

**Salem River Crossing Project Questions/Answers (Supplemental Part 2)
For February 11, 2019, City Council Meeting**

INTRODUCTION

This supplemental report is provided to Salem City Council following its January 30, 2019, work session regarding the Salem River Crossing Project. This report augments the *Salem River Crossing Project Questions and Answers* document provided to City Council on January 18, 2019, and the *Supplemental Questions* dated January 30, 2019. In “Supplemental Questions – Part 2” below are three questions that are in addition to those contained in the January 18 and January 30 documents. Also included below are revisions to the answer for Question 20.b. from the original January 18 report regarding how cost estimates account for geological conditions at the project location.

1. SUPPLEMENTAL QUESTIONS – Part 2

- a. To what degree does the Record of Decision require that the entire project be constructed?

The Record of Decision (ROD) will identify the Selected Alternative, document the alternatives analysis process, summarize any mitigation commitments, and confirm the requirements of the National Environmental Policy Act have been satisfied. In addition, the ROD will represent a commitment to the community by all the participating agencies that the project will be constructed—as represented—at some point in the indeterminate future. A co-lead agency explicitly stating it has no intention to construct the project that is identified as the preferred alternative in the Final Environmental Impact Statement (FEIS), prior to completion of the FEIS, would directly conflict with the FEIS, affecting its completion and the execution of a ROD for the project. Predetermining or prohibiting the completion of a portion of the project constitutes a different project.

On the other hand, acknowledging that construction of the entire project is commonly accomplished in phases due to limited funding, competing priorities, or changes in the current or projected needs of the community, is an acceptable approach from the perspective of FHWA and one with historic precedence. Constructing the Salem River Crossing Project in phases is an option, provided each phase on its own merits provides benefits to the transportation system, a term known as “independent utility.” If the Salem River Crossing Project is constructed in phases, there is no requirement by FHWA to have a schedule for constructing the remaining phases.¹

- b. What agencies will be signatory to the Record of Decision for the Salem River Crossing Project?

The Record of Decision (ROD) for the Salem River Crossing Project will be issued by the Federal Highway Administration (FHWA) and will be signed by a representative of that federal agency. The ROD will note that the Oregon Department of Transportation and the City of Salem served as co-leads of the project with FHWA. The ROD will also name the project sponsors, which include the City

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of Keizer, Marion County, Polk County, and the Salem-Keizer Transit District (Cherriots), and the Salem-Keizer Transportation Study Area.²

- c. What is the process for relocating and compensating homes and businesses that would be impacted by the Preferred Alternative?

Federal regulations and standards guide the process for compensating and relocating residences and businesses that would be displaced as a direct result of federal or federally assisted programs. These regulations are based on Public Law 91-646, the Uniform Relocation and Assistance and Real Properties Acquisition Policies Act of 1970, as amended (Uniform Act).³

The objective of the Uniform Act is to ensure that persons displaced as a direct result of federal or federally assisted projects are treated fairly, consistently, and equitably so that such displaced persons will not suffer disproportionate injuries as a result of projects designed for the benefit of the public as a whole. The ODOT Right-of-Way Section assures compliance with the Uniform Act and federal rules and regulations.⁴ Appendix A of the Draft Right-of-Way Technical Report Addendum summarizes ODOT's relocation process. Appendix B provides a copy of ODOT's "Acquiring Land for Highways & Public Projects" brochure, which describes ODOT's Land Acquisition Program. Appendix C provides a copy of ODOT's "Moving Because of the Highway or Public Projects?" brochure, which describes ODOT's Relocation Assistance Program. Information on the ODOT Right-of-Way processes is also available online.⁵ In the event the City of Salem is the lead on property acquisition, the City of Salem Real Property Services Division will ensure compliance with the Uniform Act.

Revision to Salem River Crossing Project: Questions and Answers (January 18, 2019)

20. THE SALEM RIVER CROSSING PROJECT AND RESILIENCY IN THE EVENT OF A CASCADIA-SCALE EARTHQUAKE

- b. Does the cost estimate account for the work needed to address the geological conditions, including the potential for liquefaction?

The cost estimate is based on unit costs selected to best represent the current understanding of the project design and the key components. The unit costs used to develop the cost estimate take into consideration known geological conditions and the requirements to construct to current seismic standards. To account for potential unknown site-specific conditions (environmental, archaeological, geological, geotechnical, etc.), a 40 percent contingency factor is included in the cost estimate.

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References

- ¹ The answer to this questions has been reviewed and approved by FHWA Oregon Division. (Personal Communication February 4, 2019, email from Mike Morrow, Oregon Division FHWA to Robert Chandler, Salem Public Works.)
- ² The answer to this questions has been reviewed and approved by FHWA Oregon Division. (Personal Communication February 4, 2019, email from Mike Morrow, Oregon Division FHWA to Robert Chandler, Salem Public Works.)
- ³ Federal Register. "Uniform Relocation and Real Property Acquisition for Federal and Federally-Assisted Programs; Fixed Payment for Moving Expenses; Residential Moves" Available at: <https://www.federalregister.gov/documents/2015/07/24/2015-18159/uniform-relocation-and-real-property-acquisition-for-federal-and-federally-assisted-programs-fixed>. (Accessed February 4, 2019)
- ⁴ Angelo Planning Group, 2016. "Salem River Crossing Project: Right-of-Way Final Technical Report Addendum." Draft. Prepared for Oregon Department of Transportation by Universal Field Services, Inc. August 2016.. Available at: <https://www.cityofsalem.net/citydocuments/salem-river-crossing-ca16-04-src-row-finaltechreport-addendum.pdf>. (Accessed February 4, 2019)
- ⁵ ODOT. "Right of Way Guidance." Available at: <https://www.oregon.gov/ODOT/ROW/Pages/ROW.aspx>. (Accessed February 4, 2019)