



THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

September 16, 2010

Mr. Matthew Garrett
Director
Oregon Department of Transportation
355 Capital Street N.E.
Salem, OR 97301-3871

Dear Mr. Garrett:

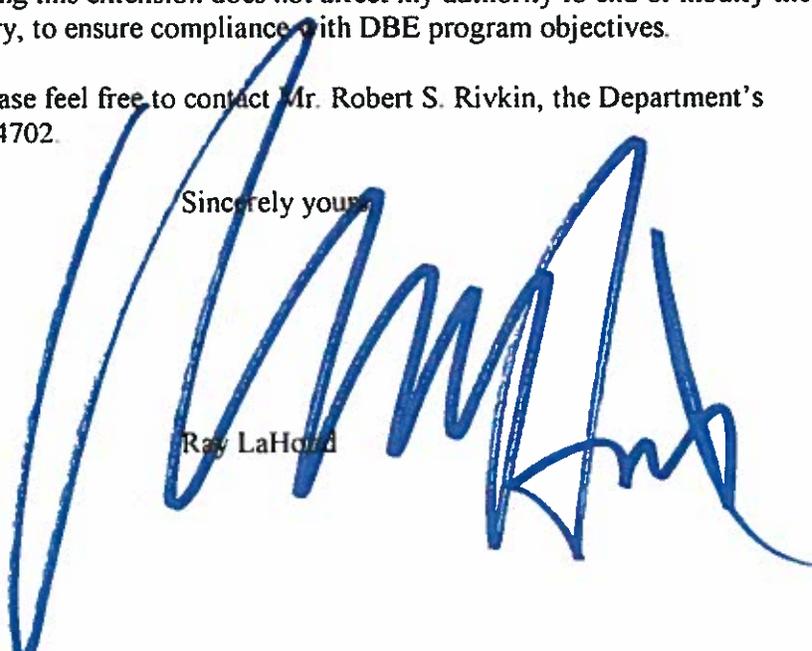
I am writing in response to the Oregon Department of Transportation's (ODOT) request for an extension of the disadvantaged business enterprise (DBE) program waiver that was originally granted on September 9, 2008. The waiver enables ODOT to narrowly tailor the implementation of its DBE program to address significant contracting disparities found for some, but not all, groups within the DBE community through the use of DBE contract goals. Based on the only available data, which were gathered from March 2009 until the end of fiscal year 2009, ODOT maintains that the disparities for the identified groups remain unabated and the need for use of contract goals for these groups continues.

In light of this information, I am granting ODOT's request to extend the waiver for an additional 3 Federal fiscal years, ending September 30, 2013. It is my understanding that ODOT expects to complete an updated disparity study in June 2011. Consequently, ODOT must submit a copy of this study and any recommendations for modifying its waiver to the Federal Highway Administration (FHWA) by September 30, 2011. If at any time between now and September 30, 2013, ODOT obtains any data from the disparity study or other sources that would lead to a modification of the terms of the waiver (e.g., information suggesting that one of the groups not now subject to the use of race-conscious contract goals is underutilized), ODOT must provide that information to FHWA. In any case, 6 months before the waiver expires, ODOT must submit a report to FHWA detailing the impact of the waiver on utilization of all disadvantaged groups. Granting this extension does not affect my authority to end or modify the waiver at any time, if necessary, to ensure compliance with DBE program objectives.

If you have any questions, please feel free to contact Mr. Robert S. Rivkin, the Department's General Counsel, at 202-366-4702.

Sincerely yours,

Ray LaHood

A large, stylized handwritten signature in blue ink, appearing to read "Ray LaHood", is written over the typed name and extends across the bottom of the page.