

From: Cole Darrel (DelDOT) [Darrel.Cole@state.de.us]

Sent: Tuesday, June 12, 2007 8:05 AM

To: andye13@atlanticbb.net; Peterson Karen (LegHall); Spence Terry (LegHall); Keeley Helene (LegHall); Gilligan Robert (LegHall); Sorenson Liane (LegHall); Blevins Patricia (LegHall); Deluca Anthony (LegHall); Copeland Charles (LegHall); Brown Barbara A. (Governor); Hall-Long Bethany (LegHall); Amick Steven (LegHall); Vaughn James (LegHall); bkillian@delawaregreenways.org; Cathcart Richard (LegHall); nancyvwilling@yahoo.com; kkrenzer@middletownde.org; Tanya.Baker@state.de.us; larry.windley@state.de.us; Emily_Cunningham@carper.senate.gov

Cc: Tudor Mark (DelDOT); Taylor Robert (DelDOT); Boyce Drew (DelDOT); Gorlich Terry L (DelDOT)

Subject: Response to Mrs. Daley's May 19 e-mail

June 12, 2007

Dear Mrs. Daley and Others;

In my role as Director of Public Relations for the Delaware Department of Transportation (DelDOT), I am often a liaison for the public's concerns, while other times I am an advocate for programs, projects and our own employees. As such, I would like to address a May 19 e-mail sent by Andye Daley that makes numerous false statements and provides misinformation about the conduct of DelDOT employees and consultants. For a fair and objective analysis of the project, see the Middletown Transcript's article <<http://www.middletowntranscript.com/>> from May 24.

In addition to the below responses, DelDOT's Project Team, led by Project Director Mark Tudor, is working to address some of the specific technical concerns raised by Mrs. Daley. We expect to have an official response to her within the next two weeks.

Mrs. Daley's Comment: *DelDOT's underhanded dealings with our coalition are reprehensible, just 12 hours before announcing their selection, they completely lied to our representatives within my own home, and stated that a route had not been selected yet and investigations for the best alternatives were still ongoing.*

DelDOT Response: Our process has been extraordinarily transparent, and we take great offense to the above characterization. At no time did anyone on the Project Team lie about anything related to this project.

Mark Tudor and Andrew Bing represented the Project Team at the meeting with Mrs. Daley and the Middletown Corridor Coalition (MCC) on May 16, 2007. They made it very clear (and the materials that were provided to the MCC made it very clear) that the Spur Road was an integral part of the Green Route and that the results of DelDOT's evaluation did not support the MCC's recommendation of building the Green route without the Spur and with improvements to existing US 301. The MCC was advised that they could review the information and that DelDOT would respond to additional

questions, but that DelDOT had made the decision to move forward with the Spur Road. At no time during the meeting was it stated that no decision had been made. In fact, Mr. Tudor went out of his way to stress the fact that the Spur had been decided on and that utilizing existing 896/301 was not viable.

At no time during the recent meeting, did Mr. Tudor state that a route had not been selected yet and the investigations for the best route were still ongoing. In fact, Mr. Tudor made it very clear that DelDOT intended to proceed with the Spur Road and that the Spur Road would not be eliminated. This point is emphasized at several places in the detailed PowerPoint presentation reviewed with and provided as a handout to the community. Mr. Tudor said that DelDOT was moving forward with the spur plan, but we will continue to work hard to minimize any impact on the neighborhoods.

In addition to the meeting held May 16, Mr. Tudor and other members of the project team met at other times with the Middletown Coalition. We also met with representatives of Chesapeake Meadows January 31, 2006 and Dec. 11, 2006. As a follow-up to the May 16 meeting, Mr. Tudor had several phone conversations with Mrs. Daley, and Transportation Secretary Carolann Wicks personally talked to her on the phone about her concerns, and agreed to meet with her.

DelDOT's process and deliberations have been extraordinarily transparent. DelDOT believes the public was well served by the US 301 process over the last three years. Numerous tools were used to involve, include and inform the public including a stakeholder listening tour, public workshops/hearing, community meetings, newsletters, flyers/public notices/advertisements and a project website (which has had nearly 2.6 million hits).

The public was informed of the Range of Alternatives, the Retained Alternatives, the Recommended Preferred Alternative and the Preferred Alternative. The Green Alternative (including a north and south option) has been under consideration from the beginning of the process and the Green + Spur option has been under consideration since December 2005 when the Retained Alternatives were announced. The addition of the Spur Road presented to the public at the December 2005 public workshops, was presented in considerable detail at the February 2006 Issues workshop, including its Purpose and Need, benefits, etc., and again at the April 2006 public workshops. The Green North + Spur was the Recommended Preferred Alternative announced by DelDOT in November 2006, as noted in the Draft Environmental Impact Statement (DEIS) and was presented as such at the January 2007 Combined Location-Design Public Hearings. Additionally, after every workshop/hearing, the Project Team mailed extensive documentation to community leaders including Rusty Reber and subsequently Andye Daley from Chesapeake Meadow. At no time did DelDOT mislead or downplay the fact that the Green North + Spur was a viable option. Additionally, the Green North + Spur option has received the most public support to date of any of the options.

What was not stated at the May 16 meeting with the MCC was that the Secretary would be announcing the following day that the Green North + Spur was the Preferred

Alternative by DelDOT. But Mr. Tudor called Mrs. Daley the following morning and let her know of the announcement before it was to occur.

In reviewing the events of the past few weeks, it is apparent that perhaps the timing of the various activities could have been handled in more effective manner. It seems that additional time should have been provided between DelDOT's detailed response to the questions raised by the Coalition and the announcement of the Preferred Alternative, thus giving the Coalition time to review DelDOT's response and to allow for additional discussion between the Coalition and DelDOT.

At the same time, DelDOT's response to the questions raised by the Coalition, in addition to the results of the significant project development effort over the past three years, clearly support DelDOT's Preferred Alternative.

Comment: *They produced a report answering some of our questions with incomplete self-serving data assembled by Deldot and their engineers.*

Response: DelDOT carefully evaluated each of the questions raised by Mrs. Daley and provided a detailed and individual response to each question raised. These responses were the result of DelDOT undertaking an evaluation of options to instead of building the Spur Road, including that recommended by the Coalition. As noted in the detailed PowerPoint presentation provided to the community, those options are not considered viable by DelDOT for the reasons stated in the presentation (inability to fully meet project Purpose and Need, i.e. address congestion, safety, and management of truck traffic in a cost effective manner). Thus, after considering issues raised by the Coalition and the results of DelDOT's evaluation, DelDOT has decided to retain the Spur Road. DelDOT will continue to work in a cooperative manner with the Coalition to answer additional questions they might raise regarding DelDOT's evaluation.

However, it should be noted that DelDOT has already taken actions to reduce impacts on the Chesapeake Meadow community, including:

- Shifting the Spur Road to the west as it passes Chesapeake Meadow, such that the proposed travel lanes actually fall west of DelDOT owned right-of-way in this area. This was done to ensure ample room for a visual earth berm, as well as to shift the roadway as far from Chesapeake Meadow as reasonably possible. As a result, DelDOT will acquire an additional strip of property, approximately 2,200-feet long and 200-feet wide, adjacent to DelDOT owned parcel.
- Constructing an 11-foot high by 1,600-foot long earth berm along the Spur Road between the travel lanes and Chesapeake Meadow. Beyond the earth berm, approximately 150 to 175 feet of additional open space would remain to the nearest property line at Chesapeake Meadow.

Comment: *Despite a potential savings in excess 60 million dollars in today's money Deldot has decided to proceed with its selection of an additional spur route. With this in mind, Deldot has a construction shortfall of 1.2 billion. After this experience I believe I know why.*

Response: The construction phase of the US 301 Project is not included in DelDOT's current proposed 6-year CTP, although some engineering costs over six years are proposed at this point. The shortfall between revenues coming in and projects and services needed is actually \$1.5 billion. If DelDOT were to receive new revenues, we would be able to fund many projects and services that have been on the books for years. The cost of construction for a new US 301 is too significant to come out of the Transportation Trust Fund (TTF). As such, in January, Governor Ruth Ann Minner issued [Executive Order #95 <http://governor.delaware.gov/orders/executive_order_no_95.shtml>](http://governor.delaware.gov/orders/executive_order_no_95.shtml) asking Secretary Wicks to study the possibility of funding US 301 with future tolls placed on the new corridor. This would allow the state to borrow money against future toll revenues, thereby only minimally impacting the TTF.

Further, the cost difference between the Coalition's preferred options (upgrade existing US 301) and DelDOT's preferred Spur Road is \$38 million not \$60 million. The Coalition's option does not result in a savings to the state. The Coalition's recommendation to upgrade US 301 is estimated to cost between \$67 million and \$83 million.

Comment: *There appears to be at least one party in the decision making process who is better served by a spur route that will increase traffic from lower Maryland to the Route 40 business corridor with no regard to the affected Delawareans affected by this decision.*

Response: This is a vague allegation, and one that is completely without merit. We would welcome a full explanation of what is meant by this.

Comment: *While we agree that the 301 project is a necessity, the reintroduction of a road from 301 to the Summit Bridge, well after that location was dismissed at public meetings, is an indication that Deldot has made up their mind ahead of time and are unwilling to make changes that will result in significant savings.*

Response: The statement the reintroduction of a road from 301 to the Summit Bridge, well after the location was dismissed at public meetings is not correct. The US 301 project development effort considered a Red alternative that provided a limited access highway from the Maryland line to Summit Bridge and extended north to I-95. This alternative was among the range of alternatives evaluated from the Spring of 2005 to the Fall of 2005, but was not among the alternatives retained for detailed evaluation (December 2005). However, three of the four build alternatives retained for detailed evaluation (Brown, Purple + Spur Road, and Green + Spur Road) provided a roadway to Summit Bridge, and all three passed to the west of the Chesapeake Meadow Community.

The alternatives retained for detailed evaluation, including Green North + Spur Road, were presented at December 2005 and February and April 2006 public workshops. The Green North + Spur Alternative was identified as the Recommended Preferred Alternative in November 2006 and so noted in the project's Draft Environmental Impact Statement (DEIS), available for public comment in November 2006. Local communities were advised of the recommendation and the availability of the DEIS in November 2006. The project team met with those communities located adjacent to the retained alternatives in November and December 2006 and January 2007, before or immediately following the January 2007 public hearing. The Recommended Preferred Alternative, Green North + Spur Road, along with the Brown, Purple + Spur Road and Yellow were all presented at the January 2007 combined Location Design Public Hearing.

DelDOT did not make up their mind ahead of time. All four retained build alternatives were evaluated to the same level of significant detail, and the Project Team sought to make each of these retained alternatives as strong as possible, with their advantages and disadvantages presented to the greater public and individual communities on numerous occasions.

The public requested that DelDOT indicate a preferred alternative, as early as practicable, which we did in November 2006, in order to make the public aware of the Project Team's analysis, based on the results of the technical analysis, the extensive coordination and consultation with the environmental resource and regulatory agencies and general public input as of this date. The Green Alternative + Spur Road has received the greatest support, from those expressing an opinion, since the December 2005 identification of the alternatives retained for detailed evaluation. However, the other three retained build alternatives remained under consideration and were presented at the January 2007 public hearings. DelDOT did not determine the preferred alternative until after reviewing and addressing all of the comments that were submitted as part of the DEIS comment period, including those submitted by the MCC, with the official announcement on May 17, 2007. The Public has also continued to indicate that the longer it would take for an announcement, the more their lives are kept in limbo.

With respect to DelDOT's being unwilling to make changes that result in significant savings - see above responses regarding cost savings and modifications to reduce impacts on the Chesapeake Meadow community. In addition, DelDOT has attempted to keep the elevation of the new roadway as low as possible to reduce visual and noise impacts. DelDOT has also committed to providing visual earth berms between new US 301 and the Spur Road and adjacent communities, such as Chesapeake Meadow, where feasible and prudent.

The bottom line is that DelDOT is not willing to accept an alternative that does not provide the same level of traffic congestion relief, reduction in traffic accidents and management of truck traffic, as does the Preferred Green North + Spur Road Alternative. DelDOT has evaluated the Coalition's Recommended Alternative, as noted in the detailed written response provided to the Coalition.

Comment: *Our coalition of farmers, homeowners, and civic associations was hoping to institute a positive change in southern New Castle County by introducing a concept for a linear park and walking area, much like the parks in northern new castle county, and had representatives from Delaware Greenways assisting us with this vision.*

Response: DelDOT will continue to work with the communities and property owners adjacent to the Spur Road, and with Delaware Greenways to evaluate the viability of providing a Greenway along the Spur Road.

Comment: *We are extremely disappointed with the current events and intend to continue fighting for what we know to be a better New Castle County. We intend on contacting all of our government departments and representatives, and will continue to do so, in an attempt to affect real positive change in our community.*

Response: DelDOT works hard to serve the best interests of all taxpayers, but in a project of this size and complexity, there is no perfect solution. All alternatives have impacts. We work with the residents, adjusting plans, making changes and communicating so the impacts can be minimized. We believe the vast majority of motorists and residents are pleased that an alignment for a new U.S. 301 has finally been selected after 40 years, and that the public process undertaken to reach that decision was transparent and forthright.

I hope that my message answers some of the questions you may have had after reading Andy Daley's e-mail. You may reach me directly at 302-760-2079.

Sincerely,
Darrel Cole
Director, Office of Public Relations
Delaware Department of Transportation

From: andye daley [<mailto:andy13@atlanticbb.net>]

Sent: Saturday, May 19, 2007 10:13 AM

To: Cathcart Richard (LegHall)

Cc: Shauna McVey; pmairs@why.org; Patrick Daley; Brad Killian; Peterson Karen (LegHall); Spence Terry (LegHall); Keeley Helene (LegHall); Gilligan Robert (LegHall); Sorenson Liane (LegHall); Blevins Patricia (LegHall); Deluca Anthony (LegHall); Copeland Charles (LegHall); Brown Barbara A. (Governor); Hall-Long Bethany (LegHall); Amick Steven (LegHall)

Subject: Fw: Deldot Unethical practices investigation of members of DELDOT.... Rt 301 project in Middletown

To All Public Officials and concerned Citizens.

Deldot's underhanded dealings with our coalition are reprehensible, just 12 hours before announcing their selection, they completely lied to our representatives within my own home, and stated that a route had not been selected yet and investigations for the best alternatives were still ongoing. They produced a report answering some of our questions with incomplete self-serving data assembled by Deldot and their engineers. Despite a potential savings in excess 60 million dollars in today's money Deldot has decided to proceed with its selection of an additional spur route. With this in mind, Deldot has a construction shortfall of 1.2 billion. After this experience I believe I know why.

There appears to be at least one party in the decision making process who is better served by a spur route that will increase traffic from lower Maryland to the Route 40 business corridor with no regard to the affected Delawareans affected by this decision. While we agree that the 301 project is a necessity, the reintroduction of a road from 301 to the Summit Bridge, well after that location was dismissed at public meetings, is an indication that Deldot has made up their mind ahead of time and are unwilling to make changes that will result in significant savings.

Our coalition of farmers, homeowners, and civic associations was hoping to institute a positive change in southern new castle county by introducing a concept for a linear park and walking area, much like the parks in northern new castle county, and had representatives from Delaware Greenways assisting us with this vision. We are extremely disappointed with the current events and intend to continue fighting for what we know to be a better New Castle County. We intend on contacting all of our government departments and representatives, and will continue to do so, in an attempt to affect real positive change in our community.

Here is a copy of what the Attorney General received from the Middletown Corridor Coalition. Please be advised. It is known that all Public representatives are now fully aware of this matter.

Mr.
Schranck,
May 19,2007

In regards to our conversation on Friday May 18,2007 in the later afternoon, I just wanted to follow up with an e-mail. I first want to thank you very much for your quick response to the Middletown Corridor Coalition's request to investigate the deals of DELDOT and Sec. Caryolann Wicks, Marc Tudor, and Andrew Bing (of Kramer and Assoc.), and how they pertain to the Rt 301 project in Middletown Delaware. In specific the Dealing with the " Spur" portion of the project. Per our conversation, we would like you to see why DELDOT and the said people above continually mislead the residents of Middletown in

their choosing of the Green Rt + Spur Alternative. We were told on May 16, 2007 at 7pm that a decision had not yet been made and that there was another option more suitable to the residents of Middletown that would still answer all the needs of DELDOT in reference to the future traffic expectation in the year 2030. Directly after the meeting at 10pm Marc Tudor contacted me personally and said that the Project leaders will tell Sec. Wicks that the Spur will be recommended. I was flabbergasted to say the least. I shot of an e-mail to the Middletown Transcript and copied Marc Tudor of my disappointment in this decision when the Coalition was never given any time to review the information given to us the prior evening. With that e-mail came another call from Marc Tudor at 8:50am on May 17th, 2007. This call was yet another misleading call saying many thing and including "the Brown Rt Alternative was still on the table", knowing full well that there was no way the FAA and the Summit Airport would allow that to happen. Once called on that, Mr. Tudor agreed that it was not feasible. He end by saying that he would try to set up meeting with Sec. Wicks , Governor's Rep Barbara Brown, and the coalition to discuss this very important matter. Again Mr. Tudor out right lied to me and by way the entire coalition. At 11:40am on the 17th I received yet another call from Marc Tudor (Now recorded) that a meeting would be able to be set up with Sec Wicks and oh yes..." did I forget to tell you...Sec. Wicks will be holding a press conference today to announce the decision by DelDot that the Green Rt Alternative + Spur has been chosen." Needless to say I was stunned and absolutely up in arms. When I called Mr. Tudors office I was hung up on at least 5 times, so I contacted His cell phone with my cell phone and he finally picked up. After telling him that he and his office should be ashamed of themselves for outright deceiving our coalition and making calculated moves to "shut us up." I told him to set up the meeting with Sec. Wicks. He then told me the press conference was at 4pm that afternoon. (yet another lie since I soon found out the press conference was at 2:30pm) and hung up. At approximately 2pm Sec. Wicks called and I again told her of our complete disappointment in their dealing with me and the coalition, she said " I am sorry you feel that way I'm not sure what you would have wanted me to do?" I replied " how about not lying to me and the coalition right in my own house?" there as no reply to this statement. We left things that she would call me on the following day in the afternoon to set up a time. Her people called me at about 3pm on Friday the 18th of May but I was unable to set up an appointment at that time and asked her to call me back Monday the 21st of May in the later afternoon. That's were we are at at this point. It should be noted that in the proposal of the coalition of upgrading existing 301/896 there would be a savings to the taxpayers and the state of Delaware of over \$60 MILLION dollars. Please keep me up top date on your findings I expect a follow up from you as soon as you know anything. This is a time sensitive matter and needs you immediate and undivided attention due to the unethical practices and who knows what else.

Thank you in advance for your attention to this very important matter.
Andye Daley