

The DOT Commissioner responded: “why are they so upset”??

It was brought to my attention that when the DOT Commissioner was approached with complaints about the connector, his response was “why are they so upset—it’s just a two lane road.”



Well, I’ll tell you why many of us are so upset: 18 years of lies, deceit, the lack of any accountability to the public that state and federal officials are sworn to serve, the misappropriation of limited state and federal transportation dollars whilst the state cannot even afford to maintain our existing infrastructure when 13.3% of our bridges are rated as structurally deficient, and all the while, the Legislative JSC on Transportation operates more like an arm of the DOT instead of providing the much needed checks and balances under their legislative jurisdiction.

I am upset that I have addressed these issues multiple times to every possible state/federal official including an executive office of the WH and the OIG. Discourse via email or social media is our only available tool; legislators of both parties, state and federal representatives are as complicit in this failed process when they are given information that they choose to ignore instead of taking the necessary actions to obtain the truth—they have the authority to ensure that this project was studied in compliance with state and federal regulations, and to explain to the impacted communities why 2B-2 is the best solution for an expenditure of \$61 million dollars—why are all these people so reluctant to utilize their powers? Wouldn’t that \$61 million be better spent on Maine’s unmet transportation needs?

I have searched the internet and found numerous laws why a private citizen cannot commit fraud in a government document but the only federal law I have found that seems to bind government workers to the truth is more in line with finances such as [31 CFR § 0.208 Falsification of official records.](#)

However—knowingly including false statements within the DEIS may not be in compliance with Maine Statute: [Title 17-A: MAINE CRIMINAL CODE| Part 2: SUBSTANTIVE OFFENSES| Chapter 19: FALSIFICATION IN OFFICIAL MATTERS| §456.Tampering with public records or information.](#)

Title 17-A: MAINE CRIMINAL CODE

Part 2: SUBSTANTIVE OFFENSES

Chapter 19: FALSIFICATION IN OFFICIAL MATTERS

§457

§456. Tampering with public records or information

1. A person is guilty of tampering with public records or information if he:

A. Knowingly makes a false entry in, or false alteration of any record, document or thing belonging to, or received or kept by the government, or required by law to be kept by others for the information of the government; or [1975,c. 499, §1 (NEW).]

B. Presents or uses any record, document or thing knowing it to be false, and with intent that it be taken as a genuine part of information or records referred to in subsection 1, paragraph A; or [1975, c. 499, §1 (NEW).]

C. Intentionally destroys, conceals, removes or otherwise impairs the verity or availability of any such record, document or thing, knowing that he lacks authority to do so. [1975, c. 499, §1 (NEW).]

[1975, c. 499, §1 (NEW) .]

2. Tampering with public records or information is a Class D crime.

[1975, c. 499, §1 (NEW) .]

SECTION HISTORY

1975, c. 499, §1 (NEW).

What was falsified or knowingly tampered with? Let's start with how the Notice of Intent (NOI), an official federal government document, was parsed by FHWA officials to deceitfully change 2B-2's northern logical termini in January 2012—necessary to allow alternative 2B-2 to connect some 4.5 miles to the west of the study's original system linkage need of a Route 9 east of Route 46 connection. For the first decade of this study, the deliverable was a plan to extend I-395 in Brewer to Route 9 in Clifton (period). The NOI did not say “from the west to the east through Eddington” as a FHWA manager, confirmed by FOAA documents, would falsely contend.

How about the fact that the DEIS/FEIS includes an intentional falsification of 2B-2's construction cost @ \$61 million when FOAA documents would show that \$61 million is the cost of 2B-2 only when developed using rolling rural design criteria—not MaineDOT's interstate criteria as documented in the DEIS and the FEIS. The real cost of alternative 2B-2, when developed using interstate criteria per FOAA documents, was \$93.24 million in December 2011. The DEIS and the FEIS, documents used in the NEPA selection process, were written primarily as a sales promotion pamphlet, with only one thing in mind—sell 2B-2 by intentional falsification to make 2B-2 appear to be both reasonably priced and the most acceptable alternative of the study. How is it possible that design and cost can conflict in the same government document if it wasn't an intentional act to deceive?

How about the fact that FOAA documents indicate that the FHWA project manager (co-manager of the study) advised the MaineDOT project manager—in December 2011—that he doubted the veracity of the northern logical termini change to 4.5 miles west of the original east of Route 46 logical termini—and—he stated that the preferred alternative (2B-2) no longer met purpose and needs and any further comparison to any of the other 78 alternatives was an “apples to

oranges” comparison—his superiors silenced him, as we would find out later in an April 2013 email with the office of Senator Collins.

In my opinion this connector, in its current configuration, is nothing more than a North Brewer Bypass. Not only is it shortsighted to not bypass the 35 mph section of Route 9 that transits the village of East Eddington and the intersection of Route 9/46 in this same project, as the original study’s system linkage need decreed, it is a waste of our state’s critical transportation funds—it is also my contention that this project is a misappropriation of state and federal transportation funds as the study area did not receive the expected deliverable that paneled this study back in the year 2000.

I am upset that 15 points of high noise impact have been identified in the DEIS—noise suppression walls were first deemed reasonable, yet promptly denied due to cost. The failure of the DOT to recognize how their decisions affect impacted residents, and what we perceive is a total lack of compassion, is why many continue to push back. There is a twisted belief that even though many will be impacted by this connector—with no relief—we will still somehow benefit from the use of the connector and that is complete rubbish. Unless you live on the extreme ends of the connector, you may have to travel further just to gain access to the new connector than to transit as you always have through our existing roads. I would have to travel 4.4 miles further to get to the Route 9/46 intersection using 2B-2, and thus will never travel the connector—it is unreasonable to think that I somehow still benefit from it. The DOT should go out of their way to minimize the noise and visibility of this roadway to those that they impact—not hide behind some regulation that says they don’t have to. They seem to have no problem skirting regulations when it favors their ends.

The fact that 2B-2 was singled out—after 2B was soundly disparaged and removed from further consideration in January 2003 for serious

safety issues on the same identical section of Route 9 that 2B-2 utilizes—the fact that alternative 2B-2 remained in consideration when it didn't fit the parameters as spelled out in the October 2003 MaineDOT/FHWA Technical Memorandum—the fact that 2B-2 met only 20% (1 of 5) of the study purpose and needs in April 2009—and the absence of an honest comparison (apples to oranges) or reconsideration of 2B-2 in December 2011 to the other 45 alternatives that met the original system and linkage need of an east of Route 46 logical termini would seem to defeat the logic and fairness behind the NEPA process—the tenet that all alternatives should have been evaluated using the same criteria. That may lead one to believe that the real reason behind the 2B-2 selection was more likely a demand from a few well-connected individuals in the area, a desire to push the first preferred alternative (3EIK-2) out of their community—and that upsets many.

A recent request to the MaineDOT, from two republican members of our legislative delegation, to temporarily place a pause on the project to debate the merits of alternative 2B-2 was soundly denied by the DOT Commissioner at a highly partisan meeting. 2B-2 has somehow become a partisanship litmus test; politics should have never made its way into a transportation project—that is upsetting.

It has been said that the upcoming public meeting is nothing but a check-in-the-box and a waste of time and energy. I would offer that the whole last 18 years has been a check-in-the-box, a process with a predetermined outcome under the guise of public participation—and that is truly upsetting, a terrible waste of a lot of time and effort from the many of us that voluntarily worked within the process—let alone the millions of dollars MaineDOT/FHWA wasted on the study.

So—that's just a little glimpse of why many of us are so upset...