BACTS

Policy Committee Meeting

March 25th 2016

Comments and concerns against the inclusion of the I-395 Extension project (WIN 018915-00) in the BACTS FY 2016-2019 TIP Version 2

Larry Adams
Brewer, Maine

—Good morning—

My name is Larry Adams.

My wife and I live in Brewer—abutting the newest home in our quiet country neighborhood. Soon—that home will be razed to make way for a controversial connector. As of Feb2015—$2.8 million had already been spent to select and promote a deficient alternative (2B-2) that was removed twice from further consideration before Jan2003.

We missed the opportunity to address your organization last year and welcome the chance to talk to you today. I ask a lot of questions—some have been buried in the back of the book—judged as not substantive—some have been simply ignored and many more are awaiting answers that are always promised to be forthcoming at the next step—yet—that never seems to happen.

I will highlight a few key issues—there are many more issues manifested by the selection of 2B-2, a deficient alternative costing $61 million upfront and untold millions in the future—please view our citizen's website—I-395 RT. 9 Hard Look—for a compilation of our concerns.

Note: A copy of this hyperlinked document will be available on line following the meeting. My oral presentation is highlighted.

What is 2B-2?

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)

DEIS Appendix C page 258

2B-2 is 4.2 miles of Route 9 and 6.1 miles of new alignment

with an overall length of 10.3 miles from I-395 in Brewer to Route 9 at or near the Clifton/Eddington corporate

The DEIS-stated 4.2 miles of Route 9 is 40.8% of the total length of 2B-2

—thus—

any issue with that section of Route 9 becomes 2B-2's problem.

2B-2 met only 20% of Purpose and Needs in April 2009:

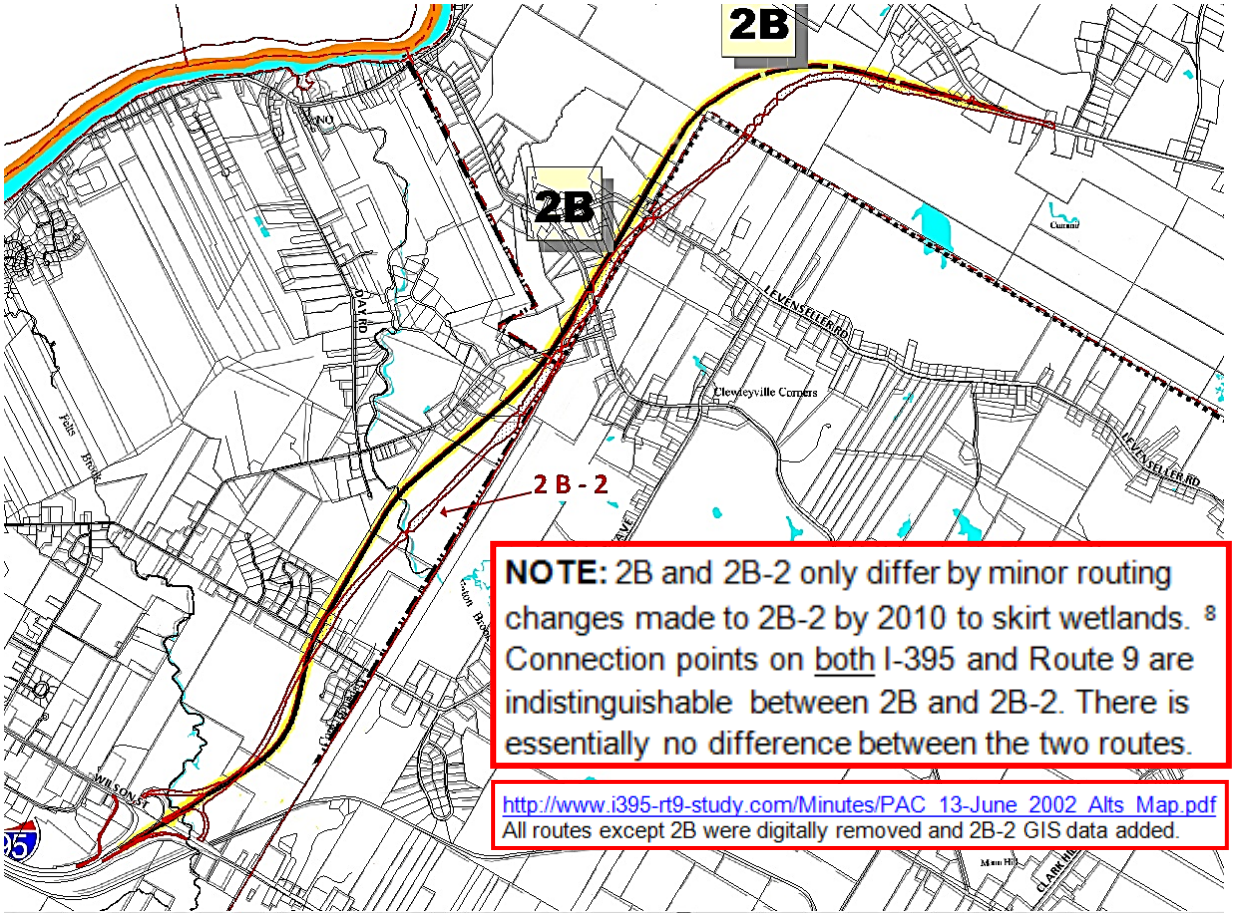
I-395/Route 9 Transportation Study
PAC Meeting April 15, 2009

Purpose and Needs Matrix

Alternatives	Meets Purpose		Meets Needs		
	Study Purpose	USACE Purpose	System Linkage	Safety Concerns	Traffic Congestion
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

www.i395-rt9-study.com

2B-2 is equivalent to the 2B alternative removed from consideration in January 2003—both using the same 4.2 miles of Route 9 as an integral segment of the alternative.



Description of 2B and 2B-2 in DEIS Appendix C page 258:

Family 2 – Northern Alternatives

Alternatives	Description	Meets Purpose: Study Purpose	Meets Purpose: USACE Purpose	Meets Needs: System Linkage	Meets Needs: Safety Concerns	Meets Needs: Traffic Congestion	Practicable	Results
Alternative 2B	• Satisfies design criteria • Length: 5.8 mi. of new alignment, 4.2 mi. of Route 9 without additional improvement • Bridge length: 4,354 ft. • Earthwork: 1.8 mcy (0.9 mcy cut, 0.9 mcy fill)	Yes	Yes	In the near-term (Year 2035)	Yes	Yes	Yes	• **Dismissed - other alternatives less environmentally damaging** • Wetlands impacts: 28 ac. • Stream crossings: 6 (2 with anadromous fish) • Floodplain impacts: 11 ac. • Notable wildlife habitat: 4.4 ac. • Undeveloped habitat: 647 ac. • Prime farmland: 23.3 ac. • Residential displacements: 2
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

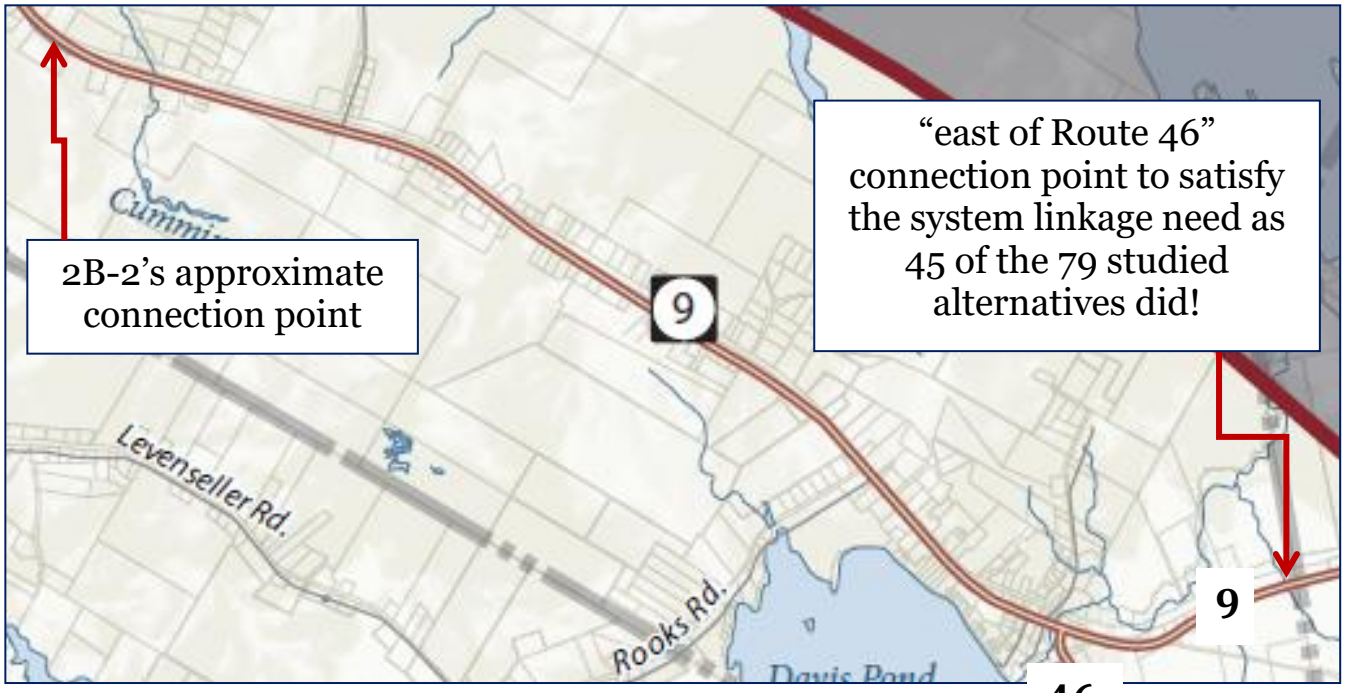
2B was dismissed because:

- "Alternative 2B would use approximately 5 miles of Route 9. Traffic congestion and conflicting vehicle movements on this section of Route 9 would substantially increase the potential for new safety concerns and hazards...This alternative would not be practicable because it would fail to meet the system linkage need, and would fail to adequately address the traffic congestion needs in the study area." Oct2003 Technical Memorandum (page ii)
- "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 [the] ability to satisfy the system linkage and traffic congestions needs is questionable." Oct2003 Technical Memorandum (page 20)
- "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 [Level of Service] and safety concerns, and the inability of Alternative 2B to satisfy the system linkage purpose and need effectively." Oct2003 Technical Memorandum (page 21)

The same Route 9 issues of 2003 are 2B-2's issues today.

2B-2's Route 9 connection point is 4.2 miles WEST of the system linkage need definition—45 alternatives satisfied the "east of Route 46" system linkage need. See DEIS Appendix C.

2B-2's 4.2 miles of Route 9 (aka Main Road, Eddington) was bypassed by 57% of the studied alternatives that satisfied the original and still valid system linkage need of a "limited access connection between I-395 and Route 9 east of Route 46." (page 5)



2B-2's overall 10.3 mile length includes 4.2 miles of Route 9 with the following negative attributes:

- 148 access points
- 10 local roads
- 158 left-hand turns
- 5 changes in posted speed
- Village of East Eddington

SYSTEM LINKAGE NEED:
"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."
February 20, 2002

Why would MaineDOT ignore the original study system linkage need that was meant to minimize impacts to people?

System Linkage Need Established 2.20.2002

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.

—minimizing impacts to people—

How does MaineDOT reconcile their words from October 2003?

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.

By definition: 2B-2 would severely impact local communities along Route 9…

Oct2003 MaineDOT/FHWA/ACOE Technical Memorandum (page 5)

Eddington's May 2012 petition supporting no-build (pg. 27/28) included 143 signatures from residents of Main Road (aka Rte. 9) in Eddington.

How does MaineDOT reconcile their words from October 2003?

"Prior to the eleventh PAC meeting on February 20, 2002, the system linkage need was examined in greater detail to further aid in reducing the number of preliminary alternatives. 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. Alt… severely impact local… connection points and… 395 and Route 9 east o… the Canadian Maritime Provinces and the Bangor region and reduce traffic on other roadways. Such alternatives meet the intent of the East-West High-way Initiative."

By definition: 2B-2 would negatively affect people living along Route 9…

Oct2003 MaineDOT/FHWA/ACOE Technical Memorandum (page 5)

Should one be shocked that 36.7 % of petition signators (page 302-331) are from residents of Main Road—aka Route 9—when the majority of Eddington's Route 9, the Village of East Eddington and the intersection of Routes 9 and 46 were intentionally bypassed by the system linkage need of a "Route 9 east of Route 46" connection? Should one believe that these statements of fact were nullified by a "hard look at Route 9"? —390 people said NO—

How did 2B-2 become the preferred alternative?

The September 2010 "hard look at Route 9" that enabled the selection of 2B-2 was brilliant—easily defendable with limited facts and nobody could possibly offer an argument against it. One paragraph from a September 2010 meeting tells how 2B-2 went from 20% to the preferred alternative.

> "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." DEIS/Section 404 Permit Application Meeting with Cooperating Agencies 9.21.2010

- That one paragraph enabled an alternative not meeting the "east of Route 46" system linkage need—to meet that need 'in the near-term' by simply changing a few words.
- That one single paragraph avowed that the system linkage need and need for a limited access facility should be considered as long-term needs AND also avowed that the system linkage need remained a VALID study need.
- This "hard look" is based solely on projected 20 year traffic capacity. Near-term was initially defined as the year 2030 in Sept2010; changed to 2035 for inclusion in the DEIS/FEIS in Jan2012 and when I advised FHWA Headquarters that purpose and needs were not met as the FEIS was even being signed in Jan2015—I was told that I was correct—and the MaineDOT changed the design year to 2040. Turns out—the Final EIS is not so final!!

I-395/Route 9 Transportation Study System Linkage Need:

The system linkage need for this study was clearly defined as: "an alternative must provide a limited-access connection between I-395 and Route 9 east of Route 46." The preferred alternative selection should have ultimately been based on best engineering practices within the prescribed purpose and needs criteria and not by parsing of words to enable a deficient alternative such as 2B-2 for an expenditure of $61 million. Oct2003 Technical Memorandum (page 5)

- 2B-2's system linkage need remains a valid need—but—deferred to 2040.
- FACT: 45 of the 79 studied alternatives as listed in Appendix C of the DEIS satisfied the "east of Route 46" system linkage need without parsing words.
- The "east of Route 46" system linkage need intentionally bypassed the Village of East Eddington, the intersection of Routes 9/46 and 4.2 miles of Route 9 containing 148 access points, 10 local roads, 5 speed limits and 158 left turns—the same SAFETY concerns that removed 2B from further consideration in Jan2003.
- Selecting an alternative based on only near-term needs has created a unique condition where 2B-2 has long-term needs and costs unlike 45 other alternatives.
- Question: How does the MaineDOT reconcile the following statement? "Joan Brooks commented that one of the requirements of the study is to create a limited access facility….Ray [Faucher] 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." PAC meeting #8 on 7.18.2001

How does the MaineDOT plan to meet the long-term-valid system linkage needs of 2B-2—how do they plan to pay it?

- 2B-2 has two clear-cut needs: near-term and long-term—why hasn't 2B-2 been presented as a phased project since September 2010?
- If 2B-2's long-term needs do not exist—2B-2 has once again been unfairly analyzed under different criteria that the other 79 alternatives.
- One option to satisfy 2B-2's long-term plan—especially if one believes that the ACOE will permit 2B-2 only—is to limit local access to that specific 4.2 mile section of Route 9—cutting the Town of Eddington in two. Annexing that section of Route 9 would satisfy the long-term "east of Route 9" system linkage need and the need for a limited-access facility—without further permitting. People impacted by 2B-2—especially on Route 9 in Eddington—deserve to know this project's long-term plan.
- 2B-2 is a conundrum. If there's a long-term plan—there seems to be a lot of information missing about the future of 2B-2 and Route 9. If there are no long-term plans—the study may be non-compliant with NEPA. Following September 2010, 2B-2 was crowned as the study's 2nd preferred alternative and multiple criteria changes were made. The FHWA opined (FOAA) in Dec2011 that 2B-2 did not meet the purpose and needs and recognized that analysis of 2B-2 to the previous analysis of other alternatives was an "apples to oranges" comparison. In Dec2011, this study should have gone to no-build—YET—the process went on unchecked.

Additional Safety Concerns:

- A Federal Highway report states: "In rural areas, each access point added increases the annual accident rate by seven percent."
- 2B-2's 4.2 mile section of Route 9 includes 35 access points per mile. Any of the 45 alternatives meeting system linkage need would have had zero added access points—not the 148 that Route 9 foists upon 2B-2!!
- With 148 access points—you are 1,036% more likely to have an accident on 2B-2 than 45 other alternatives meeting the system linkage need!
- How does MaineDOT reconcile their words from April 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." Final PAC meeting on 4.15.2009
- "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."
- What you won't find identified in the FEIS are 3 accidents with 4 fatalities on Route 9 (Maine Road) in Eddington between 2012 and 2014; two of those accidents with three fatalities occurred on the exact 4.2 mile segment of Route 9 that is now part of alternative 2B-2. The FEIS crash data is from Jan2004-Dec2008 and now outdated by >seven years.
- That 4.2 mile section of Route 9 is an essential part of 2B-2; one may question why the MaineDOT would consider construction of any alternative utilizing Route 9 when the intent of the original—and still valid—system linkage need bypassed that specific section of roadway.

Additional Safety Concerns:

- What does the Federal Highway say about left turns? "Where restricting turning movements to and from a driveway is possible, it is most beneficial from a safety perspective to prohibit left-turning movements. Research suggests that approximately 72 percent of crashes at a driveway involve a left-turning vehicle…approximately 34 percent of these crashes are due to an outbound vehicle turning left across through traffic. Twenty-eight percent of crashes are due to an inbound, left-turning vehicle conflicting with opposite direction through traffic, and 10 percent are due to outbound, left-turning movements incorrectly merging into the same direction through movement."
- What does the MaineDOT say about Route 9's left turns? "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 [Level of Service] and safety concerns, and the inability of Alternative 2B to satisfy the system linkage purpose and need effectively."
  Oct2003 Technical Memorandum (page 21)
- If you traverse the 4.2 mile section of Route 9 from one end to another—you will find a combination of 158 left turns.
- 2B-2 will be commissioned with 148 access points, 10 local roads, 158 left turns and 5 changes in posted speed limits. How does that foster safety—especially when the system linkage need purposely bypassed that section of Route 9?
- 45 other alternatives, satisfying the "east of Route 46" system linkage need and the need for a "limited-access facility", acquired zero added left turns and zero added access points—unlike 2B-2.

Cost

I won't attack the FEIS-stated $61 million cost—other than to say that I believe—based on FOAA documents—that 2B-2's cost is nothing more than a guesstimate. It is 100% factual that 2B-2's FEIS-stated-cost of $61 million is based on a downgraded, cheaper rolling design criteria—at the same time and in the same document—even though the FEIS-stated-design is clearly stated as "MaineDOT's design criteria for freeways"—that discrepancy in design versus cost has not been answered to my satisfaction.

- 2B-2's $61 million cost is based on near-term needs.
- We are told that 2B-2 is the cheapest to construct—yet—2B-2 may end up as the most expensive when the long-term needs are considered. Why aren't these extra costs included upfront as an impact?
- FACT: As of Feb 2015—$2.8 million had been spent on this study.
- Using cost estimates from the current 2016-2017-2018 Work Plan—that $2.8 million—spent so far on this study—could have funded 2 bridge projects and have had enough left over for 2 miles of pavement preservation—AND—the $61 million cost of 2B-2 could underwrite: 56 bridge projects or 190 miles of pavement preservation currently unfunded.
- The current MaineDOT Work Plan contains a $204 million shortfall in the core highway and bridge programs with $99 million in unmet bridge needs; the state struggles to maintain our existing infrastructure—at the same time that 33% of our bridges are structurally deficient or functionally obsolete and 38% of our roads are rated fair to unacceptable. Wouldn't that $61 million be better spent on Maine's unmet transportation needs?

Closing remarks:

The first near-decade of this study was a waste of scarce resources including hundreds of hours of commitment from PAC members and others in our community—my sincere thanks to those that volunteered their time.

State and federal transportation professionals once opined that this alternative:

- would not provide a substantial improvement in regional mobility and connectivity
- would negatively affect people living along Route 9
- would severely impact local communities along Route 9
- would substantially increase the potential for new safety concerns and hazards
- would fail to adequately address traffic congestion needs

These facts are hidden in the back of the book—unanswered and judged not substantive. See my questions to the DEIS on pages 103 to 170.

A hard look cannot diminish the negative attributes that 10 local roads, 148 access points, 158 left turns, 5 changes in posted speed and the transit through the village of East Eddington adds to this route—it's contradictory that 2B-2 meets the safety concerns and traffic congestion needs of this study.

2B-2 has long-term needs that have not been addressed—we cannot blindly accept the outcome of this study.

It's disturbing that 8 families will lose their homes for a project that has so many issues.

I urge you to take a hard look at both sides of this issue before approving the TIP.

2B-2 is not the answer—it's just the start of a whole new set of problems. That $61 million would be better spent on Maine's unmet transportation needs.

—thank you for your time and consideration of my views—