

**August 2014
Year 14**



A hard-substantive-look at how access management and other dynamics influence Traffic Congestion and Safety Concerns Needs of the I-395/Route 9 Transportation Study and why 2B-2 still does not meet Purpose and Needs.

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
2B-2	No	No	No	Yes	No

http://www.i395-rt9-study.com/Pubs/PAC041509_handouts.pdf (excerpt)

You've seen this matrix from the final PAC meeting many times. The \$61 Million dollar question should be: How was 2B-2 transformed from an alternative meeting only 20% of the Purpose and Needs to the 2B-2/preferred alternative? After a decade of studying 79+ alternatives, the MaineDOT had an epiphany manifested by a "hard look at Route 9", recasting both the System Linkage Need and the need for a limited-access facility to long-term valid needs, punting both needs 20+ years to an uncertain, unidentified future at an unspecified cost while stipulating that 2B-2 conditionally met the System Linkage Need "In the short-term (Year 2035)" as seen below:

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

Family 2 – Northern Alternatives								
Alternatives	Description	Meets Purpose		Meets Needs			Practicable	Results
		Study Purpose	USACE Purpose	System Linkage	Safety Concerns	Traffic Congestion		
Alternative 2B-2	<ul style="list-style-type: none"> Satisfies design criteria Length: 6.1 mi. of new alignment, 4.2 mi. of Route 9 without additional improvements Bridge length: 2,232 ft. Earthwork: 2.2 mcy (1.2 mcy cut, 1.0 mcy fill) 	Yes	Yes	In the near-term (Year 2035)	Yes	Yes	Yes	<ul style="list-style-type: none"> Retained for detailed study Wetlands impacts: 34 ac. Stream crossings: 3 (2 with anadromous fish) Floodplain impacts: 15 ac. Notable wildlife habitat: 11.0 Undeveloped habitat: 784 ac. Prime farmland: 20.0 ac. Residential displacements: 8

Notes: Direct impacts are based on the conceptual design of a two-lane highway prior to identification of alternatives retained for detailed study and further avoidance and minimization of impacts.

Undeveloped habitat impacts estimated using habitat blocks with utilities as fragmenting features.

If you compare both MaineDOT charts on the previous page and let's say that you have not seen any of the hundreds of documents I've provided since Dec2011 (sarcasm) maybe you would buy the argument that the same 2B-2 alternative that did not meet System Linkage Need, Traffic Congestion Need, Study Purpose and US Army Corp of Engineer Purpose in Apr2009 now meets 100% of Purpose and Needs based merely on MaineDOT's "*hard look*" in Sept2010. What is not apparent, to those not scrutinizing the 1,239 FOAA documents released in Apr2013, is the fact that alternative 2B-2, and none of the other 79+ studied alternatives, has been downgraded in criteria several times since Sept2010 when all alternatives meeting 100% of the Purpose and Needs, including the 3EIK-2/preferred alternative, were dismissed. The right-of-way criteria was reduced from 200' to between 100' and 125', the design criteria will be downgraded from freeway to rolling following the conclusion of the NEPA process, and the future 4-lane upgrade was abandoned by Oct2011. MaineDOT's own words reiterate: 2B-2 does not meet Purpose and Needs, several changes in criteria - specific only to 2B-2 - have been made and 2B-2 was not evaluated using the same criteria as all the other 79+ studied alternatives.

I would argue that the "*hard look*" does nothing constructive for Safety Concerns or Traffic Congestion Needs and essentially adds further safety concerns and hazards as MaineDOT/FHWA/ACOE acknowledged in their own Technical Memorandum of Oct2003 that documented the reasons for dismissal of the original 2B alternative—a near copy of 2B-2. I would argue that alternative 2B-2 did not meet the Safety Concerns Need in Apr2009 and still does not meet the Safety Concerns Need today.

What about the Traffic Congestion Need? I would argue that using Route 9 as an integral section of the 2B-2 alternative with no plans to improve that section will not improve Traffic Congestion; MaineDOT's own words reinforce my argument.

This same section of Route 9, providing 4.2 miles or 40.8% of the overall 10.3 mile length of the 2B-2 alternative, was intentionally bypassed by any of the 79+ studied alternatives that satisfied the original System Linkage Need; the 3EIK-2/preferred alternative bypassed this same section of Route 9 and satisfied 100% of the Purpose and Needs in April 2009 while at the same time - alternative 2B-2 only satisfied 20%.

The DEIS contains outdated and misleading data, purposely and speciously sealing the fate of 2B-2. MaineDOT/FHWA have not exhibited a sincere effort to produce the best alternative for this Study since the final PAC meeting of Apr2009 - when 2B-2 met only 20% of Purpose and Needs; instead MaineDOT/FHWA punted the original System Linkage Need, calling for a limited-access facility from I-395 to Route 9 east of Route 46, to an unknown future even though the MaineDOT claims it is still a valid need. Shameful results after 14 years and \$2.5+M squandered.

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”.

“Adding more miles to our transportation system in this current fiscal environment doesn’t make financial sense,” said Bernhardt, “Our responsibility going forward is to manage our existing infrastructure within our existing budget.” “We are struggling to maintain the roads and bridges we currently have in safe and serviceable condition.” MaineDOT News Release for August 1, 2011 (Commissioner David Bernhardt)

How does the MaineDOT define Access Management?



Access Management Fact Sheet

Background

- In May 2000, the 119th Maine Legislature enacted P.L. 1999, ch. 676, An Act to Ensure Cost Effective and Safe Highways in the State, [copy on back of this page](#).
- This legislation directed MaineDOT to draft rules and regulations for the design of driveways and entrances on state and state aid highways.
- This legislation required that the Legislature review and approve the portions of these rules applicable to arterial highways. These portions, known as major substantive rules, are shown in bold type in the draft rules.

What is access management?

- **Access Management is the planned location and design of driveways and entrances to public roads.**
- **What are the goals of access management?**
- **Increase Safety.** Highway crashes related to cars entering and leaving the public way resulted in an estimated economic impact to the State of Maine of \$1.2 billion over the past 10 years and of approximately \$106 million in 1999 alone. In 1996, 1 in 6 crashes occurred at driveways or entrances; 1 in 5 people involved in crashes were involved in driveway or entrance related crashes. Access management will increase safety of highway and driveway users.
- Enhance Productivity. **Arterial highways represent only 12% of the state-maintained highway system, but carry 62% of the state-wide traffic volume.** Maintaining posted speeds on this system means Maine's people and its products move faster, thus enhancing productivity, reducing congestion-related delays and environmental degradation.
- Avoid Future Construction Costs. By preserving the capacity of the system we have now, we reduce the need to build costly new highway capacity such as new travel lanes and bypasses.
<http://www.maine.gov/mdot/traffic/accessmgmt/factsheet.htm>

MaineDOT FACTS: "...estimated economic impact to the state of Maine of \$1.2 billion over the past ten years and of approximately \$106 million in 1999 alone. In 1996, 1 in 6 crashes occurred at driveways or entrances; 1 in 5 people involved in crashes were involved in driveway or entrance related crashes." MaineDOT's "hard look" kicked the original System Linkage Need, "...an alternative must provide a limited-access connection between I-395 and Route 9 east of Route 46", down the road 20+ years. The original System Linkage purposely bypassed the section of Route 9 that is 40.8% of the overall length of 2B-2, the Village of East Eddington, the intersection of 9/46, and "...ten local roads and 148 existing drives or access points to undeveloped lots." That's 37.6 access points/mile on 40.8% of alternative 2B-2. With increased safety as the primary goal of access management, why did MaineDOT ignore policy to select an alternative that adds 158 access points to the SAFETY equation?

How does the FHWA define Access Management?



1. What is Access Management?



*Access management is defined as the process of providing access to developed land located adjacent to a highway system. Generally state DOTs and local agencies manage the design, location and supporting facilities for access points. **Access management contributes to how well vehicles, bicycles, and pedestrians can enter and exit commercial and residential areas adjacent to highways or arterials.***

Good access is a function of the design and location of driveways and arterials. Improved access is dependent on: the location of the driveway/arterial with reference to other access points, the motorists' ability to easily access the property or road, and the placement of traffic signals. **Poorly designed and located driveways and arterials can severely affect traffic safety, road capacity and traffic speed. Points of conflict also increase if traffic signals are too close together or are uncoordinated. If the driveway or arterial is too close to another access point motorists traffic congestion and number of conflicts increase.**

2. What are the Benefits of Access Management?

The key to access management is planning for the number and location of access points rather than responding to requests by local governments or developers. In other words, it is far better to have planned access as opposed to access that is the result of reactions to local governments and developers. Planned access can be based on an overall strategy for access that results in better decisions.

Four main benefits support managing access to highways. **Access management:**

- **Minimizes access-related accidents. Points of conflict increase as areas along the highway become more commercialized and densely populated. Each new access point added to an undivided highway in an urban and suburban area increases the annual accident rate by 11 to 18 percent on that highway segment. In rural areas, each access point added increases the annual accident rate by seven percent. Well-managed access points can improve user safety by reducing the number, severity and cost of access-related accidents. For example, increased spacing between driveways minimizes conflict by allowing motorists more time to anticipate and recover from turning traffic. Minimizing the speed differences between turning cars and through traffic reduces conflicts between cars, pedestrians and bicycles.**
- Preserves our mobility and investments. Highways and roads represent a major public investment. The federal government, the state, local governments, and the general public have invested millions of dollars in statewide highway resources to move trucks and vehicles efficiently. **Poorly designed access points increase congestion and the number of accidents that reduce speeds.** Good access management preserves capacity by moving motorists out of lanes efficiently to increase continuous traffic flows and reduce conflict points.

- Preserves and plans for healthy economic development. Managing access not only increases regional mobility but also extends the life of existing roads. Public investment is best preserved by maximizing the use of existing facilities. If more vehicles can be moved on existing roads, construction costs can be minimized on unnecessary facilities. Arterial roads can carry many more vehicles each day using good access management processes. Also, planning and designing access areas early in the project improves the allocation of scarce resources. As communities grow, it becomes increasingly expensive to redesign poorly planned access points. Funds that would otherwise be spent on maintenance or operation of existing roadways are spent on curbside and driveway construction and widening roads.
- Maintains functional integrity of the highway system. A consistent statewide access management approach best protects the functional integrity of the state highway system. This approach, based upon best engineering practices and coordinated local participation, provides improved driveway location and design for growing communities. Central to this approach is a core access classification system that defines the desired level and location of access for communities adjacent to the highway system. Standardized policies and procedures also help to ensure government decisions are consistent and fair across the state. Developers, investors and the general public benefit from this increased predictability for the development process. Uniform access design standards minimize costs associated with redesign and promote fair method to manage new development.

http://www.fhwa.dot.gov/planning/publications/rural_areas_planning/page07.cfm

- *“Access management: Minimizes access-related accidents.”*
- *“Points of conflict increase as areas along the highway become more commercialized and densely populated.”*
- *“Each new access point added to an undivided highway in an urban and suburban area increases the annual accident rate by 11 to 18 percent on that highway segment. In rural areas, each access point added increases the annual accident rate by seven percent.”*
- *“Well-managed access points can improve user safety by reducing the number, severity and cost of access-related accidents. For example, increased spacing between driveways minimizes conflict by allowing motorists more time to anticipate and recover from turning traffic.”*

If access management is so critical—why did the MaineDOT/FHWA select an alternative in direct conflict with FHWA process? Instead of reducing access points, 2B-2 essentially adds an additional: “...ten local roads and 148 existing drives or access points to undeveloped lots.” When the MaineDOT/FHWA had the chance to select an alternative that satisfied the System Linkage Need requiring a limited-access facility, they balked and selected 2B-2. Any of the 79+ alternatives satisfying System Linkage Need had zero access points by design; which alternative sounds safer to you: an alternative with zero access points or an alternative with 158 access points at the onset, such as alternative 2B-2? Imagine the hoops you would have to jump through to gain permission from the MaineDOT for an access on the new 2B-2/Route 9, YET the MaineDOT will start this project with 158 access points!! If “...each access point added increases the annual accident rate by seven percent.” and 158 access points exist at the onset – that is one hell of a deficit to overcome. It doesn’t take an engineer to see that as access points increase – accident rate increases – safety decreases...

What is the official definition of Route 9?

“Route 9 is a two-lane principal arterial highway connecting the greater Bangor and Brewer area with Washington County and the Canadian Maritime Provinces to the east. Access to Route 9 from its adjacent properties is not controlled and is subject to the Maine’s rules on access management. Route 9 is posted at 35 or 55 mph with some school zones, depending on location in the study area, and has a paved shoulder approximately eight feet wide. The land uses adjacent to Route 9 in the study area are primarily commercial and residential with some undeveloped and underdeveloped areas. Over time, the areas adjacent to Route 9 are becoming increasingly more developed. To the east of the study area, the land uses and land cover adjacent to Route 9 quickly become less developed and more forested, and the speed limit increases to 55 mph. Most of the land adjacent to Route 9 east of the study area to the Canadian border is undeveloped.”

<http://www.i395-rt9-study.com/DEIS/01Pur.pdf>

- *“Route 9 is a two-lane principal arterial highway...”*
- *“Access to Route 9 from its adjacent properties is not controlled and is subject to the Maine’s rules on access management.”*

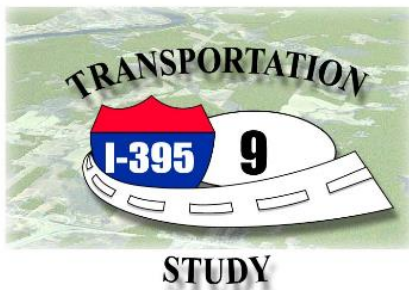
What is the speed limit on the section of Route 9 that is 40.8% of the overall length of the 2B-2 alternative?

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

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

- *“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.

Reasons for dismissal of the original 2B alternative:



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

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

October 2003



U.S. Department
of Transportation
Federal Highway
Administration



Maine Department
of Transportation

“Alternative 2B was dismissed prior to PAC Meeting #16 on January 15, 2003 because it would inadequately address the system linkage and traffic congestion needs. This alternative would not be practicable because it would fail to meet the system linkage need of providing a limited access connection between I-395 and Route 9 east of Route 46. MDOT projects that the future level of service (LOS) for this section of Route 9 resulting from this alternative would be “D” — LOS D is where traffic starts to break down between stable and unstable flow and can become a safety concern in areas of level topography, vehicle mix, and fluctuating speeds. Future traffic volume (year 2030 no-build average annual daily traffic) would be approximately 8,800 vehicles.”

“Limited opportunities exist to control access management on this section of Route 9 from local roads and driveways. There are ten local roads and 148 existing drives or access points to undeveloped lots. Assuming 10 trip ends per drive and an equal number of left and right turns, Alternative 2B’s ability to satisfy the system linkage and traffic congestions needs is questionable. There are several hundred acres that can be developed along this section of Route 9. Additionally, 200 buildings (residential and commercial) would be located in proximity (within 500 feet) of the proposed roadway.”

“The lack of existing access controls and the inability to effectively manage access along this section of Route 9, and the number of left turns, contribute to the poor LOS and safety concerns, and the inability of Alternative 2B to satisfy the system linkage purpose and need effectively.” <http://www.i395-rt9-study.com/Pubs/Alts%20Tech%20Memo.pdf> (pages 20-21)

Brewer City Planner Linda Johns...said this week that the countless hours local committee members spent working on the connector project over nearly 12 years have been ignored. “I have been disappointed in the entire process of this project,” she said in a letter to Bost. “From the very beginning, the PAC members were asked to draw lines [potential routes] even before all the information was available, thus creating useless routes which were then slowly eliminated. From then on, I felt the PAC was only there to check a box on the checklist and that decisions were already made by DOT and other agencies.” “...there has to be a balance with people.” Bangor Daily News 1.5.12

MaineDOT discusses the section of Route 9 that is 40.8% of the overall length of alternatives 2B and 2B-2:

- “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.”
- “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.”
- “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 ii, 20-21)

MaineDOT and FHWA definition of 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

- **As the number of access points increases—the accident rate increases by 7.0% per each access point—DECREASING SAFETY.**

DEIS Safety Concerns are based on outdated crash data:

DEIS 1.3.2 Safety Concerns

Locations in the study area exhibit higher crash rates than other locations in Maine with similar characteristics. Data were collected and analyzed to identify high crash locations (HCLs) using a critical rate factor (CRF). The CRF of an intersection or roadway section is a statistical measure of that location's crash history as compared to locations with similar geography, traffic volume, and geometric characteristics. When a CRF exceeds 1.00, the intersection or portion of a roadway has a higher-than-expected crash rate. Those locations with a CRF higher than 1.00 and more than eight crashes in a three year-period are considered HCLs. Data were collected and analyzed to identify HCLs in the study area (exhibit 1.5). MaineDOT crash data for January 2004 through December 2008 indicate 10 HCLs that meet the criteria in the study area (MaineDOT, 2007b; MaineDOT, 2010). The majority of crashes occurred on clear days with dry road conditions (MaineDOT, 2000b).

<http://www.i395-rt9-study.com/DEIS/01Pur.pdf>

- DEIS utilizes: **“MaineDOT crash data for January 2004 through December 2008.”** DEIS sanctioned by Commissioner Bernhardt on March 7, 2012—it is now mid-August 2014.
- DEIS contains zero Route 9 crash data from the past 5 years, 7 months and 14 days. The communities impacted by this Study and alternative 2B-2 deserve that discussions include the most current and up-to-date data. I would ask that our Legislative Delegation stipulate that MaineDOT/FHWA review the most recent crash data and include that data in the DEIS. A good deal of data within the DEIS, including critical traffic count numbers, is now outdated and does not reflect the true condition of the study area as it exists today.

A quick google search found the following fatal accidents on Route 9 in Eddington and you can bet that doesn't scratch the surface for all vehicular crashes on that section of highway. These fatal accidents may not end up in MaineDOT's CRF or HCL computations, however, as we have learned – *“the DOT and FHWA define safety as the elimination of crashes”* and the five people below would love to be able to debate the safety of Route 9 – may they rest in peace.

- **Two women die, five people injured in minivan crash in Eddington** (September 1, 2011)
<http://bangordailynews.com/2011/09/01/news/bangor/serious-accident-blocks-routes-9-178-in-eddington>
- **Police identify pair killed in Eddington crash** (September 21, 2012)
<http://bangordailynews.com/2012/09/21/news/bangor/police-identify-pair-killed-in-eddington-crash/>
- **Police release name of Eddington woman killed in Route 9 accident** (January 27, 2014)
<http://bangordailynews.com/2014/01/28/news/penobscot/police-release-name-of-eddington-woman-killed-in-route-9-accident/>

- The 9.21.12 and 1.27.14 fatalities occurred near Rooks Road which is on the 4.2 mile section of Route 9 – so critical to 2B-2 – that will not be improved. The 9.1.11 fatalities occurred exactly where the “6.1 mi. of new alignment” makes the northern transition to “the 4.2 mi. of Route 9 without additional improvements”. Will 2B-2 really be SAFE?????

DEIS Traffic Projections are based on outdated traffic counts:

Exhibit 1.13 – Issues Identification and Tracking

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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.	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.

- “...new traffic counts in the study area in 2006 and truck counts on Route 178 at Route 9 in August 2008.”

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

United States Department of Labor

Bureau of Labor Statistics

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						

- 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.”

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State of Maine Department of Transportation MEMORANDUM

To: Russ Charette, Mobility Management Date: Jan. 11, 2012

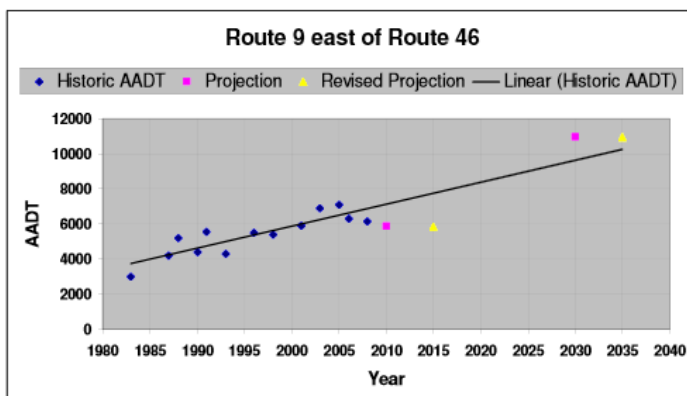
From: Ed Hanscom, Transportation Analysis

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.



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.

MaineDOT key points for access management:

- What are the goals of access management?
 - Increase Safety.
 - Highway crashes related to cars entering and leaving the public way resulted in an estimated economic impact to the State of Maine of \$1.2 billion over the past 10 years and of approximately \$106 million in 1999 alone.
 - In 1996, 1 in 6 crashes occurred at driveways or entrances; 1 in 5 people involved in crashes were involved in driveway or entrance related crashes.
 - Access management will increase safety of highway and driveway users.
- Arterial highways represent only 12% of the state-maintained highway system, but carry 62% of the state-wide traffic volume.
 - Route 9 is a two-lane principal arterial highway connecting the greater Bangor and Brewer area with Washington County and the Canadian Maritime Provinces to the east.
 - Access to Route 9 from its adjacent properties is not controlled and is subject to the Maine's rules on access management.

<http://www.maine.gov/mdot/traffic/accessmgmt/factsheet.htm>

<http://www.i395-rt9-study.com/DEIS/01Pur.pdf>

FHWA key points for access management:

- Access management:
 - Minimizes access-related accidents.
- Points of conflict increase as areas along the highway become more commercialized and densely populated.
 - Each new access point added to an undivided highway in an urban and suburban area increases the annual accident rate by 11 to 18 percent on that highway segment.
 - In rural areas, each access point added increases the annual accident rate by seven percent.
- Well-managed access points can improve user safety by reducing the number, severity and cost of access-related accidents.
 - **For example, increased spacing between driveways minimizes conflict by allowing motorists more time to anticipate and recover from turning traffic.**

http://www.fhwa.dot.gov/planning/publications/rural_areas_planning/page07.cfm

Question: Were all 79+ studied alternatives – including the 2B-2 alternative - analyzed using the same criteria?

- "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."
- "Mark has stated as the alternative will move forward as a 2-lane/2-lane the analysis is now apples to oranges comparison."
- "...he questioned the identification of the logical termini."

Commenter: MaineDOT/Judy Lindsey. Subject: FHWA/Mark Hassellmann. (FOAA Docs #000131/#000177 dated 12.16.11 and 12.29.11.)

Answer: NO - "analysis is now apples to oranges comparison." 2B-2 was evaluated using "the criteria change to a 2-lane/2-lane ROW" and all the other 79+ alternatives were evaluated using the original "4-lane/4-lane ROW" criteria.

Word for word—MaineDOT and FHWA Transportation Professionals on the record with substantive comments:

- “Access Management (AM) is a set of techniques that State and local governments can use to control access to highways, major arterials, and other roadways. The benefits of access management include improved movement of traffic, reduced crashes, and fewer vehicle conflicts.” http://www.ops.fhwa.dot.gov/access_mgmt/
- “The main function of major roads, like interstate freeways and regional highways, is to move traffic over long distances at higher speeds. Access to these roads must be carefully managed so requests for new access to development do not contribute to unsafe or congested conditions.” http://ops.fhwa.dot.gov/publications/amprimer/access_mgmt_primer.htm
- “Consider the effects of adding more access points to a highway. A national study in the late 1990s looked at nearly 40,000 crashes and data from previous studies to determine the crash rate associated with adding access points to major roads. It found that an increase from 10 to 20 access points per mile on major arterial roads increases the crash rate by about 30% (1). The crash rate continues to rise as more access is permitted. This is why studies consistently show that well-managed arterials are often 40 to 50 percent safer than poorly managed routes (2).” http://ops.fhwa.dot.gov/publications/amprimer/access_mgmt_primer.htm
- “Highway crashes related to cars entering and leaving the public way resulted in an estimated economic impact to the State of Maine of \$1.2 billion over the past 10 years and of approximately \$106 million in 1999 alone.”
- “In 1996, 1 in 6 crashes occurred at driveways or entrances; 1 in 5 people involved in crashes were involved in driveway or entrance related crashes.”
- “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/>
- “Each access point creates potential conflicts between through traffic and traffic using that access. Each conflict is a potential crash.” http://ops.fhwa.dot.gov/publications/amprimer/access_mgmt_primer.htm
- “Each new access point added to an undivided highway in an urban and suburban area increases the annual accident rate by 11 to 18 percent on that highway segment. In rural areas, each access point added increases the annual accident rate by seven percent.”

- *“Access management not only improves roadway safety, it also helps reduce the growing problem of traffic congestion.”* http://ops.fhwa.dot.gov/publications/amprimer/access_mgmt_primer.htm
- *“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.”*
- *“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.”*
- *“Traffic congestion and conflicting vehicle movements on this section of Route 9 would substantially increase the potential for new safety concerns and hazards”.*
- *“Access to Route 9 from its adjacent properties is not controlled and is subject to the Maine’s rules on access management.”*
- *“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.”*
- *“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.”*
- *“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 Project Manager at final PAC meeting held 4/15/2009.)
- *“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.”* <http://www.i395-rt9-study.com/Pubs/Alts%20Tech%20Memo.pdf> (page 5)
- *“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> (page 5)
- *“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.”* <http://www.i395-rt9-study.com/Pubs/Alts%20Tech%20Memo.pdf> (page 5)

- *“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>
- *“Judy Lindsey: Yes. It satisfies Purpose and Need – not what we’ve been talking about, but it will still do a lot for transportation network causing the problem all along, especially on Route 46.”* <http://www.i395-rt9-study.com/Pubs/EIS%2012-13-11a.pdf>
- *“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>

Summary and my own conclusions:

Have you found anything in the many quoted word-for-word comments on these last three pages that would make an argument for MaineDOT/FHWA’s selection of 2B-2 as the preferred alternative? There are many deficiencies in the Route 9 segment that makes up 40.8% of the overall length of the 2B-2 alternative; these deficiencies need to be addressed in the open instead of camouflaged by a *“hard look at Route 9”*. The MaineDOT has documented known deficiencies with the original 2B alternative and Route 9 through the years but have also been able to hide those facts by determining what was and what was not substantive. Facts painting alternative 2B-2 in a negative fashion have been deemed as not substantive for comment and purposefully buried in the back of the book-unanswered. MaineDOT will not recognize any of the decade long work preceding their 2B-2 selection that may disagree with their decision.

I have worked with numerous engineers over a 40 year civil service career; the engineering that led to the selection of 2B-2 is so far outside of standard engineering best practices, and knowing that engineers customarily over-engineer and not under-engineer by nature, the outcome of this study appears to be nothing more than engineering responding to orders from “above” to make 2B-2 fit the study—that’s the smoking gun and the only rational conclusion that can be reached as nothing else makes sense. As Linda Johns stated, *“decisions were already made”* and *“the PAC was only there to check a box”*. Many have thought that the 2B-2 selection was purely political and many blame influence from a very large Canadian company; it’s a moot point where the push came from but we do know that the 2B-2 selection as preferred alternative was ordained by the last administration and carried forward to our current administration.

Alternative 2B-2 does not fit the study parameters simply because no matter how you spin 2B-2 and no matter how many *“hard looks”* you take, 2B-2 does not fit the original study criteria:

- If the alternative doesn't fit the study - change the study - make it fit the alternative.
- Isn't recasting System Linkage Need and need for a limited-access facility to long-term valid needs in Sept2010 so you don't have to deal with the issue for the next 20+ years a change?
- Isn't a downgraded design from freeway to rolling following NEPA while stating a fraudulent DEIS construction cost a highly suspicious change as to motive and to compliance with NEPA?
- Isn't the reduction in right-of-way from 200' to between 100' to 125' a change?
- What would you call abandoning the criteria, by October 2011, for purchasing a large enough right-of-way for construction of a 4-lane divided highway in the future? A change maybe?
 - All these changes have been made to only 2B-2 and not the other 79+ alternatives. Don't confuse the issue because there are two other alternatives in consideration besides 2B-2; they are not serious contenders and only placed in the study to make it appear to be a fair process. (5A2B-2 is the most expensive and 5B2B-2 was cobbled together from data they had on the books with no support for selection.)
 - All these money-driven-criteria-changes came on the heels of the dismissal from further consideration of the previous preferred alternative and all other alternatives meeting 100% of the Purpose and Needs in Sept2010 - leaving only 2B-2 in contention.
- Now add access management to the mix and question how 158 additional access points added to this new connector from the onset will affect Safety and Traffic Congestion. Why would professional engineers 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 - so 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.

It's hard to grasp the amount of time I've spent working on this issue since it first surfaced in Dec2011. Why do I still do it? I do it because I only have to reach a few individuals who will stand up to tell the state and the feds—NO! If the area needs a connector, the 2B-2 alternative is not the one. Why would MaineDOT/FHWA want to build a road that doesn't meet Purpose and Needs; a road that will have to be revisited 20+ years from now to address the deferred valid System Linkage Need of a limited-access facility? If a connector is really needed, take this Study back to the table and select an alternative that honestly meets Purpose and Needs without further dissimulation; build a connector that meets Purpose and Needs from the onset.

- MaineDOT/FHWA's selection of alternative 2B-2, after 14 years of study, has already cost the taxpayer \$2.5+ Million; taking 2B-2 to construction will needlessly squander another \$61 Million (in 2011 dollars) of scarce state and federal transportation dollars that would be better spent on our state's unmet transportation needs and shortfalls...