

# JOINT COMMITTEE ON CAPITAL IMPROVEMENTS

## RULES

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*Updated January 23, 2025 June 24, 2025*

**RULE 1.** A quorum of the Joint Committee on the Capital Improvements (“Committee”) shall consist of seven (7) members.

**RULE 2.** A quorum of the Committee must be present in order to:

1. Conduct bill drafting sessions.
2. Open and conduct an executive session.
3. Amend the rules.
4. Make any motion.

**RULE 3.** A quorum of the Committee need not be present to open and conduct public hearings in which the agency makes a presentation of its budget.

**RULE 4.** The Chair and Vice Chair (or “Co-Chair”) of the Committee alternate each year between a Representative appointed by the Speaker of the House and a Senator appointed by the President Pro Tempore of the Senate. During odd-numbered years, a Senator serves as Chair and a Representative serves as Vice Chair; during even-numbered years, a Representative serves as Chair and a Senator serves as Vice Chair.

**RULE 5.** The Chair shall preside over all meetings of the Committee. In his or her absence, the Co-Chair shall preside. A temporary Chair may be designated by the Chair.

**RULE 6.** In the interest of order and decorum, all questions and comments must be directed to and acknowledged by the Chair.

**RULE 7.** All questions or comments in the public hearings shall be acknowledged by the Chair in the following order:

1. Members of the Committee.
2. Members of the General Assembly.
3. Controller General or staff.
4. Other elected or appointed officials.
5. Any Delaware citizen may speak to the subject at hand and shall be limited to two (2) minutes.
6. Any member of the press may speak to the subject at hand and shall be limited to two (2) minutes.

**RULE 8.** All motions require a majority of those members who are present and voting, except bill drafting motions which require a majority vote of the entire Committee membership.

**RULE 9.** The schedule of public hearings of the Committee shall be distributed to at least the following:

1. Members of the Committee.
2. Members of the General Assembly.
3. Governor and Lieutenant Governor.
4. As appropriate, elected or appointed officials.
5. Department or agency concerned.
6. News media.

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**RULE 10.** Minutes of the Committee meetings shall include the following:

1. Record of those members present.
2. A record, by individual member, of each vote taken and each action agreed upon.

**RULE 11.** The Committee declares that any project which falls in the category of a Grant-In-Aid project, private non-profit organizations will not be considered for inclusion in the annual Bond and Capital Improvements Act.

**RULE 12.** Community Transportation Funds

a. Eligible Community Transportation Fund projects are limited to the following public capital projects:

1. Paving public streets or roads.
2. Crack sealing public streets or roads.
3. Traffic signals, signs, and lighting or luminaries.
4. Noise abatement solutions, including fences, landscaping, berms, etc.
5. Fences.
6. Curb and gutter improvements.
7. Drainage improvements.
8. Drainage improvements involving state maintained roads within municipalities. Municipal drainage systems are the responsibility of the individual municipality.
9. Transportation or drainage studies.
10. Opticoms and emitters.
11. Majority of land acquisition for Greenways.
12. Transportation element of Greenways.
13. Permanent landscaping along trails and sidewalks. Funds may not be used for pots or planters less than 30 inches in diameter.
14. Permanent landscaping installation in medians and traffic islands, with Department approval.
15. Public Sidewalks.
16. Soil and water conservation projects funded by the General Assembly or other government agency.
17. Transit shelter.
18. Bikeways.
19. Dry hydrants.
20. Bulkheads and pier pilings.
21. Parking lots
  - Public Schools.
  - Parks.
  - State agencies.
  - "Others" on public land. For-profit entities are ineligible.
22. Greenways.
  - Paths.
  - Lighting.
  - Repair of paths.
  - Funds to purchase Greenways used by the public.
  - Funds to expand Greenways used by the public.
23. Traffic Calming Devices & Traffic Control Devices including radar speed signs and repair of radar speed signs. Reimbursement for mobile radar speed signs to be utilized within public right of way or land dedicated for public use.
24. 5310 Bus Program.

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25. Any project that qualifies under the Transportation Alternative Program administered by the Department of Transportation.
26. Purchase of surplus DelDOT land at fair market value accompanied by legislation waiving the provisions of 17 *Del C.* §137(b).
27. All property within the State's right-of-way is eligible for the expenditure of Community Transportation Funds during any streetscape improvement project.
28. Capital expenditures in support of open space uses on properties acquired, managed by, or controlled through agreements entered into by the Department of Natural Resources, Department of Agriculture or the Department of Transportation, municipalities and counties such as fencing, tables, bike racks, kiosks, and comfort stations.
29. Banner signs attached to street lighting poles announcing the names of municipal neighborhoods and municipalities, similar to the Caesar Rodney signs used for suburban subdivisions, subject to confirmation of proposed signs as meeting applicable Manual on Uniform Traffic Control Devices ("MUTCD") rules and 17 *Del C.* Chapter 11.
30. All-Terrain Vehicles purchases for Emergency Responders, Fire Companies, and Police Departments to reach and rescue individuals.
31. Funds in support of Bicycle Safety Programs administered through DelDOT Planning.
32. To allow reimbursement for storm cleanup costs and drainage stabilization efforts within incorporated and unincorporated municipalities.
33. LED or monument type signs for the State of Delaware, municipalities, police departments, and fire companies.
34. Landscaping improvements, including, but not limited to, tree removal in Delaware Department of Transportation right-of-ways.
35. Concrete aprons at the bay door entrance and exit to fire stations.
36. Command vehicles, fire service vehicles, traffic safety vehicles, and trailers to be used by Fire Companies responding to emergencies.
37. Community beautification efforts including removal or coverage of graffiti and application of art-based projects including murals limited to transportation infrastructure in the public right-of-way.
38. Automated speed enforcement cameras.
39. License plate recognition cameras and equipment.

### b. Projects Performed by Entities other than DelDOT:

1. DelDOT matches cost estimates with funds available.
2. DelDOT enters into contractual agreement with entity outlining the project's scope.
3. All contractual agreements must be approved by the Secretary of Transportation and DelDOT's Deputy Attorney General.
4. Project is tracked in DelDOT's accounting system.
5. DelDOT will pay 10% of the total project cost prior to construction for expenditures related to planning, design etc.
6. Remaining funds are paid using one of the following methods of payment, to be outlined in the contractual agreement between DelDOT and entity:
  - Full reimbursement upon project completion.
  - Billing DelDOT on a regular schedule (e.g. every 2 weeks).
  - Pay full amount upon execution of contractual agreement if a contractor estimate is provided and the total project cost is less than \$40,000.

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- Pay full amount upon execution of contractual agreement for any phase of a project, such as conceptual planning, preliminary engineering or construction, with a County Conservation District or other State agencies as long as a contractor estimate or an in-house estimate for that phase of work is provided.
- 7. DelDOT auditors perform a risk assessment annually for all projects closed during the fiscal year. Projects for audit are selected from this risk assessment to ensure that all projects over \$50,000 are reviewed and that all recipients are audited no less than once every three years.

c. Project Estimates for FY~~22~~ 24 through FY~~25~~ 26 must include estimate expiration and cost adjustment.

1. For projects to be built by December 31, ~~2025~~ 2026, legislators must submit their signed authorization to the Department no later than November 30, ~~2024~~ 2025. All estimates prepared prior to and including FY~~22~~ 23 will expire.
2. Effective July 1, ~~2024~~ 2025, all estimates made during FY~~23~~ 24 will be increased by 20%.
3. Effective July 1, ~~2024~~ 2025, all estimates made during FY~~24~~ 25 will be increased by 15%.

**RULE 13.** The Office of the Controller General shall be the custodian of the records for the Committee. The records shall be retained for the current and two (2) immediately preceding General Assemblies.

**RULE 14.** All meetings and policies relating to public record of the Committee shall conform to the provisions of Delaware's Freedom of Information Act.

**RULE 15.** Recordings of Committee meetings are available to the public and other Government agencies.