

June 30, 2008

Columbia River Crossing
c/o Heather Gunderson
700 Washington Street, Suite 300
Vancouver, WA 98660



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Columbia River Crossing

Comments on Draft Columbia River Crossing EIS

P-1007-001

Dear Ms. Gunderson:

Here are my comments on the Draft Environmental Impact Statement prepared for the Columbia River Crossing.

As written, I believe the DEIS falls well short of meeting the statutory requirements of the National Environmental Policy Act (NEPA).

I testified in person at the May 28 hearing on the DEIS, and before the CRC Task Force on June 24, both meetings in Vancouver, Washington. I am providing this written testimony in addition to and not in lieu of the comments I offered at those meetings.

1. Information contained in the DEIS is incomplete.

P-1007-002

Though voluminous, the DEIS omits many key facts and documents that are essential to ascertaining the environmental impact of the proposed alternatives. Specifically, the document lacks details explaining the assumptions and structure of models used to predict future traffic levels and land use patterns.

P-1007-003

On February 22, 2008, I made the following public records request of the CRC:

"I would like to request copies of all documents and reports relating to forecasts of traffic volumes, traffic speeds, and levels of congestion related to the CRC.
I would also like to request copies of all documents and reports related to tolling and financing of the project."

Correspondence documenting this request, and acknowledging its acceptance are contained in "Cortright Request for Public Information, February 22, 2008," which is an electronic copy of email correspondence between Joe Cortright and Jay Lyman of the CRC staff, and in CRC acknowledgement of public records request.

I note that I requested these documents under Oregon and Washington public records laws in February 2008. They were not provided to me, nor were they included in the DEIS or its appendices.

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Extensive technical and public review and input has been included in all phases of the CRC project, from developing a purpose and need statement, screening a wide variety of alternatives, and developing a Draft and Final EIS. A supplemental draft is required if changes to alternatives after the draft are substantial and/ or if there are new significant impacts not previously discussed in the draft and/or there are changes in laws or regulations after the draft. The DEIS identified potential mitigation measures for all potentially significant as well as many non-significant impacts, and the FEIS further analyzes and develops mitigation measures and plans to a higher level of detail and refinement. CEQ NEPA regulations (40 CFR 1502.9(c)) do not require agencies to prepare a supplemental draft EIS just because an FEIS includes refined alternatives and additional information. Such changes are typical and expected in the planning process, and are consistent with CEQ and FHWA NEPA regulations. Between publication of the DEIS and FEIS, FTA and FHWA prepared three NEPA re-evaluations and a documented categorical exclusion (DCE) to complete changes in the project since the DEIS. The NEPA re-evaluations addressed the change in the project from: 1) the 17th Street transit alignment, 2) the composite deck truss bridge type, and 3) all other changes in design between the DEIS and the FEIS. The DCE addressed the impacts from the track work on the steel bridge.

Both agencies concluded from these evaluations that these changes and new information would not result in any significant environmental impacts that were not previously considered in the DEIS. For more information, see Appendix O of the FEIS.

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The level of detail in the DEIS was intended to inform the public and other stakeholders with relevant information in order to understand the impacts and trade-offs associated with various alternatives. While some

P-1007-003

The Columbia River Crossing project has therefore violated public records laws of Oregon and Washington by failing to respond in either a timely or complete way to my February 22 request for all documents relating to tolling and traffic projections.

P-1007-004

2. The DEIS fails to comply with Oregon's State Transportation Plan Policy 1G that requires low cost options be implemented before building and Washington's comparable policy.

NEPA requires that a DEIS demonstrate how alternatives comply with adopted state and local plans and policies. Federal regulations implementing NEPA make it clear that the EIS must address this issue:

"To better integrate environmental impact statements into State or local planning processes, statements shall discuss any inconsistency of a proposed action with any approved State or local plan and laws ... [w]here an inconsistency exists, the statement should describe the extent to which the agency would reconcile its proposed action with the plan or law." 40 C.F.R. § 1506.2(d).

As part of its 1999 State Transportation Plan, the Oregon Transportation Commission adopted Policy 1G, governing implementation of major projects.

POLICY 1G: MAJOR IMPROVEMENTS

It is the policy of the State of Oregon to maintain highway performance and improve safety by improving system efficiency and management before adding capacity. ODOT will work in partnership with regional and local governments to address highway performance and safety needs.

Action 1G.1

Use the following priorities for developing corridor plans, transportation system plans, the Statewide Transportation Improvement Program, and project plans to respond to highway needs. Implement higher priority measures first unless a lower priority measure is clearly more cost-effective or unless it clearly better supports safety, growth management, or other livability and economic viability considerations. Plans must document the findings which support using lower priority measures before higher priority measures.

1. Protect the existing system. The highest priority is to preserve the functionality of the existing highway system by means such as access management, local comprehensive plans, transportation demand management, improved traffic operations, and alternative modes of transportation.

2. Improve efficiency and capacity of existing highway facilities. The second priority is to make minor improvements to existing highway facilities such as widening highway shoulders or adding auxiliary lanes, providing better access for alternative modes (e.g., bike lanes, sidewalks, bus shelters), extending or connecting local streets, and making other

readers felt that the DEIS did not have enough detail, others felt that it was too long and detailed. For those who wanted more detail, the DEIS referred them to the technical reports that informed the analysis presented in the DEIS. These were made available on CD and on the project web site, as well as in hard copy. For those who felt that the DEIS was too detailed, an executive summary was distributed along with the DEIS and made available separately in hard copy and on the project web site. Public open houses and numerous public meetings were also held to provide opportunities for public participation.

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The CRC project made good faith efforts to provide additional information upon request. This included fully complying with the Freedom of Information Act by providing numerous additional documents to you, Mr. Cortright in response to your formal and informal public records requests.

P-1007-004

CRC would reinvest in an existing and critical transportation corridor by improving the safety and efficiency of I-5 and by adding substantial improvements to mobility of transit riders, bicyclists, and pedestrians. Many different options for addressing the project's Purpose and Need were screened out prior to the development and evaluation of the alternatives in the DEIS. These options included low-cost approaches such as aggressive TDM/TSM programs or highway-only investments. Section 2.5 of the DEIS explained why these low-cost options were dropped from further consideration because they did not meet the project's Purpose and Need.

P-1007-004

offsystem improvements.

3. Add capacity to the existing system. The third priority is to make major roadway improvements to existing highway facilities such as adding general purpose lanes and making alignment corrections to accommodate legal size vehicles.

4. Add new facilities to the system. The lowest priority is to add new transportation facilities such as a new highway or bypass.

Action 1G.2

Support any major improvements to state highway facilities in local comprehensive plans and transportation system plans only if the improvements meet all of the following conditions:

- The improvement is needed to satisfy a state transportation objective or objectives;
- The scope of the project is reasonably identified, considering the long range projection of need;
- The improvement was identified through a planning process that included:
 - Thorough public involvement;
 - Evaluation of reasonable transportation and land use alternatives including measures for managing the existing transportation system and for reducing demands for highway capacity; and
 - Sufficient environmental analysis at the fatal flaw planning level.
- The plan includes measures to manage the transportation system, but these measures will not satisfy identified highway needs during the planning period or there is a need to preserve a future transportation corridor for future needs beyond the planning period;
- The improvement would be a cost-effective means to achieve the objective(s);
- The proposed timing of the improvement is consistent with priorities established in corridor plans and regional transportation plans and the financing program identifies construction as being dependent on the future availability of funds;
- Funding for the project can reasonably be expected at the time the project is ready for development and construction;
- The local government schedules funding for local street improvements in its local transportation financing program if these are needed to attain the objectives of the major improvement; and
- The plan includes policies and implementing measures that protect the corridor and its intended function.

Recommended corrective action. Revise the EIS to include an alternative that consists entirely of transportation demand management (TDM) strategies, including but not limited to HOV lanes, and other strategies.

P-1007-005

3. The DEIS violates Oregon's statutory goal of reducing greenhouse gas emissions

NEPA requires that the EIS demonstrate consistency with adopted State and local statutes and plans (40 C.F.R. § 1506.2(d))

Oregon Revised Statutes 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 DEIS does not demonstrate how any of the alternatives affect achievement of these goals. By enabling additional automobile travel and more decentralized, lower density development, each of the build alternatives will generate additional greenhouse gases and impede the state's ability to achieve these statutory goals.

468A.205 Policy; greenhouse gas emissions reduction goals. (1) The Legislative Assembly declares that it is the policy of this state to reduce greenhouse gas emissions in Oregon pursuant to the following greenhouse gas emissions reduction goals:

(a) By 2010, arrest the growth of Oregon's greenhouse gas emissions and begin to reduce greenhouse gas emissions.

(b) By 2020, achieve greenhouse gas levels that are 10 percent below 1990 levels.

(c) By 2050, achieve greenhouse gas levels that are at least 75 percent below 1990 levels.

Recommended corrective action: Evaluate each alternative for compliance with ORS 468A.205. Modify or discard alternatives that fail to comply with this statute. Develop other alternatives that fully comply with this law.

P-1007-006

4. The DEIS violates Washington's statutory goal of reducing greenhouse gas emissions

NEPA requires that the EIS demonstrate consistency with adopted State and local statutes and plans (40 C.F.R. § 1506.2(d))

Washington has adopted statutory goals for the reduction of greenhouse gases. 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;

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The referenced legislation refers to statewide goals. They do not require that every, or any, individual action by itself accomplish the collective goal for the entire State.

The DEIS does include an evaluation how each of the build alternatives would affect GHG emissions, and discusses the relevance of this project and these effects in relation to local, state, federal, and international goals for reducing GHG emissions. This evaluation found that the CRC project's build alternatives would reduce future GHG emissions of vehicles crossing the I-5 bridges compared to No Build. Please refer to Section 3.19.10 of the FEIS for an updated evaluation of the LPA.

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See response to P-1007-005.

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(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"

Recommended Corrective Action: Evaluate each alternative for compliance with RCW 80.80.020. Modify or discard alternatives that fail to comply with this statute. Develop other alternatives that fully comply with this law.

P-1007-007

5. Violates Washington's statutory goal of reducing VMT

NEPA requires that the EIS demonstrate consistency with adopted State and local statutes and plans (40 C.F.R. § 1506.2(d))

The State of Washington has adopted a new statute, E2SHB 2815 of the 2008 Session, providing for a reduction of 50 percent in per capita vehicle miles traveled by 2050.

NEW SECTION. Sec. 8. A new section is added to chapter 47.01 RCW to read as follows:

To support the implementation of RCW 47.04.280 and 47.01.078(4), the department shall adopt broad statewide goals to reduce annual per capita vehicle miles traveled by 2050 consistent with the stated goals of executive order 07-02. Consistent with these goals, the department shall:

(1) Establish the following benchmarks using a statewide baseline of seventy-five billion vehicle miles traveled less the vehicle miles traveled attributable to vehicles licensed under RCW 46.16.070 and weighing ten thousand pounds or more, which are exempt from this section:

(a) Decrease the annual per capita vehicle miles traveled by eighteen percent by 2020;

(b) Decrease the annual per capita vehicle miles traveled by thirty percent by 2035; and

(c) Decrease the annual per capita vehicle miles traveled by fifty percent by 2050;

E2SHB 2815, Section 8.

According to the DEIS, the construction of the replacement bridge and other alternatives will facilitate an increase in vehicle miles traveled in the region of more than 40% from current levels. This is before accounting for induced demand from the additional capacity provided by the replacement bridge. This also provides further evidence that the baseline forecasts used to predict future traffic levels are not consistent with adopted state policy, and are unlikely to be realized.

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The cited NEPA section does not actually require an EIS to demonstrate consistency with State and local statutes. Rather, this regulation requires an EIS to discuss any inconsistencies between the proposed action and any State or local plans and laws. The CRC project is not inconsistent with this new Washington statute. While the DEIS did not discuss VMT specifically, it did evaluate in detail the effects from the build alternatives on closely related metrics, such as the number of vehicles using the I-5 and I-205 crossing. The DEIS evaluation found that the project, with a toll and LRT, would reduce the total daily volume of traffic using these two river crossings by approximately 3%. The FEIS analysis of the project has been updated to include an evaluation of how the CRC project would reduce VMT (see Section 3.1).

It is also important to note that this new Washington statute does not subject any individual transportation projects to any requirement related to reducing statewide VMT.

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Recommended Corrective Action: Evaluate each alternative for compliance with E2SHB 2815. Modify or discard alternatives that fail to comply with this statute. Develop other alternatives that fully comply with this law.

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6. The DEIS fails to properly account for induced demand.

In all of its analyses, the DEIS uses a single set of assumptions about future land use, including the distribution of jobs and population within the metropolitan area general, and within the Bridge Impact Area in particular. This analysis assumes that building (or not building) this \$4 billion project will have no impact whatsoever on the pattern and intensity of development over the next two decades.

This approach has two effects, both of which subvert the analysis of environment impacts and which violate NEPA. In the “No-Build” scenario, levels of development and traffic are improperly inflated, producing much higher level estimates of congestion than will actually occur. In each of the “Build” alternatives, levels of development and traffic are systematically understated.

Projections of future travel are based on assumptions about future patterns of land use, including the location and density of housing, and the location of jobs and commercial land uses.

The models that the CRC planners are using seem to be based on the “Lemming Theory” of travel behavior. Predictions that rush hour will last most of the day, and that travel speeds will fall precipitously assume that in spite of this congestion, more and more people will move to Clark County and take jobs in Oregon. Like the famous lemmings in the Walt Disney film—who leap mindlessly off the cliff even though they see other lemmings falling to their death—people keep using the I-5 bridge no matter how slow or congested it becomes. (In real life, even lemmings are smarter than this, in the Disney film, the terrified lemmings were actually chased off the cliff by the film’s producers). A review of this kind of models by the Government Accountability Office concluded:

Another source of error when calculating transportation projects’ potential benefits and costs occurs because current travel demand models tend to predict unreasonably bad conditions in the absence of a proposed highway or transit investment. Travel forecasting, as previously discussed, does not contend well with land-use changes or effects on nearby roads or other transportation alternatives that result from transportation improvements or growing congestion. Before conditions get as bad as they are forecasted, people make other changes, such as residence or employment changes to avoid the excessive travel costs. Government Accountability Office (2005). Highway and Transit Investments: Options for Improving Information on Projects’ Benefits and Costs and Increasing Accountability for Results. Washington, DC GAO-05-172.

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Thank you for your review of the numerous CRC reports and impact analyses. The project team has arrived at conclusions, different than your own, and has submitted such for agency, public, and peer review. The following responses speak to your general and specific comments.

Travel demand modeling is an advanced science with engineers, software developers, and planners constantly developing new formula, calibrating projections, and refining analyses. The Portland/Vancouver area, and the CRC project, use the most advanced multi-modal transportation models available in the industry. These models all hold constant the land use assumptions; this practice is consistent with federal, state, and academic guidance on how best to forecast travel demand. Adopted plans, zoning, and other mechanisms guide development.

The travel demand modeling in our region allows the virtual commuters to choose different routes, take transit, or otherwise avoid the congested facility. Though auto commuters have had the option of driving to I-205, taking transit, altering their commute times, etc., they continue to choose the I-5 corridor even in times of known grid-lock. Commuters are choosing this option because, despite the congestion, the choice is still the best for their individual circumstances. If we were to disallow this behavior in the model (as you suggest) the model would be less consistent with reality. The use of constant land use assumptions in transportation demand modeling is the industry’s best practice. You are correct in asserting that a travel demand model is not the appropriate tool for addressing changes in land use that might result from the transportation capacity improvement. However, such land use changes are not expected. In fact, this region has been planned for many years with integrated land use and transportation modeling, continually assuring decision makers that the two are in balance. Obviously, the system is not perfect. Transportation planning challenges

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The DEIS errs by arguing that it can simply ignore any induced demand effects: It claims:

A comprehensive literature review and comparative analysis of case studies indicate that adding highway capacity within a well-planned urban area with a full range of infrastructure and urban services is unlikely to have substantial indirect effects on land use patterns. Previous modeling of I-5 highway and high capacity transit improvements similar to those included in the CRC build alternatives suggests that induced effects on jobs and housing distribution would not be substantial and would generally be consistent with local and regional land use plans.
(EIS, page 3-135)

This statement is incorrect. The literature on induced demand shows that transportation facilities have major impacts on the local and density of development within metropolitan areas. This project is actually much larger than most projects, and more likely to have induced demand effects. The claim that resulting development is, or is not consistent with local plans says almost nothing about whether there is induced demand. It's also worth noting that the claim that effects would not be "substantial" is never identified.

More comprehensive and independent reviews of the literature on induced demand have reached essentially the opposite conclusion from that asserted in the DEIS. These reviews include: Avin, U., R. Cervero, et al. (2007), Litman, (2007) and Williams-Derry, C. (2007). In addition, the conclusion stated in the DEIS about the literature is contradicted by an earlier literature review undertaken as part of the preliminary work on this project:

"Travel responses to highway capacity improvements can affect the land use impacts discussed in the previous question. Expected travel responses include: (A) shifts in route, mode, and time of travel; (B) shifts in destinations; (C) new trips generated by new development; and (D) new trips induced by improved accessibility. Decreases in capacity can suppress demand. New trips "induced" by changes in land uses or improved accessibility are most difficult to forecast. The literature overwhelmingly suggests that induced travel is likely to increase facility demand over forecast levels, with up to half of long-term effects due to land use changes. The higher demand can often reduce or eliminate the facility's planned congestion relief, curtailing expected delay and air quality benefits. Even with little congestion relief, however, traffic widening projects provide benefits in reducing the duration of the peak period, carrying more vehicles per hour, and supporting access to a larger choice of home, work, and retail/service locations. Despite inconsistencies among studies, induced demand is generally projected to increase 0-10% for each 10% increase in road/lane miles, and 5% for every 10%

often result from unexpected funding shortfalls that stall the construction of planned improvement projects and differences in planned versus actual development rates that require projects to be re-prioritized. The case of the CRC project is different. The project has been generally and specifically integrated into comprehensive and subarea plans for years. The levels of development on Hayden Island, in downtown Vancouver, and north Clark County are based on plans which have taken the CRC project into account.

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travel time reduction. Local conditions, such as existing levels of congestion, traveler's value-of-time, and potential travel cost savings, affect the level of induced demand."

Parsons Brinckerhoff, Land Use-Transportation Literature Review for the I-5 Trade Corridor Regional Land Use Committee, September 17, 2001. Pages 4-5

The DEIS refers to this literature review; (Land Use Technical Report, Appendix A, Page A-2) and offers its own summary of its conclusions, but does not include the actual literature review as an appendix to the DEIS. We include it here so that it will be made part of the record. Further, in our opinion, the interpretation offered in the DEIS grossly distorts the actual conclusions of the Parsons Brinckerhoff literature review (Parsons Review). The DEIS summary is partial, incomplete and misleading, emphasizing exceptions rather than the main conclusions, and offering no quotations of the actual wording of the Parsons Review. The Parsons Review is quite clear that within metropolitan areas, the effects of increased capacity are to disperse population, create more and longer trips, and generate induced demand for travel. See for example:

1.5. Households reinvest travel time savings in longer trips and more travel.

...
Despite differences in travel conditions and opportunities across US cities over the past 20-year, people spend the same amount of time per day, on average, in travel. The stability in commuting travel times suggests that transport accessibility improvements will allow households to locate further away from jobs, and that that any travel time savings may be used for more travel.

Parsons Brinckerhoff, Land Use-Transportation Literature Review for the I-5 Trade Corridor Regional Land Use Committee, September 17, 2001. Page 12,

Parson's conclusion is that although difficult to quantify **the literature overwhelmingly accepts the notion that induced demand exists.**

While the literature overwhelmingly accepts the notion that induced demand exists, the quantification of its effects is less understood. Published literature suggests that for every 10% increase in lane-miles, long-term induced travel impacts range from 0-10 percent of initial traffic forecasts. This range of findings is consistent with studies indicating that heavy road building has not abetted US metropolitan congestion; however, each of the studies uses different models, assumptions and/or definitions.

Parsons Brinckerhoff, Land Use-Transportation Literature Review for the I-5 Trade Corridor Regional Land Use Committee, September 17, 2001. Page 16.

Whether development is consistent with local land use plans or not bears no necessary relationship to whether there is induced demand. Many different levels of development (from vacant to fully allowed density with variances) are possible under any local land use plan. Asserting that the level of development is "consistent" with land use plans is a

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straightforward evasion of the requirement to consider the impacts of induced demand. This is simply irrelevant to determining whether there may be impacts. Local land use plans only specify the maximum amount of development that may occur in the area influenced by the project. There is a wide range of possible levels and intensities of development that are possible under these land use plans, from no development to the full maximum allowed by law.

The DEIS fails to provide any details on the levels or amounts of development that would occur in specific areas, and whether such development would be as much as the maximum allowed under adopted land use plans, so it is impossible to determine whether land use plans represent any meaningful constraint on future development under any alternative. Alternative patterns of development, including more jobs, fewer housing units, or a better balance between jobs and housing in different parts of the region have the potential to dramatically reduce traffic volumes in the I-5 corridor. Congestion in the corridor is primarily caused by the dramatic imbalance in commuting from Washington to jobs in Oregon. Washington commuters working in the Oregon portion of the metropolitan area outnumber Oregon commuters to Washington jobs 46,226 to 8,463, a ratio of more than five-to-one, according to the Census Bureau (See Cortright Powerpoint Slide 15).

It is also clear that the DEIS is inconsistent with administrative guidance on the question of induced demand. The Federal Highway Administration guidelines for preparing environmental impact statements clearly instruct the analysis of induced impacts: It specifically anticipates a different analysis for each alternative "substantial, foreseeable, induced development should be presented for each alternative"

- V. Environmental Impact Statement (EIS) -- FORMAT AND CONTENT
 - G. Environmental Consequences
 - Land Use Impacts

This discussion should identify the current development trends and the State and/or local government plans and policies on land use and growth in the area which will be impacted by the proposed project.

These plans and policies are normally reflected in the area's comprehensive development plan, and include land use, transportation, public facilities, housing, community services, and other areas.

The land use discussion should assess the consistency of the alternatives with the comprehensive development plans adopted for the area and (if applicable) other plans used in the development of the transportation plan required by Section 134. The secondary social, economic, and environmental impacts of any substantial, foreseeable, induced development should be presented for each alternative.

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including adverse effects on existing communities. Where possible, the distinction between planned and unplanned growth should be identified.

Federal Highway Administration, U.S. Department of Transportation,
TECHNICAL ADVISORY: GUIDANCE FOR PREPARING AND
PROCESSING ENVIRONMENTAL AND SECTION 4(F) DOCUMENTS, T
6640.8A
October 30, 1987
(<http://www.fhwa.dot.gov/legregs/directives/techadv/T664008a.htm>)

The FHWA has developed substantial technical resources to illustrate how induced demand can be estimated for projects such as the CRC. For example, DeCourla-Souza and Cohen document long term demand elasticities of traffic with regard to travel time averaging -0.57 and ranging from -0.2 to -1.0. This means that in the long run, all other things being equal, a 10% reduction in travel time in a corridor would be associated with a 5.7% higher level of traffic. (Patrick DeCorla-Souza and Harry Cohen, Accounting For Induced Travel In Evaluation Of Urban Highway Expansion, 1998.)

If we were to apply these estimates to the travel time differences estimated by the CRC, this would suggest a dramatically higher level of traffic in the build scenarios than in the no-build scenarios. The DEIS would produce, according to its estimates an 18 minute travel time savings (a reduction of 40% from no-build levels). It would be hard to find another transportation project in the region—or any region—with a larger impact on highway travel times.

Vehicles traveling northbound along I-5 from I-84 to 179th Street during the afternoon evening peak would experience a travel time decrease of 18 minutes over the 44 minute travel time for the 2030 No-Build Alternative (40 percent). (DEIS, page 3-28)

A recent review of transportation models used in estimating future demand and project benefits, including the type used in this process, concludes:

“Failure to account for indirect demand effects likely exaggerates the travel-time savings benefits of capacity expansion and ignores the potentially substantial land use shifts that might occur because of the marginal increase in accessibility provided.”
Avin, U., R. Cervero, et al. (2007). Forecasting Indirect Land Use Effects of Transportation Projects. Washington, DC. American Association of State Highway and Transportation Officials (AASHTO) Standing Committee on the Environment. (Page 5).

This is a problem because the DEIS does not include any analysis of the possible effects of the bridge in inducing additional development in Clark County. From news reports, it

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is apparent that this was a conscious strategy on the part of project proponents to understate the effects of the project on future land use patterns. See, for example, Rivera, Dylan, "Columbia River bridge plans ignore effects of growth, Designers decide not to factor in the extra sprawl, leading to traffic and pollution, that a bigger I-5 span might bring," *The Oregonian*, June 22, 2008, page 1.

This story is worth quoting at length:

"In planning a new, higher-capacity I-5 bridge over the Columbia River, the Oregon and Washington transportation departments ignored the potential for growth in North Portland and southwest Washington that could bring about yet more traffic and pollution.

The Columbia River Crossing, as the bridge project is known, is designed to relieve congestion on the six-lane bridge that now frustrates Oregonians, commuters from Vancouver, and round-the-clock truckers struggling to keep their schedules.

But a paradox lies ahead: If a bigger bridge with more lanes is built, will it create demand for housing and jobs, and yet more congestion? And will the boosted congestion spew more greenhouse gas?

Transportation authorities say it could.

The *Oregonian* has learned that **traffic forecasters involved in planning a new bridge, projected to cost \$4.2 billion, were told to assume a new 12-lane bridge would not trigger any more growth than if the current bridge were simply left in place.** Yet a 12-lane bridge would handle 40 percent more cars during afternoon rush hour, according to the forecasters' calculations.

Ignored is a finding by regional planners, in 2001, that eliminating the bridge's bottleneck threatened to push job and housing growth away from other parts of the metropolitan area and concentrate them in North Portland and across the river, in a rapidly expanding Clark County."

Rivera, 2008, (emphasis added)

Recommended corrective action: The DEIS should be re-written to include estimates of the impact of increased transportation capacity on the level, distribution and intensity of residential and commercial development in the Bridge Impact Area and in the metro area. Models should clearly state assumptions, and should illustrate variations between build and no-build scenarios at the TAZ level. The EIS should explicitly include alternatives that vary the composition and location of employment and households within the region in ways which would redress the imbalance between jobs and population between Clark

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County and the rest of the region in a manner consistent with reducing commuting flows in the I-5 corridor.

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7. The DEIS violates NEPA by failing to give separate consideration to transit alternatives and failing to give separate analysis of tolling as means of reducing congestion in the corridor.

From its very inception, the Columbia River Crossing has billed itself as a "Columbia River Crossing is a bridge, transit **and** highway improvement project."¹ (emphasis added). All of the build alternatives include a major increase in highway capacity. The failure to include alternatives that do not involve constructing a large additional increment of highway capacity is on its face a violation of NEPA's requirement that the DEIS consider a wide range of reasonable options.

These agencies have a long and well-established history of having considered a diverse range of such opportunities in the past. The Environmental Impact Statement prepared on behalf of the Oregon Department of Transportation and the Federal Highway Administration for the proposed Mount Hood Freeway 35 years ago considered a wide range of alternatives including: two widths of freeways (four lane and eight lane), several types of transit (surface street, and grade separated), and a variety of demand reduction measures, including road user charges, increasing the gas tax, and changes in parking policies and land use regulations (Skidmore, Owings & Merrill, et al, 1973, see files page-9 and page-33).

Recommended corrective action: The DEIS should be re-written with additional alternatives that include transportation demand management-only, tolling only, and transit only improvements, with no increase in highway capacity.

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8. The DEIS violates NEPA because it does not develop and evaluate a Transportation Demand Management (TDM) alternative as required by FHWA guidelines.

In its regulatory guidance on the preparation of Environmental Impact Statements for transportation projects, the Federal Highway Administration requires an analysis of transportation demand management strategies, including, but not limited to the operation of High Occupancy Vehicle lanes. The DEIS does not include TDM as a separate alternative. The FHWA Guidance on EIS preparation provides:

¹Alternatives

¹ Banner headline on Columbia River Crossing website: www.columbiarivercrossing.org, viewed June 20, 2008. (Emphasis added). This slogan also appears on the project's printed materials.

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The evaluation of the five alternatives in the DEIS was preceded by an extensive evaluation and screening of a wide array of possible solutions to the CRC project's Purpose and Need statement. Chapter 2 of the DEIS (Section 2.5) explains how the project's Sponsoring Agencies generated ideas and solicited the public, stakeholders, other agencies, and tribes for ideas on how to meet the Purpose and Need. This effort produced a long list of potential solutions, many of which were non-auto oriented options such as various transit modes and techniques for operating the existing highway system more efficiently without any capital investment. These options were evaluated for whether and how they met the project's Purpose and Need, and the findings were reviewed by project sponsors, the public, agencies, and other stakeholders. Alternatives that included only TDM/TSM strategies, or provided only transit improvements, would provide benefits, but could only address a very limited portion of the project's purpose and need. This extensive analysis found that in order for an alternative to meet the six "needs" included in the Purpose and Need (described in Chapter 1 of the DEIS), it had to provide at least some measure of capital improvements to I-5 in the project area. Alternatives that did not include such improvements did not adequately address the seismic vulnerability of the existing I-5 bridges, traffic congestion on I-5, or the existing safety problems caused by sub-standard design of the highway in this corridor. The DEIS evaluated alternatives with more demand management (higher toll) and increased transit service with less investment in highway infrastructure improvements (Alternatives 4 and 5) compared to the toll and transit service levels included in Alternatives 2 and 3. The additional service and higher toll provided only marginal reductions in I-5 vehicle volumes, and they came primarily at the cost of greater traffic diversion to I-205. This analysis found that a more balanced investment in highway and transit, as represented by Alternatives 2 and 3, performed considerably better on a broad set of criteria.

P-1007-010

Please refer to response to comment P-1007-009.

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This section of the draft EIS must discuss a range of alternatives, including all "reasonable alternatives" under consideration and those "other alternatives" which were eliminated from detailed study (23 CFR 771.123(c)). The section should begin with a concise discussion of how and why the "reasonable alternatives" were selected for detailed study and explain why "other alternatives" were eliminated. The following range of alternatives should be considered when determining reasonable alternatives:

1. "No-action" alternative: The "no-action" alternative normally includes short-term minor restoration types of activities (safety and maintenance improvements, etc.) that maintain continuing operation of the existing roadway.
2. Transportation System Management (TSM) alternative: The TSM alternative includes those activities which maximize the efficiency of the present system. Possible subject areas to include in this alternative are options such as fringe parking, ridesharing, high-occupancy vehicle (HOV) lanes on existing roadways, and traffic signal timing optimization. This limited construction alternative is usually relevant only for major projects proposed in urbanized areas over 200,000 population.

For all major projects in these urbanized areas, HOV lanes should be considered. Consideration of this alternative may be accomplished by reference to the regional transportation plan, when that plan considers this option. Where a regional transportation plan does not reflect consideration of this option, it may be necessary to evaluate the feasibility of HOV lanes during early project development. Where a TSM alternative is identified as a reasonable alternative for a "connecting link" project, it should be evaluated to determine the effect that not building a highway link in the transportation plan will have on the remainder of the system. A similar analysis should be made where a TSM element(s) (e.g., HOV lanes) is part of a build alternative and reduces the scale of the highway link."

(U.S. Department of Transportation, Federal Highway Administration
Technical Advisory: Guidance For Preparing and Processing Environmental and Section 4(F) Documents, T 6640.8A (October 30, 1987)

(<http://www.fhwa.dot.gov/legsregs/directives/techadv/T664008a.htm>)

V. Environmental Impact Statement (EIS) -- FORMAT AND CONTENT, G. Environmental Consequences, Alternatives

Excluding the TDM/HOV alternative from consideration is a serious omission because such measures can reduce traffic, and traffic congestion and the environmental effects associated with congestion. These alternatives can also result in lower levels of induced demand, and as noted by the Department of Transportation, enable a reduction of the scale and expense of a proposed project.

Adding a separate TDM alternative, which retained the existing bridges would hardly be a burdensome task for the project sponsors. They have already evaluated the

P-1007-011

The construction of the CRC project is not intended to be a substitute for creating jobs in Clark County. The project's improvements for freight, reliability and transit access are expected to stimulate economic activity and job growth. The economic analysis indicates that job growth in Vancouver and at the Port of Vancouver will benefit from the project. The construction of the project itself will also provide jobs to workers in Clark County. Vancouver, Clark County, the Columbia River Economic Development Council, and other organizations work together to increase the jobs to population ratio in Clark County.

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effectiveness Traffic Demand Management as part of each build alternative (DEIS, page S-28).

Recommended corrective action: The DEIS should include a comprehensive TDM-only alternative.

P-1007-011

9. The DEIS failed to consider changes to land use plans as a means to reduce demand for travel over the I-5 corridor.

Clark County has a dysfunctional, one-way relationship with the Oregon portion of the metropolitan area. Relative to the rest of the region, it has a huge surplus of households and a huge deficit of employment. As a result, there are huge and imbalanced flows of workers commuting from housing in Clark County to jobs in the Oregon portion of the metropolitan area.

The need for this project is a direct result of the failure of Clark County to plan for and encourage the development of a sufficient number of jobs to provide local employment opportunities for its resident population. The DEIS failed to consider whether changes in land use policies and economic development policies in Clark County to encourage additional job development locally would reduce the expected future demand for travel across the Columbia River.

Indeed, relatively minor changes in either the job growth rate (increases) or in the population growth rate (decreases) would be sufficient to eliminate future projected increases in travel across the Columbia River. Because the CRC has not made public the Traffic Analysis Zone (TAZ) level forecasts of employment and population, nor explained the basis for these forecast, nor considered alternatives, it is impossible for those making public comments to review these materials. (As of the comment deadline the CRC had not responded to Fred Train's request that these materials be provided.)

Summary materials produced by the CRC make it clear that the traffic projections are dependent on continuing, if not accelerating sprawl in Clark County. According to the CRC, 93% of the **increase** in travel in the project corridor between now and 2030 will be the result of development in "suburban fringe Clark County." (Columbia River Crossing, 2030 Update to Transit Markets Technical Memorandum, Table 3-3).

Clark County has developed at extremely low densities relative to the rest of the region, and this project would only contribute to a much higher level of sprawl than would be experienced in the absence of the project. For a graphic comparison of exurban sprawl in Clark County compared to the Oregon portion of the region, see the Sightline Institute's map of population growth in the region.

This seems unlikely to occur—especially in the absence of the project—because of the dramatic decline in demand for housing in more exurban areas throughout the United

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States. See, for example, Cortright, 2008, which documents a consistent pattern of decline in values of outlying suburban markets—including Clark County, Washington—while home values in close-in neighborhoods have remained stable or actually increased.

Again, such considerations are hardly unusual in an Environmental Impact Statement. The EIS for the Mount Hood Freeway, completed 35 years ago evaluated the effect of providing more jobs locally (in East Multnomah County) as a way of reducing the demand for travel in the proposed freeway corridor (Skidmore, Owings & Merrill, et al, 1973, see page-33).

Recommended corrective action: The DEIS should be re-written to include an alternative that would change land use patterns in the Bridge Impact Area and in the region in ways that would reduce traffic flows in the I-5 corridor.

P-1007-012

10. The Draft Environmental Impact Statement violates NEPA by failing to advance analysis of the A+ and AORTA alternatives and by failing to forward separate alternatives with transit only, and highway capacity only, respectively.

NEPA requires the evaluation of reasonable alternatives to the proposed action. At the behest of Metro, the CRC considered an A plus option to keep the existing bridges, and reduce congestion through a combination of high occupancy vehicle lanes, transportation demand management, improved transit and other supporting actions. A similar combination of transit investments and minor modifications to the highway system was advanced by AORTA. The CRC chose not to advance either of these reasonable options option for full consideration in the DEIS. This is a clear violation of the letter and spirit of NEPA.

By including both transit and a major expansion of highway capacity in all of the build alternatives, the DEIS deprives the public and decision makers of any information about the separate value and merits of these alternatives. Clearly, it would be a simple matter to undertake either transit (light rail or busway) or highway capacity improvements separately. The DEIS shows conclusively that highway capacity has a negative effect on traffic levels (i.e. it stimulates additional travel), while transit and tolling have the effect of reducing traffic (and associated environmental impacts).

Recommended corrective action: The DEIS should be re-written to include one or more alternatives similar to the A-Plus or AORTA alternatives.

P-1007-013

11. Failed to account for the effect of higher gas prices on travel demand

The travel projections in the DEIS are based on transportation models calibrated with travel survey data from the 1990s. Travel behavior during this period reflects consumer responses to gasoline costing between \$1.00 and \$1.50 per gallon—about one-third of the prices shown today. (For data on gas prices, see Cortright, Driven to the Brink, 2008).

P-1007-012

Please refer to reponse to comment P-1007-009.

P-1007-013

Fuel is just one of several factors in the total cost of owning and operating an automobile. Other costs include maintenance, tires, insurance, licensing and a variety of other factors. In 1975, fuel costs were about 33 percent of the total cost to own and operate a car. It decreased to about 17 percent by 2006, rose again in 2008, but then dropped again in 2009. Even at its historical high, it still accounted for a minority of auto ownership and operating costs (Source: Bureau of Transportation Statistics as referenced in “Gasoline is cheap” slate.com. May 15, 2008). Even in the face of widely fluctuating gas prices, the total operating cost per mile (adjusted for inflation) of US vehicles has remained relatively steady. This is why travel demand models use vehicle-operating costs per mile as an input rather than using fuel costs alone. Even if fuel prices continue to rise, the long term trend of rising travel demand is unlikely to be reversed.

It is important to consider traffic projection timeframes relative to transportation infrastructure timeframes. With modern construction materials and technologies, the new river crossing would be built to last 125 years or more – through at least the year 2140. It is impossible to predict changes in gas prices and vehicle technologies, but it seems reasonable to assume that there will be ample time through the life of this project for consumers to adapt to future changes in petroleum availability/price by choosing more fuel efficient vehicles that are less susceptible to fluctuations in the price of gasoline.

P-1007-013

The model makes no adjustment to expected future consumer behavior in reaction to increases in gas prices.

Because gas prices are now between two and three times higher, consumer behavior has changed substantially. This means that the levels of traffic projected by the model for 2030 are very unlikely to be realized. Indeed, the real price of gasoline—adjusted for inflation—which fell from 1980 to about 2004—has now more than doubled and stands at \$4/gallon. This higher level of gas prices has led to a nationwide reduction in driving (Cortright, *Driven to the Brink*, 2008).

In a moment of candor, one of the project's leading proponents and spokespersons, Metro Councilor Rex Burkholder conceded that the models used in the preparation of the DEIS make no allowance for the increase in gas prices. A questioner asks,

"Even in the time since the CRC started meeting, the price of gas has skyrocketed since then. Does the latest plan take into account the possibility that people really will change their habits, that they will move closer to their jobs, that they'll just not want to drive?"

Burkholder's response:

"And to be honest, our models don't look at this. The models we used for our planning and also for this project are based on 'the future will be like the past.'"

Burkholder, Rex. Transcript of Radio Program, "Think Out Loud," Oregon Public Broadcasting, May 29, 2008.

Recommended Correction: The travel model in the DEIS should be re-estimated using data that reflects consumer response to higher gasoline prices.

P-1007-014**12. The DEIS failed to consider commuter rail as an alternative**

The DEIS does not include consideration of commuter rail between Vancouver and Portland as a means of reducing demand for travel over the I-5 bridges. In 1997, the two states ran a commuter rail operation over existing rail lines. Such a system has the capacity to handle thousands of additional peak hour travelers (Oliver, 1997).

Recommended corrective action: The DEIS should include an alternative that evaluates the impact of commuter rail as a means of reducing traffic in the I-5 corridor.

P-1007-015**13. The DEIS fails to allow for effect of policies to implement reduction carbon emissions—either cap and trade or carbon taxes—on growth in future demand.****P-1007-014**

Many different options for addressing the project's Purpose and Need were evaluated in a screening process prior to the development and evaluation of the alternatives in the DEIS. Options eliminated through the screening process included a new corridor crossing over the Columbia River (in addition to I-5 and I-205), an arterial crossing between Hayden Island and downtown Vancouver, a tunnel under the Columbia River, and various modes of transit other than light rail and bus rapid transit. Section 2.5 of the DEIS explains why a third corridor, arterial crossing of the Columbia River, and several transit modes evaluated in screening were dropped from further consideration because they did not meet the Purpose and Need. For a general description of the screening process see Chapter 2 (Section 2.7) of the FEIS. It should be noted that every proposal received from the public was considered, and many of the proposals that were dropped from further consideration included elements that helped shape the alternatives in the DEIS.

P-1007-015

You have not made clear how any potential "additional constraint on carbon emissions" could or should be included in the travel demand modeling. Furthermore, there is currently no such legislation, so it would be speculative to make assumptions about constraints that might or might not be introduced in the future, much less determine how they could affect travel demand in the I-5 corridor.

However, the DEIS does acknowledge recent government legislation aimed at reducing greenhouse gas (GHG) emissions, and evaluates how the alternatives would affect GHG emissions. As discussed in Chapter 3 (Section 3.19.10) of the FEIS, this evaluation found that the project would slightly reduce GHG emissions from vehicles, as a result of three primary factors. First, the LPA would toll the I-5 crossing, which is expected to decrease the number of cars crossing the river at this location compared to the No-Build Alternative. Second, the LPA provides

P-1007-015

Oregon and Washington have already enacted goals for the reduction of greenhouse gases (see items 2 and 3 above). The U.S. Congress is poised to enact a cap and trade regime in the next few years. These measures will require a reduction in the emission of CO₂, and are likely to be achieved by policies that reduce vehicle miles traveled. The CRC's modeling assumes that there will be no additional constraint on carbon emissions. This is clearly unrealistic, and has the effect of artificially inflating the 2030 levels of traffic.

Recommended corrective action: The DEIS should be re-written to explicitly address the likely effect of carbon restrictions on the future growth in traffic.

P-1007-016

14. Projected Increases in Future Traffic Are Unrealistic and Undocumented.

The reliability of the CRC traffic projections is directly contradicted by recent trends in traffic in the I-5 corridor.

The CRC forecasts predict a steady increase in traffic in the I-5 corridor between now and 2030. Traffic volumes have steadily declined in the I-5 corridor over the past three years. 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. (2008). More cross-river commuters leave cars home. The Columbian. Vancouver, WA.(May 7) 1.

The CRC forecasts that traffic in the no-build scenario on the I-5 bridges will be 184,000 vehicles per day. In 2007, traffic over the bridge, according to the Regional Transportation Council was 130,389 vehicles per day. In 1997, traffic over the I-5 bridges was 120,644 vehicles per day. The rate of increase in traffic between 1997 and 2007 was 0.8% per year (Southwest Washington Regional Transportation Council). To reach the CRC's projected level of traffic in 2030, the rate of growth in traffic in the I-5 corridor would have to nearly double from the rate experienced over the last decade, to 1.5% per annum, and maintain that rate of increase for each of the next 22 years. The DEIS offers no explanation of why, in the face of much more expensive gasoline, anyone should expect traffic volumes to grow faster in the next two decades that they have in the last decade.

Recommended corrective action: Traffic forecasts in the DEIS, particularly in the no-build alternative, should be revised sharply downward to reflect the decline in vehicle travel. Estimates of associated environmental effects related to traffic should be adjusted accordingly.

P-1007-017

15. The DEIS fails to analyze opportunity costs of spending \$4 billion on this project in terms of reductions in other projects, and the economic impacts of this investment on the regional economy.

light rail transit that is expected to divert a portion of personal vehicular travel demand to transit. Third, the LPA decreases congestion on I-5, which increases average speeds and improves fuel efficiency. Since the fuel efficiency of passenger vehicles typically improves as speeds increase (up to approximately free flow conditions), less fuel would be consumed and less greenhouse gases would be emitted.

P-1007-016

The slight decline in travel you note is likely due to a variety of factors, such as a slowing economy and a spike in gas prices. Such short-term responses to fluctuations in economic conditions and gas prices are not uncommon, but the CRC project is being designed to accommodate long-term demand projections. The Portland-Vancouver region is expected to grow by approximately 1 million people (Metro, Regional Population and Employment Range Forecasts, March 2009). This significant growth will increase travel demand, even if future per-capita travel declines or shifts to other modes or vehicle technologies.

In October 2008, the CRC project convened an independent panel of travel demand modeling experts to review the project's travel demand methodology and conclusions. This panel found that the traffic projections in the DEIS were reasonable (Travel Demand Model Review Panel Report, November 2008). For financial planning, however, the Oregon State Treasurer has recommended that the project develop a conservative finance plan that will cover project costs even if 2030 traffic volumes (and thus toll revenues) are lower than the official population and employment forecasts indicate. Given the recent economic recession and other factors that can affect traffic volumes in any given year, this is a prudent approach to financial planning. The CRC project Finance Plan (Chapter 4 of this FEIS) reflects this recommendation. This conservative assumption for financing does not change the official population, employment, or travel demand projections used to develop project design or estimate project impacts in the FEIS. Project design is

P-1007-017

The Environmental Impact Statement makes it clear that this project will divert money otherwise available for other transportation investments in the Portland-Vancouver metropolitan area to the construction of the CRC. See the financial analysis section of the DEIS, pages 4-9 and 4-10 for a complete list.

Spending these monies on the Columbia River Crossing will mean that they are not available for other projects in the Portland Vancouver metropolitan area. This means that the region will have upwards of \$4 billion less in transportation improvements than would otherwise be the case. The EIS does not evaluate the economic or environmental consequences of diverting money from projects that would otherwise be funded from these sources.

In addition to tax revenues, the project assumes that a portion of the project revenues will come from tolls levied on traffic using the I-5 bridge. The toll proceeds are likely to be in excess of \$100 million per year. Money spent on tolls will largely be from local households and businesses, and represents money that would otherwise be spent elsewhere in the local economy. Again, the DEIS does not consider the economic or environmental impacts of shifting \$100 million or more annually from consumer and business spending to toll payments. These impacts are likely to include lower levels of purchases of goods and services from local businesses, an associated reduction in employment at such businesses, and a loss of tax revenues from a lower level of business activity.

There will be significant economic impacts to the region for spending this \$4 billion in construction costs, plus toll payments of \$100 million or more annually indefinitely. The DEIS does not consider the impact of these diversions of money from other uses, and therefore omits a significant impact.

The economic consequences of building regional infrastructure in a way that reduces vehicle miles traveled are significant. One recent study estimates that the residents of the Portland metropolitan area save in excess of \$1 billion annually in fuel and vehicle costs because they drive shorter distances than the typical resident of a U.S. metropolitan area (Cortright, Green Divided, 2008).

Recommended corrective action: The DEIS should be revised to include an analysis of the economic effects and opportunity costs of spending \$4 billion on this project, rather than on other transportation projects (and likely consumer expenditures) in the region.

P-1007-018

16. The DEIS relies on a seven-year old analysis of land use effects for its assertion that there will be no significant impact on induced land use.

“Previous modeling of I-5 highway and high capacity transit improvements similar to those included in the CRC build alternatives suggests that induced

influenced much more by factors such as long-term trends in peak period volumes and by safety concerns, than by daily volumes. Long-term growth in peak period volumes has been much less affected, and safety factors are largely unaffected, by the recession. In addition, while a delay in meeting the 20-year traffic forecasts would be meaningful for financial planning, it would have little meaningful effect on the design of a facility intended to serve long-term needs and to last for many decades.

P-1007-017

Some money spent to fund the CRC project may come from local and state funding sources. However, much of the funding for this project is expected to come from federal sources and from tolls that would otherwise not be funds available for other infrastructure projects in this region. Much of the toll revenue will come from trips made by local residents, but this is generally deemed an equitable method of funding (i.e. charge the users of the facility).

While it is true the toll will incur an out-of-pocket expense from users, the project will also provide economic benefits - such as reduced travel time, improved travel reliability, and improved fuel efficiency - to these travelers. Section 5.5.6 of the Economics Technical Report identified the economic effects of the toll, including the expense to some travelers, but also the benefit of the travel time savings to commuters as well as to truck-hauled freight that relies heavily on the I-5 corridor. The project would also offer greatly improved transit options. Other travelers may reduce their discretionary trips or change their trips.

Regarding the economic impact of reducing VMT, the project would reduce VMT and slightly reduce the number of total vehicles crossing the river each day (see Section 3.1.4 of the FEIS).

P-1007-018

As described in Chapter 3, Section 3.4 of the DEIS and in Appendix A:

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effects on jobs and housing distribution would not be substantial and would generally be consistent with local and regional land use plans.”
DEIS page 3-135

This is apparently a reference to a 2001 analysis by Metro. According to press reports, the CRC staff that prepared the DEIS asked Metro not to update this analysis:

“In making their designs, bridge planners had assistance from specialists with the Metro regional government. Though Metro is nationally known for using sophisticated computer tools to study sprawl and the role of highways in it, Metro’s modeling staff heeded requests by Columbia River Crossing staff to assume that all bridge solutions would have no influence on development patterns in North Portland and southwest Washington.”
(Rivera, 2008)

Recommended corrective action: The DEIS should incorporate an induced demand analysis that reflects the effect of changes in highway capacity on patterns of land use in the region in the period through 2030.

P-1007-019

17. The DEIS is impermissibly vague about toll levels, which are a key feature of the project, and which profoundly influence traffic levels and associated environmental effects.

Toll levels are integral to the project, and simply providing an illustrative analysis of toll levels violates NEPA’s requirement that the actual environmental impacts of the project be analyzed.

Tolling is not an external factor to the project’s environmental effects. Toll revenues do not constitute simply a means of financing the project, but are essential to managing demand on the proposed project. For this reason, the level (dollar amount) of tolls levied is integral to the environmental impact analysis. The EIS is essentially incomplete because it fails to specify the level of tolls that will actually be charged.

It is clear that tolling is integral to determining the traffic levels associated with the build alternatives. The EIS states:

Several of the project components would reduce demand for automobile travel, such as the introduction of high-capacity transit, charging a toll on cars and trucks using the I-5 crossing, and upgrading the bicycle and pedestrian facilities that cross the Columbia River.
(DEIS Page S-28)

If no toll were collected in 2030, the I-5 crossing’s daily traffic levels would increase by 32,000 vehicles (18 percent). The I-205 crossing’s daily traffic would

Indirect Effects: Induced Growth of the CRC Land Use Technical Report (2008), highway capacity improvements and access improvements can induce development in suburban and rural areas that were not previously served, or were greatly underserved, by highway access. The DEIS outlines a comprehensive analysis of the potential induced growth effects that could be expected from the CRC project. A review of national research on induced growth indicates that there are six factors that tend to be associated with highway projects that induce sprawl. These are discussed in Section 3.4 of the FEIS. Based on the CRC project team’s comparison of those national research findings to CRC’s travel demand modeling, Metro’s 2001 land use / transportation modeling, Metro’s 2010 run of the MetroScope model, and a review of Clark County, City of Vancouver, City of Portland and Metro land use planning and growth management regulations, the DEIS and the FEIS conclude that the likelihood of substantial induced sprawl from the CRC project is very low. In fact, the CRC project, because of its location in an already urbanized area, the inclusion of new tolls that manage demand, the inclusion of new light rail, and the active regulation of growth management in the region, the CRC project will likely reinforce the region’s goals of concentrating development in regional centers, reinforcing existing corridors, and promoting transit and pedestrian friendly development and development patterns.

In October 2008, the project convened a panel of national experts to review the travel demand model methodology and conclusions, including a land use evaluation. The panel unanimously concluded that CRC’s methods and the conclusions were valid and reasonable. Specifically, the panel noted that CRC would “have a low impact to induce growth...because the project is located in a mature urban area,” and that it would “contribute to a better jobs housing balance in Clark County...a positive outcome of the project”. These results are summarized in the “Columbia River Crossing Travel Demand Model Review Report” (November 25, 2008).

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decrease by 13,000 vehicles (6 percent). Without tolling, an additional 19,000 (5 percent) cross-river vehicle trips would be made in 2030.

Without tolling, I-5's traffic performance would substantially degrade compared to the modeled project alternatives. Peak travel demand would be higher, as would the duration of congestion experienced at critical highway bottlenecks (DEIS Page 3-73).

The DEIS is vague about the level of tolls that would be charged, and whether tolls would be charged on just the I-5 bridge or on both the I-5 and I-205 bridges. The DEIS uses a \$2.50 peak hour toll as an example, but makes no commitment as to whether this is the actual level of toll that will be charged, or whether it would be sufficient to provide the expected amount of funding.

In correspondence with me, the Federal Highway Administration makes it clear that the entire financial plan presented in the EIS is conjectural, and subject to change. Specifically, the level of "earmarks" assumed in the plan—\$400 million to \$600 million—has no official federal endorsement or sanction, and will be reviewed (and revised) at some later date (Skaer letter to Cortright, June 20, 2008).

The EIS and the position of the FHWA, and the uncertainty surrounding all of the financing arrangements for the project demonstrate that the toll levels used in the EIS are purely illustrative, and that the actual toll levels that will be charged, and even whether they will be charged on the I-205 bridge—have not been determined, nor conclusively committed to in the EIS.

It is likely that the toll level will have to be much higher than that anticipated in the EIS. First, the project sponsors have not completed an "investment grade" toll revenue forecast, of the kind that will be required by bond issuers and bond rating agencies. Such forecasts routinely require much more conservative assumptions than the promotional forecasts developed by transportation planning agencies. The more conservative "investment grade forecasts" are likely to produce a lower level of capital from bonding against future toll proceeds, necessitating a higher level of tolls than anticipated in the EIS. For a discussion of the much tougher standards in "investment grade" studies, see Seattle Northwest, 2007.

In addition, it is apparent that contributions from the federal government and the State of Washington will be much smaller than assumed in the DEIS. The Washington State Secretary of Transportation says that the project can expect no more than \$125 million in federal earmarks (up to \$475 million less than assumed in the DEIS), and that the State of Washington is unlikely to contribute more than \$400 million (down from as much as \$750 million in the DEIS).

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The DEIS explicitly defines the levels of tolling and the tolling structures that were assumed in the DEIS analysis (Section 2.3.5). Chapter 4 of the DEIS identified potential funding sources for the CRC project, including tolling. At the DEIS phase, the project did not commit to a specific tolling level because several factors would first need to be determined following publication of the DEIS. These factors include identification of a preferred alternative by the local agencies sponsoring the project, further design of the project to facilitate more refined project cost estimation, federal approval for tolling of an Interstate freeway, finalization of a funding plan for the project identifying how much revenue will need to be generated by the toll, and agreement between Oregon and Washington about how the toll will be administered and how it will be used to manage demand. While the DEIS did not commit to a specific tolling level, the tolling structures evaluated were in the range anticipated to be introduced with the project and thus indicative of the type and magnitude of impacts expected from the project. You are correct, that an investment grade analysis of the toll will ultimately be needed. If future determination of the project's tolling level is significantly different from the levels evaluated in the DEIS, and significantly different effects on traffic and the environment are likely, the project will need to re-evaluate under NEPA. As you note, future financing available for the CRC project from local, state, and federal sources is changing, and the project's funding will have to adapt to such changes.

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"Washington's top transportation official says the state will rely heavily on tolling to replace the Interstate 5 Bridge and might court private partners to provide an infusion of early cash. In a bleak assessment of the project's funding options, Paula Hammond, Washington transportation secretary, also told The Columbian's editorial board Wednesday not to expect a huge commitment of federal highway dollars for the Columbia River Crossing project. Sen. Patty Murray, D-Wash, chairwoman of the Senate Transportation Appropriations subcommittee, might be able to shake loose \$125 million, Hammond said. That's less than a third of the federal contribution bridge planners listed in a draft study." Jeffrey Mize and Kathie Durbin, "Washington transportation chief: Bridge funding options are scarce," Vancouver Columbian, June 19, 2008.

The implication of Paula Hammond's comments is that the shortfalls in federal and state contributions will need to be made up from a higher level of tolls on the I-5 crossing. The EIS does contain any meaningful environmental assessment of the traffic levels and environmental effects associated with toll levels other than the \$2.00 to \$2.50 peak tolls on the I-5 bridge alone.

Columbia River Task Force Member, spokesperson, and Metro Councilor Rex Burkholder conceded as much:

"Local officials may need to consider tolls on the Interstate 205 bridge if federal and state money falls short of paying for a new Interstate 5 toll bridge, Metro Councilor Rex Burkholder said Friday.

The issue came up during a City Club of Portland debate about a proposed \$4.2 billion replacement for the Interstate 5 bridge over the Columbia River. Burkholder, who favors a new toll bridge with a light-rail span, faced off against Portland economist Joe Cortright, a critic of the plan. Raising money for construction through tolls would be highly effective and would provide a way for the bridge to help pay for itself and not take money from other transportation projects, Burkholder said in reply to a question from the audience.

"We have a captive audience; people have to get across the river," he said. "To be honest, we'll probably talk about tolling the 205 bridge as well, to be able to make this thing possible."

Dylan Rivera, "Interstate 205 bridge over the Columbia River may get tolls: If funding for the \$4.2 billion I-5 span proposal falls short, another source of revenue would be needed." Portland Oregonian, June 28, 2008.

Because the toll level has a profound effect on the amount of traffic, and the amount of traffic in turn has a profound effect on most of the serious environmental consequences associated with the project, the failure to specify an actual toll means that the EIS fails in its most basic task: estimating the environmental effects associated with each alternative.

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In addition, it is apparent that tolling is the most important project component insofar as reducing congestion is concerned. The difference between tolling and not tolling the I-5 crossing represents more than 40,000 vehicles per day.

P-1007-020

18. The Federal Highway Administration had determined to demolish the existing I-5 bridges prior to undertaking the Environmental Impact Statement.

In 2004, Federal Highway Administration official Dave Cox spoke to a transportation seminar held at Portland State University. In a discussion about options for the Columbia River Crossing, he was asked whether the existing bridges would be preserved for any other uses. His response:

Question (Gerald Mildner): Is the old bridge likely to stay, and serve some other purpose, or is it coming down?

Answer (Dave Cox): I'm sure it's coming down.

It's one of those in fact that ODOT estimates if there was an earthquake, both of those, the older one first, so what they're counting on is we would still have 205. So those bridges, the steel, I'm sure, would be salvaged, but the bridge wouldn't be there.

Dave Cox, Administrator, Oregon Division, Federal Highway Administration
Partial Transcript of Portland State University Seminar
"The FHWA View of Transportation in Oregon"
November 5, 2004
(<http://www.cts.pdx.edu/seminars.htm>)

This clearly shows a predetermination on the part of the Federal Highway Administration to only consider options that involved the demolition of the existing Interstate 5 bridges. This predetermination colored their management of the DEIS process, and led to the systematic—and unwarranted—exclusion of a whole series of viable alternatives that involved keeping the existing bridges.

P-1007-021

19. "Auxiliary" Lanes are a fictional label to conceal the effects of adding capacity to the I-5 corridor.

The DEIS describes some of the lanes on the proposed replacement bridge "auxiliary" lanes. They define auxiliary lanes on page S-18 of the DEIS. There is no physical or functional difference between a traffic lane and a so-called auxiliary lane. In theory, the distinction is that "thru" lanes carry traffic past the exits and intersections in the bridge influence area, while auxiliary lanes carry traffic that enters and exists from these intersections in the bridge influence area.

P-1007-020

The CRC Task Force - composed of 39 leaders from a broad cross section of Washington and Oregon communities – was tasked with advising the CRC project team, including federal sponsors, and providing guidance and recommendations at key decision points over the course of nearly 3 ½ years. Public agencies, businesses, civic organizations, neighborhoods and freight, commuter and environmental groups were all represented on the Task Force. The Task Force voted to develop a supplemental bridge alternative, in an attempt to find an alternative to total bridge replacement that would still meet the project's purpose and need but at lower cost and with greater reliance on managing demand with higher tolls and more transit service. The two most promising supplemental alternatives were considered in the DEIS. Based on the detailed analysis that followed, the Task Force recommended, and all project sponsors agreed, that the replacement bridge with light rail was the locally preferred alternative.

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The DEIS has not characterized auxiliary lanes as not adding capacity. These lanes do add capacity through the project area. The distinction is that these are not through-lanes and are thus not adding or connecting capacity north or south of the project area.

Auxiliary lanes, or "add/drop" lanes, serve the purposes you state - to provide lanes of travel for traffic entering or exiting the freeway without doing so in lanes used by traffic traveling through the project area. These lanes afford longer and safer merges and exits and reduce congestion in areas with closely spaced interchanges.

The range of build alternatives in the DEIS included bridge cross section options ranging from four total lanes to six total lanes in each direction. The No-Build Alternative had three in each direction. Chapter 2 of the

P-1007-021

If the replacement bridge can be defined as consisting of three thru-travel lanes and three additional so-called auxiliary lanes in each direction, then the existing bridge can be similarly described as consisting of two travel lanes plus one auxiliary lane. A lane is a lane, and calling it by some other name has no effect on whether it provides capacity or not.

In addition, the project makes no justification for three auxiliary lanes. The purpose of these lanes, according to the DEIS, is to improve safety and reduce congestion by accommodating cars and trucks entering or exiting the highway or traveling short distances between adjacent interchanges . . . (DEIS, page S-18). But the DEIS offers no analysis of why more than one auxiliary lane is required to achieve this purpose, much less any evidence that three are needed. Moreover, it violates NEPA by failing to have a range of alternatives with different numbers of lanes, regardless of the justification for those lanes. Because lanes represent additional capacity, they pose different levels of environmental impact, and the DEIS considers only the effect of 12 lanes, and not other levels of capacity.

P-1007-022**20. Accident rates are exaggerated.**

The DEIS claims that the Columbia River Crossing includes several highway segments that are among the top five percent of locations with highest numbers of accidents according to ODOT data (DEIS, page 3-16 and 3-17). This should not be surprising given the high number of vehicles using the corridor. Data on accident rates, however, expressed as the number of accidents per million vehicle miles traveled, show that the I-5 corridor is actually no more dangerous than the Marquam Bridge, and is actually considerably safer than the Fremont Bridge. See Cortright Powerpoint Presentation, Slide 24, and Ness (2007).

P-1007-023**21. Importance of Columbia River Crossing to freight is exaggerated.**

The DEIS claims that congestion in the corridor affects freight movement and harms the local economy (DEIS, page S-4).

No evidence is presented that the changes in travel times associated with the build alternatives will have any significant impact on the regional economy over the next two decades. Most freight movement is purely local, and travels short distances. As a result it has no effect on the region's economic competitiveness (Cortright Powerpoint presentation, Slide 31). Most freight movement is low-value, time insensitive commodities like gravel and logs (Cortright Powerpoint presentation, Slide 32). The region's important and growing industries, like high technology and professional services ship trivial amounts of freight Cortright Powerpoint presentation, Slide 33). There is no correlation, at a national level, between traffic congestion and the growth of a regional economy's wholesale trade sector (Cortright Powerpoint presentation, Slide 34). Regional economists regard differences in transportation costs among regions as

FEIS discusses the process that followed the publication of the DEIS to determine the locally preferred number of lanes.

P-1007-022

ODOT's Safety Priority Index System (SPIS) is the primary method for identifying locations which may contain safety problems on all state highways within Oregon. For the years 2004 to 2006, two locations within the CRC project area, the Hayden Island Interchange and the North Portland Harbor Bridge, ranked within the top 5% of the highest scored sites of all Oregon highways. As described in the DEIS (page 3-16) a SPIS score is based on three years of crash data and considers crash frequency, crash rate, and crash severity, not simply number of accidents as you claim.

When looking at the number of crashes per million vehicle miles traveled, as reported by ODOT in 2006, the Marquam Bridge has a crash rate of 1.08 over a distance of 1.61 miles, the Fremont Bridge has a crash rate of 1.88 over 0.47 miles, and I-5 between Lombard and the State Line has a crash rate of 1.06 over 2.94 miles. As you report, the crash rate for I-5 is similar to that for the Marquam Bridge and lower than that for the Fremont Bridge, yet the number of crashes on this segment of I-5 has been averaged across a greater distance with a greater variability in highway facility and safety. When looking at a comparable segment of I-5 entirely within the project area, from the Hayden Island Interchange (milepoint 307.91) to the Oregon State Line (mile point 308.38), the crash rate is 2.21 over 0.48 miles, two times the crash rate on the Marquam Bridge and 15% higher than that of the Fremont Bridge. This calculation is based on 2002 to 2006 crash data provided by the ODOT Transportation Data Section Crash Analysis and Reporting Unity.

P-1007-023

The Vancouver-Portland region is a trade hub, acting as a gateway and

P-1007-023 unimportant in determining industry location (Cortright Powerpoint presentation, Slide 35).

P-1007-024 The CRC failed to examine the potential for meeting the region's freight needs by shifting additional freight movements to rail. The project relies on outdated projections of freight travel growth, dating from before the increase in fuel prices over the last four years. Contrary to their forecasts, overall freight movement per unit of GDP has actually been declining over the past three years (Cortright Powerpoint presentation, Slide 28). In addition, more containers have been moving by rail, with rail multi-modal shipments up 16% in the past two years (Cortright Powerpoint presentation, Slide 30).

P-1007-025 22. The DEIS misstates the conclusions of the International Panel on Climate Change (IPCC).

The DEIS implies that the proposed project is consistent with the recommendations of the International Panel on Climate Change, in part because it includes transit and amounts to "replacing aging infrastructure in existing corridors" (DEIS, Cumulative Impacts, page 4-433). In responding to questions from the City's Sustainable Development Commission, the project staff are even more bold in their claims that the project is consistent with IPCC recommendations.

"There is a perception that climate change, sustainability, peak oil and similar policies, do not allow for any kind of highway-related investments. This is contrary to local, state, federal and international policies and action plans on climate change. These policies and plans recommend very specific types of highway improvements and changes, including:

- Address highway bottlenecks where chronic congestion is causing increased emissions and decreased efficiency
- Improve highway safety to reduce congestion-related emissions caused by accidents
- Use fees (such as tolls) to discourage growth in auto travel
- Focus on upgrading aging infrastructure rather than building new corridors
- Design infrastructure to promote transportation options and facilitate efficient movement of freight.

These recommendations are included in important action plans and reports such as:

- *The Fourth Assessment Report: Mitigation of Climate Change*, issued by the United Nations' Intergovernmental Panel on Climate Change in 2007
- *A Framework for Addressing Rapid Climate Change*, issued by the Oregon Governor's Climate Change Integration Group in January 2008
- The Report of the City of Portland Peak Oil Task Force, March 2007

The highway improvements associated with CRC are based on implementing exactly these kinds of goals which are fully consistent with project-related recommendations.

distribution center for domestic and international markets. The region has become a trade hub, in large part, because of its direct access to the freeway system, navigable rivers, rail lines, and international air shipping. The region's continued competitiveness as a trade hub is dependent on the ability to efficiently move freight on and between these transportation facilities.

P-1007-024

The referenced letter to the Portland/Multnomah County Sustainability Commission does not state that all of the listed policies are from *The Fourth Assessment Report: Mitigation of Climate Change* (IPCC, 2007). It clearly states that the listed policies are drawn from three different documents: *The Fourth Assessment Report: Mitigation of Climate Change* (IPCC, 2007); *A Framework for Addressing Rapid Climate Change* (Oregon Governor's Climate Change Integration Group, 2008); and the *Report of the City of Portland Peak Oil Task Force* (2007). The proposed CRC project would help to implement relevant policies contained in each of these reports. To our knowledge, no aspect of the CRC project would be inconsistent with other policies contained in these reports. If the project were to result in increased auto trips, that aspect would likely be inconsistent with at least some of the policies in the Fourth Assessment Report, as you have noted. However, the best available modeling indicates that the project would decrease future auto trips, increase future transit use, and increase future walking and bicycling.

P-1007-025

The CRC project does exhibit some of the key characteristics the IPCC panel report recommends for infrastructure improvements, as noted in the statements you quote. As you note, the IPCC calls for policies that reduce automobile travel. The CRC would reduce automobile travel. You also note that the IPCC calls for modal shifts from low capacity to high capacity transportation. The CRC project does this as well, over tripling

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The project is also consistent with climate change guidance available from the Oregon Governor's Climate Change Integration Group, the Climate Action Team for the State of Washington, and the United Nations International Panel on Climate Change.

* * *

In fact, it would be difficult to find a major transportation project in the country that is as consistent with more aspects of addressing climate change, sustainability and related policies than the CRC project."

Osborn, John, and Doug Ficco, (CRC Project Directors), Memorandum to Kent Snyder, Co-Chair, Portland Sustainable Development Commission, SUBJECT: Response to Mr. Snyder's Comments Regarding the CRC Project, May 30, 2008.

This claim is absurd on its face. Nothing in the report of the IPCC endorses substantial expansions of highway lane capacity in metropolitan areas. If the CRC were merely replacing the existing 6 lanes of highway capacity on the current bridge, they might be able to claim consistency with IPCC guidance, but in fact they are proposing to more than double the corridor's automobile carrying capacity—a recommendation plainly inconsistent with IPCC guidance, and the recommendations of other reports. Nor would any reasonable observer be persuaded by the claim that calling the six added lanes "auxiliary lanes" lessens their impact on global warming, or brings them into compliance with IPCC guidelines.

For the record, the IPCC calls for policies that reduce automobile travel. The specific policies they endorse include modal shifts from low capacity to high capacity transportation, and changes in land use planning that lessen the need for transportation (IPCC, page 13). Nowhere does the IPCC endorse increasing capacity for automobile travel. The specific comments of IPCC are as follows:

More fuel efficient vehicles; hybrid vehicles; cleaner diesel vehicles; biofuels; modal shifts from road transport to rail and public transport systems; non-motorised transport (cycling, walking); land-use and transport planning.
(Page 10).

Transport Demand Management, which includes urban planning (that can reduce the demand for travel) and provision of information and educational techniques (that can reduce car usage and lead to an efficient driving style) can support GHG mitigation
(page 12)

the number of future travelers that would cross the I-5 bridges on transit versus the No Build scenario.

It is also important to clarify that the CRC project is not providing the capacity increases you mention. The DEIS evaluated, at most, 12 lanes over the river, which is twice as much as existing conditions, but more modest increases would be included through the rest of the 5-mile corridor.

See above responses to each of these points.

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Modal shifts from road to rail and to inland and coastal shipping and from low-occupancy to high occupancy passenger transportation, as well as land use, urban planning and non-motorized transport offer opportunities for GHG mitigation, depending on local conditions and policies
(Page 13)

Taxes on vehicle purchase, registration, use and motor fuels, road and parking pricing
Influence mobility needs through land use regulations, and infrastructure planning
Investment in attractive public transport facilities and nonmotorised forms of transport
(Page 20)

International Panel on Climate Change, Contribution of Working Group III to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change Summary for Policymakers, 2007.

P-1007-026

CONCLUSION

The Draft Environmental Impact Statement for the Columbia River Crossing falls well short of meeting the requirements of the National Environmental Policy Act. It excludes key information that the public would need in order to ascertain the relative environmental results of different alternatives. It has systematically and unjustifiably narrowed the scope of alternatives two essential two—do nothing or build a giant highway bridge plus transit. It has failed to seriously consider the effects of transit alone, or tolling alone, as means of mitigating congestion at far lower financial and environmental cost. It has ignored alternatives such as transportation demand management, commuter rail, and land use planning changes that would lessen highway traffic. It violates, or fails to show compliance with key state policies on transportation investment, climate change and vehicle travel. It has completely ignored the issue of induced demand, and the role that this project would play in stimulating additional low density, sprawling, auto dependent development in Clark County, and also created an intentionally exaggerated picture of development (and congestion) in the no-build scenario. It has concealed the underpinnings and assumptions of the traffic and financial models it has used to produce the traffic estimates on which its most important conclusions depend.

The purpose of an EIS ought to be to shed light on an issue, present alternatives, and facilitate discussion. Such an undertaking is neither excessively burdensome, nor an unknown art. This document is neither as comprehensive in its consideration of alternatives nor as informative as the Mt. Hood Freeway DEIS completed more than 35 years ago (Skidmore, Owings & Merrill, et al. 1973). The Columbia River Crossing

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DEIS, for all its heft (or perhaps because of it) does just the opposite—it conceals critical issues, it buries and ignores reasonable alternatives, and it is a profound barrier to a meaningful public dialogue about how best to deal with transportation across the Columbia River. If NEPA means anything at all, this project should go back to the drawing board and start over.

P-1007-027

Finally, in light of the very limited time allowed for review of this voluminous document, and your omission of many documents containing vital information about the rationale for the project, I reserve the right to submit additional comments on this Draft EIS as the heretofore unreleased information becomes available.

Cordially,



Joseph Cortright
1424 NE Knott Street
Portland, OR 97212
jcortright@gmail.com
503-213-4443

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See responses above regarding the formal public comment review period, the level of detail in the Draft EIS document, and compliance with the Freedom of Information Act.

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Attachments:

Please consider the documents attached in the CD and electronic files accompanying this letter an integral part of my comments on the DEIS.

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