



U.S. Department
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**Federal Highway
Administration**

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In Reply Refer To:
HDA-OR/HDA-WA

File:
K#13136 (OR)/# 0051(206)(WA)

Ms. Lynn Peterson
Secretary of Transportation
Washington State Department of Transportation
310 Maple Park Avenue SE
PO Box 47300
Olympia, WA 98504-7300

Mr. Matthew Garrett
Director
Oregon Department of Transportation
355 Capitol Street NE, MS #11
Salem, OR 97301

RE: Request for Determination of Columbia River Crossing (CRC) I-5 Washington/Oregon
Acquisition of Real Property/Time Extension

Dear Secretary Peterson & Director Garrett:

Thank you for Secretary Peterson's letter of March 20, 2014, and Director Garrett's letter of September 5, 2014. In Secretary Peterson's letter, the Washington State Department of Transportation (WSDOT) requests concurrence that the Federal funds authorized by the Federal Highway Administration (FHWA) on September 25, 2012, for Right-of Way (ROW) acquisition (Federal-aid Agreement 0051(268)) were expended for the acquisition of real property. WSDOT also requested FHWA's concurrence that WSDOT has 20 years (until September 25, 2032) to proceed to a construction phase and incorporate the purchased land into a project based on the provision within 23 CFR 630.112(c)(1). In Director Garrett's letter, the Oregon Department of Transportation (ODOT) requests a 10-year extension (until October 2027) of the 10-year rule in FHWA's preconstruction procedures regulations (at 23 CFR 630.112(c)(2)). ODOT requests FHWA's concurrence that ODOT has until October 2027 to proceed with right-of-way acquisition or begin a construction phase of the CRC project (Federal-aid Agreement S001(250)).

We have reviewed your requests and believe the provisions in 23 CFR 630.112(c)(2) best address the situation at hand. Because Federal funds for preliminary engineering were first authorized for WSDOT for the project on April 4, 2004 (Washington Federal-aid Agreement 0051(206)), WSDOT would have until September 30, 2014, to undertake a construction project or repay to FHWA the sum of Federal funds paid to WSDOT under the terms of the agreement.

In Oregon, Federal funds were first authorized on March 26, 2007 (Oregon Federal-aid Agreement S001(250)), and Oregon would thus have until September 30, 2017, to undertake a construction project or repay to FHWA the sum of Federal funds paid to ODOT under the terms of the agreement. However, the FHWA regulation allows a time extension with no repayment of Federal funds if the State requests an extension and FHWA considers the request to be reasonable.

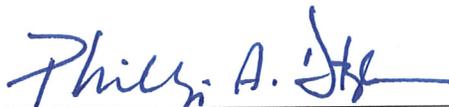
We are well aware of the complexity of the CRC project. It involved project partners at the Federal, State and local level, in two states, with many of those partners having unique interests and requiring specific action for the project to move forward. Litigation delayed project development as well. Recognizing these many complexities, including the need to complete on-going consultations at the Federal and State levels, in lieu of WSDOT's request for the ROW acquisition determination, it is reasonable for FHWA to grant a time extension to WSDOT and ODOT until September 30, 2019, per the provisions set forth in 23 CFR 630.112(c)(2). During the extension period, we will continue to work with WSDOT, ODOT, and others on resolving the remaining challenges and moving forward with the construction of transportation improvements that meet the purpose and need underlying the CRC project.

Should you have any questions or need further clarification, please feel free to contact Daniel Mathis at (360)753-9413 or Phillip Ditzler at (503)399-5749.

Sincerely,



Daniel Mathis
Division Administrator
Washington Division



Phillip A. Ditzler
Division Administrator
Oregon Division