



# Oregon

Kate Brown, Governor

## Department of Transportation

Region 2, Area/District 5

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Date: February 17, 2022

DELIVERED VIA EMAIL

To: Alexis Biddle, Great Communities Program Director and Staff Attorney, 1000Friends of Oregon  
Patty Hine, President, 350 Eugene

Re: Response to January 20, 2022 letter from Alexis Biddle and Patty Hine regarding the OR 126: Veneta to Eugene Project

Dear Mr. Biddle and Ms. Hine,

Thank you for your letter of January 20, 2022 regarding the ODOT project OR126: Veneta to Eugene. Your letter has been included as part of the public comments received for the project and your names have been added to the interested parties list. I'd like to address several of the questions in your letter, some specifically, and some in a general way.

### Project Background:

The minutes and attendance records for the January 12, 2022 Lane ACT meeting did not indicate you were at the meeting, however, we know Alexis, that you serve as an alternate in the Environment and Land Use stakeholder role on the Lane ACT and may not have seen information on the project.

As background, Highway 126 was part of a planning study in 2011 through 2013. The study, *Highway 126 Fern Ridge Corridor Plan*, was adopted by the Oregon Transportation Commission in April 2013. This effort had robust public engagement and evaluated alternatives for addressing safety and congestion on the highway. The planning study recommended construction of some short term safety fixes and construction of two additional travel lanes for traffic along with shoulders, median, and a separated multi-use path. As part of the recommended short term safety fixes, in 2019 ODOT paved the highway from Cornerstone to Terry Street, constructed bus turn outs at Ellmaker and widened the north shoulder near Lakeshore and Shady Rest Drives.

In 2017 ODOT secured money through the Oregon legislature (House Bill 2017) for a National Environmental Policy Act (NEPA) study to confirm continued public support for the 4-lane alternative, refine the design, and evaluate environmental resources and impacts associated with the widening. Funding has not been programmed for design, right-of-way acquisition or construction. ODOT anticipates that the construction of the project will be implemented in several phases, dependent upon funding.

**Work completed 2020 to Date:**

For the House Bill project between Veneta and Eugene, ODOT has engaged the public since 2020 via Open Houses, newsletters, mailers, and articles, as well as specific meetings with state and federal resource agencies, and individuals associated with special interest groups, the Lane ACT, and Central Lane MPC. Special interest organizations represented include GEARS (Greater Eugene Area Riders), Mobility International, Travel Lane County, Co-Motion, Lane County Audubon Society, Long Tom Watershed Council, North American Butterfly Association, Emerald Empire Bass Club, Willamette Resource & Education Network, Western Lane Ambulance District, Mid-Lane Cares, Three Rivers Casino, RR King Logging, Siuslaw Vision, Ecosystems Transfer and Recycling, Siuslaw Outreach, United Parcel Service, and Friends of Florence Van. Lane County, and the cities of Veneta and Eugene were given the opportunity to review and comment on concept level engineering plans.

ODOT has received a preponderance of support for the proposed 4-lane improvements on Hwy 126. Local and through users recognize that the current highway is narrow, lacking shoulders, bike facilities as well as passing opportunities and areas to pull over for emergency traffic. This footprint not only honors the intent of the Corridor Plan but also allows for the broadest reasonable evaluation of environmental resources and allows for future design changes within the footprint without extensive additional environmental work.

To address your comment specifically that the foot print is 8- lanes: the foot print analyzed is 2 travel lanes in each direction, full shoulders on each side, a median – either closed or allowing turning movements, and a separated multi-use path on the north side of the highway. Two-lane roundabouts are also considered in the conceptualized footprint at 5 of the intersections as they have been proven to improve traffic safety and to accommodate projected traffic volumes.

As you know, within the project area the highway is bordered on the south by the Coos Bay Rail Line (CBRR), and on the north by Fern Ridge Reservoir for about 2 miles. Through coordination with CBRR, we have shifted the alignment as close to the railroad as possible to minimize impacts to the reservoir. However, fill will still be needed in the reservoir to accommodate the footprint. Filling in any wetland requires a permitting and mitigation process. Those efforts will not be undertaken until money is in hand for design, permitting and construction. Due to the size of the reservoir and the expansiveness of surrounding wetland area, although there are impacts associated with the fills, they are not considered *significant* in a NEPA context. Within the reservoir the fill impacts equate to 0.07% reduction in storage volume, this is a difference of 53 acre-feet from existing to project conditions.



ODOT has identified federally protected plants in the project area and we have shifted road design elements to minimize those impacts. ODOT and FHWA are consulting with environmental regulatory agencies to ensure compliance with environmental rules and regulations under the umbrella of NEPA. This includes consultation with the USFWS and NMFS as required under Section 7 of the Endangered Species Act.

Based on the information obtained in the 2011-2013 planning phase, identification of natural resources and engineering to minimize impacts and the outreach we have done, ODOT has recommended a preliminary NEPA classification of categorical exclusion (CE) to FHWA. ODOT's CE procedures provide for similar rigorous data collection and analysis methods as required for other NEPA classifications. Through the analysis process and application of required mitigation measures, ODOT – in consultation with FHWA – has not identified unusual circumstances such as environmental impacts that rise to the level of “*significant*” within the context of NEPA when viewed within the size and scope of the project and the intensity of the impact. With this information, FHWA and ODOT are in agreement that a NEPA classification determination of CE appears appropriate. FHWA is the final authority on classification, however, and will make that decision once they review all relevant documentation. If a CE decision is reached, ODOT will forward a signed copy to you at the address provided. It is not ODOT or FHWA's practice to provide a draft CE document to the public for review. FHWA is the final authority on whether the CE is complete.

We appreciate your questions and concern regarding the project's potential climate change impacts. Greenhouse gas (GHG) emissions were not addressed in the ACT meeting presentation. At this time an analysis of GHG emissions is not required as part of FHWA's NEPA evaluation. Your letter cited ORS 468A.205 and ODOT's Statewide Transportation Strategy. These directives outline high-level GHG emission reduction targets and a range of policy options for how the state of Oregon can most effectively reduce overall transportation emissions. In 2020, the Governor's Executive Order 20-04 directed ODOT and other state agencies to increase implementation efforts outlined in the Statewide Transportation Strategy. This order also led to creation of ODOT's Climate Office which has work underway to establish guidance and direction for how the agency addresses GHG emissions in our plans, programs, and projects. ODOT-delivered projects being programmed and scoped for the 2024-2027 STIP, and in future cycles, will address climate impacts. The Veneta to Eugene project has no identified funding in the current 2021-2024 STIP or the 2024-2027 STIP.

ODOT did perform an Air Quality analysis for this project which included a review of traffic volumes, signal data and modeling with Environmental Protection Agency (EPA), Lane Regional Air Protection Agency (LRAPA), Federal Transit Administration (FTA), Oregon Department of Environmental Quality (DEQ), and FHWA to determine if the project was of local air quality concern [defined under 40 CFR93.123 (b)(1)(v)]. The interagency consultation occurred in 2021 and concurred that the project is not of local air quality concern. This decision was reached based on traffic analysis conducted using the [Oregon Statewide Integrated Model \(SWIM\)](#) which is a method accepted by these agencies. The model predicted that traffic volumes would increase, but not by an amount that is statistically valid. SWIM simulates the dynamic interaction of Oregon's population, land development, economic activity allocation, personal travel, and commercial travel resulting in forecast traffic volumes. Analysis using



SWIM revealed this project will attract traffic from adjacent routes to the newly expanded OR126. However, these trips are not new trips associated with induced demand, traffic is only shifting from existing routes to a more efficient route.

Attributes of the project which may help offset GHGs include a separated multi-use path that may encourage an increase of bicycle commuters, physical space for additional transit stops, and roundabouts which keep traffic moving rather than idling as would be needed at traffic signals.

#### Additional Points

Your letter also mentioned the cost of the project and that if the money were spent here it would not be available to be spent elsewhere. That is always the case. Funding is limited and priorities have to be established. That is the reason the Steering Committee asked the project team to look at less costly interim safety solutions that could be implemented. These were part of the ACT presentation. The public sentiment indicates that bringing OR 126W to current highway design standards for improved traffic operations and safety is a good use of public funds.

In closing, I appreciate your attentiveness to this project. Hwy 126 is in an east-west corridor that runs adjacent to valued natural resources and is simultaneously needed to connect the Willamette Valley and the Oregon Coast to safely carry goods and services, commuters, and emergency responders that need a safe corridor by which to travel. It is ODOT's intention to minimize impacts, mitigate for those that cannot be avoided, and to improve this important transportation linkage.

I hope this letter addresses your questions and concerns. Rather than continuing to write letters and e-mails I would prefer to meet in person or virtually if you have additional questions. If further clarification is needed on these topics ODOT would be happy to provide a presentation with more detail. My contact information is below.

Sincerely –



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