

Stewart, Jean

From: Plumpton, William M. <wplumpton@GFNET.com>
Sent: Sunday, June 17, 2012 10:59 AM
To: Charette, Russ
Cc: Thomson, Herb
Subject: RE: 395 - responses to questions from Eddington
Attachments: I395_Rte_9
_Town_Eddington_Public_Hearing_Comments_and_Responses.doc

Russ:

I reviewed the information you sent and offer a few changes and suggestions for improvement in track changes. Call if you want to review. Talk to you this week. Best regards. Bill

From: Charette, Russ [mailto:Russ.Charette@maine.gov]
Sent: Friday, June 15, 2012 12:43 PM
To: Thomson, Herb
Cc: Fisher, Nina A; Plumpton, William M.
Subject:

Subsequent to a discussion with the Property Office, I suggest modifying the response to Eddington's question number 27 to read as follows:

Number 27: And finally, will Eddington be able to construct new entrances and exits off of the Route 9 connector in the area, for an example, a

dedicated business park?

The connector from Route 9 to I-395 is proposed to be full "Control of Access", which would mean that no new entrances would be allowed onto the new connector. The Commissioner of MaineDOT has the authority to establish the control of access and subsequent authority to modify control of access in certain situations. MaineDOT may consider providing limited access to the connector, but would certainly want to limit the access to ensure that the capacity of the connector is maintained.

Previous response:

The connector from Route 9 to I-395 is proposed to be full control of access, which would mean that no new entrances would be allowed onto the new connector. MaineDOT may consider future access points to the connector, but would certainly want to limit the access to ensure that the capacity of the connector is maintained. The Maine legislature has to approve a break in the "Control of Access", once a control of access highway is established.

Russ

Russell D. Charette, P.E.
Director, Mobility Management Division
Bureau of Transportation Systems Planning

**I-395/Route 9 Transportation Study
Public Hearing May 2, 2012
Town of Eddington Questions
& MaineDOT Responses**

Allow me to introduce myself. My name is Charles L. Baker, Jr. I was born in Maine and I am a lifelong resident of Eddington and grew up a half-a-mile from here on Route 9 on Little Meadowbrook Hill where this preferred route 2B-2 is planned to intersect Route 9. As a matter of fact, each one of the three routes comes out at the exact same location. I was elected to speak to you as a town representative. I am currently an elected selectmen for the Town of Eddington and I would like to welcome our guests. Eddington is a town divided with a range of opinions vehemently opposing and fervently supporting your preferred routes. However, we have come together as a town to ask you questions here and now and would appreciate answers here and now in front of the towns folks and the media hopefully to clarify some issues. And before I ask the questions I would like everyone to know in attendance that there are less than 14 days from today for you to present comments to the MDOT at their website. After that they will not be accepting any public comments. I would also like to thank the Eddington 395 Connector Group for their hard work and dedication getting the facts in order and for taking the time to educate concerned citizens within the impacted area. And I would personally like to extend my thanks to everyone who participated and contributed to the questions I'm about to ask.

And now the questions. Will you gentlemen be answering any of these questions or will these just go in the record?

MR. PLUMPTON: Charles, thank you. They'll be part of the record.

AUDIENCE MEMBER: (Charles Baker.) Okay.

Question 1: How much is this project really going to cost above and beyond the proposed \$61 million in 2011 and the mitigation costs and unforeseen costs?

The project cost estimates range between \$61 Million for Alternative 2B-2 to \$81 Million for Alternative 5A2B-2. The estimates include mitigation costs and a contingency percentage for unforeseen costs.

Number 2: The state should be able to show economic benefit and return on spending this amount of money. What is the return on investment? What is the economic benefit to local, state, or country?

The FHWA estimates that for every \$1 million in highway infrastructure investment, approximately 28 full-time equivalent jobs are created. These jobs include approximately nine direct jobs, five indirect jobs, and 14 induced jobs (New England Council, 2008). This employment increase represents the total number of jobs created; although these jobs would not be created necessarily in Penobscot County, it is likely that a small increase in employment at the local and county levels would result. Construction of the build alternatives would cost between \$61 million and \$81 million, creating approximately 1,700-2,300 full-time jobs. Reference: Federal Highway Administration (FHWA). "Employment Impacts of Highway Infrastructure Investment." Accessed December 17, 2008.

Additional information is available online at:

<http://www.fhwa.dot.gov/policy/otps/pubs/impacts/index.htm>

Alternative 2B-2/the Preferred Alternative would improve safety by reducing the number of crashes over the No-build alternative. To estimate the potential costs associated with the range and number of predicted crashes, mean cost data were derived as composite results from the FHWA's Crash Cost Estimates by Maximum Police- Reported Injury Severity within Selected Crash Geometries (FHWA, 2005) using undefined crash-geometry estimates. Mean-cost data used were comprehensive estimates, including costs for medical treatment, emergency services, property damage, lost productivity, and adverse effects on quality of life. The crash costs were adjusted to 2011 value using the Consumer Price Index (CPI) for capital-cost components (i.e., medical treatment, emergency services, property damage, and lost productivity) and the Employment Cost Index for quality-of-life effects. With Alternative 2B-2/the Preferred Alternative, modeled crash costs would provide an estimated savings of \$5,117,000 (approximately 28 percent) over the No-Build Alternative, in the year 2035.

To illustrate the mobility benefits of implementation of a build alternative, VHT and VMT changes were monetized and compared to the No-Build Alternative. Monetized benefits for VMT were calculated using only typical variable vehicle-operating costs (i.e., fuel and oil, repair and maintenance, and tires) for passenger vehicles and freight trucks. For passenger vehicles, the average variable operating cost per mile of \$0.1774 (a

composite value considering costs of small, medium, and large size automobiles) was based on American Automobile Association (AAA) data for 2011. Freight-truck per-mile variable costs of \$0.65 were developed using 2010 data from the American Transportation Research Institute (ATRI). Net present-value cost savings for passenger-vehicle drivers and freight-truck drivers would be approximately \$ 417,000 (six percent) with Alternative 2B-2/the Preferred Alternative over the No-Build Alternative, in the year 2035.

Monetized benefits for VHT were calculated using variable vehicle-operating costs, fixed vehicle operating costs (i.e., vehicle financing, insurance, taxes, license and registration, and depreciation), and operator-based costs (i.e., value of personal time, considering wages, benefits, and trip purpose). VHT and monetized savings would be approximately \$2,801,000 (16 percent) with Alternative 2B-2/the Preferred Alternative over the No-Build Alternative, in the year 2035.

Number 3: Do we still need this connector given under the recent discussion on the private tolled east/west highway?

There has been much recent discussion about not needing a connection to the Interstate system since a proposed new East-West highway would meet the system-linkage need established as part of this study.

- ***The I-395-Route 9 Connector provides a distinct and more southerly connection. Traffic between the Canadian Maritime Provinces and the New England states is different from the traffic from the Maritime Provinces that want to travel to the larger markets of Quebec, Ontario, and the Midwestern United States to the West.***
- ***The I-395-Route 9 Connector is more sub-regional and local in nature. Only 1% of the traffic studied in the 1998 Origin-Destination Study traveled from the Maritime Provinces to other western Canadian destinations.***

Number 4: Who benefits the most from this connector; Canadian truckers or the citizens of Maine?

The traveling public using the State's highway infrastructure will benefit for this connector. Benefits include increased safety, reduces crash rates and a more efficient connection to the Interstate system. MaineDOT collects traffic information and in some studies, Origin-Destination information.

Comment [WP1]: Russ – consider deleting this sentence. While true, don't think it has relevance to the question.

Number 5: Who will be traveling this connector most?

An analysis of the Origin and Destination Study that was completed for the project (1998) indicates that 73% of traffic on Route 9 has origins and destinations in the state of Maine.

Number 6: If the purpose of this study is as they stated originally to improve regional system linkage safety on 46, 1A and 9 and to improve current and future flow of traffic and shipment of goods to interstate, have those purposes changed and when?

The study purpose and need has not changed. Providing a connection to the Interstate system will reduce traffic on Route 9 west of the connection and also remove traffic from Route 46 and Route 1A.

Number 7: What happened between April of 2009 and today that went from MDOT's 3EIK-2 or No-Build options to today's three alternatives? We have looked at the DEIS and it doesn't really explain these reasons.

In April 2009, nine alternatives, including the No-Build alternative, would be considered. In addition to the No-Build alternative, Alternatives 1-1, 2B-2, 3A-3EIK-1, 3EOK-2, 5A2E3K, 5A2B-2, 5A2E3K-2, and 5B2E3K-1 were being considered.

A timeline of discussions held between MaineDOT and the Federal cooperating agencies follows.

May 2009 - At an Interagency Meeting, Alternatives 1-1 and 3A-3EIK-1 were dismissed from further consideration. ***In light of greater environmental impacts that would occur with alternatives crossing the central portion of the study area, the cooperating agencies requested MaineDOT take a closer look at utilizing a larger portion of Route 9 to reduce the length of new highways, to minimize impacts to wetlands and vernal pools, and to minimize habitat fragmentation.***

December 2009 - MaineDOT reexamined the system-linkage need and Route 9 in greater detail to determine whether Route 9 could reasonably accommodate the future traffic volumes foreseeable within the next 20 years. The following factors were considered:

- Study purpose and the need for improved regional system linkage
- The geometry and capacity of Route 9
- Existing and future traffic 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 intersection of Routes 9/46, could reasonably accommodate future traffic volumes for the next 20 years without additional improvements beyond the existing right-of-way. Two previously developed alternatives (2B-2 and 5A2B-2) connect with Route 9 near the Eddington School, approximately 4.2 miles to the west of Route 46. When these two alternatives were considered with a bypass of the

Route 9/46, two new build alternatives were created for consideration: 2B-2-K and 5A2B-2-K.

September/December 2010 - Meetings with the cooperating agencies were held to solidify the range of alternatives to be considered in detail. **MaineDOT concluded from its analysis of the Route 9/46 intersection that less-intrusive improvements (adding turn lanes) could be made rather than bypassing the intersection.** MaineDOT and FHWA dismissed alternatives 2B-2-K and 5A2B-2-K. MaineDOT, FHWA, and the cooperating agencies further considered the remaining build alternatives and concluded, although available and practicable, **Alternatives 3EIK-2 (the "Ring Route"), 5A2E3K, 5A2E3K-2, and 5B2E3K-1 were more environmentally damaging than other build alternatives.** At the request of the cooperating agencies, and in an effort to further avoid and minimize impact to resources, Alternative 5B2B-2 was added.

Resulting Range of Reasonable Alternatives Retained for Further Consideration

December 2010 – MaineDOT, FHWA and the cooperating agencies identified four alignments for final consideration. All build alternatives would be controlled-access two-lane highways within a right of way width of about 200 feet:

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

October 2011 - After careful consideration of the remaining alternatives, MaineDOT and the cooperating agencies concurred with identifying Alternative 2B-2 as their Preferred Alternative because it best satisfies the study purpose and need and has the least adverse impact to natural resources. **At this time, MaineDOT regards Alternative 2B-2 as the only alternative that can be built, as the resource agencies have indicated that 2B-2 is the preferred alternative that will likely be determined as the LEDPA by the US Army Corps of Engineers, and as such the alternative that could receive a permit from the Corps. It is the only alternative the state could reasonably expect to fund.**

Number 8: One of the concerns several years ago was the number of entrances on the proposed Route 9 corridor, folks going to work, bringing children to school, deliveries, et cetera, which has only increased due to Eddington's development over the last few years. Has your safety concerns changed with this increase of entering traffic onto 9?

No. Safety is a primary concern at all times for MaineDOT.

Safety concerns go beyond consideration of just simply the section of Route 9 in Eddington and extends to the highway system surrounding the communities in the study area. Safety remains a priority concern of MaineDOT, as is preservation of the capacity of the existing highway system. Activities that could be considered to maintain safety and preserve the capacity of Route 9, in accordance with Maine's rules governing access management (driveway and entrance siting) can go no further than working with the town of Eddington to change zoning, eliminating existing and future curb cuts, and working with individual landowners to acquire property or development rights. *That authority already exists* to help both MaineDOT and the community ensure that safety is maintained in the corridor. MaineDOT has no authority beyond the existing Rules to force Eddington to do anything to help reduce traffic conflicts, but MaineDOT is directed by statute to work with Eddington to ensure safety and proper access to the state highway system.

Number 9: The current truck traffic on Route 9 is bad. With this 2B-2 there will be increased truck traffic and increased safety concerns. How can you demonstrate this additional traffic increase will be safer for our residents?

Truck traffic is projected to continue to grow on Route 9 and within the study area. The recent downturn has only slowed the projected growth and has not eliminated the growth.

- Safety in the *study area* will be improved with the connection provided by 2B-2.
- U.S. Route 1A carries significant traffic traveling to the Bar Harbor region.
- Traffic data analysis shows that the traffic along Route 9 will continue to grow, with a concurrent increase in cars and trucks using the corridor.
- Freight flow will be improved ~~on~~ with Alternative 2B-2; since the change in federal law to allow 100,000 ~~k~~ pound trucks access to the Interstate, this route provides opportunity to move more trucks out of the communities and on to a safer and more efficient system.
- Trucks and cars will continue to use the transportation system to get to the most efficient and safest highway that will serve their travel needs. For the majority of the traffic using Route 9, that destination will be the Interstate system.
- Reducing traffic from 1A will improve safety and reduce the crash rates in the study area. (22,000+/- AADT on 1A compared to 6,000+/- AADT on Route 9).
- This connection would change the traffic patterns to reduce traffic in high traffic areas, subsequently reducing crashes at the high-crash locations on 1A and on Route 9

Number 10: Environment. Felts Brook and Eaton Brook both have salmon, so how can we consider further destroying salmon habitat?

The build alternatives would impact aquatic habitats and fisheries through the road-stream crossing and channelization of streams. Because road-stream crossings with natural bottoms would be used, small amounts of stream channel bottom habitat may be impacted during construction. Road-stream crossings can create restrictions or localized changes in flows so that animal movement could be inhibited; road stream crossings would be designed to be 1.2 times bankful (i.e., 20% larger than a full stream). The MaineDOT's Waterway Crossing Policy and Design Guide is intended to reduce the likelihood that road-stream crossings would create a barrier to the movement of aquatic organisms. Road-stream crossings would be designed in accordance with the MaineDOT Waterway and Wildlife Crossing Policy and Design Guide, except in cases where the drainage is not a stream. Stream crossings would be evaluated for aquatic-organism passage and impacts would be mitigated by providing passage. Stream-bank impacts would be minimized by revegetation. During final design, the MaineDOT would analyze opportunities to further minimize impacts to aquatic habitat and fisheries.

The Federal cooperating agencies responsible, as defined in federal statute, to protect the biological and physical environment; and best protect, preserve, and enhance the historic, cultural, and natural resources of the study area were involved in the analysis of the 79 different alternatives that have been studied over the life of the project and were involved in the determination to select 2B-2 as the preferred alternative as having the least overall adverse environmental impact. Specific impacts to Atlantic salmon for each of the build alternatives have been included in the DEIS.

If a build alternative is selected, MaineDOT will continue to work with the Federal cooperating agencies to avoid and minimize impacts to Atlantic salmon and will also provide mitigation measures for unavoidable impacts.

Number 11: What about the reported and sighted Canadian lynx in the area? **The study area does not contain any natural-critical habitat for the Canada Lynx. As such, any transient sightings aren't a consideration in selection of a build alternative.**

Number 12: Farmland. There is a lot more farmland at risk with this route than with 3EIK-2, both active and potential, so is this no longer a concern about losing farmland?

The potential loss of farmland is an important consideration.

Farmland is regulated under the Farmland Protection Policy Act (FPPA) which was a statute enacted in 1981 by the U.S. Department of Agriculture (USDA) to ensure that significant agricultural lands are protected from

conversion to nonagricultural uses. For highway projects receiving federal aid, the regulations promulgated under the FPPA (7 CFR Part 658, 1984) require a state highway authority (i.e., the MaineDOT) to coordinate with the USDA Natural Resources Conservation Service. The FPPA regulates four types of farmland soils: prime farmland, unique farmland, farmland of statewide importance, and farmland of local importance. In accordance with the FPPA of 1981 [7 USC 4202 Section 1541 (b)], the impact of the conversion of farmland to nonagricultural uses was considered and coordinated with the USDA's NRCS for Penobscot County. Form NRCS-CPA-106 was completed. The build alternatives result in scores from 49 to 57 of a possible 260. Because the scores for the build alternatives are less than 160, no further coordination is required to demonstrate compliance with the FPPA (section 3.1.1.2).

Number 13: They recommend once this route is built that the towns should accommodate by changing zoning and ordinances, which they say they can't make us do it, but they will push hard for it. The DEIS mentions several times that Route 9 will have limited development in the corridor area because we can't have too many entrances on Route 9. Will this affect future development in town with restrictions placed on town zoning?

The DEIS contains discussion of working with the town of Eddington to maintain safety and preserve the capacity of Route 9 in the study area. Activities that could be considered to maintain safety and preserve the capacity of Route 9, in accordance with Maine's rules governing access management (driveway and entrance siting) can go no further than working with the town of Eddington to change zoning, eliminating existing and future curb cuts, and working with individual landowners to acquire property or development rights. *That authority already exists* to help both MaineDOT and the community ensure that safety is maintained in the corridor. MaineDOT has no authority beyond the existing Rules to force Eddington to do anything to help reduce traffic conflicts, but MaineDOT is directed by statute to work with Eddington to ensure safety and proper access to the state highway system.

Number 14: The DEIS mentions that the Town of Eddington will have an estimated reduction in annual tax revenue of \$17,800. Each town, Brewer and Holden, with the preferred alternative 2B-2 will lose X amount of dollars. How are the towns going to make up for the loss in revenue? How does the state and fed plan to make up lost revenue?

The No-Build Alternative would not impact local tax revenues. 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:

• Alternative 2B-2/the Preferred Alternative

Brewer: \$37,000

Holden: \$7,200
 Eddington: \$17,800
 • **Alternative 5A2B-2**
 Brewer: \$42,700
 Holden: \$19,100
 Eddington: \$17,000
 • **Alternative 5B2B-2**
 Brewer: \$159,200
 Holden: \$0
 Eddington: \$9,400

The decreases in revenue represent less than two percent of total tax revenues in each municipality. MaineDOT and the State of Maine aren't required to make up lost tax revenue as a result of improvements to the highway system. New business may develop in the area adjacent to the improved access to the interstate system partially offsetting the initial loss of tax revenue. This has occurred in many parts of the state where new interchanges or improved access has been developed.

Number 15: Given that the road has been changed from four lanes to two, please demonstrate how this road will be satisfactory until 2035.

With the recent economic downturn and increase in the price of gas, traffic in the study area has not grown as fast as previously forecast. In December 2009, the MaineDOT reexamined the system-linkage need and Route 9 in greater detail to determine whether it could reasonably accommodate the future traffic volumes foreseeable within the next 20 years. MaineDOT believes the growth in traffic and traffic volumes originally forecast for Route 9 and rest of the study area for the year 2030 won't materialize until the year 2035.

~~Traffic projects have determined that a two-lane facility will provide sufficient capacity for the 20-year design life (and beyond).~~

Number 16: At one time, 2B-2 was off the table and now 3EIK-2 is off the table and we've been told 3EIK-2 won't be considered. Why?

Please see response to question number 7, specifically the September/December 2010, and October 2011 Interagency notes.

Number 17: Is No-Build an option?

No-Build remains on the table as an alternative to be considered.

Number 18: What will the impact on town services be after this is put in?
 Emergency services?

~~Access to the proposed connector has not been discussed with any of the town's services departments. Access to this section of highway would be from either end.~~

The build alternatives would decrease traffic on Route 9 in front of and west of Eddington School.

The build alternatives would positively impact emergency facilities by reducing traffic along Route 1A and a corresponding decrease in emergency vehicle response times. Emergency response services (e.g., fire, police, and ambulance) would benefit from a reduction in traffic congestion on Route 1A from the build alternatives.

Alternative 2B- 2/the Preferred Alternative and Alternative 5B2B-2 would potentially impact approximately 20 percent of Eastern Maine Healthcare's parking lot. Functions performed by Eastern Maine Healthcare would not be impacted. During final design of the selected alternative, the MaineDOT would coordinate further with Eastern Maine Healthcare to avoid or replace the lost parking spaces.

Number 19: Has any of the potential emergency service needs been discussed with or approved by all three towns emergency service departments? Is there a need for locked access roads along the stretch? Can they only access from either end to get to an accident?

Access to the proposed connector has not been discussed with any approved by the town's emergency services departments. Access to this section of highway would be from either end.

Number 20: Is the state going to shut Route 46 to truck traffic?

Route 46 is a state highway and will not be closed to truck traffic.

Number 21: If the state gives the towns Route 46 to take care of then how much will that cost the towns?

Route 46 will remain a state highway.

Number 22: Are they going to leave the DOT garage where it is on Route 9? It is a safety issue as it is when the plow trucks try to turn into and out of that lot.

MaineDOT has no plans to relocate the maintenance garage on Route 9. A review of the crash data back to since 2003 indicates that there have been no crashes in the area of the entrance to the MaineDOT maintenance garage. Of the 33 crashes identified in the 1.99 mile segment that contains the MaineDOT garage, 16 were crashes striking deer.

Number 23: Does the literature show that wildlife crossings are affected? Once an animal goes through and marks it are other animals actually going to use it?

Number 24: The scope of work seems to have changed dramatically, so why don't they have to start this process over?

The study Purpose and Need has not change since the beginning of the project study; the alternatives that best meet the study purpose and needs have changed.

Number 25: What does No-Build mean?

No-Build Alternative – Typically includes short-term, minor restoration types of activities (e.g., safety and maintenance improvements) that maintain the continuing operation of an existing facility. The No-Build Alternative serves as a baseline for the comparison of other alternatives. The No-Build Alternative proposes that there be no new construction or major reconstruction of the transportation system in the study area; regular maintenance to I-395 and Routes 1A, 46, and 9 would be continued at its present level, and the intersection of Routes 46 and 9 would be improved. Although the No-Build Alternative does not satisfy the study's purpose and needs or the USACE's basic purpose, it is retained for detailed analysis to allow equal comparison to the build alternatives and to help decision makers understand the ramifications of taking no action. No build does not mean that MaineDOT would not consider future improvements to Route 46, 1A and the I-395 Interchange at Wilson Street.

Number 26: What does No-Build mean specifically to Route 46?
If the **No-Build Alternative** is selected, **MaineDOT** would likely consider improving the connection to the Interstate system by improving Routes 46 and 1A, in addition to the I-395 interchange at Wilson Street. Any improvements to the highway system in the study area would involve future public process specifically for the proposed improvements.

Number 27: And finally, will Eddington be able to construct new entrances and exits off of the Route 9 connector in the area, for an example, a dedicated business park?

The connector from Route 9 to I-395 is proposed to be full control of access, which would mean that no new entrances would be allowed onto the new connector. **MaineDOT** may consider future access points to the connector, but would certainly want to limit the access to ensure that the capacity of the connector is maintained. The Maine legislature has to approve a break in the "Control of Access", once a control of access highway is established.