



July 14, 2009

Columbia River Crossing Project  
Richard Brandman, Project Co-Director  
Doug Ficco, Project Co-Director  
Project Sponsors Council  
700 Washington St., Suite 300  
Vancouver, WA 98660

Dear Directors and Members of the Project Sponsors Council,

The American Civil Liberties Union of Washington and the American Civil Liberties Union of Oregon (collectively, "ACLU") welcome this opportunity to comment on the Columbia River Crossing ("Crossing") project. We are statewide, non-partisan, non-profit organizations, dedicated to the preservation and defense of constitutional and civil liberties, including the rights to privacy and equal protection of the law. The ACLU has been an active participant in policy development around both the collection of and disclosure of various types of personal information by government entities.

We are concerned about the current plans to implement all-electronic or "open road" tolling for the Crossing. As you may be aware, the ACLU has previously examined all-electronic tolling in conjunction with the SR 520 replacement project in Washington. We are enclosing a position paper we prepared for use as the Washington Legislature considered implementation of that project. Although the paper specifically mentions SR 520, the concerns are equally applicable to the Crossing; in fact, there is considerable similarity between the projects in terms of impact on individuals and the lack of viable alternatives to using the bridges.

The only significant difference between the projects is that the jurisdiction for the Crossing is divided between two states, and drivers in both states will be affected. We therefore urge the Crossing project to recommend to both the Oregon and Washington Legislatures adoption of the steps urged in that position paper to protect the rights of drivers. In addition, we also urge the Crossing project to call on the Oregon Legislature to adopt several measures that are already enacted in Washington law: an exemption from public disclosure of personally identifiable toll records (RCW 42.56.330(7)), a prohibition on use of tolling technology for surveillance or tracking purposes (RCW 47.04.240), and a prohibition on the use of video enforcement technology for any purpose other than the collection of tolls (RCW 46.63.160). All of these measures are essential to protect the privacy of drivers using the Crossing.

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Thank you for your consideration of this matter. The ACLU looks forward to working with you to ensure that the Crossing is a successful transportation project that does not infringe on the rights of drivers.

Sincerely,

A handwritten signature in black ink that reads "Doug Klunder". The signature is written in a cursive style with a large, prominent "D" and "K".

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