



March 17, 2011

Governor John Kitzhaber
160 State Capitol
900 Court Street
Salem, Oregon 97301-4047

Dear Governor Kitzhaber,

I send this letter as a supporter of the CRC project. I am grateful that we have in you a smart and well-intentioned leader. That is evident in your thoughtful approach on bridge type options for the Columbia River Crossing project. I, too, often ride herd on controversial and complex transportation projects. So upfront, I want you to know that I will help move forward the bridge type option you ultimately chose. But in the end, I also want to have done everything possible to help you choose the most cost-effective *and* best looking bridge; a new Columbia River Bridge whose design is worthy of the region it will serve for next 200 years.

To that end: At times in the past, overreliance on CRC staff assumptions and analysis has proven faulty and caused delay. At several junctures, both I and the project have benefited from outside perspectives. Summarized in this letter and two attachments is information from independent experts made at my request—information you might not otherwise hear. Our experts do not have access to all the information you might have access to, so it should not be considered definitive. But I hope you will find it useful as you make your decision on the bridge type.

Any new bridge design will require additional NEPA analysis

Since none of the three proposed bridge types have gone through the NEPA evaluation process, any of the options will likely need additional NEPA evaluation. If the deck truss is chosen without this evaluation, it may be vulnerable to legal challenges and delay the start of the project.

We have spoken to CRC staff about the implications for review under the National Environmental Policy Act (NEPA) of choosing the cable-stayed bridge. They have agreed that any of the three new options will need additional NEPA analysis. CRC staff has also agreed with us that the analysis would not have to reassess everything, but could be targeted to those things that would change because of the new design. That means, at most, a focused supplement to the Draft EIS – not a whole new EIS. Our City Attorney advises us that with diligence, such work could be completed in a matter of months.

Given that the draft EIS was issued three full years ago, and there is still not a final EIS, failure to consider the Bridge Review Panel's proposed options leaves the project open to criticism at best and

at worst, legal liability arising from Council of Environmental Quality rules stating that a NEPA document must be supplemented if the agency becomes aware of “significant new circumstances or information relevant to environmental concerns . . . bearing on the proposed action or its impacts.”

The cable-stayed option may offer a bridge that offers more seismic stability and may result in fewer in-water fish impacts. These issues need to be analyzed more thoroughly.

Lack of NEPA analysis on the cable-stayed design could impact the project timeline

I believe that the risk of delay due to litigation – even unsuccessful litigation – should be weighed in the balance as we decide against further review of the cable-stay design due to timeline concerns. In reality, producing supplemental environmental documents in response to the Bridge Panel Report can forestall litigation that would lead to more delay than would the proposed supplemental analysis.

A new Biological Opinion for the cable-stayed bridge would likely lead to a finding of no jeopardy, and could be completed within months

CRC project staff has warned that proceeding with a cable-stayed bridge could require a multi-year process to obtain a new Biological Opinion (BO) from the National Marine Fisheries Service regarding effects on endangered species. I have attached a memo from Portland’s City Attorney suggesting that, to the contrary, NMFS will likely be able to complete a supplemental BO in six months or less. CRC staff has responded that they generally concur with our analysis, but that they are concerned that their own design and construction planning for a cable-stay bridge might last months before they could approach NMFS seeking a review of the new design.

FAA review will likely allow for construction of a cable-stayed bridge, and could be completed within months

We have been told by CRC staff that analysis of a cable stay design by the Federal Aviation Administration about the effects on Pearson Field flights would be time-consuming. In an effort to better understand the possible barrier presented by FAA review, we hired a nationally-known lawyer Peter Kirsch, who specializes in FAA processes, to analyze the issue. His memo, which is attached, concludes that FAA review is likely to be much more rapid than previously suggested, and that the existence of the Interstate Bridge, which intrudes into navigation space today, will likely significantly reduce FAA concerns. The cable-stayed bridge towers, while higher than those on the existing bridge, are farther west and south of the existing towers, meaning that they may not intrude as much into Pearson Field airspace limitations.

Like the CRC Bridge Review Panel experts, Kirsch suggests that the speed and outcome of FAA review depends in significant part on the support by the applicant – and by affected airspace users – for the intrusion. Unanimity on the part of the regional partners affected by the CRC would go a long way toward ensuring a positive FAA outcome.

Vancouver zoning restrictions do not present an insurmountable obstacle

The real question concerning navigable air space appears, instead, to arise from the City of Vancouver’s land use regulations. Vancouver’s zoning code extends air space height limits out into the Columbia River. However, as a practical matter, none of the Pearson Airfield flights utilize the “protected” airspace near the bridge due to the existing bridge towers and potential conflicts with Portland International Airport airspace. There is no reason to assume that the Vancouver code

cannot be rewritten to accommodate a cable-stay bridge, given the practical realities that the current bridge “violates” the code’s provisions and does not interfere with Pearson’s effective operations.

If there is consensus among project partners, a cable-stayed bridge could break ground in 2013

Over the past several weeks, I have reviewed and considered the legal analysis described above, and I have spoken with community representatives, Bridge Review Panel members, and engineering consultants.

The legal analysis for each of the issues above has led me to conclude that the critical work affecting the schedule for a cable-stayed bridge is in the hands of CRC – not the FAA, not NMFS, and not Vancouver zoning officials. Preliminary design work would need to be done, and done quickly. Issues would need to be resolved, and legitimate schedule challenges would need to be overcome.

However, I believe that those challenges *can* be overcome if the project partners are unified in their desire to move the cable-stayed design forward, and I stand ready to offer my support – and that of my team – in every possible way to achieve that result.

The deck truss option lacks strong community support, which presents a different type of schedule risk

Ultimately, the attached legal memoranda suggest that the cable-stayed bridge type may be significantly less risky than suggested by the CRC staff. At the same time, the lack of strong community support for the deck truss bridge presents a risk in its own right.

Last fall, in a September 28, 2010 statement outlining the CRC staff response to the Independent Review Panel recommendations delivered on July 30, 2010, WSDOT Secretary Paula Hammond and ODOT Director Matt Garrett listed issues that would require more detailed work, including selection of bridge type. They stated, “We intend to build on the recent progress that has been made using the Integrated Project Sponsors Council’s Staff (IPS) and the Project Sponsors Council (PSC), to *continue to work through and build consensus on each of these critical efforts,*” (emphasis added).

In a letter on the same date accompanying the ODOT/WSDOT statement, Governors Gregoire and Kulongoski reiterated the commitment: “We will revisit the analysis completed to date and engage national and international experts as we reevaluate all options with two bridge configurations. *The final determination of bridge type will be developed in concert with outside experts, project sponsor staff and PSC members, and members of the CRC Urban Design Advisory Group as final design progresses. Next steps include assembling an expert panel...*” (emphasis added).

Unfortunately, adequate consensus on the issue of bridge type selection has not been achieved. In fact, the CRC staff decision to recommend the deck truss bridge type runs counter to the written recommendation of five Oregon community groups near or impacted by the CRC design (HiNoon, the Jantzen Beach Moorage, the Bridgeton Neighborhood, the Hayden Island Livability Project, and the East Colombia Neighborhood) as well as the Bicycle Transportation Alliance, the American Institute of Architecture, and the Architectural Federation of Oregon. The deck truss choice also disregards the written recommendation of the CRC Urban Design Advisory Group (UDAG) and the CRC Portland Working Group.

Cost-effective, good architectural bridge design is an Oregon tradition

I believe that ODOT's own policies have led project teams to take design into consideration on other major freeway bridge projects, including the I-5 bridge currently under construction over the Willamette River in Springfield, Oregon (<http://willametteriverbridge.blogspot.com/>). In fact, the stated goals of that project include the following:

- “Select a bridge type and design that strikes a balance between design characteristics of highways and bridges within an affordable budget that responsibly uses transportation funding.”
- “Provide an aesthetically pleasing solution that recognizes the scenic beauty and community significance of the project area.”

I believe that in the context of the Columbia River Crossing project, as with the Eugene/Springfield I-5 Willamette River Bridge, the issue of architectural design is not in conflict with building an on-time, cost-effective project. In fact, I believe that a bridge type with deeper public consensus will actually *be* the quickest, most cost-effective bridge to build.

Thank you in advance for your consideration of these thoughts, and for your work and leadership on a project that is both difficult and important.

Sincerely,



Sam Adams
Mayor

CC: Stakeholders
Curtis Robinhold