc Boldt • Steve Stuart

July 12, 2006

Columbia River Crossing  
Project Sponsors Council  
Project Task Force  
WSDOT and ODOT Project Directors  
700 Washington St. Suite 300  
Vancouver, WA 98860

With this letter we wish to enter into all relevant forums and records the unanimous policy statement of the Board of Clark County Commissioners regarding the Columbia River Crossing project, as follows:

The people who live and do business in Clark County are likely to pay a substantial share of any tolls, taxes, or fees associated with future crossings. By the same token, local residents and businesses will bear additional costs for public and private transportation associated with the crossing. Our citizens already are paying considerable state and federal taxes for public facilities and services in both Washington and Oregon.


Congestion surrounding the Interstate Bridge has become intolerable. Our top priority is immediate relief for freight and other through traffic that supports the region's economic vitality. *The challenge of building consensus and securing financing for public transit must not stand in the way of this goal.*

Specifically, we favor:

- A new supplemental crossing west of the existing Interstate Bridge. This would enhance public safety and greatly reduce the risk of serious delays and disruptions in transporting people and freight. The supplemental crossing should not preclude future uses for existing spans.
- Maximum flexibility for high-capacity transit, including options to change or combine types of transit over time.
- Public involvement and consensus building, including elections if necessary, to secure multi-jurisdictional funding for related projects. In particular, this should focus on capital investment and operating expenses to connect public transit facilities and services in Washington and Oregon.

Given the county's enormous stake in this project, we are seeking maximum consideration for the many Southwest Washington interests that are represented by Clark County, apart from those represented by the City of Vancouver. We look forward to your response.

Sincerely,



Marc Boldt, Chair



Steve Stuart, Commissioner



Betty Sue Morris, Commissioner

BOCC/mk



proud past, promising future

CLARK COUNTY  
WASHINGTON

December 18, 2006

Mr. Douglas B. MacDonald  
Secretary of Transportation  
Washington State Department of Transportation  
Post Office Box 47300  
Olympia, WA 98504-7300

Dear Secretary MacDonald:

We write to share our concerns regarding the National Environmental Policy Act as it relates to the Columbia River Crossing project. The Board of Clark County Commissioners believes that the NEPA process is substantially flawed and any recent action taken by the Columbia River Task Force is arguably illegitimate.

On the evening of Wednesday, November 29<sup>th</sup>, the Columbia River Task Force met in regular session. During the proceedings, the Chairman, Hal Dengerich, deviated from the agenda by accepting a motion from Rex Burkholder Burkholder "to accept the project team's recommendations... and forward the report to the public for comment." The motion was seconded, voted on, and passed.

The Board of Clark County Commissioners takes objection to this deviation. The agreed upon and predetermined process would have allowed each member of the Task Force to go back to their respective bodies and present the staff alternatives. The motion as passed denied Clark County this opportunity.

Unfortunately for the residents of Clark County and the customers of C-Tran, Commissioner Stuart and Commissioner Morris had to depart the meeting early to attend the Clark County Planning Commission hearing on the Comprehensive Growth Management Plan. Since there was no prior notification, each Commissioner was unaware of the vote and therefore, had not appointed an alternate to vote on their behalf.

The Board believes that a decision of this magnitude should have followed the agreed upon process. We should have had plenty of advance notice and a printed copy of the text. We believe this vote undermined the integrity of the NEPA process, for there needs to be a higher degree of consensus, and not a vote that was passed marginally or for the ease of a few.

On a night in which Governor Gregoire addressed the Task Force as a whole and urged our region to not be competitors but partners in the CRC project, we find it inappropriate what transpired. Over 400,000 residents live in Clark County, and as the duly elected Board, we find it unacceptable to be left out of this process. Therefore, we seek a fair and objective analysis as well as a reasonable opportunity to comment on the project. There needs to be a frank and honest discussion about the staff recommended alternatives, and Clark County needs to be involved.

Sincerely,

Marc Boldt  
Chair

Betty Sue Morris  
Commissioner

Steve Stuart  
Commissioner

1300 Franklin Street • P.O. Box 5000 • Vancouver, WA 98666-5000 • tel: [360] 397-2232 • fax: [360] 397-6058 • www.clark.wa.gov



2435





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CLARK COUNTY  
WASHINGTON

BOARD OF CLARK COUNTY COMMISSIONERS

Betty Sue Morris • Marc Boldt • Scave Stuart

February 22, 2007

Columbia River Crossing  
Project Task Force  
700 Washington Street  
Suite 300  
Vancouver, WA 98660

Dear Fellow Task Force Members:

With this letter we wish to enter once again into all relevant forums and records the unanimous policy statement of the Board of Clark County Commissioners regarding the Columbia River Crossing project, as follows:

The outcome of this project will have a long lasting impact on our communities, for our progeny will bear the burden of its price and the social habits it will promote. Therefore, we believe we have an opportunity to be visionary yet practical while being ever vigilant with our public coffers.

From the first ferry boats to the original Interstate Bridge, some 167 years have been dedicated to shuttling people across the river. Now, more than 120,000 vehicles cross the river throughout each day, which results in intense congestion that frustrates commuters and slows down delivery of goods throughout the region. We need to address those issues. However, it is our firm belief that we cannot end rush-hour congestion on the I-5 corridor by simply building a new bridge over the Columbia River, no matter how much we spend on it.

If we were to build a new bridge, complete the Delta Park widening project, and eventually widen both the I-5/I-405 split and Rose Garden, we will still only have three freeway lanes from here to downtown Portland. Each one of those lanes can handle about 2,000 vehicles per hour, so 3 lanes can handle a maximum of 6,000 vehicles per hour. As of 2005, there were already about 5,000 vehicles per hour traveling along the I-5 corridor during the peak travel hours. By 2030 that number will jump to at least 7,500 – more than I-5 can handle under the best circumstances. Put another way, Columbia River Crossing staff estimates that congestion during the commute southbound every morning will increase from 2 hours in 2005 to 4.75 hours in 2030. That is with a new 12-lane replacement bridge, high capacity transit, and a toll to pay the multi-billion dollar price tag.

The bottom line is: build a new 12-lane bridge, and shortly thereafter, congestion will return.

Let us be clear, we know doing nothing is not an alternative that should be considered. If we do nothing, people and goods will be stuck in a "rush hour" that extends through most of the day. That is not acceptable for our commuters or the neighborhoods that will suffer greater health risks caused by the increased car exhaust from stalled traffic. What we are saying is that because our carrying capacity is limited, we need to look at how to move traffic at different times, different directions, and using a variety of modes to clear that capacity for freight and commuters who have to drive.

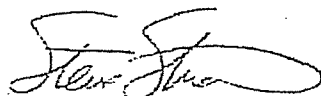
This means an alternative that is a complete departure from the business as usual approach of just building a big, new, expensive I-5 bridge. So let us start looking at doing something different, with an eye toward a more positive result. Together, we could:

- Increase transit ridership with more efficient service that works for people's busy schedules, which means pairing bus service with a new bridge structure for either bus rapid transit or light rail and lanes to clear on- and off-ramp traffic.
- Prioritize signals, ramp meters, and lanes for vehicles with more than one person.
- Fix the interchange system around the I-5 bridge to clear the congestion that happens when people try to weave on and off at Hayden Island, SR-14, and downtown Vancouver.
- Move the swing arm on the rail bridge to the center channel and make it a lift span. This \$40 million fix would eliminate the need to use the I-5 Bridge lift for barge traffic.
- Work with employers to provide incentives for flexible schedules that allow workers to commute south during non-peak hours when there is no congestion.
- Aggressively bring jobs to Clark County so people can live and work closer together and avoid the hours of commuting that keep them away from family and community.

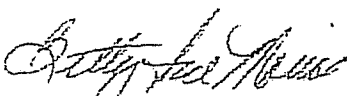
Only by changing how, when, and where we travel will there ever be hope for true congestion relief on the I-5 corridor. We have an opportunity right now to show true vision and leadership that addresses the root of our congestion instead of just putting a band-aid on it.

Please understand that we are not giving you an answer to what the preferred alternative should be for the Columbia River Crossing project. We are simply asking that an alternative is included in the study that shows vision, creativity, and lower costs to move more people. We believe that together we can achieve this goal.

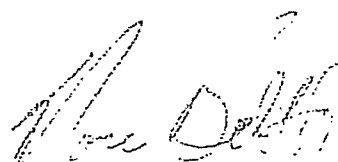
Sincerely,



Steve Stuart  
Chair



Betty Sue Morris  
Commissioner



Marc Boldt  
Commissioner



Oregon

Theodore R. Kulongoski, Governor

Parks and Recreation Department  
State Historic Preservation Office  
725 Summer St. NE, Suite C  
Salem, OR 97301-1266  
(503) 986-0707  
FAX (503) 986-0793  
[www.hcd.state.or.us](http://www.hcd.state.or.us)



Nature  
History  
Discovery

March 6, 2007

Hal Dengerink  
Henry Hewitt  
Columbia River Crossing Task Force  
700 Washington Street, Suite 300  
Vancouver, WA 98660

Dear Co-Chairs Dengerink and Hewitt:

I am writing to express our concerns about the Columbia River Crossing (CRC) staff recommendations considered by the CRC Task Force on February 27, 2007.

The recommendations do not appear to adequately address the cultural resource review process. The northbound bridge is listed in the National Register of Historic Places. The southbound bridge appears to be eligible for National Register designation. Yet there are no alternatives in the Draft Environmental Impact Statement (DEIS) that explore the re-use of either bridge for future use.

I believe that the CRC project and staff would be well served by including alternatives for both bridges in the DEIS. If a legitimate exploration of re-use options does not take place, and the reasons against re-using the bridges are not justified, then the entire project could be exposed to criticism and procedural challenges in the future. Various engineering and transportation studies have no doubt examined options for both bridges. I recommend including the results of those studies and the accompanying rationale for their viability in the DEIS.

We would welcome any discussions from the CRC staff regarding this issue. Our comments are offered with the intent of ensuring CRC's compliance with the cultural resource regulations as well as the spirit of preservation of these historic bridges, if possible. We look forward to a continued dialogue on this issue, and to assisting with an improved crossing over the Columbia River.

Sincerely,

Tim Wood  
State Historic Preservation Officer

EARL BLUMENAUER  
THIRD DISTRICT, OREGON

COMMITTEE ON WAYS AND MEANS

SUBCOMMITTEES:  
TRADE  
SELECT REVENUE MEASURES

COMMITTEE ON BUDGET



Congress of the United States  
House of Representatives  
Washington, DC 20515-3703

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DISTRICT OFFICE  
729 N.E. OREGON STREET  
SUITE 115  
PORTLAND, OR 97232  
(503) 231-2300  
FAX: (503) 230-5413

website: blumenauer.house.gov

January 7, 2008

Matthew Garrett, Director  
Oregon Department of Transportation  
355 Capitol Street NE Rm 135  
Salem, OR 97301

Dear Director Garrett:

Attached please find correspondence from my constituent, Ms. Sharon Nasset regarding the process for the proposed Columbia River Crossing project. Ms. Nasset is concerned that one option—known as the “port-to-port connector”—was removed from consideration without being subject to a complete NEPA analysis, and leaves the project vulnerable to legal challenges that may result in crippling delays.

Ms. Nasset believes that the CRC project should immediately commence with a supplemental EIS to fully study the “port-to-port connector” option.

As ODOT is one of the agencies leading the efforts on this project, I’m sharing her concerns with you. I would appreciate a response from ODOT or the CRC project addressing how the “port-to-port connector” option was removed from consideration as it relates to the NEPA process.

Thank you for your time and consideration.

Sincerely,

Earl Blumenauer  
Member of Congress

Cc: Sharon Nasset



## Washington State Senate

109B Irv Newhouse Building  
P.O. Box 40417  
Olympia, WA 98504-0417

**Senator Don Benton**  
17th Legislative District

Olympia Ph: (360) 786-7632  
District Ph: (360) 576-6059  
E-mail: benton.don@leg.wa.gov

**February 11, 2009**

**Dear Governors' Christine Gregoire and Ted Kulongoski, Sponsor Agencies;  
Southwest Washington Regional Transportation Council and CTRAN,**

Attached please find correspondence from Congressman Earl Blumenauer to the Director of the Oregon Department of Transportation, dated January 7, 2009

We would like to thank Congressman Earl Blumenauer for his leadership on the Columbia River Crossing project's need to follow the National Environmental Policy Act (NEPA) requirements, that all alternatives are thoroughly studied. A thorough study of all options to include data is a necessary requirement in the NEPA process. This valuable step in the NEPA process brings the best options to the forefront and creates cooperation between the sponsoring agencies, stakeholders, and taxpayers, and the ability to receive Federal funding for the project.

We are asking that the CRC project immediately commence a Supplemental EIS to fully study the "port-to-port connector" option RC-14.

The foci of the Columbia River Crossing are the economy, safety, and the environment. A thorough NEPA process will create comparable data that will answer questions of cost, land use, environmental justice, mobility, congestion relief, regional freight, the distribution of benefits, and impacts.

In summary, adherence to the National Environmental Policy Act is essential for promoting consensus among various stakeholders and for demonstrating transparency. The I-5 international highway system's importance is internationally known. An open and transparent process is needed to build stakeholders consensus that will propel and help develop this project to completion. A project as important and enormous as the Columbia River Crossing must have transparency and must provide credible comparable data on the "port to port connector."

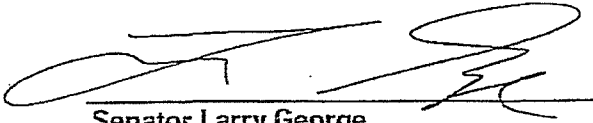
In support of Senator Benton's letter to Governors Christine Gregoire and Ted Kulongoski, Sponsor Agencies; Southwest Washington Regional Transportation Council and CTRAN.

Bruce Chandler

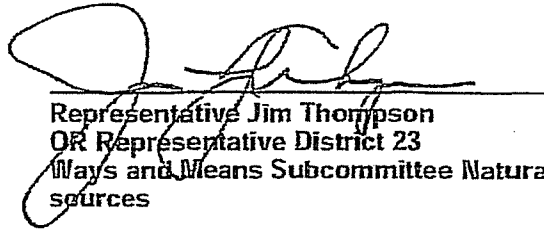
Representative Bruce Chandler  
WA State Representative 15th District  
Commerce and Labor Committee  
Ways and Means Committee

Senator Larry George  
OR State Senator 13th District  
Senator's Joint CRC Oversight Committee

In support of Senator Benton's letter to Governors Christine Gregoire and Ted Kulongoski, Sponsor Agencies; Southwest Washington Regional Transportation Council and CTRAN.



Senator Larry George  
OR State Senator 13th District  
Senator's Joint CRC Oversight Committee  
Business and Transportation Committee



Representative Jim Thompson  
OR Representative District 23  
Ways and Means Subcommittee Natural Resources

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CLARK COUNTY  
WASHINGTON

Regional Transportation Council  
RECEIVED  
AUG 4 2010

July 23, 2010

The Southwest Washington Regional Transportation Council (RTC)  
c/o Ms. Molly Coston, Chair  
1300 Franklin Street, 4<sup>th</sup> Floor  
Clark County Public Service Center  
Vancouver, Washington 98666-1366

**RE: Columbia River Crossing (CRC) Environmental Impact Study / Third Bridge Analysis**

Dear Chair Coston and Council Members:


This correspondence is in follow up to a repeated request to RTC by concerned citizens about the lack of a "third bridge option" being studied and included in CRC's Draft Environmental Impact Study (DEIS). The specific area these citizens are interested in includes a new 6-lane freeway connecting I-5 at Mill Plain, west to the Port of Vancouver, south to Hayden Island, Marine Dr., and connecting with HWY-30 near Newberry Hill.

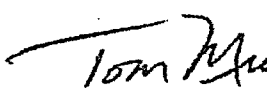
The CRC project references in a March 22, 2006, document, RC-14. RC-14 was used to create a possible transportation alternative in the Draft Environmental Impact Study. RC-14 modeled a multilane, multimodal bi-state industrial arterial or corridor starting near I-5 and Mill Plain, crossing next to the BNSF rail bridge and connecting south to Marine Drive. Traffic analysis of the RC-14 alternative showed that it did not sufficiently relieve traffic congestion to any significant degree on the I-5/Columbia River Bridge and therefore was not advanced into the next round of alternatives. In sum, this alternative provided for a new industrial corridor, but did not provide for a major freeway that would adequately address freeway congestion.

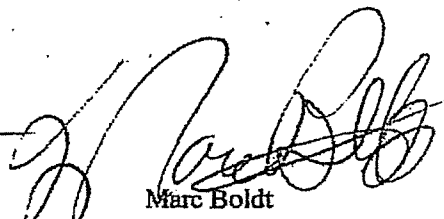
A new freeway corridor alternative was also studied. It was identified as RC-16 (New Western Highway). This alternative functioned as a new freeway bypass to I-5, but did not directly connect to I-5 via Mill Plain. The proposed corridor started near Ridgefield and went around the ports.

Given the specific concern, as stated above, the answer is no. A "third bridge option" as a new freeway starting at I-5 and Mill Plain was not fully vetted.

Sincerely,

  
Steve Stuart, Chair

  
Tom Mielke

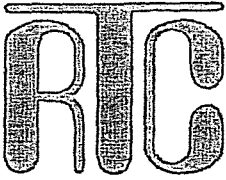
  
Marc Boldt

cc: Ms. Sharon Nasset  
Ms. Tamara McLane

1300 Franklin Street • P.O. Box 5000 • Vancouver, WA 98666-5000 • tel: (360) 397-2232 • fax: (360) 397-6058 • www.clark.wa.gov

©

10/5/10 Referenced by Tamara McLane



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P.O. Box 1366  
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360-397-6067  
360-397-6132 fax  
<http://www.rtc.wa.gov/>

**Member Jurisdictions**

Clark County  
Skamania County  
Klickitat County  
City of Vancouver  
City of Camas  
City of Washougal  
City of Battle Ground  
City of Ridgefield  
City of La Center  
Town of Yacolt  
City of Stevenson  
City of North Bonneville  
City of White Salmon  
City of Bingen  
City of Goldendale  
C-TRAN  
Washington DOT  
Port of Vancouver  
Port of Camas-Washougal  
Port of Ridgefield  
Port of Skamania County  
Port of Klickitat  
Metro  
Oregon DOT  
15th Legislative District  
17th Legislative District  
18th Legislative District  
49th Legislative District

15  
November 22, 2010

Ms. Sharon Nasset  
1113 N. Baldwin Street  
Portland, OR 97217

Dear Ms. Nasset:

This letter is in follow up to your request about a "third bridge option" being studied and included in CRC's Draft Environmental Impact Study (DEIS). Your specific area of interest is about a project described as a new 6-lane freeway connecting I-5 at Mill Plain, west to the Port of Vancouver, south to Hayden Island, Marine Drive, and connecting with highway 30 near Newberry Hill.

The CRC project references in a March 22, 2006 document, RC-14. RC-14 was a possible transportation alternative in the DEIS. RC-14 modeled a multilane, multimodal bi-state industrial corridor starting near I-5 and Mill Plain crossing next to the current BNSF rail bridge and connecting south to Marine Drive. Traffic analysis of the RC-14 alternative showed that it did not sufficiently relieve traffic congestion to any significant degree on the I-5 Columbia River Bridge and therefore not advanced into the next round of alternatives. In sum, this alternative provided for a new industrial corridor, but did not provide for a major freeway that would adequately address I-5 traffic congestion.

A new freeway corridor alternative corridor was also studied. It was identified as RC-16, a New Western Highway. This alternative functioned as a new freeway bypass to I-5 but did not provide direct freeway access to I-5 via Mill Plain.

It is also worth noting that in 2008 RTC completed a Transportation Corridor Visioning Study (<http://www.rtc.wa.gov/reports/vision/VisioningCorridors.pdf>) that studied new freeway corridors throughout Clark County per a new 50-year growth scenario and given those corridors how a corridor to the east and west might be connected across the Columbia River.

Given your specific concern as stated above, no a "third bridge option" as a new freeway starting at I-5 and Mill Plain was not fully vetted.

Sincerely,

RTC Chair, Washougal Councilperson Molly Coston.

cc: RTC Board of Directors

Southwest Washington Regional Transportation Council



## High-speed rail could be a major stimulus for the Northwest's economy

Published: Tuesday, May 03, 2011, 7:00 AM



**Guest Columnist**

By

**By Brad Perkins**

Over this past year, \$10.4 billion in federal funds have been designated to states with the most advanced plans for high-speed rail passenger service. President Barack Obama plans to distribute billions more over the next six years to state transportation departments that have advanced rail plans.

Development and operation of a high-speed rail system in the Cascadia corridor could be a major stimulus for thousands of jobs in the Northwest. Properly connecting rail stations to highways, light rail, streetcar and bike networks would cause less damage to the environment and not be dependent on escalating gas prices that are adjusted or manipulated by forces beyond our control. Fully electrified high-speed rail systems connecting centrally located transportation hubs, less than 500 miles apart, have proven to be the fastest and safest transit systems that avoid the delays of congested freeways and invasive security checks at airports.

Gov. John Kitzhaber should recommend that ODOT conduct a serious study for an exclusive corridor for a double-track, electrified, publicly owned high-speed system as part of the agency's upcoming \$10 million environmental impact statement study for the Cascadia corridor between Eugene and Portland. So far ODOT has limited its studies to two 140-year-old freight rail corridors that are privately owned by freight companies that will perpetually maintain control of both the speed and capacity of passenger trains and therefore limit the success of both systems.

A separate, publicly owned high-speed rail corridor, with grade crossings, already exists in the Willamette Valley. Most of the relatively flat and straight 100-mile I-5 corridor between Eugene and Tualatin has a median strip wide enough to accommodate two electrified high-speed rail tracks for 150 mph trains. Two commuter networks could share the rails with the inter-city system. From Tualatin, a 12-minute commuter link to the Rose Quarter could be developed by using existing rail right of ways and boring a tunnel under Lake Oswego. From Vancouver, Wash., to the Rose Quarter, a new tall passenger/freight rail bridge west of the existing BNSF bridge can transport commuters in seven minutes through a new tunnel below North Portland's bluff and share Union Pacific's right of way along the east side of the Willamette River. Both regional park-and-ride commuter train options from Tualatin and Vancouver to the Rose Quarter could significantly reduce congestion on the I-5 corridor during rush hours if planned for convenience, frequency and speed.

The new Rose Quarter Transportation and Tourism Station could be the hub of activity transitioning over 30,000 commuters a day with connections to MAX, the Portland streetcar and bikeways. This overwhelming amount of foot traffic could create the critical mass of activity needed to give an economic boost to a moribund sports and entertainment district. Developers could satisfy market demand and develop a more exciting and sustainable 24-hour livable community with housing, hotels, offices and retail with great city views of downtown Portland and the Willamette River.

gonians and Washingtonians deserve innovative transportation projects that seriously reduce carbon monoxide levels and travel time by offering commuter rail on an exclusive high-speed rail corridor. Unfortunately, ODOT's studies and environmental impact statement have not given serious consideration to high-speed rail, commuter rail and freight rail as an alternative to saving congestion and creating sustainable jobs. Japan and Europe have shown that rail investment has paid its way over the long term. Unlike a highway, the cost of high-speed rail development is recovered directly from the operators who use it. Using the tracks for light-weight freight movement at night could also help the financial return on public capital investment. With enough support and serious analysis of alternatives, Cascadia high-speed rail could prove to be the American example of what's happening in the rest of the world.

*d Perkins lives in Northeast Portland. More on the Cascadia high speed rail corridor from Eugene to Vancouver can be found at [www.cascadiahighspeedrail.org](http://www.cascadiahighspeedrail.org).*

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Testimony of Robert Liberty  
3431 SE Tibbetts Street, Portland, Oregon 97202

Before the Metro Council  
On Resolution No.11-4264  
June 9, 2011

Members of the Metro Council:

I urge you to table Resolution No. 11-4264 to a time certain - your first regular meeting in June of 2012. A one year delay is required because the Columbia River Crossing has failed to satisfy several critical conditions you established for the project in July 2008.

These conditions are; early implementation of tolling, addressing environmental justice issues, developing a state-of-the-art demand management program, preparation of a detailed financing plan, the promise of co-development of light rail, preservation of freight access and inclusion of state-of-the-art bike and pedestrian facilities.

The CRC study has been fatally flawed from the outset because of the narrow way in which the problems were defined, the inappropriately small study area and the elimination of cheaper, smarter greener alternatives prior to any substantive comparison of their costs and benefits with the preferred alternative.

Nonetheless, should the project ever be built in something like its current form, the satisfaction of these conditions could greatly reduce cost and improve performance.

- What you have before you is not the satisfaction of your conditions, but rather
- descriptions of how they might be satisfied in the future. That has been the pattern established by the project staff for the last five years, since the Council first began asking it address various important questions.

I have a few comments on one of the conditions; the requirement of a "detailed financing plan showing costs and sources of revenue ...."

Three years after the Council gave initial approval to the project, there is still no detailed financing plan. The prospects for increased gas taxes and increased spending on transportation projects by the Federal, state and local governments has sharply decreased since 2008. I said then, and I say now, "Show me the money."

But the second part of the condition you imposed is even more important. In addition to showing the sources of money, the financing plan was required to explain "how the federal, state and local (if any) sources of revenue proposed to be dedicated to this project would impact, or could be compared to, the funds required for other potential expenditures in the region." This requirement is not even addressed in the staff report.

I believe the decision makers, and the public, are entitled to understand the public and private benefits and costs of this project and how they compare to the costs and benefits of other projects competing for the same taxpayer money. This should be standard practice, not something that requires a special resolution.

⇒ The Metro Council is the elected voice of the people of the region. I hope you will exercise independent judgment and genuine leadership on behalf of the people you represent rather than defer to vague assurances about future study of these issues, promises made by un-elected state agency staffs and committees.

Thank you for your attention and your work on behalf of our region.

Robert Liberty  
Southeast Portland

KATIE EYRE BREWER  
STATE REPRESENTATIVE  
HD 29



HOUSE OF REPRESENTATIVES  
900 COURT ST NE  
SALEM, OR 97301

June 8, 2011

Tom Hughes, Metro Council President  
Metro Council  
600 NE Grand Ave.  
Portland, OR 97232

Re: Adoption of Resolution No. 11-4264, for the purpose of Concluding that the Concerns and Considerations Raised about the Columbia River Crossing Project in Exhibit A to Resolution No. 08-3960B Have Been Addressed Satisfactorily

Tom,

I understand that the Council will be voting on Resolution No. 11-4264 on June 9, 2011. I am writing to ask you to delay this vote, pending legislative action.

#### Financing Plan

Metro's concern was to have a financing plan developed for presentation to the project partners and the public that indicates federal, state and local funding and how the project could impact other expenditures in the region. I do not believe that the financing plan has been fully developed nor presented to all project partners, as the Oregon Legislature has not yet reviewed any official financing plan. In a draft finance plan, Oregon's contribution exclusive of tolling will be one half of \$900,000,000. The draft plan mentions that these will likely come from new revenue, and specifically increased motor carrier fees, gas taxes and registration fees. None of this has been presented to the Legislature and the Legislature has not yet weighed in on the propriety of this funding or a potential tax increase. In fact, the initial informal response from many legislators to this prospect has been unfavorable. Therefore, because neither the finance plan nor the state funding has been finalized, I do not believe that this concern has yet been satisfied.

#### Preservation of Freight Access

Recognizing that this is a critical piece of the CRC project, Metro raised this as an area of concern. In the explanation of status, Item G of Exhibit B to Resolution No. 11-4264 states that the Marine Drive interchange can be delayed until after year 2030. As a Legislator, and as part

503-986-1429 email: [rep.katieeyrebrewer@state.or.us](mailto:rep.katieeyrebrewer@state.or.us)  
District: P.O. Box 3027, Hillsboro, OR 97123

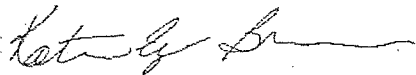


of my consideration of any future tax increase of which freight carriers will be required to pay, I find delaying this until 2030 unacceptable. In fact, the draft finance plan contemplates that any interchange not directly connected to the bridge is considered a "deferred component" and can be delayed in the case of cost overruns. The draft finance plan states that the new revenues, in the case of cost overruns, can be extended to pay for the deferred components. I am concerned about the project elements for freight access and freight mobility being largely delayed through phasing or as a "deferred component", and therefore believe that this concern has not yet been satisfied.

If Oregon Department of Transportation's budget passes both Chambers of the Oregon Legislature in its current form, ODOT will be required to report to the Legislature in February 2012 with a developed phased master plan of CRC, allowing for legislative oversight and approval by the Legislature at key decision points. At this point, legislative approval has not occurred, nor should be assumed.

Tom, I am a supporter of infrastructure and of sound planning. You know this, as you appointed me to Hillsboro's Planning Commission many years ago. I am also appreciative of Metro's diligent review of any solution to the I-5 congestion. Based on the above two points, a general lack of a clear and approved plan, and uncertain financing, I do not believe Metro's concerns outlined in Resolution 08-3960B have been addressed satisfactorily at this time, and therefore respectfully request that the Metro Council delay voting on Resolution No. 11-4264.

Respectfully,



Katie Eyre Brewer  
State Representative  
House District 29

cc: Metro Council members

June 9, 2011

### Columbia River Crossing: A Need for a Realistic Alternative

Even though many well intentioned people have worked and opined on the CRC, there is little that makes one believe that the project will ever be built. Much of the research in support of building the bridge project is questionable and some even illogical. The potential funding of the project is questionable at best at all three government levels— federal, state and local. The project if it continues to progress will be challenged in court on environmental grounds, and at a minimum, setting the project back even further than its unsure financing.

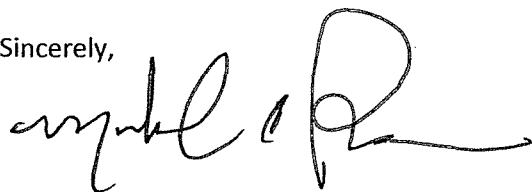
Leadership is required to support the need for improved commercial access to the Interstate system and lucky for us there are alternatives. If the business and labor forces could see objectively they would get behind a third bridge alternative that has been proposed by the opponents of the CRC. The issue for the opponents isn't a need for new and improved transportation across the Columbia, but the hugely expensive solution advocated by the CRC committee.

By designing and building a third bridge west of the current I-5 bridge, realigning the railroad bridge to remove the "s" turn for commercial river traffic, building a small commuter bridge to service Hayden Island homeowners and re-designating I-205 to I-5 near Wilsonville overall traffic would be greatly improved. The most interesting part of this approach is to spend billions less to remedy the real problem.

It is a shame so many people (public and private) have been mistaken about how to remedy this transportation issue and that includes the editorial sections of our newspapers.

Let's get off the "snide" and do the workable thing.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael C. Powers', with a stylized, flowing script.

Michael C. powers

1538 ne 24<sup>th</sup>

Portland, Oregon 97232





**Metro** | *Making a great place*

## **METRO COUNCIL MEETING**

Meeting Summary

June 9, 2011

Metro Council Chambers

**Councilors Present:** Council President Tom Hughes and Councilors Carl Hosticka, Barbara Roberts, Rex Burkholder, Kathryn Harrington and Shirley Craddick

**Councilors Excused:** Councilor Carlotta Collette

Council President Tom Hughes convened the regular Council meeting at 2 p.m.

### **1. INTRODUCTIONS**

There were none.

### **2. CITIZEN COMMUNICATIONS**

Carol Chesarek, 13300 NW Germantown Rd., Portland: Ms. Chesarek requested a clarification on the Metro Council's position on House Bill 3225 which addresses construction of new roads in urban reserves. She was concerned that Metro support of the bill would undermine the urban reserves premise that concept planning in new urban areas must be completed prior to approval of new infrastructure.

Councilor Carl Hosticka clarified the origin of the bill and Metro's involvement to date. He confirmed that the Metro Council is not actively promoting nor opposing the bill at this time.

### **3. "IT'S OUR NATURE" COMMUNICATIONS INITIATIVE**

Ms. Kathleen Brennan-Hunter and Ms. Laura Odom of Metro provided a brief presentation on Metro's new "It's Our Nature" initiative which launches in June 2011. The communication initiative, supported by Metro's voter-approved natural areas program, was designed to provide visibility to invested voter-approved funds, engage citizens and provide follow through to important recommendations on transparency and accountability raised by the bond oversight committee and Metro Auditor. Information on the communication initiative may be accessed online at [www.oregonmetro.gov/naturalareas](http://www.oregonmetro.gov/naturalareas)

Additional presentation information included the 1995 and 2006 voter-approved bond measures, the initiative's publication and promotional materials, and new interactive web site.

### **4. CONSIDERATION OF THE MINUTES FOR MAY 19, 2011**

|         |  |
|---------|--|
| Motion: | Councilor Kathryn Harrington moved to adopt the May 19, 2011 Council minutes.  |
| Vote:   | Council President Hughes and Councilors Roberts, Harrington, Hosticka, Craddick, and Burkholder voted in support of the motion. The vote was 6 aye, the motion <u>passed</u> . |

5. **RESOLUTIONS**

- 5.1 **Resolution No. 11-4261**, For the Purpose of Adopting an Order on a Request for an Extension of Time for Completion of Comprehensive Planning for Bonny slope West 9 Study Area 93) by Multnomah County on Appeal from an Order of the Chief Operating Officer.

|         |   |
|---------|---|
| Motion: | Councilor Rex Burkholder moved to adopt Resolution No. 11-4261. |
| Second: | Councilor Harrington seconded the motion.                       |

Councilor Burkholder, with assistance from Metro staff Ray Valone, introduced Resolution No. 11-4261. According to Metro Code Section 3.07.830, cities and counties may request a time extension for compliance with an Urban Growth Management Functional Plan requirement. In addition, the Chief Operating Officer may grant the request if the city or county is making progress toward compliance and that the COO may "establish terms and conditions for the extension in order to ensure compliance is achieved in a timely and orderly fashion and that land use decisions made by the city or county during the extension do not undermine the ability of the city or county to achieve the purposes of the functional plan..."

While Multnomah County has continued to make progress on the Bonny Slope West Concept Plan since the area was first brought into the urban growth boundary in 2002, on March 11, 2011 the County applied for an extension for fulfilling the Title 11 requirements for the area. The COO approved, by Order No. 11-053, the County's request for the extension and established that the County or another body by agreement with the county shall adopt the comprehensive plan provisions that comply with Metro Code within 2 years following the agreement or within 10 years of the date of the approved order, whichever comes earlier. Property owner Mr. James Crawford appealed the COO decisions in April 2011.

If adopted, the resolution would approve, by Order 11-055, the County's request for an extension based on the above terms/conditions and deny the Mr. Crawford's appeal of the COO's Order No. 11-053.

Council President Hughes opened a public hearing on Resolution No. 11-4261:

- James Crawford, 24955 NW Oak Hill, Yamhill: Mr. Crawford was opposed to the resolution. He stated that the County has intentionally avoided not enabling development of the area. He expressed support for the City of Beaverton and Beaverton School District to use the Bonny Slope land for the new proposed public high school. He was concerned that granting the extension would prevent this potential development. (Written testimony included as part of the meeting record.)
- Guillermo Maciel, Multnomah County: Mr. Maciel read written testimony on behalf of Chair Jeff Cogen, Multnomah County, in support of the resolution. While the County has not provided urban planning services since the mid-1980s, when funding became available the County, in partnership with the community, created a concept plan for the area. Unfortunately, there is no plan to move forward with implementation as the City of Portland is legally unable to provide urban services and no other jurisdiction has expressed interest in serving the area. (Written testimony included as part of the meeting record.)

- Karen Schilling, Multnomah County: Ms. Schilling's testimony was in support of the resolution. She briefly highlighted how the County has met the Metro Title 11 extension criteria including acquisition of Construction Excise Tax (CET) monies for concept planning, entering an intergovernmental agreement with the City of Portland to assist in the planning process and release of the *Existing Conditions Opportunities & Constraints* and creating a concept plan. She provided a brief overview of the County's actions to date, the county's transfer of services (i.e. urban planning and building permits) and governance challenges. (Written testimony included as part of the meeting record.)

Council discussion included Washington County's interest in providing governance and service to the area.

- John Orlando, 12735 NW Skyline Blvd., Portland: Mr. Orlando was opposed to the resolution stating that while technically this is the first request for an extension, the County should have completed this planning in 2003-2004 as part of the comprehensive plan. He recommended the Council apply pressure to the County. He also noted the site's potential for infill.
- Carol Chesarek, 13300 NW Germantown Rd., Portland: Ms. Chesarek supported the resolution, but recommended that the 10-year timeframe be removed. She outlined some of the area's governance and development challenges. She was not opposed to the area being developed as long as the cities' provide governance.
- Mike Nelson, 12401 NW Thompson Rd., Portland: Mr. Nelson was opposed to the resolution. He believed the value of his property had decreased since brought into the UGB in 2007 due to his inability to subdivide the land for residential purposes. He also discussed Multnomah County and the City of Portland's roles and potential exposure to Measure 49 claims. (Written testimony included as part of the meeting record.)

Seeing no further citizens who wished to testify, Council President Hughes closed the public hearing.

Council discussion included the need for early evaluation of the urbanization potential for possible UGB expansion areas, the urban and rural reserves process, the 2002 UGB expansion, and Washington County and Washington County cities' abilities to provide services.

Vote:

|  |
|--|
| Council President Hughes and Councilors Roberts, Harrington, Hosticka, Craddick, and Burkholder voted in support of the motion. The vote was 6 aye, the motion <u>passed</u> . |
|--|

- 5.2 **Resolution No. 11-4264**, For the Purpose of Concluding that the Concerns and Considerations Raised about the Columbia River Crossing Project in Exhibit A t Resolution No. 11-08-3960A have been Addressed Satisfactorily.

|         |   |
|---------|---|
| Motion: | Councilor Burkholder moved to adopt Resolution No. 11-4264. |
| Second: | Councilor Harrington seconded the motion.                   |

Councilor Burkholder and Council President Hughes introduced Resolution No. 11-4264 and provided a brief historical overview of the project and the Columbia River Crossing (CRC) Locally Preferred Alternative adopted by the Metro Council in July 2008.

Mr. Andy Cotugno of Metro, with assistance from Ms. Nancy Boyd of the CRC project, provided a brief presentation on the status of the LPA conditions. The presentation included information on how the project has either resolved or continues to track 11 conditions or concerns identified by the Council in July 2008:

- Tolling
- Demand Management
- Financing Plan
- Light Rail
- Bridge Design
- Design of Bicycle & Pedestrian Facilities
- Number of Auxiliary Lanes
- Impact Mitigation & Community Enhancement
- Urban Development Impacts at Redesigned Interchange
- Preservation of Freight Access
- Urban Development Impacts at Redesigned Interchange

The resolution, if approved, would concur that the 11 concerns and considerations have been sufficiently addressed to proceed with finalizing the Final Environmental Impact Statement (FEIS) and also acknowledge that further refinements and decisions will be made and will include engagement by the Metro Council.

Council President Hughes opened public comment on Resolution No. 11-4264:

- Jeff Bernard, 2138 SE 16<sup>th</sup>, Portland: Mr. Bernards requested the total cost of the project be provided. He was concerned that the project's carbon footprint had not been addressed. He also questioned where the \$9 million joint contribution by ODOT and WSDOT was coming from and potential impacts to other entities.
- Terry Parker, P.O. Box 13503, Portland: Mr. Parker stated that the CRC does not have an equitable finance plan. He was specifically concerned with the share auto users – versus transit riders or cyclist or pedestrians – will be contributing to the bridge through tolling and motorist-paid taxes and fees. He cited impacts to jobs and the economy as reasoning. He recommended tolls for bicycles and a surcharge for transit be considered. (Written testimony included as part of the meeting record.)
- Ron Buel, 2817 NE 19<sup>th</sup> Ave., Portland: Mr. Buel opposed the resolution. He stated that the greenhouse gas (GHG) and air pollution portions completed by the CRC Independent Review Panel were inadequate. (Written testimony included as part of the meeting record.)
- Pai Welch, Portland Freight Committee: Ms. Welch expressed her support for the resolution.
- Douglas Allen, 734 SE 47<sup>th</sup>, Portland: Mr. Allen opposed the resolution. He stated that Condition F, regarding GHG, had not been met and that the project is not consistent with the state's GHG emission reduction goals. He was concerned with MetroScope's assumptions and recommended the project look at work completed by Portland State University's Transportation Studies group. (Written testimony included as part of the meeting record.)
- Chris Lopez, Northeast Coalition of Neighborhoods: Mr. Lopez was opposed to the resolution citing traffic congestion impacts on I-5 and the project cost as reasoning. He was concerned that the cost of the project would prevent funding for other congestion and



traffic infrastructure improvements needed in the neighborhoods he represents. He recommended that the project consider other alternatives that are less expensive, can be phased and provide benefits to GHG emissions.

- Carie Weisenbach-Folz, 6325 N. Albina Ave. #1, Portland: Ms. Folz was opposed to the resolution stating that the CRC project would negatively impact her neighborhood. She cited reduced safety, less walkable neighborhoods, increased pollution and increased auto dependency as reasoning.
- Kevin Jensen, Ironworkers/CR Coalition: Written testimony provided only. Testimony included as part of the meeting record.
- JoAnn Bowmon, Coalition for a Livable Future: Ms. Bowmon was opposed to the resolution. She was concerned that there has not been enough work completed to determine potential impacts to the community. She was also concern that there was no mechanism called out to address air quality issues.
- Jonathan Schlueter, Westside Economic Alliance: Mr. Schlueter supported the resolution. While the Washington County is geographically removed from the project area, the county is the 9<sup>th</sup> largest county in Oregon for shipping containerized freight over the Port of Portland docks. The Washington County Coordinating Committee unanimously voted in support of the resolution. He emphasized the project's importance to Washington County businesses. (Written testimony included as part of the meeting record.)
- Greg Benison, 4320 SW Corbett Ave., Apt. 102, Portland: Mr. Benison was opposed to the resolution. He was concerned that only 5 of the 11 conditions have been satisfied.
- John Reinhold, 2004 NE 15<sup>th</sup> Ave., Portland: Mr. Reinhold stated that the finance plan does not include the recent numbers that show the Vehicle Miles Traveled over CRC target area have decreased. He indicated that the reduction would adversely impact the revenue generated tolls. He stated that the cost of the bridge has not been adequately finalized, and that the GHG numbers do not take into account the new bridge construction or removal of the existing bridge. Additional comments included bridge design.
- Bob Stacey, 3434 SE Brooklyn, Portland: Mr. Stacey was opposed to the resolution. He supported building communities and a transportation system that provide more choices for travel. He stated that tolling the I-5 and building world-class transit and bike-pedestrian facilities would enable reduce travel times and allow freight to move reliably. (Written testimony included as part of the meeting record.)
- Rebecca Hamilton, AROW: Ms. Hamilton was opposed to the resolution. She stated that the financial impact of the project was underestimated; she cited traffic projections over the bridge and unfunded community enhancement fund as reasoning.
- Fred Nussbaum, 6510 SW Barnes Rd., Portland: Mr. Nussbaum was opposed to the resolution. He stated that there was memorial in the state legislature, HJM-22, that has passed out of the House's Transportation and Economic Committee that removed specifics of the CRC proposal and spoke generally to the modernization building and rebuilding of facilities in the CRC corridor. He also addressed the finance plan.

- Jim Labbe, 6325 N. Albina, Portland: Mr. Labbe was opposed to the resolution, stating that the project will be tremendously destructive to the region. He addressed climate change and GHG emissions, and emphasized that the project should do better than a no-build option. Mr. Labbe also expressed support for the CLF testimony.
- Ray Polani, AORTA: Mr. Polani expressed support for rail transit and freight movement. He recommended the Council review work recently completed by Sightline Institute in Seattle, WA. (Written testimony included as part of the meeting record.)
- Joe Clinkenbeard, 3951 N. Williams Ave., Portland: Mr. Clinkenbeard was opposed to the resolution. He requested that more consideration be given to the financing plan and environmental impacts. Mr. Labbe also expressed support for the NECA, and Ms. Hamilton and Mr. Stacey's testimonies.
- Donna Murphy, 1501 N. Hayden Island Dr., Portland: Ms. Murphy, Co-Chair of the Hayden Island Livability environmental justice group, was concerned that the current CRC plan does not address impacts to the community during the project's construction phase. She was specifically concerned with impacts or removal of the local Safeway.
- Pamela Ferguson, Hayden Island Livability Project: Ms. Ferguson requested that the arterial bridge to Hyden Island be one of the first items to be constructed as it provides an important connection to her community. She also stated that the manufactured housing development has already established community enhancement agreements with ODOT, WSDOT, Portland and Vancouver, WA and she encouraged Metro to honor those agreements in the future.
- Tom Buchele, PEAC: Mr. Buchele stated that, for legal reasons, the level of new project analysis provided could not be included in the FEIS. He inquired as to what elements of the plan would be dropped should the project come in over budget; he anticipated that the mitigation efforts and community enhancement components would be dropped. (Written testimony included as part of the meeting record.)

The Council requested a clarification on the difference between the DEIS and FEIS processes.

- Jim Howell, AORTA: Mr. Howell was opposed to the resolution stating that the current CRC proposal does not reduce traffic congestion, pollution or GHG emissions, improve freight, or create jobs. He provided a CD to the Council with a set of proposed project alternatives. (Written testimony and CD included as part of the meeting record.)
- Roger Staver, Hayden Island Neighborhood Network: Mr. Staver stated that HiNooN had concerns with the resolution as it related the neighborhood's Hayden Island Plan components: (1) neighborhood retail center; (2) stormwater treatment wetlands; (3) park and ride, (4) eastside multi-use path, (5) public areas and park facilities; and (6) local street design. He concluded that Hyden Island continues to support the concepts in the plan. (Written testimony included as part of the meeting record.)
- Victor Viets, 421 N. Tomahawk Island Dr., Portland: Mr. Viets was in support of the resolution. He highlighted land use conflicts created by the project's designed interchanges. He specifically requested that conflicts between wetlands and the neighborhood retail area be addressed. (Written testimony included as part of the meeting record.)

- Chris Girard, Plaid Pantry: Mr. Girard addressed the CRC's finance plan. He requested that the Council at least withhold action on the finance plan, stating that approval would endorse a finance plan that still has issues to address.
- Carolee Collen, 1501 N. Hayden Island, Portland: Ms. Collen stated that the residents in her community have and continue to be impacted. She stated that while the community is excited about the project, impacted residents need to be heard.
- Chris Smith, 2353 NW Pettygoe, Portland: Mr. Smith opposed the resolution, stating that testimonies given articulate that the Council's conditions have not yet been met.

Council discussed Mr. Joe Cortright's independent review of the project and if his report had been reviewed by his peers. Mr. Smith indicated that independent citizen reviews of project -- that provide significant contradicting data -- has not been included or evaluated during the process.

- Joesphine Wentzel, US Digital: Ms. Wentzel emphasized the lack of support by both Oregon and Washington state legislatures. She stated that Vancouver residents have hired a forensic auditor to look at the project spending. She emphasized the need for transparency.
- Corky Collier, Columbia Corridor Association: Mr. Collier supported the resolution. He stated that the Exhibit B, project conditions, was a very objective, thorough and succinct report. He stated that everyone needs to continue to work to improve the project and address community impacts and bike access. He believed that the project improvements would occur.
- Brad Perkins, Cascadia High Speed Rail: Mr. Perkins stated that the project does not meet National Environmental Policy Act (NEPA) requirements. He stated that High Speed Rail, between Portland and Vancouver, WA, should to be considered and studied. (Written testimony included as part of the meeting record.)
- Mara Gross, Coalition for a Livable Future: Ms. Gross was opposed to the resolution stating that WSDOT and ODOT have not addressed the concerns identified by the Council in 2008. She addressed the project's perspective on community enhancement funds, increased climate pollution, and expensive finance plan.
- Ian Williams, 9715 SE Evergreen Hwy, Vancouver, WA: Mr. Williams supported the resolution. He stated that if the project continues to look for the perfect bridge, the project would never be completed.
- Sharon Nasset, Third Bridge Now: Ms. Nasset addressed the Council on the NEPA process. She stated that the SW Regional Transportation Council and Clark County Commission confirmed that the Third Bridge and other options were not studied. She stated that this is against civil rights outline in the NEPA process.
- Walter Valenta, 173 NE Bridgeton Dr., Portland: Mr. Valenta addressed the Council on the Governors' truss bridge selection. While he was disappointed by the selection, he remained hopeful that a world-class architecture firm would be brought in to the project. He requested that the Council hold firm to the design elements as they risk being cut if the budget is impacted.

- Robert Liberty, 3431 SE Tibbitts St., Portland: [Councilor Hosticka read testimony into the record.] Mr. Liberty encouraged the Council to table the resolution until June 2012 stating that the project had failed to satisfy the conditions. He indicated that the Council legislation did not satisfy the conditions, but rather described of how the conditions would be met in the future. He also addressed issues with the finance plan. (Written testimony included as part of the meeting record.)
- Katie Eyre Brewer, P.O. Box 3027, Hillsboro: [Councilor Hosticka read testimony into the record.] Representative Brewer requested that the Council delay their vote, pending legislative action. Her testimony addressed the finance plan and preservation of freight access. (Written testimony included as part of the meeting record.)
- Michael Powers, 1538 NE 24<sup>th</sup>, Portland: Written testimony provided only. Testimony included as part of the meeting record.

Seeing no additional citizens who wished to comment, Council President Hughes opened the resolution for Council discussion.

Councilor Hosticka was opposed to the resolution stating that the project had yet to satisfy the conditions raised by the Council. Additionally, he could not support a resolution that expressed Council's comfort that discussions would continue and that future work would satisfy the concerns. He also was concerned with the lack of a detailed finance plan.

Council discussion included:

- The statewide significance of the project
- Oregon and Washington states' participation
- Collaboration among project stakeholders and the public
- Council touch points on the CRC including the Land Use Final Order (LUFO), publication of FEIS, Regional Transportation Plan, project finance plan, etc.
- Importance of mitigating impacts to the local community during and after project construction (i.e. air pollution and dust)
- Importance of developing a long-term monitoring system for air pollution
- Importance of building a bridge that the region is proud of that has artistic architecture and design elements.

Vote:

Council President Hughes and Councilors Roberts, Harrington, Craddick, and Burkholder voted in support of the motion. Councilor Hosticka opposed the motion. The vote was 5 aye, 1 nay, the motion passed.

## **6. CHIEF OPERATING OFFICER COMMUNICATION**

Mr. Dan Cooper provided an update on the first Annual All-PES meeting and work party at the Howell Territorial Park, the anticipated Hoyt Street Station Café opening, and the June 14 All Managers meeting regarding the Diversity Action Plan.

7. **COUNCILOR COMMUNICATION**

There were none.

8. **ADJOURN**

There being no further business, Council President Hughes adjourned the regular meeting at 5:07 p.m. The Metro Council will reconvene the next regular council meeting on Thursday, June 16 at 2 p.m. in the Metro Council Chambers.

Prepared by,



Kelsey Newell,  
Regional Engagement Coordinator

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF JUNE 16, 2011**

| Item | Topic       | Doc. Date   | Document Description  | Doc. Number |
|------|-------------|-------------|---|-------------|
|      | Agenda      | 6/9/11      | Revised 60911 Council agenda  | 60911c-01   |
| 3.0  | Publication | Summer 2011 | Metro Green Scene   | 60911c-02   |
| 3.0  | Handouts    | N/A         | Trifold publication and button  | 60911c-03   |
| 5.1  | Letter      | 4/4/11      | Letter to Council President Tom Hughes regarding appeal to Order 11-053                       | 60911c-04   |
| 5.1  | Article     | 5/30/11     | Written testimony submitted by Jim Crawford   | 60911c-05   |
| 5.1  | Letter      | 6/9/11      | Written testimony submitted by Jeff Cogen   | 60911c-06   |
| 5.1  | Letter      | 6/9/11      | Written testimony submitted by Karen Schilling  | 60911c-07   |
| 5.1  | Handout     | N/A         | Written testimony submitted by Mike Nelson  | 60911c-08   |
| 5.2  | PowerPoint  | 6/9/11      | <i>A Long-Term, Comprehensive Solution: Status of LPA Conditions</i> provided by Andy Cotugno | 60911c-09   |
| 5.2  | Publication | 5/12/11     | Columbia River Crossing Project Overview  | 60911c-10   |
| 5.2  | Handout     | 6/9/11      | Errata Sheet for Resolution No. 11-4264, Exhibit B  | 60911c-11   |
| 5.2  | Handout     | 5/9/11      | Written testimony submitted by Terry Parker   | 60911c-12   |
| 5.2  | Handout     | N/A         | Written testimony submitted by Ron Buel   | 60911c-13   |
| 5.2  | Memo        | 6/9/11      | Written testimony submitted by Douglas Allen  | 60911c-14   |
| 5.2  | Handout     | 6/9/11      | Written testimony submitted by Kevin Jensen   | 60911c-15   |
| 5.2  | Handouts    | N/A         | Written testimony submitted by Jonathan Schleuter   | 60911c-16   |
| 5.2  | Handout     | 6/9/11      | Written testimony submitted by Bob Stacey   | 60911c-17   |
| 5.2  | Handout     | 6/1/07      | Written testimony submitted by Ray Polani   | 60911c-18   |

|     |                    |        |  |           |
|-----|--------------------|--------|--|-----------|
| 5.2 | Letter             | 6/9/11 | Written testimony submitted by Tom Buchele       | 60911c-19 |
| 5.2 | Handout & CD       | 6/9/11 | Written testimony and CD submitted by Jim Howell | 60911c-20 |
| 5.2 | Letter             | 6/9/11 | Written testimony submitted by Roger Staver      | 60911c-21 |
| 5.2 | Handouts           | N/A    | Written testimony submitted by Victor Viets      | 60911c-22 |
| 5.2 | Letter             | 6/8/11 | Written testimony submitted by Joe Cortright     | 60911c-23 |
| 5.2 | Memo & Attachments | 6/8/11 | Written testimony submitted by Brad Perkins      | 60911c-24 |
| 5.2 | Handout            | 6/9/11 | Written testimony submitted by Robert Liberty    | 60911c-25 |
| 5.2 | Letter             | 6/8/11 | Written testimony submitted by Katie Eyre Brewer | 60911c-26 |
| 5.2 | Letter             | 6/9/11 | Written testimony submitted by Michael Powers    | 60911c-27 |





Testimony of Robert Liberty  
3431 SE Tibbetts Street, Portland, Oregon 97202

Before the Metro Council  
On Resolution No.11-4264  
June 9, 2011

Members of the Metro Council:

I urge you to table Resolution No. 11-4264 to a time certain - your first regular meeting in June of 2012. A one year delay is required because the Columbia River Crossing has failed to satisfy several critical conditions you established for the project in July 2008.

These conditions are; early implementation of tolling, addressing environmental justice issues, developing a state-of-the-art demand management program, preparation of a detailed financing plan, the promise of co-development of light rail, preservation of freight access and inclusion of state-of-the-art bike and pedestrian facilities.

The CRC study has been fatally flawed from the outset because of the narrow way in which the problems were defined, the inappropriately small study area and the elimination of cheaper, smarter greener alternatives prior to any substantive comparison of their costs and benefits with the preferred alternative.

Nonetheless, should the project ever be built in something like its current form, the satisfaction of these conditions could greatly reduce cost and improve performance. What you have before you is not the satisfaction of you conditions, but rather descriptions of how they might be satisfied in the future. That has been the pattern established by the project staff for the last five years, since the Council first began asking it address various important questions.

I have a few comments on one of the conditions; the requirement of a “detailed financing plan showing costs and sources of revenue ....”



Three years after the Council gave initial approval to the project, there is still no detailed financing plan. The prospects for increased gas taxes and increased spending on transportation projects by the Federal, state and local governments has sharply decreased since 2008. I said then, and I say now, "Show me the money."

But the second part of the condition you imposed is even more important. In addition to showing the sources of money, the financing plan was required to explain "how the federal, state and local (if any) sources of revenue proposed to be dedicated to this project would impact, or could be compared to, the funds required for other potential expenditures in the region." This requirement is not even addressed in the staff report.

I believe the decision makers, and the public, are entitled to understand the public and private benefits and costs of this project and how they compare to the costs and benefits of other projects competing for the same taxpayer money. This should be standard practice, not something that requires a special resolution.

The Metro Council is the elected voice of the people of the region. I hope you will exercise independent judgment and genuine leadership on behalf of the people you represent rather than defer to vague assurances about future study of these issues, promises made by un-elected state agency staffs and committees.

Thank you for your attention and your work on behalf of our region.

Robert Liberty

Southeast Portland



## Laura Dawson-Bodner

---

**From:** Tom Hughes  
**Sent:** Thursday, June 16, 2011 11:20 AM  
**To:** Laura Dawson-Bodner  
**Subject:** FW: Columbia River Crossing

Tom Hughes  
Metro Council President

Metro  
600 NE Grand Avenue  
Portland, OR 97232-2736  
503-797- 1560  
[www.oregonmetro.gov](http://www.oregonmetro.gov)

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**From:** Rebecca Hamilton [<mailto:rhamilt04@hotmail.com>]  
**Sent:** Thursday, June 09, 2011 11:50 AM  
**To:** Tom Hughes  
**Subject:** Columbia River Crossing

Dear President Hughes,

I am writing to request that Metro vote **NO** on Resolution No. 11-4264. I absolutely do not believe that the scope of this project can be accomplished for the budget that has been provided by the project team. The expected revenues from tolling fall well short of the projected traffic volumes. As a taxpayer in Multnomah County, I do not want to be stuck holding the bill for this shortfall - certainly not for the sake of a bridge that primarily benefits out-of-state commuters, a bridge that will shift congestion (and pollution) back into the heart of my downtown.

The CRC project team has not accomplished the objectives that Metro set before them in 2008. The failure to meet these objectives should result in a NO vote from Metro today. Please stand strong for fiscal responsibility and hold the project team accountable to the goals that we have for the future of our community.

Best,  
Rebecca Hamilton  
1632 NW 29th Ave Apt. 2  
Portland, OR 97210  
(503) 970-6283



## Laura Dawson-Bodner

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**From:** Tom Hughes  
**Sent:** Thursday, June 16, 2011 11:20 AM  
**To:** Laura Dawson-Bodner  
**Subject:** FW: Please vote NO on Resolution 11-4264 (CRC)  
**Attachments:** Parking palace.pdf

Tom Hughes  
Metro Council President

Metro  
600 NE Grand Avenue  
Portland, OR 97232-2736  
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**From:** Gill Wallis [<mailto:gwallis@walliseng.net>]  
**Sent:** Thursday, June 09, 2011 2:33 PM  
**To:** Tom Hughes  
**Subject:** Please vote NO on Resolution 11-4264 (CRC)

As you debate this resolution, I encourage you to please consider just one small item in the budget for the Columbia River Crossing project which points to the fact that there is a lot more fat in the federal budget than one realizes. That item is the parking garage that is included in the project, at the foot of the bridge in Vancouver, Washington. I call this parking garage the "CRC Parking Palace." This facility is a poster child for irresponsible federal spending.

As can be seen in the attachment, the "Parking Palace" started out as a simple parking lot constructed on unused property within an on-ramp loop required for the new bridge. Over time, that initial design concept evolved to be a simple parking garage constructed on a single block of property just west of the original parking lot.

Recently the Federal Highway Administration has decided to go one big and expensive step further - to expand the parking garage into a giant glass enclosed "Parking Palace" that now requires two city blocks instead of one. The Federal Highway Administration is even proposing that this Parking Palace have an atrium. Yes, an atrium!

The decision to expand a \$1 million parking lot located within highway right-of-way to a \$15 million parking garage was made without any consideration of financial impacts. Decision makers assumed free money would be available, ignoring the fact that it came out of tax dollars.



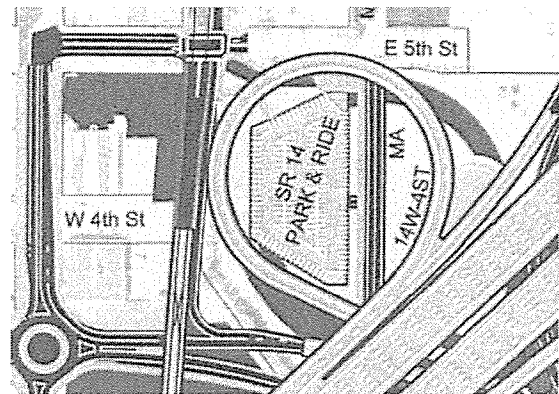
The resolution that you are now considering supports this project which includes the ill-conceived CRC Parking Palace. If you approve this resolution, it is one more step on the way to a waste of taxpayer's money. Please look into this one small item - the CRC Parking Palace - and you will realize the wisdom of those who counsel restraint on spending. At a minimum, please do not approve Resolution 11-4264.

Thanks for your time.

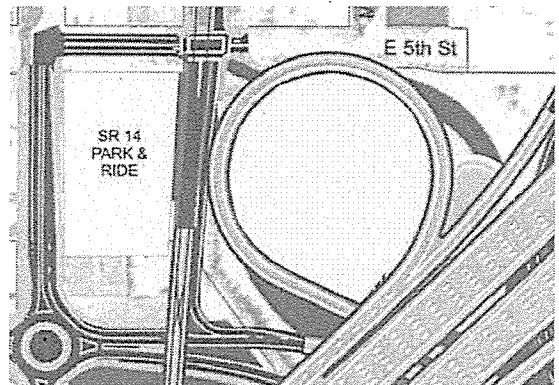
Gillian Wallis

## The CRC Parking Palace – A Poster Child of Irresponsible Federal Spending

What started out as a simple \$1 million parking lot on vacant property...



has recently become a \$15 million parking garage on two city blocks,



designed as a “Parking Palace”,



complete with an atrium.



*Note: Graphics available as part of CRC public records*



**Laura Dawson-Bodner**

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**From:** Kathryn Sofich on behalf of Rex Burkholder  
**Sent:** Thursday, June 16, 2011 12:29 PM  
**To:** Laura Dawson-Bodner  
**Subject:** FW: Please vote no on Resolution No. 11-4264

-----Original Message-----

From: Bill Canfield [<mailto:billnightpdx@gmail.com>]  
Sent: Thursday, June 09, 2011 4:32 PM  
To: Rex Burkholder  
Subject: Please vote no on Resolution No. 11-4264

Mr. Burkholder:

In light of the uncertain funding, declining traffic, and questionable benefit of the Columbia River Crossing project as it now stands, I would like to ask you to vote no on the resolution before Metro right now to move forward with the project.

Already this project has spent millions of dollars on studies and PR, money which could have been put to use on realistic transportation projects in our community. Please stop the bleeding now, because these costs are only going to increase as this controversial project moves forward.

Thank you,  
Bill Canfield  
2113 SE Main Street  
Portland, OR 97214



## **Laura Dawson-Bodner**

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**From:** Amy Trahey [amytrahey@gmail.com]  
**Sent:** Thursday, June 09, 2011 11:27 AM  
**To:** Rex Burkholder  
**Subject:** CRC

Hello!

I'm writing today in hopes that you will consider Portlanders like me today and vote "no" on resolution 11-4264.

My husband, daughter, and I moved to Portland from Texas after falling in love with the spirit of projects like the Tom McCall Waterfront Park and the city's focus on human-scale development projects.

I'm deeply concerned that the negative impacts of the CRC as planned will erode much of the livability equity that Portland is so famous for. There are much smarter ways to move people and freight around our region, and I am confident Portland has the brain resources to find and implement them.

Thank you!

**Amy Trahey**  
**Homemaker, Freelance Actress & Writer/Editor**  
Bicycle/Tri-met Commuter & Errand runner  
Supporter of Local commerce



**Laura Dawson-Bodner**

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**From:** Jason Nolin [jason.nolin@gmail.com]  
**Sent:** Thursday, June 09, 2011 11:26 AM  
**To:** Rex Burkholder  
**Subject:** Please Vote No on the CRC Resolution 11-4264

Dear Councilor Burkholder,

I am very concerned about the state of the Columbia River Crossing project, and hope you share these concerns.

The project is far too expensive (and lacks a convincing funding source), is poorly thought out, and promotes an irresponsibly unsustainable future. There are other, less expensive, and lower impact solutions to the I5 congestion problems that we should study before moving any further with the current bridge concept.

For these reasons, I strongly urge you to vote no in today's vote.

Respectfully,

Jason Nolin  
2943 SE Alder St, 97214





## Laura Dawson-Bodner

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**From:** Dean Davidson [ddavidson85@gmail.com]  
**Sent:** Thursday, June 09, 2011 11:20 AM  
**To:** Rex Burkholder  
**Subject:** Resolution No. 11-4264

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Rex,

I urge you to vote no on Resolution No. 11-4264. It is costly, it will induce more urban sprawl, it will damage the environment.

Cheers,

-Dean



**Laura Dawson-Bodner**

---

**From:** Scott A. Smith [grrreatscott@gmail.com]  
**Sent:** Thursday, June 09, 2011 11:19 AM  
**To:** Rex Burkholder  
**Subject:** NO! on Resolution 11-4264

Hello Rex,

As one of the cornerstones of the bicycle advocacy community I look to you for leadership in voting down resolution 11-4264. As you no doubt know, this resolution does not adequately address the concerns of the bike community, and has not yet established a community enhancement fund. I also think the entire project overestimates the future use of the automobile, underestimates the roles that mass transit, light rail and cycling may have in future traffic patterns and costs way too much for too little benefit.

Please vote no on 11-4264 until we get a bridge that is the right size, and right fit for our diverse community.

Thanks!

-Scott A. Smith

5122 NE 13th Ave  
Portland, OR 97211



**Laura Dawson-Bodner**

---

**From:** vanessa renwick [qualitypie@gmail.com]  
**Sent:** Thursday, June 09, 2011 11:13 AM  
**To:** Rex Burkholder  
**Subject:** PLEASE Vote NO on Resolution NO. 11-4264

Hi Rex,

The CRC, UGH! What a giant mess. PLEASE vote NO on this resolution. We need better ideas than what we have been handed.

I agree with all of the following point of the BTA

The Bicycle Transportation Alliance (BTA) supports the right bridge for the I-5 corridor. We support a bridge that dramatically improves access to biking and walking connections in the corridor, extends light rail and increased transit service to Vancouver, reduces the amount of vehicle miles traveled regionally, and is funded in part by congestion pricing.

In addition, the project must improve the livability and health of surrounding communities. There are several key elements that are essential for our support of a CRC proposal:

1. The design must improve bicycling facilities on the bridge itself and the connections to the bridge from both sides of the river. The bicycle route should be direct, convenient, safe, well lit and well maintained.
2. The project must empower local governments to play a role managing the crossing, provide ongoing maintenance, and limit total vehicle miles traveled through transportation demand management tools like congestion pricing.
3. The enormous multibillion-dollar project must not jeopardize other transportation priorities. We have hundreds of miles of unimproved roadways, functionally deficient bridges, and missing connections in the active transportation network that we cannot afford to neglect in favor of one single bridge.
4. The design and ongoing management must ease gridlock and reduce our transportation carbon footprint. Adding more traffic in Oregon means more people with health complications such as asthma due to worsening air quality.
5. The project must not disproportionately affect our most vulnerable, poorest communities. It must also improve the connectivity of local neighborhoods.

We cannot support a project that will lock up state, federal, and other transportation money for the next two decades, increase congestion, and increase global warming pollution from cars and trucks; nor a project that brings wider highways and increased traffic along with decreased bicycle and pedestrian safety and mobility, an unintended consequence of new road projects. These are unacceptable outcomes.

We can manage traffic, move freight, and reduce automobile trips while protecting our economy and the environment. Instead of borrowing billions of dollars we don't have for an impractical project that won't meet our area's needs, we should implement congestion pricing on both bridges now and focus on designing a project the whole community can support.

thanks,  
Vanessa Renwick  
Oregon Department of Kick Ass

<http://www.odoka.org>



**Laura Dawson-Bodner**

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**From:** Scott Garman [sgarman@zenlinux.com]  
**Sent:** Thursday, June 09, 2011 11:11 AM  
**To:** Rex Burkholder  
**Subject:** Please vote NO on Resolution No. 11-4264 (CRC)

Dear Councilor Burkholder,

I am writing to ask that you vote NO today on Resolution 11-4264, regarding the Columbia River Crossing. I feel this project is not going to accomplish its goals as currently designed, is more expensive than it needs to be (to an extreme), and will be bad for the city of Portland.

Nigel Jaquiss wrote a great story debunking many of the myths of the bridge in a recent issue of the Willamette Week:

<http://www.wweek.com/portland/article-17566-a-bridge-too-false.html>

I imagine (hope) you're familiar with this article already.

Please vote NO on Resolution 11-4264.

Very Truly Yours,

Scott Garman  
4341 NE Halsey Street Apt. 20  
Portland, OR 97213  
603-743-4796





## Laura Dawson-Bodner

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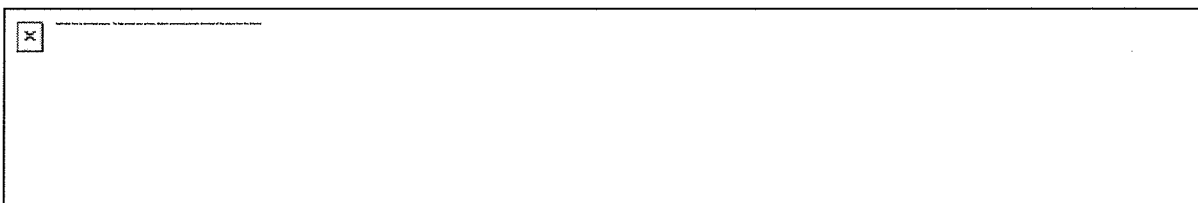
**From:** Gerber, Mark : CO Purch [MGerber@LHS.ORG]  
**Sent:** Thursday, June 09, 2011 11:08 AM  
**To:** Rex Burkholder  
**Subject:** RE: Metro will vote today on Columbia River Crossing. Act now.

Hello Mister Burkholder,  
I don't think you need instruction in this area... Hope this goes well...  
Thanks for your long service as an advocate!  
Cheers,  
Mark

Mark Gerber | Buyer II | Legacy Health | 503.415.5052 | 503.415.5999 fx | [mgerber@lhs.org](mailto:mgerber@lhs.org) | Our legacy is good health  
for: Our people, Our patients, Our communities, Our world

-----Original Message-----

**From:** Bicycle Transportation Alliance [[mailto:Bicycle\\_Transportation\\_Alliance@mail.vresp.com](mailto:Bicycle_Transportation_Alliance@mail.vresp.com)]  
**Sent:** Thursday, June 09, 2011 10:59 AM  
**To:** Gerber, Mark : CO Purch  
**Subject:** Metro will vote today on Columbia River Crossing. Act now.



Dear Mark,

Today, Metro's Joint Policy Advisory Committee on Transportation (JPACT) voted in support of the Columbia River Crossing (CRC). Resolution 11-4264 now goes to the full Metro Council for a vote at 2:00pm today, June 9th.

Unfortunately, the project has not yet established a community enhancement fund to improve areas that will be impacted by the new bridge. This key failing, among others, leads the Bicycle Transportation Alliance to believe that Metro Councilors should vote no and demand that the CRC project do a better job of meeting their conditions for approval.

**We must act now.** It's our responsibility to build the right bridge that works for bicyclists without bankrupting all of our other priority projects. The BTA believes that we can build a bridge that meets regional requirements, improves safety and access from both sides for bicyclists, and stands as a legacy that we can be proud of.

**Here is what you can do:**

**Write an email** to your Metro Councilor. Tell them how you feel about the CRC project, say that the highway consultants need to do more to address your concerns, and urge them to vote no on Resolution No. 11-4264. You can look up your Metro Councilor here.

**Attend the upcoming Metro Council hearing** on Thursday, June 9th at 2:00pm. Testify and encourage Councilors to vote no on this overly costly highway project and to work to achieve

real community benefits from ODOT and their consultants. See [BTA's public letter](#) and our [advocacy toolkit](#) for guidance on your message and how to testify.

**Send this message to your friends.**

Now is the time to act to prevent this irresponsible highway project from rolling forward.

Thank you,

Gerik Kransky  
Advocacy Director

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[Click to view this email in a browser](#)

If you no longer wish to receive these emails, please reply to this message with "Unsubscribe" in the subject line or simply click on the following link: [Unsubscribe](#)

---

Bicycle Transportation Alliance  
PO Box 28289  
Portland, Oregon 97228  
US



[Read](#) the VerticalResponse marketing policy.



## Laura Dawson-Bodner

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**From:** Matt Cleinman [mattcleinman@yahoo.com]  
**Sent:** Thursday, June 09, 2011 11:58 AM  
**To:** Rex Burkholder  
**Subject:** Vote No on CRC Today

There is a vote this afternoon on the CRC. As a constituent, I urge you to vote NO. It finally hit home for me last week: This isn't a bridge project, it is a major highway expansion project with less than half the money going towards a bridge. If we choose the CRC, we're not going to get significant federal funds for other innovative projects - transit, bikes, bridges, roads - for a long time.

Every issue the CRC "solves" has other, cheaper solutions:

- Seismic concerns - Seismic upgrades on the existing pair of bridges. And put the CRC savings towards the other bridges in our region that are in much more dire shape.
- Congestion - Start tolling our bridges now, and work on light rail and other options. Create a new smaller bridge to Jantzen Beach. (And despite what we're being told, many sections of I-5 in the Los Angeles area have much heavier congestion - This is not the worst stretch on the west coast. Not by a long shot.)
- Bridge lifts - Good plans have been made to change the freight bridge configuration to significantly reduce the number of bridge lifts. Put these plans into action.

People speak of "congestion" when they try to sell us this bridge. Truth is, the congestion exists just twice a day: Southbound during the morning rush hour, and northbound during the evening rush hour. This is an extraordinarily expensive project that primarily benefits Clark County residents that choose to commute to Portland.

Sincerely,  
Matt Cleinman  
2103 NE Wasco St.



**Laura Dawson-Bodner**

---

**From:** Rebecca Hamilton [rhamilt04@hotmail.com]  
**Sent:** Thursday, June 09, 2011 11:52 AM  
**To:** Rex Burkholder  
**Subject:** Columbia River Crossing vote this afternoon

Dear Councilor Burkholder,

I am writing to request that Metro vote **NO** on Resolution No. 11-4264. I absolutely do not believe that the scope of this project can be accomplished for the budget that has been provided by the project team. The expected revenues from tolling fall well short of the projected traffic volumes. As a taxpayer in Multnomah County, I do not want to be stuck holding the bill for this shortfall - certainly not for the sake of a bridge that primarily benefits out-of-state commuters, a bridge that will shift congestion (and pollution) back into the heart of my downtown.

The CRC project team has not accomplished the objectives that Metro set before them in 2008. The failure to meet these objectives should result in a NO vote from Metro today. Please stand strong for fiscal responsibility and hold the project team accountable to the goals that we have for the future of our community.

Best,  
Rebecca Hamilton  
1632 NW 29th Ave Apt. 2  
Portland, OR 97210  
(503) 970-6283



**Laura Dawson-Bodner**

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**From:** Jack Olsen [jack.olsen@gmail.com]  
**Sent:** Thursday, June 09, 2011 11:50 AM  
**To:** Rex Burkholder  
**Subject:** Resolution 11-4264: Metro Council vote

Dear Mr. Burkholder,

I would simply like to urge you to vote no today on Resolution 11-4264. I'm sure you've seen and heard all the same arguments against the CRC that I've seen, and then some. I, like many others, feel that this project is exceptionally wasteful and more importantly risky. Alternatives have been proposed that seem to meet the project goals at greatly reduced costs. The CRC on the other seemingly fails to meet many of the project goals.

Thank you for your time and I hope I can count on your vote today.

Jack Olsen  
[jack.olsen@gmail.com](mailto:jack.olsen@gmail.com)  
(360) 292-9715





**Laura Dawson-Bodner**

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**From:** Bob Reid [breid@ipns.com]  
**Sent:** Thursday, June 09, 2011 11:47 AM  
**To:** Rex Burkholder  
**Subject:** resolution 11-4264 (CRC)

Rex:

You know the issues, and you know the shortcomings of the current CRC plan.

I urge you to VOTE NO until the interests of cyclists -- not only on the CRC, but in OUR local neighborhoods -- is vastly improved.

This current CRC continues the dominance of automobiles as a major and most pernicious feature of our community.

Bob Reid



## Laura Dawson-Bodner

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**From:** Sarah Angell [srhangell@gmail.com]  
**Sent:** Thursday, June 09, 2011 11:39 AM  
**To:** Rex Burkholder  
**Subject:** CRC project

Dear Rex Burkholder,

I urge you to vote "no" today on Resolution No. 11-4264. The current proposal for the CRC project fails to address the negative impact this project would have on adjacent communities.

On behalf of the Swan Island TMA, I am aware of both the many employees who commute from Clark County to Swan Island and of the daily arrival of and departure to freight across the River. We have one access road to the Island; to keep freight moving, we facilitate reduced vehicular demand on this road.

I encourage the city to pursue an alternative to the CRC project in its present state--a much more vigorous approach that supports *reducing demand* through alternative transportation at these connections, *not* expanding access. As we all know, "urban traffic may be more comparable to a gas that expands to fill available space (Jacobsen 1997)"; this is a prohibitively expensive never-ending cycle **unless** we comprehensively pursue all available alternatives.

Thank you for your consideration.

Sincerely,

Sarah Angell  
Project Director  
Swan Island Transportation Management Association



**Laura Dawson-Bodner**

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**From:** richard.c.ames@gmail.com on behalf of Richard Ames [richard\_c\_ames@yahoo.com]  
**Sent:** Thursday, June 09, 2011 11:38 AM  
**To:** Rex Burkholder  
**Subject:** Resolution 11-4264

Dear Mr. Burkholder,

I expect that your position is aligned with the BTA, but I would just like to add my voice to those favoring a "No" on Resolution 11-4264 in order to allow time for the development of better facilities for bicycle transportation.

Best regards,

Richard Ames  
3104 NE 34th Ave  
Portland 97212



## Laura Dawson-Bodner

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**From:** Sattie Clark [sattie@eleekinc.com]  
**Sent:** Thursday, June 09, 2011 11:30 AM  
**To:** Rex Burkholder; Rex Burkholder  
**Subject:** Fwd: Metro will vote today on Columbia River Crossing. Act now.  
**Importance:** High

Hi Rex,

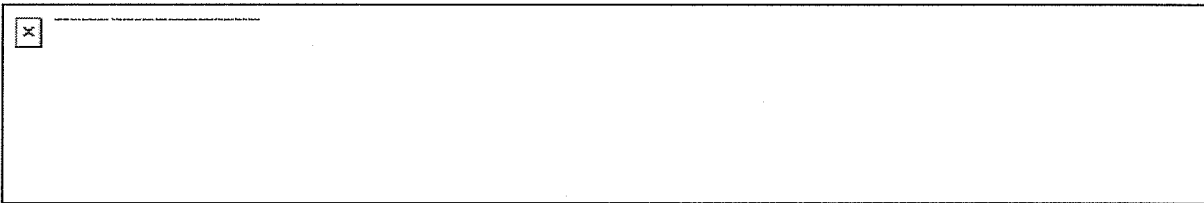
For many reasons, I am against the CRC proposal as is. I hope you will vote "no" on Resolution 11-4264.

Thank you,

Sattie

Begin forwarded message:

**From:** "Bicycle Transportation Alliance" <[Bicycle\\_Transportation\\_Alliance@mail.vresp.com](mailto:Bicycle_Transportation_Alliance@mail.vresp.com)>  
**Date:** June 9, 2011 10:59:17 AM PDT  
**To:** [sattie@eleekinc.com](mailto:sattie@eleekinc.com)  
**Subject:** Metro will vote today on Columbia River Crossing. Act now.  
**Reply-To:** "Bicycle Transportation Alliance" <[reply-b2da5abb2b-ea1aa9da0e-2822@u.cts.vresp.com](mailto:reply-b2da5abb2b-ea1aa9da0e-2822@u.cts.vresp.com)>



Dear Sattie,

Today, Metro's Joint Policy Advisory Committee on Transportation (JPACT) voted in support of the Columbia River Crossing (CRC). Resolution 11-4264 now goes to the full Metro Council for a vote at 2:00pm today, June 9th.

Unfortunately, the project has not yet established a community enhancement fund to improve areas that will be impacted by the new bridge. This key failing, among others, leads the Bicycle Transportation Alliance to believe that Metro Councilors should vote no and demand that the CRC project do a better job of meeting their conditions for approval.

**We must act now.** It's our responsibility to build the right bridge that works for bicyclists without bankrupting all of our other priority projects. The BTA believes that we can build a bridge that meets regional requirements, improves safety and access from both sides for bicyclists, and stands as a legacy that we can be proud of.

**Here is what you can do:**

**Write an email** to your Metro Councilor. Tell them how you feel about the CRC project, say that the highway consultants need to do more to address your concerns, and urge them to vote no on Resolution No. 11-4264. You can look up your Metro Councilor [here](#).



**Attend the upcoming Metro Council hearing** on Thursday, June 9th at 2:00pm. Testify and encourage Councilors to vote no on this overly costly highway project and to work to achieve real community benefits from ODOT and their consultants. See [BTA's public letter](#) and our [advocacy toolkit](#) for guidance on your message and how to testify.

**Send this message to your friends.**

Now is the time to act to prevent this irresponsible highway project from rolling forward.

Thank you,

Gerik Kransky  
Advocacy Director

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Bicycle Transportation Alliance  
PO Box 28289  
Portland, Oregon 97228  
US



[Read](#) the VerticalResponse marketing policy.



**Laura Dawson-Bodner**

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**From:** Wade Nacinovich [wadenacinovich@gmail.com]  
**Sent:** Thursday, June 09, 2011 11:30 AM  
**To:** Rex Burkholder  
**Subject:** re: Resolution 11-4264

Dear Mr. Burkholder,

I am writing to urge you to vote "No" on Resolution 11-4264. It is a lopsided plan that is stuck in a past that cannot see beyond the car as a primary mode of transportation and truck-carried freight as essential to the economy based on cheap, subsidized fuel and highway infrastructure.

Re-envisioning this project to benefit multiple users while keeping local communities in mind with enable the project to transform the region and catalyze a whole new way of travel in the region, giving people new options and building new economies while dealing with the reality that motor vehicles need to start paying their way; whereas the plan as it currently exists is not forward thinking and only addresses the most simplistic practicalities of travel based on the limited range of use the bridge currently has.

It will be a grand failure and shame if billions of dollars are spent without improvements that reflect the current and growing values of Portland residents.

Thank you for your time.

Please vote "No."

Regards,

Wade Nacinovich



**Laura Dawson-Bodner**

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**From:** Chris Shaffer [chris.shaffer@gmail.com]  
**Sent:** Thursday, June 09, 2011 11:07 AM  
**To:** Rex Burkholder  
**Subject:** Vote no on Resolution No. 11-4264

Unfortunately, the project has not yet established a community enhancement fund to improve areas that will be impacted by the new bridge. Because of this key failing, among others, you should vote no and demand that the CRC project do a better job of meeting conditions for approval. The highway consultants need to do more to address concerns about local community involvement, improvements for bicycling and public transit, and reducing the area's carbon footprint through reductions in reliance on personal automobiles.

I urge you to vote no on Resolution No. 11-4264.

--  
Chris Shaffer  
409 SE 15th Ave  
Portland, OR 97214

Please consider the environment before printing this e-mail.



## Laura Dawson-Bodner

---

**From:** Chris Trahey [christrahey@gmail.com]  
**Sent:** Thursday, June 09, 2011 11:05 AM  
**To:** Rex Burkholder  
**Subject:** CRC

Hello!

I'm writing today in hopes that you will consider Portlanders like me today and vote "no" on resolution 11-4264.

I moved to Portland from Texas after falling in love with the spirit of projects like the Tom McCall Waterfront Park and the city's focus on human-scale development projects.

I'm deeply concerned that the negative impacts of the CRC as planned will erode much of the livability equity that Portland is so famous for. There are much smarter ways to move people and freight around our region, and I am confident Portland has the brain resources to find and implement them.

Thank you!

Chris Trahey  
Web Application Developer  
Bicycle Commuter  
Supporter of Local commerce



## Laura Dawson-Bodner

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**From:** Deann Anderson [deannanderson@gmail.com]  
**Sent:** Thursday, June 09, 2011 11:05 AM  
**To:** Rex Burkholder  
**Subject:** CRC vote

Dear Mr Burkholder,

I fully support the BTA in their opposition to the proposed Columbia River Crossing and urge you to vote "no" on Resolution No. 11-4264.

"The Bicycle Transportation Alliance (BTA) supports the right bridge for the I-5 corridor. We support a bridge that dramatically improves access to biking and walking connections in the corridor, extends light rail and increased transit service to Vancouver, reduces the amount of vehicle miles traveled regionally, and is funded in part by congestion pricing.

In addition, the project must improve the livability and health of surrounding communities. There are several key elements that are essential for our support of a CRC proposal:

1. The design must improve bicycling facilities on the bridge itself and the connections to the bridge from both sides of the river. The bicycle route should be direct, convenient, safe, well lit and well maintained.
2. The project must empower local governments to play a role managing the crossing, provide ongoing maintenance, and limit total vehicle miles traveled through transportation demand management tools like congestion pricing.
3. The enormous multibillion-dollar project must not jeopardize other transportation priorities. We have hundreds of miles of unimproved roadways, functionally deficient bridges, and missing connections in the active transportation network that we cannot afford to neglect in favor of one single bridge.
4. The design and ongoing management must ease gridlock and reduce our transportation carbon footprint. Adding more traffic in Oregon means more people with health complications such as asthma due to worsening air quality.
5. The project must not disproportionately affect our most vulnerable, poorest communities. It must also improve the connectivity of local neighborhoods.

We cannot support a project that will lock up state, federal, and other transportation money for the next two decades, increase congestion, and increase global warming pollution from cars and trucks; nor a project that brings wider highways and increased traffic along with decreased bicycle and pedestrian safety and mobility, an unintended consequence of new road projects. These are unacceptable outcomes.

We can manage traffic, move freight, and reduce automobile trips while protecting our economy and the environment. Instead of borrowing billions of dollars we don't have for an impractical project that won't meet our area's needs, we should implement congestion pricing on both bridges now and focus on designing a project the whole community can support."

Thank you,  
Deann Anderson





## Laura Dawson-Bodner

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**From:** Aaron Tarfman [aaron@tarfman.net]  
**Sent:** Thursday, June 09, 2011 9:12 AM  
**To:** Rex Burkholder  
**Subject:** Columbia River Crossing

Metro Councilor Rex Burkholder and Portland Metro

I welcome you to make an official public apology. For the public support of an obviously obsolete highway bridge, for deceiving the public, for wasting millions of dollars on studies for an unpopular solution. For withholding support (financial, and intellectual) for any alternative. No amount of self-congratulation will whitewash the stain that the Columbia River Crossing will leave on the region. Metro has already allowed 126 million in consulting fees\* to go down the drain. How many Sellwood bridges could this have bought? How many years of park maintenance would this have provided? How many acres of wildlife reclamation? I don't know how much money you are getting in return for your support, but can it possibly make up for the thousands of people who no longer trust you? I welcome you to think very carefully about how important PEOPLE are. Friends, the trust of the people, respect, these are not things that can be bought. They must be earned. Through support of a massively unpopular and polluting transportation project, you have sacrificed these things. For this I feel sorry for you. While many who live in North Portland don't have the kind of income or political connections that you have, we can look ourselves in the mirror at the end of the day. More importantly, we can look our children in the eye with a clear conscience.

You are right, there may not be a "right" solution but your support of the worse possible solution is perverse.

Please reconsider your stance. No action is right... as in: "Taking no action would be vastly better than what the council is currently paying itself for."

Thank you for your time,  
Aaron  
NE Portland

\* [http://wweek.com/portland/article-17566-a\\_bridge\\_too\\_false.html](http://wweek.com/portland/article-17566-a_bridge_too_false.html)



**Laura Dawson-Bodner**

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**From:** Gerik Kransky [gerik@bta4bikes.org]  
**Sent:** Thursday, June 09, 2011 1:48 PM  
**To:** Rex Burkholder  
**Subject:** Please Vote No on Resolution 11-4264

Dear Councilor Burkholder,

I understand that this is your resolution and you likely intend to vote in favor.

Regardless, due to the fact that the CRC Project has not yet established a community enhancement fund, among other un-met critria, I would like to respectfully encourage you to vote no on Resolution 11-4264.

I should also say that I very much appreciate the opportunity to work with you on the Intertwine's Executive Council on Active Transportation. I appreciate the role you play there, and in conversations around the region while trying to reduce global warming pollution from cars and trucks.

I look forward to continuing this conversation with you in the future.

Kind Regards,  
Gerik

--

Gerik Kransky | Advocacy Director  
tel: 503-226-0676 x11 | cell: 503-523-9651

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Bicycle Transportation Alliance  
<http://www.bta4bikes.org> | [twitter.com/gerikkransky](https://twitter.com/gerikkransky)



**Laura Dawson-Bodner**

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**From:** Heather Heater [hx2@hevanet.com]  
**Sent:** Thursday, June 09, 2011 1:03 PM  
**To:** Rex Burkholder  
**Subject:** Vote No Columbia River Crossing

Resolution 11-4264 does not do an adequate job of providing alternate transportation options. Furthermore, it provides no funding to assist neighborhoods and communities that will be directly affected by the construction and new bridge.

Please vote no on this current proposal.

Heather Heater  
[hx2@hevanet.com](mailto:hx2@hevanet.com)



## Laura Dawson-Bodner

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**From:** david haines [david@bikeranger.com]  
**Sent:** Thursday, June 09, 2011 12:59 PM  
**To:** Rex Burkholder  
**Subject:** critical thinking please

Mr Burkholder,

I'm writing to ask you to end the charade of the CRC as it's currently proposed. Surely you're familiar with the many well-researched arguments against this monstrous boondoggle. I hope you're clear enough to be unswayed by the more-bigger-now constituency that's driving the project.

The agenda-driven distortions about safety and congestion alone are enough to illuminate the CRC's over-engineered and under-reasoned approach. But even without the easily disproven propaganda, the project falls on its face from a common-sense standpoint. It's not a solution to any problem, it's a gigantic worsening of what's already wrong.

This is an opportunity for Metro to get it right. Plenty of area residents would support an intellectually honest and appropriately scaled solution, but unfortunately none have made it into consideration. This ill-conceived mega-freeway project is being touted as the only solution, when in reality intelligent Portlanders have already proposed smaller, cheaper, more effective answers. Ignoring those in favor of an enormous, expensive proposal to make things worse will cost Metro a great deal of support, from the people it needs most.

The current CRC plan makes no sense in any capacity - it's not a transportation solution and it's not financially viable. What's already spent is gone, but it's absolutely no justification for wasting even more.

Please, Mr Burkholder, we need intelligent leadership who can see past hyperbole. Scuttle the CRC now.

David Haines  
1410 NW Kearney St #617  
97209





## Laura Dawson-Bodner

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**From:** Dallas Dick [rydick@toast.net]  
**Sent:** Thursday, June 09, 2011 12:49 PM  
**To:** Rex Burkholder  
**Subject:** Columbia River Crossing Resolution 11-4264

I am urging you to vote NO on approving the CRC plan (Resolution 11-4264) as voted out of committee. Although this project has been moving like molasses and has high costs it must be done right. Because of the costs we must plan for the future. Large highways are not the future. And it is not OK to spend a disproportionate amount of the transportation budget on the CRC while leaving other critical projects uncompleted. In addition, there must be a community enhancement fund for those areas impacted by the project.

VOTE NO AND DEMAND THE CRC DO A BETTER JOB OF MEETING THE CONDITIONS FOR APPROVAL.

Thanks you,  
Dallas Dick



**Laura Dawson-Bodner**

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**From:** james thompson [jetwoodshop@spiritone.com]  
**Sent:** Thursday, June 09, 2011 12:44 PM  
**To:** Rex Burkholder  
**Subject:** vote no on resolution 11-4264

representative burkholder:

i am writing to urge you to vote no on resolution 11-4264.

i think we need to hold out for a bridge design that meets regional requirements, improves safety and access from both sides for bicyclists, and stands as a legacy that we can be proud of. i do not feel the current design meets this test.

please vote no on resolution 11-4264.

sincerely,

james thompson  
portland, oregon  
97210



**Laura Dawson-Bodner**

---

**From:** Mary [mary@sock-dreams.com]  
**Sent:** Thursday, June 09, 2011 12:33 PM  
**To:** Rex Burkholder  
**Subject:** Please vote no on Resolution No. 11-4264.!

**Importance:** High

Mary Griffiths  
524 Se 17<sup>th</sup> Ave  
Portland, OR 97214

**Laura Dawson-Bodner**

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**From:** Kyle Helland [hellandkyle@gmail.com]  
**Sent:** Thursday, June 09, 2011 12:23 PM  
**To:** Rex Burkholder  
**Subject:** Vote No on Resolution No. 11-4264

Dear Rex, [rex.burkholder@oregonmetro.gov](mailto:rex.burkholder@oregonmetro.gov)

While I will not be able to testify at Thursday's meeting I want to express my desire for you to vote no the the current Columbia River Crossing highway expansion and yes to the "common sense alternative".

The CRC will only move the bottleneck further south on I-5, hurting the families and businesses that are located around the 405 interchange and Rose Quarter. In addition, cut through traffic in the Albina will increase, bringing additional safety issues and congestion to this neighborhood.

There are many more problems with the current CRC plan and the project in general. These issues have been documented in numerous news articles and reports which have gone largely ignored by the CRC staff. It is time we push back and get some real results and honest answers.

I strongly encourage you to vote no on the resolution before you today.

Signed,  
Kyle Helland  
2934 NE Portland  
97232





## Laura Dawson-Bodner

---

**From:** Erin L Kelley [erinkelley@hotmail.com]  
**Sent:** Thursday, June 09, 2011 12:17 PM  
**To:** Rex Burkholder  
**Subject:** Resolution 11-4264

Dear Councilor Burkholder,

I am writing to urge you to vote no on Resolution 11-4264, regarding the Columbia River Crossing project. The concerns brought forth previously yet to remain to be fully addressed. And the fact that the bridge will STILL be difficult to access for bicyclists and pedestrians especially makes it unworthy of consideration as a project that benefits the wider community. Please vote no on Resolution 11-4264 today.

Thank you,

Erin L. Kelley  
Pedestrian, cyclist, and concerned citizen



**Laura Dawson-Bodner**

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**From:** Ken Henry [rescueassistance@gmail.com]  
**Sent:** Thursday, June 09, 2011 12:11 PM  
**To:** Rex Burkholder  
**Subject:** vote NO on Resolution 11-4264 Columbia Crossing bridge

Dear Mr. Burkholder:

Please vote no. This is a "half-baked" plan that is not the best use of taxpayers money.

Sincerely,  
Ken H. Hoesch



**Laura Dawson-Bodner**

---

**From:** Marie Dodds [Marie.Dodds@aaaoregon.com]  
**Sent:** Thursday, June 09, 2011 12:05 PM  
**To:** Rex Burkholder  
**Subject:** CRC Resolution

Hi, Rex,

As an Advisor to the Columbia River Crossing Coalition, and on behalf of the 736,000 members of AAA Oregon/Idaho, I urge you to support the CRC resolution (No. 11-4264). As you know, the CRC is a critical project for our region. A new crossing will improve mobility, accessibility, prosperity and safety for years to come. The Crossing will generate more than 20,000 jobs and reduce congestion by 70 percent.

Please support the resolution and follow the decision by Governors Gregoire and Kitzhaber's to move forward with the composite deck-truss design.

Thanks,  
Marie,

Marie Dodds  
Director of Government & Public Affairs  
AAA Oregon/Idaho  
503.222.6729 direct  
503.333.2984 mobile  
[www.AAA.com](http://www.AAA.com)

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**Laura Dawson-Bodner**

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**From:** Ed Slaughter [ed@quimbystreet.com]  
**Sent:** Thursday, June 09, 2011 11:59 AM  
**To:** Rex Burkholder  
**Subject:** I oppose the CRC Bridge

I won't waste electrons documenting the reasons. They are obvious and well known. The recent *Willamette Week* summary of the "myths" is accurate and a good summary of my position.

My wife, Barbara Slaughter, and I both urge you to vote in opposition to the ill-advised and ruinously expensive monument to last century's worship of the automobile.





**Laura Dawson-Bodner**

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**From:** mark schopmeyer [m.schopmeyer@gmail.com]  
**Sent:** Thursday, June 09, 2011 11:58 AM  
**To:** Rex Burkholder  
**Subject:** Please vote NO on CRC Resolution 11-4264

Dear Mr. Burkholder,

I encourage you to vote NO on Resolution 11-4264. I do not believe community concerns have been addressed, specifically those related to bicycle access on and around the proposed bridge. We cannot afford to build the wrong bridge for our region and its residents.

Thank you,

Mark Schopmeyer  
NE Portland



**Laura Dawson-Bodner**

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**From:** Michael Mann [velomann@gmail.com]  
**Sent:** Thursday, June 09, 2011 11:58 AM  
**To:** Barbara Roberts  
**Subject:** CRC

As one of your constituents, I'm writing to encourage you to vote no on the CRC resolution before Metro this afternoon. The CRC project in it's current form is an unhealthy and poorly planned monster of a project, and does not reflect current community needs or future progressive transportation planning. Please help keep this project from burdening our community and future generations.

Thank You,

Michael Mann



**Laura Dawson-Bodner**

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**From:** Bonnie Lynch [hi2bonnie@yahoo.com]  
**Sent:** Thursday, June 09, 2011 11:53 AM  
**To:** Barbara Roberts  
**Subject:** Please vote NO on CRC Resolution 11-4264

Dear Barbara,

I am writing out of concern regarding the CRC Resolution 11-4264, which will come up for Metro vote in just a couple of hours.

Most big cities resort to the same old tactics when car and truck traffic exceeds the limits of the region's infrastructure: wider highways to accommodate increased traffic, along with decreased bicycle and pedestrian safety and mobility, a frequently overlooked and unintended consequence of new road projects. Without a community enhancement fund to accompany the project plan, the very people who are working hardest to reduce energy consumption related to transportation (cyclists and walkers) will be penalized, and local community connectivity and quality of life will suffer.

The design and ongoing management of this project must ease gridlock and reduce our transportation carbon footprint. Traffic jams and dirty air are not what we want to be about in the metro area. We can do better. Please consider implementation of congestion pricing on both bridges now, and focus on designing a project for the future that the whole community can support.

Respectfully,

**Bonnie Lynch**

Whenever we try to pick out anything by itself, we find it hitched to everything else in the universe. ~ John Muir



**Laura Dawson-Bodner**

---

**From:** Stephen Amy [luddite97202@yahoo.com]  
**Sent:** Thursday, June 09, 2011 10:45 AM  
**To:** Barbara Roberts  
**Subject:** Vote on CRC plan

Dear Governor Roberts,

Thank you for taking over for our great Robert Liberty- it was a shame to lose him, but I'm very happy that you are serving!

Today (Thursday, June 9th), is a Metro vote on the Columbia River Crossing plan. I ask that you vote to reject the plan. As the recent Willamette Week cover story documented, the CRC is based on false assumptions on just about every point. I really can't believe this \$3.6 billion boondoggle is under serious consideration! There is a much better-thought-out plan, the "Common Sense Alternative", which can be easily googled: Common Sense Alternative CRC.

Thank you, Governor Roberts.

Respectfully,  
Stephen Amy  
1217 NE 122nd Ave. #208  
Portland OR 97230





**Laura Dawson-Bodner**

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**From:** Kasandra Griffin [kasandra@berkeley.edu]  
**Sent:** Thursday, June 09, 2011 11:09 AM  
**To:** Barbara Roberts  
**Subject:** CRC: No

Dear Governor Roberts,

Thank you for stepping in to fill the Metro vacancy.

Robert Liberty was truly representing his district when he spoke out repeatedly against the Columbia River Crossing boondoggle. I hope you will follow his lead, and represent the will of voters in Metro District Six by voting NO today on Resolution 11-4264 today. Thank you.

-----  
Kasandra Griffin  
1718 SE 34th Avenue  
Portland OR 97214



**Laura Dawson-Bodner**

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**From:** Patty [chick.biker@gmail.com]  
**Sent:** Thursday, June 09, 2011 11:10 AM  
**To:** Barbara Roberts  
**Subject:** CRC vote

Dear Commissioner Roberts,

I am very concerned about the decision-making concerning the Columbia River Crossing project. I feel that the project has been conducted very poorly thus far, and important decisions are being made out of concern for losing funding rather than based on good decision-making.

As I understand it, the bridge design selected is the lowest cost option, a clear negative in terms of long-term impacts. Now is an opportunity to minimize any further negative community impacts and ensure that the project provides adequate mitigation and enhancement funding to affected neighborhoods. Please do not vote to approve the project at this juncture without clear commitment on the part of the project to address its negative impacts. The 100-year legacy of this project is already looking grim, let's not allow incompetence to create further negative impacts!

Respectfully yours,

Patty Freeman



**Laura Dawson-Bodner**

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**From:** Geana Tyler [kd7gec@hotmail.com]  
**Sent:** Thursday, June 09, 2011 11:12 AM  
**To:** Barbara Roberts  
**Subject:** Resolution No. 11-4264

Dear Councilor Roberts,

I live in SE Portland and am concerned about more traffic as a result of the CRC crossing on our side of town to avoid tolls for crossing the I-5 bridge if/when it goes up. There should be an equal toll on the 205 bridge to help pay for the CRC crossing and reduce excessive traffic on 205 to avoid the tolls. Please vote no today on Resolution No. 11-4264 so they may come back with a better plan that addresses this concern and explains how they are going to finance this project.

Geana Tyler  
11957 SE Holgate Blvd.



**Laura Dawson-Bodner**

---

**From:** Brian Gefroh [brian.gefroh@gmail.com]  
**Sent:** Thursday, June 09, 2011 12:04 PM  
**To:** Barbara Roberts  
**Subject:** CRC Opinion

Dear Barbara,

As a metro constituent I have several concerns about the proposed Columbia River Crossing. The first is cost. I believe the price tag for this project is way out of line with our regional transportation priorities. Secondly, I'm worried that the proposed project doesn't really address the problems that need to be solved.

I am very interested in alternate solutions. I recently watched a video on the 'common sense alternative' being put forward by George Crandall and believe that this option is a better way.

I urge you to vote against approving the current proposal.

Thank you,

Brian Gefroh  
2629 SE Harrison St  
Portland, OR 97214





## Laura Dawson-Bodner

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**From:** Laura Dawson [laura\_dawson9@hotmail.com]  
**Sent:** Thursday, June 09, 2011 12:09 PM  
**To:** Barbara Roberts  
**Subject:** No to CRC

Councilor Roberts,

Please vote no on the current CRC proposal.

I believe that a multibillion-dollar project must not jeopardize other transportation priorities. We have hundreds of miles of unimproved roadways, functionally deficient bridges, and missing connections in the active transportation network that we cannot afford to neglect in favor of one single bridge. One bridge that affects my neighbors and me is the Sellwood, in dire need of upgrading.

I cannot support a project that will lock up state, federal, and other transportation money for the next two decades, increase congestion, and increase global warming pollution from cars and trucks. These are unacceptable outcomes.

We can manage traffic, move freight, and reduce automobile trips while protecting our economy and the environment. Instead of borrowing billions of dollars we don't have for an impractical project that won't meet our area's needs, we should implement congestion pricing on both bridges now and focus on designing a project the whole community can support.

Vote no on the CRC resolution before you today.

Laurie Dawson Bodner

4705 SW 25 Ave

Portland OR 97239



**Laura Dawson-Bodner**

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**From:** Michael Wood [mdwnnbw@hotmail.com]  
**Sent:** Thursday, June 09, 2011 12:11 PM  
**To:** Barbara Roberts

Ms. Roberts-

As a resident of your district in NE PDX, I wanted to send you an email telling you how I feel about Resolution 11-4264 (Columbia River Crossing). First and foremost, I think that as the councilor representing me, you should vote "No" on this resolution.

We need to build the right kind of bridge that we can be proud of in the future. This is a currently overly costly project that does not accomodate all of the modes of transportation that we should make use of as a community. It is difficult for me to accept a bridge that costs this much without the foresight to include adequate accomodations for bicycles, especially in such a bike-friendly area as Portland.

Please vote "No" on this overly costly highway project so that our community can work to achieve real community benefits.

Thank you.

Michael Wood  
1626 NE 77th Avenue



**Laura Dawson-Bodner**

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**From:** Catha Loomis [cathaloo@yahoo.com]  
**Sent:** Thursday, June 09, 2011 12:21 PM  
**To:** Barbara Roberts  
**Subject:** Columbia River Crossing

Dear Barbara

I am writing to express my deep concern about the Columbia River Crossing (CRC), Resolution 11-4264, which the Metro Council will vote on this afternoon. I have great reservations about the cost and environmental impacts of this project.

Among other things, the project has not yet established a community enhancement fund to improve areas that will be impacted by the new bridge. This is a significant failing, which leads me to believe that Metro Councilors should vote no and demand that the CRC project and its consultants do a better job of fully meeting Metro's conditions for approval.

As a Metro councilor, it's your responsibility to build the right bridge, one that works for motorists, pedestrians and bicyclists without bankrupting other important regional projects. You can and must build a bridge that meets regional requirements, improves safety and access from both sides, and stands as a legacy that we can be proud of.

I urge you to vote no on Resolution No. 11-4264.

Thank you for your consideration.

Catha Loomis  
1724 SE 48th Avenue  
Portland 97215



## Laura Dawson-Bodner

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**From:** Bernard Sanders [bernardthered@gmail.com]  
**Sent:** Thursday, June 09, 2011 12:51 PM  
**To:** Barbara Roberts  
**Subject:** Please vote no on Resolution 11-4264

Barbara,

I'm writing you to voice my opposition to Resolution 11-4264. I believe that there are various significant problems with the plan, as repeatedly outlined by articles in the media such as these:

- [http://www.wweek.com/portland/article-17566-a\\_bridge\\_too\\_false.html](http://www.wweek.com/portland/article-17566-a_bridge_too_false.html)
- <http://www.blueoregon.com/2011/06/crc-costly-risky-clusterf/>

I think the plan is bad for Portland, the region, and Oregon.

thank you,  
Bernard Sanders  
1806 SE 52nd Ave  
Portland, OR 97215





## Laura Dawson-Bodner

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**From:** Andrew P. Black [black@cs.pdx.edu]  
**Sent:** Thursday, June 09, 2011 2:38 PM  
**To:** Barbara Roberts  
**Subject:** Vote NO on the CRC Project

Dear Ms Roberts

The CRC project is out of control. There is no community enhancement fund to protect the communities that will be negatively affected by the proposed bridge. The design of the bridge has reneged on the commitment to high quality bike and pedestrian facilities.

If this project goes ahead, our grandchildren will be paying for it. Shouldn't we make it a bridge that they can be proud of?

Please Vote NO and send a message that the highway consultants need to do a better job!

Andrew Black  
SE Schiller Street,  
Portland



**Laura Dawson-Bodner**

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**From:** Bob Eckland and Amy Alice Hammond [amybob@teleport.com]  
**Sent:** Thursday, June 09, 2011 4:14 PM  
**To:** Barbara Roberts  
**Subject:** Columbia Crossing

Greetings Barbara,

I am emailing you to encourage you to vote "No" on Resolution 11-4264. The highway consultants need to do more to address my concerns about neighborhood impact and access for bicyclists.

Thank you,

Bob Eckland  
Portland



**Laura Dawson-Bodner**

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**From:** Jeff Horne [mailto:mailjeffh@gmail.com]  
**Sent:** Thursday, June 09, 2011 10:27 PM  
**To:** Barbara Roberts  
**Subject:** appalled

i am shocked and dismayed to see your support of advancing the CRC proposal forward. It is deranged to build a \$4 billion bridge when a simple congestion toll could dramatically reduce traffic in peak times. Please start thinking about what's the best solution, not the one that will get you the most votes. what do you want your legacy to be? Tolls aren't sexy, but they're the right choice to fix an unsustainable situation.



**Laura Dawson-Bodner**

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**From:** Sarah Moody [sarahmmoody@gmail.com]  
**Sent:** Thursday, June 09, 2011 11:13 AM  
**To:** Barbara Roberts  
**Subject:** PLEASE, vote NO on Resolution 11-4264

Dear Ms. Roberts,

As one of your constituents, I strongly urge you to vote NO on resolution 11-4264, the Columbia River Crossing. My reason for this is that the current project is inadequate. It has not established a community enhancement fund to improve areas that will be impacted by the new bridge. I believe that it is our responsibility (both yours and mine) to build a bridge that meets regional requirements, improves safety and access from both sides for bicyclists, and stands as a legacy that we can be proud of. So please, vote NO on this resolution and demand that the CRC project consultants do a better job of meeting all necessary conditions.

Thank you so much for your consideration. I trust that you will make the right decision.

Sincerely,  
Sarah Moody  
130 NE 56th Ave, 97213  
425.760.6953





**Laura Dawson-Bodner**

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**From:** Erin Engman [erinengman@gmail.com]  
**Sent:** Thursday, June 09, 2011 11:15 AM  
**To:** Barbara Roberts  
**Subject:** Vote No on Resolution 11-4264

Dear Representative Roberts,

Please vote no on Resolution 11-4264. As the project has not yet established a community enhancement fund to improve areas that will be impacted by the new bridge. This key failing, among others, is reason to encourage a no vote and demand that the CRC project do a better job of meeting their conditions for approval.

Now is the time to act to prevent this irresponsible highway project from rolling forward.

Thank you,

Erin Engman  
2335 SE 47th Ave

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Bicycle Transportation Alliance  
PO Box 28289  
Portland, Oregon 97228  
US

[Read](#) the VerticalResponse marketing policy.



**Laura Dawson-Bodner**

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**From:** Gerson Robboy [dgrobboy@gmail.com]  
**Sent:** Thursday, June 09, 2011 11:16 AM  
**To:** Barbara Roberts  
**Subject:** Resolution 11-4264,

Dear Councilor Roberts,

I would like to ask you to vote against Resolution 11-4264, approving the CRC crossing. This project is irresponsible in terms of financing, engineering, the environment, and even in terms of traffic management. What we need is an additional surface street bridge for truck traffic, public transportation, bicycles and pedestrians. The existing bridge is otherwise adequate with seismic upgrades and adding another drawbridge on the railroad bridge downstream.

Gerson Robboy  
909 NE Brazee St., #11  
Portland, OR 97212



**Laura Dawson-Bodner**

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**From:** Jeff Horne [mailto:mailjeffh@gmail.com]  
**Sent:** Thursday, June 09, 2011 11:22 AM  
**To:** Barbara Roberts  
**Subject:** PLEASE vote NO on on Resolution No. 11-4264

The CRC project is a boondoggle. We need to toll the existing bridge during peak times to reduce sprawl and to encourage folks in Vancouver to carpool or use public transit. Times are tight and it's crazy to throw billions at a project when there are cheaper options and when the ultimate benefit of the current proposal is so questionable. I know my neighborhood association(Richmond) opposes the project, and I support the decision.

Thanks for your concern!

Jeff Horne  
2936 SE Tibbetts St.  
Portland, OR 97202



**Laura Dawson-Bodner**

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**From:** Christopher Eykamp [chris@eykamp.com]  
**Sent:** Thursday, June 09, 2011 11:31 AM  
**To:** Barbara Roberts  
**Subject:** Please vote NO on the CRC (resolution 11-4264)

Dear Gov. Roberts,

You are my representative on the Metro Council, and I urge you to vote no on the CRC project. The current proposal is too large scale, and we have not received enough information about bicycle and transit connections between Portland and Vancouver, which are the two elements that are of the highest importance to me. I would ask that you do not support this project until project designers have shown that they will be able to create a facility that will be worthy of its high price tag.

Furthermore, the project does not appear to have met the criteria for approval set out in earlier Metro documents.

I am not opposed to improving the Columbia Crossing, but I think the project as it is currently conceived is heading in the wrong direction.

Please do not support this project until it has been improved.

Thank you,

Chris Eykamp  
2101 SE Tibbetts





**Laura Dawson-Bodner**

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**From:** Daniel Hoyer [lunch.rider@gmail.com]  
**Sent:** Thursday, June 09, 2011 11:37 AM  
**To:** Tom Hughes; Barbara Roberts  
**Subject:** CRC

I would urge you strongly to oppose the CRC in its present form

You only have to read to recent Willamette Week article to understand that

The project is a mess and will not solve our region's transportation problems

Business needs a real freeway system that flows and the CRC will not help, just cost us all a lot of money

Thank you for your consideration

Daniel Hoyer

SW Portland



## Laura Dawson-Bodner

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**From:** Kelsey Newell  
**Sent:** Monday, June 13, 2011 1:57 PM  
**To:** Laura Dawson-Bodner  
**Subject:** FW: Do Not Proceed with CRC - Vote NO Resolution No. 11-4264

Kelsey Newell  
Regional Engagement Coordinator

Council Office  
Metro  
600 NE Grand Ave.  
Portland, OR 97232-2736  
503-797-1916  
[www.oregonmetro.gov](http://www.oregonmetro.gov)

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**From:** [coffeeisnice@gmail.com](mailto:coffeeisnice@gmail.com) [mailto:[coffeeisnice@gmail.com](mailto:coffeeisnice@gmail.com)] **On Behalf Of** Steve B  
**Sent:** Thursday, June 09, 2011 1:28 PM  
**To:** Kelsey Newell; Rex Burkholder  
**Subject:** Do Not Proceed with CRC - Vote NO Resolution No. 11-4264

Metro has a real responsibility to prevent a catastrophic mistake by approving the CRC as proposed. This project is our generation's Mount Hood Freeway, and we must stand again in leadership to prevent another poorly conceived mega project that will be an embarrassment. We must make decisions that our children will be proud of, and this is not one of them.

Do the right thing, and vote NO on Resolution No. 11-4264

Sincerely,  
Steve Bozzone  
4128 NE Cleveland Ave  
Portland, OR 97211  
[503-877-2699](tel:503-877-2699)



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**EXECUTIVE DIRECTOR**

Brian Gard

711 SW Alder Street | Suite 400  
Portland | Oregon 97205  
T 503 552 5011  
www.crossingcoalition.com

**COLUMBIA RIVER CROSSING COALITION**

Date: June 9, 2011

To: Metro Council

From: Brian Gard

**Subject: Resolution No. 11-4264**

Dear Metro Council President Hughes and members of the Council:

I'm writing to you on behalf of the Columbia River Crossing Coalition to encourage your support of the CRC resolution (No. 11-4264). First I'd like to thank the METRO Council and JPACT for their good, thorough work on this issue. We appreciate and respect the process, are happy to be a part of it, and believe that it will yield a better project.

The Coalition is comprised of over 400 labor organizations, businesses, and individuals in Oregon and Washington. The Coalition advocates for careful review of the Crossing by the Metro Council and others; and for the importance of moving forward on this project. Passing the resolution is an important component of moving forward.

The CRC continues to be a critical project for our region. The CRC offers a comprehensive transportation plan, designed to address the needs associated with our region's continued growth. Additionally, the Crossing supports both Washington and Oregon's larger transportation plan.

A Columbia River Crossing replacement bridge will provide safer travel, more commuter choice and better freight mobility. The new Crossing will not only solve a wide range of transportation issues, it will ensure the vitality of our northwest economy and uphold the environmental ethics of our region.

The Crossing will also generate upwards of 20,000 jobs and reduce congestion by 70%. An improved Columbia River Crossing is needed to improve mobility, accessibility, prosperity and safety for years to come.

Progress on the Crossing is consistent, as was evident with Governors Gregoire and Kitzhaber's decision to move forward with the composite deck-truss design.

Please help move the project forward by supporting the CRC resolution.

Thank you for your consideration.

Sincerely,



Brian Gard  
Executive Director





Date: June 09, 2011

To: Metro Council

From: Kelly O'Brien, Director of Public Affairs, Oregon Business Association

**Subject: Resolution No. 11-4264**

Dear Metro Council President Hughes and Members of the Council:

The Oregon Business Association (OBA) appreciates your hard work and leadership in our community and thanks you for your efforts in making our region a better place.

I write today to express OBA's support for the Columbia River Crossing (CRC) and Resolution No. 11-4264.

The interstate bridge, almost a century old, is Oregon's worst transportation choke point, with 4-6 hours of congestion each day. In addition, the bridge is unsafe, provides limited transit options, and is not conducive to bicycle or pedestrian traffic. For all of these reasons, it must be replaced.

A new bridge will address all of the issues listed above. Of particular interest to OBA is the detrimental effect that the current interstate bridge has on our regional economy and future prospects for economic growth. Simply put, congestion on the bridge threatens the competitiveness of Oregon's trade-dependent economy.

The bottleneck delays on the bridge directly affect freight mobility and the businesses trying to move goods up and down the I-5 corridor. Today, more than \$40 billion in freight crosses the bridge each year, and that number is projected to increase substantially over the next few decades. Our infrastructure must keep up with economic growth.

Please help our region move this critical project forward, on schedule, through your support of Resolution No. 11-4264.

Thank you for your consideration.

Sincerely,

Kelly O'Brien  
Director of Public Affairs  
Oregon Business Association





## **Laura Dawson-Bodner**

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**From:** Metro Council  
**Sent:** Monday, June 13, 2011 9:52 AM  
**To:** Laura Dawson-Bodner  
**Subject:** FW: Clark County prefers a vote on Light rail and the CRC alternative for the Public Hearing on the CRC June 9, 2011

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**From:** Tweet [mailto:tweetfamily@comcast.net]  
**Sent:** Thursday, June 09, 2011 1:51 PM  
**To:** Metro Council  
**Cc:** Kelsey Newell  
**Subject:** Clark County prefers a vote on Light rail and the CRC alternative for the Public Hearing on the CRC June 9, 2011

What do the Locals Prefer? A vote please

June 9, 2011

I attended a 2 ½ hour forum on the CRC on June 4. It was astounding to learn that according to a forensic auditor, the CRC cannot account for money received or paid out by vendor, that about \$15 million is unaccounted for. Representative Orcutt stated he would follow up with the state auditor and attorney general. The exact amount spent on CRC to date is unclear. Until the funds can be accounted for and secure procedures established including a forensic audit, all action on the CRC should be halted. I hope each Metro Councilor will view that segment and the Joe Cortwright presentation at [www.Couv.com](http://www.Couv.com).

The I-5 replacement bridge with light rail is a bloated project with significant financial risks that doesn't fairly address the transportation needs of the region. The CRC proposal is to replace the I-5 Bridge and add costly light rail for only 2% of the bridge crossings. (light rail =about a third of the project cost, approximately \$1 Billion) If money is spent on a new bridge, it should be on the eastside and/or the westside to match the growth in the region. The I-5 area already has a functional bridge that can adjust to water levels via the lift. The number of lifts can be reduced by other means than total bridge demolition and replacement.

Based on the preliminary information presented, it appears that 2 new bridges in the underserved east and west side could be built for less than the \$ Billions proposed to replace a functional bridge over I-5 with costly light rail. Can we afford to invest all our transportation funding capacity in just one area of our region at the expense of growing business and residential populations? The Willamette River has about 9 crossings. The Columbia has just two crossings. What is the best way to relieve the daily traffic jams?

### **Average Daily Crossing figures 2006**

|                |         |
|----------------|---------|
| Vehicles       | 162,000 |
| Transit Busses | 3,300   |
| Bicycles       | 150     |
| Pedestrian     | 30      |



Does Clark County need light rail today or in the next 20 years?

Clark County population- 435,000

Light Rail is a "want" not a need, and in this economy our focus must be on needs , not luxuries for a few.

Does Clark County support light rail? A vote is the best means to answer that question. A vote on light rail funding was planned for November 2011, and is now delayed. Citizens are circulating a petition in hopes of insuring a vote. Oregonians got to vote on light rail at the outset, and we in Washington vote on major capital projects like this. CRC projections of population, job growth, transit use and crossings are overly optimistic. It is unwise to take a leap of faith over a river as wide as the Columbia. Building a bridge across first, at a location that makes sense is a wiser approach.

None of the Clark County cities nor CTRAN held a public hearing prior to selecting the "Locally Preferred Alternative". Through public records, I've learned that even city councils didn't vote on the locally preferred alternative. It's was the best kept secret in the county, and the alternatives never included any other bridges except I-5 replacement.

The CRC method seems to be, Eliminate the competition and evaluate just one idea seriously. The National Environmental Policy Act (NEPA) provides guidelines when federal funds are appropriated for a public project. NEPA was set up to protect citizens and end bad practices by those who put self interest above community. NEPA guidelines help insure that projects are openly and fairly evaluated to insure the project serves the needs of residents, not primarily special interests such as beneficiaries of contracts or real estate deals. If NEPA policies are followed, a range of reasonable alternatives will be studied thoroughly, including benefit and impacts as well as cost and construction.

Due to the high cost of the proposal (\$4-\$10 billion), it will have to be put on a credit card and tolling the bridge(s). The WA legislature acted to allow tolling of both the I-5 and I-205 bridges. If all the financial capacity of 2 states struggling with the largest budget deficits ever is placed on this one project, there will be no capacity left for the rest of the region. A thorough study of a range of alternatives benefits everyone. Citizens and officials can then weigh the pros and cons of different alternatives in a fair, open, public process to determine which scenario is best. Please re-open the process to truly consider alternatives that meet the needs of the public, not the hopes of realtors and contractors. Thank you for your consideration.

Sincerely,

Margaret Tweet

2715 NW 34<sup>th</sup> Circle, Camas, WA 98607



**Laura Dawson-Bodner**

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**From:** Tom Bennett [nordlystom@gmail.com]  
**Sent:** Thursday, June 09, 2011 12:22 PM  
**To:** Tom Hughes; Shirley Craddick; Carlotta Collette; Carl Hosticka; Kathryn Harrington; Rex Burkholder; Barbara Roberts  
**Subject:** Columbia River Crossing Project

Hello,

I urge the Metro Council to vote a firm NO regarding the project as proposed. The CRC is a ridiculous waste of resources and doesn't really solve any problems, just displaces them.

It is an embarrassment that ODOT is behind this wasteful project. All of the criticism voiced by George Crandall and others need a full public hearing and the project should be totally rethought.

Do the right thing, stop CRC now.

Tom Bennett

6449 Queens Park Rd.

Lake Oswego, OR 97035



**Laura Dawson-Bodner**

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**From:** Evan Manvel [evanmanvel@gmail.com]  
**Sent:** Thursday, June 09, 2011 1:14 PM  
**To:** Tom Hughes; Shirley Craddick; Carlotta Collette; Carl Hosticka; Kathryn Harrington; Rex Burkholder; Barbara Roberts  
**Subject:** please vote NO on continuing the CRC - a costly, risky boondoggle

Metro Councilors:

At today's council meeting you are being asked to sign off on continuing the CRC process and affirm the project has done what Metro has asked of it.

I simply cannot see how the efforts made by the project are in line with the conditions the Council set in motion 08-3960.

Specifically, the project fails to demonstrate it has considered tolling I-205, the project has specifically rejected community enhancement funds, the project has bike facilities that are far from world-class, and the financing plan is thin, to say the least.

The CRC is a boondoggle. Not only have its assumptions - \$1.10 gas, continual increases in traffic, and no changes in land use - been problematic, but its backers are simply making things up, as written about in last week's Willamette Week.

While the climate impacts are incredibly important to me (and the project predicts increased emissions), the financial problems are also critical. I recently wrote about how mega-projects around the world almost always go over budget, and how an average CRC overrun would be on the order of one billion dollars. Read more about that study here:

<http://www.blueoregon.com/2011/03/costly-risks-crc/>

The region has limited financial and political capital. I think the region can do better than spending that capital continuing to push for a five mile mega-highway expansion that is predicted to move the bottleneck a few miles south - something the Independent Review Committee said called the value of the project into question.

Thank you for your time, for your service to the region, and your consideration.

Regards,

Evan Manvel  
(503) 515-8548  
4047 NE 14th Ave  
Portland, OR 97212





**Laura Dawson-Bodner**

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**From:** Gerik Kransky [gerik@bta4bikes.org]  
**Sent:** Thursday, June 09, 2011 1:42 PM  
**To:** Shirley Craddick  
**Subject:** Please Vote No on Resolution 11-4264

Dear Councilor Craddick,

Due to the fact that the CRC Project has not yet established a community enhancement fund, among other un-  
met critria, I would like to respectfully encourage you to vote no on Resolution 11-4264.

I look forward to continuing this conversation with you in the future.

Kind Regards,  
Gerik

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Gerik Kransky | Advocacy Director  
tel: 503-226-0676 x11 | cell: 503-523-9651

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Bicycle Transportation Alliance  
<http://www.bta4bikes.org> | [twitter.com/gerikkransky](https://twitter.com/gerikkransky)



## Laura Dawson-Bodner

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**From:** Metro Council  
**Sent:** Friday, June 10, 2011 3:10 PM  
**To:** Kelsey Newell; Laura Dawson-Bodner  
**Subject:** FW: Testimony for June 9th Metro Council Hearing  
**Attachments:** CRC\_Metro\_testimony\_6-9-11[1].docx

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**From:** Maryhelen Kincaid [<mailto:jamasu88@msn.com>]  
**Sent:** Thursday, June 09, 2011 1:13 PM  
**To:** Metro Council  
**Cc:** Tom Hughes; Rex Burkholder; Kathryn Harrington; Shirley Craddick; Barbara Roberts; [carlotta.colette@oregonmetro.gov](mailto:carlotta.colette@oregonmetro.gov); Walter Valenta  
**Subject:** Testimony for June 9th Metro Council Hearing

Please submit as testimony for the Metro Council meeting June 9, 2011, referencing Conditions to Resolution No.08-39608 - CRC project.

Thank you,  
Maryhelen Kincaid  
Board member, Land Use Chair  
East Columbia Neighborhood Association





## East Columbia Neighborhood Association

Testimony for Metro Council, June 9, 2011

Dear Metro Councilors,

East Columbia Neighborhood (ECNA) has worked closely with both Bridgeton and Hayden Island (HiNoon) in their efforts to provide community feedback for the CRC project. Once again we support the comments of our neighbors in Bridgeton and Hayden Island. Additionally, ECNA has supported the recommendations of the PWG and UDAG in their public comments at previous CRC project public comment opportunities.

In reviewing Metro's 11 points of consideration being reviewed today, we would like to emphasize two areas of concern that we feel should receive special attention and be memorialized.

One is concerning community involvement and transparency. Our neighborhood is not represented on the PWG. Various maps displayed by CRC staff at meetings have not shown the correct boundaries for our neighborhood, and in some cases the existence of our neighborhood. Additionally, many documents don't even reference East Columbia as being an affected neighborhood. Yet we border I-5 and the Columbia River, and will be affected by several of the roadway re-designs, traffic pattern changes and construction. We would like the maps corrected for our neighborhood so the impacts to "community" can be properly addressed and communicated.

Secondly, while the PWG was charged primarily with transit station design, they were also relied upon for comments on some other parts of the project. The transit design is still in flux, the PWG has no real charge or definition, and for over 3 months has asked for direction from staff, with no forthcoming answers or resolution. The project, to attain transparency and build trust, must have clearly defined goals and a work scope with measurable goals and a timeline for its advisory committee. The PWG membership should be a fair representation of affected stakeholders. The PWG should be given an advisory role and staff support should be clearly defined with measurable goals and a clear reporting structure.

If transparency and trust are to be attained, CRC staff and leadership should provide timely updates and information to a public advisory committee, rather than informal or very formal (public records requests) communications. Changes to program design seem to be routine for staff without consulting neighborhoods or the community. A multi-use path and constructed wetlands for stormwater management are only two of the most recent design proposals to appear on project maps. The constructed wetlands are overlaid on an area identified for business development in the Hayden Island neighborhood plan. Details are sketchy about design and there was not an easily identifiable ODOT constructed wetland model to reference for comparison. ODOT claims the ponds will have gravitational drainage, thus not creating standing water. ECNA has three constructed, gravitational wetland ponds, totaling about 3 acres of water surface, which were created as mitigation for loss of open space when housing was developed. They have standing water year round, have become home to invasive species and are problematic with mosquito infestations. Currently Metro is funding a project to eradicate a highly invasive weed that has overcome two of our wetland ponds. There should be concern that ODOT moved ahead without respect to the neighborhood plan, without research of like environments, and has not provided more information to the neighborhood about the proposed constructed wetlands on Hayden Island (except that they appeared on a conceptual map).

Many others will comment on the need for a finance plan or dispute the statistical analysis of numbers of trips to support tolling – all of which should be discussed in an open forum by a designated public advisory group comprised of stakeholders whose livability will be affected by this project. The Port of Portland and City of Portland recently concluded a nearly 4-year process, Airport Futures. The public involvement piece of the project won national awards and by all accounts was a huge success in providing community involvement and transparency. The creation and administration model of the Airport Futures public advisory group should be considered and adopted for the CRC project.

It is of utmost importance that Metro recognizes community involvement is key to the success of this project and that collaboration and compromise will not happen without it.

Sincerely,  
East Columbia Neighborhood Board of Directors



## Laura Dawson-Bodner

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**From:** Ina Zucker on behalf of Carl Hosticka  
**Sent:** Friday, July 08, 2011 3:30 PM  
**To:** Laura Dawson-Bodner  
**Subject:** FW: Thanks for your eloquent rejection of the CRC resolution!

CRC public comment

---

**From:** Mary Vogel [<mailto:mvogelpnw@gmail.com>]  
**Sent:** Thursday, June 09, 2011 4:55 PM  
**To:** Carl Hosticka  
**Subject:** Thanks for your eloquent rejection of the CRC resolution!


Carl,  
Thanks for your eloquent rejection of the CRC resolution!

Can I get a copy of Robert Liberty's communication as well. I know it will be in the record, but don't know how soon that will be available!

Thanks!  
Mary

**Mary Vogel, CNU-A**  
PlanGreen

A Woman Business Enterprise/Emerging Small Business in Oregon  
503-245-7858  
<http://www.plangreen.net>  
[Sustainable Industries PlanGreen Blog](#)

Connect w/me: 



Latest tweet: I'm leading Hamilton Mtn Wildflowers w/Portland Singles, Sun Jun 19. Please register via Meetup at: <http://meetu.ps/1LkVZ> or Sierra Club.

Follow @PlanGreen • Reply • Retweet 15:26 Jun-06

Get this email app!





## **Laura Dawson-Bodner**

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**From:** Ina Zucker on behalf of Carl Hosticka  
**Sent:** Friday, July 08, 2011 3:27 PM  
**To:** Laura Dawson-Bodner  
**Subject:** FW: Please vote no on CRC Resolution 11-4264

**Importance:** High

CRC public comment

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**From:** Mark Tipperreiter [<mailto:eaglescout10@hotmail.com>]  
**Sent:** Thursday, June 09, 2011 1:25 PM  
**To:** Carl Hosticka  
**Subject:** Please vote no on CRC Resolution 11-4264  
**Importance:** High

Hi, Carl-

I'm one of your District 3 constituents. Like so many other Portland residents, quality-of-life issues like transportation are important to me.

It is my understanding that Metro is going to b voting on CRC Resolution 11-4264 (endorsement of an LPA for the CRC).

Endorsing the LPA while the Council acknowledges that "many important issues are generally still unresolved at the time of the endorsement of an LPA" is indicative of progress for the sake of progress and signals (intentionally or not) that the Council endorses the LPA.

Spending billions on a new I-5 bridge project at the Columbia River will NOT solve congestion, it will only relocate it - closer to downtown Portland.

We don't have a plan to adequately fund the project, especially when bridge usage has been below projected trends for the past 6 years (before the recession and trending with the price of gasoline, not the state of the economy). Tolls just won't cover it.

I ugre you to consider the so-called "CSA" or "Common-Sense Alternative" outlined by George Crandall and in this Willamette Week [article](#). A "staged " approach to managing traffic in the region like this one at a net projected cost that is less than 50% of the LPA just makes practical, common sense.

Thanks and Best Regards,  
Mark Tipperreiter  
SW Portland



## **Laura Dawson-Bodner**

---

**From:** Ina Zucker on behalf of Carl Hosticka  
**Sent:** Friday, July 08, 2011 3:27 PM  
**To:** Laura Dawson-Bodner  
**Subject:** FW: Resolution No. 11-4264

CRC record

---

**From:** Mary Shaw [<mailto:dcosums@gmail.com>]  
**Sent:** Thursday, June 09, 2011 11:30 AM  
**To:** Carl Hosticka  
**Subject:** Resolution No. 11-4264

We am writing to urge you to vote no on Resolution No. 11-4264. We feel that the highway consultants need to do more to develop a plan that not only meets regional requirement but also provides safety from both sides for bicyclists.

Mary and KC Shaw, 8300 SW Birchwood Rd, Portland, OR 97225



**Laura Dawson-Bodner**

---

**From:** Ina Zucker on behalf of Carl Hosticka  
**Sent:** Friday, July 08, 2011 3:26 PM  
**To:** Laura Dawson-Bodner  
**Subject:** FW: CRC Resolution 11-4264

CRC public record

-----Original Message-----

**From:** Rachel [<mailto:lileet@hindistudies.com>]  
**Sent:** Thursday, June 09, 2011 11:30 AM  
**To:** Carl Hosticka  
**Subject:** CRC Resolution 11-4264

Please vote 'no' on Resolution 11-4264. The CRC project needs to do a better job of meeting metro's conditions for approval, including establishing a community enhancement fund to improve areas that will be impacted by the new bridge.

Rachel Lileet-Foley



**From:** Sharonnasset [sharonnasset@aol.com]  
**Sent:** Wednesday, June 08, 2011 8:46 PM  
**To:** Tom Hughes; Shirley Craddick; Carlotta Collette; Carl Hosticka; Barbara Roberts; Kathryn Harrington; Rex Burkholder  
**Subject:** recent study characterized the proposed Columbia River Crossing project as "An Environmental Injustice."

## Columbia River Crossing: Pollution or salvation in North and Northeast Portland?

Published: Sunday, June 05, 2011, 6:59 PM



By Guest Columnist

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**By Ben Cannon and Lew Frederick**

The zone near I-5 in North and Northeast Portland is the hottest of hot spots for environmental health problems. The adjacent neighborhoods are among Portland's most highly polluted as well as its most ethnically and economically diverse.

Now we're proposing to make the situation even worse with massive new highway interchanges and a bridge that will funnel cars and trucks -- and their pollution -- into a traffic jam in North Portland. It is no wonder that a recent study characterized the proposed Columbia River Crossing project as "An Environmental Injustice."

At \$3.6 billion, the CRC's price tag raises questions about priorities. For us, however, the potential health impacts are especially troubling. Asthma rates near I-5 are already close to double the national average. North Portland's air is on track to contain levels of 15 toxins in excess of national benchmarks by 2017. Levels of benzene, a Class A carcinogen found in car and truck emissions, recently hit 10 times the cancer benchmark. Benzene inhalation can cause blood disorders, anemia, excessive bleeding and immune system damage. And the area's diesel particulate-matter levels, associated with lung cancer, breathing ailments, heart problems and premature death, are also too high.

We support efforts to reduce the bottleneck at the Interstate Bridge, but not with a plan that appears likely merely to move that congestion -- and the associated pollution -- into the heart of Portland neighborhoods.

The original purpose of the Interstate system was to facilitate interstate commerce, but today's I-5 congestion crisis results primarily from commuter traffic. By including billions of dollars for expanding

freeway interchanges, the CRC project seems designed principally to bring more commuters, and more congestion, into Oregon.

Increased traffic and congestion means pollution in our neighborhoods, our homes, our workplaces, our schools and our open spaces. It's not surprising that the Northeast Coalition of Neighborhood Associations opposes this plan. Even the project's backers and review panels say the project would result in more than eight hours of congestion per day near the I-5/I-405 interchange. For billions of dollars in investments and debt, we'd get more congestion, more pollution, more delays.

This project is our public works legacy to our children and our children's children. Will we leave them with debt, pollution and congestion, or will we invest in movement of people and goods that will make sense in the decades ahead? The answer is a matter of life and death in North and Northeast Portland.

Make no mistake: Oregonians need jobs, and we need to move freight. But this project appears destined for lawsuits and cost overruns. There are smart, efficient projects that would put people to work and improve traffic without bringing more pollution into our neighborhoods. We can build a local bridge to Hayden Island. We can upgrade the downstream railroad bridge, helping both river and rail freight move. And if we invest in fixing what we have, we'll bring more local jobs per dollar invested.

As Oregonians who live in and represent a county with some of our nation's worst air pollution, we believe it's time to break from the past. We can come together to solve the problems at hand without adding to an already unfair toxic burden. We have more than enough intelligence and creativity. Now let's find the political will.

*Rep. Ben Cannon (D-NE and SE Portland) is co-chair of the House Energy, Environment, and Water Committee. Rep. Lew Frederick (D-N and NE Portland) is one of the Legislature's leading proponents of equity and environmental justice.*

Related topics: [columbia river crossing](#), [pollution](#), [rep. ben cannon](#), [rep. lew frederi](#)

-----Original Message-----

From: sharonnasset@aol.com

To: sharonnasset@aol.com

Sent: Wed, Jun 8, 2011 8:41 pm

Subject: Check out this page on OregonLive.com

Dear recent study characterized the proposed Columbia River Crossing project as "An Environmental Injustice.":

sharon nasset ([sharonnasset@aol.com](mailto:sharonnasset@aol.com)) thought you would be interested in this item from OregonLive.com

[http://www.oregonlive.com/opinion/index.ssf/2011/06/columbia\\_river\\_crossing\\_pollut.html](http://www.oregonlive.com/opinion/index.ssf/2011/06/columbia_river_crossing_pollut.html)

sharon nasset

recent study characterized the proposed Columbia River Crossing project as "An Environmental Injustice."



**Laura Dawson-Bodner**

---

**From:** Sharonnasset [sharonnasset@aol.com]  
**Sent:** Wednesday, June 08, 2011 7:39 PM  
**To:** Tom Hughes; Shirley Craddick; Carlotta Collette; Carl Hosticka; Barbara Roberts; Kathryn Harrington; Rex Burkholder  
**Subject:** Fromer President David Bragdon Statement Before C.R.C. Review Panel "....what's missing is that good product...".  
**Attachments:** DavidBragdonCRCReviewMay19.pdf; 3-132pg.NEPA\_ProblemsComments070108\_4of6.pdf

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

A few highlights from the former President of Metro David Bragdon, the entire letter is attached.... Predetermined project, and non-supportive of the currently process and Locally Preferred Alternative. Perhaps you read the formal statement when he presented it to the Governors' Independent Review Panel ..... it is past shocking..... and disturbing from a former supporter.

I am also attaching the Citizen Commitment from CRC DEIS..... just read the first page..... I am certain you don't want to support corruption! "Once you know the truth you can never go back to not knowing"

Rev. Martin Luther King JR.

Highlights:

"We need Plan B, not more unending promotion and defense of a Plan A which has failed to pan out."

"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 redirection of the project."



## 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 21<sup>st</sup> 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 21<sup>st</sup> 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 17<sup>th</sup>, 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 21<sup>st</sup> 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 5<sup>th</sup>, 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 essentially 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.



Columbia River  
 CROSSING

**July 1, 2008**

**Public and Agency Comments**

DRAFT ENVIRONMENTAL IMPACT STATEMENT

**From:** Elizabeth Zultoski  
**To:** Draft EIS Feedback; Columbia River Crossing;  
**CC:** Gundersen, Heather; Mark Riskedahl; Tom Buchele; tarah;  
jcortright@impresaconsulting.com; jon@opalpdx.org; Fuglister, Jill; Mara Gross;  
mel@upstreampublichealth.org; brentfoster@gorge.net;  
noelle@communityhealthpartnership.org; kari@communityhealthpartnership.org;  
bsallinger@audubonportland.org; kevin@opalpdx.org; FredTrain@aol.com;  
**Subject:** PEAC/NEDC Comments on the CRC DEIS  
**Date:** Tuesday, July 01, 2008 4:52:02 PM  
**Attachments:** PEAC NEDC Comments on DEIS.pdf

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The Pacific Environmental Advocacy Center (PEAC) would like to submit the following comments on the Columbia River Crossing Draft Environmental Impact Statement on behalf of the following organizations:

Northwest Environmental Defense Center (NEDC)  
Columbia Riverkeeper (CRK)  
Portland Audubon  
Coalition for a Livable Future (CLF)  
Community Health Partnership  
Organizing People, Activating Leaders (OPAL)  
Upstream Public Health  
The Association of Oregon Rail and Transit Advocates (AORTA)

Additionally, PEAC submitted a hard-copy by postal mail on July 1, 2008. This submission includes the CD-Rom with copies of all cited exhibits.

Thank you for considering our comments.

Sincerely,

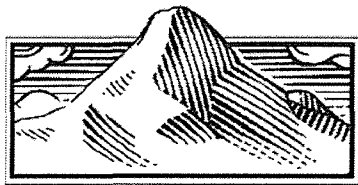
Elizabeth Zultoski

--

Elizabeth Zultoski  
Law Clerk  
Northwest Environmental Defense Center  
10015 SW Terwilliger Blvd.  
Portland, OR 97219  
Office: 503.768.6673  
Cell: 513.293.5010  
[www.nedc.org](http://www.nedc.org)

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The Environmental Legal Clinic  
of Lewis & Clark Law School

Pacific  
Environmental  
Advocacy  
Center

10015 S.W. Terwilliger Boulevard  
Portland, Oregon 97219  
phone: 503-768-6736  
fax: 503-768-6642

tbuchele@lclark.edu  
www.PEAClaw.org

## I. INTRODUCTION

The Pacific Environmental Advocacy Center at Lewis & Clark Law School ("PEAC") submits these comments on the Columbia River Crossing Draft Environmental Impact Statement ("DEIS"), through its attorneys and student legal interns, and on behalf of the Northwest Environmental Defense Center ("NEDC"), Coalition for a Livable Future ("CLF"), Columbia Riverkeeper ("CRK"), Audubon Society of Portland, Organizing People-Activating Leaders, Community Health Partnership, Upstream Public Health, and the Association of Oregon Rail and Transit Advocates (AORTA). These joint commentators will subsequently be referred to collectively as NEDC. Many of these joint commentators also will be submitting their own separate comments. In addition these NEDC comments adopt and incorporate as their own the comments and documents submitted by Joseph Cortright.<sup>1</sup>

NEDC requests that Columbia River Crossing ("CRC") withdraw their deeply flawed DEIS, prepare a supplemental DEIS that corrects all of the legal, factual and policy errors set forth below, and resubmit that complete and corrected supplemental DEIS for an appropriate public comment period of not less than 120 days.

Even a cursory review of the DEIS discloses that the CRC Project Team, the entity which prepared this document, has presented the public with a DEIS that offers a false choice between doing nothing and spending \$4 billion to replace the existing, serviceable I-5 bridges with wider,

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<sup>1</sup> Attached as Exhibit A. Copies of all exhibits are submitted digitally on the attached CD.

new bridges, with significantly increased car and truck capacity, which would likely lead to substantial increases in sprawl, greenhouse gas emissions and numerous other adverse impacts to the human environment. NEPA expressly requires that the public be offered a reasonable *range* of alternatives and not just a choice between two similarly unacceptable extremes.<sup>2</sup>

The DEIS also represents a colossal missed opportunity to offer the public innovative potential solutions to transportation issues. Those alternative solutions should have been based generally on 21<sup>st</sup> Century transportation and thinking, and specifically on the Portland metropolitan area's legal and philosophical commitment to sustainable growth that gives proper regard to protecting this community's public health and unique environmental and natural resources. Those goals should have been featured much more prominently in the DEIS's Purpose and Need section. The fact that they were not explains in part why the DEIS offers such an inadequate range of alternatives. While including public transportation options and bicycle and pedestrian access in the DEIS's four action alternatives is certainly a step in the right direction, those positive aspects do not excuse the much more negative fact that all of those action alternatives continue to rely on significantly, increased lane capacity for cars and trucks as the primary "solution" to congestion and future projected demand. Thus, the DEIS's approach to sustainability and greenhouse gas emissions is sort of like the dieter who thinks that ordering a diet coke and a salad for dinner also allows him to order a large banana split for dessert.

Tolling is not a panacea that somehow excuses such a narrow range of alternatives. Although vaguely offered by the DEIS as a "silver bullet" for controlling demand, it is also offered as an important source of funding to pay for the construction of any new bridges. The DEIS's analysis of this important part of its strategy to address travel demand is cursory and

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<sup>2</sup> 40 CFR § 1502.14.



wholly insufficient. Basic economics illustrate that any use of tolls to reduce demand would be greatly restricted by the need to maintain adequate toll revenues for paying off the bondholders who would underwrite the construction of any new bridge(s). The DEIS needs to explain how tolls would effectively achieve both potentially contradictory goals.

Rather than offering a reasonable range of creative and innovative alternatives, the DEIS goes to great lengths to greenwash the action alternatives it does offer by overstating the projected need reflected in the no-action alternative, while understating their environmental impacts of the action alternatives and offering misleading, incorrect, and incomplete information regarding those likely adverse impacts. While the National Environmental Policy Act (NEPA) does not require federal agencies to undertake projects that are environmentally friendly, NEPA does require that those agencies clearly and honestly disclose the environmental impacts of their proposals to the public.<sup>3</sup> The DEIS also must offer this information in a way that allows the public to make reasoned judgments about the alternatives and their various environmental trade-offs.<sup>4</sup> Then the public can comment on those proposals and make informed choices before they are asked to pay for them. This DEIS fails completely in that regard.

Indeed, despite the overall, impressive length of the DEIS and its supporting Appendices and Technical Reports ( over 5000 pages) NEDC is struck by how little useful ( and scientifically supported) information is actually contained in those documents. NEPA emphasizes that an EIS should focus on quality analysis rather than lengthy verbiage.<sup>5</sup> As the 9<sup>th</sup> Circuit explained, “Girth is not the measure of the analytical soundness of an environmental assessment.”<sup>6</sup> The CRC DEIS and its technical documents are lengthy, but they leave out highly relevant

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<sup>3</sup> 40 CFR § 1502.1.

<sup>4</sup> *Id.*

<sup>5</sup> 40 CFR §1502.2.

<sup>6</sup> *Anderson v. Evans* 350 F.3d 815, 836 (9<sup>th</sup> Cir. 2003).



information like specific mitigation measures a Biological Assessment of impacts on endangered species, and an analysis of possible induced traffic demand and related development impacts from adding additional highway capacity. Moreover, the “analysis” presented almost always lacks supporting citations to scientific studies or reports. The DEIS sections simply reference generally a lengthy, supporting technical report. Then if a reader wants to review that report she will find that it often also lacks specific citations to supporting documents.<sup>7</sup> Those documents are simply listed at the end of the report. This clearly violates NEPA.<sup>8</sup> NEDC’s counsel has reviewed many DEISs. But this is the first he has seen where entire sections of the DEIS and the “supporting” technical reports specifically cite to no technical information. If a high school student wrote a research a paper without any specific citation to his sources in the text of that report he would likely receive a failing grade. This DEIS should suffer a similar fate.

## **II. OVERARCHING PROBLEMS WITH THE DEIS AND PUBLIC COMMENT PROCESS**

### **A. Inadequate Comment Period**

As CRC knows, NEDC requested in writing, on or about May 22, 2008, that the lead federal agencies (FHWA and FTA) extend the public comment period for an additional 60 days. NEDC’s five page request<sup>9</sup>, attached as Exhibit B, set out multiple detailed reasons under the

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<sup>7</sup> See, e.g. Ecosystems Technical Report.

<sup>8</sup> 40 CFR § 1502.21 and 40 CFR § 1502.24.

<sup>9</sup> The following organizations joined onto NEDC’s request for an extension to the 60-day comment deadline: the Pacific Environmental Advocacy Center, 1000 Friends of Oregon, Association of Oregon Rail & Transit Advocates (AORTA), Bicycle Transportation Alliance, Cascadia Rising Tide, Coalition for a Livable Future, Community Choices, Community Health

National Environmental Policy Act (“NEPA”) and its implementing regulations for extending the comment period and offered examples of recent extensions regarding similar highway or public works projects. On May 28, 2008 FHWA and FTA denied NEDC’s request.<sup>10</sup> That denial cited to a section of the Safe Accountable Flexible, Efficient, Transportation Equity Act: A Legacy for Users (“SAFETEA-LU”) that supposedly creates a presumed 60 day comment period absent a showing of good cause. Curiously, FHWA’s letter failed to provide the correct and proper cite to the codified and accessible version of this law.<sup>11</sup> Indeed, that letter also ignored a separate provision in SAFETEA-LU which clearly provides that nothing in this law supersedes, amends or modifies the legal requirements imposed by NEPA.<sup>12</sup> Thus the FHWA’s citation to this statute in no way responds to or explains why the FHWA completely ignored the legal and factual basis for NEDC’s requested extension of the comment period. In any case, there is little doubt that NEDC’s request more than provided good cause for granting the extension, and NEDC therefore objects to being required to review and comment on more than 5000 pages of “analysis” in the DEIS and its supporting documents in less than 60 days. Now that NEDC has had the chance to at least summarily review the entire DEIS and its supporting documents, we believe even more strongly that 60 days was an insufficient comment period. The CRC project team’s practice in both the DEIS and the Technical Reports to almost never specifically cite supporting documents has made it impossible for NEDC and the rest of the public to review and comment on much of that analysis in a meaningful way. NEDC expressly reserves the right to

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Partnership, Oregon League of Conservation Voters, Organizing People, Activating Leaders (OPAL), Portland Transport, and Upstream Public Health.

<sup>10</sup> Attached as Exhibit C.

<sup>11</sup> 23 USC § 139 (g)(2)(A).

<sup>12</sup> 23 USC § 139 (k)(2).

submit additional comments after the close of the inadequate comment period if its continuing review of this DEIS discloses additional errors , mistakes or overlooked information.

**B. The DEIS has delayed or put off much analysis that should be in the DEIS.**

For example, although even the FEIS<sup>13</sup> need not include a “complete mitigation plan,” it still must take a “hard look” at mitigation issues and must go beyond perfunctory descriptions.<sup>14</sup> In this case where the DEIS expressly notes that certain undefined mitigation measures will offset many otherwise adverse impacts<sup>15</sup>, such as the increased stormwater discharges to the Columbia Slough<sup>16</sup>, the DEIS was required to set out those proposed measures in some detail so the public would have an opportunity to evaluate and comment on such proposed mitigation.<sup>17</sup> Yet, the DEIS merely mentions that the conceptual stormwater management approach would require design exceptions to mitigate adverse effects to the water quality of the Slough.<sup>18</sup> This does not provide any explanation of the overall impact of the mitigation plan or examples of specific water quality parameters that the mitigation will address.<sup>19</sup> Without a tangible understanding of these effects, the public will not gain a sufficient understanding to make informed decisions or comments on the DEIS. Waiting to discuss specific issues in any detail until after the FEIS identifies a Locally Preferred Alternative (“LPA”) cuts the public out of the process, in violation of NEPA. Similarly, the CRC Project Staff has delayed starting a biological

<sup>13</sup> This is equally applicable to the CRC DEIS because the CEQ regulations require a DEIS meet the requirements of the FEIS “to the fullest extent possible...” 40 CFR § 1502.9 (a).

<sup>14</sup> *Robertson v. Methow Valley*, 490 US 332, 333 (1989).

<sup>15</sup> Executive Summary at S-35.

<sup>16</sup> DEIS at 3-393.

<sup>17</sup> See *Cuddy Mountain v. USFS*, 137 F.3d 1372 (9<sup>th</sup> Cir. 1998).

<sup>18</sup> DEIS at 3-393.

<sup>19</sup> *Id.*

assessment regarding impacts to endangered species and has not even proposed specific tolling levels, much less analyzed the impacts of such tolling.

These numerous delayed analyses prevent the DEIS from revealing the full environmental impacts of the project. A brief summary of some analyses and mitigation plans delayed until the FEIS or completely missing include:

- The Ecosystems Technical Report fails to identify or describe specific mitigation measures for habitat impacts and has delayed until later the preparation of a Biological Assessment regarding impacts to endangered species.<sup>20</sup>
- The DEIS fails to analyze the water quality impacts on the Columbia River, Columbia Slough, and Burnt Bridge Creek.<sup>21</sup>
- The CRC project team indicated the number of car lanes under the Build Alternatives is undecided and may be modified at a later date.<sup>22</sup>
- The DEIS states that the modeling for the impacts on sprawl will be put off until the FEIS.<sup>23</sup>
- The location of the stage site is undetermined so the environmental impacts and corresponding mitigation plan is not disclosed in the DEIS.<sup>24</sup>
- The DEIS has put off the harm minimization required under 4 (f) until after the LPA is chosen.<sup>25</sup> The 4(f) section also fails to include the effects on the 218 historic resources

<sup>20</sup> See, DEIS at 3-331 and 3-352.

<sup>21</sup> DEIS at 3-388.

<sup>22</sup> Attached as Exhibit D. Dylan Rivera. June 25, 2008, "Task force backs new I-5 bridge, light rail over Columbia" *The Oregonian*. Available at [http://blog.oregonlive.com/breakingnews/2008/06/task\\_force\\_votes\\_to\\_recommend.html](http://blog.oregonlive.com/breakingnews/2008/06/task_force_votes_to_recommend.html).

<sup>23</sup> DEIS at 3-135.

<sup>24</sup> DEIS at 3-97.

the alternatives will impact as relevant state agencies "are in the process of reviewing the preliminary findings of effect, with concurrence expected by late spring of 2008."<sup>26</sup>

- The DEIS fails to disclose the full range of property acquisitions and their corresponding mitigation plans.<sup>27</sup>
- The DEIS fails to clearly disclose the mitigation necessary for the impacts of the demolition and removal of the existing I-5 bridges under the replacement bridge scenario. This demolition will result in an extremely large amount of waste including concrete, metal, and other construction debris that will require a significant mitigation plan.

### **C. Public participation**

The public cannot adequately review the DEIS without a clear description of the full scope of the CRC project. CEQ regulations state that "public scrutiny is essential to implementing NEPA"<sup>28</sup> The public cannot engage in informed analysis without a full, honest, and adequate disclosure of information in the DEIS. The DEIS must "stand alone" as the complete, comprehensive source for the analysis of the total, direct, indirect, and cumulative impacts of a project.<sup>29</sup> CEQ regulations clearly require that any material used for analyses or to substantiate conclusions must be attached in an appendix.<sup>30</sup> Yet, the DEIS does not include required information in the text, nor does it include or attach many supporting documents referenced in the DEIS.

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<sup>25</sup> DEIS 5-76.

<sup>26</sup> DEIS at 5-4.

<sup>27</sup> DEIS at 3-104.

<sup>28</sup> 40 C.F.R. § 1500.1 (b).

<sup>29</sup> *ACT v. Dole*, 610 F.Supp. 1101 (N.D.Tex. 1985).

<sup>30</sup> 40 C.F.R. § 1502.18.

For instance, the DEIS is missing the document describing the evaluation of the range of considered alternatives—the “heart of the EIS.”<sup>31</sup> The DEIS cites this document, Development of the Range of Alternatives, 2007, that supposedly explains how the range of alternatives were developed but does not include it in an appendix or technical document.<sup>32</sup> The citation provided no guidance regarding where this document was available. In fact the document is buried on the CRC library website. More disturbing is the fact that this Development of the Range of Alternatives document does not contain any information on the final filtering process<sup>33</sup> that resulted in the alternatives carried forward into the DEIS. Information on the Step B Screening conclusions is actually buried in the CRC Task Force’s 11/19/07 262 page meeting packet in the Criterion Performance Report<sup>34</sup> and River Crossing Recommendations PPT slideshow.<sup>35</sup> With the millions of dollars expended to date in the development of the DEIS and the 30 + staff intimately familiar with these documents it would have been an easy task to list where these are available by in-text citation or at a minimum, in the references listed in Appendix F. Yet the CRC chose to shift the burden to the public and agencies by using cryptic, general citations. The DEIS is far from comprehensive if the document describing the alternatives analysis, “the heart of the Environmental Impact Statement” is missing.<sup>36</sup>

The DEIS does not include documents that substantiate traffic and tolling conclusions and the CRC project staff failed to provide these documents upon request. Economist Joe Cortright submitted a public records request on February 22, 2008 requesting all documents and reports relating to “forecasts of traffic volumes, traffic speeds, and levels of congestion related to

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<sup>31</sup> 40 CFR § 1502.14.

<sup>32</sup> DEIS at 2-51. Document attached as Exhibit E.

<sup>33</sup> Step B Screening Results

<sup>34</sup> p. 93-149

<sup>35</sup> p. 213-234

<sup>36</sup> 40 CFR § 1502.14.

the CRC... to tolling and financing of the project.”<sup>37</sup> The CRC project team did not comply with this request. The CRC project team’s failure to furnish documents that would enable the public to properly analyze the DEIS violates CEQ regulations requirement to “encourage and facilitate public involvement.”<sup>38</sup> Based upon this failure to disclose crucial documents and release them upon request, NEDC is reasonably concerned there are other examples of hidden documents of significance.

The DEIS improperly cites facts, conclusions, and analyses by using general citations to each technical report at the beginning of each section. The beginning of Chapter 3, Existing Conditions and Environmental Consequences, states, “These findings are based on detailed technical reports included as electronic appendices to this DEIS and cited throughout the chapter.”<sup>39</sup> Each section then includes another general citation such as, “All data in this section comes from the CRC Traffic Technical Report [350 pages] and CRC Transit Technical Report [678 pages], unless otherwise noted.”<sup>40</sup> This places an undue burden on the public to navigate these extensive technical documents to precisely locate the data utilized to draw certain conclusions. Without specific citations the public cannot verify the accuracy or source of critical conclusions within the DEIS. For instance, to find an explanation for the conclusion, “By 2030, average weekday traffic across the I-5 bridges is forecast to reach 184,000 vehicles per day, an increase of 37 percent over current conditions,” a member of the public would have to navigate over 1,008 pages of the cited technical documents<sup>41</sup>. This is an unacceptable burden for the public each time it wishes to locate the source of a statement or conclusion made within the

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<sup>37</sup> See attached Exhibit F. CRC. February 26, 2008. Response to Joe Cortright, Public Records Request.

<sup>38</sup> 40 CFR § 1500.2 (d).

<sup>39</sup> DEIS at 3-2.

<sup>40</sup> DEIS at 3-3.

<sup>41</sup> DEIS at 3-19.

DEIS, especially given the short 60-day comment period. These general citations frustrate meaningful participation rather than facilitating it.

Another example of these incoherent citations is found in section 3.18, Hazardous Materials which states, “The information presented in this section is based on the CRC Hazardous Materials Technical Report [873 pages], which is included as an electronic appendix to this DEIS.”<sup>42</sup> This section goes on to describe 15 pages of facts and conclusions without specifically citing where these facts are located within the technical report. In verifying the accuracy of the DEIS, the burden should not be on the public to search out the specific location in the technical report. Rather, the drafters of the DEIS should have simply included the specific citations in the text. Similar general citations are found throughout the remainder of the DEIS and frustrate the ability of the public to provide the public scrutiny under NEPA.<sup>43</sup> In the absence of this requisite public scrutiny, conclusions drawn by the DEIS could hide behind the veil of the “technical report” because their location is unverifiable within the report itself. These hidden documents and general citations fail to satisfy NEPA.

#### **D. Misuse of DEIS/FEIS Process**

CRC project staff appears to believe that the DEIS is simply a “rough draft” that can present the public with interchangeable “concepts” and fluid alternatives, none of which may resemble the Locally Preferred Alternative (“LPA”) that will be featured and evaluated in the FEIS. NEDC has been told by multiple members of the public, and especially by local agencies and governmental bodies who will be voting on the LPA, that representatives of CRC have told them that all they need to do now, during the DEIS public comment period, is express a

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<sup>42</sup> DEIS at 3-405.

<sup>43</sup> 40 C.F.R. § 1500.1 (b).



preference for or against a new, generic bridge (framed as “supplemental bridge” versus “replacement bridge”), express a preference for the transit type – light rail or bus rapid transit and identify the terminus of the transit. All the details regarding that “new bridge”, the LPA, will be worked out and evaluated in the FEIS, after the close of the public comment period. The DEIS in fact expressly says that a proposed mitigation plan will not even be developed until the LPA is identified and will only be included in the FEIS.<sup>44</sup> While this approach may be consistent with whatever agreements CRC has with its member agencies and governmental bodies, it is flatly inconsistent with NEPA’s legal requirements.

NEPA and its implementing regulations clearly require that a DEIS be a nearly complete EIS that contains almost all of the components that will appear in the FEIS.<sup>45</sup> The purpose of preparing a DEIS and circulating it for public comment is precisely so that the public can review the agency’s actual alternative proposals and its actual analysis of the impacts of those specific alternatives.<sup>46</sup> The FEIS then must contain responses to the public comments and it should correct any errors identified by those comments.<sup>47</sup> However, if the FEIS includes alternatives that differ significantly from those in the DEIS or contains significant, new information about the impacts of a proposal, it violates NEPA and the responsible agency must instead prepare and circulate for public comment a Supplemental DEIS.<sup>48</sup> An agency cannot avoid this legal obligation by simply labeling a new alternative as a smaller or less harmful version of an alternative included in the DEIS.<sup>49</sup> That would be especially true regarding this DEIS where the

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<sup>44</sup> DEIS at S-35.

<sup>45</sup> 40 CFR § 1502.9(a).

<sup>46</sup> See *Id.*; *California v. Block*, 690 F.2d 753 (9<sup>th</sup> Cir. 1982).

<sup>47</sup> 40 CFR § 1502.9(b).

<sup>48</sup> See 40 CFR Se. 1502.9(c); *Block*, 690 F.2d at 769; *Dubois v. U.S. Dept of Agriculture*, 102 F.3d 1273, 1292 (1<sup>st</sup> Cir. 1996).

<sup>49</sup> See, e.g., *Dubois*, 102 F.3d 1273.

CRC has essentially claimed that the biggest new bridge would have the lowest impacts on the natural environment.<sup>50</sup>

**E. The LPA was chosen before the public had an opportunity to comment on the DEIS**

Although the CEQ regulations strongly encourage federal agencies to integrate the NEPA process with other planning efforts and proceed with those efforts concurrently, see, e.g., 40 CFR Sec. 1500.2(b), that is no excuse for the considerable confusion that has been caused by the CRC simultaneously issuing the DEIS for public comments and insisting that CRC task force members publicly endorse a Locally Preferred Alternative while public comments on the DEIS have not concluded.<sup>51</sup> The DEIS Summary of the “next steps” in the NEPA process clearly, and incorrectly, asserts that the CRC Task Force will recommend a LPA after the DEIS public comment period ends and such comments will be considered when it makes that decision.<sup>52</sup> What actually has happened, however, is that shortly after the DEIS was released for public comment in May of 2008, the governing bodies of each of the sponsor agencies represented on the CRC Project Staff began holding meetings regarding their endorsement of a LPA. Then the CRC Task Force itself endorsed a LPA on June 24, 2008, a week before the DEIS public comment period was scheduled to end. This practice has caused considerable confusion. It also has called into question whether the public has been given a meaningful opportunity to comment

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<sup>50</sup> DEIS at 2-51.

<sup>51</sup> The CRC task force is a 39-member advisory body on the project. It includes representatives from the sponsor agencies, excluding the two DOTs, which staff the task force. It provides advice to the eight sponsor agencies governing bodies, and includes representatives of each sponsor agency. It approved an LPA resolution on June 24, 2008, prior to the July 1, 2008, close of the DEIS comment period. This date represents the only time the sponsor agency governing bodies will be convened TOGETHER to consider and approve an LPA.

<sup>52</sup> S-35.

on the alternatives and the environmental impacts from those alternatives before an actual decision regarding how to proceed has been made.

The confusion has been caused by the CRC Project Staff's insistence that the CRC Task Force and its individual members may endorse a generic replacement bridge LPA that bears little resemblance to any of the specific alternatives set forth in the DEIS.<sup>53</sup> Specifically, CRC staff insisted that identifying a LPA only required Task Force members and project sponsors to choose between the generic concepts of building a supplemental or replacement bridge and whether to include high speed bus or light rail as the public transit mode, and where the transit alignment and terminus would be.<sup>54</sup> "Design details" such as the number of traffic lanes that would be included on such a LPA would be addressed, and the impacts analyzed, at a later date, in the FEIS.<sup>55</sup>

There are at least two major, practical problems with such an approach. First, the DEIS action alternatives all include additional traffic lanes in comparison to the existing bridge and the inclusion of such substantial, additional car capacity has been one of the most controversial aspects of the DEIS action alternatives. So what is the public supposed to comment on: the actual specific alternatives in the DEIS with additional car capacity or just the generic concept of a supplemental or replacement bridge? Perhaps more importantly, as the DEIS analysis makes clear, the number of traffic lanes is not some minor design detail. The number of traffic lanes

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<sup>53</sup> Attached as Exhibit G. Dylan Rivera. June 24, 2008. "City commissioners sign a letter in advance of the Columbia River Crossing project's vote today." *The Oregonian*. Available at <http://www.oregonlive.com/news/oregonian/index.ssf?/base/news/121427792414260.xml&coll=7>.

<sup>54</sup> Attached as Exhibit D. Dylan Rivera. June 25, 2008. "Task force backs new I-5 bridge, light rail over Columbia." *The Oregonian*. Available at [http://blog.oregonlive.com/breakingnews/2008/06/task\\_force\\_votes\\_to\\_recommend.html](http://blog.oregonlive.com/breakingnews/2008/06/task_force_votes_to_recommend.html).

<sup>55</sup> *Id.*

that are included will cause significant differences in the environmental impacts of any replacement bridge. Thus if the CRC sponsor agencies eventually conclude that an LPA replacement bridge with only 6 traffic lanes ( the same number as currently exist) should be approved and analyzed in the FEIS, that FEIS analysis likely will differ significantly from that in the current DEIS. Indeed if the DEIS analysis is to be believed, only a significant increase in the number of traffic lanes will prevent many adverse impacts. Waiting to include such critical analysis only in the FEIS does not satisfy NEPA.

Apparently the CRC Project staff believes that the DEIS need only present and analyze a choice between two extreme alternatives- do nothing or spend \$4 billion on a new (supplemental or replacement) bridge with significantly increased car capacity. Then after the public examines and comments on this false choice, the real decision makers, in this case the DOTs and FHWA and FTA, can determine what they actually intend to do, which is likely to be somewhere in between those extremes, and can present that decision, the analysis of its impacts and a proposed mitigation plan to the public in a final EIS. The legal and policy problems with such an approach to transportation and environmental planning are undermine the validity of the DEIS process.

The NEPA DEIS/FEIS process is not meant to be a hollow exercise that allows decision-makers to essentially hide the ball from the public and thereby avoid meaningful public scrutiny of their decisions. To the contrary, NEPA's implementing regulations and binding case law make clear that meaningful public involvement is mandatory and that public officials are required to consider and disclose the environmental impacts of their proposals before they make a decision.<sup>56</sup> To that end, the DEIS must contain a range of reasonable alternatives, those alternatives must include the alternatives the decision maker will consider, the alternatives must

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<sup>56</sup> See, e.g. 40 CFR § 1500.1(c), 1502.1, 1502.14.

be sharply defined and provide a clear basis for choice, the environmental impacts of those alternatives must be evaluated and disclosed, and measures to mitigate impacts must be described and considered.<sup>57</sup> Any replacement bridge option that includes fewer, or even no, new traffic lanes, would involve environmental trade-offs and consequences that clearly are not evaluated in the current DEIS. NEPA requires that such a new alternative and its impacts be disclosed to the public and made available for meaningful public comment before any actual decision has been made. That must occur in a supplemental DEIS.<sup>58</sup>

NEPA regulations do in fact allow for the identification of a preferred alternative in either the DEIS or FEIS.<sup>59</sup> What they do not allow, however, is for the FEIS to include and analyze for the first time a significantly different preferred alternative that has not been subject to public comment and scrutiny. Such an approach would undercut NEPA's basic premise and approach to encourage good, publicly scrutinized, informed environmental decision-making.

### **III. Chapter 1: A HIDDEN PURPOSE RESULTED IN A FALSE CHOICE BETWEEN TOO FEW OPTIONS.**

The DEIS narrowly restricts the purpose and need statement of the CRC project to justify a very specific action—the construction of a new \$4 billion I-5 replacement bridge with multiple, additional traffic lanes. NEPA requires that an Environmental Impact Statement include a purpose and need statement to explain and justify why an agency action is necessary.<sup>60</sup> The purpose and need statement is crucial to the DEIS because only a sufficiently broad statement will

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<sup>57</sup> 40 CFR § 1500.2(e), 1502.1, 1502.9(a), 1502.14.

<sup>58</sup> See 40 CFR § 1502.9(c).

<sup>59</sup> 40 CFR § 1502.14 (e).

<sup>60</sup> 40 C.F.R. § 1502.13.

allow full development of an adequate range of project alternatives.<sup>61</sup> The early elimination of viable crossing alternatives geographically removed from the I-5 area occurred when the DEIS narrowly drafted the purpose of the action to be within the Bridge Influence Area (BIA).<sup>62</sup> The DEIS's presentation of alternatives with expanded car and truck capacity suggest that increased car and truck capacity was an *unspoken* project requirement that dictated the development of alternatives.<sup>63</sup> This narrow project focus on a new \$4 billion I-5 replacement bridge prevented the use of the purpose and need of the project to identify a range of reasonable alternatives that address the real underlying problem—inadequate transportation *options* between Portland and Vancouver. The narrow statement and interpretation of the project's purpose and need prevent the DEIS from offering a wide-range of reasonable alternatives that reflect the region's visionary leadership away from outdated and out-moded highway projects and towards sustainable transportation solutions.

The underlying but unspoken purpose of the project is evident in the dismissal of project alternatives that do not increase car capacity. Several early crossing components were eliminated because they did not increase car capacity, indicating that this was a hidden need of the project.<sup>64</sup> The initial screening of potential project components included several crossing options evaluated upon their applicability to the project's purpose and need statement.<sup>65</sup> Yet, these findings detailed in Screening Report A, indicate that crossing components that did not increase vehicle capacity were eliminated using the first question: "Does the proposed

<sup>61</sup> See, eg. *Simmons v. U.S. Army Corps*, 120 F.3d 664 (7<sup>th</sup> Cir. 1997). *Davis v. Mineta*, 302 F.3d 1104, 1118 (10<sup>th</sup> Cir. 2002).

<sup>62</sup> See DEIS at 1-3 and Attached Exhibit H: CRC document, "Draft Components Step A Screening Report," March 22, 2006. (See, alternatives RC-14, RC-16, RC-18, RC-19, RC-21, and RC-22.)

<sup>63</sup> DEIS at 2-5.

<sup>64</sup> DEIS at 2-47.

<sup>65</sup> *Id.*

component decrease vehicular demand or increase vehicular capacity?”<sup>66</sup> Components that decreased vehicular demand but did not increase vehicular capacity were eliminated from further study.<sup>67</sup> For example, the New Western Highway was not advanced because it did not increase capacity within the Bridge Influence Area. The report then stated that increased travel demands were likely and that, “without added [car] capacity in the BIA increased congestion will result.”<sup>68</sup> The CRC project team had predetermined that the project’s purpose and central need was to increase vehicular capacity on the I-5 bridge. Yet, this need was not explicitly disclosed to the public in the purpose and need statement.<sup>69</sup> NEPA requires a transparent process yet the public was not informed of this controversial *need*.

The very existence of increased car capacity will inevitably lead to increased demand in car travel. As the courts have noted, “[h]ighways create demand for travel and expansion by their very existence.”<sup>70</sup> By increasing demand for car travel, increased car capacity will discourage use of new transit options while ultimately leading to more car trips, more pollution, and an overall increase in vehicle miles traveled (VMT). With the project’s sights narrowly focused upon increased car capacity, other alternatives that could accomplish many or all of the other project needs without expanding car capacity were excluded from consideration. As NEDC’s later comments on the Alternatives section demonstrate, sustainable options that expand transit, bicycle, and pedestrian options without increasing car capacity have the potential to meet many or all of the stated needs of the project without many of the Replacement Bridge

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<sup>66</sup> Attached as Exhibit H: CRC document, Draft Components Step A Screening Report, March 22, 2006. p. 3-1.

<sup>67</sup> *Id.*

<sup>68</sup> *Id.* at 5-7.

<sup>69</sup> DEIS at 1-4.

<sup>70</sup> *Sierra Club v. US Dept. of Trans.* 962 F. Supp. 1037, 1043 (N.D. Ill, 1997) citing *Swain v. Brinegar* 517 F. 2d 766, 777 (7<sup>th</sup> Cir. 1975).

Alternative's adverse impacts. Yet by narrowly focusing the project's purpose and needs on expanded car capacity, the public will never know how sustainable alternatives would compare.

The project's purpose to increase car and truck capacity was also based upon unrealistically high projections of future travel demand. The purpose and need statement projects a "growing travel demand," specifically a 40% increase in car and truck traffic by 2030.<sup>71</sup> This projected increase in traffic is unrealistic and does not take into account present trends in decreased car travel<sup>72</sup> present trends in gasoline prices, or government policies to reduce VMT.<sup>73</sup> By ignoring the decreasing demand for car capacity and overstating future travel needs, the purpose and need statement necessitates project alternatives that did not increase car capacity (and overstated the adverse impacts of the no-action alternative). This inflated travel demand prevented the consideration of alternatives that decreased car capacity and addressed any increased demand in ways other than expanded car lanes. While the DEIS does not explicitly

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<sup>71</sup> DEIS at 1-4.

<sup>72</sup> Attached as Exhibit I. According to records kept by the Oregon and Washington Departments of Transportation, traffic levels on I-5 bridges were down 0.5% in 2006, down 1.2% in 2007, and down 3% over the past twelve calendar months. Sherwood, C. May 7, 2008. "More cross-river commuters leave cars home." *The Columbian*. Vancouver, WA. Available at [http://www.columbian.com/news/localNews/2008/05/05072008\\_More-crossriver-commuters-leave-cars-home.cfm](http://www.columbian.com/news/localNews/2008/05/05072008_More-crossriver-commuters-leave-cars-home.cfm).

<sup>73</sup> The Revised Code of Washington, Chapter 80.80.020, provides:

"(1) The following greenhouse gases emissions reduction and clean energy economy goals are established for Washington state:

- (a) By 2020, reduce overall greenhouse gases emissions in the state to 1990 levels;
- (b) By 2035, reduce overall greenhouse gases emissions in the state to twenty-five percent below 1990 levels;
- (c) By 2050, the state will do its part to reach global climate stabilization levels by reducing overall emissions to fifty percent below 1990 levels, or seventy percent below the state's expected emissions that year . . ."



state increased car capacity as a need of the project, the early elimination of project alternatives indicates that this was the veiled primary purpose of the project.

The DEIS circumvents NEPA requirements by hiding the project's purpose to increase car capacity from the public. Without an upfront presentation of this need, the public is misled by the project's vision of "supporting a healthy community" as well as "recognizing the history of the community surrounding the I-5 bridge influence area, [and] supporting improved community cohesion..."<sup>74</sup> Rather, the real purpose of the project, to increase car capacity, conflicts with the regional community's goals toward sustainable development by preventing sprawl, decreasing vehicle miles traveled, and decreasing greenhouse gas emissions. Revealing the perceived need to increase car capacity was crucial to the public awareness that the project's increased car capacity conflicts with regional planning goals calling for reductions in greenhouse gas emissions. A fair debate regarding alternatives cannot occur unless the real needs underlying this DEIS are fully disclosed.

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<sup>74</sup> DEIS at 1-7

**A. The DEIS failed to present a broad purpose and need statement that aligns with the region's commitment to sustainable development.**

In light of our regional commitment to reduce greenhouse gas emissions<sup>75</sup>, the project should have identified a reduction in VMT and greenhouse gases as a crucial need of the project. Oregon Governor Ted Kulongoski's recent climate change integration group called for immediate action toward the most effective way to curb these impacts: reducing vehicle miles traveled which currently accounts for 34 % of Oregon's carbon emissions.<sup>76</sup> Yet, the DEIS fails to include reductions in VMT and greenhouse gas emissions as goals of the project. By excluding these needs, the project alternatives allow for significant increases in car capacity, which will inevitably lead to significant increases in greenhouse gas emissions. The DEIS claims that the project's action alternatives will result in lower green house gas emissions.<sup>77</sup> However, as is explained below, *reductions* only means reduced<sup>78</sup> in comparison to the projected

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<sup>75</sup> The Oregon Revised Statute 468A.205(1) sets goals of reducing greenhouse gas emissions by 10 percent from 1990 levels by 2010, and by 75 percent from 1990 levels by 2050.

The Revised Code of Washington, Chapter 80.80.020, provides:

“(1) The following greenhouse gases emissions reduction and clean energy economy goals are established for Washington state:

- (a) By 2020, reduce overall greenhouse gases emissions in the state to 1990 levels;
- (b) By 2035, reduce overall greenhouse gases emissions in the state to twenty-five percent below 1990 levels;
- (c) By 2050, the state will do its part to reach global climate stabilization levels by reducing overall emissions to fifty percent below 1990 levels, or seventy percent below the state's expected emissions that year . . .”

<sup>76</sup> Attached as Exhibit J. Nigel Jaquiss. May 21, 2008. “Bridge Over The Water, Why?” *Willamette Wee*. Available at <http://wwweek.com/editorial/3428/11009/>.

<sup>77</sup> DEIS at 3-433.

<sup>78</sup> NEDC comments, GHG Section

increases under the no action alternative.<sup>79</sup> In fact all alternatives offered in the DEIS would result in significant *increases* in greenhouse gas emissions. Such increases do not reflect the regional commitment to reductions in greenhouse gases nor fulfill the leadership role that the Portland area takes on sustainability. In fact, they are a flagrant violation of CEQ regulations which require, “the EIS demonstrate consistency with adopted State and local statutes and plans...”<sup>80</sup> At a minimum, the DEIS should have offered at least one alternative that truly reduces greenhouse gas emissions. The DEIS should have taken a pro-active stance to shape the transportation habits and demand of the area, not cater to unsustainable growth of single-occupant car trips.

**B. The DEIS fails to use the proper broad purpose of the project—a need to address the inadequate transportation problem between Portland and Vancouver.**

Here, the purpose and need in the DEIS fails to identify the real underlying problem—the inadequate transportation options between Portland and Vancouver. Without the proper identification of the underlying problem, the range of action alternatives presented is too narrowly focused on building an expanded I-5 bridge. The purpose of the project was stated so narrowly that only the construction of a new I-5 bridge could satisfy the project’s purpose. NEDC recognizes the severity of the complex transportation problem in the I-5 corridor and the need for

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<sup>79</sup> VMT and congestion analysis should include direct comparisons between build alternatives and current levels, not just inflated projected No Build levels, since adopted policies are based on reductions from current or even past levels.

<sup>80</sup> 40 C.F.R. § 1506.2 (d)

a project to address this issue (and other related issues) with an appropriate solution. Yet, the DEIS fails to implement innovative solutions that go beyond the traditional highway project mentality. Focusing only on the I-5 bridge area and alternatives with expanded vehicular lanes to address the bi-state travel problem will not solve the transportation problem between the two cities. Instead, the project threatens to exhaust significant resources to apply a temporary band-aid to the hemorrhaging transportation issue. The public deserves a creative solution to meet diverse future travel needs that does not worsen the problems associated with so many outdated highway projects.

The DEIS states that, “The purpose of the proposed action is to improve Interstate 5 corridor mobility by addressing present and future travel demand and mobility needs *in the Columbia River Crossing Bridge Influence Area (BIA)*.”<sup>81</sup> This statement draws the project’s purpose too narrowly by limiting the project’s focus to the Bridge Influence Area (BIA) surrounding the I-5 corridor. In other words, the focus is put on replacing a bridge that carries car and truck traffic. Yet, I-5 mobility could be addressing travel demand outside the BIA. The travel demand is not limited to the BIA but rather is a result of the inadequate transportation options between Vancouver and Portland. The I-5 corridor is not the only potential suitable location for transportation between the cities. Building outside the BIA and away from the current crossing could solve many of the identified needs of the project—traffic congestion, freight mobility, alternative transportation improvement—while tackling unidentified yet pressing needs. The CRC project could actually reduce the environmental impacts on the already overburdened communities and ecosystems along the I-5 corridor. By immediately

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<sup>81</sup> (emphasis added). DEIS at 1-3.

limiting the project's scope to such a small action area, the DEIS failed to explore a true range of project alternatives that provide the least environmental impacts and economic costs.

The DEIS did not provide any documentation or justification for narrowly defining the purpose of the project to the BIA. Courts have found fault with agencies that unnecessarily limit or interpret their purpose and thereby place unnecessary limits on the range of reasonable alternatives.<sup>82</sup> The DEIS should include a broader statement of purposes that identify the underlying problems regarding the I-5 bridge—the lack of adequate transportation options between Portland and Vancouver.

**C. The DEIS states project needs that extend beyond the narrowly defined Bridge Influence area.**

The DEIS had the obligation to explore a broader project purpose because the needs of the project could be satisfied by improving transportation needs outside the BIA. The growing travel demand between Portland and Vancouver and congestion on I-5 could be addressed by opening up an additional artery for transportation outside of the BIA. The DEIS shows that 24-38% of daily traffic enter and exit within the BIA.<sup>83</sup> Re-routing this large amount of local commuter traffic to an alternative crossing location with transit options could open up I-5 for the

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<sup>82</sup> *Davis v. Mineta*, 302 F.3d 633, 638 (10<sup>th</sup> Cir. 2002); *Simmons v. US Army Corps*, 120 F. 3d 664 (7<sup>th</sup> Cir. 1997), *Van Abbema v. Fornell*, 807 F.2d 633, 638 ( 7<sup>th</sup> Cir. 1986), *see also* *Ilio 'ulaokalani Coalition v. Rumsfeld*, 464 F.3d 1083 (9th Cir. 2006).

<sup>83</sup> Traffic Technical Report at 82, exhibit 5-6.

requisite local and regional freight transportation.<sup>84</sup> Developing a transit crossing outside the BIA would improve limited public transportation operation, connectivity, and reliability within the key transit areas of “Portland Central City and the City of Vancouver.”<sup>85</sup> Limiting transit options to the already cramped BIA is not necessary for travel between the vast key transit markets and may not be the best option for the public. The crashes and unsafe conditions stem from the traffic congestion on the I-5 bridge. So safety and vulnerability to accidents may be reduced by diverting travel trips away from the current I-5 bridge.<sup>86</sup> The DEIS acknowledges that to avoid congestion “many trips take the longer, alternative I-205 route across the river” indicating travelers are willing to redirect their routes to avoid congestion.<sup>87</sup> Yet, the DEIS fails to consider this factor in exploring a broad project purpose. Many local commuters might be willing to redirect their trips off I-5 to avoid the current problems if they were offered viable alternatives.

Furthermore, the DEIS interprets this need too narrowly by asserting that breakdown lanes and shoulders are the only way to address the safety issues on the I-5 bridge. Safety concerns may be addressed through options beyond additional breakdown lanes and shoulders—such as reduced design speeds and reducing car travel through an aggressive push to utilize public transit and reduce driving, especially during congested conditions. Reducing the set design speed of 70 mph to a more appropriate speed for a congested urban bridge could go a long

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<sup>84</sup> CRC Project Team, without clear justification, yanked a supplementary local bridge option (Option A+) from further discussion by the special Supplementary Bridge Alternative committee in 2007.

<sup>85</sup> DEIS at 1-4.

<sup>86</sup> DEIS at 1-5.

<sup>87</sup> DEIS at 1-4.

way towards providing slower, safer conditions for cars.<sup>88</sup> These design speed reductions would also assist in the reduction of greenhouse gas emissions from cars.<sup>89</sup> A more aggressive plan to divert car travelers to new public transit options also would significantly reduce the congestion causing the safety problem. Yet, CRC drafted this need so narrowly that only multiple breakdown lanes and wide shoulders that in fact appear also to serve as hidden, additional lane capacity are the “appropriate solution” to address the safety issues.<sup>90</sup> These narrow interpretations of the project’s needs do not allow for a true evaluation of alternatives to address a broad project purpose.

The DEIS also included needs not unique to the I-5 bridge to justify action in the BIA. Substandard bicycle and pedestrian facilities and seismic vulnerability are issues that plague many of the bridges throughout Portland. Such improvements are needed on many bridges and are not novel to this project. Certainly there need to be significant, additional bicycle and pedestrian options between Portland and Vancouver and the current bridge’s seismic vulnerabilities need to be corrected.<sup>91</sup> But these very real, unmet needs cannot be used as an excuse to solve the Portland-Vancouver transportation problems only by building 3 more bridges in the I-5 corridor. All these issues deserve to be addressed by considering true alternatives that offer sustainable solutions to all the various aspects of the transportation problem. Putting some

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<sup>88</sup> CRC Project Staff Member, Lynn Rust, indicated the design speeds were listed as 70 mph. See Attached Exhibit K: Email from Lynn Rust, June 23, 2008.

<sup>89</sup> Driving at speeds greater than 55 mph results in increased carbon emissions. See, attached Exhibit L: Ang-Olson, J. and W. Schroeer. August 13, 2003. “Energy Efficient Strategies for Freight Trucking: Potential Impact on Fuel Use and Greenhouse Gas Emissions.” Available at [http://www.ccap.org/pdf/2003-Aug-13--CT-CCSD--Transp--EE\\_for\\_Freight\\_Trucking.pdf](http://www.ccap.org/pdf/2003-Aug-13--CT-CCSD--Transp--EE_for_Freight_Trucking.pdf).

<sup>90</sup> DEIS at 1-5.

sustainable bicycle makeup on an unsustainable monster-bridge is not the proper way to approach this regions transportation issues.

**D. The DEIS utilized the narrow purpose and need statement to justify dismissal of reasonable alternatives.**

The narrow definition and interpretation of the Purpose and Need statement resulted in the early dismissal of concrete, reasonable alternatives before a rigorous public evaluation in the DEIS. The narrow purpose and need statement prevented the development of a sustainable alternative that aggressively combats greenhouse gas emissions with no expansion of car lanes or an alternative creating a local commuter crossing outside of the Bride Influence Area. These narrowly construed needs caused the early dismissal of several reasonable components and prevented the DEIS from meeting its legal obligation to explore a wide-range of reasonable alternatives. Rather, The Purpose and Need Statement was manipulated to fit only the predetermined project outcome—a new I-5 bridge with expanded highway lanes. The DEIS thus unlawfully only considered alternatives that offer a false choice between two extreme options—do nothing or build a \$4 billion bridge.



**IV. Chapter 2: A FALSE CHOICE BETWEEN EXTREMES  
INSTEAD OF A BROAD RANGE OF SUSTAINABLE  
TRANSPORTATION ALTERNATIVES**

**A. The DEIS did not fulfill CEQ regulations to “rigorously explore and objectively evaluate all reasonable alternatives.”<sup>92</sup>**

The public was presented with a false choice between doing nothing or building a \$ 4 billion bridge because the DEIS did not offer and analyze in detail a wide range of reasonable alternatives in the DEIS . NEPA requires an Environmental Impact Statement to provide the public with a rigorous evaluation of alternative actions to the proposed project.<sup>93</sup> Yet, the DEIS fails to provide evidence of a rigorous evaluation of a reasonable range of alternatives presented in the DEIS or even serious consideration of such alternatives earlier in the NEPA process. The DEIS’s presentation of four similar action alternatives does not reflect the wide range of possible reasonable, sustainable alternatives to the bi-state transportation problem. The CEQ regulations state that the “alternatives analysis is the heart of the Environmental Impact Statement” yet the alternatives provided in the DEIS are in dire need of quadruple bypass surgery.<sup>94</sup>

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<sup>92</sup> 40 CFR § 1502.14 (a)

<sup>93</sup> 40 CFR § 1502.14 (a).

<sup>94</sup> 40 CFR § 1502.14.

**B. The DEIS presents four similar alternatives that leave the public with one extreme choice—take no action or spend \$4 billion on a replacement or supplemental bridge.**

The DEIS misleads the public into believing there are five project alternatives to choose from when there is actually one real choice—do nothing or build a new bridge that significantly increases car and truck capacity. The DEIS presented a single transportation concept, a new I-5 bridge with expanded car capacity and a transit option as four very similar action alternatives. The DEIS distills these four almost indistinguishable action alternatives by slightly rearranging and changing minor components. Offering the public two extremes and nothing in between is not the kind of alternatives analysis required by NEPA.

The incorporation of the current I-5 bridge structure into the supplemental bridge design does not distinguish it enough from the replacement bridge to render it a truly separate alternative or choice. Rather, this option is simply a structural design choice similar to the future choice between a 3-bridge design or a stacked transit/highway bridge. Further packaging these alternatives with the option of bus rapid transit or light rail does not make them any more distinguishable as separate alternatives. The language of the DEIS acknowledges the similarities between the replacement bridge options and the supplemental bridge options because they differ only in the transit mode. “Alternative 3 is similar to Alternative 2 except that light rail would be used instead of bus rapid transit.”<sup>95</sup> “Alternative 5 is similar to Alternative 4 except that light rail would be used instead of bus rapid transit.”<sup>96</sup> The public should not be expected to accept these as distinguishable alternatives when the DEIS fails to distinguish them as dissimilar alternatives. The DEIS attempts to fool the public into believing a choice in transit mode magically doubles

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<sup>95</sup> DEIS at 2-10.

<sup>96</sup> DEIS at 2-14.

the presented alternatives to four. NEDC and the public will not be fooled into believing that the similarities of these action alternatives reflect the plethora of reasonable action alternatives that exist.

In between the two extremes presented in the DEIS, a wide range of reasonable alternatives exist including: sustainable alternatives that do not increase car capacity but instead rely upon other ways to reduce congestion; an alternative crossing location to serve local commuter traffic; and incremental approaches to prevent a nose-dive into a massive public works undertaking. In comparison to these innovative and divergent alternatives, both the replacement and supplemental bridge options are virtually indistinguishable as they represent the same outdated 1950s highway thinking that simply increases car capacity as the only way to “improve” transportation. Indeed that is especially true when the estimated costs are included. Assuming those estimates are accurate (which we doubt), the public has simply been offered the choice of doing nothing or spending \$ 4 billion on a new bridge.

Presentation of virtually indistinguishable extreme alternatives in an EIS does not fulfill the NEPA requirement to provide a reasonable *range* of alternatives to a proposed project. Recently, the 9<sup>th</sup> circuit found that the National Park Service did not provide a reasonable range of action alternatives presented in a supplemental EIS because they were based off the same management framework for a Yosemite visitor management plan.<sup>97</sup> Simply adding a different component to the 2<sup>nd</sup> and 3<sup>rd</sup> alternatives made the action alternatives “virtually indistinguishable”, and they were therefore not varied enough to allow for a real, informed choice.”<sup>98</sup> Similarly, the CRC DEIS presents a single bridge crossing with minor structural and transit options as four virtually indistinguishable alternatives. The 9<sup>th</sup> circuit also struck down a

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<sup>97</sup> *Friends of Yosemite Valley v. Kempthorne* 520 F.3d 1024 at 1038, 1039, (9<sup>th</sup> Cir. 2008).

<sup>98</sup> *Id.*

similar EIS that had a predetermined outcome and an impermissibly narrow range of alternatives.<sup>99</sup>

The DEIS's presentation of extremes does not reflect the wide range of alternatives dictated by the scope of the project and the underlying problem. The underlying transportation problem between Portland and Vancouver coupled with the controversial nature of the project dictate the need for a wide range of alternatives that are not presented in the DEIS. The 9<sup>th</sup> circuit has held failure to provide this *range* of alternatives is a violation of NEPA: “[w]hen the proposed action is an integral part of a coordinated plan to deal with a broad problem, the range of alternatives that must be evaluated is broadened.”<sup>100</sup> The failure of the CRC DEIS to present a reasonable range of alternatives is also a violation of NEPA.

### **C. The DEIS does not present a reasonable range of alternatives.**

The DEIS presents only the extreme possibilities as project alternatives—the legally-mandated no-action alternative and a massive, \$4 billion bridge. In between these two extremes there remain reasonable, concrete alternatives presented by the public that did not obtain the requisite rigorous evaluation under NEPA.<sup>101</sup> The 9<sup>th</sup> circuit has found that the “existence of a viable but unexamined alternative renders an environmental impact statement inadequate.”<sup>102</sup> Here, the DEIS fails to rigorously evaluate several promising alternatives that were summarily

<sup>99</sup> *California v. Block*, 690 F. 2d at 767-768

<sup>100</sup> See *Ilio’ulaokalani Coalition v. Rumsfeld*, 464 F.3d 1083, 1098 (9<sup>th</sup> Cir. 2006).citing *City of Alexandria v. Slater*, 198 F.3d 862, 868 (D.C.Cir.1999) (quoting *Natural Res. Defense Council v. Morton*, 458 F.2d 827, 835 (D.C.Cir.1972))

<sup>101</sup> 40 CFR § 1502.14 (a).

<sup>102</sup> *Res. Ltd. V. Robertson*, 35 F. 3d 1300, 1307 (9<sup>th</sup> Cir. 1994); *Alaska Wilderness Recreation & Tourism v. Morrison*, 67 F.3d 723, 729 (9<sup>th</sup> Cir. 1995).

dismissed or completely ignored. The DEIS fails to provide alternatives that address one or more of these concepts:

- reduce sprawl and growth
- actively reduce greenhouse gas emissions by targeting reductions in VMT
- reflect the regional vision for sustainable growth
- actively reduce emissions of other air pollutants
- substantially increase transit use by combining light rail AND bus rapid transit
- place alternative transit options on equal footing with vehicle capacity
- utilize incremental project phases such as major transit expansion and tolling to reduce congestion before determining construction of a new highway bridge is necessary
- alternatives that do not increase car capacity
- alternatives that increase car capacity by far less than the current replacement bridge option

Furthermore, there are reasonable alternatives consisting of combinations of components that passed the initial screening processes that were not evaluated in the DEIS. For example, a replacement bridge that puts pedestrian, bike, and transit options on equally footing with cars by limiting any new bridge to the current number of car lanes. Another viable alternative that was not rigorously evaluated was the Western Arterial bridge. There is no documentation that this alternative, supported by much of the public, was given a proper evaluation before exclusion from the DEIS. Most importantly, the DEIS did not examine an alternative that does not increase car capacity. The DEIS has not provided clear information why an alternative that does

not increase highway capacity was not rigorously evaluated. These viable alternatives left unevaluated render the DEIS inadequate.

**D. The DEIS lacks a sustainable alternative that minimizes environmental impacts.**

NEPA requires an EIS “to identify and assess the reasonable alternatives to proposed actions that will avoid or minimize adverse effects of these actions upon the quality of the human environment.”<sup>103</sup> Yet the DEIS provides no alternative that avoids or minimizes the adverse effects of the preferred alternative—expanded car capacity. The DEIS must consider an alternative beyond the requisite no-build alternative that offers lower environmental impacts. Although the CRC attempted to package it as such, the supplemental bridge is not an *alternative* that minimizes adverse environmental effects but rather would impose significant adverse environmental impacts that could be avoided or mitigated by other reasonable, more sustainable alternatives. The DEIS has failed to meet its obligation under NEPA to identify and present alternatives to the proposed replacement bridge that could minimize or mitigate the environmental impacts of the project.

Ninth Circuit case law makes it clear that it is not NEDC’s job to detail a sustainable alternative in the absence of the DEIS’s failure to provide an option to the public that responds to a larger vision and agenda for a more environmentally and economically sustainable future.<sup>104</sup> Nevertheless it is not hard to imagine a reasonable sustainable alternative that would include: a replacement bridge that addresses seismic concerns and has a maximum of 3 vehicle lanes plus one shoulder lane total in either direction; tolling to reduce congestion; a combined transit

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<sup>103</sup> 40 CFR §1500.12 (e).

<sup>104</sup> See, e.g., *Davis v. Coleman*, 521 F. 2d 661, 671 (9<sup>th</sup> Cir. 1975)

component that includes light rail and/or bus rapid transit with more frequent service to further address congestion and aggressively lower air emissions; a lower “design speed” for the highway portion to allow for less “overbuilding”, enhanced safety (with lower speeds) and lower air emissions; a 24 foot wide multiuse bike commuter and regional trail on the west side and an 8 foot wide walking and cycling sidewalk on the east side; and a commitment to sustainability and quality urban design and landscaping for all aspects of the project (such as using designs that minimize the amount of new impermeable surfaces created). This type of sustainable alternative would seek to maximize the utilization of alternative transportation options to meet demand (rather than just offering those options with even more highway capacity ) and reflects the regional commitment to sustainability, at a likely far lower cost than the alternatives actually preferred by and presented in the DEIS.

This sort of more sustainable alternative would maintain car lanes at their current capacity while aggressively pushing transit and other non-automobile options for commuters. This could reduce congestion, reduce regional sprawl, decrease commuter trip length and VMT, and might actually decrease greenhouse gas emissions and emissions of other air and water pollutants. Certainly it would offer significant environmental and health benefits that are not offered by the alternatives actually evaluated in the DEIS. The replacement bridge options in the DEIS clearly would increase car capacity thereby encouraging commuters to rely on their cars rather than utilizing the new limited transit options. This would likely encourage dispersed land use development, encourage longer distance commuting, increased greenhouse gas emissions, higher VMT, and increase auto dependency.

The DEIS thus would have us believe that the only reasonable way to address current and future transit demand is by building more highway lanes for cars. That is not the approach to

future transit needs that the public deserves and that NEPA requires. The CRC authors of the DEIS may in fact believe that a new bridge with lots of new car lanes is in fact the best option. That however is no excuse for denying the public a detailed comparison of the environmental and transit benefits and impacts of a wide range of reasonable alternatives, including reasonable alternatives that focus on reducing car commuting and greenhouse gases. Instead the only comparison offered is between a no action alternative whose future adverse impacts are exaggerated and action alternatives whose adverse impacts are grossly understated by refusing to model for induced growth. The public deserves a supplemental DEIS documenting a rigorous evaluation of a sustainable alternative and comparison to the big-highway alternatives already set forth in the DEIS.

In the face of objections to limited action alternatives that all add car travel lanes, CRC Project Staff have suggested that the number of lanes is somehow a minor “design” issue that can be addressed (and analyzed) at some later point. The number of vehicle lanes however is a crucial issue in any new highway proposal, and DEISs for such projects often provide and analyze alternatives with different numbers and configurations of vehicle lanes. The public deserved to see a detailed analysis in the DEIS that analyzed how alternatives with fewer lanes performed at meeting project needs and with regard to environmental impacts in comparison to the \$4 billion super-bridge that is offered as the only viable option.



**E. The DEIS failed to provide an alternative that did not increase highway capacity.**

The DEIS provides that the replacement or supplemental bridge options would substantially increase highway capacity to at least 12 and at least 8 lanes respectively.<sup>105</sup> The public has noted that this is a major step backwards for our region known for progressive thinking and leadership in sustainable growth because expanding car capacity will induce travel demand and increase greenhouse gas emissions. These results conflict with our regional commitment to reduce automobile travel in light of the climate change crisis. Both the states of Oregon and Washington have adopted legislation that calls for a reduction in greenhouse gas emissions while the region is a leader in advocating for reducing our reliance on automobile travel.<sup>106</sup> The controversial claims in the DEIS that the alternatives will *reduce* greenhouse gas emissions are misleading and incorrect.<sup>107</sup> Any *reduction* is only in comparison to projected increases under the no action alternative. All five alternatives in the DEIS in fact would lead to significant increases in green house gas emissions.<sup>108</sup> The action alternatives all will induce highway demand and increase greenhouse gas emissions over the years and continue our reliance on automobile travel. The proposed alternatives in the DEIS do not take the leadership role characteristic of the region and necessary at this crucial time. We are at the point in the global

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<sup>105</sup> DEIS at 2-8, 2-4. The inclusion of multiple, very-wide “breakdown lanes” in all the action alternatives strongly suggests that the actual car capacity is in fact much greater than is admitted in the DEIS.

<sup>106</sup> The state of Oregon adopted Oregon House Bill 3543 in 2007 targeting a reduction in greenhouse gas emissions to at least 75 percent below 1990 levels. The State of Washington adopted Washington Senate Bill 600 in 2007 targeting a reduction by 2050 of overall emissions to fifty percent below 1990 levels, or seventy percent below the state's expected emissions that year.

<sup>107</sup> DEIS at 3-433.

<sup>108</sup> See NEDC Comments on Cumulative Effects, Greenhouse Gas Section

climate change crisis where our elected officials and agencies must help shape travel demand rather than fostering the continuation of outdated 20<sup>th</sup> century highway models. As Metro Council Representative said, “Oregon can decide to begin addressing that goal now or can postpone action.”<sup>109</sup> By providing additional highway capacity, the CRC project will not support the region’s commitment toward alternative transportation and smart growth as articulated in the recently updated Regional Transportation Plan but rather frustrates those options by continuing down the familiar road of simply building more lanes for cars.

In light of these regional goals, the DEIS should have provided an alternative that rigorously explored alternative transportation options without additional highway capacity. As a leader in sustainability, transportation planners in the Pacific Northwest should at least take a hard-look at putting the brakes on highway expansion. The public deserves to know how an action alternative with no new highway capacity but significant non-automobile transit options, would fare in comparison to a monstrous 12-lane bridge. A supplemental DEIS must evaluate at least one action alternative that does not increase car capacity and includes a crossing with improved bicycle, pedestrian, and transit options in conjunction with the requisite safety improvements to the current I-5 bridge.<sup>110</sup> This is a reasonable, concrete alternative that requires a proper evaluation and presentation to the public under NEPA requirements. The only alternatives that agencies are not required to evaluate are those which are unreasonable or

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<sup>109</sup> Attached as Exhibit M: Jeffery Mize. (May 28, 2008). “Bridge Plans Face Threat” *The Columbian*. [http://www.columbian.com/news/localNews/2008/05/05282008\\_Bridge-plans-face-threat.cfm](http://www.columbian.com/news/localNews/2008/05/05282008_Bridge-plans-face-threat.cfm).

<sup>110</sup> Only I-5 freeway capacity was considered – other parallel capacity, such as for local traffic, passenger rail and freight rail within the I-5 corridor, was dismissed as irrelevant. Careful reading of the DEIS show that some of the auxiliary lanes that are proposed for adding capacity are clearly for providing local connections between adjacent interchanges and provide no through trip function.

speculative.<sup>111</sup> Yet the DEIS provides no evidence that an alternative without expanded highway capacity is unreasonable or speculative. All the DEIS provides is proof that this alternative was not properly evaluated, in violation of NEPA's requirements.

**F. The DEIS has failed to consider an alternative that includes phased project solutions.**

The DEIS calls for a single nose dive into a massive public works project without considering an alternative that provides for smaller, incremental steps. Before embarking upon an environmentally and economically taxing bridge, a combination of tolling, high occupancy vehicle lanes, transportation demand management, improved transit and other preliminary actions could be applied. This smart, conservative approach could go a long way toward meeting the goals of the project such as reducing congestion, improving safety, and facilitating freight movement without spending billions of dollars and investing in irreversible infrastructure. Variable priced tolling combined with changes in driving behavior caused by currently escalating gasoline prices, peak oil concerns, climate change awareness, and regional greenhouse gas emissions goals will likely reduce the vehicle miles traveled across the bridge. After an initial phase such as this, the travel demand could be re-assessed to determine if an entirely new bridge with expanded highway capacity is actually needed. Members of the Metro Council advocated for an alternative like this that provided incremental steps that begin with tolling the I-5 bridge to

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<sup>111</sup> *Utahns For Better Transportation v. U.S. DOT*, 305 F. 3d 1152, 1171 (10<sup>th</sup> Cir. 2002).

generate revenue for seismic upgrades while reducing congestion.<sup>112</sup> The Councilors further suggested that light rail or further road improvements could then be made with the tolling revenue to fund these improvements.<sup>113</sup> Thus the public deserves to see how an alternative that includes phased solutions compares to the alternatives provided in the DEIS in terms of economic costs, community impacts, and environmental impacts, not simply congestion reduction. Yet, the DEIS fails to include a phased alternative that could avoid the construction of an unneeded bridge with crippling environmental, community, and economic costs.

**G. The public deserves a more thorough consideration and presentation of viable alternatives because of the controversial and vital nature of this project.**

The Columbia River Crossing is the largest public highway project in the history of the region with estimated costs of over \$4 billion. The dozens of involved agencies and millions of affected citizens deserve more options than the action alternatives proposed. The controversy surrounding this project is evident in the public outcry and media attention involved thus far. Yet, the DEIS does not present a range of alternatives wide enough to represent the nature and scope of the project sufficient to meet NEPA requirements. The 9<sup>th</sup> circuit has reiterated that, “The agency must look at *every* reasonable alternative within the range dictated by the nature and scope of the proposal.”<sup>114</sup> Three of the seven Metro Councilors, Liberty, Collette and Hosticka, expressed dissatisfaction with the narrow range of alternatives available for debate by

<sup>112</sup> Attached as Exhibit M. Jeffery Mize. May 28, 2008. “Bridge Plans Face Threat” *The Columbian*. [http://www.columbian.com/news/localNews/2008/05/05282008\\_Bridge-plans-face-threat.cfm](http://www.columbian.com/news/localNews/2008/05/05282008_Bridge-plans-face-threat.cfm).

<sup>113</sup> *Id.*

<sup>114</sup> *Ilio 'ulaokalani Coalition v. Rumsfeld*, 464 F.3d 1083, 1095 (9<sup>th</sup> Cir. 2006). [emphasis added].

proposing a solution with phases and lower costs.<sup>115</sup> Over twenty community organizations and businesses have proposed a “climate smart” Columbia River Crossing. This concept aims to reduce the growth of driving in the future so that we stabilize vehicle miles traveled at or below levels close to those in the region today.<sup>116</sup> With so many interested groups, agencies, and governing bodies staked out on all sides of this issue, CRC should have provided a broader range of alternatives to the preferred alternative. The public deserves to know if there exist less expensive or less environmentally damaging alternatives to the proposed action. The public has indicated their unhappiness with the current alternatives on the table and urges CRC to develop more alternatives in a supplemental DEIS.

**H. The DEIS does not provide evidence of a rigorous evaluation of the alternatives that it undertook in preparation for the DEIS.**

The DEIS cannot claim that the early screening of components or their apparent evaluation of 12 alternatives constitutes the legally mandated requirement to *rigorously evaluate* all reasonable alternatives.<sup>117</sup> The DEIS fails to provide evidence that alternatives not presented were rigorously evaluated by an early component screening and secondary evaluation of those 12

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<sup>115</sup> Dylan Riveria, “Charge tolls first, then maybe build a bridge, Metro councilors say.” *The Oregonian*. (May 28, 2008). Attached as Exhibit N. Also available at <http://www.oregonlive.com/politics/oregonian/index.ssf?/base/news/1211954106178540.xml&coll=7&thispage=2>.

<sup>116</sup> Coalition for a Livable Future, Attached as Exhibit O. Also available at <http://www.clfuture.org/projects/ShiftTheBalance/Columbia%20River%20Crossing/Resolution>.

<sup>117</sup> 40 CFR § 1502.14 (a).

alternatives. These early evaluations included conclusory descriptions and incomprehensive summaries that do not meet NEPA requirements for a rigorous evaluation of alternatives.<sup>118</sup>

The initial screening of viable components was not a rigorous evaluation of alternatives because the individual components were not yet packaged together as complete alternatives.<sup>119</sup> Appendix C of the DEIS explicitly shows that the initial screening of components was in preparation for the future composition of alternatives, not an actual evaluation of alternatives.<sup>120</sup> This initial screening process eliminated project components if they failed to meet all six questions designed to meet the project's narrowly crafted purpose and needs. But many of these individual components were not supposed to stand alone as project alternatives and could have met the purpose and need if they were packaged together as real alternatives. For instance, the Bi-state industrial corridor crossing was eliminated in part because it did not improve transit service or bike and pedestrian connections.<sup>121</sup> Yet, this crossing component had not yet been packaged with the transit and bicycle option making it impossible that the crossing option alone could meet the transit and bicycle needs. Similarly, when the replacement and supplemental bridge alternatives presented in the DEIS are segmented into individual components (bridge crossing, transit options, bicycle/pedestrian facilities, and tolling) they too, cannot meet the project's purpose and needs alone. However, the components necessary for these bridge options magically survived the screening process with little explanation. The DEIS strategically eliminated certain project components that were not part of the predetermined bridge

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<sup>118</sup> See *Simmons v. U.S. Army Corps*, 120 F.3d 664 (7<sup>th</sup> Cir. 1997).

<sup>119</sup> Evidence of this screening process is not available in the DEIS itself but is rather located in the CRC document, Draft Components Step A Screening Report, March 22, 2006. Please view Exhibit H for the response to NEDC's request for this document.

<sup>120</sup> DEIS at C-1.

<sup>121</sup> *Id.* at 5-15.

alternative.<sup>122</sup> This prevented promising components from incorporation into real alternatives and their requisite rigorous evaluation.

Alternative crossing locations were a viable component eliminated during the early screening process preventing their ability to undergo a rigorous evaluation. The narrowly drawn purpose to develop within the Bridge Influence Area immediately eliminated crossing options up or downstream from the I-5 bridge. These alternative crossing locations offered promising alternatives that could have reduced the environmental impacts on the already overburdened communities living along the I-5 corridor. An alternative crossing location with extensive public transit could have significantly reduced congestion by pulling local commuters off of the I-5 bridge making room for long-distance travelers and increased freight movement. NEPA requires these options to undergo a rigorous evaluation to allow the public to compare the environmental impacts of alternatives to the proposed action.<sup>123</sup> Yet, the public will never know how the environmental impacts of an alternative crossing location would fare in comparison to the DEIS's alternatives. The rejection of alternative crossings and other viable components without a comprehensive analysis was unlawful as it violated NEPA's requirement to "rigorously explore and objectively evaluate all reasonable alternatives."<sup>124</sup>

After the cursory dismissal of viable components, the DEIS falsely claims it prepared and evaluated 12 alternatives in preparation for the DEIS.<sup>125</sup> The description of these alternatives

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<sup>122</sup> Alternatives that involved retention of the existing bridges were faulted because they did not address seismic concerns about those bridges. Originally, staff maintained the bridges could not be cost-effectively upgraded. Yet the DEIS Supplemental Bridge alternatives show that cost-effective seismic upgrades are possible, based on later expert analysis. Once it was shown that such upgrades were possible, CRC should have gone back and re-evaluated all alternatives previously rejected on the basis of seismic issues.

<sup>123</sup> 40 CFR § 1502.14 (a).

<sup>124</sup> 40 CFR § 1502.14 (a).

<sup>125</sup> DEIS at 2-50.

and proof of their rigorous evaluation is not provided in the text of the DEIS nor in an attached supporting document, an appendix or a technical report. The DEIS states that “a more detailed description of the process of developing this range of alternatives is given in the Development of the Range of Alternatives memo prepared in June, 2007.”<sup>126</sup> However, the document only serves to highlight the DEIS’s legal deficiency that the development of alternatives does not constitute the requisite rigorous and objective evaluation of alternatives.<sup>127</sup> The 12 alternatives that were apparently considered in preparation for the DEIS are merely mentioned in this document without a discussion of their components or explanation of the findings from their rigorous evaluation.<sup>128</sup> In the absence of this evidence, the DEIS has not fulfilled the legal obligation under NEPA to “rigorously explore and objectively evaluate all reasonable alternatives.”<sup>129</sup>

NEDC believes that the absence of proof of a rigorous evaluation of alternatives means that the DEIS did not rigorously evaluate other alternatives before selecting the replacement bridge as their preferred option or is hiding this screening process from the public. Both of these actions violate the spirit of NEPA and the legally-binding CEQ regulations that state a reasonable range of alternatives must be rigorously evaluated and explained to the public.

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<sup>126</sup> DEIS at 2-51. NEDC was unable to locate this document in the DEIS or the online library and so proceeded to submit a document request on June 10, 2008. CRC project member Tonja Gleason claims that the document was buried in “CRC project files.” Email communication between Elizabeth Zultoski and Tonja Gleason, (June 12, 2008). Attached as Exhibit P.

<sup>127</sup> 40 CFR § 1502.14 (a).

<sup>128</sup> CRC Memo, Development of the Range of Alternatives, p. 3. Attached as Exhibit E.

<sup>129</sup> 40 CFR § 1502.14 (a)



**I. The DEIS does not provide the requisite answers for why certain alternatives recommended by the Task Force were eliminated from study.**

The public and task force presented several reasonable alternatives that were eliminated from consideration without the requisite explanation in the DEIS. CEQ regulations state for “alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated.”<sup>130</sup> These regulations are supposed to give the public answers as to why certain alternatives were not included in the EIS yet here the DEIS leaves the public more questions than answers. The DEIS’s discussion of their reasons for eliminating *alternatives* from a more detailed study is incomprehensible and vague at best. The explanation of the component evaluation and dismissal was not actually included in the DEIS or attached supporting documents but rather was buried in the Step A and B screening reports located on the library website.<sup>131</sup> The further evaluation of *alternatives* listed in the document, “Development of the Range of Alternatives,” provides only a cryptic chart comparing how the 12 alternatives compared.<sup>132</sup> This does not provide explicit reasoning for the elimination of these components sufficient for the requisite brief *discussion* of their elimination. While the regulations require the explanation be brief, the brevity of a summary chart is not an actual discussion. Therefore, the DEIS fails to meet the requirement that eliminated alternatives be described in the DEIS.<sup>133</sup>

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<sup>130</sup> 40 CFR § 1502.14 (a).

<sup>131</sup> CRC document, Draft Components Step A Screening Report, March 22, 2006, Attached as Exhibit H; Step B Screening Report, June 9, 2006, Attached as Exhibit Q.

<sup>132</sup> CRC Memo, Development of the Range of Alternatives, p. 3. Attached as Exhibit E.

<sup>133</sup> 40 CFR § 1502.14.

**J. The post-hoc addition of the supplemental bridge option does not fulfill the NEPA requirements.**

The CRC Project Staff initially presented the CRC Task Force with only one action alternative to the requisite no build option—the replacement bridge with either light rail or bus rapid service.<sup>134</sup> The Task Force recommendation for additional alternatives highlights the deficiencies in the presentation of these *virtually indistinguishable*.<sup>135</sup> But the CRC Project Team’s construction of a second *alternative*, the supplemental bridge, gave the public a false impression that this presented a meaningfully distinguishable alternative to choose from. The supplemental bridge option was an unsuccessful attempt to package two new alternatives from the same framework—an expanded I-5 bridge. Simply reutilizing the current I-5 bridge and providing a different transit option does not equate to two new distinguishable action alternatives.<sup>136</sup> Furthermore, this post-hoc reaction to the Task Force’s recommendation does not represent the critical reasoning that NEPA calls for an agency to conduct when considering and presenting alternatives to the public. Proper compliance with NEPA requires thorough investigation of all reasonable alternatives that exist.<sup>137</sup> This reactive presentation of the supplemental bridge does not reflect an appropriate process of evaluation for the plethora of concrete reasonable alternatives that exist.

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<sup>134</sup> DEIS at 2-51.

<sup>135</sup> *Id.*

<sup>136</sup> *Id.*

<sup>137</sup> 40 C.F.R. 1502.14 (a).

**K. A good faith effort by the CRC staff to comply with the NEPA process would have provided *real* alternatives in the DEIS for the public and agencies to compare.**

CRC owes the public a presentation of an alternative that offers substantially lower environmental and economic impacts than those presented in the DEIS. These alternatives exist and therefore CRC had the legal obligation to evaluate them in the DEIS rather than dismissing them upon a cursory inspection or no inspection at all. An alternative is practicable if it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes. Yet there is no record that the alternatives mentioned above were not practicable based upon these factors. Some of the early components and 12 CRC alternatives were not unreasonable or speculative but rather promising, concrete solutions that met the project's purpose and need. Therefore, the DEIS had a legal duty to "rigorously evaluate" these alternatives without summarily dismissing them without a reasoned explanation.

**V. Chapter 3: Greenwashing Environmental Impacts with Delayed Analysis, Unsupported Assertions and Technical Reports that Cite No Technical Information**

**A. The DEIS does not disclose all environmental impacts by delaying crucial design decisions and analyses until the FEIS.**

The DEIS does not disclose many crucial environmental impacts because many important decisions about bridge designs and analyses are delayed until the FEIS. Some of these decisions and analyses include: tolling levels, mitigation plans, the number of car lanes, water quality impacts, modeling of induced sprawl, and the location of a staging area. The failure to disclose these environmental impacts prevents anyone from fully understanding the repercussions of each of the alternatives. Without a detailed knowledge of each alternatives' environmental impacts, elected officials, government agencies, citizens, and the CRC project team will make uninformed decisions when choosing their preferred alternatives. NEPA requires disclosure of the environmental impacts of each project alternative so that the public can make meaningful, informed decisions.<sup>138</sup> These disclosures are not to be put off until the FEIS. A DEIS is not just an outline of what will come in the FEIS. The CEQ regulations clearly state that a DEIS must fulfill the requirements of the FEIS to the "fullest extent possible."<sup>139</sup> When an FEIS is prepared, a preferred alternative has been identified and the opportunities for meaningful public comment have been substantially reduced or eliminated.

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<sup>138</sup> 40 CFR §. 1502.1.

<sup>139</sup> 40 C.F.R. §. 1502.9 (a).

The CRC DEIS does not reflect an attempt, to the “fullest extent possible,” to disclose the project’s environmental impacts.<sup>140</sup> Rather, the DEIS attempts to hide many of these impacts by delaying decisions and analyses until the FEIS. The lack of complete knowledge of the environmental impacts prevents the public from completing their own comprehensive analysis and understanding the full impact of each project alternative. The public cannot meaningfully comment on the proposed alternatives if the DEIS does not include a full analysis of environmental impacts. The CEQ regulations further provide that a new DEIS must be issued if the DEIS is “so inadequate to preclude meaningful analysis.” *Id.* Therefore, a supplemental DEIS should be released disclosing the full range of environmental impacts, rather than only including them in the FEIS. NEDC will provide some of the examples of decisions and impacts that are not disclosed in the DEIS. This list is not exclusive and NEDC reserves the right to provide further examples as time permits:

The DEIS fails to disclose the environmental impacts on the water quality standards of the Columbia River and the Columbia Slough by delaying these crucial analyses until the FEIS.<sup>141</sup> These are major impacts that will result in violations of the water quality standards established pursuant to the Clean Water Act. These water quality impacts will likely threaten endangered fish species in the waterways implicating ESA consultation. Even worse, the DEIS also delays the ESA consultation under a later date despite CEQ regulations that encourage the preparation of the ESA analysis in conjunction with the DEIS.<sup>142</sup>

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<sup>140</sup> 40 C.F.R. §. 1502.9 (a).

<sup>141</sup> DEIS at 3-388.

<sup>142</sup> 40 CFR §. 1502.25.

As NEDC already detailed in earlier portions of these comments, the DEIS postpones a proposed mitigation plan until the FEIS.<sup>143</sup> This delay in disclosure of mitigation plans violates CEQ regulation 1502.16 (h) requiring disclosure environmental consequences including: “measures to mitigate adverse impacts.” The public is unable to analyze the true result of a stated environmental impact if they do not know the corresponding mitigation plan, if any. Thus, the full scope of the environmental impacts requires a more specific consideration of mitigation efforts in the DEIS for meaningful public comment. The following examples are some of the decisions and environmental analysis delayed until the FEIS:

1. The number of car lanes will largely determine the traffic and transit projections required for accurate estimates of the environmental impacts. Yet, the CRC Task Force indicated that the number of car lanes was still undecided and could be modified at a later date.<sup>144</sup> This is yet another example of a delayed decision that results in the failure of full disclosure of corresponding environmental impacts. If the number of car lanes in the replacement bridge alternative changes in the FEIS, the public would have no information about the significant environmental impacts stemming from those lanes. Indeed, because the DEIS suggests that only additional lanes can combat congestion, any reduction of lanes in the FEIS would require an analysis to determine just what impact fewer lanes would cause.

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<sup>143</sup> S-35.

<sup>144</sup> Dylan Rivera. June 25, 2008. “Task force backs new I-5 bridge, light rail over Columbia.” *The Oregonian*. Attached as Exhibit D. Also available at [http://blog.oregonlive.com/breakingnews/2008/06/task\\_force\\_votes\\_to\\_recommend.html](http://blog.oregonlive.com/breakingnews/2008/06/task_force_votes_to_recommend.html).

2. The DEIS also fails to disclose impacts from the alternatives' contribution to urban sprawl. The DEIS states that the modeling for sprawl effects will be put off until the FEIS: "Prior to completion of the Final EIS, the project team will review access and land use controls near proposed interchanges to ensure that the transportation investments would be adequately protected from unintended or unplanned development."<sup>145</sup> Furthermore, the DEIS ignores a relevant study on land use impacts of the project that was completed by the study that preceded the CRC, the I-5 Trade and Transportation Partnership.<sup>146</sup>
  
3. The decision about the location of a staging site was delayed until the FEIS so the corresponding environmental impacts are not disclosed in the DEIS.<sup>147</sup> The DEIS states that "the location of potential staging sites will be identified and potential environmental impacts analyzed in the Final EIS."<sup>148</sup> Based upon the DEIS's treatment of other project aspects, this staging site is likely to require property acquisition and have significant environmental impacts. The DEIS admits that the staging site may increase stormwater runoff and pollutant loading but fails to choose the staging site and disclose these environmental impacts in spite of NEPA requirements.<sup>149</sup>

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<sup>145</sup> DEIS 3-135.

<sup>146</sup> Rivera, Dylan. June 22, 2008, "Columbia River bridge plans ignore effects of growth" *The Oregonian*. Attached as Exhibit R. Also available at <file:///C:/Documents%20and%20Settings/nedc/Desktop/CRC%20Supporting%20Documents/Oregonian%20June%2022nd.htm>.

<sup>147</sup> DEIS at 3-97.

<sup>148</sup> DEIS at 3-97.

<sup>149</sup> DEIS at 3-392.

4. The DEIS has also postponed the harm minimization analysis required under Section 4 (f) of the Transportation Act until after the LPA is chosen,<sup>150</sup> "[b]ecause the CRC project is currently in the conceptual design phase, it is not possible to draw conclusions about the reasonableness of all potential measures to minimize harm."<sup>151</sup> The 4(f) section also fails to include adverse impacts on 218 historic resources, as relevant state agencies "are in the process of reviewing the preliminary findings of effect, with concurrence expected by late spring of 2008."<sup>152</sup>
5. The DEIS fails to disclose the full range of property acquisitions required for the bicycle and pedestrian facilities.<sup>153</sup> The lack of certainty about property acquisitions is unnerving at this stage in the project. To the scope of the project, the extra taking of a few houses or another wetland may seem minor, but to a person or a community the impacts could be devastating. Citizens and communities may not be deprived their right to involvement in the decision-making process under NEPA; delayed certainty on acquisitions violates this mandate.
6. The DEIS fails to clearly disclose the impacts of the demolition and removal of the existing I-5 bridges under the replacement bridge scenario. This demolition will result in an extremely large amount of waste including concrete, metal, and other construction debris. This will require significant landfill space, will likely have large water quality impacts during removal, and expend large amount of fossil fuel resources. Yet, the DEIS failed to incorporate this into their conclusion that the replacement bridge will have fewer

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<sup>150</sup> DEIS 5-76.

<sup>151</sup> *Id.*

<sup>152</sup> DEIS at 5-4.

<sup>153</sup> DEIS at 3-104.



impacts on the natural environment than the supplemental bridge. The continued use of the current I-5 bridges in the supplemental bridge option will actually avoid these unknown impacts on the natural environment. Furthermore, the DEIS fails to disclose the impacts of utilizing a significantly larger amount of concrete and materials for the replacement bridge option. The larger amount of concrete—again, unknown—necessary for the replacement bridge option will result in increased gravel mining and emissions from concrete plants. Yet the DEIS does not consider the environmental impacts of increased use of materials under the replacement bridge option. Finally, the DEIS does not account for the greenhouse gas emissions associated with demolition and construction, as well as manufacture and transport of raw materials. With passage of Oregon and Washington state laws targeting dramatic reductions in greenhouse gas emissions from all sectors, including transportation, the DEIS should account for *all* green house gas emissions associated with every project action. The DEIS needs to disclose these impacts to the public in order to allow a true comparison between the no action, supplemental and replacement bridge options.

## **B. The DEIS Essentially Ignores Land Use Effects and Sprawl**

NEPA regulations define the “effects” a DEIS must consider as including “growth inducing effects and other effects related to induced changes in the pattern of use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.”<sup>154</sup> This requirement should ensure that a DEIS will consider and disclose indirect effects on land use, such as urban sprawl. Courts have recognized that highway projects induce

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<sup>154</sup> 40 CFR § 1508.8(b).

sprawl “by their very existence,” creating demand for additional housing and jobs.<sup>155</sup> The CRC DEIS acknowledges the potential for induced sprawl, but then cursorily dismisses the effect as unlikely. Modeling assumptions of future population and traffic demand adopted by the CRC Project Staff fail to satisfy NEPA, by creating a “self-fulfilling prophecy that makes a reasoned analysis of how different alternatives satisfy future needs impossible.”<sup>156</sup>

### **1. Modeling assumptions ignore induced growth**

The DEIS establishes a goal of catering to induced demand, stating “any acceptable project alternative must directly accommodate travel arising from additional residents and jobs near the project.”<sup>157</sup> Though this acknowledges the potential for induced traffic, it assumes all growth will be urban transit-oriented development (“TOD”), and ignores effects further from the project itself. Courts have determined that similar “dismissive treatment of relocated growth pressures” further from the project location is “inconsistent with a hard look” at induced growth.<sup>158</sup> By thus focusing on beneficial growth, rather than sprawl, the DEIS attempts to cover the bases required by NEPA without fully assessing indirect, likely adverse impacts.

The DEIS does go through the motions, acknowledging “additional highway capacity could increase pressure on local jurisdictions to allow higher intensity land uses outside urban centers, encouraging employers and residential development to locate further from the urban core.”<sup>159</sup> However, its less-than-one-page induced growth analysis fails to fully disclose

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<sup>155</sup> *Swain v. Brinegar*, 517 F.2d 766, 777 (7th Cir. 1975).

<sup>156</sup> *Sierra Club v. U.S. Dep’t of Transp.*, 962 F.Supp. 1037, 1043 (N.D. Ill. 1997).

<sup>157</sup> DEIS, 3-121.

<sup>158</sup> *Senville v. Peters*, 327 F.Supp.2d 335 at 368 (D.Vt. 2004).

<sup>159</sup> DEIS, 3-134.

assumptions made when modeling future traffic demand – assumptions that marginalize this possibility.<sup>160</sup>

As recently reported in the *Oregonian*, CRC staff instructed traffic forecasters for the project to assume that different bridge alternatives would “have no influence on development patterns” and that the twelve lane replacement option “would not trigger any more growth” than maintaining current bridge capacity.<sup>161</sup> The CRC made these simplifying assumptions to avoid the “complex forces driving growth,” yet travel experts point out this defies the purpose of modeling, which is to allow detailed, project-specific predictions.<sup>162</sup> As a consequence, the models lead to inaccurate air quality and climate assumptions, because “more traffic will add to pollution and greenhouse gas emissions,” despite the CRC Task Force’s claims.<sup>163</sup> Courts have also established that NEPA does not allow a DEIS to rely on a single socioeconomic forecast of future needs, because “information about the growth inducing impact of tollroad construction is crucial to a reasoned conclusion as to alternatives.”<sup>164</sup>

The DEIS modeling also fails to demonstrate tolling and transit will sufficiently offset induced growth effects of increased capacity; instead, the DEIS simply assumes this relationship. The DEIS states, but does not cite, that tolling will reduce auto trips;<sup>165</sup> it does not demonstrate

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<sup>160</sup> The DEIS does not fully address the moving of congestion to downstream portions of I-5 as the result of essentially doubling the capacity of I-5 through most of the BIA. Nor does it address the likely ensuing political pressure to widen I-5 through those downstream points that will see increasing congestion as a result of the project.

<sup>161</sup> The *Oregonian*, “Columbia River bridge plans ignore effects of growth” (June 22, 2008), <http://www.oregonlive.com/news/oregonian/index.ssf?/base/news/1214029515244280.xml&coll=7>. Attached as Exhibit R.

<sup>162</sup> *Id.*

<sup>163</sup> *Id.*

<sup>164</sup> *Sierra Club v. U.S. DOT* at 1043.

<sup>165</sup> DEIS 3,135

this effect will outweigh induced growth effects or provide any numerical analysis.<sup>166</sup> NEPA requires a reasoned explanation for this conclusion. Moreover, the DEIS relies on inapplicable and outdated models in concluding transit will offset sprawl effects. The DEIS references a 2001 model of “similar” highway projects, which found induced sprawl effects would be insubstantial.<sup>167</sup> The DEIS does not cite Appendix A’s discussion of this model. However, a look at Appendix A shows the 2001 model did *not* address “similar” projects; this model forecasted sprawl for a highway with improved transit but only one additional lane of capacity in each direction.<sup>168</sup> The CRC replacement alternative will add at least two or three lanes in each direction, yet the Technical Report dismisses this hugely significant variable, asserting with no rationale that “the findings are still applicable.”<sup>169</sup>

The DEIS also fails to include induced sprawl in its summaries of land use and economic effects.<sup>170</sup> These summaries supposedly chart expected long-term effects from the project alternatives, including: direct land use effects, direct economic effects, regional economic impacts, consistency with land use plans, and induced growth both as sprawl and as transit-oriented development. In fact, however, these summaries project each of these effects *except potential for sprawl*. The charts include induced growth potential in terms of increased transit-oriented development only.<sup>171</sup> This serves to take negative growth potential completely out of the equation, and presents the public with a skewed and incomplete picture of long-term effects.

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<sup>166</sup> *Id.*

<sup>167</sup> DEIS, 3-135.

<sup>168</sup> Land Use Technical Report Appendix A: Induced Growth (“Appendix A” or “Induced Growth report”), A-8.

<sup>169</sup> *Id.*

<sup>170</sup> DEIS, Exhibits 3.4-5 – 3.4-8.

<sup>171</sup> DEIS, 3-128 – 3-130.

Indeed, excluding such information clearly shows how the DEIS has avoided a true comparison between the alternatives presented, and not presented, in the DEIS.

## **2. The DEIS relies on generalizations and on research that focuses on transit-oriented development rather than sprawl**

The DEIS summarizes induced growth research in one sentence, claiming the CRC's "comprehensive literature review" indicates the highway project will not likely have substantial indirect land use effects.<sup>172</sup> Here, as throughout the DEIS, there is no cite to Appendix A, the Technical Report, or further information about this research. However, a closer look at the literature review, as well as research not considered, belies this claim of consensus. The literature review in Appendix A provides summaries of each study considered, and the references section provides weblinks to certain ones. From the limited information provided, it seems the significant majority of studies applied focus on beneficial transit-oriented development from light rail projects, not on the impacts of increased car capacity.<sup>173</sup>

But the biggest problem with this review may be the Induced Growth report's failure to explain why these and not other studies were examined, and why these studies' conclusions apply to a project of the CRC bridge's nature and scope.<sup>174</sup> No information provided allows the public to discern whether these studies addressed increased capacity or whether they studied projects similar to the CRC alternatives. Further, some studies cited *do* acknowledge induced

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<sup>172</sup> DEIS, 3-135.

<sup>173</sup> Appendix A, A-35 – A-37.

<sup>174</sup> Appendix A, A-2.

sprawl,<sup>175</sup> but the DEIS itself does not reflect this diversity of research outcomes. In fact, the review notably does not include a 2001 report by regional planners finding the CRC alternatives will induce sprawl in Clark County.<sup>176</sup> The CRC Task Force had access to this report while drafting the DEIS,<sup>177</sup> yet only addresses Clark County-specific sprawl by saying, without citation or support, that effects are “likely quite small.”<sup>178</sup> This over-generalization and selection of research in the DEIS calls into question the conclusions’ applicability to the CRC project.

### **3. The DEIS overstates the alternatives’ conformity with local planning goals.**

The DEIS states that the CRC build alternatives “generally” support Oregon’s, Washington’s, and Vancouver’s land use goals and policies.<sup>179</sup> However, it provides no citations to, context from, or direct quotes from these plans. The information provided makes it impossible to say even whether these plans support or oppose increased highway capacity. The DEIS does not allege conformity with Portland’s planning goals, but also fails to disclose any discrepancies.<sup>180</sup>

The Land Use Technical Report indicates the DEIS may overstate the CRC alternatives’ conformity with planning goals. Portland’s Comprehensive Plan includes lessening dependence on cars,<sup>181</sup> which the build alternatives would fail to do by increasing car capacity and inducing

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<sup>175</sup> Appendix A, A-4.

<sup>176</sup> The Oregonian, “Columbia River bridge plans ignore effects of growth” (June 22, 2008), <http://www.oregonlive.com/news/oregonian/index.ssf?/base/news/1214029515244280.xml&coll=7>, attached as Exhibit R. I-5 Land Use Findings Study attached as Exhibit S.

<sup>177</sup> *Id.*

<sup>178</sup> DEIS, 3-135.

<sup>179</sup> DEIS, 3-133 – 3-134.

<sup>180</sup> DEIS 3-134.

<sup>181</sup> Land Use Technical Report, 4-29.

traffic. Vancouver's Comprehensive Plan similarly aims to reduce single occupancy vehicle miles traveled,<sup>182</sup> and goes on to say "[f]urther analysis will be needed to determine whether increased vehicular capacity on I-5 will encourage urban sprawl and vehicle miles traveled." *Id.* Neither the DEIS nor the Technical Report address this request for further study, but rather claim conformity with Vancouver's plan. This likely induced sprawl that the DEIS fails to consider will undermine planning goals at the city, county and state levels.<sup>183</sup>

The DEIS also fails to adequately address mitigation, by placing responsibility for managing sprawl effects entirely on local decision-makers.<sup>184</sup> The DEIS must provide a better sprawl mitigation plan than hypothesizing that a "broad intergovernmental agreement" "could" help manage land to reduce sprawl after the fact – and after the CRC fails to conform with planning goals by inducing unwanted growth.<sup>185</sup> The DEIS' assertion that increased vehicle capacity is not the sole cause of induced sprawl, as land use planning decisions also have impacts,<sup>186</sup> does not undermine findings that increased capacity *does* contribute to sprawl. Moreover, the Ecosystems Technical Report contradicts itself on the issue of induced sprawl, first saying highway capacity plays a role in sprawl, but then saying no induced sprawl from increased highway capacity is expected at all.<sup>187</sup>

Regional planners, transportation research, and courts all recognize that projects that increase car capacity, as the CRC every proposed build alternative does, will induce environmentally destructive urban sprawl. The CRC's conscious choice to assume away this negative impact violates NEPA's requirements to consider sprawl effects and to fully disclose

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<sup>182</sup> Land Use Technical Report, 4-36.

<sup>183</sup> Land Use Technical Report, 4-14 – 4-44.

<sup>184</sup> DEIS, 3-134.

<sup>185</sup> DEIS, 3-147.

<sup>186</sup> Ecosystems Technical Report, 5-24.

<sup>187</sup> *Id.*

likely environmental impacts. The DEIS' emphasis on transit-oriented development, and marginalization of potential sprawl, is not supported by modeling or research, and skews the analyses for many other aspects of the DEIS, including air quality, ecosystem impacts, and greenhouse gas projections. To remedy this major analytical error, the CRC should issue a Supplemental DEIS that either models each proposed alternative with its likely growth impacts, or offers an explanation why this is not feasible.

**C. The DEIS fails to disclose and analyze the disproportionate health impacts borne by Environmental Justice (EJ) populations.**

The DEIS does not describe the input or perspective provided by the Community and Environmental Justice Group (CEJG), or detail outreach efforts taken by this group to ensure that EJ populations were afforded "meaningful involvement." Nor are the members of the CEJG identified. The DEIS should list public comments and indicate their source.

There is also no mention in the report of an indirect impact on air quality and attendant asthma rates, nor is there mention of any community health conditions disproportionately borne by EJ populations.<sup>188</sup> Communities in the Secondary Area of Potential Impacts (API) in Oregon presently have substantially higher asthma rates than both the national and regional average, and as such, are more susceptible to adverse air quality impacts.<sup>189</sup> Further, there is no mention of deleterious impacts caused by increased exposure to fine particulate matter at the neighborhood level.<sup>190</sup>

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<sup>188</sup> DEIS Exhibits 3.5-6 – 3.5-9.

<sup>189</sup> Podobnik, B. "Portland Neighborhood Survey: Report on Asthma Rates in NE, SW, and W Portland." May 23, 2002. Attached as Exhibit T.

<sup>190</sup> DEIS Exhibits 3.5-6 – 3.5-9.



**1. The inadequate time for public comment disproportionately affects EJ populations**

A sixty-day comment period is particularly inadequate for EJ populations to review and process the 5,000 page DEIS. This is a significant concern for people who may require technical support, such as community based organizations, tribes, people of color, low-income people, and non-English or low-proficiency English speakers who will be impacted by the CRC project and wish to review the document.

**2. The DEIS' failure to consider baseline conditions of EJ populations skews its health and cumulative impact assessments.**

To ensure environmental injustices are not perpetuated or exacerbated by any of the five CRC project alternatives, the DEIS must clearly identify disproportionate impacts and mitigation plans. This includes identifying to the extent possible:

- a. Existing conditions of impacted communities
- b. Neighborhoods exceeding FHWA's traffic noise impacts criteria
- c. Neighborhoods exceeding air quality standards
- d. Neighborhoods exceeding other environmental quality standards
- e. Long-term plans for environmental monitoring at the community level
- f. Plans to bring non-compliance areas into compliance

The EJ populations assessed in the DEIS, particularly those within Oregon's secondary API, presently face worse pollution than areas further from the I-5 corridor.<sup>191</sup> The DEIS should delineate present conditions and their cumulative health impacts, in its assessment of cumulative impacts from the proposed build alternatives. While this project itself *may* not disproportionately impact EJ populations, the DEIS should consider whether the project will perpetuate existing environmental injustice.

**3. The DEIS fails to address transportation equity issues for EJ populations.**

The DEIS assumes without support that EJ populations will benefit from increased mass transit options included in the proposal. However, the DEIS does not even analyze whether EJ populations in the Oregon secondary API would utilize northbound mass transit; anticipated benefits are purely speculative.<sup>192</sup> Additionally, there is no analysis of whether the increased traffic flow, and therefore increased air emissions, would offset any anticipated benefit derived from reduced congestion.<sup>193</sup>

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<sup>191</sup> Podobnik, B. "Portland Neighborhood Survey: Report on Asthma Rates in NE, SW, and W Portland." May 23, 2002. Attached as Exhibit T.

<sup>192</sup> DEIS 3-170.

<sup>193</sup> DEIS Exhibits 3.5-6 – 3.5-9.

#### 4. A Supplemental EIS should address the following EJ deficiencies

There are deficiencies in the study area and data collection methods described in Section 2 of the EJ technical report. The study areas section lacks data necessary to assess the impacts on people in the secondary API. There should not have been such reliance on secondary data to evaluate the likelihood of indirect project impacts.<sup>194</sup> The data collection should include more pertinent information in order to evaluate the adequacy of non-Census data collection methods. “Field visits” and outreach via community and stakeholder groups are non-descriptive and undefined. The Technical Report provides no data on attendance at community meetings and events, making it impossible for readers to assess the effectiveness of this outreach.<sup>195</sup> Section 3: Coordination, 3.1 Community and Environmental Justice Group must identify the members of the CEJG,<sup>196</sup> and identify the data provided by the CEJG, including any input regarding the LPA.<sup>197</sup>

Any discussion of existing air quality conditions is incomplete without an analysis of current asthma rates. The DEIS ignores baseline conditions in the Secondary API in Oregon, namely that the asthma rate in this area is twice the national average (14% versus 7%) and nearly three times the rate in more affluent and less diverse neighborhoods such as Southwest Portland (14% versus 5%).<sup>198</sup> The DEIS should also consider potential sensitive noise receptors within the secondary API. The report discusses noise impacts in the primary API only, and fails to define mitigation efforts.<sup>199</sup>

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<sup>194</sup> EJ Technical Report 2-1.

<sup>195</sup> *Id.* at 2-3.

<sup>196</sup> *Id.* at 2-9.

<sup>197</sup> *Id.* at 3-0.

<sup>198</sup> Podobnik, B. “Portland Neighborhood Survey: Report on Asthma Rates in NE, SW, and W Portland.” May 23, 2002. Attached as Exhibit T.

<sup>199</sup> EJ Technical Report, 4-10.

The Portland Neighborhood Profiles section must provide neighborhood profiles for all areas within the secondary API that contain significant percentages of minority and/or low-income populations.<sup>200</sup> The report includes profiles of Hayden Island, Jantzen Beach, Bridgeton and Kenton, but should also include profiles on Boise, King, Humboldt, Piedmont, Eliot, Irvington and Woodlawn.<sup>201</sup> Vancouver neighborhood profiles are considered in more depth than Portland neighborhoods, even though the report clearly shows that Portland neighborhoods contain more substantial EJ populations.<sup>202</sup> The report must also provide profiles of low-income housing contained within the secondary API in Oregon. These low-income residents will be indirectly impacted by the project.<sup>203</sup>

Section 5, Long Term Effects, does not include any discussion of the projected increase in traffic through the secondary API caused by any of the build alternatives.<sup>204</sup> This skews the report's air quality analysis by underestimating future emissions that may contribute to existing pollution hotspots. The conclusion that air quality will improve through improvements to auto emissions does not consider the cumulative increase in air emissions due to likely induced traffic. There is no analysis of whether the decreased congestion promised by the build alternatives will offset pollution from this induced traffic.<sup>205</sup> There is no discussion of the impact on asthma triggers.<sup>206</sup> These deficiencies must be addressed in a supplemental EIS to fully disclose the impacts on EJ populations.

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<sup>200</sup> EJ Technical Report, 4-14.

<sup>201</sup> *Id.*

<sup>202</sup> *Id.* at 4-13.

<sup>203</sup> *Id.* Exhibit 4-9 and 4-14.

<sup>204</sup> *Id.* at 5-36.

<sup>205</sup> *Id.*

<sup>206</sup> *Id.*

A Supplemental DEIS must provide analysis of the economic impact of tolling on EJ communities and their mobility for each of the build alternatives. The EJ technical report's brief mention that tolling would impact EJ populations, specifically off of I-205,<sup>207</sup> is insufficient. The DEIS must analyze *what the adverse impact will be*, for each build alternative and likely tolling scheme, to fully disclose impacts as NEPA requires.

#### **D. Air Quality**

The CRC has the potential to significantly affect air quality in and around the I-5 corridor, but the DEIS does not adequately address all important air quality impacts. The DEIS relies on unrealistic projections of future traffic volume by underestimating induced traffic, and therefore underestimates future air pollution emissions in the I-5 corridor. See Traffic and Climate Change comments. As a result, the proposed build alternatives will likely increase localized air pollution to the detriment of public health, particularly relative to the no-build alternative and alternatives that would not increase highway capacity. NEPA's requirement to evaluate significant impacts to the human environment encompasses human health effects; the CEQ regulations state the analysis must consider effects including "...health, whether direct, indirect, or cumulative."<sup>208</sup> Under this rule, an adequate DEIS must account for the health risks of air pollution "hotspots;" areas with higher pollution levels than average in the surrounding community. Hotspots can develop due to proximity to pollution sources, such as a neighborhood next to I-5.

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<sup>207</sup> *Id* at 5-36.

<sup>208</sup> 40 CFR § 1508.8.

Rather than transparently disclose the possible environmental and health impacts of the alternatives' air emissions, however, the DEIS avoids air quality analysis by: relying on predicted improvements in automobile emissions standards to downplay the possible differences in pollution levels between the bridge alternatives; assuming that compliance with other statutes satisfies NEPA's requirement to analyze and disclose all impacts; and relying on models incapable of assessing hotspot-type health risks. The DEIS also fails to consider the health effects of exposure to multiple criteria air pollutants and air toxics, and their possible synergistic effects. The analysis does not consider visibility impacts, though critical in the region's many scenic and pristine places. Finally, the DEIS air quality section lacks citations to corresponding analysis in the Air Quality Technical Report, which in turn lacks citations to information sources, making it difficult for readers to discover what the conclusions are based on and how they were reached.

#### **1. The DEIS relies on projected emissions decreases unrelated to the CRC to avoid air quality analysis**

The DEIS repeatedly emphasizes predicted decreases in vehicle emissions, unrelated to the project, finding a less than 1% variation in pollution between the build and no-build alternatives.<sup>209</sup> But while these emissions standards improvements will eventually benefit public health, they do not eliminate the need for legitimate air quality comparisons between the proposed alternatives, or for a legitimate range of alternatives. An acceptable range of alternatives would include proposals with significant air quality *benefits* compared with the no-build option, regardless of unrelated emissions decreases. This would result in additional public

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<sup>209</sup> DEIS, 3-277.

health benefits, whatever denominator the DEIS adopts. Perhaps if the purpose and need statement adequately prioritized public health protection, rather than failing to address pollution and health altogether,<sup>210</sup> the range of alternatives would offer some project-based air pollution reductions.

Contrasting the DEIS' air quality analysis with its climate change analysis shows how the DEIS cherry-picks data from future pollution estimates. The DEIS climate change section cites uncertainty in future fuel efficiency standards, and how they will phase in, to avoid specific greenhouse gas calculations.<sup>211</sup> Regarding air quality, however, the DEIS treats future emissions standards with a great deal of certainty; it does not even acknowledge uncertainties as to future emissions standards, when they will take effect, or how long the phase-in of cleaner cars will take, instead conclusively predicting tremendous emissions reductions across the board by 2030.<sup>212</sup> Neither the DEIS nor the Air Quality Technical Report provide citations for these emissions estimates or a rationale for this certainty.<sup>213</sup> *Id.* Therefore, it is inappropriate for the DEIS to rely on predicted decreases.

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<sup>210</sup> DEIS, 1-3 – 1-5.

<sup>211</sup> DEIS, 3-431.

<sup>212</sup> DEIS, 3-277.

<sup>213</sup> Emissions reductions as a result of “clean car” standards are far from certain. In December 2007, Congress passed the first increase in fuel economy standards since Congress first passed the fuel economy standard in 1975. This legislation mandates a 40% increase in fuel economy in new cars by 2020. The federal government has failed to pass any sort of end-of-tailpipe emissions standard for cars, however, and the US EPA has worked to block every attempt by the States to impose their own standards. 73 Fed. Reg. 12156, 12156-12169. End-of-pipe standards like those adopted by many other states, representing about 45% of the new car market, would provide twice the greenhouse gas reductions by 2020 as the federal fuel economy standards. California Air Resources Board, *Comparison of Greenhouse Gas Reductions for the United States and Canada Under U.S. CAFE Standards and California Air Resources Board Greenhouse Gas Regulations*, Feb. 25, 2008. (Attached as Exhibit U.) Unfortunately, the U.S. EPA continues to block these emissions standards. See December 19, 2007, letter to Governor Schwarzenegger from EPA Administrator Steve Johnson. (Attached as Exhibit V.) Assuming

In another contradiction, the greenhouse gas analysis contrasts the build alternatives with the no-build alternative. By failing to compare all alternatives with the status quo, the greenhouse gas analysis obscures the fact that the build alternatives will dramatically increase emissions compared with the status quo.<sup>214</sup> In this way, the greenhouse gas analysis is skewed to present the build alternatives as better choices. The air quality section is similarly skewed to favor the build options. The air quality section compares status quo air pollution levels to the entire set of alternatives. By failing to compare the build alternatives with the no build alternative, the air quality analysis obscures the fact that none of the build alternatives provide an air pollution benefit over the no-build option, and that likely increases in vehicle miles traveled will actually increase build alternative emissions over the no-build option. This approach capitalizes on future benefits unrelated to the project.<sup>215</sup>

## 2. Criteria Pollutants

Clean Air Act criteria pollutants are pollutants that EPA has determined “cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare.”<sup>216</sup> As of this date, EPA has made “endangerment findings” for six pollutants – particle pollution (PM, PM10, and PM2.5), ground-level ozone (O<sub>3</sub>), sulfur dioxide (SO<sub>2</sub>), nitrogen oxides (NO<sub>x</sub>), lead (Pb), and carbon monoxide (CO). Once EPA makes an endangerment

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that clean car standards will be implemented in the future, how quickly and to what extent they are integrated in to the fleet of American vehicles is also uncertain.

<sup>214</sup> DEIS, 3-433.

<sup>215</sup> DEIS, 3-277.

<sup>216</sup> 42 U.S.C. § 7408.



finding, it must develop “air quality criteria” for that pollutant.<sup>217</sup> The criteria is intended to accurately reflect the latest scientific knowledge about effects on public health and welfare that can be expected from various levels of that pollutant in the ambient air.<sup>218</sup> Once the criteria are established, EPA must set National Ambient Air Quality Standards (NAAQS) to protect human health and welfare.<sup>219</sup>

The Clean Air Act requires that EPA establish an independent scientific review board (the Clean Air Scientific Advisory Committee or CASAC).<sup>220</sup> Every five years, the EPA and CASAC must review the criteria and the NAAQS to ensure that they continue to protect public health and welfare based on the latest science.<sup>221</sup> If warranted by the scientific review, EPA must make revisions to criteria and promulgate new standards, for each listed pollutant.<sup>222</sup> EPA is also required to involve the public in the criteria development and NAAQS review process by publishing notice in the federal register and reviewing public comments.<sup>223</sup>

Despite these mandates, criteria pollutants often pose significant health threats at ambient concentrations at or below the national standards for three primary reasons. First, EPA does not comply with its duty to review the criteria and NAAQS every five years.<sup>224</sup> Therefore, the

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<sup>217</sup> *Id.*

<sup>218</sup> *Id.*

<sup>219</sup> 42 U.S.C. § 7409.

<sup>220</sup> 42 U.S.C. § 7409(d)(2)(A).

<sup>221</sup> 42 U.S.C. § 7409(d)(1) & (2)(A).

<sup>222</sup> 42 U.S.C. § 7409(d).

<sup>223</sup> 42 U.S.C. § 7607(d).

<sup>224</sup> See *American Lung Association v. Reilly*, 962 F.2d 258, 263 (2d Cir. 1992) (failure to review NAAQS for ozone); *Environmental Defense Fund v. Thomas*, 870 F.2d 892, 900 (2d Cir. 1989) (failure to review NAAQS for sulfur dioxide), *cert denied sub nom.* *American Lung Association v. Browner*, 884 F. Supp. 345, 346 (D. Ariz. 1994) (failure to review NAAQS for PM); *Center for Biological Diversity v. Johnson*, Civ. No. 05-1814 (D.D.C. filed 2005) (failure to review NAAQS for nitrogen oxides and sulfur dioxide); *Communities for a Better Environment v. EPA*, Civ. No. C 07-03678 JSW (N.D. Cal. May 5, 2008) (failure to review NAAQS for carbon monoxide).

criteria and NAAQS are not based on the latest scientific knowledge about the pollutants.

Second, EPA has on at least two occasions rejected the NAAQS levels that CASAC has recommended as requisite to protect public health and welfare.<sup>225</sup> A May 20, 2008 report by the U.S. House Committee on Oversight and Government Reform reveals the political nature of the “science based” NAAQS setting process in the case of ozone.<sup>226</sup> Third, for some criteria pollutants, there is no level under which the population will experience “no impacts.” That is, the more pollution present in the ambient air, the more death and disease associated with the exposure, even if the NAAQS are satisfied. For example, the most recent review of the NAAQS for fine particulate matter found that there is no level of particulate matter pollution at which no human health effects occur. According to EPA, fine particulate matter pollution causes a variety of adverse health effects, including premature death, heart attacks, strokes, birth defects, and asthma attacks.<sup>227</sup> In reviewing the fine particulate matter health based ambient air quality standard, EPA was unable to discern a threshold level of pollution under which the death and disease associated with fine particulate matter would not occur. Studies reviewed by EPA revealed a linear or almost linear relationship between diseases like cancer and the amount of fine particulate matter in the ambient air.<sup>228</sup> Consequently, compliance with NAAQS does not necessarily equal protection of human health from adverse effects, since the NAAQS thresholds

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<sup>225</sup> See *New York v. EPA* (D.C. Cir) (states challenge EPA’s 2008 revised ozone standards as inadequate to protect human health and welfare and because EPA disregarded recommendations of CASAC); *American Farm Bureau Fed. V. EPA* (D.C. Cir) (challenging EPA’s 2006 PM2.5 standards for the same reasons).

<sup>226</sup> See May 20, 2008 Memorandum from the Committee on Oversight and Government Reform, Majority Staff, to Members of the Committee, Re: Supplemental Information on the Ozone NAAQS. Attached as Exhibit W.

<sup>227</sup> 71 Fed. Reg. 2620 (Jan. 17, 2006).

<sup>228</sup> *Id.* at 2635.

for particulate matter allow for some particulate matter contamination, and any particulate matter contamination has adverse health effects.<sup>229</sup>

As described above, there are six criteria pollutants that EPA has found are reasonably likely to endanger health and welfare. As will be explained below, the DEIS fails to provide the requisite “hard look” at the impacts of these pollutants. Indeed the DEIS gives only cursory consideration to these pollutants, failing to assess risks from five of the six pollutants altogether. The DEIS also improperly uses presumed attainment of the NAAQS to conclude that there will be no significant impacts from air pollution from criteria pollutants.

### 3. The DEIS Must Assess Risks from All Criteria Pollutants

The DEIS analyzes carbon monoxide more rigorously than any other transportation-related air pollutant, based on the airshed’s past violations of the CO NAAQS and current Maintenance status. Neither the DEIS nor the Air Quality Technical Report offer a basis for the decision to limit criteria pollutant discussion to CO.<sup>230</sup> Instead, because Portland and Vancouver are closer to violating CO standards than those of any other criteria pollutants, the DEIS baldly asserts it is “the only pollutant of concern” for the CRC project. This determination likely comes from a Federal Highway Administration guidance document from 1987, directing the agency not to address project-level contributions to NO<sub>x</sub>, ozone, or hydrocarbons, and to limit CO analysis of projects with CO impacts that will not cause NAAQS violations.<sup>231</sup> The guidance document

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<sup>229</sup> *Id.*

<sup>230</sup> DEIS, 3-273; Air Quality Technical Report, 1-5.

<sup>231</sup> Department of Transportation, FHWA, *Guidance for Preparing and Processing Environmental and Section 4(f) Documents* (Oct. 30, 1987) at 15, <http://www.fhwa.dot.gov/legregs/directives/techadv/t664008a.htm>. Attached as Exhibit X.

also fails to cite authority or provide a rationale for limiting air quality impacts assessment in this way.<sup>232</sup> Neither NEPA, nor the regulations implementing NEPA, limit consideration of air impacts to a sub-set of pollutants. Rather, the DEIS must consider the impacts on air quality that occur as a result of the action along with other reasonably foreseeable effects.<sup>233</sup>

#### **4. The DEIS Cannot Equate Compliance with the NAAQS with a Legally Sufficient Air Quality Analysis**

The DEIS' limited criteria pollutant review is inadequate on its face. Restricting criteria pollutant review to CO based on past violations of the NAAQS ignores the very real health impacts of other criteria pollutants. And even the CO analysis stops upon concluding none of the proposed alternatives will cause future CO NAAQS violations. In this way, the DEIS essentially equates compliance with the NAAQS with a sufficient analysis of the air quality impacts of the project. By thus equating Clean Air Act compliance with a sufficient NEPA analysis, the DEIS violates NEPA's requirement to disclose all of the project's impacts on the human environment.

The NAAQS are intended to establish compliance standards for the Clean Air Act, not to serve as a benchmark for NEPA impact assessments. The 9th Circuit has held "the fact that [an] area will remain with compliance with the NAAQS is not particularly meaningful" in a NEPA impacts evaluation, if the area's air quality exceeds the NAAQS standards. The "more relevant measure" is "the degree to which [the federal action] contributes to the degradation of air quality."<sup>234</sup> Thus the region's current high air quality cannot be used to determine the CRC

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<sup>232</sup> *Id.*

<sup>233</sup> 40 C.F.R. §§ 1508.8 & 1508.25.

<sup>234</sup> *Edwardsen v. U.S. Dep't of the Interior*, 268 F.3d 781 at 789 (9th Cir. 2001).

alternatives will not adversely affect human health. Moreover, NEPA regulations instruct agencies to consider “whether the action threatens a violation of Federal, state, or local law or requirements imposed for the protection of the environment,” as just one of ten factors indicative of the severity of impacts.<sup>235</sup> The DEIS depends entirely upon this one factor to show that impacts are not significant, and thus do not require disclosure and analysis. Further, the inadequacy of EPA’s current NAAQS demonstrates the poor logic of assuming no environmental or health impact simply because an area is meeting federal standards.

## **5. Carbon Monoxide**

The DEIS’ analysis of carbon monoxide pollution under the different CRC alternatives fails to accurately present human health and environmental risks of CO by equating compliance with the NAAQS with a finding of no health impact, illegitimately using CO as a proxy for other criteria pollutants, and ignoring its role as a greenhouse gas. Though EPA has a non-discretionary duty under the Clean Air Act to review and update the NAAQS every five years,<sup>236</sup> EPA has not revised the CO NAAQS and reported its decision in the Federal Register since 1994.<sup>237</sup> As a result, environmental groups took action last year to compel EPA to update the existing CO NAAQS and ensure it protects public health; the District Court for the Northern District of California granted summary judgment for the plaintiffs and directed EPA to submit a

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<sup>235</sup> 40 C.F.R. § 1508.8(b).

<sup>236</sup> 42 U.S.C. § 7409(d)(1)

<sup>237</sup> 59 Fed. Reg. 38906 (Aug. 1, 1994).

schedule for its CO NAAQS revision by July 7, 2008, and to complete its NAAQS revision by May 13, 2011.<sup>238</sup>

CO is deadly to humans and other animals at high levels. At lower levels, CO has serious adverse effects on human health and welfare. CO causes serious health risks, including cardiovascular problems and central nervous system problems, and has been linked to developmental toxicity effects.<sup>239</sup> These effects are generally related to reduced levels of oxygen in the blood caused by CO's reaction with hemoglobin. These reduced oxygen levels result in tissue hypoxia.<sup>240</sup>

Exposure to CO has been linked to adverse effects on the cardiovascular and nervous systems of both adults and developing children, including exacerbation of heart disease, contributing to low birth weight, and increasing the daily frequency of respiratory illness.<sup>241</sup> Effects are most prevalent in the elderly, small children, fetuses, pregnant women, and people with anemia or pulmonary and heart disease.<sup>242</sup> Considering that about 20% of the United States' population has some type of cardiovascular disease, and that heart disease is the leading cause of death in this country, the impacts on this subset of the population are particularly important.<sup>243</sup>

Since EPA published its criteria document for CO in 2000, significant new information about CO's impacts on fetuses has been published. For example, in 2000 EPA claimed a non-conclusive "suggestion" that exposure to ambient CO may be

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<sup>238</sup> *Communities for a Better Environment v. EPA*, N.D. Cal, No. C 07-03678 JSW (May 5, 2008). Attached as Exhibit Y.

<sup>239</sup> EPA, *Air Quality Criteria for Carbon Monoxide*, EPA 600/P-99/001F, 6-1 (2000) (hereinafter CO 2000 AQCD). Attached as Exhibit Z.

<sup>240</sup> *Id.* at 5-22.

<sup>241</sup> *Id.* at 6-1.

<sup>242</sup> *Id.* at 4-3.

<sup>243</sup> *Id.* at 6-2 & 6-6.

associated with low birth weight.<sup>244</sup> Since then, at least three studies have confirmed that suggestion. One study of children in the urban northeastern United States indicated a correlation between low birth weight and elevated ambient CO during each trimester.<sup>245</sup> This study identified an increased risk of low birth weight at ambient CO levels greater than 1.46 ppm, a threshold level significantly lower than studies identified by EPA in the 2000 CO air quality criteria review and significantly lower than the current CO NAAQS.<sup>246</sup>

Another study of children born in California during 1975-1987 noted a correlation between decreased birth weight and CO exposure in the first trimester.<sup>247</sup> That study noted that a correlation between low birth weight and exposure to CO is plausible because of the effect of CO on maternal hemoglobin (reducing oxygen available to fetal circulation) and direct effects on fetal hemoglobin - which has a greater affinity for binding CO than adult hemoglobin.<sup>248</sup> The study also described a correlation between low birth weight and CO exposure at ambient levels greater than 1.4 ppm.<sup>249</sup>

A study of air pollution impacts on fetuses in Seoul, South Korea, found an increase of carbon monoxide concentrations during the first trimester was a risk factor for low birth weight in full term infants.<sup>250</sup> These studies indicate the current NAAQS of 9 ppm over 8 hours and 35 ppm over 1 hour does not protect pregnant mothers and fetuses from these adverse effects.

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<sup>244</sup> CO 2000 AQCD at E-6 & 6-7.

<sup>245</sup> Mildred Maisonet, *et al.*, "Relation Between Ambient Air Pollution and Low Birth Weight in the Northeastern United States," *Environmental Health Perspectives* Vol. 109, Supp. 3, pp. 351-356, 353 (June 2001).

<sup>246</sup> *Id.* at 355.

<sup>247</sup> Muhammad T. Salam, *et al.*, "Birth Outcomes and Prenatal Exposure to Ozone, Carbon Monoxide and Particulate Matter: Results from the Children's Health Study," 113 *Environmental Health Perspectives* 1638, 1641 (Nov. 2005).

<sup>248</sup> *Id.* at 1642.

<sup>249</sup> *Id.* at 1643.

<sup>250</sup> Eun-Hee Ha, *et al.*, "Is Air Pollution a Risk Factor for Low Birth Weight in Seoul?" *Epidemiology* at 643-48 (Nov. 2001).

Low birth weight in children has a number of serious effects over the lifetime of the individual. Low birth weight has been associated with disruptive behavioral problems, reduced IQ and an increased susceptibility to depression.<sup>251</sup> Several epidemiologic studies have shown associations between low birth weight and a number of other problems as adults, including obesity, insulin resistance, type 2 diabetes mellitus, and cardiovascular disease.<sup>252</sup> Obesity and diabetes are major public health problems facing the nation. One study concluded that the risk of death from coronary heart disease increased by 14% for each unit (kg/m<sup>3</sup>) of decrease in ponderal index at birth (birth weight in kilograms/ length in cubic meters).<sup>253</sup>

Ignoring all of the impacts described above, the DEIS concludes maintenance with the CO NAAQS adequately protects public health. The DEIS also ignores that the CO NAAQS was recently held outdated and unjustified by a federal court and is currently under court-ordered review.<sup>254</sup> Moreover, the DEIS ignores that other regulatory agencies have chosen more protective standards than the CO NAAQS. For example, World Health Organization (WHO) standards include a lower 1 hour standard, 30 mg/m<sup>3</sup> (26.1 ppm), and additional short term exposure protections including a 30 minute limit of 60 mg/m<sup>3</sup> (52.3 ppm) and a 15 minute limit of 100 mg/m<sup>3</sup> (87.1 ppm).<sup>255</sup> Given EPA's failure to timely revise its public health standards or

<sup>251</sup> Frances Rice, *et al.*, "The Effect of Birth- Weight with Genetic Susceptibility on Depressive Symptoms in Childhood and Adolescence," *European Child & Adolescent Psychiatry* at 383 (Oct. 2006).

<sup>252</sup> See Matthew W. Gillman, M.D., "Developmental Origins of Health and Disease," *New England Journal of Medicine* at 1849 (Oct. 2005).

<sup>253</sup> J.G. Eriksson, *et al.* "Catch-up Growth in Childhood and Death from Coronary Heart Disease: Longitudinal Study," *British Medical Journal* at 427 (Feb. 13 1999).

<sup>254</sup> *Communities for a Better Environment v. EPA*, N.D. Cal, No. C 07-03678 JSW (May 5, 2008). Attached as Exhibit Y.

<sup>255</sup> The formula to convert a mg/m<sup>3</sup> standard to a ppm standard is: 24.45 (volume (liters) of a mole (gram molecular weight) of a gas or vapor when the pressure is at 1 atmosphere (760 torr or 760 mm Hg) and at 25°C) x (limit in mg/m<sup>3</sup>) / 28.011 (gram molecular weight of carbon monoxide). World Health Organization, *Air Quality Guidelines for Europe*, 2d ed. (WHO



provide evidence that the current standard protects human health, the evidence available in scientific literature that demonstrates the standard is not protective of public health, and the existence of more protective standards that other regulatory agencies have found necessary to protect public health, it is absurd for the DEIS to assert that compliance with the current CO standard eliminates the responsibility to assess and disclose the CRC's public health implications.

Moreover, the DEIS' CO hotspot analysis also fails to satisfy NEPA or provide the public with an accurate and complete picture of the bridge alternatives' localized impacts. This analysis projected 2030 CO levels at six high-traffic intersections, but as with the rest of the air quality analysis, fails to account for induced traffic. The hotspot monitoring also fails to project CO levels for interim dates between now and 2030, and consequently does not satisfy the Clean Air Act's conformity requirements. The Air Quality Technical Report states this complete analysis will be done for the Final EIS, but gives no reason why it was not done for the DEIS.<sup>256</sup> As a result, the public will not have the opportunity to comment on the bridge impact on CO conformity or complete hotspot data.

Regardless of whether conformity with the CO NAAQS currently protects public health, the DEIS' attempt to skirt legitimate air quality analysis by using CO as a proxy for all transportation pollution also fails under NEPA, because these pollutants cause different health impacts, their emissions may disperse differently with the bridge alternative chosen, and the NAAQS for the other criteria pollutants also may not adequately protect public health. See PM, NO<sub>x</sub> and SO<sub>2</sub> discussions below. This reliance on CO as an indicator for all air pollution risks has no basis in law or science; NEPA requires assessment of all health and environmental risks,

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regional publications, European series, No. 91, 2000) at Ch. 3, p. 2.

<sup>256</sup> Air Quality Technical Report, 2-5.

40 CFR 1508.8, which should include those from particulates, nitrogen oxides, volatile organic compounds, sulfur dioxide, and hazardous air pollutants as well as their cumulative health impacts.

Finally, the DEIS ignores CO's role as a climate change agent, and goes so far as to state CO is "not a greenhouse gas."<sup>257</sup> The Energy report estimates 1 percent of carbon in gasoline remains un-oxidized, forming CO rather than CO<sub>2</sub>.<sup>258</sup> However, CO plays two significant roles related to climate change, both of which the DEIS ignores. First, CO interacts with hydroxyls and interferes with their ability to mitigate the effects of greenhouse gases.<sup>259</sup> Second, CO in the atmosphere eventually oxidizes to form CO<sub>2</sub>, thereby directly contributing to climate change.<sup>260</sup>

## 6. Particulate Matter

The DEIS does not address the CRC alternatives' health or environmental impacts from PM. Though the I-5 corridor currently complies with the PM NAAQS, using this as a benchmark for a no significant impact finding does not ensure "no significant impacts," because PM pollution is non-threshold-based and therefore has adverse health impacts at any level.<sup>261</sup> Because even low levels of PM can cause low birth weights, damage lung function, and increase risks of heart attack and premature death, the DEIS should include hotspot analysis of current

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<sup>257</sup> Energy Technical Report, 2-15.

<sup>258</sup> *Id.*

<sup>259</sup> EPA, *Greenhouse Gases and Global Warming Potential Values: Excerpt from the Inventory of U.S. Greenhouse Emissions and Sinks: 1990-2000*, EPA 430-R-02-003, at 4 (April 2002).

<sup>260</sup> *Id.* at 6.

<sup>261</sup> 71 Fed. Reg. 2620 (Jan. 17, 2006); *see also* EPA, Particulate Matter Research, <http://www.epa.gov/pmresearch/>. Attached as Exhibit AA.

and projected PM levels.<sup>262</sup> Regional compliance with the NAAQS does not ensure the CRC alternatives will have no significant impact on the health of every Portland and Vancouver neighborhood. Therefore, the DEIS must include an analysis of the impacts.

The DEIS also specifically fails to address projected growth in diesel fuel-based traffic.<sup>263</sup> The DEIS projects a 77 percent increase in truck traffic on I-5 by 2030, versus a 37 percent increase in car traffic;<sup>264</sup> this will result in a disproportionate increase in diesel particulates relative to other vehicle emissions. Yet the DEIS predicts a 90 percent decrease in diesel particulates without expressly addressing whether this accounts for increased freight, or simply applies the expected improvements in car emissions to all traffic.<sup>265</sup> Neither the DEIS nor the Air Quality Technical Report address whether truck emissions will improve by the leaps and bounds anticipated for cars.<sup>266</sup>

Moreover, the DEIS does not provide relevant PM<sub>2.5</sub> monitoring data. The DEIS emphasizes the fact that Portland has only monitored PM<sub>2.5</sub> since 1999, which it says is not long enough to show a trend, and thus withholds the data from the documentation.<sup>267</sup> However, the report does not even address the current monitoring results, including whether PM<sub>2.5</sub> levels detected are cause for concern or whether certain areas have significantly higher PM<sub>2.5</sub> levels than others. Regardless whether the data can show a statistically significant trend, the DEIS must disclose current PM<sub>2.5</sub> risks, and should provide monitoring data similar to that provided for other criteria pollutants.

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<sup>262</sup> EPA, Health and Environment, Particulate Matter, <http://www.epa.gov/air/particlepollution/health.html>. Attached as Exhibit AB.

<sup>263</sup> DEIS 3-277.

<sup>264</sup> DEIS, 3-19.

<sup>265</sup> *Id.*

<sup>266</sup> *Id.*, Air Quality Technical Report, 1-6.

<sup>267</sup>

Finally, the DEIS PM data presented and the method in which it is presented have questionable significance. Though the DEIS acknowledges PM levels peak in the Winter in the project area,<sup>268</sup> the ambient pollution estimates only show Summer levels. Without showing that seasonal high PM concentrations in Winter will not exceed health standards under the CRC alternatives, the DEIS cannot legitimately make a finding of no significant impact. The DEIS also presents its Summer pollutant data in an unusable form. The tables provided list pollutant volumes per day, in pounds for subareas and tons for the region.<sup>269</sup> This effectively hides the meaning of the data, by disconnecting it from health impacts properly expressed by ambient concentration, not total volume emitted.

## 7. Nitrogen Oxides

EPA has missed its statutory deadline to review and revise the NO<sub>2</sub> NAAQS. The NO<sub>2</sub> standard has not been updated since 1993, and has not been reviewed at all since 1996.<sup>270</sup> Thus, equating compliance with this NAAQS with a lack of any impact from NO<sub>x</sub> pollution suffers the same flaws as relying on the CO standard.

Nitrogen oxides (“NO<sub>x</sub>”) are highly reactive gases emitted primarily from the combustion of fossil fuels in mobile and stationary sources.<sup>271</sup> NO<sub>x</sub> can cause respiratory problems such as asthma attacks, respiratory tract symptoms, bronchitis, and decreased lung

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<sup>268</sup> Air Quality Technical Report, 4-1.

<sup>269</sup> Air Quality Technical Report, 5-2 – 5-8.

<sup>270</sup> 61 Fed. Reg. 52,852 (Oct. 8, 1996).

<sup>271</sup> *Prevention of Significant Deterioration for Nitrogen Oxides*, 70 Fed. Reg. 8880, 8888 (Feb. 23, 2005).

function.<sup>272</sup> NOx emissions result in nitrogen deposition, which may cause “significant adverse changes” in terrestrial ecosystems such as soil acidification, increases in soil and plant susceptibility to natural stresses, and alteration of natural plant species balances.<sup>273</sup> Nitrogen deposition can also adversely affect aquatic ecosystems through acidification or eutrophication, both of which cause a reduction of water quality can leave the water body unfit for many aquatic organisms and/or human consumption.<sup>274</sup> In addition, NOx emissions contribute to visibility impairment, global warming, acid rain, formation of ground-level ozone and formation of toxic chemicals.<sup>275</sup> NOx is also a precursor chemical to fine particulate matter.<sup>276</sup> The DEIS does not describe or in any other way analyze potential impacts from increased NOx pollution.

The Columbia River Gorge National Scenic Area is particularly impaired by NOx and SOx pollution (discussed below). The Columbia River Gorge National Scenic Area ranked 6<sup>th</sup> in the country for poorest visibility for Scenic Areas. Gorge air quality has been monitored for the last seventeen years. The Forest Service has documented that visibility impairment occurs on at least 95% of the days that have been monitored. Metals, sulfur and nitrogen concentrations in lichen tissue found in the Gorge are comparable to that found in lichen tissue sampled in urban areas. The Gorge now stands among the most polluted places in the country, including Pittsburgh and Los Angeles. Nitrogen deposition rates in the Gorge are comparable to the most polluted areas in U.S. The DEIS completely fails to address how increased car and truck emissions due to induced or otherwise increased traffic may impact the Gorge.

Instead of an analysis, the DEIS relies on its predictions of future compliance with the

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<sup>272</sup> Committee on Environmental Health, American Academy of Pediatrics, *Ambient Air Pollution: Health Hazards to Children*, 114 PEDIATRICS 1699, 1701 (Dec. 2004).

<sup>273</sup> 70 Fed. Reg. at 8892–93.

<sup>274</sup> *Id.* at 8893.

<sup>275</sup> *Id.* at 8888–89.

<sup>276</sup> 70 Fed. Reg. 25162, 25162 (May 12, 2005).

NO<sub>x</sub> NAAQS under all scenarios. Just as with particulate pollution and CO, relying on the NO<sub>x</sub> NAAQS as a proxy for a proper NEPA analysis must fail. Compliance with the NAAQS does not demonstrate that there will be no significant adverse health impacts. First, the NAAQS of 0.053 ppm as an annual arithmetic mean does not protect the public from acute effects of short-term exposures to dangerous levels of NO<sub>x</sub>. For example, citing two studies completed after the 1993 air quality criteria document, the American Academy of Pediatrics reports that “controlled-exposure studies of people with asthma have found that short-term exposures (30 minutes) to nitrogen dioxide at concentrations as low as 0.26 ppm can enhance the allergic response after subsequent challenge with allergens.”<sup>277</sup> These findings are important because some communities that are in compliance with the NO<sub>2</sub> NAAQS nonetheless may experience short-term NO<sub>2</sub> levels in excess of 0.25 ppm. *Id.* For example, in 2007 and 2008, Anacortes, Washington recorded one-hour peak NO<sub>2</sub> concentrations above 0.25 ppm (0.265 and 0.374 ppm respectively)<sup>278</sup>. Other areas have experienced similar peak concentrations.<sup>279</sup> Despite these high readings, these areas meet the current NO<sub>2</sub> NAAQS. Therefore, the DEIS’s conclusion that the area around the project will continue to meet the NO<sub>x</sub> NAAQS fails to provide the information necessary to determine if residents around the project will experience dangerous

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<sup>277</sup> Committee on Environmental Health, American Academy of Pediatrics, “Ambient Air Pollution: Health Hazards to Children,” *Pediatrics* 2004: 114: 1699-1707, at 1701.

<sup>278</sup> Data available at

<http://iaspub.epa.gov/airsdata/ADAQS.monvals?geotype=us&geocode=USA&geoinfo=us%7EUSA%7EUnited+States&pol=NO2&year=2008+2007+2006+2005&exc=0&fld=monid&fld=siteid&fld=address&fld=city&fld=county&fld=stabbr&fld=regn&rpp=100&page=1&sort=d2&fmt=>

<sup>279</sup> In 2004, Miami, Florida recorded a one-hour peak NO<sub>2</sub> concentration of 0.417 ppm, while Sublette County, Wyoming reached 0.267 ppm during a similar span.. This data is available at: <http://oaspub.epa.gov/airsdata/adaqs.monvals?geotype=st&geocode=FL+WY&geoinfo=%3Fst%7EFL+WY%7EFlorida%2C+Wyoming&pol=NO2&year=2004&fld=monid&fld=siteid&fld=address&fld=city&fld=county&fld=stabbr&fld=regn&rpp=25>. Attached as Exhibit AC.

short term impacts.

Second, EPA has missed its statutory deadline to review and revise the NO<sub>2</sub> NAAQS. The NO<sub>2</sub> standard has not been updated since 1993, and has not been reviewed at all since 1996.<sup>280</sup> Because the NO<sub>x</sub> NAAQS<sup>281</sup> has not been reviewed and updated as required by the Clean Air Act, it cannot be used as a surrogate for ensuring adequate protection of public health and welfare. It has been nearly twelve years since EPA last completed such a review to update the air quality criteria for NO<sub>x</sub> and NAAQS for NO<sub>2</sub>.<sup>282</sup> During this time, no review of the NO<sub>x</sub> criteria or NO<sub>2</sub> NAAQS has been completed, nor has there been any decision on revision of such criteria or NAAQS or promulgation of new NAAQS pursuant to such a review. EPA's action clearly violates Congress' intent that the NAAQS and criteria be reviewed and updated to include the best available science every five years. The DEIS compounds the impacts of EPA's failure on residents near the project area by using the outdated and inadequate NAAQS to demonstrate that no real analysis of air quality impacts is required.

In fact, since the last NAAQS review, extensive scientific evidence has emerged concerning the health and welfare effects of NO<sub>x</sub>. This recent evidence indicates that NO<sub>2</sub> is causing adverse effects to human health and welfare at levels allowed by the current NO<sub>2</sub> NAAQS. For example, research completed since the last NO<sub>2</sub> NAAQS update has established that there is a correlation between elevated levels of NO<sub>2</sub> and incidence of Sudden Infant Death

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<sup>280</sup> 61 Fed. Reg. 52,852 (Oct. 8, 1996).

<sup>281</sup> In fact, the NAAQS for NO<sub>x</sub> is actually a measure of NO<sub>2</sub> because EPA claims that NO<sub>2</sub> accounts for the vast majority of NO<sub>x</sub> in the atmosphere, and has used this claim as a justification to use NO<sub>2</sub> as a surrogate for NO<sub>x</sub> since first promulgating the NAAQS for NO<sub>2</sub> in 1971. *See* 36 Fed. Reg. 8186.

<sup>282</sup> *See* 61 Fed. Reg. 52,852 (Oct. 8, 1996) (the last such update).

Syndrome (“SIDS”).<sup>283</sup> Other recent studies have expanded the base of knowledge on the links between NO<sub>2</sub> and asthma attacks, respiratory tract symptoms, bronchitis, and decreased lung function.<sup>284</sup>

Moreover, since the last review of the air quality criteria for NO<sub>x</sub> and NAAQS for NO<sub>2</sub>, research into the public welfare impacts of NO<sub>2</sub> emissions has solidified the link between NO<sub>2</sub> emissions and the harmful effects of nitrogen deposition. For example, one 2003 study found a linear relationship between NO<sub>x</sub> emissions and nitrogen deposition.<sup>285</sup> Meanwhile, a 2001 report linked elevated soil nitrogen levels caused by deposition with the accelerated acidification of soils through the leaching of minerals which neutralize acid deposition.<sup>286</sup> Soil acidification is known to inhibit tree growth and can also result in the dissolution of harmful levels of aluminum into aquatic ecosystems.<sup>287</sup> Recent studies have also raised awareness of the role of nitrogen deposition in the eutrophication of water bodies. Thus, a 1998 survey estimated the percentage of the total nitrate load in the Chesapeake Bay attributable to nitrogen deposition to be between 10% and 45%.<sup>288</sup> The increasing evidence regarding the adverse effects of NO<sub>2</sub> pollution has prompted the state of California to enact ambient NO<sub>2</sub> limitations stricter than the federal NAAQS. The annual California standard is 0.03 ppm, as compared with the Federal NAAQS of 0.053 ppm. California regulations also provide for a one-hour NO<sub>2</sub> concentration limit of 0.18 ppm.<sup>289</sup>

EPA has commenced, but has not completed, a review of the NO<sub>x</sub> NAAQS in response

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<sup>283</sup> See Dales, Robert, et al., “Air Pollution and Sudden Infant Death Syndrome,” *Pediatrics*, 2004: 113: 628-31, at 629.

<sup>284</sup> Committee on Environmental Health at 1701.

<sup>285</sup> 70 Fed. Reg. 8892 (Feb. 23, 2005).

<sup>286</sup> *Id.* at 8893.

<sup>287</sup> *Id.* at 8892-93.

<sup>288</sup> *Id.* at 8894.

<sup>289</sup> Cal. Code. Regs. tit. 17, § 70200.



to litigation.<sup>290</sup> EPA's review is proceeding, and will hopefully address some of the concerns raised above. According to the schedule in the Consent Decree, EPA must complete the review of the primary NO<sub>x</sub> NAAQS by December 18, 2009. EPA must complete the review of the secondary NO<sub>x</sub> NAAQS by October 19, 2010. In completing these reviews, EPA has developed a number of science and policy based documents. None of the information collected by EPA on impacts due to ambient NO<sub>x</sub> levels has been disclosed or analyzed in the DEIS.

Because the NO<sub>x</sub> NAAQS is an inappropriate surrogate for a NEPA disclosure and analysis of impacts, the DEIS must analyze NO<sub>x</sub> emissions under the CRC alternatives, including hotspot analysis for at-risk populations along the I-5 corridor, as well as likely environmental and aesthetic risks (including increased impacts on the Columbia Gorge), before concluding NO<sub>x</sub> will have no significant impact under NEPA. However, the DEIS gives NO<sub>x</sub> pollution even briefer treatment than the other criteria pollutants; it does not provide NO<sub>x</sub> emissions trends along with those for PM, CO and ozone,<sup>291</sup> and does not discuss or even acknowledge NO<sub>x</sub> health and welfare effects.<sup>292</sup>

## 8. Sulfur Dioxide

Again, as with CO and NO<sub>x</sub>, EPA has missed its statutory deadline to review and revise the SO<sub>2</sub> NAAQS. The NO<sub>2</sub> standard has not been updated since 1993, and has not been

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<sup>290</sup> See 70 Fed. Reg. 73,236 (Dec. 9, 2005) (announcing that EPA is undertaking a review of the NO<sub>x</sub> air quality criteria); *Center for Biological Diversity v. Johnson*, Civ. No. 05-1814 (D.D.C.) November 19.

<sup>291</sup> Air Quality Technical Report, 4-4 – 4-5

<sup>292</sup> Air Quality Technical Report, 4-1.

reviewed at all since 1996.<sup>293</sup> Thus, equating compliance with this NAAQS with a lack of any impact from SO<sub>x</sub> pollution suffers the same flaws as relying on the CO standard. The DEIS completely fails to consider impacts from sulfur dioxide pollution caused by the project.

Sulfur Oxides (“SO<sub>x</sub>”) such as SO<sub>2</sub> are a group of gases formed primarily from the combustion of fuel containing sulfur, such as gasoline and diesel. SO<sub>x</sub> emissions have a variety of negative effects on both human health and the environment. SO<sub>x</sub> pollution contributes to respiratory problems, particularly for children and the elderly, and aggravates existing heart and lung diseases. High levels of SO<sub>x</sub> emitted over a short period can be harmful to asthmatics. SO<sub>x</sub> also contribute to the formation of acid rain, which damages trees, crops, historic buildings, and monuments and alters the acidity of both soils and water bodies. In addition, because SO<sub>x</sub> emissions may be transmitted long distances, they contribute to visibility impairment problems in many scenic areas, including Mount Hood, the Wallowa-Whitman and Eagle Cap Wilderness, the Columbia River Gorge National Scenic Area, and other federally protected parks and wilderness areas in Oregon and Washington.<sup>294</sup>

SO<sub>2</sub> is the Sulfur Oxide that EPA has used as a surrogate parameter for regulation of all SO<sub>x</sub> emissions since first promulgating NAAQS for SO<sub>2</sub> in 1971.<sup>295</sup> The current NAAQS for SO<sub>2</sub> have remained unchanged since 1971. The primary NAAQS for SO<sub>2</sub> limit ambient concentrations to an annual arithmetic mean of 0.03 parts per million (ppm) and also impose a

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<sup>293</sup> 61 Fed. Reg. 52,852 (Oct. 8, 1996).

<sup>294</sup> See EPA, Office of Air Quality Planning and Standards, “SO<sub>2</sub> – How Sulfur Dioxide Affects the Way We Live & Breathe” (Nov. 2000), available at <http://www.epa.gov/air/urbanair/so2/index.html>; See Regional Haze Rule 64 Fed. Reg. 35,715 (July 1, 1999).

<sup>295</sup> See 36 Fed. Reg. 8186.

24-hour limit of 0.14 ppm.<sup>296</sup> Meanwhile, the secondary NAAQS limits SO<sub>2</sub> levels to 0.5 ppm over a three-hour averaging period.<sup>297</sup> EPA's last review of the air quality criteria document for SO<sub>x</sub> was combined with a review of the air quality criteria document for particulate matter, a process which concluded with the issuance of the new criteria document for both pollutants in 1984.<sup>298</sup> Although EPA has supplemented this criteria document over the years as new studies on the effects of SO<sub>x</sub> pollution have been published, it does not appear that EPA has done so since issuing a supplement to the second addendum to the document in 1994.

EPA's most recent consideration of the efficacy of the existing NAAQS for SO<sub>2</sub> proceeded in two stages. In 1993, EPA elected to retain the existing secondary SO<sub>2</sub> NAAQS, and in 1996 EPA came to the same conclusion regarding the existing primary NAAQS.<sup>299</sup> EPA's 1996 decision to retain the existing primary NAAQS for SO<sub>2</sub> provoked a lawsuit challenging that decision, and upon concluding that EPA had not adequately explained its rationale for retaining the existing primary SO<sub>2</sub> NAAQS the District of Columbia Circuit remanded the case to EPA for further elucidation.<sup>300</sup> Although it has now been over ten years since this remand, EPA still has neither provided a new justification for its 1996 decision to retain the existing primary SO<sub>2</sub> NAAQS nor completed a new cycle of review of those standards.

Much of the controversy surrounding the current SO<sub>2</sub> NAAQS stems from increasing scientific understanding of the problems posed by elevated short-term SO<sub>2</sub> concentrations, especially among sensitive populations. Thus, for example, California's air quality standards for SO<sub>2</sub> impose a more stringent short-term concentration limit than the NAAQS. California

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<sup>296</sup> 40 C.F.R. § 50.4.

<sup>297</sup> 40 C.F.R. § 50.5.

<sup>298</sup> 58 Fed. Reg. 21,351, 21,353 (Apr. 21, 1993).

<sup>299</sup> See 58 Fed. Reg. 21,351 (Apr. 21, 1993) (retaining existing secondary SO<sub>2</sub> NAAQS); 61 Fed. Reg. 25,566 (May 22, 1996) (retaining existing primary SO<sub>2</sub> NAAQS).

<sup>300</sup> *American Lung Assn. v. EPA*, 134 F.3d 388 (D.C. Cir. 1998).

regulations limit the hourly concentration of SO<sub>2</sub> to 0.25 ppm (half the amount that the existing NAAQS allow to persist for three hours of 0.5 ppm).<sup>301</sup> California also has a 24-hour standard of 0.04 ppm, as compared to the federal standard of 0.14 ppm over 24-hours.<sup>302</sup> Yet, a survey of research on the adverse health effects of SO<sub>2</sub> conducted for the California Air Resources Board in 2000 concluded that even this 0.25 ppm hourly standard was not sufficient to protect all California residents.<sup>303</sup>

As to the secondary SO<sub>2</sub> NAAQS, research has shown for decades that SO<sub>2</sub> has adverse impacts on vegetation, including important agricultural crops at levels below the current SO<sub>2</sub> NAAQS. For example, a 1974 study by the Tennessee Valley Authority (TVA) found that SO<sub>2</sub> impacts from one of TVA's coal-fired power plants which created SO<sub>2</sub> levels of between 0.21 – 0.30 ppm over a 3-hour average damaged trees.<sup>304</sup> EPA itself has admitted that sensitive vegetation suffers adverse effects from SO<sub>2</sub> at 0.30 ppm over a 3-hour average and all levels of vegetation suffers adverse effects from SO<sub>2</sub> at 0.007 ppm over an annual average.<sup>305</sup> Moreover, EPA admits that these levels are below the current NAAQS.<sup>306</sup>

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<sup>301</sup> Cal. Code. Regs. tit. 17, § 70200.

<sup>302</sup> *Id.*

<sup>303</sup> See Jane Q Koenig & Therese F Mar, Sulfur Dioxide: Evaluation of Current California Air Quality Standards with Respect to Protection of Children at 22-23 (2000), available at <http://www.oehha.ca.gov/air/pdf/oehhaso2.pdf>. Attached as Exhibit AD.

<sup>304</sup> S.B. McLaughlin and N.T. Lee, "Botanical Studies in the Vicinity of Widows Creek Steam Plant; Review of Air Pollution Effects Studies, 1952-1972 and Results of 1973 Surveys," (1974) at F-1.

<sup>305</sup> EPA, "A Screening Procedure for the Impacts of Air Pollution Sources on Plants, Soils and Animals: Final Report," EPA 450/2-81-078 (Dec. 12, 1980) at page 11, Table 3.1.

<sup>306</sup> *Id.* at 14, Table 3.2.

EPA has commenced, but has not completed, a review of the SO<sub>x</sub> primary and secondary NAAQS in response to litigation.<sup>307</sup> EPA's review is proceeding, and will hopefully address some of the concerns raised above. According to the schedule in the Consent Decree, EPA must complete the review of the primary SO<sub>x</sub> NAAQS by March 2, 2010. EPA must complete the review of the secondary SO<sub>x</sub> NAAQS by October 19, 2010. In completing these reviews, EPA has developed a number of science and policy based documents. None of the information collected by EPA on impacts due to ambient SO<sub>x</sub> levels has been disclosed or analyzed in the DEIS.

Because the SO<sub>x</sub> NAAQS is an inappropriate surrogate for a NEPA disclosure and analysis of impacts, the DEIS must analyze SO<sub>x</sub> emissions under the CRC alternatives, including hotspot analysis for at-risk populations along the I-5 corridor, as well as likely environmental and aesthetic risks (including increased impacts on vegetation, acid rain, visibility, etc.), before concluding SO<sub>x</sub> will have no significant impact under NEPA. However, the DEIS fails to address SO<sub>x</sub> pollution at all.<sup>308</sup>

## 9. Mobile Source Air Toxics

The DEIS considers risks from six MSATs, based on Portland Area Toxics Assessment (PATA) modeling of 1999 Air Toxics Inventory data. Though limitations on modeling hazardous air pollution risks render virtually all of the DEIS' conclusions uncertain, only the Air Quality Technical Report, and not the main DEIS document, discloses the poor fit between the

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<sup>307</sup> See 71 Fed. Reg. 28,023 (May 15, 2006) (announcing that EPA is undertaking a review of the SO<sub>x</sub> air quality criteria); *Center for Biological Diversity v. Johnson*, Civ. No. 05-1814 (D.D.C.) November 19.

<sup>308</sup> See Air Quality Technical Report, Section 4.

modeling used and the nature of hazardous air emissions. Neither EPA modeling nor the PATA modeling are capable of hotspot analysis or project-level risk evaluation for these pollutants.<sup>309</sup> Yet the DEIS itself does not even allude to the broad inability to evaluate the CRC's impact on exposure to hazardous air pollutants, stating only that the science is uncertain, but emissions are expected to decline by 2030.<sup>310</sup> By downplaying the potential for pollution hotspots, particularly with regard to carcinogens and toxic pollutants like benzene present in great quantities in diesel fuel, the DEIS violates NEPA's requirement of full and honest disclosure. The public should not have to read the technical report to realize the DEIS' no impact finding was assumed, and not the result of emissions modeling.

Results from the monitoring conducted for the CRC, as well as other studies, do indicate the need for pollution hotspot research. Modeling showed greater variation in pollutant concentrations at the subarea level than at the regional level.<sup>311</sup> Additionally, PATA modeling and other reports show correlations between higher MSAT concentrations and highway corridors.<sup>312</sup> Though the Technical Report acknowledges "[h]igher risks for some pollutants...appeared to align to some degree with major highway corridors,"<sup>313</sup> this realization did not result in neighborhood-level modeling or other estimates that would more fully disclose localized risks to public health.

As a result, the DEIS generally undermines the PATA report's conclusion that "PATA shows the importance of diesel, motor vehicles and burning as sources of air toxics in Portland" and "confirms national estimates that individuals are exposed to various air toxics above levels

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<sup>309</sup> Air Quality Technical Report, 2-6 – 2-7.

<sup>310</sup> DEIS, 3-275.

<sup>311</sup> Air Quality Technical Report, 2-9, 5-3.

<sup>312</sup> Air Quality Technical Report, 2-9; PATA, Conclusions and Recommendations, <http://www.deq.state.or.us/aq/toxics/docs/pataconclude.pdf>. Attached as Exhibit AE.

<sup>313</sup> *Id* at 4-6

of concern.”<sup>314</sup> Because studies indicate greater variability even at the subarea level, and Portland residents are already exposed to MSATs above levels of concern, a Supplemental EIS should prioritize dispersion modeling and hotspot analysis for both criteria and MSAT pollutants, before concluding the CRC will not cause adverse air pollution impacts. To protect public health, this assessment should also consider effects from short-term and cumulative exposure to multiple air toxics. The DEIS and Air Quality Technical Report do not even address multiple pollutants or the potential for combined effects. See Cumulative Effects comments.

## 10. Visibility Impacts

Automobile pollutants including NO<sub>x</sub>, SO<sub>x</sub>, and PM react in the atmosphere to cause regional haze, scattering light and decreasing visibility.<sup>315</sup> NEPA requires the DEIS to consider and address “...aesthetic, historic, [and] cultural” impacts.<sup>316</sup> However, the DEIS fails to address the build alternatives’ likely air pollution-related visibility impacts in regional areas of significance, including Class I areas like Mount Hood, Mount Adams, and Mount Rainier, as well as National Scenic Areas like the Columbia Gorge. These scenic areas have been nationally recognized for their recreational and aesthetic value.

In addition to the plain mandate of the NEPA regulations to disclose and consider aesthetic impacts, courts have held that an EIS should address visibility impacts in Class I areas.<sup>317</sup> As previously discussed, the build alternatives will likely lead to induced traffic and

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<sup>314</sup> PATA, Conclusions and Recommendations. Attached as Exhibit AE.

<sup>315</sup> 64 Fed. Reg. 35,715, 35,715 (July 1, 1999).

<sup>316</sup> 40 CFR 1508.8.

<sup>317</sup> See *Methow Valley Citizens Council v. Regional Forester*, 833 F.2d 810 at 818 (9th Cir. 1987).

therefore higher NO<sub>x</sub>, SO<sub>x</sub>, and PM emissions than considered in the DEIS. At best, the build alternatives will fail to achieve emissions benefits compared with a do-nothing approach.<sup>318</sup> The DEIS must address the proposed alternatives' failure to decrease future emissions by decreasing vehicle miles traveled, and their resulting contribution to visibility-impairing pollution.

The DEIS Air Quality section suffers from a general lack of disclosure and analysis and fails to consider the health and environmental impacts of most criteria pollutants and all MSAT pollutants. By relying on flawed traffic projections that ignore induced growth and on uncertain future emissions standards, and by hiding behind compliance with outdated and under-protective NAAQS, the DEIS presents a best-case scenario, rather than the complete disclosure of likely impacts required by NEPA. Columbia River Crossing should draft a Supplemental DEIS that remedies these problems and assumptions, and that offers an air pollution mitigation plan for long-term effects.

#### **E. Ecosystems—A Lot of Nothing**

The NEPA documents set out their “analysis” of impacts to ecosystems is an Executive Summary, which mostly contains conclusions set out in a chart,<sup>319</sup> in 30 pages of the DEIS itself, Section 3.14, and in the 200+ page Ecosystems Technical Report. Logically one would expect the DEIS to offer cogent explanations for the conclusions in the summary and the Technical Report to offer more detailed discussions and specific scientific information and analysis to back up the DEIS's explanations. Unfortunately, such explanations and detail are almost wholly

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<sup>318</sup> DEIS, 3-277.

<sup>319</sup> S-31



absent from both the DEIS and the Ecosystems Technical Report. Both are written so generally, and with almost no supporting scientific citations, that they offer very little in the way of useful information regarding the actual direct and indirect impacts of the five DEIS alternatives. More importantly they completely fail in their most important purpose--offering the public and the ultimate decision-makers quantifiable information regarding the environmental trade-offs and, based on that specific information, a clear basis for making an informed choice from among the 5 offered alternatives.<sup>320</sup>

This lack of specific analysis is partly explained, but not legally justified, by the decision to put off the analysis required under the federal Endangered Species Act until some unspecified time in the future when “project details are further refined.”<sup>321</sup> There really can be no serious dispute that any of the proposed build alternatives will have adverse impacts on a number of endangered salmonoid species and their critical habitat, or that the actual construction of any supplemental or replacement bridge will likely result in take of those species.<sup>322</sup> Nevertheless, the CRC Project Staff has not initiated consultation under the ESA and has not prepared the required Biological Assessment regarding those likely adverse impacts on multiple, federally endangered species.<sup>323</sup> Both the ESA and NEPA encourage federal agencies to satisfy the procedures and prepare the analysis required by these two statutes concurrently,<sup>324</sup> but such coordination and efficiency are not mandatory. However, the fact that the CRC Task Force has elected to put off complying with the ESA does not in any way excuse them from including , in the DEIS, as is legally required by NEPA a complete, thorough and documented analysis of the

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<sup>320</sup> See 40 CFR Sec. 1502.14.

<sup>321</sup> See, e.g., Eco. Tech. Report at 2-3.

<sup>322</sup> See, Ecosystems Technical Report at 6-3.

<sup>323</sup> See, DEIS at 3-331.

<sup>324</sup> 40 CFR § 1500.2 (c); 16 USC § 1536 (c) (1)

impacts of their alternatives on endangered species. Put another way, their intended, future compliance with the ESA does not in anyway allow them to present the public with a less detailed and informative analysis of endangered species impacts in the DEIS.<sup>325</sup> In fact the required DEIS analysis is the only opportunity the public will ever have to review and comment on the likely impacts of this proposed project on endangered species. The public had every legal right to expect that the DEIS would fully evaluate the impacts of the five alternatives on the areas multiple endangered species. The fact that the DEIS does not do so is just one more reason to prepare a Supplemental DEIS.

The DEIS and Technical Reports similarly deprive the public of any quantifiable information regarding mitigation, in violation of CEQ regulations.<sup>326</sup> As the DEIS Summary announces, a specific mitigation plan will not be prepared until some unspecified date in the future when the public will not have a meaningful opportunity to offer comments. Even if putting off the preparation of a detailed plan were legal, it still would not excuse the CRC Project Staff from offering useful, quantifiable information in the DEIS or accompanying technical reports regarding specific mitigation measures and their efficacy. For example, the report notes that in-water construction would have adverse impacts on listed fish species and then offers a laundry list of possible mitigation measures.<sup>327</sup> The report offers no information whatsoever regarding how severe those impacts might be or how effective the listed mitigation measures might be at avoiding or reducing such impacts. There are in fact reputable scientific studies available that address the severity of such impacts and the effectiveness of mitigation measures. Some of these studies are in fact listed at the end of the technical report. But those studies are not specifically

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<sup>325</sup> See, e.g., *Portland Audubon Society v. Lujan*, 795 Supp. 1489, 1509 (D.Or.1992) (ESA compliance is not a substitute for compliance with NEPA)

<sup>326</sup> See, e.g., 40 CR Sec. 1502.14, 1502.16.

<sup>327</sup> Eco. Tec. Rpt at 8-1.

cited or discussed in the DEIS or technical support. How is the public supposed to determine, short of reading every listed source, what studies support which conclusions and assertions? Clarifying such issues is precisely why technical reports are prepared, but this report provides no such clarity.

Of course, this cursory treatment of mitigation measures is consistent with the DEIS's overall treatment and discussion of ecosystem impacts. The potential for many adverse impacts is noted, but again all the reader is really left with is a laundry list of such impacts. Almost no quantifiable information is offered, even in the Technical Report, that would allow the reader to determine whether the overall impacts from one alternative clearly would be lower than those of another. The DEIS's treatment of impacts to aquatic ecosystems and the fish that live in those ecosystems offers a good example of this problem.

The DEIS Summary concludes that the Replacement bridge alternatives would offer the "greatest improvements in water quality".<sup>328</sup> But we are at a loss as to how the DEIS authors reached that conclusion based on the analysis in the DEIS and its Technical Report. The DEIS tells us that current, untreated storm water run-off from the existing bridge would no longer flow into the Columbia River if the Replacement Bridge were built. But the DEIS also admits that run-off from the Replacement Bridge would be partially treated and diverted into the Columbia Slough, which the analysis admits may be more sensitive to water quality changes. Even that partially treated water would contain harmful pollutants such as copper and these discharges would result in higher levels of dissolved copper in the Slough. Endangered salmon species are found in both the Columbia River and the Columbia Slough. Moreover, buried in the Ecol. Technical report is the fact that the Replacement Bridge option would result in the creation of

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<sup>328</sup> Summary at S-31.

more than 40 additional acres of impermeable surfaces, which would also lead to polluted runoff into nearby water bodies. Will the beneficial impacts to Columbia River water quality from the Replacement Bridge benefit endangered fish species more than those species are harmed by the reduced water quality in the Slough? The DEIS offers no basis for making such a judgment.

The DEIS also explains that juvenile salmon can be harmed by piers and bridge decks that create shaded areas in the river that attract predatory fish. (This is one of the very rare places in the DEIS where a specific scientific source is offered, DEIS at 3-333.) The Replacement Bridge will have fewer piers than the existing bridge, but the bridge deck area will be significantly larger. So are salmon better off under one alternative? Again the DEIS offers no basis for making such a judgment.

Finally the DEIS admits that salmon could be harmed by the temporary impacts from bridge construction under the action alternatives. It also seems to admit that those in water activities will also result in “take” of endangered species, although that legal term is never actually used.<sup>329</sup> The no-action alternative of course avoids all such harms. But again the reader has no basis for evaluating whether these temporary adverse impacts to currently endangered species are serious or can be significantly mitigated.

So after reviewing the DEIS Summary, the DEIS itself and the Ecol. Technical Report, a reader who is concerned about endangered salmon is left with only a laundry list of possible adverse impacts and benefits to water quality and other threats created by one or more of the alternatives. Nowhere is the reader offered information that evaluates the degree of harm or benefit or that would allow the reader to quantify the risks and benefits from the offered

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<sup>329</sup> See DEIS at 3-351, Tech. Rpt at 6-3.

alternatives.<sup>330</sup> Of course if NEPA were just about disclosing impacts, this sort of “analysis” might be sufficient. But the CEQ regulations make clear that mere disclosure is insufficient. The EIS is supposed to offer information that allows for making choices among reasonable alternatives.<sup>331</sup> The DEIS’s ecosystems discussion does not even come close to meeting that legal standard. The DEIS then compounds its analytical problems regarding ecosystems by refusing to admit and consider that reduced growth from the action alternatives would have additional, long term impacts on ecosystems generally and endangered salmon species in particular.<sup>332</sup>

The DEIS Ecosystems report must also address the following deficiencies:

- The draft EIS does not provide sufficient mapping detail to determine exactly where habitat impacts would occur. The Build Option would impact 291.7 acres of designated habitat. There should be maps and tables identifying these impacts sites with a high level of detail. Instead the report provides only broad area descriptions that contain multiple parcels. There is insufficient detail in the Ecosystems Technical report that makes it impossible to truly evaluate the impacts or the quality of the analysis (other than to say it is “woefully insufficient.”)
- The Replacement Bridge would impact 291.7 acres of identified significant habitat. This can hardly be described as “minimal” on an already highly fragmented and degraded landscape. At a time when the Metro Region has just passed a bond measure for 227.4

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<sup>330</sup> These comments use the water quality/aquatic habitats analysis only as an example of the defects in the DEIS. Its analysis of terrestrial habitats and other ecosystem impacts is equally cursory, uninformative and legally insufficient under NEPA.

<sup>331</sup> See. 40 CFR Sec. 1502.1, 1502.14.

<sup>332</sup> Ecosystems Technical Report at 5-211.

million to protect and acquire natural areas and when the City of Portland just raised Park System Development Charge Rates to ensure continued access to parks and natural areas, the loss of 291.7 acres represents a highly significant step backwards.

- The quality of the avian surveys is questionable as the authors note that they observed no peregrines even though peregrines are one of the easiest species to spot on the existing bridge at anytime of the year. They also note that they found no bird nests in segment B of the primary API (page 4-45 of the ecosystems technical report.)
- The report fails to mention Oregon state designated “sensitive” species. These are species which are not yet listed but are of concern. In discussing peregrine falcons the report does note that this species is listed in sensitive in Washington but fails to mention that it is also listed as sensitive in Oregon. I would question whether they were even aware of the list based upon the way the report was written. The report does mention “species of interest” but this is not a recognized status.
- The report fails to mention any avian Watchlists that identify species with long term downward populations trends.
- The report fails entirely to focus on herptile species other than western pond and western painted turtles. The report also fails to analyze potential impacts on invertebrate species.
- The Botanical Resources sections are woefully insufficient, repeatedly dismissing this issue with a single line (“The Build Alternatives are not anticipated to have long term impacts on botanical resources,” page 5-8, Ecosystems technical Report). The report seems to predicate this lack of concern on a lack of rare or listed plant species. However it fails to account for the fact that even the loss of common species in urban ecosystems can have significant environmental impacts. For example, black cottonwood habitat,

often perceived as common and even “junk trees” is of the most rapidly disappearing habitats along the Columbia Corridor. According to the Portland of Portland, 45 of the remaining intact cottonwood habitat between rivermile 12 and the Bonneville Dam occurs on West Hayden Island. The loss of mature trees can have serious consequences for local wildlife populations, connectivity and can undermine the integrity and functionality of proximal natural areas. It also directly undermines local green stormwater strategies and tree canopy targets.

- The report fails to discuss locations and impacts from staging for the project. West Hayden Island has repeatedly been suggested as one possible staging area. West Hayden island has been identified through the Metro Goal 5 Process as high value riparian and upland habitat and it a priority site for permanent protection for local conservation organizations. Staging for the CRC on West Hayden Island which is currently not accessible to the general public would have both short and long term consequences for the environment. Habitat loss (short and long term, introduction of invasive species, increased human use of area, potential introduction of contaminants, road building, wildlife displacement...)
- The report fails to provide sufficient detail on impacts to Vanport Wetlands. Vanport is a high value wetland for avian species and is the product of years of restoration work. The report should contain site specific analysis of the impacts on this site
- The report fails to identify specific mitigation sites for habitat impacts.
- The report fails to address the issue of human-wild conflicts. Certain types of bridge design can attract unwanted species such as starlings and pigeons that then require control operations that can have non target impacts on native wildlife.

## F. Hydrology and Water Quality

### 1. The DEIS does not disclose why stormwater runoff will be diverted from the Columbia River to the Columbia Slough.

The Columbia Slough, a smaller, more sensitive, and more highly-degraded water body than the Columbia River, is receiving a disproportionate impact from this project. The DEIS acknowledges that “because the Columbia Slough is a much smaller waterway than the Columbia River, this could contribute to a more noticeable effect on water quality.”<sup>333</sup> The DEIS acknowledges that the Columbia Slough does not meet Oregon State water quality standards for temperature, iron and manganese, and that a TMDL has been established for several parameters including dissolved oxygen.<sup>334</sup> The DEIS goes on to admit that typical highway runoff includes iron, manganese, and deicing materials that contribute to low levels of dissolved oxygen.<sup>335</sup> Then, the DEIS acknowledges the likelihood that the runoff may further exacerbate water quality problems in the Columbia Slough. Yet, the DEIS fails to provide an explanation for why the project will divert stormwater discharges to the Columbia Slough in spite of the adverse effect this diversion will have on the water quality of the Columbia Slough. This failure to explain the choice to divert stormwater violates CEQ regulations which require that the DEIS provides a “clear basis for choice among options by the decision-maker and the public.”<sup>336</sup> Rather than taking the requisite steps to avoid significant environmental impacts, the DEIS has made decisions that increase the net environmental impacts of the project in

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<sup>333</sup> DEIS at 3-393.

<sup>334</sup> DEIS at 3-381.

<sup>335</sup> DEIS at 3-381.

<sup>336</sup> 40 CFR 1502.14.



contravention of federal regulations.<sup>337</sup> A DEIS is not intended to be merely a disclosure document. It should be used to explain, justify and support decisions.<sup>338</sup> The decision to significantly increase the environmental impacts on the Columbia Slough appears to have already been made absent requisite explanation, justification or support..

## **2. The DEIS fails to properly evaluate base level runoff from the I-5 bridge.**

The DEIS does not include an actual analysis of the runoff from I-5 but rather used general EPA guidance on “typical” highway runoff.<sup>339</sup> The DEIS then concludes that this guidance indicates the pollutants “typically associated” with highway runoff will not impact the parameters for which the Columbia River is currently water quality limited. (temperature, PCBs, PAHs, DDE, arsenic, dioxin, and total dissolved gas).<sup>340</sup> This is factually incorrect. Each of these pollutant parameters, but perhaps most notably PAH levels, are affected directly and indirectly by run-off from roadways. Investigations to date have demonstrated that the developing fish heart is vulnerable to a variety of impacts from multiple members of the PAH family, and some PAH derivations are known to be highly toxic to fish.<sup>341</sup> The increase in the number of motor vehicles over the last decade has resulted in a corresponding increase in the loading of PAHs to aquatic habitats.<sup>342</sup> Studies have shown that storm events can raise PAH levels in waterways dramatically, thereby contributing significantly to the levels of PAHs in

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<sup>337</sup> 40 CFR 1502.1.

<sup>338</sup> *Id.*

<sup>339</sup> DEIS at 3-381.

<sup>340</sup> DEIS at 3-382.

<sup>341</sup> McCarthy, S.G. et al. “Coastal Storms, Toxic Runoff, and the Sustainable Conservation of Fish and Fisheries”. American Fisheries Society Symposium 64 (2008): 000-000.

<sup>342</sup> *Id.*

estuaries and other nearshore areas, particularly in sediments.<sup>343</sup> The DEIS wholly fails to address the critical connection between potential increased loadings of PAHs and other pollutants commonly associated with roadway run-off, and the effects those pollutant loadings may have on sensitive Columbia River aquatic species.

This baseline analysis of the water quality under the no-build alternative is inadequate and so the water quality impacts under the build alternatives are not accurate. The DEIS must properly analyze the current pollutants in runoff from the I-5 bridge to accurately determine the environmental impact the build alternatives will have on discharges to receiving water bodies. The DEIS discloses the location of current discharges through road-side grates, so obtaining samples from these locations would not be difficult.<sup>344</sup> NEDC is able to sample similar discharges with relative ease at relatively minimal cost. CRC project staff had the funds and the ability to sample and properly analyze these stormwater discharges yet chose not to complete these crucial analyses. These analyses should be conducted to determine with specificity the type and concentration of pollutants that are present in the current stormwater discharges, in order to accurately estimate the content of pollutant discharges under the action alternatives.

The DEIS discloses that both action alternatives will significantly increase the amount of impervious surfaces (replacement bridge will result in 43 additional acres of impervious surfaces while the supplemental bridge will result in 28 additional acres.<sup>345</sup> Yet, the DEIS fails to link the increased impervious surface area with a corresponding increase in stormwater runoff from these surfaces. The DEIS fails to note the impacts of stormwater discharges from highways as the

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<sup>343</sup> Hwang, H. M., and G. D. Foster. "Characterization of polycyclic aromatic hydrocarbons in urban stormwater runoff flowing into the tidal Anacostia River, Washington, DC, USA". *Environmental Pollution* 140-3 (2006): 416-426.

<sup>344</sup> DEIS at 3-382.

<sup>345</sup> DEIS at 3-388.

major source of non-point source pollution.<sup>346</sup> This pollution often leads to significant harm to endangered species, violations of state water quality standards, and negative impacts on human health.<sup>347</sup> The failure to clearly indicate the increased volume of stormwater discharges from these surfaces may leave the public unclear or misled about the true impacts of stormwater discharges—both treated and untreated.

**3. The DEIS fails to properly analyze the impacts of the project alternatives on water quality standards and the TMDL for the Columbia Slough and other receiving water bodies.**

The DEIS indicates current stormwater discharges into the Columbia River will be diverted to the Columbia Slough. However, the DEIS does not include an analysis of the specific pollutants in the current stormwater discharges, so the composition of re-diverted stormwater discharges is unknown. Therefore, the DEIS cannot accurately gauge the pollutant concentrations of potential stormwater discharges, even after treatment. There is no way the DEIS can accurately conclude that the discharge of unknown pollutants into the Columbia Slough will comply with water quality standards or the Slough's TMDL. The DEIS further admits that Burnt Bridge Creek could have increases in certain pollutants compared to current conditions.<sup>348</sup> Yet, the DEIS does not indicate whether these increases in pollutants will comply with water quality standards for all receiving water bodies. The DEIS must specifically address

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<sup>346</sup> Kayhanian, M., et. al. "Toxicity of urban highway runoff with respect to storm duration." *Science of the Total Environment*. 389.2-3 (2008): 386-406. Attached as Exhibit AF.

<sup>347</sup> Gaffield, S. J., et. al. "Public Health Effects of Inadequately Managed Stormwater Runoff." *American Journal of Public Health*. 93.9 (2003): 1527-1533. Attached as Exhibit AG.

<sup>348</sup> DEIS at 3-385.

whether the project alternatives will violate water quality standards and what steps the project will take to comply with state water quality standards.

The DEIS also fails to disclose the water quality impacts from stormwater discharges off the 35-38 acres of untreated impervious surface under each of the build alternatives.<sup>349</sup>

Untreated stormwater discharges will have a significant impact on the water quality of the receiving bodies of water yet the DEIS is silent on the issue. Untreated stormwater is laden with pollutants such as oil, grease, copper, and zinc and is the major source of non-point source pollution to receiving waters.<sup>350</sup> These pollutants have significant adverse impacts on water quality and fish species, most notably the danger of dissolved copper to the survival of ESA-protected salmon species.<sup>351</sup> At high concentrations, copper is acutely lethal to fish. Recent NOAA research has focused on the salmon olfactory nervous system as a target for dissolved copper. The potential for olfactory neurotoxicity raises several important concerns for anadromous salmonids, as these species rely on chemical signals in the aquatic environment to imprint on their natal streams, detect and avoid predators, navigate during adult migrations, and synchronize their spawning.<sup>352</sup> Dissolved copper is a potent inhibitor of olfactory function in juvenile coho salmon.<sup>353</sup> Therefore, the DEIS must disclose the quantities of specific pollutants

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<sup>349</sup> DEIS at 3-384.

<sup>350</sup> Kayhanian, M., et. al. "Toxicity of urban highway runoff with respect to storm duration." *Science of the Total Environment*. 389.2-3 (2008): 386-406. Attached as Exhibit AF.

<sup>351</sup> Sandahl, J.F., et. al. "A Sensory System at the Interface between Urban Stormwater Runoff and Salmon Survival." *Environment Science & Technology* 41 (2007): 2998-3004.

<sup>352</sup> McCarthy, S.G. et al. "Coastal Storms, Toxic Runoff, and the Sustainable Conservation of Fish and Fisheries" American Fisheries Society Symposium 64 (2008): 000-000.

<sup>353</sup> Baldwin, D.H., et al. Sublethal effects of copper on coho salmon: impacts on nonoverlapping receptor pathways in the peripheral olfactory nervous system. *Environmental Toxicology and Chemistry* 22 (2003): 2266-2274.

present in the untreated runoff into receiving bodies of water so their impacts on water quality and sensitive species can be understood.

The DEIS's analysis of impacts on water quality are uncertain and speculative at best. The conceptual stormwater collection and treatment system has not been finalized so the analysis of impacts cannot be accurately reported to the public. In fact, the DEIS indicates that the stormwater collection and treatment system may completely change and divert runoff to another body of water.<sup>354</sup> This alteration in the project design and impacts on water quality is major. Therefore, a Supplemental DEIS would be required. Any FEIS must ensure that the conceptual stormwater design chosen for the project ensures that all stormwater runoff meets water quality standards for all receiving waterbodies. The DEIS also fails to disclose the water quality impacts of a bridge assembly/casting yard. Because the site for the bridge assembly/casting yard is unknown, the DEIS does not know or cite the full impacts of the project.<sup>355</sup>

The DEIS also improperly delays the analysis of pollutant loading and all other impacts to the water quality of all natural waters until the FEIS. The DEIS states that the "effects on water quality and ultimate concentration of pollutants in natural waters will be quantified after designs for infrastructure and treatment elements are advanced."<sup>356</sup> However, these numbers and water quality impacts need to be quantified and revealed in the DEIS to meet NEPA requirements. The purpose of NEPA is to reveal the environmental impacts of project alternatives to provide the public an opportunity to comment on the impact. If the real impacts on water quality are not revealed until the FEIS, the public will not know the true impact of the

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<sup>354</sup> DEIS at 3-393.

<sup>355</sup> DEIS at 3-392.

<sup>356</sup> DEIS at 3-388.

project alternatives. At that point, it will be too late for the public comments to affect the decision-making process. The DEIS improperly hid the real water quality impacts of the project to the public by delaying a proper analysis. These undisclosed impacts, incomplete analyses, and delayed decisions fail to meet the CEQ regulations that require the DEIS to “fulfill and satisfy to the fullest extent possible the requirements for the FEIS.”<sup>357</sup>

**4. The DEIS fails to adequately analyze the effects of project construction on the water quality standards for the receiving bodies of water.**

The DEIS admits the increased soil erosion could increase sediment in waterways but does not properly analyze these effects on water temperature and in-column water quality. The Columbia River is already water quality limited for temperature, and bridge construction is likely to further exacerbate the problem. Furthermore, the DEIS indicates construction will release pollutants into the Columbia River.<sup>358</sup> These pollutants may cause further violations of the water quality standards for which the Columbia River is already water quality limited (temperature, PCBs, PAHs, DDE, arsenic, dioxin, and total dissolved gas). Therefore, bridge construction will likely result in violations of state water quality standards yet no mention of this is provided in the DEIS.

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<sup>357</sup> 40 CFR 1502.9 (a).

<sup>358</sup> DEIS at 392.

**5. The section concerning potential mitigation measures for adverse effects to water quality is wholly inadequate.**

The discussion of potential mitigation measures related to hydrology and water quality in the DEIS lacks requisite detail, and fails to provide the public with details necessary to determine whether the adverse environmental effects of any of the project alternatives will be adequately offset. Reliance on conclusory and non-substantive statements such as “the project will use best management practices” and “a stormwater collection and treatment system will be developed” simply fails to satisfy legal requirements.<sup>359</sup> The perfunctory description of mitigation measures in the DEIS is inconsistent with the “hard look” the CRC project staff are required to render under NEPA. Mitigation must ‘be discussed in sufficient detail to ensure that environmental consequences have been fairly evaluated.’<sup>360</sup> A mere listing of mitigation measures is insufficient to qualify as the reasoned discussion required by NEPA.<sup>361</sup> The DEIS fails to meet these standards.

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<sup>359</sup> DEIS at 3-392.

<sup>360</sup> *Carmel-By-the-Sea v. U.S. Dep't of Transp.*, 123 F.3d 1142, 1154 (9th Cir.1997) (quoting *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 353 (1989)).

<sup>361</sup> *Northwest Indian Cemetery Protective Ass'n. v. Peterson*, 795 F.2d 688, 697 (9th Cir.1986), *rev'd on other grounds*, 485 U.S. 439 (1988).

**G. The cumulative effects section is an inadequate analysis of the prior, concurrent, and potential actions that could exacerbate the impacts of the I-5 crossing.**

**1. The DEIS's failure to describe the effects of past actions prevents an adequate analysis of the cumulative effects of the CRC project.**

The DEIS merely lists some of the past actions without describing their impacts on the environment. The 9<sup>th</sup> Cir. has held that in order for an EIS to be valid, it must describe the effects of past actions that have a cumulative impact on the proposed action; merely listing past actions of cumulative significance without describing their effects is insufficient.<sup>362</sup> Yet, the DEIS merely lists some recent projects that have effected development trends in the area without providing any description of the projects' effects.<sup>363</sup> Without a description or evaluation of these past actions, the cumulative effects of the project cannot be adequately analyzed.

Indeed, both the DEIS staff and its supporting Cumulative Effects Technical Report are hopelessly vague and completely lack supporting citations to scientific studies, surveys or other more detailed information. For example, the DEIS and the Technical Report contain an almost identical one page analysis of cumulative effects on ecosystems.<sup>364</sup> This type of cursory consideration does not even come close to what NEPA requires.<sup>365</sup>

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<sup>362</sup> *NWEA v. NMFS*, 460 F.3d 1125. (9<sup>th</sup> Cir. 2006); *Great Basin Mine Watch v. Hankins* 456 F.3d 955 (9<sup>th</sup> Cir. 2006).

<sup>363</sup> DEIS at 3-423.

<sup>364</sup> Compare DEIS at 3-442 with Cumulative Technical Report at 3-2.

<sup>365</sup> See, e.g., *The Lands Council v. U.S. Forest Service*, 395 F.3d 1019 (9<sup>th</sup> Cir. 2005).



**2. The DEIS improperly limits its cumulative impacts analysis to projects in the immediate project area.**

Generally, projects occurring in a watershed that will impact that watershed must include a cumulative impacts analysis regarding that watershed.<sup>366</sup> Here however the DEIS improperly limits its analysis to the project area. There are many examples of projects within the Columbia River Watershed that the DEIS ignores. A proposed LNG terminal threatens to have serious impacts on the Columbia River that the DEIS cannot ignore in an adequate cumulative effects analysis. The proposed LNG terminal in Bradwood, Oregon would dredge 700,000 cubic feet of sediment and remove one billion gallons of water from the Columbia River.<sup>367</sup> If the terminal is constructed, these impacts on the Columbia River would significantly multiple the effects of the CRC project. The LNG terminal would seriously degrade the Columbia River's important role as critical salmon habitat. With the Columbia River habitat in such a fragile state, the construction and long term impacts of the CRC project may provide the final blow to the habitat. The disclosed environmental impacts of the CRC project to the Columbia River include serious water quality issues from construction debris, increased turbidity, and discharged pollutants—just to name a few. These impacts combined with those from the LNG terminal seriously threaten the ability of the Columbia River to support salmon migration, rearing, and survival.

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<sup>366</sup> See, e.g. *Lands Council*, 395 F. 3d at 1027.

<sup>367</sup> Columbia Riverkeeper, "Proposed Liquefied Natural Gas(LNG) and Coal Plants Threaten Columbia Estuary! Accessed June 30, 2008. Available at <http://www.columbiariverkeeper.org/lngmegal.htm>. Attached as Exhibit AH.

The DEIS must consider the effects of the LNG terminal when calculating the cumulative effects of the CRC project on the Columbia River Basin and the species that use the river.<sup>368</sup>

### 3. Climate Change

It is a sign of progress that the CRC DEIS considers the project's climate change impacts; the DEIS acknowledges the tremendous challenge posed by anthropogenic climate change, the devastating environmental impacts global warming will likely have without serious action to reduce greenhouse gas emissions, and the dominant role transportation plays emitting greenhouse gases in Oregon and Washington. In fact, while transportation comprises 27 percent of national greenhouse gas emissions, it accounts for 38 percent of emissions in Oregon and 45 percent in Washington.<sup>369</sup> Transportation in this region clearly has a significant effect on its greenhouse gas contribution, and must play a central role in any effort to mitigate climate change. Unfortunately, however, the DEIS' two and a half page global warming analysis fails to satisfy NEPA's requirements on several accounts, and fails to come to terms with the actual environmental impacts of building a bridge that increases highway capacity for greenhouse gas-emitting cars and trucks.

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<sup>368</sup> DEIS at 3-426.

<sup>369</sup> DEIS Cumulative Effects, 3-430 – 3-431.

#### **4. The DEIS purpose and need failed to prioritize climate change impacts**

As established, the DEIS' purpose and need statement fails to consider some of Oregon's and Washington's most pressing needs, including sustainable growth, reduced pollution, and emphasis on alternative transportation. The narrow purpose and need was applied to exclude excellent alternatives that would reduce bridge congestion, promote alternative transportation, achieve environmental and safety benefits, without increasing car capacity and promoting massive traffic increases. This project will impact the development and character of Portland and Vancouver for many decades to come; identification and consideration of these cities' unique needs is essential. Portland in particular has set the national standard for commitment to sustainable growth; part of this commitment involves goals to reduce greenhouse gas emissions below 1990 levels. Yet the DEIS purpose and need statement ignores local commitments to climate stewardship and responsible growth.

#### **5. The DEIS misleadingly represents the CRC's impact on greenhouse gas emissions.**

The DEIS disingenuously claims "*reductions*" in greenhouse gas emissions in the project area under the build alternatives.<sup>370</sup> However, these so-called reductions occur only when considered relative to projected increases for the no-build alternative, rather than compared to either current emissions or to alternatives that would not increase car capacity. In actuality, the build alternatives will each lead to significant increases in project area greenhouse gas emissions,

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<sup>370</sup> DEIS Cumulative Effects, 3-433.

and the difference in increase between the no-build, replacement, and supplemental bridge options is slight. While the DEIS projects an approximately 35 percent increase in emissions under the no-build alternative, the Alternative Three replacement bridge with light rail will result in a 32 percent increase.<sup>371</sup> The DEIS documentation reaffirms this, finding Alternative Three will result in only 2.4 percent lower daily CO<sub>2</sub> equivalent emissions than projected emissions under the no-build alternative. Energy Technical Report, 5-5. NEPA requires a “full and fair discussion of significant environmental impacts,”<sup>372</sup> which in this case means honest disclosure that the CRC as proposed will exacerbate, not lessen, global warming concerns in Oregon and Washington by failing to curb projected emissions increases.

**6. The CRC alternatives will violate Oregon’s and Washington’s climate change obligations.**

The range of alternatives proposed in the DEIS, even given its flawed assumptions about future transportation demand, will inevitably lead to increases in greenhouse gas emissions through the I-5 corridor. These projections are irreconcilable with Oregon and Washington’s ambitious goals to reduce greenhouse gas emissions far below 1990 levels. Oregon has committed to reducing greenhouse gas emissions to 75 percent below 1990 levels by 2050. Similarly, Washington has committed to achieving emissions 50 percent below 1990 levels by 2050. The CRC is a test of these new goals, and whether Oregon and Washington will meet them seriously as a statutory obligation, or instead make them much more difficult to achieve. The DEIS’ repeated assertion that these statutes do not yet require “specific actions” to

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<sup>371</sup> DEIS Cumulative Impacts, 3-435.

<sup>372</sup> 40 CFR 1502.1.

“quantifiably” limit emissions cannot be used as an excuse to move backwards.<sup>373</sup> Other states have recognized the critical need to “start making land use decisions that help reduce GHGs now,” to meet long-term emissions goals.<sup>374</sup>

The CRC, which will dramatically impact automobile and freight emissions in one of the region’s most significant transportation corridors for many decades, must lead to emissions *reductions* for Oregon and Washington to achieve their statutory goals. However, each proposed alternative will significantly increase I-5 CO<sub>2</sub> emissions from current levels. As a result, the CRC threatens to move these states far in the wrong direction. Investing in a four billion dollar project that will hinder, rather than help, global warming emissions goals simply makes no sense. It also fails under NEPA. As we have emphasized, to comply with NEPA, the DEIS must consider all reasonable alternatives; it defies common sense to claim that only alternatives that contravene global warming goals and increase greenhouse gas emissions are reasonable. The DEIS must provide alternatives that at a minimum put high capacity transit, including bicycle and pedestrian access, on equal footing with automobiles. Only a proposal to reduce greenhouse gas emissions below today’s levels can adequately address this project’s climate change implications and conform with regional emissions obligations. At least one alternative that does this had to be included in the DEIS.

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<sup>373</sup> Cumulative Effects Technical Report, 5-4, Energy Technical Report, 2-11.

<sup>374</sup> California Draft LUSCAT Submission to CARB Scoping Plan on Local Government, Land Use and Transportation, May 5, 2008 at 9-10, *available at* [http://climatechange.ca.gov/luscat/documents/2008-05-14\\_meeting/DRAFT\\_LUSCAT\\_Submission\\_to\\_CARB.pdf](http://climatechange.ca.gov/luscat/documents/2008-05-14_meeting/DRAFT_LUSCAT_Submission_to_CARB.pdf). Attached as Exhibit AI.

## 7. The DEIS relies on misleading analysis and flawed assumptions.

Though the Alternative Three replacement bridge will dramatically increase car capacity by expanding I-5 to at least twelve lanes, the DEIS remarkably and counter-intuitively concludes it will result in the smallest greenhouse gas emissions increase of the proposed alternatives. Flaws in the DEIS undermine both the significance of this finding and its accuracy. First, the DEIS misleads the public into believing added capacity will not lead to increased traffic and emissions, by focusing solely on congestion and traffic demand, rather than vehicle miles traveled and overall greenhouse gas emissions. Even if the replacement bridge alternatives would produce lower emissions than the no-build alternative, the “benefit” is insignificant. Second, the DEIS bases its greenhouse gas estimates on arbitrary and unsupported estimates of future traffic volume, by largely ignoring induced traffic. Thus the build alternatives likely would have far higher greenhouse gas emissions than the DEIS indicates.

The primary asserted advantage to the replacement bridge and other build alternatives lies in the estimated reductions in I-5 congestion. Congestion certainly is a major obstacle to reducing greenhouse gas and other air pollution emissions, and any successful CRC proposal must mitigate congestion by decreasing travel times and vehicle miles traveled. However, the DEIS attributes the reduced congestion estimated under the proposed alternatives to “additional bridge crossing *capacity*” rather than from an improved, modern design and improved alternative transit options.<sup>375</sup> The DEIS provides no rationale or data for causally linking reduced congestion to increased capacity. Specifically, the DEIS clearly fails to establish that increased capacity is

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<sup>375</sup> Cumulative Effects Technical Report 5-6, emphasis added.

the only, best, or primary way to reduce congestion. By removing all alternatives that do not increase car capacity from consideration, without first demonstrating they cannot achieve similar congestion benefits, the DEIS misses a crucial opportunity to meet the project's stated purpose and need without impeding progress addressing greenhouse gas emissions. NEPA requires consideration of these reasonable alternatives, or an explanation why they are not reasonable.

Contrary to the DEIS' assertion, adequate consideration of greenhouse gas emissions requires more than reductions in daily hours of congestion; vehicle miles traveled must also decline. All CRC proposed alternatives project huge increases in vehicle miles traveled, despite the fact that increased vehicle miles traveled "directly correlates to an increase in petroleum use and GHG production."<sup>376</sup> Notably, the variation in vehicle miles traveled estimated for the proposed alternatives is "miniscule."<sup>377</sup> The DEIS projects vehicle trips under Alternative Three will increase by approximately 32 percent from today, only five percent less growth in driving than the no-build alternative.<sup>378</sup> The range of alternatives presented does not include a single option that will significantly reduce driving or emissions – *even relative to the no-build option* – because benefits achieved through high capacity transit and bicycle/pedestrian access will be offset by additional car capacity. Because vehicle miles traveled will not vary significantly between the no-build and build alternatives, greenhouse gas emissions will continue to increase despite any possible short-term congestion relief.

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<sup>376</sup> California Draft LUSCAT Submission to CARB, 13. Attached as Exhibit AI.

<sup>377</sup> Energy Technical Report, 2-12.

<sup>378</sup> DEIS Transportation, 3-19 and 3-32.

However, the DEIS obscures the CRC alternatives' failures to reduce actual miles traveled by discussing automobile energy use in terms of travel demand – essentially a metric for congestion – rather than vehicle miles traveled. The Energy Technical Report, which provides the only technical support for the DEIS' climate change analysis, explicitly states the travel demand method is “not intended to be representative of the total...CO<sub>2</sub> emitted by the project.”<sup>379</sup> This measure is irrelevant to the climate change impact of the project, and in no way supports the DEIS' climate change statements. Consequently, neither the DEIS nor its supporting documents contain a legitimate greenhouse gas analysis for the CRC alternatives. Moreover, manipulating the energy analysis in this way, so as to obscure the CRC's impact on future traffic volume and greenhouse gas emissions, undermines NEPA's requirement of full disclosure of environmental impacts. It also begs the question, once again, why the DEIS fails to consider alternatives that provide alternative transportation but do not increase car capacity.

The DEIS also fails to accurately consider the effect of additional highway capacity on induced traffic, thereby overestimating the climate benefit of short-term congestion relief and underestimating future greenhouse gas emissions under the build alternatives. The DEIS' information on induced growth largely ignores the build alternatives' huge increase in car capacity. Instead, the DEIS focuses on the anti-sprawl benefits of high-capacity transit and mass transit's conformity with the cities' land use planning goals. Yet this land use analysis focuses on sprawl; it does not directly address induced traffic at all.<sup>380</sup> The induced growth report implicitly assumes that because sprawl is projected to be “minimal,” increased car capacity will not generate more traffic. However, research demonstrates that adding highway lanes does, in

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<sup>379</sup> Energy Technical Report, 2-12.

<sup>380</sup> See Land Use Technical Report Appendix A: Indirect Effects: Induced Growth.



fact, generate additional vehicle miles traveled. The greenhouse gas emissions from this additional driving soon outweigh short-term congestion benefits.<sup>381</sup> The Induced Growth report also manipulates modeling results to find minimal sprawl effects. The report relies on a 2001 Metroscope modeling study that predicted one additional lane in each direction would not lead to sprawl, simply stating “the findings are still applicable,” though the replacement alternative will add at least two lanes in each direction.<sup>382</sup>

The DEIS celebrates a set of “alternatives” that share virtually identical predicted increases in emissions and vehicle miles traveled. It fails to provide a legitimate climate change distinction between the build and no-build alternatives or a rationale for excluding alternatives that would move Washington and Oregon towards their climate change goals. The DEIS also fails to account for inevitable induced traffic from added highway capacity, which casts doubt on the validity of the entire energy analysis. These significant shortcomings in the DEIS’ climate and energy analyses warrant the filing of a Supplemental EIS, providing either reasonable alternatives that reduce congestion but do not add car capacity, or information sufficient to show those alternatives are unreasonable. The CRC has the potential to help shape future highway demand and promote sustainable transportation choices, and must not serve instead to accommodate unsustainable growth and push our global warming goals out of reach.

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<sup>381</sup> Sightline, “Increases in greenhouse-gas emissions from highway-widening projects,” Oct. 2007, 1, *available at* [http://www.sightline.org/research/energy/res\\_pubs/analysis-ghg-roads](http://www.sightline.org/research/energy/res_pubs/analysis-ghg-roads). Attached as Exhibit AJ.

<sup>382</sup> Induced Growth, A-8.

## 8. Cumulative Air Toxics Effects

The DEIS does not adequately address cumulative air quality effects. The Cumulative Effects Technical Report devotes less than one page to air toxics, concluding that, on a regional basis, future differences between alternatives are insignificant for “all pollutants.”<sup>383</sup> This statement has several flaws. Neither the DEIS nor the Technical Report consider “all pollutants” of concern for air quality or public health, and the DEIS and Technical Report do not consider synergistic health effects of simultaneous exposure to multiple criteria pollutants or air toxics. The analysis of cumulative effects also fails to consider the health impacts of exposures beyond 2030.

The DEIS addresses numerous pollutants, but only cursorily addresses most and completely fails to address some air toxics with significance to public health. The criteria pollutant discussion not only fails to adequately address the individual health effects of CO, NO<sub>x</sub>, SO<sub>2</sub>, and particulate matter (see Air Quality section of these comments), it also fails to adequately consider the combined health effects of criteria pollutants by focusing solely on whether the region will continue to meet the NAAQS for the individual pollutants. The NAAQS levels do not take cumulative effects of multiple air toxics into account.<sup>384</sup> As a result, the DEIS does not provide necessary information on the future combined effects of several criteria pollutants, each of which contribute to related respiratory and cardiovascular health problems. To adequately disclose public health effects of the CRC build alternatives, the DEIS should assess the combined health effects of all relevant air pollutants at future projected levels. The

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<sup>383</sup> Cumulative Effects Technical Report, 2-1.

<sup>384</sup> 42 USC 7408-7409.

DEIS should provide this information at the neighborhood level, to assess future risks for neighborhoods along the I-5 corridor.

Similarly, the DEIS and Air Quality Technical Report address the build alternatives' impacts on future emissions of six Mobile Source Air Toxics, but fail to consider cumulative effects of these and other toxic automobile pollutants.<sup>385</sup> According to the Multnomah County Health Department, this analysis fails to consider several air toxics of concern, which may increase with new emissions standards.<sup>386</sup> Notably, the DEIS fails to consider air toxics that will likely increase as a result of the very emissions control technology the document lauds. The Health Effects Institute report Multnomah County cites also indicates a potential increase in particulate matter, which directly contradicts the DEIS' projections.<sup>387</sup>

Moreover, the Portland Air Toxics Assessment considered the health effects of twelve MSATs, finding current levels of concern for ten of these.<sup>388</sup> The PATA report also addresses the importance of cumulative exposures, concluding "simultaneous exposure to multiple air toxics, even at median exposure levels, creates the potential for adverse health outcomes, including cancer."<sup>389</sup> Cumulative impacts assessment is particularly important, because as several criteria pollutants have overlapping and similar health impacts, numerous MSATs are identified

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<sup>385</sup> Cumulative Effects Technical Report, 2-2.

<sup>386</sup> Multnomah County Health Department response to the CRC DEIS, 1. Attached as Exhibit AK.

<sup>387</sup> DEIS, 3-277.

<sup>388</sup> Oregon DEQ Air Toxics, PATA, <http://www.deq.state.or.us/aq/toxics/pata.htm>. Attached as Exhibit AL.

<sup>389</sup> PATA Conclusions and Recommendations, <http://www.deq.state.or.us/aq/toxics/docs/pataconclude.pdf>. Attached as Exhibit AE.

carcinogens with potential synergistic effects.<sup>390</sup> The DEIS does not explain why it considers only six of the twelve PATA pollutants, when additional air toxics have demonstrated health impacts in the project area.<sup>391</sup> By limiting its analysis to six MSATs, the DEIS avoids a cumulative health assessment of pollutants that will likely increase due to traffic increases and changes in emissions technology.

The DEIS must also consider the cumulative health impacts of the CRC alternatives' in combination with other existing and foreseeable future pollution sources in the area.<sup>392</sup> This should include a cumulative health impacts analysis of existing and future industrial and airport emissions, until *and beyond* 2030.<sup>393</sup> By failing to address foreseeable continuing increases in traffic and eventual congestion beyond 2030 for each bridge alternative, the DEIS fails to account for the project's cumulative health impacts. These future traffic and emissions increases are foreseeable, and arbitrarily ending the health impacts analysis when the bridge has decades of remaining use undermines the purpose of NEPA's requirement to disclose cumulative impacts.

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<sup>390</sup> *Id.*

<sup>391</sup> DEIS, 3-275.

<sup>392</sup> 40 CFR § 1508.7.

<sup>393</sup> See Multnomah County Health Department response, 6. Attached as Exhibit AK.

**9. The DEIS falsely concludes that the cumulative effects of the project will not have a disproportionately high impact on Environmental Justice communities.<sup>394</sup>**

The low income and minority populations located along the I-5 corridor already bear a disproportionately large burden of the adverse impacts from the past projects located near the I-5 corridor.<sup>395</sup> Surrounding the NE I-5 corridor, the asthma rate is twice the national average (14% versus 7%) and nearly three times the rate in more affluent and less diverse neighborhoods such as Southwest Portland (14% versus 5%).<sup>396</sup> The CRC project will further degrade air quality surrounding the I-5 corridor threatening increased asthma triggers and other air-related health problems. These impacts combined with the significant adverse noise impacts, economic impacts associated with construction and delays will further increase the burden on EJ communities. Yet, these impacts are ignored in the analysis of the cumulative effects on EJ populations which resulted in the false finding that these populations will not have a disproportionately high impact.

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<sup>394</sup> Cumulative Effects Technical Report at 2-12

<sup>395</sup> EJ Technical Report at 42.

<sup>396</sup> Podobnik, B. "Portland Neighborhood Survey: Report on Asthma Rates in NE, SW, and W Portland." May 23, 2002. Available at <http://www.lclark.edu/~podobnik/asthma02.pdf>. Attached as Exhibit T.

**10. The DEIS provides no support for the conclusion that the impacts from the build alternatives are small and will actually improve parts of local ecosystems.<sup>397</sup>**

Considering the serious adverse impacts noted throughout the DEIS and the number of undisclosed environmental impacts, there is no way the DEIS can accurately draw this conclusion. The DEIS indicates that project will destroy peregrine falcon habitat and adversely impact habitat for fish species—hardly small impacts.<sup>398</sup> For instance, the combination of water quality impacts from bridge construction, stormwater runoff, and other proposed projects do not cumulatively equate to a small impact on aquatic ecosystems.

**11. Other deficiencies in the cumulative effects analysis include that:**

- The DEIS fails to accurately analyze the impacts of water quality and climate change on endangered species such as salmon.
- The DEIS improperly concludes that the cumulative effects of the CRC project, regulations, and other foreseeable actions will result in water quality improvements.<sup>399</sup>
- The DEIS falsely concludes that the localization of construction impacts will prevent cumulative impacts from being a serious concern for the natural environment.<sup>400</sup> In fact, construction will have significant impacts on the water and air quality which cumulatively threaten the health of ecosystems and human communities.

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<sup>397</sup> Cumulative Effects Technical Report at 52

<sup>398</sup> DEIS at 52.

<sup>399</sup> DEIS at 3-443.

<sup>400</sup> DEIS at 3-445.

## VI. Section 4(f) Lands

Section 4(f) of the Transportation Act prohibits the Department of Transportation from using public land of significance unless it demonstrates there is no “feasible and prudent alternative,” or that the impact is *de minimis*. If the property use meets one of these standards, the Department of Transportation may only approve the use if the project will adopt the least harm alternative.<sup>401</sup> The CRC build alternatives, and particularly the replacement alternatives – with their larger footprint of impacted land – will result in the use of many Washington parcels of historic and park land protected under section 4(f).<sup>402</sup>

The Transportation Act imposes a stringent test for using 4(f) property. For more than three decades, courts have understood the 4(f) mandate to impose a “plain and explicit bar to the use of federal funds for construction of highways through parks-only the most unusual situations are exempted.”<sup>403</sup> The DEIS acknowledges the many pieces of 4(f)-eligible land the project will potentially “use,” DEIS, Exhibits 5.3-1 and 5.3-2, but it fails to provide key information, does not adequately support its claim that there are no feasible or prudent alternatives, nor does it establish these uses are *de minimis*.

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<sup>401</sup> 49 USC 303.

<sup>402</sup> DEIS, 5-4 and 5-7.

<sup>403</sup> *Citizens to Preserve Overton Park, Inc. v. Volpe*, 401 U.S. 402 at 411 (S.Ct. 1971).

### A. The DEIS lacks required information

Overall, the 4(f) section of the DEIS lacks the information necessary to elicit valuable and informed public comment. First, it contains no information to justify its finding that there are no prudent and feasible alternatives. Second, the 4(f) section of the DEIS lists 218 possibly protected historic areas that the build alternatives will impact, but does not include final determinations on whether they are subject to 4(f) provisions. State agencies will not make these determinations until the Final EIS.<sup>404</sup> Third, the Project Staff intends to wait until the Final EIS to make official *de minimis* findings for those areas that are definitely subject to 4(f), and by doing so limited the information in the DEIS to its “inten[t] to pursue making” the findings.<sup>405</sup> This delay denies the public its statutorily required opportunity to comment on the substance and basis for such findings.

### B. The DEIS does not demonstrate a lack of prudent and feasible alternatives.

The DEIS asserts without support that no satisfactory alternatives could reduce the need to adversely affect public spaces.<sup>406</sup> Considering Section 4(f) “requires the problems encountered by proposed alternatives to be ‘truly unusual’ or [to] ‘reach extraordinary magnitudes’ if parkland is taken,”<sup>407</sup> the DEIS should at least attempt to disclose what unusual circumstances require the exact proposed placement of the build alternatives.

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<sup>404</sup> DEIS, 5-4.

<sup>405</sup> DEIS, 5-43.

<sup>406</sup> DEIS, 5-51.

<sup>407</sup> *Comm. to Preserve Boomer Lake Park v. U.S. Dep’t of Transp.*, 4 F.3d 1543 at 1550 (10th Cir. 1993).



The DEIS does not adequately assess whether there are feasible and prudent alternatives to the current proposed set of public land uses. By grouping together every potential 4(f) use, the DEIS easily concludes that no prudent and feasible alternative “can simultaneously meet the project’s Purpose and Need while also avoiding all Section 4(f) resources.”<sup>408</sup> However, the DEIS does not examine alternatives that may meet the purpose and need – and therefore might be prudent and feasible – while impacting *fewer* public park and historic resources.<sup>409</sup> Section 4(f) requires analysis of these less-harm alternatives, however, because “the protection of parkland is of paramount importance.”<sup>410</sup>

Relying on the current purpose and need and range of alternatives also improperly limits the consideration of alternatives. As these comments emphasize, the current purpose and need statement fails to include environmental, climate change, or public health concerns, and the current range of alternatives does not offer real choices that promote transit but that will not create more traffic. As a result, alternatives that may meet needs the DEIS does not identify, and which minimize harm to Section 4(f) resources, should be adequately addressed in a Supplemental DEIS.

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<sup>408</sup> DEIS, 5-51.

<sup>409</sup> *Id.*

<sup>410</sup> *Boomer Lake*, 4 F.3d 1543 at 1550.

### C. Proposed 4(f) uses will not be *de minimis*.

The DEIS attempts to dodge application of the rigorous no prudent and feasible alternative standard for allowing Section 4(f) use, by declaring many of its proposed 4(f) uses *de minimis*.<sup>411</sup> But this claim requires meeting another high standard. Under the Transportation Act regulations, *de minimis* impact for historic sites means “the Administration has determined...that no historic property is affected by the project or that the project will have “no adverse effect” on the historic property in question.”<sup>412</sup> For park and recreational areas, a *de minimis* impact “will not adversely affect the features, attributes, or activities qualifying the property for protection under Section 4(f).”<sup>413</sup> While the DEIS claims to have met this standard, it provides no supporting information; indeed it cannot, as the Project Staff has yet to even make official *de minimis* findings.<sup>414</sup>

Once made, however, these findings will likely fail to meet the legal standard for *de minimis* impact. “*De minimis*” park land uses for the build alternatives include relocating 180 feet of the Waterfront Renaissance Trail.<sup>415</sup> Because the current starting point for the trail will move under the build alternatives, and the DEIS provides no detail as to where it will “relocate” to, if at all, many downtown residents will likely have to change their commutes, recreation, and routines.<sup>416</sup> This clearly qualifies as an adverse effect on the activities that qualify the land for 4(f) protection, and thus it does not qualify as *de minimis*. Similarly, plans to pursue a *de*

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<sup>411</sup> DEIS, 5-43 – 5-51.

<sup>412</sup> 23 C.F.R. § 774.17.

<sup>413</sup> *Id.*

<sup>414</sup> DEIS, 5-43.

<sup>415</sup> DEIS, 5-47.

<sup>416</sup> DEIS, 5-47.

*minimis* finding for relocation of a trail in Kiggins Bowl, again with no supporting rationale,<sup>417</sup> appears inadequate under the *de minimis* standard.

Most of the “potential” historical site uses also clearly fail the *de minimis* standard. The DEIS anticipates use of many of these historic sites will have an adverse impact<sup>418</sup>; this by definition precludes a *de minimis* finding.<sup>419</sup> Because the uses are not *de minimis*, they must meet the strict “no prudent or feasible alternatives” test. Again, though, the DEIS provides no information about how planning will mitigate these impacts or why these uses meet the “truly unusual” standard for non-*de minimis* impacts. Presumably this will also be resolved at the Final EIS stage, when the public can no longer meaningfully comment.

#### **D. The DEIS does not consider alternatives to minimize harm.**

Even if there were no prudent and feasible alternative for the proposed build alternatives that would not use 4(f) land, the Department of Transportation cannot approve the project without planning to minimize its adverse impact on protected places.<sup>420</sup> Courts have established that the test for the least harm alternative “requires a simple balancing process which totals the harm caused by each alternate route to Section 4(f) areas and selects the option which does the

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<sup>417</sup> DEIS, 5-50.

<sup>418</sup> DEIS, 5-8 – 5-11.

<sup>419</sup> 3 C.F.R. § 774.17.

<sup>420</sup> 49 UCS 303.

least harm.”<sup>421</sup> Whether an alternative meets the prudent and feasible standard is irrelevant to this analysis. *Id.*

However, to properly conduct this balancing, there must be a legitimate range of alternatives with varying adverse impact to compare. In *Davis v. Mineta*, the Tenth Circuit rejected a 4(f) analysis that examined only two alternatives and “summarily rejected...secondary avoidance alternatives such as “minor alignment shifts...”<sup>422</sup> Similarly, the DEIS 4(f) section summarily dismisses changes that would lessen the build alternatives’ impact, by assuming none would meet the purpose and need, and essentially considers only two build alternatives - a replacement and a supplemental bridge.<sup>423</sup>

The Section 4(f) analysis in the DEIS provides little information with which to judge the ultimate project impact on public parks and historic places. Because of the need for public input on adverse use of these protected places, the Project Staff must issue a Supplemental EIS with use determinations, justifications for *de minimis* findings, and legitimate analysis of least harm alternatives that would meet the asserted – or hopefully amended – project purpose and need.

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<sup>421</sup> *Concerned Citizens Alliance, Inc. v. Slater*, 176 F.3d 686, 694 (3rd Cir. 1999), citing *Druid Hills Civic Ass'n v. Federal Highway Admin.*, 772 F.2d 700, 716 (11th Cir.1985).

<sup>422</sup> *Davis v. Mineta*, 302 F.3d 1104, 1114 (10th Cir. 2002).

<sup>423</sup> DEIS, 5-51.

## **VII. Conclusion**

For all the reasons set forth above, NEDC and its joint commentators respectfully request that the CRC Task Force withdraw the CRC DEIS and issue a corrected Supplemental DEIS for public comment.

Respectfully submitted,

  /s/  

Tom Buchele  
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July 1, 2008

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**To:** Gundersen, Heather;  
**CC:** Draft EIS Feedback;  
**Subject:** Port of Portland CRC DEIS Comments  
**Date:** Tuesday, July 01, 2008 3:01:43 PM  
**Attachments:** CRC DEIS PortofPortland\_comments.pdf

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<<CRC\_DEIS\_PortofPortland\_comments.pdf>>

Heather,  
I've attached the Port of Portland's CRC DEIS comments, for your review. A hard copy will follow in the mail.

Please feel free to contact me with questions or concerns.

Kind regards,

Kathryn

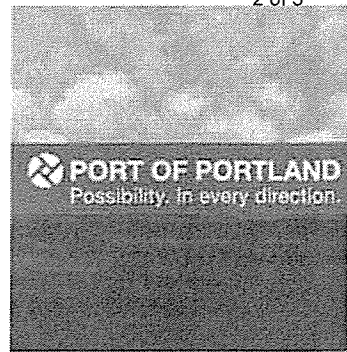
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Mission: To enhance the region's economy and quality of life by providing efficient cargo and air passenger access to national and global markets.



July 1, 2008

Heather Gunderson  
CRC Environmental Manager  
Columbia River Crossing Project  
700 Washington Street, Suite 300  
Vancouver, WA 98660

RE: Comments on Draft Environmental Impact Statement

Dear Ms. Gunderson:

The convergence of surface transportation and port facilities in Portland and Vancouver make the Interstate 5 (I-5) corridor, between the Interstate 84 interchange in Oregon and the Interstate 205 (I-205) interchange in Washington, the crossroads for freight flows by all modes into, through and around this region. Our geographic good fortune and wise past transportation investments have created a system that is the foundation for this region's economic activity. The Portland/Vancouver region is an established distribution area and we reap the benefits of a market area larger than our jurisdictional boundaries and population base due largely to the transportation network serving it. Our ability to serve that broader market is directly dependent on the ability of the transportation system to support business needs by moving products to market, particularly in the I-5 corridor.

I-5 carries the highest volumes of freight in the States of Oregon and Washington and it is the key route for freight originating or destined for Portland or Seattle. Within the study area, I-5 is the most congested segment of the regional freeway system and is one of the most significant bottlenecks on the interstate serving the West Coast. Both the future development of this region's job base and the viability of rail, marine, truck and air modes are impacted by the congestion in this corridor.

For this reason, we appreciate the opportunity to make formal comments on the Columbia River Crossing (CRC) Draft Environmental Impact Statement (DEIS). We have participated in both the CRC Task Force and the Freight Working Group. Both forums provided the opportunity to ensure that this critical infrastructure project will help to support the Port's mission to enhance the region's economy and quality of life by providing efficient cargo and air passenger access to national and global markets.

The Port supports a new replacement crossing with light rail transit (alternative 3). We also support improvements to the seven interchanges within the study area, including an improved interchange at Marine Drive to meet the intermodal access needs of our marine terminals and businesses in the Rivergate Industrial Park. We support the use of tolls to finance the project and manage traffic demand.

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### Marine Drive Interchange

We have participated in the CRC Freight Working Group (FWG) over the past several years and appreciate both CRC staff and FWG members' thorough attention to the interchange design process. CRC staff has helped this group evaluate traffic flow associated with grade changes, lane and shoulder widths and turning radii to ensure that truck access and mobility is maximized in the design.

The Marine Drive interchange is the most critical freight interchange within the State of Oregon. It provides direct access from the interstate to the State's only intermodal container terminal – Terminal 6 – and the freight logistics center in Rivergate. Terminal 6 is currently operating at one quarter of its full capacity and with projected new lease arrangements, will increase its traffic substantially over time. Any redesign of this interchange must ensure that freight mobility is the design priority. Of the three interchange design options presented within the DEIS, the first alternative or "standard design," which retains most of the exiting Marine Drive alignment west of the interchange, best accommodates current and future freight movements. The "standard design" allows free-flow movement for the highest traffic flows and minimizes and/or eliminates stops to enhance truck mobility. This design also minimizes the need for new right-of-way acquisition, helping to control costs.

Recognizing that final design of the Marine Drive interchange will occur in the coming months, we have several concerns related to the two alternative designs ("southern realignment" and "diagonal realignment") outlined within the DEIS and others that continue to be discussed. These designs push the interchange connection to Marine Drive to the south, running adjacent to the Expo Center and the Vanport wetlands, connecting to the existing Marine Drive at Force Avenue. In yet another alternative, portions of the Expo Center and portions of the industrial land just west of Force Avenue would be acquired to allow for a smoother curve.

We are concerned that these alternate designs will pave the way for zone changes that would allow for non-industrial uses to take away capacity originally provided for freight mobility. Several of these alternate designs have the potential to open up the industrial waterfront to residential and commercial development. This concern was voiced during the I-5 Trade and Transportation Partnership and is referenced in Section VI B1 i (1-4), Final Strategic Plan for the Corridor June 2002, which recommended managing growth to ensure that the expected life span of the I-5 investments are not shortened and scarce industrial land is not converted to commercial uses.

Finally, the Vanport wetlands developed by the Port as mitigation lie southwest of the interchange and may be impacted by the "southern realignment." The extent of the impact is unknown but significant additional mitigation will be required to address them.

### West Hayden Island

Recognizing the need for Portland's marine facilities to meet forecasted trade growth, the Port Commission in 1993 directed Port management to acquire West Hayden Island (WHI). The transaction was completed in 1994. The 825-acre site is adjacent to the Columbia



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River navigation channel, in close proximity to the main lines of both the Union Pacific and Burlington Northern Santa Fe (BNSF) railroads and the interstate highway system, making it ideal for deep-draft marine cargo facilities.

The Port has retained the property in marine strategic reserve status. The timing of the Columbia River Crossing project and the East Hayden Island Plan helped trigger the Port's request that the City of Portland undertake a process leading to annexation of WHI for a combination of industrial sanctuary and open space uses.

Consistent with the approach that CRC has taken with East Hayden Island, as well as the proximity to WHI to the CRC study area, the same consideration must be given to the potential WHI development and associated infrastructure improvements. These improvements include an arterial connection between WHI and Marine Drive, as well as associated rail access improvements. Integrating these two efforts provides a unique opportunity to address how WHI traffic will be served and if an additional access to the Island will be coordinated with the overall CRC planning effort. Preliminary traffic modeling suggests that a new arterial connection would serve both new WHI development as well as broader Hayden Island traffic in order to make transportation and economic sense.

The Port recommends that the future development of West Hayden Island, including an arterial bridge connection and associated rail improvements, be reflected in the cumulative effects chapter as reasonably foreseeable future projects.

#### Marine Navigation

Within the I-5 Trade Corridor, I-5 intersects with the Columbia River, connecting the Interstate system with deep water shipping, upriver barging and two water-grade transcontinental rail lines. The current I-5 bridge, both due to the clearance issues and the proximity to the BNSF rail bridge located less than a mile downstream, is considered to be one of the most dangerous navigational hazards on the Columbia River. The Port supports a replacement bridge design high enough to eliminate the need for bridge lifts. In addition, the replacement bridge design should provide better alignment with the primary shipping channel and the BNSF rail bridge swing span. To the extent possible, the replacement bridge should also provide a wider pier design to accommodate more modern marine vessels.

#### Number of Lanes

One of the six problems the CRC project seeks to fix is the safety and vulnerability to incidents within the study area. Close interchange spacing, short off and on ramps, vertical grade changes and narrow lanes and shoulders are examples of the many highway design features that do not meet current standards and contribute to the high number of incidents that impact the flow on this stretch of the interstate. We recommend that the project be sized to include three through lanes and up to three auxiliary lanes for merging and weaving to address existing safety and future traffic growth in the corridor.

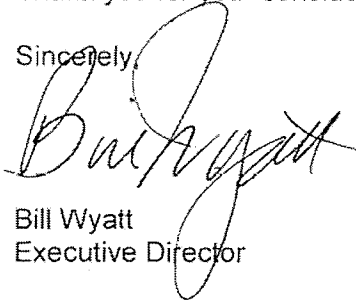
Ms. Heather Gunderson  
July 1, 2008  
Page 4

Tolls

We appreciate the work the CRC project team has done on the potential impacts of implementing a toll on the I-5 crossing and the related impacts on parallel facilities. We are currently working with the Oregon Department of Transportation Region 1 staff to develop a design for the Airport Way/I-205 North Bound ramp, an assumed project in the Cascade Station EIS, which is planned for construction by 2014. Due to the inter-relationship of I-205 with I-5 and the potential diversion, we will want to coordinate our traffic design assumptions for that project with the CRC final traffic design assumptions and we request that the Departments of Transportation for the States of Oregon and Washington continue to monitor impacts to parallel facilities, like I-205, particularly in a scenario where I-5 is tolled and I-205 is not.

Thank you for your consideration of these concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Wyatt", is written over the word "Sincerely,".

Bill Wyatt  
Executive Director

**From:** [rbroberts88@hotmail.com](mailto:rbroberts88@hotmail.com)  
**To:** [Columbia River Crossing;](#)  
**CC:**  
**Subject:** Comment from CRC Submit Comments Page  
**Date:** Tuesday, July 01, 2008 9:17:36 PM  
**Attachments:**

---

From: Robert Roberts  
E-Mail: [rbroberts88@hotmail.com](mailto:rbroberts88@hotmail.com)  
Comment or Question:  
What is Oregon doing to equally share in the cost of the bridge.

**From:** Fran Rutherford  
**To:** Draft EIS Feedback;  
**CC:**  
**Subject:** Columbia River Crossing - DEIS - Public Comment  
**Date:** Tuesday, July 01, 2008 9:26:50 PM  
**Attachments:**

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To: Columbia River Crossing

I have followed this project for several years and make these comments based on my personal experience at meetings, phone conversations and letters, to CRC personnel.

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#### PUBLIC OUTREACH

There has been no outreach on east side (65,000+ taxpayers) of Vancouver City. Outreach was only to downtown Vancouver groups. The major part of the taxing/ financial burden for this undertaking will be borne by east Vancouver taxpayers..

Prior to the publication of the DEIS study, CRC was unwilling to have "open" meetings with input/discussions/ suggestions from the citizens of this community. At the end of the few public meetings, citizens could ask questions or make comment. HOWEVER, NO RESPONSES WERE GIVEN AT THAT TIME, NOR WAS THERE FOLLOW-UP AFTER THE MEETINGS. Now that the study is complete, you want to open up for public input. Why now?

Did CRC consider the valuable expertise available in the community?  
Did CRC consider advertising and inviting these individuals into your meetings as participants, not spectators?

Hundreds of retired/semi-retired professional engineers of all disciplines were willing to contribute in meaningful discussions -- many, with years of experience with State(s) and Federal Transportation agencies.

## DISINGENUOUS TREATMENT OF CRC COMMITTEE VOLUNTEERS

It has come to my attention that an “unpaid” community member serving on a CRC committee was dismissed because of difference(s) of opinion with the “paid” committee members. Further insult was heaped on this volunteer in a public meeting where the entire committee openly discussed these differences (with the dismissed person in the audience). The dismissed person was ridiculed and her contributions diminished. An additional insult/embarrassment to this volunteer was the detailed recording of this committee’s tirade, posted on the CRC PUBLIC website.

To date, no apology has been given to this community volunteer. Why?

Does CRC employees and its consultants have any training in professional decorum, business courtesy and inter-personal skills?

It is not surprising that you have shown no interest in meaningful, citizen input – your actions towards community volunteers is one of disrespect and intolerance.

## CRC ENVIRONMENTAL IMPACT STATEMENT (DEIS)

The 50 Million dollar CRC study and the recent additional millions allocated by the State of WA for further studies has not yielded/revealed any financial plan or dollar amounts. CRC claim they have the expertise of in-house and consulting engineers who worked on this study. Why is there no data of their findings in the DEIS publication?

According to the study, there seems to be a concerted effort to highlight only one alternative to the congestion (most is on the Oregon side of the Columbia river) on I-5 and that is “light rail”. Very little data is given on other alternative mass transit; including existing rubber-tire bus system.

The bottleneck at Delta Park is one (1) of the main contributors of this congestion and a mile or so further south on I-5 is the second bottleneck - Rose Garden. The DEIS study does not show any correction for bottleneck at Rose Garden. Why? If both of these congestion spots are not corrected simultaneously, correcting only one will not resolve the current problem.

When you consider that one of the bridge options under consideration is a twelve (12) lane bridge - squeezing 6 lanes each way into a 2-3 lane at Delta Park and Rose Garden is nothing short of insanity.

DEIS STUDEY, VOLUME 2 OF 2 – APPENDIX B “PUBLIC INVOLVEMENT”

Appendix “B” – Public Involvement Approach - page B-3, 3rd paragraph reads “Staff are engaged in an ongoing door-to-door outreach campaign to businesses near the proposed high-capacity transit alignment in Vancouver”. This statement is false.

In June, 2008, I and others personally hand-delivered to over 250 residents/businesses, the “Potential Property Acquisitions for South downtown Vancouver residents” – (see Appendix D, pages D-1 through D-22). NOT ONE of them had been contacted by CRC or its consultants/contractors.

I request a written acknowledgment of my comments and request this document be inserted with other public comment documents which will be forwarded to Federal Transportation Committee in Washington, D.C.

Frances Rutherford  
1514 SE 119 Avenue  
Vancouver, WA 98683  
360-896-2283

**From:** [scottsteelpainters@comcast.net](mailto:scottsteelpainters@comcast.net)  
**To:** [Columbia River Crossing;](#)  
**CC:**  
**Subject:** about the toll  
**Date:** Tuesday, July 01, 2008 8:20:28 PM  
**Attachments:**

---

How do you propose to keep traffic moving any better than it dose now if you want everyone to stop and pay a toll? when I use to cross with the toll before it did slow traffic.

**From:** Daniel Swink  
**To:** Draft EIS Feedback;  
**CC:**  
**Subject:** I-5 DEIS Comments  
**Date:** Tuesday, July 01, 2008 9:10:46 PM  
**Attachments:** 2008-6-30 I-5 CRC DEIS Comments.doc

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Attn: Heather Gundersen,

Please see the attached word document that has my comments for the I-5 Columbia River Crossing DEIS.

I have also sent this by fax today, but I am not sure if I can still get a postal letter postmarked with today's date.

Please verify for me that my comments have been entered into the DIES record and will be responded to.

Thank you very much,

Daniel Swink  
360-852-6688

\*\*\* eSafe scanned this email for malicious content \*\*\*

\*\*\* IMPORTANT: Do not open attachments from unrecognized senders \*\*\*



Columbia River Crossing Project  
C/O Heather Gundersen, Environmental Manager  
700 Washington Street, Suite 300  
Vancouver, WA 98660

RE: I-5 CRC DEIS Comments

I am a resident of the Rosemere neighborhood in Vancouver Washington that has been commuting to Portland to work for the majority of the last 18 years. I will also mention that I have experienced living with and commuting with (among other Washington highway and bridge projects); the entire construction of Interstate I-90 (from 24 miles plus east of and to Seattle), and the entire construction of the West Seattle Bridge.

I have the following comments regarding the Draft Environmental Impact Statement (DEIS) for the I-5 Columbia River Crossing Project:

1) Public Comment Period

a. The allotted time period for public comment is woefully inadequate for the public to; receive the DEIS, review its contents and the supplemental list of DEIS Errata and Clarifications, and then give informed feedback. This project is a major undertaking and requires careful review. The 6,105 plus pages of the DEIS has been years in the making and to expect the public and other interested parties to turn around and give good feedback in only two months is absurd.

b. Having the final Columbia River Crossing (CRC) Task Force Meeting reviewing summaries of public comment and advancing project along before finishing the public comment period is premature and irresponsible and alienates the public.

2) Financial Analysis

a. Funding for this project is in serious question. Determining how, what, where, and when parts of the project could be affordably done in phases at this time should be carefully and thoroughly looked into before advancing the project. This approach could provide provisions to expand the project as funding allows, thereby reducing strains on taxpayers and the funding of other needed projects.

b. Seattle's Light Rail Transit (LRT) project went five billion dollars over the voter approved budget for only the first portion of the project and the project is years behind schedule, and Portland's West Side LRT "MAX" line project was estimated to cost \$395 million and ended up costing \$963 million. What measures and guarantees are in place to prevent similar cost overruns and set-backs from burdening the tax or toll payers and jeopardizing the completion or future phase expansion of this project?

c. Recent project testimony by experienced and informed transportation and government officials have made it known that the commuters and taxpayers of Clark County would probably end up having to pay for more than a third of the overall project cost. How can the project insure that Clark County doesn't get burdened with paying more than its fair share of the project that primarily serves the economy of the entire west coast?

d. Since it is not currently known how the majority of the project will be funded; how can the scale of this project insure that all the necessary and unforeseen mitigation expenditures will not get left out of the project allocations or finished construction?

### 3) Description of Alternatives

a. What measures will be taken to offset the income tax being paid to the State of Oregon and other transportation expenses incurred by Washington commuters traveling to Oregon for jobs that would be heavily burdened with the new crossing tolls?

b. I **DO NOT** support extending Light Rail Transit into Clark County as part of this project. Any High Capacity Transit (HCT) that is incorporated into Vancouver can have serious impacts on how desirable the preferred livability of the city is and its economic viability, and should be voted on by the public. If HCT is to be a part of this project, then I would support Bus Rapid Transit (BRT) as the current option to be used.

c. LRT projects have a history of cost overruns that burden taxpayers and require additional subsidies to construct, operate and maintain. In Seattle, cost overruns and delays of LRT have turned the project into a taxpayer's nightmare and forced utilizing the more reliable bus system while more money is sought from taxpayers to complete the unfinished portions of the LRT project. It also appears that Oregon's interest in pursuing LRT to Vancouver would be to take advantage of further extending the funding and subsidy base to support their system that is not cost effective.

d. There is not the density of population base in Clark County to support using LRT and make it cost effective. The majority of Clark County's population is closer to the I-205 corridor than it is to the I-5 corridor. It does not make sense to expect people from the east side to come to the I-5 crossing just to use High Capacity Transit.

e. A 2003 testimony titled "FEDERAL TRANSIT ADMINISTRATION, Bus Rapid Transit Offers Communities a Flexible Mass Transit Option" (GAO-03-729T) was given by the United States General Accounting Office (GAO) and Federal Transit Administration (FTA) to the U.S. Senate committee on Banking, Housing, and Urban Affairs. This testimony states that: "Buses form the backbone of the nation's mass transit systems. About 58 percent of all mass transit users take the bus, and even in many cities with extensive rail systems, more people ride the bus than take the train." The testimony also says that "FTA promotes the Bus Rapid Transit concept with the slogan "think rail, use buses."

f. The infrastructure and operation associated with LRT use make it more dangerous and awkward for pedestrians, bicyclists, vehicles and other forms of traffic to interface with.

g. A 2001 report titled "MASS TRANSIT, Bus Rapid Transit Shows Promise" (GAO-01-984) was given by the GAO to Congressional Requesters. This report examined 20 existing BRT lines and 18 existing LRT lines. In this report, the end of the review of System Performance states; "We also found that, in most instances, Bus Rapid Transit was faster than Light Rail in the six cities in our study." The comparison chart in the report shows that BRT was significantly faster.

h. The 2001 GAO report (GAO-01-984) found that Capital Cost per Mile for BRT could be built for a fraction of the cost of LRT.

i. The 2001 GAO report (GAO-01-984) shows that Operating Cost per Vehicle Revenue Hour is blatantly lower in five out of six cities studied.

j. The 2001 GAO report (GAO-01-984) shows that Operating Cost per Vehicle Revenue Mile for BRT was at a fraction of the cost of LRT for all six cities studied.

k. The 2001 GAO report (GAO-01-984) shows that Operating Cost per Passenger Trip for BRT was lower than LRT for four out of six cities studied.

l. Maintenance costs would also favor BRT over LRT.

m. In constructing BRT, it would not be necessary to include all the final elements before beginning operations; it is possible to phase in improvements over time. Thereby keeping up front costs lower and putting it into operation sooner. In contrast, LRT must be fully completed and tested before starting operation and realizing benefits.

n. BRT systems have the advantage of being more flexible than LRT and can respond to changes in employment, land use, and community patterns by increasing or decreasing capacity or adjusting routes over time. LRT is fixed and can not easily change to adjust to new patterns of housing and employment or other influences.

o. BRT has the ability to operate both on and off a busway or bus lane providing the flexibility to respond to operating problems. In contrast, LRT can become inoperable from a variety of consequences such as; railway obstructions, rail maintenance or repair, weather interference, and electrical failure or power supply outages.

p. BRT lanes could easily provide emergency vehicle access or be used for future alternate uses. LRT track obstruction does not offer this.

q. The Port's Freight Route Delay Analysis regarding signal priority for LRT, shows that the LRT delays to traffic will create livability and economic issues by stopping traffic flow on any of the arterials and streets that LRT crosses. These crossing interruptions would not only have a negative economic impact in impeding freight and traffic flow, but would bring greater noise, congestion and pollution, and would require additional mitigation measures to be put in place.

r. All the overhead electrical structure and institutional control such as fencing and signage that LRT requires would create more clutter of distractions and undesirable eye pollution as well as obscure scenic views and add unwanted bird perches (such as the bird problem on the existing I-5 bridge) that would detract from the quality of life experience in the affected area and commute.

s. Using BRT would also eliminate the EMF emissions exposure associated with LRT.

t. I would prefer a new bridge that takes advantage of the scenic view and eliminates or minimizes the chronic problem of overhead bird perching issues, if it can be built without over burdening the taxpayers and commuters of Clark County, and without jeopardizing funding for other needed local projects.

u. I have serious concerns about the seismic safety that can be achieved with both the existing bridges and the proposed bridge design replacements. I have heard testimony that there are other bridge designs that would offer better seismic safety than the rigid concrete bridge being proposed. Were other bridge designs eliminated because of having to accommodate the Pearson Airport air space, and are other designs still being considered to alleviate potential seismic damage or structural failure?

v. Surfaces of the bridge, highway and the HCT should be designed to capture; storm water, vehicle fluids and accident spills, and treat them in an environmentally sound way to prevent polluting of river water bodies or ground water.

w. The DEIS should more specifically address at all phases of the construction process how it will prevent the spread of existing ground or river water contamination, and how it prevent contributing more contaminants to ground or river water.

w. Bridge lighting should be designed to minimize scenic view obstruction and not create excessive light pollution and glare.

x. The bridge crossing design should allow for pedestrian and bicycle access at Hayden Island and preferably allow for both a far west side and far east side of bridge exposure to the surrounding view.

y. Regarding a HCT terminus location, I think given the overall cost of the crossing project and lack of funding, that the terminus should be located to minimize both cost and impacts.

z. Regarding a HCT terminus at Clark College, I have strong concerns that this will have serious impacts to the east side of interchange I-5 and Fourth Plain Blvd. It would create more congestion and traffic hazards on Fourth Plain Blvd and increase cut-through or by-pass traffic in the Rosemere neighborhood.

aa. Will there be adequate future opportunity for the public be involved and give input on the project changes that occur from the DEIS before the Final Environmental Impact Statement is Approved?

bb. In the DVD format of the DEIS, the Noise Appendix E file objects are not viewable. Is this intentional?

Daniel Swink  
PO Box 61884  
Vancouver, WA 98666

**Laura Dawson-Bodner**

---

**From:** Rex Burkholder  
**Sent:** Thursday, June 09, 2011 10:48 AM  
**To:** 'Tim Baker'  
**Subject:** Councilor Burkholder's response to CRC citizen input

Dear Friend,

Thank you very much for your letter on the upcoming resolution before the Metro Council on the Columbia River Crossing Project (Resolution 11-4264). I apologize for this impersonal note but wanted to reply before the Council takes action.

Some of your letters have been very thoughtful and addressed the very real choices that we face. There are no "right" answers to such big challenges, rather a difficult set of trade-offs.

When the Metro Council approved the Locally Preferred Alternative in 2008, it included a list of concerns that it asked the project to address. This current resolution declares that those considerations have been addressed, to the extent they can be at this point in the project, and that the Council supports completion of the Final Environmental Impact Statement. The Council has already concluded that replacing the existing bridges is justified, and endorsed wholeheartedly building light rail and high quality bicycle/pedestrian facilities as well as using tolling to finance construction and reduce travel demand. I am proud that my many-year participation in this effort resulted in a design that is groundbreaking nationally for its robust multi-modal elements, first-ever greenhouse gas analysis and minimizing of its physical footprint. Some of you also contributed to a much better design by your active participation over the years.

What does the future hold? There are a number of considerations that will be further addressed in the FEIS as well as in the design and construction phases, of which Metro will be a key and active participant. Furthermore, the Council has called out three issues for particular attention: 1) further consideration of early implementation of tolls to reduce demand during construction and lower eventual costs, 2) establishing a community enhancement fund (such as the one I helped establish and implement as part of the I-5 Delta Park widening project), and 3) making sure all of Oregon contributes to this project of statewide significance and not penalize our region financially.

Thank you again for your continued interest in the future of this region.

Sincerely,

Rex

\*\*\*\*\*

Rex Burkholder, Metro Councilor  
600 NE Grand Avenue  
Portland, OR 97232  
oregonmetro.gov  
503-797-1546

---

**From:** Tim Baker [<mailto:TBaker@grpmack.com>]

**Sent:** Wednesday, June 08, 2011 2:48 PM

**To:** Rex Burkholder

**Subject:** Please vote against CRC

I want to register my feelings on the CRC with Metro, and ask that you please vote no on Resolution 11-4264. The entire episode seems to have been mismanaged and poorly conceived and the supposed gains from this project seem very dubious. Metro should vote no.

Thanks,

Tim Baker, LEED AP  
Architecture

**GROUP MACKENZIE**

Architecture | Interior Design | Structural Engineering  
Civil Engineering | Landscape Architecture  
Land Use Planning | Transportation Planning

RiverEast Center | Ste. 100  
1515 SE Water Avenue  
Portland, OR 97214  
T: 503.224.9560 | F: 503.228.1285  
[www.groupmackenzie.com](http://www.groupmackenzie.com) | [vcard](#)

This email is confidential, may be legally privileged, and is intended solely for the addressee. If you are not the intended recipient, access is prohibited. As email can be altered, its integrity is not guaranteed.

**Laura Dawson-Bodner**

---

**From:** Rex Burkholder  
**Sent:** Thursday, June 09, 2011 10:48 AM  
**To:** 'Barbara Nelson Grove'  
**Subject:** Councilor Burkholder's response to CRC citizen input

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Rex

\*\*\*\*\*

Rex Burkholder, Metro Councilor  
600 NE Grand Avenue  
Portland, OR 97232  
oregonmetro.gov  
503-797-1546

Policy Assistant: Kathryn Sofich: 503-797-1941

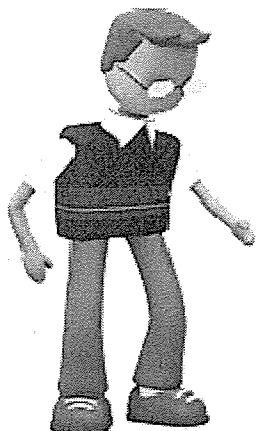
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**From:** Barbara Nelson Grove [<mailto:clownspark@yahoo.com>]

**Sent:** Wednesday, June 08, 2011 3:20 PM

**To:** Rex Burkholder

**Subject:** I-5



Remember Hayden Island is in limbo, Please vote to get the process moving forward.

Barbara Nelson

[clownspark@yahoo.com](mailto:clownspark@yahoo.com)



## Laura Dawson-Bodner

---

**From:** Rex Burkholder  
**Sent:** Thursday, June 09, 2011 10:49 AM  
**To:** 'Jon Haugen'  
**Subject:** Councilor Burkholder's response to CRC citizen input

Dear Friend,

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Sincerely,

Rex

\*\*\*\*\*

Rex Burkholder, Metro Councilor  
600 NE Grand Avenue  
Portland, OR 97232  
oregonmetro.gov  
503-797-1546

Policy Assistant: Kathryn Sofich: 503-797-1941

-----Original Message-----

From: Jon Haugen [mailto:jthaugen@yahoo.com]  
Sent: Wednesday, June 08, 2011 10:06 PM

To: Rex Burkholder  
Cc: JT Haugen  
Subject: RTC Board: "A bridge too false", CRC Forensic Accountant, Rex Burkholder

Wednesday, 8 June 2011

RTC Board: "A bridge too false", CRC Forensic Accountant

Hello,

First; below is part of an article from the Willamette Week, an Oregon publication.

Second; I attended a David Madore sponsored event on Saturday (04JUN11) called 'Bridging the Gaps'.

A forensic accountant Tiffany Couch has been hired by David Madore to investigate the spending of the Columbia River Crossing (CRC). Ms. Couch made serious allegations about the fiduciary duty of the CRC. Specifically: 1. \$38 million in unaccounted spending; 2. \$49 million gap between what the firm David Evans and Associates said they were paid and the amount the CRC has paid the firm; 3. No audit of the CRC since it's inception.

Video of Tiffany Couch presentation:

<http://couv.com/issues-viewpoint/tiffany-couch-crc>

Thank you.

Jon Haugen  
13502 NW 49th Ave.  
Vancouver, WA 98685  
360-907-8340

#### A Bridge Too False

Turns out most of the case for the \$3.6 billion Columbia River Crossing Isn't true.  
June 1st, 2011 Nigel Jaquiss , Willamette Week

Entire article at: [http://www.wweek.com/portland/article-17566-a\\_bridge\\_too\\_false.html](http://www.wweek.com/portland/article-17566-a_bridge_too_false.html)

Here are the largest contractors and the amounts they have been paid:

David Evans and Associates \$30, 873, 166 Parsons Brinckerhoff \$16, 575, 058 Parametrix \$11, 985, 488 HDR Engineering \$5, 656, 172 Enviroissues \$4, 958, 274.

If anyone should love the idea of creating jobs and boosting the Oregon economy, it's Katie Eyre Brewer.

Eyre Brewer is a freshman Republican representative from Hillsboro, as well as a former leader of the local chamber of commerce and the planning commission.

Yet Eyre Brewer is saying no to the state's single biggest job-creation plan: the proposed \$3.6 billion Interstate 5 bridge project between Oregon and Washington, known as the Columbia River Crossing.

Eyre Brewer is standing up to the project's backers for a simple reason: She thinks the arguments for the Columbia River Crossing are flimsy, ill conceived and often untrue. "Before I got here, I thought the important questions about the CRC had been asked and answered," Eyre Brewer says. "I was terribly surprised."

She is not alone. More than 20 lawmakers—Republicans and Democrats—have raised hard questions about the project. They say Oregon hasn't taken a serious look at the project's risks or at cheaper ways to fix the traffic problems at the Oregon-Washington border.

Yet Oregonians have failed to grasp the possibility its leaders might dump billions on a massive road project that emphasizes cars over mass transit and, as the state's own records

show, relies on faulty assumptions and won't fix the traffic problem.

Myth No. 1: Spending billions on a new I-5 bridge project at the Columbia River will solve congestion.

Anybody who drives from Portland to the 'Couv at rush hour knows trying to cross the Columbia can be a disaster.

To make the CRC happen, Oregon lawmakers will eventually need to approve \$450 million as the state's share. That money doesn't include the \$126 million Oregon and Washington have already spent on planning. (Much of that money was wasted chasing a bridge design a February 2011 bridge review panel called "not a viable option.") "This is the worst freight bottleneck in the nation," ODOT Director Matt Garrett told lawmakers March 28 during a hearing for House Joint Memorial 22.

Garrett's boss, Gov. Kitzhaber, echoed his claim. "Commerce is increasingly impacted by congestion at a pinch point now considered the worst spot anywhere between Mexico and Canada," Kitzhaber said in an April 25 speech at Hayden Island.

The congestion is real. But Garrett and Kitzhaber are wrong.

Inrix is a Kirkland, Wash., firm that collects and studies traffic data. In 2010, Inrix ranked the Interstate Bridge 214th in the nation for congestion. On the I-5 corridor alone, the bridge trailed far behind five Los Angeles bottlenecks.

Let's say Oregon and Washington ignore critics and move forward with construction. How much time would those Clark County commuters save each day heading to work across this \$3.6 billion highway project?

One minute.

That's right: A 2010 governors' independent review panel found the massive project will shave exactly 60 seconds off the peak morning commute.

And here's why: The Interstate Bridge and nearby interchanges are just one bottleneck. The project does nothing to fix the choke point at the Rose Quarter, five miles south, where I-5 narrows to two lanes.

Myth No. 2: We have to build a bridge because the traffic is only going to get worse.

Joe Cortright, a Portland economist critical of the project, looked at ODOT's traffic projections and compared them to how many cars actually crossed the river.

The CRC backers projected traffic would increase about 1.3 percent a year from 2005 until 2030.

But from 2005 to 2009, Cortright found, traffic over the bridge declined nearly 1 percent each year. In fact, fewer vehicles crossed the bridge in 2009 than in 1999.

ODOT officials don't dispute Cortright's findings, but they note bridge traffic ticked up slightly in 2010.

Still, nearly 15,000 fewer cars a day use the bridge today than the CRC said would be the case.

Myth No. 3: The current bridge is too dangerous.

As any parent knows, when logic fails, try fear.

"I recognize the importance of replacing the Interstate Bridge to address a wide range of public priorities," Kitzhaber said April 25 when he helped unveil the latest design for the bridge. "First and foremost, safety."

Proponents claim the safety concerns are twofold: seismic danger and crashes.

Earthquakes are a risk in Portland. But if Oregon gets hit with a massive quake (experts say "the big one" could be a magnitude 9.0), many bridges will become scrap metal.

The Interstate Bridge was built in 1917. The second set of lanes was added in 1958, when the older one was refurbished. So you might think the Interstate Bridge would be the first to go. Not according to ODOT's own reports. The agency's data show there are more than two dozen I-5 bridges in Oregon in worse shape than the Interstate Bridge, including the Marquam Bridge over the Willamette River.

Another claim CRC backers like to make is the number of crashes on either side of the Interstate Bridge. They often exaggerate here as well.

"Currently, the I-5 Columbia River bridges have the highest incidence of crashes of any highway segment in Oregon," Portland Business Alliance lobbyist Bernie Bottomly told lawmakers in written testimony on March 28. ODOT's Garrett supported that claim with a PowerPoint presentation that included slides claiming that the Interstate Bridge had the "highest crash locations on I-5 in Oregon."

Again, false. ODOT's own stats show that both the Marquam and Fremont bridges have higher crash rates than the Interstate Bridge, and other stretches of Oregon highways see far more crashes per mile traveled.

We're ODOT – Trust Us

If the CRC were to go forward, the Oregon Department of Transportation would be the lead agency for all construction on this side of the river. It would be a far more complex job than ODOT has tackled in decades. But the agency does take on big projects. Two current ones give some observers cause for concern.

The first is ODOT's ongoing effort to realign U.S. Highway 20, between Corvallis and Newport. It's a fiasco.

Engineering failures have led to landslides, and giant concrete supports to elevate the highway have tipped. ODOT originally said the project would cost \$110 million. Today it's not close to being done and the price has hit \$230 million.

"This project has faced unique challenges," ODOT spokesman Patrick Cooney says.

Closer to home, ODOT's second-biggest ongoing project is in Southeast Portland, and it, too, has cost far more money and taken much longer than originally anticipated.

The project? Rebuilding the Southeast Grand Avenue/Martin Luther King Jr. Boulevard viaduct on McLoughlin Boulevard just west of Division Street.

In 2002, ODOT estimated the cost of replacing a short and straight stretch of elevated highway at \$32 million. If the CRC is like building a house, the viaduct project is akin to nailing two boards together. And yet, as that project inches toward completion later this year, ODOT figures show it will end up costing about \$95 million—three times the original budget. It's also at least two years behind schedule.

Who's getting rich from the CRC?

As of 18 May 2011 the CRC has paid \$126 million for consulting services of various kinds. Here are the largest contractors and the amounts they have been paid:

David Evans and Associates \$30, 873, 166 Parsons Brinckerhoff \$16, 575, 058 Parametrix \$11, 985, 488 HDR Engineering \$5, 656, 172 Enviroissues \$4, 958, 274.

Entire article at: [http://www.wweek.com/portland/article-17566-a\\_bridge\\_too\\_false.html](http://www.wweek.com/portland/article-17566-a_bridge_too_false.html)

Provided by: Jon T. Haugen, 13502 NW 49th Ave. Vancouver, WA 98685

**Laura Dawson-Bodner**

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**From:** Rex Burkholder  
**Sent:** Thursday, June 09, 2011 10:50 AM  
**To:** 'jrowe@igc.org'  
**Subject:** Councilor Burkholder's response to CRC citizen input

Dear Friend,

Thank you very much for your letter on the upcoming resolution before the Metro Council on the Columbia River Crossing Project (Resolution 11-4264). I apologize for this impersonal note but wanted to reply before the Council takes action.

Some of your letters have been very thoughtful and addressed the very real choices that we face. There are no "right" answers to such big challenges, rather a difficult set of trade-offs.

When the Metro Council approved the Locally Preferred Alternative in 2008, it included a list of concerns that it asked the project to address. This current resolution declares that those considerations have been addressed, to the extent they can be at this point in the project, and that the Council supports completion of the Final Environmental Impact Statement. The Council has already concluded that replacing the existing bridges is justified, and endorsed wholeheartedly building light rail and high quality bicycle/pedestrian facilities as well as using tolling to finance construction and reduce travel demand. I am proud that my many-year participation in this effort resulted in a design that is groundbreaking nationally for its robust multi-modal elements, first-ever greenhouse gas analysis and minimizing of its physical footprint. Some of you also contributed to a much better design by your active participation over the years.

What does the future hold? There are a number of considerations that will be further addressed in the FEIS as well as in the design and construction phases, of which Metro will be a key and active participant. Furthermore, the Council has called out three issues for particular attention: 1) further consideration of early implementation of tolls to reduce demand during construction and lower eventual costs, 2) establishing a community enhancement fund (such as the one I helped establish and implement as part of the I-5 Delta Park widening project), and 3) making sure all of Oregon contributes to this project of statewide significance and not penalize our region financially.

Thank you again for your continued interest in the future of this region.

Sincerely,

Rex

\*\*\*\*\*

Rex Burkholder, Metro Councilor  
600 NE Grand Avenue  
Portland, OR 97232  
oregonmetro.gov  
503-797-1546

Policy Assistant: Kathryn Sofich: 503-797-1941

-----Original Message-----

From: Joe Rowe [<mailto:jrowe@igc.org>]

Sent: Wednesday, June 08, 2011 10:19 PM  
To: Rex Burkholder  
Subject: stop the CRC spending, all of it, host an open debate

Dear Rex,

I can't make the Thursday meeting so please put me on record as saying no the the current CRC and yes to the "common sense alternative" to the real transit problems in that region. You have distorted the CRC facts when I've talked to you one to one.

I live just 200 yards from Interstate 5. Your CRC will only make Albina street fill up with more cut through traffic. The problems of the CRC are too numerous to mention here. so...

Please allow for an open public debate on a weekday evening. You and your best 5 pro CRC friends can debate 6 pro active transit opponents.

I dare you to have such a debate. It's never happened because the true merit of the CRC common sense alternatives have never been anything close to the \$30 million "public engagement" budge of your CRC, nor given a public space with the Pro CRC folks.

Signed, JOe Rowe Portland Oregon

**Laura Dawson-Bodner**

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**From:** Kelly Parker [KParker@vancouverusa.com]  
**Sent:** Wednesday, June 08, 2011 3:59 PM  
**To:** Catherine.Ciarlo@portlandoregon.gov; Shirley Craddick  
**Subject:** Business support for CRC

I write on behalf of the 1,100 businesses in the Greater Vancouver Chamber of Commerce to thank you for your work on the Columbia River Crossing Project and to urge your continued support for this project so vitally needed in our community and in our region. Specifically I ask for your support on the CRC resolution (No. 11-4264) in Thursday's IPACT meeting.

A new crossing will improve mobility, accessibility, prosperity and safety for years to come. The Crossing will generate upwards of 20,000 jobs and reduce congestion by 70%. Our businesses report longer delays due to bridge lifts and congestion. Our businesses are looking for opportunities for growth. No bridge translates for them as no growth. We want to encourage new companies to invest in our region and we want to provide the transportation corridors needed to support the growth. Please help us by supporting the CRC resolution.

Thank you,

Kelly Love Parker  
President/CEO  
Greater Vancouver Chamber Commerce





## **Laura Dawson-Bodner**

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**From:** Sharonnasset [sharonnasset@aol.com]  
**Sent:** Wednesday, June 08, 2011 5:55 PM  
**To:** Tom Hughes; Shirley Craddick; Carlotta Collette; Carl Hosticka; Barbara Roberts; Kathryn Harrington; Rex Burkholder  
**Subject:** Elected officials in OR and WA have said unresolved questions that demand further scrutiny concerning CRC are needed!  
**Attachments:** CRC\_Questions\_Letter-March-2011.pdf; Dear Metro Council Members concerns.doc

Elected officials in OR and WA have said unresolved questions that demand further scrutiny concerning CRC are needed!

Dear Metro Council Members,

March 28, 2011 JMH-22 a "ceremonial letter" in support for the CRC's Locally Preferred Alternative from the Oregon Legislators was in committee. The CRC did not receive a letter of support out of committee.

Instead of a "ceremonial letter" of support a "note" of requirements for the project was attached at the Ways and Means Committee.

Twenty Members of the Oregon House of Representatives, Democratic and Republican have signed a letter to the House Committee on Transportation and Economic Development "We believe that there are important unresolved questions that demand further scrutiny" I have attached the entire letter. The Oregon House Members stated two concerns of several.

Recent Letters to Editors from elected officials in Oregon and Washington state serious concerns with the Columbia River Crossing Locally Preferred Alternative.

The Governor's Columbia River Crossing Independent Review Panel stated 30 areas of concern. Metro has not had hearings on the 30 areas of concern. Has the Metro Council had workshops on the 30 areas of concern? Thousands of dollars were spent on the CRC Independent Review which was DEMANDED by the member of the CRC Project Sponsors Council, and when the Governors' said NO..... the stand off was that Sponsoring Agencies (Metro included) said no Independent Review Panel, no project. The CRC Project Sponsor Council was right on with their demand. Now that we know there are 30 areas of concern identified, each one needs to be address. Many citizens have asked for several years that Metro and other CRC Sponsor Agencies set-up sub-committees. To date none of the CRC Sponsor Agencies have formed any sub-committee.

With respect the Metro Councilors it is time to do the work, your work. If you do not do the work here in Oregon and Washington it will go to Washington DC and that will damage our region. The US Legislators have repeatedly stated they are hearing to many voices stating major concerns about CRC. We need to have one voice coming into DC to receive their support for the Columbia River Crossing..... You're pushing this to DC, will send the voices of the concerned to seek out elected officials in other states with our serious concerns, 30 areas of concern for a study that is 100% over original budget and 7 years into a 3 to 4 year study. Contacting elected officials around the country telling them that our locally officials won't listen, have not set-up subcommittees on the large project since the I-5 freeway was built, while newspaper break every day with major problems and concerns. Do you believe this is going to please and support our US Legislators to bring home the federal funds

we need to produce a project?



**HOUSE OF REPRESENTATIVES  
900 COURT ST NE  
SALEM, OR 97301**

**MEMORANDUM**

TO: House Committee on Transportation and Economic Development

FROM: Rep. Jules Bailey Rep. Chris Garrett  
Rep. Phil Barnhart Rep. Mitch Greenlick  
Rep. Katie Eyre Brewer Rep. Chris Harker  
Rep. Ben Cannon Rep. Mark Johnson  
Rep. Brian Clem Rep. Shawn Lindsay  
Rep. Jason Conger Rep. Mike McLane  
Rep. Michael Dembrow Rep. Mary Nolan  
Rep. Margaret Doherty Rep. Julie Parrish  
Rep. Lew Frederick Rep. Patrick Sheehan  
Rep. Tim Freeman Rep. Carolyn Tomei

DATE: March 28, 2011

RE: CRC Questions

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Thank you for scheduling this important hearing on HJM 22. Having reviewed recent correspondence regarding the Columbia River Crossing<sup>1</sup>, we believe that there are important unresolved questions that demand further scrutiny before the commitment of additional public dollars to this project.

Raising questions should not be construed as opposition to a new bridge. We are well acquainted with the congestion issues in the I-5 corridor; we recognize the need for major improvements at the Columbia River; and we fully support the effort to secure federal funds. These arguments in favor of a major project, however, are not necessarily arguments for any specific proposal. With respect to the current CRC proposal, at least the following questions deserve further attention.

**1. What is the "true cost" of the CRC?**

The cost of the CRC is represented to be between \$3.2 and \$3.6 billion. Impresa argues that the true cost, in year-of-expenditure dollars, is closer to \$10 billion over the life of the project after accounting for debt service and the need for improvements to the Rose

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<sup>1</sup> We refer to the Oct. 4, 2010 memo from Impresa Consulting; the Jan. 21, 2011 response from ODOT; and the Feb. 7, 2011 reply from Impresa Consulting.

Quarter. CRC responds that the Rose Quarter is a "different" issue. But it appears to be very much in question whether the CRC, absent Rose Quarter improvements, accomplishes much more than shifting the I-5 bottleneck to the south. If Rose Quarter improvements are an essential part of a complete solution to I-5 congestion in the Portland area, then those expenses should be considered in evaluating the true cost, and in presenting the cost to the public.

## 2. Traffic projections and tolling revenue

The CRC financing plan depends heavily on tolling revenue. The projected revenue from tolling depends, in turn, on projected traffic over the new bridge. The Impresa analysis contends that based on ODOT's own data and assumptions of 1% annual growth, traffic over the CRC will be 30,000 vehicles per day **lower** in 2030 than the DEIS forecast. If this is correct, the less-than-projected tolling revenue results (according to Impresa's analysis) in a debt service **shortfall of \$1 billion**.

In the few years since CRC's projections were issued, traffic over the bridge has not only failed to increase as forecast, it has actually declined. Based on the exchange between Impresa and ODOT, there appears to be an empirical dispute about whether the current decline in traffic levels merely reflects the recession or, instead, reflects a longer term "sea change" in how people commute. Impresa points out that the decline in traffic preceded the recession by two full years. We are not aware of a refutation of this point.

CRC/ODOT assert that their projections are based on commonly accepted models; Impresa responds that these models are themselves flawed, and cites examples. We are not aware of a refutation of this point, either.

Finally, ODOT says that there will be an independent, investment-grade study at a future time, before bonding. **If there is an undisputed need for an independent, investment-grade financial analysis**, it should be undertaken before any major commitment of additional public dollars.

## 3. Cost overruns

Critics assert that CRC's cost estimate of \$3.2-3.6 billion is low by at least hundreds of millions of dollars, given the likelihood of cost overruns in a project such as this.

Cost overruns are a fact of life and should not be taken by themselves as a reason to oppose the project. However, the magnitude of possible overruns should be considered in conjunction with the significant questions about the CRC's traffic and tolling projections. If we are materially off-target on *both* projected costs and projected revenues, this could create enormous downside exposure for Oregon taxpayers. We are not satisfied that this downside risk has been fully digested.

Thank you for your consideration of these issues.

KATIE EYRE BREWER  
STATE REPRESENTATIVE  
HD 29



HOUSE OF REPRESENTATIVES  
900 COURT ST NE  
SALEM, OR 97301

June 8, 2011

Tom Hughes, Metro Council President  
Metro Council  
600 NE Grand Ave.  
Portland, OR 97232

Re: Adoption of Resolution No. 11-4264, for the purpose of Concluding that the Concerns and Considerations Raised about the Columbia River Crossing Project in Exhibit A to Resolution No. 08-3960B Have Been Addressed Satisfactorily

Tom,

I understand that the Council will be voting on Resolution No. 11-4264 on June 9, 2011. I am writing to ask you to delay this vote, pending legislative action.

#### Financing Plan

Metro's concern was to have a financing plan developed for presentation to the project partners and the public that indicates federal, state and local funding and how the project could impact other expenditures in the region. I do not believe that the financing plan has been fully developed nor presented to all project partners, as the Oregon Legislature has not yet reviewed any official financing plan. In a draft finance plan, Oregon's contribution exclusive of tolling will be one half of \$900,000,000. The draft plan mentions that these will likely come from new revenue, and specifically increased motor carrier fees, gas taxes and registration fees. None of this has been presented to the Legislature and the Legislature has not yet weighed in on the propriety of this funding or a potential tax increase. In fact, the initial informal response from many legislators to this prospect has been unfavorable. Therefore, because neither the finance plan nor the state funding has been finalized, I do not believe that this concern has yet been satisfied.

#### Preservation of Freight Access

Recognizing that this is a critical piece of the CRC project, Metro raised this as an area of concern. In the explanation of status, Item G of Exhibit B to Resolution No. 11-4264 states that the Marine Drive interchange can be delayed until after year 2030. As a Legislator, and as part


503-986-1429 email: [rep.katieeyrebrewer@state.or.us](mailto:rep.katieeyrebrewer@state.or.us)  
District: P.O. Box 3027, Hillsboro, OR 97123

of my consideration of any future tax increase of which freight carriers will be required to pay, I find delaying this until 2030 unacceptable. In fact, the draft finance plan contemplates that any interchange not directly connected to the bridge is considered a "deferred component" and can be delayed in the case of cost overruns. The draft finance plan states that the new revenues, in the case of cost overruns, can be extended to pay for the deferred components. I am concerned about the project elements for freight access and freight mobility being largely delayed through phasing or as a "deferred component", and therefore believe that this concern has not yet been satisfied.

If Oregon Department of Transportation's budget passes both Chambers of the Oregon Legislature in its current form, ODOT will be required to report to the Legislature in February 2012 with a developed phased master plan of CRC, allowing for legislative oversight and approval by the Legislature at key decision points. At this point, legislative approval has not occurred, nor should be assumed.

Tom, I am a supporter of infrastructure and of sound planning. You know this, as you appointed me to Hillsboro's Planning Commission many years ago. I am also appreciative of Metro's diligent review of any solution to the I-5 congestion. Based on the above two points, a general lack of a clear and approved plan, and uncertain financing, I do not believe Metro's concerns outlined in Resolution 08-3960B have been addressed satisfactorily at this time, and therefore respectfully request that the Metro Council delay voting on Resolution No. 11-4264.

Respectfully,



Katie Eyre Brewer  
State Representative  
House District 29

cc: Metro Council members

## Laura Dawson-Bodner

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**From:** Sharonnasset [sharonnasset@aol.com]  
**Sent:** Wednesday, June 08, 2011 6:34 PM  
**To:** Tom Hughes; Shirley Craddick; Carlotta Collette; Carl Hosticka; Barbara Roberts; Kathryn Harrington; Rex Burkholder  
**Subject:** As a Metro Councilor will you stand up for Civil Rights?

As a Metro Councilor will you stand up for Civil Rights?

CRC has violated Civil Rights. I believe you will, please do the right thing, let us continue being proud of you.

Peace,  
Sharon

-----Original Message-----

**From:** Charlie Tindall <Charlie@bluelinetrans.com>  
**To:** Sharonnasset <sharonnasset@aol.com>  
**Sent:** Thu, Jun 2, 2011 3:14 pm  
**Subject:** RE: Please edit as soon as possible..... think of an ending too. Thanks

I copied from the NEPA web site.

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**From:** Sharonnasset [<mailto:sharonnasset@aol.com>]  
**Sent:** Wednesday, June 01, 2011 11:49 AM  
**To:** Charlie Tindall  
**Subject:** Please edit as soon as possible..... think of an ending too. Thanks

The National Environmental Policy Act (NEPA) was established through Civil Rights in Action.

The National Environmental Policy Act (NEPA) sounds big and mysterious yet its' not. NEPA provides that when federal funds are to be appropriated for a project the policies and procedures of NEPA must be followed.

NEPA was set up to protect the citizens and end bad practices by "abusive elected officials, bullies, and those who put self interest above community" All Projects including federal funds chosen that profit a few -- with major impact and little or no benefit for the rest. Sewage Plants, landfills, freeways, and airports, etc.

So nationally when federal funds are used that affect the "Environment" human and or natural the following "Policy" will take place.

Policies such as:

A range of reasonable alternative will be studied thoroughly, including benefit and impacts, cost and construction before, during and after the project is completed. The community will form a "Problem Definition Statement" and what is the "Purpose and Needs" will it fulfil.

A thorough study of a range of alternatives benefits everyone. Citizens have a chance to see the pro's and con's of different alternatives to determined which scenario is best for their communities. Creating a transparent process is important to attract the stakeholders needed to complete mega projects. When an honest, fair, and just process produces a project funding is easier to acquire.

Civil Rights came about with citizens risking their lives for a better and more just sociality. There are those who gave their lives, the full measure, to provide those Rights we use and cherish today. They gave their all so we can have Civil Rights and we have to demand our Rights are respected and upheld. An injustice toward one is an injustice towards all.

Whether or not you agree with an issue fair and honest dealings speaks more about the person. In a fair and honest process we are all winners.

If the Columbia River Crossing project has merit it will be determined by comparison in a fair and honest process.

I am attaching a quick read booklet on NEPA  
Federal Register notice of CRC project outlined  
A list of what is included in a "thorough" study  
A map showing the I-5 Trade Corridor same as "CRC Study Area"

## NEPA Requirements

Title I of NEPA contains a Declaration of National Environmental Policy which requires the federal government to use all practicable means to create and maintain conditions under which man and nature can exist in productive harmony.

Section 102 requires federal agencies to incorporate environmental considerations in their planning and decision-making through a systematic interdisciplinary approach. Specifically, all federal agencies are to prepare detailed statements assessing the environmental impact of and alternatives to major federal actions significantly affecting the environment. These statements are commonly referred to as environmental impact statements (EISs).

Title II of NEPA establishes the Council on Environmental Quality (CEQ).

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## Oversight Of NEPA

The Council on Environmental Quality, which is headed by a fulltime Chair, oversees NEPA. A staff assists the Council. The duties and functions of the Council are listed in Title II, Section 204 of NEPA and include:

- Gathering information on the conditions and trends in environmental quality
- Evaluating federal programs in light of the goals established in Title I of the Act
- Developing and promoting national policies to improve environmental quality
- Conducting studies, surveys, research, and analyses relating to ecosystems and environmental quality.

[Top of Page](#)

## Implementation

In 1978, CEQ promulgated regulations [40 CFR Parts 1500-15081] implementing NEPA which are binding on all federal agencies. The regulations address the procedural provisions of NEPA and the administration of the NEPA process, including preparation of EISs. To date, the only change in the NEPA regulations occurred on May 27, 1986, when CEQ amended Section 1502.22 of its regulations to clarify how agencies are to carry out their environmental evaluations in situations where information is incomplete or unavailable.

CEQ has also issued guidance on various aspects of the regulations including: an information document on "Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act," Scoping Guidance, and Guidance Regarding NEPA Regulations. Additionally, most federal agencies have promulgated their own NEPA regulations and guidance which generally follow the CEQ procedures but are tailored for the specific mission and activities of the agency.

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## The NEPA Process

The NEPA process consists of an evaluation of the environmental effects of a federal undertaking including its alternatives. There are three levels of analysis: categorical exclusion determination; preparation of an environmental assessment/finding of no significant impact (EA/FONSI); and preparation of an environmental impact statement (EIS).



- **Categorical Exclusion:** At the first level, an undertaking may be categorically excluded from a detailed environmental analysis if it meets certain criteria which a federal agency has previously determined as having no significant environmental impact. A number of agencies have developed lists of actions which are normally categorically excluded from environmental evaluation under their NEPA regulations.
- **EA/FONSI:** At the second level of analysis, a federal agency prepares a written environmental assessment (EA) to determine whether or not a federal undertaking would significantly affect the environment. If the answer is no, the agency issues a finding of no significant impact (FONSI). The FONSI may address measures which an agency will take to mitigate potentially significant impacts.
- **EIS:** If the EA determines that the environmental consequences of a proposed federal undertaking may be significant, an EIS is prepared. An EIS is a more detailed evaluation of the proposed action and alternatives. The public, other federal agencies and outside parties may provide input into the preparation of an EIS and then comment on the draft EIS when it is completed.

If a federal agency anticipates that an undertaking may significantly impact the environment, or if a project is environmentally controversial, a federal agency may choose to prepare an EIS without having to first prepare an EA. After a final EIS is prepared and at the time of its decision, a federal agency will prepare a public record of its decision addressing how the findings of the EIS, including consideration of alternatives, were incorporated into the agency's decision-making process.

\_\_\_\_\_ Information from ESET NOD32 Antivirus, version of virus signature database 6172 (20110601) \_\_\_\_\_

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

\_\_\_\_\_ Information from ESET NOD32 Antivirus, version of virus signature database 6175 (20110602) \_\_\_\_\_

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

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**Laura Dawson-Bodner**

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**From:** Sharonnasset [sharonnasset@aol.com]  
**Sent:** Wednesday, June 08, 2011 6:53 PM  
**To:** Tom Hughes; Shirley Craddick; Carlotta Collette; Carl Hosticka; Barbara Roberts; Kathryn Harrington; Rex Burkholder  
**Subject:** It is important to pay attention to limitations that tolling makes on future infrastructure. CRC Tolling causes problems for infrastructures

Tolling as a funding mechanism must be used in a strategic manner for current and future transportation needs.

If tolling is used to fund the Columbia River Crossing we need to choose a Locally Preferred Alternative that allows us to continue adding infrastructure that supports our economy. With this thought in mind the current Columbia River Crossing I-5 bridges are structurally sufficient, with decades of sustainable life left and should not be replaced. All sides agree that we need more bridges across the Columbia River the timing is the issue. There is no necessity to replace the current I-5 bridges which gives us the ability to be strategic in addressing tolling as a form of funding.

When tolling is used the government or an investor demands that no upgrade in infrastructure within a 5 to 7 mile range take place that may divert traffic away from the toll. If a toll is used on the I-5 bridge then a third bridge one mile to the west near the ports can not be constructed using tolls until the I-5 bridge toll is retired (30+ years). Studies have shown that a bridge to the west will divert traffic from I-5. Upgrades or additions to the I-205 Glen Jackson Bridge less than 6 miles upstream can not be done during the life of the I-5 toll. This will damage our future economy and keep our children from constructing needed infrastructure up and downstream. However constructing a third bridge "port to port connection" will still allow upgrades on the I-205, seven miles upstream. With a third bridge relieving congestion on the I-5 freeway, upgrades on the I-5 freeway can be constructed to remove weaves and adding interchanges dealing with safety issues that do not necessarily add capacity to the freeway. The trend is for traffic to divert from I-5 to the west bridge and as long as it is not over capacity traffic will not divert back to I-5. Since traffic diverts to I-205 when I-5 is full, this is proof that making any change on I-205 while there is a toll on I-5 would not be allowed. With the I-5 bridge freeway being highly urbanized and very expensive to construct it will have the longest lasting tolls. A third bridge near the ports would be less expensive using bare, vacant, and mostly publicly owned land plus having infrastructure that goes into economic areas can receive additional funding so a toll would not have to last as long or be near as costly. With the retirement of a toll on the third bridge a toll can then be used on the I-5 bridges.

It is important to pay attention to limitations that tolling makes on infrastructure that is geographically close and extremely important to our future economy.

Thanks you,  
Sharon Nasset  
Third Bridge Now  
503.283.9585



## Laura Dawson-Bodner

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**From:** Aaron Brown  
**Sent:** Wednesday, June 08, 2011 4:40 PM  
**To:** Laura Dawson-Bodner  
**Subject:** FW: Metro CRC Testimony  
**Attachments:** Plaid Pantry\_01\_Metro Letter 060811.pdf; Plaid Pantry\_02\_Seven Reasons to Question CRC.pdf; Plaid Pantry\_03\_Assumed CRC Funding Graph.pdf; Plaid Pantry\_04\_Funding Graph Explanations 060811.pdf; Plaid Pantry\_05\_CRC Independent Review Panel.pdf; Plaid Pantry\_06\_CRC Public Records Request Email 033011.pdf; Plaid Pantry\_07a\_CRC Finance Plan September 2010.pdf; Plaid Pantry\_07b\_CRC Funding Contribution Analysis Report Draft 123109 - page 22.pdf; Plaid Pantry\_07c\_Funding Contribution Analysis Report Draft 123109 - page 35.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

-----Original Message-----

**From:** Amani Bryant [<mailto:amanib@plaidpantry.com>]  
**Sent:** Wednesday, June 08, 2011 3:52 PM  
**To:** Aaron Brown; Chris Myers  
**Cc:** [chris.girard@vzw.blackberry.net](mailto:chris.girard@vzw.blackberry.net)  
**Subject:** RE: Metro CRC Testimony

Hello Gentlemen,

Attached is Plaid Pantry's testimony & supplemental materials for the Metro Council meeting regarding the Columbia River Crossing. The number in the name indicates where each file appears in the printed packet that Chris brought in today.

Many of the files do have highlighted sections, so it is best to view/print them with "markups" visible.

I'll be sending another email shortly with the letter from Mr. Joe Cortright, as well as his analysis of the CRC project.

Sincerely,

Amani

--

Amani Bryant  
Administrative Assistant  
Plaid Pantries Inc  
10025 SW Allen Blvd.  
Beaverton, OR 97005  
PH: 503.646.4246 ext 8308  
FAX: 503.646.3071

-----Original Message-----

**From:** [chris.girard@vzw.blackberry.net](mailto:chris.girard@vzw.blackberry.net)  
[\[mailto:chris.girard@vzw.blackberry.net\]](mailto:chris.girard@vzw.blackberry.net)  
**Sent:** Wednesday, June 08, 2011 3:25 PM  
**To:** Amani Bryant

Cc: [aaron.brown@oregonmetro.gov](mailto:aaron.brown@oregonmetro.gov); [chris.myers@oregonmetro.gov](mailto:chris.myers@oregonmetro.gov)  
Subject: Metro CRC Testimony

Hi Amani,

Please email PDFs of our complete testimony package to Arron and Chris at Metro.

Thanks!  
Chris Girard



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Metro Council President Tom Hughes  
Metro Council  
600 NE Grand Ave.  
Portland, OR 97232

June 8, 2011

RE: Columbia River Crossing – Resolution No. 11-4264

Dear Council President Hughes,

Regarding the resolution before the Council, the Columbia River Crossing (CRC) Project has not met the required criteria in several areas of at least one significant and critical section of the proposed resolution; and that is paragraph E. Financing Plan. The relevant criteria are as follows:

*A detailed financing plan showing costs and sources of revenue must be proposed and presented to the partner agencies and to the public. The proposed financing plan should indicate how the federal, state and local (if any) sources of revenue proposed to be dedicated to this project would impact, or could be compared to, the funds required for other potential expenditures in the region.*

In fact, the purported resolution of this issue, as described in Exhibit A, admits to a “conceptual” plan, not a “detailed” plan. And unfortunately the concepts devised by the CRC project are seriously and dangerously flawed. Enclosed with this testimony is a summary of the components of the project’s projected funding, with a description of the significant problems with every category.

Furthermore, there was absolutely no public process in the design and review of the proposed Finance Plan. I ultimately had to resort to a formal Public Records Request, and I discovered the draft document among some 500+ unorganized and unrelated files provided by CRC. I have requested an updated version of the Finance Plan, and I have requested to be involved in the process. I have been told that there is no plan updated beyond the documents I received, that there are no current plans for public involvement in the financial planning process, and that the CRC will not publicly post the current draft Financial Plan in the library of their website.

The resolution before you requires that the Project describe how it will impact other transportation and infrastructure needs. The CRC has promoted this project as relying on dedicated funds that will not have an adverse effect on other critical deferred transportation and infrastructure needs here in Oregon. However in the CRC’s Draft Financial Plan, they clearly identify the uncertainty of key components of funding, and go so far as to say that such shortfalls will be covered by “administrative grants” and “other discretionary highway funds”.

Thus the CRC's own documents contradict the assertions in the proposed resolution language and exhibit that other projects and needs will not suffer.

The facts are that this project simply cannot be funded as proposed. The question is, how short on funding will it be, who will make up the difference, and what will the partially-completed project look like when it runs out of money. This is why the IRP recommended a phasing plan, which we have still not seen. There are numerous other uncertainties and risks associated with the proposed Finance Plan. These challenges are articulated in CRC's own documents, and by the Governors' Independent Review Panel (IRP). A summary of the most significant concerns is included with this testimony. I have also included a copy of the project's draft Finance Plan with key points highlighted, as well as annotated excerpts from the Governors' Independent Review Panel, highlighting issues that the CRC has not addressed.

I urge you not to take action on this proposed resolution until you have had a chance to review the facts as presented here, and by other citizens and organizations that have worked hard to become informed about this very significant undertaking. We are not opposed to solving Portland's traffic congestion problems. We are however very concerned that the current plan has very serious and unresolved problems, particularly in terms of the Finance Plan. We need to be sure that we get answers to these questions, and not saddle Oregon and its taxpayers with a huge financial mistake.

Because CRC has chosen to exclude the public from the Finance Plan process, you and our other elected officials are the only path that citizens have to ask these important question, and I urge you to do so on our behalf.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Chris Girard". The signature is fluid and cursive, with a large, sweeping "G" for "Girard".

William C. (Chris) Girard, Jr.  
President & CEO  
Plaid Pantries, Inc.

CC: Councilor Shirley Craddick  
Councilor Carlotta Collette  
Councilor Carl Hosticka  
Councilor Kathryn Harrington  
Councilor Rex Burkholder  
Councilor Barbara Roberts