



August 2015, the 15th Year of the I-395/Route 9 Transportation Study. Been a long year and the “cloud of uncertainty” remains over our heads...



Purpose and Needs Matrix

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

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

On April 15th 2009, the ninth year of this Study, 2B-2 satisfied only 20% of the Purpose and Needs. Now, in the 15th year of this Study, 2B-2 is the preferred alternative for a \$61 million project at the same time when:

- “...the department’s highway and bridge programs will experience a shortfall, now estimated at approximately \$119 million per year.”¹
- “...the unmet bridge needs in our state—now estimated at approximately \$70 million per year.”¹
- “We are struggling to maintain the roads and bridges we currently have in safe and serviceable condition...Adding more miles to our transportation system in this current fiscal environment doesn’t make financial sense, said Bernhardt...”²

Note 1: MaineDOT Work Plan Calendar Years 2015-2016-2017

<http://maine.gov/mdot/projects/workplan/docs/2015/WorkPlan2015-2016-2017.pdf>

Note 2: Commissioner Bernhardt, MaineDOT Press Release dated August 1, 2011

http://www.maine.gov/tools/whatsnew/index.php?topic=DOT_Press_Releases&id=279591&v=article

A resolve reiterating Eddington's prior resolutions of opposition to 2B-2 is rewritten in support of 2B-2 and passed during the February 24th meeting:

Eddington leaders support state's I-395, Route 9 connector road



By Nok-Noi Ricker, BDN Staff
Posted Feb. 27, 2015, at 6 p.m.

EDDINGTON, Maine — When selectmen got to the agenda item Tuesday about a resolve opposing the state's preferred route for the planned Interstate 395-Route 9 connector road, the discussion led to a completely different decision — to support the state-selected route.

"I had it written up as 'does not support 2B2,' and they decided that they would sign a resolve in support of 2B2," Town Manager Russell Smith said Wednesday, referring to the state's name for the route.

The vote at Tuesday's meeting was 3-2, with Peter Lyford, Mike Shepherd and Charles Baker Jr. supporting the move and Chairwoman Joan Brooks and vice chairman Charles "Chip" Grover voting in opposition.

Lyford, who lives on Route 46, led the discussion in support of 2B2.



<http://bangordailynews.com/2015/02/27/news/penobscot/eddington-leaders-support-states-i-395-route-9-connector-road/>

The Eddington Board of Selectman discusses resolve to support or oppose 2B-2 during August 4th meeting and votes "not to take any action":



Penobscot

Thursday, Aug. 6, 2015 Last update: 6:16 a.m.

Eddington residents turn in petition to recall selectwoman



By Nok-Noi Ricker, BDN Staff
Posted Aug. 05, 2015, at 6:34 p.m.

(Excerpt of original article)

<http://bangordailynews.com/2015/08/05/news/penobscot/eddington-residents-turn-in-petition-to-recall-selectwoman/?ref=comments>



"During the meeting, the board also discussed a possible resolve about whether to support or oppose the state's preferred route for the planned Interstate 395-Route 9 connector road. After discussing the resolve, selectmen voted 4-1, with Lyford the lone dissenter, not to take any action."

How long do we have to wait for a final decision?

Our lives have been on hold for 15 years!!

I-395/Route 9 Transportation Study

Final Environmental Impact Statement

Brewer, Holden, Eddington, and Clifton, Maine

FHWA-ME-EIS-12-01-F

MaineDOT Project Identification Number: 008483.20

FHWA: NH-8483(20)E

January 2015

Submitted Pursuant to 42 U.S.C. 4332 (2) (c) by the


Cooperating Agencies

U.S. Army Corps of Engineers, U.S. Fish & Wildlife Service, U.S. Environmental Protection Agency,
National Oceanic and Atmospheric Administration–National Marine Fisheries Service,
Maine Department of Environmental Protection, and Maine Historic Preservation Commission

 1/12/15
Date

David Bernhardt, P.E.

Commissioner, Maine Department of Transportation

 1/20/15
Date

Todd D. Jorgensen

Maine Division Administrator, Federal Highway Administration

The following people may be contacted for additional information regarding this document:

Mark Hasselmann

Federal Highway Administration
Edmund S. Muskie Federal Building
40 Western Avenue, Room 614
Augusta, ME 04330
(207) 512-4913

Russell D. Charette, P.E.

Maine Department of Transportation
Highway Management Engineer
Bureau of Transportation Systems Planning
16 State House Station
Augusta, Maine 04333
(207) 624-3238

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

Circulate the FEIS

[Close \[X\]](#)

MaineDOT and the FHWA will distribute the FEIS for review. The FEIS will be available during the 'wait period' for a minimum of 30 days before the Record of Decision is issued.

EIS No. 20150024, Final EIS,
FHWA, ME, I-395/Route 9
Transportation System, Review Period
Ends: 03/02/2015, Contact: Mark
Hasselmann 207-512-4913

- The FEIS "wait period" ended March 2, 2015 per the Federal Register.

Record of Decision

[Close \[X\]](#)

FHWA will prepare and distribute a [Record of Decision \(ROD\)](#) for the study. The ROD is the final step in the EIS process. The ROD identifies the selected alternative, presents the basis for the decision, identifies the alternatives considered, specifies the "environmentally preferable alternative," and provides information to avoid, minimize and compensate for environmental impacts.

- And we continue to wait...

Bangor Daily News Letter to the Editor posted February 23, 2015:

<http://bangordailynews.com/2015/02/23/opinion/letters/tuesday-feb-24-2015-maines-beauty-climate-change-roads/>

Wrong road priorities

After attending the Legislature's [Transportation Committee's work session on LD 47](#), I now understand why many lose faith in their elected representatives and the process itself. The Transportation Committee is supposed to provide oversight to the Maine Department of Transportation for Maine citizens, but it behaved more like an arm of that department.

Sentiments of elected leaders of Brewer and Eddington who [strenuously objected](#) to the proposed route multiple times and years of hard work by earnest area citizens choosing a route that made the most sense with the least adverse impact were cast aside as irrelevant.

The study system linkage need was quantified in the Final EIS: "Alternative 2B-2/the Preferred Alternative would further the study's purpose and satisfy the system linkage need in the near term (before 2035)." This project's design life is 20 years and (before 2035) is 2B-2's use by date. Add 20 years to today's date; each day exceeding December 31, 2034 is a day that 2B-2 does not satisfy the system linkage need in the near term or long term, even before construction. With project completion several years away, 2B-2 does not and cannot satisfy purpose and needs for the project's entire 20 year design life.

Over the next three years, MDOT's highway and bridge programs will experience a shortfall of approximately \$119 million per year, including \$70 million in unmet bridge needs per year. The fact is that basic transportation priorities will remain unmet because of MDOT's strange fixation on a deficient route that many question the need for.

Larry Adams

Brewer

Feb. 23, 2015 (second) BDN Letter to the Editor was not posted:

The Final Environmental Impact Statement is based on a LIE.

Hidden behind political agendas, the lack of oversight and accountability is one simple fact, the I-395/Route 9 Transportation Study Final EIS is based on a lie; if there's one lie, you have every expectation there are more.

Construction cost, most critical to this project, has been deliberately falsified in the DEIS/FEIS to further MaineDOT's efforts to market 2B-2. These charges are easily proven in FOAA documents including the intent to downgrade the design criteria following the NEPA process, yet apply that reduced cost up front in the DEIS.

2B-2's construction cost "prepared using the DOT's freeway criteria" is \$93.24 million, as stated in a December 06, 2011 Letter from Gannett Fleming to MaineDOT (FOAA).

MaineDOT Chief Engineer ordered a one-third cost reduction, based on rolling design via MaineDOT Memo dated January 30, 2012 (FOAA).

YET, FEIS-stated-cost is \$61 million based on FEIS-stated "MaineDOT design criteria for freeways". That is a \$32.24 million dollar disparity based on the same freeway criteria.

Is the lie, the cost or the design criteria? Are these actions within National Environmental Policy Act compliance?

Fancy reports have cost us \$2.7 million; now, MaineDOT worries the state will have to repay those funds if 2B-2 does not go to construction; the fact is their continued lack of transparency and the total lack of accountability is how we got here.

I now understand why so many lose faith in their elected representatives and the process itself. This charade needs to end; 2B-2 needs to be removed from further consideration. Larry Adams/Brewer

Latest MaineDOT Study Update:

From: <Charette>, Russ <Russ.Charette@maine.gov>

Date: Wednesday, July 29, 2015 at 1:44 PM

To: "Alan Bromley (albromley@roadrunner.com)" <albromley@roadrunner.com>, "John Bryant (john.bryant@amforem.biz)" <john.bryant@amforem.biz>, "Benjamin R.K. Breadmore (Ben@Holdenmaine.com)" <Ben@Holdenmaine.com>, Linda Johns <ljohns@brewermaine.gov>, "Rob Kenerson (robk@bactsmmpo.org)" <robk@bactsmmpo.org>, "Russell J. Smith (townofeddington@roadrunner.com)" <townofeddington@roadrunner.com>, Steve Bost <sbost@BrewerMaine.gov>

Subject: I-395/Route 9 Transportation Study Update

The Federal Highway Administration has not yet issued their Record of Decision for the FEIS.

With my retirement scheduled for August 27th management of this project will be turned over to Nate Howard in the Bureau of Planning.

His E-mail Address is:

Nathan.Howard@Maine.gov

Phone number:

(207) 624-3310

Russell Charette – Project Manager

Russell D. Charette, P.E.

Highway Management Engineer

Bureau of Planning

MaineDOT 16 State House Station

Augusta, Maine 04333

Phone: 207-624-3238

Fax: 207-624-3375

E-Mail: Russ.Charette@Maine.Gov



In the 15th year of this I-395/Route 9 Transportation Study, we will soon have the 5th MaineDOT Project Manager.

Conflicting requirements from Study Updates. To STIP or not to STIP—that is the question...

What happened to the STIP report required before the FHWA could issue the ROD as mentioned in emails dated 4/21/2015 and 6/08/2015? No mention of the STIP amendment requirement in the latest 7/29/2015 update or the initial email of 1/23/2015.



No mention of this project in latest STIP amendment dated 7/27/2015.
But—don't believe me—check for yourself @ <http://maine.gov/mdot/stip/>

From: <Charette>, Russ <Russ.Charette@maine.gov>
Date: Wednesday, July 29, 2015 at 1:44 PM
Subject: I-395/Route 9 Transportation Study Update

"The Federal Highway Administration has not yet issued their Record of Decision for the FEIS. With my retirement scheduled for August 27th management of this project will be turned over to Nate Howard in the Bureau of Planning."

From: "Charette, Russ" <Russ.Charette@maine.gov>
Date: June 8, 2015 at 3:56:35 PM EDT
Subject: I-395/Route 9 Transportation Study Update

"The Federal Highway Administration has not yet issued their Record of Decision for the FEIS. **The next phase of the project needs to be contained in the Statewide Transportation Improvement Plan (STIP) before FHWA can issue the ROD.** A STIP amendment needs to be processed since the project was not contained in the last published STIP. Also, since the project is within the BACTS MPO boundary, the BACTS TIP also needed to be updated. The BACTS TIP has been completed and the next step would be for the Department to amend our STIP."

From: "Gretchen Heldmann" <gheldmann@gmail.com>
Date: Apr 21, 2015 8:49 AM
Subject: RE: I-395/Rt 9 status update

On Apr 21, 2015 8:46 AM, "Charette, Russ" <Russ.Charette@maine.gov> wrote: "Ms. Heldman, The Federal Highway Administration has not yet issued their Record of Decision for the FEIS. **The next phase of the project needs to be contained in the STIP before FHWA can issue the ROD.** A STIP amendment needs to be processed since the project was not contained in the last published STIP."

From: "Charette, Russ" <Russ.Charette@maine.gov>
Subject: RE: I-395/Route 9 Transportation Study Update
Date: January 23, 2015 at 7:55:10 PM EST

"Next, following a minimum 30-day waiting period, the Federal Highway Administration will complete and issue their Record of Decision for the study. The Record of Decision is the final step in the study process."

A “hard look” at the I-395/Route 9 Transportation Study:

MaineDOT’s infamous **“hard look at Route 9”** was first defined to the design year 2030 in Sept 2010—amended to the design year 2035 in Jan 2012 for inclusion into the DEIS—and carried forward to the FEIS—amended to the design year 2040 by Mar 2015 apparently only after I pointed out to the FHWA NEPA Compliance Point of Contact (Washington D.C.) that **2B-2 does not, could not and never will satisfy the Study Purpose and Needs using the FEIS-stated-design-year-2035.**

- If the numbers don’t add up—just change the numbers...
- If the Study doesn’t fit the selection, just change the study...

By September of 2010, a decade into the Study and only after vernal pools became an issue, all five alternatives satisfying 100% of the Study Purpose and Needs in April 2009 were removed from further consideration and alternative 2B-2, only satisfying one (20%) of the five Study Purpose and Needs in April 2009, was “advanced” to the preferred alternative. Route 9, without any discussion with the PAC or the leaders of the affected communities, was suddenly deemed to have enough traffic capacity to support alternative 2B-2’s near-term System Linkage Need for the 20 year design life of the project to the year 2030; this was the infamous “September 2010 hard-look at Route 9”.

In January 2012, for inclusion in the DEIS and carried forward in the FEIS, Route 9 was **magically** deemed to have enough traffic capacity to support 2B-2’s near-term System Linkage Need for the 20 year design life of the project to the year 2035; to the year 2035, as defined in the FEIS, is December 2034.

I advised FHWA HDQ that alternative 2B-2 did not and could not satisfy the Study Purpose and Needs for the full 20 year life design of the project since there weren’t even 20 years left from the time of the FEIS to December 2034—the period of time exceeding December 2034 does not/cannot satisfy Study Purpose and Needs. Essentially if 2B-2 was to be completed 2 to 3 years from the date of the FEIS – 2B-2 would not satisfy Purpose and Needs for a 2 to 3 year period. What was the resolve to my charges? FHWA HDQs advised that I was absolutely correct in my assumption of the 20 year design life and I was told that the MaineDOT took another “hard look” at the traffic numbers and changed the design year to 2040!! Projections are nothing more than a guesstimate; should a guesstimate be the basis for an expenditure of \$61 million to construct a connector (2B-2) that does not meet the original Study Purpose and Needs at a time when we can’t even afford to maintain our existing infrastructure?

Email communications with the Federal Highway Administration:

From: Todd.jorgensen@dot.gov
Sent: Thursday, April 02, 2015 1:43 PM
To: bgradams@roadrunner.com
Cc: Marlys.Osterhues@dot.gov ; MHasselmann@dot.gov ; Cassandra.Chase@dot.gov ; Cheryl.Martin@dot.gov ; Ken.Dymond@dot.gov ; Gerald.Solomon@dot.gov
Subject: RE: NEPA Compliance of I-395/Route 9 Transportation Study

Mr. Adams,

Your March 9 email was forwarded to me by Gerry Solomon, and I was asked to respond. The DEIS for the I-395/Route 9 Transportation Study evaluated the impacts of the three build alternatives utilizing a 200 foot-wide corridor. In order to compare each alternative equally, the new alignments were evaluated using freeway level design criteria. In an effort to further minimize impacts and reduce costs, the MaineDOT then applied the less environmentally damaging arterial rolling design criteria and revised the cost estimates of each of the build alternatives. If the project is advanced, the MaineDOT will continue to refine the alignment within the preferred 200 foot-wide corridor to further avoid and minimize impacts to the natural, social, and economic environments, as indicated on page 39 of the FEIS. My office is currently re-evaluating the FEIS to assess the updated traffic estimates, and we will advise you of the outcome of this process once it is completed. Your recent comments will also be addressed in the Record of Decision.

Should you have additional questions or concerns, please feel free to contact Mark Hasselmann (mark.hasselmann@dot.gov) in my office.

Todd D. Jorgensen
Division Administrator
Maine Division
(207)512-4911

“...we will advise you of the outcome of this process once it is completed.” That was April 2nd and so far no further contact as promised—no email—nothing—nada.

- “In an effort to further minimize impacts and reduce costs, the MaineDOT then applied the less environmentally damaging **arterial rolling design criteria** and revised the cost estimates of each of the build alternatives.”***
- “My office is currently **re-evaluating the FEIS to assess the updated traffic estimates**, and we will advise you of the outcome of this process once it is completed.”*** **Necessitated by the ever-changing “hard look at Route 9”.**

A DEIS/FEIS word search will not produce the word “rolling” as it pertains to design criteria. If the FEIS is the final “decision-making-document”; why are there so many inaccuracies? Why are traffic numbers being re-evaluated following the FEIS? Why were the rest of the 79+ alternatives not evaluated using the same design criteria as 2B-2?

March 9th email as mentioned in above FHWA reply:

Re: NEPA Compliance of I-395/Route 9 Transportation Study

Larry Adams

3/9/2015 7:03 AM

To: Gerald Solomon FHWA;

Cc: Brewer City Council; Brewer City Manager; Councilor Jerry W. Goss; Councilor Joseph Ferris; Councilor Kevin O'Connell; Deputy Mayor Beverly Uhlenhake; Mayor Matthew Vachon; Carol Woodcock / U.S. Senator Susan Collins; Elizabeth Montgomery Schneider MacTaggart / U.S. Senator Angus King; Michael Sinacore (Transportation Aide) U.S. Congressman Bruce Poliquin; Representative Arthur Verow - District #128;

Mr. Solomon,

Thank you for your reply. I not only questioned the cost in my previous email, but I questioned the design criteria associated with that \$61 million construction cost. We both seemingly agree that the \$61 million represents a change from freeway design criteria to rolling design criteria, so that's a move in the right direction.

So that I can fully understand this process, please provide the chapter and page number that describes 2B-2's design criteria using the words rolling, rolling design, rolling criteria or rolling design criteria in reference to the \$61 million construction cost as I am currently unable to locate those references in either the DEIS or the FEIS.

You stated *"The DEIS and FEIS have been consistent in the information provided concerning impacts and costs."* Also consistent throughout the DEIS and the FEIS since March 2012 has been the design criteria as stated in the FEIS Summary page s7: *"The build alternatives would be controlled-access highways and were conceptually designed using the MaineDOT design criteria for freeways."* and in the FEIS Summary page s13: *"Alternative 2B-2 would be a controlled-access highway and conceptually designed using the MaineDOT design criteria for freeways."*

I have attached a one page document, from one of my previous newsletters, that starts with excerpts from an April 17, 2013 hyperlinked Bangor Daily News article, following the release of 1,239 FOAA documents to the Town of Eddington, with a quoted response from the MaineDOT project manager (RC) and a follow-up email, dated April 19, 2013, from the same MaineDOT Project Manager. Note that this email is dated some 13 months after the release of the March 2012 DEIS. MaineDOT (RC) states: *"To be clear, the proposed Right of Way for the project corridor is 200 feet (minimum). The design standard used for the evaluation of the 79+ alternatives considered in the process is the "Freeway" design standard as documented in the DEIS and continues to be the standard for environmental processing."*

An interesting note was added in the FEIS Chapter 2, page 22: *"* 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."* This 100' to 125' ROW was revealed in an August 2011 email (FOAA #1143) and confirmed along with the change to rolling design with the MaineDOT Commissioner by an unimpeachable source in April 2013; that's a period of 20 months – not exactly a "brief discussion".

- FOAA #0391, dated Dec. 6, 2011, revealed the intent to downgrade the preferred alternative to rolling design "following the conclusion of the NEPA process", yet apply that cost reduction up front in the DEIS.
- FOAA #0431, dated Jan. 30, 2012, revealed the one-third reduction in cost based on rolling design.
- The DEIS was released on March 8, 2012. 2B-2's DEIS-stated cost is \$61 million and 2B-2's DEIS-stated design is: *"...the MaineDOT design criteria for freeways."*
- MaineDOT (RC) stated on April 19, 2013: *"To be clear, the proposed Right of Way for the project corridor is 200 feet (minimum). The design standard used for the evaluation of the 79+ alternatives considered in the process is the "Freeway" design standard as documented in the DEIS and continues to be the standard for environmental processing."*
- The FEIS was released on January 20, 2015. 2B-2's FEIS-stated cost is \$61 million and 2B-2's FEIS-stated design is: *"...the MaineDOT design criteria for freeways."*

- On March 6, 2015 the FHWA admits: *"The cost estimates in the DEIS and FEIS were based on the rolling design criteria and range from \$61 to \$81 million."*
- Yet, the DEIS/FEIS still states: *"Alternative 2B-2 would be a controlled-access highway and conceptually designed using the MaineDOT design criteria for freeways."*

How do you explain FHWA's revelation that the FEIS-stated \$61 million cost is based on rolling design and yet the FEIS-stated design criteria is "...the MaineDOT design criteria for freeways."?

How can the \$61 million cost be based on rolling design when the MaineDOT project manager reaffirmed in April of 2013 that the criteria was the "Freeway" design standard as documented in the DEIS?

You cannot have it both ways; the freeway design criteria design is an intentional misrepresentation of fact (yes, a lie) within a \$2.7 million dollar NEPA document. In my eyes, it appears that NEPA is nothing more than another regulation that the Government hides behind and uses to their advantage; it has completely failed my family and the impacted communities.

The FEIS is the culmination of a study of 79+ alternatives from December 1, 2005 when the EIS Notice of Intent was issued in the Federal Register. All alternatives were to be studied with the same design criteria and that was with a Freeway design standard and a Right of Way for the project corridor of 200' minimum as the MaineDOT project manager restated in April 19, 2013. The Final EIS was signed off by the FHWA on January 20, 2015 and should be 100% accurate as it is the current document of record and the primary decision document used for the ROD; this is no longer a draft document.

This cost versus design misrepresentation does not pass the smell test or the straight face test; I believe this was an intentional act to sidestep NEPA regulations and would I submit to you that even sidestepping NEPA regulations would be non-compliant with NEPA.

The NEPA process may be undertaken through your Division Office, but I firmly believe there is non-compliance written all over this FEIS and as you are the point of contact to ensure NEPA compliance for the whole FHWA, I ask you to do just that.

Please advise if I should be talking to someone else of a higher authority within the FHWA on this issue; my next step will be to contact the Office of the Federal Environmental Executive (OFEE) and request their guidance as I have done in the past.

Sincerely, Larry Adams

From: Gerald.Solomon@dot.gov
Sent: Friday, March 06, 2015 4:52 PM
To: bgradams@roadrunner.com
Cc: MHasseltmann@dot.gov ; Todd.jorgensen@dot.gov ; Cheryl.Martin@dot.gov ; Cassandra.Chase@dot.gov ; Ken.Dymond@dot.gov
Subject: RE: NEPA Compliance of I-395/Route 9 Transportation Study

Mr. Adams

Thank you for your e-mail dated February 25, 2015, concerning the I-395/Route 9 Transportation Study in Brewer, Holden, Eddington, and Clifton, Maine. As you are aware, the NEPA process is undertaken through our Division Office. Accordingly, I have consulted with our FHWA staff in Maine to respond to the questions you raised.

In your e-mail, you question the estimated construction cost of the preferred alternative 2B-2. During the NEPA process, since final design has not yet begun, cost estimates are made at a conceptual planning level using engineering judgment and the best information available at the time. As more information is gathered and as the project is designed, these planning level estimates are greatly refined resulting in more detailed cost estimates. Prior to publication of the DEIS, the costs of the alternatives were roughly estimated to range between \$93 and \$121 million. The alternatives presented in the DEIS and FEIS were evaluated using the same design criteria. In an effort to further minimize impacts and reduce costs, the design was changed from freeway level to rolling. The cost estimates in the DEIS and FEIS were based on the rolling design criteria and

range from \$61 to \$81 million. The DEIS and FEIS have been consistent in the information provided concerning impacts and costs. The record shows that the impacts were presented in the EIS in a comprehensive and fair manner and analyzed and presented to the public and stakeholders with input from all affected and interested parties.

Concerning the design year traffic projections, you are correct that it is appropriate to use a 20-year design year that begins once the proposed highway construction is complete. Since the design year noted in the EIS is 2035, MaineDOT revisited the traffic information for the design year of 2040. The most recent available data for Route 9 east of Route 46, counted in 2012 as 5760 vehicles per day, is very close to the 2015 base year volume of 5830 and confirms that previous projections have been reasonable. Therefore, it is estimated that the 2040 volume would follow the long-term trend beyond 2035 and results in a 2040 forecast for Route 9 east of Route 46 of 11,560 vehicles per day. For Route 9 west of Route 46, the corresponding 2040 forecast would be approximately 13,000 vehicles per day. These volumes are well within the capacity of a 2-lane highway for the design year 2040.

We appreciate your comments. Should you have additional questions or concerns, please contact Mark Hasselmann (mark.hasselmann@dot.gov) at our Maine Division Office.

Thank you.

Gerry Solomon

Director

FHWA Office of Project Development and Environmental Review

1200 New Jersey Ave SE

Washington DC 20590

202 366-2037

gerald.solomon@dot.gov

“...the design was changed from freeway level to rolling. The cost estimates in the DEIS and FEIS were based on the rolling design criteria and range from \$61 to \$81 million.”

Nobody will address why the DEIS/FEIS-stated-design-criteria is “freeway” when, as Mr. Solomon now acknowledges, the DEIS/FEIS-stated-cost was based on “rolling”. **If these changes were “above-board” as they want expect you to believe, why wasn’t the DEIS/FEIS-stated-design changed to “rolling”, a simple task with any word processor program?** The only logical explanation to this design/cost disparity is: this Study would have been NEPA-noncompliant if the DEIS/FEIS-stated design was indeed changed; as it would have exposed that **alternative 2B-2 was analyzed using different criteria than the other 79+ studied alternatives or an “apples to oranges” comparison as stated by FHWA/Mark Hasselmann in December 2011.** AND, if these cost vs. design changes were made in the time period that the DEIS was being published (March 2012), someone needs to explain to me why the changes were not made in a FEIS not published until January 2015. Every word in every paragraph of the DEIS/FEIS has been scrutinized by state and federal transportation engineers; these omissions of fact(s) were not accidental!! **I contend this Study was and remains non-compliant with the National Environmental Policy Act.**

Additional remarks to March 6, 2015 reply from Mr. Solomon, FHWA NEPA Compliance point of contact, Washington DC:

- *“Concerning the design year traffic projections, you are correct that it is appropriate to use a 20-year design year that begins once the proposed highway construction is complete. Since the design year noted in the EIS is 2035, MaineDOT revisited the traffic information for the design year of 2040. The most recent available data for Route 9 east of Route 46, counted in 2012 as 5760 vehicles per day, is very close to the 2015 base year volume of 5830 and confirms that previous projections have been reasonable. Therefore, it is estimated that the 2040 volume would follow the long-term trend beyond 2035 and results in a 2040 forecast for Route 9 east of Route 46 of 11,560 vehicles per day. For Route 9 west of Route 46, the corresponding 2040 forecast would be approximately 13,000 vehicles per day. These volumes are well within the capacity of a 2-lane highway for the design year 2040.”*
- Why is the FEIS-stated design year still identified as 2035 if the MaineDOT has since amended their “hard look” to the design year 2040?
- Is the FEIS really the final decision-making-document for this study or just another useless report written in “governmentese”?
- Where is the documentation to back up these new changes and why has the FEIS document not been amended to show these new facts?
- How is it possible to spend \$2.75+ million on the DEIS/FEIS and have a non-engineer, as myself, so easily poke holes thru it?
- What are we to believe; is this the best these engineers can produce? They were initially charged to produce a deliverable for a limited-access highway from I-395 to Route 9, east of Route 46—anything less is a complete failure and a misuse of the monies appropriated for the study.
- Are these engineers inept or are they just making this up as they go and all the facts within the DEIS/FEIS are nothing more than guesstimates?

From: Larry Adams [<mailto:bgradams@roadrunner.com>]

Sent: Wednesday, February 25, 2015 4:13 PM

To: Solomon, Gerald (FHWA)

Cc: Brewer City Council; Brewer City Manager; Councilor Jerry W. Goss; Councilor Kevin O'Connell; Deputy Mayor Beverly Uhlenhake; Mayor Matthew Vachon; Councilor Joseph Ferris; Carol Woodcock / U.S. Senator Susan Collins; Elizabeth Montgomery Schneider MacTaggart / U.S. Senator Angus King; Michael Sinacore (Transportation Aide) U.S. Congressman Bruce Poliquin

Subject: Fw: NEPA Compliance of I-395/Route 9 Transportation Study

Mr. Solomon

I held off replying to your June 25, 2013 email as I knew there would be an appropriate time in the future to respond and make a request. You are at the highest position in the FHWA to ensure compliance with NEPA. You also stated: "FHWA is committed to full disclosure of any changes that occur during the EIS process and responding to comments received from other agencies and the public." I want to give you that chance and here are my comments:

The I-395/Route 9 Transportation Study FEIS has been issued and we are days from the earliest signing of the Record of Decision (ROD). I retired after 40+ years of federal government service; I am fully aware of how the government works. What you don't know is that after reading thousands of documents, 1,239 of them obtained under a Maine State FOAA request, I probably know more about this project than many of your own people do; I am not looking for answers, I already have them; I seek accountability from your agency as this study is now in FHWA's hands awaiting the ROD.

With all due respect, the Final Environmental Impact Statement is based on a lie; the FEIS-stated cost has been intentionally misrepresented \$32.24 million less than the actual \$93.24 million cost of 2B-2 when designed to freeway criteria. This \$61 fraudulent cost was included in the March 2012 DEIS and carried forward to the FEIS. Cost is the most important piece to this project and I can't remember ever seeing a memo saying that it was okay to intentional misrepresent facts in an official government document.

I must have hit a nerve with my earlier charges that the right of way had already been changed as a special note was added in the FEIS disavowing that as a "brief discussion", I suspect to remain in compliance with NEPA. However, I didn't believe anyone would be so arrogant to leave the falsified \$61 million cost in the FEIS and that was the first thing I looked for when the FEIS was issued last month. That falsified \$61 million cost came from the MaineDOT, whether or not the FHWA is complicit with that falsehood is unknown, but surely since I questioned that lower \$61 million cost in comments to the DEIS (not considered substantive and buried in Appendix A of the FEIS, unanswered), the FHWA should have also questioned it. If the FHWA is complicit in this charade, that only makes this situation even worse; I'd like to think that is not the case and the issues are at the state level only.

Yes, the construction cost has been deliberately falsified in the DEIS/FEIS to further efforts to market 2B-2. It's certainly easier to promote a \$61 million project instead of a \$93.24 million project. These charges are easily proven in the attached FOAA documents, including the intent to downgrade the design criteria "following the conclusion of the NEPA process", yet apply that reduced cost up front in the DEIS, and the actual MaineDOT Memo ordering the cost reduction a month before the DEIS was issued. It is all so easy to understand, but was it ethical and was it in compliance with NEPA? And why has no one stepped forward to keep these agencies accountable to the public they serve?

Note the transition of the construction costs on page 1 of the attachment:

2B-2's construction cost "designed to freeway criteria" is **\$90 million**, as stated in minutes of the October 11, 2011 Interagency Meeting.

2B-2's construction cost "prepared using the DOT's freeway criteria" is **\$93.24 million**, as stated in a December 06, 2011 Letter from Gannett Fleming to MaineDOT (FOAA #0391/0392).

MaineDOT Chief Engineer (KS) stated "The build alternatives have been designed...using MaineDOT's criteria for freeways...approximately **\$93 million** for Alternative 2B-2." before ordering a one-third cost reduction based on rolling design via MaineDOT Memo dated January 30, 2012 (FOAA #0431).

YET, FEIS-stated-cost is \$61 million based on FEIS-stated "MaineDOT design criteria for freeways". That is a \$32.24 million dollar disparity based on the same freeway criteria.

Note that the design criteria was constant throughout the cost estimates: all freeway design, including the DEIS/FEIS. Again, a \$32.24 million dollar disparity. How can that be?

FOAA #0391 (December 6, 2011) shows the intent to downgrade the design from freeway to rolling following the conclusion of the NEPA process and the intent to include that reduced cost up front in the DEIS and that's what the FEIS-stated \$61 million really represents; not the FEIS-stated "MaineDOT design criteria for freeways."

FOAA #0431 (January 30, 2012) MaineDOT Chief Engineer Memo ordering the one-third cost reduction; one of the basis is rolling design. Again, that is what the FEIS-stated \$61 million represents; not the FEIS-stated "MaineDOT design criteria for freeways."

The FEIS-stated-cost is \$61 million and the FEIS-stated-design is "MaineDOT design criteria for freeways" is a lie. The actual cost of 2B-2 is \$93.24 million as estimated on December 6, 2011 "using the DOT's freeway criteria." It doesn't take much of an imagination to see what is going on here and it was done intentionally. They got the benefits of a much lower cost up front without changing the design criteria to set off the red flags of non-compliance with NEPA.

Take your pick which one is the lie, the cost or the design or "wink-wink", the design is really rolling already and you know that is non-compliant with NEPA. I would expect that intentionally misrepresenting the cost by \$32.24 million is also non-compliant with NEPA. I hope this isn't SOP to intentionally misrepresent critical facts within the DEIS and FEIS as not only was the public kept in the dark, cooperating agencies used the same information to sign-off on this project. I ask you to get to the bottom of this serious matter and also I think it's time to have a real IG investigation on this whole study. This is not the way to start a project costing tens of millions of scarce transportation dollars at a time when we cannot even afford to maintain the roads and bridges we already have. This is not the way MY government is supposed to act and in fact it is shameful that this charade continues years after I've advised everyone from Washington D.C. to Augusta, Maine of these problems.

In the attachment, you will also find several changes that we are constantly advised have not changed i.e. system linkage need, logical termini and the change from 4-lane/4-lane ROW to 2-lane/2-lane ROW which gave Mr. Hasselmann heartburn in December 2011.

Another issue as addressed in the attachment: the System Linkage Need is time-conditional: "Alternative 2B-2/the Preferred Alternative would further the study's purpose and satisfy the system linkage need in the near term (before 2035)." I guess we're not supposed to be smart enough to figure this out, but since this project will not be completed for several years, the last several years of the 20 year project design-life will not satisfy system linkage needs in the near term or the long term or in fact any term. It is as simple as that; I don't know if this charade is known to the FHWA people in Augusta or not. There is not

even 20 years from today until the end of (before 2035), so even before construction 2B-2 does not meet Purpose and Needs for the entire 20 year design life.

The last two pages reveal Mr. Hasselmann's thoughts on 2B-2 in December 2011 as told by the MaineDOT project manager (JL). If Mr. Hasselmann wasn't overruled, we wouldn't be having this conversation. I didn't add these two pages to embarrass Mr. Hasselmann as I believe he was one of the only people during the last few years of this study that actually had our best interest at heart and for some unknown reason, his efforts were thwarted. It really shows how ludicrous this process has become. I think Mr. Hasselmann deserves to tell his story and I would like to know why his superiors overruled him when there were so many obvious deficiencies in the 2B-2 alternative.

I fully expect an immediate change in design to rolling and a reduction in ROW to 100 feet following the ROD, I noticed in your reply that changes would have to be reevaluated under NEPA and FHWA regulations, but isn't that a little too late since FOAA #0391 states exactly the intent to change to the rolling criteria "following the conclusion the NEPA process"? Isn't that intent skirting the NEPA process by unfairly making criteria changes to only one of the 79+ alternatives? How can waiting until NEPA is concluded to change criteria on only 2B-2 be within NEPA compliance?

I have asked my federal delegation of Senator Collins, Senator King and Congressman Poliquin to also look into this matter and I have included them on this email along with the municipal leaders of the City of Brewer, I hope my going rogue doesn't thwart their efforts and I sincerely apologize if that is the case; I don't have the same boundaries of politics and I don't have to pull my punches, this is a serious matter and needs a serious response from the highest levels.

We are extremely frustrated with this process and I turn to you and your position for accountability. The attachments are self-explanatory, but I can elaborate if needed or present clean full size documents.

Unless corrected, the signing of the Record of Decision will validate to the impacted community of Brewer that it doesn't matter that the FEIS-stated cost or the FEIS-stated design criteria is a lie, it doesn't matter that the Purpose and Needs will not be satisfied for the entire 20 year design life of the project, and the National Environmental Policy Act is just for show as it is all so easy to skirt the regulations by just running out the clock. Yes, I do know how the government works and this is a good example why so many lose faith in the process.

Sincerely,

Larry Adams
17 Woodridge Road
Brewer, ME 04412
207-989-4913

MaineDOT's "Keeping Our Bridges Safe" (KOBs) 2014 Report

*"There are 2,515 bridges (span defined as longer than 20 feet) and 1,374 minor spans (10-to-20 feet) in the state of Maine. In this report, "bridges" generally refers to both categories. **The state of Maine owns and manages 70% (2,744) of these bridges.**"*

<http://www.maine.gov/mdot/pdf/kobs2014.pdf>

From: Gerald.Solomon@dot.gov
Sent: Tuesday, June 25, 2013 8:51 AM
To: bgradams@roadrunner.com
Cc: MHasselmann@dot.gov
Subject: FW: NEPA Compliance of I-395/Route 9 Transportation Study

Mr. Adams

Thank you for your e-mail dated May 30, 2013 concerning the I-395/Route 9 Transportation Study in Brewer, Holden, Eddington and Clifton, Maine. Over the past weeks, I have been in contact with the Federal Highway Administration (FHWA) Maine Division to discuss your concerns and obtain additional information in connection with the status of this project's environmental review. As you may be aware, the FHWA Division Office is responsible for coordination with the state Department of Transportation and ensuring the environmental review is completed in compliance with NEPA.

I understand that the Environmental Impact Statement (EIS) for this project is still underway. The Final EIS will document decisions made throughout the project development process to reflect the selection of an alternative, modifications to the project, updated information on the affected environment, changes in the assessment of impacts, the selection of mitigation measures, required findings (e.g. wetlands), the results of coordination, comments received on the Draft EIS and responses to these comments. As of this date, no final decisions have been made.

This study, as you point out in your e-mail, has been underway since 2000. Initially undertaken as an Environmental Assessment (EA), the study transitioned to an EIS in October 2005 based on potential impacts.

The purpose and need for the project, as described generally in the Notice of Intent (NOI) (December 2005) and in detail in the Draft EIS, have remained the same - transportation system linkage, safety, and mobility. In addition, the logical termini of the project were identified in the NOI as between I-395 in Brewer and State Route 9 in Clifton. These same termini were used to evaluate the four alternatives studied in the Draft EIS.

Many project alternatives have been developed and screened since December 2000. Over 70 build alternatives were conceptually designed and analyzed using the No-Build alternative as the baseline for impact comparison purposes. Many of these conceptual alternatives were developed based on input given by the project's Public Advisory Committee and the public.

In addition to public involvement, there has been substantial coordination with State and Federal Resource Agencies to analyze and assess the environmental impacts. In particular, the Preferred Alternative, 2B-2, has been preliminarily identified by the U.S. Army Corps of Engineers (USACOE) as the Least Environmentally Damaging Practicable Alternative. The USACOE's determination is critical in order for the project to obtain a Section 404 Clean Water Act permit.

As described in the Draft EIS, four alternatives, including the no-build alternative, were retained for further consideration and analyzed in detail. The build alternatives were studied as a controlled-access highway that facilitates a two-way two-lane roadway within a 200 foot wide right of way. Through this process, however, it was determined that the portion of each build alternative on Route 9 would not need to be improved to a high-speed, controlled-access facility.

I also understand that since publication of the Draft EIS, no changes have been made to the scope of the project, including a reduction to a 100-foot wide right of way. If changes are made during the development of the EIS or after completion of the

EIS, these changes will have to be assessed under appropriate National Environmental Policy Act (NEPA) and FHWA procedures.

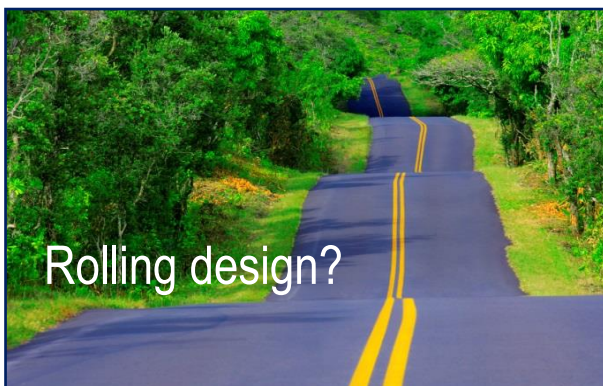
The FHWA NEPA project development process is an approach to balanced transportation decision-making that takes into account the potential impacts on the human and natural environment and the public's need for safe and efficient transportation. It is an iterative, deliberative, multi-disciplinary decision-making process.

FHWA is committed to full disclosure of any changes that occur during the EIS process and responding to comments received from other agencies and the public.

Should you have additional questions or concerns, I suggest communicating directly with Mark Hasselmann at our Maine Division Office. His email is Mark.Hasselmann@dot.gov.

Thank you.

Gerry Solomon
Director
FHWA Office of Project Development and Environmental Review
1200 New Jersey Ave SE
Washington DC 20590
202 366-2037
gerald.solomon@dot.gov



*"Alternative 2B-2...connecting to Route 9 at a "T" intersection. Route 9 eastbound would be controlled with a stop sign."
(DEIS s12)*

Question: Where would you find this statement?

"The people further find that the decisions of state agencies regarding transportation needs and facilities are often made in isolation, without sufficient comprehensive planning and opportunity for meaningful public input and guidance."

Answer: §73. TRANSPORTATION POLICY

<http://www.mainelegislature.org/legis/statutes/23/title23sec73.html>

2B-2 did not satisfy Study Purpose and Needs in April 2009:

Purpose and Needs Matrix


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

*Note that two distinct Purposes existed under the Meets Purpose column:




- The Study Purpose is met only when the System Linkage Need, the Safety Concerns Needs and the Traffic Congestion Needs are all satisfied.
- The Army Corp had/has its own Purpose which didn't/doesn't exactly fit the Study Purpose that the MaineDOT, FHWA and all other state and federal government agencies were working under.

And in fact, we (Gretchen Heldmann/Larry Adams) were advised in the spring of 2012 via a telephonic conversation with the New England EPA, specifically the EPA representative to this study, that the two different Study Purposes often clashed and wasted time since the agencies had to stop and continually ask which Purpose they were working under at any specific time. It is also a fact that at the April 15th 2015 PAC meeting, 2B-2 was carried forward only because the USACE demanded an alternative west of Route 46 remain in consideration: *"Ray added that the Corps specifically requested that at least one alternative that connects to Route 9 west of Route 46 be retained in the DEIS."* http://www.i395-r9-study.com/Pubs/PAC041509_summary.pdf

Purpose and Needs defined by the FHWA: 2B-2 should have never remained in consideration per this information—USACE is to blame.


U.S. Department of Transportation
Federal Highway Administration

About Programs Resources Briefing Room Contact Search FHWA


FHWA > HEP > Environment > Toolkit Home

Environmental Review Toolkit

Home Planning and Environment NEPA and Project Development Accelerating Project Delivery Historic Preservation Section 4(f) Water, Wetlands, and Wildlife

NEPA and Project Development

NEPA and Transportation Decisionmaking

Development and Evaluation of Alternatives

Information on alternatives analysis can be found in the FHWA/FTA SAFETEA-LU Environmental Review Process Final Guidance, November 15, 2006. On this page, learn about: [Alternatives Screening](#), [Range of Alternatives](#), [Logical Termini and Segmentation](#), and [Other Requirements Involving Alternatives Analysis](#)

The identification, consideration, and analysis of alternatives are key to the NEPA process and goal of objective decisionmaking. Consideration of alternatives leads to a solution that satisfies the transportation need and protects environmental and community resources. The Council on Environmental Quality (CEQ) refers to the alternatives analysis section as the "heart of the EIS," and requires agencies to:

- Rigorously explore and objectively evaluate all reasonable alternatives and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated.
- Devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits.
- Include reasonable alternatives not within the jurisdiction of the lead agency.
- Include the alternative of no action.
- Identify the agency's preferred alternative or alternatives, if one or more exists, in the draft statement and identify such alternative in the final statement unless another law prohibits the expression of such a preference.
- Include appropriate mitigation measures not already included in the proposed action or alternatives.

— 40 CFR 1502.14

Helpful Documents

- [Flexibility in Highway Design](#)
- [Context Sensitive Design](#)

Alternatives Screening

Alternatives analysis should clearly indicate why and how the particular range of project alternatives was developed, including what kind of public and agency input was used. In addition, alternatives analysis should explain why and how alternatives were eliminated from consideration. It must be made clear what criteria were used to eliminate alternatives, at what point in the process the alternatives were removed, who was involved in establishing the criteria for assessing alternatives, and the measures for assessing the alternatives' effectiveness.

In preparing NEPA documents, project sponsors should be candid about the rationale for generating, evaluating, and eliminating alternatives. Being as specific as possible is important. If an alternative is eliminated from further consideration because it "does not meet the purpose and need," we must adequately explain how or why this alternative doesn't meet the purpose and need.

Range of Alternatives

During the draft EIS stage all reasonable alternatives, or the reasonable range of alternatives, should be considered and discussed at a comparable level of detail to avoid any indication of a bias towards a particular alternative(s).

Although the "no-build alternative" (which might include short-term minor activities) might not seem reasonable, it must always be included in the analysis. In some cases, the no-build alternative may be a reasonable alternative, especially when the impacts are great and the need is relatively minor, but generally it serves as a baseline against which the other alternatives can be compared.

Transportation System Management alternatives are often evaluated as potential design options. Such alternatives may include high-occupancy vehicle lanes, ridesharing, signal synchronization, and other actions. Also, where appropriate, mass transit options should be considered even when they are outside FHWA's funding authority.

Other Requirements Involving Alternatives Analysis

(Source: FHWA Guidance on Purpose and Need Statements)

Beyond the CEQ requirement of evaluating all or a reasonable number representative of the full spectrum of reasonable alternatives, there are other requirements for analyzing alternatives. These requirements fall under Section 4(f), the Executive Orders on Wetlands and Floodplains, and the Section 404(b)(1) guidelines. To address these requirements and conclusively demonstrate that some alternatives are not prudent or practicable, project sponsors must develop a well-justified purpose and need statement.

The use of land from a Section 4(f) protected property (such as a significant, publicly owned park, recreation area, or wildlife and waterfowl refuge, or any significant historic site) may not be approved unless a determination is made that there is no feasible and prudent alternative for such use. Many factors exist that could render an alternative "not prudent," including cost and environmental impacts. If an alternative does not meet the action's purpose or need, then the alternative is not prudent, provided the purpose and need section can substantiate that unique problems will be caused by not developing the action.

If a proposed action is to be located in a wetland or significantly encroaches upon a floodplain, a finding must be made that there is no practicable alternative to the wetland take or floodplain encroachment. Any alternative that does not meet the need for the action is not practicable. If the action's purpose and need are not adequately addressed, specifically delineated, and properly justified, resource agencies, interest groups, the public, and others will be able to generate one or possibly several alternatives that avoid or limit the impact and "appear" practicable. A well-described justification of the action's purpose and need may prevent long and involved negotiations or additional analyses demonstrating that an alternative is not practicable.

As a rule, if an alternative does not satisfy the purpose and need for the action, it should not be included in the analysis as an apparent and reasonable alternative. There are times when an alternative that is not reasonable is included, such as when another agency requests inclusion due to public expectation. In such cases, it should be clearly explained why the alternative is not reasonable (or prudent or practicable), why it is being analyzed in detail, and why it will not be selected.

<http://environment.fhwa.dot.gov/projdev/tdmalts.asp>

- ***“If an alternative does not meet the action's purpose or need, then the alternative is not prudent, provided the purpose and need section can substantiate that unique problems will be caused by not developing the action.”***
- ***“Any alternative that does not meet the need for the action is not practicable. If the action's purpose and need are not adequately addressed, specifically delineated, and properly justified, resource agencies, interest groups, the public, and others will be able to generate one or possibly several alternatives that avoid or limit the impact and "appear" practicable. A well-described justification of the action's purpose and need may prevent long and involved negotiations or additional analyses demonstrating that an alternative is not practicable.”***
- ***“As a rule, if an alternative does not satisfy the purpose and need for the action, it should not be included in the analysis as an apparent and reasonable alternative. There are times when an alternative that is not reasonable is included, such as when another agency requests inclusion due to public expectation. In such cases, it should be clearly explained why the alternative is not reasonable (or prudent or practicable), why it is being analyzed in detail, and why it will not be selected.”***

ANGUS S. KING, JR.

MAINE

359 DIRKSEN SENATE OFFICE BUILDING

(202) 224-5344

Website: <http://www.King.Senate.gov>

United States Senate
WASHINGTON, DC 20510-1905

COMMITTEES

ARMED SERVICES

BUDGET

INTELLIGENCE

RULES AND ADMINISTRATION

March 11, 2015

Mr. Larry Adams
17 Woodridge Road
Brewer, ME 04412-9627

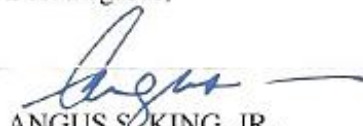
Dear Larry,

I appreciate knowing your concerns about the proposed I-395/Route 9 connector. As a former governor, I am aware of the difficult balancing act required by transportation planners when they weigh infrastructure needs against the negative impacts new projects might have on the environment and surrounding communities. I also have great respect for the division of responsibility and authority between the federal government and each state.

While the I-395 extension project has received federal funds and an environmental impact study was conducted by the Maine Department of Transportation (MDOT) in conjunction with the Federal Highway Administration (FHWA), jurisdiction over the I-395/Route 9 connector largely falls under state and local authority. I encourage you to be in touch with your state legislators; they are in the best position to address your concern.

Again, thank you for taking the time to get in touch with me. You may be interested to know that the MDOT and the FHWA have released the environmental impact study and detailed information about the proposal, which is available here: <http://www.i395-rt9-study.com/home.html>.

Best Regards,



ANGUS S. KING, JR.
United States Senator

ASK/jc


Please visit my website, www.king.senate.gov, or call one of my offices for information on meeting with me and my staff or visiting Washington. You may also email me directly through my website's contact page.

AUGUSTA
4 Gabriel Drive, Suite F1
Augusta, ME 04330
(207) 622-8292

PRESQUE ISLE
199 Academy Street, Suite A
Presque Isle, ME 04769
(207) 784-5124
In Maine call toll-free 1-800-432-1588
Printed on Recycled Paper

SCARBOROUGH
383 US Route 1, Suite 1C
Scarborough, ME 04074
(207) 883-1588

U.S. Department of Transportation—updated July 9th 2015:



Transportation.gov
 U.S. Department of Transportation

About DOT | Our Activities | Areas of Focus





Grow America
 Bill Highlights
 Information by Mode
 Town Hall Video Archive

Home > Policy Initiatives > Grow America

Road and Bridge Data by State



The Highway Trust Fund is set to expire on July 31. Without action from Congress, federal funding for transportation will come to a screeching halt -- and with it, so will traffic in many places. Over the last six years, Congress has passed 33 short-term measures rather than funding transportation for the long term. And our transportation system -- our roads and bridges, especially -- is in a dire state of disrepair because of it. The attached fact sheet shows us this. Experts agree: The only way to prepare our transportation system for the next generation is to stop this cycle of short-term measures and pass a long-term transportation bill.

Share
 




State	Structurally Deficient / Functionally Obsolete Bridges*	Annual Total Extra Vehicle Repairs / Operating Costs Due to Driving on Roads in Need of Fixing**	Percentage of Roads in Poor / Mediocre Condition**
MAINE	791 of the 2,402 (32.9%)	\$246 million (\$245 per motorist)	53%

*According to 2013 data from the Federal Highway Administration

**According to the American Society of Civil Engineers 2013 Report Card for America's Infrastructure

Updated: Thursday, July 9, 2015

<http://www.transportation.gov/policy-initiatives/grow-america/road-and-bridge-data-state>

- 32.9% (791 of 2,402) of Maine's bridges are structurally deficient and/or functionally deficient.
- 53.0% of Maine's roads are in poor/mediocre condition.



Can we afford to spend \$61+ million on an alternative satisfying only 20% of the Purpose and Needs nine years into the Study, when our state struggles to maintain existing roads and bridges, while facing the following documented shortfalls?

- “Again this year, and even with the funding assumptions in this Work Plan, (which include bonding that has yet to be proposed or approved), the department’s **highway and bridge programs will experience a shortfall, now estimated at approximately \$119 million per year.**” (page xv)
- “With ongoing uncertainties about federal funding, shrinking buying power and rapidly aging infrastructure, adequately funding Maine’s, and the nation’s, transportation needs continues to be challenging. The department’s new Keeping Our Bridges Safe report, for example, provides new information about the **unmet bridge needs in our state - now estimated at approximately \$70 million per year.**” (Commissioner Bernhardt’s introductory letter of Work Plan.)
- “Replacement or rehabilitation of 47 Bridges, at a total estimated value of nearly \$95 million.” (CY 2015 work to be accomplished as stated by Commissioner Bernhardt’s introductory letter of Work Plan.)

<http://maine.gov/mdot/projects/workplan/docs/2015/WorkPlan2015-2016-2017.pdf>

The \$70 million per year unmet bridge needs equates to the replacement or rehabilitation of 35 bridges according to the above CY 2015 work statement or approximately \$2.02 million per bridge.

I normally sign off every email asking if the \$61 million needed to construct the 2B-2 alternative wouldn’t be better spent on the unmet transportation needs of our state, a question that the Army Corp of Engineers posed similarly in their official comments to the DEIS—their question was not deemed substantive enough for further comment.

One more dollar should not be wasted on this poorly engineered and managed study to construct a deficient connector; we deserve our lives back!