

- There have been two community-based studies done of the VBB replacement, and they both clearly indicated that the people of Corvallis wanted the historic bridge to be preserved as a pedestrian and bicycle facility. This approach was heavily supported in the 2004-2005 study that included the participation of the general public as well as the Riverfront Task Force, Downtown Revitalization Task Force, Downtown Corvallis Association, Chamber of Commerce and the Economic Development Partnership. All parties agreed that the reuse of the bridge would provide a safer and more scenic route across the Willamette River between the Riverfront Park and the Alan Berg Park. The City's own comprehensive plan studies also support using the historic bridge as a bicycle / pedestrian facility.
- In July 1993 the City of Corvallis sent a memo to ODOT specifically saying that ODOT needed to own and reuse the historic bridge for non-vehicular access across the river. That way all the maintenance and preservation costs would be the responsibility of ODOT.
- By March of 2006, based on the minutes of the community based Project Management Team (PMT), it became clear that ODOT, despite the wishes of the community, the requirements of federal law, and SHPO's support of saving the bridge, had no intention of keeping the bridge under ODOT's care nor had ODOT any intention of using the existing bridge as a bicycle / pedestrian facility.
- ODOT's current approach of avoiding an EA by assuming a CE is an illegal end-run around the regulations put in place to preserve and protect the nation's historic resources.
- In 2006, ODOT actually moved in the opposite direction from its commitment to participate in the community-based solution to preserving the bridge by threatening that ODOT would ruin the approaches to the historic bridge during construction of the new bridge and had no intention of fixing them so the bridge could be put into use.
- ODOT's approach to this project since 2006 has been in complete violation of the state and federal guidelines for historic properties. Oregon law ORS 358.653(1) states that Oregon State agencies shall "assure that such properties shall not be inadvertently transferred, sold, demolished, substantially altered or allowed to deteriorate."
- ODOT's stated position from 2006 also reiterates that it is not the least bit interested in keeping the bridge in ODOT ownership and reusing it, as requested by the PMT, as a bicycle / pedestrian facility. This is contrary to all guidelines of federal Section 4(f) rules that favor the continued use of historic resources. Section 4(f) of the 1987 Federal Surface Transportation Act is considered the most stringent Federal preservation law in existence and specifically addresses historic bridges:
- Under the requirements of Section 4(f), the onus is on ODOT to show that there is no prudent and feasible alternative to using the historic resource. ODOT has failed to meet this requirement specifically, and Preservation Works has taken on the engineering investigation of the "prudent and feasible alternative" that ODOT refused to investigate.

- In an email from SHPO's review and compliance section in April 2005, SHPO made it clear that there was a treatment hierarchy of solutions that they required for the historic VBB.
 1. Rehab the bridge in place as-is with minimum alterations
 2. Rehab the bridge in place to carry one lane of traffic and incorporate an improved bike ped facility.
 3. Rehab the bridge in place to carry two lanes of traffic (bicycle /pedestrians would use current walk outside of truss)
 4. Rehab the bridge in place as a bicycle /pedestrian facility only (this was the solution that the community agreed to as part of the 2005 PMT meetings).
 5. Rehab the bridge in place to carry legal loads (either one or two lanes, bicycles/ pedestrians would use current walk outside of truss).
 6. Rehab the bridge in a new location over the Willamette near its current location as a bicycle / pedestrian bridge
 7. Rehab the bridge in a new location not over water
 8. Remove the bridge, no relocation

- In 2005, SHPO's position was clear: ODOT's responsibilities were to continue to use the bridge:
 - Under 4(f), ODOT will have to show that there is no prudent and feasible alternative to "using" the resource which our office will not take lightly due to the significance of the bridge.
- SHPO further noted:
 - There is the possibility that ODOT may be trying to "uber-plan" upfront so that they can later prove, for 4(f) purposes, that all steps have been taken to minimize harm to the structure and that the feasibility of rehabilitation or re-use is minimal. However, our view is that the bridge is too valuable to lose.
- In 2007, Vivian Payne, the transportation department area manager of ODOT once again said "Eliminating the old Van Buren bridge isn't an option," and the Historic bridge got a much needed \$2.5 million rehab,
- A traffic study commissioned in 2009 by David Evans & Assoc. shows that contrary to what was being said in public, a new Van Buren bridge would not solve traffic flow problems out of Corvallis. Replacement continues to this day to be sold as "the solution."
- In materials presented for legislative review on February 23, 2017, ODOT said under the project description that ODOT would relocate the historic bridge slightly upstream, where it would become a bike and pedestrian bridge under city jurisdiction, ODOT presented to the 2017 Legislature that they were going to save the historic bridge and relocate it upstream. This information is critical to the argument, in that the Legislature, as part of ODOT's request for funds, was assured that if ODOT received funds for this project the historic bridge would be saved and that the expense was to be included in the project.
- The Corvallis Gazette Times reported on October 13, 2017, the newspaper reported that the old bridge is "unlikely to wind up in a landfill," based on what officials said.

"It could be moved to another location or perhaps used by additional bicycle and pedestrian traffic." ODOT was still making the case to the public that it intends to save the historic bridge.

- The City Council did not realize in December of 2018 when they approved their own transportation plan that the \$69 million ODOT allocated for the new bridge had no funds allocated to the saving of the historic VBB.
- In May 2019, ODOT essentially told the city that it had until August to decide whether it wanted to take ownership of the bridge and that the price tag would include \$12 million in future maintenance costs. Otherwise ODOT would sell the VBB or demolish it. There was no option for a bike / ped facility. All the work of two previous committees was discarded.
- Preservation advocates insisted on a meeting with ODOT project staff on July 29, 2019. At this meeting they learned that most previously quoted upgrades to historic bridge were not mandatory and that the actual maintenance costs of the historic bridge would be around 3% of the \$12 million quoted at the May public meeting. But the damage was done.
- ODOT and FHWA met Oct. 1, 2019 and Their choice for the citizens of Corvallis? "Move it or lose it." This decision was made without input from the public in any forum.
- On October 18, 2019, just months after public awareness began, city councilors were forced to decide (based on scant and completely erroneous financial and regulatory information, which included inflated costs to retain the bridge), The City Councilors voted at this hearing not to take possession of the historic bridge based on erroneous information meant to scare them into allowing it to be demolished.
- On November 12 2019, a letter from former state Rep. Tony Van Vliet and PreservationWORKS was sent to the Oregon Transportation Commission, outlining the breach of procedure of the ODOT project managers and reminding them that ODOT is required to follow the federal law when it comes to NEPA.
- The Section 106 process that is being followed by ODOT is coming after the decision has been made to demolish or remove the bridge. ODOT has determined prior to the 106 process that there are no feasible or prudent alternatives. We believe that requiring a decision by the City Council on the fate of the Historic bridge in October 2019, but not finalizing the 106 or 4(f) processes until January or February of 2021 is putting the cart before the horse. ODOT is predetermining the outcome before it completes the required 106 process.
- ODOT did not include any alternative for consideration that would prevent the demolition of the historic bridge in the project development reports to City Council. Even though ODOT had agreed to provide such alternatives in the previous community endeavors to plan for the new bridge, ODOT did not even consider the alternatives that the community endorsed
- A federal agency must conclude Section 106 review before making a decision to approve a project, or fund or issue a permit that may affect a historic property. Agencies should not make obligations or take other actions that would preclude consideration of the full range of alternatives to avoid or minimize harm to historic

properties before Section 106 review is complete. (This was blatantly ignored by ODOT in favor of their fast track schedule.)

- If the agency acts without properly completing Section 106 review, the Advisory Council on Historic Preservation (ACHP) can issue a finding that the agency has prevented meaningful review of the project.
- A vigilant public helps to ensure federal agencies comply fully with Section 106. The ACHP can investigate questionable actions and advise agencies to take corrective action. As a last resort, preservation groups or individuals can litigate in order to enforce Section 106.
- As of today, ODOT has not changed its approach to this project. ODOT continues to design a new bridge in the current bridge location, without addressing any of the state and federal mandates for the care and maintenance of the historic VBB. They have chosen to ignore the previous studies that were agreed upon by the City, ODOT and the citizens of Corvallis and continue on the path of putting the cart before the horse in order to fast track their bridge project, including the demolishing of the historic bridge before someone can stop them. “