Shortfalls have more than tripled since that icy day in March…

At the March 25, 2016 BACTS meeting, Brewer officials and residents arose to present justification for separating the I-395 connector from the amended work plan to encourage additional analysis and debate; those efforts were rejected by MaineDOT/FHWA Senior Management in attendance en masse. **BACTS members voiced reservations, but under threat of losing $57 million of regional funding—with the exception of Brewer members—they signed off on the amended plan that included the I-395 connector—a project that lacks Brewer's support and doesn't meet the original purpose and needs at a time when the DOT can't afford to even maintain our current roads and bridges.**


sugarhouses welcome public PAGE B1 FILMING OF GERRITSEN HORROR TALE BEGINS PAGE B1

Bangor Daily News

BDN bangordailynews.com Monday, March 28, 2016 $1.25

'Hostage' vote supports I-395 connector

Planners claim state forced them to OK project to assure funds for Bangor region road work

BDN's front-page headline captured the confrontational and threatening meeting. I highlighted the impacts to people and communities, forewarned in an October 2003 MaineDOT Technical Memorandum: "Alternatives that do not provide a limited access connection to Route 9 east of Route 46 **[2B-2] would negatively affect people…would severely impact local communities** along Route 9." DOT (Rollins) countered: what you just heard was not truthful. The personal attack was offensive, but **employing divide and conquer tactics was deplorable** and noncompliant with DOT Public Involvement policy. Public participation is a convenient talking point; **the DOT has refused any discussion of this project's shortcomings over the past 8 years.**

- MaineDOT's response: "Nass said if the BACTS committee voted down the amended plan…it would mean **"serious ramifications" for communities** in the region that are **planning on the $57 million in funds** for road projects." **"This is not the forum to discuss the merits of the project**…Rollins said."

- Brewer's response: Jerry Goss said "It appears that **BACTS is being held hostage…It's either do this or you're not going to get all the other projects in town."** Steve Bost responded: "Watching this unfold today, in my humble opinion, is precisely why **people have lost faith in government…an unyielding bureaucracy that is unwilling to listen and unwilling to move**…"

As a reference point—the annual shortfall in 2016 was -$68 million per the MaineDOT 2016-2017-2018 work plan.

Imagine the untold millions of our state's critical transportation dollars that could have been saved to date if the BACTS members were not coerced into approving the I-395 connector project to save their own projects. One can only imagine the "discord" that would have resulted from a BACTS vote to not forward the connector project. **Unyielding, the MaineDOT controlled the conversation—and—displayed an unwillingness to listen or to move…**

Today, BACTS is facing another threat with "serious ramifications", but the cause now is a ballooning shortfall, worsened by the draw off of funds for a controversial connector with a questionable, ever-changing need.

As a reference point—the annual shortfall is now -$232 million per the 2020-2021-2022 work plan—that's $164 million more than and 341.2% greater than the -$68 million shortfall just over four years ago in March of 2016.

Steve Bost recently replied: "We are painfully aware as communities are all across the state, that **there are many, many needs we think more important than this [connector]** and a real lack of available funding," Bost said. **"It seems this would be a time to reallocate those funds to other projects."**

The MaineDOT continues to squander our limited transportation dollars on a controversial project that fails to satisfy the original purpose and needs of the study—to the detriment of our existing roads and bridges. If you can't maintain existing roads, you certainly shouldn't be building a new one.

This project has been mismanaged since the April 2009 (Final) PAC Meeting when the MaineDOT decided to continue working on the study covertly for the next 32 months. The same alternative **(2B-2)** that **satisfied only 1 in 5 (20%) of the study's original purpose and needs in April 2009** that the DOT forewarned in October 2003: **"Traffic congestion and conflicting vehicle movements on this section of Route 9 would substantially increase the potential for new safety concerns and hazards."** ultimately replaced 3EIK-2, the first MaineDOT/FHWA preferred alternative for some 7 years to the surprise and disbelief of Brewer officials and residents kept in the dark.

It appears that nobody of consequence has held the MaineDOT accountable to the impacted communities, and yet, now the DOT appears to be once again patted on the back for doing such a great job with a $10 million award from the governor's latest budget even though the shortfall is now -$232 million. As I told one of the members of the blue-ribbon commission in an email, I believe **the commission needs to start with a full investigation of how the MaineDOT spends our money and until they do that, nothing will change…**

No matter where the DOT gets the money, they cannot make the argument that funding the connector project does not affect funding of other projects. That would be completely preposterous. As this connector is being funded by STIP/STP funds, they are indeed taking money away from other projects.

I listened closely to DOT spokesman Paul Merrill on a Jan. 22 WFVX report: "The rest is the road itself, which, I believe, we plan to advertise, to put out to bid in the fall of next year." He added later, "The bridge part is in this work plan. The funding is there. The funding is not entirely nailed down for the second part [the connector] but we have made the commitment to do it."

- **"Made the commitment to do it."** What does that mean? Does it mean the commitment the DOT Commission made in the match assurance letter of the October 23, 2017 INFRA Grant application to the U.S.DOT for the state of Maine to match $39,625 million in funds? (50% of the then $79.25 million project cost) What other commitments have been made and to whom?

  Is the DOT withdrawing STIP funding (State Transportation Improvement Program) and/or STP funds (Federal Surface Transportation Program) to the connector that could have and should have gone to other projects? Simply put, as evidenced by the INFRA Grant application on pg. 12—yes…

- **"The funding is not entirely nailed down…"** Where's the money coming from? Isn't it irresponsible to go ahead with a $13.5 million replacement of a bridge in support of a project that is not completely funded? When the DOT cries for more bonding in November—will they simply quietly siphon more money off the top of that transportation bond for the connector? **In a project's 20th year, why is the funding "not entirely nailed down"?**

Spending money to save money is fiscally irresponsible…

The DOT's defense against LD-47 in February 2015 was an unfounded threat they'd have to pay back $2,205,277.00 of federal funds used to that point, but the DOT never confirmed that claim nor disputed the facts presented in my testimony. Essentially, the DOT was willing to spend $61 million to save the $2.2 million that many said would not have had to been paid back as was the case when the Wiscasset Bypass was cancelled in August 2011; the JSC on Transportation obviously "bought" the unsubstantiated DOT argument.

The MaineDOT would not even entertain a pause to have a nongovernmental entity perform an independent analysis last March; LD-783's $25,000 cost would have been a mere 0.025% of the 2020 project cost of $100 million.
The DOT's defense against LD-783 in March 2019 was that they could not stop the project for one minute for a $25,000 independent evaluation, again they didn't argue the facts and the committee chair could be heard to quietly mumble that it was probably too late anyway. **Once again the MaineDOT controlled the conversation—and—displayed an unwillingness to listen.** My 18 pages of written testimony was patently ignored at the work session.

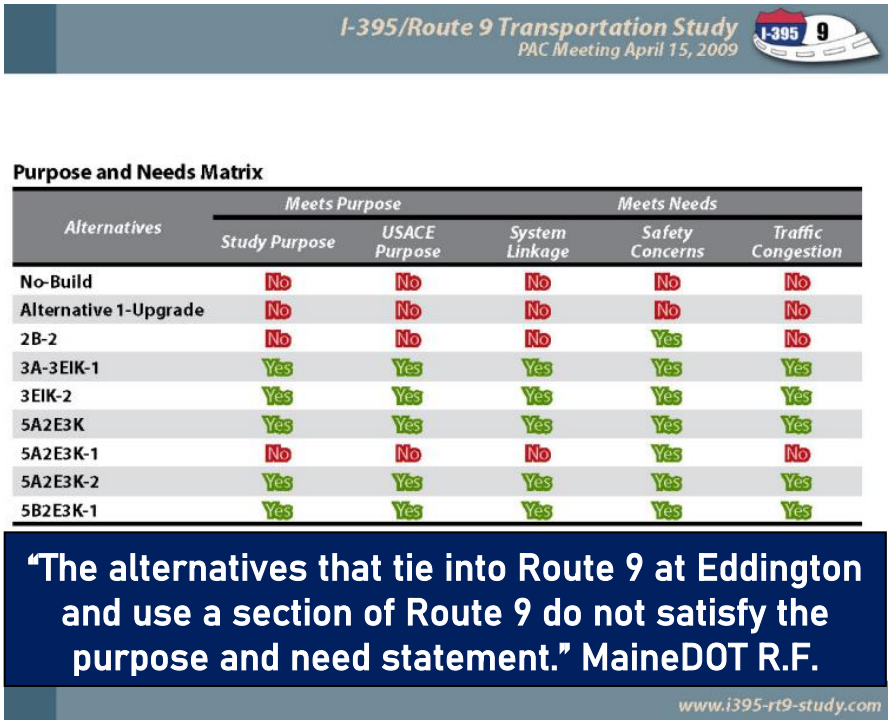
Have they backed themselves into a corner where they feel the state needs to spend $75 million or more of our limited transportation funds instead of halting the project and giving back the $25 million federal INFRA grant? **Is this once again the argument that the DOT needs to spend money to save money?** Do you really think the federal government would balk at the state of Maine if the DOT gives back the $25 million in INFRA grant funds?

- First—it makes good fiscal sense to put all our resources into the roads and bridges that need to be repaired and maintained at this time!

- Second—**FHWA is as culpable as the DOT in the decisions made in this debacle. When FHWA Manager (M.H.) proclaimed in December 2011 that the preferred alternative (2B-2) does not meet purpose and needs because of recent changes in criteria, he was summarily muzzled by his superiors. The FHWA wasted an opportunity to refocus this study back to the original (first decade) purpose and needs of April 2009.** (Pages 9-10).

How did 2B-2 end up as the connector's preferred alternative?

April 15, 2009: 2B-2 meets only 20% of original purpose and needs.



How does the MaineDOT reconcile that 2B-2 is now the best choice for this project when 5 other alternatives actually met the study's original purpose and needs in 2009 at the same time that 2B-2 was basically only 20% better than nothing at all?

Click here for the April 2009 (Final) PAC Meeting minutes and official DOT handouts.

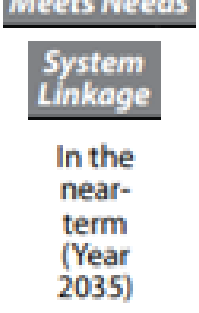
Sept. 21, 2010: System linkage need "in near-term" and "long-term".

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

September 21, 2010

- The DOT has taken a hard look at the capacity of Route 9:
  - Route 9 has sufficient capacity to accommodate the anticipated traffic volumes at a reasonable speed for the next 20 years, with the possible exception of the intersection at Route 9/46.
- 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.

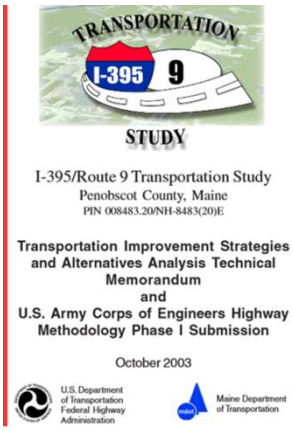
When asked at the March 2016 BACTS meeting how the MaineDOT planned to address the long-term needs in 20 years, S.R. denied there were any long-term needs—yet the MaineDOT's own meeting minutes say otherwise. And—that question, as most of my questions over the past 10 years, goes unanswered today.



Sept. 2010: 2B-2 meets the system linkage need "in the near-term" after the DOT parsed the words: "partially satisfies" (suggesting: does not meet need) into the words: "in the near-term" (suggesting: meets need) as seen to the left from the DEIS Appendix C page 258. Near-term is +20 years.

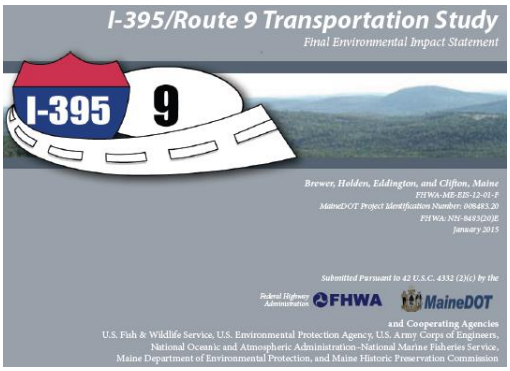
2B-2 does not meet the long-term system linkage need and the need for a limited access facility, yet the DOT has made no long-term plans for 2B-2.

2B-2 did not fit the study—they simply changed the study to fit 2B-2!



Click here to view:

What you won't find is MaineDOT's plan to meet the long-term limited-access system linkage need in 20 years—triggered by their questionable selection of 2B-2.



Click here to view:

September 2000 to September 2010

Logical Termini: "Specifically, the eastern logical termini was refined. Alternatives that did not connect to Route 9 east of Route 46 were dismissed from further consideration."

System Linkage: "must provide a limited-access connection between I-395 and Route 9 east of Route 46." 2B-2 did not meet the system linkage need.

Access Management: Any of the 47 studied alternatives that met the system linkage need had zero added access points over the total length of the connector; bypassed the Village of East Eddington, the intersection of Rte. 9/46 and 2B-2's 4.2 mile section of Route 9.

Speed Limit: Entering Eddington westbound from Clifton, the speed limit is 50 mph and one would connect direct to any of the 47 studied alternatives that met the system linkage need of an east of Route 46 connection and immediately assume the posted highway speed (for approximately 10 miles) to I-395.

Route 9 Connection Point: East of Route 46, at or near the Eddington/Clifton corporate boundary.

Purpose and Needs: 2B-2 meets only 20%.

Facility Type: Limited-access.

Long-term Needs: None.

September 2010 to beyond

Logical Termini: "The logical termini of the project was identified and defined as (1) I-395 near Route 1A and (2) the portion of Route 9 in the study area."

System Linkage: System linkage need and the need for a limited-access facility were redefined to long-term needs; 2B-2 meets the near-term (Year 20XX) system linkage need.

Access Management: Because of 2B-2's 4.2 mile Rte. 9 section, vehicles will transit past "10 local roads and 148 existing driveways or access points to undeveloped lots" and transit through the Village of East Eddington and the intersection of Rtes. 9/46. (158 access points.)

Speed Limit: "The posted speed in this section of Route 9 is predominantly 45 mph, with 35 mph near the Route 46 intersection." Five posted speed changes from 35 to 50 mph on 2B-2's Route 9 segment until reaching posted speed on the new 6.1 mile section of 2B-2.

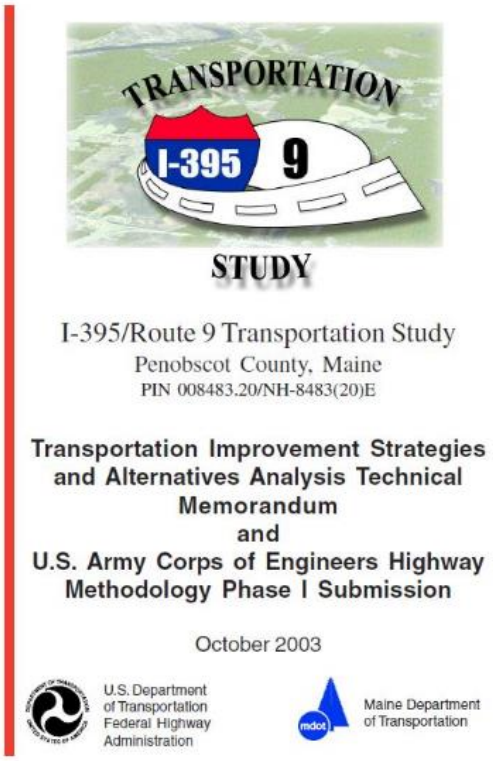
Route 9 Connection Point: 4.2 miles west of where majority of the 79+ studied alternatives connected as per logical termini redefinition to: "the portion of Route 9 in the study area."

Purpose and Needs: 2B-2 meets 100%

Facility Type: Controlled-access.

Long-term Needs: Limited-access retrofit.

October 2003 Design Criteria per Technical Memorandum page i:



"Alternatives were developed, and impacts quantified for a four-lane highway with two travel lanes in each direction, a divided median, and an approximate right-of-way of 200 feet. This highway was designed in Accordance with MDOT's design criteria for limited access freeways. MDOT proposes that two lanes be constructed. When traffic volumes increase, warranting additional roadway capacity, the remaining two lanes would be constructed."

Click here to view:

Does 2B-2 meet any of the design criteria in this memorandum?

- **NO**—Original 4-lane divided highway upgradability was abandoned; as referenced in minutes of the October 2011 Interagency Meeting. (DEIS comments suggest an upgrade could be done within a reduced ROW.)
- **NO**—2B-2's right-of-way was stated at both 100' to 125' and 100'. FOAA #001143 on 8.1.2011 and Senator Collins' office email (C.W.) on 4.8.13. DOT backpedaled on the ROW in FEIS—labelling it as "brief discussions" even though it was previously confirmed. IMO—it was a smokescreen that was necessary to appear to be compliant with NEPA and we'll only know the ROW truth when final plans are issued, outside the NEPA process. Future upgradability depends on width of ROW.
- **NO**—Original freeway criteria downgraded—2B-2 is being designed using downgraded "rolling rural" criteria.
- **NO**—Original limited access criteria was scrapped—alternative 2B-2 is now a controlled-access facility; limited-access was identified as a long-term need, deferred for 20 years.
- **NO—2B-2 is a near-term project with long-term unplanned /unfunded needs: a limited-access connection between I-395 to Rt.9 EAST of Rt.46.**

October 11, 2011 changes in engineering criteria:

Excerpt from October 2011 MaineDOT Interagency Meeting:

- I-395/Route 9 Transportation Study presented by Judy Lindsey

  A change to the design since last meeting [December 2010] is a **reduction from purchasing a four-lane right-of-way to two-lane right-of-way**.

  Bill Plumpton: Last time we met, December 2010,

  Page 2 of the handout – Change made to typical section since our last meeting [December 2010], the project **considered having two lanes of highway constructed within right-of-way sufficient to accommodate four lanes in the future. That has now changed to two lanes of highway within right-of-way that accommodates two lanes but does not accommodate four lane construction in the future**.

[Click here to view full notes from October 2011 Interagency Meeting.]

In this study's 11th year, within less than six months of finalizing the March 2012 DEIS, a downgrade in criteria became applicable to only 2B-2 and not the other 47 of the 79 studied alternatives that met this study's original purpose and needs.

December 6, 2011 cost of $93.24 million-a second change is coming:

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

This letter, from MaineDOT's Consultant, affirms there's a second change coming in criteria following the NEPA process from interstate criteria to rolling rural criteria.

This change is applicable to 2B-2 and none of the 47 of 79 alternatives that met the original study purpose and needs.

W.P. is looking for the % reduction to apply to the attached current cost estimates of December 2011.

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 #000391-#000392

December 14, 2011—FHWA manager (MH) seeks outside advice on how to proceed with changing criteria at the end of the study:

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?" Anonymous author of this question was presumed to be FHWA (MH) by MaineDOT (JL). View FOAA email string.

Why wasn't the study paused to reassess the 47 of 79 previously removed routes that met 100% of purpose/needs?

IMO - DOT felt it wasn't necessary as it wasn't their priority to select the best route for the whole study area, but the one route that would satisfy a few elite area residents.

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. 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."

A project cannot simply be changed at a whim when using government funds and this study was changed—**2B-2 should have been removed from consideration in December 2011 when FHWA (MH) raised serious concerns and all 79 alternatives re-analyzed "based on the revised needs".**

December 13, 2011 – DOT was advised the FHWA was not happy:

Mark Hasselmann, FHWA Right of Way Program Manager, advised Judy Lindsey, MaineDOT Project Manager, on Dec 13, 2011 that **"the 2-lane/2-lane ROW Preferred Alternative does not satisfy Purpose and Needs…"** and **"Mark is concerned the criteria change to a 2-lane/2-lane ROW of the Preferred Alternative will alter impacts and prior analyses is not comparable (apples to apples) as those done with 4-lane/4-lane ROW"**. Mark Hasselmann was overruled by his superiors. Click here to view the emails obtained by FOAA. Why was M.H. silenced and why did the DOT not miss a beat in the process? Why did the DOT and FHWA not go back and see how that downgraded criteria would affect previously removed alternatives such as 3EIK-2 and 4B which were just a few of the **47 of 79 studied alternatives that met the study's original purpose and needs in April 2009 when 2B-2 only met 20%.**

January 13, 2012- Is this a cost estimate–or–guesstimate?

From: Sweeney, Ken

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

To: Charette, Russ

Subject: RE: I-395/Route 9 Study

000364

"Low should be no greater than $65..you decide High."

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

000365

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 interprete the language consider the same as reguire.

That's all I recall

Thanks

ken

It needs to be noted that the information found in FOAA documents, such as this one and others cited in this document, were not obtained until March 2013 at a cost of $500.00 to the Town of Eddington. We did not have this information to comment on during the comment period of the DEIS—another example of the lack of transparency from an unyielding bureaucracy.

https://i395rt9hardlook.com/wp-content/uploads/2014/10/FOAA-000364-and-000365.pdf

January 30, 2012: Another guesstimate and some fuzzy math:

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%.

January 30, 2012 – The Chief Engineer decides that the estimates of December 2011 should be reduced by one third. A one third reduction of $93.24 million would then be $62.19 million which is not the $61 million as published in the March 2012 DEIS. As can be seen below, a cost of $62.19 million would have exceeded the $61.424 million benefits and thus the BCR would have been below 1.0.

March 8, 2012 cost $61 million per the Draft EIS

Draft EIS. (Page 54)

Estimated Construction Costs

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).

- Note that 2B-2 was the $61 million alternative.
  DEIS pages S15/S18

August 1, 2012 – BCR of 1.1

FOAA #000185 and #000187 (page 277-279):

I-395/Route 9 Transportation Study Environmental Impact Statement

Net Present Value Analysis and Benefit-Cost Ratio of Modeled Transportation Benefits
August 1, 2012

	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 EQVLNT NET BNFTS	$416,731	

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)

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.

October 23, 2017 cost $79.25 million and BCR is now 1.3, per the [INFRA grant application]; the. One could ask how the benefits managed to increase over that 5 year period from 1.1 to 1.3; **was the BCR embellished for the 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%	

October 23, 2017 total cost was $79.25 million.

The BCR is now 1.3 when it was 1.1 in August 2012.

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.

Actual INFRA grant received was $25 million. Not sure how that skews project cost data.

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

Note: Previously incurred costs noted above relate to preliminary engineering and right of way only; the planning study and NEPA compliance ($3.10 million) related to this project were expended as part of a separate project and not reflected in this calculation.

Of the total future eligible project costs, MaineDOT has already programmed $1,450,000 in State funds and $5,800,000 in Federal Surface Transportation Program (STP) funds for a total of $7,250,000 (80% Federal/20% state match) for this project, as shown in MaineDOT's current State Transportation Improvement Program (STIP) found here: http://www.maine.gov/mdot/stip/docs/FinalSTIP2017_2018_2019_2020.pdf

The remainder of the non-federal match ($38,175,000) will be reflected in MaineDOT's upcoming STIP(s) and will be programmed using state-derived funds.

INFRA funds will comprise the remaining project balance of $33,825,000.

c. Non-Federal Funds

Funding for the entirety of MaineDOT's portion of the project will be state-derived (Highway Fund revenues and/or General Obligation Bond proceeds). A match commitment letter from the MaineDOT Commissioner is attached as Attachment B. MaineDOT is well equipped to manage and administer this grant, having received and managed several USDOT grants for highway, railroad and transit programs including previous TIGER and FASTLANE awards. MaineDOT estimates that an additional $500,000 in expenditures for preliminary engineering and right of way acquisition for the project will be incurred, prior to the award of the INFRA grant.

Benefit-Cost Analysis of October 2017:

More fuzzy math? I have no idea what the $56,418,200 cost under the sum of Present Values represents, when the total project cost is $79.25 million and the construction cost alone is $61 million. The DOT did not include BCR analysis in the INFRA Grant application.

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

Benefits and costs were brought to present value using a 7% discount rate, amortized over the 40-year project analysis period (Exhibit 5.4). The average annual equivalent value of benefits is $5,308,600, compared to $3,955,000 in average annual equivalent costs. Average annual equivalent net benefits are $1,353,600, and the benefit to cost ratio is 1.3.

Benefit-Cost Analysis:

Benefit-cost ratios (BCR) are used to analyze the monetary value of benefits versus costs over the 20 year design-life of a transportation project during the study process. Benefit/cost analysis determines the value of a project by dividing the incremental monetized benefits related to a project by the incremental costs of that project. A 1.3 BCR simply means the project's benefits are 1.3 greater than the project's cost; a ratio equal to or greater than 1.0 is a viable project; below 1.0 is not viable. **The $100 million Wiscasset Bypass (cancelled in August 2011) had BCR's of 2.27, 2.43 and 2.47; providing almost twice the benefits than the $79.25 million I-395/Route 9 connector with an underwhelming 1.3 BCR in 2017.**

Benefit/cost ratios can be used to compare the relative value of different projects. Various projects may be prioritized (in terms of economic efficiency), assessing each project individually and calculating the B/C ratio for each project. In comparing the various projects, those projects with the highest B/C ratio would be ranked as the most efficient. Net Benefit is determined by summing all benefits and subtracting the sum of all costs of a project. This output provides an absolute measure of benefits (total dollars), rather than the relative measures provided by B/C ratio.

Table 2-1 Comparison of Projects Using B/C Ratio and Net Benefit

	Project 1	Project 2	Project 3
Benefits	$200,000	$150,000	$400,000
Costs	$50,000	$100,000	$200,000
B/C Ratio (Benefits/Costs)	4.0	1.5	2.0
Net Benefit (Benefits-Costs)	$150,000	$50,000	$200,000

Table 2-1 Comparison of Projects Using B/C Ratio and Net Benefit

(Dollar amounts in millions)

	Wiscasset	I-395/2017	I-395/2020
Benefits	$239.0	$103.025	$103.025
Costs	$100.0	$79.25	$100.0
B/C Ratio (Benefits/Costs)	2.39 average	1.3	1.03
Net Benefit (Benefits-Costs)	$139.0	$23.775	$3.025

FHWA Table 2.1 (left) shows how BCR works. Table 2.1 (right) shows what happened as the construction cost increased for the connector from October 2017 to January 2020. If the cost increases and the benefits stay stable—the net benefits decrease and the BCR decreases towards unviability. One has to wonder why the Wiscasset Bypass was cancelled when it yielded almost 6 times the net benefits than the I-395 connector.

"Average annual equivalent values" and "sum of present values" are used in BCR analysis—compare October 2017 BCR and August 2012 BCR (pg.279) analyses. Using the $79.25 million cost from the INFRA grant and the $75,726,400 benefit in Exhibit 5.4 on page 12, would yield an unviable 0.95 BCR. BCR analysis was inferred to be in "Attachment" A, but Appendix A contains no such analysis, so we are at a loss how the BCR was computed.

In simple math, knowing the cost ($79.25 million) and knowing the BCR (1.3); solving for B equals $103.025 million and I contend once the cost exceeds $103.025 million, the project is no longer viable and should be cancelled. It's not as important whether you are using "equivalent values" as the DOT or simplified dollar figures using simple math ratios, **the important fact is that rising labor costs will cause a decrease in BCR—resulting in a decrease in overall net benefits if the benefits remain unchanged. And today, we don't even know what the actual cost is and if the project is even still viable; we deserve to know the project's status immediately. What are they hiding?**

Click here for further information on Benefit-Cost analysis from the FHWA.

January 14, 2020: total project cost is $100 million (maybe).

A clue to the current cost of the I-395/Route 9 connector can be found in the following statement on page v. of the MaineDOT's 2020-2021-2022 Work Plan: **"$25-million INFRA grant** for the I-395/Route 9 Connector, **providing a quarter of the estimated total project cost;"**

- **Cost increased from $79.25 million** in the October 23, 2017 INFRA Grant **to $100 million** by January 14, 2020; a $20.75 million (26.2%) increase in cost over that 26.7 month period—an average increase of 0.98% per month. **The overall 26.2 % cost increase actually appears low when compared to the 46% and 60% cost increases reported by the MaineDOT and the MTA.**
  Note: Since the DOT has chosen non-transparency as their means of public involvement, the dates referenced above are dates with bona fide references and not necessarily when a specific action occurred. Study updates aren't a normal occurrence and real-time facts are virtually non-existent.

- In October, the gridlocked blue-ribbon commission was informed of the $232 million shortfall for road and bridge maintenance—a 46% increase ($73 million) from estimates in March mostly attributed to rising costs of construction—AND—the estimated cost of the Gorham Connector has increased by as much as 60% ($87 million) over the past two years.

The connector's project cost has increased by 26.2% as the DOT/MTA reported increased construction costs of 46% over an eight month period and as much as 60% over a two year period, almost the same two year period as the 26.2% increase in the connector's cost.

Could it be that the cost is as high as $115.705 to $126.8 million with unviable BCR's of 0.81 to 0.89—exceeding the BCR by $12.68 to $23.775 million?

Assuming the benefit remains unchanged from Oct. 2017 when the BCR was 1.3 and the cost was $79.25 million, the resulting benefit is still $103.025 million. The project becomes unviable when the cost exceeds $103.025 million; **this project is only $3 million away from unviability—right now—and that is if the cost is really only $100 million, and the cost may already surpass the benefits. The BCR may already be below 1.0 and thus the I-395 connector is no longer a viable project and must be immediately suspended.**

If you choose to ignore the increases of 46% to 60% that both the DOT/MTA have experienced and would rather use the presumptive 0.98%/month increased cost experienced with the connector from 2017 to 2020, assuming the costs increase at that same rate, **by January 2022 the connector could easily cost $123,520,000.**

The BCR with a projected cost of $123.52 million by January 2022 would be 0.83 and that is unviable—how does the MaineDOT spin that? Will they say that the benefits have also increased when it is a fact that the cost has increased mainly due to construction costs—how would that affect the benefits—wouldn't the benefits remain relatively constant? **I contend that the benefits will not change if the costs consist of mostly labor costs and not something that could affect both cost and benefits, such as the price of fuel.**

The cost in January 2022 may easily double the original $61 million cost referenced in the March 2012 DEIS—with change left over.

Why does MaineDOT continue to promote a controversial project, that doesn't meet the original purpose and needs, when the project may no longer even be viable—when Maine has unmet transportation needs?

Once again—when it comes to the connector—the DOT stonewalls—staying mum even after multiple media reports referencing the work plan's -$232 million shortfall, after letters to the editor published in the BDN and the PPH, nothing—nada, only one mention lately in the report about the $13.5 million Wilson Street/I-395 Bridge replacement. The Turnpike authority went to the media when the Gorham Bypass construction costs had increased by as much as 60% over the past two years, voicing their concerns, arguing in favor of the project and advising how they planned to pay for it. Yet, the MaineDOT stays quiet about the I-395 connector—what are they hiding?

Do we trust the MaineDOT to let us know when the cost makes this project unviable—OR—will the DOT just keep throwing money at a project we do not support? Why are they so willing to promote this one single controversial project when the results will not meet the original purpose and needs?

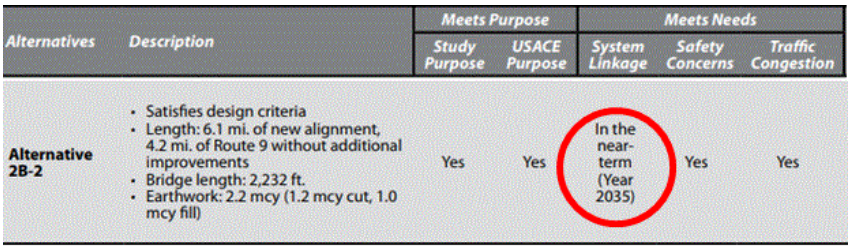
- **What's the total cost and the BCR now in 2020, and the projected cost and BCR at the start of construction in 2021 and commissioning in 2024?**
- **As construction costs increase due to labor costs, is it SOP to disregard the BCR parameter that allowed the project to be initially approved?**

If we were still in the study with such a high a cost and an underwhelming BCR (lower 1.0's), would it still be approved? I contend NO and there should be no difference today. **If the costs are too high and the BCR is no longer viable—this project needs to be revalidated or cancelled immediately before construction starts on the 1st phase of the project: the Wilson Street bridge.**

History of costs from December 2011 to 2020 and to 2022:

$93.24 million on 12.06.2011 per FOAA #000391 and #000392
$<65.0 million on 1.13.2012 per FOAA #000364 ("no greater than $65 M")
$62.19 million on 1.30.2012 per Memo FOAA # 000431 ("reduced by one third")
$61.0 million on 3.07.2012 per the DEIS (s15/s18)
$79.25 million on 10.23.2017 per the INFRA grant application
$100.0 million on 1.14.2020 per the 2020-2022 work plan (26.2% increase)
$115.7 to $126.8 million on 1.14.2020 based on DOT/MTA increases of 46-60%
$123.52 million in two years based on 26.2% cost increase from 2017 to 2020

The DOT has offered no explanation on 2B-2's costs over the history of this study/project. We have been treated to intentional misinformation, outright lies, fuzzy math, months and months of quiet, resulting in a questionable, controversial project with ever-changing needs for $61 million in 2012—that connector has turned into a $100 million boondoggle in 2020.



Alternatives	Description	Meets Purpose		Meets Needs		
		Study Purpose	USACE Purpose	System Linkage	Safety Concerns	Traffic Congestion
Alternative 2B-2	• Satisfies design criteria • Length: 6.1 mi. of new alignment, 4.2 mi. of Route 9 without additional improvements • Bridge length: 2,232 ft. • Earthwork: 2.2 mcy (1.2 mcy cut, 1.0 mcy fill)	Yes	Yes	In the near-term (Year 2035)	Yes	Yes

The I-395/Route 9 Connector is nothing more than a band-aide fix; a near-term project with no long-term benefits, no funding and no plans. Please view the the Draft EIS page 258 of Appendix C and note the highlighted "less than YES" answer under the Meets Needs System Linkage column: "In the near-term (Year 2035)". **Is this alternative worthy of a $100 million expenditure?**

This project does not meet the long-term needs and thus does not provide long-term benefits; the MaineDOT can't have it both ways—in MaineDOT's own words, **this project is a near-term (short-term) project and thus does not meet Governor Mills' Infrastructure Policy to "invest in projects that will show a long-term benefit, versus short-term appearances."**

2B-2 is the ultimate photo-op and nothing more; unplanned and unfunded long-term needs have been punted 20 years into an unknown future for your children to pay for. **If Maine can't afford to fix the roads we already have, how will they afford to rehabilitate this boondoggle twenty years from now?**

It's about time that the MaineDOT comes to the City of Brewer and explain how they plan to pay for this connector when they can't even pay to maintain our existing roads and bridges.

The fact is, actions over the past ten years have given us no reason to trust the MaineDOT and yes, I have lost faith in our government. I believe today's $100 million cost is probably low, and may be more likely as high as $115.705 to $126.8 million using similar cost increases (46% and 60%) that the DOT/MTA have recently experienced.

The DOT cannot keep pouring our limited dollars into this project as the end-cost overwhelms the project's limited benefits.

The Connector somehow survives any serious scrutiny once again:

Commissioner Van Note "struck a dour tone" saying his DOT is "spreading what used to be two years of capital projects over three years…competently managing a slow decline of our transportation system" with the cancellation of 142 essential road and bridge projects—with no mention of the connector.

As "dour" as DOT officials articulate the $232 million annual budget shortfall and the ensuing cancellation of 142 projects, this $100 million connector project somehow survives any serious scrutiny once again…

What was conveniently left out of the Work Plan rollout and the "notable projects" that Van Note discussed was that the **MaineDOT will soon bid the $13.5 million Wilson Street/I-395 bridge project in Brewer, the replacement of a perfectly good bridge considered to be the first phase of the controversial $100 million I-395/Route 9 Connector**, a project that is already partially funded with $57.3 million of limited transportation dollars in this same work plan–that is notable—and Maine deserves the truth. Things cannot be so dour when you are sitting on that kind of money for one single controversial project while 142 other projects go unfunded.

MaineDOT Chief Engineer, Joyce Taylor, in a January 16, 2020 Bangor Daily News article: "She worries such efforts won't last long, noting **big projects**—such as an $85 million planned replacement of the International Bridge in Madawaska using $35 million in federal money [INFRA grant funding]—**can crowd smaller projects out**."

"We have to ask, 'Are we going to lose ground on other projects?'" she said.

How about the $100 million I-395/Route 9 Connector using $25 million in Federal INFRA grant money. **How is it possible that the connector project always seems to be left out of the conversation? What are they hiding?**

The blue-ribbon commission is deadlocked; 142 projects will not be funded; the amount of bridge repairs are reduced; road paving may be downgraded to light paving or patching or nothing at all, as the annual shortfall in the roads and bridge maintenance budget is -$232 million. AND—the governor just gave $10 million of G.O. money to the DOT—when I contend the DOT should be investigated for mismanagement of the state's infrastructure program. **DOT's priority must be the maintenance and repair of our existing roads and bridges, not another north of Augusta bypass-boondoggle.**