

To: Brewer City Council; Brewer City Manager; Councilor Jerry W. Goss; Councilor Joseph Ferris; Councilor Kevin O'Connell; Deputy Mayor Beverly Uhlenhake; Mayor Matthew Vachon; Eddington Board of Selectman and Town Manager; Carol Woodcock / U.S. Senator Susan Collins; Elizabeth Montgomery Schneider MacTaggart / U.S. Senator Angus King; Representative Arthur Verow - District #128; Representative Peter Lyford - District #129; Senator Kim Rosen - District #8;

<http://maine.gov/mdot/projects/workplan/docs/2015/WorkPlan2015-2016-2017.pdf>

"Again this year, and even with the funding assumptions in this Work Plan, (which include bonding that has yet to be proposed or approved), the department's highway and bridge programs will experience a shortfall, now estimated at approximately \$119 million per year." (page xv)

"With ongoing uncertainties about federal funding, shrinking buying power and rapidly aging infrastructure, adequately funding Maine's, and the nation's, transportation needs continues to be challenging. The department's new *Keeping Our Bridges Safe* report, for example, provides new information about the unmet bridge needs in our state - now estimated at approximately \$70 million per year." (Commissioner Bernhardt's introductory letter of Work Plan.)

"Replacement or rehabilitation of 47 Bridges, at a total estimated value of nearly \$95 million." (CY 2015 work to be accomplished as stated by Commissioner Bernhardt's introductory letter of Work Plan.)

The \$70 million per year unmet bridge needs is just one of the unmet transportation needs of this state. \$70 million equates to the replacement or rehabilitation of 35 bridges according to the above CY 2015 work statement or approximately \$2.02 million per bridge.

I normally sign off every email asking if the \$61 million needed to construct the 2B-2 alternative wouldn't be better spent on the unmet transportation needs of our state, a question that the Army Corp of Engineers posed similarly in their official comments to the DEIS - their question was not deemed substantive enough for comment.

A little history for our new legislators: The DEIS-stated cost of alternative 2B-2 is \$61 million; not only is that \$61 million cost in 2011 dollars - it was not realistic as it was intentionally based on a future downgrade in design to rolling design criteria with a reduced 100 foot right-of-way not to be developed until after the conclusion of the NEPA process (per August 2011 and December 2011 FOAA documents not received until March 2013).

The downgraded rolling design criteria and the 100' reduced right-of-way were not discussed in the DEIS and were disclosed only through Eddington's FOAA request.

The Record of Decision (ROD) that signals the end of the EIS process cannot be distributed until 30 days following the publication of the Final Environmental Impact Statement (FEIS) - hence this study remains governed by the National Environmental Policy Act (NEPA) as we await the FEIS.

The actual construction cost (minus environmental mitigation) of alternative 2B-2 when engineered to the DEIS-stated freeway design with the DEIS-stated 200 foot right-of-way was estimated @\$93.24 million and NOT \$61 million on December 6, 2011 (FOAA).

The MaineDOT has yet to officially confirm to the impacted communities what the design criteria and the right-of-way of alternative 2B-2 were at the time of the DEIS in March of 2012 or in March of 2013 following the release of FOAA documents that noted the changes in design criteria predating the DEIS or even at this current time. The MaineDOT/FHWA has not answered to date why the DEIS-stated cost and the DEIS-stated design criteria do not match each other, even though I questioned the disparity in costs (from the DEIS-stated \$61 million to the \$90 million as stated in the October 2011 MaineDOT/Interagency Meeting Minutes to the \$70 million as reported by the Bangor Daily on January 10, 2012) in a question submitted to the DEIS; my question was not deemed substantive enough for comment - do you see a trend? Not having that critical information gleaned from the FOAA until ten months after the Public Hearing kept those nasty little secrets out of the comments at the hearing and the comments submitted to the Draft Environmental Impact Statement (DEIS). It is my opinion that an acknowledged change in design criteria that late in the NEPA process to only one (2B-2) of the 79+ studied alternatives may have not been in compliance with NEPA and hard for the MaineDOT/FHWA to contain...thus all they did was change the cost in the DEIS.

I still contend that intentionally lowering the DEIS-stated construction cost by \$32.24 million to make 2B-2 appear to be affordable (as a convenient talking point) may have not been in compliance with NEPA and may have even been in [violation of state statute](#).

No matter what the cost of alternative 2B-2 was then, is now or may be in the near future - when the commissioner advises that **the unmet bridge needs in our state over the next 3 years of this plan are approximately \$210 million** - I feel I must ask again, why does the I-395/Route 9 Transportation Study remain active?

Simply put: what is more important to Maine's infrastructure and to you - a new \$61+ million connector that does not meet the study purpose and needs or re-appropriate that \$61+ million to the replacement and/or the rehabilitation of an additional 30 or more bridges? Wouldn't that \$61 million be better spent on the unmet transportation needs of the state of Maine?