



## DELDOT Responses to Middletown Corridor Coalition (MCC) E-mail of June 18, 2007

MCC Titled: Report of DeIDOT's Inaccuracies, Misleading Information & Blatant Lies

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### PROJECT TEAM GENERAL COMMENTS

DeIDOT would like to point out that the highway development process is an ongoing/living process that involves continuously refining alternatives and concepts as issues are identified and as input from the public, elected officials, the environmental resource agencies and those directly or indirectly affected by the project is gathered. Recently securing more accurate mapping for the preferred alternative has been of considerable assistance to the Project Team as alternatives are further refined with the goal of reducing impacts on communities and the environment.

The refinements over the past few months to the Churchtown Road overpass of the Spur Road, noted under Comments 3, 7 and 12 below, are examples of the continuing development process.

Refinements are not self serving and do not indicate lies or conspiracy as MCC has stated. Refinements are simply the product of a transportation development process. If early information is found to be inaccurate, the Project Team strives to correct it. If the Project Team obtains more details/accurate information, then it is provided. In the end, the public and the project benefit from this continuing comprehensive, open and transparent process. The information and data provided in the following responses to the MCC comments are based on the current preliminary engineering effort and upon the level of information available at this time. Refinements will continue through the final design phase. DeIDOT will continue the outreach effort with those affected during this additional phase of the project development process.

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**MCC Comment 1.** *DeIDOT claims they are addressing the noise issues for the Chesapeake Meadow development, yet they have decreased the size of the proposed berm by 24% or 500 feet and will be removing another berm completely without replacing it. They are also adding a 39' high overpass beside our neighborhood (see item #13). Yet, DeIDOT has changed the noise level estimates with regard to Chesapeake Meadow several times in their favor without coinciding with these changes to the road plans which obviously negatively effect noise levels. Please note that DeIDOT is basing its current sound level numbers for the development based on a 15 minute sound level study performed between 3:00 p.m. and 3:15 p.m. during 4<sup>th</sup> of July week in 2005. It is unacceptable to assign a sound level to a community based on 15 minutes of time during a holiday week while someone was probably mowing their lawn nearby. The proposed spur route will cause significant noise increases 24 hours a day, 7 days a week. This means that traffic will be traveling by at 65 mph in the middle of the night. In addition, in the sound study, four of the five places where sound levels were measured for Chesapeake Meadow are not even located in the development, but further east. DeIDOT also provided sound levels for Fox Den Court in Chesapeake Meadow, yet by their own documentation, DeIDOT has never performed sound tests in that court or directly nearby. For these apparent reasons, the Coalition has serious reservations about believing any of the sound level stats provided by DeIDOT*

### **DeIDOT Response:**

- The initially proposed berm was 2,100' in length. Approximately 200' was eliminated in the northern end to avoid wetlands and because existing forest will provide visual screening from the proposed Spur Road. Cutting down an existing forest for the construction of an earth berm is not financially, environmentally, and visually prudent. Approximately 300' was eliminated from the southern end because of conflict with the Tidewater Utilities pumping station.
  - The elevated Churchtown Road overpass of the Spur Road will actually provide reduction in traffic noise transmission from the Spur Road and is acoustically beneficial to Chesapeake Meadow. The traffic on elevated Churchtown Road, 3,500 vpd, will be far lower in volume and speed than the traffic on the proposed Spur Road (22,500 vpd). Under the MCC's recommendation to delete the Spur Road, traffic on Churchtown Road is projected to increase from 3,700 vpd to 4,200 vpd. The existing volume on Churchtown Road is 2,700 vpd.
  - All amendments to predicted noise levels have been the direct result of refinements to the alternative(s). Most importantly, consideration of noise levels in the Chesapeake Meadows community - as with all communities in the US 301 study area - are very favorable to those communities with respect to consideration of traffic noise impacts and mitigation.
  - Per Federal Highway Administration (FHWA) guidelines and approved DeIDOT transportation noise policy, a 15-minute monitoring session is acceptable to assess existing community ambient noise levels. The Project Team recognizes that the collection of community noise level data during the 4th of July week resulted in the assignment of very low noise levels throughout the community. This is unquestionably the BEST scenario for the community in that lower existing community noise levels create the greatest chance for residences to be considered for noise mitigation in the build-condition.
  - If necessary, noise monitoring locations are field-adjusted to avoid point sources that would otherwise skew collected data such as barking dogs and lawn mowing activities. Should noise level data indicate the occurrence of unusual noise events, the offending data points are mathematically removed from the data.
  - Sound level data collection at Fox Den Court was not necessary because sound level data was collected at the southern end of Deerfield Drive - which is closer in proximity to the proposed Spur Route alignment, and is fairly close to Fox Den Court. During the monitoring session, existing Churchtown Road traffic was negligible with respect to overall Chesapeake Meadow community noise. Again, by assessing existing community noise levels to be as low as possible, the Project Team conveys the greatest level of consideration to the Chesapeake Meadow community.
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**MCC Comment 2.** *DeIDOT told members of the Coalition at two separate meetings that the speed limit would be 65 miles an hour on the limited access spur route. The road is to be rated for 70 miles an hour, according to their own documentation. However, at the May 16<sup>th</sup> meeting, Mark Tudor stated that the speed limit would be only 50 mph. Why would a limited access highway with no intersections or driveways only be 50 mph?*

### **DeIDOT Response**

#### **Response from Mark Tudor's June 15 e-mail to Ms. Daley:**

*Can the Spur be designed to operate at speeds slower than the mainline, like 40-50 MPH?*

The Spur could potentially be designed at a somewhat lower speed. Reducing the speed would require more of a curvilinear alignment and has the potential to increase impacts on certain properties and decrease impacts on others, but could be evaluated during the final design phase. However, it will not be possible to significantly reduce the design speed, due to the fact that the Spur Road is a limited access facility. In addition, a reduction in the design speed will not necessarily result in a reduction in operating speeds, which then becomes an enforcement issue. This may also result in safety issues if traffic is operating at different speeds based upon an artificial posted speed limit vs. driver expectation of an operating speed.

#### **Additional Comments:**

DeIDOT will consider the possibility of reducing the speed on the Spur Road during the final design effort.

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**MCC Comment 3.** *Members of the Coalition were told at a meeting with DeIDOT and Kramer & Associates on December 11, 2006 that Churchtown Road would need to be closed for up to two years to construct the overpass. However, at the May 16<sup>th</sup> meeting, Mark Tudor stated that DeIDOT would not need to close the road to build the overpass. So will they be directing traffic through the pond, lawns, and/or the woods? It is a two-lane road with no shoulder. Also, in response to the Coalition's FOIA request, DeIDOT responded that one lane will remain open during the construction. It seems to be an impossible engineering feat to build a 39' high overpass on a two-lane country road, construction so extensive it will take two years to complete, without closing the road.*

### **DeIDOT Response**

#### **Response from Mark Tudor's June 15, 2007 e-mail to Ms. Daley:**

*How long will Churchtown Road be closed?*

Under the current design and based upon the level of information available at this time, Churchtown Road would not be closed during construction of new Churchtown Road over the Spur Road. The new Churchtown Road overpass would be located just to the north of the existing roadway, with retaining walls to allow existing Churchtown Road to remain open in both directions during construction. There however most likely will be intermittent lane closures to allow for construction adjacent to the existing roadway as is typical with any roadway construction. Access to Tidewater Utilities will be maintained and they will not be acquired for the project. (Underline added for emphasis)

### Additional Comments

Subsequent to the December 11, 2006 meeting and in response to the comments made during the DEIS comment period, the Project Team has:

- Continued to refine this concept, in an effort to minimize impacts to properties along the north and south sides of Churchtown Road.
- Developed an alternative that avoids the need to close Churchtown Road during the construction of the Churchtown Road overpass of the Spur Road.
- Recently met with Tidewater Utilities who concurred in the new concept including access to their current facility and operation.

During construction of the overpass, it may be necessary to close one lane of Churchtown Road while a section of retaining wall is constructed along the south edge of new Churchtown Road. During this period, the contractors would use flaggers so that continuous access could be maintained. It is currently anticipated that traffic will be maintained continuously on Churchtown Road during construction and will not be diverted as noted in the MCC comment above.

Finally, the highest elevation on the Churchtown Road overpass will be approximately elevation 77. The elevation of the backyards of 102 and 104 Fox Den Court are approximately elevation 55 and 53.5, respectively. As a result, the overpass structure will be approximately 22 feet above the elevation of the backyard of 102 Fox Den Court and located approximately 1,200 feet from the overpass high point. The overpass structure will be approximately 23.5 feet above the elevation of the backyard of 104 Fox Den Court and located approximately 1,000 feet from the overpass high point.

Adjacent to 102 Fox Den Court, new Churchtown Road will remain at the same location and elevation. Adjacent to 104 Fox Den Court, new Churchtown Road will be located approximately 6 feet closer and approximately 2 feet higher than the existing Churchtown Road.

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**MCC Comment 4.** *During the 2-hour May 16<sup>th</sup> meeting, Mark Tudor never once advised the Coalition that DelDOT had already decided on the Green+Spur Alternative and were going to announce that fact the very next day at a press conference. In fact, Mark Tudor instead advised the Coalition that there were several route alternatives still on the table and that we would meet again soon to discuss the 301 project, particularly the spur. Mark Tudor only advised the Coalition about the press conference approximately 2½ hours prior to it taking place, and stated the time was 2½ hours later than the press conference actually would take place. (We still have his phone message saved).*

Mark Tudor did not state that “there were several route alternatives still on the table”, but mentioned that numerous alternatives were evaluated throughout the development process. Mr. Tudor was careful to focus on the MCC issues in respect to the Spur Road and not the alternatives as a whole, knowing of the Secretary’s potential announcement on the following day.

DelDOT regrets the timing of the May 16 meeting with the MCC as it relates to the Secretary’s announcement of a preferred alternative on the following day. Additional time should have been provided between DelDOT’s meeting with the MCC, during which written responses were provided to questions raised by MCC, and the Secretary’s announcement of a preferred alternative. Clearly, it would have been preferable to provide additional time for dialogue between MCC and DelDOT.

Please see June 6, 2007 letter from Governor Minner to Ms. Daley and the June 20, 2007 letter from Secretary Wicks to Ms. Daley (attached).

**MCC Comment 5.** *DeIDOT added the spur to the 301 alternatives after the Red and Brown Alternatives were deemed unviable. Note that the Spur Route goes along the same alignment as the Red and Brown Alternatives. They have never provided alternatives for the spur. Nor did they share the Coalition's alternative to the public as they had in the past with other suggestions.*

### **DeIDOT Response**

The Spur Road was added to the Green and Purple Alternatives in the late fall of 2005 and presented to the public at the December 2005 Public Workshop. At this Workshop, the Brown Alternative was retained for detailed evaluation. The Brown Alternative was evaluated in detail, similar to all retained alternatives, but was eventually not recommended in the November 2006 DEIS or selected as the preferred alternative for a number of reasons including, among others:

- Major impact on Summit Airport
- Greatest impact to communities at the base of Summit Bridge due to 3-level interchange
- Greatest impacts to high quality wetlands
- Considerable opposition from those expressing an opinion at Public Workshops and Community Meetings

Neither the Brown nor Yellow Alternatives included a Spur Road, although the Brown Alternative is located along the same alignment as the Spur Road. The Red Alternative was not retained for detailed evaluation (see response to Comment 9). Our information indicates that MCC's recommended alternative was not raised with the Project Team until the January 2007 Public Hearing.

The Coalition's recommended alternative will be addressed in the Public Comments section of the Final Environmental Impact Statement.

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**MCC Comment 6.** *DeIDOT is using traffic safety as a main reason for the spur route (i.e., per their handout at the May 16th meeting). This is a fallacy for the following reasons:*

- *As is common sense, and as Mark Tudor and Andrew Bing admitted at the May 16<sup>th</sup> meeting, auto accidents occurring at a higher rate of speed (including 65 mph on a limited access highway) are usually more severe than accidents occurring at a lower rate of speed (including the speed on the existing Route 301).*

### **DeIDOT Response**

The point that Mark Tudor and Andrew Bing made at the May 16<sup>th</sup> meeting was that, with all else equal, accidents at a higher rate of speed are generally more severe than at a lower rate of speed. They also noted that, all else is not equal, because the recommended Spur Road is a divided/limited access highway.

The accident history of existing US 301 does **not** support the MCC contention that accidents along existing US 301 are not severe. In fact, quite the opposite is true. In the 6 ½ year period between October 1999 and May 2006, there were 589 reported accidents on existing US 301 south of the Canal, of which 220 (37%) were collisions that resulted in injuries. This is higher than the statewide injury crash rate of 28.5%, indicating that existing US 301, including the 4-lane divided portion north of Boyd's Corner Road, has a higher than average history of severe crashes.

In the same 6 ½ year period between October 1999 and May 2006, there were **12 fatal accidents** along existing US 301, south of the C&D Canal. This represents a fatal crash rate of 2.4 fatal crashes per 100 million-vehicle-miles. As a point of comparison, both the statewide average fatal crash rate in Delaware and the national average fatal crash rate have been approximately 1.5 fatal crashes per 100 million-vehicle-miles over the same time period. The fatal crash rate on existing US 301 has been **50% higher** than both the statewide and national averages.

Eight (8), or 66%, of the 12 fatal crashes on existing US 301 did not involve tractor trailers. Therefore, while the mix of truck and passenger car traffic on US 301 is a contributing factor to the number of severe crashes on US 301; the redirection of the vast majority (95%) of the long distance interstate truck traffic away from this corridor, does not fully explain the safety benefits of the Green + Spur Alternative.

The potential safety benefits of shifting traffic to the proposed Spur Road from the existing US 301 and Choptank Road corridors are associated with two key design characteristics: the wide median proposed for the Spur Road and full access control. National accident statistics indicate that in 2005, 66 percent of all fatal crashes occurred on undivided roadways, while only 30 percent occurred on divided roadways. Additionally for those fatal crashes in 2005 which involved two or more vehicles colliding, nearly 80 percent were either angle (53%) or head-on collisions (27%). Angle collisions are most often associated with at-grade intersections; the proposed Spur Road has no signalized intersections or other access points, whereas existing US 301 (between Petersen Road and the Summit Bridge) has seven (7) signalized intersections and 87 other unsignalized access points. It should be noted that the signalized intersection on the divided portion of existing US 301 at Old Summit Bridge Road is included in the State's 2007 list of Highway Safety Improvement Program (HSIP) sites due to the higher than average crash rate at this location. If the Spur Road is not constructed, approximately 9,000 more vehicles would pass through this intersection each day in 2030. Head-on collisions are most often associated with undivided roadways; the proposed Spur Road would be divided, while existing US 301 south of Boyds Corner Road is undivided. Additionally, the Spur Road median would exceed the width of the median on existing US 301 between Boyds Corner Road and the Summit Bridge by approximately 44 feet; decreasing the likelihood of cross-over head-on collisions.

By shifting traffic to a divided, limited access facility like the Spur Road, the potential for these severe crash types would be reduced. The influence of these characteristics, combined with the poor safety performance of existing US 301 (particularly regarding fatal and injury crashes), indicate that the construction of the Spur Road would have a positive impact on the overall safety of the road network south of the C&D Canal by shifting traffic from undivided roadways without access control such as existing US 301 and Choptank Road.

- *DelDOT does not include in its very broad and general references to traffic safety that the recent upgrades to 896/301 (north of Boyds Corner Road to the stop light at the foot of Summit Bridge, making it a four-lane divided roadway with a larger intersection at Boyds Corner Road) and the inevitable future changes to the sharp curve at the foot of Summit Bridge have and will make significant improvements to the safety of the roadway. The Coalition has proposed further road improvements, including widening existing 301 south of Boyds Corner Road to the intersection of the new 301 bypass at Armstrong Corner Road to create (a potentially divided) four-lane roadway. The Coalition's plan will make a significant improvement on traffic safety that DelDOT has refused to recognize.*

## DeIDOT Response

Under the Coalition's proposal, the 1.0-mile section of existing US 301 from Peterson Road to Armstrong Corner Road would remain as an undivided two-lane roadway. Additionally, the Coalition proposal retains numerous at-grade intersections and other driveway access points along existing US 301. As noted previously, National accident statistics indicate that in 2005, 66 percent of all fatal crashes occurred on undivided roadways, while only 30 percent occurred on divided roadways. Additionally for those fatal crashes in 2005 which involved two or more vehicles colliding, nearly 80 percent were either angle (53%) or head-on collisions (27%). Angle collisions are most often associated with at-grade intersections; the proposed Spur Road has no signalized intersections or other access points, whereas existing US 301 (between Petersen Road and the Summit Bridge) has seven (7) signalized intersections and 87 other unsignalized access points. Head-on collisions are most often associated with undivided roadways; the proposed Spur Road would be divided, while existing US 301 south of Boyds Corner Road is undivided. Additionally, the Spur Road median would exceed the width of the median on existing US 301 between Boyds Corner Road and the Summit Bridge by approximately 44 feet; decreasing the likelihood of cross-over head-on collisions.

- *DeIDOT continues to quote these particular accident numbers in their publications: "In the 7½ years between January 1999 and May 2006, there have been 776 crashes on US 301, SR 896, SR 299, and SR 15, in the project area, south of the canal." (Why did they use the odd length of time of 7½ years unless it somehow furthers their cause?) DeIDOT has yet to provide the public with sufficient information as to when and where those accidents occurred. However, we anticipate that many of those accidents occurred on the "dangerous curve" at the foot of Summit Bridge which will be fixed by DeIDOT nonetheless. We anticipate that many of the more serious accidents were DUI related or involved a tractor trailer (see below with regard to truck traffic being redirected away from 301/896). DeIDOT also reports that 64% of those 776 accidents did not result in any injuries (fender benders). This means there were 279 accidents resulting in injuries over the 7½ year period. When broken down, this equals approximately 3 injury accidents per month on the main roads of southern New Castle County. If DeIDOT makes improvements to the existing road structure of the area, in conjunction with the construction of the new Route 301 (minus the spur) to redirect the trucks to SR 1, this should significantly improve safety conditions on the roadways.*

## DeIDOT Response

As the project began, the time period for accident reporting was exactly 5-years, between October 1999 and September 2004. This is the reporting period documented in the November 2005 Alternatives Retained for Detailed Evaluation Document. As the project progressed, DeIDOT made a commitment to keeping the accident records as up-to-date as possible. Therefore, in fall 2006, the crash data was updated to include the most recent data available, which was through May of 2006. This was the data used in the analyses referenced by Ms. Daley (The reported start date of January 1999 shown in the May 2007 PowerPoint show was erroneous; No crash data has ever been obtained prior to October 1999 for this study). The bullet should have read "In the 6 ½ Years between October 1999 and May 2006, there have been 776 crashes...."

Regarding the safety history of the "dangerous curve" at the foot of the Summit Bridge, a total of 85 crashes have occurred at this location in the 6 ½ year study period. Improving this curve (which would happen under both the Green +Spur Road Alternative and MCC Alternative) should reduce the accident potential at this location, but would not address the remaining 691 crashes that have occurred between October 1999 and May 2006 on the key roads in the study area.

Please see the response to the first part of the question regarding accident severity on US 301.

Regarding the number of crashes involving alcohol on the existing roadway corridors, it is difficult to understand the MCC assertion that the number of DUI crashes is in anyway a justification for not removing traffic from the existing US 301 and Choptank Road corridors. In fact, given the wide median and lack of access points along the Spur, the potential for severe collisions between vehicles should be reduced for traffic using this facility; and by constructing the Spur Road DeIDOT would reduce the number of potential conflicts (where two vehicles cross paths) for traffic attempting to access the Summit Bridge.

- *DeIDOT, by its own admission, states that 95% of truck traffic wants to go in a northeast direction to SR 1, rather than the direction of the spur. Since the trucks will be re-routed onto the new main 301 bypass, significantly reducing the truck traffic on the existing Routes 301 and 896, the number of traffic accidents involving tractor trailers will be greatly reduced.*

### **DeIDOT Response**

Please see the response to Comment 8.

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**MCC Comment 7.** *At the May 16<sup>th</sup> meeting, DeIDOT and Kramer & Associates provided us with maps of the spur route. On those maps, the spur is shown to have been shifted slightly to the west, a bit further from Chesapeake Meadow, and to the west of Tidewater Utilities. However, a few days later we were advised by a New Castle County employee that the utilities are already slated to be moved to the west because the spur route is planned to go through its existing location. Further, a Department of Agriculture employee (Milton Melendez) advised Coalition members on June 11, 2007, that the Spur Route has in fact been shifted east, closer to Chesapeake Meadow, but that “no one can see the maps yet.” This is probably because DeIDOT has been so busy creating false maps, and are equally busy keeping the lid on the real plans. Please also note that DeIDOT provided us with documentation that the reason why DeIDOT cut the proposed berm at Chesapeake Meadow to 1600 feet is because of the Tidewater Utilities, even though they are moving said Utility.*

### **DeIDOT Response**

The response provided at the May 16 meeting is correct. As noted in the response to Comment 3 above, the Project Team has met with Tidewater Utilities, who have generally concurred in the latest concept for the Churchtown Road overpass of the Spur Road, including the suggested method for providing access to Tidewater’s facility and operations. Access will be provided, for the most part, along existing Churchtown Road, which will curve to the north and pass under the Churchtown Road overpass bridge.

The Spur Road has not been shifted to the east and closer to Chesapeake Meadow. We do intend to evaluate refinements during final design to minimize impacts on the farm property to the northwest of Chesapeake Meadow and the Chesapeake Meadow community. Public input will be secured regarding the evaluations of refinements.

DeIDOT has not been busy creating false maps, as alleged by MCC. However, the Project Team has been busy attempting to refine alignments based on more accurate mapping and data in an attempt to reduce impacts on communities, property owners, and the environment. This effort will continue during the final design phase of the project.

**Response from Mark Tudor's June 15 e-mail to Ms. Daley:**

*The original brochures for the project indicated the visual earth berm to be 11' high and 2100' in length. The information provided on May 16 indicated the berm to be 1600' in length. Why was the change made?*

The berm was shortened by 300 feet on the south end to avoid impact on the Tidewater Utilities operations. The remaining 200 feet reduction occurred at the northern end as a result of our securing improved mapping and surveyed wetland data, and in order to minimize impacts to existing streams/wetland and forests that exist in that area. All noise analysis was developed assuming the 1600' berm.

**Additional Comments:**

See response to Comment 1.

As noted above, Tidewater Utilities intends to remain in operation at their current location. This is the result of recent coordination and consultation between the Project Team and Tidewater.

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**MCC Comment 8.** *At previous meetings and at the May 16<sup>th</sup> meeting with DelDOT and Kramer & Associates, members of the Coalition were advised orally and in writing that the spur route is needed to manage truck traffic (although DelDOT contradicts itself by also stating that 95% of trucks want to head northeast to SR 1). At the May 16<sup>th</sup> meeting, DelDOT's handout states that the 301 project is primarily for truck traffic (p. 3), eliminating the spur road "would not manage truck traffic" (pgs. 17 and 19), and Andrew Bing stated that the spur route is for truck traffic. Later in the same meeting, Mark Tudor and Andrew Bing both fervently claimed that the spur is not for truck traffic.*

**DelDOT Response**

DelDOT has always maintained that one of the three primary needs of the US 301 project is to better manage truck traffic. Traffic studies, which included over 300 interviews with truck drivers at the US 301 Travel Plaza, indicate that approximately 95% of the long distance interstate trucks, those likely to stop at the US 301 Travel Plaza and thus those interviewed, wanted to head northeast to SR 1, I-95 and points beyond Delaware. The Spur Road would provide an alternative north-south route to US 301 for the remaining 5% of the long distance interstate trucks, along with the other regional and local trucks destined for Glasgow, Newark, and points north (Pennsylvania). Andrew Bing was very clear in making this point during the May 16th meeting. However, the primary purpose of the Spur road is to better manage the volume of all traffic headed north-south over the Summit Bridge. Without the spur, traffic on Choptank Road is projected to triple by 2030 and traffic on US 301 is projected to be 50% higher than current volumes. With the Spur, volumes on Choptank Road are projected to be nearly the same in 2030 as today and volumes on US 301 are projected to be only 15% higher than today.

**MCC Comment 9.** *At early meetings with DelDOT and Kramer & Associates, members of the Coalition were advised that Summit Bridge is at full capacity and cannot sustain any additional traffic. When questioned about this over the past year and a half, DelDOT has again completely changed its story. At the May 16<sup>th</sup> meeting, Mark Tudor stated that there is no plan to upgrade Summit Bridge and that the bridge has no traffic capacity issues up to 2030. This was one of the major reasons for dropping the Red Alternative early on in the workshop phase. Also, the Spur runs on the same alignment as the Red Alternative.*

## DelDOT Response

The information provided at the May 16 meeting is accurate. Summit Bridge is projected to operate satisfactorily to year 2030, under the recommended Green North + Spur Alternative.

The Summit Bridge is not currently at its capacity, nor are there any plans by the Corps of Engineers to improve the crossing. The projected 2030 volumes for Summit Bridge under the recommended Green North + Spur Road Alternative (approximately 60,000 vpd) do not indicate a need for additional traffic lanes, which would require a new bridge, since the existing bridge cannot be widened.

The Red Alternative differed significantly from all of the retained alternatives, in that it did not provide a limited access connection to SR 1. Therefore, compared to the other options, the Red Alternative resulted in the highest volume of traffic using the Summit Bridge (approximately 99,000 vpd), SR 896, and the I-95/SR 896 interchange. In fact, by focusing the predominant flow of traffic over the Summit Bridge, it would cause the volumes on the bridge to exceed its capacity, resulting in the need to replace the bridge. It would also have required major improvements to the SR 896 / Old Baltimore Pike intersection (grade separation) and the I-95/SR 896 interchange (complete reconstruction). Conversely, the Green Alternative (with Spur), which focuses the predominant flow of traffic to SR 1, would not result in the need to widen the Summit Bridge, and takes advantage of the excess roadway capacity available on SR 1 and at the future I-95 / SR 1 interchange which is listed in DelDOT's CTP.

At the December 2005 Workshop, the public was advised that the Red Alternative was **not** being retained for detailed evaluation. Reasons for not retaining the Red Alternative for detailed evaluation included:

- Increased traffic volumes on Summit Bridge by over 50%, thus requires construction of a second bridge crossing at Summit Bridge
- Was one of the longest and most costly of all alternatives (17.4 miles; \$789 million)
- Did not provide direct access to SR 1
- Required major improvements to the SR 896/I-95 interchange and tie-in to Old Baltimore Pike
- Required construction of the greatest number of interchanges (7)
- Required construction of a large number of overpass bridges (10)
- Had a high number of property impacts (279)
- Maintenance of Traffic during construction would be difficult on SR 896 north of the canal to I-95
- Provided less traffic reductions on north-south routes than Purple, Brown or Green.
- Impacted a high number of acres of prime farmland soils (341)
- Had the highest amount of forest impacts (88.9 acres)
- Highest impact (5.3 acres) to 100-year floodplains
- Impacted the Iron Hill Park and Sunset Lake Natural Areas

- Potential Section 4(f) impacts to Iron Hill Park, Lums Pond State Park, and the C&D Canal Wildlife Area – potential obstacle to using federal funds on the project
- Nine historic sites within 600' of the proposed alignment

The preferred alternative, Green North + Spur Road, balances traffic on the bridges crossing the C&D Canal and does not require construction of a new bridge across the C&D Canal.

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**MCC Comment 10.** *DeIDOT is attempting to redirect a portion of traffic to the Bear area by way of the spur route, but have stated there are no plans to improve the roadways north of the Summit Bridge. Members of the Coalition have asked repeatedly about this issue. As anyone who has driven on 896 around the areas of Route 40 and I-95 can attest to, there are already traffic issues in the Bear/Glasgow area. The Coalition can only hypothesize that someone wants to redirect traffic to these business areas.*

### DeIDOT Response

Regardless of the alternative, there is a significant demand for traffic to reach the Summit Bridge. The projected traffic volumes agree with the findings of the U.S. 301 Origin / Destination Postcard Survey, which found that roughly one-third of the canal crossing traffic is heading to destinations due north and is thus more likely to use the Summit Bridge than the SR 1 or US 13 Bridges. As noted in our response to Comment 8, the purpose of the Spur Road is to manage the volume of traffic headed north-south over the Summit Bridge.

DeIDOT is not attempting to redirect traffic to the Bear area, but merely to provide improved access to Summit Bridge. The Spur Road would provide a safer limited access highway that would lead to reduced traffic volumes and accidents on Choptank Road and existing US 301. It would also reduce truck volumes on existing US 301.

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**MCC Comment 11.** *Mark Tudor stated at the May 16<sup>th</sup> meeting that the spur route will create more toll money for the State of Delaware. Without a doubt, it is unethical to construct a roadway which will have negative impacts on residents of the state in order to toll motorists.*

### DeIDOT Response

The preferred Green North + Spur Road Alternative will fully meet the Project Purpose and Need by addressing congestion and safety needs in the 301 area and managing truck traffic by focusing that traffic on new US 301 and the Spur Road, and removing it in large part from local roads. The new US 301 is proposed as a toll facility, i.e., those who use the facility will pay for the facility. DeIDOT considers this to be a very fair concept, especially in view of the considerable long distance traffic that uses US 301. Toll revenue bonds would be sold under this concept to fund construction of the project. The bonds would be paid off from the tolls collected, which would also fund the operational cost of the new facility. Preliminary projections indicate that the vast majority of the project cost would be funded by toll revenue bonds. However, some support from the State Transportation Trust Fund (TTF) would be required for new US 301 and the Spur Road.

Not constructing the Spur Road will result in the diversion of traffic to other local roads such as Choptank Road, existing US 301, and MD 213. This diversion of traffic will result in reduced toll revenues, granted it would also reduce the total cost of the new US 301 project.

However, eliminating the Spur Road, results in the need to improve existing US 301 from Peterson Road to Mount Pleasant, which is estimated to cost between \$67 million and \$83 million. These improvements would not be eligible for toll funding and would have to be funded from federal and state TTF sources. Thus, DeIDOT's preferred alternative, Green North + Spur Road, has far less impact on the TTF and the Statewide Transportation Program than the MCC recommended preferred alternative.

Finally, on Choptank Road, the new roundabout which is being constructed at Churchtown Road will verge on failure without the Spur Road, while it would operate well below its capacity with the Spur Road.

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**MCC Comment 12.** *The residents of Chesapeake Meadow have been advised by DeIDOT at meetings and on maps that portions of properties in the development will be taken by eminent domain to construct the overpass on Churchtown Road. In addition, the home owners on the opposite side of the road will also lose portions of their property. As indicated on DeIDOT's maps, at least one of those homes (if not 2 or 3) needs to be taken in entirety. However, DeIDOT has also reported in written form to Coalition members that no property will need to be taken in the construction of the overpass. This is completely contradictory, and is also an impossibility.*

### **DeIDOT Response**

As noted in the response to Comments 3 and 7 above, the Project Team has refined the Churchtown Road overpass of the Spur Road. Based on the level of information we have at this time, no homes will be taken for the Churchtown Road improvements.

Along the north side of Churchtown Road, currently anticipated impacts involve the communities' common area. We currently anticipate being able to avoid any residential property takings (after takings at Fox Den Court).

On the south side of Churchtown Road, we have significantly reduced the impact on 838, 842, 852 and 858 Churchtown Road. However, we will likely need temporary construction easement along these parcels. In addition, we will need to acquire some property from 852 and 858 Churchtown Road to tie existing Churchtown Road into New Churchtown Road. Access to all four properties will be continuously maintained.

The Project Team has also relocated the previously proposed stormwater management pond from the 858 Churchtown Road property to DeIDOT property located on the north side of Churchtown Road.

Finally, the alignment of New Churchtown Road, east of the Spur Road, has been shifted slightly to the north, to minimize impacts on the wetlands to the south of Churchtown Road and the Zapata property.

**MCC Comment 13.** *DeIDOT provided in written form the statement that no homes would be taken by eminent domain for the construction of the spur, but failed to include and disclose the homes that will be eradicated by the construction of the overpasses for the spur. The Coalition wonders if the numerous land acquisitions required to build these overpasses were ever included in DeIDOT's estimates regarding the proposed spur route.*

**DeIDOT Response**

See response to Comment 12. DeIDOT does not anticipate the need to take any homes for the Spur Road.

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**MCC Comment 14.** *DeIDOT originally advised members of the Coalition that the overpass on Churchtown Road would be 22' high, but subsequent information has revealed that it will be almost twice that at 39' high.*

**DeIDOT Response**

Please see response to Comment 4.

We are not aware of the source of MCC's information. The elevation of the Churchtown Road overpass of the Spur Road is approximately 77 feet. The elevations of the backyards of 102 and 104 Fox Den Court are approximately 55 feet and 53.5 feet, respectively. Therefore, the highest point on the Churchtown Road Bridge is approximately 22 feet to 23.5 feet above the backyards of the residences along Fox Den Court.

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STATE OF DELAWARE  
OFFICE OF THE GOVERNOR

RUTH ANN MINNER  
GOVERNOR

June 6, 2007

Andy Daley  
Chair  
Middletown Corridor Coalition  
103 Fox Den Ct.  
Middletown DE 19709

Dear Mrs. Daley:

Thank you for communicating with my office regarding the Rt. 301 project and the recently announced preferred alternative.

First, it is important for me to emphasize that I supported the Department's ambitious effort to develop an alternative for a new US 301 in Delaware. I have been briefed periodically on the progress of this effort, including an extensive meeting with the project team prior to the determination of the recommended preferred alternative. I can say with great confidence that this process has been very thorough and accessible on many fronts, including the longstanding public outreach effort. I can also say that I have complete confidence in Mr. Tudor and his team, who have been professional, conscientious, and dedicated to providing the citizens of Delaware with a quality project.

However, in reviewing the events of the past few weeks, it is apparent that perhaps the timing of the various activities could have been handled in a more effective manner. It seems that additional time could have been provided between the Department's detailed response to the questions raised by the Middletown Corridor Coalition and the announcement of the Preferred Alternative. This would have given the MCC time to review the Department's response and to allow for

**additional discussion between the MCC and DelDOT personnel, particularly the project team.**

**At the same time, the Department's response to the questions raised by the MCC, in addition to the results of the significant project development effort over the past three years (including extensive public input and consultation with the environmental resource and regulatory agencies) appears to clearly support the Preferred Alternative, Green North and Spur Road.**

**DelDOT is currently preparing the Final Environmental Impact Statement for the project. I would encourage your continued involvement in the process as this important project moves forward to address any additional questions or issues you and your organization may have regarding the project.**

**Thank you again for contacting my office regarding the Rt. 301 project.**

**Sincerely,**

**Ruth Ann Minner  
Governor**

**Cc: Secretary Carolann Wicks, Department of Transportation**



STATE OF DELAWARE  
DEPARTMENT OF TRANSPORTATION  
800 BAY ROAD  
P.O. BOX 778  
DOVER, DELAWARE 19903

CAROLANN WICKS, P.E.  
SECRETARY

June 20, 2007

Mrs. Andye Daley  
103 Fox Den Ct.  
Middletown, Delaware 19709

Dear Mrs. Daley:

I want to memorialize my June 12 conversation with you by phone, where I notified you I would not be attending the June 25 open meeting you scheduled regarding the preferred U.S. 301 alternative.

As I stated, I would be happy to meet with you in my office in Dover -- per our original agreement. I believe a more intimate meeting will allow me to listen to your issues and concerns in a manner that will be productive to us both. I do not believe there is a need for me to attend a public meeting on this topic, when we have responded to the majority of your concerns already. Such a public meeting is better suited for our Project Team as they are familiar with your specific questions.

While we will always be willing to discuss constructive criticism, I am alarmed that some of the comments you have made go beyond, challenging the professional integrity of my staff and consultants. I can attest to their work ethic, stand by the way they have conducted themselves throughout this process, and am doing what I can to make sure others know this as well.

I want to assure you we will do our best to answer your questions, and I trust that eventually we can all move forward.

Sincerely,

A handwritten signature in blue ink that reads "Carolann Wicks".

Carolann Wicks  
Secretary

CW:des

cc: Steven Amick, Senator  
Richard Cathcart, Representative  
Bethany Hall-Long, Representative  
Mark Tudor, U.S. 301 Project Director  
Darrel Cole, Director, Public Relations  
Gary Laing, Community Relations Officer  
Jim Westhoff, Community Relations Officer

