

A viable solution to Maine's lack of transportation capital:

No one can look at the condition of these bridges, as briefed by the [MaineDOT](#) to the Blue Ribbon Commission to Study and Recommend Funding Solutions for the State's Transportation Systems, without expressing profound concern.

Bridge Conditions — Yarmouth HCP 1



MaineDOT

Bridge Conditions — Wilton HCP 6



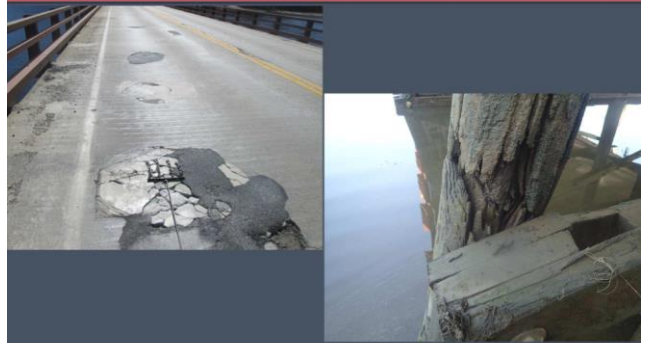
MaineDOT

Bridge Conditions — Peru HCP 2



MaineDOT

Bridge Conditions — South Berwick HCP 4



MaineDOT

Bridge Conditions — Millinocket HCP 4



MaineDOT

Bridge Conditions — Wilton HCP 6



MaineDOT

It is also highly disconcerting that—at the same time—a Brewer HCP 1 bridge, in [good/good/satisfactory condition](#), will be replaced at a cost of \$11.9 million merely to facilitate a project that the Brewer City Council does not support.

The \$11.9M replacement of the Wilson Street/I-395 Bridge (#1564)—the first phase of the \$79.25M I-395/Route 9 connector project—is necessitated by the dubious selection of 2B-2 as the preferred alternative; [set to advertise late 2019](#), the project was removed from the Construction Advertising Schedule in “...efforts to reconcile surging construction costs with available funding...Most projects cut from the Construction Advertisement Schedule will be performed in future years, but that is not guaranteed, especially in the case of highway reconstruction and new alignment projects.” ([DOT Press Release 5.09.19](#)) Since 2B-2 is a new alignment—the connector project should be suspended...

It is fiscally irresponsible to spend \$11.9M of limited state and federal transportation dollars to deliberately demolish a bridge with a [good/good/satisfactory](#) rating when the State Capitol Transportation Funding [Work Group for Bridge Projects contains an annual -\\$67 million \(-56%\) shortfall](#).



45 of the 79 (57%) studied routes—NOT 2B-2—met the original system linkage need that mandated a [Route 9 EAST of Route 46](#) connection. 2B-2 connects to Route 9 [4.2 miles WEST](#) of that specific system linkage need connection point requiring the \$11.9M replacement of bridge #1564. 45 other routes did not!!

- [Bridge #1564 was built in 1984](#) and is a relatively new bridge at 35 when compared to the average age of Maine's bridges at 52+ years old.
- Maine's overall infrastructure—[4th worst in the nation](#) (CNBC).
- 14% of our bridges are rated structurally deficient—[7th worst in the nation](#).
- 43% of our roads are in poor to mediocre condition—[9th worst in the nation](#).
- Driving on roads in need of repair [costs every Maine motorist \\$529 a year](#).

In February 2019, an annual shortfall in excess of 125 million:



Work Plan

Calendar Years 2019-2020-2021

February 2019

“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 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.” [**2019-2021 Work Plan**](#) Pg. xi.

By November 2019, an annual shortfall of \$232 million:

At the same time that the shortfall balloons to nearly a quarter of a billion dollars annually, the DOT is sitting on tens of millions of scarce transportation dollars for the \$79.25 million I-395/Route 9 Connector; a controversial project that fails to satisfy the DOT's original system linkage need mandate to provide a limited-access connection from I-395 to Route 9 east of Route 46.

Maine transportation funding panel deadlocks on gas tax as it nears December deadline

By [Caitlin Andrews](#), BDN Staff · November 25, 2019 6:00 pm (excerpt)

AUGUSTA, Maine — A commission charged by Gov. Janet Mills and lawmakers with fixing Maine's transportation funding gap bogged down on Monday, deadlocking on the thorny issue of raising the tax that makes up the lion's share of the state highway budget.

A blue-ribbon commission has one more meeting scheduled before the Legislature reconvenes to propose solutions to bridge a shortfall for road and bridge maintenance that Department of Transportation Commissioner Bruce Van Note said now sits at \$232 million, a 46 percent increase from a March estimate mostly attributed to rising construction costs. [BDN 11.25.2019](#)

<i>Annual Shortfall</i> (millions of \$)				
Work Group	Adjusted to Current Pricing	Anticipated Annual Funding	\$ Shortfall	% Shortfall
Bridge Projects	\$188	\$120	-\$67	-56%
Paving Projects (including LCP)	\$141	\$120	-\$21	-17%
Safety and Spot Imp. (including Partnerships)	\$61	\$35	-\$26	-74%
Traffic Mobility/Capacity/ITS Improvements	\$41	\$13	-\$28	-217%
Highway Reconstruction/Rehab	\$118	\$63	-\$55	-87%
Multimodal Improvements	\$91	\$56	-\$35	-63%
Totals	\$640	\$407	-\$232	-57%

A project so troublesome that:



CITY OF BREWER
CITY COUNCIL
Office Of The Mayor

August 26, 2015

Mr. Ben Condon
Bureau of Transportation Systems Planning
Maine Department of Transportation
16 State House Station
Augusta, ME 04333-0016

Dear Mr. Condon:

Pursuant to the Notice of Availability for Public Comment regarding the Brewer/Eddington I-395 Rt. 9 Connector and the plan by MDOT to proceed with Preliminary Engineering and Right of Way, the Brewer City Council wishes to reiterate its opposition to the project as proposed. The Brewer City Council has long advocated improvements to East-West transportation connections in Maine, but firmly believes the route(s) chosen by the MDOT have negative consequences to many property owners as well as the environment.

The Brewer City Council has formally gone on record supporting the "no build" option, in March 2012 as well as January 2015, and maintains that position.

As primary stakeholders in this proposed project, we must continue to go on record in strong opposition.

Sincerely,

Matthew Vachon
Mayor, City of Brewer

Cc: Brewer City Council
Larry Adams
File

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- FHWA (MH) told DOT (JL) in Dec. 2011 the "Preferred Alternative [2B-2] does not satisfy the Purpose and Need" because newly downgraded criteria was applied only to 2B-2 and not the rest of the studied routes—further comparison to other alternatives was "an apples to oranges comparison". FHWA (MH) concerns were overruled.
- The project fails to meet the original system linkage need: "must provide a limited-access connection between I-395 and Route 9 east of Route 46." 2B-2 met only one of the five purpose and needs in April 2009, and project benefits are uncertain at best: "However, future development along Route 9 in the study area can impact...overall benefits of the project." (DEIS pg.S-19)

The backstory to the \$25,000 INFRA Grant:



Paul R. LePage
GOVERNOR

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
16 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0016

David Bernhardt
COMMISSIONER

October 23, 2017

The Honorable Elaine L. Chao
Secretary
United States Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: Assurance of Matching Funds

Dear Secretary Chao:

This letter serves as evidence of assurance by the State of Maine Department of Transportation (MaineDOT) that matching funds for the INFRA application "I-395/Route 9 Connector Project" submitted by MaineDOT are committed and will be provided.

MaineDOT's matching share of the INFRA request is \$39,625,000 and we are committed to providing these matching funds to the Federal funds requested.

Sincerely,

David Bernhardt, P.E.
Commissioner

The DOT is very protective of their \$25 million INFRA grant and I believe will do anything to keep it—even go to construction with a B/C ratio < 1.0 as construction costs significantly increase. This project was originally supposed to be an 80%F/20%S funded, yet the DOT opted for the INFRA grant and IMO because there was no real support at the federal level for this project.

Originally a 50%/50% funding split—see that the commissioner committed matching funds of \$39.625 million—yet the INFRA grant received in 2018 was for only \$25 million. (The project estimate was \$79.25 million in October 2017.) One expects the rest of the money will come from STIP funds which will take scarce monies away from other projects at the same time that the budget shortfall balloons to nearly a quarter of a billion dollars annually.

Using the same 46 percent construction cost increases the DOT experienced since March, the connector's 2017 cost swells from \$79.25 to \$115.7 million surpassing the benefit/cost decision point where cost outweighs benefits and thus the project's viability. The B/C was 1.3 in October 2017 INFRA grant application, yet only 1.1 in August 2012.

The approved \$105,000,000 bond will cost Mainer's \$28,875,000 in interest—a total of \$133,875,000 over a ten year period.

Question 1: Bond Issue

Do you favor a \$105,000,000 bond issue to build or improve roads, bridges, railroads, airports, transit and ports and make other transportation investments, to be used to match an estimated \$137,000,000 in federal and other funds?

Total estimated life time cost is \$133,875,000 representing \$105,000,000 in principal and \$28,875,000 in interest (assuming interest at 5.0% over 10 years).

A "Yes" vote approves the issuance of up to one hundred and five million dollars (\$105,000,000) in general obligation bonds to finance transportation-related activities.

A "No" vote opposes the bond issue in its entirety.

Yes ☐

No ☐

- [BDN Editorial Board](#) opined: "...borrowed money should not be used for repair projects that may not last as long as the interest payments."
 - [MaineDOT Commissioner VanNote](#) asked: "Is this really the best way to fund transportation projects?" Van Note said. "I get why people say 'why are we bonding all the time' – right now we appear to be overly reliant on it."
 - "Relying on a \$100 million bond every year is not a good idea," said [Senator Diamond](#). "It's bad economics. It's not sound budgeting."
- [Senator Diamond](#) stated: "We have to be honest with ourselves and the public; this is not a good way to go; this is not a balanced procedure; it's not good economy to borrow 100 million dollars every year."
 - "I hope the commission considers our current use of bonds," said Bradbury. "Bonding is one of our important funding tools since it allows for infrastructure with a long life cycle to be paid over time. Bonds should be reserved for those significant long lasting projects like bridges and road reconstruction." [\[MBTA President\] Bradbury](#) added: "Unfortunately, we may have become too reliant on short-term bonds funding routine work, and we should be wary of the risks associated with that."

Questionable priorities...

Detailed in my [LD47](#) and [LD 783](#) written testimony are questionable priorities, nonexistent checks and balances, debatable accountability, dubious decisions, inadequate outreach, lack of transparency, misrepresentation of facts, and failure to involve municipal leaders in decision-making processes.

As evidence of questionable priorities and dubious decisions: the DOT brought back to life an alternative [removed from consideration](#) in Jan. 2003 because: “This alternative[2B]...would fail to adequately address the traffic congestion needs...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 and safety concerns...would not be practicable...would negatively affect people...would severely impact local communities...[and] would not provide a substantial improvement in regional mobility and connectivity...”

What did the Army Corp think?

Even the ACOE, the connector’s principal permitting agency, was concerned with funding such a high dollar project that many did not support: “How do MaineDOT and FHWA intend to address the argument that the no-build alternative might save state and federal transportation funding that might be better served on other unmet needs in the state? How does Maine DOT intend to address the apparent multi-community support for the no-build alternative as evidenced in testimony at the public hearing?” ACOE’s observations were considered “not substantive for comment” by the DOT and thus both statements went unanswered. ([Substantive Comments on the DEIS](#) pg.59)

What did Legislators think?

The following entry exists in [Maine State statute §73 Transportation Policy](#):
“The people further find that the decisions of state agencies regarding transportation needs and facilities are often made in isolation, without sufficient comprehensive planning and opportunity for meaningful public input and guidance.” An anti-endorsement of our transportation agencies—the fact that state legislators recognized that problems existed and then took the time to intentionally input this statement into Maine statute some 28 years ago, and that it remains in said statute, should warn us all that funding is indeed not the foremost problem within our state transportation agencies—comprehensive planning and the lack of real public involvement are real.

In conclusion:

Almost two decades from the start of a study to remove now-non-existent logging trucks transiting Route 46 to a [now-non-existent mill](#), an alternative removed from consideration in 2003 because of “the potential for new safety concerns and hazards”, that only satisfied 20% of purpose and needs in April 2009, that the FHWA project manager believed no longer met the purpose and needs within 90 days of the March 2012 DEIS is the preferred alternative for the \$79.25 million I-395/Route 9 Connector project—a shocking transformation—full stop. I contend that high construction costs will be the death knell of this project as high costs outweigh the benefits and viability.

New projects must take a back seat to existing infrastructure until our bridges and roads are brought back up to an acceptable level as established in [2011 legislation](#) and not one cent should be spent on any new pavement until that condition is achieved.

Repair work on roads and bridges generates [16 percent more jobs](#) than construction of new bridges and roads and that is where the priority must be; new projects should be immediately suspended with the savings reallocated to fund Maine’s current unmet transportation needs—that’s a viable solution that can start immediately and anything short of that is disingenuous and fiscally irresponsible.