January 31st 2016
16th year of the I-395/Route 9 Transportation Study

Welcome to another informational newsletter for impacted citizens in opposition to alternative 2B-2.

Meet the I-395/Route 9 Transportation Study preferred alternative:

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

Purpose and Needs Matrix

Alternatives	Meets Purpose		Meets Needs		
	Study Purpose	USACE Purpose	System Linkage	Safety Concerns	Traffic Congestion
2B-2	No	No	No	Yes	No

Excerpted Purpose and Needs Matrix from April 15th 2009 PAC Meeting

To not question the motives of our civil servants, you would have had to discount a near-decade of work ending with 2B-2 meeting 20% of purpose and needs (above). I contend that [1] 2B-2 wasn't the result of best practices—it was an executive decision, [2] the study was reverse-engineered to make 2B-2 fit that specific decision and [3] NEPA compliance and engineering best practices were marginalized by September 2010 sealing 2B-2's fate. To not question the motives of our civil servants, you would have had to disregard forewarnings of Route 9 "safety concerns and hazards" as documented in the October 2003 Technical Memorandum with 2B-2's essential 4.2 mile Route 9 segment encompassing: 148 access points, 10 local roads, the Route 9/46 intersection, five changes in posted speed limits, and the historic Village of East Eddington—the specific phraseology that eliminated 2B from further consideration: "Traffic congestion and conflicting vehicle movements on this section of Route 9 would substantially increase the potential for new safety concerns and hazards." $2.8 million has been squandered over 15 years to select a twice removed, deficient alternative (2B-2) at a cost of $61 million. Wouldn't those millions be better spent on our state's unmet needs??

USFWS 1.14.2016 ruling on northern long-eared bat status:

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), finalize a rule under authority of section 4(d) of the Endangered Species Act of 1973 (Act), as amended, that provides measures that are necessary and advisable to provide for the conservation of the northern long-eared bat (*Myotis septentrionalis*), a bat species that occurs in 37 States, the District of Columbia, and 13 Canadian Provinces. **DATES:** This rule is effective February 16, 2016.

Executive Summary: The need for the regulatory action and how the action will meet that need: Consistent with section 4(d) of the Act, this final 4(d) rule provides measures that are tailored to our current understanding of the conservation needs of the northern long-eared bat.

On April 2, 2015, we published a document that is both a final rule to list the northern long-eared bat as a threatened species and an interim 4(d) rule to provide measures that are necessary and advisable to provide for the conservation of the northern long-eared bat. At that time, we opened a 90-day public comment period on the interim rule, and we committed to publish a final 4(d) rule by December 31, 2015, and to complete review pursuant to the National Environmental Policy Act (NEPA). Previously, on January 16, 2015, we published a proposed 4(d) rule with a 60-day public comment period. Therefore, we have had two comment periods totaling 150 days on two versions of the 4(d) rule.

Statement of legal authority for the regulatory action: Under section 4(d) of the Act, the Secretary of the Interior has discretion to issue such regulations she deems necessary and advisable to provide for the conservation of the species. The Secretary also has the discretion to prohibit by regulation, with respect to a threatened species, any act prohibited by section 9(a)(1) of the Act.

Summary of the major provisions of the regulatory action: This final species specific 4(d) rule prohibits purposeful take of northern long-eared bats throughout the species' range, except in instances of removal of northern long-eared bats from human structures, defense of human life (including public health monitoring), removal of hazardous trees for protection of human life and property, and authorized capture and handling of northern long-eared bats by individuals permitted to conduct these same activities for other bats until May 3, 2016. After May 3, 2016, individuals who wish to capture and handle northern long-eared bats for recovery purposes will need a permit pursuant to section 10(a)(1)(A) of the Act.

Incidental take resulting from otherwise lawful activities will not be prohibited in areas not yet affected by white-nose syndrome (WNS). WNS is a fungal disease affecting many hibernating U.S. bat species. Ninety- to one-hundred-percent mortality has been seen in bats affected by the disease in the eastern United States.

Take of northern long-eared bats in their hibernacula (which includes caves, mines, and other locations where bats hibernate in winter) is prohibited in areas affected by WNS, unless permitted under section 10(a)(1)(A) of the Act. Take of northern long-eared bats inside of hibernacula may include disturbing or disrupting hibernating individuals when they are present as well as the physical or other alteration of the hibernaculum's entrance or environment when bats are not present if the result of the activity will impair essential behavioral patterns, including sheltering northern long-eared bats.

For northern long-eared bats outside of hibernacula, we have established separate prohibitions from take for activities involving tree removal and activities that do not involve tree removal. Incidental take of northern long-eared bats outside of hibernacula resulting from activities other than tree removal is not prohibited. Incidental take resulting from tree removal is prohibited if it: (1) Occurs within a 0.25 mile (0.4 kilometer) radius of known northern long-eared bat hibernacula; or (2) cuts or destroys known occupied maternity roost trees, or any other trees within a 150-foot (45-meter) radius from the known maternity tree during the pup season (June 1 through July 31). Incidental take of northern long-eared bats as a result of the removal of hazardous trees for the protection of human life and property is also not prohibited."

- Excerpt from the Federal Register. The summary does not give one to believe that these bats will affect project approval. The northern long-eared bat is a threatened species, but just like endangered Atlantic salmon in Felts Brook and Eaton Brook that 2B-2 crosses and the 8 families that will be displaced by 2B-2—none are seemingly as important as frogs and salamanders in vernal pools that may no longer even exist, but were deemed important enough to abandon the study's first preferred alternative. We are unaware if these bats hibernate, roost or exist in our area and if WNS is an issue.

MaineDOT CY 2016-2017-2018 Work Plan

"The following table provides an update of the status of the highway and bridge system as measured against the statutory goals. Again this year, and even with the funding assumptions in this Work Plan, (which include new bonding and bonding that has yet to be proposed or approved), the department's highway and bridge programs will experience a shortfall, now estimated at approximately $68 million per year."

Core Highway and Bridge Programs
CY 2016-2017-2018 *Work Plan* vs. Need, to Meet Statutory Goals
($ millions)

Work Group	Average Annual $ from 2016-2017-2018 *Work Plan*	Annual $ Needed to Meet Basic Statutory Goals	Average Annual $ Shortfall	Dollar % Shortfall*
Bridge Projects	$107	$140	($33)	(24%)
Highway Reconstruction/Rehab	$100	$100	($0)	(0%)
Pavement Preservation	$85	$120	($35)	(29%)
Light Capital Paving	$28	$28	$0	0%
Total - Core Programs	**$320**	**$388**	**($68)**	**(18%)**

- Federal funding assumptions: "The Work Plan also assumes support from policy-makers for $25 million in Federal Highway Administration Grant Anticipation Revenue (GARVEE) bonding in each calendar year—2016, 2017 and 2018." (page ix)

- State funding assumptions: "In November 2015, Maine voters approved an $85 million General Obligation (G.O.) bond to fund the state transportation program in 2016. Based on bonding referenda approved by voters in recent years, this Work Plan also assumes Governor, Legislative and voter approval for $100 million in G.O. bonding in CY 2017 and $100 million in CY 2018." (page ix)

MaineDOT's overoptimistic assumption on 2016-2017-2018 state and federal funding may have the appearance of reducing 2015-2016-2017 Work Plan's record shortfalls—but still represents an 18% shortfall in the Core Programs.

G.O. Bonds are not the only answer—MaineDOT needs to stop squandering limited funds on questionable, controversial bypass projects such as Caribou, Presque Isle and now North Brewer (2B-2); loading the budget with pet projects, when basic statutory goals set to ensure appropriate maintenance of existing infrastructure are never met, has got us to where we are today: a $204 million shortfall in the 2016-2018 Core Highway and Bridge Programs.

- Portland Press Herald reported on 2.09.2011: During questioning at his hearing, Bernhardt said the administration would oppose raising the gasoline tax as well as any new bonding initiatives. "We have to leave no stone unturned," he said, responding to questioning from Democrats on the Transportation Committee. "We need to be able to tell the people, the department is as efficient and cost-effective as it can be, I believe, before we can go out and ask for more additional funding than we already receive."

Maine's unmet transportation needs versus $61 million cost of 2B-2:

- 265 bridge projects (page ii) at an estimated cost of $289 million—equates to: $1,090,000 per project.
- 798 miles of Preservation Paving (page ii) at an est. cost of $256 million—equates to: $321,000 per mile.

The $61 million cost of 2B-2 could underwrite: 56 bridge projects or 190 miles of pavement preservation that are currently not funded.

Work Group	Average Annual $ from 2016-2017-2018 *Work Plan*	Annual $ Needed to Meet Basic Statutory Goals	Average Annual $ Shortfall	Dollar % Shortfall*
Bridge Projects	$107	$140	($33)	(24%)
Pavement Preservation	$85	$120	($35)	(29%)
Total - Core Programs	**$320**	**$388**	**($68)**	**(18%)**

$204 million total Core Programs shortfall over the plan's 3 years, if $100 million G.O. bonds are both approved in CY 2017 and CY 2018:

- $99 million—unmet bridge needs (91 unfunded bridge projects).
- $105 million—unmet pavement preservation needs (327 miles).

Should limited funds be expended on a deficient alternative (2B-2) removed from further consideration in Jan2003—that satisfied only 20% of Apr2009's purpose and needs—that does not satisfy the original system linkage need of a limited-access connection between I-395 and Route 9 east of Route 46—with long-term needs requiring $10's of millions beyond 12.31.2039 because of MaineDOT's failure to follow their own study criteria—at a time when 33% of our bridges are structurally deficient or functionally obsolete and 38% of our roads are rated as "fair" or "unacceptable"? Wouldn't the $61 million cost of 2B-2 be better served to satisfy this plan's unmet needs?

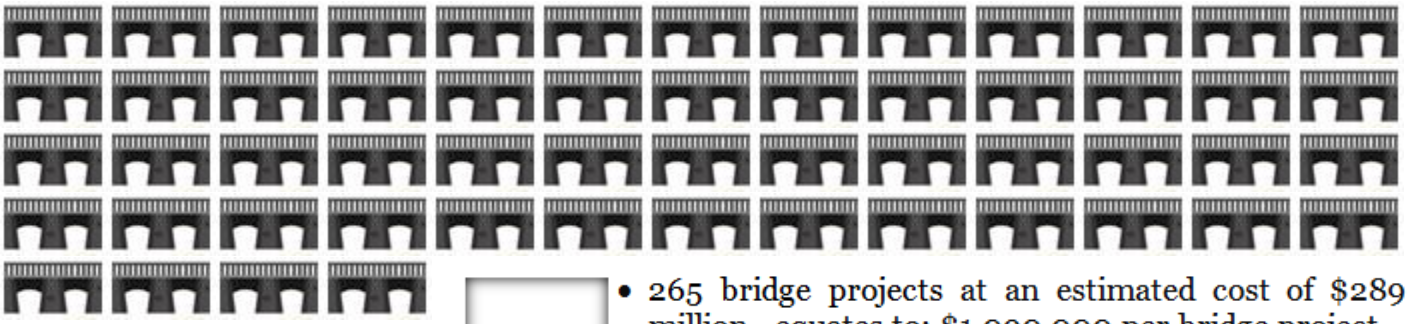
Which of the following is the best expenditure for $61 million?

- ☐ 56 bridge projects not currently funded?
- ☐ 190 miles of pavement preservation not currently funded?
  (As a perspective: 2B-2 is roughly 190 miles from the I-95 Maine/NH border.)
- ☐ 6.1 mile project (2B-2) that many fervently do not want or need?

"How do Maine DOT and FHWA intend to address the argument that the no build alternative might save state and federal transportation funding that might be better served on other unmet needs in the state?" —US Army Corp of Engineers (page 59) July 2012—

2B-2's $61 million "might be better served on":

56 unmet bridge repair projects @$1.09 million per project:



—OR—

- 265 bridge projects at an estimated cost of $289 million—equates to: $1,090,000 per bridge project.
- 798 miles of Preservation Paving at an estimated cost of $256 million—equates to: $321,000 per mile. MaineDOT 2016-2017-2018 Work Plan (pg ii)

190 unmet miles of pavement preservation @$321,000 per mile:

Bonding assumptions are more grandiose in 2016 than 2015:

MaineDOT 2015-2016-2017 Work Plan (page xi)

Core Highway and Bridge Programs CY 2015-2016-2017 *Work Plan* vs. Need ($ Millions)				
Work Group	**Average Annual $ from 2015-2016-2017 *Work Plan***	**Annual $ Needed to Meet Basic Statutory Goals**	**Average Annual $ Shortfall**	**Dollar % Shortfall***
Bridge Capital & Preservation	$70	$140	($70)	(50%)
Highway Reconstruction/Rehab	$93	$100	($7)	(7%)
Pavement Preservation	$78	$120	($42)	(35%)
Light Capital Paving	$28	$28	$0	0%
Total - Core Programs	**$269**	**$388**	**($119)**	**(31%)**

State Funding: Other major resource assumptions in this Work Plan include potential state bonding. Based on bonding that has occurred in recent years, this Work Plan assumes support from the Governor, and legislative and voter approval, for $40 million per year in General Obligation bonding for transportation in both CY 2016 and CY 2017.

Federal funding: The Work Plan also assumes support from policy-makers for $50 million in Federal Highway Administration Grant Anticipation Revenue (GARVEE) bonding in CY 2017.

MaineDOT 2016-2017-2018 Work Plan (page ix)

Core Highway and Bridge Programs CY 2016-2017-2018 *Work Plan* vs. Need, to Meet Statutory Goals ($ millions)				
Work Group	**Average Annual $ from 2016-2017-2018 *Work Plan***	**Annual $ Needed to Meet Basic Statutory Goals**	**Average Annual $ Shortfall**	**Dollar % Shortfall***
Bridge Projects	$107	$140	($33)	(24%)
Highway Reconstruction/Rehab	$100	$100	($0)	(0%)
Pavement Preservation	$85	$120	($35)	(29%)
Light Capital Paving	$28	$28	$0	0%
Total - Core Programs	**$320**	**$388**	**($68)**	**(18%)**

State Funding: "In November 2015, Maine voters approved an $85 million General Obligation (G.O.) bond to fund the state transportation program in 2016. Based on bonding referenda approved by voters in recent years, this Work Plan also assumes Governor, Legislative and voter approval for $100 million in G.O. bonding in CY 2017 and $100 million in CY 2018."

Federal Funding: "The Work Plan also assumes support from policy-makers for $25 million in Federal Highway Administration Grant Anticipation Revenue (GARVEE) bonding in each calendar year—2016, 2017 and 2018."

Jan2015 CY 2015-2016-2017 Work Plan versus Jan2016 CY2016-2017-2018 Work Plan:

1) $37 million more has been budgeted to Bridge Projects reducing the annual unmet bridge needs from an annual $70 million in 2015 to an annual $33 million in 2016.
2) $7 million more has been budgeted to Highway Reconstruction Rehab meeting statutory goals.
3) $7 million more has been budgeted to Pavement Preservation reducing the annual unmet needs from an annual $42 million in 2015 to an annual $35 million per year in 2016.
4) No changes in Light Paving budget meeting statutory goals of $28 million.
5) Annual total-core programs shortfall has been reduced by $51 million per year from an annual ($119) million in 2015 to an annual ($68) million in 2016.

I commend the MaineDOT for proactively attacking the bridge needs of our state and seemingly reducing record shortfalls; however this plan is highly dependent on the passage of two—yet to be announced—additional G.O. bonds of $100 million in Cy2017 and CY2018. Plan is also dependent on $75 million of federal GARVEE funds.

The state needs to proactively prioritize transportation projects to those 33% of bridges that are either functionally obsolete or structurally deficient and the 38% of roads that are rated "fair or unacceptable". Cancelling the Presque Isle Bypass would save the state $120 million if that project is taken through all 3 stages of construction; cancelling the I-395/Route 9 Transportation Study would save construction costs of $61 million. That should be the first step in satisfying Maine's unmet transportation needs.

A BDN LTE from 2003 that could have been posted today:

As this letter was being authored, 2B had been removed from further consideration before the Jan 2003 PAC meeting, 2B-2 would not exist until September, and 3EIK-2 wasn't proposed until the end of February—although it would be the only build alternative carried forward by May 2003. (Feb 3rd 2003 was pre-2B-2 and pre-3EIK-2).

It should be noted, my neighbor's concerns were for the entire study area—not in support of, or opposition to a specific alternative—the intent was to elevate Rte. 1A's safety issues and to compel the MaineDOT to take a "hard look" at Rte. 1A issues that still exist today. How many more people need to die when there are real problems in the area in and around Dedham's Lucerne Inn? Why are we contemplating 2B-2 when Route 1A needs immediate attention?

Stop unsafe highway

This story was published on Feb. 03, 2003 on Page A6 in all editions of the Bangor Daily News

We would like to alert people that our tax dollars are going to be spent on a proposed I-395 connector from Route 1A in Brewer to Route 9 in Eddington. We are certain many do not know or understand the process that has been going on for the past several years.

This high-speed highway, with no on or off ramps between Route 1A and Route 9, will disrupt hundreds of quiet households in Brewer, Holden and Eddington, not to mention the wetlands, wildlife and beautiful countryside. The proposed highway will most likely service Canadian truck traffic and will not benefit Maine, since most traffic will be going to points south with no stops in Maine. The Department of Transportation should set its sights on the unsafe conditions and congestion of Route 1A. We should keep traffic in the areas that already have it and not impose upon residents, wetlands and wildlife.

We didn't choose to live on a state highway with traffic. We chose to spend a little extra money and tax dollars to live in a quiet, country neighborhood on the outskirts of Brewer and have enjoyed it for 17 years. We urge residents of not just Brewer, but Holden and Eddington to band together in opposition of the I-395 connector to Route 9.

Brewer is proposing an upgrade of Route 1A instead of building another unsafe highway. Let;' support this city in its efforts to get Route 1A upgraded.

Vinal Smith

Carol Smith

Brewer

13 years ago!!

This could have been printed today. Multiple accidents with fatalities have occurred since Feb 2003 on Rte. 1A from Dedham to Holden and on Rte. 9—specifically on that 4.2 mile segment of Rte. 9 so integral to 2B-2 and intentionally bypassed by the original system linkage need. The biggest change since this LTE is that the MaineDOT has selected 2B-2, an alternative that met only 20% of Purpose and Needs in Apr 2009 as the preferred alternative. So much for priorities and safety!!

Is this how they plan to maintain our aging bridges?

Sudden closing of Whitefield bridge draws criticism

www.pressherald.com/2015/12/13/whitefield-span-closed-indefinitely/

By Jason Pafundi Kennebec Journal (excerpt of original article)

> "I voted for this bond," Brann said. "You see this on the ballot, the money for the bridges, so of course I'm going to vote for it. Then they closed my bridge down."
>
> "...anytime you bring somebody outside of their normal routine, it is understandable that there would be some angst."

According to the state, the nearly 80-year-old bridge, which crosses the Sheepscot River, saw an average of 312 vehicles cross it daily, though a number of those are the same vehicle making a round trip. Talbot said the closure results in a 4-mile abutment-to-abutment detour and a half-mile bypass detour, adding about five minutes to a driver's trip. The bridge is now blocked on both ends by large cement barriers with signs explaining the closure.

In November, Mainers approved an $85 million bond for transportation projects, including $65 million to be used to build, reconstruct and rehabilitate highways and bridges around the state. Talbot said the Northey Bridge would cost about $1.3 million to replace, a number longtime Whitefield resident Norm West said "is a bunch of baloney."

Jerry Brann, who has lived on the south side of Howe Road for about 30 years, said he was upset when he heard the bridge was closing "a few weeks after voting on the transportation bond."

"I voted for this bond," Brann said. "You see this on the ballot, the money for the bridges, so of course I'm going to vote for it. Then they closed my bridge down."

West and Brann agreed that the bridge has issues and needs work, but neither one said he ever felt scared or nervous going across the bridge, which is about 60 feet long. West has lived in the area about 40 years and said there is no reason the bridge should close permanently, and Brann concurred.

The state said Northey Bridge is the fourth bridge closed in Maine since 2011. The other bridges were located in Brunswick, Fryeburg and Lebanon. A report released in October by TRIP, a national transportation trade group, said Maine had made no significant progress toward replacing or repairing structurally deficient bridges in the last year. It recommended that Maine double the $70 million allocated for bridge repairs within the Maine Department of Transportation budget.

Some drivers that regularly use the bridge have voiced displeasure, Talbot said, because "anytime you bring somebody outside of their normal routine, it is understandable that there would be some angst."

A failed bridge—and there are another 30 more…

MDOT closes Whitefield Bridge with no plans for replacement

Don Kerrigan 4:43 p.m. EST December 16, 2015
WHITEFIELD, Maine (NEWS CENTER WCSH 6)

"Not a tremendous amount," said Buxton, "but over the next five to six years twenty to thirty bridges like this. Maine is a rural state we have a lot of water. And if we have to inconvenience people a bit by driving a few extra miles versus replacing a bridge at a million dollars that might be the right thing to do."

The Maine DOT has shut down an old bridge in the town of Whitefield because it isn't safe. Local residents said it came as a surprise, but they knew the bridge had problems. The bigger surprise is that the state says it isn't going to repair or replace the bridge.

Instead, the Maine DOT says the Northey Bridge on the Howe Road will be torn out, and the Howe Road will be permanently divided into two, dead-end roads. Maine DOT bridge engineer John Buxton says it's a matter of money. He says the road doesn't get much traffic, and replacing the bridge would cost more than a million dollars. And Buxton says that tight budgets mean other towns around the state could have the same thing happen to some of their bridges in the next few years.

"Not a tremendous amount," said Buxton, "but over the next five to six years twenty to thirty bridges like this. Maine is a rural state we have a lot of water. And if we have to inconvenience people a bit by driving a few extra miles versus replacing a bridge at a million dollars that might be the right thing to do."

Whitefield Fire Chief Scott Higgins says he is concerned about another bridge in the town – the Main Street Bridge in the village of Cooper's Mills, which is near one of the town fire stations. MDOT's Buxton says that bridge is on the state watch list because of age and condition, but he says the bridge has a "higher value" than the one is just closed.

Is this how MaineDOT plans to address 30 more bridges in the future? MaineDOT seems hell-bent on spending $61 million on a deficient alternative (2B-2), when the latest MaineDOT Work Plan includes $99 million in unmet bridge needs over the next 3 years!!

Angst and our continued cloud of uncertainty:

"anytime you bring somebody outside of their normal routine, it is understandable that there would be some angst."

"Angst, often confused with anxiety, is a transcendent emotion in that it combines the unbearable anguish of life with the hopes of overcoming this seemingly impossible situation. Without the important element of hope, then the emotion is anxiety, not angst. Angst denotes the constant struggle one has with the burdens of life that weighs on the dispossessed and not knowing when the salvation will appear." (Urban Dictionary)

MaineDOT spokesman Ted Talbot 12.13.2015

2016—we find ourselves in the 16th year of the I-395/Route 9 Transportation Study. Commissioner Bernhardt realized the harm done to the impacted citizens of Wiscasset after 10 years of studying the Wiscasset Bypass:

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

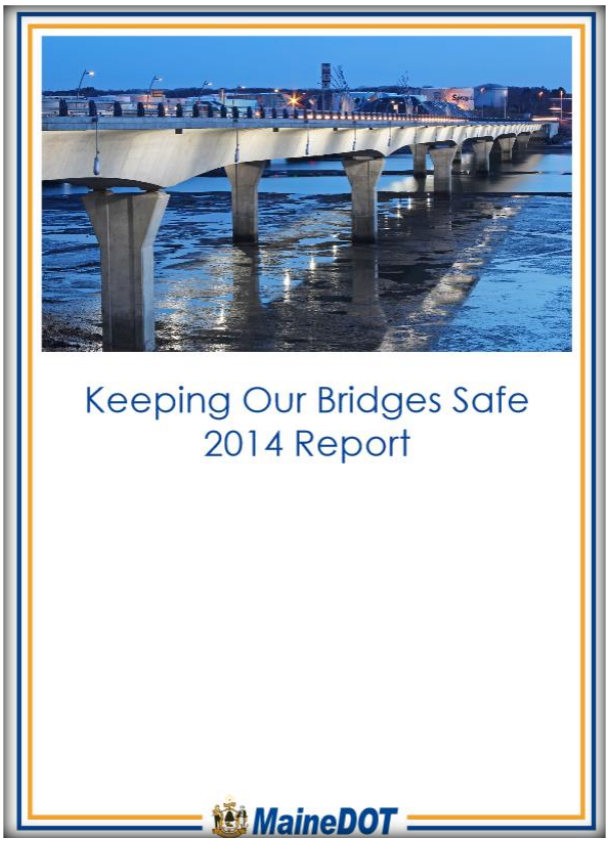
MaineDOT Press Release 8.01.2011 (link below)

"We realize that the bypass has impacted people who own property along the proposed routes, clouding them in uncertainty, unable to sell their property if they wanted to," said Bernhardt, "By this action I am taking today, our hope is that the uncertainty is now gone, and they can move forward with their plans for their property."

Commissioner Bernhardt 8.01.2011
Cancelling Wiscasset Bypass Project
MaineDOT Press Release 8.01.2011

- When will our cloud of uncertainty be removed?

Maine's bridges falling down…



"Maine's Structurally Deficient Bridges are on the Rise While National Numbers Decline." (page 10)

"Nationally, news media commonly report on the condition of bridges in terms of being Structurally Deficient (SD). Bridges are considered SD if:

• significant load carrying elements are found to be in poor condition due to deterioration and/or damage; or

• if the adequacy of the waterway opening is determined to be extremely insufficient.

This rating only applies to federal bridges, defined as a 20 foot or longer span, and excludes minor spans that are otherwise included in this report. These numbers underestimate the population of poor bridges."

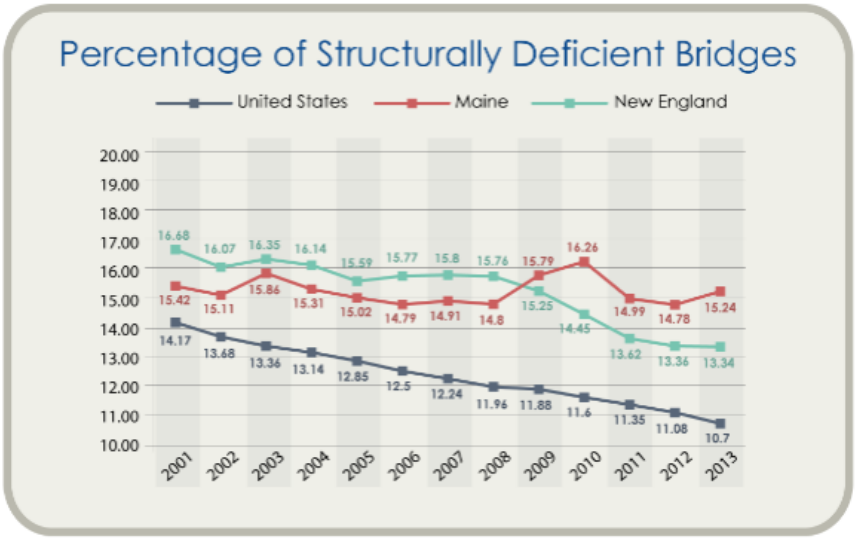
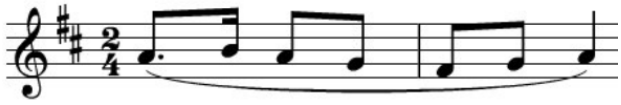


Chart 5

"Chart 5 illustrates that the percent of SD bridges in Maine increased sharply from 2008 to 2010, and then decreased temporarily following a brief period of higher funding levels. Now it is starting to rise again. By comparison, the New England states, and the nation as a whole, have achieved a steady decline in their numbers of SD bridges. The trend outlined in Chart 5 represents all Maine bridges, not just bridges owned by MaineDOT."

- "A report released in March concluded that if the state did not double bridge maintenance funding to $140 million annually, about 40 percent of the 2,744 in its care would need extensive rehabilitation or replacement, all at a far greater cost in future years." Portland Press Herald 12.03.2015

Maine's bridges falling down…



"This is an indication that, despite efforts to ramp up replacements of bridges in poor condition, more must be done to slow the rate of bridges dropping from fair to poor condition."

"More must be done to slow the rate of bridges dropping from fair to poor condition." (page 9)

"Over the past seven years, the number of bridges in good condition has increased by 2%, the number of bridges in fair condition has decreased by 4%, and the number of bridges in poor condition has increased by 2%. Although we gained, some through change in ownership, 57 bridges in good condition (22 bridges were new to the MaineDOT system), this gain was mostly offset by 45 additional bridges in poor condition. This is an indication that, despite efforts to ramp up replacements of bridges in poor condition, more must be done to slow the rate of bridges dropping from fair to poor condition.

Preservation investments will slow the rate at which bridges fall from good to poor condition."

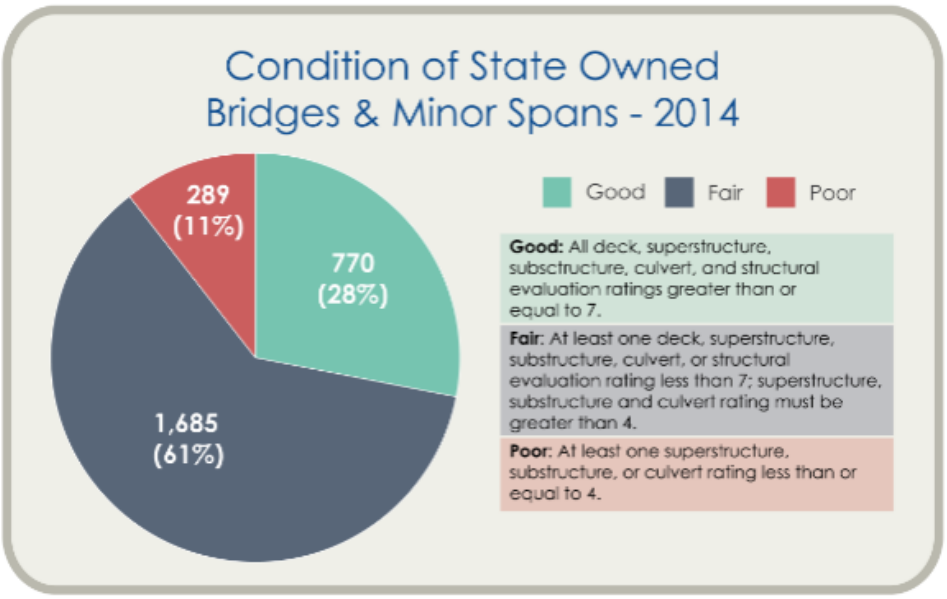


Chart 4

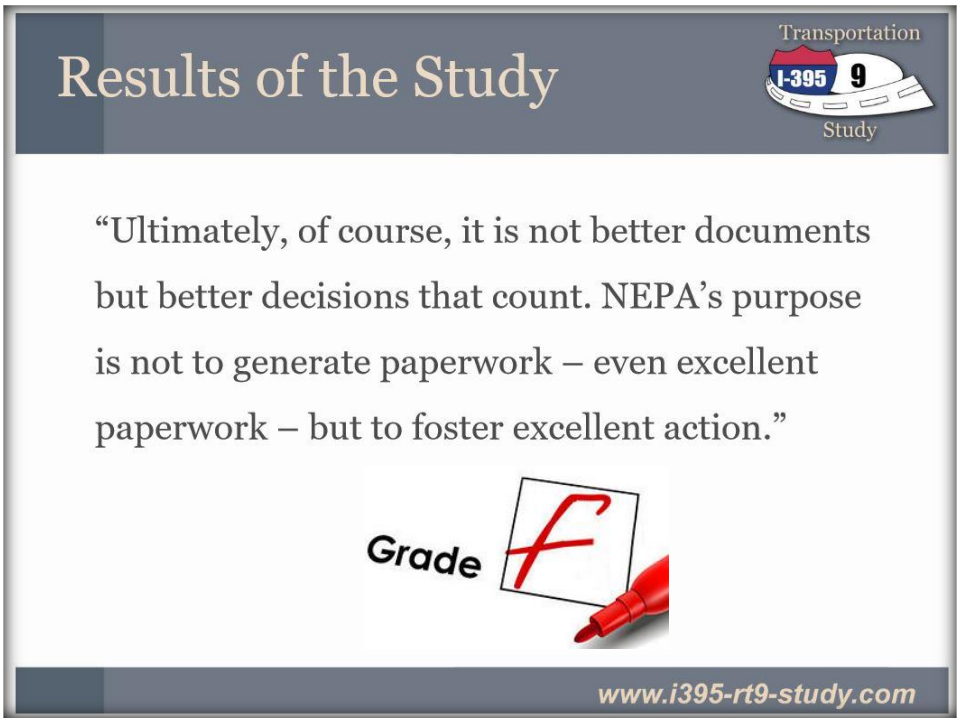
The study of the I-395/ Route 9 connector has cost $2.8 million.

The cost to construct 2B-2 is $61 million.

Wouldn't it make more sense to reprogram those funds to meet the existing unmet transportation needs of the state of Maine?

"Currently, MaineDOT is funding bridges at approximately $70 million per year, which is approximately half of what is necessary to maintain and extend bridge life." (page 25) (That was the annual $70 million in unmet bridge needs as revealed in the 2015-2016-2017 MaineDOT Work Plan by Commissioner Bernhardt in Jan 2015.)

“NEPA’s purpose…to foster excellent action.”



After expending $2.8 million over 15 years of study, the MaineDOT and the FHWA have selected 2B-2, an alternative that was eliminated twice by January 2003, an alternative that satisfied only 20% of Study Purpose and Needs in April 2009, for a $61 million project—at a time when the state cannot afford to even maintain our existing roads and bridges—at a time when the latest three-year work plan includes $99 million in unmet bridge needs—at a time when the latest three year work plan includes a shortfall of $204 million—at a time when 33% of our bridges are structurally deficient or functionally obsolete—and at a time when 38% of our roads are rated as “fair” or “unacceptable”. Wouldn’t it make more sense to spend alternative 2B-2’s $61 million on the unmet transportation needs of the state of Maine?

SO—you want an example of NEPA "excellent" action?

The FINAL Environmental Impact Statement was signed off Jan 20th 2015. Note: this was no longer a DRAFT; the FINAL EIS should be 100% error-free as the FEIS is the decision-making document for the ROD (Record of Decision). What did we get for our $2.8 million? When someone without engineering credentials can blow holes in their FEIS documentation, said documentation has to be either intentionally "fudged" as the falsification of the EIS-stated-design versus the EIS-stated-cost issue that I reported on earlier or simply an inadequate knowledge of their own study. I advised FHWA Washington Headquarters that the FEIS-design year of 2035 did not satisfy the needs over the whole 20 year design. The infamous "hard look at Route 9" was the sole basis behind 2B-2's selection and has a direct relationship with the FEIS-stated-design year 2035. Click here to view email string.

"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."

"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." (Larry Adams email 2.25.2015)

"...you are correct..." "MaineDOT revisited the traffic information for the design year of 2040."

"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." (Solomon/FHWA Hdqs/3.06.2015)

- What other engineering best practices have been misstated, overlooked, disparaged or spun to further 2B-2's standing?

When the alternative doesn't fit the study—change the study:

October 2003 Logical termini:	"Specifically, the eastern logical termini was refined. Alternatives that did not connect to Route 9 east of Route 46 were dismissed from further consideration." (page 6)

October 2003 to April 2009: "Route 9 east of Route 46."

January 2015 DEIS/FEIS Logical termini:	"The logical termini of the project was identified and defined as (1) I-395 near Route 1A and (2) the portion of Route 9 in the study area." (FEIS Chapter 1, page 3)

January 2015: "the portion of Route 9 in the study area."

How could this happen within the NEPA process? Magically—just parse a few words, and make them say whatever you want or need them to say!!

The logical termini had to be changed to make 2B-2 fit study, but within the constraints of the Notice of Intent. FHWA officials would claim the NOI stated: "from the west to east through Eddington". It clearly did not, but that didn't hinder the FHWA from saying it!!

December 2005 NOI What did the NOI state?	"The EIS will examine alternatives to improve transportation system linkage, safety and mobility between Interstate 395 (I-395), Brewer and State Route 9 (Route 9, Clifton in southern Penobscot County, Maine." FederalRegister|page72145|12.01. 05
January 1st 2012 Meeting notes/comments FHWA (MH/CM):	"The NOI stated that the project would take place Route 395 to Route 9 in Clifton from the west to the east through Eddington, but did not use the word "logical termini". MaineDOT to check with Cheryl to clarify that comment."
What the NOI did not say and how the FHWA parsed the NOI to make the logical termini say what they needed it to say. See how easy that was? —Abracadabra—	"The NOI…did not use the term "logical termini." The NOI also did not state: "from the west to east through Eddington" as the FHWA (MH) and (CM) claimed in FOAA #000394. Do you see the phrase "from the west to east through Eddington? NO? MaineDOT didn't either, (FOAA #000501/000502), but certainly didn't balk at allowing the FHWA redefinition of the logical termini (System Linkage) that was accepted for most of the first decade of this Study: "…Route 9 to the east of Route 46".

A controversial DEIS comment was magically scrubbed:

"However, future development along Route 9 in the study area can impact future traffic flow and the overall benefits of the project."

DEIS—March 2012

Summary

these property acquisitions through its customary programming of state and federal highway-funding mechanisms. Property acquisitions and residential or business relocations would be in accordance with state and federal laws dictating the acquisition of property for highway purposes. However, future development along Route 9 in the study area can impact future traffic flow and the overall benefits of the project.

Once the MaineDOT has a system in place to protect the selected corridor, it would work with regional interests to develop support for a funding plan. In recent years, many states have found that state highway funds, bonding, and federal core apportionments are needed to maintain the system as it exists, with little remaining in additional funds for new capacity projects. Therefore, the MaineDOT would devise funding strategies for property acquisition and, ultimately, construction of the selected build alternative. If the No-Build Alternative is selected, the MaineDOT would continue to work with local and regional authorities to maintain—to the extent possible—the safety and efficiency of Routes 1A, 9, and 46 in Brewer, Holden, and Eddington.

Unlike prior instances where MaineDOT's own words and facts were simply ignored, this time—they were completely and magically erased forevermore!

Page · s19

FEIS—January 2015

highway-funding mechanisms. Property acquisitions and residential or business relocations would be in accordance with state and federal laws dictating the acquisition of property for highway purposes.

Once the MaineDOT has a system in place to protect the selected corridor, it would work with regional interests to develop support for a funding plan. In recent years, many states have found that state highway funds, bonding, and federal core apportionments are needed to maintain the system as it exists, with little remaining in additional funds for new capacity projects. Therefore, the MaineDOT would devise funding strategies for property acquisition and, ultimately, construction of the selected build alternative. If the No-Build Alternative is selected, the MaineDOT would continue to work with local and regional authorities to maintain—to the extent possible—the safety and efficiency of Routes 1A, 9, and 46 in Brewer, Holden, and Eddington.

Additionally, MaineDOT submitted an Interstate Modification Report to FHWA in October 2012 which received conceptual approval in February 2013. Final approval of the Interstate Modification Report cannot

The NEPA required EIS is the decision-making tool for the many state and federal agencies with sign-off responsibility on this study. How can an informed decision be made by these agencies, when the FEIS has been intentionally "scrubbed" of any statements questioning 2B-2's validity?

Page · s23

FEIS | Summary page s23

DEIS | Summary page s19

MaineDOT's own DEIS-stated words were completely deleted—BUT—they failed to recognize that the FEIS-stated 2035 design year did not satisfy Purpose and Needs for the entire 20 year design—AND—they failed once again to correct the falsified DEIS/FEIS-stated "MaineDOT design criteria for freeways" when the DEIS/FEIS cost was based on rolling design.

The DEIS statement I cited, the basis behind question #24, was not marked as substantive. I contend that the only text they ever marked substantive was that which they already had a convenient talking point for.

Click here to view Draft Responses to substantive Comments document.

DEIS Comment/Question # 24.

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

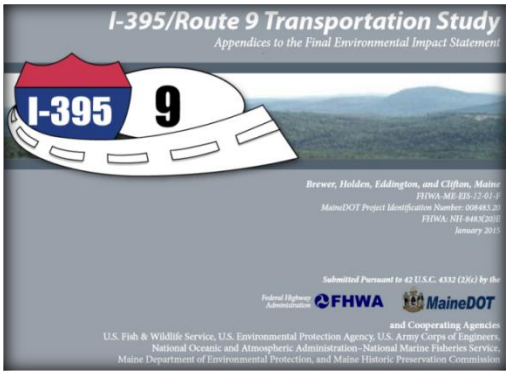
Where's the Warranty?

"However, future development along Route 9 in the study area can impact future traffic flow and the overall benefits of the project." (DEIS page S19)

- How can the success of this project hinge on the hope that the community of Eddington will be unable to develop its own resources?
- Do you really want to spend $90 to $120 million dollars (MaineDOT Interagency Meeting October 11, 2011) to construct any one of the three remaining alternatives when the overall benefits of the project cannot be guaranteed? What happened to the year 2035?
- How can the MaineDOT/FHWA continue to support any of the remaining three alternatives when the success of this project hangs so precipitously according to this one statement in the DEIS?
- Remember—the deficiencies of these three remaining alternatives are because the Study Group could not reach consensus on selecting an alternative that complied with the original System Linkage Need as tasked for most of the previous decade of the study.
- Alternative 2B-2 can stifle future business opportunities in Eddington, it will take away 130 parking spaces (20%) at the Eastern Maine Medical Center's CancerCare of Maine facility in Brewer and it squelches future development plans that the City of Brewer had for a hotel complex/conference center between CancerCare and I-395.

19-1

I thought Maine was open for business?



I personally submitted 37 Comments/Questions to the DEIS, a total of 69 pages in the above document—see pages 103 to 171. Out of all of that, only 28 separate comments were marked as substantive for further comment—the rest were buried "…as we avoid drawing unnecessary attention to them."

"This way the submissions are acknowledged as received and reviewed and we avoid drawing unnecessary attention to them." FOAA Document #001098

The NEPA required EIS is the decision-making tool for the many state and federal agencies with sign-off responsibility on this study. How can an informed decision be made by these agencies, when the FEIS has been intentionally "scrubbed" of any statement(s) that may question alternative 2B-2's validity?

Which Route 9 facts do you believe? ☐2003 ☐2015

"MDOT projects that the future level of service (LOS) for this section of Route 9 resulting from this alternative [2B] would be "D" — LOS D is where traffic starts to break down between stable and unstable flow and can become a safety concern in areas of level topography, vehicle mix, and fluctuating speeds. Future traffic volume (year 2030 no-build average annual daily traffic) would be approximately 8,800 vehicles." Oct2003 Tech Memorandum Page 20

"...this section of Route 9 resulting from this alternative [2B] would be "D" - LOS D is where traffic starts to break down between stable and unstable flow and can become a safety concern in areas of level topography, vehicle mix, and fluctuating speeds...approximately 8,800 vehicles per day."

- FEIS-2015: "In developed areas, LOS D is typically the "worst" traffic condition considered acceptable during normal peak hours." Per MaineDOT-2003: It appears that "LOS D" is the breakpoint between a worst and a minimal, tolerable condition that one could expect at the end of the 20-year design year with an AADT of 8,800 vehicles.

FHWA-Mar2015:
"These volumes are well within the capacity of a 2-lane highway for the design year 2040."
(AADT of 11,560-13,000)

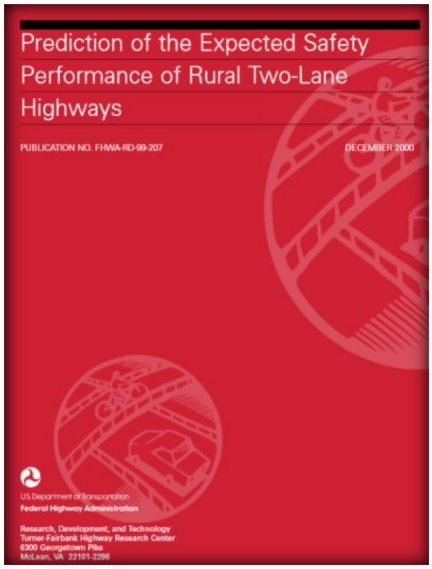
MaineDOT-Oct2003 graded the Level of Service of 2B's 4.2 mile Rte. 9 segment at the end of the 20-year design year with 8,800 AADT at a "D".

FHWA-Mar2015 now claims that traffic volume, at the end of the 20-year design year of 2B-2's 4.2 mile Rte. 9 segment, is well within capacity—with an increase in traffic equal to or greater than 31% of that predicted in Oct2003.

"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."

FHWA/Gerald Solomon email dated 3.06.2015

Why is the FHWA ignoring their own documentation?

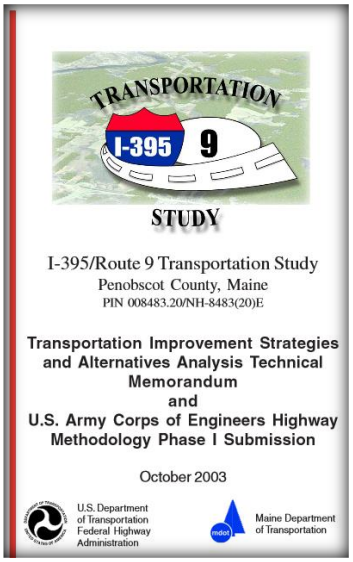


Driveway Density

"Table 12 presents the sensitivity of safety to driveway density for roadway segments while all other factors remain at their nominal or base conditions. The table shows that a roadway segment with 19 driveways per km (30 driveways per mi) can experience up to four times as many accidents as a similar roadway segment with no driveways."

Table 12. Sensitivity of Safety to Driveway Density on Roadway Segments.

ADT (veh/day)	Driveway Density (driveways per mi) 0	5 BASE	10	15	20	25	30
	ACCIDENTS PER MILE PER YEAR						
400	0.06	0.09	0.12	0.15	0.18	0.21	0.24
1,000	0.16	0.22	0.29	0.35	0.41	0.47	0.54
3,000	0.54	0.67	0.81	0.94	1.08	1.21	1.34
5,000	0.95	1.12	1.30	1.47	1.65	1.82	2.00
10,000	2.04	2.24	2.45	2.65	2.85	3.05	3.25



"Limited opportunities exist to control access management on this section of Route 9 from local roads and driveways. There are ten local roads and 148 existing drives or access points to undeveloped lots." (Page 20)

2B-2's Route 9 segment, adds 35 driveways per mile to this new connector—off-the-chart on Table 12, no matter what the ADT. Any alternative satisfying the system linkage need of a Route 9 connection east of Route 46 added zero access points—thus 2B-2 is one of the most unsafe of all of the 79+studied alternatives.

—Route 9 adds 148 total or 35 driveways per mile to 2B-2—

FHWA Headquarters advised on Mar2015 that the traffic count on Route 9, east of Route 46 and was measured at 5,760 vehicles per day in 2012—2040 traffic is projected to be 11,560 vehicles per day east of Route 46. Interpolating table 12 data, 35 driveways may be equal to 2.17 accidents per mile per year @ADT of 5,000. 4.2 miles of Route 9 (X) 2.17 accidents/per mile per year equals 9 accidents per year on just that 4.2 mile section of the new 10.3 mile connector using outdated traffic data**.** Interpolating Table 12, it appears that 35 driveways may be equal to 3.45 accidents per mile per year @ADT of 10,000 equates to 14 accidents per year by the year 2040.

"In rural areas, each access point added increases the annual accident rate by seven percent." (FHWA Planning for Transportation in Rural Areas) Existing safety deficiencies on Route 9 (40.8% of the overall length of alternative 2B-2) are being ignored to further 2B-2. 2B-2 is not safe in FHWA's own words…

Question: What do all these things have in common?

"**Comins Hall**, also known as the **East Eddington Public Hall** and the **Eddington-Clifton Civic Center**, is a historic social and civic meeting hall at 1387 Main Road in Eddington, Maine. Built in 1879, it has since then served as the town's only major social and civic meeting space, hosting town meetings, dances, dinners, Grange meetings, and traveling performers. It was listed on the National Register of Historic Places in 2004." (Wikipedia.com)

Village of East Eddington, Route 9, and intersection of Route 9/46:

Answer: All the following were intentionally bypassed by any of the 79+ studied alternatives that satisfied the System Linkage Need of a Route 9 connection point east of Route 46: [1] Comins Hall, [2] the historic Village of East Eddington, [3] the 4.2 miles of Route 9 from the vicinity of the corporate boundary of Eddington/Clifton west to the Route 9 connection point of 2B-2, [4] five changes in posted speed limits, [6] 148 existing drives or access points to undeveloped lots, [7] 10 local roads, and [8] the intersection of Route 9/46.

MaineDOT/FHWA had the chance to completely bypass this area by simply meeting their own study's system linkage need, but for reasons we cannot comprehend—they balked and now we have this mess called 2B-2!! The desire to keep these 100,000# trucks off of Route 46 with no regard for the Village of East Eddington and others living on Route 9 in Eddington is dubious at best. The decade-long original system linkage need was discounted by a "hard look at Route 9" in Sept 2003—were they wearing blinders??

Gretchen's words from May 2012 Public Hearing still ring true:

"…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.

Last summer we lost a few lives on Route 9, some right at the very bend where this connector is proposed to connect to Route 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 Route 9 is already an unsafe location. Turning it into an intersection with traffic flying off the connector at 55 miles an hour or more and merging directly into our rural area with a business entrance right there and school bus stops just does not make sense. Making everyone that commutes from outer Eddington, Clifton, Amherst, Aurora, and beyond now have to use a stop sign intersection continue onto Route 9 to make their way to the University, hospitals, or other places or work in Bangor and beyond does not make sense to me and will cause a daily commute nightmare.

"This connector is not the answer and it is certainly not good for the entirety of the residents of the Town of Eddington."

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, except for the No-Build, **that makes the least amount of sense** just so the state can say what, 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 that nobody has even talked about. 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 Route 46, shifting 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, this alternative would not provide that connection 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."**

The only regulation for man is eminent domain:

"Eminent domain, broadly understood, is the power of the state to seize private property without the owner's consent. The Fifth Amendment to the US Constitution forbids the confiscation of property "without just compensation", so that anyone whose property is acquired does receive some compensation, however this is decided not be direct negotiation between prospective developer and current owner but by the government agency, which frequently leads to compensation packages that are inadequate."

Proximity displacements—an example of the overall lack of regulations to protect humans and their habitat:

"In summarizing the overall difference between this matrix and the matrix used at the last PAC meeting, Bill said a new column has been added to the matrix – "Number of Buildings in Proximity"; in proximity was defined as within 500 feet of edge of the roadway (for a total width of approximately 1200 feet wide). The purpose of adding this column was to measure the impact of each alternative along the entire length of the alternative or affected area. This was done in response to the suggestions made at the last meeting that MDOT should not place an alternative too close to the majority of people. This also helps to illustrate the impact of Alternative 2B along the section of Route 9. The impact to neighbors in proximity are greater with Alternative 2B than the other alternatives." PAC Meeting #13 held 7.24.2002

"Additionally, 200 buildings (residential and commercial) would be located in proximity (within 500 feet) of the proposed roadway." Memorandum 10.2003

"These metrics were used for siting the alternatives but aren't used as a part of the impacts assessment, since there is no regulation to enforce it."

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

Lack of priorities and not enough money to go around…

The Caribou Connector (Bypass) was completed circa 2012; $20 million for 3.8 miles of new pavement. The Presque Isle Bypass will start construction next year on the first phase of the 3 phase, $120 million bypass of downtown Presque Isle. The North Brewer Bypass (I-395/Route 9 Connector) will move to the preliminary engineering and the right of way phase once the ROD is issued, initially funded by a transfer of $250,000 from BACTS. MaineDOT's 2016-2017-2018 Work Plan has a shortfall of $204 million with unmet bridge needs of $99 million over the next three years. ASCE reports that 33% of our bridges are either functionally obsolete or structurally deficient and 38% of our roads are rated as "poor" or "unacceptable". Those are the facts…

I keep hoping sanity and/or the lack of funding will kill 2B-2 forevermore; 2B-2 has to be cancelled—not simply shelved for another day. MaineDOT's "hard look" basically deferred 2B-2's system linkage need of a limited-access Route 9 connection to the east of Route 46 for 20 years as a long-term need. 2B-2's Route 9 connection point—4.2 miles to the west—was then deemed to meet purpose and needs as a near-term need; however, near-term is time critical to the 20 year-design year. The 20 year-design year dictates whether or not 2B-2 will meet near-term system linkage needs for the whole 20 years. With a design-year of 2040, 2B-2 will have to be built by 12.31.2019 to satisfy the near-term purpose and needs for the whole 20 year-design.

- Sept2010's "hard look" allowed the MaineDOT/FHWA to "punt" this project's original system linkage needs—20 years into the future—to 2030.
- Jan2012: the 2030 design year no longer fit the study, so by Memorandum the design year was changed to 2035 for inclusion in the DEIS and carried forward to the FEIS: "Alternative 2B-2/the Preferred Alternative would further the study's purpose and satisfy the system linkage need in the near term (before 2035)." (Actual date of "before 2035" would be 12.31.2034)
- Post-Jan2015 FEIS, the 2035 design year no longer fit the study; I advised FHWA/Washington that even as MaineDOT/FHWA management were signing-off on the FEIS, the project no longer met the purpose and needs for the whole 20 years; the MaineDOT unceremoniously changed the design year from 2035 to 2040—to once again make 2B-2 fit the study.

MaineDOT has proven once again, they lack the skills and/or the motivation to prioritize and spend our scarce transportation $dollars wisely on our state's unmet transportation needs!!

Other aspects of safety and the cost of poor roads:

"Bill said that safety was defined at the beginning of the study as the elimination of crashes. Other aspects of safety certainly exist but were not part of the study's definition."

DOT and FHWA define safety:

"Joan Brooks asked how safety is viewed in comparison to wetlands. Bill said that safety was defined at the beginning of the study as the elimination of crashes. Other aspects of safety certainly exist but were not part of the study's definition. As far the agencies are concerned, the DOT and FHWA define safety as the elimination of crashes."

"Other aspects of safety certainly exist but were not part of the study's definition."

MaineDOT's own words weren't considered substantive: "…conflicting vehicle movements on this section of Route 9 would substantially increase the potential for new safety concerns and hazards"!! (Oct2003 pg. ii) The obvious reason this statement was not substantive—it questions 2B-2's validity.

"The federal Department of Transportation estimates that obsolete road designs and poor road conditions are a factor in about 14,000 highway deaths each year."

The costs of our roads in human lives:

"Human Cost Rises as Old Bridges, Dams and Roads Go Unrepaired" The following excerpt came from this 11.06.2015 NY Times article: "The federal Department of Transportation estimates that obsolete road designs and poor road conditions are a factor in about 14,000 highway deaths each year. Research by Ted Miller, a senior research scientist at the Pacific Institute for Research and Evaluation, which receives financing from the Transportation Department, put the medical cost of highway injuries from poor road conditions at $11.4 billion for 2013, according to the latest data available."

$ TRIP reported in April 2015: "Twenty-five percent of Maine's major roads are in poor condition. Driving on roads in need of repair costs Maine motorists $529 million a year in extra vehicle repairs and operating costs—$525 per motorist." Wouldn't 2B-2's $61 million cost be better spent on the unmet transportation needs of our state?

Safety concerns obscured by a "hard look at Route 9"…

Maine Department of Transportation
I-395 / Route 9 Transportation Study
Public Advisory Committee Meeting Minutes

PAC Meeting # 8

"Joan Brooks commented that one of the requirements of the study is to create a limited access facility…Ray added that recent legislative policy instructs DOT to limit access on most major arterials in the state. The idea is to increase efficiency and reduce costs."

Changes were made to the study in Sept 2010 deferring the system linkage need and need for a limited-access facility to beyond 2040.

- What happened to the above policy added by MaineDOT (RF)?

Memorandum

To: Interagency Meeting Participants
From: Gerry Audibert, PE
Bureau of Transportation Systems Planning
Date: February 01, 2010
Subject: December 4 Interagency Meeting Summary

http://www.i395-rt9-study.com/Pubs/FCA%2012-09d.pdf

"The analysis will include…why varying speed limits (i.e., 55/35/25/55 mph) is a mobility and continuity issue as well as a safety concern."

NOTE: There are 5 changes in posted speed limits on that 4.2 mile segment of Route 9 supporting 2B-2. I contend the varying speed limit and 148 driveways with 10 local roads is a safety issue that is being intentionally ignored. Where is said analysis? More buried anti-2B-2 facts??

- Varying speed limits and 148 driveways are major safety concerns.

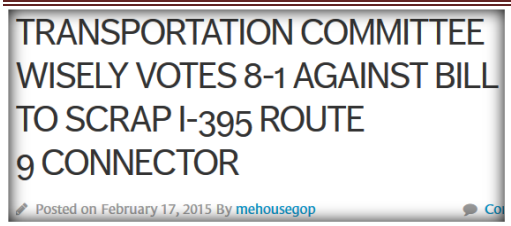
Maine Department of Transportation
I-395 / Route 9 Transportation Study

PAC Meeting
April 15, 2009

"The speed of traffic through the east Eddington village has always been a concern. As a built up area, it poses a challenge to making connections to Route 9 west of the east Eddington Village."

- Really—speed has always been a concern and connections to the west a challenge? Apparently not after a "hard look at Rte. 9"!!

I never miss a chance to correct the record on 2B-2's safety:



"During the public hearing, representatives from the Maine DOT also told the committee that this particular connector, known as 2B-2, is the only option deemed feasible for this area. All other options were ruled out for a variety of reasons such as the potential environmental impacts or safety hazards."

This article seemed to suggest that 2B-2 may be the safest of all other options. Safety concerns and hazards, as documented in the MaineDOT/FHWA Technical Memorandum, still exist today in 2016 and must not be ignored. I contend that 2B-2 may actually be the least safe of all the other 79+ studied alternatives—my contention is based on MaineDOT's own words in October 2003:

1) "Alternative 2B would use approximately 5 miles of Route 9. Traffic congestion and conflicting vehicle movements on this section of Route 9 would substantially increase the potential for new safety concerns and hazards."

2) "Alternative 2B was dismissed prior to PAC Meeting #16 on January 15, 2003 because it would inadequately address the system linkage and traffic congestion needs."

3) "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."

4) "MDOT projects that the future level of service (LOS) for this section of Route 9 resulting from this alternative would be "D" — LOS D is where traffic starts to break down between stable and unstable flow and can become a safety concern in areas of level topography, vehicle mix, and fluctuating speeds. Future traffic volume (year 2030 no-build average annual daily traffic) would be approximately 8,800 vehicles."

5) "Limited opportunities exist to control access management on this section of Route 9 from local roads and driveways. There are ten local roads and 148 existing drives or access points to undeveloped lots. Assuming 10 trip ends per drive and an equal number of left and right turns, Alternative 2B's ability to satisfy the system linkage and traffic congestions needs is questionable."

6) "There are several hundred acres that can be developed along this section of Route 9. Additionally, 200 buildings (residential and commercial) would be located in proximity (within 500 feet) of the proposed roadway."

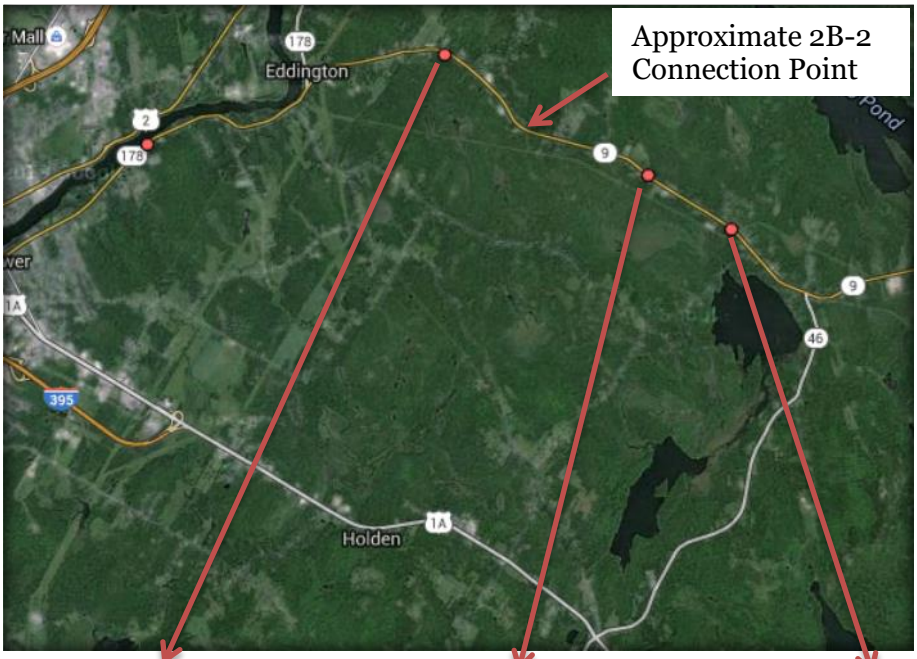
7) "The lack of existing access controls and the inability to effectively manage access along this section of Route 9, and the number of left turns, contribute to the poor LOS and safety concerns, and the inability of Alternative 2B to satisfy the system linkage purpose and need effectively."

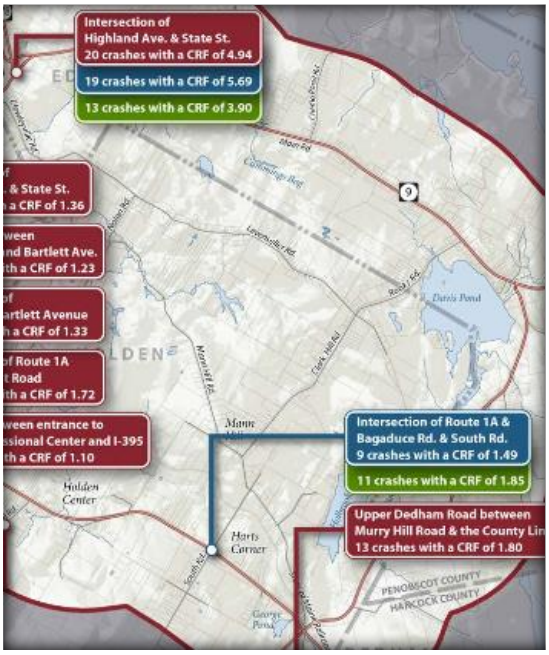
A "hard look at Route 9" cannot diminish documented Route 9 safety deficiencies foisted upon 2B-2: 148 access points, 10 local roads, the Route 9/46 intersection, five changes in posted speed limits, and the historic Village of East Eddington. Best practices would not commission a new highway with a "potential for new safety concerns and hazards" caused simply by MaineDOT flouting their own "east of Route 46" system linkage needs.

MaineDOT broke it—MaineDOT owns it—2B-2 is not the answer!!

If you define "safety as the elimination of crashes", what about these 3 fatalities on the very part of Route 9 that is so essential to 2B-2?

The map (bottom-left) details NHTSA 2012-2014 data. What you won't find in the FEIS (map-bottom-right) are these 3 accidents with 4 fatalities on Route 9 in Eddington from 2012 and 2014, just high crash locations and that Jan2004-Dec2008 data is now outdated by >seven years.





ST_CASE: 230017
VE_FORMS: 1
HOUR: 11:00pm-11:59pm
MINUTE: 3
LATITUDE: 44.82941944
LONGITUDE: -68.66299722
YEAR: 2012
STATE: 23
COUNTY: 19
FATALS: 1

ST_CASE: 230106
VE_FORMS: 1
HOUR: 0:00am-0:59am
MINUTE: 28
LATITUDE: 44.81021944
LONGITUDE: -68.61734722
YEAR: 2012
STATE: 23
COUNTY: 19
FATALS: 2

ST_CASE: 230006
VE_FORMS: 2
HOUR: 5:00am-5:59am
MINUTE: 59
LATITUDE: 44.80183056
LONGITUDE: -68.59888889
YEAR: 2014
STATE: 23
COUNTY: 19
FATALS: 1

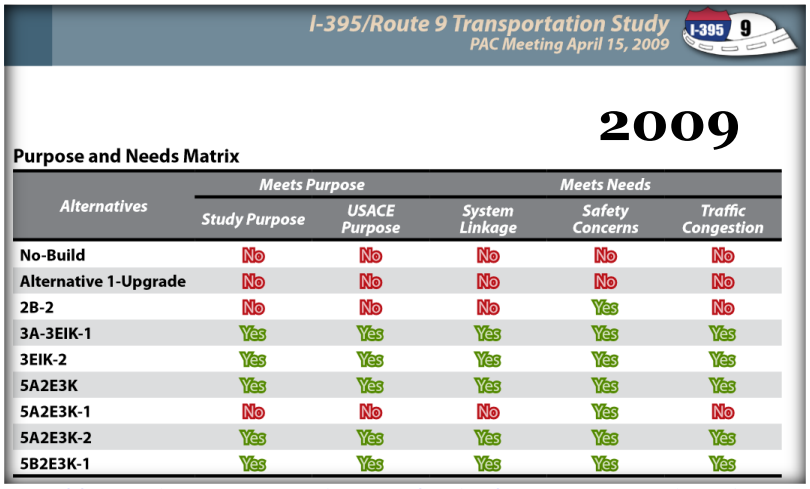
Note: two of these accidents (to the right of 2B-2's Rte. 9 connection point) occurred on the same section of Rte. 9 that is now an integral segment of 2B-2 AND was bypassed by any of the 79+ studied alternatives meeting study system linkage need.

"As far the agencies are concerned, the DOT and FHWA define safety as the elimination of crashes." That 4.2 mile section of Route 9 is an essential part of 2B-2; these fatalities are not even part of FEIS data—one may question why the MaineDOT/FHWA would consider construction of any alternative utilizing Route 9 when the intent of the original Purpose and Needs was to bypass that specific section of highway. In an effort to cut construction costs and end this study—was safety compromised? Alternative 2B-2 does absolutely nothing to improve the safety of that specific 4.2 mile section of Route 9 and 2B-2 cannot possibly eliminate similar fatal crashes in the future. The MaineDOT and FHWA had an opportunity to improve safety within the entire study area—to include Route 9—and for some reason they balked. IMHO—the "hard look" was an executive decision to coronate alternative 2B-2; the decision-makers in this study have failed miserably on the deliverable that they were tasked to provide 15 years ago, back in 2000: "a limited-access connection between I-395 to Route 9 east of Route 46."

Study Needs were altered to advance 2B-2's selection.

The near-decade-long system linkage need and the consequence of a WEST of Route 46 connection point as documented in MaineDOT's own October 2003 Technical Memorandum.

"To meet the need of improved regional system linkage while minimizing impacts to people, it was determined that an alternative must provide a limited-access connection between I-395 and Route 9 east of Route 46. Alternatives that do not provide a limited access connection to Route 9 east of Route 46 would not be practicable because that would not provide a substantial improvement in regional mobility and connectivity and would negatively affect people living along Route 9 in the study area…would severely impact local communities along Route 9 between proposed alternative connection points and Route 46."



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

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

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

2B-2 satisfied only 20% of Purpose and Needs, whereas five other alternatives—including the 3EIK-2/preferred alternative—satisfied 100% of Purpose and Needs. 2B-2 was only 20% better than No-Build—that's only 20% better than doing nothing at all at a cost of a mere $61 million!!

2B-2 does not meet Purpose and Needs.

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

Family 2 – Northern Alternatives

2012

Alternatives	Description	Meets Purpose		Meets Needs			Practicable	Results
		Study Purpose	USACE Purpose	System Linkage	Safety Concerns	Traffic Congestion		
Alternative 2B-2	• Satisfies design criteria • Length: 6.1 mi. of new alignment, 4.2 mi. of Route 9 without additional improvements • Bridge length: 2,232 ft. • Earthwork: 2.2 mcy (1.2 mcy cut, 1.0 mcy fill)	Yes	Yes	In the near-term (Year 2035)	Yes	Yes	Yes	• **Retained for detailed study** • Wetlands impacts: 34 ac. • Stream crossings: 3 (2 with anadromous fish) • Floodplain impacts: 15 ac. • Notable wildlife habitat: 11.0 • Undeveloped habitat: 784 ac. • Prime farmland: 20.0 ac. • Residential displacements: 8

On September 21st 2010, the MaineDOT deferred the near-decade-long "limited-access connection between I-395 to Route 9 east of Route 46" system linkage need beyond 20 years (long-term), and decreed 2B-2 met system linkage need "In the near-term (Year 2030); the design year was changed to (Year 2035) in Jan2012 and once again in Mar2015 to (Year 2040) as required to keep MaineDOT's "hard look at Route 9" viable for the whole 20 year roadway design. An alternative that only 'partially satisfies' the system linkage need by apparently connecting anywhere on Route 9, is now deemed as somehow meeting the system linkage need with the 'in the near-term' moniker. As seen above, 2B-2 was given the appearance of meeting the system linkage need only because MaineDOT changed the study to make that happen. 2B-2 does not meet Purpose and Needs when evaluated using the same apples-to-apples criteria as used with analyzing the other 79+ studied alternatives. What happened to engineering best practices?

3 variations of MaineDOT's "hard look" to meet study needs:

"Fool me once, shame on you. Fool me twice, shame on me. Fool me three times, shame on both of us."
—On Writing by Stephen King—

If 2B-2 is not built before 12.31.2019, expect a change in 2B-2's design-year to Version 4.0…

This study's 2030 design-year was established by a "hard look" in Sept2010, changed Jan2012 (pre-DEIS) to 2035 and changed Mar2015 (post-FEIS) to 2040 when purpose and needs could not be met for the entire 20-year design:

Hard Look-Version 1.0: After almost 10 years, the now-infamous Sept2010 "hard look at Route 9" miraculously established that Route 9 had sufficient traffic capacity—in the near-term (2030)—to become an essential segment of 2B-2, a connector based on a 20-year design with a 2030 design-year. YET—MaineDOT failed to comprehend, even on the same day that the first "hard look" was documented (9.21.2010), 2B-2 did not meet purpose and needs for the entire 20-year design as 2B-2 already exceeded that 2030 (12.31.2029) design-year on 12.31.2009 by >8 months; 2B-2's needs would not be met in the near-term or the long-term at that point—the math simply did not work…

Hard Look-Version 2.0: A Jan2012 Memorandum changed the design-year to 2035 for inclusion into the DEIS—another "hard look" at Route 9—once again establishing that Route 9 had sufficient traffic capacity to support alternative 2B-2, but this time to 2035. Anticipating 2B-2's construction before 2015, the purpose and needs would have been satisfied for the entire 20 year design to 2035—but—mathematically only valid if 2B-2 was built before 12.31.2014. The 2035 design-year was carried forward to the FEIS.

Hard Look-Version 3.0: "Alternative 2B-2/the Preferred Alternative would further the study's purpose and satisfy the system linkage need in the near term (before 2035)." (FEIS Chap2/pg26 Jan2015) Once again—even with a magic wand—before the FEIS was even signed off—the purpose and needs were not met for the entire 20 years. I advised FHWA Headquarters and Mr. Solomon agreed with me saying: "you are correct". The MaineDOT in Mar2015 took another "hard look" at Route 9—once again establishing that Route 9 had sufficient traffic capacity to support alternative 2B-2, changing the design-year to 2040 to ensure that—mathematically—the purpose and needs would be satisfied if 2B-2 is built before 12.31.2019. Shame on all of us for allowing this study to operate unchecked—with no public accountability…

The conundrum of 2B-2's long-term needs and E/W vision:

I-395/Route 9 Transportation Study DEIS/Section 404 Permit Application
Meeting with Cooperating Agencies

September 21, 2010

Minutes of Meeting

- The DOT has taken a hard look at the capacity of Route 9:
  - Route 9 has sufficient capacity to accommodate the anticipated traffic volumes at a reasonable speed for the next 20 years, with the possible exception of the intersection at Route 9/46.

The system linkage need was discussed. With Route 9 having sufficient capacity for the next 20 years, the system linkage need and need for a limited access facility should be considered a long-term need. The DOT is committed to the East-West highway vision, and the system linkage need remains a valid need for this study. To help clarify when an alternative satisfies the system linkage need for the I-395 / Route 9 study, the DOT will change references in Chapter 2 Alternatives Analysis and Appendix C Alternatives Considered and Dismissed to 'partially satisfies' the need to 'in the near term' (or something similar) and define 'near term' as the year 2030.

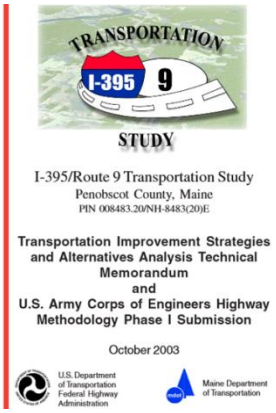
Conundrum

Conundrum may refer to:

- A **riddle** whose answer is or involves a pun or unexpected twist
- A logical postulation that evades resolution, an intricate and difficult problem

"…the system linkage need and need for a limited access facility should be considered a long-term need. The DOT is committed to the East-West highway vision, and the system linkage need remains a valid need for this study."

September 21, 2010



"To meet the need of improved regional system linkage while minimizing impacts to people, it was determined that an alternative must provide a limited-access connection between I-395 and Route 9 east of Route 46…Alternatives providing a direct connection between I-395 and Route 9 east of Route 46 will provide improved regional connections between the Canadian Maritime Provinces and the Bangor region and reduce traffic on other roadways. Such alternatives meet the intent of the East-West Highway Initiative." October 2003

"define near-term as the year 2030."
—Sept2010—

See page 29 to review the 3 versions of the "hard look" design year – it has been changed every time it no longer meets their needs!!

2B-2's long-term needs: "…the system linkage need and need for a limited access facility should be considered a long term-need and the system linkage need remains a valid need for this study." You won't find discussion of Sept2010's long-term needs in the EIS. Is this a ruse to further 2B-2's selection and the long-term system linkage need, the long-term need for a limited-access facility and future funding to satisfy said long-term needs are pipe dreams that do not exist outside of this Sept2010 meeting? One could suggest that this study—again—is non-compliant with NEPA as these long-term needs only pertain to 2B-2 (2B-2 is defined in near-term needs only in the EIS) and none of the other 79+ studied alternatives which met the system linkage need of an east of Route 46 connection point at the onset—without the same long-term needs that are now saddled upon 2B-2.

- What are 2B-2's long-term plans—what is 2B-2's total cost including long-term needs—how will these long-term needs be funded and since 2B-2 is basically half an alternative, shouldn't these long-term plans be considered up front as impacts? 2B-2 should not be marketed as the cheapest option when the decision-making document fails to include the total cost of near-term and long-term needs. MaineDOT's conundrum: if long-term needs are not addressed—this process is moot.

East-West Highway—if you can't deliver on the vision—you shouldn't be taking credit for it:

- "The DOT is committed to the East–West highway vision…" Then—why not bypass the Village?
- "I-395 and Route 9 east of Route 46 will provide improved regional connections between the Canadian Maritime Provinces and the Bangor region…meet the intent of the East-West Highway Initiative." One can easily surmise that a west of Route 46 connection would not meet the intent of the East-West highway initiative as best practices would bypass the Village of East Eddington.

These contradictory statements cannot be reconciled—2B-2's selection has clearly failed to satisfy Governor King's 1999 vision of the E/W highway and does not meet the study's purpose and needs.

It takes more than a "hard look" to meet the safety concerns and traffic congestion needs—2B-2 does NOT!

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

"poor LOS and safety concerns"

"ten local roads and 148 access points"

"the number of left turns"

"Limited opportunities exist to control access management on this section of Route 9 from local roads and driveways."

"ability to satisfy… traffic congestions need is questionable"

"lack of existing access controls"

"negatively affect people living along Route 9 in the study area"

"inability to effectively manage access along this section of Route 9"

"severely impact local communities along Route 9 between proposed alternative connection points and Route 46"

"inadequately address traffic congestion needs"

35 access points/mile on 2B-2's 4.2 mile section of Route 9. Any of the 79+ alternatives meeting system linkage need would have zero added access points—not the 148 that Route 9 foists upon 2B-2!!

You are 1,036% more likely to have an accident on the new 2B-2 alternative than any of the other 79+ studied alternatives!!

FHWA acknowledges: "In rural areas, each access point added increases the annual accident rate by seven percent."

The FEIS authenticates the environmental cost behind 2B-2:

It's not just the $2.8 million that has been squandered away over the past 15 years or the $61 million that will be unwisely spent to construct 2B-2:

"The Brewer City Council…firmly believes the route(s) chosen by the MDOT have negative consequences to many property owners as well as the environment." Mayor Vachon 8.26.15

- It's the impact to 34 acres of wetlands…
- It's the impact to 3 streams, 2 of which contain anadromous fish…
- It's the impact to 15 acres of floodplain…
- It's the impact to 11.0 acres of notable wildlife habitat …
- It's the impact to 784 acres of undeveloped habitat…
- It's the impact to 20.0 acres of prime farmland…
- It's the impact to 8 families losing their homes…
- It's the impact to owners of the 190 buildings within 500' of 2B-2…
- It's the impact to owners of the 54 directly impacted properties…
- It's the impact to the area with the 163 total acres to be acquired…
- It's the impact to 103 acres of vegetation…
- It's the impact to federally listed endangered species…
- It's the impact to 9 acres of waterfowl/wading bird habitat on Eaton Brook…
- It's the impact to 31 acres by roadway contaminants within 100' of 2B-2…
- It's the impact to 66 acres by roadway contaminants within 160' of 2B-2…
- It's the impact to 10 acres of watershed…
- It's the impact to streams within 3,300' by 13 acres of sediment…
- It's the impact to 23 acres of hydric soil…
- It's the impact to 14 acres of soil with statewide importance…
- It's the impact to 156 acres of land with special zoning designation…
- It's the 0.9 acre roadway contaminant impact to streams within 100'…
- It's the 1.8 acre roadway contaminant impact to streams within 160'…
- It's the cumulative impact to 26 acres of floodplain…
- It's the cumulative impact to 182 acres of wetlands…
- It's the cumulative impact to 600 acres of forests/vegetation…
- It's the cumulative impact to 873 acres of wildlife habitat…
- It's the unknown storm-water runoff impact to 4,900' of streams…
- It's the impact to communities losing $64,400 in yearly revenues…
- When 33% of our bridges are functionally obsolete/structurally deficient…
- When 38% of our roads are rated as "fair" or "unacceptable"…

Who was the first to say "it is practically a new project"?

"The project being proposed now is very different than what was originally proposed - it is practically a new project."

ANSWER: FHWA Division Office 12.15.2015

"The project being proposed now is very different than what was originally proposed - it is practically a new project. Has the Purpose and Need changed for the project (would seem like it would have to for the reduced roadway to be acceptable)? If so, you would definitely need to look at your alternatives analysis again based on the revised needs. And as you said, the impacts would have to be revised. You may want to hold a new public meeting (not quite scoping, since the areas of concern would be the same). Sounds like almost a complete rewrite of the EIS.

Another option would be to do a combined PEL (Planning Environmental Linkage) and EIS document. The larger project would be the planning portion (what you would like to do), and the reduced template would be the EIS (what you are actually going to do based on funding). This would require that you identify BOTH the overall impacts (which you already have) and the impacts of the reduced project. Still have to do most of what I described above and add a lot of discussion to the PEL/EIS to clarify what is happening, but you wouldn't have to throw out the work that is already done."

QUESTION: NEPA analysis w/ footprint change posted 12.14.2011

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

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

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

I asked the FHWA to address this issue—they did not. If this answer to the question posed by FHWA/MH raised serious concerns that the preferred alternative (2B-2) "does not satisfy purpose and needs" and comparison to other alternatives was "now apples to oranges"—what is the MaineDOT and FHWA trying to pull? Is this a cover-up of a sloppily managed study? A North-Brewer Bypass was not the intended project outcome; thus leads me to believe this project is not only a distortion of study purpose and needs, but a misuse of critical funds. After working 41+ years in the government, you learn quickly, or suffer the consequences, that a project cannot simply be changed at a whim when using government funds—that's both unethical and illegal.

Our citizen website: I-395/Route 9 Hard Look!

An unfiltered rebuttal of the many issues that pertain to the MaineDOT's questionable selection for $61 million expenditure—2B-2 did not meet the Purpose and Needs until the study was changed.

MaineDOT's four stated reasons for conducting this Study:

1. Improve regional system linkage: **FAILED**
- In their own words as captured in their Oct 2003 Technical Memorandum: "To meet the need of improved regional system linkage while minimizing impacts to people, it was determined that an alternative must provide a limited-access connection between I-395 and Route 9 east of Route 46."

2. Improve safety: **FAILED**
- In their own words as captured in their Oct 2003 Technical Memorandum: "Traffic congestion and conflicting vehicle movements on this section of Route 9 would substantially increase the potential for new safety concerns and hazards."

3. Improve the current and future flow of traffic and the shipment of goods between I-395 and Route 9: **FAILED**
- In their own words as captured in their Oct 2003 Technical Memorandum: "…would not provide a substantial improvement in regional mobility and connectivity and would negatively affect people living along Route 9 in the study area."

4. Avoid and minimize adverse impacts to natural, social, cultural, and economic resources and features: **FAILED**
- In their own words as captured in their Oct 2003 Technical Memorandum: "Additionally, this alternative would result in substantially greater proximity impacts (residences within 500 feet of the proposed roadway) in comparison to Alternative 3EIK-2 (200 residences v. 12 residences)." 2B-2 crosses Felts Brook and Eaton Brook which contains critical habitat for Atlantic salmon—the previous preferred alternative and the majority of the 79+ studied alternatives did not affect anadromous fish. 2B-2 will also displace eight families—the previous alternative displaced two.

For four long years, I had every expectation that my concerns would be heard, my questions would be answered and my interests would be ethically represented. My efforts were falsely marginalized by many (elected and civil service) with seemingly no accountability to the public they were sworn to serve and protect. I now question everything and wonder what happened to the government that I proudly served for 41 years, in and out of uniform.

I question why politics was introduced into this conversation, I question why my state legislators chose to ignore a majority of their constituency, I question why the 127th JSC on Transportation decided to balk at exercising their prime directive of oversight when presented with 90 pages of contradictory testimony to rebut 2B-2's selection at the February 2015 public hearing on LD 47, and I strongly question why we continue to waste scarce transportation dollars when: "We are struggling to maintain the roads and bridges we currently have in safe and serviceable condition."

Sept2010's "hard look at Route 9" eliminated the study's first preferred alternative (3EIK-2), and four other alternatives satisfying 100% of purpose and needs; 2B-2 was then elevated to the study's new preferred alternative and an expenditure of $61 million, even though 2B-2 only satisfied 20% of the purpose and needs in April of 2009.

The expression "hard look" is government-speak to establish government officials as the subject matter experts—credible—not to be questioned. It effectively shuts down adversarial conversations.

The infamous "hard look at Route 9" was based on two sentences within the minutes of a Sept 21, 2010 meeting: "With Route 9 having sufficient capacity for the next 20 years, the system linkage need and need for a limited access facility should be considered a long-term need. The DOT is committed to the East-West highway vision, and the system linkage need remains a valid need for this study."

Half the referenced paragraph (not shown) is a parsing of 'partially satisfies' to 'in the near-term' to facilitate an alternative—specifically 2B-2—that does not meet the "Route 9 east of Route 46" system linkage need to satisfy that need simply by connecting to: "the portion of Route 9 in the study area." YES—anywhere on Rte. 9 in the study area!

Sept2010's "hard look at Route 9" did not rescind the system linkage need and the limited-access facility need—both needs were revalidated before being deferred to beyond 2030. The 2030 design year has since been changed (twice) to 2040. It's interesting how easy it is to make criteria changes whenever deemed necessary to promote 2B-2.

Any of the 79+ studied alternatives that satisfied the "east of Route 46" system linkage need, unlike 2B-2, did not have said long-term needs requiring $tens of millions in additional funding in 20 years. Shouldn't long-term planning be an EIS impact or is it conceivable these long-term plans, if they exist, will never be acted upon and were a smoke screen to surreptitiously advance 2B-2?

To not question the motives of our civil servants, you would have to disregard forewarnings of Rte. 9 "safety concerns and hazards" as documented in the Oct 2003 Technical Memorandum with 2B-2's essential 4.2 mile Rte. 9 segment encompassing: 148 access points, 10 local roads, the Rte. 9/46 intersection, five changes in posted speed limits, and the historic Village of East Eddington—the specific phraseology eliminating 2B from further consideration in Jan2003: "Traffic congestion and conflicting vehicle movements on this section of Route 9 would substantially increase the potential for new safety concerns and hazards."

To not question the motives of our civil servants, you would have to discount a near-decade of work ending with 2B-2 meeting 20% of purpose and needs. I contend that [1] 2B-2 was not the result of best practices—it was an executive decision, [2] the study was reverse-engineered to make 2B-2 fit that specific decision and [3] NEPA compliance and engineering best practices were marginalized by Sept2010 sealing 2B-2's fate.

I now question the veracity of the anticipated ROD. Since 40.8% of 2B-2 is that same identical above-mentioned section of Route 9, our civil servants should have heeded their own words from Oct2003: "…would substantially increase the potential for new safety concerns and hazards".

$2.8 million has been squandered over the past 15 years of this study to select a previously removed, deficient alternative (2B-2) for a $61 million project. Wouldn't those $millions be better spent on Maine's unmet transportation needs??

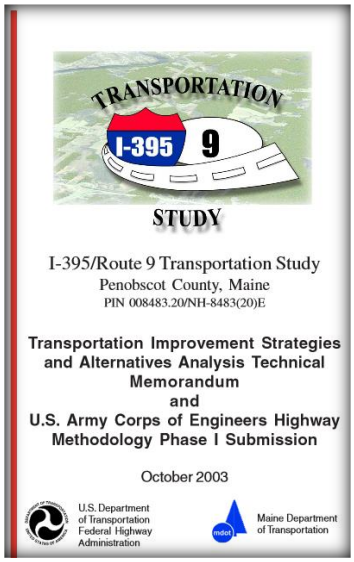
NIMBY has many faces depending on your perspective:

NIMBY (an acronym for the phrase "Not In My Back Yard"), or **Nimby**, is a pejorative characterization of opposition by residents to a proposal for a new development because it is close to them, often with the connotation that such residents believe that the developments are needed in society but should be further away. (Wikipedia)

An often unfair connotation—proffered by one with little or no knowledge of the specific issue—just an opinion. The validated system linkage need requiring a "limited access connection between I-395 to Route 9 east of Route 46" is not met by 2B-2 and I suspect it may never be. 2B-2 was covertly selected, excluding the PAC and leaders of the impacted communities from the decision-making process; a year would go by before 2B-2's selection was disclosed. NIMBY—disgust and contempt is a better description. The criteria used to foist 2B-2 on an unsuspecting public has neither passed the smell test, nor ever been justified with cold hard facts. 2B-2 was not fairly compared to all of the 79+ studied alternatives utilizing the same criteria—2B-2 stood alone. NIMBY—depends on your perspective.

Some may argue NIMBY applies to the Route 46 area, since 2B-2 "shifts the problem from one part of town to another." Route 9's connection point was moved 4.2 miles west of the original "east of Route 46" system linkage need, disregarding the original intent to bypass Route 46 and the Village of Eddington. NIMBY—depends on your perspective.

The biggest NIMBY of all may be 2B-2 itself. 2B-2 was presented in September 2003 by a private Holden resident through the Town of Holden and directly to the ACOE, since it had little or no support from the MaineDOT. 2B-2 was Holden's repudiation of 3EIK-2 (MaineDOT/FHWA's first preferred alternative). NIMBY—depends on your perspective.



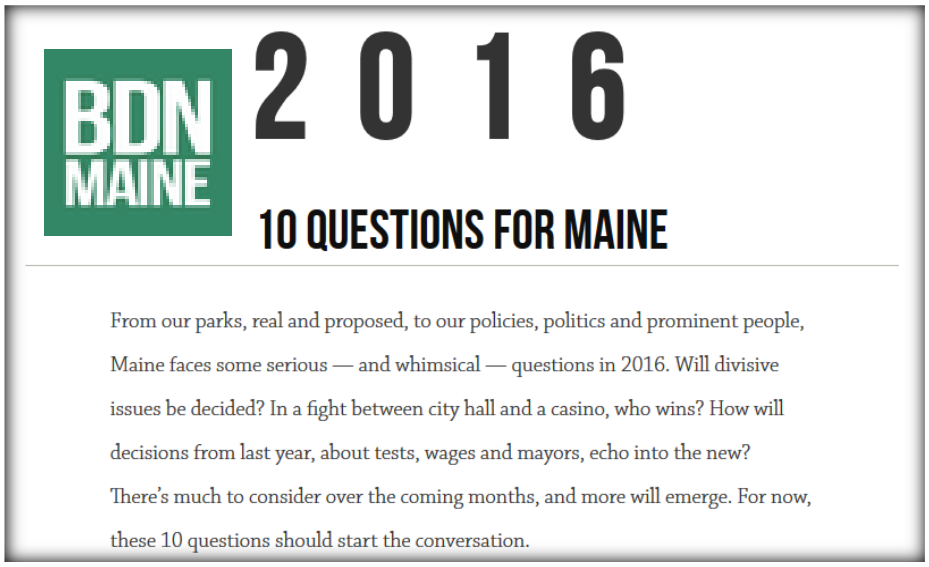
MaineDOT/FHWA/ACOE Tech Memorandum: documented the removal of 2B (2B-2's predecessor) before the Jan2003 PAC meeting: "Traffic congestion and conflicting vehicle movements on this section of Route 9 would substantially increase the potential for new safety concerns and hazards…would inadequately address the system linkage and traffic congestion needs…Limited opportunities exist to control access management on this section of Route 9 from local roads and driveways…The lack of existing access controls and the inability to effectively manage access along this section of Route 9, and the number of left turns, contribute to the poor LOS and safety concerns, and the inability of Alternative 2B to satisfy the system linkage purpose and need effectively."

2B-2 is an issue of transportation professionals discounting decade-long established "limited access connection to Route 9 east of Route 46" system linkage needs. MaineDOT's Oct2003 Memorandum forewarned:

2B-2's use of Route 9 is a safety issue!!

How about an additional substantive question or two?

Questions raised in the [Bangor Daily News](#) on January 1st.


BDN MAINE

2016

10 QUESTIONS FOR MAINE

From our parks, real and proposed, to our policies, politics and prominent people, Maine faces some serious — and whimsical — questions in 2016. Will divisive issues be decided? In a fight between city hall and a casino, who wins? How will decisions from last year, about tests, wages and mayors, echo into the new? There's much to consider over the coming months, and more will emerge. For now, these 10 questions should start the conversation.

"We are struggling to maintain the roads and bridges we currently have in safe and serviceable condition." Commissioner Bernhardt 8.01.2011

[MaineDOT Press Release Public](#)

The I-395/Route 9 Transportation Study has cost the people of Maine some [$2.8 million](#) over the past 15 years. By [Sept2010](#), the MaineDOT discarded the previous decade of work by removing the 3EIK-2/preferred alternative and all other (4) alternatives meeting 100% of purpose and needs to select 2B-2 as the new preferred alternative. The 2B-2 alternative, twice removed by [Jan2003](#), satisfied only 20% of the Study Purpose and Needs in [April 2009](#).

A deficient alternative (2B-2) for [$61 million](#) in scarce funding when:

1) [MaineDOT](#) struggles to maintain our existing roads and bridges.
2) [New 3-year DOT Work Plan](#) includes $99 million in unmet bridge needs.
3) [New 3-year DOT Work Plan](#) includes an overall shortfall of $204 million.
4) [33% of our bridges](#) are structurally deficient or functionally obsolete.
5) [38% of our roads](#) are rated as "fair" or "unacceptable".

ADDITIONAL QUESTIONS FOR MAINE

11) $2.8 million has already been squandered away on this study—that money is gone forever—2B-2's estimated cost of construction is $61 million—wouldn't that $61 million be better spent on the state of Maine's recognized unmet transportation needs existing today?

12) How did MaineDOT manage to spend $2,800,000.00?

Overzealous traffic projections and cost-benefit analysis:

Transportation Cost-Benefit Analysis Can Be Highly Misleading by Robert Krol 8.27.15 (Excerpt)

Each year state and local governments decide on which transportation infrastructure projects to build. The economic backbone of the decision process is supposed to be an objective cost-benefit analysis. Cost estimates require a determination of labor and material quantities and prices. Benefit estimates require forecasting economic growth, demographic trends, and travel patterns in the region. Clouding the analysis is the fact that this decision process takes place in a political environment. When it comes to estimating the costs and benefits of proposed projects, this environment creates incentives to cook the books. Because elected officials benefit from these projects, the incentive is to place pressure on analysts to underestimate project costs and overestimate project benefits. Taxpayers and investors need to be careful when it comes to projections of the costs and benefits of transportation infrastructure projects. They are likely to be biased to favor projects politicians want.

Table 1 – Transportation Project Cost Overruns

Project Type	Number of Projects	Average Cost Overrun (%)
Rail	58	44.7
Fixed-link	33	33.8
Road	167	20.4
All Projects	258	27.6

Source: Flyvbjerg et. al. (2002) page 283.

Table 2 – Transportation Traffic Forecast Error Size and Distribution

	Rail	Roads
Average Error (%)	-51.4	9.5
Percentage of projects with inaccuracies > ± 20%	84	50
Percentage of projects with inaccuracies > ± 40%	72	25
Percentage of projects with inaccuracies > ± 60%	40	13

Source: Flyvbjerg et. al. (2006) page 11.

In my opinion—2B-2 was an executive decision and the study was then reverse engineered to make it fit—evidenced by a lack of engineering best practices and any real factual data behind their September 2010 "hard look at Rte. 9" epiphany.

FOAA documents placed a doubt on the validity of 2B-2's $61 million cost. Table 1 suggests 2B2's cost may be more like $73.4 million which would yield an unacceptable Benefit/Cost ratio—below the 1.0 threshold.

Traffic capacity of Route 9 was the driving force behind selecting 2B-2. How accurate was the forecast? Table 2 suggests only 50%.

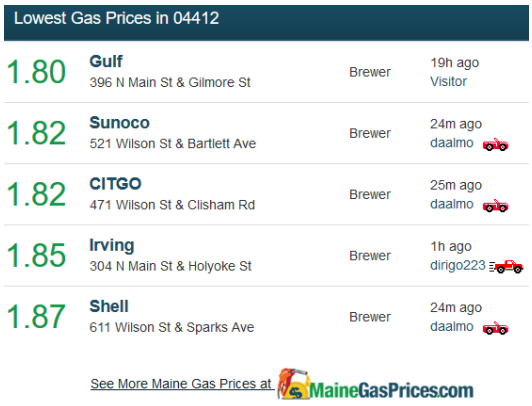
Show Your Work: Getting DOT Traffic Forecasts Out of the Black Box by Joe Cortright 3.6.15 (Excerpt)

In practice, DOTs have often used traffic forecasts as a sales tool or a rationalization for new projects. Once the traffic modeling generates a sufficiently high number to justify additional capacity, the agencies stick with it in spite of evidence to the contrary.

For years, we've known that DOT traffic forecasting models are frequently wrong and that they regularly over-estimate future traffic and congestion. Multi-billion dollar projects are often predicated on traffic forecasts that fail repeatedly to be borne out by reality. The State Smart Transportation Institute analyzed an aggregation of state traffic forecasts prepared annually by the US DOT showed that the 20-year projections overestimated future traffic volumes in every single year the reports could be compared against data on actual miles driven by Americans.

A big part of the reason these flawed forecasts have continued to be made–and not corrected–is that the forecasting process is opaque to outsiders. Greater transparency in the data and assumptions that underlie traffic forecasts could lead to much wiser decisions about where to invest scarce transportation resources.

What about the price of gas and the "hard look at Route 9"?



Gas Buddy website

Will the falling cost of gasoline, approaching prices in 2005, increase the AADT—exceeding Route 9's projected traffic capacity long before the near-term 20-year design year 2040 dooming 2B-2 to failure?

NOTE: 2B-2's design year has been changed twice since Sept2010 to keep near-term system linkage needs within the study's 20-year design. 2B-2 needs to now be built before 12.31.2019 as the long-term "east of Route 46" system linkage needs will kick in on 12.31.2039. Any of the 79+ studied alternatives satisfying the system linkage need did not have $long-term needs.

If the FEIS is to be believed and the price of gas was such a "driving force" in this decision, then a decrease in gas prices should prompt similar actions with a "hard look" to revalidate Route 9's traffic capacity—the study needs to be immediately halted or an alternative chosen that actually meets the original study purpose and needs.

"In 2008, with the economic downturn and increase in the price of gas, traffic in the study area has not grown as fast as previously predicted. The MaineDOT and FHWA believe the growth in traffic and traffic volumes originally forecast for the study area for the year 2030 won't materialize until the year 2035." FEIS-page S5 (*2035 changed to 2040 in Mar2015*)

UNITED STATES DEPARTMENT OF LABOR
BUREAU OF LABOR STATISTICS

Data extracted on: January 19, 2016 (10:22:36 AM)

Consumer Price Index - Average Price Data

Series Id: APU000074714
Area: U.S. city average
Item: Gasoline, unleaded regular, per gallon/3.785 liters

Download: xlsx

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2005	1.823	1.918	2.065	2.283	2.216	2.176	2.316	2.506	2.927	2.785	2.343	2.186
2006	2.315	2.310	2.401	2.757	2.947	2.917	2.999	2.985	2.589	2.272	2.241	2.334
2007	2.274	2.285	2.592	2.860	3.130	3.052	2.961	2.782	2.789	2.793	3.069	3.020
2008	3.047	3.033	3.258	3.441	3.764	4.065	4.090	3.786	3.698	3.173	2.151	1.689
2009	1.787	1.928	1.949	2.056	2.265	2.631	2.543	2.627	2.574	2.561	2.660	2.621
2010	2.731	2.659	2.780	2.858	2.869	2.736	2.736	2.745	2.704	2.795	2.852	2.985
2011	3.091	3.167	3.546	3.816	3.933	3.702	3.654	3.630	3.612	3.468	3.423	3.278
2012	3.399	3.572	3.868	3.927	3.792	3.552	3.451	3.707	3.856	3.786	3.488	3.331
2013	3.351	3.693	3.735	3.590	3.623	3.633	3.628	3.600	3.556	3.375	3.251	3.277
2014	3.320	3.364	3.532	3.659	3.691	3.695	3.633	3.481	3.403	3.182	2.887	2.560
2015	2.110	2.249	2.483	2.485	2.775	2.832	2.832	2.679	2.394	2.289	2.185	

Isn't it interesting how many times 2B-2's story changes? The study started in 2000 with the complaint of logging trucks speeding down Route 46 on their way to the Bucksport Mill; that mill is currently being scrapped. Then it became the barrage of tourists and those big 100,000 pound 18-wheelers from Canada…

- "Judy Lindsay: Yes. It satisfies Purpose and Need–not what we've been talking about, but it will still do a lot for transportation network causing the problem all along, especially on Route 46." (MaineDOT (JL) 12.31.2011) Seems (JL) had her own doubts that 2B-2 met Purpose and Needs…

U.S. PIRG Education Fund

Jeff Inglis, Frontier Group
Phineas Baxandall, Ph.D., U.S. PIRG Education Fund

September 2014

The following is an excerpt—CLICK HERE—to view document.

Americans drive no more in total now than we did in 2005, and no more on average than we did at the end of Bill Clinton's first term as president. The recent stagnation in driving comes on the heels of a six decade-long Driving Boom that saw steady, rapid increases in driving and congestion across the United States, along with the investment of more than $1 trillion of public money in highways. But even though the Driving Boom is now over, state and federal governments continue to pour vast sums of money into the construction of new highways and expansion of old ones—at the expense of urgent needs such as road and bridge repairs, improvements in public transportation and other transportation priorities.

With the federal Highway Trust Fund on life support, states struggling to meet basic infrastructure maintenance needs, and growing demands for investment in public transportation and other non-driving forms of transportation, America does not have the luxury of wasting tens of billions of dollars on new highways of questionable value. State and federal decision-makers should reevaluate the need for the projects profiled in this report and others that no longer make sense in an era of changing transportation priorities.

States continue to spend tens of billions of dollars on new or expanded highways that are often not justified in terms of their benefits to the transportation system, or pose serious harm to surrounding communities. In some cases, officials are proposing to tack expensive highway expansions onto necessary repair and reconstruction projects, while other projects represent entirely new construction. Many of these projects began years or decades ago and have continued moving forward with no newer evaluation of whether their existence is justified.

States continued to spend $20.4 billion a year constructing new roads or expanding the capacity of existing roads between 2009 and 2011, according to Smart Growth America and Taxpayers for Common Sense. During that same period, states spent just $16.5 billion repairing and preserving existing roads, even as those roads' surface conditions worsened.

- If the states had spent their road expansion money on repairs instead, they could have halved the portion of road surfaces in poor condition by 2011. If that practice had continued, no state-owned roads would have surfaces in poor condition by the end of 2014.

Specifically, policy-makers should:

- Reconsider all plans for new and expanded highways in light of new transportation trends and recent changes in traffic volumes.
- Reorient transportation funding away from highway expansion and toward repair of existing roads and investment in other transportation options.
- Encourage transportation investments that can reduce the need for costly and disruptive highway expansion projects.

I could have written this myself. Doesn't this sound like alternative 2B-2??

Highway Boondoggles 2

More Wasted Money and America's Transportation Future

U.S. PIRG Education Fund

FRONTIER GROUP

Written by:

Jeff Inglis, Frontier Group

John C. Olivieri, U.S. PIRG Education Fund

The following is an excerpt—CLICK HERE—to view document.

January 2016

America is in a long-term transportation funding crisis. Our roads, bridges and transit systems are falling into disrepair.

Even with the recent passage of a five-year federal transportation bill, the future of transportation funding remains uncertain.

Americans' transportation needs are changing. America's transportation spending priorities aren't.

States continue to spend tens of billions of dollars on new or expanded highways that are often not justified in terms of their benefits to the transportation system, or that pose serious harm to surrounding communities.

America has a tremendous need for investment in transportation. Across the nation, aging roads and bridges – many of them nearing the end of their useful lives – need to be repaired or rebuilt.

Specifically, policymakers should:

1. **Invest in transportation solutions that reduce the need for costly and disruptive highway expansion projects.** Investments in public transportation, changes in land-use policy, road pricing measures, and technological measures that help drivers avoid peak-time traffic, for instance, can often address congestion more cheaply and effectively than highway expansion.

2. **Adopt fix-it-first policies** that reorient transportation funding away from highway expansion and toward repair of existing roads and investment in other transportation options. As first suggested by Smart Growth America and Taxpayers for Common Sense, this includes more closely tying states' allocations of federal transportation funding to infrastructure conditions, encouraging states to ensure existing roads and bridges are properly maintained before using funds for new construction or expansion projects. To most effectively meet this goal, government agencies should provide greater public transparency about spending plans than is currently standard, including future maintenance expenses.

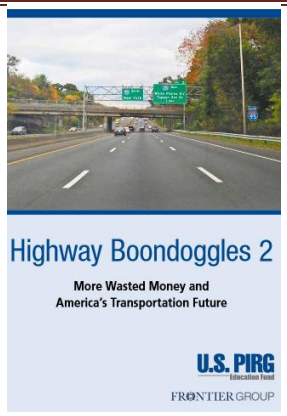
3. **Give priority funding to transportation projects that reduce growth in vehicle-miles traveled**, to account for the public health, environmental and global warming benefits resulting from reduced driving.

4. **Analyze the need for projects using the most recent data and up-to-date transportation system models.** Planning should include full cost-benefit analyses, including the costs to maintain newly constructed highways. Models should reflect a range of potential future trends for housing and transportation, incorporate the availability of new transportation options (such as carsharing, bikesharing and ridesharing), and include consideration of transit options. Just because a project has been in the planning pipeline for several years does not mean it deserves to receive scarce taxpayer dollars.

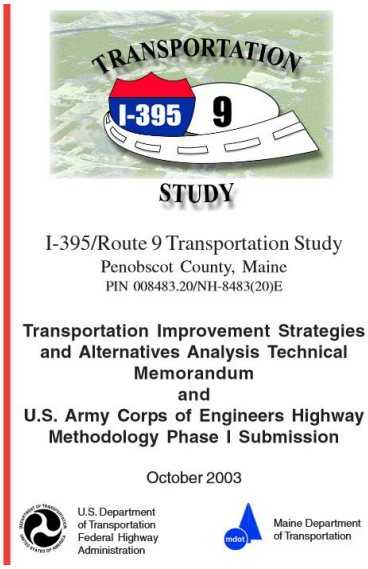
5. **Apply the same scrutiny to public-private partnerships** as to those funded solely by taxpayers.

6. **Invest in research and data collection** to better track and react to ongoing shifts in how people travel.

Oct2003 and Jan2016 documents warn of harm to communities—aren't they saying the same thing?



"States continue to spend tens of billions of dollars on new or expanded highways that are often not justified in terms of their benefits to the transportation system, or that pose serious harm to surrounding communities." Click here to view entire document-statement on page 5.



"Alternatives that do not provide a limited access connection to Route 9 east of Route 46 would not be practicable because that would not provide a substantial improvement in regional mobility and connectivity and would negatively affect people living along Route 9 in the study area. 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." Click here to view-go to page 5.

The 2B-2 alternative "would negatively affect people living along Route 9" in Eddington and Brewer, "would severely impact" the community of Eddington and will "pose serious harm to surrounding communities" of Eddington, Holden and Brewer by displacing 8 families from their homes, affecting 54 properties while placing 190 buildings (commercial/residential) within 500' of this new connector and consuming 163 total acres of some of the most pristine land in the area—I would call that "serious harm". When the system linkage need of a "limited-access connection between I-395 and Route 9 east of Route 46" was punted to beyond 12.31.2039—when MaineDOT's 2016-2017-2018 Work Plan contains a $204 million shortfall in the Core Highway and Bridge Programs that includes $99 million in unmet bridge needs—when 33% of our bridges are functionally obsolete or structurally deficient—I can unequivocally state that 2B-2 is "not justified" and 2B-2's $61 million cost would be better spent on the state's unmet transportation needs.

How will your community address 2B-2's tax revenue loss?


BDN MAINE Business

Friday, Jan. 22, 2016 Last update: 8:12 a.m.

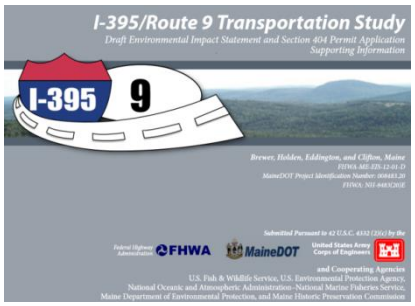
NEWS | THE POINT | BUSINESS | NEXT | SPORTS | OUTDOORS | HOMESTEAD | FOOD |
News from your community: State | Aroostook | Augusta | Bangor | Down East | Hancock | Lewistor

POLL QUESTION

Lowe's seeks big tax cuts for stores in Maine

"In Brewer, the company has asked that its assessment of $12.5 million be reduced by slightly more than $3.5 million. If granted, that would reduce Lowe's tax payments to Brewer by $76,000." Bangor Daily News 1.22.2016

My initial thought: how will my community address this loss, who will suffer and to what end? While this issue has yet to be resolved between Lowe's and the City of Brewer—the reduction in tax revenue from alternative 2B-2 cannot be mitigated. You can't tax a road—those revenues are gone—forever…



"The build alternatives would result in a reduction in tax revenue in Brewer, Holden, and Eddington because the land converted to transportation use would no longer be tax-eligible. Annual tax revenue would decrease by approximately: Brewer: $37,000, Holden: $7,200, Eddington $17,800." DEIS page 140

- $2.3 million worth of real estate will be directly impacted in Brewer. In turn—Brewer will receive a $740,000 reduction in revenues over 20 years!

MaineDOT will purchase the minimum amount of land to establish 2B-2's footprint—leaving larger properties with greatly diminished property values. Not included in any EIS data are those property owners—like myself as close as 100 feet from the right-of-way of 2B-2—that will see their property values plummet through no fault of their own and only upon reassessment will the true loss in real estate values be known; those losses will also generate reduced tax revenues. Many in this area are at or near retirement age and their properties are integral to their retirement portfolio. These seniors will suffer the loss with no instrument to recoup said losses and this comes at a time when real estate values remain suppressed. Many homeowners, even 100 feet from the ROW, are not considered directly or indirectly impacted by 2B-2—when a frog or a salamander in a vernal pool that may no long exist is a direct impact—many find that fact completely outrageous. MaineDOT has left leaders and private citizens of the impacted communities out of the decision-making process and continues to marginalize our questions and concerns…

- Firefighters, police, teachers, public works—whose budget will be cut or who will be pink-slipped—will your property taxes go up—how will your community handle the loss of revenues?

Non-support petition presented at the May 2, 2012 Public Hearing:

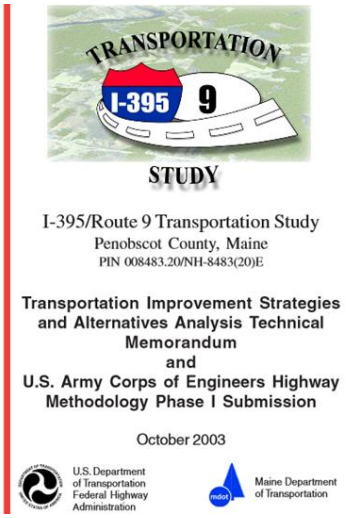
"...390 signatures, people in Eddington on this..."

MR. PLUMPTON: Joan, come on up.
AUDIENCE MEMBER: I'm Joan Brooks. I'm Chairman of the Board of Selectmen in Eddington and I have been asked to hand this to the DOT. We, the citizens of the Town of Eddington, in the County of

28

Penobscot, in the State of Maine, do hereby protest the I-395/Route 9 connector project proposed preferred alternative 2B2 route and other alternatives, and it lists them, as mentioned in the Draft Environmental Impact Statement submitted March 2012. And by affixing our signatures below let it be known to the Selectmen of the Town of Eddington, MaineDOT and all others that we do not support this project and request instead a No-Build option. Said No-Build option to truly means No-Build anywhere within the entire original project study area. There are 390 signatures, people in Eddington on this, and I am handing it over.

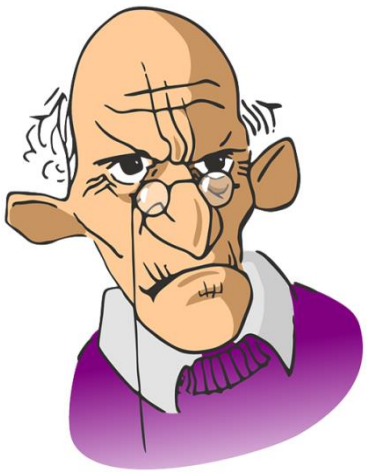
(Applause.)



"Alternatives that do not provide a limited access connection to Route 9 east of Route 46 would not be practicable because that would not provide a substantial improvement in regional mobility and connectivity and would negatively affect people living along Route 9 in the study area. Alternatives that would connect to Route 9 west of Route 46 would severely impact local communities along Route 9 between proposed alternative connection points and Route 46." MaineDOT/FHWA Technical Memorandum Oct2003

Should one be shocked that 36.7 % of the signatures (page 302-331) are from residents of Main Road, aka Route 9, when the majority of Eddington's Route 9 and the Village of East Eddington was intentionally bypassed by any of the 79+ studied alternatives satisfying the system linkage need of an "Route 9 east of Route 46" connection point? Should one believe that these statements of fact—forewarning negative and severe impacts to people and communities along any alternative with a Route 9 connection point west of Route 46—were nullified by a simple "hard look at Route 9"? —390 people said NO—

Our mission and unanswered official questions:



"As one senior MaineDOT engineer used to remark, all it takes is 'one angry man with a laptop' to significantly impede forward progress."

Our mission is to ensure availability of substantive facts to combat the failure of our state and federal agencies to be responsive to comments and/or concerns of impacted citizens in direct violation of state statute, the lack of legislative representation to support our side of this 2B-2 issue at the state level in Senate District 8 and House District 129 due to political, business and/or personal agendas, the failure of the 127th JSC Transportation to recognize their appointed task as MaineDOT oversight, and the continual lack of transparency exhibited by our friends at both the MaineDOT and the FHWA since March 2011. Please feel free to share this newsletter and our website with anyone seeking the unfiltered truth. The facts we present—MaineDOT's own words—paint a very different picture of 2B-2 than what the MaineDOT and the FHWA like to present!!

Official U.S. Army Corp of Engineers comments, submitted to the DEIS on July 16th 2012, included perhaps the two most significant questions in this study! Neither question was considered substantive for further comments by the MaineDOT. (Page 59)

"How do Maine DOT and FHWA intend to address the argument that the no build alternative might save state and federal transportation funding that might be better served on other unmet needs in the state?"

"How does Maine DOT intend to address the apparent multi-community support for the no-build alternative as evidenced in testimony at the public hearing?"

Curious remarks from an agency that directly accepted 2B-2 into the study in Sept 2003 with an increased interest that many interpreted as outside of normal standard operating procedures (SOP).