




**February 2015 - Supplemental Edition  
15<sup>th</sup> year of the I-395/Route 9  
Transportation Study**

**Where are we in the Study?  
MaineDOT's "hard look" times out!!  
Does 2B-2 meet any of the Study Needs?  
Changes to the study that we are  
constantly told has not changed.**

<i>I-395/Route 9 Transportation Study</i> <i>PAC Meeting April 15, 2009</i> 					
<b>Purpose and Needs Matrix</b>					
<i>Alternatives</i>	<i>Meets Purpose</i>			<i>Meets Needs</i>	
	<i>Study Purpose</i>	<i>USACE Purpose</i>	<i>System Linkage</i>	<i>Safety Concerns</i>	<i>Traffic Congestion</i>
<b>2B-2</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>Yes</b>	<b>No</b>

[http://www.i395-rt9-study.com/Pubs/PAC041509\\_handouts.pdf](http://www.i395-rt9-study.com/Pubs/PAC041509_handouts.pdf)

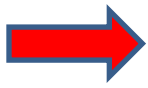
2B-2 is this study's preferred alternative, even after meeting only 20% (1 of 5) of the Purpose and Needs in April 2009. Gretchen and I gave [written and oral testimony](#) at LD 47's public hearing, the next step is a Feb. 17<sup>th</sup> committee work session. It wasn't just what we said in our 3 minutes, but what's now in the public record: 90 pages of rebuttal, previously squelched as not substantive for DEIS comments, now sits in front of the JSC on Transportation, MaineDOT's primary oversight.

Project completion after December 31<sup>st</sup> 2014 will not satisfy the Study System Linkage Need as the project's 20 year design life would exceed the "system linkage need in the near term (before 2035)" criteria based on MaineDOT's Sept. 2010 "hard look at Route 9". 2B-2 will not satisfy near term or long term System Linkage Needs for the period exceeding December 31<sup>st</sup> 2034 (before 2035). Therefore, 2B-2 does not meet the Study Purpose and Needs for the entire design life of the project and 2B-2 should be immediately removed from further consideration.

## Where are we in the study?

The study can be broken into seven general steps as shown on the MaineDOT's I-395/Route 9 Transportation Study website:

<http://www.i395-rt9-study.com/overview.html>



Step  
5

### Circulate the FEIS

[Close \[X\]](#)

MaineDOT and the FHWA will distribute the FEIS for review. The FEIS will be available during the 'wait period' for a minimum of 30 days before the Record of Decision is issued.

- We are currently in the 'wait period' until March 2, 2015.

Step  
6

### Record of Decision

[Close \[X\]](#)

FHWA will prepare and distribute a [Record of Decision \(ROD\)](#) for the study. The ROD is the final step in the EIS process. The ROD identifies the selected alternative, presents the basis for the decision, identifies the alternatives considered, specifies the "environmentally preferable alternative," and provides information to avoid, minimize and compensate for environmental impacts.

Step  
7

### Next Steps

[Close \[X\]](#)

Initiate final engineering design, complete applications and receive permits, and other next steps. Following the ROD, MaineDOT and the FHWA can proceed with the initiation of final engineering design, the completion of permit applications, the acquisition of property, and construction. As this process could take several years to complete, as part of final engineering design, MaineDOT and the FHWA would work with the towns to develop a plan to protect the corridor of the selected alternative, including the area of its intersections and interchanges, from further development.

- "...this process could take **several years** to complete..."

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## Near-term System Linkage Need:

"Alternative 2B-2/the Preferred Alternative would further the study's purpose and satisfy the system linkage need in the near term (before 2035)."

[http://www.i395-rt9-study.com/Pubs/FEIS\\_Chap2.pdf](http://www.i395-rt9-study.com/Pubs/FEIS_Chap2.pdf)

The above statement of fact is from Chapter 2, page 26 of the FEIS.

**I take it literally, that (before 2035) is the day of December 31, 2034.**

## “Hard Look V2.0” has already timed out and I hadn’t even noticed...

On January 11<sup>th</sup> 2012, the original Sept. 21<sup>st</sup> 2010 “hard look” was reset. Forecasts/analyses were revised from the year 2030 to the year 2035.



- The base year of the 20-year design was changed from 2010 to 2015.
- The System Linkage Need revision: “In the near-term (Year 2035)” allowed 2B-2 to “appear” to satisfy the System Linkage Need for the 20 year design life of the project; but time marches on and one has to wonder what the passing of time will do to 2B-2 and the “*hard look at Route 9*” argument...

### State of Maine Department of Transportation MEMORANDUM

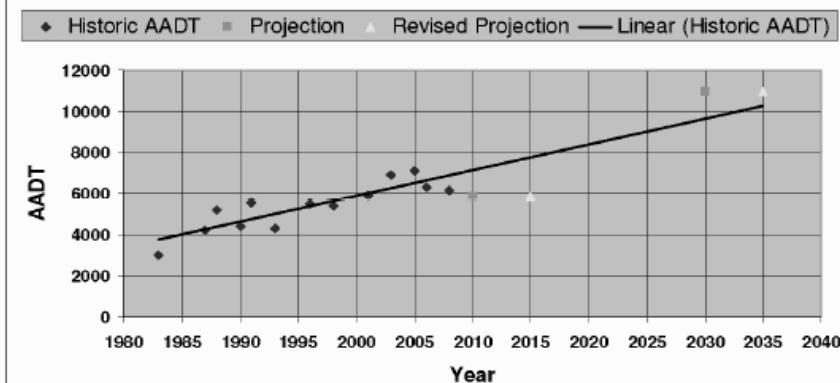
To: Russ Charette, Mobility Management Date: Jan. 11, 2012  
From: Ed Hanscom, Transportation Analysis  
Subject: I-395/Route 9 Transportation Study – Revised Projections

Given that the current design-year projection for the I-395/Route 9 Transportation Study is currently 2030 and the anticipated construction of the preferred alternative is unlikely until the 2013-15 time period, consideration has been given to extending the design-year to 2035. The 2035 design year would be consistent with a 20-year design for the project.

Review of historic traffic growth on Route 9 east of Route 46 indicates that the volumes currently projected for 2030 would more accurately represent conditions in 2035. (See figure below.) The flattening in traffic growth that occurred between 2001 and 2008 has slowed the overall growth trend of traffic in the Route 9 corridor. The forecasted traffic volume for the future (10940 vehicles per day) at this key location is much closer to the trend line at 2035 than at 2030.

Therefore, for the purpose of the I-395/Route 9 Transportation Study, I would suggest that the year of the future conditions traffic forecasts and analyses be revised from 2030 to 2035 and that the base year of the 20-year design be changed from 2010 to 2015. The completed future conditions traffic forecasts and analyses of the study remain valid for 2035 design year.

Route 9 east of Route 46



Revision 2030 to 2035.docx2/5/13

[http://www.i395-rt9-study.com/Pubs/Revised%20Projections\\_January%202012.pdf](http://www.i395-rt9-study.com/Pubs/Revised%20Projections_January%202012.pdf)

Even a “magic 2B-2” completed at the moment of the earliest signing of the ROD on 3.2.2015, would not satisfy the Study System Linkage Need as the 20 year design life of the project (3.2.2035) exceeds the “system linkage need in the near-term (before 2035)” 12.31.2034 criteria.

2B-2 does not satisfy the Purpose and Needs of this Study.

***“Alternative 2B-2/the Preferred Alternative would further the study’s purpose and satisfy the system linkage need in the near term (before 2035).”***

FEIS, Chapter 2 Page #26

Consider the “*hard look*” as two non-moving parts: “in the near-term (before 2035)” set to December 31, 2034, and the design life of the roadway set to 20 years. The only moving part is the date of the ribbon-cutting ceremony.

To “*satisfy the system linkage need in the near-term (before 2035)*”; add 20 years (the design life of the roadway) to the ribbon cutting date. You cannot and must not exceed the (before 2035) 12.31.2034 set-date; each day exceeding that set-date is just one more day that this project does not and cannot meet the System Linkage Needs, even when changed to “*in the near-term (before 2035)*”. The fact is the “*hard look*” talking point is no longer a valid argument.

## Examples of completion dates vs. near term (before 2035):

Step  
7

Initiate final engineering design, complete applications and receive permits, and other next steps.

Following the ROD, MaineDOT and the FHWA can proceed with the initiation of final engineering design, the completion of permit applications, the acquisition of property, and construction. As this process could take several years to complete, as part of final engineering design, MaineDOT and the FHWA would work with the towns to develop a plan to protect the corridor of the selected alternative, including the area of its intersections and interchanges, from further development.

 **“As this process could take several years to complete...”**

**several**  [sev'ər əl, sev'rəl]

Use **several** in a sentence

*adjective*

1. The definition of several is more than two but a small number, or separate people or things.

*a. An example of several is a group of four people.*

*b. An example of several is five dogs standing apart from each other.*

*pronoun*

1. Several is defined as a small, undefined number that is greater than two.

*An example of several is five people leaving early; several left early.*

YourDictionary definition and usage example. Copyright © 2014 by LoveToKnow Corp

***“Alternative 2B-2/the Preferred Alternative would further the study’s purpose and satisfy the system linkage need in the near term (before 2035).”***

<http://www.yourdictionary.com/several>

Example, using 2 to 5 years out from ROD to project completion:

Mar. 2 <sup>nd</sup> 2015	earliest possible signing of the Record of Decision
Mar. 2 <sup>nd</sup> 2017	2B-2’s ribbon cutting ceremony 2 years after ROD
Mar. 2 <sup>nd</sup> 2018	2B-2’s ribbon cutting ceremony 3 years after ROD
Mar. 2 <sup>nd</sup> 2019	2B-2’s ribbon cutting ceremony 4 years after ROD
Mar. 2 <sup>nd</sup> 2020	2B-2’s ribbon cutting ceremony 5 years after ROD
Dec.31 <sup>st</sup> 2034	“satisfy the system linkage need in the near term (before 2035)”
Mar. 2 <sup>nd</sup> 2037	2B-2’s 20 year design life completed in 2017 (*26 months)
Mar. 2 <sup>nd</sup> 2038	2B-2’s 20 year design life completed in 2018 (*38 months)
Mar. 2 <sup>nd</sup> 2039	2B-2’s 20 year design life completed in 2019 (*50 months)
Mar. 2 <sup>nd</sup> 2040	2B-2’s 20 year design life completed in 2020 (*62 months)

\*Total elapsed time in months that 2B-2’s 20 year design life exceeds “the system linkage need in the near term (before 2035).” 2B-2 does not satisfy the near term or the long term System Linkage Need for the period of time exceeding 12.31.2034 (before 2035), thus, 2B-2 does not meet the Study Purpose and Needs for the entire design life of the project.

MaineDOT’s 2015-2016-2017 Work Plan: “highway and bridge programs will experience a shortfall, now estimated at approximately \$119 million per year” and the unmet bridge needs alone are \$70 million per year; spending \$61 million on a connector that does not satisfy the system linkage need for the entire 20 year design life of the roadway is a squander of scarce \$transportation.

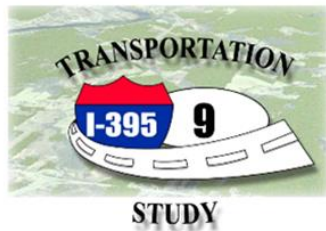


## Does 2B-2 meet any of the three Study Needs? NO, NO and NO:

- I say categorically today: 2B-2 does not meet and can never meet the System Linkage Need of this Study to the entire 20 year design life of the project, no matter if expressed in terms of original needs, near-term needs or long-term needs, and no matter how many “hard looks” you take at Route 9.

 **2B-2 does not satisfy the Study System Linkage near-term Needs.**

## How about Safety Concerns and Traffic Congestion Needs:



I-395/Route 9 Transportation Study  
Penobscot County, Maine  
PIN 008483.20/NH-8483(20)E

Transportation Improvement Strategies  
and Alternatives Analysis Technical  
Memorandum  
and  
U.S. Army Corps of Engineers Highway  
Methodology Phase I Submission

October 2003



U.S. Department  
of Transportation  
Federal Highway  
Administration



Maine Department  
of Transportation

- “This alternative 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.” (page ii)*
- “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.**” (page ii)*
- “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).” (page ii)*
- “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.**” (page 20)*

- “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.” (pg20)*
- “**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.**” (pg20)*
- “**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.**” (LOS stands for Level of Service) (pg21)*

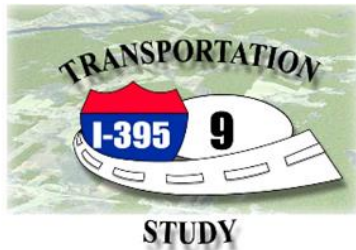
<http://www.i395-rt9-study.com/Pubs/Alts%20Tech%20Memo.pdf>

 **2B-2 cannot possibly satisfy the Study Safety Concern Needs.**

 **2B-2 cannot possibly satisfy the Study Traffic Congestion Needs.**

# The transition of the System Linkage Need; remember you have been told that the Study Purpose and Needs have not changed:

## Pre-September 2010:



I-395/Route 9 Transportation Study  
Penobscot County, Maine  
PIN 008483.20/NH-8483(20)E

Transportation Improvement Strategies  
and Alternatives Analysis Technical  
Memorandum  
and  
U.S. Army Corps of Engineers Highway  
Methodology Phase I Submission

October 2003



U.S. Department  
of Transportation  
Federal Highway  
Administration



Maine Department  
of Transportation

- *“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.”*
- *“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.”*
- *“Alternatives providing a direct connection between I-395 and Route 9 east of Route 46 will provide improved regional connections between the Canadian Maritime Provinces and the Bangor region and reduce traffic on other roadways. Such alternatives meet the intent of the East-West Highway Initiative.”*

<http://www.i395-rt9-study.com/Pubs/Alts%20Tech%20Memo.pdf> (pg5)

## Post-September 2010:

I-395/Route 9 Transportation Study DEIS/Section 404 Permit Application  
Meeting with Cooperating Agencies

September 21, 2010

Minutes of Meeting

*“The system linkage need was discussed. With Route 9 having sufficient capacity for the next 20 years, **the system linkage need and need for a limited access facility should be considered a long-term need.** The DOT is committed to the East-West highway vision, and **the system linkage need remains a valid need for this study.** To help clarify when an alternative satisfies the system linkage need for the I-395/ Route 9 study, **the DOT will change references** in Chapter 2 Alternatives Analysis and Appendix C Alternatives Considered and Dismissed to ‘partially satisfies’ the need to ‘in the near term’ (or something similar) and define ‘near term’ as the year 2030.”*

<http://www.i395-rt9-study.com/Pubs/FCA%2009-10a.pdf>


## FEIS-January 2015:

*“Alternative 2B-2/the Preferred Alternative would further the study’s purpose and **satisfy the system linkage need in the near term (before 2035).**”*

[http://www.i395-rt9-study.com/Pubs/FEIS\\_Chap2.pdf](http://www.i395-rt9-study.com/Pubs/FEIS_Chap2.pdf)

## AND, one more change to a study that has no changes:


MaineDOT Interagency Meeting  
October 11, 2011


Bill Plumptre: Last time we met, December 2010, Page 2 of the handout – Design criteria has been consistent throughout the years with one exception, that is, the shoulder width has been reduced from 10' to 8'. Roadway is designed to freeway criteria – 70 mph design speed, posted for 55 mph. The proposed Typical Section is two - 12' travel lanes, 8' shoulders, with standard cut and fill treatment.  **Change** made to typical section since our last meeting, the project considered having two lanes of highway constructed within right-of-way sufficient to accommodate four lanes in the future. That has now **changed** to two lanes of highway within right-of-way that accommodates two lanes but does not accommodate four lane construction in the future.


<http://www.i395-rt9-study.com/Pubs/EIS%2010-11-11c.pdf>


## FHWA's concern that 2B-2 did not meet Purpose and Needs:

The October 11<sup>th</sup> 2011 changes (above) are exactly what Mr. Hasselmann (MH) was referring to in his concerns taken to the MaineDOT project manager (JL) on December 13<sup>th</sup> 2011 as revealed in several FOIA documents. The following are some powerful words that cannot be dismissed; words from the MaineDOT project manager (JL):

*"Mark is concerned the criteria change to a 2-lane/2-lane ROW of the Preferred Alternative will **alter** the impacts and prior alternatives analyses is **not comparable** (apples to apples) as those were done with 4-lanes/4-lane ROW."* 

 *"...he **questioned** the identification of the logical termini."*

*"Mark's comment the 2-lane/2-lane ROW Preferred Alternative does **not** satisfy the Purpose and Need..."* 

*"...Mark has stated as the alternatives will move forward as a 2-lane/2-lane the analysis **is now apples to oranges** comparison."* 





<http://i395rt9hardlook.com/wp-content/uploads/2014/02/Woodshed.pdf>

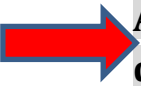
**A powerful indictment of a failed process, and a rush to judgment to select a deficient alternative (2B-2) without full discussion of valid concerns among equal partners.**

## Benefit-to-Cost Ratio and the real reason the FEIS-stated cost is \$61 million and not the actual \$93.24 million that matches the FEIS-stated “MaineDOT’s design criteria for freeways”:

A simple concept to understand: Cost must be equal to or less than the stated benefits of \$61,424,195 and the \$61 million FEIS-stated cost does just that—coincidence? The mathematical basis behind the FEIS-stated \$61 million cost cannot be found in the FEIS.

Since a Benefit/Cost Ratio is simple mathematics, knowledge on how to compute benefits is not necessary. Present value of Benefits established by MaineDOT @\$61,424,195 (FOAA #0187 available upon request). A project must have a B/C  $\geq$  (equal to or greater than) 1.0 to be viable; as that number increases above the 1.0 threshold—the more viable the project.

- Benefit-to-Cost Ratio using **\$93,240,000** cost established per FOAA #0392:   
FOAA #0187 established Benefits @ \$61,424,195  
FOAA #0392 established 2B-2 Cost @ \$93,240,000  
 $\$61,424,195 / \$93,240,000 = \text{B/C Ratio @ } 0.659$    
A Benefit-to-Cost Ratio of 0.659 makes this project unviable when using “...cost estimate...prepared using the DOT’s freeway criteria.”
- Benefit-to-Cost Ratio using **\$61,000,000** cost established per the FEIS:   
FOAA #0187 established Benefits @ \$61,424,195  
FEIS-stated cost of alternative 2B-2 is established @\$61,000,000  
 $\$61,424,195 / \$61,000,000 = \text{B/C Ratio @ } 1.007$    
A Benefit-to-Cost Ratio of 1.007 makes this project viable, yet marginally. MaineDOT rounded to obtain a Benefit-to-Cost Ratio of 1.1 (FOAA #0187).


 **A Benefit to Cost ratio  $>1.0$  cannot be obtained unless the design criteria is downgraded from freeway criteria to rolling criteria.** That is the driving force. The \$61 million FEIS-stated cost reflects the future downgrade to rolling criteria, even though that future change in criteria has not actually taken place yet (or at least not technically per the FEIS—and we all know that the FEIS “is the current document of record”).

“Our responsibility going forward is to manage our existing obligations with our existing budget, and to limit adding new infrastructure to that which is shown to provide overwhelming benefits.” (Aug. 1<sup>st</sup> 2011 MaineDOT Commissioner) B/C of 1.007 seems a little underwhelming!



That's a whole lot of money, but spending another \$61 million to justify how you initially spent \$2.2 million, seems a stretch:

Revised: 02/11/15 *MZC*

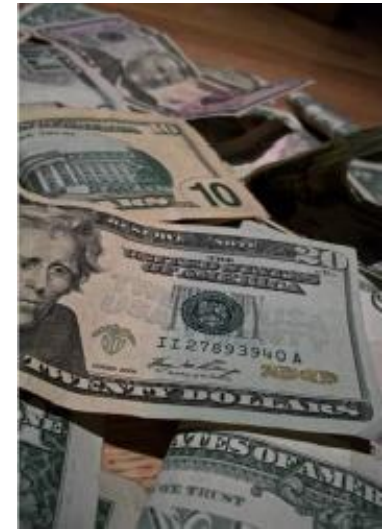
  
**127th MAINE LEGISLATURE**  
LD 47                      LR 188(01)  
Resolve, Directing the Department of Transportation To Remove One of the Proposed Routes from  
Consideration for the Interstate 395 and Route 9 Connector  
  
Preliminary Fiscal Impact Statement for Original Bill  
Sponsor: Rep. Verow of Brewer  
Committee: Transportation  
Fiscal Note Required: Yes

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**Preliminary Fiscal Impact Statement**

Potential current biennium revenue decrease - Federal Expenditure Funds

**Fiscal Detail and Notes**  
If this bill is enacted, the Department of Transportation (DOT) may be required to reimburse the federal government for the \$2,205,277 in federal funds spent on the project. This repayment would be accomplished by reducing monthly reimbursements from the federal government for other authorized projects. DOT may then be able to re-obligate this funding to another federally approved project as long as the re-obligation occurs within the same federal fiscal year. The result would be an extended period of time for the \$2.2 million to be reimbursed to the Highway Fund.



\$2,205,277.00

I feel no responsibility or accountability for monies others may have misspent; study managers earned that charge and in fact I believe this was an 80F/20S project; if so the state funded \$551,319.25 for a total cost of \$2,756,596.25 for this study, initially funded for \$2.5 million. As far as accountability, I seek an accountability of funds spent on this study since April 15, 2009 when this study was taken underground and 2B-2 was anointed. That is where the “hard look” needs to be focused.

While I believe this new concern with money spent is just another talking point to sway the committee, managers of this study had at least two chances to take this study to NO-BUILD and balked, both times. NO-BUILD was always supposed to be a valid consideration for this study and would have satisfied the outcome of this study, with no threat of penalized funds.

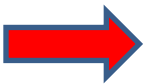
- 1) 2B-2 met only 1 of 5 Purpose and Needs on April 15<sup>th</sup> 2009. Five alternatives meeting 100% of Purpose and Needs were removed from further consideration by Sept. 2010 and replaced by an alternative that met only 20%; a plan was hatched to promote 2B-2 based solely on a “hard look at Route 9”. While a great talking point, the “hard look” is subject to the passing of time and has timed out once again; the original pre-September 2010 System Linkage Need had no such “hard look” time constraints. The Study could have and should have been taken to NO-BUILD in September 2010 and the study and accountability to funds would have been satisfied.
- 2) IF this study listened to FHWA/Mark Hasselmann’s proclamation on Dec 13<sup>th</sup> 2011 that: “...Preferred Alternative does not satisfy Purpose and Need...” and “...the analysis is now apples to oranges comparison.” this study could have and should have gone to NO-BUILD and once again, with no threat of penalized funds. Instead, Mr. Hasselmann was overruled by superiors and perhaps the most important conversation to occur within this study was buried until March 2013 FOAA documents brought it to the surface.

## Consider 2B-2 as you would a used car purchase:

You are being asked, today, to pay a certain cost for a certain 2B-2 model:

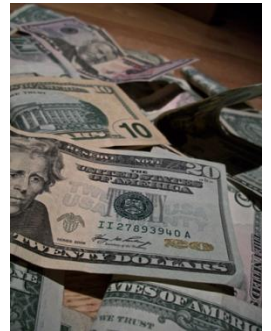
- \$61 million for the 2B-2 model with the loaded option: using “MaineDOT’s design criteria for freeways”. (FEIS-stated cost and FEIS-stated design)
- WOW what a deal! Didn’t that model cost \$93.24 million in December 2011? (FOAA #0391/0392, Dec. 6<sup>th</sup> 2011 letter from Gannett Fleming to MaineDOT)
- Why are you trying to sell me the same 2B-2 model \$32.24 million cheaper?
- Are you trying to sell me the downgraded 2B-2 “rolling criteria” model?

Always be aware, when the cost sounds too good! Just because you want to always believe in the dealership doesn’t mean that the dealership has your best interests at heart. Always check the facts; my facts come from the [MaineDOT’s own words](#). Buyer beware!!



What about a guarantee?

- 2B-2 meets the Purpose and Needs according to the FEIS.
- Really, but what happens after December 31, 2034 (before 2035)?
- Well, we don’t know, besides your question is not substantive.



## Special Thanks to Representative Verow:



**Arthur C. Verow**

**District #128  
Brewer (part)**

Archie is not our neighborhood’s Representative anymore, we were redrawn into the “part of Brewer” reassigned to District #129. Archie is a man of his word and I thank him for his efforts to get our voices heard. Archie’s bill to remove 2B-2 from further consideration was denied a hearing in the second 126<sup>th</sup> session, yet his determination brought LD 47 to a hearing at the JSC on Transportation of the 127<sup>th</sup> on February 3<sup>rd</sup> of 2015. Gretchen and I are no longer squelched under the filter of not substantive for comments. If you see Archie, please give him your thanks or drop him a quick note. We feel like the red-headed stepchild since redistricting and miss his representation.

[Archie.Verow@legislature.maine.gov](mailto:Archie.Verow@legislature.maine.gov)

## Do we really need government oversight?

“Oversight of federal agencies is among the most essential implied powers of Congress in our Constitution. The BDN editorial essentially argues that Congress should abdicate its responsibility in this case. The problem is, without this oversight — holding federal agencies accountable for their policies and effectiveness as well as their spending — our system of checks and balances would be meaningless.” U.S. Senator Susan Collins (February 10<sup>th</sup> 2015)

<http://bangordailynews.com/2015/02/10/opinion/contributors/with-the-potato-the-bdn-gets-it-wrong-on-all-fronts/>

### Eddington petition of non-support and request for the No-build option as presented to the MaineDOT at the May 2, 2012 Public Hearing:

21 MR. PLUMPTON: Joan, come on up.  
22 AUDIENCE MEMBER: I'm Joan Brooks. I'm  
23 Chairman of the Board of Selectmen in Eddington and I  
24 have been asked to hand this to the DOT. We, the  
25 citizens of the Town of Eddington, in the County of

27

28  
1 Penobscot, in the State of Maine, do hereby protest  
2 the I-395/Route 9 connector project proposed  
3 preferred alternative 2B2 route and other  
4 alternatives, and it lists them, as mentioned in the  
5 Draft Environmental Impact Statement submitted March  
6 2012. And by affixing our signatures below let it be  
7 known to the Selectmen of the Town of Eddington,  
8 MaineDOT and all others that we do not support this  
9 project and request instead a No-Build option. Said  
10 No-Build option to truly means No-Build anywhere  
11 within the entire original project study area. There  
12 are 390 signatures, people in Eddington on this, and  
13 I am handing it over.

28

14 (Applause.)

<http://www.i395-rt9-study.com/Pubs/PublicHearing2012.pdf>



“...390 signatures, people in Eddington on this...”

**"TO REITERATE THE BREWER CITY COUNCIL'S NON-SUPPORT OF THE I-395 AND ROUTE 9 CONNECTOR PROJECT AND TO CONTINUE TO SUPPORT THE NO-BUILD OPTION." (January 13<sup>th</sup> 2015)**

**CITY OF BREWER, MAINE  
IN CITY COUNCIL ASSEMBLED**

2015-B002

January 13, 2015

TITLE: RESOLVE, TO REITERATE THE BREWER CITY COUNCIL'S NON-SUPPORT OF THE I-395 AND ROUTE 9 CONNECTOR PROJECT AND TO CONTINUE TO SUPPORT THE NO-BUILD OPTION.

filed January 7, 2015  
by Matthew Vachon, Jerry Goss  
Joseph Ferris, Kevin O'Connell  
and Beverly Uhlenhake

WHEREAS, the City of Brewer has been a major supporter of efforts to improve east-west transportation connections in Maine, including the need to extend I-395 in Brewer to meet Route 9 in Eddington/Clifton; and

WHEREAS, the City has gone on record on numerous occasions about the need to take into account local, regional, and statewide transportation considerations in selecting a final route for this important transportation connector; and

WHEREAS, the Maine Department of Transportation (MDOT) has concluded that proposed 2B-2 is the best route for a transportation connection between the current end of I-395 in Brewer to Route 9 in either Eddington or Clifton; and

WHEREAS, the proposed 2B-2 route will have a significantly negative impact on many residential properties; and

WHEREAS, the proposed 2B-2 route impacts a significant amount of wetlands and could cause environmental damage; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council does hereby reiterate their non-support of the proposed construction of the I-395 extension to Route 9 (proposal 2B-2); and

BE IT FURTHER RESOLVED, that the City of Brewer still supports the "no-build" option for this project.

Date: January 13, 2015

*This is a true and attested copy of a resolve adopted by unanimous vote of the City Council of Brewer at a regular meeting held on Tuesday, January 13, 2015 at 6:00 p.m. at which time all members of the council were present and voting.*

a true copy, attest: Pamela J. Ryan  
Pamela J. Ryan, City Clerk  
Brewer, Maine

**Another comparable Study:**

"We realize that the bypass has impacted people who own property along the proposed routes, clouding them in uncertainty, unable to sell their property if they wanted to," said Bernhardt, "By this action I am taking today, our hope is that the uncertainty is now gone, and they can move forward with their plans for their property."

Aug. 1<sup>st</sup> 2011 statement by Commissioner Bernhardt reference the cancellation of the \$100 million Wiscasset Bypass after a 10 year, \$2.5 million Study with alternatives exhibiting an average Benefit/Cost Ratio = 2.39; sound familiar? Yes, everything except: the Benefit-to-Cost Ratio of 2B-2 is a meager 1.007.

Commissioner Bernhardt, when will our cloud of uncertainty be removed?

How will the MaineDOT/FHWA answer the charge that 2B-2 does not satisfy the Study System Linkage Need for the entire 20 year design life of the project? The 20 year design life of the project exceeds the "satisfy the system linkage need in the near-term (before 2035)" 12.31.2034 criteria.


How will the MaineDOT/FHWA answer the charge that the FEIS-stated cost does not match the FEIS-stated design, a disparity of -\$32.24 million?



FEIS 1.2 Study Purpose (3) statement does not include Rte. 9, how can 2B-2 possibly meet the Safety Concerns Need when Rte.9 is excluded?

**MaineDOT/FHWA/ACOE Technical  
Memorandum - October 2003**

The purpose of this study is to: (1) construct a section of Maine's National Highway System from I-395 to Route 9, consistent with current American Association of State Highway and Transportation Officials (AASHTO) policy on design; (2) improve regional system linkage; (3) improve safety on Routes 46, 9, and 1A; and (4) improve the current and future flow of traffic and shipment of goods to the interstate system.



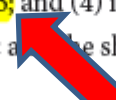
(Page 1)

<http://www.i395-rt9-study.com/Pubs/Alts%20Tech%20Memo.pdf>

## 1.2 Study Purpose

A detailed description of the study purpose and needs was presented in the Draft Environmental Impact Statement (DEIS) Chapter 1 Purpose and Need, which has been incorporated by reference into this Final Environmental Impact Statement (FEIS).

The purposes of the I-395/Route 9 Transportation Study are to (1) identify a section of the NHS in Maine from I-395 in Brewer to Route 9 in Eddington, consistent with the current American Association of State Highway and Transportation Officials (AASHTO) A Policy on Geometric Design of Highways and Streets; (2) improve regional system linkage; (3) improve safety on Routes 1A and 46; and (4) improve the current and future flow of traffic and the shipment of goods to the interstate system.



[http://www.i395-rt9-study.com/Pubs/FEIS\\_Chap1.pdf](http://www.i395-rt9-study.com/Pubs/FEIS_Chap1.pdf)

## It's all about timing:

The wait has been excruciating. The FEIS was finally issued on January 23<sup>rd</sup> 2015, @ 7:55 p.m. on a Friday night; yes it is all about timing, as bad news always comes on a Friday! Even Representative Verow's bill took well over 14 months, as the bill was not to be heard in the 2<sup>nd</sup> session of the 126<sup>th</sup> Legislature.

Everything until now has been a DRAFT. The FINAL EIS is now the "document of record"; the "it's only a draft" excuse is moot. The long wait, to our benefit, timed out MaineDOT's signature talking point: "DOT took a hard look at Route 9".

Now we wait to see if the JSC on Transportation will act in our favor; I hope as the primary oversight to the DOT, this matter will be looked at fairly and lessons can be learned for positive, future interactions between the public and the DOT.

I vehemently disagree with 2B-2's selection and an expenditure of \$61 million (or is it \$93.24 million?) of scarce transportation dollars. Those funds could be better spent on the unmet transportation needs of Maine; the 2015-2016-2017 Work Plan has reported: "the department's highway and bridge programs will experience a shortfall, now estimated at approximately \$119 million per year."

## Many ask me what I want and why do I continue?

At 17 years old, my mom reluctantly signed my voluntary enlistment papers at a time when many of today's politicians and entertainers were receiving multiple deferments, moving to Canada or worrying about boils on their butt. I wasn't in the jungle like so many others, but I'm still proud of the two Vietnam Service medals I earned. I gave my country seven years of honorable service.

I discovered the study's changes on December 15<sup>th</sup> 2011 and thought they were just a mistake; maybe the new guy didn't know that 2B had been up and down several times. Naively, all I wanted to do was talk to them with my city leaders, yet the MaineDOT would not even agree to a simple phone call. I was completely devastated, defeated and embarrassed and couldn't even look my wife in the face when I went to bed the night of December 29<sup>th</sup>. I got up the next morning with one thought and that was, I deserve to be heard, I paid my dues. I was soon in the office of Senator Collins and the rest is history. As a veteran of this great country, I have paid my dues, I deserve to be heard and I will not keep quiet; many have tried over the last three years to discourage my efforts, but it only reinvigorates me to continue and that, I will. That is why I do this and it is extremely important that I can look my wife in the face and myself in the mirror and know that no matter what, we've taken a stand to the best of our abilities.

We seek an immediate halt of the study and the removal of 2B-2, 5A2B-2 and 5B2B-2 from further consideration; state and federal officials and municipal leaders from the impacted communities should be paneled in a completely transparent forum, with selected private citizens, to decide if there really is a need for this connector and what that may look like. The engineers know this study area after analyzing 79+ routes and could fully evaluate any idea within hours. The MaineDOT talking point, that we want to take the Study back to day one, is just another talking point that I reject.

At some point we, the impacted communities, deserve a personal apology from the MaineDOT for what we all have had to endure for the last 14 years and I want Commissioner Bernhardt to personally acknowledge the hard work that private citizens such as Gretchen Heldmann and Larry Adams have unselfishly given to their community, their state and yes, even the MaineDOT. That's what I want, and then I want my life back.