Written and Oral Testimony

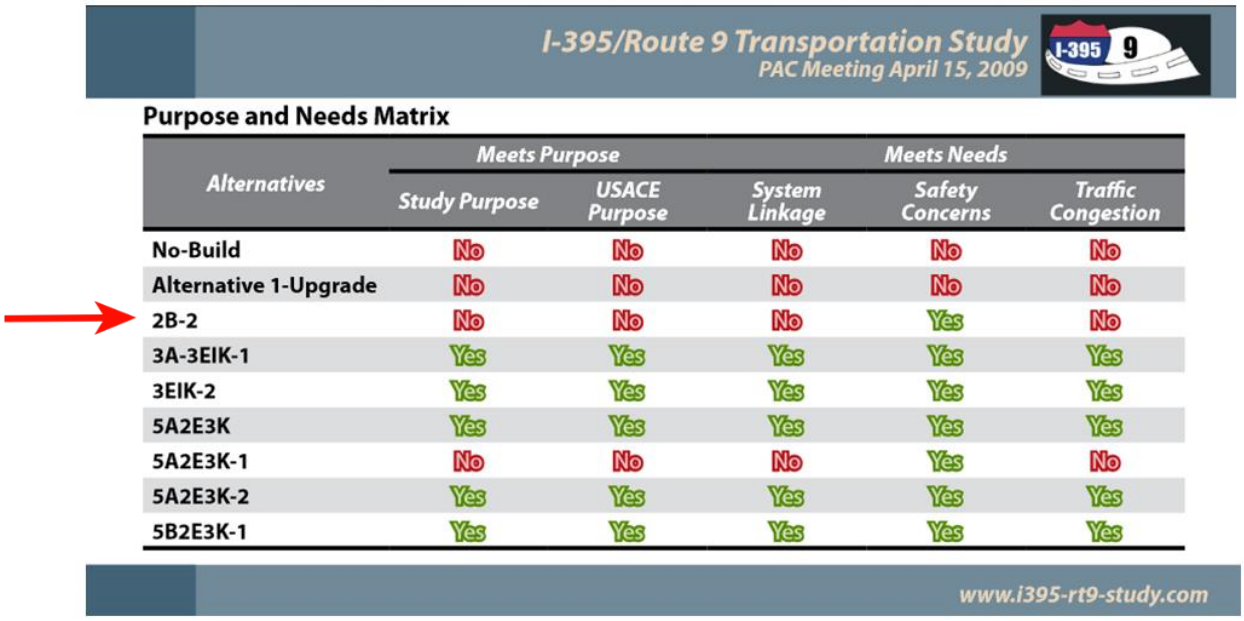
In Support of LD 47 (HP0041) "Resolve, Directing the Department of Transportation to Remove One of the Proposed Routes from Consideration for the Interstate 395 and Route 9 Connector."
February 3rd 2015

Larry Adams
17 Woodridge Road
Brewer, Maine 04412

Good afternoon Senator Collins, Representative McLean, and distinguished members of the Committee on Transportation.

My name is Larry Adams and I live in Brewer. Thank you for this opportunity to voice my support of LD 47.

2B-2 became the preferred alternative even though it only met 20% of Purpose and Needs in April 2009. As much as I would love to debate what I perceive as a deeply flawed process, I rise today to highlight 2B-2's shortcomings and ask for your concurrence to remove it from further consideration.




| 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 |

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

Please view http://i395rt9hardlook.com/, a website created by citizens with a vested interest in MaineDOT's efforts to connect I-395 in Brewer to Route 9 in Clifton, for a compilation of our concerns with the 2B-2 selection.

# What is alternative 2B-2?

## FEIS definition of alternative 2B-2:

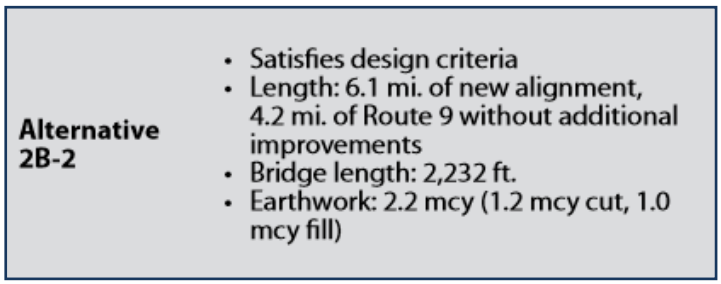
Alternative 2B-2/the Preferred Alternative would continue north from the I-395 interchange with Route 1A, roughly paralleling the Brewer/Holden town line, and connect with Route 9 west of Chemo Pond Road (exhibit 2.4). Route 9 would not be widened to four lanes. The existing I-395/Route 1A interchange would be used (to the extent possible) and expanded to become a semi-directional interchange (exhibit 2.5). A semi-directional interchange reduces left turns and cross traffic; the only traffic movement that would require a left turn would be Route 1A south to the Alternative 2B-2/the Preferred Alternative north. The land required for the northern portion of the interchange is owned by the State of Maine.

Alternative 2B-2/the Preferred Alternative 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/the Preferred Alternative 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 (exhibit 2.6). Route 9 eastbound would be controlled with a stop sign.

Alternative 2B-2/the Preferred Alternative would further the study's purpose and satisfy the system linkage need in the near term (before 2035). Alternative 2B-2/the Preferred Alternative would be a controlled access highway and conceptually designed using 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 (beyond the improvements necessary to connect the preferred alternative), and it would not provide a high-speed, controlled-access connection to the east of East Eddington village. It would satisfy the study need related to traffic

http://www.i395-rt9-study.com/Pubs/FEIS_Chap2.pdf



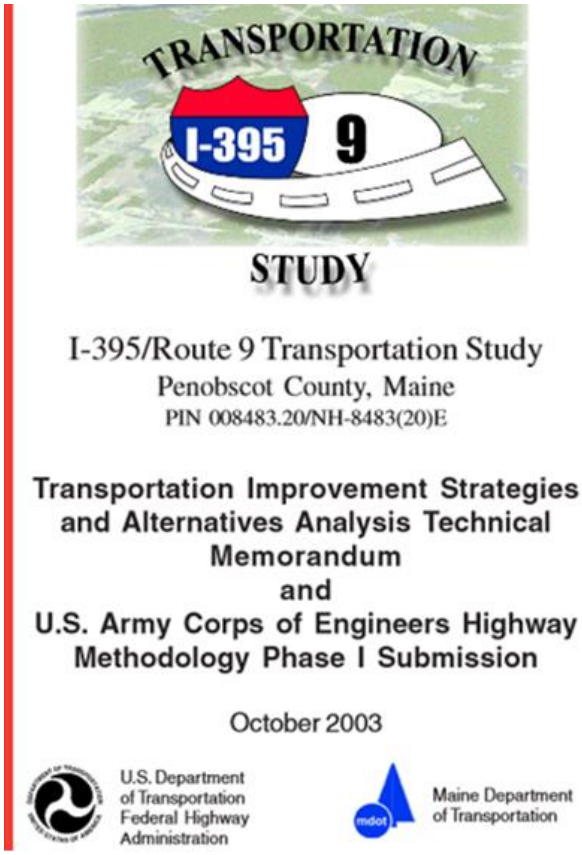

http://www.i395-rt9-study.com/DEIS/AppC.pdf

- Alternative 2B-2, 10.3 miles in length from I-395 in Brewer to Route 9 at/or near the Clifton Eddington corporate border, is 6.1 miles of new alignment and 4.2 miles of Route 9.
- Route 9 cannot be detached from deliberations or analysis as Route 9 is 40.8% of the overall length of 2B-2.
- Any deficiency existing now or over the next 20 years on 2B-2's 4.2 mile Route 9 segment will impact the whole connector as admonished 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."* ( DEIS Page s19)

**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

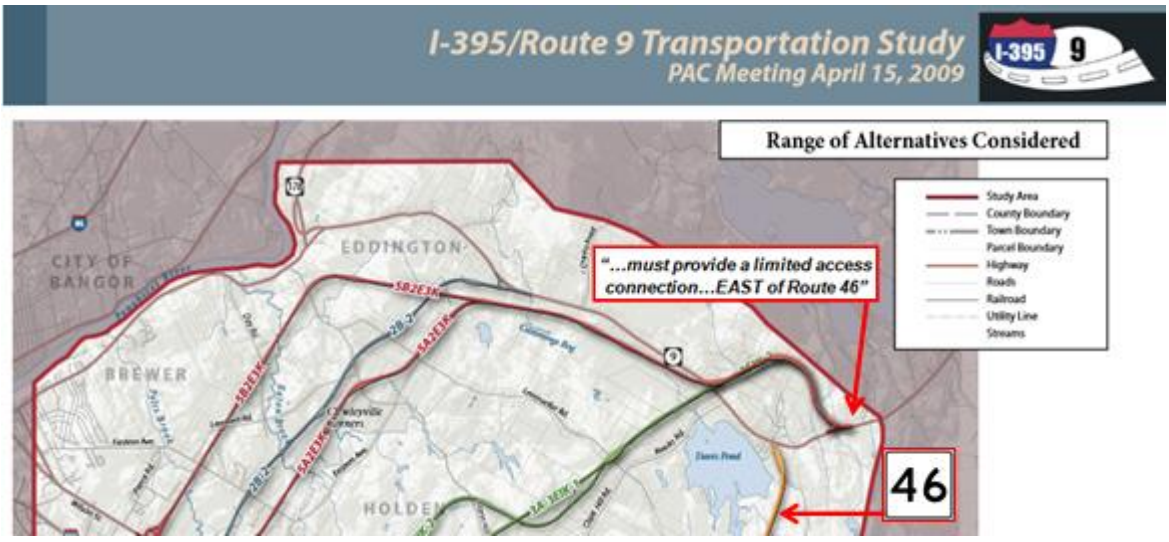
System Linkage - What some of the same Engineers of today said in 2003:




- *"To meet the need of improved regional system linkage while minimizing impacts to people, it was determined that an alternative must provide a limited-access connection between I-395 and Route 9 east of Route 46."*
- *"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 (page 5)**

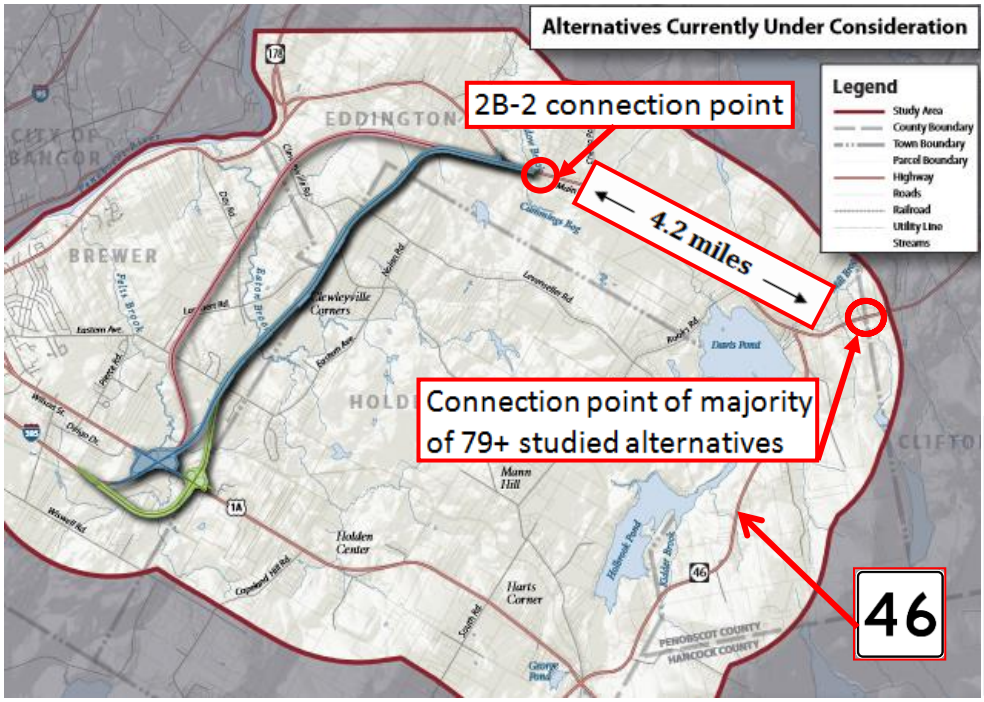
- The near-decade-long-original System Linkage Need and the need for a limited-access facility were changed to long-term needs by Sept. 2010; that bill will be sent to your grandchildren on Jan. 1st 2035…



## 2B-2's Route 9 Connection Point is:

- 4.2 miles WEST of where the majority of 79+ alternatives connected to Route 9 EAST of Route 46.

- The original System Linkage Need intentionally bypassed the Village of East Eddington and the intersection of Route 9/Route 46.





**Posted Speed Limit through East Eddington** (0.8 miles)

This section of Route 9 was bypassed by the majority of 79+ studied alternatives—now that same section of Route 9 is an integral part of 2B-2…

- What is the speed limit on 2B-2's 4.2 mile section of Route 9?
  There are five changes in posted speed from 35 to 50 mph.

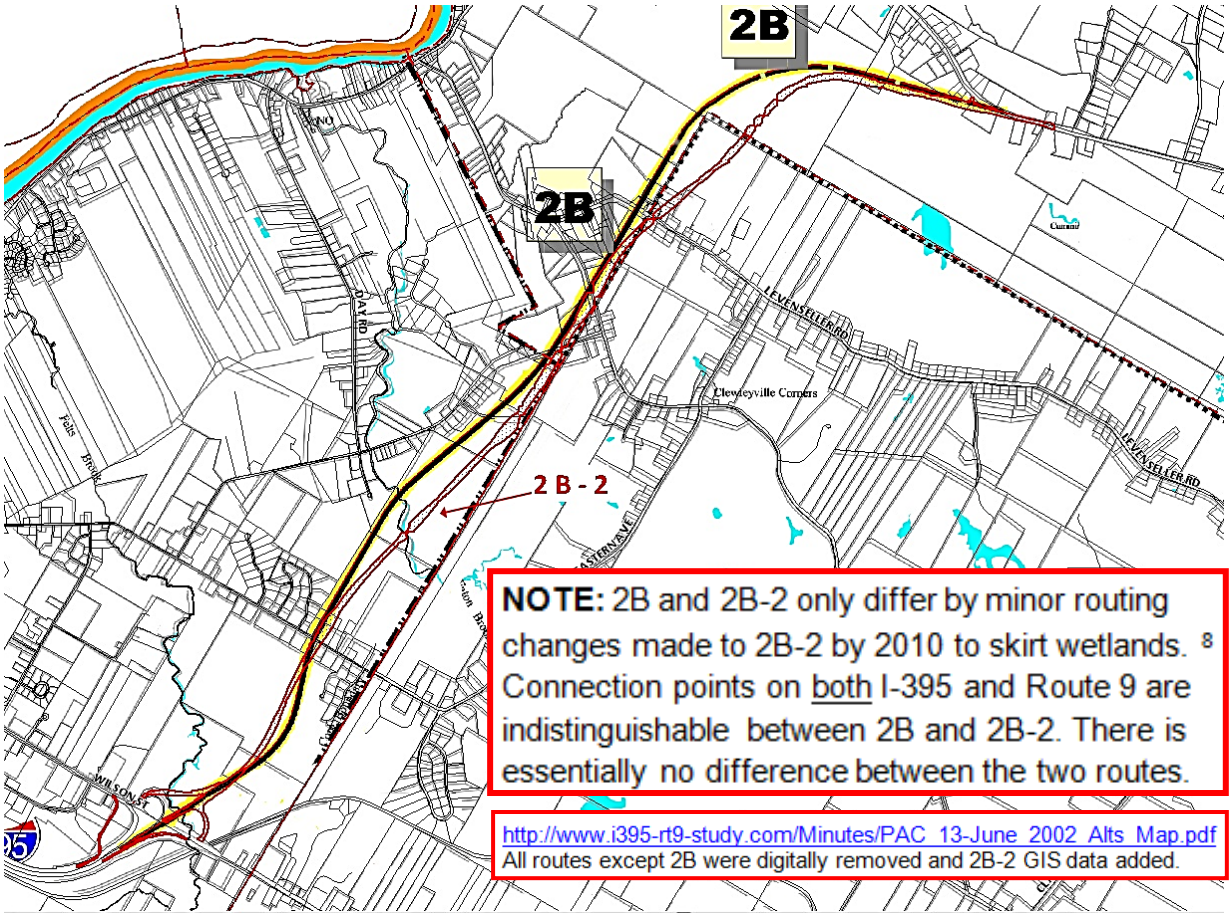
- How many separate access points exist on 2B-2's 4.2 mile section of Route 9?
  "*There are ten local roads and 148 existing drives or access points to undeveloped lots*."
  http://www.i395-rt9-study.com/Pubs/Alts%20Tech%20Memo.pdf

- The 10 local roads, the 148 access points, with five changes in posted speed limits from 35 mph to 50 mph on 2B-2's 4.2 mile section of Route 9 are the same issues that the MaineDOT 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*".
  http://www.i395-rt9-study.com/Pubs/Alts%20Tech%20Memo.pdf

- *"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."* http://www.i395-rt9-study.com/Pubs/PAC041509_summary.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.*"
  http://www.i395-rt9-study.com/Minutes/PAC_08.pdf

Wasn't this alternative removed once before?




Description of Alternatives 2B and 2B-2 in DEIS Appendix C:

| | |
|---|---|
| **Alternative 2B** | • Satisfies design criteria<br>• Length: 5.8 mi. of new alignment, 4.2 mi. of Route 9 without additional improvement<br>• Bridge length: 4,354 ft.<br>• Earthwork: 1.8 mcy (0.9 mcy cut, 0.9 mcy fill) |
| **Alternative 2B-2** | • Satisfies design criteria<br>• Length: 6.1 mi. of new alignment, 4.2 mi. of Route 9 without additional improvements<br>• Bridge length: 2,232 ft.<br>• Earthwork: 2.2 mcy (1.2 mcy cut, 1.0 mcy fill) |

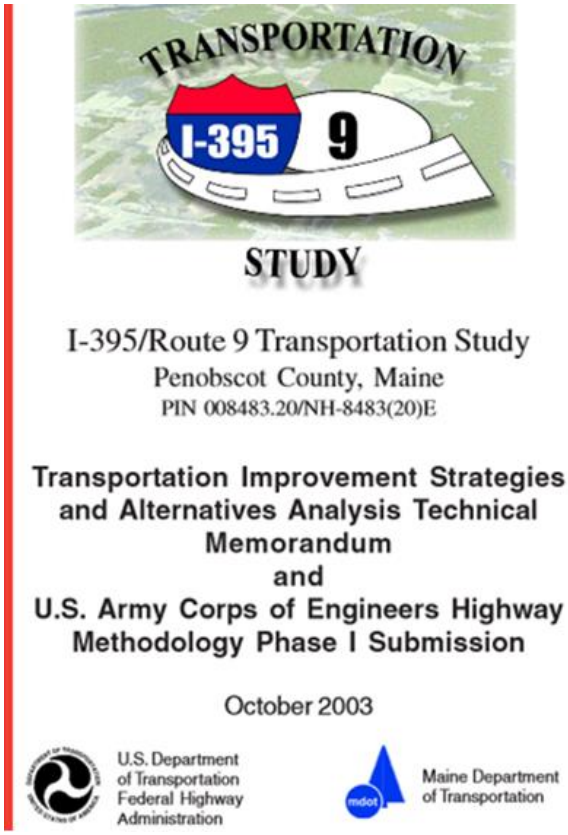
- YES and 2B-2 is nothing more than 2B resurrected.
- Since 2B and 2B-2 share the same 4.2 mile segment of Route 9, the same Route 9 issues documented in 2B's dismissal are as relevant today.

What some of the same Engineers of today said about that same section of Route 9 as they removed 2B from further consideration in 2003?

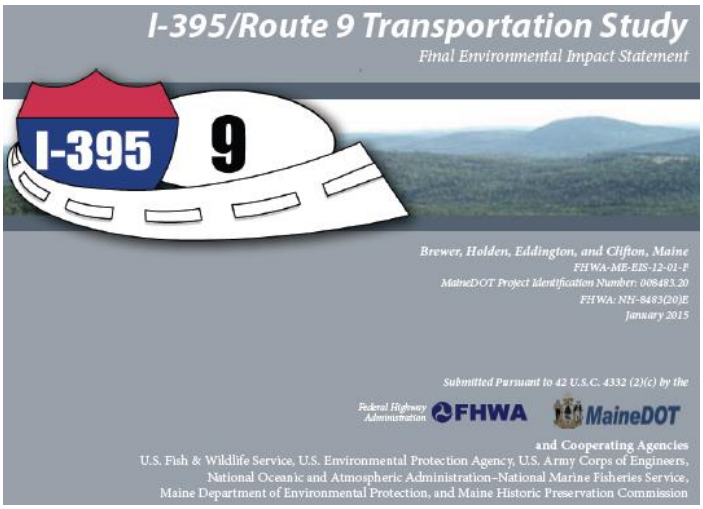
- *"This alternative would not be practicable because it would fail to meet the system linkage need, and would fail to adequately address the traffic congestion needs in the study area."*
- *"Alternative 2B would use approximately 5 miles of Route 9. Traffic congestion and conflicting vehicle movements on this section of Route 9 would substantially increase the potential for new safety concerns and hazards."*
- "*Additionally, this alternative would result in: Substantially greater proximity impacts (residences within 500 feet of the proposed roadway) in comparison to Alternative 3EIK-2 (200 residences v. 12 residences)."*
- *"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.*"
- *"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."* ( LOS = Level of Service)

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

## **"A Tale of Two Studies"** i.e. the original logical termini of: *"Route 9 east of Route 46"* has now morphed to: *"the portion of Route 9 in the study area."*




- **Logical termini:** *"Specifically, the eastern logical termini was refined. Alternatives that did not connect to Route 9 east of Route 46 were dismissed from further consideration."* PAC #11
- **System Linkage:** *"…provide a limited-access connection between I-395 and Route 9 east of Route 46."* Any of the 79+ studied alternatives meeting the System Linkage Need had zero access points over the total length of the connector and bypassed the Village of East Eddington and the Routes 9/46 intersection and 2B-2's 4.2 mile section of Route 9.
- **Speed Limit:** Entering Eddington westbound from Clifton, the speed limit is 50 mph and one would connect direct to any of the 79+ studied alternatives meeting the System Linkage Need of a connection east of Route 46.
- **Purpose:** *"The purpose of this study is to: (3) improve safety on Routes 46, 9, and 1A…"*
- **Route 9 connection point:** East of Route 46, at or near the Eddington/Clifton corporate boundary.




- **Logical termini:** *"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."*
- **System Linkage:** The System Linkage Need and the need for a limited-access facility were redefined to long-term needs in September 2010; 2B-2 meets near-term System Linkage Need to the year 2035. *"…alternatives would be controlled-access highways…"* Because of 2B-2's 4.2 mile Route 9 segment, vehicles will transit by *"10 local roads and 148 existing driveways or access points to undeveloped lots"* and transit through the Village of East Eddington and the intersection of Routes 9/46.
- **Speed Limit:** *"The posted speed in this section of Route 9 is predominantly 45 mph, with 35 mph near the Route 46 intersection."* Five posted speed changes from 35 to 50 mph on 2B-2's Route 9 segment.
- **Purpose:** *"The purpose of this study is to…(3) improve safety on Routes 1A and 46…"* (What about Route 9?)
- **Route 9 connection point:** 4.2 miles west of where the majority of the 79+ studied alternatives connected as per the DEIS/FEIS redefinition of logical termini to: "*the portion of Route 9 in the study area*."

## The Federal Highway Administration acknowledges:

### FHWA Access Management

**2. What are the Benefits of Access Management?**

"*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."* (Excerpt)

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

- That statement suggests, with 148 existing access points on 2B-2's Route 9 segment, you are 1,036% more likely to have an accident on 2B-2 than any of the 79+ alternatives meeting the System Linkage Need.
- As the number of access points increases, the annual accident rate increases—decreasing safety. With access management added to the mix, I question how 148 additional access points added to this new connector from the onset will affect Safety Concerns and Traffic Congestion. Why select an alternative with 148 access points when any of the 79+ studied alternatives satisfying the System Linkage Need had zero access points?

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## And, what do they 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/

- Travel 2B-2's Route 9 segment end to end and back again and you'll drive past 158 potential left turns! (148 access points and 10 local roads.)

## Closing remarks:

- A grim forecast by some of the same Engineers still working the Study today in the October 2003 MaineDOT/FHWA Technical Memorandum: *"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."* -*and*- *"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."* Please do not ignore the prior history of this study. A *"hardlook at Route 9"* cannot explain away these highly charged negative statements.

- 2B-2's Route 9 segment contains: East Eddington Village, the intersection of Routes 9/46, 10 local roads and 148 existing access points; all deliberately bypassed by any alternative meeting the System Linkage Need. The original System Linkage Need remains valid, yet delayed by 20 years. While the DOT reports a record annual $119 million shortfall, including $70 million per year in unmet bridge needs, I question if a project that cannot meet Purpose and Needs from the onset is an appropriate use of our scarce $transportation.

- You may hear today that 2B-2 is the only permittable alternative, out of the 79+ studied alternatives. At a time when we cannot afford to maintain the roads and bridges we already have, that's a weak argument at best and a waste of scarce state and federal transportation dollars.

- Maine's unmet bridge needs are now estimated at approximately $70 million per year. The $61 million savings that could be realized by going to No-Build, as once again resolved by the City of Brewer on January 13th 2015, would bankroll the replacement or rehabilitation of approximately 30 bridges.

- Taking an alternative to construction that meets only *"near-term"* Purpose and Needs does not fix the problem - it merely transfers the problem. 2B-2 is a short-term band-aid fix that will cost tens of $millions to upgrade when those long-term System Linkage needs kick-in on January 1st 2035.

- Some say, since 2B-2 could not be changed—the Purpose and Needs were changed to meet 2B-2; you may argue that point, however, this Study Group's expected deliverable was a limited-access connection to Route 9 in Clifton from I-395 in Brewer, not 4.2 miles down the street in Eddington.

- Thank you for your time and consideration of my views. Questions?

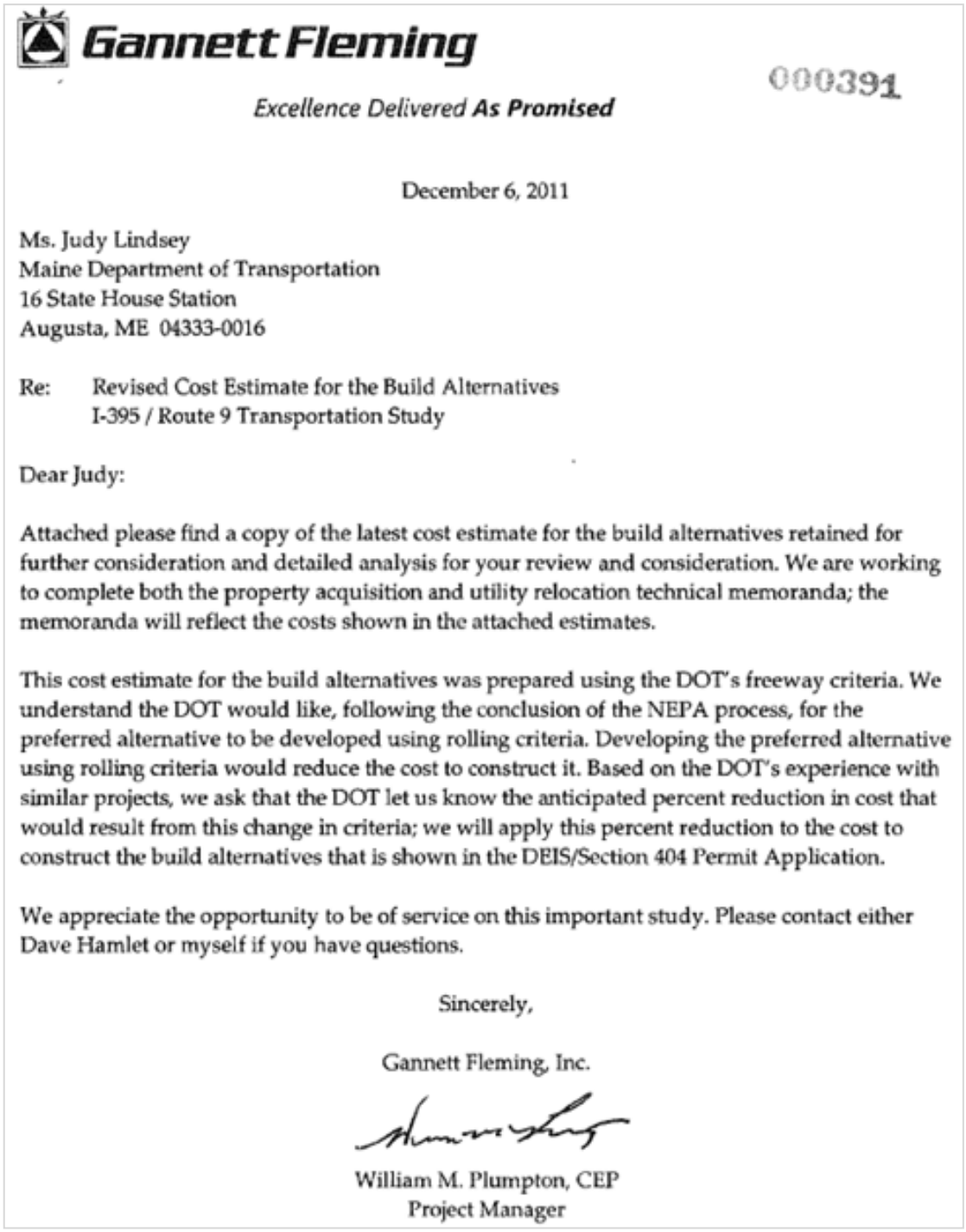
# ATTACHMENT
# More relevant issues to consider:

## MaineDOT's "*hard look at Route 9*" defense:

The centerpiece of MaineDOT's decision that an existing 4.2 mile segment of Route 9, without additional improvements, and after almost ten years of study, suddenly had enough traffic capacity to the year 2030 to become an integral section of 2B-2; 40.8% of the overall length of the 2B-2 alternative is that 4.2 mile segment of Route 9. The NOI states: EIS will examine alternatives to improve transportation between I-395, Brewer and Route 9, Clifton; alternative 2B-2 uses Route 9, Eddington as a "shortcut" to get to Route 9, Clifton. Two things had to happen: a change to the original eastern logical termini (east of Rte. 46) and a 20 year delay in the implementation of the original System Linkage Need and the need for a limited-access facility – that was rather easy – they just rewrote the criteria and came up with near-term needs and long-term needs. But, they didn't leave a large enough buffer in time to accomplish the construction before the "hard look" timed out. 1.5 years went by and the DEIS was in final preparations; it was already 2012, and with only 18 years left until 2030, the numbers simply didn't stack up for inclusion in the DEIS. A MaineDOT Memorandum http://www.i395-rt9-study.com/Pubs/Revised%20Projections_January%202012.pdf dated Jan. 11th 2012 states: *"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."* So, after taking another look at traffic projections or what I call "hard look V2.0", the base year of the 20 year design was changed from 2010 to 2015 and forecasts and analyses were revised from 2030 to 2035 and the near-term System Linkage Need was changed from (Year 2030) to (Year 2035). The numbers worked out and should have provided enough of a buffer (3 years) to complete the EIS and go to construction to keep the project's System Linkage near-term needs intact and in sync with the 20 year design life of the connector. It is now 2015, the FEIS just came out on January 23rd 2015 and the clock is running. MaineDOT's "hard look" is time critical; if the timing gets skewed, the argument to select 2B-2 is no longer valid i.e. the FEIS states that *"2B-2 meets the System Linkage Needs in the near-term (before 2035)*." The connector is engineered for 20 years to the year 2035, but if it isn't constructed for a year or two or even more, the passing of time will overtake the end of the near-term period on December 31, 2034 and the long-term System Linkage Need and the need for a limited-access facility will kick-in immediately on January 1st, 2035; what can then happen: a condition is created where you have a connector that does not meet near-term System Linkage Needs and does not meet long-term System Linkage Needs at the same time. In 2015, 2B-2 does not meet the original Purpose and Needs; the Purpose and Needs were altered to enable the selection of 2B-2 and that is why we are so vehemently opposed to this alternative. If we are to be impacted, at least construct a connector that meets 100% of the Purpose and Needs at the onset – not 20 years down the road. The clock's ticking and the numbers are already not stacking up.

A change in design criteria only applicable to 2B-2

"…*following the conclusion of the NEPA process*…"



Gannett Fleming

000391

*Excellence Delivered* ***As Promised***

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

http://i395rt9hardlook.com/emails-documents-and-articles-oh-my/foaa-discoveries/

*"We understand the DOT would like, following the conclusion of the NEPA process, for the preferred alternative to be developed using rolling criteria."*

# What will alternative 2B-2 cost to construct?

MaineDOT Interagency Meeting
October 11, 2011

Project Cost: Considering preliminary, recently received information from sub-consultant to incorporate the cost of right-of-way and utilities.

2B-2 - $90M
5A2B-2 - $120M (due to two crossings over the railroad at difficult skew)
5B2B-2 - $105M (due to longer length of project alignment)

http://www.i395-rt9-study.com/Pubs/EIS%2010-11-11c.pdf

## 2B-2's cost on Oct. 11th 2011 was $90M

000392

***Cost Estimate Summary for Range of Alternatives***

| Alternative | Construction | Utility Relocation | Engineering & Inspection | Right-of-Way | Mitigation | Total |
|---|---|---|---|---|---|---|
| 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 |

**FOAA#000392 is an attachment to FOAA #000391 on page 11**
http://i395rt9hardlook.com/emails-documents-and-articles-oh-my/foaa-discoveries/

*"This cost estimate for the build alternatives was prepared using the DOT's freeway 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."*

## 2B-2's cost on Dec. 6th 2011 was $93,240,000.00

# One-third reduction in cost, based on a change in criteria from freeway to rolling design only applicable to 2B-2, yet the FEIS-stated-design is "*design criteria for freeways*" and not rolling:

000431

MaineDOT

**Memo**

To: I-395/Route 9 Transportation Study Project File
From: Ken Sweeney, P. E. - Chief Engineer
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%.

*"The build alternatives have been designed…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…"*

*"After reviewing the cost estimates for the build alternatives, the cost estimates should be reduced by one-third…"*

*"…basis for this one-third reduction includes…using a rolling design…"*

**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 bankful 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 interprete the language consider the same as reguire.

That's all I recall

Thanks

ken

2B-2 guesstimate:

MaineDOT's Chief Engineer instructs Project Manager on how to fill in in the range of costs.

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

http://i395rt9hardlook.com/emails-documents-and-articles-oh-my/foaa-discoveries/

# 2B-2's cost and design criteria in the FEIS:

# $61M and "*MaineDOT design criteria for freeways*":

*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).

Alternative 2B-2/the Preferred Alternative would further the study's purpose and satisfy the system linkage need in the near term (before 2035). Alternative 2B-2/the Preferred Alternative would be a controlled access highway and conceptually designed using 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.

http://www.i395-rt9-study.com/Pubs/FEIS_Chap2.pdf (page 27 and 36)

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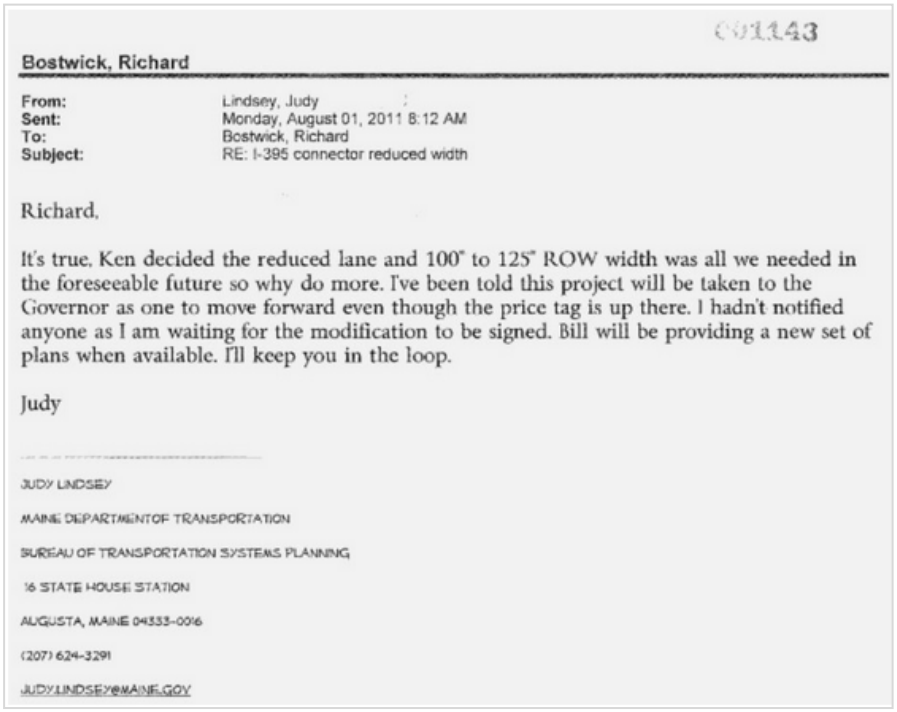
# A greatly reduced cost in the FEIS that does <u>not</u> match the FEIS design criteria and in fact is based on a future design change <u>only</u> applicable to 2B-2 after the completion of NEPA process:

The FEIS-stated construction cost of $61 million is based on a <u>future</u> design change to rolling criteria <u>not</u> the FEIS-stated *"MaineDOT design criteria for freeways."* 2B-2's cost when "*prepared using the DOT's freeway criteria"* is "$93.24 million or $32.24 million more than the FEIS-stated-cost. 2B-2's cost was estimated @ $90 million at the Oct. 11th 2011 Interagency Meeting. 2B-2's cost on Dec. 6th 2011 was $93.24 million and just three months later, the DEIS cost was suddenly $61 million and it is still $61 million in the FEIS! Now how can that be? **The cost in the FEIS does <u>not</u> match the design criteria in the FEIS.**

- I questioned this same exact cost disparity in my comments to the DEIS; that question was not considered substantive and hidden in the back of the book – unanswered.
- 2B-2's cost has been <u>misrepresented</u> for the past 3 years, making 2B-2 appear to be more reasonably priced than it is, by <u>$32.24 million</u>; a great talking point as there can be no other rational explanation. Not only is the false cost extremely unfair to the impacted communities who seek fairness in the process, it is also unfair to other DOTs if this project has already been pre-shopped for funding from the same pot of monies.
- Knowingly making a false entry in a government document, with the intent that it be taken as a genuine part of information is in violation of the following Maine State Statute: http://www.mainelegislature.org/legis/statutes/17-A/title17-Asec456.html

# Changes in Right-of-Way only applicable to 2B-2:

FOAA #1143 revealed the right-of-way, applicable only to 2B-2 and not the other 79+ studied alternatives, was reduced from 200 feet to 100 to 125 feet. This ROW reduction and a downgrade in design criteria from freeway to rolling were verified at a meeting between Senator Collins's office (CW) and the MDOT (KS) (DB) in April 2013; the meeting results were provided to me via email. I contend that the special note in the Chapter 2 of the FEIS denying that ROW change, was deemed necessary to ensure compliance with NEPA, ROW will be changed following NEPA. FOAA #1143 and the April 8th 2013 email can be viewed @ http://i395rt9hardlook.com/wp-content/uploads/2014/02/MAR-2014-Everything-you-always-wanted-to-know...FINAL .pdf



001143

**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

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**FEIS, Chapter 2**

The 200-foot-wide right-of-way provides a sufficient width to allow a future widening, if needed; the need to widen beyond the 200-foot-wide right-of-way is beyond the reasonable foreseeable future time period.*

** While there were brief discussions regarding reducing the width from 200 feet to 100 or 125 feet, the right of way width was never changed and remains the 200-foot width as described in the DEIS.*

http://www.i395-rt9-study.com/Pubs/FEIS_Chap2.pdf

April 8th 2013 email excerpts:

*"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. They both explained that, even though the ROW is being reduced to 100 ft., they will enter into conversations with all affected landowners."*

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*"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."*

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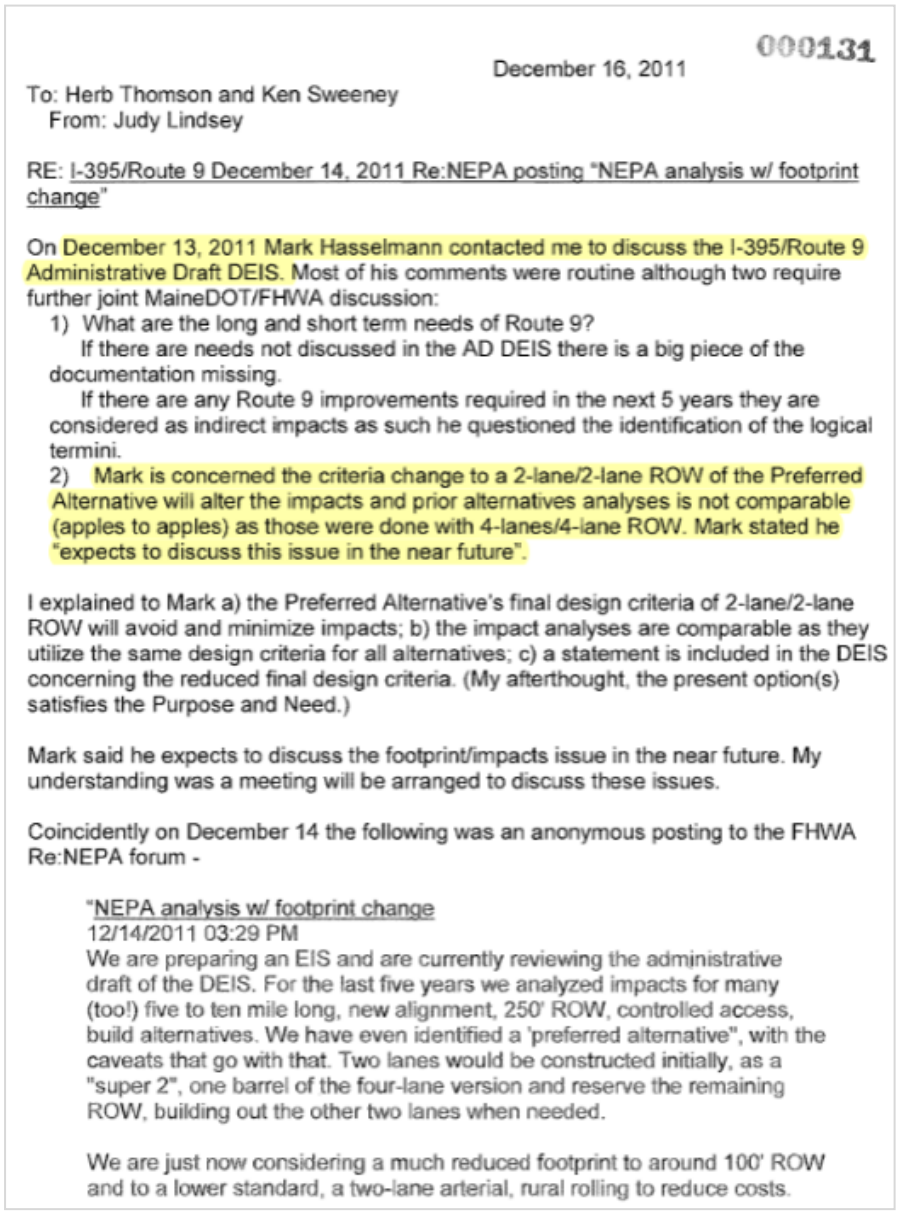
I have been unable to find "rolling design" mentioned in either the DEIS or the FEIS.

## *"…Preferred alternative does <u>not</u> satisfy Purpose and Need…"*

FHWA co-manager of this Study (MH) had concerns that the preferred alternative (2B-2) did not meet Purpose and Needs with the changes made in design criteria at the end of 2011; he brought those concerns to the attention of the MaineDOT project Manager (JL) on Dec. 13th 2011. The history of this event is documented in FOAA #0128 thru FOAA #0132, FOAA #0177 and FOAA #0178 received by the Town of Eddington, not until March of 2013:



000131

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".

I explained to Mark a) the Preferred Alternative's final design criteria of 2-lane/2-lane ROW will avoid and minimize impacts; b) the impact analyses are comparable as they utilize the same design criteria for all alternatives; c) a statement is included in the DEIS concerning the reduced final design criteria. (My afterthought, the present option(s) satisfies the Purpose and Need.)

Mark said he expects to discuss the footprint/impacts issue in the near future. My understanding was a meeting will be arranged to discuss these issues.

Coincidently on December 14 the following was an anonymous posting to the FHWA Re:NEPA forum -

"NEPA analysis w/ footprint change
12/14/2011 03:29 PM
We are preparing an EIS and are currently reviewing the administrative draft of the DEIS. For the last five years we analyzed impacts for many (too!) five to ten mile long, new alignment, 250' ROW, controlled access, build alternatives. We have even identified a 'preferred alternative", with the caveats that go with that. Two lanes would be constructed initially, as a "super 2", one barrel of the four-lane version and reserve the remaining ROW, building out the other two lanes when needed.

We are just now considering a much reduced footprint to around 100' ROW and to a lower standard, a two-lane arterial, rural rolling to reduce costs.

000132

With this proposed reduction in footprint, what happens now? We most certainly need to revise the admin draft to some extent given this change, at least the impact analysis, as impacts will be substantially reduced, in some cases by more than one-half. Do we revisit any previous alternatives that were dismissed (not being carried forward for further consideration)? Do we need to step/look back? How far? Thoughts on this one? Examples?"

The posting includes information unusually similar to my earlier I-395/Route 9 DEIS discussion.

*"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."*

*"…he questioned the identification of the logical termini."*

FOAA Documents can be viewed in their entirety:
http://i395rt9hardlook.com/wp-content/uploads/2014/02/Woodshed.pdf

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.
   a. I disagree the alternative analysis for all 70+ alternatives have been conducted with the same footprint and criteria. Between the DEIS and the FEIS the design and analysis for the Preferred Alternative will be advance to reduce/minimize impacts by reducing the design criteria from

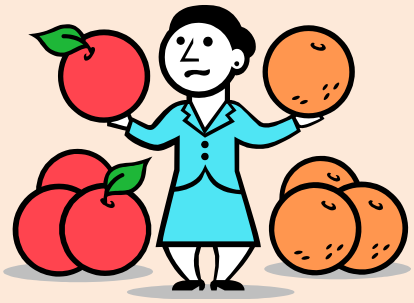
000178

freeway/interstate standards to rolling rural standards similar to existing Route 9.

7. Design year: the design year of 2030 has been used to analyze all traffic impacts during the preparation of the EIS analysis whether to retain the 2030 design year was discussed with Mike Morgan. We discussed if there was a need to revise the traffic analysis to 2035 or if there was potential for substantial change to the present/future traffic numbers or mix. Mike stated if anything he anticipated the numbers may reduce based on gas prices and people's present habits of driving less. I also spoke with Ed Hanscom he also supported the use of a 2030 Design year for I-395 and he relayed that Wiscasset utilized a design year of 2025.
8. Not including cost information in the DEIS but have anticipated cost at the public hearing.

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

*"…Mark has stated as the alternatives will move forward as a 2-lane/2-lane the analysis is now apples to oranges comparison."*



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

(MH) was overruled by his superiors as verified in the same April 8th 2013 email from the Office of Senator Collins. This issue is extremely important since Mr. Hassellmann was and still is the Co-Manager of this Study. This occurred within 90 days of the issuance of the DEIS in the 12th year of this Study. This whole process has really been deplorable and this is just another example; I believe Mr. Hasselmann was attempting to do his job to the best of his abilities in December of 2011 and was squelched in his attempt, for reasons unknown.

- **A waste of scare $transportation:** Construction of alternative 2B-2 will squander $61 million of scarce state and federal transportation dollars at a time when the MaineDOT struggles to maintain our existing roads and bridges. MaineDOT's 2015-2016-2017 Work Plan documents a staggering $119 million per year shortfall in the highway and bridge programs, including record unmet bridge needs of $70 million per year.

- **Loss in tax revenues:** Brewer would lose approximately $37,000 per year in tax revenues if 2B-2 goes to construction; not including the devaluation of homes and properties in close proximity to the connector. Over the 20 year lifespan of this roadway, the City of Brewer will lose $740,000 in tax revenues. The city cannot absorb that large a loss without going back to the home owner and raising property taxes. DEIS.

- **Completely excluded from the decision-making process:** The City of Brewer and the Town of Eddington have withdrawn support from the I-395/Route 9 connector project, supporting only the No-Build option by Resolve in 2012 and 2013. The Brewer City Council reiterated their non-support resolve for the third time on January 15th 2015.

- **Cumulative environmental 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. DEIS

- **Impacted properties:** There are 22 properties in Brewer, with an appraised value of $2.25 million, directly impacted by 2B-2. MaineDOT will have the authority to acquire those properties by Eminent Domain. MaineDOT will acquire 163 acres per the DEIS.

- **8 families will watch the bulldozers raze their homes:** 2B-2 will have a significant negative impact on many residential properties and the residential displacement of 8 is 4 times that of the previous preferred alternative. DEIS

- **2B-2's proximity displacement (buildings within 500' of the roadway)**: 7.9 times that of previous preferred alternative—largest amount by far of all the studied alternatives. (@190 proximity displacements) After studying 79+ alternatives, the MDOT/FHWA have decided to site this connector within the most populous segment of the study area.

- **The only regulation for the human species is the one to take your home away:** Regulations guaranteeing vernal pool inhabitants a 750' buffer have altered the study outcome without consideration for the human element that is regulated only by Eminent Domain. Humans abutting the right-of-way are not considered directly impacted.

- **If I can be of further assistance**, my contact of choice is: bgradams@roadrunner.com.