

Comments to the Route 9 Connector project 18915.00:

“The Department...is particularly interested in learning local views...and identifying local concerns and issues.”

Our citizen’s i395rt9hardlook.com website is directly based on documentation gleaned from the original MaineDOT I-395/Route 9 Transportation Study website (no longer online). Our website offers a complete record of the study, from the start to the present, with local views, concerns and issues in communications with the MaineDOT, the FHWA, state and federal Inspectors General, the Governor, state and federal Legislators, and in comments to the 2012 DEIS, the 2015 STIP, the 2015 FEIS, the March 2016 BACTS meeting and testimony in support of LD47 and LD 783 in efforts to legislatively remove 2B-2 from further consideration. Representative Verow, Representative O’Connell and Brewer civil servants and elected officials have clearly voiced their views, concerns and issues in council meetings, in the media, at numerous public meetings, and legislative sessions—unanimously enacting resolutions of non-support in 2012, 2013 and 2015. MaineDOT has summarily dismissed the views and concerns of Brewer’s leaders and residents.

The DOT has controlled the conversation by never discussing 2B-2’s documented deficiencies:

Regulations defining the EIS process are too overwhelming for the average citizen to comply with; MaineDOT’s lack of transparency compounded the situation and the DOT used that to their advantage. It wasn’t until after submitting 37 specific comments/questions, to what would become 68 pages in April 2013’s “Responses to Substantive Comments”, that we first heard the word “substantive”. Nearly all of those comments were deemed as “not substantive for comment” by MaineDOT officials who became the judge, jury and executioner—controlling the process and silencing our views, concerns and issues.

You will not find a specific definition of “substantive” in CFR’s (Code of Federal Regulations); that lack of specificity allows agencies to determine solely what is and what is not substantive. The Park Service, unlike the DOT/FHWA, will answer almost every public comment. As an example: “I don’t like 2B-2” would not warrant a comment, yet, “Limited opportunities exist to control access management on this section of Route 9” would have warranted a comment.

The MaineDOT controlled the public’s views, concerns and issues by manipulating DEIS commenting to what the DOT felt comfortable responding to with canned talking points, thus burying the public’s views, concerns and issues in the back of a book that no one will ever read.

What about the MaineDOT/FHWA’s hard look at 2B and Rte. 9 in October 2003 that removed 2B from further consideration for the “potential for new safety concerns and hazards?”

- “This alternative would not be practicable because it would **fail to meet the system linkage need**, and **would fail to adequately address the traffic congestion needs** in the study area. Alternative 2B would use approximately 5 miles of Route 9. **Traffic congestion and conflicting vehicle movements on this section of Route 9 would substantially increase the potential for new safety concerns and hazards.**”

- “Additionally, this alternative would result in: • **substantially greater proximity impacts** (residences within 500 feet of the proposed roadway) **in comparison to Alternative 3EIK-2 (200 residences v. 12 residences).**” [Proximity displacement was abandoned in April 2009.]
- “To meet the need of improved regional system linkage while minimizing impacts to people, **it was determined that an alternative must provide a limited-access connection between I-395 and Route 9 east of Route 46. Alternatives that do not provide a limited access connection to Route 9 east of Route 46 would not be practicable** because that **would not provide a substantial improvement in regional mobility and connectivity** and **would negatively affect people** living along Route 9 in the study area. Alternatives that would connect to Route 9 west of Route 46 **would severely impact local communities** along Route 9 between proposed alternative connection points and Route 46. Alternatives providing a direct connection between I-395 and Route 9 east of Route 46 will provide improved regional connections between the Canadian Maritime Provinces and the Bangor region and reduce traffic on other roadways.”
- “Alternative 2B was dismissed prior to PAC Meeting #16 on January 15, 2003 because it would **inadequately address the system linkage and traffic congestion needs.** This alternative would not be practicable because it would **fail to meet the system linkage need of providing a limited access connection between I-395 and Route 9 east of Route 46.** MDOT projects that the future level of service (LOS) for this section of Route 9 resulting from this alternative would be “D” — LOS D is where traffic starts to break down between stable and unstable flow and can become a safety concern in areas of level topography, vehicle mix, and fluctuating speeds. Future traffic volume (year 2030 no-build average annual daily traffic) would be approximately 8,800 vehicles.”
- “**Limited opportunities exist to control access management on this section of Route 9** from local roads and driveways. There are **ten local roads and 148 existing drives or access points to undeveloped lots.** Assuming 10 trip ends per drive and an equal number of left and right turns, **Alternative 2B’s ability to satisfy the system linkage and traffic congestions needs is questionable.** There are several hundred acres that can be developed along this section of Route 9. Additionally, 200 buildings (residential and commercial) would be located in proximity (within 500 feet) of the proposed roadway.”
- “The **lack of existing access controls and the inability to effectively manage access** along this section of Route 9, and the **number of left turns,** contribute to the **poor LOS and safety concerns,** and the **inability of Alternative 2B to satisfy the system linkage purpose and need effectively.**”

The forewarnings of “**would negatively affect people**” and “**would severely impact local communities**” were included in my comments to the DEIS, yet, the DOT determined it was more important to make believe that 2B-2’s safety issues didn’t exist by claiming they were not substantive instead of addressing the deficiencies head-on and I find that astonishing!!

I will never be convinced that somehow a hardlook at Route 9 was all it took to magically rehabilitate 2B-2 from an alternative meeting only 20% (1 of 5) of the purpose and needs in April 2009, to become the preferred alternative of this project. Nothing has physically changed since 2003 except for the MaineDOT’s “hard-look at Route 9”. **The same access management**

issues still exist with ten local roads and 148 other access points. Why was Route 9 deemed so dangerous in 2003 yet okay in 2020? I questioned that in the DEIS and it was not substantive!

A hard-look cannot erase the documented deficiencies that exist with 2B and 2B-2. The above facts, provided by MaineDOT and FHWA professionals in 2003, soundly removed alternative 2B from consideration. 2B-2 should have never been allowed to be resurrected in September 2003 by the ACOE and local Holden residents against the wishes of both the MaineDOT and the FHWA. Something has always smelled fishy with the 2B-2 selection, leading many of us to believe that 2B-2 was a nod to a few influential individuals outside of Brewer that did not want 3EIK-2, the MaineDOT/FHWA's first preferred alternative from July 2003 to September 2010.

In October 2011, the preferred alternative was downgraded to a two-lane/2-lane ROW with no future expansion to a 4-lane/4 lane ROW as planned, and in December 2011, the FHWA ROW Mgr. (M.H.) advised that the preferred alternative (2B-2) no longer met purpose and needs and further comparison to other alternatives was an apples to oranges comparison because of recent changes in criteria. "Mark is concerned the criteria change to a 2-lane/2-lane ROW of the Preferred Alternative will alter the impacts and prior alternatives analyses is not comparable (apples to apples) as those were done with 4-lanes/4-lane ROW...he questioned the identification of the logical termini." (DOT Project Mgr. J.L.) The FHWA manager's concerns were squashed and the study continued without reconsidering previously removed alternatives under the new criteria. Did the DOT take another look at 3EIK-2 (1st preferred alternative)? NO. Did the DOT take another look at 4B which had widespread support but dismissed for too much cut and fill? NO. A Jan. 2003 email from a PAC/BACTS member to the DOT suggested 4B was more likely cancelled to please the influential people of Holden: "The original 4B route was eliminated by the study team after a series of meetings held outside the PAC with the Town of Holden and some of its more influential citizens..." **There have been too many irregularities in this study and this has been anything but an honest, transparent and fair process.**

"Adding more miles to our transportation system in this current fiscal environment doesn't make financial sense," said Bernhardt, "Our responsibility going forward is to manage our existing infrastructure within our existing budget...We are struggling to maintain the roads and bridges we currently have in safe and serviceable condition...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." This could have been said today about the Route 9 connector, it was said by Commissioner Bernhardt in August 2011 reference the Wiscasset Bypass project.

At a time when Maine can't afford to even maintain the roads we have—with a \$232 million shortfall carried forward in January that cancelled 142 projects and downgraded paving best practices—to the projected \$125 million project shortfall in highway taxes by June of 2021—and the latest report of a \$1.4 billion shortfall in tax revenues over the next three years by the Legislature's Forecast Committee—it's fiscally irresponsible to construct new infrastructure.

Those are my views, concerns and issues—you may not like them and may not agree with them—but that is the way many of us view this project—now some specific questions:

Why hasn't more effort been done to mitigate 2B-2's noise impacts?

15 properties were identified as being impacted by high noise levels from 2B-2; 3 of those properties are within NSA4 where I reside. "Noise barriers were determined to be feasible but not reasonable and therefore will not be constructed." (DEIS) No barrier evaluated was determined to be reasonable because all options considered exceeded the \$31,000 per benefited residence criteria." (ROD) To be reasonable, DOT requires that the barrier cost not exceed \$31,000 per benefited residence, based on a barrier cost of \$31 per square foot in 2012. A benefited residence is one that receives an insertion loss of 7 dB A or greater.

Those of us impacted by high noise levels are apparently expected to just live with it as the state hides behind the regulations with data collected pre-2012-DEIS. Quality of life and property values will be diminished, with no compensation for the loss, and nobody seemingly cares! The failure of the DOT to recognize how these decisions affect impacted residents, and what we perceive as a total lack of empathy, is why many continue to push back. There is a groundless belief that, even though many of us will be impacted by this connector, we will still somehow benefit from the use of the connector and that is complete rubbish. Unless you live on the extreme ends of this connector, you may have to travel further just to gain access to the new connector than to transit as you always have through our existing roads. I would have to travel an extra 4.4 miles to get to the Route 9/46 intersection in Eddington using 2B-2, and thus will never get any use out of the connector—it is unreasonable to think that I somehow still benefit from my impacts.

The first 3 properties on Woodridge Road, impacted by high noise levels, are identified as sites R4-1, R4-2 and R4-3 in NSA4; 670 Eastern Avenue was not part of the study, but obviously needs to be. I would argue that the study's mapping was skewed when attempting to match airborne mapping to existing Brewer Tax maps—mitigation measurements were also skewed and I would argue makes the mitigation effort seem worse than it actual is and a second look needs to be done. Every effort must be taken to mitigate the noise from this connector.

DEIS Exhibit 3.29 indicates a 2,510' length of a barrier system for the 3 sites, benefitting 2 residences—the length of the northern boundaries of properties on Woodridge Road is 710.5' to 1425.1' when considering the first 3 to 5 properties—I do not see the 2,510' length on the tax maps. I believe that mapping inaccuracies were compounded by a lack of understanding of the area and the specific neighborhood.

The \$1,424,546 cost to mitigate that area of 2B-2 seems excessive and also an average 18.3' height seems to not have taken in the below grade of the connector going under Eastern Ave. Even at \$1,424,546 for complete noise barriers—that is only 1.4 % of the \$100+ million project!!

The DOT should go out of their way to minimize the noise of this roadway to those that they impact, not hide behind some regulation from 2012. If the DOT experienced a construction cost increase of 46% in October, from estimates in March 2019, it doesn't take much imagination to state that the \$31 per square foot noise barrier cost in early 2012 is no longer accurate and should be increased to reflect 2020 costs. This should be a no-brainer...

How will construction activities affect our properties?

How does excavating some 40 feet under Eastern Avenue, a few hundred feet away from our neighborhood, affect the aquifer?

How will blasting affect our wells, septic systems and foundations?

How will this be monitored and who will be the liaison to the neighborhood?

How often will water be sampled and tested during construction activities?

Changes in water chemistry should be investigated immediately and bottled water supplied until such time as the water chemistry clears.

Any permanent damage to the aquifer, wells and septic systems should be compensated by the state either paying for city water and sewage hookups to the affected properties or pay for the repair of existing systems, to include foundation cracks.

Is the centerline cable barrier—promised to Senator Collins—still being considered?

When I-95 north of Bangor was an undivided 2-lane road, several accidents occurred in that transition from the divided to the undivided roadway; this issue, now pertaining to 2B-2, was presented to the MaineDOT/FHWA by Carol Woodcock (Bangor Office Mgr.). The advantages of this centerline-cable-barrier system were touted in a 2006 University of Connecticut/University of Maine study examining the “severity of head-on crashes on two-lane rural highways”.

“Larry, I met with David Bernhardt on the project a few weeks ago, and he told me that he has addressed the safety concerns I addressed. It is still a two lane highway but they have added a very tall, cable divider that should make a big difference in the safety.” (C.W. July 2012)

An April 2013 conversation between C. Woodcock, Commissioner Bernhardt and Chief Engineer Sweeney was reported out in an April 8, 2013 email: “I asked about the cable dividers – they are still going to be included – and, yes, no passing.” No, these are not the normal cable barriers on the shoulders of the road; they are on the centerline between the two travel lanes which keeps vehicles from crossing into the opposing lane.

I do not support this project.

Larry Adams