

Attachment I: Responses to Comments from the Public on the Final EIS

Record of Decision

Attachment I:
Responses to Comments

Attachment I

**Responses to Comments
from the Public on the Final EIS**

COMMENTS ON THE FINAL EIS AND RESPONSES

Comment 1

The most frequent (31 comments) comment came from residents and supporters of the Chesapeake Meadows community and members of the Middletown Corridor Coalition. This comment requested that DelDOT make the Spur Road a separate project and focus on improvements to existing US 301/SR 896. These comments actually support the Green North Alternative in all elements except for the Spur Road. The comment was received from a total of 31 citizens; sent verbatim from 25 citizens, repeated in variation from six others, and accompanied in six comments by additional issues. The comment stated:

“We are only in-favor of "Uncoupling" the Spur from the Rt 301 project and having it as a stand alone project. We are also asking for the necessary upgrade of existing 896/301 to make it a safer road with less congestion. The necessity of this upgrade was admitted to by Sec. Wicks. at a meeting with the leadership of the Middletown Corridor Coalition. This is supported by the Legislators in our area and is the right thing to do. We will not stand by and let DelDOT build an unnecessary road at the cost of 135 million dollars of taxpayer money that is not even of use to the residents of Northern Middletown.”

Response 1

This issue was raised during the Draft EIS comment period as well, in both public hearing testimony and through written comments. The response to the comment through the period between the publication of the Draft and Final EIS included Project Team meetings with residents of affected communities (Chesapeake Meadows and Midland Farms) and the Middletown Corridor Coalition (MCC). The Project Team:

- *listened to the concerns associated with the Spur Road;*
- *explained the traffic benefits of the Spur Road and the actions proposed to lessen the effects of the Spur Road;*
- *presented material comparing the Spur Road to improvements to existing US 301/SR 896; and*
- *presented the reasons why this option does not meet the project Purpose and Need.*

*Secretary Wicks met with elected officials to listen to their constituents' concerns and further explain DelDOT's position; those details are stated in her response letter dated October 5, 2007 (**Attachment E to this ROD**). Secretary Wicks met with representatives of the Coalition to hear their concerns, and FHWA met with legislators to explain the NEPA process and the implications of uncoupling the Spur Road from the US 301 project at this point in the process. Two meetings were held with members of the MCC and homeowners of the Midland Farms Association to listen to and consider their concerns.*

To address the impacts of the Spur Road, a commitment has been made to provide mitigation to the Chesapeake Meadow community in the form of a landscaped earthen berm which will be constructed prior to the commencement of roadwork. The berm will visually screen the Chesapeake Meadow residents' homes from the Spur Road as well as provide noise abatement (reducing projected noise levels to less than "impact") for most affected residents.

The inclusion of the Spur Road is important to address the Purpose and Need for the project:

- *Without the Spur Road, there will be an estimated 14,500 vehicles per day (vpd) on Choptank Road, north of Churchtown Road, compared to 6,200 vpd with the Spur. Without the Spur Road, there will be an estimated 37,200 vpd on US 301, North of Boyds Corner Road, compared to*

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27,900 vpd with the Spur (an estimated 33% higher volume). Therefore, without the Spur Road, the project does not lessen the congestion caused by growth in traffic.

- *Without the Spur, this traffic will consist of a mix of trucks (the percentage of trucks on existing US 301, north of Boyds Corner Road, is anticipated to be 70% higher without the Spur) and passenger vehicles on US 301 and Choptank Road. This mix will include both local and through traffic. Therefore, without the Spur Road, the project does not manage truck traffic.*
- *Without the Spur Road, US 301 north of Boyds Corner Road is projected to carry an estimated 33% more traffic (37,200 vpd), including 70% more trucks, than with the Spur Road (27,900 vpd). Based on the analysis, by transferring traffic to the Spur Road the number of accidents is projected to be reduced by 28% (**Final EIS, Section III.G.3, pages III-199 to III-201**) with the completion of the project with the Spur Road.*

Therefore, this Record of Decision selects the Green North + Spur Road Alternative.

Comment 2

The second most frequent comment (29 comments) expressed support for the selection of the Green North plus Spur as the Preferred Alternative for the project.

Response 2

This support for the Preferred Alternative is acknowledged.

Comment 3

Two residents of the Springmill community expressed concern that the new roadway to the west of their community would be close and would cause noise and visual impacts. Specifically, by adding the Spur Road, the Mainline was moved closer to their community.

Response 3

*The location of the roadway adjacent to Springmill was moved to avoid impact to the Middletown Baptist Church and high quality wetlands (**Final EIS, Section II.C.1, pages II-25 to II-28**). New US 301 will be located approximately 650 feet to 1,500 feet to the west of the Springmill community. An earthen berm will be constructed between Springmill and new US 301 that will effectively minimize the view of new US 301 mainline from the northwest section of Springmill. The visual earth berm will also provide a measure of noise abatement from traffic noise on new US 301. The construction of mitigation (berms and landscaping) is committed to be an early activity in the roadway construction contract. Refer to **Attachment B, Commitment C-14, page 1 of 5**.*

Comment 4

Three comments were received that suggested consideration of other ways to solve the transportation problems that are evident in the Middletown area and south of the C&D Canal, including other modal options (rail) and through truck restrictions/roadway narrowing to discourage through truck traffic.

Response 4

Other modalities were examined during the planning process. The Major Investment Study (MIS) conducted by DelDOT and completed in 2000, identified overall transportation needs in the project area, such as transit, TDM, and TSM measures. A number of these recommendations have been and

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continue to be studied and implemented. The Downstate Rail Study (FEIS Chapter I, Section C.5.a, page I-12) is currently not an active project and would not meet the Project Purpose and Need. The US 301 Project will accommodate pedestrian/bicycle options through its support for the proposed greenway trails with a crossing under the US 301 structure over Scott Run near Hyetts Corner Road. Truck restrictions are proposed in conjunction with the toll diversion study (Final EIS, Section III.G.4.d, pages III-208 to III-210).

Comment 5

One comment was received that questioned the effectiveness of the proposed toll road in removing through truck traffic; thinking that tolls would only further encourage diversions.

Response 5

Toll diversions are not expected to be a significant issue with the Selected Alternative, based on the findings of a detailed analysis of potential truck diversions (Final EIS, Section III.G.d, Pages III-208 to III-210 and IV.C, pages IV-15 to IV-17). A working group was established in the summer of 2006, and held three meetings to evaluate potential traffic diversions. The group included DelDOT, Maryland State Highway Administration (SHA), Maryland Transportation Authority (MdTA), and local elected officials, business leaders and community representatives from the potentially affected areas of Cecil and Kent Counties, Maryland. Eight recommendations were developed that SHA and DelDOT have agreed to implement to minimize the potential for traffic diversions resulting from US 301 tolls. These recommendations include a traffic monitoring program, truck restrictions on a number of local roads, virtual weigh stations on potential diversion routes in Maryland and Delaware, enhanced truck enforcement efforts by both Maryland and Delaware, and potential modifications to the US 301/Sassafras Road intersection in Maryland. The implementation of these recommendations is reinforced by the desire to minimize potential truck diversions associated with the weigh/inspection stations being implemented on US 301 by Maryland (southbound-recently open) and Delaware (northbound – scheduled to open in 2009) in the vicinity of the Maryland-Delaware state line. The details of these recommendations can also be found on the project website, http://www.deldot.gov/information/projects/us301/pages/toll_diversion_wg.shtml. Continued coordination with the Working Group will occur as the Working Group recommendations are implemented and during the design, construction, and early operation of new US 301.

Comment 6

One comment questioned whether the FEIS considered induced development.

Response 6

The Draft EIS and Final EIS both included a secondary and cumulative effects analysis (Final EIS, Section III.J, pages III-212 to III-233) which examined the potential for induced development as a result of the implementation of the project. It was concluded that the US 301 project would not induce secondary development; however, it could potentially change the rate of planned development already occurring in southern New Castle County.

Comment 7

One comment raised concern about the cost of the project in light of current fiscal constraints.

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Response 7

The current financial plan proposes to fund the project with modest levels of federal aid highway funds and state transportation trust funds, with the predominant source of funds being bonds, supported by the tolls paid by those using the new US 301 and the Spur Road.

Comment 8

Five comments expressed their opposition to the Yellow Alternative.

Response 8

This ROD selects the Green North + Spur Road Alternative.

Comment 9

Four comments noted that many people do not want the Spur Road, not just the Daleys.

Response 9

*After a detailed evaluation of the alternatives including the Middletown Corridor Coalition's recommendation, FHWA has determined that the Green North + Spur Road Alternative best meets project Purpose and Need and is thus the Selected Alternative (See **Response 1**, **Sections IV.D.2, pages 57-60, and V, pages 69-77, of the ROD**). Comments were received both supporting and objecting to the Spur Road; see **page 1** of this attachment, summarizing the Final EIS comments received.*

Comment 10

One comment stated a preference for the Yellow Alternative because it followed existing roadways and did not further fragment open space. The same comment requested DelDOT review the alignment of the Spur Road adjacent to his property and requested the alignment in this location be moved to the east onto property that is currently used as a borrow site. He also requested a potential SWM pond be relocated to the property to the east of the Spur Road., and asked for an opportunity to discuss this with DelDOT.

Response 10

*The Yellow Alternative is not selected because it had a high level of impacts to communities, community facilities, community cohesion and individual properties. The substantial number of noise impacts could not be cost-effectively mitigated. The Yellow Alternative had the greatest impacts to wetlands and would physically impact four historic resources. The Yellow Alternative would be the most difficult to construct and has (including real estate acquisition costs) the highest cost of all the alternatives retained for detailed study (refer to **ROD, Section V, pages 96-97**).*

The Selected Alternative alignment will continue to be refined during final design in order to balance and minimize impacts. However, moving the roadway alignment to the east would result in the roadway being closer to the Chesapeake Meadow community on the south, possibly affecting the ability to provide an earthen berm between the roadway and the community. The alignment of the roadway in this area balances the impacts on agricultural, natural environmental, and community (residential, churches, etc.) resources. Stormwater management pond locations are only preliminary at this time. The locations of stormwater management facilities will be reviewed during final design; a number of the ponds may be replaced by alternative types of facilities.

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Comment 11

From a resident who suggests the Spur be a stand-alone project, quoting the SHPO's letter of February 14, 2007 (**Final EIS, Section IV.D.9, page 9 of 37**) about the Spur Road and their request that its need be further considered.

Response 11

Reconsideration of the Spur Road occurred during the period between the publication of the Draft and Final EIS, and the Spur Road remains a part of the Selected Alternative for the reasons detailed in this ROD (Section IV.D.2, pages 57 to 60). Refer to Response to Comment 1, page 1 of 34.

Comment 12

Three comments expressed a desire for no further widening on existing US 301, citing noise, safety and truck traffic as elements of concern.

Response 12

There are no further widening projects programmed for existing US 301 at this time. The Selected Alternative does not require widening existing US 301 from Peterson Road to Summit Bridge, during the design period (2030).

Comment 13

Two Midland Farms homeowners and one resident on Summit Bridge Road who are being relocated because of the project indicated their support of the Preferred Alternative with the inclusion of the Spur Road.

Response 13

The support of the Selected Alternative (Green North + Spur Road) is noted.

Comment 14

One comment noted that the Preferred Alternative would mostly benefit Maryland residents and interstate commuters at Delaware's expense. This same comment expressed concern that property values would change as a result of the project.

Response 14

The decision-making process has closely followed the guidelines for the Mid-Atlantic Transportation and Environmental Streamlining Process (MATE Process) for transportation planning and has also followed National Environmental Policy Act (NEPA) guidelines to complete the EIS process. The US 301 project will benefit those who use the new US 301, i.e. Delaware citizens who will access US 301 at the three proposed interchanges [Levels Road (Westown area), existing US 301(just north of Middletown), and Jamison Corner Road, in the vicinity of two proposed major developments (Bayberry and Whitehall)]. New US 301 will also benefit interstate travelers who currently use existing US 301, including significant volumes of through truck traffic that will be removed from local roads, such as existing US 301 and Boyds Corner Road. The shifting of traffic to a new controlled access freeway-type facility will reduce congestion, improve safety, and manage truck traffic in the project area. (See Section V.C, pages 74-77 of the ROD). Changes in property values may be

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influenced by many more factors than the completion of a roadway that will provide improvements in safety, congestion, and management of through truck traffic.

Comment 15

One comment noted that "... some who are unhappy with this choice ... are those who purchased lots when notes already existed on "county and DelDOT" books and other plans dating back to the 1960s that the Route 301 project already had purchased right of way in this area."

Response 15

The plan for a new US 301 has been well known for a number of years and is in the public record. The alignment of the Spur Road along the ridge route was considered in the past, in the 1960s to 1990s, as a possible alignment for a new US 301 roadway. In addition, as a result of the conclusion in the 2000 MIS, DelDOT did purchase three properties in 2001 as "protective acquisitions" in this corridor, noted on New Castle County land records as "US 301". The ownership of these parcels did not affect the decision to construct the Spur Road.

Comment 16

One comment suggested moving the alignment of the road west to Choptank Road and widening Choptank Road.

Response 16

Widening Choptank Road was not evaluated during the planning process and is not considered a prudent alternative. Choptank Road is a local roadway that provides north-south access to numerous communities in the area. Converting Choptank Road to a controlled access facility, to accommodate through traffic, would deny access to local communities, unless a more costly system of frontage roads and interchanges were provided. The Selected Green North + Spur Road Alternative provides a controlled access facility for through traffic and local traffic from the areas north and south of Middletown, including Westown, thus allowing Choptank Road to accommodate local north-south traffic from communities such as Southridge, Fox Hunter Crossing, Back Creek, Millwood, Villages at Fairview Farms, and others to the west of Choptank Road. In addition, the conversion of Choptank Road to a wider facility to accommodate frontage roads and interchanges would produce substantial impacts to communities and properties, including historic residences, located adjacent to Choptank Road.

Comment 17

One comment expressed some concern that there had been meetings held "behind closed doors" where decisions may have been made.

Response 17

An "open" public outreach effort has been conducted throughout the planning process. The public has been provided with information at each stage of the planning process including recommendations on the potential range of alternatives, Alternatives Retained for Detailed Study, and a Preferred Alternative, along with the full supporting data for those recommendations. The public has provided input during each step of the process. Numerous individual community meetings were held to present material and secure public input. Six rounds of public workshops were conducted with significant participation and large numbers of comments and several petitions. Recommendations have

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considered the public input, environmental resource and regulatory agency input, along with the results of detailed evaluation of traffic, engineering, natural environmental, cultural, and community resources, and impacts, including efforts to avoid, minimize, and mitigate those impacts on the various resources. Recommendations and decisions, and the rationale for those recommendations and decisions, were always made public.

Comment 18

One comment expressed concern that Springmill would be sandwiched between two highways, existing US 301 and the new US 301, and questioned the effectiveness of the proposed berm at mitigating noise and visual impacts.

Response 18

*Springmill will be located between existing US 301 to the east (the senior community's current access) and the Spur Road to the west. The Spur Road will be located approximately 650 feet to 1,500 feet to the west of Springmill. An earthen berm is proposed between Springmill and new US 301. The berm is proposed to be six feet above existing ground and 2,200 feet long. It is proposed to effectively minimize the view of the new US 301 mainline from the northwest section of Springmill. The southwest area of Springmill is buffered from the highway by woodlands. The Selected Alternative is not predicted to have any noise impact on the community, as defined by the Federal guidelines (over 66 dBA or an increase of 10 dBA or greater) (refer to the Final EIS, **Section III, Table III-38, page III-92 and Table III-47, page III-108**). The visual earth berm will also provide a measure of noise abatement from traffic noise on the new US 301.*

Comment 19

Three elected officials (Senator Ennis, Representative Hall-Long and Councilman Powers), County Executive Chris Coons, and two citizen comments requested that DelDOT realign the Strawberry Lane connection to existing US 301 adjacent to existing US 301 instead of through preserved farmlands.

Response 19

*The alignment of the connection between Strawberry Lane and existing US 301 has been refined to avoid the agricultural preservation property currently owned by the Clay family. This connection provides safe passage for oversized farm vehicles and improves access related to farming operations and agricultural businesses both east and west of existing US 301. See **Section III.A.4, page 15, and IV.D.4, pages 61-67 and Figures 12, 13, and 14** of this ROD for additional discussions. This refinement was presented to the federal and state environmental resource and regulatory agencies on January 24, 2008 at a Joint Agency Review meeting and has their concurrence along with the support of members of the farming community (see **Attachment J, pages 1-2**). The elected officials were copied in DelDOT's February 26, 2008 response letter to Mr. Clay indicating that the resource agencies concurred in moving the Strawberry Lane Connector close to existing US 301 and that the revised alignment would be detailed in the Record of Decision. (See **Attachment J, page 4**)*

Comment 20

One comment was received, representing the Middletown Corridor Coalition's position on the FEIS; several issues were raised within that comment. The entire comment is reproduced herein on the following pages with the responses provided point by point.

COMMENTS ON THE FINAL EIS AND RESPONSES

Middletown Corridor Coalition's Responsive Comments to the FEIS

(Final Environmental Impact Statement)

Dated November 2007

Regarding the US 301 Project Development in New Castle County, Delaware

Comment M1 Summary

The MCC is a grass roots organization that feels the FHWA does not have all of the pertinent information to properly assess the "Final Environmental Impact Statement" (FEIS) submitted for the US 301 Project as submitted by DelDOT in November of 2007. It should be noted that the MCC supports the selection of the Green Route and only finds fault with the process surrounding the addition of a spur after the public comment period. The MCC, and various state representatives and departments, have recommended the removal of the spur route from this project on multiple occasions and maintains that removal is the most ethical, cost effective, environmentally conscious, and historically conscious path. When the spur is removed, it can be considered as a stand alone project and reconsidered under its own merits. In order to make this document more concise, a full list of grievances is not being submitted, but instead this document is centered on the FEIS only. Please note that the bolded paragraphs that follow represent a good summary of each comment for longer comment sections, with the balance of that comment representing supporting information.

Response M1

*This ROD indicates the Green North + Spur Road as the Selected Alternative. FHWA has been involved throughout the various steps of the planning process, including during the addition of the Spur Road in the fall of 2005 (see **ROD, Section IV, pages 35 to 38**).*

Comment M2 Omissions

Our first comment is a general one, DelDOT has not submitted all of the relevant information required to properly assess this project. In order to support our long list of comments we felt it necessary to quickly list a few of those omissions. This list is a summary of the omitted information, and a full list can be provided upon request.

1 - Attachment 1 – Letter requesting the removal of the spur road from the project from our area state representatives and state senator.

Response M2

*Secretary Wicks responded to the issues raised in the August 28, 2007 letter from Senator Amick and Representatives Cathcart and Hall-Long in her letter of October 5, 2007 (see **Attachment E to this ROD**).*

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Comment M3

2 - “Estimating Toll Road Demand and Revenue” - This research was sponsored by the American Association of State Highway and Transportation Officials in Cooperation with the Federal Highway Administration and was based on Planning and Administration and Estimating Toll Road Demand and Revenue. This document is in excess of 45 pages and can be found at the following link.

http://onlinepubs.trb.org/onlinepubs/nchrp/nchrp_syn_364.pdf

Response M3

The referenced report summarizes the state-of-the-practice of estimating toll road demand and revenue using regional travel demand models. The report reviews the results from previously conducted toll revenue studies across the country and attempts to identify best practices and areas in need of improvement and additional research. This document contains no specific information regarding the US 301 Project Development efforts.

Comment M4

3 – Attachment 2 - Letter from Chris Coons County Executive to Sec. of Transportation Nathan Hayward recommending a combination of the green and brown routes with the brown route representing the spur. This document shows a predetermination to include the brown route under all phases of the project.

Response M4

The alternative recommended by County Executive Coons in his December 29, 2005 letter provided the Green Alternative mainline from the MD/DE Line to SR 1, and added a north-south extension along the ridge route from the vicinity of Armstrong Corner Road to Summit Bridge and an east-west connection south of the C&D Canal (the Brown Alternative). The County Executive’s recommendation suggested the combination to provide local access to existing and proposed development (Crossland, Mount Hope, Airmont, Whitehall, Summit Farms). The County Executive’s recommendation does not indicate a “predetermination”.

*It should be noted that County Executive Chris Coons’ letter of January 16, 2008, providing comments on the Final EIS, expresses support for the Preferred Alternative and commends the Project Team for their tireless dedication to working with the public and conducting a thorough professional analysis of all the options and alternatives. See **Attachment G to this ROD**.*

Comment M5

4 – Attachment 3 – Email from RKK engineers to Mark Tudor describing their toll revenue estimates as “potentially frightening” and overestimated by 200% – 800% due to the “Estimating Toll Road Demand and Revenue” document listed above.

Response M5

*The email in question was a brief summary of NCHRP Synthesis 364 (the document referenced in **Comment M3**). The email discusses in general the state of the practice regarding toll revenue modeling, but in no way indicates that the US 301 revenue estimates are “overestimated by 200 to 800%.” Rather, the email states that the regional demand model used to develop the US 301 toll revenue estimates has several key characteristics identified in NCHRP Synthesis 364 as vital for developing accurate toll revenue forecasts. Additionally, the email states that the revenue estimates generated from the modeling process were further reduced by 10%, 20%, and 30% prior to being used*

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in the financial analysis of the US 301 project. The email indicates the use of best practices and a conservative approach when evaluating the potential revenue from US 301 as a toll facility.

Comment M6

Summary Page S-2

DelDOT said: “Approximately 95% of the northbound truck traffic originating south of Middletown is destined to points northeast of the C&D canal, with nearly 90% of that destined for places outside Delaware.”

DelDOT also said “The Proposed description of the “Spur” road is to improve safety and better manage the heavy Truck traffic volumes through the project area”

By these estimates the north bound Truck traffic that could utilize the spur only constitutes approximately 3 - 5% of the total Truck traffic on the 301 Corridor. Further this percentage is lowered, due to roughly 2-3% of these trucks with a final destination of Middletown proper. Per the “Estimating Toll Road Demand and Revenue” document it is a reasonable assumption that only 40% will utilize the toll road. The spur is being built for 1.2% to 2% of the overall traffic.

Response M6

Traffic analysis is based upon current and future (2030) traffic demands. Origin and destination traffic surveys of roads in the area have shown that 1/3 of all traffic on existing US 301 is destined north over the Summit Bridge towards the Newark Area. The Spur Road more effectively addresses this need because of the projected development in the Westown area and the projected growth in US 301 traffic. The Spur Road also reduces the traffic demand on other roads, including Choptank Road and existing US 301, by providing a more direct, safer, and faster route to and from the Summit Bridge. The Spur Road would serve auto and truck traffic with destinations north of the Summit Bridge.

With respect to truck volumes, the Spur Road is projected to carry about 5% trucks in the peak period and about 9% trucks each day (average annual daily traffic) or about 2,000 trucks (long-distance trucks plus local trucks) each day, in design year 2030. Placing these trucks on a divided controlled access Spur Road, rather than on existing US 301, will reduce congestion, improve safety and better manage truck traffic. US 301 is projected to carry about 9% trucks in the peak period and about 14% trucks each day (average annual daily traffic) or about 7,900 trucks (long-distance trucks plus local trucks), each day in design year 2030. These projections translate into total truck volumes (long-distance trucks plus local trucks) splitting about 75% to new US 301 and 25% to the Spur Road.

Comment M7

The Middletown Corridor Coalition (MCC) proposed to upgrade the existing 896/301 from Boyd’s Corner Rd. to Armstrong Corner Rd., an approx. 1 mile stretch of roadway. This Upgrade would widen 896/301 from two lanes to four lanes with minimal impact on properties and businesses. This upgrade would save the State and Federal Government upward of \$135 Million by replacing the highly expensive “Spur” road. This work is acknowledged as necessary under any scenario by DelDOT.

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Response M7

The MCC proposal was evaluated (refer to Section IV.D.2, pages 57 to 60 of the ROD) and the project team concluded that it would be insufficient to widen only the segment of existing US 301 between Armstrong Corner Road and Boyds Corner Road. Widening would be needed between Peterson Road and Armstrong Corner Road, converting existing US 301 to four lanes (with a median or continuous left turn lane also required in this segment).

The widening would occur primarily along the west side of the roadway, and would require approximately 55 feet of additional right-of-way along the west side of the roadway corridor. On the east side of the existing roadway corridor, approximately 20 feet of additional right-of-way would be required, except in locations of Section 4(f) historic resources, where the roadway would be shifted to avoid impacts to these cultural resources.

To avoid the historic resources, a shift to the widening would occur at the R.G Hayes House (National Register-eligible (N.R.E.) N05153), which would require additional right-of-way on the west side of existing US 301 through Springmill. Shifts to the east to avoid impacts would also occur at Armstrong-Walker House (N.R. N05146) and Mt. Pleasant Farm (N.R.E. N05242) resulting in additional right-of-way on the east side of existing US 301.

The cost of improving existing US 301 from Peterson Road to Mount Pleasant is estimated at \$67 million to \$83 million. This cost was developed from DelDOT's estimated construction costs for widening US 301 from Middleneck Road to Peterson Road (ongoing DelDOT project). Percentages were added for construction engineering/inspection, contingencies and design in the same manner in which costs were developed for the recommended Spur Road. The cost estimates also included improving the curve south of Summit Bridge and right-of-way acquisition costs. The "total" estimated cost of improving existing US 301 is approximately \$40 million less than the preferred Spur Road. Traffic projections and impacts analyses indicate the following disadvantages when improving existing US 301 rather than providing the Spur Road:

- More traffic on local roads (e.g. Choptank Road and existing US 301, among others);*
- Higher accident rates/actual accidents, because of more traffic on lower type roads, signalized/unsignalized intersections and numerous access points;*
- Mixing through truck traffic with local traffic on existing US 301 from north of Armstrong Corner Road to Summit Bridge;*
- Reduced traffic at the toll plaza just north of the state line resulting in less toll revenues to fund new US 301 and the Spur Road and resulting in some diversion of truck traffic to local roads in DE and MD; and*
- Significant property impacts along existing US 301, due to the need to acquire additional right-of-way to eventually widen existing US 301 from Peterson Road to Mount Pleasant, listed below (refer to Attachment E, Secretary Wicks' letter, page 7 of 7).*

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TOTAL ACQUISITIONS/RELOCATIONS

Businesses:

- o Ringold Chapel AME Church
- o Logullo's Country Market
- o M. Medic, Inc.
- o KO's Cleaning

Residential:

9 Individual Home Owners

PARTIAL IMPACTS

Businesses:

- o Burger King
- o Summit Plaza
- o Middletown Chevy
- o Nu-Car Connection
- o Middletown Medical Professional Building
- o Ciamaricone's Landscaping
- o TriState Materials
- o Cooper Wilbur vault Company
- o Mr. Mulch
- o Guardian Fence Company
- o Rollins Metal Works
- o Keenan Auto Body Shop
- o 301 Cycle
- o Shops of Mt. Pleasant

Residential:

2 Individual Home Owners

Impacts to :

- o Middletown Village
- o Springmill

Note: The Recommended Spur Road does not require the total acquisition of any residential homes or businesses.

Comment M8

Moreover, the proposed "Spur" road will increase risk to drivers. One example is that there have been recent reports showing that the Toll Booth Accident Rate has dramatically increased over the last 10 years. The "Spur" road will direct more drivers through toll booths, thus increasing risk.

Response M8

There are no toll booths on the Spur Road. The Spur Road would be a safer facility than an improved existing US 301 (a roadway with a history of fatal crashes). See Sections V.C, pages 76-77 and V.G.5, page 95 of the ROD and the response to Comment 1. Additionally, the concept of Open Road Tolling is being considered for US 301. This concept requires no toll booths, thereby improving safety, as well as reducing impacts to the environment from idling vehicles. An Open Toll Plaza concept is also being considered that would provide highway-speed EZ-Pass toll lanes separated by a barrier from a cash toll collection plaza. This design improves toll plaza safety by separating vehicles moving at different speeds. This type of facility has been used effectively and safely at the Biddles Corner and Dover Toll Plazas on SR 1.

Comment M9

We also question the use of the DEIS written in 1992. Why was there no updated DEIS written to back such a costly road project? DeIDOT has not done their due diligence in this respect.

Response M9

The 1993 DEIS was followed by the "Greater Route 301 Major Investment Study" (MIS) in January 2000, which: made specific recommendations for preservation of the "ridge route" corridor for future

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considerations regarding US 301; recommended a number of highway alternatives be retained for future study; and recommended transit, pedestrian, bicycle, transportation demand management and local road improvements that have been and continue to be implemented. The MIS also recommended that a new DEIS evaluate highway capacity improvements in the US 301 corridor. Reference the Final EIS Chapter I, Section A.1., pages I-1 to I-2.

Comment M10

Summary Page S-5

It is the Middletown Corridor Coalition's contention that there is a problem with DelDOT's request for federal funds with regards to the "Spur". Pursuant to Title 23 from the FHWA, if a facility is to be built with enough land to complete a four lane highway, the applicant must provide justification for a four lane facility. This is to apply even when the applicant is only constructing two lanes but has enough land to build four. The amount of land must be justified in order to gain federal funding. If it can not be explained, the State should not obtain federal funding for construction of the roadway.

It is the Middletown Corridor Coalition's contention, due to the comments in Attachment 2, that DelDOT intends to originally build a 2 lane "Spur" roadway in order to obtain federal funding, but that DelDOT's ultimate plan is to upgrade that roadway to a four or six lane highway in the future. The negative aspects of the brown route apply to the spur route namely greatest public opposition, elevated roadways, negative impacts of traffic above the Summit Bridge, impact to the Summit Airport and high quality wetland impacts. The spur has not withstood the public workshop comment period due to the timing of the addition of the spur and the Summit Bridge cannot withstand additional traffic without upgrade to the bridge itself.

Response M10

The median width of the proposed Spur Road is 62 feet and would accommodate the addition of one lane in each direction. However, such widening is not anticipated in the design period, prior to year 2030. Traffic projections indicate widening of the Spur Road might be required in the longer term. This long-term widening would require a new bridge across the C & D Canal and major improvements to SR 896, north of the C & D Canal, to accommodate traffic in the long term.

Prior to undertaking such widening, DelDOT (with FHWA, if federal funding is anticipated) would be required to undertake a new assessment of the impacts associated with such widening, including environmental analysis and documentation, public outreach, and consultation with the environmental resource and regulatory agencies.

*A commitment has been made to evaluate the Spur Road median width during the final design phase (see **October 5, 2007 letter, page 5 of 7 (Attachment E) and Attachment B, Commitment C-48**).*

A number of the adverse impacts referred to in the above comment are associated with the Brown Alternative, but do not apply to the Spur Road. For example, the impacts to Summit Airport (basis for FAA concerns or objections to the Brown Alternatives) and the impact to the high quality wetlands and relatively undisturbed natural stream systems and wildlife corridors south of the C & D Canal (basis for DNREC objections to the Brown Alternatives), occur on the east-west section of the Brown Alternative, and therefore, do not apply to the Spur Road.

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The Spur Road was added to the Green and Purple Alternatives in the fall of 2005, and was presented at the December 2005, February 2006, and April 2006 public workshops, and at the January 2007 combined Location-Design Public Hearing. The Spur Road was presented in the November 2006 Draft EIS and the December 2007 Final EIS.

Comment M11

The “Spur” Road facility has a 62’ median, four 12’ shoulders, two 12’ single lane roadways, and 60’ of clearways in the design for an overall width of 146’. This suggests that one day a four lane highway or perhaps even a six lane highway designed for 70 mph speeds could be finished in its place. The MCC, along with our legislators and the Department of Land Use in New Castle County, all agree that this is a very likely scenario. We would like DelDOT to justify why they would need a four lane highway or a six lane highway attached to the Main Facility (the main green route) that is already a four lane Highway which is 260 feet wide that could be expanded to six or eight lanes. That main Route has the same suggested speed design of 70 mph.

The Summit Bridge which directly flows into the “Spur” design is unable and will never be able to withstand significantly increased traffic flow, whether it is in ten years or 50 years. For this reason, as well as environmental and historical impacts, the Brown, Yellow, and Red routes were all dismissed from the “selection” process.

Response M11

*See Response M10. The recommended Spur Road includes a “Y” type interchange south of Summit Bridge, which has been developed in accordance with current DelDOT design standards. The interchange has been analyzed and is projected to operate at a satisfactory level of service in design year 2030. Daily traffic on Summit Bridge, in Design Year 2030, is projected to be 59,500 vehicles per day with new US 301 and the Spur Road (reference **Final EIS, Section III.G.1 and 2, pages III-190 to III-199**), while the projected volume on the Summit Bridge is 53,900 vehicles per day with new US 301 without the Spur Road, a difference of less than 10%.*

Traffic projections show that regardless of the alternative, including the Middletown Corridor Coalition’s suggested Green North without the preferred Spur Road, there is a consistently high traffic demand to use Summit Bridge. 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, during the design period (2030).

The Brown, Yellow, and Red Alternatives were dismissed for the reasons identified in the Final EIS (Section II.B. pages II-16 to II-22 and in Section II.D, pages II-38 to II-40) and in this ROD Sections IV.B, page 33 and Section V.G., pages 97-100).

Comment M12

Since the “Spur” road is estimated at a cost of approximately \$135 million, and the Delaware Transportation Trust Fund has a shortfall of over \$1.5 billion, it is fiscally irresponsible to design and build an unnecessary roadway. This is due to the fact the MCC has come up with a cost saving alternative that the Federal government would cover if the application was reapplied with the upgrade

COMMENTS ON THE FINAL EIS AND RESPONSES

of Rte. 301 from Boyd's Corner Rd to Armstrong Corner Rd as the "Spur" DelDOT desires. This would alleviate the congestion, safety and cost issues of the Route 301 corridor.

Response M12

The estimated cost of the Spur Road is approximately \$116 million (\$105-\$120 million). The cost to widen existing US 301 between Peterson Road and Boyds Corner Road is approximately \$76 million (\$67 to \$83 million). Therefore, the difference in cost between the two options is approximately \$40 million. However, the Spur Road would be funded primarily with bonds supported by the tolls paid by the users of the facility. This funding approach minimizes the state Transportation Trust Fund's (TTF's) support for the project, and thus minimizes the fiscal impact of the US 301 project on the statewide transportation program. Some TTF and federal funding support is anticipated to be needed for the US 301 project. The cost of improving existing US 301 would not be funded with toll revenues, but entirely with Federal-aid and/or State TTF funds and thus would have an impact on TTF funds and the statewide transportation program.

Comment M13

It is DelDOT's duty to listen to the mandate of the people. A community should have a strong say in what happens where we live, and as a group, we have proposed an alternative that has not gone to public comment. We reiterate that the "Spur" road is an unnecessary, expensive road project that will be unbeneficial to the people of the community it will be constructed through. Upgrading the existing roadways is the most practical and beneficial solution for all involved.

Response M13

*Although a number of comments were received asking to "uncouple" the Spur Road from the Preferred Alternative, a similar number of comments have been received in support of the Preferred Alternative, Green North + Spur Road. Additionally, a number of comments have been received that oppose the widening of existing US 301 in order to provide additional capacity. The rationale for selecting the Preferred Alternative is noted in **Section V of this ROD, pages 69-100**, and the rationale for not selecting the Green North Alternative without the Spur Road is presented in **Section IV.D.2, pages 57-60** of this ROD.*

Comment M14

Summary Page S-8

The MCC asserts that the Brown Route, which was dismissed and is opposed by DENREC (Delaware Department of Natural Resources and Environmental Control) and SHPO (State Historic Preservation Office) and our state legislators (Attachment 1), runs along the same alignment as the "Spur" as supported in multiple DelDOT emails including Attachment 2. Therefore, the "Spur" road will have the same potential impacts to high quality wetlands and relatively undisturbed natural stream systems and wildlife corridors in the area adjacent to and within the C and D Canal State Wildlife Area and State Natural Area, an area that is not to be developed, and level 3, 4 environmental areas in New Castle County. In support of this assertion, DelDOT has admitted to the MCC that the "Spur" road is designed on the same alignment as the Brown Route.

Response M14

While the assertion is correct that the Spur Road and the Brown Alternative share the same "ridge route" alignment for the north-south portion of the roadway, the potential impacts to high quality

COMMENTS ON THE FINAL EIS AND RESPONSES

wetlands and relatively undisturbed natural stream systems and wildlife corridors in the area adjacent to and within the C&D Canal State Wildlife Area and State Natural Area (and those designated Level 3 and 4 in Liveable Delaware) are those that would occur on the east-west portion of the Brown Alternative alignment and not along the Spur Road alignment. The impacts of the Brown Alternative on the “ridge route” portion of the alignment are approximately the same as those of the Spur Road. The SHPO offered a preliminary evaluation of the Brown Alternatives as “satisfactory” (SHPO to FHWA, October 7, 2005). Potential impacts to the Summit Airport also factored into the decision to not recommend the Brown Alternative. See also Response M10 above.

Comment M15

Summary Page S-15

The preferred Alternative will impact far more than 143 properties. The MCC contends that there are hundreds more properties impacted by the “Spur” road, which are not included in this number. The MCC has done extensive research on the proposed “Spur” and finds DelDOT to be negligent and irresponsible in continuing the design and placement of the “Spur”.

Response M15

The preferred alternative will **directly** impact 143 properties; while it is true that additional properties will be indirectly affected, such as increased noise or a change in viewshed, this statement refers to those properties required, in total or in part, to construct the Green North plus Spur Road Alternative. A detailed list has been developed of each parcel that is anticipated to be directly impacted by the Selected Alternative, based on tax parcel information. Probable relocations that will occur as a result of the implementation of the Green North plus Spur Road Alternative were identified in both the Draft EIS (**Appendix D**) and Final EIS (**Appendix F**).

Comment M16

Summary Page S-17

The MCC would like an air quality conformity analysis before the ROD. This will help insure the well-being of the thousands of residents who live in the Green Route project area, including the “Spur” road area. We would like to receive the results of such an analysis, and its impact on the future health of residents living in the project area.

Response M16

An air quality conformity analysis that includes US 301 from the MD Line to SR 1 and the Spur Road from US 301 to Summit Bridge has been prepared as part of the amendments to the WILMAPCO Regional Transportation Plan (fiscally constrained long range plan), the 2008-2011 Transportation Improvement Program (TIP) and the draft 2009-2012 Transportation Program (See **Section VII, page 105 of the ROD**). The amendments were adopted by WILMAPCO’s Council on April 10, 2008. The USEPA concurred in the air quality conformity determination on April 23, 2008, and FHWA/FTA provided their concurrence on April 24, 2008. Finally, FHWA approved the State Transportation Improvement Program (STIP) on April 25, 2008. MCC will be provided with a copy of the analysis results. The air quality conformity analysis can also be accessed on the WILMAPCO web site, www.wilmapco.org. The TIP amendment is found at <http://www.wilmapco.org/tip/2009%20TIP/301%20amendment.pdf>.

The draft Amendment to 2030 WILMAPCO Regional Transportation Plan is located at <http://www.wilmapco.org/RTP/AMENDMENT%20March%202008.pdf>.

COMMENTS ON THE FINAL EIS AND RESPONSES

The New Castle County Amended FY 2008-2011 TIP and 2030 RTP Conformity Determination and the New Castle County FY 2009-2012 TIP and 2030 RTP Conformity Determination pdf documents can be viewed and/or downloaded from <http://www.wilmapco.org/qaq/index.htm#Reports>

Comment M17

Summary Page S-18

The MCC would like further analysis performed in the “Spur” area, particularly in the subdivisions along its proposed route. The Sound analysis allegedly performed on July 7, 2005 was done at 3:00 p.m. to 3:15 p.m. in two areas at a great distance from the proposed road site. We feel that the sound testing to date has been unacceptable. In addition, the sound abatement proposed by DelDOT will not bring the sound levels to an acceptable level for the subdivisions that abut the “Spur”. In order to preserve sound levels the DelDOT proposal of 55dBA is not acceptable.

Response M17

*Sound measurement and analysis were conducted in accordance with DelDOT’s noise policy, approved by FHWA on January 7, 1998. The area in question is Noise Sensitive Area (NSA) 6 in **Table III-37 on page III-86** in the Final EIS. Four representative receptor sites were used in the analysis of noise impacts on the Chesapeake Meadow area identified in **Table III-38 on page III-95** of the Final EIS. Two of the receptor sites were in close proximity to the Spur Road; one was measured and modeled, while the other was modeled. The results of the analysis indicated an increase in design year noise levels ranging from 5-13 dBA above existing noise levels in the western portion of Chesapeake Meadow. Various noise mitigation options were analyzed, but none was found to be cost effective, as defined under DelDOT’s noise policy. However, a visual earthen berm will be provided between Chesapeake Meadow and the Spur Road which is projected to limit noise increases to 1-5 dBA and less than the 66 dBA standard. See the **Final EIS Section III.80 to III-108**.*

Comment M18

Any sound abatement berms should be soil tested to assure it is clean fill. The MCC requests a soil sample for our own analysis. The MCC would like to be on record that sound mitigation is required by both county and state code to be built before any construction of a roadway facility if the construction is near an existing subdivision. This is in order to protect the residents of the existing subdivisions from sound and other negative conditions produced by construction.

Response M18

*Standard F borrow material, meeting current DelDOT specifications, will be used in the construction of the visual earth berms between the Spur Road and the communities identified in this ROD (**Attachment B to this ROD, Commitment C-14 and C-53**), including the Chesapeake Meadow community. DelDOT will provide MCC with soil samples for MCC analysis. A commitment is also included to construct the berm as an early item in the roadway construction contract (refer to **Attachment B to this ROD, Commitment C-49**).*

*A noise mitigation berm is not being constructed for the Chesapeake Meadow community, as the analysis showed that mitigation would not meet DelDOT’s noise abatement criteria (**Final EIS, pages III-100 to III-108**). An earthen berm is being constructed to mitigate the visual impacts of the Spur Road (**Final EIS, page III-46**). The visual earth berm will also provide some noise abatement for the residences in the community that would experience a noise increase.*

COMMENTS ON THE FINAL EIS AND RESPONSES

Comment M19

Summary page S-19

The “Spur” will run directly through Protected Farmland protected since 2005. This is in contradiction of the Governor’s Livable Delaware Executive Order.

Response M19

Two protected agricultural areas will be impacted by the project. During the design phase, refinements to the alignment of the Selected Alternative will be evaluated to minimize these impacts. Impacts to one additional agricultural preservation area near Strawberry Lane that were reported in the Final EIS have been eliminated. This is the result of the development of a refined local roadway connection between Strawberry Lane and existing US 301 in response to comments received during the Final EIS review period and after consultation with property owners and the Resource and Regulatory Agencies (see Section III.A.4, page 15 and IV.D.4, page 61-65 , of this ROD.).

Comment M20

Summary page S-21

The Toll Diversion Working Group from the fine state of Maryland, whose work ended in August of 2006, was not given information on the “Spur” road as a part of the Rte. 301 project. This is because the Spur was not being publicly acknowledged although it was being discussed as the preferred alternative in Attachment 2 as early as December of 2005. With the addition of the spur, easier access to toll diversion were created.

Response M20

The five (5) Alternatives Retained for Detailed Study: No-Build, Yellow, Green + Spur, Purple + Spur, and Brown, were presented to the Toll Diversion Working Group at the initial July 11, 2006 meeting (see the project website and PowerPoint presentation for the initial meeting, http://www.deldot.gov/information/projects/us301/pages/toll_diversion_wg.shtml). Elimination of the Spur Road would likely increase the potential for toll diversions, especially truck traffic, since a limited access facility would not be provided to Summit Bridge, i.e. traffic would be required to exit at the new/existing US 301 interchange, north of Armstrong Corner Road, and use SR 896 to Summit Bridge. This section of SR 896 has experienced high accident rates. Some truckers may consider avoiding the toll and using MD 213 and other routes more desirable, if the Spur Road were not provided.

Comment M21

Summary page S-24

No where in the FEIS is there any documentation of the meeting Sec. Carolann Wicks had with three Legislators (Rep. Cathcart, Rep. Hall-Long, and Senator Amick), in which they asked Sec. Wicks to uncouple the “Spur” from the Rte. 301 project and make it stand on its own merit in a stand alone project. This meeting took place as a result of DelDOT adding the “Spur” at the end of the workshop process and giving no alternatives to the “Spur” for the public to review or discuss. All feasible alternatives at that point had the “Spur” added to their design. The resultant from that meeting was the letter listed as Attachment 1.

COMMENTS ON THE FINAL EIS AND RESPONSES

Response M21

There have been a number of meetings between Secretary Wicks, Senator Amick, and Representatives Hall-Long and Cathcart. As a result of those meetings, the MCC recommendation to “uncouple” the Spur Road from the US 301 project was evaluated (ROD, Section IV, pages 57-60). The results of this analysis have been provided to MCC in various e-mail responses to MCC from DelDOT representatives Mark Tudor (June 15, 2007) and Darrel Cole (June 12, 2007); at the June 25, 2007 community meeting; and in Secretary Wicks’ October 5, 2007 letter to the three legislators (Attachment E to this ROD).

Comment M22

Summary Page S-25

Under section O, the Rte. 301 project was proposed as being primarily funded through the toll revenue bonds supported by the four potential toll collection facilities along the build alternatives. It has come to light that this toll revenue has been overestimated by at least 200%.

This information was given in a report entitled “National Cooperative Highway Research Program”. The research was sponsored by the American Association of State Highway and Transportation Officials in Cooperation with the Federal Highway Administration and was based on Planning and Administration and Estimating Toll Road Demand and Revenue.

http://onlinepubs.trb.org/onlinepubs/nchrp/nchrp_syn_364.pdf

Considering the Delaware Transportation Trust Fund’s \$1.5 Billion shortfall, funding sources are limited. With an estimated cost of \$600 to \$800 million, Delaware would have to come up with approx. \$118 million on its own. This task is even more formidable considering the financial situation of the State and the gross overestimation of toll revenue.

Response M22

See prior responses M3, M5, M8 and M12.

Comment M23

Purpose and Need page I-4

Under Section B: DelDOT proposed that the Rte. 301 Project would enhance highway safety, manage truck traffic and address existing and projected traffic congestions in the US 301 corridor, while minimizing environmental impacts and accommodate existing and planned development. The MCC contends that this plan does just the opposite. First, addressing the safety issue, there is an increased risk of accidents with toll booths. The plan for DelDOT is to have four of these tolls along a 15 mile length. Further, 95% of truck traffic which DelDOT is attempting to alleviate, travels from east to west. **Once again the need for a “Spur” roadway is unseen, due to the “Spur” only “potentially” carrying less than 5% of the truck traffic. When percentages for local traffic consideration and the overestimation mentioned in Summary Page S-25’s comment, the resultant is approximately 1% - 2% of truck traffic. An upgrade of the existing 896/301 roadway would sufficiently carry this small percentage. This would also fix the expected environmental impacts that would happen with the building of the “Spur” road.** Concerning congestion in the area, the MCC’s option of upgrading the existing roadway would more adequately address this problem. Additionally, the existing road represents a safety issue that needs to be addressed under all scenarios.

COMMENTS ON THE FINAL EIS AND RESPONSES

The projected homes to be built in the project area in just the next few years alone are upward of 12,880. That is a potential of an additional 25,000 cars in the area, if not more. These new homes cannot utilize the spur or green route by design, and will feed directly into the existing area of safety concern. This information is shared per the Middletown Transcript December 27, 2007 issue:

“New houses, townhouses, apartments: residential development in 2008. Compiled by Rebecca Henely, Staff Reporter.

Each year, the Middletown Transcript publishes an annual update on the new and in-progress residential development coming to the southern New Castle County area.

Information for this year’s article has been provided by Kristen Krenzer, public relations officer for the Town of Middletown; Vince Kowal, spokesperson for New Castle County Land Use; the Town of Odessa; and Mike Jester, code enforcement officer for the Town of Townsend. The list excludes small developments with houses in the single digits and large developments where only a few homes are left to be built.

Ashby’s Place: 4 single-family homes, pending approval, on Bayview Rd.

Bayberry North: 619 single-family homes, 56 duplexes, 82 townhouses, to be built on Boyd’s Corner Rd.

Bayberry South: 970 single-family homes, 100 townhouses, 120 condominiums, to be built on Boyd’s Corner Rd.

Baymont Farms: 157 single-family homes, pending approval, on Vance Neck Rd.

Carter Farm: 420 single-family homes, pending approval, on Bethel Church Rd.

Churchtown Manor: 201 single-family homes, approved, on Cedar Lane Rd.

Crossland: 7 single-family homes, 230 townhouses, pending approval, on Lorewood Grove Rd.

Estates at St. Anne’s: 466 single-family homes, 103 built, 21 under construction on Levels Rd in Middletown.

Fidler Property: 123 single-family homes, approved, on Bethel Church Rd.

Floral Plan Growers, LLC: 85 single-family homes, approved, on Hyetts Corner Rd.

High Hook Farms: 162 single-family homes, 42 duplexes, 56 townhouses, pending approval, on Vance Neck Rd.

Highlands (Clever Farm Rd): 206 duplexes, 708 townhouses, 336 apartments/condominiums, approved for construction, on Cleaver Farm Rd. in Middletown.

Highlands (Bohemia Mill Rd): 42 single-family homes, pending approval, on Bohemia Mill Rd.

Lighthouse Farm: 54 single-family homes, pending approval, on Port Penn Rd.

Longmeadow: 243 single-family homes, 239 built off Del. 299 in Middletown.

Middletown Crossing: 134 single-family homes, 125 built on Del. 299 in Middletown.

Middletown Village: 262 single-family homes, 253 built; 300 apartments, 84 built, 72 under construction; off U.S. 301 in Middletown.

Odessa Commons: Proposed 100 single-family homes, as well as a small commercial district, in preliminary planning and awaiting amendments to the Town of Odessa zoning ordinance, on Del. 299, west of current Town of Odessa.

Parkside: 492 single-family homes, 106 built, 37 under construction on Cedar Lane Rd in Middletown.

The Parkway at South Ridge: 1 single-family home, 4 duplexes, 237 townhouses, 204 apartment/condominiums in the Westtown area near the new Merrimac Avenue.

Pennfield/Lester Property: 137 single-family homes, pending approval, on Port Penn Rd.

COMMENTS ON THE FINAL EIS AND RESPONSES

Pleasanton: 289 single-family homes, 145 townhouses, pending approval, on Cedar Lane Rd.
Ponds of Odessa: 180 single-family homes, pending approval, on Vance Neck Rd.
Port Penn Assemblage: 247 single-family homes, 258 townhouses, pending approval, on Dutch Neck Rd.
Preserve: 202 single-family homes, 62 townhouses, pending approval, on Dutch Neck Rd
Promenade: 273 condominiums, approved, on East Main Street in Middletown.
Roberts Farm: 204 single-family homes, pending approval, on Taylor's Bridge Rd.
Rothwell Village: 150 single-family homes, approved, on Old Summit Bridge Rd, east Middletown.
Silver Maple Farm: 205 single-family homes, pending approval, on Bayview Rd.
Spring Arbor at South Ridge: 182 single-family homes, 24 built, 12 under construction; 12 duplexes, 4 built; 123 townhouses, 13 built, 22 under construction; on Bunker Hill Rd in Middletown.
Spring Oaks: 119 single-family homes, pending approval on Marcus Rd.
Townsend Village I: 244 single-family homes, 81 built; off of Main Street in Townsend.
Townsend Village II: 319 single-family homes, 132 built, on Del. 71, a half-mile north of the intersection of Main Street and Del. 71 in Townsend.
Village at Scott Run/Elkins Farm: 181 single-family homes, 90 duplexes, pending approval, on Hyetts Corner Rd.
Warren Tract: 126 single-family homes, pending approval, on Port Penn Rd.
Westown: 1,000 single-family homes, 260 duplexes, 540 townhouses, pending approval, off Levels Rd.
Willow Grove Mill: 339 single-family homes, 188 built, 30 under construction; 248 townhouses, 223 built, 25 under construction on Del. 299 in Middletown
Willow Grove Mill II: 192 townhouses, approved, on Del. 299 in Middletown.
Windsor at Hyetts Corner: 149 single-family homes on Hyetts Corner Rd, approved.

Response M23

The traffic projections for this project are based on the latest approved land use projections developed by WILMAPCO and the population and employment projections developed by the Population Consortium at the University of Delaware. These projections include a significant increase in traffic in the Middletown area. The residents of Middletown (both current and future) would have access to the new US 301 mainline at Levels Road (Westown area), at existing US 301 near Armstrong Corner Road (just north of Middletown), and at Jamison Corner Road (in the vicinity of two major proposed developments – Bayberry and Whitehall). Access to the Spur Road would be available via the Levels Road interchange (Westown area) and from Maryland (diverts through traffic destined to the north – Glasgow, Newark, and PA from local roads, such as Choptank Road and existing US 301, south of the C & D Canal). Additionally, by removing out-of-state traffic (consisting of a high percentage of heavy trucks) from existing US 301, the local residents in the Middletown area who choose to use the existing local road system would benefit from decreased congestion, decreased truck traffic and increased safety.

*The rationale for including the Spur Road is presented in **Section II, pages II-41 to II-43** of the Final EIS, in **Section IV.B, pages 35 to 38** and **Attachment E** of the ROD.*

COMMENTS ON THE FINAL EIS AND RESPONSES

Comment M24

Purpose and Need Page I-7

Fatal Crashes are referenced in the first paragraph with specific details pointing to US 301 near the Maryland State line. It is the MCC's contention once again that with more toll booths, more accidents may arise. The area of interest on this page points to an exact location of a future toll facility for the Rt 301 project. The NTSB investigators reported:

- 49 percent of all interstate accidents in Illinois are at toll plazas, and three times as many people die in them as in accidents on the road itself.
- 30 percent of all accidents on the Pennsylvania toll highway system happen at toll plazas.
- 38 percent of all crashes on New Jersey toll highways are toll plaza accidents.

Introducing electronic toll collection lanes, though, can make the problem worse. Mohamed Abdel-Aty, associate professor at Central Florida University's Department of Civil and Environmental Engineering, studied the Orlando-Orange County Expressway system in Florida.

Between January 1994 and June 1997, 31.6 percent of total crashes occurred at the 10 main toll plazas and 46.3 percent at the 38 toll booth ramps, Abdel-Aty found.

Introducing EZ-PASS electronic toll collection lanes beside the regular lanes increased the accident rate at the busy Holland-East Mainline Plaza.

We in the MCC hope the FHWA and DelDOT are aware of these statistics and make the appropriate changes in the design of the new Rt 301 Bypass.

It is also our contention that for DelDOT to make a toll road to alleviate the truck traffic on the 301 corridor is a futile effort. Through DelDOT's own surveys, the majority of truckers using the existing Rte. 301 are doing so to divert a toll road. We believe truckers will not utilize a toll road when the existing Rte. 301 will still be available. There is a need today to upgrade the existing Rte. 896/301 to help with the congestion of the future.

Response M24

The concept of Open Road Tolling for US 301 is being evaluated. This concept requires no toll booths, thereby improving safety, as well as reducing impacts to the environment from idling vehicles. An Open Toll Plaza concept, which would provide highway-speed EZ-Pass toll lanes separated by a barrier from a cash toll collection plaza, is also being evaluated. This design improves toll plaza safety by separating vehicles moving at different speeds. This type of facility has been used effectively and safely on SR 1 at the Biddles and Dover toll plazas.

Regarding truck traffic, the Toll Diversion Working Group was convened to specifically address this issue. Likely diversion routes have been evaluated, and with the help of the Cecil County, Maryland local community representatives, business leaders, local elected officials, Maryland State Highway Administration, and the Maryland Transportation Authority, strategies have been developed to minimize any such diversions. Toll rates will be established for the new US 301 facility to minimize potential diversions to the local road system.

See also responses to Comments 5, M3, M5, M6, and M40.

COMMENTS ON THE FINAL EIS AND RESPONSES

Comment M25

Beginning of “Alternatives” portion of the FEIS.

Alternatives Page II-3

This description is one that suggest that DelDOT is attempting to Fix the Dangerous Curve off the Summit Bridge by including it in the Rte. 301 By pass project. This Curve should be fixed immediately. There are major accidents and fatalities in this location on a regular basis. To not fix this curve immediately represents a huge danger to drivers and is both negligent and irresponsible. Improving the curve should be done separately from the Rte. 301 project and as soon as possible, rather than waiting until the construction of the Rte. 301 project.

Response M25

An early contract is proposed to improve the sharp curve south of the Summit Bridge (Attachment B, Commitment C-46).

Comment M26

Alternative page II-8

The MCC once again points out that the overall width of 146’ is in fact a future design for a four to six lane 70 mph speed roadway that will interchange with the toll facility. This design is clearly overdone on many levels. The need for this massive construction for less than 5% of the truck traffic does not benefit Delawareans, especially those in the construction area. The MCC has stated repeatedly that the design of a “Spur” Road would be far safer for everyone at a reduced speed. Our suggestion of a 45-50 mph road design was not mentioned in this report.

The proposed “Spur” goes through ten (10) active Farms, whereas the MCC’s proposal goes though no active farms. DelDOT’s design has very many environmental impacts that are of great detriment to the quality of life of both the residents of Northern Middletown as well as the wildlife that resides here that has no voice.

Response M26

See Response M6 regarding projected truck volume on the Spur Road, Response M7 for a list of specific property impacts associated with widening existing US 301, and Response M10 regarding Spur Road median width. Commitments are made for the following to occur during the final design phase of the project:

- o A Study of the Spur Road design speed*
- o An evaluation of the Spur Road median width*

These commitments are included in the ROD (Attachment B, Commitment C47 and C48).

See Response M7 for list of the significant property impacts that result from MCC’s recommendation to widen existing US 301.

Comment M27

Conclusion

In conclusion, the MCC strongly suggests that the FHWA require DelDOT to justify the “Spur” as a four to six lane roadway project and the green route as a four to six lane project before any funding is

COMMENTS ON THE FINAL EIS AND RESPONSES

approved. The MCC, as well as our elected officials, suggested that the spur route has avoided public comment, whether by DelDOT design or not, and should be proposed independently as a stand alone project. Within that new stand alone project, the Maryland Toll Diversion Workgroup needs to be reconvened and the Army Corp of engineers should be informed of the potential for increased traffic across the Summit Bridge. Other areas of general concern revolve around the lack of information given to the New Castle County Department of Land Use. In recent conversations with that department it has become apparent that officials within that organization were unaware of the filing of the FEIS. As a minimum, before acceptance of this report and completion of the ROD, the spur portion of this project should withstand public comment. Furthermore, the MCC suggests that DelDOT uncouple the "Spur Road" from the Rte. 301 bypass project and replace it with the necessary upgrades of 301-896 from Boyd's Corner Road to Armstrong Corner Road, as well as improvements to make the curve at the foot of Summit Bridge safer.

Thank you in advance for your time and attention. Feel free to contact me for any additional information you may require.

Contact Information:

Andye Daley, Chair
Middletown Corridor Coalition
103 Fox Den Court
Middletown, DE 19709
302-378-2807

Response M27

The Spur Road is proposed as one lane in each direction, which will adequately accommodate projected traffic in the 2030 design year. The proposed median width of 62 feet would accommodate a second lane in each direction, if required in the future. Long-range Projections indicate an additional lane may be required in the longer term. The additional lane in each direction would require a new bridge crossing of the C & D Canal at Summit (the current truss bridge could not be feasibly widened). In addition, improvements to SR 896, north of the C & D Canal, would be required.

The US 301 mainline is proposed as two lanes in each direction, which will adequately accommodate projected traffic in the 2030 design year. The proposed median width of 66 feet would accommodate a third lane in each direction, if required in the future. Long-range Projections indicate that an additional lane may be required in the longer term. The additional lane in each direction on US 301 could be accommodated on the SR 1 bridge over the C & D Canal (by restriping); however, SR 1 north of the C&D Canal would require widening to four lanes in each direction.

The Spur Road has not avoided public comment. Opportunities for public comment included the December 2005 public workshops, February and April 2006 public workshops, and the January 2007 public hearing. The Spur Road was presented in the November 2006 Draft EIS and the December 2007 Final EIS. The following provides a summary and a breakdown of the comments received during the three public workshops.

A review of all comments received at the December 2005, February 2006, and April 2006 workshops and during the comment periods that followed indicates that:

COMMENTS ON THE FINAL EIS AND RESPONSES

Summary:

- Over 1,235 people signed in at the three workshops.
- More than 735 comments were received.
 - FOUR comments suggested utilizing existing US 301 instead of building the Spur Road or a new US 301(see below).
 - Of all comments received, 85 specifically expressed a preference for or against the Spur: 36 were positive about the spur; 43 opposed the spur; and 6 had other comments about the spur.
- Twelve petitions were received, containing a total of over 5,700 signatures.
 - One petition, authored by Andy Daley, received during the February 2006 workshops comment period, referenced the spur road. The petition requested that the Spur Road be moved to the west, further from the Chesapeake Meadow community.

December 5&6, 2005 (Middletown) & 7 (Townsend) Workshops:

Attendance = over 525

Total Comments (including emails) = over 500 plus 7 petitions:

- Middletown Baptist Church (3094) asked to avoid impacts to their church
- New Covenant Church (200) asked to choose an alternative that avoided impacting their church
- Springmill (239) opposed the Yellow Alternative
- Citizens (125) stated opposition to the Brown Alternative
- Area residents (1152 plus 14) petitioned to eliminate Brown/Green/Purple and implement Yellow
- Airmont Acres (85) expressed a preference for Yellow or Purple

Comments asking to use Existing 301 instead of Spur = 1

“A better spur would be using the two inside lanes of 896 as thru and outside lanes as local. Intersection of bridge and elevated crossovers of thru lanes are possible and would need to be designed.” Scott Kirchner (Chesapeake Meadow)

Comments asking to widen existing US 301 instead of Spurs = 1

“We feel that the toll on Rte. 301 at the Maryland border should be implemented immediately. In addition, instead of spurs, we believe it would save money and make more sense to simply make the existing Rte. 301 four lanes from Boyds Corner to the Maryland border. This would affect the least number of homeowners by simply widening an existing road rather than building a new one.” Neil and Clarissa Roth (Chesapeake Meadow)

Of those commenting about the Spur (58):

For: 24 Against: 32 Other: 2

February 22 & 23, 2006 Workshops:

Attendance = 372

Total Comments (including emails) = 83 plus 1 petition

- Chesapeake Meadow (32) asked to move spur to the west away from Chesapeake Meadow (petition authored by A. Daley)

COMMENTS ON THE FINAL EIS AND RESPONSES

Comments asking to use Existing 301 instead of Spur = 1

“The spur is not needed. Utilize the existing roads 301/896 and put a few million into improving a couple of spots.” Nate Clement (Summit Bridge Farms)

Of those commenting about the Spur (13):

For: 7 Against: 4 Other: 2

April 10 & 11, 2006 Workshops:

Attendance = 338

Total Comments (including emails) = 152 plus 4 petitions:

- Springmill (567) suggesting that the Spur Road is the reason DelDOT moved the Mainline 1,600 feet closer (from a distance of 2,200 feet to 600 feet) to Springmill and requesting that the Spur Road be removed and the alignment returned to its original distance from the community [NOTE: The US 301 mainline was moved closer to Springmill to avoid impacts to the Middletown Baptist Church and high quality wetlands. Refer to **Comment 3** and **Response 3** on **page 2 of this Attachment**]
- Asbury Chase (89) and Grandview Farms (109) opposing Yellow and Purple
- Middletown Baptist Church (111) supporting Green North with ACR option 2A

Comments asking to use Existing 301 instead of Spur = 0

Comments asking to cancel project and create a park = 1

“I believe the routes you have planned should be cancelled ... just put a 2 lane highway on the present 301 ... take the money and time you have invested in it and put it towards a park ... bike trails and walking trails and horseback riding trails for Middletown” Sandy Reddy (VP, Midland Farms Civic Association)

Of those commenting about the Spur (14):

For: 5 Against: 7 Other: 2

The Army Corps of Engineers has been involved in the US 301 project, since the current effort began in early 2005. Coordination and consultation with the federal and state resource and regulatory agencies will continue during final design and construction. See Corps of Engineers’ January 14, 2007 email regarding project permit (See **Attachment F, Agency Letters**).

New Castle County government is aware that the Final EIS has been filed, having been provided copies of the document. See **Section VI, page VI-4 of the Final EIS; Section V, page 102 of the ROD; and January 16, 2008 Final EIS comments from County Executive Coons (Attachment H)**:

“Thank you and the rest of the team working on the 301 Project for your tireless dedication to working with the public and conducting a thorough professional analysis of all of the options and alternatives. As the FEIS is now under review by FHWA, I wanted to express my general support for the final alternative and the exhaustive process conducted by your team.”

COMMENTS ON THE FINAL EIS AND RESPONSES

Follow-up meetings with the Toll Diversion Working Group will be held, as the recommendations are implemented and as results of the traffic monitoring program become available.

MCC's recommendation to "uncouple" the Spur Road from the US 301 project and replace it with upgrades to existing US 301 has been evaluated. The MCC recommendation does not best meet project purpose and need. The Selected Alternative can better address congestion (existing and projected), improve safety, and manage truck traffic than the MCC recommendation. The incremental increased cost of the Spur Road versus improvements to existing US 301 is justified in view of the increased benefits to the public.

[The following are attachments to Andy Daley's comments.]

COMMENTS ON THE FINAL EIS AND RESPONSES

Attachment 1

August 28, 2007

Secretary Carolann Wicks
DelDOT
PO Box 778
Dover, DE 19903

Dear Carolann,

We write to thank you for meeting with us last week on the so called “spur” portion of current plans for realignment of US 301.

As you know, the “spur” extending from a point northwest of Middletown to Summit Bridge has been controversial. Some residents are of the opinion that the “spur” was a late addition to various Rte 301 alternatives and that other, better, options were not fully explored.

As you also know, the purpose of our recent meeting was to ask whether or not a separate review of the “spur” portion of the 301 plan was not possible and beneficial in light of public concerns as they have arisen. Such a separation would allow the benefits and costs of such a “spur” to be compared with specific alternatives.

In the course of our meeting you indicated a number of impediments to a separate review of the “spur.” However, in light of the ongoing concerns of residents, you agree to determine more thoroughly the consequences of a further separate review of current plans and to let us know of your conclusion and plan of action within about a week of your receipt of this letter.

Letter to Secretary Wick
August 28, 2007

COMMENTS ON THE FINAL EIS AND RESPONSES

Attachment 1

Page Two

We now call upon you to advise us of your further analysis of our proposal to undergo a separate thorough planning process with respect to the “spur”.

Please advise us of your thinking as a result of this comprehensive review of this “spur” issue.

Sincerely,



Steven Amick
State Senator
Tenth District

Richard Cathcart
State Representative
Ninth District

Bethany Hall-Long
State Representative
Eighth District

SHA:RCC:BHL/dlc

COMMENTS ON THE FINAL EIS AND RESPONSES

Attachment

2

CHRISTOPHER A. COONS
COUNTY EXECUTIVE

87 READS WAY
NEW CASTLE, DE 19720

December 29, 2005

Hon. Nathan Hayward, Secretary
Delaware Department of Transportation
800 Bay Road
Post Office Box 778
Dover, Delaware 19903

Dear Secretary Hayward:

I appreciate the request to provide New Castle County's perspective on proposed Route 301 Corridor improvements, in particular regarding consistency with the Comprehensive Development Plan and its transportation component. As the local government charged with regulating and overseeing the land use process, New Castle County is committed to working with DelDOT and other state agencies to ensure that our growth area and sewer service area are aligned with those areas where the State of Delaware will provide infrastructure to support growth. This coordination will result in more attractive, vibrant neighborhoods and convenient work environments for our citizens.

Our review of the options that you have presented is mainly based on Department of Land Use plans and has focused on existing and projected conditions, current development and anticipated development within the growth zones. Council members and members of the public have expressed concern to me on the difficult impact local residents, churches, farmers and businesses will experience from the various options. County Council was given the opportunity to review the proposals; however, these comments reflect my views and not necessarily those of County Council.

Based upon our information, we offer the following observations:

Options Recommended for Removal from Consideration

1) Yellow. This option creates a large impact on existing communities and existing corridors in the growth area.

2) Purple. Like Yellow, this option creates a large impact on existing communities and corridors in the growth area, particularly Boyd's Corner Road.

Recommendation

We recommend a combination of options green and brown that provide:

1) A Route 301 corridor from the Maryland State Line via the Brown/Green route;

PHONE: 302-395-5102 FAX: 302-395-5268 Email: ccoons@co.newcastle.de.us

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THE SECRETARY
JAN 2006

4/29/08

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COMMENTS ON THE FINAL EIS AND RESPONSES

2) A connection to Route 1 via the Green route; and

3) An east-west collector road from Summit Bridge to Route 1 in the vicinity of the Brown route to provide 301 access to local residents. Based upon both our growth projections and yours, this area of the county will see significant growth in the next 10 – 20 years, necessitating a spur in this area.

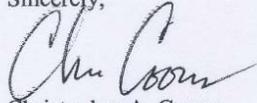
This network would provide service throughout the sewer service area, includes alternatives that help to relieve pressure on any of the C&D Canal bridges as a single congestion point and offer flexibility to accommodate future growth.

Related Request

As this process moves forward, if excess land is acquired or becomes available, I respectfully ask that you coordinate with New Castle County regarding potential public uses, such as parks.

Again, thank you for the requesting our input on this important transportation project. Please do not hesitate to call me at (302) 395-5108 if you have questions or require further information.

Sincerely,



Christopher A. Coons
County Executive

cc: David Singleton, Chief Administrative Officer
Charles L. Baker, General Manager

COMMENTS ON THE FINAL EIS AND RESPONSES

Attachment 3

From: Jim Burnett [mailto:jburnett@rkkengineers.com]
Sent: Tuesday, May 29, 2007 12:09 PM
To: Tudor Mark (DeIDOT)
Cc: 'Bill Hellmann'; jkutttesch@rkkengineers.com; stewartg@publicfm.com
Subject: The Accuracy of Toll Revenue Forecasts

Mark,

I read a recent NCHRP report over the weekend (Synthesis 364: Estimating Toll Road Demand and Revenue", 2006). It was fairly eye-opening.

The study was essentially a review of current practices by DOT's, MPO's, and modeling practitioners for estimating traffic and revenue forecasts for toll facilities. Here are some of the highlights:

- There really is no state-of-the-practice for toll revenue traffic modeling; There are many different types of models, some much more complex than others
- It is most common for transportation officials to focus on the weekday peak hours, using factors to extrapolate the peak hours data from 24-hour models. Accordingly, this is how most regional models have been developed. However, toll revenue forecasts require a much different model that focuses on many different time periods: peak, off-peak, daily, weekly, seasonal, weekend, etc.
- While truck and commercial traffic is typically a very important part of a toll revenue forecast, most regional models have only a basic ability to model truck travel separately.
- *NOTE: For our study, it seems that we made a wise choice to use the URS model because A) it models the peak and off peak periods separately, B) it models trucks independently from autos, giving them a different value of time C) it includes the network of I-95 and US 301 down to DC, which the DeIDOT model does not*
- However, of most interest to me was a table that they included which compared actual traffic revenue to the revenue forecasts for 26 different toll facilities throughout the US for the first 5 years of operation (opening between 1996 and 2004). It was frightening. There was almost no consistency in results. The forecasts ranged from a low of **13% (yes, that is correct, the actual revenue collected was only 13% of the projected revenue!)**, up to **152%** (the forecasts under-predicted the revenue by about 50%)
- In most cases though, the forecasts under-predicted the actual revenue collected. This is the same story we heard about several months ago in a newspaper article (from the Sunday Denver Post) that we circulated around which criticized the revenue forecasting records of the Big 3 (Wilbur Smith, URS and Vollmer)
- The NCHRP report tried to group the facilities by type to see if they could identify any trends. They found that:
 - Toll facilities in highly congested areas, with high income levels (high value of time), with no competitive non-tolled roads, and low to moderate toll rates had revenues that were closest to the projections
 - Toll facilities in outlying areas, characterized by less established traffic patterns, partial beltways, further from employment centers, and moderate-to-high toll rates, had revenues that were 61%-67% of the projections.
 - Toll facilities on developed corridors, characterized by established traffic patterns, in large metropolitan areas, with potential alternative routes, and moderate toll rates, had revenues that were 51%-60% of the projections.
- Seems to me like US 301 falls somewhere near the latter two descriptions.

COMMENTS ON THE FINAL EIS AND RESPONSES

Attachment 3 - Continued

Based on all of this, it appears that our current strategy of having PFM provide a range of revenue estimates (reduced by 10%, 20% & 30%, respectively) seems entirely appropriate, as

the INCHRP report seems to paint a picture of an industry-wide trend of over-predicting toll revenues.

Jim

Jim Burnett, PE, PTOE
Project Manager - Traffic
RK&K Engineers, LLP
Consulting Engineers
800-787-3755