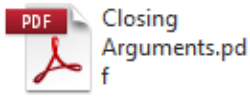
Summation of 2B-2 Concerns

Larry Adams 7/22/2013 7:03 PM

To: Brewer City Council; Mayor Jerry W. Goss; Councilor Kevin O'Connell; Brewer City Manager; Eddington Board of Selectman and Town Manager; Carol Woodcock / U.S. Senator Susan Collins; Elizabeth Montgomery Schneider MacTaggart / U.S. Senator Angus King; Representative Arthur Verow - District#21; Representative David Johnson - District#20; Rosemary Winslow / U.S. Congressman Mike Michaud; Senator Edward Youngblood - District#31;

Cc: Personal addresses redacted.



Closing Arguments.pdf

Good evening to all,

The attached document is a summation of my concerns or better yet—my closing arguments.
A map has been included that clearly shows ***2B-2 is nothing more than the original 2B alternative*** removed twice from further consideration by Jan2003.

A Feb2012 unofficial survey of access points documented 190 specific access points on the 4.5 mile section of route 9 supporting the 2B-2 alternative; MDOT data indicates 158 specific access points. ***Since this connector was intended to be a limited-access facility, how does 158 to 190 additional access points including five posted speed limit changes over that same 4.5 mile section of route 9 affect safety, mobility, continuity, system linkage and traffic congestion?***

The MDOT/FHWA has done nothing to alleviate the known deficiencies of the original 2B alternative as relating to the 4.5 miles of Route 9 supporting 2B and now 2B-2, other than ***taking a "hard look at Route 9".***

Don't forget, ***prior to Sept2010 there were five alternatives in consideration that fully met the Study Purposes and Needs with full System linkage that provided a full limited-access connection to the east of Route 46—with the construction of alternative 2B-2, traffic will have to endure those 158 to 190 extra access points and five posted changes in speed for the***

next 20 years on an alternative that only met 1 (20%) of the 5 Study Purpose and Needs in Apr2009. Safety, mobility, continuity, system linkage, traffic congestion.....all good questions.

MDOT affirms: The System Linkage Need remains a valid need for this study BUT the System Linkage Need and the need for a limited-access facility should be considered a long-term need. (Or beyond 2035) MDOT defined near-term as the year 2035, it is safe to presume that long-term is beyond the year 2035.

Do we get to do this all over again in 2035?

So—that brings us to the ***$61 million dollar question***. If you believe that the biggest plus to selecting 2B-2 is the affordability of the lower $61 million price tag—***ask yourself how many tens of millions of dollars will be spent beyond 2035 to satisfy the long-term System Linkage Need and the long-term need for a limited-access facility following the year 2035? Is that an efficient use of our transportation revenue?*** Asphalt prices alone have jumped threefold in the past ten years. ***If this connector is so important – it should be built to meet the <u>full</u> Purpose and Needs of the Study <u>from the onset</u>.***

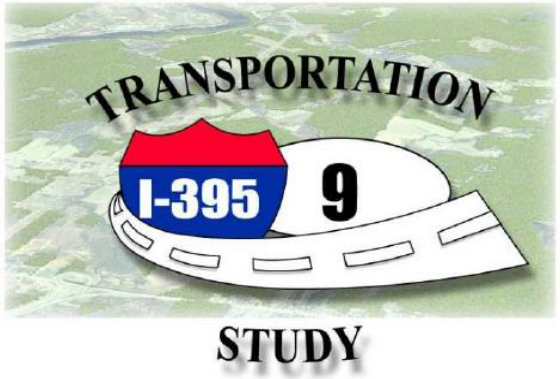
<u>What will be the FINAL COST of alternative 2B-2 to not only satisfy the near-term needs to the year 2035 but also the long-term needs beyond 2035?</u> ***<u>Isn't that question substantive enough to demand an answer?</u>***

A better option would be not to construct one more mile of any new pavement in the state of Maine until our failed infrastructure is addressed. We should be making necessary repairs to our roads and bridges before they reach the categorization of poor, mediocre, structurally deficient and functionally obsolete. ***Who sets the priority?***

I leave you with this statement of finding from Maine Statute §73 Transportation Policy: ***"The people further find that the decisions of state agencies regarding transportation needs and facilities are often made in isolation, without sufficient comprehensive planning and opportunity for meaningful public input and guidance."*** Couldn't have said it better myself.

Thank you for your time and consideration, Larry Adams

Summation of 2B-2 Concerns and Closing Arguments:



I-395/Route 9 Transportation Study
Penobscot County, Maine
PIN 008483.20/NH-8483(20)E

Transportation Improvement Strategies and Alternatives Analysis Technical Memorandum
and
U.S. Army Corps of Engineers Highway Methodology Phase I Submission

October 2003

U.S. Department of Transportation
Federal Highway Administration

Maine Department of Transportation

Results/Introduction (page i):

http://www.i395-rt9-study.com/Pubs/Alts%20Tech%20Memo.pdf

From May 2001 to May 2003, the No-build alternative and 70 build alternatives were developed in response to the purpose and needs for the Interstate 395-Route 9 transportation study (see the matrix and flow chart, "Summary of Preliminary Impacts and Feasibility of the Range of Reasonable Alternatives Considered"). These alternatives were subsequently evaluated against: their ability to further the study purpose; ability to satisfy the study needs; potential impacts to natural resources and people; and a series of engineering variables, including design criteria. The evaluation of alternatives was performed in coordination with federal and state agencies, and a public advisory committee. The alternatives development and screening process led to the retention of the No-build Alternative and Alternative 3EIK-2 for further detailed studies.

- Alternatives were developed, and impacts quantified for a four-lane highway with two travel lanes in each direction, a divided median, and an approximate right-of-way of 200 feet. This highway was designed in accordance with MDOT's design criteria for limited access freeways. MDOT proposes that two lanes be constructed. When traffic volumes increase, warranting additional roadway capacity, the remaining two lanes would be constructed.
- Unless noted, most alternative that were not considered practicable failed to meet the system linkage need of providing a limited access connection between I-395 and Route 9 east of Route 46.
- If an alternative failed to meet one or more of the study needs, it also failed to meet the corresponding part of the study purpose.
- Unless noted, proximity impacts indicate properties that are within 500 feet from the limit of disturbance on either side of a proposed alternative.

Results/Introduction
The Family of Twos (pages ii and iii):

http://www.i395-rt9-study.com/Pubs/Alts%20Tech%20Memo.pdf

Alternative 2B:

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.***

Alternative 2B would use approximately 5 miles of Route 9. Traffic congestion and conflicting vehicle movements on this section of Route 9 would substantially increase the potential for new safety concerns and hazards.

Additionally, this alternative would result in:

• ***Substantially greater proximity impacts (residences within 500 feet of the proposed roadway) in comparison to Alternative 3EIK-2 (200 residences v. 12 residences).***

II. The Strategies and Alternatives Development and Screening Process
B. Process/Summary (page 5):
(System Linkage Need of this Study)

http://www.i395-rt9-study.com/Pubs/Alts%20Tech%20Memo.pdf

Prior to the eleventh PAC meeting on February 20, 2002, the system linkage need was examined in greater detail to further aid in reducing the number of preliminary alternatives. ***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. 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.*** Alternatives providing a direct connection between I-395 and Route 9 east of Route 46 will provide improved regional connections between the Canadian Maritime Provinces and the Bangor region and reduce traffic on other roadways. Such alternatives meet the intent of the East-West Highway Initiative.

IV. Continued Alternatives Identification, Development, and Screening
F. Alternative 2B (page 20 and 21):

http://www.i395-rt9-study.com/Pubs/Alts%20Tech%20Memo.pdf

This alternative is one of the original 45 alternatives. It is described in section III-2-b-(2).

Alternative 2B was dismissed at PAC Meeting #11 on February 20, 2002 because MDOT and FHWA thought, as a condition of the Record of Decision, or the Section 404 permit, or both, for the existing section of I-395, additional impacts to Felts Brook would not be permitted and therefore this alternative was not 'practicable' under the law.

At the fourth interagency meeting on March 12, 2002, the agencies stated that the permit for the existing section of I-395 was not conditioned to prevent further impacts to Felts Brook, and that Alternative 2B should be considered practicable under the law and should continue to be evaluated.

Alternative 2B was dismissed prior to PAC Meeting #16 on January 15, 2003 because it would inadequately address the system linkage and traffic congestion needs.

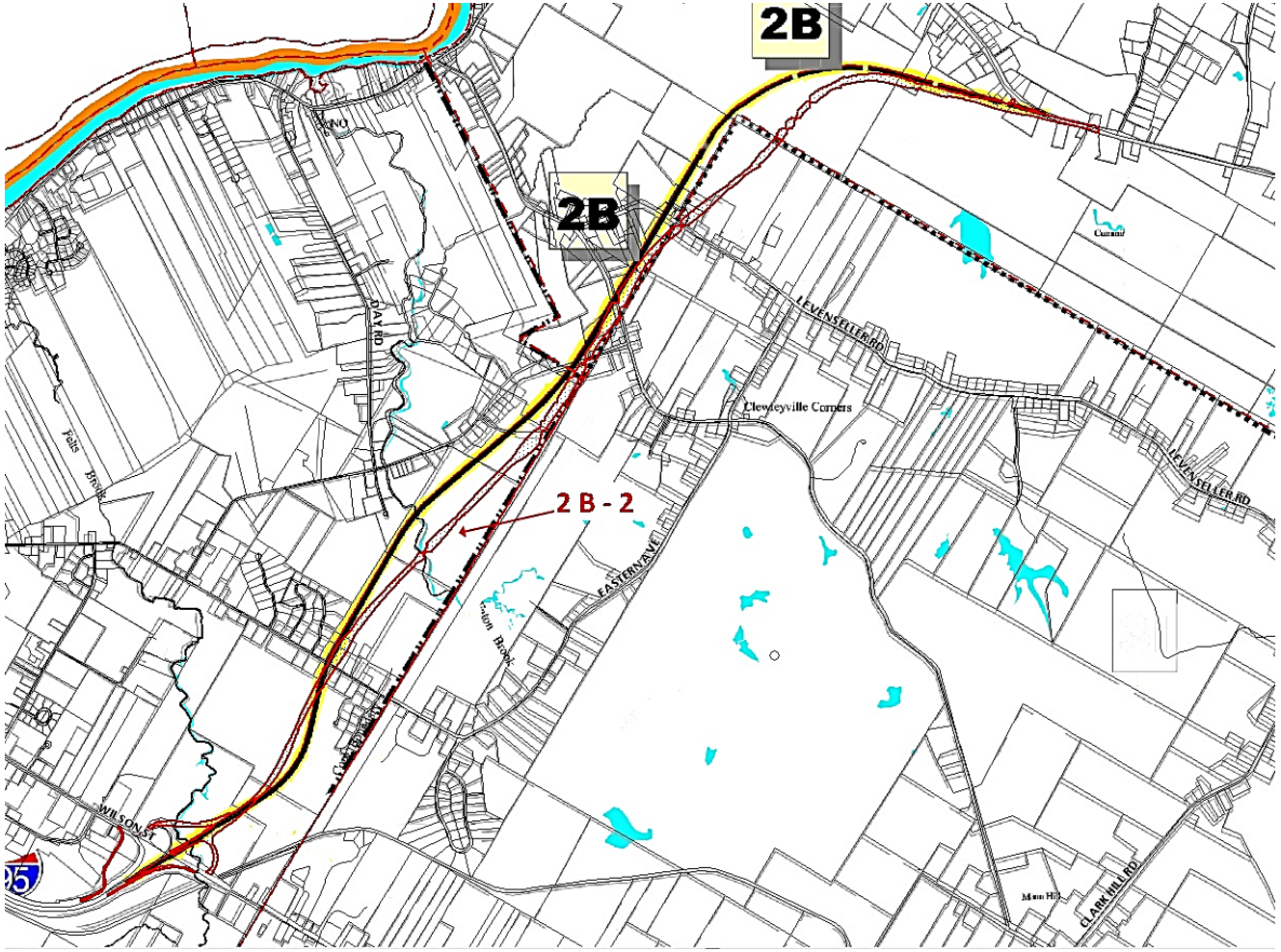
This alternative would not be practicable because it would fail to meet the system linkage need of providing a limited access connection between I-395 and Route 9 east of Route 46. MDOT projects that the future level of service (LOS) for this section of Route 9 resulting from this alternative would be "D" — LOS D is where traffic starts to break down between stable and unstable flow and can become a safety concern in areas of level topography, vehicle mix, and fluctuating speeds. Future traffic volume (year 2030 no-build average annual daily traffic) would be approximately 8,800 vehicles.

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. Assuming 10 trip ends per drive and an equal number of left and right turns, Alternative 2B's ability to satisfy the system linkage and traffic congestions needs is questionable. There are several hundred acres that can be developed along this section of Route 9. Additionally, 200 buildings (residential and commercial) would be located in proximity (within 500 feet) of the proposed roadway.

The lack of existing access controls and the inability to effectively manage access along this section of Route 9, and the number of left turns, contribute to the poor LOS and safety concerns, and the inability of Alternative 2B to satisfy the system linkage purpose and need effectively.

I contend—any MDOT/FHWA statement of fact regarding reasons alternative 2B was removed from further consideration by Jan2003—are just as pertinent today when discussing the viability of alternative 2B-2.

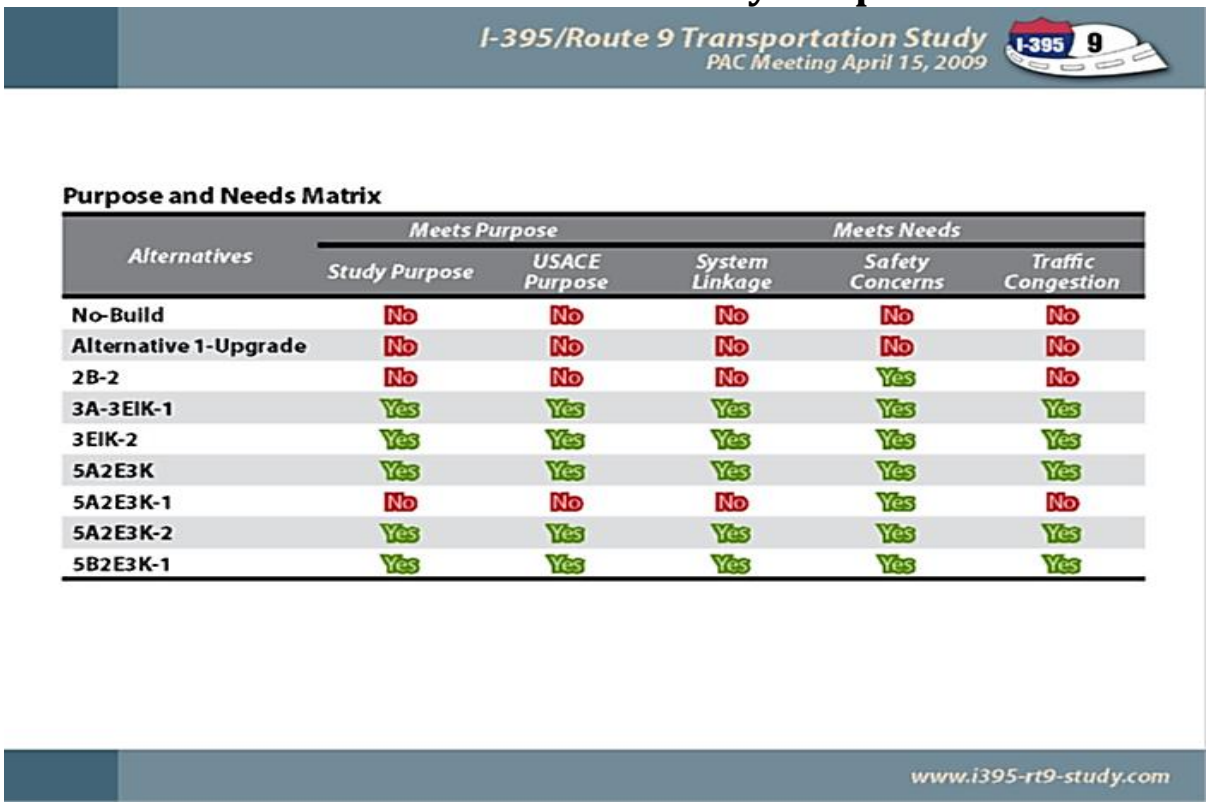
Alternative 2B-2 is nothing more than a revitalization of the twice-removed 2B alternative:



This is not an official MDOT map as a 2B/2B-2 map has not been provided to the public; this map is included to show how similar these two routes are—the only differences being slight modifications of the 2B-2 routing in 2010 to skirt wetlands.

How did an alternative, removed from consideration twice near the start of the study, become the "preferred alternative" at the end of that same study—while meeting only 20% of the Purposes and Needs in April 2009?

Does Alternative 2B-2 meet the Study Purpose and Needs?



***April 15th of 2009*—alternative 2B-2 did not meet the Purpose and Needs per this official MDOT Document.**

***December 13th of 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.** With increased weight limit on the Interstate, it will be more effective – truckers will not want to go through Bangor to get to the Interstate. (MDOT Interagency meeting minutes)

***December 13th of 2011*—Mark Hasselmann (FHWA) advised Judy Lindsey (MDOT) that the 2-lane/2-lane ROW Preferred Alternative does not satisfy Purpose and Needs; 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. MH was overruled by his superiors and the MDOT.**

MDOT/FHWA Transportation Professionals continue to promote a deficient, 20% alternative that requires the use of the same 4.5 miles of the existing and not-to-be-improved Route 9 that would have been bypassed by meeting the original System Linkage Need parameter.

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)

- ***What does "In the near-term (Year 2035)" mean?***

- 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)

- ***By parsing words, the 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 E-W Highway vision is on hold until beyond 2035.***

- ***What happens after the year 2035? Do we get to do this all over again?***

Definition of near-term:

near-term

Listen See in a sentence

The definition of near term is a time period that is very soon as opposed to one that is in the distant future.

(adjective)

An example of a near term goal is something you want to accomplish tomorrow or this week, as opposed to something that you want to accomplish five years from now.

http://www.yourdictionary.com/near-term

near-term (nîr'tûrm')
adj.
Of, for, or involving a short period of time in the near future.

http://www.thefreedictionary.com/near-term

near-term

UK US *adjective* [only before noun]

Definition

relating to what will happen soon and not what will happen further in the future:
Near-term prospects for the company are not good.

http://dictionary.cambridge.org/us/dictionary/business-english/near-term

- ***I question how near-term can be defined as far out as 20 years to the year 2035.***
- ***I will be 65 years old in the near-term (2013).***
- ***I will be (hopefully) 87 years old in the long-term (2035).***

Near-term:

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)

Short-term:

The Federal Cooperating Agencies asked the DOT to take another hard look at using more of the portion of Route 9 in the study area as part of the solution to solving the transportation needs in the area. The DOT took another hard look at Route 9. With the economic downturn and fewer miles being driven, Route 9 has more capacity now than originally thought when the study was initiated. Consequently, Route 9 can satisfy the study purpose and needs in the short-term (between now and 2030). (FOAA Doc #000372)

Near-term is synonymous with short-term—both defined as the year 2030 in the paragraphs above.

- ***Near-term extended to the year 2035 in the DEIS.***
- ***The connector design life expectancy is 20 years.***
- ***Long-term must be beyond the year 2035??***

2007 AASHTO Meeting 9.21-10.1.2007:

http://www.transportation.org/Documents/Kempton-ReportonLong-TermNeeds.pdf

FY	Guaranteed Highway Investment	Projected Highway Account Balance	Potential Highway Investment Cut	Net Highway Investment
2008	$42.2 billion	$1.3 billion	$0	$42.2 billion
2009	$43.2 billion	-$4.3 billion	$16.0 billion	$27.2 billion

The AASHTO Annual Meeting ended on 10.1.2007 @the start of FY2008. The slides are clearly marked as short-term and they reference FY2009. So, in this example—short-term may be considered as anytime within a one to two year time period. I say again: is it reasonable or even logical that near-term is defined as to the year 2035 or a period of 20 years? It seems illogical that short-term, long-term, and design life expectancy all occur at the same time. I have been unable to find time period definitions of near-term and long-term in any MDOT or FHWA documentation.

What is the MDOT's plan for this connector and Route 9 beyond the year 2035?

MDOT statements of fact from Sept2010 Interagency Meeting:

1. ***The System Linkage Need should be considered a long-term need.***
2. ***The System Linkage Need remains a valid need for this study.***
3. ***Need for a limited access facility should be considered a long-term need.***
4. ***The MDOT is committed to the East-West highway vision.***
5. ***The MDOT will change "partially satisfies" the need to "in the near-term".***
6. ***The MDOT defined "near-term" as the year 2030 (later changed to 2035).***

New questions/concerns:

1. ***What are the long-term plans for this connector?***
2. ***Since the near-term needs, the 20 year life expectancy of the connector and the 20 year traffic capacity of route 9 all coincide in the year 2035, can we expect another project come 2035 to repair the deficiencies that are unfortunately a function of alternative 2B-2?***
3. ***It is unequivocally illogical that after Sept2010—in order to make alternative 2B-2 viable—it was deemed essential to look at critical criteria, from the previous decade, in terms of near-term and long-term. Near-term was first defined as the year 2030—then redefined to 2035—so near term by MDOT/FHWA definition is the year 2035. Long term was not defined; I assume that long-term is beyond 2035. The design life expectancy of this connector is 20 years or to the year 2035. It is illogical, impossible and contradictory that short-term needs, long-term needs and design life expectancy occur at the same time in 2035! All this—just to make alternative 2B-2 viable!***
4. ***How does the MDOT plan beyond 2035 to provide the direct connection on Rt. 9 to the east of Rt. 46 to satisfy the System Linkage Need, limited access need and the vision of the East-West Highway?***
5. ***It should be apparent that the MDOT/FHWA selection of 2B-2, as the preferred alternative, necessitated the redefinition of the valid System Linkage Need from "partially meets needs" to "meets needs in the near-term (2035)". That redefinition of the System Linkage Need was not necessary until the five alternatives meeting 100% of the original Purpose and Needs were removed from further consideration in Sept2010. The time period of long-term needs was not defined—beyond 2035?—but it may be that this project will essentially be built twice simply because the MDOT/FHWA refuses to select an alternative to meet the original Purpose and Needs of the Study from the onset.***
6. ***The "preferred alternative" should provide full System Linkage Need with a full limited-access facility from the start of the project—not 20 years later.***

These questions need to be answered now—not buried in the back of the FEIS—with no MDOT/FHWA comment.

Route 9 Access Survey (Unofficial survey 2.04.12):

Survey Distance: approximately 4.5 miles

Eastbound from #651 Main Road to Eddington/Clifton Town line

Residential, single dwelling driveways: 60

Note: includes one Daycare/Dwelling

Business: 13

Note: Commercial businesses, Public/Municipal/Government structures

Roadways: 20

Note: City streets, Private roads, Access Roads –Public and private, State Route 46

- **Total eastbound access points: 93**

Westbound from Eddington/Clifton Town line to #651 Main Road

Residential, single dwelling driveways: 64

Note: includes one dwelling with a Bait Shack

Business: 17

Note: Commercial businesses, Religious structures, Public/Municipal/Government structures
One Cemetery and One Hospice

Roadways: 16

Note: City streets, Private roads, Access roads –Public and private

- **Total westbound access points: 97**

Total Residential access on Route 9: 124

Total Business access on Route 9: 30

Total Roadway access on Route 9: 36

- **Total access points on Route 9 per unofficial survey = 190**

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. http://www.i395-rt9-study.com/Pubs/Alts%20Tech%20Memo.pdf

- **Total access points on Route 9 per MDOT Technical Memorandum = 158**

Joan Brooks commented that one of the requirements of the study is to create a limited access facility….Ray added that recent legislative policy instructs DOT to limit access on most major arterials in the state. The idea is to increase efficiency and reduce costs. I have been unable to uncover this policy reference. http://www.i395-rt9-study.com/Minutes/PAC_08.pdf (PAC Meeting 7.18.2001)

Does the posted speed limit negatively affect the system linkage need?

The 2B-2 connection point on Route 9 is approximately 4.5 miles west of the Eddington/Clifton town line.

@Eddington/Clifton Town Line the speed limit is 50 mph.

(0.4 mile @ 50 mph)

At 0.4 miles the speed limit changes to 35 mph.

(0.8 mile @ 35 mph)

At 1.2 miles the speed limit changes to 45 mph.

(1.0 mile @ 45 mph)

At 2.2 miles the speed limit changes to 40 mph.

(0.8 mile @ 40 mph)

At 3.0 miles the speed limit changes to 45mph.

(1.5 mile @ 45 mph)

At 4.5 miles (the connection point for 2B-2) the speed limit changes to 40 mph.

6.0 minutes total drive time westbound with five different changes in posted speed.

- ***The speed of traffic through the east Eddington village has always been a concern. As a built up area, it poses a challenge to making connections to Route 9 west of the east Eddington Village.*** (PAC Meeting Minutes 4/15/2009)

- ***The analysis will include…why varying speed limits (i.e., 55/35/25/55 mph) is a mobility and continuity issue as well as a safety concern.*** http://www.i395-rt9-study.com/Pubs/FCA%2012-09d.pdf (MDOT Memorandum 2.1.10)

- ***Inclusion of 158-190 additional access points plus the five changes in posted speed limits from 35 mph to 50 mph may cause traffic congestion and conflicting vehicle movements on this 4.5 mile section of Route 9 substantially increasing the potential for new safety concerns and hazards.***

Intent of the East-West Highway Initiative per MDOT/FHWA/ACOE Technical Memorandum:

- ***Alternatives providing a direct connection between I-395 and Route 9 east of Route 46 will provide improved regional connections between the Canadian Maritime Provinces and the Bangor region and reduce traffic on other roadways. Such alternatives meet the intent of the East-West Highway Initiative.*** http://www.i395-rt9-study.com/Pubs/Alts%20Tech%20Memo.pdf (Summary page 5)

- ***Alternative 2B-2 does not meet the original intent of the East-West Highway Initiative. None of the remaining alternatives in further consideration meet the intent of the East-West Highway Initiative.***

Upgradability of alternative:

Responses to Substantive Comments on the Draft Environmental Impact Statement

20-4	**Alternatives, Upgrade Alternative:** Does the MaineDOT/FHWA find it appropriate for the Study Group to remove the possibility of a future upgrade that may be needed to insure the safety of this corridor based on an initial $1 million dollar expense?	No substantive comment requiring a change in the study or additional analysis. The 200-foot-wide right-of-way provides a sufficient width to allow a future upgrade if needed. With the recent economic downturn and increase in the price of gas, traffic in the study area has not grown as fast as previously forecast. MaineDOT believes the growth in traffic and traffic volumes originally forecast for Route 9 and rest of the study area for the year 2030 won't materialize until the year 2035. The need to widen beyond the 200-foot-wide right-of-way is beyond the reasonable foreseeable future time period.

Page · 18 *04/30/13*

http://www.i395-rt9-study.com/Pubs/Draft_Comments.pdf

"The 200-foot-wide right-of-way provides a sufficient width to allow a future upgrade if needed." The right-of-way has already been reduced to approximately 100 feet making future upgrades impossible and this official response statement a misrepresentation of fact.

- Commissioner Bernhardt and Chief Engineer Sweeney freely discussed the change in design criteria to rolling and the reduced ROW to 100 feet in a 4.4.13 conversation with Carol Woodcock (Office of Senator Collins). The reduced ROW was also stated in an 8.11.2011 email by the MDOT Program Manager marked as FOAA Document #001143. (Email from CW dated 4.8.13 and FOAA Document # 001143 already offered in a previous document.)

MaineDOT/FHWA Vision Statement for the I-395/Route 9 Transportation Study:

It is envisioned that the results would be the construction of a new two-lane road from I-395 to Route 9 to the east of East Eddington or improvements to existing roads. If a new two-lane road is constructed, it would be a limited-access road crossing over or under the intersecting streets. The only exception could be a new interchange with Route 1A. That is the current vision statement per: http://www.i395-rt9-study.com/home.html.

- ***All east of East Eddington alternatives were removed as of September of 2010 – leaving absolutely no alternatives meeting MDOT's current "vision" statement. At some period, after April 15, 2009, the vision became blurred.***

What is in the Future for this Connector?

However, future development along Route 9 in the study area can impact future traffic flow and the overall benefits of the project. http://www.i395-rt9-study.com/DEIS/00Sum.pdf (Page s-19)

Will SAFETY be compromised by future development along route 9?

Identify the overall benefits that are in peril by this DEIS statement.

Can we afford an expenditure of $61 million dollars (DEIS March 8, 2012) when the success of this project hangs so precipitously on whether or not the Town of Eddington is able to develop their natural resources?

One way of maintaining safety and mobility along Route 9 as future development occurs is by establishing turn lanes where needed to minimize conflicts between turning traffic and through traffic. This treatment improves the safety of turns while maintaining or improving the flow of through traffic. There are examples in Maine where AADTs of 17,000 to 19,000 are accommodated on 3-lane highways (which have a 2-way left turn lane between the through lanes) with 40-to-50 mph speeds. Route 9 is adaptable ***within the existing Right-of-Way*** to this type of treatment, if conditions warrant.

http://www.i395-rt9-study.com/Pubs/Draft_Comments.pdf (Page32)

Is this the best expenditure—at the best time—for our limited state and federal transportation tax revenues?

How 2B-2 became the preferred alternative:

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

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 Route 9 in Eddington to connect east of Route 46. Now, it has been determined that using 4.5 miles of Rt. 9 and building a shorter, undivided, 2-lane "rolling rural" design—with a 100 foot ROW—instead of a divided, 4-lane freeway design road—with a 200 foot ROW—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 specifications.

This ***"hard look"*** led the Town of Eddington to file a FOAA in Oct2012 seeking analysis from the MDOT on what that ***"hard look"*** entailed; it has also led a private citizen, Gretchen Heldmann, to file multiple FOAA requests and later enter into a lawsuit with the MDOT for that data—that lawsuit is still pending. ***Analysis obtained so far has been wholly unsatisfying. There still seems to be a total lack of hard information regarding what analyses the MDOT/FHWA did to magically see, a decade into the study, that Route 9 would suddenly suffice.***

The MaineDOT—without seeking input from the Public Advisory Committee, impacted private citizens and/or their local community government—determined that the System Linkage Need and the need for a limited access facility as established over the previous ten years of the study—was no longer valid until the year 2035 and beyond.

MDOT/FHWA claim they have not changed the Purpose and Needs of this Study, but I contend that by redefining the System Linkage Need and the need for a limited-access facility to a long-term-need they have done just that—and that may not be in compliance with the NEPA process.

The "hard look" by the MDOT is also shortsighted. By their own admission, the System Linkage Need is still valid; the need of a limited-access facility is still warranted as is the MDOT commitment to the vision for the East-West Highway. http://www.i395-rt9-study.com/Pubs/FCA%2009-10a.pdf

- ***<u>BUT—NOT UNTIL 2035.</u> 20 years is the expected design lifespan of this connector; the connector and Route 9 will have to be revisited in 20 years to then provide the System Linkage Need/limited-access requirement that was engineered out of this project in Sept/Dec 2010.***

2B-2 does not meet long-term needs—was selected in complete isolation—outside of public scrutiny—without sufficient comprehensive planning—without the opportunity for meaningful public input and guidance.

Please take your own "hard look" before considering the following questions:

1) ***How can the MDOT/FHWA continue to ignore the many negative statements concerning the original 2B alternative?***
   Aren't the original (Oct2003) 2B statements still as applicable today in 2013 for alternative 2B-2?

2) ***What was the legal basis to redefine System Linkage Need and Limited-Access Need to 2035?***
   How can near-term need and project design life occur at the same time?
   There can be no long-term need if the near-term need and design life coincide.

3) ***How can the MDOT ignore the 158-190 additional access points on the 4.5 miles of Route 9?***
   Don't the additional access points affect System Linkage, Traffic Congestion and Safety?

4) ***How can the MDOT ignore the five different posted speed changes on the 4.5 miles of Route 9?***
   Don't the various speed limit changes affect System Linkage, Traffic Congestion and Safety?

5) ***How can the MDOT ignore the intent of the E-W Highway in their Oct2003 Technical Memo?***
   MDOT's own words: they are committed to the vision E-W highway (<u>just not until 2035</u>).

6) ***How can the MDOT ignore their vision of the connector as found on the MDOT website?***
   A connection on Route 9 to the east of East Eddington.

7) ***How can the MDOT ignore the lack of upgradability of this connector?***
   There is not enough room to upgrade to a four-lane facility with only a 100' right-of-way.

8) ***How can the MDOT ignore that "future development…can impact…the overall benefits of the project"?***
   No comment necessary.

9) ***How can the MDOT ignore that this connector will have to be reengineered for use beyond 2035?***
   Long-term System Linkage and limited-access connection needs (beyond 2035).

Transportation Budget Woes with a Continued Sluggish Economy:

Fitch Ratings has downgraded some of Maine's transportation bonds, citing a "sluggish" economy among other factors in its decision. The rating agency on Friday downgraded the Maine Municipal Bond Bank's $208.9 million transportation infrastructure revenue bonds from AA to AA-, according to a news release. ***The agency claimed in its statement that "the downgrade reflects the state's sluggish economic performance in the recovery, weak demographic trends, and a statutory change in the fuel taxes that makes collections more sensitive to shifts in fuel consumption."*** http://bangordailynews.com/2013/07/15/business/ratings-agency-downgrades-maine-transportation-bonds/

The bonds in question are part of what is known as the TransCap Program. They are revenue bonds, meaning there are revenue sources pledged to repay the bonds. In the case of the TransCap bonds, the revenue sources include various motor vehicle fees and excise taxes, including Maine's fuel tax. The "statutory change" referenced in the Fitch report is a decision to repeal the indexing of motor fuels tax rates on Jan. 1, 2012, meaning the fuel excise tax rates from July 1, 2011, remain in effect. That, along with the economic recovery, has reduced the fuel tax revenue, according to Fitch. http://bangordailynews.com/2013/07/15/business/ratings-agency-downgrades-maine-transportation-bonds/

In inflation-equalized dollars, the gas tax today generates roughly only half the revenue it did 20 years ago. Looking forward, with fuel economy standards coming in place, Maine drivers will soon be contributing even less per mile to the maintenance and modernization of our road and bridge system. (Maine Better Transportation Association) http://www.mbtaonline.org/LinkClick.aspx?fileticket=VJ1tkA81lRQ=&tabid=36

During questioning at his hearing, Bernhardt said ***the administration would oppose raising the gasoline tax as well as any new bonding initiatives. "We have to leave no stone unturned,"*** he said, responding to questioning from Democrats on the Transportation Committee. ***"We need to be able to tell the people, the department is as efficient and cost-effective as it can be, I believe, before we can go out and ask for more additional funding than we already receive." (MDOT Commissioner—Feb2011)*** http://www.onlinesentinel.com/news/panel-okays-bernhardt-to-lead-transportation_2011-02-08.html

"Our responsibility going forward is to manage our existing obligations within our existing budget, and to limit adding new infrastructure to that which is shown to provide overwhelming benefits." (MDOT Commissioner—Aug2011) http://www.maine.gov/mdot/wcs/studyannoucementaug2011.htm

"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." (MDOT Commissioner—Aug2011)
http://www.maine.gov/tools/whatsnew/index.php?topic=DOT_Press_Releases&id=279591&v=article

The economic environment has not improved since August of 2011 and in fact with a sluggish economic recovery, forecasted shortfalls in the state's Highway Fund and now the downgrade in Maine's Transportation Bonds—the environment may actually have worsened. As motor fuel tax revenues lessen, subsequently reducing project funding, the MDOT should focus on maintenance of the current infrastructure and not adding new construction—especially where the MDOT cannot demonstrate overwhelming benefits. FOAA Document #000187 indicates the Benefit-to-Cost of alternative 2B-2 yields a marginally acceptable but certainly far from overwhelming 1.1 ratio.

Final Thoughts:

The American Society of Civil Engineers asserted in December 2012: Current investment levels by the state are not sufficient to address the growing needs of the system. Over the next ten years, MaineDOT will not meet goals for roads and bridges set out by the Legislature in 2012, unless a $150 million per year gap in funding is resolved. MaineDOT forecasts a $150 million per year shortfall in funding for transportation over the next 10 years based on current revenue outlook. Maine must restore investment in its highway infrastructure as a funding priority for the safety and economic well-being of the state's residents and businesses.
http://www.maineasce.org/MaineRC/MaineRoads12062012.pdf

Two transportation bonds were presented at the June 12th appropriation bonding hearing: ***LD 1095 for $100 million***, the Governor's Transportation Bond, was presented by Senator Flood who said that these highway projects are "set-to-go" projects. ***LD 942 for $120 million*** was presented by Senator Mazurek saying that the Highway Fund is broke and the only way to fund capital improvements is through this $120 million dollar bond; I believe he went on to say that even with this bond there will still be a $200 million dollar shortfall for the next biennial for MDOT capital improvements. It may have also been at this hearing that the MDOT Commissioner reminded everyone that he would be back soon to talk about the Sarah Mildred Long Bridge. ***The Sarah Mildred Long Bridge is the $170 million elephant in the room—where's the funding for that?***

However, according to the MaineDOT 25-year plan, the shortage of funds for roads and bridges is creating problems everywhere. ***Maine has $6.3 billion in identified transportation needs in the next 10 years, and only $3.2 billion will come available in the current revenue structure. Not only will roads and bridges deteriorate further, but we won't have the rail and air and water service we need either.***
http://www.mbtaonline.org/LinkClick.aspx?fileticket=VJ1tkA81lRQ=&tabid=36 (Maine Better Transportation Association)

The American Society of Civil Engineers (ASCE) grades the nation regularly on the condition and future prospects of their infrastructure. In its first report card assessing Maine's transportation system, the Maine Section, ***ASCE found that much of the state's transportation system is on the edge of outright failure. We are treating our roads, bridges, railroad tracks and transit systems as if they were old clunkers. We're running them into the ground, with no oil changes and tune-ups. What are the costs to Maine of this inaction?***
http://www.mbtaonline.org/LinkClick.aspx?fileticket=VJ1tkA81lRQ=&tabid=36 (Maine Better Transportation Association)

Our limited State and Federal tax revenues need to be spent wisely; until we get our fiscal house in order and restore our failed infrastructure throughout the state, I would urge you not to fund one single foot of any new highway project. In this current fiscal environment, adding more miles to the state's transportation system without adequately maintaining the existing infrastructure doesn't make good Financial $ense.

You may soon be asked to bankroll this project. I ask you to take a "hard look" at what I've provided before making any determination. Please support NO-BUILD for the I-395/Route 9 Transportation Study; our existing infrastructure should be top priority for funding. Thank you for your time and consideration of my views, Larry Adams

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