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January 17, 2019

Oregon Transportation Commission
355 Capitol Street NE, MS #11
Salem, OR 97301-3871

To the Oregon Transportation Commission:

I have today delivered to the Director of the Oregon Department of Transportation (ODOT) and to the Director of Business Oregon a letter outlining the concerns of the Oregon Port of Willamette, LLC (the proponent of an intermodal facility for Brooks, Oregon) as to recent significant problems with the implementation of the review process as to the selection of an intermodal facility in the Mid-Willamette Valley. A copy of my letter of concern is attached.

It may be possible for ODOT and Business Oregon to correct the procedural missteps which have recently hampered the review process as to the decision to proceed with a grant for an intermodal facility in the Mid-Willamette Valley. We will certainly cooperate in any such process.

If there is insufficient time for this process to be corrected, I respectfully recommend to the Oregon Transportation Commission that you appoint a hearings officer who may hold a hearing at which the proponents of the Millersburg project and the Oregon Port of Willamette (Brooks project) will be asked to appear and to make a presentation as to their compliance with all of the factors required in the administrative rules which were promulgated to ensure that project proponents are prepared to proceed with an intermodal project which meets those standards. In this process, the hearings officer should also ask the project proponents to explain how their project is the better answer to meeting the Legislative Assembly's evident desire to support a facility which will reduce highway congestion, especially in the Portland area; reduce carbon emissions; and reduce use of fossil fuels.

If no hearings officer is assigned, I respectfully recommend that the proponents of the Millersburg facility and our Oregon Port of Willamette project for Brooks each be given 30 minutes at your February 21, 2019 meeting to make our case as to which is the better choice. This can be supported by written documentation.

This is an unusual situation where the Legislative Assembly has appropriated funds for a particular kind of project but where there has been competition as to where and how the project will be implemented. This is also a situation where additional information has developed since the original plan submission deadline of September 27, 2018 and the response to questions deadline

of November 15, 2018. Since the state has expended \$1,250,000.00 to support the development of these two competing project plans, and this Commission is considering the award of a grant of \$23.75 million at its February or March commission meetings, my above suggestions deserve careful consideration and, I hope, action on your part.

The reason I do not suggest a delay in the decision process is that the Legislative Assembly has also indicated a desire to see project construction initiate by January 2020. For our part, the Oregon Port of Willamette is prepared to meet that deadline if we are able to get a grant award decision within the near term.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Kevin L. Mannix". The signature is written in a cursive style with a large, stylized initial "K".

Kevin L. Mannix
Executive Director
Oregon Port of Willamette, LLC