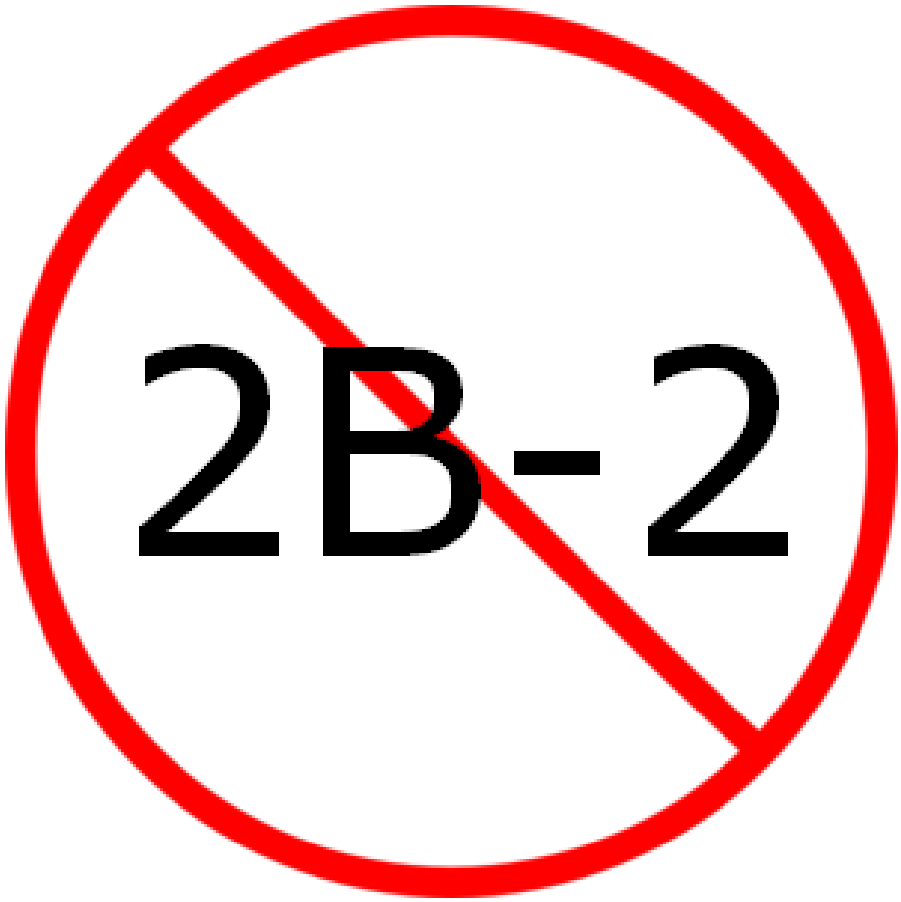


The I-395/Route 9 Transportation Study and why the MDOT/FHWA selection of 2B-2 as their preferred alternative is a flawed decision.

Larry Adams
An impacted Brewer resident
bgradams@roadrunner.com
October 24th 2013

INTRODUCTION:

My name is Larry Adams; our Woodridge Road neighborhood is impacted by the preferred alternative of the I-395/Route 9 Transportation Study. ***HOWEVER—in April 2009, MDOT's 2B-2/preferred alternative unquestionably did not meet Purpose & Needs of the Study.***

It is factual that in April 2009, alternative 2B-2 only met one (20%) of the five Purpose and Needs of the Study. It is also factual that NONE of the three remaining alternatives today meet the original Purpose and Needs of the Study. 2B-2 never met the Purpose and Needs—and no matter how engineers may parse their words—it still does not.

The MDOT/FHWA radically altered this Study by Sept2010, removing the preferred alternative of some 6 years (3EIK-2) AND all four of the other alternatives that met 100% of Purpose and Needs; all of these changes, including the coronation of 2B-2 as the new preferred alternative, occurred completely outside of public scrutiny without input from the PAC or the elected officials of the directly impacted communities—clandestine—in direct conflict with Maine statute: 23§73. Transportation Policy.

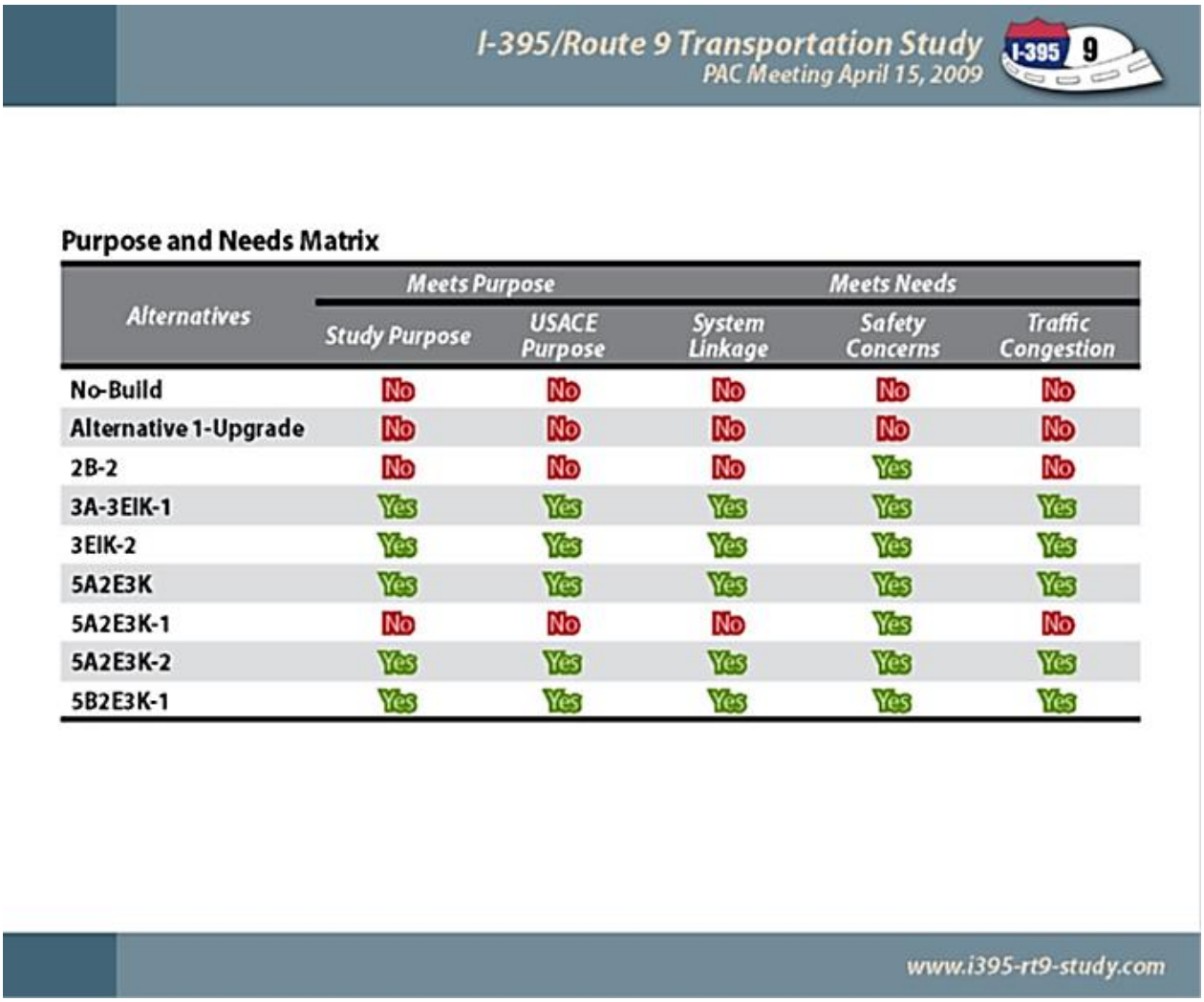
We were told that these changes were deemed necessary because of vernal pools on those alternatives. ***BUT, how can problems on other alternatives possibly make alternative 2B-2 any more viable than it was at a mere 20% when only one of five Purpose and Needs were satisfied in April 2009?*** Vernal pool species are accorded, by federal regulation, a 750 foot buffer (41+ acres!) from this connector. ***The only apparent regulation relating to the human species is eminent domain—either destroying or severely devaluing private homes and properties***. The human species should be granted the same buffer as frogs and salamanders; just because there currently isn't a regulation to establish a human buffer zone shouldn't mean that it is not the right thing to do.

Many changes have been made since Sept2010 to only the 2B-2 alternative and none of the other 70+ alternatives such as changes in the highway design standard from freeway to rolling and several changes in the right-of-way: from 200+ feet supporting future expansion, to 200 feet without future expansion, down to the current 100 feet. ***These many changes to only one alternative within the Study seem to be in direct conflict with the National Environmental Policy Act (NEPA).***

I would urge you to read what I have provided today and ask yourself if this is the best use of our limited transportation dollars. Why destroy the environment and people's lives for an alternative that does not meet the Purpose and Needs of this study?

The following are ***just a few of the many reasons the 2B-2 selection is a flawed decision***:

You don't have to be an Engineer to understand what NO means:



Does alternative 2B-2 meet the Purpose and Needs of this Project?

- **April 15th 2009—alternative 2B-2 did not meet the Purpose and Needs per this official MDOT Document.**
- **April 15th 2009—the last time that the Public Advisory Committee was convened for any reason. The PAC has not met since that date.**
- **December 13th 2011—Judy Lindsey: "Yes. It satisfies Purpose and Need–not what we've been talking about, but it will still do a lot for transportation network causing the problem all along, especially on Route 46."**
- **December 13th 2011—Mark Hasselmann (FHWA) advised Judy Lindsey (MDOT) that the 2-lane/2-lane ROW Preferred Alternative does not satisfy Purpose and Needs. Mr. Hasselmann was concerned the criteria change to a 2-lane/2-lane ROW of the Preferred Alternative will alter impacts and prior analyses and is not comparable (apples to apples) as those done with 4-lane/4-lane ROW. Mr. Hasselmann was overruled by his FHWA superiors. (This information was gleaned from FOAA documents.)**

Four red NOs didn't stop the MDOT/FHWA from selecting 2B-2!

C · I-395/Route 9 Transportation Study Environmental Impact Statement

Alternatives	Description	Meets Purpose		Meets Needs			Practicable	Results
		Study Purpose	USACE Purpose	System Linkage	Safety Concerns	Traffic Congestion		
Alternative 2B	• Satisfies design criteria • Length: 5.8 mi. of new alignment, 4.2 mi. of Route 9 without additional improvement • Bridge length: 4,354 ft. • Earthwork: 1.8 mcy (0.9 mcy cut, 0.9 mcy fill)	Yes	Yes	In the near-term (Year 2035)	Yes	Yes	Yes	• **Dismissed - other alternatives less environmentally damaging** • Wetlands impacts: 28 ac. • Stream crossings: 6 (2 with anadromous fish) • Floodplain impacts: 11 ac. • Notable wildlife habitat: 4.4 ac. • Undeveloped habitat: 647 ac. • Prime farmland: 23.3 ac.
Alternative 2B-2	• Satisfies design criteria • Length: 6.1 mi. of new alignment, 4.2 mi. of Route 9 without additional improvements • Bridge length: 2,232 ft. • Earthwork: 2.2 mcy (1.2 mcy cut, 1.0 mcy fill)	Yes	Yes	In the near-term (Year 2035)	Yes	Yes	Yes	• **Retained for detailed study** • Wetlands impacts: 34 ac. • Stream crossings: 3 (2 with anadromous fish) • Floodplain impacts: 15 ac. • Notable wildlife habitat: 11.0 • Undeveloped habitat: 784 ac. • Prime farmland: 20.0 ac. • Residential displacements: 8

http://www.i395-rt9-study.com/DEIS/AppC.pdf **(excerpt from DEIS page 258)**

- The system linkage need was discussed. With Route 9 having sufficient capacity for the next 20 years, the system linkage need and need for a limited access facility should be considered a long-term need. The DOT is committed to the East-West highway vision, and the system linkage need remains a valid need for this study. To help clarify when an alternative satisfies the system linkage need for the I-395 / Route 9 study, the DOT will change references in Chapter 2 Alternatives Analysis and Appendix C Alternatives Considered and Dismissed to 'partially satisfies' the need to 'in the near term' (or something similar) and define 'near term' as the year 2030.

http://www.i395-rt9-study.com/Pubs/FCA%2009-10a.pdf (9.21.2010 Interagency Meeting)

- **…DOT will change references…'partially satisfies' the need to 'in the near term' (or something similar) and define 'near term' as the year 2030. (Later extended out to 2035.)**

- **By simply parsing words—the 2B-2/preferred alternative does not have to meet the original and still valid System Linkage Need until beyond 2035; a limited-access facility is not required until beyond 2035 and commitment to the East-West Highway vision is on hold until beyond 2035.**

- **This is an ill-conceived $61M project that in MDOT's own words now does not meet the long-term needs of the Study.**

- ***What happens after the year 2035?***

- ***Previous analyses from the Commissioner: "Adding more miles to our transportation system in this current fiscal environment doesn't make financial sense," said Bernhardt, "Our responsibility going forward is to manage our existing infrastructure within our existing budget." AND "We are struggling to maintain the roads and bridges we currently have in safe and serviceable condition." (8/01/2011)***
  http://www.maine.gov/tools/whatsnew/index.php?topic=DOT_Press_Releases&id=279591&v=article

- ***Shouldn't this connector be built from the onset to meet Purpose and Needs instead of punting the problem twenty years into the future? Why spend $61M on a new project that doesn't meet today's Purpose and Needs; couldn't that $61 million be better spent on the unmet transportation needs of our state?***

Impacts to the environment and to the residents of the impacted communities:

I-395/Route 9 Transportation Study Environmental Impact Statement

Exhibit S.7 – *Direct Impacts of Alternatives*

Alternatives	Physical and Biological																	Land Use		
				Streams																
	Wetlands (acres)	Roadway contaminants within 100 feet[1] (acres)	Roadway contaminants within 160 feet[2] (acres)	Bridges and culverts/feet	Roadway contaminants within 100 feet[1] (acres)	Roadway contaminants within 160 feet[2] (acres)	Sediments within 3,300 feet[2] acres)	Floodplains (acres)	Vernal pools[3] / dispersal habitat (acres)	Waterfowl and wading bird habitat[4] (acres)	Deer-wintering areas (acres)	Endangered Species	Vegetation (acres)	Undeveloped habitat	Area to be acquired (acres)	Historic Properties	4(f) Properties	Residential displacements[5]	Business displacements[6]	Business impacts[7]
No-Build	-	17	64	-	0.3 ac. (17,000 sq. ft.)	0.7 ac. (29,000 sq. ft.)	12 ac.	-	-	-	-	-	-	-	-	-	-	-	-	-
2B-2/the Preferred Alternative	26	31	66	5 bridges 3 culverts/ 554 feet	0.9 ac. (39,100 sq. ft.)	1.8 ac. (78,300 sq. ft.)	13 ac.	10	1/15	9 acres along Eaton Brook and its tributaries	-	Yes	102	Eliminates two blocks; fragments three blocks	163	No	No	8	-	Eastern Maine Healthcare parking lot – 130 parking spaces (20 percent)

Exhibit S.9 – *Cumulative Effects for the Build Alternatives*

Alternative	Surface Waters	Floodplains (acres)	Wetlands (acres)	Forest Vegetation (acres)	Wildlife Habitat (acres)
2B-2/the Preferred Alternative	4,900 feet of streams; unknown impacts from stormwater runoff.	26	182	602	873

Property Devaluation and loss in Annual Tax Revenues in the City of Brewer:

- **The 22 properties in Brewer, directly impacted by alternative 2B-2, have an appraised value of approximately $2.3 million.**
- **Annual tax revenues would decrease by approximately $37,000 in Brewer. (That's $740,000 over the 20 year design-lifespan of connector.)**
- **That loss in revenue <u>does not include devaluation of homes/properties in close proximity to the roadway</u>. Our property is only 100 feet from the ROW; we stand to suffer losses of tens of thousands of dollars in real estate devaluation with absolutely $ZERO compensation from the MDOT— just so they can construct <u>an alternative that does not meet the Purpose and Needs</u>. *We feel violated with no recourse*.**

BDN MAINE Opinion

2B or not 2B

By Larry Adams, Special to the BDN
Posted May 15, 2012, at 6:23 p.m.

The I-395/Route 9 Study Group is disregarding the original criteria and intent of the project: Alternative 2B was removed from further consideration not once, but twice before the end of 2002. The reasons were clear: "This alternative would not be practicable because it would fail to meet the system linkage need, and would fail to adequately address the traffic congestion needs in the study area. Traffic congestion and conflicting vehicle movements on this section of Route 9 would substantially increase the potential for new safety concerns and hazards."

In the same document, the original system linkage need was further defined: "To meet the need of improved regional system linkage while minimizing impacts to people, it was determined that an alternative must provide a limited-access connection between I-395 and Route 9 east of Route 46."

That paragraph continued to give a glimpse of what may be expected if an alternative does not meet the original system linkage need parameter: "Alternatives that do not provide a limited access connection to Route 9 east of Route 46 would not be practicable because that would not provide a substantial improvement in regional mobility and connectivity and would negatively affect people living along Route 9 in the study area. Alternatives that would connect to Route 9 west of Route 46 would severely impact local communities along Route 9 between proposed alternative connection points and Route 46." This information can be found at http://www.i395-rt9-study.com/Pubs/Alts%20Tech%20Memo.pdf, page ii and Summary page 5.

MDOT's Purpose and Needs Matrix, http://www.i395-rt9-study.com/Pubs/PAC041509_handouts.pdf, dated April 15, 2009, contained no engineering data that could be manipulated or misunderstood by anyone — just simple yes and no answers. Did 2B-2 meet the following criteria: Study purpose? No; ACOE purpose? No; System linkage need? No; Traffic congestion need? No; Safety concerns? Yes. Alternative 2B-2 only met 20 percent of the purposes and needs of the study three years ago and now it is the "preferred alternative" for a $90 million dollar project.

Alternatives 2B and 2B-2 use the same "4.2 mi. of Route 9 without additional improvement" per the DEIS. They are almost exactly the same route with the same I-395 starting point and the same connection point on Route 9. 2B-2 is 2B.

One of the most interesting statements in the 300-plus pages of the Draft Environmental Impact Statement is found on page s19: "However, future development along Route 9 in the study area can impact future traffic flow and the overall benefits of the project." Go to http://www.i395-rt9-study.com/DEIS/00Sum.pdf for the DEIS Summary.

How can the overall benefits depend on Eddington's development or lack of development? How long before future development becomes a safety issue? What is the cost of safety?

What you won't find in the 300-plus-page DEIS document is any real concern for the human element. Humans can be relocated, but you certainly can't disturb a couple of frogs and salamanders in a vernal pool that may only exist for a few months and not return again for a year or so if ever. Many of us are well within 100 feet or less of the 200-foot right-of-way, many people have their properties cut in half and at least eight families will watch as the bulldozers raze their homes. How can an agency look an 82-year-old man in the face knowing that he will lose his home and the property that he has worked all his life and say this is the right proposal for this connector? Where's a balance between environment and man?

The east-west private highway feasibility report will be completed by Jan. 15, 2013. "Such a route would remove nearly all of the existing traffic off of Route 9, as well as cut projected future traffic on Route 1 by roughly 2,300 vehicles per day below current levels," according to the MDOT 1999 Executive Summary, http://www.maine.gov/mdot/1999eastwesthwystudy/reportlinks.htm.

Where's the traffic issue on Route 9 if nearly all the existing traffic is removed by an east-west highway?

The study group, under the management of the MaineDOT/FHWA, has managed to spend in excess of $1.7 million dollars to reach a conclusion that an alternative thrown out two times 10 years ago by the same study group now "best satisfies the study purpose and needs" for this connector. Really?

Larry Adams is a resident from Brewer.

OpEd provided to the BDN on March 24th 2013—did not make print—but nonetheless a good read. Provided a copy to the JSC Appropriations and Finance at the Budget Public Hearing in the City of Brewer on March 25th 2013:

***"MDOT Quotables"* for $90 million Alex…**

I-395/Route 9 Transportation Study nears completion with the endorsement of alternative 2B-2. The Final Environmental Impact Statement and Record of Decision could be forthcoming soon.

The System Linkage Need in 2003: "To meet the need of improved regional system linkage while minimizing impacts to people, it was determined that an alternative must provide a limited-access connection between I-395 and Route 9 east of Route 46." This "east of Route 46" benchmark is where the vast majority of alternatives terminated to the northeast. Limited-access criterion supposes no additional access points for the connector's overall length, just an entrance and an exit. 2B-2 will impose an additional 158 access points to all vehicle types transiting between those same locales.

The System Linkage Need morphed over the years to: "The logical termini of the build alternatives were identified and defined to consist of (1) I-395 near Route 1A and (2) the portion of Route 9 in the study area."

Prior MDOT documentation stated: "Alternatives that do not provide a limited access connection to Route 9 east of Route 46…would not provide a substantial improvement in regional mobility and connectivity and would negatively affect people living along Route 9 in the study area…would severely impact local communities along Route 9 between proposed alternative connection points and Route 46."

The April 15, 2009 MDOT Purpose and Needs Matrix established the 2B-2 alternative did not meet the following criteria: Study Purpose, Army Corps of Engineers Purpose, System Linkage Need and Traffic Congestion Need. Transportation Professionals had concluded 2B-2 met only 20 percent of the Study Purposes and Needs.

MDOT/FHWA/ACOE officials reached the conclusion that 2B-2 "*best satisfies the study purpose and needs"* even though alternative 2B was removed from further consideration in 2003 because "*it would inadequately address the system linkage and traffic congestion needs. Traffic congestion and conflicting vehicle movements on this section of Route 9 would substantially increase the potential for new safety concerns and hazards. Limited opportunities exist to control access management on this section of Route 9 from local roads and driveways. There are ten local roads and 148 existing drives or access points to undeveloped lots. There are several hundred acres that can be developed along this section of Route 9."*

"However, future development along Route 9 in the study area can impact future traffic flow and the overall benefits of the project."

"The DOT has taken a hard look at the capacity of Route 9: Route 9 has sufficient capacity to accommodate the anticipated traffic volumes at a reasonable speed for the next 20 years, with the possible exception of the intersection at Route 9/46." Somehow, a "*hard look"* was enough to substantially change the direction and design of this project. Throughout the decade, the majority of the alternatives studied bypassed Rt. 9 in Eddington to connect east of Rt. 46. Now, it has been determined that using 4.5 miles of Rt. 9 and building a shorter, undivided, 2-lane "*rolling rural"* design instead of a divided, 4-lane freeway design road – not only meets Purpose and Needs but somehow these changes are not substantive enough to warrant input from the Public Advisory Committee or re-analysis of past alternatives under these new down-designed specs.

Susceptibility to fatal head-on collisions at highway speeds is the critical shortcoming of a 2-lane, undivided design standard. The optimal option for improving future safety on this roadway was eliminated by the MDOT sometime in 2011 when they removed the 4-lane-divided freeway design option.

Our existing infrastructure is falling down around us; the Maine State Highway fund has a reported $20.3 million dollar shortfall for the fiscal years of 2014 and 2015; and the CBO projects that the highway account of the Federal Highway Trust Fund will be exhausted in Fiscal Year 2015. We should not be spending our limited tax dollars on a new piece of asphalt, especially one that does not meet the original Purpose and Needs of the project study.

Downgraded design standards only applicable to alternative 2B-2 combined with the failure to satisfy the original Study Purpose and Needs, makes me question if this is even the same project anymore.

Larry Adams 3/24/2013

BDN MAINE Opinion

LETTERS

Monday, April 8, 2013: Donations, infrastructure and elders

Road 'cents'

This letter is in regards to the condition of the roads and bridges Mainers travel on every day.

Throughout the state, approximately one in three miles of major locally or state-maintained roads and highways have deficient pavements, providing motorists with a rough ride, according to an October 2012 report by TRIP. TRIP is a nonprofit organization that works to promote policies designed to improve traffic conditions.

The report also states that rough roads cost the average Bangor driver $375 annually and that in the Bangor urban area, 18 percent of major urban roads are rated in poor condition; 22 percent are rated in mediocre condition; 27 percent are rated in fair condition; and 33 percent are rated in good condition.

Nearly a third — 30 percent — of Maine's bridges 20 feet or longer are currently rated as structurally deficient or functionally obsolete. Fourteen percent of Maine's bridges 20 feet or longer are rated as structurally deficient. Sixteen percent of Maine's bridges are rated functionally obsolete, according to the organization.

Maine's traffic fatality rate on rural, non-Interstate routes is approximately seven times higher than on all other roads and highways in the state. Ninety percent of all traffic fatalities in the state in 2010 occurred on rural, non-Interstate roads, TRIP reported.

According to the Maine Revenue Forecasting Committee, the Maine State Highway Fund has a $20.3 million dollar shortfall for the 2014-2015 biennium.

Our infrastructure is falling apart around us.

We should not be spending our limited state and federal tax dollars on the I-395/Route 9 connector project or any other new project, while we are forced to drive every day on deficient roads and bridges.

In this current fiscal environment, adding more miles to the state's transportation system without adequately maintaining the existing infrastructure doesn't make "cents."

Larry Adams

Brewer

BDN MAINE Opinion

Saturday, Sept. 28, 2013 Last update: 6:50 a.m.

LETTERS

Saturday/Sunday, Sept. 28-29, 2013: Newspaper changes, crumbling infrastructure and childless adults

Fix roads, bridges

Current Federal Highway Administration data reveal that a total of 792 (32.9 percent) of Maine's bridges are considered deficient. That deficiency is made up of 356 (14.8 percent) structurally deficient bridges and 436 (18.1 percent) functionally obsolete bridges.

"Keeping Our Bridges Safe," a November 2007 Maine Department of Transportation report, conceded that more than 2,000 of Maine's bridges were in fair or poor condition; 343 (14.4 percent) were structurally deficient, 13th worst nationwide. Maine is currently ninth worst.

Even with the release of the 2011 transportation bond and the governor's $100 million transportation bond awaiting voters, the core highway and bridge programs will suffer an annual $113 million funding shortfall (-32 percent) in the current 2013-15 work plan; an annual $19 million funding shortfall (-18 percent) in bridge improvement projects alone.

The average number of bridge improvement projects per year in the current 2013-15 work plan is 40 (5 percent of current deficient bridges).

The federal TIGER Grant for the final funding piece of the Sarah Mildred Long Bridge replacement was recently denied, leaving the Maine DOT scrambling to find $12.5 million to move forward; TIGER Grant funding was also denied for the $9.4 million Howland-Enfield Bridge replacement.

Simply speaking, we don't have the money to repair our failing infrastructure.

With the sluggish economic recovery and forecasted transportation shortfalls, our limited tax dollars must be spent wisely. Adding more miles to the state's transportation system without adequately maintaining the existing infrastructure doesn't make good fiscal sense.

The $61 million in state and federal funds saved by canceling the Interstate 395-Route 9 connector project would be better spent on the unmet transportation needs of this state.

Larry Adams

Brewer