

## **We have no money—yet the DOT commits state funds to 2B-2!!**

***“We are struggling to maintain the roads and bridges we currently have in safe and serviceable condition.”***

**DOT Commissioner  
August 2011**

As Governor-elect Mills and her team starts work on her new budget, I would hope that she takes a hard look at how the DOT has been operating during the past administration. After reading an article in the [Portland Herald](#) on the request for more state and federal transportation funding, it brings me back to the same question: why is the MaineDOT funding a controversial near-term project (2B-2) that Brewer residents and officials oppose—when we can’t afford to even maintain our existing roads and bridges?

We are now in an every year bond cycle at the same time that Commissioner Bernhardt committed matching funds of \$39,625,000 to acquire an INFRA grant for 2B-2’s construction (see page 5). Are we to believe, in this current fiscal environment, that we have that kind of money squirreled away to build a new project when our state has sustained unmet transportation needs?

A potpourri of issues follows: funding questions, the commitment of state funds for 2B-2’s INFRA grant, dubious B/C ratios, FOAA docs as evidence of falsifying 2B-2’s DEIS cost, applying downgraded design criteria to only 2B-2, environmental impacts, Maine’s unmet transportation needs, the misuse of the PAC, MaineDOT’s own words, and an incident between the FHWA and DOT on the use of a NEPA forum to get recommendations on how to proceed with the study in December 2011 after 2B-2’s design criteria was downgraded.

***“Adding more miles to our transportation system in this current fiscal environment doesn’t make financial sense.”*** DOT Commissioner | August 2011

## Kicking the can down the road:

### Portland Press Herald

Bonds provide more than half the state's share of money to repair and replace roads and bridges, a tactic many call unsustainable.

BY PETER MCGUIRE | STAFF WRITER | POSTED 10.22.2018

Excerpt of article follows, [click here to view complete article.](#)

Mainers have overwhelmingly supported the last four transportation bonds with at least 59 percent of the vote. But despite success at the ballot box, there is a consensus that regular borrowing masks persistent, multimillion-dollar budget shortfalls to maintain and upgrade the state's battered highway infrastructure.

There is also an admission, from officials, advocates and politicians, that successive governors and legislatures have largely ignored the problem, opting to buy time through bonding, a more expensive way to pay for road and bridge work. For instance, the \$106 million requested in this ballot question will end up costing taxpayers \$135 million over the 10-year life of the bond.

#### 'KICKING THE CAN DOWN THE ROAD'

Even after spending around \$80 million in borrowed money a year, the Maine Department of Transportation's \$324 million capital improvement budget is still \$59 million below where the department says it needs to be to achieve long-term goals set out in state law. Maria Fuentes, executive director of the Maine Better Transportation Association, a nonprofit that advocates for transportation issues, said Maine has been lucky that voters have consistently supported large transportation bonds, but warns it is not sustainable.

#### LOTS OF WORK, LITTLE MONEY

The cost of underfunding the state's transportation infrastructure should be obvious to anyone who has spent time on Maine's nearly 21,200 miles of state highway.

The American Society of Civil Engineers, in a 2016 report card, gave Maine's roads a D rating and its bridges a C- rating, unchanged from the same report four years earlier. A 2014 state report found more than 15 percent of the state's bridges were structurally deficient and recommended doubling annual spending to \$140 million to maintain the 2,744 bridges it owns.

As of last year, the state was 70 percent to its statutory goal of bringing 1,400 miles of priority highway miles into acceptable service by 2022 – a percentage that has barely moved in the last six years.

“There is never enough money. We have a standing list of projects across the state that need to be addressed,” said Ron Collins, a Republican state senator from Wells. Collins, Senate chairman of the Transportation Committee, has served in the Legislature for 16 years and is termed out this election.

## BORROWED MONEY

Including this year’s proposal, Maine will have borrowed \$817 million to fund transportation projects over the last 13 years. That’s almost twice the amount of bonds approved for all other purposes, including higher education, research and development, clean water and land conservation.

More than half the transportation bonds have been authorized under LePage, and his administration plans to keep borrowing.

The state’s work plan assumes voters will approve annual \$100 million, 10-year transportation bonds over the next six years to overcome budget shortfalls, said Bernhardt, the Maine DOT commissioner.

Borrowed money currently makes up about 25 percent of the state’s annual highway capital spending. That money is used on big-ticket items, such as bridge construction, that will last much longer than the life of the bond or to match federal funding, Bernhardt said.

### Cost of 2B-2’s project per INFRA grant application:

**Exhibit 4.1 – Total Project Cost**

	MaineDOT	Other Federal (STP)	INFRA	Total	Percentage of Total Project Cost
Preliminary Engineering	\$3,900,000	\$1,600,000	\$0	\$5,500,000	7%
Right of Way	\$5,450,000	\$4,200,000	\$0	\$9,650,000	12%
Construction	\$27,175,000	\$0	\$33,825,000	\$61,000,000	77%
Construction Engineering	\$3,100,000	\$0	\$0	\$3,100,000	4%
TOTAL	\$39,625,000	\$5,800,000	\$33,825,000	\$79,250,000	100%
% of TOTAL Project	50%	7%	43%	100%	

[Click here to view document.](#)

All INFRA grant funding for the project will be expended on actual construction costs. It will not be used for engineering-related costs or any right of way acquisition.

#### **b. Future Eligible Costs**

Future eligible costs for the project are presented in Exhibit 4.2 below.

**Exhibit 4.2 – Future Eligible Costs**

Total Project Cost	\$79,250,000
Previously Incurred Expenses to Date (PE and ROW)	\$305,069
Future Eligible Costs	\$78,944,931

## Oh boy—free money!! Not so fast...

### Question 3: Bond Issue

Do you favor a \$106,000,000 bond issue, including \$101,000,000 for construction, reconstruction and rehabilitation of highways and bridges and for facilities and equipment related to ports, piers, harbors, marine transportation, freight and passenger railroads, aviation, transit and bicycle and pedestrian trails, to be used to match an estimated \$137,000,000 in federal and other funds, and \$5,000,000 for the upgrade of municipal culverts at stream crossings?

Total estimated life time cost is \$135,150,000 representing \$106,000,000 in principal and \$29,150,000 in interest (assuming interest at 5.0% over 10 years).

Everybody thinks these bonds are free money. That free money will cost Mainers \$29,150,000 over the life of the bond OR \$2.915 million for each year over the next ten years. The average bridge repair/replacement cost per the latest DOT work plan is \$1.12 million per bridge. The bond interest alone will delay the repair or replacement of more than two bridges this year that are currently rated as structurally deficient and are currently unfunded.

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**BUT—they were against bonds before they were for them!!**

During his hearing, Bernhardt said the administration would oppose raising the gas tax and any new bonding initiatives to raise money. “We have to leave no stone unturned,” he said, responding to questions from Democrats on the Legislature’s Transportation Committee. “We need to be able to tell the people, the department is as efficient and cost-effective as it can be, I believe, before we can go out and ask for more...funding than we already receive.”

We were shocked when the \$25 million INFRA grant was announced until we learned, if funded through normal channels, this project would not have had the support of U.S. Senator Collins and U.S. Senator King.



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

[Click here to view letter.](#)

U. S. Department of Transportation  
Infrastructure for Rebuilding America (INFRA)  
Nationally Significant Freight and Highway Projects

<b>Project Name:</b>	I-395/Route 9 Connector
<b>Project Location:</b>	Rural, Maine 2nd Congressional District
<b>INFRA Funds Requested:</b>	\$33,825,000
<b>Total Federal Funding:</b>	\$39,625,000
<b>Funds Matched:</b>	\$39,625,000
<b>Total Project Cost:</b>	\$79,250,000
<b>Contact:</b>	Ms. Jennifer Grant, Policy Development Specialist Maine Department of Transportation 16 State House Station Augusta, ME 04333-0016 Telephone: 207-624-3227 Email: <a href="mailto:jennifer.grant@maine.gov">jennifer.grant@maine.gov</a>

I-395/Route 9 Connector Project

At a time when we can't afford to even maintain our existing roads and bridges, the DOT committed \$39,625,000 of state matching funds for 2B-2's INFRA grant. How can the DOT say every year, just before Election Day, "the sky is falling" when you have this kind of money squirreled away?

The INFRA grant was \$25 million (\$14,625,000 less than the request). Where will the rest of the funds come from for 2B-2? How many more roads and bridges will remain unfunded?



I questioned the Benefit to cost ratio of 2B-2 in 2012 and now again in 2017; I believe the MaineDOT “cooked the books” as can be seen in FOAA documents versus the B/C exhibit in the INFRA application.

000185

Stewart, Jean

**From:** Charette, Russ  
**Sent:** Thursday, August 02, 2012 1:03 PM  
**To:** Sweeney, Ken  
**Cc:** Thomson, Herb  
**Subject:** FW: 395 - Net Present Value and B/C Ratio of Transportation Benefits of 2B-2  
**Attachments:** I-395 - Route 9 study net present value bc ratio 08022012.xlsx

Ken,

Attached please find a Benefit/Cost analysis for Alternative 2B-2. The B/C number calculated is 1.1. A 7% discount rate was used based on guidance material from FHWA and the White on calculation of B/C numbers. (references: <http://www.fhwa.dot.gov/infrastructure/asstmgmt/primer03.cfm>, & [http://www.whitehouse.gov/omb/circulars\\_a094](http://www.whitehouse.gov/omb/circulars_a094))

The B/C number does not include the costs for maintenance nor the added benefits from job creation.

The additional transportation benefits beyond the 20 year design period are also not included in the benefit side of transportation.

I also ran a sensitivity analysis on the discount rate. At an 8% discount rate, the B/c number is equal to 1.0. Using a discount rate lower than 7% increases the B/C number above 1.1.

Please let me know if you have any questions, or need any changes.

Russ

Russell D. Charette, P.E.  
Director, Mobility Management Division  
Bureau of Transportation Systems Planning  
MaineDOT 16 State House Station  
Augusta, Maine 04333  
Phone: 207-624-3238  
Fax: 207-624-3301  
E-Mail: [Russ.Charette@Maine.Gov](mailto:Russ.Charette@Maine.Gov)

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**From:** Plumpton, William M. [<mailto:wplumpton@GFNET.com>]  
**Sent:** Thursday, August 02, 2012 10:49 AM  
**To:** Charette, Russ  
**Subject:** 395 - Net Present Value and B/C Ratio of Transportation Benefits of 2B-2

Russ:

Good morning. Attached please find an .xlsx file with our analysis of the net present value and B/C ratio of the transportation benefits of 2B-2. Considering the reductions and savings in crashes, VHT, and VMT over the No-build, we come up with a B/C ratio of 1.1. This doesn't include the benefit of jobs creation or the transportation benefits that will extend beyond 2035.

Let us know if you have questions or would like us to do something more or different. Thanks. Bill

000186

[Click here to view FOAA documents:](#)

In August 2012 the 2B-2's B/C was 1.1 (7% discount rate).

FOAA documents indicate 2B-2's cost was based on a rolling rural design @ \$61 million and NOT the \$93.24 million cost when 2B-2 was designed using the freeway criteria as stated in the DEIS; an intentional falsification of the cost in DEIS/FEIS to make 2B-2 appear cheaper. See pages 10 thru 14.

2B-2's cost in 2012 seemed to be nothing but a guesstimate, based on FOAA document on page 12.

## I-395/Route 9 Transportation Study Environmental Impact Statement

## Net Present Value Analysis and Benefit-Cost Ratio of Modeled Transportation Benefits

August 1, 2012

000187

## Inputs

Discount Rate  
0.07 Percent  
Analysis Period  
20 Years

Reference: <http://www.fhwa.dot.gov/infrastructure/output/grm/prmnc02.qfm>, [http://www.whitehouse.gov/omb/circular\\_0034/](http://www.whitehouse.gov/omb/circular_0034/)

Calendar Year	Project Life	Study Year/ Exponent	Present Value Factor	Construction Costs		Benefits	
				Current Year	Present Value	Current Year	Present Value
2015		0		\$61,000,000	\$61,000,000	0	0
2016	1	1	1.00000	0	0	4,167,500	4,167,500
2017	2	2	0.87344	0	0	4,386,842	3,831,638
2018	3	3	0.81630	0	0	4,606,184	3,760,018
2019	4	4	0.76290	0	0	4,825,526	3,681,371
2020	5	5	0.71299	0	0	5,044,868	3,596,921
2021	6	6	0.66634	0	0	5,264,211	3,507,766
2022	7	7	0.62275	0	0	5,483,553	3,414,881
2023	8	8	0.58201	0	0	5,702,895	3,319,137
2024	9	9	0.54393	0	0	5,922,237	3,221,304
2025	10	10	0.50835	0	0	6,141,579	3,122,067
2026	11	11	0.47509	0	0	6,360,921	3,022,028
2027	12	12	0.44401	0	0	6,580,263	2,921,716
2028	13	13	0.41496	0	0	6,799,605	2,821,594
2029	14	14	0.38782	0	0	7,018,947	2,722,089
2030	15	15	0.36245	0	0	7,238,289	2,623,489
2031	16	16	0.33873	0	0	7,457,632	2,526,158
2032	17	17	0.31657	0	0	7,676,974	2,430,333
2033	18	18	0.29586	0	0	7,896,316	2,336,235
2034	19	19	0.27651	0	0	8,115,658	2,244,047
2035	20	20	0.25842	0	0	8,335,000	2,153,922

## Benefits and Assumptions

Benefits (2011\$)
\$5,117,000 reduction in crash costs
\$417,000 reduced vehicle operating costs
\$2,801,000 travel time savings
<b>\$8,335,000</b>
\$4,167,500
\$219,342.11 (half of total benefits, divided by 19 years)

## Assumptions:

1. \$8,335,000 in benefits would occur as of design year 2035. However, a lower level of annual benefits would begin in year 1 of project life. Because the amount of benefits was not modeled separately for each project year, it was assumed that 1/2 of design year benefits would occur in project year 1, and increase linearly until 2035.
2. The salvage value of right-of-way was not subtracted from the total project cost. Subtracting the salvage value would decrease the project cost and increase the positive benefit-cost ratio.

## Notes:

1. Benefits calculated to design year of 2035, however roadway is expected to exist past 2035 and would continue to provide transportation benefits.
2. Other non-transportation benefits, such as employment and related economic development supported by improved mobility and access, are not accounted for and would provide additional benefits for the public.

	Installation	Benefits
SUM OF PRESENT VALUES	61,000,000	61,424,195
AVERAGE ANNUAL EQUIVALENTS	5,381,279	5,798,009
BENEFIT-COST RATIO	1.1	
AVG ANN EQVUNT NET BNFTS	<b>\$416,731</b>	

## B/C attachment in the INFRA grant and differences in analysis:

### Attachment A

I-395/Route 9 Connector Project- Benefit Cost Analysis

7% Net Present Value- 1.3

3% Net Present Value- 2.5



Someone needs to explain the differences in the B/C analysis from 2012 and 2017. Was this just another guesstimate or were the books cooked to promote 2B-2's selection and further the INFRA grant?

**Exhibit 5.4 - Benefit Cost Analysis Summary**

	Sum of Present Values	Annual Average Equivalent Value
Benefits	\$75,726,400	\$5,308,600
Costs	\$56,418,200	\$3,955,000
Net Benefits	\$19,308,200	\$1,353,600
Benefit to Cost Ratio	1.3	1.3

### **Differences in Benefit/Cost ratio analysis from 2012 to 2017:**

Costs sum of present values in 2012: \$61,000,000

Costs sum of present values in 2017: \$56,418,200

Costs annual average equivalents in 2012: \$5,381,279

Costs annual average equivalents in 2017: \$3,955,000

Benefits sum of present values in 2012: \$61,424,195

Benefits sum of present values in 2017: \$75,726,400

Benefits annual average equivalent value in 2012: \$5,798,009

Benefits annual average equivalent value in 2017: \$5,308,600

Average annual equivalent net benefits in 2012: \$416,731

Average annual equivalent net benefits in 2017: \$1,353,600

Benefit/Cost ratio of 1.1 in 2012 (using 7% discount rate)

Benefit/Cost ratio of 1.3 in 2017 (using 7% discount rate)

It appears that the cost and benefits may have been intentionally manipulated in 2017 to reach a larger B/C ratio. The analysis does not seem to jive when compared between 2012 and 2017!

2B-2 in 2017 now has a larger B/C ratio with higher benefits and lower costs than 2012?? IMHO the B/C for both 2012 and 2017 were bogus.



## A Benefit/Cost ratio of 1.3 is not overwhelming!!

*“At a time when we have difficulty finding the financial resources to maintain our existing infrastructure...Our responsibility going forward is to manage our existing obligations within our existing budget and to limit adding new infrastructure to that which is shown to provide overwhelming benefits...With current funding levels stable at best, MaineDOT concluded that the expenditure of funds on new infrastructure was not justifiable.”* [Commissioner Bernhardt/August 2011](#)

A meager B/C ratio of 1.3 does not meet the “overwhelming benefits” redline; 2B-2 is a near-term project with long-term needs; 2B-2’s long-term system linkage need has been deferred for 20 years, thus 2B-2 does not provide long-term benefits, let alone “overwhelming benefits.”

**Wiscasset Bypass B/C ratios of 2.27/2.43/2.46 vs. 2B-2’s B/C of 1.3:**

Criteria	No Build	N8c	N2f	N2a
<b>Traffic Safety &amp; Mobility</b>				
Change in Annual Crashes, 2030	0	-9	-15	-8
Change in VMT, 2030	0	9,700,000	8,500,000	9,300,000
Change in VHT, 2030	0	-1,130,000	-1,090,000	-1,030,000
Estimated Capital Cost, \$M (2006) *	\$1.1	\$82.25	\$78.95	\$81.75 *
Life Cycle Cost, \$M (100 Years)	N.A.	\$136.01	\$123.88	\$122.02
Benefit-to-Cost Ratio (Life Cycle)	N.A.	2.46	2.43	2.27
<b>Mitigation Costs (Included in Estimated Capital Cost, Life Cycle Cost &amp; Benefit-to-Cost Above)</b>				
Wetland, \$M	N.A.	\$1.35	\$1.45	\$2.05
Wildlife, \$M	N.A.	\$1.40	\$1.80	\$1.70
Historic, \$M	\$0.02	\$0.10	\$0.23	\$0.06
<b>Constructability</b>				
Cofferdam Pier Construct Time (Weeks)	N.A.	32	20-30	6
<b>Earthwork (Cubic Yards)</b>				
Cut (Cubic Yards)	0	920,000	1,150,000	965,000
Fill (Cubic Yards)	0	275,000	420,000	400,000
Excess Earthwork (Cubic yards)	0	645,000	730,000	565,000
Operations	Mobility	Improved	Improved	Improved
	Decline	Mobility	Mobility	Mobility

\* Costs updated from DEIS to include new Clark’s Point right-of-way and historic preservation costs.

27

September 2009 Wiscasset Bypass Phase II Report.

Commissioner Bernhardt cancelled a Study in August 2011 with B/C’s of 2.27, 2.43 and 2.46, BUT moves forward to complete the I-395/Route 9 Connector promoting a preferred alternative (2B-2) with a Benefit-to-Cost-Ratio of only 1.3?

*“Our responsibility going forward is to...limit adding new infrastructure to that which is shown to provide overwhelming benefits.”* (Bernhardt)

If B/C’s of 2.27/2.43/2.46 were not considered “overwhelming” in 2011, would 2B-2’s B/C ratio of 1.3 be considered underwhelming??

I am offering the next 5 pages to show how the DEIS/FEIS was intentionally manipulated to make 2B-2 appear to be the most reasonable priced alternative, by using a cheaper downgraded design criteria applicable to only 2B-2 “following the conclusion of the NEPA process.” Was that compliant with NEPA process?



**Gannett Fleming**

*Excellence Delivered As Promised*

000391

December 6, 2011

Ms. Judy Lindsey  
Maine Department of Transportation  
16 State House Station  
Augusta, ME 04333-0016

Re: Revised Cost Estimate for the Build Alternatives  
I-395 / Route 9 Transportation Study

Dear Judy:

Attached please find a copy of the latest cost estimate for the build alternatives retained for further consideration and detailed analysis for your review and consideration. We are working to complete both the property acquisition and utility relocation technical memoranda; the memoranda will reflect the costs shown in the attached estimates.

This cost estimate for the build alternatives was prepared using the DOT's freeway criteria. We understand the DOT would like, following the conclusion of the NEPA process, for the preferred alternative to be developed using rolling criteria. Developing the preferred alternative using rolling criteria would reduce the cost to construct it. Based on the DOT's experience with similar projects, we ask that the DOT let us know the anticipated percent reduction in cost that would result from this change in criteria; we will apply this percent reduction to the cost to construct the build alternatives that is shown in the DEIS/Section 404 Permit Application.

We appreciate the opportunity to be of service on this important study. Please contact either Dave Hamlet or myself if you have questions.

Sincerely,

Gannett Fleming, Inc.

William M. Plumpton, CEP  
Project Manager

**BUT, wasn't the DEIS an integral part of the NEPA process? How can changing 2B-2's design before the conclusion of NEPA, without re-analyzing all the other 76 alternatives with the same changes, be compliant with the NEPA process?**

[Click here to view FOAA documents.](#)

***“We understand the DOT would like, following the conclusion of the NEPA process, for the preferred alternative to be developed using rolling criteria.”***

## The cost was too high to publish, so the DOT falsified the DEIS!!

MaineDOT Interagency Meeting  
→ October 11, 2011

Project Cost: Considering preliminary, recently received information from sub-consultant to incorporate the cost of right-of-way and utilities.

2B-2 - \$90M

5A2B-2 - \$120M (due to two crossings over the railroad at difficult skew)

5B2B-2 - \$105M (due to longer length of project alignment)

- 2B-2's cost on 10.11.2011 was \$90M.
- 2B-2's cost on 12.06.2011 was \$93.24M.
- 2B-2's cost in the March 2012 DEIS was \$61M.

I questioned the cost disparity from this \$90M to the \$61M in the DEIS, was not substantive for comment; did not have FOAA info about design disparity until March 2013.

000392

### Cost Estimate Summary for Range of Alternatives

Alternative	Construction	Utility Relocation	Engineering & Inspection	Right of Way	Mitigation	Total
→ 2B-2	\$ 75,491,276.60	\$ 1,578,100.00	\$ 12,078,600.00	\$ 4,084,912.41	\$ -	\$ 93,240,000.00 ←
5A2B-2	\$ 97,629,921.84	\$ 3,130,600.00	\$ 15,620,780.00	\$ 5,205,118.05	\$ -	\$ 121,590,000.00
5B2B-2	\$ 79,879,364.36	\$ 9,345,600.00	\$ 12,780,700.00	\$ 9,659,718.99	\$ -	\$ 111,670,000.00

FOAA#000392 is an attachment to FOAA #000391 on page 10 dated December 6, 2011.

[Click here to view FOAA documents.](#)

*"This cost estimate for the build alternatives was prepared using the DOT's freeway criteria...we ask that the DOT let us know the anticipated percent reduction in cost that would result from this change in criteria...we will apply this percent reduction to the cost to construct the build alternatives that is shown in the DEIS/Section 404 Permit Application."*


2B-2's actual cost was \$93.24 million—not \$61 million. Another change to a study that the DOT will claim hasn't changed and once again 2B-2 is singled out—how fair is that?

One-third reduction in cost, based on a change in criteria from freeway to rolling design only applicable to 2B-2, yet the FEIS-stated-design is “*design criteria for freeways*” and not rolling:

000431

MaineDOT

## Memo

To: I-395/Route 9 Transportation Study Project File  
From: Ken Sweeney, P. E. - Chief Engineer   
CC: Russell Charette, Project Manager  
Date: January 30, 2012  
Re: Planning Level Cost Estimates for the Alternatives 2B-2, 5A2B-2, 5B2B-2

The build alternatives have been designed as a two-lane road within a two-lane right-of-way using MaineDOT's criteria for freeways. The latest estimate to construct the build alternatives dated December 2011 range from approximately \$93 million for Alternative 2B-2 to \$122 million for Alternative 5A2B-2.

After reviewing the cost estimates for the build alternatives, the cost estimates should be reduced by one-third, for planning purposes moving forward. The basis for this one-third reduction includes, but is not limited to:

- Reducing the number of structures that need to meet 1.2 stream bankfull structure design would reduce structure costs.
- Using a rolling design, earthwork quantities would be reduced by approximately one-third
- Recognizing that lump sum items – drainage, signing and pavement marking, erosion and sedimentation control, maintenance and protection of traffic, and mobilization – were calculated as a percentage of construction, additional savings would be realized for these items
- Reducing the contingency percentage from 20% to 10%.
- Reducing the design engineering and construction engineering services, based on the type of construction, from 16% to 10%.

*“The build alternatives have been designed...using MaineDOT’s criteria for freeways. The latest estimate to construct the build alternatives dated December 2011 range from approximately \$93 million for Alternative 2B-2...”*

*“After reviewing the cost estimates for the build alternatives, the cost estimates should be reduced by one-third...basis for this one-third reduction includes...using a rolling design...”*

From: Sweeney, Ken

Sent: Friday, January 13, 2012 1:07 PM

To: Charette, Russ

Subject: RE: I-395/Route 9 Study

Yes...as follows:

Does the purpose statement need to reference AASHTO POLICY? If it must then it should say GUIDE not policy.

Add a sentence or two about Freight connectivity and the recent Congressional action to allow 100k trucks on the interstate system and the critical need to provide a safe connection to the interstate system for those trucks on route 9 from Canada and regionally from Washington County and EastPort Port needing to travel to points south and west.

Fill in the range of cost alternatives....Low should be no greater than \$65 M...you decide High.

Anticipated Construction could begin in 2014-2015

We also discussed wording and had a meeting with the biologists that led to a comment that we should only commit to the 1.2 bankful on the structures that make environmental sense and not a blanket 1.2 statement. We should also avoid the “will be considered in final design” when it involves environmental commitment because the regulators interpret the language consider the same as require.

That's all I recall

Thanks

ken

[Click here to view FOAA documents.](#)

2B-2 guesstimate:

MaineDOT's Chief Engineer instructs Project Manager on how to fill in in the range of costs.

*“Fill in the range of cost alternatives....Low should be no greater than \$65M..you decide High.”*



I questioned the cost disparity in my DEIS comments, but my question was not substantive for further comment. FOAA documents indicate there was an intentional manipulation of the cost in the DEIS, something the DOT will not answer to...

### ***Attachment: Comments and Public Meeting Transcripts***

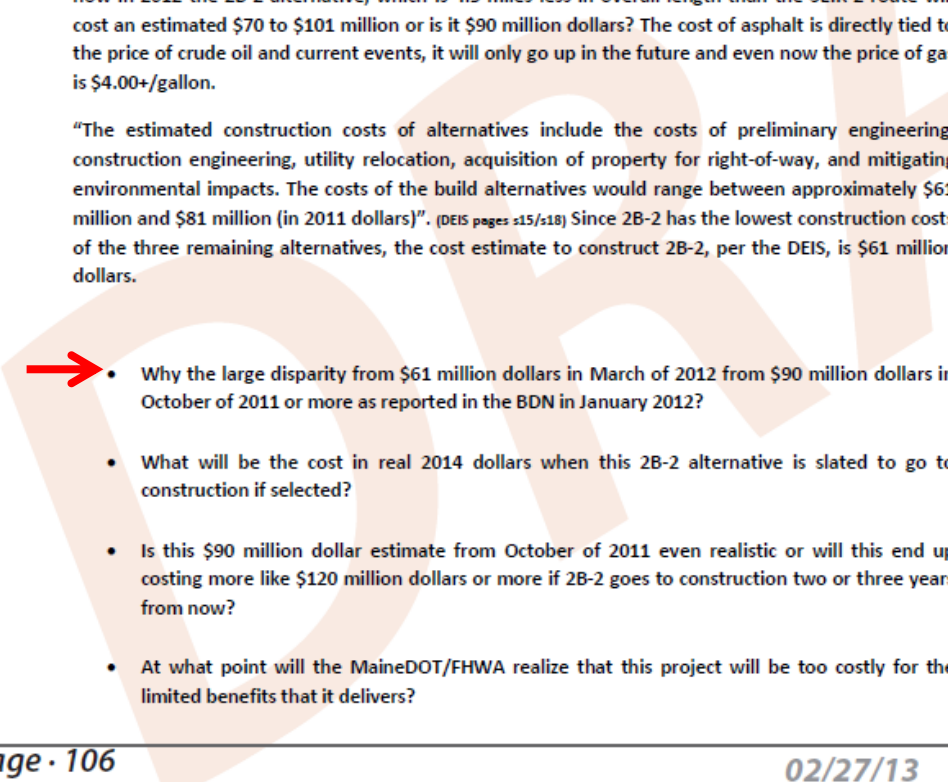
DEIS Comment/Question # 4.

Submitted by: Larry Adams, a Brewer resident, on April 13, 2012

#### Cost of alternatives in this Study:

"The estimated cost of 2B-2 construction is \$90 million dollars." (October 2011 Interagency Meeting Minutes)  
"MDOT estimates the project will cost \$70 million to \$101 million." (BDN 1/10/2012) At \$90 million dollars, alternative 2B-2 at 6.1 miles in length will cost \$14.75 million dollars per mile. "Ray responded that the DOT has seen recent average construction costs of \$7-8 million per mile." "For a 10 to 11-mile connector as studied here, construction would likely cost \$70 to \$80 million." (PAC Meeting 11/19/2008)  
"Route 3EIK-2... Developed over the past few weeks, the new route features 10.6 miles of new roadway at an estimated construction cost of \$40 million." (BDN article 5/01/2003) "At the national level, we saw a major spike in the price of asphalt as a result of the 2005 hurricane season and its impacts on the petroleum industry, which certainly revealed our national vulnerabilities related to energy supplies. Consequently, MaineDOT reported in 2010 that its construction costs had increased by a troubling 60 percent over the previous five years, further contributing to the challenge of maintaining an aging system." (Connecting the D.O.T.S September 2011) The 3EIK-2 alternative would have cost \$40 million dollars in 2003, a ten to eleven mile connector would have cost \$70 to \$80 million dollars in 2008 and now in 2012 the 2B-2 alternative, which is 4.5 miles less in overall length than the 3EIK-2 route will cost an estimated \$70 to \$101 million or is it \$90 million dollars? The cost of asphalt is directly tied to the price of crude oil and current events, it will only go up in the future and even now the price of gas is \$4.00+/gallon.

"The estimated construction costs of alternatives include the costs of preliminary engineering, construction engineering, utility relocation, acquisition of property for right-of-way, and mitigating environmental impacts. The costs of the build alternatives would range between approximately \$61 million and \$81 million (in 2011 dollars)". (DEIS pages 15/18) Since 2B-2 has the lowest construction costs of the three remaining alternatives, the cost estimate to construct 2B-2, per the DEIS, is \$61 million dollars.

- 
- • Why the large disparity from \$61 million dollars in March of 2012 from \$90 million dollars in October of 2011 or more as reported in the BDN in January 2012?
  - What will be the cost in real 2014 dollars when this 2B-2 alternative is slated to go to construction if selected?
  - Is this \$90 million dollar estimate from October of 2011 even realistic or will this end up costing more like \$120 million dollars or more if 2B-2 goes to construction two or three years from now?
  - At what point will the MaineDOT/FHWA realize that this project will be too costly for the limited benefits that it delivers?

The DOT has been fast and loose with the facts throughout this process—steamrolling over private citizens that dare to confront them—they twist the facts to satisfy their agenda and run out the clock; they know that no one will hold them accountable!

The MaineDOT would not address the cost disparity in this DEIS comment. Tampering with public records or information is a class D crime per Maine Statute §456; the cost was intentionally falsified in the DEIS to \$61 million to make 2B-2 appear more affordable. Was it a mistake? NO, the same cost was forwarded to the FEIS. To admit that the \$61 million cost was for a rolling rural design, at the same time that the DEIS stated the design was a freeway design, would have admitted that the act was intentional; how can the cost not match the design in the same document? This has never been answered; the DOT has just ignored my contention that they committed this falsification.



A greatly reduced cost in the DEIS/FEIS that does not match the DEIS/FEIS design criteria and in fact is based on a future downgraded design change only applicable to 2B-2 after the completion of NEPA. See FOAA #000391 on page 10.

### FEIS-stated-cost:



#### 2.4.3 Estimated Construction Costs

As part of the conceptual design of the build alternatives, a preliminary estimate of the cost to construct them was prepared (in 2011 dollars). The cost to construct the build alternatives ranges from \$61 million to \$81 million.

### FEIS-stated-design:

2B-2/the Preferred Alternative would be a controlled access highway and conceptually designed using MaineDOT design criteria for freeways. Two lanes would be constructed and used for two-way travel within an approximate 200-foot-wide right-of-way.

Route 9 would not be improved (beyond the improvements necessary to connect the preferred alternative), and it would not provide a high-speed, controlled-access connection to the east of East Ed-dington village. It would satisfy the study need related to traffic congestion and safety. It would satisfy the USACE's basic purpose statement.

\$61 million reflects the cost of a rolling rural design, but that is not the design criteria stated in the FEIS; 2B-2 when designed utilizing the MaineDOT design criteria for freeways would have cost \$93.24 million! See FOAA #000392 page 11.

How's it possible for the FEIS-stated-cost to be based on "rolling design" when the FEIS-stated-design is clearly stated "MaineDOT design criteria for freeways."

Shouldn't the cost in the FEIS be based on the design criteria in the same FEIS?

Seems the DOT cooked the books!!

[Click here to view FEIS](#) see page 27 for design and page 36 for cost.

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Cost has been intentionally misrepresented since early 2012 making 2B-2 appear more reasonably priced (\$32.24 million less than 2B-2's actual cost using the FEIS-stated design criteria for freeways); a great talking point as there can be no other rational explanation. Not only is the false cost extremely unfair to the impacted communities who seek fairness in the process, it is also unfair to other DOTs if this project has already been pre-shopped for funding from the same pot of monies. Knowingly making a false entry with the intent that it be taken as a genuine part of information is in violation of [Maine State Statute](#).

What you won't find in the FEIS is a proposal on how to meet 2B-2's long-term needs; 2B-2 may be the cheapest now—but in 20 years, \$Tens of millions will need to be expended to satisfy 2B-2's well-documented long-term needs. 2B-2 is an ill-conceived, band-aide fix with long-term needs. Do you really want to punt 2B-2's unfunded long-term needs down the road to your grandchildren?

## Changes in Right-of-Way only applicable to 2B-2:

FOAA #1143 revealed the right-of-way, applicable only to 2B-2 and not the other studied alternatives, was reduced from 200 feet to 100 to 125 feet. This ROW reduction and a downgrade in design criteria from freeway to rolling were verified at a meeting between Senator Collins's office (CW) and the MDOT (KS) (DB) in April 2013; the meeting results were provided to me via email. I contend the FEIS Chapter 2 \*note below was deemed necessary to give the facade of NEPA compliance and ROW will be decreased during final engineering as FOAA documents and email indicated. FOAA #1143 and the April 8<sup>th</sup> 2013 email can be viewed [here](#).

001143

Bostwick, Richard

From: Lindsey, Judy  
Sent: Monday, August 01, 2011 8:12 AM  
To: Bostwick, Richard  
Subject: RE: I-395 connector reduced width

Richard,

It's true, Ken decided the reduced lane and 100' to 125' ROW width was all we needed in the foreseeable future so why do more. I've been told this project will be taken to the Governor as one to move forward even though the price tag is up there. I hadn't notified anyone as I am waiting for the modification to be signed. Bill will be providing a new set of plans when available. I'll keep you in the loop.

Judy

JUDY LINDSEY

MAINE DEPARTMENT OF TRANSPORTATION

BUREAU OF TRANSPORTATION SYSTEMS PLANNING

16 STATE HOUSE STATION

AUGUSTA, MAINE 04333-0016

(207) 624-3291

JUDY.LINDSEY@MAINE.GOV

[Click here to view FOAA documents.](#)

### FEIS, Chapter 2

The 200-foot-wide right-of-way provides a sufficient width to allow a future widening, if needed; the need to widen beyond the 200-foot-wide right-of-way is beyond the reasonable foreseeable future time period.\*

\* While there were brief discussions regarding reducing the width from 200 feet to 100 or 125 feet, the right of way width was never changed and remains the 200-foot width as described in the DEIS.

[Click here to view FEIS chapter 2 page 22.](#)

### April 8<sup>th</sup> 2013 email excerpts:

*"I brought up the issue of reducing the right of way from 200 ft. to 100 ft. and the concerns that neighbors had with walking out their door and being so close to the fast-moving traffic. They both explained that, even though the ROW is being reduced to 100 ft., they will enter into conversations with all affected landowners."*

*"The first question I asked was about the rolling design and whether it was in the DEIS. I showed them the memo written by Ken. Ken remembered it very well."*

*Ken said it was in the appendix of the DEIS. We talked a little about the rolling design. They explained that Route 9 was rebuilt with the rolling design method – that's why it is so curvy."*

**You won't find rolling rural design in the DEIS/FEIS; how is that in compliance with NEPA process??**

## FHWA manager looks for recommendations on how to proceed with a changing study in December 2011—FHWA silenced him.

**QUESTION:** [NEPA analysis w/ footprint change posted 12.14.2011](#) “We are preparing an EIS and are currently reviewing the administrative draft of the DEIS. For the last five years we analyzed impacts for many (too!) five to ten mile long, new alignment, 250' ROW, controlled access, build alternatives. We have even identified a 'preferred alternative", with the caveats that go with that. Two lanes would be constructed initially, as a "super 2", one barrel of the four-lane version and reserve the remaining ROW, building out the other two lanes when needed. We are just now considering a much reduced footprint to around 100' ROW and to a lower standard, a two-lane arterial, rural rolling to reduce costs. With this proposed reduction in footprint, what happens now? We most certainly need to revise the admin draft to some extent given this change, at least the impact analysis as impacts will be substantially reduced, in some cases by more than one-half. Do we revisit any previous alternatives that were dismissed (not being carried forward for further consideration)? Do we need to step/look back? How far? Thoughts on this one? Examples?” The author to this forum question was presumed to be FHWA (MH) by MaineDOT (JL). [View FOAA email string.](#)

**ANSWER:** [FHWA Division Office 12.15.2011](#)

“The project being proposed now is very different than what was originally proposed - it is practically a new project.”

“The project being proposed now is very different than what was originally proposed - it is practically a new project. Has the Purpose and Need changed for the project (would seem like it would have to for the reduced roadway to be acceptable)? If so, you would definitely need to look at your alternatives analysis again based on the revised needs. And as you said, the impacts would have to be revised. You may want to hold a new public meeting (not quite scoping, since the areas of concern would be the same). Sounds like almost a complete rewrite of the EIS. Another option would be to do a combined PEL (Planning Environmental Linkage) and EIS document. The larger project would be the planning portion (what you would like to do), and the reduced template would be the EIS (what you are actually going to do based on funding). This would require that you identify BOTH the overall impacts (which you already have) and the impacts of the reduced project. Still have to do most of what I described above and add a lot of discussion to the PEL/EIS to clarify what is happening, but you wouldn't have to throw out the work that is already done.”

FHWA refused to address this issue. [FHWA \(MH\) raised serious concerns that the preferred alternative \(2B-2\) “does not satisfy purpose and needs” and comparison to other alternatives was “now apples to oranges”.](#) A project cannot simply be changed at a whim when using government funds—that’s both unethical and illegal. And again, this study was changed, even though the DOT will deny that it had; changing purpose and needs is probably non-compliant with NEPA. 2B-2 should have been removed from consideration in Dec. 2011 and all other alternatives re-analyzed with the new downsized criteria.

## MaineDOT's own words are being ignored by the MaineDOT:

*"Traffic congestion and conflicting vehicle movements on this section of Route 9 would substantially increase the potential for new safety concerns and hazards."*

*"poor LOS and safety concerns"*

*"ten local roads and 148 access points"*

*"Limited opportunities exist to control access management on this section of Route 9 from local roads and driveways."*

*"the number of left turns"*

*"ability to satisfy... traffic congestions need is questionable"*

[Quoted references are from MaineDOT October 2003 Technical Memorandum.](#)

*"lack of existing access controls"*

*"negatively affect people living along Route 9 in the study area"*

*"inability to effectively manage access along this section of Route 9"*

*"severely impact local communities along Route 9 between proposed alternative connection points and Route 46"*

*"inadequately address traffic congestion needs"*

35 access points/mile on 2B-2's 4.2 mile section of Route 9. The 45 alternatives that met the study system linkage need had zero added access points—not 148 access points that Rte. 9 foists upon 2B-2!!

**You are 1,036% more likely to have an accident on the new 2B-2 alternative than the 45 studied alternatives that met the system linkage need!!**

[FHWA acknowledges:](#) *"In rural areas, each access point added increases the annual accident rate by seven percent."*



## **The [FEIS](#) substantiates 2B-2's environmental impacts:**

**It's not just the millions that have been squandered—OR—the \$79.25 million that will be unwisely spent to construct 2B-2 at a time when the DOT cannot afford to even maintain our existing roads and bridges—OR—that 2B-2 is a near-term project with long-term (unfunded) needs:**

- **It's the impact to 34 acres of wetlands...**
- **It's the impact to 3 streams, 2 of which contain anadromous fish...**
- **It's the impact to 15 acres of floodplain...**
- **It's the impact to 11.0 acres of notable wildlife habitat ...**
- **It's the impact to 784 acres of undeveloped habitat...**
- **It's the impact to 20.0 acres of prime farmland...**
- **It's the impact to 8 families losing their homes...**
- **It's the impact to owners of the 190 buildings within 500' of 2B-2...**
- **It's the impact to owners of the 54 directly impacted properties...**
- **It's the impact to the area with the 163 total acres to be acquired...**
- **It's the impact to 103 acres of vegetation...**
- **It's the impact to federally listed endangered species...**
- **It's the impact to 9 acres of waterfowl/wading bird habitat on Eaton Brook...**
- **It's the impact to 31 acres by roadway contaminants within 100' of 2B-2...**
- **It's the impact to 66 acres by roadway contaminants within 160' of 2B-2...**
- **It's the impact to 10 acres of watershed...**
- **It's the impact to streams within 3,300' by 13 acres of sediment...**
- **It's the impact to 23 acres of hydric soil...**
- **It's the impact to 14 acres of soil with statewide importance...**
- **It's the impact to 156 acres of land with special zoning designation...**
- **It's the 0.9 acre roadway contaminant impact to streams within 100'...**
- **It's the 1.8 acre roadway contaminant impact to streams within 160'...**
- **It's the cumulative impact to 26 acres of floodplain...**
- **It's the cumulative impact to 182 acres of wetlands...**
- **It's the cumulative impact to 600 acres of forests/vegetation...**
- **It's the cumulative impact to 873 acres of wildlife habitat...**
- **It's the unknown storm-water runoff impact to 4,900' of streams...**
- **It's the impact to communities losing \$64,400 in yearly tax revenues...**
- **When 54% of Maine's roads are rated poor to mediocre...**
- **When 14% (352) of Maine's bridges are rated structurally deficient...**
- **When 15% of Maine's bridges are functionally obsolete, yet no longer tracked.**



The MDOT loves to say they have involved the public throughout this 18 year process. The PAC was designed as powerless and exploitable, as bared by the BDN LTE below. Public involvement is a convenient lie; how is alternative 2B-2 “reflective of the public’s values” and how were “their values incorporated into the project” when opinions from our PAC—our official input—were so easily rejected? The PAC has not met since the 4.15.2009 PAC meeting—that’s 9 years and 7.5 months ago, making the statement in the INFRA grant request a bold-faced lie!!

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*“In support of the planning study, a public advisory committee (PAC) was assembled to participate in the planning and development of the I-395/Route 9 Connector; the PAC consisted of volunteer citizens who are representatives of the city and towns in the area and the adjoining areas. Using the PAC throughout the planning process helped to ensure the I-395/Route 9 Connector was reflective of the public’s values and that their values were incorporated into the project.”* [Excerpt from page #3 of recent INFRA Grant request.](#)

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## LETTER

[MDOT public servants](#) | March 14, 2002 8:22 am

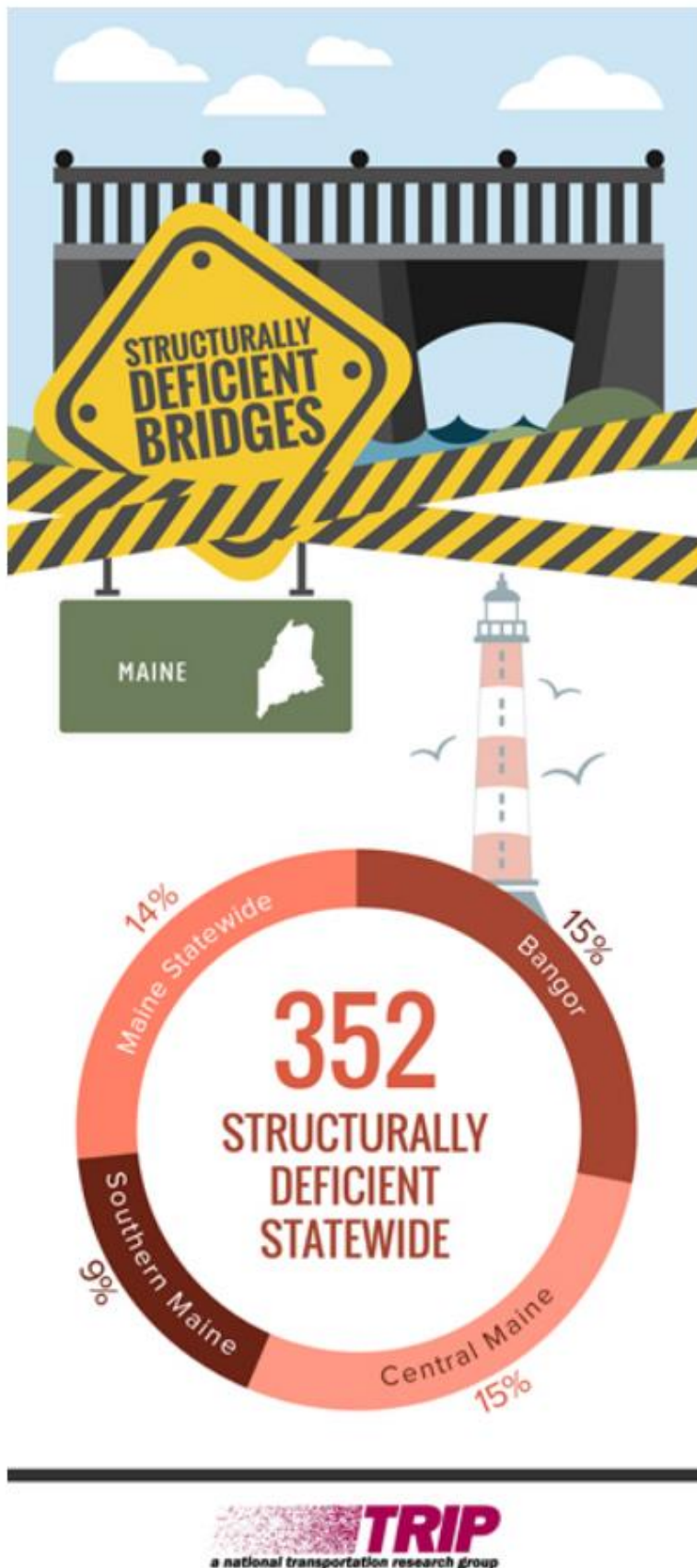
When the Maine Department of Transportation began the study of an I-395-Route 9 connector road, a Public Advisory Committee was formed that included people from Bangor, Holden, Eddington, Clifton and Brewer. This group was supposedly formed to give the MDOT input from the public. From the beginning, the MDOT has led the group toward decisions that it seems the MDOT had already made in advance.

The PAC became the shield between the MDOT and the public. The public believed the PAC had a real hand in the decision-making, while in reality they had no vote and their advice in several key instances was ignored. When the public became angry, their anger was directed at the PAC and not at the real culprits – the MDOT. In a stunning revelation for the public and the PAC members at the meeting held on Feb. 20, the MDOT announced the number of alternatives that are being considered for a connector road had dropped from nine to two. When the members of the PAC attempted to voice their opinions, the MDOT made it very clear that they had no authority or power to modify this decision.

Has the MDOT forgotten they represent the taxpayers? In their zeal to build more highways they are ignoring a key fact – they are public servants and public opinion should account for more than it has in this case.

Peter Dawes | Holden

## Maine's unmet transportation needs versus 2B-2



MaineDOT's current 2018-2019-2020 Work Plan includes 106 bridge projects for \$118.8 million or an average of \$1.21 million per bridge.

2B-2 comes at a cost of \$79.25 million. Referring to TRIP's graphic—that \$79.25 million could fund the repair or replacement of 70 bridges—that's 19.9% of Maine's 352 structurally deficient bridges that could have been and should have been funded instead of funding such a controversial alternative as 2B-2!!

## Bridges & Structures

**FHWA Data from 12.31.15 indicated 34.2% (831) of Maine's bridges were deficient, now the data, a mere two years later, indicates that 13.3% (326) of Maine's bridges are deficient?? How did the percentage of our deficient bridges seemingly decrease? FHWA discontinued F.O. tracking on 12.31.2015, delaying new performance measures reporting until October 2018...**

## Has anyone else noticed the percentage of Maine's deficient bridges seems to have mysteriously gotten a whole lot better?

- **Structurally Deficient (SD):** This term was previously defined in <https://www.fhwa.dot.gov/bridge/0650dsup.cfm> as having a condition rating of 4 or less for Item 58 (Deck), Item 59 (Superstructure), Item 60 (Substructure), or Item 62 (Culvert), OR having an appraisal rating of 2 or less for Item 67 (Structural Condition) or Item 71 (Waterway Adequacy) *Beginning with the 2018 data archive*, this term will be defined in accordance with the [Pavement and Bridge Condition Performance Measures final rule](#), published in January of 2017, as a classification given to a bridge which has any component [Item 58, 59, 60, or 62] in Poor or worse condition [code of 4 or less].
- **Functionally Obsolete (FO):** This term was previously defined in <https://www.fhwa.dot.gov/bridge/0650dsup.cfm> as having an appraisal rating of 3 or less for Item 68 (Deck Geometry), Item 69 (Underclearances), or Item 72 (Approach Roadway Alignment), OR having an appraisal rating of 3 for Item 67 (Structural Condition) or Item 71 (Waterway Adequacy). Functionally obsolete is a legacy classification that was used to implement the Highway Bridge Program, which was discontinued with the enactment of MAP-21. As a result, fiscal year 2015 was the last year outstanding Highway Bridge Program funds could be obligated on eligible projects, including ones with bridges that were once classified as functionally obsolete. Therefore, FHWA is no longer tracking this measure, and *will not be publishing it on our website for the 2016 data forward*. Our focus has shifted to a performance-based program as established in MAP-21 and continued in the Fast Act. As such, we encourage the use of the Good-Fair-Poor bridge condition measures outlined in the [Pavement and Bridge Condition Performance Measures final rule](#), published in January of 2017.

FHWA Data as of this date:	# Bridges	# S.D.	% S.D.	# F.O.	% F.O.	Total # Deficient Bridges	Total % Deficient Bridges
12.31.2017	2458	326	13.3%	-	-	326	13.3%
12.31.2016	2450	352	14.4%	-	-	352	14.4%
12.31.2015	2431	361	14.8%	470	19.3%	831	34.2%

[Definitions of S.D. and F.O. and data used in above table from official FHWA website.](#)

“Functionally obsolete is a legacy classification...fiscal year 2015 was the last year outstanding Highway Bridge Program funds could be obligated on eligible projects, including ones with bridges that were once classified as functionally obsolete...FHWA is no longer tracking this measure, and will not be publishing it on our website for the 2016 data forward.”

- Around a third of our state's bridges are sub-par; you can't just forget those 470 functionally obsolete bridges that are conveniently no longer counted...



“Linda Johns, who represents the town of Brewer for the regional agency, said the \$61 Million would be better spent on more pressing local needs and that traffic has declined since the project was first proposed 16 years ago, according to the Bangor Daily News.”

Brewer City Manager Steve Bost described the DOT as “an unyielding bureaucracy that is unwilling to listen and unwilling to move.” Watching this unfold today, in my humble opinion, is precisely why people have lost faith in government,” he said.

The text under the logo is really precious: “Maine DOT’s jolly logo for a road project nobody wants.”

## Maine DOT Bullies Local Planners Into Voting for Highway Expansion

By Angie Schmitt | Apr 7, 2016 | 3



H

ere’s a story about how DOTs can ram through road projects that locals don’t even want.

Regional planners in Bangor, Maine, say they were forced to approve a highway expansion project because the state DOT threatened to pull all of the region’s transportation funding.

The 395-Route 9 Connector is a \$61 million project that will link two other highways and

speed freight truck trips to and from Canada. Towns in the footprint of the project, which would demolish eight homes, say it’s not needed and the money would be better spent on other things. Maine DOT has not been deterred.

Representatives from the Bangor Area Comprehensive Transportation System — the regional planning agency — told the [Bangor Daily News](#) they were “held hostage” by state officials who said they would withhold \$57 million in region transportation funds if the highway wasn’t approved.

The state had added the highway project to its spending plan last summer. But officials in the Bangor area resisted adding the project to their own transportation plan. Without the regional agency’s approval, the state could not get the final go-ahead for the project from the Federal Highway Administration.

Linda Johns, who represents the town of Brewer for the regional agency, said the \$61 million would be better spent on more pressing local needs and that traffic has declined since the project was first proposed 16 years ago, according to the Bangor Daily News.

Brewer City Manager Steve Bost described the DOT as “an unyielding bureaucracy that is unwilling to listen and unwilling to move”

“Watching this unfold today, in my humble opinion, is precisely why people have lost faith in government,” he said.



Maine DOT’s jolly logo for a road project nobody wants.

Now is not the time to be spending our limited transportation dollars on a controversial project (2B-2) when we can't even afford to maintain our existing roads and bridges.

The MaineDOT has been fast and loose with the facts throughout this process—steamrolling private citizens that dare to confront them. They talk a good game about public involvement, but it's just talk; the PAC was our only voice in the process and the DOT took that voice away.

A near-term alternative (2B-2) with long-term unfunded needs is being forwarded when 45 other alternatives met 100% of the purpose and needs without the long-term baggage that 2B-2 bears.

FHWA should have disqualified 2B-2 in Dec. 2011 when design criteria was downgraded without re-analyzing the other alternatives with the same criteria. It's baffling why his superiors balked at his concerns.

FOAA documents revealed changes in 2B-2's design criteria that may have been non-compliant with NEPA—and nothing came of it. FOAA documents also show questionable engineering best practices.

Benefit/Cost ratio is suspect in both 2012 and 2017; seems to be manipulated to make 2B-2 appear to provide more benefits. A 1.3 B/C is acceptable, but certainly not a B/C providing overwhelming benefits; and I would question how a near-term project with long-term needs can provide any long-term benefit, let alone provide overwhelming benefits!

2B-2 is not the answer—it's just the start of more problems; and we shouldn't be punting 2B-2's long-term needs to our next generation. This project seems to be treated different than similar projects that were terminated in the Bernhardt years; i.e. Wiscasset Bypass with a B/C ratio 1.8 times that of 2B-2.

Mr. Bernhardt has forgotten his own words of August 2011: *"Adding more miles to our transportation system in this current fiscal environment doesn't make financial sense."* Our fiscal transportation environment is no better in 2018 than it was in 2011 and one could easily make the argument that we are in worse fiscal shape today.

Larry Adams | December 2018