

**From:** Larry Adams

**Sent:** Friday, June 22, 2018 3:47 PM

**To:** [REDACTED]

**Cc:** City Manager Steve Bost; Councilor Beverly Uhlenhake; Councilor Kevin O'Connell; Councilor Matthew Vachon ; Deputy Mayor Joseph Ferris ; Mayor Jerry W. Goss ; [REDACTED]

**Subject:** Fw: Congratulations and a request

Dear [REDACTED]

[REDACTED] I will take this opportunity to advise you of a major issue in my community of Brewer.

The facts of this issue are included in this forwarded email; [REDACTED] could very well become a major player in this issue, along with you, next year.

We are in desperate need of a [REDACTED] that will be available to the entire constituency and not just the few that may be well-connected; we need a [REDACTED] that will ensure that our Federal dollars are correctly spent within our state and we need a [REDACTED] that won't hesitate to ask the difficult questions of the Federal workers that support our state—that includes the FHWA officials in Augusta. I pull no punches—the FHWA is just as culpable as the MaineDOT in this issue.

I have been marginalized at every step of the way in my efforts to bring the truth to the surface; all we ever wanted was a voice in the process. The City of Brewer (the major stakeholder in this issue) has also been ignored and kept of the decision-making process; the City Council has unanimously resolved, at least three times, non-support of 2B-2 and has vehemently requested that the MaineDOT come back to the table to discuss the merits of this project. As I mentioned in the forwarded email, recent efforts to pause this project for further discussion have again been denied by the MaineDOT—just yesterday.

Good transportation requires a state and federal partnership. In this issue, there have been too many times that you talk to a state official and they seem to blame the feds and talking to the feds will reverse the blame. What I do know is that \$25 million of Federal dollars has just been granted to the MaineDOT for construction of a connector (2B-2) that does not meet the original study purpose and needs. Not wishing to repeat myself, the facts are presented in the forwarded email and the links at the end, along with my citizen's website: <http://i395rt9hardlook.com/>

I understand that there are jurisdictional boundaries that you will have to obey as a federal representative, but the FHWA would come under your jurisdiction and any federal funds that they offer to the state. We ask that you ensure that these transportation funds are spent judiciously within state and federal regulations.

Someone needs to demand real answers from the FHWA on why an alternative (2B) using the same section of Route 9 as does 2B-2, was so soundly disparaged in MaineDOT/FHWA [October 2003 Technical Memorandum](#) and has now found its way back to be the preferred alternative for a \$61 million project.

I believe you to be that person; one not afraid to be the voice for his constituency; we should be part of the decision-making process when that kind of money is at stake. I contend that building this connector without bypassing the East Eddington village is a waste of our limited transportation dollars.

2B-2's construction cost of \$61 million (2011 dollars) would be better spent on Maine's current-unmet-unfunded transportation needs.

Good luck and best wishes in the next few months. I am available at any time to discuss this matter with you or your staff. I am copying this email also to the Brewer City Manager, the Mayor and City Council of Brewer—they have supported my efforts since I started this crusade at the end of 2011.

Sincerely,

Larry Adams

**From:** Larry Adams

**Sent:** Friday, June 22, 2018 1:02 PM

**To:** [REDACTED]

**Cc:** City Manager Steve Bost; Councilor Beverly Uhlenhake; Councilor Kevin O'Connell; Councilor Matthew Vachon; Deputy Mayor Joseph Ferris; Mayor Jerry W. Goss

**Subject:** Congratulations and a request

Dear [REDACTED]

First—congratulations on winning a hard fought primary election; good luck and best wishes over the next few months.

I'd like to take this opportunity to advise you about an issue that impacts many of us in the community of Brewer, an issue that could be within your purview come January of 2019.

I am one of many impacted by the I-395/Route 9 Connector project that is currently in the final engineering and eminent domain phase, already seizing several homes and properties.

After 18 years of study, the DOT has selected a controversial and deficient alternative (2B-2) that does not satisfy the study's original purpose and needs—specifically the system linkage need.

45 of the 79 studied alternatives (57%) terminated to the north on Route 9 east of Route 46, at or near the Eddington/Clifton border to satisfy the study's original decade-long system linkage need criteria (aka: the northern logical termini).

2B-2, now the preferred alternative, terminates on Route 9 some 4.5 miles to the west of the original study system linkage need. 2B-2 never did and never will satisfy the study's original system linkage need that was established by the MaineDOT/FHWA early on in the study and reconfirmed before the February 2002 PAC meeting.

The original study system linkage need was in compliance with the December 2005 Notice of Intent to proceed with the EIS. I contend that the NOI, a federal document, was ignored when the FHWA approved the change to the northern logical termini to allow 2B-2 to terminate on Route 9 some 4.5 miles to the west of the study's original logical termini. FOAA documents show this manipulation and it was interesting to see how our transportation officials parsed words in the NOI to change that criteria and how these officials are able to operate without accountability to the public that they are sworn to serve and protect. The logical termini wasn't changed until January 2012, apparently for inclusion into the DEIS—that changed the study's original northern logical termini from “Route 9 east of Route 46” to “the portion of Route 9 in the study area.” WHAT—it was shocking that they didn't realize until near the DEIS publication that original facts did not align with what they were presenting and where is the specificity in their 2012 logical termini?

At what would become the final PAC meeting held on April 15, 2009, 2B-2 satisfied only 20% (1 of 5) of the study's purpose and needs. With absolutely zero inclusion over the next 32 months with the impacted communities, 2B-2 was covertly chosen by the MaineDOT as the new (and the second) preferred alternative of this study.

A 2013 FOAA request would show that the FHWA project manager in December of 2012, within 90 days of the Draft Environmental Impact Statement in March of 2012, advised the MaineDOT project manager that 2B-2 did not meet the study purpose and needs and any comparison of the preferred alternative (2B-2) to any other of the 78 alternatives was an apples to oranges comparison. His valid concerns were silenced by his FHWA superiors.

MaineDOT's own words, from an Oct 2003 Technical Memorandum, specifies the original system linkage need criteria and describes why 2B (using the same 4.5 mile section of Route 9 as 2B-2) was removed earlier from consideration:

“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.”

Why would the MaineDOT and the FHWA intentionally want to negatively affect people and why have they never been made to answer for this statement?? This statement should disqualify 2B-2.

“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.”

Why would the MaineDOT and the FHWA intentionally want to severely impact local communities and why have they never been made to answer for this statement?? This statement should disqualify 2B-2.

“This alternative [original 2B using the same section of Route 9 as 2B-2] 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. 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.”

“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).”

“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. 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. 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. 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. 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. Page 21 Summary 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.”

NEW SAFETY CONCERNS and HAZARDS—REALLY?? Why hasn’t anybody within our Legislative Delegation stepped forward to demand answers to why this section of Route 9 was considered so dangerous in 2003, and yet in 2018 these same identified problems still exist and are questionably ignored?? The same amount of left turns and access points (158) still exist. These statements should disqualify 2B-2.

This new roadway needs to connect to Route 9 east of Route 46 (original system linkage need) to bypass the East Eddington village as was the mandate for the first decade of this study—not 4.5 miles to the west. MaineDOT's own words cannot and must not be allowed to be parsed or spun. They should be held to the facts that they presented in October 2003 or tell us why those facts are now wrong.

2B-2 has an estimated construction cost of \$61 million. Spending that kind of money without bypassing the 35 mile per hour section of the Village of East Eddington and the intersection of Route 9/46 (the original decade-long system linkage need) is shortsighted and a waste of our limited transportation dollars. How can one claim 2B-2 signals the completion of the East/West Highway in this area when that section of Route 9 is not bypassed during this construction?

The DOT will say that they have “right-sized” this project, but these actions occurred only after 2B-2 was essentially the only alternative still under consideration; they did not go back and take a second look at any of the other 78 alternatives that met purpose and needs with the “right-sized” downgraded engineering criteria such as the change from interstate criteria to rolling rural, dropping the future build-out to a four lane divided road and to the minimizing of the right-of-way widths (which they still deny to this date).

One of the first alternatives to be seriously considered was 4B which paralleled Route 46, but was “officially” removed from consideration due to the amount of earthwork required; we suspect the real reason was pressure from a few well-connected individuals living in that area. Nevertheless, downgrading the original interstate criteria as identified in the DEIS/FEIS to rolling rural criteria (after the NEPA process was completed—another lie discovered by FOAA) would significantly save earthwork by allowing an increase in the amount of allowable grading, but 4B and 44 other alternatives that satisfied the study's original purpose and needs were never reconsidered.

The DOT will also tell you they took a “hard-look” at Route 9 and that enabled the selection of 2B-2. I contend that study criteria was altered to enable the selection of 2B-2, it's that simple, but I would also contend outside of the boundaries of the NEPA process—as all 78 alternatives should have been considered using the same criteria!!

It is obvious now that someone made the decision, early on, 2B-2 would be chosen, no matter what the purpose and needs were. The study was a sham and a shell game and a waste of some \$2.3 million over the first 14 years. February of 2014 was the last time we had an accurate accounting of monies spent on this study.

I have corresponded with MaineDOT and FHWA officials at length and have been marginalized at every step along the way. In fact, both the MaineDOT and FHWA refused by the end of 2012 to answer any more of my emails; they advised (demanded) any future discussions would have to be done verbally and since I insisted on a paper trail, my communications chain was broken.

An example of our early frustrations: I posted many questions in emails during the early months of 2012. The MaineDOT was of course embarrassed that they had been found out, and after issuing their apology for their lack of keeping us advised, they were

reluctant to answer anything—they did offer to come to each of the three impacted communities to brief the elected officials only. When private citizens cried foul, the MaineDOT cancelled the scheduled meetings and said that all our questions would be answered during the May 2012 DEIS public hearing. I offered some 37 essay-style questions to the DOT and went to that public meeting expecting answers. GUESS WHAT?? They decided that the meeting would be a “listening only session” at the last moment, at the start of the meeting. The DOT/FHWA/ACOE panel sat muted and refused to answer any questions—not one!! And, in fact to date, the MaineDOT and the FHWA have never had to publicly debate in person, face to face, the merits of this project. AND—the majorities of those 37 questions were considered not substantive (by the DOT) and have never been properly addressed.

I firmly believe that the NEPA process was skirted to make the 2B-2 selection possible; at one point I contacted the lead NEPA point of contact at the Washington D.C. FHWA Headquarters to plead my case—again with no joy. Both the state and the feds are complicit in this project; it’s hard to believe that when the FHWA project manager voiced his concerns, his own superiors silenced him; so essentially, we are to spend a minimum of \$61 million on a deficient, controversial project that the feds could have put a stop to—and for some reason balked and many of us are now impacted by a project that does not meet the original purpose and needs. It is one thing to be impacted, but to be impacted by a project that should have never gotten the go ahead is a hard pill to swallow...

2B-2’s construction cost was estimated in the DEIS at \$61 million (2011 dollars). FOAA documents would suggest that this was nothing more than a guesstimate and a mathematical manipulation to get the Benefit to Cost ratio above 1.0.

The recent \$25 million grant “legitimizes” 18 years of lies and deceit; yes lies—an intentional falsification of the DEIS/FEIS construction cost to make the project appear more affordable is born out in FOAA documents obtained by Eddington in 2013. Many predict that the connector will end up costing tens of millions more than the \$61 million and Maine taxpayers will end up with the bill, especially if this recent INFRA grant is the sole federal money that will be pumped into this project.

The Brewer City Council has unanimously resolved their opposition to 2B-2 at least three times since January of 2012. The City of Brewer, a major stakeholder in this project, has been kept in the dark and was kept out of the decision-making process.

And now with the \$25 million of federal funds added to this project, it is my opinion and my hope that this matter would be passed on to the State or Federal Inspector General to insure that this study and the monies spent to date and to be spent in the future are all above board and within state and federal regulations. I have written to the DOT IG twice, early on, and received nothing but a form letter in return.

I maintain a citizen’s website <http://i395rt9hardlook.com/> that was developed in February 2014 using MaineDOT’s own words. My website is built on facts gleaned from the original MaineDOT study website, FOAA documents and a lot of research—I stand by these facts and in fact since the DOT has deleted their own study website, my website is the only one available that has the history of this study.



I have been actively opposing this project since December 2011 and have written every state and federal legislator at one time or another, supplied input to the DEIS in 2012, given written and oral testimony at the JSC Transportation in support of LD 47 (legislation to remove 2B-2) in February 2015, provided written testimony to the STIP in September 2015, and given written and oral testimony at the BACTS meeting of March 2016; I have written to the Federal OIG several times, written to the FHWA NEPA point of contact at Washington Hdqs. and have even written the White House and the Maine State Auditor's Fraud Hotline—all my efforts were for naught—I have not received answers for the majority of the questions that I have asked, especially at the state level—the DOT feels no accountability to any private citizen or even my duly elected city officials.

So, here we are in 2018 with \$8.5 million set aside to complete the eminent domain activities and \$25 million for construction (half of what the DOT had expected with an 80/20 split).

Question: So what do we need when our government refuses to talk to us and include us in the decision making process?

Answer: We need to change that government; we need a new style of [REDACTED] that will actually listen to us and [REDACTED] a new style of DOT Commissioner that will actually come out and listen to impacted residents and their elected leaders and enlist them in the decision-making process. We desperately need to change the way the DOT interfaces with the public and make them accountable to all Maine citizens and not just a few...

I am apparently not the only one to notice how the DOT operates with no checks and balances: [Maine Revised Statute](#) says it all: Title 23: TRANSPORTATION | Part 1: STATE HIGHWAY LAW | Chapter 3: OFFICIALS AND THEIR DUTIES | Subchapter 1: DEPARTMENT OF TRANSPORTATION §73. Transportation policy: “The people further find that the decisions of state agencies regarding transportation needs and facilities are often made in isolation, without sufficient comprehensive planning and opportunity for meaningful public input and guidance.”

What a sad state of affairs that this is how our DOT functions—and it’s almost treated as a joke. We can’t be squandering away our limited transportation funds on some engineer’s pet project. Maine’s civil servants and legislators must listen to those people they are sworn to serve—not ignore and marginalize at them every turn...

I would ask, if you become our next [REDACTED] [REDACTED] to terminate this project before any money can be spent on the construction phase—to ensure that this connector is built to the original purpose and needs criteria; if the connector is deemed necessary—build it correctly to the original study criteria and build it to connect to the east of Route 46. Alternative 2B-2 is not the answer.

Even as I write this email—the DOT has once again refused to have a conversation with all the stakeholders to discuss the merits of this project, following requests from a State Representative and a Federal Congressman. And—once again the DOT controls the conversation and feels no need to talk to us or my community leaders. DOT officials took

an oath to serve us, yet we are the ones that appear to be doing the serving. All the City of Brewer ever wanted was a seat at the table...

I will be sending [REDACTED] these same facts.

I am available at any time to speak to you or your staff about this problem. And please, don't hesitate to contact Brewer's Mayor, City Manager, or the Brewer City Council if you doubt my/our veracity.

Please read these linked documents for further information:

[STIP Testimony LA](#)

[STIP Testimony GH](#)

[BACTS Testimony LA](#)

[BACTS Testimony SB](#)

[LD 47 Testimony LA](#)

[LD 47 Testimony GH](#)

[Substantive Questions](#)

If you can be that new style of [REDACTED]  
[REDACTED] that will actually serve the whole public and not just the well-connected, you will have my vote.

Again, congratulations and best wishes, Larry Adams