Gretchen Heldmann, GISP, LF

8 September 2015

Ben Condon
Bureau of Transportation Systems Planning
Maine Dept. of Transportation
16 State House Station
Augusta, ME 04333-0016

Mr. Condon,

Please consider this letter and all the supporting documents that follow as my comment on the MDOT's proposal to include PIN 018915.00 I-395/Rt. 9 Connector Preliminary Engineering and Right of Way in the proposed in the 2014-2017 Statewide Transportation Improvement Plan (STIP).

In short, I do not support the inclusion of this project in this STIP or in any future STIP. Why the MDOT continues to push this project through, when they cannot even uphold their own standards of providing ***substantive*** evidence to support Alternative 2B-2, is mind-boggling. The answer of the MDOT taking a "hard look" at the capacity of Route 9, is unacceptable.

When the MDOT dismisses all public comments on the DEIS for this project, yet then has to turn around and address one of the submitted comments, then it is clear the public comment process does not work, and it is highly likely there is an effort afoot to ramrod this project through. (see highlighted text on page two of attached email thread regarding Meadow Brook wetlands)

When a person sues the MDOT in order to obtain the substantive data and analyses to support the selection of 2B-2, and receives a few pages of nothing in response, then that person KNOWS there ARE NO DATA to support the selection of 2B-2.

When the MDOT Commissioner, in relation to ending the study of another bypass project, is quoted as saying:

> "*At a time when we have difficulty finding the financial resources to maintain our existing infrastructure, I cannot justify the expense of building a bypass…Adding more miles to our transportation system in this current fiscal environment doesn't make financial sense…Our responsibility going forward is to manage our existing infrastructure within our existing budget."*

Yet MDOT continues to march forth with the I-395/Rt. 9 proposed connector, therefore one cannot help but think that something else is going on behind the scenes.

Gretchen Heldmann, GISP, LF | 439 Main Road | Eddington, ME 04428 | (207)299.5889 | gheldmann@gmail.com

When the MDOT fails to follow its own guiding principles as set forth in state statute of the Maine Sensible Transportation Policy Act…:

> *…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…*
> *It is the policy of the State that transportation planning decisions, capital investment decisions and project decisions must: …(G). Incorporate a public participation process in which local governmental bodies and the public have timely notice and opportunity to identify and comment on concerns related to transportation planning decisions, capital investment decisions and project decisions. The department and the Maine Turnpike Authority* ***shall take the comments and concerns of local citizens into account and must be responsive to them****. (emphasis added)*

…because sneaking a blip onto the state website for less than two weeks somehow counts as an attempt to gather meaningful public input, then one starts to realize what a joke it is to even have this law on the books.

When the Transportation Committee fails to oversee and provide the much-needed checks and balances to the MDOT, because of a threat that the State ***may*** have to pay back $2M (vs. unnecessary and unjustified spending of $61M+) then the system has failed.

All of the attached documents contain serious questions and concerns that are not NIMBY in nature – these questions address deficiencies in the MDOT process and they still have not been answered sufficiently. A "hard look" just does not suffice when you are asking to spend millions of taxpayer dollars on a route that early on in this study process did not meet Study Purpose and Needs. Now, some magic dust was sprinkled on Route 9 via the MDOT "hard look" and all will be well for the selection of the 2B-2 Alternative. I think not. I look forward to the responses to the points brought up in this letter and the attached documents. Thank you for your time and this opportunity to provide comment.

Sincerely,

Gretchen Heldmann, GISP, LF

Gretchen Heldmann, GISP, LF | 439 Main Road | Eddington, ME 04428 | (207)299.5889 | gheldmann@gmail.com

Gmail

Gretchen Heldmann <gheldmann@gmail.com>

I-395 study question

Charette, Russ <Russ.Charette@maine.gov> Tue, Dec 3, 2013 at 3:36 PM
To: Gretchen Heldmann <gheldmann@gmail.com>
Cc: "Plumpton, William M." <wplumpton@gfnet.com>, "Cassandra Chase (Cassandra.Chase@dot.gov)" <cassandra.chase@dot.gov>, "Mark.Hasselmann@FHWA.dot.gov" <Mark.Hasselmann@fhwa.dot.gov>, "Ham, Eric" <Eric.Ham@maine.gov>, "laury_zicari@fws.gov" <laury_zicari@fws.gov>

Ms. Heldmann,

Thank you for your questions. The Preferred Alternative/LEDPA alignment 2B-2 remains unchanged from the 2B-2 alignment that was described in the DEIS. The description in the FHWA response to U.S. Fish and Wildlife Services is incorrect as it relates to the intersect of the connector to Route 9. The paragraph in the *Action Description in the Meadow Brook Watershed* should have read as follows:

"The new connector that is proposed and described –in Chapter 1 of the Biological Assessment (BA) will intersect with Route 9 approximately 1200 feet **westerly** of the Route 9 crossing of Meadow Brook. Rehabilitation of existing Route 9 may occur within approximately **150** feet of Meadow Brook (see Alignment Sheets in Appendix D). Though no in water work is expected in Meadow Brook, the following activities will take place in the Meadow Brook watershed:"……..

An added note is that the proposed end of the work on Route 9 would be approximately 150 west of Meadow Brook.

The January 29, 2013 Biological Assessment did not contain discussions about Meadow Brook since the end of the work on Route 9 was ending 150 feet west of where Route 9 intersects Meadow Brook. U.S. Fish and Wildlife services asked for clarification about species impacts in the Meadow Brook area. The effects determination in the FHWA letter remain unchanged. The Biological assessment has been revised since the January 29, 2013 submission. U.S. Fish and Wildlife Services had asked for additional information after that submission. The document was revised on that basis.

We will post the revised BA to the Project website.

Please let me know if you have any more questions.

Russ

Russell D. Charette, P.E.
Highway Management Engineer
Bureau of Planning
MaineDOT 16 State House Station
Augusta, Maine 04333
Phone: 207-624-3238
Fax: 207-624-3301
E-Mail: Russ.Charette@Maine.Gov

Description:
MaineDOT-logo-landscape

From: Gretchen Heldmann [mailto:gheldmann@gmail.com]
Sent: Tuesday, December 03, 2013 12:37 PM
To: Charette, Russ
Cc: Plumpton, William M.; Cassandra Chase (Cassandra.Chase@dot.gov); Mark.Hasselmann@FHWA.dot.gov; Ham, Eric; laury_zicari@fws.gov
Subject: Re: I-395 study question

Mr. Charette,

Thank you for sharing the FHWA response regarding concerns with Meadow Brook. On page 5 of the response, where Meadow Brook is discussed, the document reads, "The new connector that is proposed and described in Chapter 1 of the Biological Assessment (BA) will intersect with Route 9 approximately 1200 feet easterly of the Route 9 crossing of Meadow Brook." I have a copy of the Biological Assessment, dated 01/29/13, and I do not find in there where the connector is described as connecting with Route 9 easterly of the crossing of Meadow Brook, nor do I find that in the DEIS, nor the Preliminary Drawings dated August 2011. My understanding is this proposed connector is to connect to the west of the Route 9 crossing of Meadow Brook. Is the connector now proposed to connect to the east of the Route 9 crossing of Meadow Brook? Please clarify.

Also, the copy of the BA I have, only has an Appendix A - it does not have an Appendix C as referenced in this document you just sent - referenced on page 5 regarding Stormwater effects. Exhibit S.9 of the DEIS, pg s18, describes "unknown impacts from stormwater runoff" to the 4,900 feet of streams for 2B-2. Would you please share the latest version of the BA, since it seems it may further address the stormwater questions? This document you sent also mentions Alignment Sheets in Appendix D, which it seems would also help answer questions.

It is also interesting to note that pg. 123 of the Draft Responses to Substantive Comments document (version dated 02/27/13) has a comment someone made about impacts to wetlands and floodplains of Meadow Brook - a comment which was not deemed substantive. Now, the concerns are substantive and included in the submissions to USFWS.

Thank you,

~G

_____

Gretchen Heldmann, GISP

On Mon, Dec 2, 2013 at 4:26 PM, Charette, Russ <Russ.Charette@maine.gov> wrote:

Ms. Heldmann,

U.S. Fish and Wildlife Services had questioned impacts to Meadow Brook as part of the Section 7 Consultation process. I've attached FHWA's response to questions pertaining to the Northern Long-eared Bat and Meadow Brook.

Please let me know if you have any other questions.

Russ

Russell D. Charette, P.E.
Highway Management Engineer
Bureau of Planning
MaineDOT 16 State House Station
Augusta, Maine 04333
Phone: 207-624-3238
Fax: 207-624-3301
E-Mail: Russ.Charette@Maine.Gov

Description:
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From: Gretchen Heldmann [mailto:gheldmann@gmail.com]
Sent: Monday, December 02, 2013 1:10 PM
To: Charette, Russ
Subject: I-395 study question

Mr. Charette,

In your latest biweekly email update, you mention that there are questions related to Meadow Brook. I cannot seem to locate a document or some reference regarding this statement and what it means/what are the questions. Would you please elaborate?

Thank you,
~G

Gretchen Heldmann, GISP

Gretchen Heldmann, GISP #44980, LF3722 | 439 Main Rd. Eddington, ME 04428

Good afternoon Honorable Senator Collins, Representative McLean and other distinguished members of the Committee on Transportation, thank you for holding this public hearing and allowing us the opportunity to testify on LD 47. My name is Gretchen Heldmann, I am a resident of Eddington, and I am here to testify in support of LD 47. I am a member of the Planning Board in Eddington, but I come here today as a private citizen, not as a representative of the Board. I also have no personal stake in this project, as I am ***not*** directly affected (if anything, the proposed connector may reduce truck traffic in front of my house on Rt. 9). However, I have spent hundreds of hours reviewing all available documents, including thousands of pages received via FOAA requests – some of which were from a lawsuit I filed against the MDOT to gain access to information – and I have concluded, as have others that will present other detailed information on different aspects/topics, that this project, option 2B-2, is a complete waste of taxpayer dollars, is a short-term band-aid fix, and does not meet the Study Project Purpose and Needs. Given that there are others here today that will cover items such as change in design *after* the conclusion of the NEPA (National Environmental Policy Act) process, the timeline of the removal and reintroduction of 2B/2B-2 despite not meeting Purpose and Needs, and more – the topics I want to focus on today are: the lack of supporting data for the 2B-2 option, the cost of 2B-2, and the cost-benefit analysis of 2B-2.

In April of 2009 at the last Public Advisory Committee (PAC) meeting, 2B-2 did not meet four out of the five Study Purpose and Needs criteria. Fast forward to December 2011 and continuing to present day, and 2B-2 now magically meets Purpose and Need, because MDOT took "a hard look at the capacity of Route 9." I spent hundreds of hours poring over documents to find the supporting data for this switch. I filed FOAA requests and a lawsuit against the MDOT to discover any supporting data of how 2B-2 now meets Purpose and Need. I received all documents MDOT had – sixteen in total, only three of which were new to me, and they lacked the detailed comparative analyses I had read about in various MDOT memos and Interagency Meeting minutes. A few graphs, depictions of intersections, and traffic counts does not constitute a comparative analysis. Let me provide a comparison. I have a Master's degree in Forest Resources. To support the conclusions in my thesis, I had to find supporting literature for my idea, gather data, clean it, analyze it, clean it again, re-analyze it, perform statistical modeling, verify my findings, write the thesis, have it reviewed, edit it, have it reviewed again, edit it again, and then pass a defense. That was just for a Master's degree. Here we are talking about spending tens of millions of dollars, and there is literally no supporting data other than the claim that a "hard look" was taken at Route 9. As a taxpayer, this is unacceptable.

I also want to discuss the cost of the project, which is projected to be $61 million. How was that number arrived at? Here's an excerpt from an email from MDOT Chief Engineer Ken Sweeney to Project Manager Russ Charette, 13 Jan 2012:

Fill in the range of cost alternatives….Low should be no greater than $65 M ..you decide High. 000365

"Low should be no greater than $65 M, you decide high"…??? So he has basically stated that the budget for this project (somehow known at that time yet still supposedly not funded or in a work plan) is no more than $65 M and whatever the final proposed route is, has to fit within that budget. The expenditure of tens of millions of taxpayer dollars is not decided by what route truly meets the study Purpose and Needs (improving safety, system linkage, congestion, etc), but by what the bottom line budget is? This is precisely why it is a short-term band-aid fix.

There was a cost to benefit analysis performed for 2B-2, which resulted in a 1.1 and as the MDOT has previously insisted, indicates this is a viable project. However, in the CB documents I obtained via FOAA which show their calculations, the math does not come out to 1.1 – it comes out to 0.988 which is absolutely not a viable project. Further, their numbers do not include any money for wetland mitigation – the assumption being they can mitigate entirely with land swaps and set-asides in the study area? If that does not pan out, they will need to spend money on mitigation, and this would also make the CB plummet below one.

It is also curious how when looking at the Wiscasset bypass that was scrapped, all of those connector options had CB's of 2.27 or greater – and here we are looking at pushing through a connector that questionably barely achieves a CB above one.

Now, perhaps my entire testimony here will not be considered substantive, or perhaps it will be ignored entirely, because as we found out from an email acquired from a FOAA request, this project is one that "will be taken to the Governor as one to move forward even though the price tag is up there.":

C01143

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

JUDY LINDSEY

MAINE DEPARTMENTOF TRANSPORTATION

BUREAU OF TRANSPORTATION SYSTEMS PLANNING

16 STATE HOUSE STATION

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JUDY.LINDSEY@MAINE.GOV

I will now end my testimony by quoting a portion of MDOT Commissioner Bernhardt's statement on scrapping the Wiscasset Bypass:

> *From the MDOT Press Release: "The cost of building the bypass far exceeds any potential benefits to motorists and the communities," said MaineDOT Commissioner David Bernhardt. "At a time when we have difficulty finding the financial resources to maintain our existing infrastructure, I cannot justify the expense of building a bypass around Wiscasset."*
>
> *"Adding more miles to our transportation system in this current fiscal environment doesn't make financial sense," said Bernhardt, "Our responsibility going forward is to manage our existing infrastructure within our existing budget."*

I have also included for your review copies of my May 2012 Public Hearing comments and my presentation to the Eddington Board of Selectmen after receipt and thorough review of over 1,200 pages of FOAA materials. These two pieces cover a variety of other topics, include more details on the topics above, and include supporting documents. Thank you for your time and consideration.

Addendum

Entire Wiscasset Bypass Quote

From the MDOT Press Release: "The cost of building the bypass far exceeds any potential benefits to motorists and the communities," said MaineDOT Commissioner David Bernhardt. "At a time when we have difficulty finding the financial resources to maintain our existing infrastructure, I cannot justify the expense of building a bypass around Wiscasset."

"Adding more miles to our transportation system in this current fiscal environment doesn't make financial sense," said Bernhardt, "Our responsibility going forward is to manage our existing infrastructure within our existing budget."

With current funding levels stable at best, MaineDOT concluded that the expenditure of funds on new infrastructure was not justifiable.

"The long-term financial forecast for transportation funding makes it difficult to continue to spend scarce resources on such a large, financially unviable project," said Bernhardt, "We are struggling to maintain the roads and bridges we currently have in safe and serviceable condition."

"A project of this magnitude requires major federal participation as well as some type of special funding from the state," said Bernhardt, "We simply do not see this type of funding becoming available in the foreseeable future."

MDOT Letter to Bypass Task Force Members: "Our responsibility going forward is to manage our existing obligations within our existing budget, and to limit adding new infrastructure to that which is shown to provide overwhelming benefits. We know federal transportation funding will continue to decrease, and the era of special earmarks for transportation projects is over.

The department has to look carefully at the potential cost and benefits of any new infrastructure being considered in Maine. Up until the last year, we believed that over time we could develop funding and make the case for spending what will be close to $100 million on this bypass, however, this is no longer possible.

Therefore, I have concluded that the long-term financial forecast – balanced against our number one priority of maintaining the infrastructure we already have and the limited benefits a bypass would provide – makes it impossible to justify that expenditure for this project."

Public Process – Lack of Transparency, Intentional Obfuscation?

I present information to you today under the purview of the Maine Sensible Transportation Policy Act, and I would like to quote a couple of excerpts from the Act:

> *…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…*
>
> *It is the policy of the State that transportation planning decisions, capital investment decisions and project decisions must: …(G). Incorporate a public participation process in which local governmental bodies and the public have timely notice and opportunity to identify and comment on concerns related to transportation planning decisions, capital investment decisions and project decisions. The department and the Maine Turnpike Authority* ***shall take the comments and concerns of local citizens into account and must be responsive to them****. (emphasis added)*

We are here today because there has been an overwhelming feeling among residents and community leaders that the Maine DOT has not taken the concerns of locals into account and has not been responsive to them. It all goes back to a little word we learned about in the last few years: "Substantive." Many of us submitted comments to the MDOT on the Draft Environmental Impact Statement (DEIS) released in March 2012, including testimony at the public hearing held in May 2012.

Many of the comments were thoughtful and included items such as: pointing out flaws in the vernal pool identification process, alerting the MDOT to and making observations about proximity to unmapped wetlands, questions regarding scientific methodology for other habitat, cost benefit calculations for noise mitigation, safety concerns given the downgrade in design and removal of center barriers, traffic flow through the East Eddington village area, preservation of historical and archaeological resources, and more. The point is – these were ***not*** NIMBY concerns that were presented.

The MDOT and their consultant prepared responses to these comments, which you can read for yourself in their response document, along with all the letters and public hearing testimony. What we found interesting, in reading their "Responses to Substantive Comments" document, was just how many of our comments were deemed "Not Substantive" and were summarily dismissed or outright ignored. As it turns out, what we learned well after all comment deadlines, was that this term "Substantive" is in fact defined in federal legislation, and there are very specific guidelines as to what could be deemed "Substantive" and would actually receive a response. However, none of that information was available in any public hearing notice or guidelines for submitting comments – so it is very hard to be able to format one's comments to

meet those guidelines without ever having those guidelines made known, and therefore very easy for MDOT to skip all comments and just deem them not substantive. Was this intentional obfuscation in an attempt to shut down the public input process? I do not know, but it is questionable at best. It is very hard for the general public to participate in the process, and seems to be getting harder all the time. Going back to the Sensible Transportation Policy Act, this is a perfect example of ***not*** taking into account the comments and concerns of citizens and being responsive.

INTRO/PROCESS/PUBLIC INVOLVEMENT:

Hello all, thank you for holding this public hearing. It is apparently our one chance for all communities involved to voice concerns regarding all the changes that have taken place since the last Public Advisory Committee (PAC) meeting of 2009. My name is Gretchen Heldmann, and I live right across the street. If this connector is built, I could stand to see some benefit, such as reduced traffic in front of my house, at least that's what is proposed. However, I moved to Rt. 9 knowing full well it was a very busy state road and there would be traffic – including a lot of big trucks. So to me, this connector isn't something I want or am looking forward to, in order to reduce traffic in front of my house. No, in fact, I care more about our community of Eddington as a whole, and I believe that this connector may have the single largest impact to this community in a long time. I care about this community – I volunteer regularly at Comins Hall and I serve on the Planning Board. I also care about the folks living on Rt. 46 – it is a dangerous road and something needs to be done. But I believe this connector is **not** the answer. This connector shifts the problem from one area of town to another. I also believe that the "protected corridor" proposed, which is basically from where the connector hits Rt. 9 just down the road here, out to the Clifton line, will end up destroying our community. While the state cannot force the Town to change its zoning, they are the ones that administer permits for driveway and road entrances onto Rt. 9 – and they could very easily decide to not grant any more permits in order to protect the corridor and maintain capacity to the end of the study period.

I have some questions and comments about the process over the last few years, since the last PAC meeting, which was in April 2009. At the April 2009 meeting, which I attended, the PAC agreed that 3EIK-2 was their preferred route, and they agreed to dismiss 2B-2 because it did not meet four out of five study criteria - but they were told the Army Corps of Engineers wanted to retain it. They STILL wanted to retain this route after knowing since at least 2002 that the route had very little public support. The PAC was told that vernal pool data was acquired and plotted, but no one saw any vernal pool maps until a few months ago. Keep in mind that the PAC had also been involved in the decision-making process for about a decade prior to this meeting.

As it turns out, after that meeting and unbeknownst to the PAC, 2B-2 was fully put back on the table and chosen (**not** by the PAC) as the preferred route, the vernal pools had not only been mapped, but it had already been determined there were too many along the PAC's preferred route of 3EIK-2. Apparently the work our friends and neighbors had put into the PAC for the last decade was of no importance and has been completely disregarded. The public process in general has been completely disregarded since April 2009, which goes against the Maine DOTs own Public Involvement Plan document, which lists nine things the Maine DOT is committed to: "1) Informing the public, 2) Proactively seeking and encouraging the public's early and continuing input and participation when developing policies, plans, programs, studies, projects, operations, and maintenance activities, 3) Adhering to the principles of Environmental Justice and Title VI of the US Civil Rights Act, 4) Being consistent with the Maine DOT Strategic Plan and the objectives of Connecting Maine, Maine DOT's statewide long-range multimodal transportation plan, 5) Improving customer service through training and effective external communication with stakeholders and the public, 6) Enhancing public awareness and participation, 7) Being fair, responsive and accountable to traditional and non-traditional

stakeholders, 8) Communicating effectively with the public, and 9) Making the best possible transportation decisions to effect and efficient multimodal transportation system that meets the Maine DOT mission and needs of the people of Maine.

It seems to me the theme there is public involvement, since six of nine of those points relate directly to communicating with and involving the public in the process.

Earlier this year, a series of questions were sent from Senator Susan Collins' office, to the Maine DOT for question and answer. [01/09/2012 Q&A from Sen. Collins Office to MDOT:] "Maine DOT will schedule a meeting with the PAC to update them on the decisions that have been made subsequent to the last PAC meeting. The PAC meeting should be scheduled within the next 4-6 weeks. Subsequent to the PAC meeting Maine DOT will schedule and hold meetings to update the Municipal Officials in the four affected communities. These meetings should be scheduled a few weeks after the PAC meeting."

None of that ever happened. Instead, we have been asking for information for months, and it has only been provided after much pushing or Freedom Of Access Act information requests. Both the website that hosts the study info and the Maine DOT Interagency Meetings website, were years out of date, and were not updated until I made a FOAA request for two years worth of Interagency Meeting notes and vernal pool information to try to understand the process over the last few years and also look at the data to back up the vernal pool maps.

VERNAL POOLS:

So let me talk about vernal pools for a moment. I have attended multiple vernal pool training workshops led by Dr. Aram Calhoun. There is a very specific process to assessing vernal pools, with a detailed data sheet to fill out, put together by the Maine Dept. of Inland Fisheries and Wildlife and the Maine Dept. of Environmental Protection, titled "Maine State Vernal Pool Assessment Form". There is also a "Vernal Pool Observer Credential/Project Contact Form" to list contact info and how the person is qualified to assess vernal pools. There are four main indicator species to look for: wood frogs, blue spotted salamanders, spotted salamanders, and fairy shrimp.

The MDOT did not use the Maine State Vernal Pool Assessment Form nor did they use any sort of standard method to gather vernal pool data. I asked for copies of the vernal pool field data sheets as part of my FOAA request, and what I got was a mish mash of their own version of field data sheets and field notebooks – with pages ripped out! When I asked about the discrepancy between MDIFW/MDEP and MDOT's ways of collecting info, and whether they had looked for fairy shrimp (since I saw no mention of them anywhere), I received the following via email:

[Email 03/01/12 from MDOT:] "We didn't look specifically about fairy shrimp, and we did not make a big effort to look for them. If we had seen them, we would have reported them…In terms of how our effort fits into the MDIFW requirements- and the simple answer is that it doesn't, and is not meant to. We have no plans of submitting any data collection forms to MDIFW as we don't own the land. When we identify an alternative and purchase rights of way, we will re-census the new rights of way only and submit any necessary data forms to MDIFW."

I do not understand how one state agency is able to follow a different set of standards and guidelines than another. Please explain.

There are also guidelines regarding landowner permission to enter onto someone's land to map vernal pools:
[IF&W Insider newsletter:] "Can a Significant Vernal Pool be documented on my property without my knowledge? NO. MDEP and MDIFW have a strict policy of requiring landowner permission before any pool is assessed or mapped."

This question regarding access was also asked at the very first PAC meeting in 2000:
[PAC #1 09/2000:] Jack: How will you gain access to property for study?
Bill: We do GIS tracking now. There is no access to property until later in the study and we will secure permission.

However, it seems that landowner permission was NOT secured by the MDOT when they went out to map vernal pools. They provided the following response to me via email:
[Email 02/29/12 from MDOT:] Pursuant to 23 MRSA § 701, employees of the department "are authorized to the extent necessary for surveys and preliminary engineering to enter and cross all lands within, adjoining and adjacent to the area to be surveyed." There is no requirement that Department of Transportation personnel obtain permission from landowners to conduct these preliminary engineering activities.

If vernal pool assessment and mapping counts as surveying and engineering, and the MDOT knew this all along, then why was the PAC mislead regarding landowner permission?

OTHER HABITAT: Judy Lindsey, former project manager, note on using utility corridors or not for fragmented habitat analysis: "If to our benefit use it as fragmented if not explain why not." If to our benefit use it as fragmented?? Where is the scientific methodology behind that??

NOISE MITIGATION:

The DEIS discusses noise mitigation options for indirectly affected residents. It states that the MDOT has a guideline of not spending more than $31,000 per benefiting receptor (meaning a single residence as far as I can tell), which is based on spending $31 per square foot to build a noise mitigation structure. The DEIS concludes that because the range of expenditure per benefitting receptor is from $194,168 to $1,043,724 – that the costs outweigh the benefits so they are not going to do it. What they do not provide, are any useful numbers, such as, what is the actual TOTAL cost to mitigate noise for each route? At the open house this afternoon I obtained a disc with the Noise Technical Memos and was told I could add up the figures on pg. 13 to obtain the total cost for noise mitigation. I added up the numbers for 2B-2 and came up with $8.7 million. $8.7 million to protect the blood, sweat, tears, and dollars that the tax-paying citizens of this state have put into their homes, protect all that from a connector that is going to negatively affect the noise levels on their properties, which in turn will negatively affect their property values. However, MDOT is perfectly fine with spending upwards of $4 million for mitigation of **direct** impacts to wetlands and vernal pools. At PAC meeting #3, the group agreed their top three priorities were:
[PAC#3 Top Priorities 11/15/2000:]
1. Safety
2. Travel efficiency
3. Neighborhood integration

Neighborhoods are not being integrated if noise is not being mitigated. Please reconsider your priorities and the need for noise mitigation.

REMOVAL/REINSERTION OF 2B MULTIPLE TIMES:

I also still do not understand the removal and reinsertion of 2B/2B-2 and how it meets the criteria.

02/2002 MDOT Alternatives Narrowing Process: To improve regional system linkage, 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 provide a substantial improvement in regional mobility and connectivity and would negatively affect local access. 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.

02/20/2002 PAC: Bill Plumpton gave an overview of the MDOT process of review and logic to reduce the number of alternatives for final comparison and detailed analysis (see attached). To fully satisfy the study purpose and need of improved system linkage, Bill said an alternative has to tie into Rte 9 east of Rte 46.

For these reasons, MDOT removed route 2B from the alternatives.

05/22/2002 PAC: "The Agencies" want to keep 2B because it "could be 'practicable' in accordance with the law. Bill Plumpton defined practicable as 'available and capable of being done after taking into account cost, existing technology, and logistics in light of overall purpose.'"

07/24/2004 Handout: "Maine DOT and FHWA have selected 3EIK-2 as their preferred alternative, but the Army Cops of Engineers is also soliciting comments regarding a second alternative, 2B-2."

What changed? I keep asking this question, and I even did a FOAA request to find this out, and still do not have an actual answer. Where are the data? Where are the analyses? Charts? Graphs? Regressions? Just because too many vernal pools were found along 3EIK-2 does not mean that some magic dust was sprinkled on 2B-2 and Rt. 9 that suddenly make it meet the needs – that is like comparing apples and elephants! Further, what is the point of developing a study purpose and needs, when it appears it will all be trumped by cost, existing technology, and logistics?

ECONOMIC DOWNTURN:

Is this connector still even needed? What is the rush? We have not seen a big boom in the economy as of late – in fact, the opposite has happened – so why do we need to push this DEIS through, without having given the PAC a chance to comment on all these changes? Speaking of changes and the economic downturn, the DEIS acknowledges the economic downturn, but continues to use traffic count data numbers from **before** the downturn. Numbers from after the downturn need to be included in all analyses now, to determine if the connector is still needed, what the design should be, design year, etc. The study year was changed to reflect the downturn, moving it out five years to 2035 from 2030. Where did the five year change come from? What data support a five year change? Why aren't more recent traffic count numbers being incorporated into analyses?

SAFETY:

What is the cost of a Maine life? I would wager it is worth far more – priceless, in fact – than the cost to install a barrier to divide these proposed two lanes of highway traffic. The cost should absolutely not be prohibitive in this case. $4 million on wetlands and vernal pools but we cannot spend $4 million to install some sort of divider that could potentially save a life. Last summer we lost a few lives on Rt. 9, right at the very bend where this connector is proposed to connect to Rt. 9. The sheriff has clocked people going in excess of 90 miles per hour at that same spot. There are school bus stops there. Where this connector is proposed to join Rt. 9, is already an unsafe location. Turning it into an intersection, with traffic flying off the connector at 55 miles per hour or more, and merging directly into our rural area, with a business entrance right there and school bus stops, does not make sense. Making everyone that commutes from outer Eddington, Clifton, Amherst, Aurora, etc now have to use a stop-sign intersection to continue onto Rt. 9 to make their way to the University, Hospitals, or other places of work in Bangor and beyond – does not make sense and will cause a daily commute nightmare. I drive Rt. 9 every day – and when I get into Bangor, the majority of the daily commuters I am in line with, take that first bridge to connect into Bangor. Not so many follow me to I-395 to get on the highway – and I only get on the highway to cross the river.

CLOSING:

Time and time again, the State continues to provide band-aid fixes to serious problems with our infrastructure because of cost. This connector is nothing more than another band-aid fix, going with the lowest cost option, that makes the least amount of sense, just so the State can say they did something, and by golly, they created some jobs, too! Yeah, and another stretch of road that will be inadequately maintained and cost us even more money into the future. A stretch of road and protected corridor that will destroy our community of Eddington, impact hunting and snowmobiling and other forms of recreation, and by the time the damage is irreversible, the State will be looking again at a connector to bypass the connector. While something does need to be done about traffic on Rt. 46, shifting the traffic to another road in town is not the answer. It does not meet the original criteria of providing a limited-access connection between I-395 and Route 9 east of Route 46, because alternatives that do not provide a limited access connection to Route 9 east of Route 46 would not provide a substantial improvement in regional mobility and connectivity and would negatively affect local access. This connector is not the answer and it is certainly not good for the entirety of the residents of the Town of Eddington.

Design Criteria Change: Freeway to Rolling Rural

What it states in the DEIS (03/07/12): "The build alternatives would be controlled-access highways and were conceptually designed using the MaineDOT design criteria for freeways. (pg. s7-s9)"

capacity. Route 1A east of Route 46 is forecasted to decrease from LOS D in 1998 to LOS E by 2035. LOS E is defined as traffic flow on two-lane highways having a time delay of greater than 75 percent. Passing under LOS E conditions is virtually impossible. LOS E is seldom attained over extended sections of level terrain on more than a transient condition; most often, small disturbances in traffic flow as LOS E is approached causes a rapid transition to LOS F.

The intersection of Routes 1A and 46 is a signalized intersection. This intersection serves traffic traveling to and from the areas of Downeast Maine and traffic to and from the Ellsworth area and the coast. In 1998, the overall performance of this intersection was estimated using peak-volume conditions at LOS B. By 2035, with increases in traffic volume and corresponding increases in delays, this intersection is forecasted to decline to an overall performance of LOS F. LOS F at a signalized intersection describes a control delay exceeding 80 seconds per vehicle. This LOS occurs when arrival flow rates exceed the capacity of the intersection.

In 1998, the delay on northbound Route 46 to the intersection of Routes 46 and 9 was estimated using peak-volume conditions to be 6.5 seconds (LOS A). By 2035, with increases in traffic volume, this delay is forecasted to increase to 119.4 seconds (LOS F).

Exhibit S.4 – *DHV, v/c Ratio, LOS, and Average Travel Speed for Roadways Segments*

Year	DHV	v/c Ratio	Average Travel Speed (mph)	LOS Rural Two–Lane Road
Route 1A east of I-395				
1998	1,840	0.63	34.6	E
2006	2,001	0.69	33.2	E
2035	3,269	1.12	varies	F
Route 1A east of Route 46				
1998	1,282	0.43	44.1	D
2006	1,268	0.43	44.2	D
2035	2,123	0.72	37.5	E
Route 46 between Routes 1A and 9				
1998	244	0.14	45.1	C
2006	197	0.12	45.6	C
2035	1,006	0.40	40.8	D
Route 9 east of Route 178				
1998	641	0.27	41.2	D
2006	629	0.26	41.3	D
2035	873	0.36	39.5	E
Route 9 east of Route 46				
1998	505	0.20	43.9	D
2006	573	0.23	43.5	D
2035	1,267	0.46	39.3	E

Alternatives

From 2001 to 2010, the MaineDOT and the FHWA conceptually designed and analyzed the No-Build Alternative and more than 70 build alternatives that could potentially satisfy the study purpose and needs and the USACE basic project purpose (exhibit S.5). The build alternatives would be controlled-access

highways and were conceptually designed using the MaineDOT design criteria for freeways.

Two lanes would be constructed and used for two-way travel within an approximate 200-foot-wide right-of-way. In designing and analyzing alternatives, the MaineDOT and the FHWA consulted with regulatory and resource agencies at the state and federal level, local officials, special-interest groups, the Public Advisory Committee (PAC), and the public. At the end of the process of identifying, developing, analyzing, and screening alternatives, four alternatives, including the No-Build Alternative, were retained for further consideration and detailed study.

A screening process, undertaken in several stages, was established to systematically consider the wide range of potential alternatives and to identify a reasonable number to be retained for detailed analysis (see Appendix C). The screening analysis considered alternatives that fit into five broad "families", as follows:

- **Family 1: The Upgrade Alternatives.** Widening and other improvements to Route 1A (from I-395 to Route 46) and Route 46 (from Route 1A to Route 9) approximately 10 miles long. Although one upgrade alternative was initially considered, six upgrade and five partial-upgrade alternatives ultimately were considered.
- **Family 2: The Northern Alternatives.** Alternatives that began at the I-395/Route 1A interchange and generally proceeded in a northerly direction to connect with Route 9. These alternatives were five to 10 miles in length, depending on the distance on Route 9 used as part of the alternative. Twelve alternatives in this family were ultimately studied.
- **Family 3: The Central Alternatives.** Alternatives that began at or near the I-395/Route 1A interchange and generally proceeded east and west through the study area to Route 9 east of Route 46. These alternatives were seven to 11 miles in length, depending on the distance on Route 9 used as part of the alternative. Using all possible combinations of the six western components, the four eastern components, and component 3K, 36 possible central alternatives were initially created. Five other alternatives (for a total of 41) in this family were ultimately developed by modifying some of the initial 36 alternatives.
- **Family 4: The Southern Alternatives.** Alternatives that began near the I-395/Route 1A interchange and that were south of Route 1A and east of Route 46. These alternatives paralleled Routes 1A and 46, and intersected Route 9 in East Eddington. These alternatives were

"Design criteria for freeways" is further mentioned on pages s12, s13, s14, 42, 45, 49, & 53.

Prior to the DEIS, the MDOT was discussing using a "Rolling Rural" design:

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%.

This is a memo entered into the official project file for the connector study. It describes estimated reductions in cost that can be achieved by "using a rolling design". It is dated 01/30/12.

What is a "rolling design"? According to MDOT Commissioner David Bernhardt and MDOT Chief Engineer Ken Sweeney, Rt. 9 is an example of a rolling rural design and has been re-built over the years to those standards (Email communication from Carol Woodcock of Senator Susan Collins' office describing her meeting with Mr. Bernhardt & Mr. Sweeney in early April 2013).

Other than that, I cannot find mention of this exact term anywhere, not even in the National or State Standards—Highway Design Guides. Those documents indicate that Rolling appears to reference Terrain (Definitions) under Vertical Alignment guidelines. Rural appears to relate to Functional Class: Urban Freeway, Rural, Arterial, Collector, Local.

The following is a letter sent to the MDOT by their consultant, describing estimates for a reduction in cost based on changing the design criteria. It is dated 12/06/11.

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

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

WMP/
Attachment
Pc: D. Hamlet
File 048570

Gannett Fleming, Inc.

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t: 717.763.7211 • f: 717.763.8150
www.gannettfleming.com

000372

Stewart, Jean

From:	Plumpton, William M. <wplumpton@GFNET.com>
Sent:	Wednesday, January 18, 2012 1:39 PM
To:	Charette, Russ
Subject:	395 - alternatives in the '3' family

Russ:

Good afternoon and thanks for letting me clarify the dismissal of some alternatives in favor of continued use of Route 9.

1. According to the Federal Cooperating Agencies – Corps, EPA, and the USWFS – alternatives in the '3' family have substantially greater impacts to the natural environment (waters, wetlands, water quality, vernal pools, habitat among others) and, because other alternatives exist that satisfy the study purpose and needs with less environmental impact, alternatives in the '3' family would not be permitted under Section 404 of the Clean Water Act and needed to be dismissed from further consideration.

   This was the primary reason why the FHWA elevated the study from an EA to an EIS in 2005.

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

3. In consideration of the status of available funding, now and in foreseeable future, the DOT 'rightsized' the project to use as much of Route 9 as possible and considered anything that didn't use Route 9 in its current condition (i.e., 2 lane and no need to widen it) beyond that which was reasonably foreseeable.

This is an email sent to the MDOT by their consultant, describing reasons for continued use of Rt. 9. It is dated 01/18/12.

"The DOT took another hard look at Route 9."

"In consideration of the status of available funding, now and in foreseeable future, the DOT 'rightsized' the project…"

Design Year Change: 2030 to 2035

The DEIS briefly discusses the change in design year and the reasons why, on pages s5 and 9: "With the recent economic downturn and increase in the price of gas, traffic in the study area has not grown as fast as previously thought."

Pg. 19 of the DEIS: "The MaineDOT took new traffic counts in the study area in 2006 and truck counts on Route 178 at Route 9 in August 2008. The MaineDOT reported the results of these traffic counts in the EIS and revised the traffic projections for the area for 2010 and 2035 using these more recent traffic counts and its statewide travel-demand traffic model."

1.3.2 Safety Concerns

Locations in the study area exhibit higher crash rates than other locations in Maine with similar characteristics.

Data were collected and analyzed to identify high crash locations (HCLs) using a critical rate factor (CRF). The CRF of an intersection or roadway section is a statistical measure of that location's crash history as compared to locations with similar geography, traffic volume, and geometric characteristics. When a CRF exceeds 1.00, the intersection or portion of a roadway has a higher-than-expected crash rate. Those locations with a CRF higher than 1.00 and more than eight crashes in a three year-period are considered HCLs.

Data were collected and analyzed to identify HCLs in the study area (exhibit 1.5). MaineDOT crash data for January 2004 through December 2008 indicate 10 HCLs that meet the criteria in the study area (MaineDOT, 2007b; MaineDOT, 2010).

The majority of crashes occurred on clear days with dry road conditions (MaineDOT, 2000b).

1.3.3 Traffic Congestion

Since the extension of I-395 from Bangor to Route 1A in 1987, traffic volumes in the study area have increased steadily. This growth has been most pronounced along Route 46 between Routes 1A and 9, which has become more widely used by both passenger vehicles and trucks as a connection among I-95, I-395, and Route 9.

Much of the truck traffic in the study area is through-traffic. Most of the truck trips are between the Canadian Maritime Provinces and Washington County at the eastern end, and Penobscot County and the New England states at the western terminus of the trips (MaineDOT, 2000a). Approximately 80 percent of truck traffic on Route 9 uses Route 46, and approximately five of six heavy trucks that use Routes 46 and 1A also use I-395 (MaineDOT, 2001). Route 46 south of Route 9 exhibited the greatest annual growth rate (i.e., annual growth factor of 1.121) in heavy-truck traffic between 1983 and 1996 of all roadways in the greater Bangor area (BACTS, 1998).

Estimates of the current and future annual average daily traffic (AADT) for all vehicles and heavy trucks were determined based on MaineDOT traffic count data (exhibit 1.6).

With the recent economic downturn and increase in the price of gas, traffic in the study area has not grown as fast as previously thought. The MaineDOT and FHWA anticipate the growth in traffic and traffic volumes originally forecast for the study area for the year 2030 won't materialize until the year 2035. By 2035, traffic volumes on Route 46 between Routes

State of Maine
Department of Transportation
MEMORANDUM

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

From: Ed Hanscom, Transportation Analysis

Subject: I-395/Route 9 Transportation Study – Revised Projections

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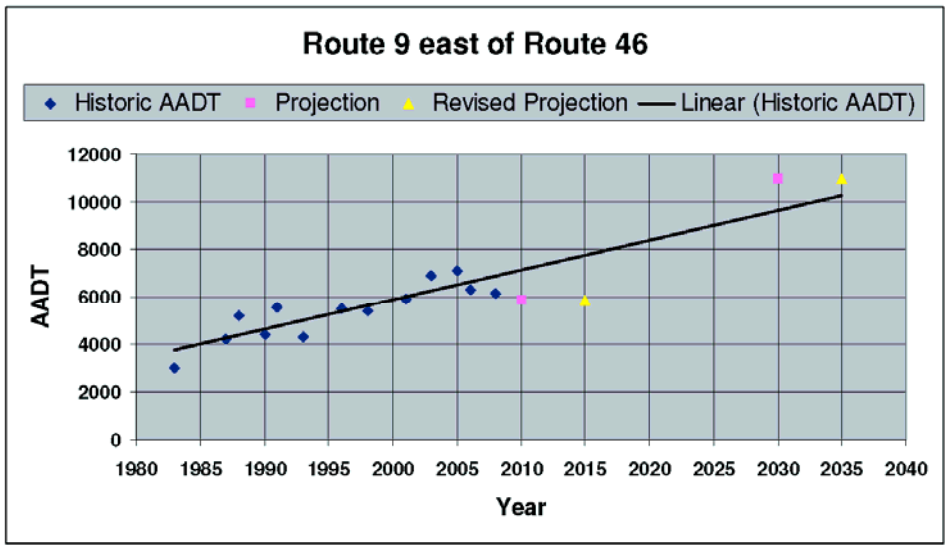
Given that the current design-year projection for the I-395/Route 9 Transportation Study is currently 2030 and the anticipated construction of the preferred alternative is unlikely until the 2013-15 time period, consideration has been given to extending the design-year to 2035. The 2035 design year would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

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

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



Revision 2030 to 2035.docx2/5/13

This is a memo acquired as part of the FOAA I personally pursued with MDOT in December 2012. This memo was also in the FOAA the town received (pg. 221, 332).

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

The memo continues on to state that traffic volumes were reviewed and projections revised.

As stated above, traffic counts were taken in 2006 and August 2008. The reasons for the change are economic downturn, and increase in price of gas (or, apparently, anticipated construction timeline).

Gas prices have increased over time.

Consumer Price Index - Average Price Data

Original Data Value
Source: US Dept. of Labor—Bureau of Labor Statistics
Series Id: APU000074714
Area: U.S. city average
Item: Gasoline, unleaded regular, per gallon/3.785 liters

Years: 2003 to 2013

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
2003	$1.47	$1.64	$1.75	$1.66	$1.54	$1.51	$1.52	$1.63	$1.73	$1.60	$1.54	$1.49	$1.59
2004	$1.59	$1.67	$1.77	$1.83	$2.01	$2.04	$1.94	$1.90	$1.89	$2.03	$2.01	$1.88	$1.88
2005	$1.82	$1.92	$2.07	$2.28	$2.22	$2.18	$2.32	$2.51	$2.93	$2.79	$2.34	$2.19	$2.30
2006	$2.32	$2.31	$2.40	$2.76	$2.95	$2.92	$3.00	$2.99	$2.59	$2.27	$2.24	$2.33	$2.59
2007	$2.27	$2.29	$2.59	$2.86	$3.13	$3.05	$2.96	$2.78	$2.79	$2.79	$3.07	$3.02	$2.80
2008	$3.05	$3.03	$3.26	$3.44	$3.76	$4.07	$4.09	$3.79	$3.70	$3.17	$2.15	$1.69	$3.27
2009	$1.79	$1.93	$1.95	$2.06	$2.27	$2.63	$2.54	$2.63	$2.57	$2.56	$2.66	$2.62	$2.35
2010	$2.73	$2.66	$2.78	$2.86	$2.87	$2.74	$2.74	$2.75	$2.70	$2.80	$2.85	$2.99	$2.79
2011	$3.09	$3.17	$3.55	$3.82	$3.93	$3.70	$3.65	$3.63	$3.61	$3.47	$3.42	$3.28	$3.53
2012	$3.40	$3.57	$3.87	$3.93	$3.79	$3.55	$3.45	$3.71	$3.86	$3.79	$3.49	$3.33	$3.64
2013	$3.35	$3.69											

The economic downturn however, took the sharpest turn for the worse in September 2008, which is ***after*** when these traffic counts were collected. September 2008 is when the stock market plunged, Lehman Brothers crumbled, the Federal government took over Fannie and Freddie, President Bush signed the first bailout into law, and so forth.

Lastly, an observation of timeline details:

· Carol Woodcock, of Senator Susan Collins' office, submitted a series of questions to the MDOT on January 9, 2012.

· The MDOT responded to all 41 questions on January 18, 2012, referring throughout to a study design year of 2030.

· The DEIS (dated March 2012) states a design year of 2035.

· The above traffic memo is dated January 11, 2012 and makes official the design year change to 2035.

Did the change in design year get lost in the jumble?

Benefit to Cost Ratio & Analysis part 1

"The estimated construction costs of alternatives include the costs of preliminary engineering, construction engineering, utility relocation, acquisition of property for right-of-way, and mitigating environmental impacts. The costs of the build alternatives would range between approximately $61 million and $81 million (in 2011 dollars)." (DEIS pg. s15-s18)

(continued next page)

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

From: Charette, Russ

Sent: Friday, January 13, 2012 12:22 PM

To: Sweeney, Ken

Subject: I-395/Route 9 Study

Ken,

These are the notes Bill took in a conversation about (some) of your comments. Were there others?

Ken stopped this morning to discuss the Adm. Draft DEIS he had two comments:

Replace Jonathon with Todd Jorgensen, the new Division Administrator as the FHWA signatory

Minimize the discussion of the alternatives connection with the concept of an East-West highway. Instead, emphasize the alternative's regional benefits, connectivity of direct access from I-395 to Route 9, and the safety aspects of the connection.

Russ

Russell D. Charette, P.E.

Director, Mobility Management Division

Bureau of Transportation Systems Planning

MaineDOT 16 State House Station

Augusta, Maine 04333

Phone: 207-624-3238

Fax: 207-624-3301

01/13/2012: This is an email from Chief Engineer Ken Sweeney to Project Manager Russ Charette, telling him what the costs should be for the alternatives. "Fill in the range of cost alternatives...Low should be no greater than $65 M ..you decide High."

01/20/2012: Email thread between Mr. Sweeney and Mr. Charette. Mr. Sweeney stated he needed to see the cost estimates from the consultant first before drafting a memo to the file as requested by Mr. Charette (pg. 640 FOAA).

01/30/2012: Mr. Sweeney's memo to the file (shown under "Design Criteria Change: Freeway to Rolling Rural"). He indicated the cost estimates could be reduced by one-third due to the down-design, and reducing the contingency line.

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**

December 2011 FOR INTERNAL USE ONLY *www.i395-rt9-study.com*

These are the cost estimates sent to Mr. Sweeney, which he reviewed and decided to reduce by one-third, to reach $61 million.

However,$93,240,000.00 ÷ 3 = $31,080,000.00

$93,240,000.00 - $31,080,000.00 = $62,160,000.00

Note that the cost does not seem to include Mitigation.

Benefits are calculated at $61,424,195 as shown below.

The cost has now changed to $61 million and I have not found where the $1,160,000 has gone.

The benefits calculation does not include jobs creation, transportation benefits beyond the study year, or long term maintenance (pg. 277 FOAA). Given those missing items, the calculated Benefit to Cost ratio is 1.1 according to this document.

1.1 is achieved by using the Average Annual Equivalents numbers (rounded up from 1.077). Using the bottom-line figure Sum of Present Values, the B/C is 1.007

When one examines the calculated amount of cost of construction, reduced mathematically by one-third, and compare to the established benefit amount of $61,424,195 then one comes up with a B/C of 0.988.

The MDOT acknowledges in an email that adjusting the discount rate can create a more favorable BCR (pg. 277 FOAA).

I-395/Route 9 Transportation Study Environmental Impact Statement

Net Present Value Analysis and Benefit-Cost Ratio of Modeled Transportation Benefits

August 1, 2012

000187

Inputs

0.07 Percent Discount Rate *(references: http://www.fhwa.dot.gov/infrastructure/asstmgmt/primer03.cfm, http://www.whitehouse.gov/omb/circulars_a094)*

20 Years Analysis Period

Calendar Year	Project Life	Study Year/ Exponent	Present Value Factor	Construction Costs		Benefits	
				Current Year	Present Value	Current Year	Present Value
2015		0		$61,000,000	$61,000,000	0	0
2016	1	1	1.00000	0	0	4,167,500	4,167,500
2017	2	2	0.87344	0	0	4,386,842	3,831,638
2018	3	3	0.81630	0	0	4,606,184	3,760,018
2019	4	4	0.76290	0	0	4,825,526	3,681,371
2020	5	5	0.71299	0	0	5,044,868	3,596,921
2021	6	6	0.66634	0	0	5,264,211	3,507,766
2022	7	7	0.62275	0	0	5,483,553	3,414,881
2023	8	8	0.58201	0	0	5,702,895	3,319,137
2024	9	9	0.54393	0	0	5,922,237	3,221,304
2025	10	10	0.50835	0	0	6,141,579	3,122,067
2026	11	11	0.47509	0	0	6,360,921	3,022,028
2027	12	12	0.44401	0	0	6,580,263	2,921,716
2028	13	13	0.41496	0	0	6,799,605	2,821,594
2029	14	14	0.38782	0	0	7,018,947	2,722,069
2030	15	15	0.36245	0	0	7,238,289	2,623,489
2031	16	16	0.33873	0	0	7,457,632	2,526,158
2032	17	17	0.31657	0	0	7,676,974	2,430,333
2033	18	18	0.29586	0	0	7,896,316	2,336,235
2034	19	19	0.27651			8,115,658	2,244,047
2035	20	20	0.25842	0	0	8,335,000	2,153,922

Benefits and Assumptions

Benefits (2011$)

$5,117,000	reduction in crash costs
$417,000	reduced vehicle operating costs
$2,801,000	travel time savings
$8,335,000	
$4,167,500	
$219,342.11	(half of total benefits, divided by 19 years)

Assumptions:

1. $8,335,000 in benefits would occur as of design year 2035. However, a lower level of annual benefits would begin in year 1 of project life. Because the amount of benefits was not modeled separately for each project year, it was assumed that 1/2 of design year benefits would occur in project year 1, and increase linearly until 2035.
2. The salvage value of right-of-way was not subtracted from the total project cost. Subtracting the salvage value would decrease the project cost and increase the positive benefit-cost ratio.

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

Notes:

1. Benefits calculated to design year of 2035, however roadway is expected to exist past 2035 and would continue to provide transportation benefits .
2. Other non-transportation benefits, such as employment and related economic development supported by improved mobility and access, are not accounted for and would provide additional benefits for the public.

"The estimated construction costs of alternatives include the costs of preliminary engineering, construction engineering, utility relocation, acquisition of property for right-of-way, ***and mitigating environmental impacts***. The costs of the build alternatives would range between approximately $61 million and $81 million (in 2011 dollars)." (DEIS pg. s15-s18)

Benefit to Cost Ratio & Analysis part 2

The MDOT has performed B/C analyses before on transportation planning projects, such as the Wiscasset Bypass study. This is a section from pg. 29 of the "Wiscasset Route 1 Corridor Study Phase II Alternatives Analysis Supplement" dated Sept. 2009. This analysis includes estimated mitigation costs, and was performed by the same consultant as the I-395/Rt. 9 Study.

These alternatives all show a Benefit to Cost Ratio of 2.27 or greater.

4.4. Summary Comparison of Alternatives – Part 3 (Transportation and Cost Considerations)

Criteria	No Build	N8c	N2f	N2a
Traffic Safety & Mobility				
Change in Annual Crashes, 2030	0	-9	-15	-8
Change in VMT, 2030	0	9,700,000	8,500,000	9,300,000
Change in VHT, 2030	0	-1,130,000	-1,090,000	-1,030,000
Estimated Capital Cost, $M (2006) [8]	$1.1	$82.25	$78.95	$81.75 [8]
Life Cycle Cost, $M (100 Years)	N.A.	$136.01	$123.88	$122.02
Benefit-to-Cost Ratio (Life Cycle)	N.A.	2.46	2.43	2.27
Mitigation Costs (Included in Estimated Capital Cost, Life Cycle Cost & Benefit-to-Cost Above)				
Wetland, $M	N.A.	$1.35	$1.45	$2.05
Wildlife, $M	N.A.	$1.40	$1.80	$1.70
Historic, $M	$0.02	$0.10	$0.23	$0.06
Constructability				
Cofferdam Pier Construct Time (Weeks)	N.A.	32	20-30	6
Earthwork (Cubic Yards)				
Cut (Cubic Yards)	0	920,000	1,150,000	965,000
Fill (Cubic Yards)	0	275,000	420,000	400,000
Excess Earthwork (Cubic yards)	0	645,000	730,000	565,000
Operations	Mobility Decline	Improved Mobility	Improved Mobility	Improved Mobility

[8] Costs updated from DEIS to include new Clark's Point right-of-way and historic preservation costs.

27

<u>The Wiscasset Bypass Study was terminated by the MDOT Commissioner in August 2011.</u>

MDOT Press Release: "The cost of building the bypass far exceeds any potential benefits to motorists and the communities," said MaineDOT Commissioner David Bernhardt. "At a time when we have difficulty finding the financial resources to maintain our existing infrastructure, I cannot justify the expense of building a bypass around Wiscasset."

"Adding more miles to our transportation system in this current fiscal environment doesn't make financial sense," said Bernhardt, "Our responsibility going forward is to manage our existing infrastructure within our existing budget."

With current funding levels stable at best, MaineDOT concluded that the expenditure of funds on new infrastructure was not justifiable.

"The long-term financial forecast for transportation funding makes it difficult to continue to spend scarce resources on such a large, financially unviable project," said Bernhardt, "We are struggling to maintain the roads and bridges we currently have in safe and serviceable condition."

"A project of this magnitude requires major federal participation as well as some type of special funding from the state," said Bernhardt, "We simply do not see this type of funding becoming available in the foreseeable future."

MDOT Letter to Bypass Task Force Members: "Our responsibility going forward is to manage our existing obligations within our existing budget, and to limit adding new infrastructure to that which is shown to provide overwhelming benefits. We know federal transportation funding will continue to decrease, and the era of special earmarks for transportation projects is over.

The department has to look carefully at the potential cost and benefits of any new infrastructure being considered in Maine. Up until the last year, we believed that over time we could develop funding and make the case for spending what will be close to $100 million on this bypass, however, this is no longer possible.

Therefore, I have concluded that the long-term financial forecast – balanced against our number one priority of maintaining the infrastructure we already have and the limited benefits a bypass would provide – makes it impossible to justify that expenditure for this project."

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

JUDY LINDSEY

MAINE DEPARTMENTOF TRANSPORTATION

BUREAU OF TRANSPORTATION SYSTEMS PLANNING

16 STATE HOUSE STATION

AUGUSTA, MAINE 04333-0016

(207) 624-3291

JUDY.LINDSEY@MAINE.GOV

From: Bostwick, Richard
Sent: Friday, July 29, 2011 1:47 PM
To: Lindsey, Judy
Cc: Ham, Eric
Subject: I-395 connector

I have been told by Judy that Management wants to go with the 2 lane options for the I-395 Brewer to Eddington connector. We have been told that we only need Sect 7 consult on the 2 lane option. Will GF be evaluating the stream crossings and provide a revised length of crossing for the streams that they gave us 4 lane crossings for?

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Richard Bostwick
Supervisor of Field Services
MaineDOT -ENV

08/01/2011: This is an email from the Project Manager at the time, to other MDOT staff.

"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."

The email on the bottom half of the page reads, "I have been told by Judy that Management wants to go with the 2 lane options for the I-395 Brewer to Eddington connector."

After the Fact: Changing & Moving Right-of-Way

000417

Stewart, Jean

From: Plumpton, William M. <wplumpton@GFNET.com>
Sent: Thursday, January 26, 2012 8:13 AM
To: Charette, Russ
Subject: RE: Draft language for eventual inclusion in DEIS
Attachments: Chapter 2 - pgs 56-57.pdf

Russ:

Thanks and new text attached.

I know you said FHWA wants to see it before we formally add it. When they review it, you may wish to remind them that 1) we haven't done any survey yet (we used the USGS 2-foot contours for conceptual design), and 2) the towns didn't have digital property information to share with us for use in conceptual design. We had to digitize the property maps for use. Things may be a bit different. Thanks. Bill.

From: Charette, Russ [mailto:Russ.Charette@maine.gov]
Sent: Thursday, January 26, 2012 7:39 AM
To: Plumpton, William M.
Subject: RE: Draft language for eventual inclusion in DEIS

Bill,

I would suggest that we add just a bit more language to indicate that we would concurrently shift/move the Right of Way as part of that process. We had similar language in our Aroostook County Transportation Study (Caribou Connector project) and we were not allowed to move the planning level corridor.

Russ

Russell D. Charette, P.E.
Director, Mobility Management Division
Bureau of Transportation Systems Planning
MaineDOT 16 State House Station
Augusta, Maine 04333
Phone: 207-624-3238
Fax: 207-624-3301
E-Mail: Russ.Charette@Maine.Gov

From: Plumpton, William M. [mailto:wplumpton@GFNET.com]
Sent: Thursday, January 26, 2012 7:25 AM
To: Charette, Russ
Subject: RE: Draft language for eventual inclusion in DEIS

Russ:

Good morning. Please see the attached excerpt from the ADEIS which we are still revising; the red text shows the changes from the ADEIS dated 11/17/11.

Let us know if you would like anything more or different and gladly make the change. Thanks. Bill. 000418

From: Charette, Russ [mailto:Russ.Charette@maine.gov]
Sent: Wednesday, January 25, 2012 5:11 PM
To: Plumpton, William M.
Subject: Draft language for eventual inclusion in DEIS

Hi Bill,

MaineDOT had a discussion in our Major Studies meeting today about including language in the DEIS for the I-395/Route 9 Study (and possibly another EIS we have in process) about being able to slightly modify the Right of Way corridor location to avoid and minimize impacts to cultural and social resources based on actual survey data.

Please prepare a draft paragraph or so to include in the environmental document. As you well know the Alternatives had been prepared based on planning level data. An ability to "tweak" the ROW corridor as part of final design will be very helpful as we move forward.

Feel free to strengthen my attempt in crafting language to meet that need. FHWA wants to see an initial draft before they agree with the concept. You might also suggest where in the document we would place the language. One of the issues that may come up in further discussions would be the question as to what constitutes a "slight" modification. In our discussion today our chief engineer mentioned 50 feet +/-.

Please let me know if you have any questions.

Russ

Russell D. Charette, P.E.
Director, Mobility Management Division
Bureau of Transportation Systems Planning
MaineDOT 16 State House Station
Augusta, Maine 04333
Phone: 207-624-3238
Fax: 207-624-3301
E-Mail: Russ.Charette@Maine.Gov

01/26/12: This email thread shows a discussion regarding changing the wording in the DEIS to allow MDOT to “shift/move the Right of Way” and to “’tweak’ the ROW corridor as part of final

design".

"In our discussion today our chief engineer mentioned 50 feet +/-."

"Two lanes would be constructed and used for two-way travel within an approximate 200-foot-wide right-of-way." (DEIS, pg. s9, s13, s14, 42, 45, 49, 53)

"During final design, the Maine DOT would continue to refine the alignment and its right-of-way within the preferred corridor to further avoid and minimize impacts to the natural, social, and economic environments and to coordinate with those that are affected." (DEIS, pg. 57)

CU1143

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

JUDY LINDSEY

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JUDY.LINDSEY@MAINE.GOV

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Sent: Friday, July 29, 2011 1:47 PM
To: Lindsey, Judy
Cc: Ham, Eric
Subject: I-395 connector

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Richard Bostwick
Supervisor of Field Services
MaineDOT -ENV

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Not only does the DEIS indicate that the ROW width would be ***200ft***, but that refinement would occur ***within the corridor***. This email indicates they decided long beforehand that the ROW width would be 100ft to 125ft.

These changes—both moving the corridor and reducing the ROW width—could affect which properties would be taken, and how close someone may end up being to this roadway.

38. Will the proposed connecting route be built to interstate grade standards?
No, the build alternatives would be controlled-access highways and were conceptually designed using the MaineDOT design criteria for freeways. Two lanes would be constructed and used for two-way travel within an appropriate 200-foot-wide right-of-way.

39. Is this going to be designed as a four-lane, divided highway?
No, the build alternatives would be controlled-access highways and were conceptually designed using the MaineDOT design criteria for freeways. Two lanes would be constructed and used for two-way travel within an appropriate 200-foot-wide right-of-way.

40. Are there construction funds?

This Q&A list was sent by Senator Susan Collin's office in January 2012 as previously mentioned. The responses from MDOT do not discuss the changes already in the works such as the down-design to rolling rural or reducing the right-of-way width (as evidenced in the August 2011 email on the "Benefit to Cost Ratio & Analysis part 2" poster and the Dec. 2011 letter from the consultant to MDOT regarding a change to rolling rural design, shown on "Design Criteria Change: Freeway to Rolling Rural" poster.)

Other Interesting Tidbits

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

This is a document written to the project file, outlining steps that need to be taken and items to be discussed.

It is interesting to note that the FHWA liaison Mark Hasselmann does not think that 2B-2 meets Purpose and Need.

MDOT and FHWA do not agree on a number of items.

Two weeks prior to this letter to the file, there was a series of anonymous postings made to an online NEPA forum, outlining very similar questions and concerns as Mr. Hasselmann has here (pg. 129-132 FOAA).

Mr. Hasselmann was concerned about the proposed down-design in number of lanes and ROW width, as he felt it would be comparing apples to oranges regarding all the other alternatives considered and discarded.

Would any of those alternatives, given a smaller footprint, have had less adverse environmental impact, and thus be a viable option?

Mr. Hasselmann was overruled by his superior at FHWA.

000257

Stewart, Jean

From: Charette, Russ
Sent: Friday, October 12, 2012 3:53 PM
To: Plumpton, William M.
Subject: Cost Estimates

Hi Bill,

I know that we have had quite a bit of discussion with Ken as to costs for the alternatives.

I'm still working to catch up and need estimated costs for the preferred alternative broken down into the following categories:

PE/CE
ROW
Construction
Mitigation
Utility Relocation

We are working on the next department work plan and I need the estimates to include them in the submission that I'm working on. Obviously, I'm paying the price for taking a week off.

Please let me know if you have any questions.

I will need these by Monday afternoon at the latest.

Russ

Russell D. Charette, P.E.
Director, Mobility Management Division
Bureau of Transportation Systems Planning
MaineDOT 16 State House Station
Augusta, Maine 04333
Phone: 207-624-3238
Fax: 207-624-3301
E-Mail: Russ.Charette@Maine.Gov

10/12/12 email from Project Manager Russ Charette to Consultant: “We are working on the next department work plan and I need the estimates to include them in the submission that I’m working on.”

10/15/12: I sent an email to Russ Charette asking about the proposed transportation bond at the time. I have asked multiple times about funding for this project, including multiple bond initiatives. I asked, “So, is the connector part of this bond or not? If not, has funding already been set aside for this connector? If not, has a funding source been identified?” In response, I received a phone call from the Assistant Director of the Bureau of Transportation Systems Planning, who assured me that he was 99.9% sure this project was not part of this bond, nor was there funding set aside.

I have not found this project in the work plan released a couple months ago, but there are a number of vaguely-named projects in the plan.

Gretchen Heldmann <gheldmann@gmail.com>

LD 47 follow-up information & thank you

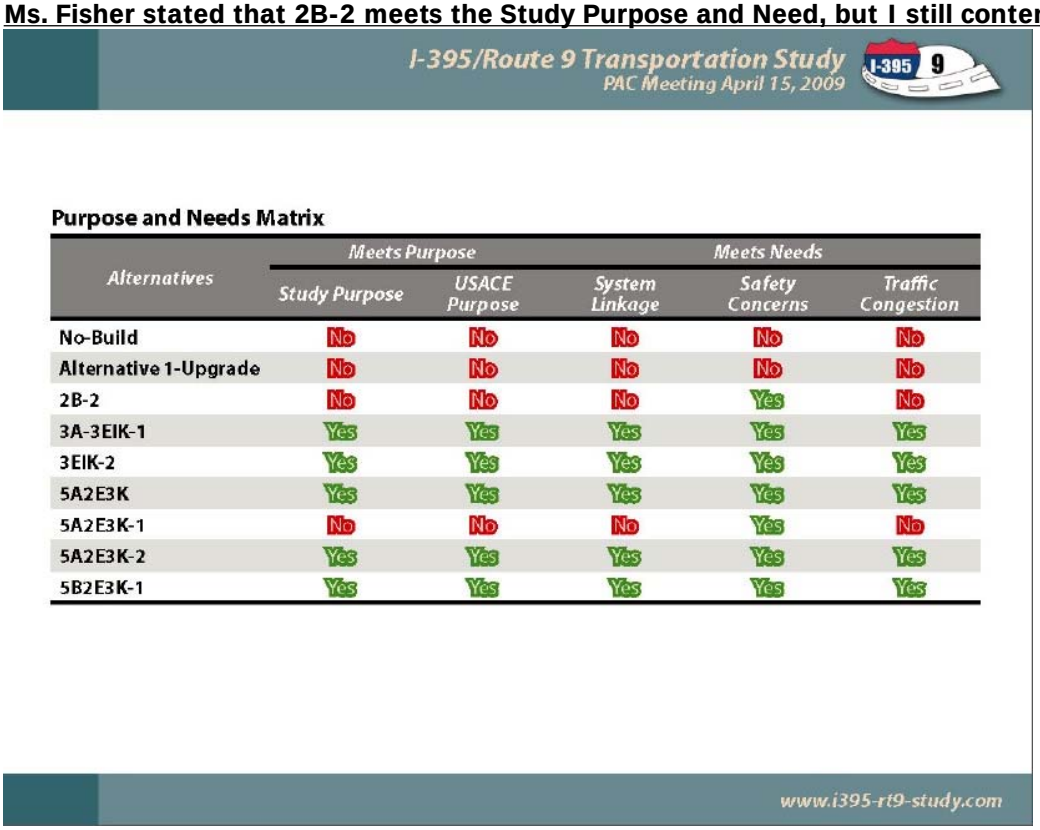
Gretchen Heldmann <gheldmann@gmail.com> Wed, Feb 4, 2015 at 1:47 PM
To: Brian.Hobart@legislature.maine.gov, RCollins7@maine.rr.com, kimberley.rosen@legislature.maine.gov, diamondholly@aol.com, Andrew.McLean@legislature.maine.gov, George.Hogan@legislature.maine.gov, Christine.Powers@legislature.maine.gov, Arthur.Verow@legislature.maine.gov, Mark.Bryant@legislature.maine.gov, Jared.Golden@legislature.maine.gov, Wayne.Parry@legislature.maine.gov, James.Gillway@legislature.maine.gov, Bradlee.Farrin@legislature.maine.gov
Cc: darlene.simoneau@legislature.maine.gov

Honorable Members of the Committee on Transportation:

Thank you again for the opportunity to present testimony at the public hearing for LD 47 yesterday. I wanted to take a moment to address some of the items mentioned in other testimony.

I would like to state again that I am not directly affected by the 2B-2 connector, and if anything, that option would likely reduce the truck traffic in front of my house on Rt. 9. I also agree that Rt. 46 is very unsafe and something needs to be done - but a short-term band-aid fix that does not meet the Purpose and Needs is not the answer.

Ms. Fisher stated that 2B-2 meets the Study Purpose and Need, but I still contend it does not



This is a slide from the presentation made at the April 2009 Public Advisory Committee (PAC) meeting. It clearly shows 2B-2 does not meet four out of five P&N requirements.

There are also these key timeline dates to consider:

- 02/2002 MDOT Alternatives Narrowing Process: To improve regional system linkage, 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 provide a substantial improvement

in regional mobility and connectivity and would negatively affect local access. 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.

- 02/20/2002 PAC: Bill Plumpton gave an overview of the MDOT process of review and logic to reduce the number of alternatives for final comparison and detailed analysis (see attached). To fully satisfy the study purpose and need of improved system linkage, Bill said an alternative has to tie into Rte 9 east of Rte 46. ***For these reasons, MDOT removed route 2B from the alternatives.***
- 05/22/2002 PAC: "The Agencies" want to keep 2B because it "could be 'practicable' in accordance with the law. Bill Plumpton defined practicable as 'available and capable of being done after taking into account cost, existing technology, and logistics in light of overall purpose.'"
- 01/15/2003 PAC & 10/2003 Army Corps Technical Report: ***Alternative 2B (nearly identical to 2B-2, see attached comparison map) was dismissed prior to this [PAC] meeting because it would inadequately address the system linkage and traffic congestion needs.***
- 10/2003 Army Corps Technical Report: ***"...Alternative 2B's ability to satisfy the system linkage and traffic congestion needs is questionable." "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."***

Senator Diamond's question regarding changes to the Study Purpose and Need was not really answered

I refer back to the quote above from the 10/2003 Army Corps technical report, "This alternative [2B] 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." and also from that report, "Alternative 2B was dismissed prior to this [Jan 2003 PAC] meeting because it would inadequately address the system linkage and traffic congestion needs." 2B and 2B-2 are nearly identical (see attached comparison map) and both intersect Route 9 over four miles *west* of the intersection of Route 46. It does indeed seem that P&N changed, or interpretation of P&N changed.

The answer I heard to the question posed, consisted of insisting the "hard look" did show that 2B-2 meets P&N, and that there were too many vernal pools on other routes. Well if the Study P&N were not changed, then certainly the interpretation of *how* to meet those requirements did. At the last PAC meeting, other routes met all five out of five criteria, and 3EIK-2 was the preferred route. The MDOT embarked on a more in-depth environmental assessment and discovered many vernal pools along the 3EIK-2 route. (You can read more about my thoughts on the scientific methodology of how they did vernal pool field assessments and other habitat assessments in the first attachment to my LD testimony, which is my May 2012 public hearing testimony.) So too many vernal pools were discovered for the Army Corps to ever grant a permit for 3EIK-2 - that's fine. But ***that doesn't mean that somehow 2B-2 now magically meets P&N just because too many vernal pools were found on another route***. Yet somehow, between the April 2009 PAC meeting and the discovery in December 2011 of the complete change in preferred route, 2B-2 now meets all P&N. This decision was made by the agencies without any further public input, which certainly *does* fall in line with the Purposes and Findings of the Sensible Transportation Policy Act:

> "*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.*"

but does *not* fall in line with the overall point of the STPA:

> "*Incorporate a public participation process in which local governmental bodies and the public have timely notice and opportunity to identify and comment on concerns related to transportation planning decisions, capital investment decisions and project decisions. The department and the Maine Turnpike Authority shall take the comments and concerns of local citizens into account and must be responsive to them.*"

The "hard look" was also reiterated, and that more research would have to be done to determine what that consisted of - well I have already been there and done that with my FOAA requests and lawsuit. ***There is no data.*** Quite simply, because of too many vernal pools on the 3EIK-2 preferred route, *the agencies changed how they interpret P&N*, and decided 2B-2 met the criteria - maybe because they were told it was one that will be taken to the Governor regardless?

I will also state that the other two routes (5A2B-2 & 5B2B-2) in the DEIS/FEIS also intersect Rt. 9 at the same location and should also therefore be scrapped as they also do not meet P&N.

Concerns were raised over the possibility of having to return $2M to FHWA
What costs less, the possibility of having to return $2M to FHWA, or spending $61M or more on a short-term band-aid fix that doesn't truly meet the P&N? I believe the state ended last fiscal year with a $49M surplus.

Concerns raised over setting a precedent of legislative action against an agency
It is within the jurisdiction of this committee to provide oversight to the MDOT. This is a vital part of our checks and balances system. There should be no concerns in this regard.

Conclusion: No matter how many times you take a "hard look" at Route 9, 2B-2 has never, and will never, meet the Study Purpose and Needs.

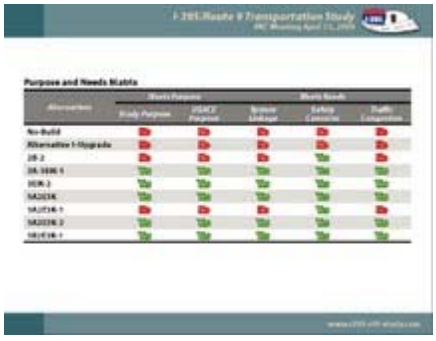
Thank you again for your time and consideration. Please contact me with any questions, or feel free to peruse the information available at http://i395rt9hardlook.com/

Sincerely,
Gretchen

Gretchen Heldmann, GISP, LF
439 Main Rd.
Eddington, ME 04428
(207) 299-5889

3 attachments

ScreenShotGeoRegister2B_2B2_final.jpg
586K



PurposeNeeds2009PAC.jpg
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