

**Questions to Maine DOT
Submitted January 9, 2012
By Carol Woodcock
Office of US Senator Susan Collins**

I have attached several documents that I will refer to in my questions. Of particular note, I'd like to point to a document prepared by MDOT, FHWA, and USACE of October 2003; "Rational for Alternatives Retained for Further Consideration February 2002" in which it clearly states that to improve regional system linkage, an alternative must provide a limited-access connection between I-395 and Route 9 east of Route 46. It went further to state that "Alternatives that do not provide a limited access connection to Route 9 east of Route 46 would not provide a substantial improvement in regional mobility and connectivity and would negatively affect local access." This document has been the source of a number of questions that have been brought to my attention.

Most of the questions that I have raised here are regarding the process that MDOT and other agencies have followed in the past ten years.

1. *Was the PAC Meeting of 4/15/2009 the last public meeting where the I395/Route 9 Transportation Study was discussed?*

Yes

2. *Have there been any other meetings held outside of a public forum with any of the affected communities in this study area between the MDOT, the USACE or any other Inter-agency member of this Study Group?*

There have been no meetings held with any of the affected communities in the study area outside of the PAC and previously documented public participation meetings. There were meetings held with the US Army Corps of Engineers (USACE) and the Federal and State review agencies at the MaineDOT Interagency Group meeting as documented below. MaineDOT hosts a monthly interagency meeting where MaineDOT projects are discussed by the applicable Federal and state review agencies.

The project was discussed subsequent to the last PAC meeting held on April 15, 2009 by the interagency group on the dates shown below. A comprehensive summary is available of all interagency meeting notes where the project was discussed prior to the April 15 PAC meeting. The response to question 23 provides information on additional meetings, but is not a complete list of meetings that was held on the project.

May 12, 2009

I-395 / Route 9 Transportation Study DEIS / Supporting 404 Information Interagency Meeting

An update to the alternatives analysis and the resultant impacts was presented. The agencies in attendance concurred with dismissing Alternatives 1 and 3A-3EIK-1 from further consideration. The agencies requested a new alternative to be considered: 2B-2 plus improvements to Route 9 to East Eddington with a section on new alignment to the north of the intersection of Routes 9 and 46. Two other changes to alternatives were requested: (1) for the alternatives that begin with 5A, develop a partial cloverleaf interchange with Route 1A; and (2) for Alternative 3EIK-2, move a portion of the alternative closer to Clark Hill Road.

Attended by: USACE, USEPA, USFWS, NMFS, FHWA, MDEP, and MDOC

September 21, 2010

I-395 / Route 9 Transportation Study DEIS / Supporting 404 Information Interagency Meeting

MaineDOT determined that Route 9 had the sufficient capacity between now and 2030 to meet the purpose the study.

- MaineDOT concluded that the build alternatives, including those that use portions of Route 9, would improve the quality of traffic flow at the intersection of Routes 9 and 46 and other physically less intrusive improvements (e.g. as adding turn lanes), could be made to the intersection that would further improve the quality of traffic flow at the intersection.
- For these reasons, the MaineDOT and the FHWA dismissed Alternative 3EIK-2 and other alternatives that bypassed the intersection of Routes 9 and 46 to the north in favor of further consideration of alternatives that use Route 9.
- The MaineDOT, the FHWA, and the federal cooperating agencies further considered the remaining build alternatives and concluded Alternatives 3EIK-2, 5A2E3K, 5A2E3K-2, and 5B2E3K-1 were more environmentally damaging than other build alternatives.

December 14, 2010

I-395 / Route 9 Transportation Study DEIS / Supporting 404 Information Interagency Meeting

- As requested by the cooperating agencies, the FHWA and MaineDOT developed modifications to alternatives 2B-2 and 5A2B-2 to further avoid and minimize impacts to wetlands to the south of Levenseller Road and west of Nolan Road.
 - Alternative 2B-2 was reexamined in proximity to the Northern White Cedar wetland – Alternative 2B-2-1 – was developed that is practicable and less environmentally damaging. Alternative 2B-2-1 completely avoids the Northern White Cedar portion of this wetland and results in approximately 5 acres less direct impacts to wetlands than Alternative 2B-2. Moving forward, this alignment continued to be referred as Alternative 2B-2.
 - Alternative 5A2B-2 was reexamined in proximity to the Northern White Cedar wetland – Alternative 5A2B-2-1 – was developed that is practicable and less environmentally damaging. Alternative 5A2B-2-1 completely avoids the Northern White Cedar portion of this wetland and results in approximately 5 acres less direct impacts to wetlands than Alternative 5A2B-2. Moving forward, this alignment continued to be referred as Alternative 5A2B-2.
- The FHWA and MaineDOT developed Alternative 5A2E3K-1 to connect to Route 9 near the Eddington School; it was named Alternative 5B2B-2.

Attended by: USACE, USFWS, MDOC, MDMR, FHWA, and MDEP

3. *Refer to the attached handouts from the 4/15/2009 PAC Meeting for the next few questions. First, who compiled these handouts that were given to PAC members and the public?*

MaineDOT

4. *What is the definition of System Linkage needs to satisfy this study?*

The need for system linkage discusses how the proposed project fits into the existing and future transportation system (network). Continuity in the transportation system is essential for efficient vehicle movements and travel patterns and safety. System continuity can be defined and measured by how often an existing highway transitions between wider, higher-speed segments to narrower, lower-speed segments.

System linkage/continuity is linking two or more existing transportation facilities. System linkage and improved mobility results from smooth interconnections and transitions between regional, high-speed, high-capacity highways. In connecting these types of highways, highway-design principles attempt to provide for gradual and consistent transitions in travel speed, roadway geometry, and capacity.

5. *Looking at the Range of Alternatives map - are there any alternative routes, with the exception of the Alternative Route 1 Upgrade, that do not meet the system linkage need of this study?*

No

6. *Does a connection point west of route 46 satisfy the System Linkage need of this study?*

Yes

7. *Refer to the Impacts to Land Use (acres) table, the Displacements table and the Impacts to Streams, Wetlands and Floodplains table contained in this same handout. Please read the note at the bottom of each table: *Note: Does not satisfy the long-term system linkage need that is satisfied by other study alternatives. What is long-term system linkage? How does it relate to the current alternative 2B-2?*

Long-term system linkage is the continuity and the improved mobility in the transportation system that is essential for efficient vehicle movements, travel patterns, and safety after the design year 2030.

In December 2009, the system-linkage need and Route 9 were reexamined in greater detail. Specifically, Route 9 was reexamined to understand more fully if it could reasonably accommodate the future traffic volumes that were foreseeable within the next 20 years. The following factors were considered in examining Route 9 in greater detail:

- study purpose and the need for improved regional system linkage
- the geometry and capacity of Route 9
- existing and future traffic congestion (measured in terms of operating speeds and the volume of existing and future traffic compared to the capacity of the highway) and safety
- expectations and concerns of community leaders and the public
- origins and destinations of motorists
- areas of congestion
- system continuity
- land use and community features
- growth trends
- natural resources

After careful consideration of those factors, the MaineDOT determined that Route 9, with the exception of the sections approaching the intersection of Routes 9 and 46 where the posted speed limit is lower than other portions of Route 9, could reasonably accommodate future traffic volumes for the next 20 years without additional improvements beyond the existing right-of-way. The analysis of existing section of Route 9 showed that Route 9 east of Route 178 only has a very slight difference in the volume to capacity ratio and a 2 mph travel speed difference when comparing the 2006 traffic to the projected 2030 traffic. On this basis, MaineDOT determined that Route 9 could reasonably accommodate the future traffic volumes that were foreseeable within the next 20 years (Design life) The MaineDOT continued its analysis of the Route 9/46 intersection and concluded that the build alternatives, including those that use portions of Route 9, would improve the quality of traffic flow at the intersection of Route 9/46 and other physically less intrusive improvements (e.g., adding turn lanes) could be made to the intersection that would further improve the quality of traffic flow at the intersection. This includes Alternative 2B-2.

Alternative 2B-2 satisfies the system-linkage in the study area in the short-term (i.e., present time to 2030).

Given the Statutory change in allowing 100,000 pound trucks on the Interstate, truck previously using Routes 9/46/1/3 to Augusta to access the Turnpike would likely use Routes 9/46/1A to access I-395 in Brewer in the short term until the proposed connection is built between Route 9 and I-395. As such, the intersection of Route 9 and 46 may need less improvement than previously determined.

8. *Refer to the Purpose and Needs Matrix in this same handout. Who compiled this matrix?*
MaineDOT

9. Does 2B-2 satisfy the Study Purpose?

Yes

10. Does 2B-2 satisfy the USACE purpose?

Yes

11. Does 2B-2 satisfy the System Linkage need of this study?

Yes, in the short-term between the present time and the design year 2030.

12. Does 2B-2 satisfy the Traffic Congestion need of this study?

Yes

13. Why was alternative 2B-2 carried further for consideration with these four known deficiencies? In the minutes of the 4/15/2009 Meeting it was mentioned that the Army Corps wanted one alternative carried forward with a west of route 9 connection point.

Alternative 2B-2 does meet the study purpose, does meet the USACE purpose, does satisfy the system-linkage need of the study, and does satisfy the traffic congestion need of the study.

Refer to question 7 on how Route 9 satisfies the system-linkage need until the design year 2030.

In September and December 2010, meetings with the federal cooperating agencies took place, the purpose of which was to solidify the range of alternatives to be considered in detail.

The MaineDOT continued its analysis of the Route 9/46 intersection and concluded that the build alternatives, including those that use portions of Route 9, would improve the quality of traffic flow at the intersection of Route 9/46 and other physically less intrusive improvements (e.g., adding turn lanes) could be made to the intersection that would further improve the quality of traffic flow at the intersection. For these reasons, the MaineDOT and the FHWA dismissed alternatives that bypassed the intersection of Route 9/46 to the north in favor of further consideration of alternatives that use Route 9. The MaineDOT, the FHWA, and the federal cooperating agencies further considered the remaining build alternatives and concluded that although available and practicable, Alternatives 3EIK-2, 5A2E3K, 5A2E3K-2, and 5B2E3k-1 were more environmentally damaging than other build alternatives.

The following four alternatives were retained for further consideration and detailed study:

- No-Build Alternative
- Alternative 2B-2
- Alternative 5A2B-2
- Alternative 5B2B-2

The cooperating agencies concurred with this range of alternatives to be retained for detailed analysis.

14. Is this the reason 2B2 was held for further consideration?

Yes

15. Please provide a complete definition of alternative 2B-2. Does alternative 2B-2 require a rebuild of the 4.5 mile section of route 9 from the connection point at Meadow Brook east to route 46? Or is it using the existing Route 9?

Alternative 2B-2 would continue north from the I-395 interchange with Route 1A, roughly paralleling the Brewer/Holden town line, and connect with Route 9 west of Chemo Pond Road. Route 9 would not be rebuilt and widened to four lanes. The existing I-395/Route 1A interchange would be used (to the extent possible) and expanded to become a semi-directional interchange to connect 2B-2 to I-395. A semi-directional interchange reduces left turns and cross traffic; the only traffic movement that would require a left turn would be Route 1A south to Alternative 2B-2 north. The land required for the northern portion of the interchange is owned by the State of Maine. Alternative 2B-2 would bridge over Felts Brook in

two locations at the I-395 interchange. It would pass underneath Eastern Avenue between Woodridge Road and Brian Drive. Alternative 2B-2 would bridge over Eaton Brook, bridge over Lambert Road, pass underneath Mann Hill Road, and bridge over Levenseller Road connecting to Route 9 at a "T" intersection. Route 9 eastbound would be controlled with a stop sign. Alternative 2B-2 would further the study's purpose and satisfy the system-linkage need. It would not provide a high-speed, limited-access connection to the east of East Eddington village, since the end of the alternative would connect to Route 9 west of the village. It would satisfy the study need related to traffic congestion and safety. It would satisfy the USACE's basic purpose statement.

Alternative 2B-2 would use the existing section of Route 9 in the study area because it is adequate and no improvements are needed in the short-term between the present time and the design year 2030.

16. *Identify all alternative routes that, per this matrix, satisfied the purpose and needs of this study.*
 Alternatives 2B-2, 3A-3EIK-1, 3EIK-2, 5A2E3K, 5A2E3K-1, 5A2E3K-2, 5B2E3K-1
17. *Was the RING route the preferred route at that time in April of 2009?*
 No. A preferred alternative that best satisfies the study purpose and needs with the least adverse environmental impact has not been identified.
18. *Does the word "preferred" mean that the MDOT, USACE and all Agencies involved in this study had signed off in full acceptance of supporting 3EIK-2?*
 No. A preferred alternative that best satisfies the study purpose and needs with the least adverse environmental impact has not been identified. Alternative 3EIK-2 was more environmentally damaging than other build alternatives. Under Section 404 of the Clean Water Act, no discharge of dredged or fill material into waters of the United States may be permitted if: (1) a practicable alternative exists that is less damaging to the aquatic environment or (2) the nation's waters would be significantly degraded.
- According to the USACE, the term practicable means available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes. The USACE makes the determination as to which alternative meets is the Least Environmentally Damaging Practicable Alternative.
19. *What changed after 2009, to remove the Ring route from its "preferred" status?*
 A preferred alternative that best satisfies the study purpose and needs and have the least adverse environmental impact has not been identified. MaineDOT determined that Route 9, with the exception of the sections approaching the intersection of Routes 9 and 46 where the posted speed limit is lower than other portions of Route 9, could reasonably accommodate future traffic volumes for the next 20 years without additional improvements beyond the existing right-of-way. According to the Federal Cooperating Agencies (USEPA, USACE, USFWS), Alternative 3EIK-2 was more environmentally damaging than other build alternatives and therefore, was dismissed.
20. *Did the RING route satisfy the Purpose and Needs of this Study?*
 Alternative 3EIK-2 did satisfy the purpose and needs of the study; however, Alternative 3EIK-2 was more environmentally damaging than other build alternatives and therefore, was dismissed because as discussed above (refer to question 18 above and 24 below), Alternative 3EIK-2 would not be permitted.
21. *Identify the four routes on this matrix that were removed from further consideration in Dec. 2010.*
 Alternatives 3EIK-2, 5A2E3K, 5A2E3K-2, and 5B2E3K-1
22. *Why is 2B-2 now the preferred alternative if it does not meet the Purpose and Needs of the study?*
 After careful consideration of the range of alternatives developed in response to the study's purpose and needs and in coordination with its cooperating and participating agencies, the MaineDOT and the FHWA identified Alternative 2B-2 as the recommended preferred alternative because the MaineDOT and the FHWA believe it best satisfies the study purpose and needs, would fulfill their statutory mission and responsibilities, and has the least adverse environmental impact. In identifying Alternative 2B-2 as

their recommended preferred alternative, the MaineDOT and the FHWA believe they have identified the environmentally preferable alternative because it best meets the purpose and needs for the study; causes the least damage to the biological and physical environment; and best protects, preserves, and enhances the historic, cultural, and natural resources of the study area.

23. *There were 17 PAC meetings in the years of 2001 and 2003. At that time there were only two routes going to detailed studies: alternative 3EIK-2 and no-build. There were two PAC meetings in 2008 and only one PAC meeting in 2009 - the last public meeting held. There are a few media reports that the issue was still being discussed but no record of meetings at all. Was anything being done from 2003-2008 or had this matter been temporarily shelved?*

The study was on hold on several occasions with little activity between 2004 and 2007. The FHWA and MaineDOT considered the impacts against the benefits of the study, ultimately leading to the decision to prepare an EIS rather than an Environmental Assessment. In 2008 through 2009, MaineDOT started working on an EIS. The processing requirements for a full EIS are detailed in the Federal Register. Because of this change in process the MaineDOT had to revise consultant contracts and begin a much more robust data collection program. A second period of little activity occurred in 2011, due to Maine's budget and fiscal situation. After the MaineDOT, FHWA, and the Federal cooperating agencies agree on a range of alternatives, MaineDOT is preparing to finish the DEIS and continue the public process. The following details the Interagency Meetings and PAC meeting during that time period.

Interagency Meeting Notes

March 11, 2003

The agencies in attendance concurred with dismissing Alternative 2C-2 due to its greater impacts to farmlands and farming operations than other alternatives.

Attended by: USACE, USEPA, USFWS, MDEP, MDIFW, and MASC

May 13, 2003

The agencies in attendance concurred with dismissing the remaining build alternatives except Alternative 3EIK-2, pending review of the "Transportation Improvement Strategies and Alternatives Analysis Technical Memorandum and U.S. Army Corps of Engineers Highway Methodology Phase I Submission"—a document that summarizes and presents results of the alternatives-analysis process.

Attended by: USACE, USEPA, USFWS, MDEP, MDIFW, MASC, and MHPC

November 14, 2003

A modification of Alternative 2B-1 was discussed. It was agreed by the agencies in attendance that this modification should be dismissed from further consideration.

Attended by: USACE, USFWS, MDEP, and MDOC

October 9, 2007

An update to the study was provided. The update consisted of changes in land use in the study area since 2003 and the current range of reasonable alternatives being considered and analyzed for obtaining the USACE Phase I approval.

Attended by: USACE, USEPA, USFWS, FHWA, MDMR, MDEP, and MNAP

December 9, 2008

An update to the alternatives analysis was presented. The update consisted of results of the five "connectors" between the three westernmost alternatives. The agencies in attendance concurred in continuing to study:

- 5A2E3K to 2B-2 connector 1 and/or 5A2E3K to 2B-2 connector 2
- 5A2E3K to 2B-2 connector 1 to 2B-2 to 5A2E3K to 2B-2 connector 2 and/or
- 5A2E3K to 2B-2 via connector 1 to 2B-2 to 5A2E3K via connector 3

The first two Alternatives beginning with 5A were chosen and named 5A2E3K-1 and 5A2E3K-2, respectively. Alternative 5B2E3K was modified to avoid the Dirigo Drive Business Park and named Alternative 5B2E3K-1.

Attended by: USACE, USFWS, NMFS, FHWA, and MDIFW

PAC Meeting Notes

January 15, 2003

Discussions consisted of the results of two town of Holden and a town of Eddington sponsored meetings and specific facets of Alternatives 2C-1, 2C-2, and 2C-1/2B-1. Alternatives 2C-2 and 3A-3EIK-1 were dismissed from further consideration. Alternative 4B and suggestions for improving it were reviewed.

April 30, 2003

Discussions consisted of dismissing Alternatives 2B-1 and 3A-3EIK-1 from further consideration, modifications to Alternative 3EIK-2 to further reduce impacts, the results of the March 11, 2003, interagency meeting and the March 28, 2003, meeting with the USACE and the USEPA, and retaining the No-Build Alternative, Alternative 3EIK-2, and, potentially, Alternative 2C-1/2B-1 for further consideration.

August 20, 2008

Introduced the study-team participants and reviewed the process for preparing an EIS and how the study would be performed, an overview of the PAC and its function and ground rules, results of the public and agency scoping meetings, the public-involvement and agency-coordination programs, and the schedule for the study moving forward.

November 19, 2008

The PAC process and meeting ground rules were reviewed, followed by a review and discussion of the town of Holden's October 2008 resolution, traffic data, conceptual design of the range of reasonable alternatives including the "connectors," ways to further avoid and minimize impacts, and short-term activities to be performed.

April 15, 2009

An update to the alternatives analysis, the resultant impacts, and next steps were presented. The PAC was informed that Alternatives 5B2E3K and Alternative 2B-2 only with connectors to 5A2E3K were dismissed from further consideration in favor of retaining variations of these alternatives with less adverse impact to the environment. The PAC suggested that the MaineDOT and the FHWA further reduce the range of alternatives being considered to only those that the MaineDOT and the FHWA are most seriously considering and rename those alternatives using simpler names.

24. *The 3EIK-2/RING route was the preferred route for about six years. These routes had been studied extensively. Sometime after the PAC meeting in 2009 and during early 2011, something happened to remove this route from consideration. What was it?*

A preferred alternative that best satisfies the study purpose and needs and have the least adverse environmental impact has not been identified. In December 2009, MaineDOT determined that Route 9, with the exception of the sections approaching the intersection of Routes 9 and 46 where the posted speed limit is lower than other portions of Route 9, could reasonably accommodate future traffic volumes for the next 20 years without additional improvements beyond the existing right-of-way.

In September and December 2010, meetings with the federal cooperating agencies took place. The MaineDOT continued its analysis of the Routes 9/46 intersection and concluded that the build alternatives, including those that use portions of Route 9, would improve the quality of traffic flow at the intersection of Routes 9 and 46 and other physically less intrusive improvements (e.g. as adding turn lanes), could be made to the intersection that would further improve the quality of traffic flow at the intersection. In this general time period, the cooperating agencies requested that additional data be collected on vernal pools in the project areas for the remaining alternatives. Vernal pools are considered by the resource agencies as valuable and are increasingly a threatened ecosystem. This effort took some time to collect the data in the study area. There are significant vernal pools impacted

by Alignment 3EIK-2. For these reasons, the MaineDOT and the FHWA dismissed alternatives that bypassed the intersection of Routes 9 and 46 to the north in favor of further consideration of alternatives that use Route 9. The MaineDOT, the FHWA, and the federal cooperating agencies further considered Alternative 3EIK-2 and concluded, although available and practicable, that it was more environmentally damaging than other build alternatives and dismissed.

25. *Were interagency meetings held to discuss this route? Were additional environmental, safety, or logistics studies conducted? Please provide me with correspondence, reports or studies that were undertaken or discussed during this time frame that ultimately led to a decision of removing 3EIK-2 from consideration.*

Interagency meetings were held to discuss this alternative, and Alternatives 2B-2, 5A2B-2 5A2E3K, 5A2E3K-2, and 5B2E3K-1. There were no additional studies conducted, only meetings with the federal and cooperating agencies were conducted. Meeting minutes are attached.

26. *Please refer to the Document titled USACE Highway Methodology Phase 1 Submission dated October 2003 page 5 of the summary. "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." Is it accurate to say that the system linkage need was the most important parameter that you were expected to meet? Does 2B-2 meet the System Linkage Need?*

No. There were three needs of the study: poor system linkage, safety concerns, and traffic congestion. All three were considered equally and in conjunction with one another.

27. *What is the cost of the study, including the PAC meetings? Was the PAC disbanded in 2009 because of a lack of funds? Are there funds available to resume PAC meetings?*

To date, approximate \$1,700,000 has been spent developing the alternatives analyses and processing the information as required under the National Environmental Policy Act. This process includes specific public participation at certain points in the process. The PAC has not been disbanded. We anticipate that MaineDOT will schedule a meeting in the next few weeks to update the PAC.

28. *When was the news of December 2010 available to the public?*

Spring 2011. In Spring 2011, the FHWA, the MaineDOT, and the U.S. Army Corps of Engineers agreed on the range of alternatives that should be studied and the study's web site was updated to reflect the change. Much more information on these alternatives, including how they were identified and developed and opportunities to provide input, will be available shortly.

29. *Was anybody told not to release the information from the December 2010 Interagency Meeting until a later date?*

No one either internal to MaineDOT or external to the Department was told not to release any information related to decisions pertaining to the study.

30. *When was the Maine DOT Study web site updated with the current map and text indicating that the only routes left in consideration were 2B-2 and two other similar routes though Brewer?*

Spring 2011

31. *Have you taken into account the impact the alternatives would have on residences within 500 ft. of the proposed roadway for the alternative routes? Is there a set a criteria that are considered when the route would affect residences and, if so, what are those criteria and how are they applied?*

Yes, indirect impacts are being evaluated up to 3,300 feet (according to values for determining indirect impacts by the USACE and the Maine Audubon Society) of the proposed alternatives.

Potential impacts – both beneficial and adverse – were identified and, where possible, quantified through studies of the natural, social, and economic environments. Potential impacts include the direct impacts, indirect or secondary impacts, and cumulative impacts of the No-Build Alternative and build

alternatives. Direct impacts are the immediate effects on the social, economic, and physical environment caused by the construction and operation of a highway. These impacts are usually experienced within the right-of-way or in the immediate vicinity of the highway or another element of the proposed action. Indirect (or Secondary) Impacts are the impacts that are caused by the project and are later in time or farther removed in distance but are still reasonably foreseeable. Indirect effects may include growth-inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems. Cumulative Impacts are the impacts on the environment that result from the incremental impact of a project when added to other past, present, and reasonably foreseeable future actions, regardless of what agency or person undertakes such other actions.

32. *Will a west of route 46 connection point do anything to relieve traffic concerns on route 46 and route 1A?*

Yes, a connection west of Route 46 would relieve traffic by approximately 7,700 vehicles, including 1,100 trucks. The statutory change to allow 100,000 pound trucks on the Interstate may change traffic patterns away from Route 46. Construction of any of the remaining alignments would remove truck traffic from Route 46.

33. *What are the plans for noise abatement for residences within 500' of the roadway?*

Noise abatement is being considered for the impacted properties. In evaluating potential abatement measures, noise walls were modeled using the FHWA traffic noise model and results compared to the MaineDOT criteria for feasibility and reasonableness. For a barrier to be feasible under the MaineDOT noise policy, it must provide at least 7 dBA of reduction (i.e., insertion loss).

If a barrier is determined to be feasible, it is evaluated for reasonableness. To be reasonable, the MaineDOT requires that the barrier cost not exceed \$20,000 per benefited residence, based on a barrier cost of \$20 per square foot. A benefited resident is one that receives an insertion loss of 7 dBA or greater.

34. *If an owner objects to the state's acquisition of his property, will the state invoke its eminent domain powers?*

Yes. If MaineDOT decides to build an alternative, it can use its eminent domain powers.

Acquisition of the property for the right-of-way for the build alternatives would be in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (49 USC 4601 et seq.) and the Civil Rights Act of 1964. The process for property acquisition is explained in the State of Maine, Department of Transportation, A Land Owner's Guide to the Acquisition Process (MaineDOT, 2002). When it is determined that a property or portion of a property is to be acquired, a market assessment is performed. The MaineDOT would provide just compensation for the property to be acquired. Relocation resources are available to all residential and business relocates without discrimination. If landowners believe that the offer for their property is unfair, an appeals process exists to resolve the differences about the value. These legislative controls protect landowners from unfair and inequitable acquisition of property.

35. *What is the difference between improvements to route 9 or a rebuilt route 9?*

Improvements would consist of an improvement to an existing situation and replacing it in-kind; a rebuilt is a total reconstruction in which case, the footprint of the existing facility is often expanded.

36. *What are the current plans to rebuild route 9 to connect to alternative 2B-2? Which would be completed first: the rebuilding of Route 9 or the alternative route for the interstate highway?*

There are no current plans to rebuild Route 9 to connect to Alternative 2B-2. A preferred alternative that best satisfies the study purpose and needs and have the least adverse environmental impact has not been identified. If Alternative 2B-2 is identified as the preferred alternative, the alternative would be constructed first, as there are no plans to improve or reconstruct Route 9.

37. *How much of that 4.5 miles east of route 9 from the 2B-2 connection point will be limited-access?*
None, there are no plans to improve or reconstruct Route 9.
38. *Will the proposed connecting route be built to interstate grade standards?*
No, the build alternatives would be controlled-access highways and were conceptually designed using the MaineDOT design criteria for freeways. Two lanes would be constructed and used for two-way travel within an appropriate 200-foot-wide right-of-way.
39. *Is this going to be designed as a four-lane, divided highway?*
No, the build alternatives would be controlled-access highways and were conceptually designed using the MaineDOT design criteria for freeways. Two lanes would be constructed and used for two-way travel within an appropriate 200-foot-wide right-of-way.
40. *Are there construction funds?*
Construction funds are not programmed in the current MaineDOT Work Plan. Funds are normally programmed after completion of the environmental process and after preliminary engineering plans have been developed. This process would include an engineering estimate of the cost to build the project to ensure that the correct amount of funding is programmed for the project.
41. *What do you anticipate as the process going forward?*
MaineDOT will schedule a meeting with the PAC to update them on the decisions that have been made subsequent to the last PAC meeting. The PAC meeting should be scheduled within the next 4-6 weeks. Subsequent to the PAC meeting MaineDOT will schedule and hold meetings to update the Municipal Officials in the four affected communities. These meeting should be scheduled a few weeks after the PAC meeting.

The MaineDOT has received comments on the Administrative draft from all the cooperating agencies. We anticipate that it will take 4-5 weeks to review and edit the administrative draft of the environment document. Upon completion of the edits the Draft EIS will be published and made available for review and comment by the public. The notice will be published in the Federal Register by FHWA and a public hearing will be held to present the project to the public. Comments on the Draft EIS will be accepted for a formal time period established in the Federal Register (45 days). Upon receipt of public comments and a response to comments to be included in the Final Environmental Impact Statement, (FEIS) the Federal Highway Administration will make a determination as to the sufficiency of the environmental document (Record of Decision). A Record of Decision (ROD) issued by the Federal Highway Administration (FHWA) signals formal federal approval of an Environmental Impact Statement (EIS) concerning a proposed highway project. The ROD will authorize the MaineDOT to proceed with design, land acquisition, and construction based on the availability of funds.

The MaineDOT and the FHWA have prepared a permit application in accordance with Section 404 of the CWA for the range of alternatives retained for further consideration and it has been submitted to the USACE. The USACE identifies the LEDPA following its review of the permit application and completion of its public-interest finding (public hearing). Concurrent with the publication of the availability of the Draft EIS the USACE will publish a notice in the Federal Register for a public hearing on the remaining alignments. The public hearings for the USACE and FHWA will be combined and held at the same location and date. It is anticipated that it will take approximately 12 months to get to completion of the Record of Decision.

If the No-Build Alternative is selected, the MaineDOT and the FHWA would continue to work with local and regional authorities to maintain (to the extent possible) the safety and efficiency of I-395 and the state roads in the study area. If a build alternative is selected for construction — through completion of a FEIS, filing of a Record of Decision by the FHWA, and the USACE determination of the LEDPA — the MaineDOT would work with the affected municipalities to develop a plan to protect the corridor of the preferred alternative from further development.

Once the MaineDOT has a corridor-protection system in place, it would work to develop support for a funding plan. The MaineDOT would work with the town of Eddington to maintain the safety and preserve the capacity of Route 9 in the study area. The acquisition of property for a right-of-way for corridor preservation could begin shortly after the NEPA/Section 404 process is completed. During final design, the MaineDOT would continue to refine the alignments of a build alternative that is chosen to avoid and minimize impacts to the natural, social, and economic environments and to coordinate with those that are affected.