



Memorandum of Meeting

Date: March 15, 2006

Time: 5:30 p.m. to 8:30 p.m.

Location: Millsboro Fire Hall Millsboro, DE.

Topic: **Millsboro-South Area Working Group Meeting No. 12**

Attendees: See Attached

Bob Kramer called the meeting to order at 5:45 p.m. Mr. Kramer thanked the working group members for their attendance and asked them to add Livable Delaware to tonight's agenda included in the notebook materials.

Mr. Kramer then introduced Monroe Hite III to review the purpose of the meeting and general status of the project. Mr. Hite reminded the working group members that updated notebook materials have been distributed, including tonight's agenda and presentation and revised maps for the east bypass alternatives. Mr. Hite then indicated that the purpose of tonight's meeting is to provide a brief overview of the DeIDOT real estate process, present a traffic analysis update, update the status of Livable Delaware and review alternative shifts and impact matrix items.

Mr. Hite then introduced Charles Jones to provide an overview of DeIDOT's real estate process and compensation for private property impacts. Mr. Jones mentioned that each of the working group members has been provided with two brochures and a booklet with information about right-of-way acquisition and the relocation assistance program. Mr. Jones explained that the process used by a government agency, such as DeIDOT, to purchase real estate can be different than the traditional approach. He indicated that for all acquisitions where the appraised value is less than \$10,000 (with some exceptions up to \$25,000), the settlement is similar to a private transaction. For acquisitions of property with an assessed value greater than \$10,000, DeIDOT must follow a standard procedure. He mentioned that approximately 16 years ago, DeIDOT implemented a policy to provide for advanced acquisition. For projects similar to US 113, where a preferred alternative will be chosen well in advance of design and construction, the owners of impacted properties are given an opportunity to submit a letter requesting advanced acquisition. He described the timeframe and process for partial and total acquisitions, which may include notification, appraisal, and negotiation. He stressed that DeIDOT is required by federal law to offer fair market value and just compensation as determined by qualified, licensed independent appraisers.



Mr. Jones then elaborated on his experience with the condemnation process if DelDOT and the property owner cannot reach an agreement. Mr. Jones replied that he has not been involved in any condemnation hearings in his 15 years with the department. Mr. Jones then asked Nancy Carney, a DelDOT real estate representative, if she had been involved with any condemnation hearings. Ms. Carney recalled one hearing during her 17-year tenure with DelDOT.

Mr. Kramer then reminded the working group to let project team members know if they need extra copies of the right-of-way information to forward to friends or neighbors with questions.

Mr. Kramer then mentioned that the traffic analysis presentation tonight is geared towards answering some of the questions raised at the last working group meeting and traffic sub-committee meeting on January 25, 2006. Mr. Kramer mentioned that there was a lot of information presented at those meetings and many issues that seemed to be unresolved. Mr. Kramer then introduced Scott Thompson-Graves to update the working group on the status of the traffic analysis.

Mr. Thompson-Graves began his presentation discussing some basic aspects of traffic analysis and the distinction between a planning level and traffic operations level analysis. Mr. Kramer clarified for the working group that the planning level analysis is what has been presented up to this point. Mr. Kramer further clarified that the traffic operations analysis will provide information that is more relevant to local traffic impact, which seems to be a significant issue for the working group. Mr. Thompson-Graves continued his presentation providing specific examples of the results of a traffic operations analysis at some intersections in Millsboro. One example shown in the presentation compared travel times along SR 26 from US 113 to SR 20. Mr. Kramer clarified the times are based on peak hour traffic volumes.

Mr. Roger Marino questioned the use of the base year of 2003 in the analysis. He stated that traffic volumes and patterns have changed significantly since 2003. Mr. Thompson-Graves indicated the base year of 2003 is determined by DelDOT and used to replicate existing conditions for that year. He also said that due to the amount of time and effort required to calibrate the model, it is not realistic to expect to adjust the base year annually. It was explained that land use changes that have taken place since the aerial photos were taken have been included in the data base. Mr. Thompson-Graves also mentioned that all forecasts are based on data provided by the University of Delaware Population Consortium.

Mr. Kramer then mentioned that the base year is used as a way of calibrating the model for that year and then projections are made to the future year 2030. He further stated that DelDOT has real-time traffic data that is continuously collected to ensure that the calibration is correct. Mr. Kramer then stated that growth rates (development, population, traffic, etc.) are typically not linear. He said there may be a period, such as



now, when there is a spike and the growth rate is significantly higher than what is projected for the longer projection period; however, the subsequent changes in growth rates between now and the future year, 25-30 years away, are expected to even out.

Mr. Richard Kautz asked a question about one of the presentation graphics depicting two levels of service at the intersection of State Street and Main Street. Mr. Thompson-Graves indicated that the traffic operations analysis provides a level of service for each signalized intersection although in this case the intersections essentially operate as one.

Mr. Jim Bennett asked how far beyond the US 113 corridor does the model analyze. He further stated that society could change dramatically in 30 years and changes in surrounding counties could significantly affect development and traffic patterns. Mr. Thompson-Graves mentioned that the model includes the whole state of Delaware and the eastern shore. Mr. Monroe Hite then asked the working group members to refer to notebook materials from previous meetings regarding details about the traffic model.

Mr. John Mitchell then noted that the graphics on slide 25 show what basically amounts to a 50% increase in traffic in 2030 compared to 2003. He asked if any consideration has been given to using multiple models to forecast the traffic growth. Mr. Mitchell used the analogy of weather forecasting using multiple models to obtain a single result. Mr. Kramer reiterated that the traffic model is calibrated accurately to depict traffic conditions for the base year, which in this case is 2003. Due to the time and effort required to calibrate the model, it is considered an acceptable standard and using multiple models is not an option. Mr. Kramer further stated that the projections are based on the amount of growth anticipated by 2030; growth is based on cycles and may happen sooner or later.

Mr. Marino stated that he thinks that the 2030 projections used in the model are probably 10 years off. He expects that traffic growth will reach that level by 2020 and expressed concern that we will have to re-visit the process if that is true.

Mr. Kramer indicated that if the plan is based on growth projected in 2030 that happens in 2020, then the improvements will be built sooner. He also said the effort put forth now to determine a preferred alternative will not be lost if growth happens sooner.

Mr. Jeff Riegner reminded the working group that the study is not being undertaken to design and build an alternative that will accommodate the 2030 traffic and begin to fail in 2031. Mr. Riegner also stated that if the projected growth in traffic indicates that we will need three and a half lanes, then we will plan for or build four. Citing the SR 1 project as an example, there is typically enough right-of-way reserved to provide for future expansion if necessary.



Mr. Thompson-Graves also stated that if traffic growth indicates that the need occurs sooner than originally anticipated, then it will be addressed in the analysis to determine what the 2030 needs will be.

Mr. Mike Simmons also stated that future expansion can be addressed during the design stage of a project. He mentioned that a bridge can be designed to include a wider substructure to accommodate expansion, which was done along SR 1. Mr. Simmons also referred to providing a wider median that may ultimately be replaced by some type of barrier as lanes are needed for expansion. Mr. Simmons said that once the big piece is on the ground it's easier to expand.

Mr. Hite then mentioned that traffic is just one factor being used to determine the preferred alternative. He asked the working group to keep in mind there are a number of other factors to consider.

Mr. Lynn Bullock then asked how long the traffic was counted to establish the base year and how did the project team arrive at an hourly rate. Mr. Thompson-Graves stated that DelDOT has count stations throughout the state that operate continuously, 24 hours per day 365 days per year.

Mr. Kramer reminded the working group that the information presented tonight is preparing them for a lot more info in the coming months. Mr. Kramer then introduced Mr. Jeff Riegner to provide an update on the status of Livable Delaware.

Mr. Riegner stated that the project team met with representatives from Sussex County, The Office of State Planning Coordination, Millsboro, Dagsboro, Frankford and Selbyville on March 8, 2006 to discuss a qualitative measure of how the US 113 alternatives fit into Livable Delaware. He reviewed the results of that meeting and how the alternatives were rated.

Mr. Jim Bennett asked how far from an interchange is growth considered. He clarified that if an interchange is within a planned growth area but initiates growth into an unplanned growth area, is that considered to be poor. Mr. Riegner stated there's no hard and fast rule for determining exactly how growth will occur surrounding a particular interchange or alternative. He also stated that DelDOT can't assume that local governments will control land use to stop development in areas of unplanned growth. Mr. Riegner mentioned that is why it is important to discuss this issue with the appropriate agencies that have jurisdiction over development approval.

Mr. Bennett indicated his concern about local control of development and how the placement of an interchange may invite development changes.



Mr. Riegner, citing an example of an interchange shown along one of the east bypass alternatives, demonstrated how an interchange located farther from a growth area is considered less desirable.

An attendee from the public raised a question about future development creating pressure for new interchanges not originally anticipated by the plan. Mr. Riegner referred to SR 1 and how development along US 13 has brought up that issue. Mr. Kramer also stated that community pressure will always be an issue. Mr. Kramer indicated that without community involvement, things do not change. He mentioned that community willpower influences the elected officials who make the decisions about whether money will be spent to build a new interchange.

Mr. Bill Pfaff questioned the status of current comprehensive plans in the state. Mr. Riegner indicated that the state's policies and strategies are updated every five years and were last updated in 2004. Mr. Riegner also stated that every local comprehensive plan in the state needs to be consistent with state strategies. Mr. Kramer reminded the working group that similar to traffic, Livable Delaware is just one factor involved in this process.

Mr. Josh Thompson stated that it appears the best location for a proposed alignment is along the edge of a level 3 area. He asked if it is simple enough to adjust the alternatives to follow that scheme. Mr. Riegner indicated that there are several other constraints such as wetlands and cultural resources that would prohibit that approach. Mr. Thompson asked if the same constraints apply to development. Mr. Riegner said that development does not have to follow the same constraints because they are not bound by the requirements DelDOT needs to adhere to in order to obtain federal funds and permits. Mr. Riegner stated, for example, that a developer is free to remove a historical structure from his/her property for the purpose of development.

Mr. Richard Kautz asked about relocating the proposed interchange at SR 26 along the green alternative to improve its status under Livable Delaware. Mr. Riegner said that is a good example of slight changes that can be made to improve an alternative.

Mr. Hite then reminded the working group that this part of the presentation is intended to give the working group members an opportunity to provide feedback on the topic. He also stated that determining the relationship of a particular alternative to Livable Delaware is not an exact calculation.

Mr. Lynn Bullock asked if it is assumed that all alternatives except yellow are viewed as acceptable for emergency vehicle access. Mr. Riegner replied that typically for the bypass alternatives local access is not affected and therefore not expected to have much impact on emergency vehicles. Mr. Kramer stated it is not assumed there will be no



Emergency services impacts from the bypass alternatives, but rather the agencies consider the yellow alternative as having more negative impacts.

Mr. Bullock referred to the current designated evacuation routes (SR 36 and SR 54) and expressed concern about the ability of those routes to handle the traffic in the event of an emergency. He also asked if the proposed US 113 alternative will be classified as an evacuation route. Mr. Jim Bennett said it might serve as an adequate route for certain segments along the bypass alternatives but create a bottleneck where it connects back to the existing route. Mr. Riegner stated the US 113 improvements are not being constructed for evacuation purposes. Mr. Hite also mentioned that DelDOT is currently evaluating the existing evacuation routes in response to recent domestic disasters.

Mr. Roger Marino asked if the relocation assistance program addresses emergency service facilities that may need to be relocated or constructed to serve the new roadways. Mr. Hite indicated that the principle of relocation is intended for residential or commercial properties directly impacted by a proposed alternative. He said if an existing emergency service building is not directly impacted, the relocation program does not provide assistance for the purpose of allowing better service.

Mr. Kramer indicated that he would like to continue on to the next topic, but the issue of evacuation and emergency service will be open for discussion at another time. Mr. Kramer then introduced Mr. Karl Kratzer to update the status of the wetland assessments.

Mr. Kratzer mentioned that a field view was conducted March 7 and 8 with the Army Corps of Engineers and various other agencies to review the locations of wetlands throughout the project area. Mr. Kratzer stated that a majority of the necessary field work is now complete and that is attributable to the fact that the agencies confirmed that the use of GIS information is valid for the study.

An attendee from the public asked how accurate were the original assessments according to what was seen during the field view. Mr. Kratzer indicated that the major differences occurred in flatter areas where it's difficult to assess from the GIS data. Mr. Kratzer also mentioned that many areas have changed due to the construction of tax ditches.

Mr. Jim Bennett indicated that there has been a dry period in this area since last summer and asked if that would affect the ability to accurately classify a wetland. Mr. Kratzer indicated that there are three main factors used to determine if a wetland exists: vegetation, soil and hydrology. Mr. Kratzer said that if a dry period affected the vegetation and hydrology, the soil data will still provide enough information to determine if the wetland exists.



Mr. Kramer then introduced Mr. Wade Catts to discuss cultural resource impacts. Mr. Catts stated that a field view was conducted on March 9, 2006 with the Delaware State Historic Preservation Office (SHPO) to review the properties that the project team has determined to be potentially eligible. Mr. Catts reiterated that the field view was just one step in the process of getting concurrence from SHPO. Mr. Catts also stated that there is still further historical research needed to complete the process. Mr. Catts presented some of the findings from the field view and where some alternatives have direct and indirect impacts to the potentially eligible resources. Mr. Riegner indicated that the Dukes Farm, which is directly impacted by both the purple and green alternative, is slated for development.

Mr. Kramer then introduced Mr. Joe Wutka to discuss alignment shifts along the east bypass alternatives. As he reviewed the shifts, Mr. Wutka reminded the working group that new maps showing the changes are included in the notebook materials. Mr. Jim Bennett asked if the previous versions of the plans are obsolete. Mr. Wutka said the previous plans can be disposed of and Mr. Kramer pointed out that applies only to the east bypass alternatives. Mr. Kramer stated there have been no changes to the west bypass alternatives and the previous maps are current.

Mr. Kramer then discussed the next steps in the process as we move toward selecting a preferred alternative in early 2007. Mr. Kramer also stated that the next working group meeting is tentatively scheduled for Wednesday, May 17, 2006 at 5:30 pm. Mr. John Mitchell mentioned that approximately half of the working group members are in attendance tonight and asked about the possibility of scheduling a meeting during the day. Mr. Hite said the option is being explored, but will not be considered for the May 17 meeting. Mr. Hite said the project team will continue to discuss the matter and determine if it is feasible. Mr. Bennett also asked about the possibility of a breakfast meeting.

Mr. Kramer reminded the working group that as the project team continues the process of refining the alternatives there will be more information to present. Mr. Kramer adjourned the meeting at 7:56 pm.

Working group members in attendance:

Bennett, Jim
Bullock, Lynn
Daisey, Robert
Kautz, Richard
Marino, Roger

McComas, Pamela
Mitchell, John
Norwood, James T.
Parker, Clifton
Pfaff, Bill

Taylor, Gary
Thompson, Josh
Thoroughgood, John
Warrington, Michael

Members of the public in attendance:

Chris Bason – Delaware Center for the Inland Bays
R. Smith - Self