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Cc: Brewer City Council; Brewer City Manager; Councilor Jerry W. Goss; Councilor Joseph Ferris; Councilor Kevin O'Connell; Deputy Mayor Beverly Uhlenhake; Mayor Matthew Vachon; Eddington Board of Selectman and Town Manager; Carol Woodcock / U.S. Senator Susan Collins; Elizabeth Montgomery Schneider MacTaggart / U.S. Senator Angus King; Michael Sinacore (Transportation Aide) U.S. Congressman Bruce Poliquin; Representative Arthur Verow - District #128; Representative Peter Lyford - District #129; Senator Kim Rosen - District #8;

Distinguished members of the JSC on Transportation of the 127th Maine Legislature:

I hope to attend Tuesday morning's work session and I ask once again for your support of LD 47. Attached is my most recent newsletter intended for distribution to my friends, neighbors and fellow impacted private citizens, our elected municipal leaders, our state and federal Legislative Delegation and for the general public on [our website](#). I hope you have the time to digest my previous testimony and what I present today.

MaineDOT's "hard look" hypothesis was brilliant; it was just confusing enough to the public to be easily defensible and after 40+ years of Federal government service, I must admit to having used the same term in the past as it is a key governmentese buzzword. The time dependent "hard look" had a fatal flaw though, as it was also linked to the mere passing of time.

As Commissioner Bernhardt was signing the FEIS on Jan. 12, 2015, MaineDOT's signature talking point and the centerpiece to the selection of 2B-2 was no longer valid to the entire 20 year design life of 2B-2. Project completion after December 31, 2014 will not satisfy the Study System Linkage Need as the project's 20 year design life would exceed the "system linkage need in the near term (before 2035)" criteria based on MaineDOT's Sept. 2010 "hard look at Route 9". 2B-2 will not satisfy near term or long term System Linkage Needs for the period exceeding December 31, 2034 (before 2035). Therefore, 2B-2 does not meet the Study Purpose and Needs for the entire design life of the project and 2B-2 should be immediately removed from further consideration. This "hard look" debate is now neatly placed within a box, any changes to reset the clock or to negate the necessity to meet the system linkage need for the entire 20 year design life is not only illogical but may even be non-compliant with NEPA regulations and would surely bring a uproar from the impacted communities.

It is time to put an end to this study, remove 2B-2 from further consideration, remove the cloud of uncertainty over our heads and either take this study back to the table or directly to NO-BUILD.

You may hear from the MaineDOT, we really meant (to and including 2035) and not (before 2035). That's a plausible argument, except that the numbers would still not work. Do you really think that 6.1 miles of new roadway can be final engineered, funded and constructed within the next 10 months for a ribbon cutting ceremony no later than December 31, 2015? That's exactly what would have to happen, if the near term was extended to include 2035 (Dec. 31, 2035) for a project with a 20 year design life to satisfy the near term System Linkage Need. The numbers simple do not work anymore and no matter how many hard looks you take at Route 9, it will not work.

The FEIS System Linkage Need statement: "Alternative 2B-2/the Preferred Alternative would further the study's purpose and satisfy the system linkage need in the near term (before 2035)." is a statement of fact, in the current document of record. (before 2035) is in fact before December 31, 2034 (period).

System Linkage should never have been redefined to near term and long term and the only reason it was, is that 2B-2 did not fit the study mold, thus the study mold was made to fit 2B-2.

- Any of the 79+ studied alternatives, satisfying the original System Linkage Need, were not defined in near term and long term; they didn't have to be.
- The 5 alternatives, including the first preferred alternative, all meeting 100% of the original Purpose and Needs at the same time 2B-2 only met 20% of Purpose and Needs, were not defined in near term or long term; they didn't have to be.
- 2B-2's System Linkage Need had to be redefined to: "in the near term (before 2035)." In fact any alternative connected to any part of Route 9 in the entire study area would have satisfied System Linkage Need in the near term after the September 2010 "hard look" modified the logical termini definition from "Route 9 east of Route 46" to "the portion of Route 9 in the study area". Another change.

The five alternatives meeting 100% of the original Purpose and Needs wore no freshness labels; they were not time dependent and would remain fresh, even if shelved for a few years pending funding. 2B-2 is not a loaf of bread, yet it does have a freshness label: "(before 2035)"; 2B-2 cannot be approved and simply shelved, as the clock continues to time down and each elapsed day is just one more day that 2B-2 does not meet Purpose and Needs and the days keep adding up into months and beyond.

This study has 3 specific needs: System Linkage, Safety Concerns and Traffic Congestion. Prior MaineDOT documentation from the October 2003 MaineDOT/FHWA/ACOE Technical Memorandum seriously questions all three of the needs with the dismissal of alternative 2B. A "hard look at Route 9" does not and cannot minimize safety hazards and traffic congestion concerns from the existing 148 access points, 10 local roads and all those possible left-hand turns. Nothing has changed on that 4.2 mile section of Route 9 so integral to 2B and now 2B-2; that 4.2 miles of Route 9 is 40.8% of the overall length of 2B-2.

What has changed? We are constantly told that the study and the Purpose and Needs have not changed, another great talking point, however, the System Linkage Need was indeed changed, broken into two distinct components: near term is defined in the FEIS as: "in the near term (before 2035)" or December 31, 2034; long term was not defined in time, but one would easily surmise post (before 2035) starts on January 1, 2035. The original System Linkage Need remains a valid need for this study; the implementation is simply delayed 20 years.

Since we can argue all day, whether or not Safety Concerns and Traffic Congestion Needs are satisfied, I ask you to focus on the System Linkage Need as the facts are not based on opinion; they are based on an unimpeachable source, a calendar.

Perhaps if we go back to the DEIS, the "hard look" may be easier to understand. The original September 2010 "hard look" was reset on Jan. 11, 2012 via a MaineDOT Memorandum for inclusion in the DEIS; that Memorandum provided the study with a 3 year buffer for the completion of the project. For example:

- A project completed on April 3, 2014 would have a 20 year design life to April 3, 2034 and would satisfy the System Linkage Need in the near term (before 2035) or December 31, 2034.
- A project completed on December 14, 2014 would have a 20 year design life to December 14, 2034 and would satisfy the System Linkage Need in the near term (before 2035) or December 31, 2034.
- A project magically completed on March 2, 2015 (earliest signing of ROD) would not satisfy the Study System Linkage Need as the 20 year design life of the project (March 2, 2035) would exceed the "system linkage need in the near term (before 2035)" 12.31.2034 criteria.

- A connector (2B-2) built after December 31, 2014 does not satisfy the Study System Linkage Need as the 20 year design life of the project would exceed the “system linkage need in the near term (before 2035)” 12.31.2034 criteria. It really is that simple. (See pages 3 and 4 of the attached newsletter.) 2B-2 does not satisfy the System Linkage Need of this Study for the entire 20 year design life of the project, no matter how it is defined—yes folks—it really is that easy. Someone or something needs to dismiss this alternative and end this study; if it has to be done via legislation, so be it.

I don't expect the MaineDOT will come forward voluntarily and admit that I am right and end this study by removing 2B-2 from further consideration and since I have already divulged this information to you, there is no chance of a Perry Mason moment; as the oversight of the DOT, whether or not you agree on the premise if this is, or is not the proper avenue for legislation, it is the correct path to the oversight that we desperately seek.

5A2B-2 and 5B2B-2, only included in the FEIS because they “had the data”, also do not satisfy the Study System Linkage Need for the entire 20 year design life and thus all three remaining alternatives should be removed from further consideration immediately. Taking this study to NO-BUILD also releases the notion of penalized funds as NO-BUILD is and always was supposed to be a valid study outcome.

I've presented the facts, in MaineDOT's own words, and must ask the members of the JSC on Transportation: should we, the citizenry of the state of Maine, approve the expenditure of \$12.2 million of our state's scare transportation dollars (20% share) on an deficient alternative (2B-2) that does not satisfy Purpose and Needs for the entire 20 year design life of the roadway; an alternative (2B-2) that has documented long term System Linkage Needs that will become due at the start of 2035 at the cost of tens of millions of dollars, while downright ignoring Route 9 safety concerns well documented by MaineDOT and FHWA transportation professionals in October 2003? You know my answer.

IF you are currently on the fence and need one more reason to either doubt the Study's outcome or doubt my opinion of the outcome of this Study, you have only to look at FOAA documents, the FEIS-stated-cost and the FEIS-stated-design presented in my written testimony. FOAA #0391/0392/0431 reveal that the FEIS-stated cost and the FEIS-stated design criteria do not match each other—either the cost is false or the design is false and that cannot stand. If you can prove one falsehood, you should have every expectation that more exist. Not only is the FEIS based on a misrepresentation of facts, the 2B-2/preferred alternative does not satisfy Purpose and Needs for the entire 20 year design life of the project.

I thank you for the opportunity to provide testimony to your committee and continue addressing the issues via email and another newsletter. I ask you to take the time to look at what I've testified to and ask the necessary questions to get to the bottom of this issue. Building a road without addressing all the public's concerns first is not how this process is supposed to work. This Study should be taken immediately to No-Build as No-build is a valid outcome for this study and will not produce monetary penalties as some fear this legislation will. I ask once again for your support of LD 47.

I have expressed these same concerns in a letter to Senator Susan Collins, Senator Angus King and Congressman Bruce Poliquin mailed February 12, a copy has been forwarded to your committee.

Thank you for the job you do for the citizens of the great state of Maine.

Sincerely, Larry Adams