

**MaineDOT/FHWA Officials HAVE TOLD YOU WHAT THEY WANT YOU TO KNOW. Here's a few 2B-2 facts you may not be aware of:**

The following slide presentation was compiled for informational use only by a private citizen impacted by an ill-conceived and shortsighted transportation decision after a 14 year study costing \$2.5 million.

Material is referenced to official documentation gleaned from sources such as FOAA requests and the I-395/Route 9 Transportation Study website *in their own words...*

Larry Adams/October 2014



\$2.5 M has been squandered on this 14 year transportation study providing some impressive reports telling the world how great alternative 2B-2 is, however, 2B-2 is nothing more than the original 2B alternative removed from consideration by Jan 2003 for very specific safety concerns with the identical 4.2 mile segment of Route 9 that makes up 40.8% of 2B-2's overall length. 2B-2 only satisfied 20% of Purpose and Needs at the same time that the original preferred alternative and four other alternatives met 100% of Purpose and Needs. 2B-2 became the project's second preferred alternative when all five of those 100% alternatives, including 3EIK-2, were removed from further consideration by Sept. 2010.

**2B-2 is not the best alternative for this project – it is simply the cheapest.**

At a time when MaineDOT's 2014 -2016 Work Plan vs. Needs, Core Highway and Bridges Program has an annual -\$101 M shortfall, 53% of our roads are in poor to mediocre condition, and 32.9% of our bridges are rated as structurally deficient or functionally obsolete – MaineDOT and FHWA plan to squander another \$61 M of our limited state/federal transportation dollars on an alternative that does not satisfy original Purpose and Needs while deliberately punting the System Linkage Need and the need for a limited-access facility 20 years into an unknown future with no specific plan on how they intend to accomplish the long-term needs that should have been satisfied by the selection of an alternative that actually meets 100% of Purpose and Needs at the onset of the project – not some 20 years later...

## Question:

How did 2B-2 become the only alternative in contention by Sept 2010, when **2B-2 satisfied only 20% of the Study Purpose and Needs** and was only one step above the No-Build alternative in April of 2009? What is it about **NO** that MaineDOT and FHWA do not understand?

*I-395/Route 9 Transportation Study*  
*PAC Meeting April 15, 2009*



### Purpose and Needs Matrix

Alternatives	Meets Purpose			Meets Needs	
	Study Purpose	USACE Purpose	System Linkage	Safety Concerns	Traffic Congestion
No-Build	No	No	No	No	No
Alternative 1-Upgrade	No	No	No	No	No
2B-2	No	No	No	Yes	No
3A-3EIK-1	Yes	Yes	Yes	Yes	Yes
3EIK-2	Yes	Yes	Yes	Yes	Yes
5A2E3K	Yes	Yes	Yes	Yes	Yes
5A2E3K-1	No	No	No	Yes	No
5A2E3K-2	Yes	Yes	Yes	Yes	Yes
5B2E3K-1	Yes	Yes	Yes	Yes	Yes

[www.i395-rt9-study.com](http://www.i395-rt9-study.com)

## Answer:

Similar DEIS questions were deemed as **not substantive** by Gannett Fleming (MaineDOT's-paid-consultant since 2000) thus no comment was/is required by the MaineDOT and FHWA. **Original study criteria has been changed several times since Sept 2010 affecting 2B-2** and none of the other 79+ studied alternatives. MaineDOT and FHWA are the Judge, the Jury, and the Executioner when it comes to **determining what is/what is not substantive thus controlling the conversation** .

## Question: What is alternative 2B-2?

### Alternative 2B-2

Alternative 2B-2 would continue north from the I-395 interchange with Route 1A, roughly paralleling the Brewer/Holden town line, and connect with Route 9 west of Chemo Pond Road. Route 9 would not be widened to four lanes. The existing I-395/Route 1A interchange would be used (to the extent possible) and expanded to become a semidirectional interchange. A semidirectional interchange reduces left turns and cross traffic; the only traffic movement that would require a left turn would be Route 1A south to Alternative 2B-2 north. The land required for the northern portion of the interchange is owned by the State of Maine.

Alternative 2B-2 would bridge over Felts Brook in two locations at the I-395 interchange. It would pass underneath Eastern Avenue between Woodridge Road and Brian Drive. Alternative 2B-2 would bridge over Eaton Brook, bridge over Lambert Road, pass underneath Mann Hill Road, and bridge over Levenseller Road connecting to Route 9 at a "T" intersection. Route 9 eastbound would be controlled with a stop sign.

Alternative 2B-2 would further the study's purpose and satisfy the system linkage need in the near term. Alternative 2B-2 would be a controlled-access highway and conceptually designed using the MaineDOT design criteria for freeways. Two lanes would be constructed and used for two-way travel within an approximate 200-foot-wide right-of-way. Route 9 would not be improved, and it would not provide high-speed, limited access connection to the east of East Eddington village. It would satisfy the study need related to traffic congestion and safety. It would satisfy the USACE's basic purpose statement.

<http://www.i395-rt9-study.com/DEIS/00Sum.pdf>

### 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)

<http://www.i395-rt9-study.com/DEIS/AppC.pdf>

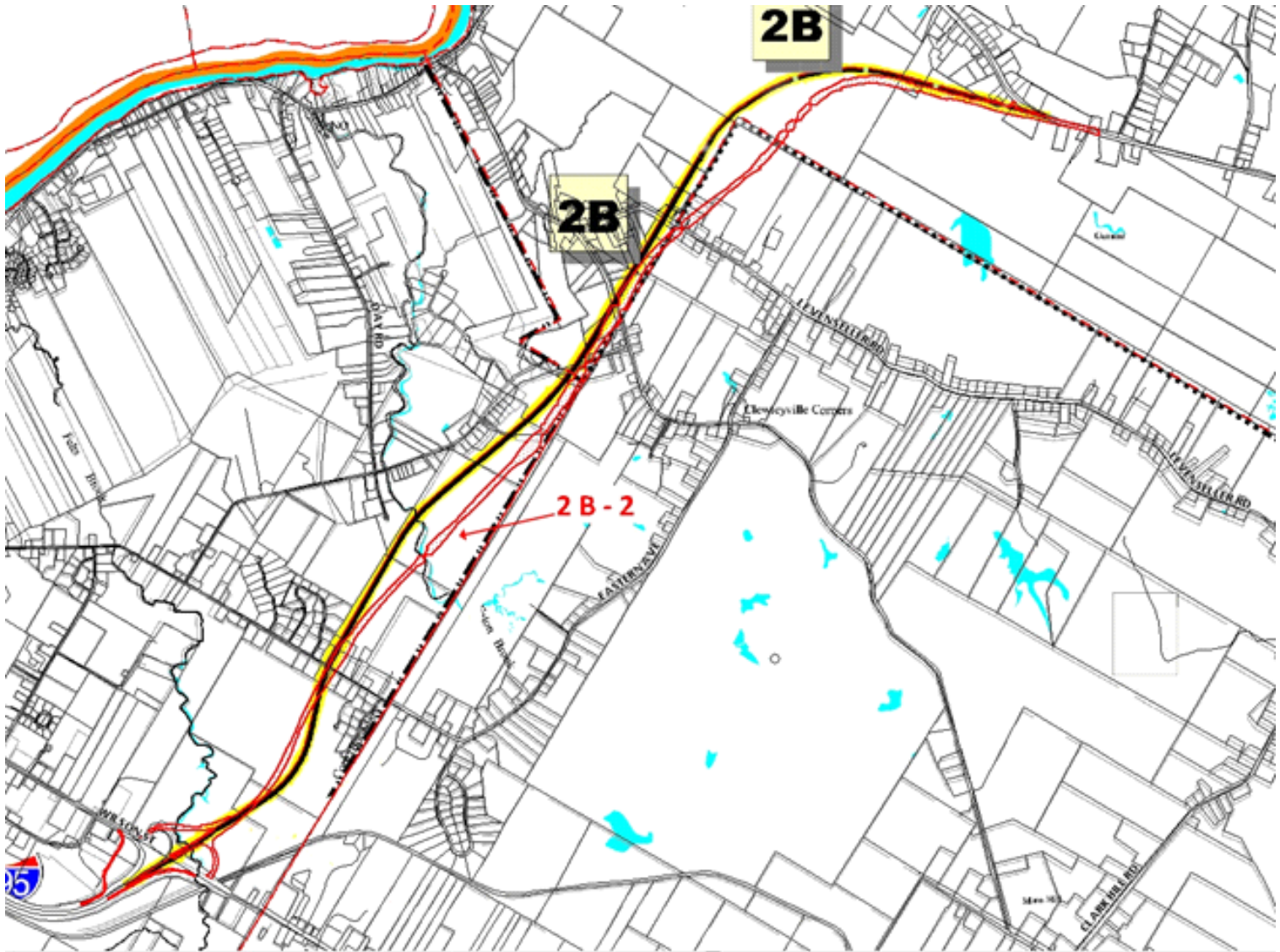
**Alternative 2B-2 is 10.3 miles in overall length from I-395 in Brewer to Route 9 near the corporate border of Eddington and Clifton. Route 9 cannot be estranged from the discussion and/or the approval process of this study leading to the final selection as Route 9 is an integral section of the 2B-2 alternative. Any deficiency currently existing or may possibly exist over the next 20 years on that "4.2 mi. of Route 9 without additional improvements" manifests a deficiency in the overall connector and cannot be diminished by a "hard look".**

**2B-2 is not the best alternative for this project – it is simply the cheapest.**



### Question:

Isn't 2B-2 really just a rehash of the original 2B alternative that was removed from further consideration before the Jan 2003 PAC meeting? MaineDOT/FHWA's own words: ***"Traffic congestion and conflicting vehicle movements on this section of Route 9 would substantially increase the potential for new safety concerns and hazards."***



### Answer: YES

2B and 2B-2 share the same identical connection points on I-395 in Brewer and Route 9 in Eddington. 2B and 2B-2 use the same identical 4.2 mile section of Route 9 which is 40.8% of the overall length of the 2B-2 alternative. The two routes differ only slightly by variances in the 2B-2 routing around environmental concerns. **2B-2 is 2B.**

## Question:

Does 2B-2 meet the original System Linkage Need?

*“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 High-way Initiative.”*

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

## Answer: NO

**2B-2 did not meet System Linkage Need in April 2009.**

The System Linkage Need criteria was changed by Sept 2010:

***“...the system linkage need and need for a limited access facility should be considered a long-term need.”***

(<http://www.i395-rt9-study.com/Pubs/FCA%2009-10a.pdf>)

### Question:

How does alternative 2B-2 affect the citizens of the Town of Eddington living on Route 9?

*“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 High-way Initiative.”*

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

### Answer:

***“Alternatives that do not provide a limited access connection to Route 9 east of Route 46...would negatively affect people living along Route 9 in the study area.”***

### Question:

How does 2B-2 affect Eddington citizens living between 2B-2's Route 9 connection point and Route 46?

*“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.”*

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

### Answer:

***“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.”***



### Question:

Does alternative 2B-2 meet the intent of the East-West Highway Initiative?

*“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.**”*

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

### Answer: NO

***“Alternatives providing a direct connection between I-395 and Route 9 east of Route 46...meet the intent of the East-West Highway initiative.”***



### Question:

Does the 2B-2 alternative ***“provide a substantial improvement in regional mobility and connectivity”***?

***“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.”*** (<http://www.i395-rt9-study.com/Pubs/Alts%20Tech%20Memo.pdf> page5)

### Answer: NO

In MaineDOT's own words:

***“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...”***



### Question:

Is “*the system linkage need*” still “*a valid need for this study*”?

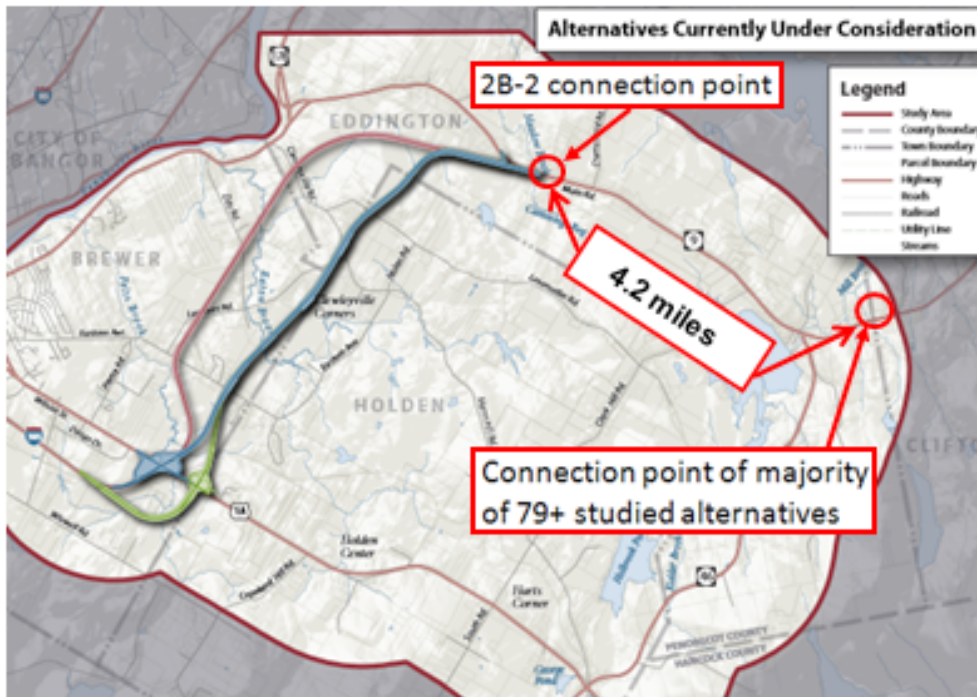
*“The DOT is committed to the East-West highway vision, and the system linkage need remains a valid need for this study.”* (<http://www.i395-rt9-study.com/Pubs/FCA%2009-10a.pdf>)

### Answer: YES

The System Linkage Need of this Study **is** still valid, however, the System Linkage Need and the need for a limited-access facility were re-identified as long-term needs in September 2010; if the DEIS System Linkage short-term-need duration is identified as the 20 year life design of this connector out to the year 2035, then long-term is some unidentified year after 2035.

Fundamentally, MaineDOT/FHWA has “kicked the can down the road” 20 years or more to an unknown future with no engineering data on how they plan to implement alternative 2B-2's long-term System Linkage Need and the long-term need for a limited-access facility, instead of selecting an alternative meeting 100% of the Purpose and Needs from the onset. Your children and their children will be presented with a large bill in another 20+ years for the poor transportation decisions of today.

**Question:** Where is the Route 9 connection point now?



**Alternative 2B-2's Route 9 connection is 4.2 miles WEST of where the majority of the 79+ studied alternatives terminated EAST of Route 46. 2B-2 does not satisfy the original System Linkage Need of this Study.**

**Question:** What is the speed limit on that 4.2 mile section of route 9?

**Answer:** There are five changes in posted speed limits from 35 to 50 mph.

**Question:** How many access points exist on that 4.2 mile section of Route 9?

**Answer:** *"There are ten local roads and 148 existing drives or access points to undeveloped lots."*

- 158 access points plus five changes in posted speed limits from 35 mph to 50 mph on that 4.2 mile section of Route 9 are the same issues that the MaineDOT/FHWA identified when removing alternative 2B from further consideration in January 2003: *"Traffic congestion and conflicting vehicle movements on this section of Route 9 would substantially increase the potential for new safety concerns and hazards".*

**Concern:** 100,000# trucks will still transit the Village of East Eddington.

- *"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."* (As stated by MaineDOT Project Manager (RF) at the final PAC meeting held 4/15/2009.)

## Question:

Will the connector be built to “**MaineDOT design criteria for freeways**” as per the DEIS?

**As stated in the DEIS: “...designed using the MaineDOT design criteria for freeways.”**

[http://www.i395-rt9-study.com/DEIS/00Sum.pdf\\_page\\_s12/s13](http://www.i395-rt9-study.com/DEIS/00Sum.pdf_page_s12/s13)

**FOAA documents indicate: a downgrade in end-state design “using rolling criteria”.**

### **Alternative 2B-2**

Alternative 2B-2 would further the study’s purpose and satisfy the system linkage need in the near term. Alternative 2B-2 would be a controlled-access highway and conceptually designed using the MaineDOT design criteria for freeways. Two lanes would be constructed and used for two-way travel within an approximate 200-foot-wide right-of-way. Route 9 would not be improved, and it would not provide high-speed, limited access connection to the east of East Eddington village. It would satisfy the study need related to traffic congestion and safety. It would satisfy the USACE’s basic purpose statement.

DEIS page s12-s13

### **Estimated Construction Costs**

The estimated construction costs of alternatives include the costs of preliminary engineering, construction engineering, utility relocation, acquisition of property for right-of-way, and mitigating environmental impacts. The costs of the build alternatives would range between approximately \$61 million and \$81 million (in 2011 dollars).

DEIS page s15-s18

## **Answer: No**

*“This cost estimate for the build alternatives was prepared using the DOT’s freeway criteria. We understand the DOT would like, following the conclusion of the NEPA process, for the preferred alternative to be developed using rolling criteria...we ask that the DOT let us know the anticipated percent reduction in cost that would result from this change in criteria...we will apply this percent reduction to the cost to construct the build alternatives that is shown in the DEIS/Section 404 Permit Application.”*

FOAA Doc#000391 dated 12.6.11  
Gannett Fleming to MaineDOT

Note the DEIS-stated construction cost @ \$61 million; the DEIS-stated design is freeway criteria and was estimated @ \$93.24 million, yet the DEIS-stated cost is for rolling criteria which the MaineDOT/FHWA plan to develop following the NEPA process. That’s an intentional misrepresentation of facts to make 2B-2 appear to be a cheaper alternative for this project by \$32.2 million and an intentional falsification of an official state/federal government document by state/federal government officials. What’s that smell – you ask?



## Question:

Is the design freeway or rolling – is the ROW 200' or 100'?

conversation with Dave Bernhardt and Ken Sweeney

Woodcock, Carol (Collins)

4/8/2013 3:16 PM

To: Larry Adams (lgradams@roadrunner.com);

**April 8, 2013**

Larry,  
Here is a review of my Thursday meeting. Sorry for the delay but I've been extremely busy.

The first question I asked was about the rolling design and whether it was in the DEIS. I showed them the memo written by Ken. Ken remembered it very well.

Ken said it was in the appendix of the DEIS. We talked a little about the rolling design. They explained that Route 9 was rebuilt with the rolling design method – that's why it is so curvy.

I asked about the cable dividers – they are still going to be included – and, yes, no passing. That was a question that had been raised previously.

I brought up the issue of reducing the right of way from 200 ft. to 100 ft. and the concerns that neighbors had with walking out their door and being so close to the fast-moving traffic. It took a while for me to get this point across, but finally I did. They both explained that, even though the ROW is being reduced to 100 ft., they will enter into conversations with all affected landowners. There will be individual conversations because everyone will have different views/concerns about this situation. Some will be pleased to have their property not disturbed and others will want to leave the area because of the close proximity to the road. Each situation will be dealt with on an individual basis. So, if/when they get to that point in the process, individual landowners just need to make their desires very clear.

I raised the points about Mark Hasselmann writing comments as an "anonymous" poster on the NEPA forum. Commissioner Dave Bernhardt was unaware of this forum and was quite surprised to learn that this went on. Ken Sweeney was well aware of it and knew about the entire issue. They both weren't troubled by his dissenting remarks because they said that his superior at FHWA had overruled him. Also, they added if this project ever goes to a Record of Decision, all of the agencies will have to comment again. So, if there are any concerns at all, they can be addressed once again at that point.

He has no idea if there will be funding for this project. The Record of Decision is at least a year away, if not longer.

I raised all the questions, but they had answers to all of them. I hope this is somewhat helpful to you.

Best,  
Carol

Carol Woodcock

State Office Representative to

U.S. Senator Susan Collins

202 Harlow St., Room 204

Bangor, ME 04401

Ph: (207) 945-0417

Fx: (207) 990-4604

Carol.Woodcock@collins.senate.gov

*"We talked a little about the rolling design."  
"...memo written by Ken"*

*"They both explained that, even though the ROW is being reduced to 100ft..."*

*"I raised the points about Mark Hasselmann writing comments as an 'anonymous' poster on the NEPA forum."*

*"They both weren't troubled by his dissenting remarks because they said his superior at FHWA had overruled him."*

*"I asked about the cable dividers – they are still going to be included – and, yes, no passing."*

**Why would the MaineDOT Commissioner and Chief Engineer freely discuss the rolling design criteria and reduction in the ROW to 100 feet with Carol Woodcock (Office of U.S. Senator Collins)—if it wasn't the truth?**

**Bostwick, Richard**

**From:** Lindsey, Judy  
**Sent:** Monday, August 01, 2011 8:12 AM  
**To:** Bostwick, Richard  
**Subject:** RE: I-395 connector reduced width

Richard,

It's true, Ken decided the reduced lane and 100' to 125' ROW width was all we needed in the foreseeable future so why do more. I've been told this project will be taken to the Governor as one to move forward even though the price tag is up there. I hadn't notified anyone as I am waiting for the modification to be signed. Bill will be providing a new set of plans when available. I'll keep you in the loop.

Judy



### Question:

Will the travel lanes be “*within an approximate 200-foot-wide right-of-way*”?

**As stated in the DEIS: “...*within an approximate 200-foot-wide right-of-way.*”**

<http://www.i395-rt9-study.com/DEIS/00Sum.pdf> page s13

**FOAA documents indicate: a “*100’ to 125’ ROW width*”.**

### Answer: NO

**Eddington residents learn state plans ‘rolling rural’ route for I-395/Route 9 connector (Bangor Daily News 4.17.14):**

*“Planning board member Gretchen Heldmann gave a summary report of the 1,239-page FOAA response at Tuesday’s selectmen’s meeting...documents reveal that **MDOT: Changed the design criteria and downgraded the limited access highway project to a two-lane rolling rural route. The change reduces the right-of-way needs from 200 feet of width to between 100 and 125 feet over the approximately 5-mile-long route from Brewer to Eddington.**”*

*“MDOT project manager Russell Charette **responded Wednesday to Heldmann’s conclusions by saying the state agency’s federal partners asked for a change in the design criteria**, that the change would reduce costs, and that all public comments are part of the final report he is finishing.”*

Did the MaineDOT Project Manager say “*Heldmann’s conclusions*” on the FOAA were inaccurate? NO, he simply exclaimed: “***...federal partners asked for a change in the design criteria...***”

## Question:

Does the 2B-2 alternative meet the original criteria of “*a limited-access connection*”?

Original Study criteria: “...it was determined that ***an alternative must provide a limited-access connection between I-395 and Route 9 east of Route 46.***”

(<http://www.i395-rt9-study.com/Pubs/Alts%20Tech%20Memo.pdf> page5)

As stated in the DEIS: “...***2B-2 would be a controlled-access highway...***”

(<http://www.i395-rt9-study.com/DEIS/00Sum.pdf> pg. s12)

## Answer: NO

**Alternative 2B-2 design criteria has been changed from a limited-access connection to a controlled-access highway.**

**Limited-Access Facility** – A highway where access to abutting properties is restricted or limited by control of the right-of-way.

**Controlled-Access Highway** – A highway that provides limited points of access and egress. Freeways, such as I-95, are controlled access highways in which access points occur only at interchanges. These highways serve mobility needs, and are designed to accommodate higher travel speeds.

MaineDOT’s definition of a controlled-access highway does not seem to fit alternative 2B-2. This connector is not even close to emulating I-95...there are 158 additional access points on that 4.5 mile section of Route 9, an integral part of the 2B-2 alternative. That is 158 additional access points that the majority of the 79+ studied alternatives did not have to contend with! Is that within the MaineDOT definition of controlled-access?

**“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 local access.”** <http://www.i395-rt9-study.com/Pubs/EA%2003-12-02.pdf>

**“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.” (PAC Meeting #8)**

### **Question:**

Will the 2B-2 alternative be upgradeable to provide a future 4-lane divided highway as original criteria quantified?

***“Change made to typical section since our last meeting, the project considered having two lanes of highway constructed within right-of-way sufficient to accommodate four lanes in the future. That has now changed to two lanes of highway within right-of-way that accommodates two lanes but does not accommodate four lane construction in the future.”*** (<http://www.i395-rt9-study.com/Pubs/EIS%2010-11-11c.pdf>)

### **Answer: NO**

Alternative 2B-2 is no longer upgradeable to a 4-lane divided highway as traffic capacity is reached in the future or when safety issues may warrant the conversion per decade-long Study criteria. That change was announced in October 2011, the first of many changes to only 2B-2 and none of the other 79+ studied alternatives. Senator Collins's Office advised, in early 2012, \$1.0 million would be saved by the reduction to the width of the right-of-way purchase; the downside is the possibility that residents may even be closer to the roadway surface as the highway would be centered within a smaller corridor and previous buffers would be significantly reduced.

**MONEY TRUMPS SAFETY. HOW LUCKY DO YOU FEEL?**





## **Question:**

Does alternative 2B-2 meet the original intent of the NOI?

***“The FHWA, in cooperation with the Maine Department of Transportation, will prepare an EIS that analyzes alternatives to identify a Preferred Alternative to meet future transportation needs. The alternative identification and analysis from the preliminary EA will provide the foundation to further the evaluation of upgrades of the existing roadway system, alignments on new location, and the No-build Alternative. The EIS will examine alternatives to improve transportation system linkage, safety, and mobility between Interstate 395 (I-395), Brewer and State Route 9 (Route 9), Clifton in southern Penobscot County, Maine.”***

(<http://www.gpo.gov/fdsys/pkg/FR-2005-12-01/pdf/05-23529.pdf>)

## **Answer: NO**

***“...between Interstate 395 (I-395), Brewer and State Route 9 (Route 9), Clifton...”***

**Notice Of Intent** was clearly understood for the majority of the first decade of this study as evidenced by the definition of System Linkage Need and the logical termini in the Oct 2003 MaineDOT/FHWA/ACOE Technical Memorandum:

***“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 were reevaluated based on a more detailed examination of the study purpose and needs. Specifically, the eastern logical termini was refined. Alternatives that did not connect to Route 9 east of Route 46 were dismissed from further consideration.”***

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

## Question:

How the FHWA/MaineDOT parsed words to change the logical termini criteria. Would you buy a used car from these people? **NO**

I-395/Route 9 Study – Summary of Meeting to Discuss Chapter 1 & 2 Comments  
January 20, 2012

000394

- Mark Hasselmann's and Cheryl Martin's Comments
  - Page 31 - The logical termini of the build alternatives needs to be in Chapter 1. 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 to satisfy the project purpose and need. The NOI stated that the project would take place Route 395 to Route 9 in Clifton from the west to east through Eddington, but did not use the term "logical termini." MaineDOT will check with Cheryl to clarify the comment.

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**From:** Charette, Russ  
**Sent:** Friday, January 20, 2012 3:51 PM  
**To:** Cheryl.Martin@dot.gov  
**Cc:** Plumpton, William M.  
**Subject:** I-395/Route 9 Transportation Study

000501

Hi Cheryl,

Bill Plumpton & I were going over the collective comments on the Administrative Draft EIS and wanted to be sure we were clear on your comment on Page 31 (Chapter 2).

You had highlighted Mark's comment ("Why") on the sentence pertaining to the Logical Termini of the build alternatives. You had added "What did the NOI say".

***"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."***

***"The EIS will examine alternatives to improve transportation system linkage, safety, and mobility between Interstate 395 (I-395), Brewer and State Route 9 (Route 9), Clifton in southern Penobscot County, Maine."***

000502

Is the sentence sufficient as written, or do we need to modify it a bit?

Thanks,

Russ

You need to understand the significance of what was done: MaineDOT/FHWA decided, based on the fact that the NOI ***"did not use the term logical termini"***, they could/would alter Purpose and Needs to make the Study fit alternative 2B-2. FHWA's ***"west to east through Eddington"*** statement (a statement that didn't exist) led to the revision of the original ***"eastern logical termini"*** criterion requiring a connection on ***"Route 9 east of Route 46"*** TO ***"the portion of Route 9 in the study area to satisfy the project purpose and need"*** TO ***"the portion of Route 9 in the study area"***.

### Question:

Does 2B-2 meet the established study “*logical termini*” criteria?

**Original Criteria:** “*Specifically, the eastern logical termini was refined. Alternatives that did not connect to Route 9 east of Route 46 were dismissed from further consideration.*”

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

**As stated in the DEIS and after changing the definition of the original criteria:** “*The logical termini of the project was identified and defined as (1) I-395 near Route 1A and (2) the portion of Route 9 in the study area.*”

### Answer: NO

Logical termini was indeed changed to favor the selection of 2B-2 from a more defined area between east of Route 46 and the Clifton border to a less defined area that happens to encompass 2B-2's connection point on Route 9 - 4.2 miles west of Route 46. With this radically changed DEIS-stated logical termini, 2B-2's connection point could have been anywhere on Route 9 from the Clifton border west to the Eagle's Nest restaurant in Brewer. How sad is that for how far these agencies will go to make their selection work!!

Was the Notice of Intent amended to allow the MaineDOT/FHWA to change the logical termini to basically place it anywhere on “*Route 9 in the study area to satisfy the project purpose and need*”? It certainly looked like the MaineDOT/FHWA made alternative 2B-2 fit the Study Purpose and Needs. If the NOI didn't need to be amended, what good is the NOI and what good is the Federal Register if government officials can so easily parse words into meaning absolutely anything they want them to mean. Those changes to the logical termini were not made until some time after January 2012 per FOAA documents obtained in March 2013.

## Question:

Does alternative 2B-2 satisfy Safety Concerns  
Need and Traffic Congestion Need?

***“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.”***

***“...Alternative 2B’s ability to satisfy the system linkage and traffic congestions needs is questionable.”*** ([http://www.i395-](http://www.i395-rt9-study.com/Pubs/Alts%20Tech%20Memo.pdf)

[rt9-study.com/Pubs/Alts%20Tech%20Memo.pdf](http://www.i395-rt9-study.com/Pubs/Alts%20Tech%20Memo.pdf) page ii/20/21)

***“Traffic congestion and conflicting vehicle movements on this section of Route 9 would substantially increase the potential for new safety concerns and hazards.”***

## Answer: NO

MaineDOT's own words in Oct 2003 indicate that the use of Route 9 as 40.8% of the overall length of 2B-2 adds a potential for new safety concerns and hazards and questions the System Linkage Need and Traffic Congestion Need of the original 2B alternative; since 2B-2 is the new 2B, these concerns are just as appropriate today in 2014 as they were documented back in 2003.

**2B-2 does not satisfy Safety Need; the original System Linkage Need purposely bypassed that 4.2 mile section of Route 9, the Village of East Eddington and the 9/46 intersection. That same section of Route 9 now becomes an integral part of 2B-2. Study criteria bypassed that section for safety reasons for almost 10 years, yet now it isn't an issue? How does that promote safety?**



**Question:**

Does 2B-2 provide “*high speed, limited access connection to the east of East Eddington Village*”?

**As stated in the DEIS: “Route 9 would not be improved, and it would not provide high-speed, limited access connection to the east of East Eddington Village.”** (<http://www.i395-rt9-study.com/DEIS/00Sum.pdf> page s13)

**Answer: NO**

In MaineDOT's own words...

**Question:**

What is the speed limit on that 4.2 mile section of Route 9?

**Answer:**

There are five changes in posted speed limits from 35 to 50 mph.

**Question:**

Can “future development along Route 9...impact future traffic flow and the overall benefits of the project”?

**As stated in the DEIS: “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 s19)

**Answer: YES**

In MaineDOT's own words...

### **Question:**

Does 2B-2 generate a significant impact to residents within 500' of the roadway?

**Alternative 2B-2's proximity displacement or buildings within 500' of the edge of roadway is 7.9 times that of the previous 3EIK-2/preferred alternative and the most by far of all the 79+ studied alternatives @190 proximity displacements. After studying 79+ alternatives since the year 2000, the MaineDOT/FHWA decided to site this connector within the most populous segment of the whole Study area. Alternative 2B-2 will have a significant negative impact on many residential properties. 2B-2's residential displacement is 4 times that of the previous 3EIK-2/preferred alternative @8 residential displacements.**

### **Answer: YES**

Just ask the **8 families** that **will lose their residences by eminent domain** only to watch bulldozers raze their homes while many of us will go from a quiet rural neighborhood to living within 100 feet of tractor trailers racing by at speeds of 55+ mph with absolutely zero monetary compensation for our losses in real estate property values and a decreased quality of life. I never realized how tentative our existence really was until these state and federal government agencies were found to have purposely withheld information and misrepresented data with zero accountability to anyone within the impacted communities for anything. I only wish that at some point in these transportation professional's lives – they too face the same 14 year onslaught that we all have had to endure. I want to be the gentleman that tells them what is and what is not substantive!!

### **Question:**

Does “the speed of traffic through the East Eddington Village” present “a concern”?

***“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.”***

MaineDOT (RF) final PAC Meeting 4.15.2009

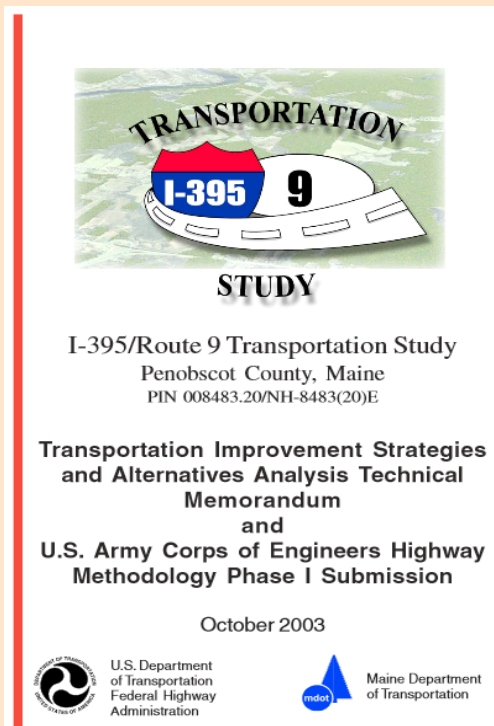


### **Answer: YES**

The speed of vehicle traffic and the movement of heavy trucks not only transiting the Village of East Eddington but passing through the Route 9/46 intersection remains a major concern. The decade-long System Linkage Need intentionally bypassed that 4.2 mile section of Route 9 that is 40.8% of the overall length of alternative 2B-2. Any of the 79+ studied alternatives that met the original System Linkage Need bypassed the Village of East Eddington and the intersection of Route 9/46 – that wasn't by accident – that was good engineering!! All of that good engineering for most of a decade has been foreshadowed by “a hard look at Route 9”.

## Question:

Why did the MaineDOT/FHWA remove alternative 2B from further consideration at the start of 2003?  
**2B-2 is nothing more than 2B all over again...**



- “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.” (pgii)
- “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.” (pgii)
- “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).” (pgii)
- “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.**” (pg20)

- “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.**” (pg20)
- “**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.**” (pg20)
- “**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.**” (LOS stands for Level of Service) (pg21)

## Answer:

2B would fail to meet the system linkage need and to adequately address traffic congestion needs with an increased potential for new safety concerns and hazards caused by traffic congestion and conflicting vehicle movements; substantially greater proximity impacts and limited opportunities to control access management and the lack of existing access controls with the large number of access points and left turns (158) on that 4.2 mile section of Route 9.



## Question:

***“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.”***

Doesn't that statement ring as true today in 2014 when discussing 2B-2 as it was in October 2003 discussing 2B?

***“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.”*** (page 20) ***“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.”*** (page 21) <http://www.i395-rt9-study.com/Pubs/Alts%20Tech%20Memo.pdf>

**158 distinct access points exist on that 4.2 mile section of Route 9 that makes up 40.8% of the overall length of 2B-2. Any of the 79+ studied alternatives that satisfied the System Linkage Need had zero added access points while intentionally bypassing that same 4.2 mile section of Route 9.**

**FHWA documentation stating: “In rural areas, each access point added increases the annual accident rate by seven percent.” suggests you are 1,106% more likely to have an accident on 2B-2 than any of the 79+ studied alternatives that satisfied the original System Linkage Need.**

[http://www.fhwa.dot.gov/planning/publications/rural\\_areas\\_planning/page07.cfm](http://www.fhwa.dot.gov/planning/publications/rural_areas_planning/page07.cfm)

## Answer: YES

The statement is as true today as it was in the year 2003.

## Question: What is the significance of the year 2035?

Year 2030 was conveniently extended to the year 2035—just one Memorandum and abracadabra—the original “*hard look*” traffic capacity of Route 9 was extended out five more years to the year 2035 and the System Linkage Need in the near-term was redefined to the Year 2035 allowing alternative 2B-2 to meet the System Linkage Need “*In the near-term (Year 2035)*”. Was this another epiphany or simply a convenient manipulation of the existing data?

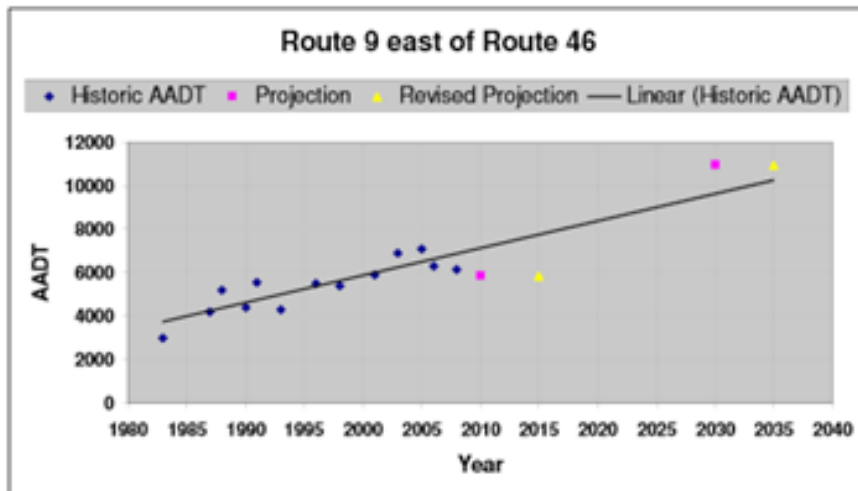
### State of Maine Department of Transportation MEMORANDUM

To: Russ Charette, Mobility Management      Date: Jan. 11, 2012  
From: Ed Hanscom, Transportation Analysis  
Subject: I-395/Route 9 Transportation Study – Revised Projections

Given that the current design-year projection for the I-395/Route 9 Transportation Study is currently 2030 and the anticipated construction of the preferred alternative is unlikely until the 2013-15 time period, consideration has been given to extending the design-year to 2035. The 2035 design year would be consistent with a 20-year design for the project.

Review of historic traffic growth on Route 9 east of Route 46 indicates that the volumes currently projected for 2030 would more accurately represent conditions in 2035. (See figure below.) The flattening in traffic growth that occurred between 2001 and 2008 has slowed the overall growth trend of traffic in the Route 9 corridor. The forecasted traffic volume for the future (10940 vehicles per day) at this key location is much closer to the trend line at 2035 than at 2030.

Therefore, for the purpose of the I-395/Route 9 Transportation Study, I would suggest that the year of the future conditions traffic forecasts and analyses be revised from 2030 to 2035 and that the base year of the 20-year design be changed from 2010 to 2015. The completed future conditions traffic forecasts and analyses of the study remain valid for 2035 design year.



[http://www.i395-r9-study.com/Pubs/Revised%20Projections\\_January%202012.pdf](http://www.i395-r9-study.com/Pubs/Revised%20Projections_January%202012.pdf)

One needs to understand that questions sent to the MaineDOT from the Office of U.S. Senator Collins on 1.9.2012 and returned answered on 1.17.2012 (FOAA #000434) referred to the year 2030 and not 2035; Mr. Charette was already dealing with the impacted communities as the new Project Manager and is the sole addressee to this attached 1.11.2012 Memorandum. Why the discrepancy with such an important piece of data to the office of a U.S. Senator?

\*Also conveniently missing from MaineDOT's 1.17.2012 answers: the reduction in ROW from 200' to 100-125' and the future downgraded design standard criteria from freeway to rolling as established by FOAA documents predating MaineDOT's answers...

## Answer:

“*In the near-term (Year 2035)*” is a major component of MaineDOT’s “*hard look at Route 9*” defense for the selection of 2B-2 in September 2010, good to the year 2030. Extending the “*design year*” from 2030 to the year 2035 keeps the MaineDOT’s “*hard look*” argument intact.

## Question:

Why were critical changes in design criteria not included in the official answers from the MaineDOT to the Jan 9, 2012 questions from the Office of Senator Collins when that information, obtained by FOAA, predated the answers provided by the MaineDOT on Jan 17, 2012?

- The **change from freeway design to rural design, following the conclusion of the NEPA process**, as documented in the **December 6, 2011** letter to the MDOT from their paid consultant at Gannett Fleming (FOAA Doc#000391).
- The **reduction in lanes and the right-of-way to 100' to 125' in an August 1, 2011 MDOT email** (FOAA Doc#001143: *"It's true, Ken decided the reduced lane and 100" to 125" ROW width was all we needed in the foreseeable future so why do more."*)
- Change of *"future conditions traffic forecasts and analyses be revised from 2030 to 2035"*. Memorandum dated **January 11, 2012**, slide #26.

1/17/2012

**Questions to Maine DOT  
Submitted January 9, 2012  
By Carol Woodcock  
Office of US Senator Susan Collins**

I have attached several documents that I will refer to in my questions. Of particular note, I'd like to point to a document prepared by MDOT, FHWA, and USACE of October 2003; "Rational for Alternatives Retained for Further Consideration February 2002" in which it clearly states that to improve regional system linkage, an alternative must provide a limited-access connection between 1-395 and Route 9 east of Route 46. It went further to state that "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 local access." This document has been the source of a number of questions that have been brought to my attention.

Most of the questions that I have raised here are regarding the process that MDOT and other agencies have followed in the past ten years.

11. Does 2B-2 satisfy the System Linkage need of this study?

Yes, in the short-term between the present time and the design year 2030.

38. Will the proposed connecting route be built to interstate grade standards?

No, the build alternatives would be controlled-access highways and were conceptually designed using the MaineDOT design criteria for freeways. Two lanes would be constructed and used for two-way travel within an appropriate 200-foot-wide right-of-way.

39. Is this going to be designed as a four-lane, divided highway?

No, the build alternatives would be controlled-access highways and were conceptually designed using the MaineDOT design criteria for freeways. Two lanes would be constructed and used for two-way travel within an appropriate 200-foot-wide right-of-way.

The above document provided upon request; this is obviously an excerpt of a multipage document.



## Question:

Can we afford to squander critical transportation dollars on an alternative that does not meet Purpose and Needs at a time when the MaineDOT is reporting a -\$303 million shortfall in Current Work Plan?

Core Highway and Bridge Programs Current Work Plan vs. Need (Millions of Dollars)				
Work Group	Average Annual \$ from 14-16 Work Plan	Annual \$ Needed to Meet Basic Statutory Goals	Average Annual \$ Shortfall	Dollar % Shortfall*
Bridge Projects*	\$71	\$105	-\$34	-32%
Highway Reconstruction/ Rehab	\$82	\$100	-\$18	-18%
Pavement Preservation	\$71	\$120	-\$49	-41%
Light Capital Paving	\$28	\$28	\$0	0%
Total - Core Programs	\$252	\$353	-\$101	-29%

\* Does not include SML Bridge Replacement

<http://maine.gov/mdot/projects/workplan/docs/WorkPlan2014-2015-2016Final.pdf>

Over the three-year life of this Work Plan, MaineDOT anticipates delivering to construction:

- 212 miles of Highway Construction and Rehabilitation - Estimated Cost: \$244 million
- 718 miles of Pavement Preservation - Estimated Cost: \$213 million
- 1,800 miles of Light Capital Paving - Estimated Cost: \$83 million
- 190 "Spot and Safety Improvements" - Estimated Cost: - \$86 million
- 126 Bridge Construction Projects - Estimated Cost: \$295 million

Our roads and bridges are crumbling as reported by the ASCE:

<http://www.infrastructurereportcard.org/maine/maine-overview/>

- Driving on roads in need of repair costs Maine motorists \$246 million a year in extra vehicle repairs and operating costs – \$245 per motorist.
- 53% of our roads are rated poor to mediocre. Maine has 22,838 public road miles. The largest component of our transportation system is an 8,600 mile highway network, yet it appears that only 2,730 miles of pavement are addressed in the Current Work Plan.
- The average age of all Maine's bridges is 50 years; the average age of bridges ranked as structurally deficient is 69 years per t4America. Maintenance/repair is an ongoing issue.
- 792 (32.9%) of the state's 2,408 bridges are in need of repair or replacement. It would take 18.9 years, at the Current Work Plan pace, to repair or replace these bridges:
  - 356 bridges (14.8%) are ranked as structurally deficient.
  - 436 bridges (18.1%) are ranked as functionally obsolete.



# Question: How dangerous are left turns?

*There's nothing special about this accident; it was caused by the **operator's failure to yield during a left turn**. Although I discussed left turns in a previous document, I thought it necessary to elaborate once again **how unsafe these left turn maneuvers really are**.*

## 2 ejected from vehicle in Aroostook collision

By Tony Reaves, BDN Staff

Posted Aug. 25, 2014, at 7:41 a.m.

(excerpt of original article)

Monticello, Maine — Three were injured in a collision Sunday evening on Route 1, according to a release from the Maine State Police.

Police say Josiah Nash, 27, of Blaine, was traveling south on Route 1 in a 1965 Volkswagen Dunebuggy at about 6:30 p.m. when he was struck by Barbara Watson, 71, of Monticello, who was **making a left turn** from the northbound lane onto Silver Street.

<http://bangordailynews.com/2014/08/25/news/aroostook/2-ejected-from-vehicle-in-aroostook-collision/>

## The case for almost never turning left while driving

By Matt McFarland April 9 (excerpt of original article)

### Left turns are unsafe for everyone.

*"Federal data have shown that **53.1 percent of crossing-path crashes involve left turns, but only 5.7 percent involve right turns.**"*

*"And **36 percent of fatal accidents involving a motorcycle involve a left-hand turn in front of a motorcycle, according to the National Highway Traffic Safety Association.**"*

Federal data have shown that 53.1 percent of crossing-path crashes involve left turns, but only 5.7 percent involve right turns. That's almost 10 times as many crashes involving left turns as right. A study by New York City's transportation planners concluded that left-hand turns were three times as likely to cause a deadly crash involving a pedestrian as right-hand turns. And 36 percent of fatal accidents involving a motorcycle involve a left-hand turn in front of a motorcycle, according to the National Highway Traffic Safety Association.

**"Left turns create some concerns when it comes to generating potential for congestion, back-up traffic flow, safety, accident situations,"** said Phil Caruso, the deputy executive director for technical programs at the Institute of Transportation Engineers. **"So if you can eliminate left turns, especially concurrent left turns, that's a positive."**

**We could save lives by restricting left turns, but we're unwilling to sacrifice what we see as a needed convenience. Even if you discount the safety concerns, the efficiency of turning left is questionable.**

*“Research suggests approximately 72 percent of crashes at a driveway involve a left-turning vehicle.”*

*“Where restricting turning movements to and from a driveway is possible, it is most beneficial from a safety perspective to prohibit left-turning movements.”*

**Question:** What does the FHWA say about left turns?

*“Where restricting turning movements to and from a driveway is possible, it is most beneficial from a safety perspective to prohibit left-turning movements. Research suggests that approximately 72 percent of crashes at a driveway involve a **left-turning** vehicle...approximately 34 percent of these crashes are due to an outbound vehicle **turning left** across through traffic. Twenty-eight percent of crashes are due to an inbound, **left-turning** vehicle conflicting with opposite direction through traffic, and 10 percent are due to outbound, **left-turning** movements incorrectly merging into the same direction through movement.”*

<http://safety.fhwa.dot.gov/intersection/resources/fhwasa10002/>

**Question:** What does the MaineDOT say about left turns?

*“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.”*

*“...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.”*

*“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.”*

<http://www.i395-rt9-study.com/Pubs/Alts%20Tech%20Memo.pdf> (pages 20-21)

## Question:

How many left turns are in the 4.2 mile section of Route 9 that is 40.8% of the 2B-2 alternative?

*“There are ten local roads and 148 existing drives or access points to undeveloped lots.”*

- Question: How many left turns exist on the section of Route 9 which makes up 40.8% of the 2B-2 alternative?
  - Answer: If you traverse that section of Route 9 from one end to the other and back again, you will come upon **158 left turns!!**
- So tell me again, **how does alternative 2B-2 meet the Safety Concerns Needs of this study?**

## Question: How dangerous are left turns?

Left turns are inherently dangerous as they can lead to nasty head-on collisions, just like any other accident caused by the failure of the operator to stay in the correct travel lane. **Crossing traffic is dangerous no matter where it happens and it is just as dangerous when discussing the 4.2 mile section of Route 9 that is 40.8% of the overall length of the 2B-2 alternative.**

*“...each access point added increases the annual accident rate by seven percent.”*

*“...ten local roads and 148 existing drives or access points...”*

***FHWA data suggests that you are 1,106% more likely to have an accident on 2B-2 than any of the 79+ studied alternatives that satisfied the original System Linkage Need.***

FHWA documentation states: ***“In rural areas, each access point added increases the annual accident rate by seven percent.”***

With access management added to the mix, question how 158 additional access points added to this new connector from the onset will affect **Safety Concerns and Traffic Congestion**. Why would professional engineers select and promote 2B-2 with an additional 158 access points when any of the 79+ studied alternatives satisfying the System Linkage Need had zero access points? **The 4.2 miles of Route 9 integral to 2B-2 - includes an average of 37.6 access points/mile.**

***As the number of access points increases—the accident rate increases—decreasing SAFETY.***

Why would the MaineDOT and the FHWA want to squander \$61 million on a defective connector when there are so many unmet transportation needs and shortfalls in our state?

### Question:

What is the speed limit on the section of Route 9 that is 40.8% of the overall length of the 2B-2 alternative?

### Answer:

There are currently **five changes** in posted speed limits **from 35 to 50 mph**.

### Question:

How many access points exist on the section of Route 9 that is 40.8% of the overall length of the 2B-2 alternative?

### Answer:

- “There are **ten local roads** and **148 existing drives or access points** to undeveloped lots.”
- An average of **37.6 access points/mile** on that specific 4.2 mile section of Route 9.
- The 158 access points plus the five changes in posted speed limits from 35 mph to 50 mph on that 4.2 mile section of Route 9 are the same issues that the MaineDOT/FHWA identified when removing alternative 2B from further consideration in January 2003: **“Traffic congestion and conflicting vehicle movements on this section of Route 9 would substantially increase the potential for new safety concerns and hazards”**. Any of the 79+ studied alternatives meeting System Linkage Need had **ZERO** access points.

### Question: How does the MaineDOT and FHWA define Safety:

*“Joan Brooks asked how safety is viewed in comparison to wetlands. Bill said that **safety was defined** at the beginning of the study **as the elimination of crashes**. Other aspects of safety certainly exist but were not part of the study’s definition. As far the agencies are concerned, the DOT and FHWA define safety as the elimination of crashes.”* [http://www.i395-rt9-study.com/Pubs/PAC041509\\_summary.pdf](http://www.i395-rt9-study.com/Pubs/PAC041509_summary.pdf)



December 16, 2011

To: Herb Thomson and Ken Sweeney  
From: Judy Lindsey

RE: I-395/Route 9 December 14, 2011 Re:NEPA posting "NEPA analysis w/ footprint change"

On December 13, 2011 Mark Hasselmann contacted me to discuss the I-395/Route 9 Administrative Draft DEIS. Most of his comments were routine although two require further joint MaineDOT/FHWA discussion:

- 1) What are the long and short term needs of Route 9?

If there are needs not discussed in the AD DEIS there is a big piece of the documentation missing.

If there are any Route 9 improvements required in the next 5 years they are considered as indirect impacts as such he questioned the identification of the logical termini.

- 2) Mark is concerned the criteria change to a 2-lane/2-lane ROW of the Preferred Alternative will alter the impacts and prior alternatives analyses is not comparable (apples to apples) as those were done with 4-lanes/4-lane ROW. Mark stated he "expects to discuss this issue in the near future".

December 29, 2011

000177

To: File  
From: Judy Lindsey  
RE: I-395/ Route 9 Transportation Study Administrative Draft DEIS Status

On December 29, 2011 Bill Plumpton and I conducted a status conference call to discuss next steps for the Administrative Draft DEIS:

#### Procedural Steps

1. Meeting between Ken and Cheryl Martin to discuss Mark Hasselmann's comments on the Administrative Draft DEIS

- Mark's comment the 2-lane- 2-lane ROW Preferred Alternative does not satisfy the Purpose and Need (I disagree with this comment as the PA satisfies both the NEPA Purpose and Need as well as the Corps Basic Project Purpose, the agencies concur)
- Acceptance of the design criteria from Freeway to Rolling to be advanced for the Preferred Alternative prior to the FEIS
- Interstate Justification Report – June 2011 Major Studies Meeting Mark approved the 8 criteria for an IJR would be incorporated/discussed in the DEIS. The Administrative Draft DEIS was prepared based on this approval see Appendix Dec 22, 2011 comment – IJR must be a separate stand-alone document.
- I Recommend the Biological Assessment be coordinated and prepared between the DEIS and FEIS.
- Discussion of the Route 9 footprint and future needs, if any beyond reconfiguration of Route 9/46, prior to the Design year 2030

#### Discussion items

2. DOT/FHWA needs to come to an agreement on Project Definition
3. Adding discussion on the EA to EIS elevation in the summary duplicates discussion in Chapters 1 and 3; is there value added to discuss in Summary?
4. Purpose and Need
5. Did Mark H completely review the AD DEIS a number of his comments in Chapter 1 and 2 are responded to in Appendices C,D and E. In addition, many are new comments not presented in prior reviews of the DEIS, see file notes from MH.
6. Down-scoping from 2-lanes/2-lane ROW – All alternatives have been analyzed with the same criteria (apples to apples) Mark has stated as the alternative will move forward as a 2-lane/2-lane the analysis is now apples to oranges comparison.

### **Question:**

Shouldn't this issue be investigated further?

FHWA (MH) advised MaineDOT (JL) that 2B-2 did not satisfy Purpose and Needs in December 2011.

***"Mark's comment the 2-lane/2-lane ROW Preferred Alternative does not satisfy the Purpose and Need..."***

***"Mark is concerned the criteria change to a 2-lane/2-lane ROW of the Preferred Alternative will alter the impacts and prior alternatives analyses is not comparable (apples to apples) as those done with 4-lanes/4-lane ROW".***

The majority of the 79+ studied alternatives were analyzed as 4-lane/4-lane ROW. Now the NEPA process nears conclusion and 2B-2 is analyzed as a 2-lane/2-lane ROW...

## A Question Not Considered Substantive:

A substantive question is acknowledged by a black vertical mark in the right margin. The DEIS-stated \$61 million cost was intentionally declared \$32.24 million lower than the DEIS-stated freeway design, shouldn't this question have been deemed substantive and answered by the MaineDOT/FHWA instead of hidden in the back of the book?

### **Attachment: Comments and Public Meeting Transcripts**

DEIS Comment/Question # 4.

Submitted by: Larry Adams, a Brewer resident, on April 13, 2012

#### Cost of alternatives in this Study:

"The estimated cost of 2B-2 construction is \$90 million dollars." (October 2011 Interagency Meeting Minutes)  
"MDOT estimates the project will cost \$70 million to \$101 million." (BDN 1/10/2012) At \$90 million dollars, alternative 2B-2 at 6.1 miles in length will cost \$14.75 million dollars per mile. "Ray responded that the DOT has seen recent average construction costs of \$7-8 million per mile." "For a 10 to 11-mile connector as studied here, construction would likely cost \$70 to \$80 million." (PAC Meeting 11/19/2008)  
"Route 3EIK-2... Developed over the past few weeks, the new route features 10.6 miles of new roadway at an estimated construction cost of \$40 million." (BDN article 5/01/2003) "At the national level, we saw a major spike in the price of asphalt as a result of the 2005 hurricane season and its impacts on the petroleum industry, which certainly revealed our national vulnerabilities related to energy supplies. Consequently, MaineDOT reported in 2010 that its construction costs had increased by a troubling 60 percent over the previous five years, further contributing to the challenge of maintaining an aging system." (Connecting the D.O.T.S September 2011) The 3EIK-2 alternative would have cost \$40 million dollars in 2003, a ten to eleven mile connector would have cost \$70 to \$80 million dollars in 2008 and now in 2012 the 2B-2 alternative, which is 4.5 miles less in overall length than the 3EIK-2 route will cost an estimated \$70 to \$101 million or is it \$90 million dollars? The cost of asphalt is directly tied to the price of crude oil and current events, it will only go up in the future and even now the price of gas is \$4.00+/gallon.

"The estimated construction costs of alternatives include the costs of preliminary engineering, construction engineering, utility relocation, acquisition of property for right-of-way, and mitigating environmental impacts. The costs of the build alternatives would range between approximately \$61 million and \$81 million (in 2011 dollars)". (DEIS pages s15/s18) Since 2B-2 has the lowest construction costs of the three remaining alternatives, the cost estimate to construct 2B-2, per the DEIS, is \$61 million dollars.

- Why the large disparity from \$61 million dollars in March of 2012 from \$90 million dollars in October of 2011 or more as reported in the BDN in January 2012?
- What will be the cost in real 2014 dollars when this 2B-2 alternative is slated to go to construction if selected?
- Is this \$90 million dollar estimate from October of 2011 even realistic or will this end up costing more like \$120 million dollars or more if 2B-2 goes to construction two or three years from now?
- At what point will the MaineDOT/FHWA realize that this project will be too costly for the limited benefits that it delivers?



## Another Question Not Considered Substantive:

No one has come forward to explain or apologize for this manager's intentional act of withholding critical information from a private impacted citizen; is this acceptable behavior for our state employees?

**DEIS Comment/Question #6.** Submitted by: Larry Adams, a Brewer resident, on April 13, 2012. Was it appropriate for the MaineDOT Project Manager to withhold information from an impacted private citizen when news from September and December 2010 already had changed the study outcome? Where is the honesty and transparency? Can you gentleman not grasp why I have exhibited no trust in the Study Group?

Page 1 of 1

### Larry Adams

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From: "Lindsey, Judy" <Judy.Lindsey@maine.gov>  
To: "Larry Adams" <bgradams@roadrunner.com>  
Sent: Wednesday, March 02, 2011 3:54 PM  
Subject: RE: Study Update - I-395/Route 9  
Larry,

I know it has been a long year. During this time MaineDOT has been meeting with the Corps of Engineers (Corps), Environmental Protection Agency (EPA), and U.S. Fish and Wildlife Service (FWS) to identify the range of alternatives that will be fully analyzed in the Draft Environmental Impact Statement (DEIS). The intent is, if possible, reduce the number of alternatives to be analyzed in the DEIS by dismissing those that would not be permitable or other alternatives have fewer impacts but achieve similar results. This coordination will be completed by this Spring so we can prepare the DEIS for distribution for public comment.

My expectation is late Spring or Summer we will hold an Advisory Committee meeting to discuss everything that has occurred since our last meeting. Please contact me if you have any other questions on the study.

Judy Lindsey  
Project Manager

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Judy Lindsey

Maine Department of Transportation

Bureau of Transportation Systems Planning

16 State House Station

Augusta, Maine 04333-0016

(207) 624-3291

judy.lindsey@maine.gov

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**From:** Larry Adams [mailto:bgradams@roadrunner.com]  
**Sent:** Wednesday, March 02, 2011 12:06 PM  
**To:** Lindsey, Judy  
**Subject:** Study Update

Two of the proposals are in my backyard. We have not had an update in this matter in well over a year. What is the current status of this study?

Thanks, Larry Adams  
17 Woodridge Rd. Brewer

## Another Question Not Considered Substantive:

What has changed in MaineDOT philosophy since the year 2000 where community support was deemed an important factor in the decision-making process? We have since been left completely out of the process.

DEIS Comment/Question # 7.

Submitted by: Larry Adams, a Brewer resident, on April 16, 2012

MaineDOT change in philosophy?

"Mike Davies pointed out that there are 3 hurdles to completing an EA: Community support, Agency support and Coming up with a realistic alternative." (PAC Meeting #1 on 9/11/2000)

"During an informational meeting in June, DOT project manager Michael Davies said that a 1998 traffic study indicated that heavy truck traffic on Route 46 doubled between 1990 and 1998, and that overall traffic was up 60 percent. During Wednesday's meeting, Davis observed that reaching accord on the project would be critical to its viability. He pointed out that the route wouldn't be built unless it has the support of affected communities and area transportation agencies. "I am not here to force this down anyone's throat," he said." (BDN 11/16/2000)

"John Bryant asked what "advisory" means. Ray replied that local communities have a lot of influence in the selection of a preferred alternative. The community's support or opposition for a given alternative is given substantial weight in the decision-making process." (PAC Meeting minutes 8/20/2008)

- What has changed in MaineDOT philosophy since the year 2000 to take this Study underground for the three years since 2009, without any private citizen or civic scrutiny, to reach a conclusion of selecting an alternative that is neither realistic or has community support from the City of Brewer?
- Is there any doubt as to the lack of community support from Brewer? The City of Brewer enacted a resolve on March 13, 2012 titled: "TO WITHDRAW SUPPORT FROM THE I-395 AND ROUTE 9 CONNECTOR PROJECT AND TO SUPPORT THE NO BUILD OPTION". This opposition is nothing new, there has always been objection from the City of Brewer on 2B-(X) throughout the history of this study. City of Brewer elected officials and residents have been denied any opportunity to "influence in the selection of a preferred alternative".
- Is there any doubt that there is significant public opposition since the open house on April 4<sup>th</sup> at the Brewer Auditorium? This opposition is not new either, there has always objection from the Brewer residents on 2B-(X) throughout the history of this study. Check your files and you will see many emails from my neighborhood.
- Is 2B-2 even a realistic alternative? 2B-2 did not meet four out of five of the Purposes and Needs of the Study in April of 2009 and now it does? Really?? "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." Per the words of the MDOT/FHWA/ACOE, alternative 2B-2 will negatively and severely impact the Town of Eddington. Really?? (I-395/Rt. 9 Transportation Study Transportation Improvement Strategies and Alternatives Analysis Technical Memorandum and U.S. Army Corps of Engineers Highway Methodology Phase I Submission dated October 2003 (Page 5 of Summary)
- Will this connector go to final selection knowing that the Community of Brewer does not support it? How does that compare to the statements of prior project managers in November of 2000 and August of 2008?
- The lack of transparency for the last three years has only magnified the problem; apologizing again and again for not keeping us informed doesn't address the real issue—your preferred alternative does not meet the original study purposes and needs—you all know that is true. Will the legacy of your Study Group be forever labeled with these words: "would negatively affect people" and "would severely impact local communities"?



## Another Question Not Considered Substantive:

Proximity displacement measured *“the impact of each alternative along the entire length of the alternative...”* Why was this metric added in July 2002 yet not used for impact assessment in April 2009 when 2B-2 had the most proximity displacements of all 79+ studied alternatives? Regulation or no regulation – people should be one step above frogs in a vernal pool...

### Attachment: Comments and Public Meeting Transcripts

DEIS Comment/Question # 13.

Submitted by: Larry Adams, a Brewer resident, on April 17, 2012

#### Proximity displacements:

“In summarizing the overall difference between this matrix and the matrix used at the last PAC meeting, Bill said a new column has been added to the matrix – “Number of Buildings in Proximity”; in proximity was defined as within 500 feet of edge of the roadway (for a total width of approximately 1200 feet wide). The purpose of adding this column was to measure the impact of each alternative along the entire length of the alternative or affected area. This was done in response to the suggestions made at the last meeting that MDOT should not place an alternative too close to the majority of people. This also helps to illustrate the impact of Alternative 2B along the section of Route 9. The impact to neighbors in proximity are greater with Alternative 2B than the other alternatives.” (PAC Meeting #13 on 7/24/2002)

“The total number of buildings within 500 feet of the planned roadway is another factor, with 2B-2 having 190 displacements and 3FIK-2 only having 24.” (BON article dated 7/29, 2004)

“Bill continued. Proximity was part of the value system defined at the outset of the study. We developed metrics of 500 and 1000-foot buffers to tabulate the number of homes affected by each alternative. These metrics were used for siting the alternatives but aren't used as a part of the impacts assessment, since there is no regulation to enforce it.” (PAC Meeting 4/15/2009)

- Even though there is no regulation to define proximity displacements – these displacements are real and should have been considered in the overall impacts from alternative 2B-2. There are now 8 residential displacements per the DEIS document for the 2B-2 alternative. How can the MaineDOT, the FHWA, the ACOE and the EPA completely disregard the severe impacts to the most real part of the environment—people?
- Why have these agencies put frogs and salamanders above the human component of the environment: real live people within 500' of this proposed connector or to the real live people that currently live in the 8 homes to be destroyed?
- Shame on these State and Federal Agencies for not having a regulation in place to save the human environment. Where is the balance between the environment and the human species?
- Why was proximity displacement even part of this study if in the end it was going to be disregarded? If you cannot see the lack of fairness in using a measuring device that in the end when it should be one of the most important aspects of the study—it is totally meaningless, then there's nothing I can say to sway your thinking.
- Proximity displacement was needed to make routes like 2B and now its twin 2B-2 appear to be as viable as the other routes by using route 9 as the overall length of the alternative—you cannot separate route 9 from 2B-2. Alternative 2B had 200 proximity displacements and 2B-2 has 190 proximity displacements; is that data included in the DEIS? Why not? Doesn't it, in fact, show the real impact to real live people and the fact that these three remaining routes impact real live people MORE THAN ANY OF THE OTHER 70+ ROUTES?
- How can someone abutting a right-of-way not be considered as direct or even indirectly impacted?
- How can my neighbors and I recoup the devaluation in our properties that has already occurred since 2B-2 was named the “preferred alternative” and will plummet if 2B-2 goes to construction?

## Another Question Not Considered Substantive:

The PAC was advisory only - yet the DEIS listed their names suggesting they took part in the DEIS preparation. All decisions made after the final 4.15.2009 PAC meeting were outside of public, civic and PAC scrutiny. MaineDOT and FHWA do our PAC members a great disservice by making it appear that they may concur with the DEIS results, when many PAC members adamantly disagree with the 2B-2 selection. I would be livid.

DEIS Comment/Question # 22.

Submitted by: Larry Adams, a Brewer resident, on April 19, 2012

### PAC involvement in the Study:

"Public Advisory Committees (PACs) serve as a forum for public debate and discussion on transportation needs and solutions. The purpose of a PAC is to provide a comprehensive and orderly means of involving local interests in a transportation study. The role of the PAC is to advise the MaineDOT and the FHWA on community sentiment about a study. Preparation of the DEIS and 404 permit information: The PAC assists the study team by: Assist in the identification of issues and concerns; provide input by reviewing and supplementing the study team's inventory and impact assessment of sensitive resources, unique features, and local community and economic patterns and reviewing avoidance and minimization measures and suggesting others. The PAC input is used by the study team to: Identify and determine the extent of the most important issues to be analyzed; identify and eliminate from detailed study the issues which are not significant, narrowing the analysis and discussion of these issues; identify and fully develop the potential positive and negative impacts of the alternatives and further avoiding and minimizing impacts to the extent possible." (I-395/Route 9 Transportation Study Project Advisory Committee – a High-level Summary)

There were no PAC meetings from 4/30/2003 to 8/20/2008 and no PAC meetings have been held since 4/15/2009. The PAC has not been involved with this study since 4/15/2009 and some PAC members actually thought that the PAC was disbanded in April of 2009. The PAC should have been involved with the preparation of the DEIS.

- Explain why the MaineDOT decided to not involve the PAC in all the major decisions made outside of public scrutiny for the five year period between April of 2003 and August of 2008 and again for close to three years from April of 2009 to the present and again in the submission of the DEIS.
- If one of the roles of the PAC was to advise the MaineDOT and the FHWA on community sentiment, wouldn't that have been helpful instead of leaving private citizens and local government officials in the dark for all those years, only to find out purely by accident that the study parameters were changed to remove all routes that previously met the purposes and needs of the study, including the preferred 3EIK-2 (RING) of some seven years, from further consideration and replace it with alternative 2B-2, a route that previously only met 20% of the purposes and needs of this study?
- The MaineDOT took away the voice of the private citizen and their elected local officials when the MaineDOT decided to take this study underground. Where was the transparency in this process?
- How were private citizens supposed to keep abreast of these changes when the MaineDOT didn't update their own website, with the exception of a change in Project Manager and the current map, or advise the City of Brewer of any of these important changes since April of 2009? The first update to the Study website, since April of 2009, with any real engineering data did not begin until mid-February of 2012. Refer to my question #6, submitted 4/13/2012, and you will see that I tried to get the latest news on March 2nd of 2011, via an email to the Project Manager, and was given none of the updates that she surely had, a lie of omission is nevertheless still a lie.

## Question:

2B-2 has been identified as the **Least Environmentally Damaging Practicable Alternative** by MaineDOT, FHWA and the ACOE. What exactly does that moniker mean and can we trust that there will be no impact to our lands, streams and watersheds and its inhabitants?

How does 2B-2 “*enhance the quality of the human environment*”?

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
5A2B-2	5,000 feet of streams; unknown impacts from stormwater runoff.	18	187	636	924
5B2B-2	4,800 feet of streams; unknown impacts from stormwater runoff.	27	188	602	556

## Attachment: Comments and Public Meeting Transcripts

DEIS Comment/Question # 15.

Submitted by: Larry Adams, a Brewer resident, on April 17, 2012

### EIS versus the human environment:

“The EIS shall provide full and fair discussion of significant environmental impacts and shall inform decision makers and the public of reasonable alternatives that would avoid or minimize adverse impacts or enhance the quality of the human environment.” (40 CFR Part 1502.1). (MaineDOT Study website)

- There is absolutely no mention of direct or indirect impacts to the human environment, unless you consider the one column for residential displacements, in any of the current impact charts or text within the DEIS.
- How does this current Study relate to the above statement?
- How is the quality of the human environment being enhanced when 8 homes will be destroyed and hundreds of acres of private land, wetlands and wildlife habitat acreage will be lost or damaged forever?

## Answer:

LEDPA does not mean that the environment or inhabitants will not be damaged – it simply means - least damaged. 2B-2 impacts a total of 4,900 feet of streams and 1,683 acres; add the loss and destruction of properties and homes and the fact that 2B-2 does not even satisfy the Study Purpose and Needs and ask yourself: How does 2B-2 “*enhance the quality of my human environment*”? It doesn't – it only destroys it!!



# Question: What is the significance of this letter obtained by FOAA?



**Gannett Fleming**

*Excellence Delivered As Promised*

000391

December 6, 2011

Ms. Judy Lindsey  
Maine Department of Transportation  
16 State House Station  
Augusta, ME 04333-0016

Re: Revised Cost Estimate for the Build Alternatives  
I-395 / Route 9 Transportation Study

Dear Judy:

Attached please find a copy of the latest cost estimate for the build alternatives retained for further consideration and detailed analysis for your review and consideration. We are working to complete both the property acquisition and utility relocation technical memoranda; the memoranda will reflect the costs shown in the attached estimates.

This cost estimate for the build alternatives was prepared using the DOT's freeway criteria. We understand the DOT would like, following the conclusion of the NEPA process, for the preferred alternative to be developed using rolling criteria. Developing the preferred alternative using rolling criteria would reduce the cost to construct it. Based on the DOT's experience with similar projects, we ask that the DOT let us know the anticipated percent reduction in cost that would result from this change in criteria; we will apply this percent reduction to the cost to construct the build alternatives that is shown in the DEIS/Section 404 Permit Application.

We appreciate the opportunity to be of service on this important study. Please contact either Dave Hamlet or myself if you have questions.

Sincerely,

Gannett Fleming, Inc.

William M. Plumpton, CEP  
Project Manager

000392

## Cost Estimate Summary for Range of Alternatives

Alternative	Engineering & Inspection				Right-of-Way	Mitigation	Total
	Construction	Utility Relocation	Inspection	Engineering & Inspection			
2B-2	\$ 75,491,276.60	\$ 1,578,100.00	\$ 12,078,600.00	\$ 4,084,912.41	\$ -	\$ -	\$ 93,240,000.00
5A2B-2	\$ 97,629,921.84	\$ 3,130,600.00	\$ 15,620,780.00	\$ 5,205,118.05	\$ -	\$ -	\$ 121,590,000.00
5B2B-2	\$ 79,879,364.36	\$ 9,345,600.00	\$ 12,780,700.00	\$ 9,659,718.99	\$ -	\$ -	\$ 111,670,000.00

## Answer:

FOAA #000391 demonstrates a willingness to deceive by including the cost of a downgraded future design in the DEIS which leads one to think that changing design criteria during the NEPA process may have been questionable and/or non-compliant; an intentional act of deception to present 2B-2 as a bargain-priced alternative in the DEIS with a falsified cost of \$61 or \$32.24 million less than the actual estimated \$93.24 million cost attached to this 12.6.2011 letter as FOAA #000392.

### Estimated Construction Costs

The estimated construction costs of alternatives include the costs of preliminary engineering, construction engineering, utility relocation, acquisition of property for right-of-way, and mitigating environmental impacts. The costs of the build alternatives would range between approximately \$61 million and \$81 million (in 2011 dollars).



# Question:

## But - have any laws been broken?

Title 17-A: MAINE CRIMINAL CODE

Part 2: SUBSTANTIVE OFFENSES

Chapter 19: FALSIFICATION IN OFFICIAL MATTERS

**§456. Tampering with public records or information**

1. A person is guilty of tampering with public records or information if he:

A. Knowingly makes a false entry in, or false alteration of any record, document or thing belonging to, or received or kept by the government, or required by law to be kept by others for the information of the government; or

B. Presents or uses any record, document or thing knowing it to be false, and with intent that it be taken as a genuine part of information or records referred to in subsection 1, paragraph A; or

C. Intentionally destroys, conceals, removes or otherwise impairs the verity or availability of any such record, document or thing, knowing that he lacks authority to do so.

2. Tampering with public records or information is a Class D crime.

- Representatives of the MaineDOT, FHWA and Gannett Fleming “knowingly” made a “false entry” (the intentional inclusion of the \$61 million cost based on a future change in design criteria and several other falsehoods as can be seen in the attached document) in the DEIS (Draft Environmental Impact Statement), a “record, document...belonging to...the government...with intent that it be taken as a genuine part of information or records...”
- The intentional reduction in alternative 2B-2’s cost was necessary to favorably promote this project—misrepresenting the project with a knowingly false cost—“with intent that it be taken as a genuine part of information”. It’s a lot easier to promote a \$61 million project instead of a \$93.24 million project.

## Answer:

Several misrepresentations of truth were gleaned from FOAA documents that predated the DEIS. The DEIS-stated-cost was not an accident; they knowingly made a false entry to present as genuine.

- 2B-2 was designed using the DEIS-stated “*MaineDOT design criteria for freeways*” with a DEIS-stated total cost @\$61 million—FOAA documents indicate that 2B-2, prepared using “*DOT’s freeway criteria*”, had a total cost @\$93.24 million (mitigation not included); a future downgrade in design standard from freeway criteria to rolling criteria, “*following the conclusion of the NEPA process*”, would reduce the cost by “*one-third*”. Simply speaking—the DEIS-stated cost does not match the DEIS-stated design criteria. (A design criteria change in the DEIS that late in the study to only 2B-2 would have probably been noncompliant with NEPA. **MaineDOT benefits upfront with the lower cost talking point and will wait until the NEPA process concludes to dishonestly make the actual change.**)
- DEIS-states: “*approximate 200 foot-wide right-of-way*”—FOAA indicates a “*100’ to 125’ ROW width*”.
- DEIS-states: “*mitigating environmental impacts*” are included in the \$61 million cost—FOAA indicates that **environmental mitigation was not included in the \$93.24 million cost**.
- The basis of the DEIS-stated \$61 million appears to be nothing more than a guesstimate at best. Was the cost inspired by “*low should be no greater than \$65 million*” as the Chief Engineer suggested to the Project Manager? It certainly wasn’t “*the cost estimates should be reduced by one-third...*” as the Chief Engineer would state two weeks later, as that math doesn’t add up. **Was it a coincidence that we would find out later that the DEIS-stated \$61 million cost just so happens to satisfy the benefit to cost ratio when the cost of 2B-2 @\$93.24 million and even a one-third reduction of that cost @\$62.16 million give unacceptable B/C ratios of less than 1.0?**
- None of these critical differences between what was included in the DEIS and what we were to learn a year later in the FOAA were identified in official MaineDOT answers to questions from the office of Senator Collins on January 17, 2012 even though many of the FOAA documents predate the DEIS leading me to ask if critical information was intentionally withheld from the office of a U. S. Senator?

## Question:

Two other alternatives remain in consideration with 2B-2 identified as the preferred alternative. How were the 5's developed and was there really any serious consideration for selecting 5A2B-2 or 5B2B-2? The following are Judy Lindsey's (MaineDOT) personal notes obtained via FOAA; Gretchen Heldmann traveled to Augusta to personally obtain screens shots of several years of handwritten notes.

Ken S. 6/10/11  
Ken spoke with Cheryl Martin  
FHWA Her recommendation is  
we have the info & analysis for  
the 3 alts. Include the 3  
in the Draft EIS with a caveat  
in the Intro stating that the  
2 '5's' are included as we have  
the data but 2B-2 is the  
Preferred Alt.

Comments & Questions for Jay on July 11, 2011  
1) Three build alts will be analyzed in the  
EIS 2B-2, 5A2B-2 and 5B2B-2  
cost not significant difference & FHWA expectation  
although will state preferred is 2B-2 & why  
Cost Data - 2B-2 = \$70m / 5A2B-2 = \$101m / 5B2B-2 = \$92m  
→ A) Informal discuss DOT would not construct  
5B because of new inter change (instability)

## Answer:

5A2E3K-1 was renamed **5A2B-2** by Sept 2010; like 2B-2, only satisfying 20% of Purpose and Needs in Apr 2009 (slide #2). 5A2B-2 had no serious MaineDOT/FHWA support due to cost. **5B2B-2** was cobbled together with existing data and also lacked support. ***"DOT would not construct 5B because of new interchange (instability)."***  
***"...5's are included as we have the data..."***

**5A2B-2 and 5B2B-2 alternatives were nothing more than filler to make a one-sided process appear to be fair.**

## Question:

Even a simple question about MaineDOT's own website goes unanswered. What happened to MaineDOT's vision of a limited-access road to the east of East Eddington?

**Was their vision blurred by the “hard look at Route 9”?**

DEIS Comment/Question #33.

Submitted by Larry Adams, a Brewer resident on May 04, 2012

The MDOT Vision of this project:

Isn't it interesting that at this point in the process, twelve years into this Study that a statement such as this can still show up on the home page of an official MDOT Study webpage? Attached, as taken today, is a screen capture or go see for yourself: <http://www.i395-rt9-study.com/home.html>

"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."

All east of East Eddington alternatives were removed as of September of 2010 – leaving no alternatives meeting their "vision" statement.

This was the vision of this Study Group and the Public Advisory Committee from the start of the Study, somehow after April 15, 2009 the vision became blurred.

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.

<http://www.i395-rt9-study.com/home.html>

screen capture on 10.6.2014



## Another Question Not Considered Substantive:

2B-2 will cost the impacted communities \$62,000 in lost tax revenues each year. How many jobs will be eliminated to make up for that loss? How about the devaluation of homes and properties in close proximity to this connector with absolutely zero compensation for those losses?

DEIS Comment/Question # 3.

Submitted by: Larry Adams, a Brewer resident, on April 13, 2012

### Property Devaluation and loss in Tax Revenues in Brewer:

- There is an approximate \$2.3 million dollars in appraised value of properties in Brewer alone that will be directly impacted by the right-of-way or by the roadway of alternative 2B-2.
- Annual tax revenue would decrease by approximately \$37,000 in Brewer.

"The build alternatives would result in a reduction in tax revenue in Brewer, Holden, and Eddington because the land converted to transportation use would no longer be tax-eligible. Annual tax revenue would decrease by approximately \$37,000 in Brewer. The No-Build Alternative would not impact local tax revenues." (DEIS page 140)

- That \$37,000 loss in revenue does not include the homes and properties the MDOT does not see as direct or indirectly impacted but remain in close proximity to the proposed roadway.

The MaineDOT intends to only purchase the minimum amount of land to establish the right-of-way footprint of the proposed 2B-2 alternative. This will leave several larger properties directly impacted with greatly diminished property values. Not included in any data or any chart (remember proximity displacements do not really exist) are those unlucky residences or property owners along Eastern Avenue and Woodridge Road that are as close as 50' to 100' of the right-of-way of alternative 2B-2 that will see their property values plummet and only when the property is reassessed by the City of Brewer Tax Office will the true loss in real estate values be known. A high percentage of homeowners in the Woodridge Road and Eastern Avenue area are either already retired or at retirement age and their homes and properties are an integral part of their retirement portfolio. These older homeowners will forever suffer a loss in real estate values with no instrument to recoup their losses and this comes at a time when real estate values are already suppressed. These homeowners are not considered directly or even indirectly impacted by this connector; a frog or a salamander is a direct impact and many find that fact outrageous.

This question relates to the revenue losses in the City of Brewer; The Towns of Eddington and Holden are similarly impacted with an annual loss in tax revenues of \$17,800 and \$7,200 respectively with the 2B-2 alternative. The neighborhoods of Woodridge Rd/Eastern Avenue are specifically mentioned, but this same taxpayer issue is true for the complete length of the 2B-2 route including the 4.5 mile section of route 9 that was needed to make 2B-2 appear viable.

- How does the MaineDOT intend to make up for the loss in tax revenues for the City of Brewer in the properties impacted by any of the three remaining alternatives or the loss in real estate value to the owners of the larger parcels of land directly impacted by this connector?
- What does the MaineDOT intend to tell these retired citizens that are not considered directly or indirectly impacted when their property values go down by tens of thousands of dollars instantly upon the selection of the connector?
- These same senior citizens will fund the connector with their state and federal tax dollars, get no benefit at all from the connector and suffer a direct loss in their pocketbook with a diminished quality of life due to the connector.



## Another Question Not Considered Substantive:

Has the process been fair? Absolutely not, we cannot even get the MaineDOT and the FHWA to enter into a conversation. FOAA documents (not received until a year after the DEIS) revealed downgraded design criteria changes that we were not able to comment on to the DEIS or at the Public Hearing – the majority of our questions remain unanswered.

DEIS Comment/Question # 8.

Submitted by: Larry Adams, a Brewer resident, on April 16, 2012

### Has the MaineDOT/FHWA process been fair:

- There were many times within the long decade+ of this study where the management of this study, with the MaineDOT and the FHWA as co-leads, has been, in my opinion, very poor or lacking at best.
- The study was often allowed to be hijacked and stalled by some within the study area to try to keep alternatives out of their town. The public meetings, hearings and PAC meetings were often confrontational, and that was as much in the audience as it was to the Study Group. It was intimidating to sit in the audience within a process that was obviously not controllable. The rules of the PAC meetings were no-public interaction until the public comment section at the end, an example of this was at an earlier meeting where constant interruptions of comments and questions actually shut down the PAC and the moderator allowed it.
- MaineDOT/FHWA allowed private meetings to occur and even allowed direct contact with other agencies and one of the communities involved in the study when the MaineDOT/FHWA continually said that they wouldn't.
- The MaineDOT project manager intentionally kept information from a Brewer citizen in March of 2011. That email was provided with question #6. Why is that important? I would have rather had this conversation a year ago, not a year later after all the work has been done leading to the publication of the DEIS.
- The MaineDOT/FHWA appeared to have allowed the study to be steered in the direction of alternative 2B-2 by the ACOE, not a lead agency in this study. The MDOT/FHWA was not interested in alternative 2B-2 at all as is quoted in several BDN articles from 2004. Why was the ACOE still promoting alternative 2B-2?
- This study was taken underground from 2003 to 2008 and again in April 2009 to the present time.
- Who could have predicted that the preferred route of some seven years, alternative 3EIK-2, would be removed from further consideration and replaced with the 2B-2 alternative that previously did not meet four of the five purpose and needs of the study? If it wasn't for a pure accident, the citizens of Brewer and Eddington would have only found out when the DEIS was completed and sent out for comments.
- The MaineDOT intended to do a "media blitz" to promote the selection of 2B-2 and reactivate the PAC to help them in their cause. (12/2011 Interagency Meeting Minutes) That did not happen and in fact the MaineDOT, because of their lack of transparency since April of 2009, submitted a written apology and this statement: "In the coming weeks, MaineDOT officials will refocus on the public process in which residents will have ongoing opportunities to provide feedback including review of the draft environmental impact statement and public hearing(s) as needed. We look forward to hearing from all interested parties," the statement concluded. (BON 1/06/2012)
- Because several property owners and local government officials started vigorously complaining to local, state and federal government officials, the MaineDOT decided first to not provide separate meetings with our elected officials as promised and they never did activate the PAC.
- The MaineDOT only started providing new information, much needed to figure out how badly we were to be damaged, because of our work directly with our legislative delegation. The website was finally updated around February 17<sup>th</sup> to reflect some of the new engineering changes. The only update to that date was the change in the name of the project manager and the addition of the current map – no new engineering data was added from April 2009 until February 2012.
- The MaineDOT/FHWA/USACOE did provide a much needed open house forum at Brewer on April 4<sup>th</sup> but even then none of the state and federal government officials appeared to show any flexibility to their selection other than pushing ahead for 2B-2. No-build was always supposed to be a valid alternative and no one seems to talk about that anymore. In April of 2009, 2B-2 was only 20% better than the no-build alternative as can be seen on the Purpose and Needs Matrix.

## Another Question Not Considered Substantive:

An example of MaineDOT's Jan 17, 2012 response to questions from the Office of Senator Collins; was this a lack of communication skills or a cunning act of dissimulation? A simple question was “answered” by not directly addressing the question by using governmentese; a glimpse of what was to come when dealing with these agencies...

DEIS Comment/Question # 14.

Submitted by: Larry Adams, a Brewer resident, on April 17, 2012

Incorrect answer from the MDOT on Proximity Displacements:

Question # 31 from the Legislative Delegation to the MDOT:

31. *Have you taken into account the impact the alternatives would have on residences within 500 ft. of the proposed roadway for the alternative routes? Is there a set a criteria that are considered when the route would affect residences and, if so, what are those criteria and how are they applied?*

Yes, indirect impacts are being evaluated up to 3,300 feet (according to values for determining indirect impacts by the USACE and the Maine Audubon Society) of the proposed alternatives.

Potential impacts – both beneficial and adverse – were identified and, where possible, quantified through studies of the natural, social, and economic environments. Potential impacts include the direct impacts, indirect or secondary impacts, and cumulative impacts of the No-Build Alternative and build

Page 8

1/17/2012

alternatives. Direct impacts are the immediate effects on the social, economic, and physical environment caused by the construction and operation of a highway. These impacts are usually experienced within the right-of-way or in the immediate vicinity of the highway or another element of the proposed action. Indirect (or Secondary) Impacts are the impacts that are caused by the project and are later in time or farther removed in distance but are still reasonably foreseeable. Indirect effects may include growth-inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems. Cumulative Impacts are the impacts on the environment that result from the incremental impact of a project when added to other past, present, and reasonably foreseeable future actions, regardless of what agency or person undertakes such other actions.

- The correct answer can be found in the last PAC Meeting minutes: “Bill continued. Proximity was part of the value system defined at the outset of the study. We developed metrics of 500 and 1000-foot buffers to tabulate the number of homes affected by each alternative. These metrics were used for siting the alternatives but aren’t used as a part of the impacts assessment, since there is no regulation to enforce it.”  
(PAC Meeting 4/15/2009)
- Why would the MaineDOT provide this eco-speak diatribe as an answer to the office representative of a United States Senator? Nowhere in the MaineDOT answer is there a single mention of the impact to residences as the question was phrased.
- Is there any wonder why we are frustrated when we get these kinds of answers to our questions?
- If I could find the answer on the MaineDOT Study website, why couldn’t the person answering this question either do the same if they didn’t know the answer or answer the question honestly if they knew the answer was basically—NO?



## Question:

What does the MaineDOT have to say about future upgradability and the width of the ROW? My DEIS question #25 below won substantive status!

The Study Group, at a February meeting, advised our Legislative Delegation that \$1.0 million dollars would be saved by not purchasing additional right-of-way properties to support a future full four lane divided highway, as was originally the plan of this study for the past decade. Based on a \$90 million dollar estimate for the construction of alternative 2B-2, from that same October meeting, \$1.0 million dollars is only 1.1% of total \$90 million dollar expenditure. 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? When you look at the overall cost of this project, especially now that some are raising safety concerns with limiting the design to a two lane undivided highway, \$1.0 million dollars does not seem like a major expense.

20-4

### Responses to Substantive Comments on the Draft Environmental Impact Statement

20-4	<b>Alternatives, Upgrade Alternative:</b> 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.
------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

## Answer:

***In MaineDOT's own words: "The 200-foot-wide right-of-way provides a sufficient width to allow a future upgrade if needed."***

The right-of-way width was reduced from the DEIS-stated 200' to a width of between 100' to 125' (FOAA #001143 dated August 11, 2011) making a future upgrade impossible and also makes this official statement, in the Draft Responses to Substantive Comments released on April 2013, a fabrication of fact. Commissioner Bernhardt and Chief Engineer Sweeney freely discussed the change in design criteria to rolling and the reduced ROW to 100' in an April 4, 2013 meeting with Carol Woodcock (Office of Senator Collins). See slide #13 for the confirming email of April 4, 2013 meeting and FOAA #001143.

## Question:

What is the significance of this excerpt from an official Memorandum and a screen capture of JL's notes?

<b>Maine Department of Transportation</b>	<b>Bureau of Transportation Systems Planning</b>
	16 State House Station Child Street Augusta, ME 04333-0016
	Phone: (207) 624-3315 Fax: (207) 624-3301 e-mail: gerry.audibert@maine.gov

<b>Memorandum</b>	To: Interagency Meeting Participants
	From: Gerry Audibert, PE
	Bureau of Transportation Systems Planning
	Date: February 01, 2010
	Subject: December 4 Interagency Meeting Summary
	I-395, Wiscasset and Presque Isle Studies

The following revised summary addresses comments received on the Meeting Summary issued on December 11, 2009.  
(Document available upon request.)

- The agencies agreed that Alternative 2B-2 and 5A2E3K-1 must remain in the EIS analysis, and it is also acceptable to include Alternative 3EIK-2. All of the resource agencies have serious concerns of the direct and indirect impacts of Alternative 3EIK-2. EPA expressed concern about the ability of this alternative (3EIK-2) to comply with the Section 404(b)(1) Guidelines. The Corps makes the determination of compliance with the Guidelines, but EPA's concerns are serious and EPA indicated it would consider other actions should this alternative remain as the preferred alignment.

Wednesday, May 26, 2010 Page 1 of 2

**Lindsey, Judy**

**From:** Plumpton, William M. [wplumpton@GFNET.com]  
**Sent:** Monday, May 24, 2010 5:19 PM  
**To:** Lindsey, Judy  
**Subject:** RE: Update for Major Studies meeting on June 1

Judy:

Good morning and hope you got back safely and uneventfully. Look forward to hearing all about your trip.

I 395

EPA will be only  
E13 unknown but this  
K-2 may grease the  
skids.

(Document available upon request.)

## Answer:

**First:** 3EIK-2 was the ***"preferred alignment"*** (alternative) even though the MaineDOT tries to walk-back that fact every chance they can...

- "...alternative (3EIK-2)...EPA indicated it would consider other actions should this alternative remain as the preferred alignment."***

**Second:** Appears to be a rift - ***"would consider other actions"*** - between the EPA and the MaineDOT. How did that rift affect the selection of 2B-2 and MaineDOT's ***"hard look at Route 9"***?

**Third:** Was a rift the catalyst for MaineDOT to dismiss 3EIK-2 to ***"grease the skids"*** for future work with the EPA by offering up 2B-2 as an olive branch?



**Question:** What is the significance of the \$61 million? An error in computation or an intentional act to raise the B/C Ratio above 1.0?

*I-395/Route 9 Transportation Study Environmental Impact Statement*  
Net Present Value Analysis and Benefit-Cost Ratio of Modeled Transportation Benefits  
August 1, 2012

000187

	Installation	Benefits
SUM OF PRESENT VALUES	61,000,000	61,424,195
AVERAGE ANNUAL EQUIVALENTS	5,381,279	5,798,009
BENEFIT-COST RATIO	1.1	
AVG ANN EQVUNT NET BNFTS	\$416,731	

(Excerpt only – document available upon request.)

(Average Annual Equivalents may have used to achieve the MaineDOT B/C ratio @ 1.1.)

Using MaineDOT Values: Benefits @\$61,424,195/Cost @\$61,000,000 = B/C Ratio of 1.007

- MaineDOT Benefit/Cost ratio analysis based on \$61 million installation cost and not the \$93,240,000 cost estimate “prepared using the DOT freeway criteria” as documented in FOAA #000392. MaineDOT B/C analysis is based on future downgraded “rolling design” criteria following the conclusion of NEPA. (slide #40)
- Since Benefit/Cost Ratio is basic mathematics, knowledge on how to compute benefits in FOAA #000187 is unnecessary; MaineDOT established the present values of Benefits @\$61,424,195.

---

Benefit/Cost Ratio of 2B-2 using MaineDOT’s freeway criteria:

FOAA Document #000187 established Benefits @ \$61,424,195

FOAA Document #000392 established 2B-2 Cost @ \$93,240,000

$\$61,424,195 / \$93,240,000 = \text{B/C Ratio @ } 0.659$

- **A Benefit-to-Cost Ratio of 0.659 makes this project not viable when using the actual cost of 2B-2 prepared using MaineDOT’s freeway criteria.**

---

FOAA #000392 established 2B-2 Cost @ \$93,240,000

FOAA #000431 established a “one-third reduction” in cost. (slide #51)

$\$93,240,000 / 3 = \$31,080,000$  (one-third of \$93,240,000)

$\$93,240,000 - \$31,080,000 = \$62,160,000$  (one-third reduction)

- **One third of \$93.24 million does not equal the \$61,000,000 cost used in the Benefit/Cost analysis of FOAA #000185-000187 and as stated in the DEIS.** There seems to be a mathematical discrepancy of \$1,160,000 for the MaineDOT established installation cost of \$61,000,000.

---

B/C using accurate one-third reduction @ \$62,160,000:

Cost @\$62,160,000 > Benefits @ \$61,424,195 or a B/C ratio @0.988 – not viable.

- **Computing the Benefit-to-Cost Ratio with the MaineDOT established present value of Benefits @ \$61,424,195 and the real \$93.24 million installation cost reduced by one-third results in B/C Ratios @ 0.988.**

# Question: Are traffic projections based on real 2014 traffic counts?

## Exhibit 1.13 – Issues Identification and Tracking

Issue or Suggestion	Addressed in Section...	Remarks
Traffic counts and traffic projections for the future may be outdated with the passage of time and the increase in the price of gasoline.  Draft Environment Impact Statement   Chapter 1   Page 19	1.3.3 Traffic Congestion	The MaineDOT took new traffic counts in the study area in 2006 and truck counts on Route 178 at Route 9 in August 2008. The MaineDOT reported the results of these traffic counts in the EIS and revised the traffic projections for the area for 2010 and 2035 using these more recent traffic counts and its statewide travel-demand traffic model.

United States Department of Labor  
Bureau of Labor Statistics

### Consumer Price Index - Average Price Data Original Data Value

Series Id: APU000074714

Area: U.S. city average

Item: Gasoline, unleaded regular, per gallon/3.785 liters

Years: 2004 to 2014

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
2004	1.59	1.67	1.77	1.83	2.01	2.04	1.94	1.90	1.89	2.03	2.01	1.88
2005	1.82	1.92	2.07	2.28	2.22	2.18	2.32	2.51	2.93	2.79	2.34	2.19
2006	2.32	2.31	2.40	2.76	2.95	2.92	3.00	2.99	2.59	2.27	2.24	2.33
2007	2.27	2.29	2.59	2.86	3.13	3.05	2.96	2.78	2.79	2.79	3.07	3.02
2008	3.05	3.03	3.26	3.44	3.76	4.07	4.09	3.79	3.70	3.17	2.15	1.69
2009	1.79	1.93	1.95	2.06	2.27	2.63	2.54	2.63	2.57	2.56	2.66	2.62
2010	2.73	2.66	2.78	2.86	2.87	2.74	2.74	2.75	2.70	2.80	2.85	2.99
2011	3.09	3.17	3.55	3.82	3.93	3.70	3.65	3.63	3.61	3.47	3.42	3.28
2012	3.40	3.57	3.87	3.93	3.79	3.55	3.45	3.71	3.86	3.79	3.49	3.33
2013	3.35	3.69	3.74	3.59	3.62	3.63	3.63	3.60	3.56	3.38	3.25	3.28
2014	3.32	3.36	3.53	3.66	3.69	3.70						

### State of Maine Department of Transportation MEMORANDUM

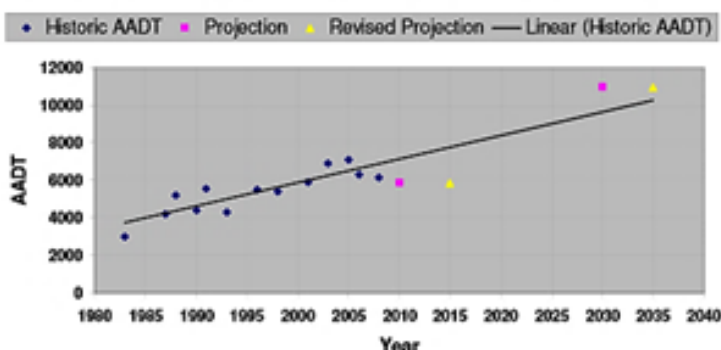
To: Russ Charette, Mobility Management Date: Jan. 11, 2012  
From: Ed Hanscom, Transportation Analysis  
Subject: I-395/Route 9 Transportation Study – Revised Projections

Given that the current design-year projection for the I-395/Route 9 Transportation Study is currently 2030 and the anticipated construction of the preferred alternative is unlikely until the 2013-15 time period, consideration has been given to extending the design-year to 2035. The 2035 design year would be consistent with a 20-year design for the project.

Review of historic traffic growth on Route 9 east of Route 46 indicates that the volumes currently projected for 2030 would more accurately represent conditions in 2035. (See figure below.) The flattening in traffic growth that occurred between 2001 and 2008 has slowed the overall growth trend of traffic in the Route 9 corridor. The forecasted traffic volume for the future (10940 vehicles per day) at this key location is much closer to the trend line at 2035 than at 2030.

Therefore, for the purpose of the I-395/Route 9 Transportation Study, I would suggest that the year of the future conditions traffic forecasts and analyses be revised from 2030 to 2035 and that the base year of the 20-year design be changed from 2010 to 2015. The completed future conditions traffic forecasts and analyses of the study remain valid for 2035 design year.

#### Route 9 east of Route 46



**Answer: NO. Traffic counts are six to eight years old...**  
**"...new traffic counts in the study area in 2006 and truck counts on Route 178 at Route 9 in August 2008."**  
**The DEIS should incorporate today's data, not outdated data 6 to 8 years old that does not reflect the true condition of the study area as it exists today.**

*"With the recent economic downturn and increase in the price of gas, traffic in the study area has not grown as fast as previously thought. The MaineDOT and FHWA believe the growth in traffic and traffic volumes originally forecast for the study area for the year 2030 won't materialize until the year 2035."*  
 DEIS Summary page S.5 Mar2012

Gasoline prices have increased over time but are now mostly stable; prices can and will fluctuate as a reaction to world events. The economic downturn, however, took the sharpest turn for the worse in September 2008, which is after the MaineDOT's *"new traffic counts"* were *"taken"*. September 2008 is when: the stock market plunged, Lehman Brothers crumbled, the Federal government took over Fannie and Freddie, President Bush signed the first bailout into law, and so forth.

MaineDOT's reasons to extend the design year to 2035:

1. *"recent economic downturn"*
2. *"increase in price of gas"*
3. *"volumes originally forecast for the study area for the year 2030 won't materialize until the year 2035"*
4. *"anticipated construction of the preferred alternative is unlikely until the 2013-15 time period"*

Strong public opposition to 2B-2 shaped MaineDOT's *"hard look"* defense. The timing of the Memorandum that revised the design year from 2030 to 2035 is suspicious as it was scripted 6 days after my tip-off to the BDN and 6 days before MaineDOT's official *"answers"* were returned to the Office of Senator Collins where all references to design year were 2030 with no mention of the year 2035.

Page based on Apr2013 FOAA briefing by Gretchen Heldmann.

# Memo

To: I-395/Route 9 Transportation Study Project File  
 From: Ken Sweeney, P. E. - Chief Engineer *KS*  
 CC: Russell Charette, Project Manager  
 Date: January 30, 2012  
 Re: Planning Level Cost Estimates for the Alternatives 2B-2, 5A2B-2, 5B2B-2

The build alternatives have been designed as a two-lane road within a two-lane right-of-way using MaineDOT's criteria for freeways. The latest estimate to construct the build alternatives dated December 2011 range from approximately \$93 million for Alternative 2B-2 to \$122 million for Alternative 5A2B-2.

After reviewing the cost estimates for the build alternatives, the cost estimates should be reduced by one-third, for planning purposes moving forward. The basis for this one-third reduction includes, but is not limited to:

- Reducing the number of structures that need to meet 1.2 stream bankfull structure design would reduce structure costs.
- Using a rolling design, earthwork quantities would be reduced by approximately one-third
- Recognizing that lump sum items – drainage, signing and pavement marking, erosion and sedimentation control, maintenance and protection of traffic, and mobilization – were calculated as a percentage of construction, additional savings would be realized for these items
- Reducing the contingency percentage from 20% to 10%.
- Reducing the design engineering and construction engineering services, based on the type of construction, from 16% to 10%.

From: Sweeney, Ken

Sent: Friday, January 13, 2012 1:07 PM

To: Charette, Russ

Subject: RE: I-395/Route 9 Study

000364

Yes...as follows:

Does the purpose statement need to reference AASHTO POLICY? If it must then it should say GUIDE not policy.

Add a sentence or two about Freight connectivity and the recent Congressional action to allow 100k trucks on the interstate system and the critical need to provide a safe connection to the interstate system for those trucks on route 9 from Canada and regionally from Washington County and EastPort Port needing to travel to points south and west.

Fill in the range of cost alternatives....Low should be no greater than \$65 M...you decide High.

000365

Anticipated Construction could begin in 2014-2015

We also discussed wording and had a meeting with the biologists that led to a comment that we should only commit to the 1.2 bankfull on the structures that make environmental sense and not a blanket 1.2 statement. We should also avoid the "will be considered in final design" when it involves environmental commitment because the regulators interpret the language consider the same as require.

That's all I recall

Thanks

ken

## Question:

Is this how MaineDOT engineers estimate a transportation project?

Where are the supporting facts and figures behind

***"...the cost estimates should be reduced by one-third..."?***

(FOAA #000431)

Where are the supporting facts and figures behind:

***"Fill in the range of cost alternatives...Low should be no greater than \$65 M...you decide High."?***

(FOAA #000365)

**This is a nothing more than one engineer's guesstimate with no basis in fact – nothing more than an opinion...**



### Question:

Really? ***“Interstate 395-Route 9 connector won't be built in the next three years.”*** When did the MaineDOT say that?

**Interstate 395-Route 9 connector won't be built in the next 3 years**

Bangor Daily News January 21, 2014:

***“You will note that the I-395/Route 9 Study is not in the Work Plan for the next three years and cannot be scheduled for any future design work until a Record of Decision is received,” project manager Russell Charette said in his bimonthly email update sent Jan. 17 to towns affected by the plan.***

***The DOT could not place the connector on the work plan until the final environmental impact statement is completed and it has a National Environmental Policy Act permit in hand, the project manager said.***

### Question: What did Mr. Charette say?

***“...not in the Work Plan for the next three years and cannot be scheduled for any future design work until a Record of Decision is received.”***

- Work plans are amended all the time. What's to keep this project from being amended into the current 2014/2015/2016 Work Plan once the FEIS is completed, the Record of Decision is issued 30 days later and the 404 Permit is granted? All they really need is a funding source.
- Once the ROD is received, future design work can be scheduled per Mr. Charette's own words. That could happen momentarily.
- Wouldn't the EIS supporting documentation become out of date and possibly invalid if this project was indeed put on hold to post-2016?

### Question: What did Mr. Charette NOT say?

***“...connector won't be built in the next three years.”***

- Those are the words of the Bangor Daily News—NOT the MaineDOT.



## Question:

Was the ACOE Purpose compliant with the NOI?

ACOE basic project purpose:  
*"The U.S. Army Corps of Engineers have determined that the basic project purpose, in accordance with Section 404 of the Clean Water Act is to provide for the safe and efficient flow of east-west traffic and shipment of good from Brewer (I-395) to Eddington (Route 9), Maine for current and projected traffic volumes."*

### *Purpose of the study and why it is needed*



#### **Purpose of the study:**

- 1) to construct a section of the National Highway System from I-395 to Route 9
- 2) improve regional system linkage
- 3) improve safety on Route 46 and Route 1A
- 4) improve the current and future flow of traffic, and the shipment of goods to the interstate system.

The U.S. Army Corps of Engineers regulates the discharge of dredged and fill material into waters of the U.S. in accordance with Section 404 of the Clean Water Act; waters of the U.S. include wetlands. A Section 404 permit will be required.

The U.S. Army Corps of Engineers have determined that the basic project purpose, in accordance with Section 404 of the Clean Water Act is to provide for the safe and efficient flow of east-west traffic and shipment of goods from Brewer (I-395) to Eddington (Route 9), Maine for current and projected traffic volumes.

#### **Needs (i.e., the problems generating a search for alternatives) for the study are:**

- Poor system linkage
- Safety concerns
- Traffic congestion

[www.i395-rt9-study.com](http://www.i395-rt9-study.com)

#### **Notice of Intent (NOI):**

*"The EIS will examine alternatives to improve transportation system linkage, safety, and mobility between Interstate 395 (I-395), Brewer and State Route 9 (Route 9), Clifton in southern Penobscot County, Maine."*

<http://www.gpo.gov/fdsys/pkg/FR-2005-12-01/pdf/05-23529.pdf>

#### **Answer: ACOE basic project purpose is not compliant with NOI.**

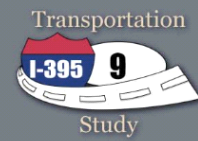
NOI does not state that the purpose of the project is the flow of east-west traffic from Brewer to Eddington - it clearly states Route 9, Clifton. Not only doesn't the ACOE purpose comply with the NOI, it also differs from the MaineDOT/FHWA study purpose utilized over the 14 year life of the study. That difference in purpose, per a telephonic conversation with the study's EPA representative (MK) on 5.29.13, often led to confusion within the other agencies as they often had to stop and ask which project purpose they were discussing, demonstrating a complete failure of the MaineDOT/FHWA to effectively manage the Study.

## Question:

***“NEPA's purpose...to foster excellent action.”***

Have the MaineDOT, FHWA, ACOE and Cooperating Agencies met this vision statement? Have their actions been within NEPA compliance?

## Results of the Study



“Ultimately, of course, it is not better documents but better decisions that count. NEPA’s purpose is not to generate paperwork – even excellent paperwork – but to foster excellent action.”

[www.i395-rt9-study.com](http://www.i395-rt9-study.com)

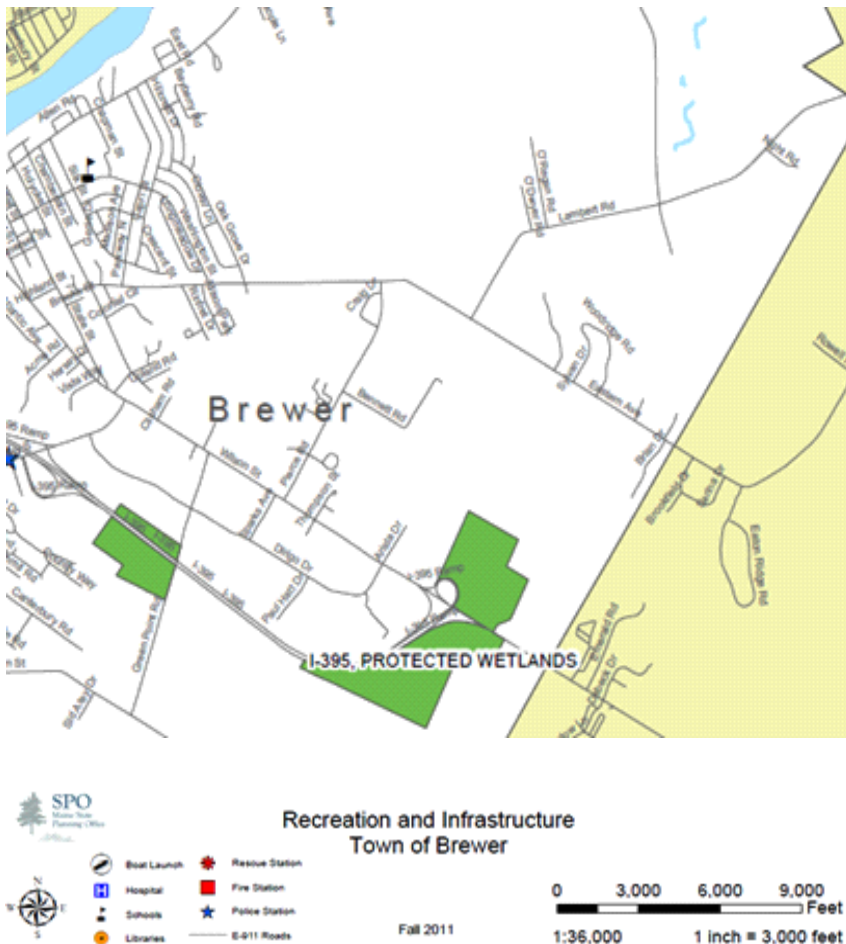
<http://www.i395-rt9-study.com/Pubs/PublicMeeting.pdf>

## Answer: NO

After 14 years of study with an expenditure of over \$2.5 million, the best this group could do was to select an alternative removed from further consideration in January 2003 as the preferred alternative for this project - with a questionable \$61 million price tag? There are so many things wrong with this selection – the biggest – the failure to meet the original System Linkage Need and it is a fact that this need will have to be addressed 20+ years from now with another expensive project. **“Excellent action”?** Not in my opinion and in fact it looks like these agencies are just ramming 2B-2 down our throats just to have a road to build; 2B-2 is nothing more than a band-aid at a time when we can't even afford to fix the roads and bridges we already have. NEPA has been manipulated and side-stepped; information has been intentionally withheld and in some cases even falsified – NEPA has not protected us as is the regulation's intent – **NEPA has let us down...**

## Question:

Does this Fall 2011 map, and the subsequent denial of same, seem just a little bit too coincidental? The very piece of property that the MaineDOT absolutely needed to blast 2B-2 through the center of hundreds of acres of prime farmland and transit over Eaton Brook several times on the way to passing under Eastern Avenue is labeled: **I-395, Protected Wetlands** in this excerpted map obtained from the State of Maine SPO website as part of Brewer's Comprehensive Plan?



***"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."***

(<http://www.i395-rt9-study.com/Pubs/Alts%20Tech%20Memo.pdf> page 20)

## Answer: YES – seems a little too coincidental to me...

This issue has been thoroughly vetted by both the MaineDOT and also privately by Gretchen Heldmann – no restrictions were apparently placed on this area, much of which was purchased by the State of Maine during the initial construction of I-395. But–once again–a coincidence? You can't make this stuff up; this wasn't someone's pipe-dream, it wasn't something Brewer and Eddington impacted residents made up to fight the 2B-2 selection – it was a condition on this particular area that the MaineDOT and the FHWA believed was in existence to the point that they dismissed the original 2B alternative from further consideration in Feb 2002 because of it. One would have to ask, why not err on the side of caution and keep this area as pristine as possible in case promises were made as part of mitigation but not properly documented during the initial engineering of I-395?



## Question:

Is/Was the failure of alternative 2B-2 predictable?

### Logical Termini and Segmentation

The FHWA regulations on evaluating environmental impacts (23 CFR 771.111(f)) require that:

*In order to ensure meaningful evaluation of alternatives and to avoid commitments to transportation improvements before they are fully evaluated, the action evaluated in each environmental impact statement (EIS) or finding of no significant impact (FONSI) shall:*

- 1. Connect logical termini and be of sufficient length to address environmental matters on a broad scope;*
- 2. Have independent utility or independent significance, i.e., be usable and be a reasonable expenditure even if no additional transportation improvements in the area are made; and*
- 3. Not restrict consideration of alternatives for other reasonably foreseeable transportation improvements.*

The development of a transportation project should consider how the end points are determined, both for the improvement itself and for the scope of the environmental analysis. In developing an alternative, need to consider a single and complete project.

Logical termini for project development are defined as (1) rational end points for a transportation improvement, and (2) rational end points for a review of the environmental impacts.

Alternatives should satisfy the project needs and should be considered in the context of the local area socioeconomics and topography, the future travel demand, and other infrastructure improvements in the area.

Without framing a project in this way, proposed improvements may miss the mark by only peripherally satisfying the need or by causing unexpected side effects which require additional corrective action. A problem of "segmentation" may also occur where a transportation need extends throughout an entire corridor but environmental issues and transportation need are inappropriately discussed for only a segment of the corridor.

[http://www.i395-rt9-study.com/Minutes/PAC\\_06-alternatives.pdf](http://www.i395-rt9-study.com/Minutes/PAC_06-alternatives.pdf) (page 2)

### Answer: YES – very predicable...

I strongly suggest, punting the original System Linkage Need criteria to provide a limited-access facility from I-395 in Brewer to Route 9 in Clifton 20+ years into an unknown future would come under the category of ***“miss the mark by only peripherally satisfying the need...which will require additional corrective action.”*** This poor 2B-2 transportation decision will cost your children and their children millions to retrofit when the MaineDOT/FHWA balked at the chance to select an alternative that actually satisfied the Purpose and Needs from the onset.

***“Alternatives should satisfy the project needs...”***

*“Without framing a project in this way, proposed improvements may miss the mark by only peripherally satisfying the need or by causing unexpected side effects which require additional corrective action.*

*A problem of “segmentation” may also occur where a transportation need extends throughout an entire corridor but environmental issues and transportation need are inappropriately discussed for only a segment of the corridor.”*



## Talking Points against the selection of 2B-2 as the Preferred Alternative:

- Alternative 2B-2 only satisfied one (20%) of the five Purpose and Needs on April 15, 2009.
- MaineDOT's own words speak volumes: *"Judy Lindsey: Yes. It satisfies Purpose and Need - not what we've been talking about, but it will still do a lot..."* <sup>11</sup> and sounds more like a waste of taxpayer's dollars with a short-term band-aid fix which will more than likely end up costing us more in the long run—what will happen after 2035?
- Mark Hasselmann, FHWA Right of Way Program Manager, advised Judy Lindsey, MaineDOT Project Manager, on Dec 13, 2011 that *"the 2-lane/2-lane ROW Preferred Alternative does not satisfy Purpose and Needs..."* and *"Mark is concerned the criteria change to a 2-lane/2-lane ROW of the Preferred Alternative will alter impacts and prior analyses is not comparable (apples to apples) as those done with 4-lane/4-lane ROW"*. Mark Hasselmann was overruled by his superiors. (Information obtained from FOAA documents)
- MaineDOT has yet to provide substantive evidence that 2B-2 meets Purpose and Needs. Nothing they have provided, which has mostly been the infamous quote: *"MDOT took a hard look at Route 9"*, meets the straight face test. Even with a FOAA request lawsuit by a private citizen, the MDOT still did not provide clear evidence of the reasoning and/or process behind the change where 2B-2 now meets Purpose and Needs.
- The City of Brewer and the Town of Eddington, excluded from the decision-making process, have withdrawn their support from the I-395/Route 9 connector project, supporting only the No-Build option by Resolve in 2012 and 2013.
- Cumulative effects for alternative 2B-2 include: 26 acres of floodplains, 182 acres of wetlands, 602 acres of forest vegetation, 873 acres of wildlife habitat, and unknown impacts to 4,900 feet of streams from storm-water runoff.
- *"The proposed project is within...designated critical habitat of the endangered Atlantic salmon...FHWA determines the proposed project may affect, is likely to adversely affect Atlantic salmon and its critical habitat..."*
- There are 22 properties in Brewer alone, with an appraised value of \$2.25 million, directly impacted by 2B-2. MDOT will have the authority to acquire those properties by Eminent Domain. MaineDOT will acquire 163 acres per the DEIS. Alternative 2B-2 will have a significant negative impact on many residential properties. Alternative 2B-2's residential displacement is 4 times that of the previous preferred alternative. (8 residential displacements) Annual tax revenue would decrease by approximately \$37,000 in Brewer, \$17,800 in Eddington and \$7,200 in Holden; that does not include the loss of revenue from devalued homes and properties in close proximity to the connector.
- Alternative 2B-2's proximity displacement (buildings within 500' of the edge of roadway) is 7.9 times that of the previous preferred alternative—largest amount by far of all the 79+ studied alternatives. (190 proximity displacements) After studying 79+ alternatives, the MaineDOT/FHWA have decided to site this connector within the most populous segment of the Study area.

## Talking Points against the selection of 2B-2 as the Preferred Alternative:

- Regulations guaranteeing vernal pool inhabitants a 750' buffer have altered the study outcome without consideration for the human element—regulated only by Eminent Domain. Humans abutting the right-of-way are not considered directly impacted.
- ***“However, future development along Route 9 in the study area can impact future traffic flow and the overall benefits of the project.”*** <sup>29</sup> Whether this project is a success or failure depends on the MaineDOT approving or disapproving the access to Route 9 required for any future project in Eddington—especially on the 4.5 miles of Route 9 that is an integral part of 2B-2. Many say that the 2B-2 alternative is a death sentence for future growth in Eddington.
- Future 4-lane-divided-highway upgradability, part of the original criteria, was discarded by October 2011 in a decision to purchase right-of-way only large enough (approximately 200 feet) to support 2-lanes of traffic; a change applicable only to the last 3 remaining alternatives in consideration and not the other 79+ studied alternatives.
- The MaineDOT may have already further downgraded the right-of-way from 200 feet to 100 feet in August 2011; a change applicable only to the last 3 remaining alternatives and not the other 79+ studied alternatives. (FOAA)
- The MaineDOT plans to further downgrade the design standard from freeway criteria to rolling criteria following the conclusion of the NEPA process; a change applicable only to 2B-2 and not the other 79+ alternatives. (FOAA)
- An October 2003 MaineDOT/FHWA/ACOE Technical Memorandum indicated safety concerns with that same 4.5 mile section of Route 9 that now supports alternative 2B-2: *“Traffic congestion and conflicting vehicle movements on this section of Route 9 would substantially increase the potential for new safety concerns and hazards.”* AND *“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 ...”*
- TRIP reports that 33% of Maine's bridges are rated structurally deficient or functionally obsolete AND 33% of Maine's roads are rated as poor to mediocre.
- *“Even with this new \$100 million bond, the highway and bridge programs at the state still face a shortfall of about \$110 million per year.”* (Action Committee of 50 special to the BDN.) The MaineDOT 2014-2015-2016 Work Plan acknowledges a *“funding shortfall of about \$100 million per year”*.
- *“DOT’s long-range plan published in 2010 identified approximately \$3.0 billion in unmet capital need over the next decade.”* (Action Committee of 50 special to the BDN.) That’s \$3,000 million, folks!!
- The \$61 million in state and federal funds that can be saved by terminating the I-395/Route 9 Transportation Study would be better spent on the unmet transportation needs of our state now and over the next decade.

## **After spending \$2.5 million, an alternative dismissed in Jan 2003 is the best these Transportation Professionals can offer??**

- The future upgradability option to a 4-lane divided highway was discarded by October 2011.
- 2B-2 does not provide high speed travel from I-395 to Route 9 in Clifton (East of Route 46). There are 5 speed limit changes on the 4.5 miles of Route 9 supporting 2B-2, the lowest being 35 mph through the village of East Eddington. Any of the 79+ studied alternatives that satisfied the System Linkage Need would not have had to travel this section of Route 9, that section was essentially bypassed by the System Linkage Need.
- 2B-2 does not provide limited access travel from I-395 to Route 9 in Clifton (East of Route 46). 2B-2 is now considered as controlled access. Any of the 79+ studied alternatives that satisfied the System Linkage Need basically only had one entrance and one exit with no other access to normal traffic for the full 10 to 11 mile length of the alternative; there are an extra 158 separate and specific access points to Route 9 on the 4.5 miles of Route 9 supporting the 2B-2 alternative that traffic on this connector must contend with.
- 2B-2 will no longer be designed to MaineDOT design criteria for freeways; the design standard for 2B-2 will be downgraded to rolling criteria following the conclusion of NEPA per FOAA.
- The Right-Of-Way of 2B-2 will be reduced from 200 feet to between 100 feet and 125 feet per FOAA. This places this highway even closer to our neighborhoods.
- 2B-2 terminates on Route 9 some 4.5 miles west of where the majority of the 79+ alternatives terminated East of Route 46. Any of the 79+ studied alternatives satisfying the System Linkage Need would have bypassed this 4.5 mile section of Route 9, the village of East Eddington and the 9/46 intersection.
- According to the DEIS: *"However, future development along Route 9 in the study area can impact future traffic flow and the overall benefits of the project."*
- The MaineDOT decided ten years into the study that the original System Linkage Need and the Need for a limited access facility still remained valid needs, but the MaineDOT re-identified them both as long-term needs without identifying what long-term meant or how to meet those needs in the future. Near-term was identified first to the Year 2030 and then to 2035 by the MaineDOT, one could surmise that long-term would be past the Year 2035.



## Question:

### Do we deserve a do-over?

The **Open Houses** were off-the-record with no accountability. Selecting questions cautiously, I received blank stares from some officials, no real answers from others, and an excuse from the new project manager that he'd only been on the project for a few months. The ACOE official told me the DEIS was just a draft, as if that was supposed to make me feel better.

The **Public Hearing**, although on-the-record, was a one-way conversation only; MaineDOT made it clear they would not answer any questions. I was flabbergasted; these state/federal government agencies know that the public is ignorant to how the process works and I went there prepared to debate, not to talk to empty chairs. Nineteen of us rose that night to address the panel and not one person spoke in support of the 2B-2 alternative. 84 pages of transcript would later yield only 14 substantive comments!

The majority of my **DEIS Questions/Concerns** remain unanswered; the MaineDOT decided what was and what was not substantive; what they would or would not answer. Most of my questions are now buried, unanswered in the back of the book. I submitted 68 pages of questions/comments to the DEIS and only 27 comments were later considered substantive, even though most of my questions were gleaned directly from MaineDOT's own website.

**FOAA Documents** exposed conflicting DEIS information: 2B-2's DEIS-stated design criteria does not match 2B-2's DEIS-stated cost. FOAA documents revealed the reduction of the ROW from DEIS-stated 200' to 100' to 125' and the plan to downgrade the DEIS-stated freeway criteria to rolling criteria following conclusion of NEPA process. The cheaper cost of rolling criteria was already reflected in the DEIS. We've been misled by doctored facts within an official government document that misrepresents 2B-2 as a more reasonably priced choice as a talking point; did that intentional misrepresentation of alternative 2B-2's cost unfairly manipulate the outcome of this Study by influencing critical project decisions from Cooperating Agencies?

**YES, we deserve a do-over**, but this time on-the-record. We have been trying to have this conversation since I discovered MDOT's little-connector-secret on Dec 15, 2011. If 2B-2 is such a great selection, why does the MaineDOT/FHWA attempt to marginalize efforts to find the truth, every-step-of-the-way?

When project progress and decisions are intentionally withheld from Apr 2009 until Jan 2011; when a manager intentionally withholds crucial information from a private citizen in Mar 2011; when managers refuse to communicate via email in Dec 2012 with the people they are sworn to serve; when even the Commissioner does not reply to formal written correspondence in May 2012 personally addressed to him; when the majority of my comments and questions to the DEIS are buried, unanswered in the back of the book "to avoid drawing unnecessary attention to them"; when the MaineDOT refuses to engage the impacted communities in the public process and the decision-making process; and when the Commissioner refuses to voluntarily enter into what many feel is much-needed and long-overdue dialog with residents, municipal officers and property owners concerned about the future of this project—how are those actions in any way responsive to the impacted communities and is that non-responsiveness in compliance with Maine's Transportation Statute and Policy?