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Salem River Crossing Project
City of Salem, Marion and Polk Counties, Oregon
ODOT Key Number 13622
Federal ID Number S000(287) & S000(288)
Final Environmental Impact Statement

Submitted Pursuant to 42 U.S.C 4332 (2)(c) and, where applicable 49 U.S.C. 303
By U.S. Department of Transportation, Federal Highway Administration (FHWA)
Oregon Department of Transportation (ODOT)

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Oregon Department of Transportation
9-5-19
Date of Approval

Phillip A. Ditzler
Federal Highway Administration
9/5/2019
Date of Approval

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The Oregon Department of Transportation (ODOT) and the City of Salem proposed identification and construction of a modified or new east-west crossing of the Willamette River in the Salem-Keizer metropolitan area referred to as the Salem River Crossing project. A draft Environmental Impact Statement (DEIS) was prepared and circulated for public review in April 2012 that identified eight build alternatives and a No-build alternative. After completion of the public review period, a Project Oversight Team consisting of elected officials representing the affected jurisdictions, selected a modified version of DEIS Alternative 4D as the preferred alternative.

After selection of the preferred alternative, the cities of Salem and Keizer, and Marion and Polk Counties adopted land use actions necessary to permit implementation of the project. Local residents appealed the city of Salem adoption to the Oregon Land Use Board of Appeals, which remanded the city’s approval based on three errors. Subsequently, in February 2019, the Salem City Council voted to not address the remand issues, vacating the land use approvals necessary to implement the project. Without the necessary land use actions, ODOT is not able to publish the FEIS for the locally selected preferred alternative. Therefore, ODOT and FHWA have concurred and have prepared this FEIS for the No-build Alternative.

This FEIS uses an abbreviated format using an errata sheet instead of the traditional FEIS format and combines the FEIS and ROD, pursuant to 49 U.S.C. 304(a) and 23 U.S.C. 139(n)1. Since the publication of the
DEIS pre-dated the Moving Ahead for Progress in the 21st Century (MAP-21) legislation which allowed for the publication of a combined FEIS/ROD, an announcement to the public was published on the project website and in local newspapers between July 31 and August 2, 2019, to notify the public of the combined document format.

A federal agency may publish a notice in the Federal Register, pursuant to 23 U.S.C. 139 (l), indicating that one or more federal agencies have taken final action on permits, licenses, or approvals for a transportation project. If such a notice is published, claims seeking judicial review of those federal agency actions will be barred unless such claims are filed within 150 days after the date of publication of the notice, or within such shorter time period as is specified in the federal laws pursuant to which judicial review of the federal agency action is allowed. If no notice is published, then the periods of time that otherwise are provided by the federal laws governing such claims will apply.
Salem River Crossing Project  
Final Environmental Impact Statement

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A. Record of Decision
This Record of Decision (ROD) was developed in accordance with Chapter 40 of the Code of Federal Regulations (CFR) 1505.2 and 23 CFR 771.127 for the Salem River Crossing Project in the City of Salem and Marion and Polk Counties, Oregon (the project). The Oregon Department of Transportation (ODOT) in cooperation with the Federal Highway Administration (FHWA), identified a need to address highway capacity constraints, safety, and lack of alternate parallel routes on the current OR 22 (Willamina-Salem Highway) and the bridges that cross the Willamette River. The project’s purpose and need are described in Chapter 1 of the Draft Environmental Impact Statement and Draft Section 4(f) Evaluation for the Salem River Crossing Project, approved and published by FHWA in May 2012.

1. Decision

This section first summarizes FHWA’s decision and second outlines the basis for FHWA’s decision.

1.1 Summary of the Decision

In concurrence with the conclusions reached by ODOT, FHWA selects the No-Build Alternative, also termed Alternative 1 in the Draft Environmental Impact Statement (DEIS).

1.2 Basis for the Decision

FHWA principally bases its decision to select the No-Build Alternative on the following events:

1) Local Land Use Actions Not Approved
2) Lack of Concurrence with Section 4(f) de minimis Finding
3) Conclusions reached by ODOT

These events have led ODOT and FHWA to conclude that the project cannot move ahead with a build alternative without approval of required local agency land use actions and the concurrence on the Section 4(f) de minimis finding. ODOT and FHWA have concluded that approval of the No-Build Alternative is the appropriate action.

Local Land Use Actions Not Approved. Oregon land use law requires the establishment of Urban Growth Boundaries (UGB) around urban areas. Urban serving services (such as transportation infrastructure) generally must be located within the UGB. The options to construct an urban transportation facility outside the UGB are to: 1) amend the UGB; or 2) apply for and obtain exceptions to Oregon’s Statewide Planning Goals. After considerable discussion, the Project Team determined that an amendment to the UGB was the most appropriate course of action.

The UGB for the Salem metropolitan area is shared between the Cities of Salem and Keizer, and Marion and Polk Counties. Since it is shared, approval of an amendment is required of all four entities. A UGB amendment was proposed that would expand the boundary by approximately 35 acres to incorporate land...
in Polk County to include a portion of the new bridge as well as a planned local street (Marine Drive) that was necessary for the proper function of the system. On October 12, 2016, a joint public hearing was held by the Salem and Keizer City Councils, Keizer Planning Commission, and the Marion and Polk Counties Boards of County Commissioners. At that hearing, all bodies preliminarily adopted the proposed UGB amendment and an associated exception to the State’s Willamette River Greenway Goal (Statewide Planning Goal 15). The City of Salem adopted its final ordinance approving the UGB amendment and goal exception on December 5, 2016.

In early 2017, opponents of the project filed an appeal of the City of Salem UGB amendment adoption and Goal 15 exception with the State’s Land Use Board of Appeals (LUBA). LUBA is a body created by the State of Oregon specifically to consider appeals of local land use decisions. On August 17, 2017, LUBA issued its final opinion and order remanding the city’s action back for further review and findings based on three errors described by the various appellants. With the remand decision, the previous approvals were vacated until such time as the City of Salem addressed the issues raised.

On February 11, 2019, the Salem City Council held a hearing to consider whether to respond to the issues in the LUBA remand. After considering the record and considerable public testimony, the Council voted to not address the remand issues. Therefore, the land use actions necessary to support advancing the project have not been adopted.

**Lack of Concurrence in Section 4(f) de minimis Finding.** On June 28, 2017, FHWA and ODOT published a proposed Section 4(f) de minimis impact finding related to Wallace Marine Park, the Wallace Natural Area, and the Willamette River Water Trail. After two extensions, the comment period on the notice closed on August 11, 2017. A total of 165 individuals provided comments, 110 expressing agreement with the de minimis finding and 55 opposed.

FHWA has requested formal concurrence with the finding from the City of Salem as the owner of Wallace Marine Park, per 49 USC 303(d)(3) and 23 CFR 774.5(b). To date, the city has not expressed its concurrence in the de minimis finding as the Official with Jurisdiction. Absent concurrence from the city, FHWA cannot issue a final Section 4(f) de minimis finding.

**Conclusions reached by ODOT.** ODOTs State Agency Coordination agreement and administrative rule require, at OAR 731-015-0075(3):

> “. . . the Department shall rely on affected cities and counties to make all plan amendments and zone changes necessary to achieve compliance with the statewide planning goals and compatibility with local comprehensive plans after completion of the Draft Environmental Impact Statement or Environmental Assessment and before completion of the Final Environmental Impact Statement or Revised Environmental Assessment. These shall include adoption of general and specific plan provisions necessary to address applicable statewide planning goals.”

Based on the foregoing, ODOT is not able to request FHWA publish the FEIS and issue a ROD for its preferred alternative, unless and until the remand issues are resolved. Given the City Council action regarding land use approvals, discussed above, and the lack of concurrence with the Section 4(f) de minimis finding described above, ODOTs recommendation to FHWA is instead to approve the No-Build Alternative as the selected alternative.
2. Project Chronology and Background

This section provides a summary of the major milestones in the project’s development, leading to this ROD. Section 3 – Major Alternatives Considered of this ROD provides a description of the project alternatives discussed within this project chronology.

On November 11, 2006, FHWA published a Notice of Intent to Prepare an EIS in the Federal Register. This notice announced to the public and participating and cooperating agencies that work in the DEIS had been initiated.

In March of 2006, the Project Management Team (PMT) started formation of, and meeting with, a Stakeholder Taskforce consisting of affected agency staff, and representatives of modal groups, environmental interests, and neighborhood associations. At the same time, a project Oversight Team was created consisting of elected officials representing the local agencies in the project area (Cities of Salem and Keizer, Marion County, Polk County, Salem Area Mass Transit District). ODOT and FHWA were also designated as members.

Beginning in December 2006, a series of open house/workshop sessions were held to acquaint the public with the project and to ask for comments as the PMT worked to develop a reasonable set of alternatives to advance into the DEIS. Additional open house/workshop sessions were held in June 2007 and November 2007.

On April 12, 2012, the DEIS was released for public review. Due to the interest in the project and the size of the document, ODOT requested and FHWA granted a 60-day public review rather than the standard 45 days.

Public hearings on the DEIS were held during the review period on May 8, 2012, in West Salem and May 17, 2012, near downtown. The DEIS public review period ended on June 18, 2012.

After consideration of the DEIS and the comments received during the comment period and at the public hearings, the project Oversight Team (on August 23, 2012) preliminarily selected DEIS Alternative 4D as the preferred alternative. This decision was considered preliminary as each Oversight Team member was asked to take that recommendation back to their respective councils or commissions for validation.

Since it was generally understood that the majority of project impacts would occur within the City of Salem, the other partners independently decided to defer their review of the Oversight Team recommendation until the Salem City Council weighed in. The Salem City Council began their consideration of the preliminary recommendation in November 2012. After many meetings, the city council rejected Alternative 4D as the preferred alternative and proposed a scaled-down version (similar to DEIS Alternative 4A) referred to as the “Salem Alternative.”

After consideration by the other member jurisdictions, on February 14, 2014, the Oversight Team voted to advance the “Salem Alternative” as the preferred alternative for the project. Due to the proposed change in the preferred alternative, ODOT and FHWA chose to hold a public hearing to receive comments on that recommendation. That public hearing was held on June 11, 2014.

The remaining steps regarding the local land use approval process that has led to this recommendation of the No-build Alternative are described in the Basis for Decision (Section 1.2) above.
3.0 Major Alternatives Considered

This section summarizes the major alternatives considered in the DEIS and subsequent review process. The DEIS re-evaluation document, attached and incorporated herein by reference (40 CFR 1502.21), contains a detailed description of each of the alternatives considered in the DEIS. The re-evaluation examined the DEIS to see if the DEIS was still valid for the No-Build alternative, in accordance with 23 CFR 771.129. In accordance with 23 CFR 771.130(a), FHWA determined that there had been no changes to the project resulting in significant environmental impacts not addressed in the DEIS, nor had new information or circumstances arisen that would result in such significant environmental impacts. The re-evaluation concluded that the DEIS was still valid and a supplemental NEPA document was not necessary.

There was no preferred alternative in the DEIS. The “Salem Alternative” was developed by the City of Salem after the DEIS public comment period as a hybrid from Alternatives 4A and 4D and recommended by the Project Oversight Team as the preferred alternative.

3.1 Major Alternatives Considered in the DEIS

DEIS Alternative 1. Alternative 1 is the No-build Alternative. It would include no new construction to address the project’s purpose and need. The No-build would maintain the existing and planned design and capacity of the existing transportation system.

DEIS Alternative 2A. Alternative 2A would widen the existing Marion and Center Street Bridges. The Marion Street Bridge would be widened to six lanes traveling west and the Center Street Bridge would be widened to five lanes traveling east. Widening lanes on the Center Street Bridge and the Marion Street Bridge would necessitate removing the existing sidewalks and bicycle paths. However, the renovated Union Street Railroad Bridge north of the Marion Street Bridge has been converted for bicycle and pedestrian use and will accommodate bicycle and pedestrian movements across the river.

DEIS Alternative 2B. Alternative 2B proposed a new bridge crossing between the Marion Street Bridge and the Union Street Bicycle/Pedestrian Bridge. The existing bridges would remain in service with no changes aside from closing the eastbound to northbound ramp onto Front Street from the Center Street Bridge. The new bridge would provide two-way travel, with three lanes traveling east and two lanes traveling west.

DEIS Alternative 3. Alternative 3 is the northernmost of the crossing locations identified in the DEIS. An objective of this alignment is to avoid impacts to Wallace Marine Park. The alignment connects directly to Salem Parkway near Tryon Avenue on the east side of the Willamette River and to Wallace Road at Hope Avenue on the west side. Travelers would access OR 22 either by way of Wallace Road or by the existing route using the Marion and Center Streets Bridges. The new bridge would have three travel lanes in each direction. The existing Marion and Center Streets Bridges would remain in service.

DEIS Alternative 4. Alternative 4 would include a new crossing of the Willamette River from Pine/Hickory Streets on the east to Hope Avenue at Wallace Road on the west. The following describes the various configurations that were considered in this alignment. All Alternative 4 variants assume a bridge with three travel lanes in each direction.

DEIS Alternative 4A. The alternative would provide a connection from Pine/Hickory to Wallace/Hope. The new bridge would connect to Commercial Street at Pine/Hickory at grade but would provide the option for a potential direct connection to Salem Parkway on the east side and a potential grade separated connection to OR 22 on the west side.
DEIS Alternative 4B. Alternative 4B would combine DEIS Alternatives 2A and 4A. This alternative would increase capacity at the existing bridge crossing location and add a new bridge at the Wallace/Hope to Pine Hickory location.

DEIS Alternative 4C. Alternative 4C would provide a new bridge crossing in the Wallace/Hope to Pine/Hickory location. This alternative would include a grade separated direct connection from the east bridgehead north to Salem Parkway and a grade separated connection from the west bridgehead to an elevated roadway that would extend south and provide a direct connection to OR 22 in the area of the existing Marion and Center Streets Bridges. The city’s Marine Drive would be under the elevated structure adjacent to Wallace Marine Park on the west side. On the east side, a Pine/Hickory couplet connection to the new bridge would extend east to Broadway Street.

DEIS Alternative 4D. Alternative 4D would be similar to DEIS Alternative 4C with one exception – the connections to Pine and Hickory Streets would only extend east to Liberty Street, reducing the impact of the residential areas between Liberty Street and Broadway. Grade separated connections described for Alternative 4C are included in this alternative.

DEIS Alternative 4E. Alternative 4E has the elements described for DEIS Alternative 4C except that the elevated connector between the west bridgehead and OR 22 and Marine Drive would be relocated to the west to avoid impacts to Wallace Marine Park. This alternative will have significantly greater impacts to developed properties near the park than either DEIS Alternatives 4C and 4D.

3.2 Environmentally Preferred Alternative Identified Through Process

The environmentally Preferred Alternative has the least environmental impacts among the build alternatives and will meet the project’s purpose and need; it does have more impacts than the No Build Alternative, and the No Build Alternative has fewer immediate impacts, but the No Build does not meet the purpose and need for the project, resulting in continued unmet congestion, safety, and operation needs.

The purpose of the Salem River Crossing Project is to improve mobility and safety for people and freight for local, regional, and through travel across the Willamette River in the Salem-Keizer metropolitan area while alleviating congestion on the Center Street and Marion Street Bridges and on the connecting highway and arterial street system.

Primary measures to satisfy the project’s purpose include:

- Reducing congestion levels at the existing bridgeheads, and
- Remediating safety and operational deficiencies on the existing bridges and in the study area in locations where crash rates are higher than average. The safety deficiencies include the existing bridges not being seismically resilient in the event of a Cascadia Subduction Zone earthquake.

The “Salem Alternative” is the environmentally preferred alternative and is a hybrid of DEIS Alternatives 4A and 4D. The “Salem Alternative” contains most of the elements of Alternative 4A and some scaled down elements of Alternative 4D. In recommending this alternative, the Salem City Council expressed a desire to reduce the project footprint thereby reducing potential impacts to both the biological and physical environment, while acknowledging that the reduced scale would result in less congestion relief than that described in the DEIS for other alternatives. Changes to reduce the footprint include limiting the new bridge to two travel lanes in each direction, connection of the east bridgehead at Commercial Street, limiting impacts in the neighborhoods, and eliminated the elevated OR 22 connection from the west bridgehead south. As conceived, the new bridge would be two separate structures with a single bridge.
deck and would have a center median 16 feet wide. The existing Marion and Center Street Bridges would remain in service without modification.

FHWA is not selecting the environmentally preferred alternative because, as described in section 1, the local jurisdiction has decided not to pursue the land use actions necessary to allow construction of the preferred alternative.

The 2012 DEIS included a Section 4(f) analysis of the potential uses of Section 4(f) resources resulting from the alternatives considered in the DEIS. Since FHWA is selecting the No Build (or No Action) Alternative, there are no uses of any Section 4(f) resources, therefore, a Section 4(f) alternatives analysis is not included with this document.

4.0 Measures to Minimize Harm

Because there would be no direct impacts associated with the No-Build Alternative, there are no measures to minimize harm to the environment included in the ROD.

5.0 Monitoring and Enforcement Plan

Because there are no mitigation measures incorporated into the No-Build Alternative, there is no monitoring and enforcement plan included in this ROD.

6.0 References

Following are the FHWA documents incorporated by reference into this ROD:

7.0 Conclusion

The environmental analysis of the Salem River Crossing Project on Highways OR 99E-Business, OR 22, and OR 221 in Marion and Polk Counties, Oregon, is in conformity with applicable provisions of Chapter 40 of the CFR 1505.2 and 23 CFR 771.127 and satisfactorily addresses the anticipated impacts of the project. Based on the factors outlined in Section 1.2 above, it is my decision to select the No-Build Alternative for this project. This is done with the recognition that the No-Build Alternative does not address the project’s stated purpose and need and will leave unresolved the congestion and safety problems in the project area.

9/5/2019

Date

Phillip A. Ditzler, Division Administrator
Federal Highway Administration
B. Draft Environmental Impact Statement Errata Sheet
Document Purpose

The Oregon Department of Transportation (ODOT) and the Federal Highway Administration (FHWA) evaluated the impacts of eight Salem River Crossing Project (project) alternatives and a No Build Alternative in a Draft Environmental Impact Statement (DEIS) that was published in April 2012 and circulated for public and agency review. Since the publication of the DEIS in April 2012, a Preferred Alternative was identified that is a scaled-down hybrid of DEIS alternatives “4A” and “4D,” both of which were evaluated in the DEIS. Recently, ODOT and FHWA have reconsidered the Preferred Alternative recommendation based on the lack of local land use actions necessary to implement the project and the lack of official with jurisdiction concurrence on a de minimis finding for Section 4(f) related to potential impacts to Wallace Marine Park. Based on that reconsideration, ODOT and FHWA are now selecting the No-Build Alternative as the preferred Alternative. This document describes changes or provides updated information to add to or correct information contained in the DEIS since its publication. ¹

Background

The need to increase transportation capacity across the Willamette River in response to additional population and travel demand in the Salem-Keizer metropolitan area has been the subject of ongoing discussion for many years. The two existing four-lane bridges—the Center Street Bridge (eastbound) and the Marion Street Bridge (westbound)—have been in service together in their current configuration since 1982. They function as a couplet across the Willamette River in Salem. Past efforts to increase river crossing capacity have resulted in additional improvements at the existing location primarily because those improvements were the most cost effective.

Many of the same issues identified in previous studies (for example, continued development in West Salem, peak-period traffic congestion on the bridges) are still relevant today; these previous studies include the Willamette River Bridgehead Engineering Study (SKATS MPO, 1998) and the General Corridor Evaluation (SKATS MPO, 2002). Subsequent to these studies, in 2007, the Salem River Crossing Project Oversight Team and the FHWA agreed on a range of alternatives to be studied in a DEIS.

The DEIS examined three crossing locations over the Willamette River for a new bridge in Salem, as well as a No Build alternative. Within the three crossing locations were variations in bridge alignments, or connections to the existing road system, resulting in eight DEIS Alternatives (2A, 2B, 3, 4A, 4B, 4C, 4D, and 4E). The DEIS provided information on the alternatives and how the alternatives might impact people who live in the area or travel the roads, as well as possible impacts to the natural environment.

The DEIS was published on April 20, 2012, and the public comment period lasted through June 18, 2012. During, and subsequent to, the DEIS public comment period, the Salem River Crossing Task Force² met on

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¹ The regulations implementing NEPA, 40 CFR 1503.4(c), and subsequent legislation, 23 U.S.C. 139(n)(1) and 49 U.S.C. 304a(a), allow the use of errata sheets attached to the DEIS instead of a traditional FEIS format.

² Members of the Task Force include leaders of neighborhood and civic groups on both sides of the river, public agency staff, and representatives of interest groups with a stake in the project.
four separate occasions to discuss the results of the DEIS alternatives analysis. The project Oversight Team\(^3\), the group that forwards project recommendations, met twice during this time period – once in a joint meeting with the Task Force, and once by itself.

On August 15, 2012, the Task Force voted to support Alternative 4D as the Preferred Alternative; the Task Force’s identified Preferred Alternative was forwarded to the Oversight Team. The Oversight Team subsequently considered the Task Force feedback, together with the analysis contained in the DEIS and public comment. On August 23, 2012, the Oversight Team reached consensus to recommend Alternative 4D as the Preferred Alternative.

After the Oversight Team Preferred Alternative recommendation local government agencies (City of Salem, City of Keizer, Polk County, and Marion County) officially considered whether to endorse the Oversight Team’s recommendation. At that time, the Salem City Council, after hearing concerns from city residents about potential impacts caused by DEIS Alternative 4D, concluded that the City of Salem wished to see a scaled-down version of DEIS Alternative 4D that would have less overall impacts, most notably to homes and businesses. Accordingly, the City of Salem in coordination with ODOT developed a concept for a scaled-down version of DEIS Alternative 4D that was termed the Salem Alternative. The Salem Alternative was identified as the Preferred Alternative for study in the Final Environmental Impact Statement (FEIS). The Preferred Alternative included many of the design elements of Alternative 4D, and reduced potential impacts by:

- Removing the viaduct above the future Marine Drive in West Salem.
- Removing the elevated “flyover” ramps from the new bridge to Salem Parkway in North Salem.
- Reducing the size and extent of local road modifications.
- Reducing the number of lanes on the bridge from three to two in each direction.

After identification of the Preferred Alternative, the next step was the completion and adoption of local land use actions necessary to implement the project. Oregon land use law requires the establishment of Urban Growth Boundaries (UGB) around urban areas. Urban services (such as transportation infrastructure) generally must be located within the UGB. The options to construct an urban transportation facility outside the UGB are to: 1) amend the UGB; or 2) apply for and obtain exceptions to Oregon’s Statewide Planning Goals. After considerable discussion, the Project Team determined that an amendment to the UGB was the most appropriate course of action.

The UGB for the Salem metropolitan area is shared between the Cities of Salem and Keizer, and Marion and Polk Counties. Since it is shared, approval of an amendment is required of all four entities. A UGB amendment was proposed that would expand the boundary by approximately 35 acres to incorporate land in Polk County to include a portion of the new bridge as well as a planned local street (Marine Drive) that was necessary for the proper function of the system. On October 12, 2016, a joint public hearing was held by the Salem and Keizer City Councils, Keizer Planning Commission, and the Marion and Polk Counties Boards of County Commissioners. At that hearing, all bodies preliminarily adopted the proposed UGB amendment and an associated exception to the State’s Willamette River Greenway Goal (Statewide Planning Goal 15). The City of Salem adopted its final ordinance approving the UGB amendment and goal exception on December 5, 2016.

In early 2017, opponents of the project filed an appeal of the City of Salem UGB amendment adoption and Goal 15 exception with the State’s Land Use Board of Appeals (LUBA). LUBA is a body created by the State

\(^3\) The Oversight Team consists of elected or appointed officials representing the cities of Salem and Keizer, Marion and Polk counties, Salem-Keizer Transit, the Oregon Department of Transportation, and the Federal Highway Administration as a non-voting member.
of Oregon specifically to consider appeals of local land use decisions. On August 17, 2017, LUBA issued its final opinion and order remanding the city’s action back for further review and findings based on three errors described by the various appellants. With the remand decision, the previous approvals are vacated until such time as the City of Salem addresses the issues raised.

On February 11, 2019, the Salem City Council held a hearing to consider the question of whether or not to proceed with responding to the issues in the LUBA remand. After considering the record and considerable public testimony, the Council voted to not address the remand issues. Therefore, the land use actions necessary to support advancing the project have not been adopted.

ODOTs State Agency Coordination agreement and administrative rule require, at OAR 731-015-0075(3):

“... the Department shall rely on affected cities and counties to make all plan amendments and zone changes necessary to achieve compliance with the statewide planning goals and compatibility with local comprehensive plans after completion of the Draft Environmental Impact Statement or Environmental Assessment and before completion of the Final Environmental Impact Statement or Revised Environmental Assessment. These shall include adoption of general and specific plan provisions necessary to address applicable statewide planning goals.”

Based on this, ODOT is not able to recommend adoption of the Preferred Alternative to FHWA until the remand issues are resolved. Given the City Council action described above, essentially vacating the previous land use approvals, ODOTs recommendation to FHWA is to approve the No-Build Alternative as the selected alternative.

Environmental Review Process

In preparing this FEIS, ODOT and FHWA first prepared a re-evaluation to address changes to the DEIS resulting from selection of the No-Build alternative, in accordance with 23 CFR 771.129. This errata sheet was developed using information from the re-evaluation of the DEIS. The section below provides an assessment of each environmental topic area addressed in the DEIS. Any potential new impacts resulting from the Preferred Alternative are summarized in the re-evaluation. For those topic areas where project changes potentially result in impacts that are unique and distinct from impacts disclosed under the range of alternatives studied in the DEIS, an assessment is made as to whether these impacts are significant or represent a significant broadening of the scope of the project from that presented under the range of Build alternatives studied in the DEIS. The re-evaluation also notes where findings from the DEIS are adequate and no additional analysis is necessary.

Changes to Methodology, Regulations, Laws, or Policies & Summary of Resource Analysis Impacted by the Changes

This section describes environmental resource areas that incurred updates with respect to either their affected environment or impacts based on changes to statutes, regulations, policies, guidance and methodologies since the DEIS was published.

With respect to affected environment, the footprint of the Preferred Alternative studied in the DEIS is contained within the aggregated footprint of the Build alternatives studied in the DEIS; as such, the environmental discipline study areas utilized in the DEIS are contained within the aggregated study area considered for the range of alternatives in the DEIS. Thus, there is no “new” geographic study area in the DEIS that requires additional analysis.
The resource areas listed below would incur no changes with respect to affected environment or impacts based on changes to statutes, regulations, policies, guidance and methodologies that occurred since the DEIS was published. Therefore, there would be no anticipated “new significant” impacts associated with the No-Build Alternative for any of the below resource areas.

- Land Use
- Right of Way & Utilities
- Environmental Justice
- Socioeconomics
- Parks & Recreation Resources and Section 6(f)\(^4\)
- Historic Resources
- Visual Resources
- Biological Resources (Natural Systems and Communities; Threatened & Endangered Species; Non-Threatened and Endangered Species; Invasive Species Wetland and Non-Wetland Waters)
- Water Resources
- Air Quality and Noise
- Energy
- Geology and Soils
- Hazardous Materials
- Section 4(f)

**Traffic and Transportation**

The geographical affected environment used for the traffic and transportation discipline under the No-Build Alternative is the same as that utilized in the DEIS for the range of Build alternatives studied in that document.

Because of the six-year gap in time between the DEIS traffic analysis efforts and completion of the Re-evaluation, and the need for an updated traffic analysis for a minimum of 20-years, the traffic model and associated methodology utilized in the DEIS for the 2031 No Build Alternative was outdated by the time the analysis was conducted for the 2040 No Build Alternative. In the DEIS, the forecasting and future analysis traffic volume development were provided by PTV, a traffic engineering subconsultant. For the updated analysis, SKATS, the Salem area MPO, developed the forecast volumes for each alternative and utilized a different model methodology than PTV had used for the DEIS traffic analysis; additionally, an updated horizon year for the model was used (2040) than was used in the DEIS (2031) due to the five-year gap between the publication of the DEIS and the preparation of the updated analysis.

Project traffic analysts examined the DEIS alternatives using the 2040 model and determined that there was no measurable change in the comparative differences between DEIS alternatives under the 2040 model versus the 2031 model (i.e., there are no new significant impacts to traffic in 2040 that were not identified in the 2031 model that would result in the need for a Supplemental DEIS). Exhibit A-1 of this errata

\(^4\) The 2012 DEIS included a Section 4(f) analysis of the potential uses of Section 4(f) resources resulting from the alternatives considered in the DEIS. Since FHWA is selecting the No Build (or No Action) Alternative, there are no uses of any Section 4(f) resources, therefore, a Section 4(f) alternatives analysis is not included with this document.
provides the volume-to-capacity (v/c) ratio results, comparing the 2031 and 2040 No-Build networks for each alternative analyzed in the DEIS. Exhibit A-2 provides the 2040 model results for the previous Preferred Alternative and the No-Build. Where data in Exhibit A-1 show a significant change in operations for the No Build Alternative between 2031 and 2040, this can be explained by the addition of nine years of background growth assumed in the 2040 model associated with changing the horizon year from 2031. This would have occurred using either of the modeling tools described above.

DEIS and Post-DEIS Publication Public Involvement Activities
The DEIS was published on April 20, 2012, and the public comment period lasted through June 18, 2012. The DEIS findings helped in identifying a Preferred Alternative and funding strategy. Public comments received throughout the process influenced project decision-making and directly shaped the range of alternatives in the DEIS.

The entire DEIS was made available at the ODOT Project website (http://www.salemrivercrossing.org/draft-eis/). At the time of publication, CDs or paper copies of the entire DEIS (or Executive Summary only – in either English or Spanish) were offered to the public at no charge.

Agency Coordination
During, and after, the DEIS public comment period, the Task Force met on four separate occasions to discuss the results of the DEIS analysis for the project alternatives, covering these topics:

- April 26, 2012 (Joint meeting with Oversight Team) – Discussed the findings of the DEIS and the differences between the alternatives with respect to environmental impacts.
- July 11, 2012 – Reviewed public and agency comments on the DEIS and evaluated alternatives using previously developed evaluation criteria.
- July 24, 2012 – Developed a Preferred Alternative recommendation to forward to the Oversight Team and began work on the Task Force Feedback on Alternatives memorandum.
- August 15, 2012 – Reviewed draft Task Force Feedback on Alternatives memorandum and modified it to reflect the reasons behind identifying a short list of alternatives to forward to the Oversight Team for their consideration.

The Oversight Team had four meetings, covering these topics:

- April 26, 2012 (joint meeting with Task Force) – Discussed the findings of the DEIS and the differences between the alternatives with respect to environmental impacts.
- July 31, 2013 – Began discussions on the “Salem Alternative” and potential evaluation needs for this alternative.
- October 31, 2013 – Reviewed technical analysis of the “Salem Alternative” and next steps for reaching a decision on a Preferred Alternative.

On August 23, 2012, the Oversight Team recommended Alternative 4D as the Preferred Alternative.

Collaborative Environmental and Transportation Agreement for Streamlining Review
The Collaborative Environmental and Transportation Agreement for Streamlining (CETAS) team had several concurrence points. The CETAS team reviewed and commented on the Selection and Evaluation Criteria during their July 2012 meeting and also reviewed and provided feedback on the Preferred Alternative at
their April 2014 meeting. All comments were collected during these meetings and used in the process to recommend a Preferred Alternative. On August 24, 2016, CETAS and the Major Transportation Projects Agreement were dissolved.

**Salem City Council Work Session**
The Salem City Council was provided updates on the project on several occasions. Work sessions were held on December 17, 2012, January 22, 2013, and February 19, 2013. At these sessions, the project team updated the Salem City Council on the project, the alternatives being considered, and next steps. The project team also attended Council public hearings on April 22, 2013 and May 13, 2013. Finally, the Council held deliberations on June 24, 2013.

**Public Involvement/Outreach**

**Web Site**
The Web site was updated in February 2012 to let the public know the DEIS was about to be published. The Web site was also updated on April 20, 2012, to announce the publication of the DEIS. An e-mail message was sent to the project mailing list announcing the Web site updates and publication of the DEIS. The project managers responded to the comments that were e-mailed and mailed to the project, if requested.

Public comment on the DEIS was collected from April 20, 2012, to June 18, 2012. An online questionnaire was posted to the project Web site. Approximately 121 people participated in the questionnaire.

**Public Notice and Media Communications**
Notification in the form of a mailed postcard was sent to approximately 4,300 residents, businesses, and community leaders on February 10, 2012, letting them know that the DEIS was almost ready for publication. Approximately 120 e-mail messages were also sent to notify the public that the DEIS was almost complete.

For the publication of the DEIS on April 20, 2012, notification in the form of a project newsletter was sent to approximately 4,400 residents, businesses, and community leaders. An e-mail message announcing publication of the DEIS and the Open Houses was sent to approximately 385 people. Throughout the study area, publication of the DEIS and the two public hearings were widely announced and publicized. Signs were posted at the locations with printed reference copies of the DEIS. The printed reference copies of the DEIS were available at the following locations:

- Federal Highway Administration (530 Center St NE, Salem)
- Salem Central Library (585 Liberty St SE, Salem)
- West Salem Library (395 Glen Creek Road NW, Salem)
- Center 50+ (2615 Portland Road NE, Salem)
- Salem City Hall (555 Liberty St SE, Rm 305, Salem), Community Development Department
- Keizer City Hall (930 Chemawa Road NE, Keizer)
- Keizer Community Library (980 Chemawa Road NE, Keizer)
- Marion County Board of Commissioners Office (1115 Commercial Street NE, Salem)
- Polk County Courthouse – Community Development Department (850 Main Street, Dallas)
- Dallas City Hall (187 SE Court St, Dallas)
- Monmouth City Hall (151 Main St W, Monmouth)
- Monmouth Public Library (168 S Ecols Street, Monmouth, Attn: Howard Feltman)
- Independence City Hall (555 S Main Street, Independence)
- Independence Public Library (175 Monmouth Street, Independence)

Posters and handouts were also distributed to the following locations:

- Fred Meyer, near Salem Parkway
- San Diego Taco, near Tryon
Newspaper ads were taken out in the *Statesman Journal*, *Westside Newspaper*, and *El Latina de Hoy*. Newspaper articles were also written about the project and the public hearings in the *Statesman Journal* on May 7 and May 17, 2012. The article on May 7 was also picked up by the Associated Press, and it appeared in papers in Klamath Falls, Medford, Eugene, Albany, Lebanon, and Corvallis, and in the *Oregonian* on May 8, 2012. An article was also written in the *Polk County Itemizer-Observer* on May 15 and the *Salem Community Connections newsletter* on May 12. A guest column by Salem City Councilor Dan Clem was published in the *Westside News* during the month of May. Press releases were distributed prior to the public hearings.

In addition, KWIP Spanish radio station ran eight 30-second ads in Spanish to announce the events from May 8 to May 16. A 30-minute interview in Spanish ran on Sunday, May 13 discussing the project and announcing the event.

Project staff members made presentations at some of the neighborhood associations in the study area, including the Highland Neighborhood, Grant Neighborhood, South Gateway Neighborhood, and Northeast Neighborhood. Additional presentations and information booths were held at:

- Chemeketa Community College on April 26, 2012
- Shekina Iglesia Church on April 29, 2012
- Salem Center 50+ on April 30, 2012
- Jived’s Market on April 30, 2012
- Latino Cultural Festival on June 1, 2012

The project flyer was also sent home with students at six local elementary schools (Highland, Grant, Chapman Hill, Harriott, Kalapuya, and Myers Elementary Schools).

**Public Hearings**

Two public hearings were held to collect public comment after publication of the DEIS.

- Public Hearing 1 was held on May 8, 2012, from 4 p.m. to 7 p.m. at the West Salem High School, Media Center (1776 Titan Drive NW).
- Public Hearing 2 was held on May 17, 2012, from 3 p.m. to 7 p.m. at the Chemeketa Center for Business and Industry (626 High Street NE).

Each event drew roughly 90 visitors, resulting in close to 200 people attending the events.

Both events provided the same information, including an introduction presentation about the project and the nine alternatives, informational display boards, and staff members to answer questions. Comments were collected via written comment forms or verbally to a court reporter or in front of a panel of Task Force members and a court reporter.

**Environmental Justice Outreach**
The DEIS Executive Summary was translated into Spanish, as were flyers, newsletters, and e-mail messages sent to the public. The project phone line retained a greeting in English and Spanish, allowing anyone to leave comments or questions.

KWIP Spanish radio station ran ads in Spanish as well as the Spanish newspaper, El Latina de Hoy. A 30-minute interview in Spanish ran on Sunday, May 13, discussing the project and announcing the May 17 event.

A handout, in English and Spanish, was provided to all students at elementary schools to announce the Open Houses.

Public Involvement Activities following recommendation for the Previous Preferred Alternative

The previous Preferred Alternative, referred to as the “Salem Alternative,” included many of the design elements of Alternative 4D, but minimized potential impacts by:

- Removing the viaduct above the future Marine Drive in West Salem.
- Removing the elevated “flyover” ramps from the new bridge to Salem Parkway in North Salem.
- Reducing the size and extent of local road modifications.
- Reducing the number of lanes on the bridge from three to two in each direction.

Agency Coordination

During the final identification of the previous Preferred Alternative, the Oversight Team had four meetings, covering these topics:

- February 6, 2014 – Discussed potential bridge types and funding processes and recommended the Salem Alternative as the Preferred Alternative.
- June 26, 2014 – Revisited potential bridge types and provided direction for additional study on each bridge type.
- September 18, 2014 – Recommended a preferred bridge type and provided direction on potential project construction phases.
- December 11, 2014 – Reviewed Funding Workshop outcomes and provided comments on the draft Funding Memo.

Public Workshop

Two Funding Workshops were held on December 3, 2014. The afternoon workshop was from 3:00 to 6:00 p.m. and the evening workshop was from 6:30 to 8:30 p.m. at the Willamette Heritage Center. The afternoon workshop was held for elected officials, public agency staff, and interested stakeholders. The public was invited to observe the proceedings of the afternoon workshop. The evening workshop was open to the public and everyone was invited to participate. Approximately 70 people attended the afternoon event and 60 people attended the evening event. The purpose of the workshops was to present information, receive public input on potential funding sources, and gather input on the possible phasing of construction of the Preferred Alternative. At the workshops, 39 comment forms were submitted. The online survey had 248 respondents, 124 of them submitted comments as part of their survey response. Only two comments were submitted by e-mail, and no comments were received through the postal mail. The Funding Booklet was prepared in November 2014 and posted to the public Web site.
Public Involvement/Outreach

Web Site
The website was periodically updated to inform the public about the June 2014 Open House and the previous Preferred Alternative. The public was encouraged to send in comments through e-mail or postal mail and to attend the Open House. During identification of the previous Preferred Alternative, the project managers responded to the comments that were e-mailed and mailed to the project.

A funding tool was developed for the Web site in tandem with the Funding Workshop. The Web funding tool allowed the public to explore potential local funding options by examining the trade-offs between local funding sources used to fund transportation projects.

An online survey was provided on the Web site from December 1, 2014, to December 9, 2014. Participants were asked to use the Web site funding tool to explore the funding options and then provide feedback about these options.

The website was updated most recently in February 2019 to describe the actions of the Salem City Council regarding addressing the remand of the city’s UGB expansion by LUBA described in the Background section above.

Public Notice and Media Communications
Notification in the form of a mailed newsletter was sent to approximately 4,600 residents, businesses, and community leaders on May 23, 2014, informing them about the Open House on June 11, 2014. An e-mail message announcing the Open House was sent to approximately 426 people on May 30, 2014. ODOT’s communication staff sent a press release to all major news outlets on May 26, 2014.

One article was written about the project in the Salem Weekly, published on May 29, 2014. In addition, a letter to the editor expressing opposition to the project ran the same day in the Statesman Journal.

As for the Funding Workshop, notification in the form of invitations to the afternoon workshop were mailed to elected officials, public agencies, and interested stakeholders on November 12, 2014. Invitations were sent to 188 people. In addition, an e-mail message was sent to over 450 e-mail addresses on November 21 and December 2, 2014, regarding the evening workshop. ODOT’s communication staff sent a press release to all major news outlets on November 21, 2014.

One article was written about the Funding Workshop in the Statesman Journal, published on December 5, 2014.

In addition to the above, the City of Salem announced the evening workshop via e-mail messages to all neighborhood association chairs, land use chairs, and transportation chairs, and included it in the City’s monthly Community Connection Newsletter, distributed on November 24, 2014.

Public Meetings
An Open House was held on June 11, 2014, from 4 p.m. to 6:30 p.m. at Courthouse Square about the recommended Preferred Alternative for the project. The purpose of the event was to present the recommended Preferred Alternative to the public, answer questions, and collect comments regarding the recommendation. Approximately 150 people attended the Open House. Comment forms were collected in-person at the Open House, by Web site, e-mail, and postal mail. Fifty-six people submitted comment forms, with an additional 8 comment forms collected online. There were also 17 comments collected by e-mail and 6 comments sent by postal mail.

Environmental Justice Outreach
The Web site continued to be translated into Spanish and the project phone line retained a greeting in English and Spanish, allowing anyone to leave comments or questions.
The Open House newsletter had language in Spanish indicating a translator would be available. Comment forms at the Open House were translated into Spanish.
Exhibit A: 2040 Traffic Model v/c Results
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* Traffic analysis for non-state facilities performed for this FES (e.g. City of Salem mobility standards) is based on (in volume-to-capacity ratios) of 0.30 for the existing and Salem No Build Alternative, and a V/C ratio of 0.15 for all Build alternatives) based on Salem Transportation System Plan Policy 2.5 (City of Salem, 2007).
Analysis based on Highway Capacity Manual 2000 (TRB, 2000) methods. For non-signals, worst v/c by movement was reported. Marine Drive/Taybin Rd. and Wallace Rd./Beckett St. were not modeled for year 2031.

Black shading represents intersection not meeting mobility standards. Grey shading represents a location that would not meet mobility standards, but would improve mobility compared to the No Build alternative's intersection not meeting mobility standards.
## Exhibit A-2: 2040 Traffic Model v/c Results: Preferred Alternative

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<th>Intersection</th>
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<th>2040 No Build Alternative</th>
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<td>PM Peak</td>
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<td>Hickory St.</td>
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<tr>
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</table>
C. Draft Environmental Impact Statement Response to Comments
Response to Comments on the Salem River Crossing Draft Environmental Impact Statement

The Salem River Crossing Draft Environmental Impact Statement (DEIS) was published on April 20, 2012, and the public comment period lasted through June 18, 2012. 125 individuals/agencies provided comments including the transcript(s) from the two public open house(s).

The original comments received and the transcripts from two public hearings held on the DEIS are included in Section D of the Final EIS. Agencies, businesses, and the public provided thoughtful comments on the contents of the DEIS and expressed opinions in favor or in opposition to the project. In 2014 the Salem Alternative (a hybrid of DEIS Alternatives 4A and 4D) was adopted by the Project Oversight Team as the Preferred Alternative. Additional comments were received through the course of the project.

For the reasons set forth in Section A of the FEIS, the FHWA, in close coordination with ODOT and the City of Salem, has identified the No Build (No Action) Alternative as its preferred alternative going forward and none of the “Build” alternatives analyzed in the DEIS will be pursued at this time. Accordingly, this FEIS does not include individual responses to comments on the build alternatives found in the 2012 DEIS for the Salem River Crossing project.
D. Draft Environmental Impact Statement Public Comments
E. Draft Environmental Impact Statement
F. Re-evaluation of the 2012 Salem River Crossing Project Draft Environmental Impact Statement