



OFFICE OF THE DIRECTOR

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April 2, 2019

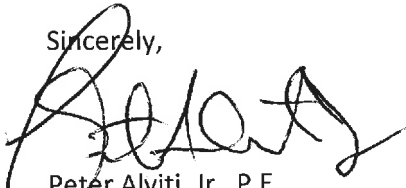
Mr. Carlos C. Machado
Division Administrator
Federal Highway Administration
380 Westminster Mall, Rm 601
Providence, RI 02903

Dear Mr. Machado:

In recognition of the previous actions of the RI General Assembly in 2014 which effectively prohibited the tolling of the Sakonnet River Bridge, the Rhode Island Department of Transportation hereby requests to formally rescind the Sakonnet River Bridge 2013 Revised ROD.

RIDOT is also committed to comply with the regulations of FHWA and the NEPA process where applicable.

Sincerely,



Peter Alviti, Jr., P.E.
Director

Cc: John J. Igliozi, Esquire
Senator James Seveney
Richard A. Rainer, Jr
Senator Louis DePalma
Representative John Edwards
Nicole Pope



U.S. Department
of Transportation
**Federal Highway
Administration**

Rhode Island Division

March 7, 2019

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Providence, RI 02903
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www.fhwa.dot.gov/ridiv/index.htm

Mr. Richard A. Rainer, Jr.
Portsmouth Town Administrator
2200 East Main Road
Portsmouth, RI 02871

**Subject: Sakonnet River Bridge
FHWA Revised Record of Decision Dated April 22, 2013 – Response Letter**

Dear Mr. Rainer:

This is in response to your January 18, 2019 letter to the Federal Highway Administration (FHWA) Rhode Island Division pertaining to the Sakonnet River Bridge 2013 Revised ROD. In your letter, you ask that FHWA voluntarily issue and publish in the Federal Register a formal Notice of Rescission of the April 22, 2013 Revised Record of Decision (ROD). You request that the rescission notice should provide that any future tolling proposals will comply with the environmental review requirements of the National Environmental Policy Act (NEPA) and applicable regulations.

As you are aware, in June 2014, the Rhode Island General Assembly enacted legislation which prohibited tolling on the Sakonnet River Bridge. With the enactment of that law, the issue of tolling on the Sakonnet River Bridge became moot. *See* 813 F3d. 54 (1st Cir. 2016). However, neither the Legislature's action nor the court decision invalidated FHWA's 2013 ROD. As the Rhode Island Department of Transportation (RIDOT) is the project sponsor and joint lead agency for the NEPA process, and have not requested FHWA rescind the Revised ROD, nor is seeking any new FHWA approval in reliance on the Revised ROD, FHWA will not do so unilaterally.

It is FHWA's continued commitment to comply with the requirements of NEPA and/or applicable regulations as it pertains to any Federal-aid project.

Sincerely,

Carlos C. Machado
Division Administrator

Cc:

Peter Alviti, (RIDOT)
Loren Doyle (RIDOT)
John Iggliozzi (RIDOT)
James Seveney (Portsmouth Town Council President)
John Klimm (Portsmouth Town Administrator)
Leonard Katzman (Portsmouth Town Councilor)