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The Honorable John Kitzhaber  
Governor of Oregon  
160 State Capitol  
900 Court Street NE  
Salem, Oregon 97301-4047

February 7, 2011

Dear Governor Kitzhaber:

I enclose a report from Mr. Joseph Cortright responding to a January 21<sup>st</sup> letter from Mr. Matthew Garrett, Director of the Oregon Department of Transportation (ODOT) regarding the 2010 Impresa, Inc. report on the Columbia River Crossing (CRC) project.

Having read Mr. Garrett's letter, and Mr. Cortright's response, it is still clear to me that the CRC would saddle the state with high costs and significant risks, and that the project's traffic projections are highly suspect. I strongly urge you to take a close look at this information before making any decision about the Columbia River Crossing.

Of particular concern are the finance plan and the traffic projections that drive the critical toll revenue stream to pay the debt service. The Independent Review Panel recommended that an independent investment-grade analysis be performed. ODOT and CRC have acknowledged the need for this, but in Mr. Garrett's letter we were told that they intend to do such an analysis "at a later stage, before bonding." This would be after the Legislature and the Governor are asked to commit to funding this project.

Decision-makers should insist that such an analysis be completed and made available before they make a serious financial commitment that would take this project past the point of no-return. If the necessary Oregon taxes, Federal funding, affordable bond financing, or adequate toll revenues are not realized, Oregon and its taxpayers will be required to make up the shortfalls.

I urge you to ask for an independent investment-grade financial analysis, and to seek answers to the questions raised in the IRP and Impresa reports, before additional funding is committed for this expensive and risky Mega-Project plan.

Respectfully Submitted,

Chris Girard  
President & CEO  
Plaid Pantries, Inc.

## MEMORANDUM

February 7, 2011

TO: Mr. Chris Girard, Plaid Pantry

FROM: Joe Cortright, Impresa

RE: Response to Mr. Garrett's Reply to Impresa's CRC Analysis

This memorandum responds to the comments made by ODOT Director Matt Garrett in a January 21, 2011 communication to legislative leaders, responding to Impresa's October 4, 2010 report on the financial aspects of the Columbia River Crossing.

Mr. Garrett questions Impresa's analysis of traffic forecasts, cost estimates, and the CRC funding plan. Impresa stands by the accuracy of all of the data and conclusions in our report, and based on our analysis, we disagree with Mr. Garrett's comments. We continue to conclude:

- Traffic levels in the I-5 corridor have been declining since 2005, raising serious doubts about the reliability of the project's future traffic projections. Flawed traffic projections undercut the need for the project itself, the rationale for its size, the accuracy of its environmental assessment, and the viability of its financing plan.
- The total cost that will have to be paid by taxpayers and bridge-users for the Columbia River Crossing over the next thirty years will be \$10 billion, including capital, interest and operating costs, and the attendant improvements that will likely be needed to resolve identified issues in the Rose Quarter. The region's road-users and taxpayers will have to pay all of these costs, not just the widely publicized initial capital cost.
- The proposed financing plan for the project poses major risks for the state and the region, and there is a high probability of cost overruns and revenue shortfalls.

The reasons for our conclusions and specific responses to each of the points raised by Mr. Garrett are presented in this memorandum. Mr. Garrett's comments are shown in *italic*, and our comments follow in **normal text**.

## Traffic forecasts

Impresa's report found that traffic volumes have been in decline on I-5 since 2005, and are falling dramatically behind CRC projections, undercutting the rationale for the project itself, the justification for its sizing, the analysis of its environmental impacts, and the viability of its financial plan. Mr. Garrett disputed our analysis of traffic data.

*“. . . traffic counts for the I-5 bridge, which have shown a recent decline with the current recession.”*

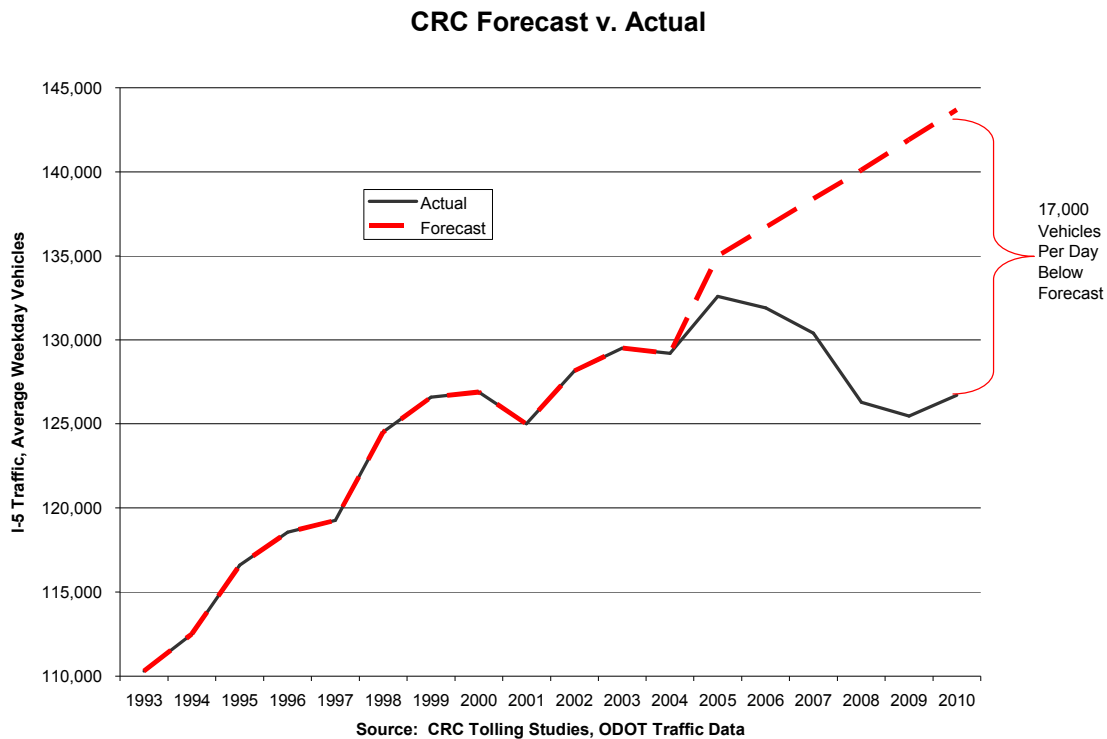
As we noted in our analysis, the decline is not recent, and predates the current recession which started in December 2007.

*“It is typical for traffic volumes to decline during a recession and to rise during boom periods. These fluctuations are expected.”*

The data shows that historically, previous recessions have had only minor and transitory impacts on traffic growth changes. The current stagnation in traffic growth on I-5 is a decade-long trend, reflecting fundamental changes in travel behavior and a response to much higher fuel prices. In addition, the CRC modeling makes no allowance for recessions. Traffic levels are assumed to increase steadily each year without interruption. (See for example, document PEAC-54, page 15).

We analyzed ODOT's latest data on traffic levels on I-5, through November 2010. These data show:

- Traffic growth rebounded modestly in 2010. According to ODOT's calculation, for the first 11 months of 2010, traffic levels were up 1 percent over the 12 months of 2009. (Compared to the first 11 months of 2009, traffic in the first 11 months of 2010 was up 0.7%).
- Traffic in 2010 was 126,700 vehicles per average weekday.
- This traffic level is still almost 6,000 vehicles per day below the 2005 peak of 132,600.
- The 2010 traffic level is 17,000 vehicles per day below the DEIS forecast of 143,700 vehicles per day in 2010.
- At ODOT's calculated current rate of growth of 1.0% per year, 2030 traffic will be 154,400; this is about 30,000 vehicles per day **less** than the DEIS forecast.
- In order to reach the DEIS forecast, traffic growth would have to almost double -- to 1.9% per year -- and grow that fast every year for the next two decades. Over the past decade, traffic has increased that fast in only one year (2002).



This 17,000 vehicle per day shortfall from projections would have a material adverse effect on project financing. The shortfall to date coupled with the much lower than predicted level of growth would produce financial results similar to those outlined in our original report. In that report (page 15), we showed that a slower than projected rate of traffic growth on the I-5 bridges would produce a debt service payment shortfall of more than \$1 billion over the life of the project.

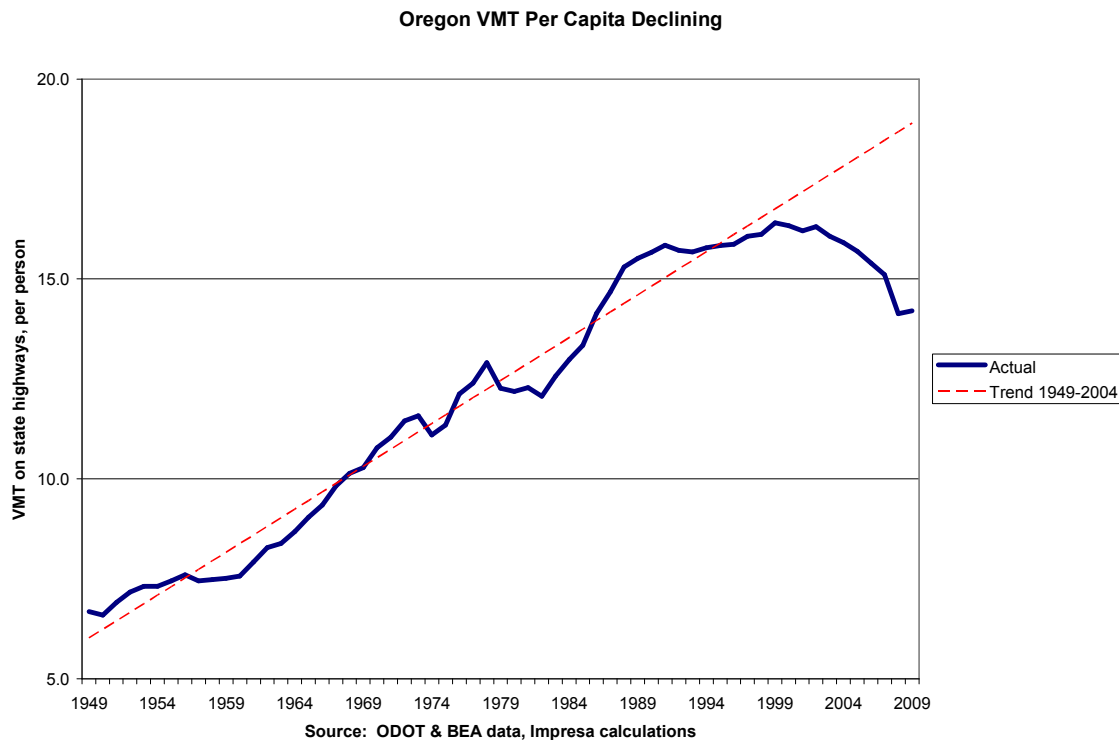
Our report explicitly addressed the role of the recession in influencing traffic levels on I-5. We noted that the decline in I-5 traffic volumes preceded by two full years the advent of the recession. The dramatic difference between the CRC forecast and actual traffic levels is not a minor “fluctuation”—it is a sea change in travel behavior reflecting important national and regional trends.

*“ . . . evidence suggests that traffic volumes are resuming their long-term upward trend on both I-5 and I-205.”*

Mr. Garrett presents no data to show what the actual “upward trend” of traffic volumes is now. The question is not merely whether they are rising, but whether they will recover to the previous levels, and whether they will grow at anything close to the rate CRC projected five years ago. The evidence shows the growth rate is much slower than

forecast, raising serious questions about the need for the project, its sizing, and how it will be financed.

As we noted in our report, per capita vehicle miles traveled continues to decline nationally. The doubling of fuel costs since 2005 has produced a dramatic change in travel behavior. This is confirmed by ODOT's own data on travel on state highways; vehicle miles traveled per capita on state highways peaked in 1999, and are 13% below that level. On a per capita basis, Oregonians are driving on state highways at rates lower than at any time since 1987. This shift is not a small or temporary change induced by the recession—it is a long term shift in the nation's driving habits that is not captured in transportation models calibrated in an era of cheap energy (Oregon State Vehicle Miles Traveled for state owned highways, [http://www.oregon.gov/ODOT/TD/TDATA/tsm/vmtpage.shtml#Oregon\\_VMT\\_Graph](http://www.oregon.gov/ODOT/TD/TDATA/tsm/vmtpage.shtml#Oregon_VMT_Graph)).



This trend is also confirmed by similar data from the Washington DOT. Between 2006 and 2009, per capita vehicle miles traveled in Washington State have declined 3.9% (Washington State Department of Transportation, 2010)

*A multi-jurisdictional team and an expert review panel has reviewed the model.*

In 2008, the CRC convened a Travel Demand Model Review Panel consisting of staff from four other metropolitan planning organizations. This panel was not provided with copies of comments on the DEIS that questioned and criticized the data, methodology and findings of the CRC traffic forecasts. The panel spent two days reviewing the

methodology, but did not independently develop its own estimates, and there is no indication it reviewed actual traffic data from 2005 (the base year of the forecast) and 2008.

Our report pointed out that the problems of over-estimating future traffic levels are endemic to the entire class of models used by CRC and metropolitan planning organizations. This is not our conclusion, it is the conclusion of independent expert review by the Government Accountability Office (2005) and the National Academy of Sciences (Committee for Determination of the State of the Practice in Metropolitan Area Travel Forecasting, 2007). Claiming that the travel demand model review panel found that the methodology was consistent with the general practice doesn't refute the point made in our report, and the general practice is seriously flawed.

*“Vehicle operating costs, of which fuel costs were a component were reasonable.”*

The CRC traffic forecasts are based on the Metro model which relies upon travel behavior surveys taken in 1994 when the price of gasoline was less than \$1 per gallon. The CRC traffic models contain no explicit variable that addresses changes in fuel costs. The model is based on the assumption that the per mile cost of driving will not increase faster than inflation, and that increases in real (i.e. inflation-adjusted fuel prices) will be exactly offset by improvements in vehicle fuel economy, leaving travel behavior unchanged regardless of any change in fuel prices. As shown above, this premise is incorrect.

*“... tolling analysis is within standard practice.”*

As we noted, a careful review of toll revenue forecasts undertaken for other similar projects shows that standard practice methods consistently over-estimate future traffic and associated revenue (Bain, 2009). We also showed that WashDOT's forecasts for the Tacoma Narrows Bridge have significantly over-estimated toll revenues. The CRC has not commissioned an independent, investment-grade forecast that would reflect probable results that would be achieved in practice.

*“... two new analytical surveys validated and updated assumptions used in the model. First, an origin-destination study compared the actual patterns*

In fact, as we noted in Section 1.4 of our original report, the authors of the CRC traffic forecasts manually adjusted the model outputs, substituting their own judgment for the modeled results, and inflating traffic volumes assigned to the I-5 bridge by 6% as part of what they euphemistically labeled “post-processing.”

*“a ‘stated-preference’ survey determined corridor specific value of time for use in the regional travel demand model.”*

As we noted in our analysis, the stated preference survey is regarded as a second-best method for estimating the actual value that travelers attach to travel time savings. We

also noted that the CRC survey systematically under-sampled low and moderate income households, biasing upward its value of time estimates. The IRP agreed with these concerns and concluded that a new travel demand forecast would be needed, in conjunction with the investment grade forecast (page 179).

It is also worth noting that the travel demand modeling for the CRC does not include an estimate of the effect of the “pay by plate surcharge” that travelers will have to pay if they don’t purchase transponders. The CRC states that the surcharge may be an additional \$1.50 on top of the toll, so most of the region’s population will face a \$3.50 or higher toll (a \$2.00 toll plus a \$1.50 surcharge) to use the CRC at peak hours. The CRC has not estimated the effect of the combined toll/surcharge on travel behavior. The actual surcharge may be higher. The Washington Transportation Commission found it necessary and has just approved a \$2.75 per transaction “pay by plate” surcharge above the transponder toll for the Tacoma Narrows Bridge (WAC 468-270-070).

*“There will be about a 4.5 percent shift of auto trips on an all day basis from the I-5 corridor to I-205.”*

This estimate is highly dependent upon the incorrect value of time assumptions used in the forecast, and is further affected by the failure to include the effect of the pay by plate surcharge on travel demand. Overestimating the value of time has resulted in the CRC underestimating diversion. Moreover, it is exactly this diversion effect which has shown to be systematically underestimated by standard models, and is only corrected by undertaking an investment grade analysis, which has not been done for the CRC.

### **Cost estimates**

Impresa’s analysis concluded, based on estimates obtained from CRC and ODOT, that the total capital and operating cost of the CRC, plus the improvements needed at the Rose Quarter for the CRC to work as designed, would cost the region \$10 billion over the next 30 years.

*The CRC finance plan fully accounts for all project costs, maintenance and operations costs and financing and interest costs.”*

The widely quoted \$3.9 billion capital construction price tag, still repeated by CRC, does not include the full 30 year cost of building, financing and operating the project. Prior to the release of documents obtained in response to a public records request, there was no publicly available information on the total dollar amount of operations, maintenance or interest costs of the project.

The total cost of the project over the next 30 years, including the fix for the Rose Quarter that was addressed by the IRP, will be roughly \$10 billion, assuming that there are no cost overruns. As documented in our original report, none of these estimates were made by Impresa; every figure was taken from estimates prepared by CRC, ODOT and the IRP.

*“The Rose quarter is outside of the project area and therefore, should not be part of the CRC project cost estimates.*

The reports of both the Independent Review Panel and the city of Portland’s engineering consultants, URS, identified the bottleneck at the Rose Quarter as a major issue. Unless the chokepoint at the Rose Quarter is fixed, the utility of the entire CRC investment is jeopardized. They write:

“Questions about the reasonableness of investment in the CRC bridge because unresolved issues remain to the south threaten the viability of the project.”  
(Independent Review Panel Report, 2010, page 112).

The IRP panel recommends a new set of traffic studies to test whether the CRC will simply shift the bottleneck south, and calls for ODOT and the City of Portland to “fully develop a solution for I-5 from I-405 to I-84” and to program that solution in conjunction with the phasing of the construction of the CRC (page 113).

*“Cortright disregards this rigorous process used to develop capital cost estimates for the CRC.”*

Actually, the IRP found that the Cost Estimation Validation Process (CEVP) used to-date on the CRC was anything but rigorous. After their review they found that total project costs were “unknown with any certainty,” that the CEVP had “significant weakness” and had been undertaken for a different design than that now contemplated. They called the assumptions used for cost estimates and project schedules unreasonable and optimistic. The IRP concluded that the CEVP was “not accurate enough” to support a financial plan.

“The February 2009 CEVP workshop was based on an LPA design, which is fundamentally different from the current LPA “refined” design currently contemplated for the Final EIS. As the CEVP performed in February 2009 used information and assumptions available at the time which are fundamentally different than the design concept and assumptions being put forth in the Final EIS, there is a significant risk that the range of numbers and dates used for the financing model, which in turn will be used for funding and financing of the Project is not accurate enough for such purposes.”  
(Independent Review Panel Report, pages 166-167)

Additional quotations taken from the Independent Review Panel report are shown in the Appendix to this document.

And, as we now know, based on the report of the Bridge Review Panel (issued February 4, 2011), the “open-web” design proposed for the bridge in the project refinement is now regarded as un-buildable.

*“The recent CRC Independent Review Panel commended the project’s risk assessment approach . . .”*

In fact, the IRP offered many significant criticisms of the CRC risk analysis. The IRP cited incorrect assumptions in the CEVP process that “dramatically affect the assumptions on the identification of potentially emerging risks, the probability of those risks occurring and the schedule and cost impact these risks would then have on the project.” Similar concerns have been raised by the federal government’s independent Project Management Oversight Consultant (PMOC). The PMOC consultant, Gannett-Fleming, found that project budget and schedule documents assumed a unrealistic 12 month in-water work window (IWWW), and that with a likely 4-month IWWW, the project may be “not constructible.”(Gannett Fleming Inc., 2009, page 4-8) While acknowledging progress in negotiating the in-water work window with regulatory agencies, the latest PMOC report concluded that the final implications for the project will not be know until the Biological Opinion is issued.

*“The report methodology also incorrectly combines capital costs, operation and maintenance costs and financing costs in a way that erroneously depicts capital costs.”*

This is not correct. Our report never describes interest, operating costs or maintenance costs as “capital costs.” We are quite clear that our estimates represent the total 30-year cost of the CRC. It is also worth noting that Mr. Garrett does not challenge the accuracy of any of the operation and maintenance costs or interest costs. These are the total costs that Oregon and Washington taxpayers and road users would have to pay over the next 30 years. In addition, it seems likely that some costs would be even higher than CRC has estimated. For example, as noted earlier the Washington Transportation Commission has just approved a \$2.75 pay by plate surcharge for the Tacoma Narrows Bridge—nearly double the cost assumed in CRC estimates.

*The home buyer analogy.*

Mr. Garrett offered an analogy of a consumer buying a home. We don’t believe this a relevant example, but within that context, it is not just the advertised price of the “home” that the consumer must consider. Aside from the purchase price, it is critical that the homeowner know if he/she can make the monthly payments. In the case of the CRC, we don’t know if we can get a loan (bonding), how much we can finance, what the interest rate, fees and terms will be, or how we can make the \$450 million “down payment” in the current and foreseeable weak economy. And in this analogy, the consumer will only get a loan by pledging other state assets as a guarantee, and agreeing to pay all of the contractor’s cost overruns.

The finance plan proposed for the CRC is an integral part of the project and deserves close scrutiny. As proposed, the financing is the equivalent of a high risk, negative amortizing home loan of exactly the type that generated the huge increase in home mortgage delinquencies in the past five years. It is based on unrealistic and unsupported assumptions of steady traffic increases and continuous toll rate increases. As noted in our original report, the interest cost alone would be nearly double the cost of the kind of standard level-payment, fully amortizing mortgage that most consumers would recognize,

because it capitalizes interest payments in early years, and “backloads” debt repayment based on the assumption of steady and continuous increases in total toll revenue. And the project will require the states to offer “credit enhancements”—essentially an unconditional guarantee to make up revenue shortfalls and cost overruns. The total cost of the project, not just an estimated price tag for capital costs, should be carefully scrutinized by state policymakers, because the taxpayers and users of the bridge will end up paying the total costs, including making good on guarantees, not just the estimated capital costs.

### **Funding plan**

Impresa’s analysis found the funding plan for the Columbia River Crossing is at best uncertain and risky. There is a high probability of cost-overruns, such as those experienced in ODOT’s Pioneer Mountain-Eddyville and Newberg-Dundee projects. It is also likely that the project has overestimated likely revenues from tolling. In addition, the project faces significant and unresolved risks in obtaining federal funding, and in negotiating an in-water work window consistent with the project schedule and budget.

*“At a later stage, before bonding, the project will conduct an investment grade study.”*

Mr. Garrett does not dispute the need for the investment grade analysis, also recommended by the Independent Review Panel. The CRC has offered no rationale as to why such a study should not be undertaken immediately. The Legislature and the Governor should have access to the same high quality, independent financial analysis that an investor would insist upon, prior to their deciding whether to finance and guarantee this project.

Mr. Garrett’s statement does not specify who would undertake the investment grade study, and when it would occur. As the IRP and financial industry documents make clear, the investment grade study has to be undertaken by an entity independent of the project in order to be credible, in the same way that auditing is done by independent, outside firms.

*“Federal highway funds are being sought from a category known as Projects of National Significance. Very few projects in the country and no other projects in the region can compete for these funds . . . . These sources are unique to the CRC project and do not affect other Oregon projects.”*

The category of “Projects of National and Regional Significance” was established in the SAFTEA-LU transportation funding bill of 2005. All of the funds in that program were earmarked by Congress for 25 named projects, and funding under this section ran from fiscal year 2005 to 2009.

There is currently no legal authorization for a “Projects of National Significance” category. There have been legislative proposals to enact a “Projects of National Significance” category, but no legislation has passed either house of Congress. This source of funding is at best speculative.

The CRC makes it clear in its financial plan—as pointed out in our initial report—that it will seek federal funding for the CRC from whatever sources possible, including earmarks and other discretionary highway funds.

If PNRS funds are not sufficiently available for the CRC project, other discretionary highway funds will be sought, such as High Priority Projects (HPP) and Interstate Maintenance Discretionary (IMD) funds.  
(Final EIS Financial Plan—Draft Report, September 2010, page 2-6.)

Funding for the CRC from earmarks and discretionary funds therefore will likely reduce the availability of federal funding for other project in Oregon. In the previous transportation legislation, the money allocated for projects of “national significance” was earmarked by Congress based on local priorities: Oregon used the earmarks it received under the Projects of National and Regional Significance program of SAFETEA-LU to fund the statewide I-5 bridge repair program.

While funding allocation under the PNRS program was envisioned as a criteria-based administrative program, the entire \$1.8 billion funding authorization was earmarked to specific projects in SAFETEA-LU. Oregon received an award of \$160 million to improve bridges throughout the state in the I-5 corridor, and Washington received a \$220 million award for the Alaska Way Viaduct project.  
(Final EIS Financial Plan—Draft Report, September 2010, page 2-6.)

While Mr. Garrett has raised questions about some issues, and argued about the characterization of some costs, his letter does nothing to disprove the accuracy of any of the specific figures on costs or traffic levels presented in Impresa’s October 4, 2010 report. Over the next 3 decades, according to the project’s own estimates, the region’s travelers and taxpayers will end up spending at least \$10 billion to construct and operate the Columbia River Crossing, and to upgrade the Rose Quarter bottleneck sufficiently to make the CRC work. The project is based on traffic projections that have not been borne out in practice, and which grossly overstate future traffic levels and likely toll revenues. Our initial conclusions stand that this project poses enormous financial risks for the state and region.

## References

- Bain, R. (2009). *Toll Road Traffic and Revenue Forecasts: An Interpreter's Guide*: Author.
- Committee for Determination of the State of the Practice in Metropolitan Area Travel Forecasting. (2007). *Metropolitan Travel Forecasting: Current Practice and Future Direction* Washington: Transportation Research Board of the National Academies.
- Gannett Fleming Inc. (2009). *Columbia River Crossing (CRC) Project Risk Assessment Report*. Mill Valley, CA: Author.
- Government Accountability Office. (2005). *Highway and Transit Investments: Options for Improving Information on Projects' Benefits and Costs and Increasing Accountability for Results* (GAO-05-172). Washington, DC.
- Washington State Department of Transportation. (2010). *The 2010 Congestion Report* (Gray Notebook Special Edition). Olympia, WA: Washington State Department of Transportation.

## **Appendix: Independent Review Panel Findings**

Independent Review Panel. (2010). *Columbia River Crossing Independent Review Panel Final Report*. Olympia: Author.

Page 12

“No Cost Estimate Validation Process (CEVP) has been done on the current design. Past CEVP efforts were conducted on a version of the bridge no longer under consideration. The earlier Constructability Workshop reviewed a previous version of the bridge as well.”

Page 14

“The IRP is unable to assess the accuracy of the cost estimate for the project. Past efforts to determine an accurate cost have been largely negated due to the change in bridge type and the continuing controversy regarding Hayden Island. Until a resolution to these two issues is achieved and the NEPA process is closer to completion, the total cost of the project is unknown with any certainty. Conducting a new CEVP and other cost estimation activities are necessary to rectify this situation.”

Page 166

“However, the validity of the Basis of Estimate is only as good as the inputs used for the CEVP model. This is where the IRP sees a significant weakness in the Final CEVP Report as presented to the IRP and thus potentially in the cost and schedule dates used in the financial model.”

Page 194

The open-web design is “one that has never been built anywhere in the world and which will require extensive testing and engineering to determine its viability for this project”

Page 159

“The schedules that have been provided to the IRP do not reflect major, important issues that have been identified in this report, which should be considered before the schedule is finalized.”

Page 160

“The IRP believes the schedules provided are very optimistic and aggressive as to essential milestones. In many cases recent events have made the schedules obsolete.”

Page 160

“Response to IRP requests with dated and in many cases no longer valid project schedules suggest that CRC is not using project schedules as a core management tool. This can detract from the credibility of and confidence in the project management staff and can lead to public uncertainty in the delivery of the Final EIS as currently promised to the Governors.”

Page 164

“The current CEVP costs are relative only and form little basis for actual conditions as they exist at this time.”

Page 166-167:

“The February 2009 CEVP workshop was based on an LPA design, which is fundamentally different from the current LPA “refined” design currently contemplated for the Final EIS. As the CEVP performed in February 2009 used information and assumptions available at the time which are fundamentally different than the design concept and assumptions being put forth in the Final EIS, there is a significant risk that the range of numbers and dates used for the financing model, which in turn will be used for funding and financing of the Project is not accurate enough for such purposes.”

Page 168

“Until these changed conditions are considered in conjunction with the other risks included in the CEVP, the credibility of the cost basis for the project as a means for communicating the needed funding and financing is problematic.”

## Letter Recipients

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Chris Garrett	Representative
Chris Harker	Representative
Mary Nolan	Representative
Tobias Read	Representative
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Carl Hosticka	Councilor, Metro Council

Kathryn Harrington	Councilor, Metro Council	
Rex Burkholder	Councilor, Metro Council	
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Steve Horenstein	Co-Chair	CRC Project Sponsors Council
Matthew Garrett	Director, Oregon Department of Transportation	CRC Project Sponsors Council
Paula Hammond	Secretary, Washington Department of Transportation	CRC Project Sponsors Council
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Neil McFarlane	General Manager, TriMet	CRC Project Sponsors Council
Steve Stuart	Southwest Washington Regional Transportation Council Board of Directors	CRC Project Sponsors Council
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