

-\$32.24 million disparity in the FEIS-stated-cost of alternative 2B-2:

MaineDOT Interagency Meeting
October 11, 2011

"Roadway is designed to freeway criteria – 70 mph design speed, posted for 55 mph."

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)

This meeting was chaired by:
Bill Plumpton of Gannett Fleming

<http://www.i395-rt9-study.com/Pubs/EIS%2010-11-11c.pdf>

<http://www.i395-rt9-study.com/Pubs/EIS%2010-11-11c.pdf>

→ 2B-2 "designed to freeway criteria": \$90M - Oct. 11th 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#000392 is the attachment to FOAA #000391 on page 2.

"This cost estimate for the build alternatives was prepared using the DOT's freeway criteria."

<http://i395rt9hardlook.com/emails-documents-and-articles-oh-my/foaa-discoveries/>

→ 2B-2 "prepared using the DOT's freeway criteria": \$93,240,000.00 - Dec. 6th 2011

FOAA # 000431 (page 3) *"...designed...using MaineDOT's criteria for freeways."
"...latest estimate...dated December 2011 ... approximately \$93 million for Alternative 2B-2..."*

→ 2B-2 "designed using MaineDOT's freeway criteria": approximately \$93M - Jan. 30th 2012

FEIS-stated-cost and FEIS-stated-design criteria:

NOTE: The "current document of record" is the FEIS, thus it has to be is 100% accurate, honest and true.

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.

2.3.2 Alternative 2B-2

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. http://www.i395-rt9-study.com/Pubs/FEIS_Chap2.pdf (page 27 and 36)

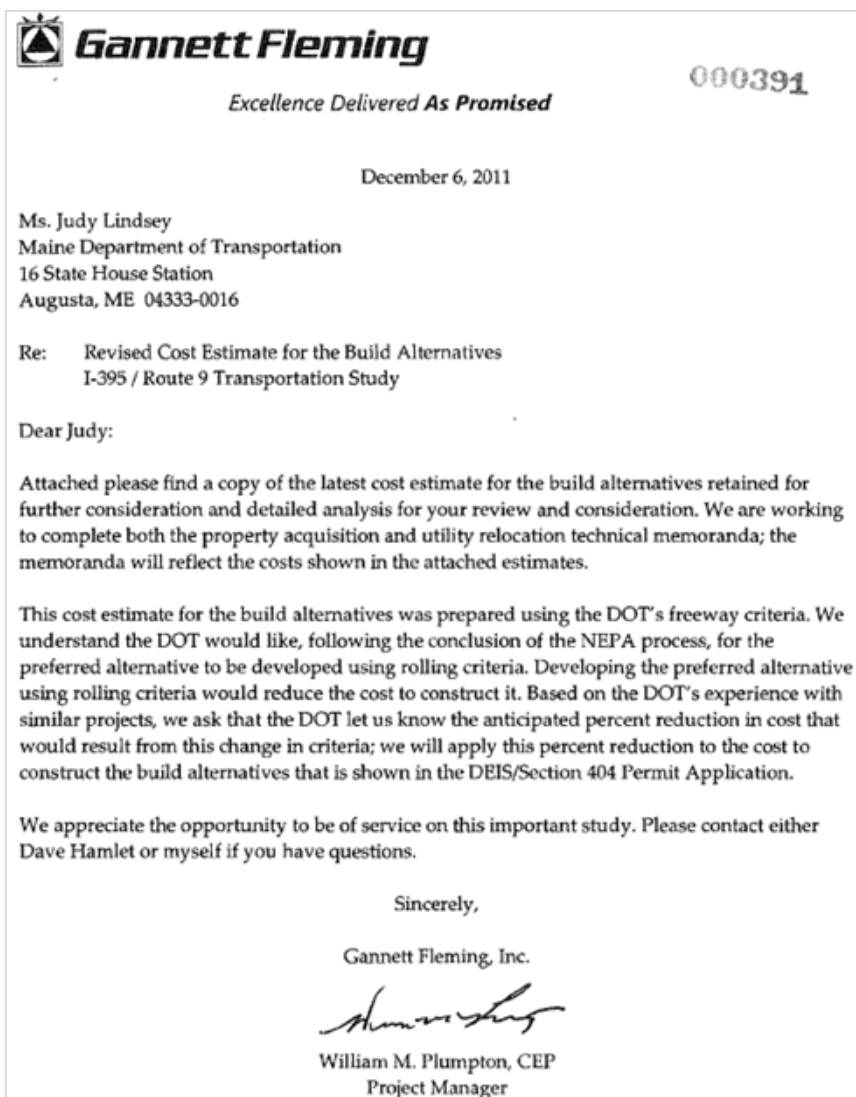
→ 2B-2 "designed using MaineDOT design criteria for freeways": \$61 million - Jan. 2015

A reduced FEIS-stated-cost that does not match the FEIS-stated-design criteria and in fact is based on a future design change only applicable to 2B-2 and only “following the conclusion of the NEPA process”:

The FEIS-stated construction cost of \$61 million is based on a future design change to rolling criteria not the FEIS-stated “*MaineDOT design criteria for freeways.*” Now how can that be? **The cost in the FEIS does not match the design criteria in the FEIS.**

- 2B-2’s cost has been misrepresented for the past 3 years, making 2B-2 appear to be more reasonably priced than it is, by \$32.24 million; a great talking point as there can be no other rational explanation and is extremely unfair to the impacted communities who only seek fairness and honesty in the process.
- **Knowingly making a false entry in a government document, with the intent that it be taken as a genuine part of information is in violation of the following Maine State Statute:** <http://www.mainelegislature.org/legis/statutes/17-A/title17-Asec456.html>

FOAA #000391, a future downgrade in design criteria only to 2B-2:



“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.”

“...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.”

FOAA #000431, a 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*”:

000431

MaineDOT

Memo

To: I-395/Route 9 Transportation Study Project File
From: Ken Sweeney, P. E. - Chief Engineer *KS*
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

000364

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 interpret the language consider the same as require.

That’s all I recall

Thanks

ken

FOAA #000364
2B-2 guesstimate:

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

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