



Welcome to the 1st quarter of 2019 in the 19<sup>th</sup> year of the I-395/Rte. 9 study—how the DOT plans to build a new road from a twice removed alternative that the MaineDOT acknowledged as potentially hazardous in 2003 that met only 20% of the study's five purpose and needs in 2009 that had decade-long long-term needs deferred for 20 years from commissioning in 2010 for the new low price of only \$79,250,000.00!

Infrastructure policy from Governor Mills' campaign website:

Upgrade Quality and Safety of State's Roads, Bridges and Other Critical Infrastructure from the "D-grade" it has received over the past eight years:

- > Launch a three-month review of all state infrastructure based on external reviewers
- > After addressing safety, prioritize upgrade projects at the recommendation of a panel of business leaders to ensure the most essential needs for growth are met
- > Invest funding in projects that will show a long-term benefit, versus short-term appearances

I provided Governor-elect Mills' transition office three extensive documents on the 2B-2 issue and hope that the Governor and her administration can see through the talking points of the last administration and put a halt to wasting any more money on this \$79.25 million boondoggle.

The DOT's own documentation affirms that 2B-2 is a near-term project with costly deferred long-term needs. If Governor Mills intends to "invest funding in projects that will show a long-term benefit, versus short-term appearances", then 2B-2 does not meet that benchmark and should be immediately terminated.

Congratulations to the MaineDOT, FHWA, ACOE and all of the many other state and federal agencies that brought back to life a deficient alternative removed from further consideration in January 2003 for the following reasons: *"This alternative [2B]...would fail to adequately address the traffic congestion needs in the study area...conflicting vehicle movements on this section of Route 9 would substantially increase the potential for new safety concerns and hazards...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 [level of service] and safety concerns."*

Holden officials repackaged 2B, presenting 2B-2 to the ACOE in September 2003, outside of established alternative selection procedures, with support from the MaineDOT or the FHWA, and against February 2002 guidelines eliminating alternatives that did not provide a connection on Route 9 east of Route 46.

2B-2 met only 25% of the study's (5) purpose and needs in April 2009 at the final PAC meeting. The study continued, with the communities of impact kept intentionally in the dark, before discovery—32 months later—that 2B-2 had replaced 3EIK-2, the study's first preferred alternative. 2B-2 was signed, sealed and delivered with the June 2016 FHWA Record of Decision (ROD).

An alternative removed from further consideration because of *"the potential for new safety concerns and hazards"* will be opened to traffic by September 2024 at the astonishing cost of \$79.25 million—a shocking 15-year-long transformation—full stop.

18 years of lies and deceit are documented in this website!!!

With most signals in rough shape and using old technology, the project could cost \$160 million over 20 years.

BY [PETER MCGUIRE](#) | STAFF WRITER | DECEMBER 24, 2018

It will cost at least \$8 million a year for the next two decades to replace the state's aging traffic signal network, an upgrade expected to save time, fuel and driver frustration.

Maintenance has lagged on many of the 801 state-owned traffic signals. Almost half have poles and supports that are in such poor condition they will have to be completely replaced in the near future, according to state estimates.

“Regardless of who owns or maintains traffic signals, the traveling public has come to expect a high standard for traffic signal operations. Unfortunately, that standard is not being met in many areas of the state,” a working group at the Maine Department of Transportation wrote in a report last month.

To solve the problem, the department is embarking on an expensive plan to replace every traffic signal with an advanced version that can be timed more efficiently, tell operators about malfunctions and talk to electronic and autonomous vehicles now beginning to appear on U.S. roads. It also plans to assume direct responsibility for signal upkeep statewide, an obligation now mostly held by cities and towns.

If the state is going to make the signal updates, they should be compatible with emerging technologies, such as self-driving cars, said state traffic engineer Steve Landry.

“This is about us trying to get the signals up to par,” Landry said. “As we’re doing it, we are getting new equipment that is going to be able to do more with technology in the future.”

Overall, Maine wants to get on a replacement schedule for a 20-year signal life cycle. That means shouldering the cost of a wholesale system replacement –

about 40 signals a year at a cost of \$200,000 per signal, roughly \$160 million overall.

Next year, the department will replace 104 signals on thoroughfares in Sanford, Augusta, Waterville, Farmington and Belfast. About half of the \$16.5 million project will be paid with a [federal transportation grant](#).

But replacement won't mean anything if signals aren't maintained. The state currently takes care of only 51 traffic lights, or 6 percent of the total. The rest are left up to towns and cities that sometimes don't have the budget, or expertise, to make sure the system is kept up.

When contractors like Ken Miller get called out, it's typically to fix broken signal equipment, not to perform routine maintenance.

That means more signals malfunction, leading to more traffic congestion, wasted gas and lost time.

"The unfortunate thing is that everything has become reactive with traffic signals," said Miller, president of Electric Light Co. in York.

"In the old days, there was scheduled maintenance; now there is no maintenance anymore," he said. "You get told: 'Fix this. It is all we appropriated for.' "

Maine DOT plans to take direct control over signals or offer stipends to towns and cities that show the financial and technical ability to keep the signals working. Maintaining the system could cost \$2 million a year.

"The proper maintenance and keeping things up and running is the biggest problem that we have," Landry said. "If the equipment isn't maintained properly, the signal isn't going to work properly."

The progression of Maine's traffic signals – from red, to green, to yellow and back to red – is programmed based on average annual traffic counts collected and analyzed by the department. But if the signal's traffic detection apparatus malfunctions, it will revert to the maximum wait time for each side of the intersection. That means a vehicle on a main thoroughfare will wait at the light



just as long as one on a minor side street. Advanced traffic signals constantly collect traffic data to better allow signal timing and detection and warn when a signal isn't working.

Better timing is likely to save time, money and make intersections safer. A coordinated four-signal corridor in Dover, New Hampshire, saved drivers more than \$20,500 in annual fuel costs and reduced travel time by 46 percent, according to the November state report. Coordinating signals reduced crashes by nearly 9 percent in Portland and 52 percent in Waterville, according to a state analysis.

About 30 signals on busy travel corridors will be replaced by adaptive models that can monitor traffic and adjust light sequences based on congestion and demand, Landry said. Adaptive signals are already being used in Portland, where they have cut travel times in a **heavily congested** stretch of Forest Avenue.

The signal replacement project will have to compete with roads, bridges and safety projects in the department's \$324 million annual capital improvement budget. The state is already shoring up a \$140 million highway budget shortfall with \$80 million a year in **borrowed money**.

"It is not going to happen all at once," Landry said. "We need to decide how we are going to take these things over, and where the money is going to come from to maintain them ourselves."

- "The state is already shoring up a \$140 million highway budget shortfall with \$80 million a year in **borrowed money**." (That's a fancy way of saying that there is a \$60 million annual shortfall.) And yet the DOT will spend \$79.25 million of our limited state and federal transportation funds on a controversial connector project (2B-2) that many do not want, at a time when we cannot afford to maintain existing roads and bridges, and now add new traffic lights to that equation!

**DOT officials that considered an INFRA grant as the most appropriate way to fund 2B-2 were unquestionably wrong!**

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**Maine taxpayers went from a commitment of 20% of the total cost—to 50% of the total cost—and now to possibly 68.5% of the total \$79.25 million cost to construct 2B-2; from \$15.85 million to \$39.625 million to \$54.25 million—great negotiating skills!!**

- Using the traditional 80/20 matching funds formula, it would have cost the state of Maine \$15.85 million to construct alternative 2B-2.
- Commissioner Bernhardt committed \$39.625 million of state funds to the INFRA grant application in an October 23, 2017 to the U.S. DOT, reflecting a 50/50 fund match and is \$23.775 million more than the traditional 80/20 matching formula.
- The federal INFRA grant was only \$25 million (not the expected \$39.625 million) leaving \$14.625 million unfunded and in question. If no other federal funding is available, one may assume the loss will be made up by taking STIP funds from other projects. The result is a state of Maine obligation of 68.5% (\$54.25 million) of the total construction cost—a long way from the traditional 20% matching!!

The MaineDOT's decision to fund 2B-2 construction through an INFRA grant is a complete fiscal failure that may end up costing Mainers an additional \$38.4 million more than if funded using the normal 80/20 matching; we do know that this project lacked the backing of Senator King and Senator Collins and may not have gained funding thru normal channels. Why is the MaineDOT so willing to spend that kind of money on a controversial project (2B-2) that many do not want, at a time when the DOT's budget has an annual \$59 million shortfall even with the yearly bonding and at a time when the MaineDOT cannot afford to maintain our existing roads and bridges?

The [Portland Press Herald](#) posted a list of all working bill titles:

Sen. Kimberley Rosen	Hancock	LR 1019	An Act To Require an Independent Analysis of the I-395/Route 9 Connector Project
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This bill would seem to align with Governor Mills’ promise to “launch a 3 month review of all state infrastructure based on external reviewers...invest funding in projects that will show a long-term benefit versus short-term appearances.”

# A letter to the Governor:

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I-395/Route 9 Connector

Larry Adams

To: Governor Janet Mills;

1/18/2019 5:33 AM

Dear Governor Mills,

Many of us in Brewer, including the Brewer City Council in three unanimous resolutions of non-support since 2012, oppose MaineDOT's questionable selection of alternative 2B-2 for the I-395/Route 9 Connector. The 2B-2 alternative does not satisfy the [long-established system linkage need](#) (page 5): "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."

Alternative 2B-2 is a controlled-access connection to Route 9, to the west of the "east of Route 46" system linkage need (logical termini) by 4.2 miles.

2B-2 met only one (20%) of the study's five purpose and needs in April 2009, yet is now the (second) preferred alternative for a \$79.25 million controversial project that does not satisfy purpose and needs, a project that many of us do not want, and a project that we question the need for anymore since the project's original purpose was to reroute logging truck traffic from Route 46 to the Bucksport Mill.

[DOT's own documentation](#) (page i) states "Unless noted, most alternative[s] that were not considered practicable failed to meet the system linkage need of providing a limited access connection between I-395 and Route 9 east of Route 46." 2B-2 should never have even been in consideration, let alone become the preferred alternative, especially when 45 (57%) of the 79 studied alternatives actually satisfied the "Route 9 east of Route 46" system linkage need.

[September 21, 2010 Interagency meeting minutes](#) (page 2 excerpt below) affirmed that the "Route 9 east of Route 46" system linkage need and the need for a limited-access facility remained valid needs but deferred for 20 years as a long-term need; at that same time, 2B-2 magically satisfied the system linkage need "in the near-term" by parsing the original definition of "partially satisfies".



## A letter to the Governor continued:

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- 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.

A project should not be built on parsed words, a project must be built on merit and DOT management has balked at any meeting with impacted residents and their governing officials to justify said merits. They would like you to think that they gave us sufficient time for debate, but even at the May 2012 DEIS Public Hearing, they would not answer a single question and they were already intentionally withholding critical information from us as we would learn from FOAA documents obtained in March of 2013. And, that was not the last time that DOT officials would refuse to discuss the project's merits.

2B-2, by MaineDOT's own definition, is a near-term (short-term) project with long-term needs that have been deferred to our grandchildren—unplanned and unfunded and when I asked the MaineDOT about those long-term needs at the [BACTS meeting in Brewer on March 26, 2016](#), they looked at me as if I am the one lacking integrity; basically DOT Manager Rollins called me a liar and exclaimed: "This is not the forum to discuss the merits of this project..." They brushed off any discussion of long-term needs of their preferred alternative (2B-2) and abruptly changed the subject. I was left with the thought that apparently there were no long-term needs and we were lied to once again; remember that the DOT went out of their way to parse a few words to give 2B-2 the appearance of satisfying the system linkage need i.e. "in the near-term." The 9.21.2010 minutes also indicate that the DOT would "define 'near term' as the year 2030" or 20 years, so logically long-term is 20 years into the future. My point is that they sold the lack of satisfying the system linkage need of a "limited-access connection to Route 9 east of Route 46" by parsing words and deferring the system linkage need with an unfunded, unplanned promise to satisfy that need

## A letter to the Governor continued:

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in 20 years from now; this project is based on lies and more lies. Is that the modus operandi for our DOT?

It appears to me that the whole DEIS/FEIS process was a waste of \$2.3 million for a study that I would contend had a pre-determined outcome; that is also the conclusion of several of the [PAC members](#) that were also used and abused by this process. The PAC had no say in the decision-making process and in fact were essentially disbanded on April 15, 2009; 2B-2 was on its way to preferred alternative status by September 2010 – with no knowledge of the PAC or the impacted communities – and in fact, that information was not made public until the last few days of 2011 – 32 months from the final PAC meeting.

If the DOT does not offer you the long-term planning of 2B-2 that mirrors what was stated above on September 21, 2010, then you have a bigger problem that only the State Inspector General can unravel. I can tell you that the DEIS and the FEIS were intentionally falsified to give 2B-2 the appearance of being a cheaper alternative than it was by \$32.4 million—the DEIS/FEIS construction cost does not match the DEIS/FEIS design criteria. That is easily proved, it was intentional and it is against Maine State Statute; why has no one looked into that charge?

We must now also question 2B-2's funding as the construction funding has shifted to be more heavily dependent on the state. The DOT Commissioner committed \$39.625 million of state funds in the October 2017 INFRA grant application for a 50/50 share in funding. The INFRA grant received last summer was for \$25 million—a \$14.625 million shortfall in what was expected; that shortfall will likely come out of STIP funds from other essential projects.

This project would have cost the state \$15.85 million (20%) at the customary 80/20 funding formula—it would have cost the state \$39.625 million (50%) if the INFRA grant was fully funded—NOW—this project may cost Mainers as much as \$54.25 million (68.5%) of the construction cost!! How can it be possible that this project was so badly managed that we have gone from 20% state funding to a whopping 68.5%? How can the state afford that large an expenditure on a single controversial project that many of us see no need for, when the state

## A letter to the Governor continued:

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can't afford to even maintain existing roads and bridges? Wouldn't that \$54.25 million be better spent on Maine's unmet transportation needs?

This project is a waste of limited state and federal transportation dollars. Please look past DOT's talking points and examine what some of these same officials have said in the past about this same alternative: "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) "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." (page 21)

I provided the three specific documents below in electronic form to your transition office. I hope you and Mr. Van Note have had the time to look at them; they are best viewed in electronic form as they are hyperlinked to DOT documentation, and can be easily viewed along with other documentation on our citizen's website: <https://i395rt9hardlook.com/>.

[Brewer Boondoggle](#)

[History was Dismissed...](#)

[We have no money...](#)

Senator Rosen has submitted legislation (LR 1019) for an "independent analysis of the I-395/Route 9 connector" which would seem to align with what was stated on your campaign website: "launch a 3 month review of all state infrastructure based on external reviewers...invest funding in projects that will show a long-term benefit versus short-term appearances."

Thank you for your time and consideration of my views,

Larry Adams

# An unsolicited from the MaineDOT:

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**From:** Russo, Meghan  
**Sent:** Friday, January 25, 2019 4:35 PM  
**Subject:** RE: I-395/Route 9 Connector

Good Afternoon Mr. Adams:

Governor Mills forwarded your below email of January 18, 2019 regarding the I-395/Route 9 Connector and asked us to respond to you directly.

Based on your email and previous correspondence with the department we understand that you disagree with MaineDOT as to whether the preferred alignment (Alternative 2B-2) meets the purpose and need of the study:

1. Identify a section of the National Highway System (NHS) in Maine from I-395 in Brewer to Route 9 in Eddington, consistent with the current American Association of State Highway 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 shipment of goods to the interstate system.

At the Public Informational Meeting on July 20, 2016 MaineDOT reexamined the issue of regional system and traffic flow in 2009 and 2010 while we conducted the Environmental Impact Statement (EIS) for the study. The traffic analysis determined that Alternative 2B-2 met system linkage and that the section of Route 9 could accommodate the future traffic volumes, thereby meeting the Purpose and Need of the study.

The 2016 meeting was based upon the issuance of the Record of Decision (ROD) by the Federal Highway Administration (FHWA), which finalized the National Environmental Policy Act (NEPA) process and selected Alternative 2B-2 as the environmentally preferred alternative for the project. It also authorized final design and right-of-way to begin and for the planning study to transition to a project. MaineDOT aimed to explain the study background, what the issuance of the ROD meant, and next steps. This also was the forum to discuss the merits of the project which MaineDOT planning staff in addition to answering and responding to questions and statements from the public in attendance. The presentation from that meeting is located at the [project website](#) under the Informational Materials tab.

A Preliminary Public Meeting for the project held on June 27, 2018 was held to describe the recent updates regarding the actual design of the project and answer questions regarding the right-of-way process. Additionally, planning staff were available to again discuss and explain the merits of the project to those in attendance.

MaineDOT understands a project of this size cannot please every member of the public, however, we stand by the process and the decision that Alternative 2B-2 is the preferred alternative as determined by the FHWA in the ROD, and the Least Environmentally Damaging Practicable Alternative (LEDPA) as determined by the United States Army Corp of Engineers (USACE).

I would be glad to assist in answering any other questions you might have about this project.

Sincerely,  
Meghan Russo

**Meghan M. Russo**  
**Manager of Legislative and Constituent Services**  
**MaineDOT**  
**16 State House Station**  
**Augusta, ME 04333**  
**207-624-3002**



# Email to the Governor on January 30<sup>th</sup>:

## I-395/Route 9 Connector project

Larry Adams

1/30/2019 2:37 PM

To: Governor Janet Mills;

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

Bcc: Larry Adams;



email to Gov  
Mills with  
response fro...

Dear Governor Mills,

We were raised to blindly believe in our government, but there are times when our government is just plain wrong and this is one of those times.

It was not my intention to start-up a conversation with the DOT as I have done that ad nauseam; any email with the DOT since 2012 always ends with a similar offer to answer more questions when, in fact, they rarely answer the questions asked. My intention was solely to raise this project to the executive branch so that it can be reviewed in your proposed three month review of Maine's infrastructure. The three documents were provided with that intent and are heavily referenced to DOT's own documentation.

I will not answer DOT's current email – however - I would be remiss if I didn't make this one critical correction - the statement “2B-2 meets purpose and needs” is factually incorrect without using the disclaimer “In the near-term(Year 20XX)” as identified on page 258 of [Appendix C of the DEIS](#). Those are MaineDOT's own words – not mine.

Alternatives	Description	Meets Purpose		Meets Needs		
		Study Purpose	USACE Purpose	System Linkage	Safety Concerns	Traffic Congestion
Alternative 2B-2	<ul style="list-style-type: none"><li>Satisfies design criteria</li><li>Length: 6.1 mi. of new alignment, 4.2 mi. of Route 9 without additional improvements</li><li>Bridge length: 2,232 ft.</li><li>Earthwork: 2.2 mcy (1.2 mcy cut, 1.0 mcy fill)</li></ul>	Yes	Yes	In the near-term (Year 2035)	Yes	Yes

I oppose the expenditure of our limited state and federal transportation dollars on such a controversial \$79.25 million project at a time when we cannot even afford to maintain existing roads and bridges. I felt it my civic duty to advise the executive branch of my trepidation that those millions would be better spent on the unmet transportation needs of our state.

I would refer you to the City of Brewer to affirm the veracity of what I have presented.

Sincerely,

Larry Adams



# Email to the Governor on February 21<sup>st</sup>:

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## I-395/Route 9 Connector

Larry Adams

2/21/2019 8:18 AM

To: Governor Janet Mills;

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



Maine 129 - ...

Dear Governor Mills, I have written several times referencing my opposition to the DOT's selection of alternative 2B-2 for the I-395/Route 9 Connector project in Brewer, Eddington and Holden.

I provided the following documents so that you and your team would have full knowledge of my concerns: [Brewer Boondoggle](#), [History was dismissed...](#) and [We have no money...](#)

Attached is a copy of LD 783/SP 227 presented by Senator Rosen to "Resolve, Require an Independent Analysis of the DOT's I-395/Route 9 Connector Project".

A \$79.25 million controversial project that does not meet the original study purpose and needs must not go forward at a time when our state cannot even afford to maintain our existing roads and bridges.

Wouldn't that money be better spent on Maine's unmet transportation needs?

We would appreciate your support in this matter.

Sincerely,

Larry Adams

17 Woodridge Road, Brewer



# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 783

S.P. 227

In Senate, February 12, 2019

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**Resolve, To Require an Independent Analysis of the Department of  
Transportation's I-395/Route 9 Connector Project**

(EMERGENCY)

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Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in dark ink, appearing to read "Darek M. Grant".

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator ROSEN of Hancock.

Cosponsored by Senators: CARPENTER of Aroostook, DOW of Lincoln, FARRIN of  
Somerset, Representatives: STANLEY of Medway, VEROW of Brewer.

Printed on recycled paper

1       **Emergency preamble.** Whereas, acts and resolves of the Legislature do not  
2       become effective until 90 days after adjournment unless enacted as emergencies; and

3       **Whereas,** it is necessary that this resolve take effect immediately to provide timely  
4       analysis of the Department of Transportation's I-395/Route 9 Connector Project; and

5       **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
6       the meaning of the Constitution of Maine and require the following legislation as  
7       immediately necessary for the preservation of the public peace, health and safety; now,  
8       therefore, be it

9       **Sec. 1. Project suspended. Resolved:** That, unless otherwise authorized by the  
10      Legislature, the Department of Transportation's I-395/Route 9 Connector Project may not  
11      continue until 90 days after the adjournment of the First Regular Session of the 129th  
12      Legislature.

13      **Sec. 2. Independent analysis required. Resolved:** That the Legislature,  
14      through the Joint Standing Committee on Transportation, shall select and contract with a  
15      nongovernmental entity to perform an independent analysis of the Department of  
16      Transportation's I-395/Route 9 Connector Project.

17      The entity selected by the Joint Standing Committee on Transportation must  
18      determine the public interest costs and benefits of the project, evaluate the cost and  
19      benefit assumptions that currently underlie the project and assess the concerns of local  
20      communities directly affected by the project. The entity shall provide a final report,  
21      including a recommendation to continue or terminate the project, to the Joint Standing  
22      Committee on Transportation no later than April 19, 2019.

23      The entity selected by the Joint Standing Committee on Transportation may not have  
24      a direct commercial interest in the project.

25      **Sec. 3. Joint standing committee authorized to report out legislation.**  
26      **Resolved:** That the Joint Standing Committee on Transportation may report out a bill,  
27      based on the analysis and recommendations contained in the report submitted pursuant to  
28      section 2, to the First Regular Session of the 129th Legislature authorizing the  
29      Department of Transportation's I-395/Route 9 Connector Project to continue.

30      **Sec. 4. Appropriations and allocations. Resolved:** That the following  
31      appropriations and allocations are made.

32      **LEGISLATURE**

33      **Legislature 0081**

34      Initiative: Appropriates funds on a one-time basis to the Legislature to enter into a  
35      contract with a nongovernmental entity to perform an independent analysis of the  
36      Department of Transportation's I-395/Route 9 Connector Project.

1	GENERAL FUND	2018-19
2	All Other	\$25,000
3		
4	GENERAL FUND TOTAL	<u>\$25,000</u>

5       **Emergency clause.** In view of the emergency cited in the preamble, this  
6       legislation takes effect when approved.

## 7 SUMMARY

8 This resolve directs the Legislature, through the Joint Standing Committee on  
9 Transportation, to contract with a nongovernmental entity to perform an independent  
10 analysis of the Department of Transportation's I-395/Route 9 Connector Project and  
11 appropriates \$25,000 from the General Fund to fund the contract. The nongovernmental  
12 entity may not have a direct commercial interest in the I-395/Route 9 Connector Project  
13 and must provide a report of its analysis to the Joint Standing Committee on  
14 Transportation no later than April 19, 2019. This resolve also suspends the project until  
15 the independent analysis is complete and provides the Joint Standing Committee on  
16 Transportation with the authority to make a determination about whether the project may  
17 continue.

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## **Debate rages on as state readies to break ground on I-395 connector**

By [Eesha Pendharkar](#), BDN Staff • February 25, 2019  
(Excerpt from original article)

Longtime Holden residents Stephan and Victoria Lee own more than 70 mostly wooded acres behind their scrap metal business, Lakeman and Sons, on Levenseller Road. They have a cabin they use during the warmer months and snowmobile paths carved out among the trees.

On a chilly afternoon last week, one of the Lees' employees zipped through the trees with his son on the back of his snowmobile. Stephan Lee trailed behind in his red truck along a snowy path he had cleared that morning.

He pulled up next to a bright pink and blue ribbon on a wooden stake in his property, which the Maine Department of Transportation put there in the past year.

"We won't be able to access any of this anymore," Lee said. "The sentimental value of this land is priceless to me and my wife."

For the past year, Lee has been living in fear that the state will soon claim his land for a controversial, \$80 million infrastructure project that would extend I-395 from its current end near the Brewer-Holden town line about 6 miles northeast to connect it with Route 9.

The state has been working on the project for nearly two decades. With construction slated to start in two or three years, it has acquired four properties in recent months to make way for the new road that would cut through portions of Brewer, Holden and Eddington and affect dozens property owners with land on or near the proposed route. Even though some have resigned themselves to the prospect of a new interstate highway cutting through or near their properties, resistance to the new road is alive and well — and a new legislative effort aims to pause the project.

A bill sponsored by state Sen. Kimberley Rosen, who represents the affected towns, would suspend the project and have the state hire an outside firm to analyze its costs and benefits and recommend whether the state continue pursuing it.

"I'm not trying to end the project," Rosen, R-Bucksport, said. "I'd like to have a transparent, independent study to answer the questions of my constituents."

Lee said he's hoping Rosen's legislation, [LD 783](#), will succeed and, ultimately, put an end to the project.

"For me, this road is a big waste of money," he said.



Rosen, who's serving her third term in the Senate, said she supported the I-395 connector in the past as a member of the Legislature's transportation committee. But when she was campaigning for re-election last year, she heard from a constituent with concerns about the project. That's when she decided to seek other opinions and talk to municipal officials in her district, including Brewer City Manager Stephen Bost.

After hearing many say the project felt unnecessary, Rosen said she thought a fresh look by an outside entity made the most sense.

Lisa Sturgeon had reached out to Rosen because she was concerned the connector could hurt her property value, as well as the overall look and feel of her Brewer neighborhood.

"I don't lose my house [to the new highway], and I still don't want it," she said. "There's so many questions with so few answers."

Sturgeon and her husband decided to move to their Night Road residence in Brewer for the peace and quiet, and she's not happy that the proposed route for the connector — a route the Department of Transportation calls 2B2 — would cut through some of her neighbors' properties.

Rosen's legislation "is her attempt to get an answer to some of the ongoing questions we have," Bost said. "The biggest question continues to be the need for the project."

Russell Smith, Eddington's town manager, said residents' complaints about the project are justified.

"I do know a lot of residents being affected by the project are not very happy," he said.

In Holden, which would have the smallest stretch of the new road, Town Manager Benjamin Breadmore said many have "just kind of resigned ourselves to the fact that this is going to happen."

Despite the objections, the Mills administration supports the connector project as previous administrations have and will likely oppose Rosen's bill, said Deputy Commissioner Nina Fisher of the Maine Department of Transportation.

One reason, Fisher said, is that the bill could risk a \$25 million federal grant the state received for the project last year. The funds, from the Federal Infrastructure for Rebuilding America grant, have to be designated by September 2021, Fisher said.

"We are currently on schedule to meet that timeframe, however, any suspension of the project, as specified by this proposal, would jeopardize that schedule and the \$25 million," she said.

Fisher said the department also continues to see a need for the project.

**“The greater Bangor/Brewer area is the economic and employment center for the north-central Maine region and a center for goods movement because of its proximity to the interstate system and Canadian markets,” Fisher said. The connector “provides a more direct, safer route.”**

**There’s been much vocal opposition from Eddington, but some of the town’s residents agree with Fisher, particularly those who live along the current route trucks use to connect from I-395 to Route 9, also known as the Airline.**

**Traffic from I-395 currently exits onto Route 1A near the Brewer-Holden line, then uses Route 46 — which passes through Holden and Eddington — to join Route 9.**

**David Peppard, who lives on Route 46 in Eddington, favors the proposed connector because it would remove truck traffic from the narrow, two-lane road with no shoulder.**

**“That road was not built to handle trailer trucks. It’s a safety concern,” he said. “You can’t walk or bike along the road because of them.”**

**On Wednesday afternoon last week, a steady stream of tractor-trailer trucks passed by Peppard’s house on Route 46, barely fitting into their lane widthwise.**

**Opinions are different a few miles away along the proposed route.**

**The Department of Transportation has started putting markers on properties there. The markers could denote the centerline of the proposed new highway, property lines, boring locations where contractors may drill into the ground, or wetlands, said Fisher, the deputy transportation commissioner.**

**For now, Lee and his neighbors are left to wonder whether those markers delineate property the state might take over to make way for the road — and how much the state might pay for property it takes over through eminent domain.**

**It may be two years before Lee receives direct communication from the department about its plans for his and his wife’s property. Appraisals for affected properties are scheduled to be completed by 2021, and offers to landowners may come that fall, according to Fisher.**

**Lee, however, is hoping it doesn’t get to that point.**

**“To them it’s nothing but to us it’s everything,” Lee said. “I hope it never goes through.”**

# Work Plan

*Calendar Years 2019-2020-2021*

[Click here to view document online.](#)

## Transportation Needs and Goals

MaineDOT works hard to achieve the best system results it can with the funding provided. Through the use of asset management principles, this Work Plan, like prior recent plans, seeks to maintain the current system of assets first, while acknowledging that **we are losing ground to the capital goals established in 23 MRSA §73(7)**. In the near term, the needs of the transportation system in Maine, as in all other states, continue to outpace available federal and state resources. Maine's large land area, relatively low population and high number of state-jurisdiction highway miles all contribute to the extent of this challenge for Maine. Looking forward, it is time to work with the policy makers, transportation agency partners, and industry to take a fresh look at priorities and service levels and establish updated transportation policy goals. These goals might include raising the bar to improve the system, not just treading water; maintaining Maine's brand of safe and easy travel, which will help recruitment of new workers; minimizing the financial burden on Mainers; reducing transportation's impact on climate; and increasing predictable, sustainable funding sources, which would allow a gradual reduction in the dependence on bonding over time. This goal-setting effort will benefit from MaineDOT's completion of Maine's Long-Range Transportation Plan 2050 (LRTP), which is scheduled for 2019. The LRTP will consider macro level trends that have both short- and long-term implications for transportation including global trade, tourism, population migration, climate change impacts, and Maine's aging population. **In any event, there is clearly a substantial unmet need. Depending upon policy goals to be established, it is anticipated that the amount of this need is in excess of \$125 million per year.**

018915.00		Highway			
	Brewer,	Construction/Rehabilitation	Interstate	Beginning 0.25 of a mile west of Interstate 395 and	
2020/21	Eddington,	Rural Highways	395/Route 9	Route 1A, roughly paralleling the Brewer-Holden	
HCP 1, 2, 6	Holden	New Construction	Connector	town line, extending 6.00 miles to Route 9 west of	\$31,400,000
				Chemo Pond Road (in the vicinity of Lois Lane). This	
				project is only partially funded for construction.	

**State Funding** - State revenue forecasts guide the Work Plan's assumptions about what revenues will be available from the State Highway Fund. Major state resource assumptions in this Work Plan also include both voter-approved bonding and anticipated future state bonding, which continue to be a critical component of state funds. **Maine is currently in the fourth year of a 10- year bonding plan.** In November 2018, Maine voters approved a \$100 million General Obligation (G.O.) bond to fund the state transportation program in 2019; \$80 million of which is dedicated to Highway and Bridge projects, and the other \$20 million is dedicated to Multimodal projects. Based on voter approval of transportation bond referenda in recent years, **this Work Plan also assumes Governor, Legislative and voter approval for \$100 million in G.O. bonding in CY 2020 and \$100 million again in CY 2021.**

MaineDOT has updated their [website](#):

### Route 9/I-395 Connector Updates: 02/22/19

Work has continued on developing the design for the connector. Geotech crews have been out gathering information along the alignment. In consideration of the complexity of traffic management during construction, the decision was made to build the bridge on Rte 1A over the connector in a separate phase of the construction. This phase is set to advertise late 2019 with construction beginning in 2020. The remainder of the connector is scheduled to advertise late 2021 with construction to begin in 2022. There will be a public meeting about this bridge during the spring of 2019.

Testimony to the JSC on Transportation in Support of LD 783

LD 783: “Resolve, To Require an Independent Analysis of the Department of Transportation’s I-395/Route 9 Connector Project.”

March 14, 2019 - Public Hearing

Larry Adams/Brewer, Maine

To the Honorable Senator Diamond and Representative McLean and the distinguished members of the 129th JSC on Transportation:

My name is Larry Adams and I am a Brewer resident. Thank you for this opportunity to voice my continued opposition to the selection of 2B-2 as the preferred alternative for this project and my support of LD 783, “Resolve, To Require an Independent Analysis of the Department of Transportation’s I-395/Route 9 Connector Project.”

I stood in front of this committee in February 2015 and gave [Testimony in support of LD 47](#), a failed attempt to legislatively remove 2B-2 from consideration. My issues have not changed, my opposition to this project has not waned, my words are the same words that went unheeded in 2015 and after providing these facts to every level of government, I am **no longer naïve enough to believe that these facts will ever get an unbiased consideration**. No one wants to believe that our government agencies can do anything wrong. As I told the Governor, **we are raised to blindly believe our government but sometimes the government just gets it wrong and this is one of those times**. This is the wrong project to squander our limited transportation funds on...

DOT’s favorite go-to talking point is: “2B-2 is the cheapest and least environmentally damaging alternative.”

**What a specious statement; 2B-2 is only one-half of the connector the study group was tasked to deliver almost 20 years ago.**

**2B-2 fails to satisfy the study’s original decade-long system linkage need of a connection on Route 9 to the east of Route 46!!**

My website: <https://i395rt9hardlook.com/> was established upon thousands of pages of FOAA documents and material from MaineDOT’s own study website. I stand by what I present as 100% factual. The website’s purpose is educational to keep impacted communities advised of activities within this project.

I provided the following to Governor Mills and her transition team: [Brewer Boondoggle](#), [History was dismissed...](#) and [We have no money...](#) These documents are best viewed online as they are hyperlinked to references. A written copy will gladly be provided upon request. **I would urge you to contact the City of Brewer if you doubt the veracity of the following:**



**Testimony Presented to JSC on Transportation in Support of LD 783 SP 227**  
**Emergency Bill**  
**Sturgeon - Brewer**

To the Honorable Senator Diamond, Honorable Representative McLean, and the distinguished members of the 129th JSC on Transportation:

My name is Lisa Sturgeon, and I am a resident of the town of Brewer. Thank you for this opportunity to express my support of LD 783, "Resolve, To Require an Independent Analysis of the Department of Transportation's I-395/Route 9 Connector Project", and my continued opposition to the selection of 2B-2 as the preferred alternative for this project.

I was hoping to be able to speak to you in person, however we are extremely short staffed at work this week, and I cannot get coverage to leave. That being said I hope this written testimony and the additional testimonies submitted and presented by my neighbors shed light on the importance of this study that is being requested.

Outlined are three major reasons why you should support LD783, and the independent study into this project: 1-The impact to the area, 2- The cost associated with the project, and 3-The original study and merits of the project.

As a concerned citizen, a lifelong Mainer, I have lived in the same neighborhood in Brewer for more than twenty-five years. First, in my childhood home where "talk" of a extending I-395 to cut through the woods and connect to the town of Clifton, started in the late 1990s and early 2000 when the DOT conducted its original study. About four years ago, when my husband and I decided we wanted to buy a house, and start a family, there was no place else we wanted to live than the quiet area between Brewer and Holden where we both grew up; so we returned to the area. His parents still live in the house he grew up in just up the road from us on the Holden side.

Since we bought our house, talk about "The Connector" has increased. The original approved route changed. The wonderful little slice of heaven that my family, our neighbors, and I enjoy, is now being threatened. Directly impacting 54 families, and affecting many others on the peripheral that will not only lose their homes or land, but their quality of life. This "new" route, and overall project could spell the end to our neighborhood as we know it. I stay awake at night worried about what this means for my neighbors who will have to move, my son who will now grow up next to a highway, and asking the question, should we ourselves move?

Sturgeon Testimony LD 783 1

[Click here to view this document online.](#)



**Arthur Verow**

20 Greenwood Dr

Brewer, ME 04412

Phone: (207) 852-0783

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

## HOUSE OF REPRESENTATIVES

2 STATE HOUSE STATION

AUGUSTA, MAINE 04333-0002

(207) 287-1400

TTY: (207) 287-4469

March 14, 2019

*Testimony of Arthur Verow in support of*  
**LD 783, Resolve, To Require an Independent Analysis of the Department of**  
**Transportation I-395/Route 9 Connector Project**  
*Before the Joint Standing Committee on Transportation*

Senator Diamond, Representative McLain and members of the Joint Standing Committee on Transportation, I am Representative Arthur "Archie" Verow and I represent House District 128, a majority of the City of Brewer.

I stand in support of **LD 783, Resolve, To Require an Independent Analysis of the Department of Transportation I-395/Route 9 Connector Project.**

This is a resolve that calls for the Department of Transportation to contract with a nongovernmental entity to perform an independent analysis and review of the Department's I-395/Route 9 Connector project in the City of Brewer and the Town of Eddington.

Specifically the analysis will focus on the Department's choice of a route, 2B-2, for this six mile extension of I-395. 2B-2 was one of numerous routes considered for this project.

Is 2B-2 the best route considering environmental impact, property damage, traffic safety, traffic flow and cost? This is what this independent analysis will determine and report its findings on to this committee. The committee will then evaluate the public interest costs and benefits of the project and determine if the findings warrant the continuation of the project or if the project should be terminated.

The cost of this study, \$25,000, is small compared to \$65,000,000 plus estimated project cost.

I would urge the committee to look favorably on this legislation for project analysis.

I will be glad to answer any questions you might have regarding my testimony.

District 128: Brewer (part)

**LD 783, "Resolve, To Require an Independent Analysis of the Department of Transportation's I-395/Route 9 Connector Project"**

**Joint Standing Committee on Transportation**  
**March 14, 2019**

Senator Diamond, Representative McLean and Distinguished Members of the Joint Standing Committee on Transportation:

My name is Kimberley Rosen and I represent Senate District 8, several towns in Hancock and Penobscot Counties. I am here today to present LD 783, "Resolve, to Require an Independent Analysis of the Department of Transportation's I-395/Route 9 Connector Project."

I want to make it clear to the members of the Committee and the Department of Transportation that with this Resolve it is not my intention to in any way delay, disrupt or stop the Connector Project. I do, however, feel it is my responsibility to represent my constituents who have been very vocal with me and expressed their concerns and dismay with the Project.

The intent of this legislation is to provide the residents, property owners and municipal officials of the communities I represent an independent and impartial review of the I-395/Route 9 Connector Project. Even after all the years of planning, concerns and questions still persist. Concerned citizens are looking for this proposed review to definitively answer their questions. Is the project necessary? Who is the beneficiary of the Connector? What are the driving forces pushing the project ahead?

The Department of Transportation (DOT) will argue they have complied with the public notice and community input elements required as part of the regulatory process, but compliance with the strict letter of the law does not guarantee sincere adherence to the spirit of the law. Many local residents contend that throughout this long regulatory process the DOT has not been straightforward with compelling arguments to justify the costs and the benefits of moving ahead.

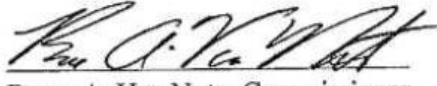


I am looking for answers to fundamental concerns. I am looking for a mechanism that restores the confidence of the local communities with their state and its decision-making process. I am looking for open, honest and transparent communications.

This project began nearly two decades ago when, I believe, part of the intention was to get the logging trucks off the road. Well, a lot has happened in 20 years. The mills are gone. I am not saying we do not need the Connector Project to go forward. What I do believe is that we need to reassess the need and again evaluate the process and the chosen routes. I understand the need to widen the roads as there definitely is a safety aspect to consider; however, when lives are completely disrupted and people need to leave their homes, we need to slow down and reexamine.

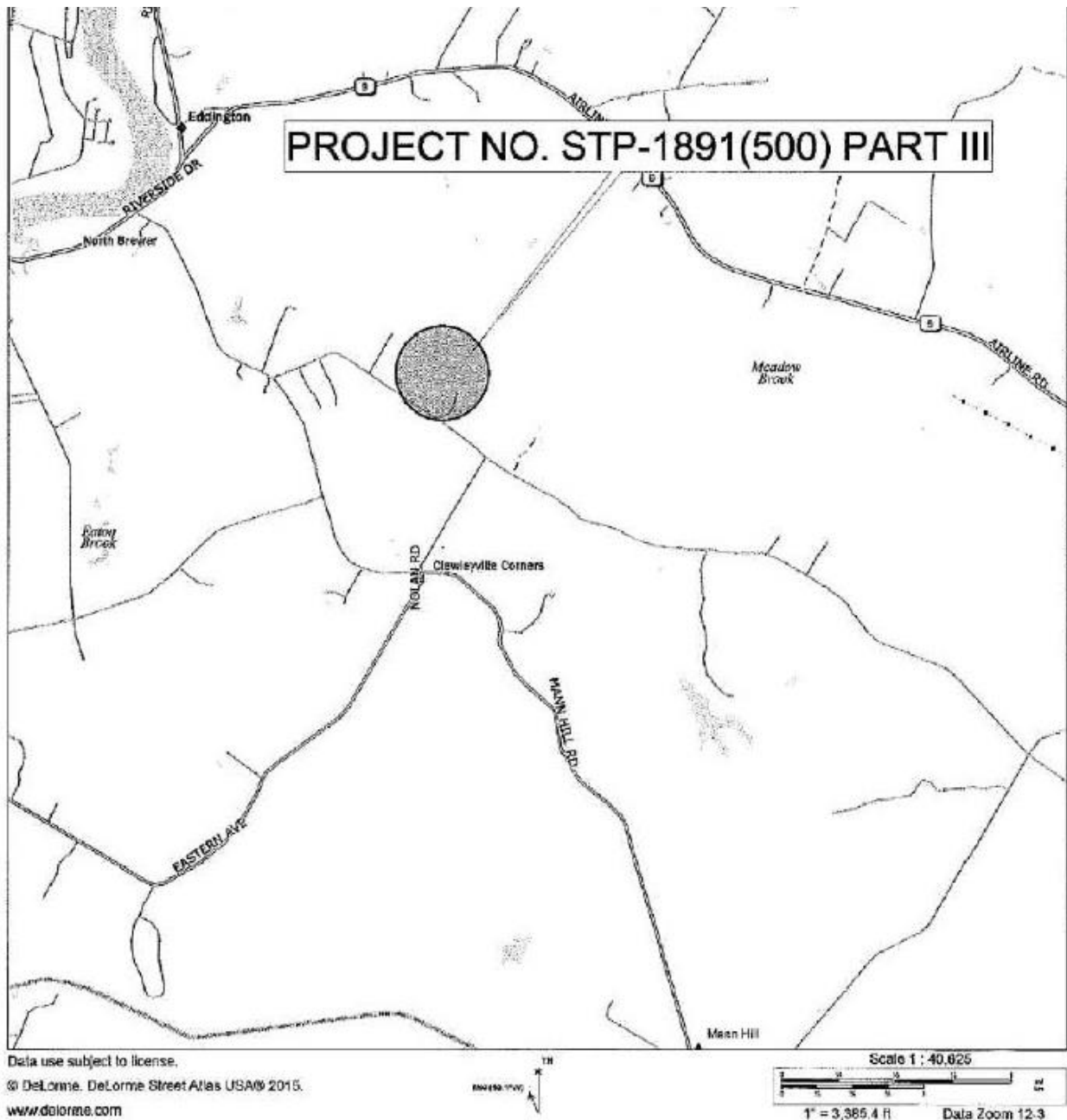
Thank you for your time and consideration.



# Two more homes "TAKEN" by the MaineDOT for a project that doesn't meet the original-decade-long "east of Route 46 system linkage need":

Legal Notices						
NOTICE OF TAKING						
The State of Maine by its Department of Transportation does hereby give notice to all whom it may concern:						
That the Department of Transportation, in accordance with Title 23 M.R.S. Sections 651 and 151 to 159, has determined that public exigency requires the taking in fee simple all lands as hereinafter described, together with the buildings thereon, and all rights in land as specified and as shown on a Right-of-Way Map, State Highway "345", Interstate 395/Route 9 Connector, Town of Holden, Federal Aid Project No. STP-1891(500) (W.I.N. 018915.00) Part III, dated January 2019, on file in the Office of the Department of Transportation, (D.O.T. File No. 10-508) and to be recorded in the Registry of Deeds of Penobscot County, a print of which is on file in the office of the County Commissioners of Penobscot County.						
<b><u>INFORMATIVE SUMMARY</u></b>						
The following is a list summarizing the parcel or item numbers, names of apparent owners of record of land and rights involved, estimated areas, and rights affected, within and adjacent to the before-referenced highway boundaries, as shown on the beforementioned Right of Way Map:						
Parcel/ Item No.	Apparent Owner	Area	Slopes	Drainage	Temp. Const. Rights	Other Rights & Bldgs.
5	Thomas C. Martin House	1.01 ±	None	None	None	
	Judith A. Josiah- Martin	Ac. (Entire Lot)				Garage
6	David H. Lakeman, Sr.	3.17 ± Ac. (Entire Lot)	None	None	None	House with Garage Sheds (2)
BREWER-EDDINGTON-HOLDEN STP-1891(500) WIN: 018915.00						
The Department of Transportation directs that this Notice of Layout and Taking be recorded in the Registry of Deeds of Penobscot County and filed with the Town Clerk of the Town of Holden and with the County Commissioners of Penobscot County and published in the "Bangor Daily News" a newspaper of general circulation in the County where said highway is locate, and also directs that a coy of the Right-of-Way Map be filed with the County Commissioners of said County and also that Notice be sent by Certified Mail to any Owners and Mortgagees of Record.						
Dated at Augusta, Maine			STATE OF MAINE DEPARTMENT OF TRANSPORTATION			
STATE OF MAINE COUNTY OF KENNEBEC			Date <u>2-20-19</u>			
Personally appeared the above named Bruce Van Note, Commissioner, Department of Transportation, and acknowledge the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the State of Maine.						
Date <u>2-20-19</u>			 Bruce A. Van Note, Commissioner			
			Before me,  Notary Public Print Name: My Commission Expires:			
Published March 14, 2019						

## Map included with Legal “Notice of Taking”:



**BDN BANGOR DAILY NEWS**

March 14, 2019



## 129th Maine Legislature, First Regular Session

Resolve, To Require an Independent Analysis of the Department of Transportation's I-395/Route 9 Connector Project

### Work Sessions

Tuesday, March 19, 2019 1:00 PM, State House, Room 126

### Committee Docket

Date	Action	Result
Mar 19, 2019	Work Session Held	
Mar 19, 2019	Reported Out	ONTP

The vote was unanimous after only some 5 minutes.

What does ONTP stand for?

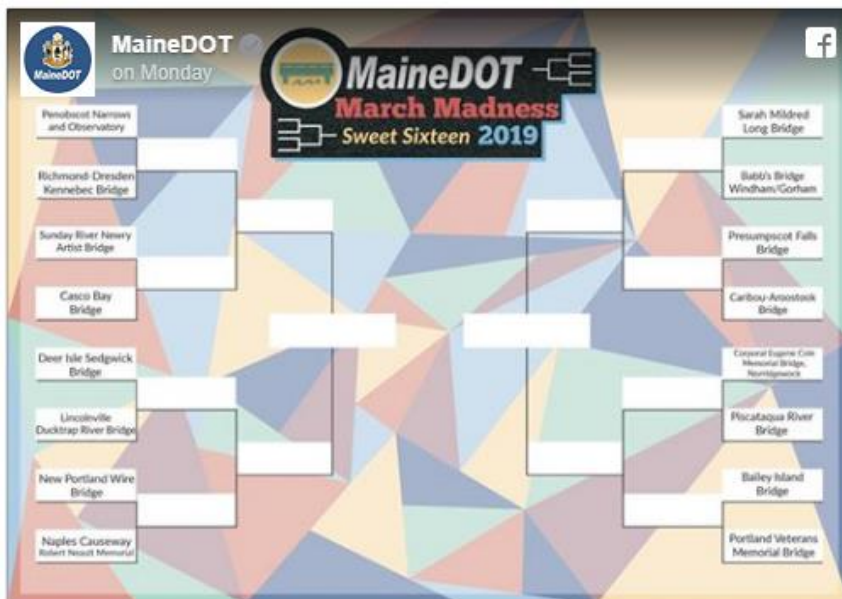
**ONTP stands for Ought Not to Pass (Maine)**

**The JSC on Transportation has failed to provide the much needed DOT checks and balances under their jurisdiction per Maine statute. The voices of the people have once again been ignored and marginalized!**

# Maine DOT is filling out its March Madness bracket with the state's bridges

By [Emily Burnham](#), BDN Staff • March 19, 2019 3:35 pm

On the same day that the MaineDOT killed LD 783 and took two more properties by eminent domain, the MaineDOT launched a public affair boondoggle to pick [“the prettiest bridge in Maine”!](#) You really have to laugh at how inane that is...



In the spirit of March Madness, MaineDOT is launching our own Bridge Bracket Madness! Over the next 15 weekdays, you can vote for the Maine Bridge you think should move on to the next round! You'll narrow it down to the Elite Eight, the Final Four and then we can announce Maine's Favorite Bridge! FMI - check out the photo gallery linked below. Watch for and share our daily postings on Facebook, Twitter, and Instagram to discover which bridge holds the coveted title of the most loved bridge in Maine!

[Click here to view Facebook page:](#)

**This comment says it all:**



**Todd Thompson** • 19 hours ago

At .30 in tax per gallon of gas, i wish they'd just focus on fixing the roads. Stop playing publicity games. Our rural roads look like we live in a third world country. DOT leaders, focus on providing drivable roads. If you want sports, resign and go work there instead.

^ | v • Reply • Share ›

[Click here to view above comment:](#)

## KEY FACTS ABOUT MAINE'S SURFACE TRANSPORTATION SYSTEM AND FEDERAL FUNDING | March 2019

### Current Road and Bridge Conditions, Travel Trends and Traffic Congestion:

- Fifty-four percent of Maine's major roads are in poor or mediocre condition.
- Driving on roads in need of repair costs Maine motorists \$541 million a year in extra vehicle repairs and operating costs – \$529 per motorist [per year].
- Thirteen percent of Maine's bridges are structurally deficient, meaning there is significant deterioration to the major components of the bridge.



## Work Plan

Calendar Years 2019-2020-2021

February 2019

The [MaineDOT 2019-2020-2021 Work Plan](#) states: “we are losing ground to the capital goals established in 23 MRSA §73(7). In the near term, the needs of the transportation system in Maine, as in all other states, continue to outpace available federal and state resources...in any event, there is clearly a substantial unmet need. Depending upon policy goals to be established, it is anticipated that the amount of this need is in excess of \$125 million per year. Maine is currently in the fourth year of a 10-year bonding plan...this Work Plan also assumes...approval for \$100 million in G.O. bonding in CY 2020 and \$100 million again in CY 2021.”

These are the latest facts—yet the MaineDOT plans to squander \$79.25 million of limited state and federal funds on one single project!!