

Airmont
Questions and Concerns as to 301 Project

1. Berm Size
(as to Airmont's Berm)

- Airmont's continued request that the berm:
 - (a) be 16' high;
 - (b) run the entire length of the neighborhood
- Residents that back-up to 301 will take the brunt of the impact from 301.
- There will be no protection from noise that comes out of the top of tractor trailers/dump trucks.
- 16' berm would provide complete visual screening.
- DelDOT's only explanation as to why not the 16' berm is that it would be too expensive. When asked what that cost is, DelDOT did not know and has not provided an answer. Furthermore, DelDOT has to realize that not all costs are measure in monetary terms (i.e., visual screening, noise abatement, etc.).
- DelDOT should be required to build a berm along Airmont that is at least 16' high and will run the entire length of the community.

Background:

- DelDOT originally proposed Airmont's berm to be 6' x 1670'.
- Airmont in response requested 16' berm and for entire length of community
- Airmont's State Senator Hall-Long, Rep. Becky Walker, and NCC Councilman Bill Bell all provided written support to DelDOT as to Airmont's requested berm size of 16'.
- At the 2011 workshop between Airmont and DelDOT, DelDOT proposed refined berm for Airmont, which was 12' x 2000'.
- At this workshop, Airmont's residents asked Bill Hellerman of DelDOT why not 16' and he replied too expensive. Residents asked Bill Hellerman to quantify what too expensive means. He said he would let the community know the cost. DelDOT never provided such a cost.
- In DelDOT's amended 2011 NEPA report, DelDOT states that the berm for Airmont "...will run the **entire length** of the neighborhood." DelDOT's drawings to date, however, do not reflect such a commitment.

<p>2. Berm Cost (as to Airmont)</p>	<p>- Provide the estimate of additional cost to increase Airmont's berm size from 12' to 16'.</p>
<p>3. Berm Cost (as to Southridge now called Spring Arbor)</p>	<p>- Provide the estimate of additional cost to increase Spring Arbor's berm size from 10' to 16'.</p>
<p>4. Berm Construction</p>	<p>- Airmont requests that the berm be built prior to start of construction of 301.</p>
<p>5. Fees/Expenses Paid to Date to Kramer & Associates, Inc.</p>	<p>- Provide total amount of fees/expenses paid by, or for the benefit of DeIDOT, to Kramer & Associates, Inc. with respect to 301 Project.</p>
<p>6. Fenceline/Vegetation along 301 (by Airmont)</p>	<p>- For the fenceline, where will it be located, what material, etc. - For the vegetation, what is the plan.</p>
<p>7. Airmont Drive Closure</p>	<p>(1) What type of barrier will be used by DeIDOT to close Airmont Drive?</p> <p>(2) Airmont requests a permanent barrier that will prevent cars/trucks from circumventing, but a barrier in which police/fire/rescue can still utilize.</p> <p>(3) Perhaps, an access fence that DeIDOT utilizes on I-95 to allow its trucks to get on/off I-95.</p> <p><u>Background:</u></p> <p>- Airmont Drive was closed during the Hyetts/412A project.</p> <p>- Initially DeIDOT used plastic barrels as the barrier to close the exit.</p> <p>- Resulting complaints, damage to residents' property, and safety issues arose from use of plastic barriers.</p>

	<ul style="list-style-type: none"> - NCC Police requested more permanent barriers. - DelDOT, in response, put down concrete barriers.
<p>8. Construction Noise/Schedule (NEPA Issue)</p>	<ul style="list-style-type: none"> -NEPA <u>requires</u> all proposed highway projects to evaluate and fully consider such adverse impacts <u>due to construction noise.</u> -In accordance with Bond Bill epilogue language, and the applicable sections of the Delaware Code and New Castle County Code, the construction for the 301 Project is limited to only weekday daylight hours. - In the original ROD, DelDOT’s commitment was to only work during weekday daylight hours. - Nov. 2011 amended report, DelDOT advised that it would not honor this ROD commitment and may work 24 hours on the project. - 100% of the responding residents from Airmont do not consent to this extended period of work hours. -Therefore: <ul style="list-style-type: none"> (a) DelDOT <u>can not</u> proceed with its proposed extended hours, as it relates to any project that is near and/or impact Airmont; (b) DelDOT <u>can only work</u> daylight hours on weekdays for the duration of the 301 project, as it relates to the Airmont Community; and, (c) Regardless of the time of day of construction, DelDOT is left with its burden obtain the necessary waiver prior to commencing the work and to permit the work that would otherwise violate any applicable noise ordinance of New Castle County. -DelDOT has failed to address these concerns and requirements in any of their reports. -DelDOT is obligated to update the reports with such concerns and requirements, and update any applicable EIS or reevaluations. -As to Airmont, we require that DelDOT adhere to the ROD commitment to limit construction to

	<p>weekdays and only daylight hours for those weekdays.</p> <p>- Airmont does not consent to any work that is not done on a weekday and during daylight hours on that weekday.</p>
9. Relocation Policy(ies)/ Procedures During Construction	- DelDOT needs to explain to Airmont their relocation policy(ies)/procedures during construction time period.
10. Relocation of NB Rt. 13 Ramp To Rt. 1 Bridge	<p>- Confirm that this relocated entry point will be toll free.</p> <p><u>Background:</u></p> <p>- Proposed Relocation of NB Rt. 13 ramp to Rt. 1 bridge to Port Penn Road.</p>
11. Refinement to location of 301: Choosing Bogg Turtle Over Health and Safety of Airmont's Residents (NEPA Issue)	<p>- DelDOT chose the <i>sacred</i> Bogg Turtles over the <i>safety</i> and <i>health</i> of Airmont's residents.</p> <p>-DelDOT failed to adequately incorporate the required information for the legislators and Federal Gov't to make an objective and sound decision. (see other NEPA issues referenced herein)</p> <p>- The location of 301 is entirely too close to Airmont's impacted residents.</p> <p>- Due to lack of information provided by DelDOT in their reports, the legislators chose a path that provides a safe habitat for the Bogg Turtles, but at the expense of the health and safety of Airmont's residents (as well as the children at the impacted schools).</p> <p>- If the planning was performed correctly, both of these goals could have been easily satisfied.</p> <p>- 301 needs to be pushed out further away from the neighborhood to ensure the health and safety of Airmont's residents (as well as the children at the impacted schools).</p>
12. Total Estimated Cost for Entire 301 Project	-Provide estimated total cost for 301 project

<p>13. Air Quality (lung ailments/Airmont) (NEPA Issue)</p>	<ul style="list-style-type: none"> -Research has found that residents within close proximity to proposed highways have 40% change of developing lung ailments. -DeIDOT's reports fail to advise of impacts. -DeIDOT's reports fail to even acknowledge this risk. - DeIDOT has a duty to adequately explain any and all risks to the residents of Delaware, especially those that are directly impacted. Only with this disclosure, will it allow the residents and legislators to make an informed decision as to certain aspects of the 301 project, and the project in general. -For example, for almost the entire 301 proposed route, as to air quality, DeIDOT reports no impacts. -DeIDOT's will need to update reports to adequately explain all known risks, and related mitigation efforts to impacted residents and legislators. -DeIDOT will need to prepare and file a supplemental EIS.
<p>14. Air Quality (lung ailments/Schools) (NEPA Issue)</p>	<ul style="list-style-type: none"> -NEPA <u>requires</u> all proposed highway projects to evaluate and fully consider such adverse impacts. -DeIDOT's filed reports fail to address ANY impacts that are associated with the potential risk of lung ailments upon the school children/staff at the impacted schools. -DeIDOT failed to acknowledge, address, and adequately explain the risk of lung ailments to school administrators, students and parents of students (at Appoq./St. George's Vo-Tech schools). -Indeed, DeIDOT failed to even address any risk in their reports, as to impacted schools. -DeIDOT will need to update reports to advise of the risk of lung ailments to school administrators, students, and parents of students. -DeIDOT will need to prepare and file a supplemental EIS.

<p>15. Air Quality (impact upon Rt.1/95 and NB Rt. 13 residents) (NEPA Issue)</p>	<ul style="list-style-type: none"> - NEPA <u>requires</u> all proposed highway projects to evaluate and fully consider such adverse impacts. -DelDOT's filed reports fail to address ANY impacts that are associated with the potential risk of lung ailments upon the residents of NB Rt. 13 residents that will be exposed to the increase traffic from 301. -DelDOT's reports fail to address any impact of increased truck traffic that 301 will create upon the Rt. 1/95 and NB Rt. 13 impacted residents. - DelDOT failed to even address any risk to these residents. - DelDOT will need to update their reports to advise of the risk of lung ailments to these impacted residents. -DelDOT failed to acknowledge, address, and adequately explain the risk of lung ailments to these impacted residents. -DelDOT will need to update reports to advise of their findings as to these risks. -DelDOT will need to prepare and file a supplemental EIS.
<p>16. Air Quality (2012 American Lung Association's State of the Air Study) (NEPA Issue)</p>	<ul style="list-style-type: none"> -In 2012, the ALA issued its study as to air quality in our region. -Middletown was rated ALA's lowest rating of an "F". - There is nothing in DelDOT's reports as to ALA's findings, nor do these reports include any mitigation to offset the expected impacts from 301. -DelDOT failed to even state what the current level of air quality is in our region. -DelDOT failed to offer any mitigation efforts to increase the air quality.

	<p>-Additional traffic will only make air quality worse, and most definitely not any better.</p> <p>-NEPA requires all proposed highway projects to evaluate and fully consider such adverse impacts. As such, DeIDOT will need to conduct the additional and necessary air quality studies that will accurately demonstrate to the community the associated risks, and the impact upon air quality in our region.</p>
<p>17. Impact Upon Businesses (NEPA Issue)</p>	<p>-NEPA requires all proposed highway projects to evaluate and fully consider such adverse impacts <u>to businesses and farms.</u></p> <p>-DeIDOT's reports fail to address any impact upon local businesses.</p> <p>-DeIDOT is obligated to prepare a detailed report of the expected/potential impact upon businesses and farms, and the related effect upon the impacted residents.</p> <p>-DeIDOT has failed to address and nor does DeIDOT offer any plan to mitigate any adverse impacts upon already existing Rt. 301 businesses.</p> <p>- A failure of any business along the 301 corridor due to the impact of the project will have a negative impact upon the corresponding communities and Middletown.</p> <p>-DeIDOT needs to adequately educate the residents and business owners of such risks.</p> <p>-DeIDOT will need to prepare a supplemental EIS.</p> <p><u>Background:</u> Prior to Rt. 1 in Dover, traffic was always heavy on weekends through business district on Rt. 13/Rt. 113 Dover area.</p> <p>-After Rt. 1 in Dover, this traffic was diverted around the business district and the businesses suffered substantial loss in revenue.</p> <p>-Businesses along 301 have invested substantial funds in these businesses, and should be made aware of any possible negative impacts upon their business.</p>

	-DeIDOT does not address any of these impacts, nor do they offer any mitigation or related information.
18. Impact Upon Property Values (NEPA Issue)	<p>-NEPA <u>requires</u> all proposed highway projects to evaluate the costs of eliminating or minimizing such adverse <u>effects to property value losses</u>.</p> <p>-DeIDOT failed to address in any of their reports.</p> <p>-DeIDOT is obligated to prepare a real property value loss estimate for all of the impacted residents.</p> <p>-DeIDOT will need to prepare a supplemental EIS.</p> <p><u>Background:</u> Realtor research has found that:</p> <ul style="list-style-type: none"> (a) there would be a definite loss of value due to the close proximity of a highway; (b) there is the potential of loss of value due to loss of privacy due to new highway; (c) there would be difficulty in selling the property due to close proximity of a highway; (d) there would be increased time on market, which will only increase the likelihood of price reductions.
19. Construction Noise (NEPA Issue)	<p>-NEPA <u>requires</u> all proposed highway projects to evaluate and fully consider such adverse <u>effects due to construction noise</u>.</p> <p>-DeIDOT failed to address in any of their reports.</p> <p>-DeIDOT is obligated to prepare a detailed report of the expected/potential construction noise, and the effect upon the impacted residents.</p> <p>-DeIDOT will need to prepare a supplemental EIS.</p>

<p>20. Construction Noise (Location of Construction Workers)</p>	<p>-The previous construction of St. George's Vo-Tech resulted in substantial number of complaints from Airmont's residents of contractors parking on residents' property.</p> <p>-Although previously requested, DeIDOT has not advised of any plans with respect to where contractors will park their personal and work vehicles/equipment.</p> <p>-DeIDOT needs to develop a plan and require/direct that contractors' employees are parked sufficiently away from any property owned by an Airmont's resident.</p> <p><u>Background:</u></p> <p>-At the August 24, 2011 meeting between Airmont's residents and DeIDOT, DeIDOT advised that the construction documents do not direct contractor's employees where to park.</p>
<p>21. Desirable Community (NEPA Issue)</p>	<p>-NEPA <u>requires</u> all proposed highway projects to evaluate and fully consider such adverse <u>effects due to disruption of desirable community.</u></p> <p>-DeIDOT failed to address in any of their reports.</p> <p>-DeIDOT is obligated to prepare a detailed report of the expected/potential disruption of desirable community, and the effect upon the impacted residents.</p> <p>-DeIDOT will need to prepare a supplemental EIS.</p>
<p>22. Water Pollution (NEPA Issue)</p>	<p>-NEPA <u>requires</u> all proposed highway projects to evaluate and fully consider such adverse <u>effects of water pollution to the impacted communities.</u></p> <p>-Most of the impacted communities have private wells as their water source.</p> <p>-DeIDOT failed to address in any of their reports as to risk of water pollution and any impact upon these wells.</p> <p>-DeIDOT is obligated to prepare a detailed report of the expected/potential disruption to such wells, and the effect upon the impacted residents.</p>

	<p>-DeIDOT will need to prepare a supplemental EIS.</p>
<p>23. Impact Upon, Destruction or Disruption of Man-Made and Natural Resources, and Aesthetic Values (NEPA Issue)</p>	<p>-NEPA <u>requires</u> all proposed highway projects to evaluate and fully consider such adverse <u>effects and impacts upon, destruction or disruption of man-made and natural resources, and aesthetic values.</u></p> <p>-Most of the impacted neighborhoods are in the midst of open fields, and as such, have a high aesthetic value due to such locations.</p> <p>-DeIDOT failed to address in any of their reports any impacts for this topic.</p> <p>-DeIDOT is obligated to prepare a detailed report of the expected/potential effects and impacts upon, destruction or disruption of man-made and natural resources, and their requisite aesthetic values, and the effect upon the impacted residents.</p> <p>-DeIDOT will need to prepare a supplemental EIS.</p>
<p>24. DeIDOT's Obligations in Preparation of Such Reports</p>	<p>-DeIDOT has an obligation to prepare the necessary and required reports in an objective manner.</p> <p>-To date, that has not occurred.</p> <p>-For example, in the initial ROD/EIS Reports, DeIDOT stated as one of the reasons for the new highway was to decrease the risk of accidents. DeIDOT is well aware that there is research that exists that clearly shows that while new highways may reduce accidents from congested non-highways, the accidents on the new highways have the potential and will result in more serious injuries due to higher traffic speeds/impacts on the highways. DeIDOT did not disclose this research in any of their reports.</p> <p>-By way of further example, DeIDOT conveniently failed to advise the public and legislators that toll plazas by themselves are an inherent safety risk. A review of other States' toll plaza accidents has found that:</p>

	<p>(a) In IL, 49% of state interstate accidents are at toll plazas and three times as many people die in them as in accidents on the road itself;</p> <p>(b) 30% of all accidents on PA toll highway occur at toll plazas;</p> <p>(c) 38% of all accidents on NJ toll highways are toll plaza accidents.</p>
<p>25. How is the State of Delaware Going to Pay for Such a Costly Project?</p> <p>Bonds - A risky financing tool in today's political climate and state of our economy.</p>	<p>-In the ROD (2008), DeIDOT proposed that they would issue bonds to cover the cost to the State of DE for the project.</p> <p>- Also in this ROD, DeIDOT mentioned in the ROD that they modeled their plan after the State of MD's highway project (I-270).</p> <p>- The risk associated with the financing for this project is too great for the State of Delaware.</p> <p>- Other States that have utilized similar funding strategies have suffered staggering shortfalls that placed their overall State's economy at risk. Unlike the Federal Gov't, States have to balance their budget each year.</p> <p>- DeIDOT is aware that MD suffered greatly under this funding strategy, which is the same one contemplated by DeIDOT in the ROD. Ultimately, MD was left on the hook for over \$1 billion related shortfalls. As such, and to cover shortfalls for the MD ICC toll road and the fact that the State borrowed too much for this project, MD in 2011 <u>proposed toll hikes for the entire State</u>, with one example being that the Bay Bridge <u>toll from \$2.50 to \$8.00</u>.</p> <p>- In years past, support from the Federal Gov't has been reliable and steady source of monies for the States.</p> <p>- Currently and the last few years, and most likely for the foreseeable future, this is no longer the case, with the Congress & President doing short-term funding strategies for any funds from the Federal Gov't.</p> <p>-Indeed, the Congress and the President are currently at an impasse, which will most likely result in a Federal Gov't shutdown, or a minimum of drastic cuts to funding in the near term.</p>

-The instability to the Federal Gov's funding provides a scenario that is far too risk for the taxpayers of Delaware.

-The State of Delaware can ill-afford to pick up any of the shortfalls that may be bestowed upon the State of Delaware.

- As the funding for the 301 project is suspect, at best, the project should be stopped, or at a minimum, held in abeyance for several years until the budgets for the Federal Gov't and State of Delaware have stabilized.

Other Useful Info/Findings:

-DelDOT is well aware that while truck and commercial traffic is very important to the collection of toll amounts to offset the cost of the project, it is virtually impossible to effectively project such collections. (See NCHRP Report, Synthesis 363: Estimating Toll Road Demand and Revenue)

-The Report compared actual traffic revenue to the revenue projections for 26 different toll facilities in the US for the period of 1996 to 2004, and its findings were stunning:

- (a) No consistency in the results as to the effectiveness of the projections;
- (b) One State's actual toll revenue only amounted to 13% of the projected amount;
- (c) In most cases, the projections failed, and under-projected the actual revenue collected;
- (d) Toll projections for all of the other States' projects that are similar to 301 Project, the actual revenue was anywhere between 51% to 67% of what was projected; and,
- (e) That it is an industry-wide trend of over-predicting toll revenues.

-California's toll roads issues, and the resulting "Junk Bonds":

- (a) In 2011, the actual ridership on the San Joaquin Hills was only 43% as projected;
- (b) Similarly, in 2012, the actual ridership on the Foothill-Eastern was only 33% as projected;
- (c) Due to these shortfalls in revenue, State of CA had to restructure its related \$2.1 billion in debt and extended the retirement date of the project's bonds.
- (d) The bond rating agencies have downgraded the bonds to "junk status"
- (e) The failure of these projects has severely limited/handicapped the State's ability to execute future funding strategies.

-DelDOT's planned use of GARVEE Bonds:

(a) DelDOT has the annual debt service would be paid directly from the \$130 million in Federal Aid Highway Funds received annually by DelDOT;

(b) However, with the economic conditions, and the unfortunate political climate in Washington, there is serious uncertainty of the Federal Program, which was once a formula-driven program funded on a multi-year basis, has now morphed into a program where future policy is less certain, funding levels are less predictable, and the program is more dependent on frequent action to extend authorization and on general fund transfers that will likely need to continued indefinitely barring an increase in the federal gas-tax or significant reduction in spending.

- Maryland issued similar GARVEE bonds for transportation projects. In Oct. 2012, Fitch rating service affirmed MD's GARVEE bonds, but it was only granted because the State had legislatively mandated a subordinate lien on certain pledged MD Transportation Trust Fund (TTF) tax revenues, which helped offset the potential shortfall in Federal funds.

- For 301, DelDOT has proposed to sell \$125 million in GARVEE bonds, with these bonds being backed by DelDOT's future Federal highway funds **and not** by the State's TTF revenues. This lack of a back-up pledge will undoubtedly run the risk of these bonds downgraded. Indeed, many States have become increasingly concerned over the sustainability of the Federal program and the commitments made by the Federal Gov't and the States with respect to such program.

For Virginia, 2012:

-Virginia issued GARVEE bonds to speed up construction projects in the State;

-in March 2012, the US Congress discussed only extending funding, including Federal transportation funding, for only 60 days;

- Today's political climate is no better than March 2012;

- This type of inaction has an indirect effect on GARVEE bonds, as it does not provide certainty to bondholders of guaranteed/expected future funding.

- The main reason that GARVEE bonds were so attractive to bondholders previously is that the expectation that the Federal Gov't will pay its share of the transportation funding. In today's world, that is in jeopardy with such uncertainty and as such, the bonds can be devalued/downgraded at the expense of

	<p>the States.</p> <p>-It should be expected that the next 3 to 4 years, the political climate in Washington will most likely be no better, and quite possible even worse, as President Obama will be moving towards the end of his final term and legislature will continue to be divided. Such indecisiveness places each State's transportation funding in jeopardy, or at least, in limbo until resolved. Such delays in Delaware would be catastrophic to our fragile economic state.</p> <p>-In 2013, a review of how cost effective and prudent such an approach was for State of MD clearly shows that it was not wise due to (i) tolls did not cover the debt service obligation, (ii) actual toll collections were exceedingly less than the projected toll amounts, and (iii) State of MD had to raise tolls on all of the MD's tollways to cover the additional cost; and (iv) the deficient toll collections has burdened and placed future highway projects at risk for State of MD.</p> <p>-In DelDOT's amended 2011 report, DelDOT does not even acknowledge this deficiency even though they heavily touted in 2007-08 what a great idea it was.</p> <p>-Historically, toll projections are typically inflated from actual-received toll collections. Some States have received only 13% of the projected amount.</p> <p>-You ask what is the liability to the companies that prepare such incorrect toll projections? No liability, and they even acknowledge that it is a guess so that the States, namely taxpayers, are left to pick up such amounts.</p> <p>-DelDOT failed to advise the taxpayers and legislators that the funding for this project is based on highly-suspect data, and potentially could be a risk to the public for this project and substantially limit the State's access to future funding.</p>
<p>26. Establishment of a 301 Project Committee</p>	<p>-Establish a committee for 301 project that includes the following:</p> <ul style="list-style-type: none"> (a) One person from each impacted neighborhood; (b) Any State Senator, Representative, and Council member of the impacted communities that so chooses to be a member of this committee; (c) DelDOT and governmental body that wishes to join.

	<p>-Purpose of Committee:</p> <ul style="list-style-type: none">(a) Obtain, organize and resolve concerns with preparation of necessary reports by DeIDOT (i.e., NEPA, Reevaluations, etc.)(b) Organize and resolve all of the impacted communities' concerns prior to and during the 301 project.	
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