

Appendix I

Public Hearing Transcript Introduction

US 301 Project Development



***Federal Highway
Administration***



***Delaware Department
Of Transportation***

STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION

PUBLIC HEARING

IN RE: US 301 PROJECT DEVELOPMENT

Middletown Fire Hall
27 West Green Street
Middletown, Delaware

Monday, January 8, 2007
4:11 p.m.

BEFORE:

ANDREW BING, Facilitator
KRAMER & ASSOCIATES

MARK C. TUDOR, P.E.
DEPARTMENT OF TRANSPORTATION
Group Engineer - Project Development

ERIC ALMQUIST, Environmental Planner
RUMMEL, KLEPPER & KAHL

CAROLYN O'DONOGHUE, Real Estate
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1 MR. BING: Good afternoon, ladies and
2 gentlemen. My name is Andrew Bing. I work for Kramer
3 & Associates. As part of the Project Team, we have
4 provided public outreach services from the beginning
5 of DelDOT's US 301 Project. I will be the facilitator
6 for today's hearing.

7 Today's hearing is being jointly held by
8 the Delaware Department of Transportation, the Federal
9 Highway Administration, and the United States Army
10 Corps of Engineers. On behalf of the agencies and the
11 US 301 Project Team, I would like to welcome you to
12 the sixth round of public workshops, which involves a
13 combined location-design public hearing.

14 The purpose of this combined
15 workshop/hearing is to acquaint you with the project
16 and to provide an opportunity for all interested
17 persons to present their views regarding the retained
18 alternatives, and the natural environmental, social
19 and cultural impacts associated with each. A
20 transcript of the public hearings will be provided to
21 the Federal Highway Administration and the United
22 States Army Corps of Engineers for their
23 administrative records.

24 This hearing is also an opportunity to

1 comment on issues related to permits and approvals
2 that will be required in conjunction with the
3 selection of a Build Alternative.

4 I would like to direct your attention to
5 the handouts available at this hearing, including the
6 joint public notice; an information brochure and
7 comment form; matrices comparing the natural
8 environmental and cultural impacts, along with
9 engineering features, traffic, noise, and community
10 impacts for each of the four build alternatives and
11 associated alignment and interchange options; 11-by-17
12 copies of each of the display boards; a summary of the
13 noise analysis results; two handouts, "Your Property
14 and the Right-of-Way," and "Transportation and the
15 Right-of-Way, A Guide for Property Owners"; and
16 finally, a copy of these introductory remarks.

17 Copies of all these handouts are available
18 at the sign-in table when you first enter the fire
19 station.

20 Representatives of the Delaware Department
21 of Transportation, the US Army Corps of Engineers, the
22 Federal Highway Administration, and other
23 environmental resource and regulatory agencies are in
24 attendance to listen to your public testimony.

1 I want to emphasize that the agency
2 officials are here to listen to your comments and
3 questions. They are not here to respond at today's
4 hearing. However, all questions raised during this
5 hearing will be responded to in the Final
6 Environmental Impact Statement. Project Team members
7 are also here and will discuss issues with you and
8 respond to your questions.

9 At this time, I would like to invite any
10 elected officials to stand for recognition.

11 I would like to thank many of the elected
12 officials in the area for their participation in the
13 public process for this project.

14 Under the National Environmental Policy
15 Act, commonly known as NEPA, the Federal Highway
16 Administration has the responsibility, as the lead
17 federal agency for this project, to consider public
18 comments as well as those of other federal, state and
19 local government agencies to reach a decision on a
20 preferred alternative for this project.

21 DelDOT has prepared a Draft Environmental
22 Impact Statement, which is also required as part of
23 NEPA. After Federal Highway review, as well as review
24 by other federal, state and local agencies, Federal

1 Highway approved the Draft Environmental Impact
2 Statement on October 20, 2006 for public review and
3 comment. Notice of the availability of the document
4 was published in the Federal Register on November
5 17th, 2006, and the document is available at the
6 following locations for public review and comment:
7 Appoquinimink Public Library, Delaware Department of
8 Transportation, the Dover and Bear offices, New Castle
9 County Government Offices, the Federal Highway
10 Administration, WILMAPCO, US Army Corps of Engineers,
11 US 301 Project Office. In addition, it is located
12 here at these hearings.

13 The address of each location is noted in
14 the information brochure, which is in this evening's
15 handout packet. The DEIS is also available on the
16 project's Web site at www.us301.org.

17 The comment period will extend until
18 February 3rd, 2007.

19 Following these hearings and after
20 considering all of the comments by the public and
21 resource agencies, a Final Environmental Impact
22 Statement, known as an FEIS, will be prepared,
23 including DelDOT's preferred alternative. The Final
24 Environmental Impact Statement will be available for

1 public review and comment for a period of at least 30
2 days.

3 Following the FEIS public comment period
4 and after considering all public and agency comments,
5 the Federal Highway Administration will issue a Record
6 Decision for this project that will be published in
7 the Federal Register.

8 Let me emphasize that all comments
9 provided during the comment period for this project,
10 which extends to February 3rd, 2007, whether submitted
11 in writing to the Federal Highway Administration, the
12 US Army Corps of Engineers, or the Delaware Department
13 of Transportation, via the project Web site or as
14 testimony at these public hearings, will be considered
15 in this project's decision-making process. Comments
16 should be submitted as indicated in the project
17 information brochure and on the comment form.

18 The Delaware Department of Transportation,
19 through consultation with the US Army Corps of
20 Engineers, has identified waters of the United States,
21 including jurisdictional wetlands, which are regulated
22 by Section 404 of the Clean Water Act. This public
23 hearing provides the public with an opportunity to
24 present views, opinions and information, which will be

1 considered by the Corps in evaluating a Department of
2 the Army permit. All comments received will become
3 part of the formal project record. Copies of any
4 written statements expressing concern for aquatic
5 resources may be submitted to Mr. Frank Cianfrani,
6 Chief of the Regulatory Branch,
7 CENAP-OP-R-2006-6071-1, US Army Corps of Engineers,
8 Philadelphia District, Wanamaker Building, 100 Penn
9 Square East, Philadelphia, Pennsylvania, 19107-3390,
10 until February 3, 2007. This address is provided in
11 the project information brochure.

12 The Corps's decision to issue or deny a
13 Section 404 permit will be based on an evaluation of
14 the probable impacts including the direct, secondary
15 and cumulative impacts of the proposed project on the
16 public interest. The benefits which may reasonably be
17 expected to accrue from the proposed project must be
18 balanced against its reasonably foreseeable
19 detriments. All factors which are relevant to the
20 proposed project will be considered, including
21 cumulative effects.

22 Among these factors are conservation,
23 economics, aesthetics, general environmental concerns,
24 wetlands, cultural values, fish and wildlife values,

1 flood hazards, floodplain values, land use, shoreline
2 erosion and accretion, recreation, water supply and
3 conservation, water quality, energy needs, safety,
4 threatened and endangered species, parklands,
5 community and business impacts, and in general, the
6 needs and welfare of the people.

7 In addition to a Department of the Army
8 permit, DelDOT must subsequently certify that the
9 proposed activity complies with and will be conducted
10 in a manner consistent with the Delaware Coastal
11 Management Program, and obtain water quality
12 certification and wetlands and subaqueous lands
13 permits from DNREC in accordance with Section 401 of
14 the Clean Water Act and with Delaware Code Title 7,
15 Sections 6607 and 7212. DelDOT must also obtain other
16 state or local government authorizations that may be
17 required.

18 I will now turn the presentation over to
19 Mark Tudor, DelDOT's Project Director for the US 301
20 Project of project development effort, who will
21 describe the project development process, the purpose
22 of the project, and the alternatives under
23 consideration. Mark.

24 MR. TUDOR: Thank you. The Delaware

1 Department of Transportation's highway development
2 process consists of four distinct phases: the Project
3 Planning Phase, the Engineering or Design Phase, the
4 Right-of-Way Acquisition Phase, and the Construction
5 Phase.

6 The US 301 project is currently in the
7 detailed evaluation stage of the project planning
8 phase. During project planning, the location and
9 general design features of the Build Alternatives
10 along with their environmental impacts are identified.
11 Current activities include engineering and
12 environmental studies, coordination with other state
13 and federal agencies and public involvement. The
14 results of these activities are documented in the
15 Draft Environmental Impact Statement. It will be
16 summarized for you today.

17 The proposed US 301 improvements are
18 intended to improve mobility and safety in the
19 Middletown-Odessa-Townsend region. Currently, US 301
20 is a four-lane, limited access divided highway in
21 Maryland that narrows near the Delaware/Maryland state
22 line into a two-lane undivided roadway with numerous
23 access points and traffic signals as it traverses
24 portions of southern New Castle County.

1 US 301 carries a significant volume of
2 trucks. Studies have shown that trucks are primarily
3 traveling long distances with origins and destinations
4 outside of Delaware. Traffic projections indicate
5 that without improvements, congestion on US 301 in
6 Delaware will continue to worsen, with traffic
7 spilling onto other nearby and connector roads as
8 motorists seek less congested alternatives to US 301.

9 The purpose of the US 301 project
10 development effort is to identify and evaluate
11 alternatives that address transportation needs in the
12 US 301 area, including:

13 Reduce existing and projected roadway
14 congestion in the project area.

15 Improve safety of the project area, where
16 between October 1999 and September 2004, there were 20
17 fatalities and over 1,200 reportable crashes within
18 the project area. More recently, between September
19 2004 and July 2005, three more fatalities have
20 occurred on US 301 south of the canal.

21 Manage traffic by separating US 301 through
22 traffic, particularly through truck traffic, from
23 local traffic.

24 This project has had a substantial amount

1 of public participation to date.

2 The first phase of the study began in
3 January 2005 with a series of Listening Tour
4 interviews with elected officials, agency
5 representatives, business owners, property owners,
6 farmers and community organizations.

7 Nearly 800 people attended the first
8 public workshops on June 20th, and 21st, 2005.
9 Displays and a PowerPoint presentation identified the
10 various elements of the project. The potential range
11 of alternatives, involving eight potential preliminary
12 alternatives, as well as various options, was provided
13 for review. Over 500 comments were received in
14 writing and via the project Web site.

15 After considering input from agency
16 representatives and the public, the Project Team
17 completed its preliminary analysis and determined two
18 of the eight potential alternatives, as well as
19 various options, did not satisfy the purpose and need,
20 or were otherwise not reasonable. An additional
21 alternative was added, based on comments received,
22 resulting in a range of alternatives that included
23 Yellow, Orange, Purple, Brown North and South, Green
24 North and South, Blue, and Red.

1 The second round of public workshops was
2 held on September 12th, 13th and 19th, 2005. Nearly
3 1,100 person attended these workshops. The seven
4 alternatives contained in the range of alternatives
5 and the various options, along with the impacts of
6 those alternatives, and a recommendation of
7 alternatives to be retained for detailed evaluation
8 were presented. Over 1,000 comments were received,
9 along with petitions signed by 1,813 people.

10 The third round of public workshops was
11 held on December 5, 6, and 7, 2005. Four retained
12 build alternatives, i.e. the Yellow, Purple, Brown and
13 Green alternatives were presented. The Purple and
14 Green alternatives were displayed for the first time
15 with an added spur road, a two-lane roadway from the
16 vicinity of Armstrong Corner Road to the Summit
17 Bridge. More than 525 persons attended the workshops,
18 and over 500 comments were provided, along with seven
19 petitions containing 4,900 signatures expressing
20 support for or opposition to specific alternatives.

21 The fourth round of public workshops was
22 held on February 22nd and 23rd, 2006. These
23 informational workshops presented specific issues
24 raised at the December workshops and the Project

1 Team's evaluation and response to those issues.

2 Finally, the fifth round of public
3 workshops was held on April 10 and 11, 2006 to present
4 the refined retained alternatives. Notices of these
5 workshops were extended to residents outside of the
6 project area, in Maryland, because of concerns about
7 potential toll diversions and the impacts on
8 Maryland's roads and resources. Approximately 350
9 people attended these workshops, and 132 comments were
10 received.

11 The documentation regarding each of the
12 five public workshops is available for viewing at
13 DelDOT or at the project office.

14 DelDOT and the environmental resource and
15 regulatory agencies have continued to meet throughout
16 the project development process. Representatives of
17 the Federal Highway Administration, US Army Corps of
18 Engineers, US Environmental Protection Agency, US Fish
19 & Wildlife Service, State Historic Preservation
20 Office, Delaware Department of Natural Resources and
21 Environmental Control, and the Delaware Department of
22 Agriculture participated in these meetings. The
23 National Marine Fisheries Service was provided with
24 all of the project information and data that were

1 provided to all other agencies.

2 I will now describe each alternative under
3 consideration.

4 No-Action Alternative, commonly referred
5 to as the "No-Build Alternative," (as identified in
6 the DEIS) must be studied per the National
7 Environmental Policy Act to form a basis of comparison
8 for the build alternatives. The no-build alternative
9 includes all improvements noted in WILMAPCO's
10 constrained long-range transportation plan for 2030.

11 The projects in the long-range plan
12 represent a significant investment in transportation
13 improvements, yet would not satisfy the project
14 purpose and need.

15 Also included in the no-build alternative
16 are minor intersection, interchange, and roadway
17 improvements to address localized problems; routine
18 maintenance projects; and measures to reduce travel
19 demand, such as enhanced transit and carpool
20 incentives. The improvements included in the no-build
21 alternative are assumed to be in place by 2030,
22 regardless of the US 301 alternatives being
23 considered.

24 I will now describe the US 301 build

1 alternatives.

2 The four build alternatives under
3 consideration take somewhat similar routes through
4 much of the area and share similar design
5 characteristics.

6 The basic design elements of the build
7 alternatives are based on transportation needs and
8 travel demands, context-sensitive design principles,
9 highway safety and functionality, environmental
10 stewardship and visual character.

11 Efforts have been made to integrate the
12 proposed alternatives with the existing topography,
13 and to minimize impacts to resources such as
14 communities, forest lands, natural resources and
15 cultural resources, to name but a few.

16 Basic design elements of all the build
17 alternatives include: a limited access, four-lane
18 (two lanes in each direction) US 301 with interchanges
19 spaced along the facility, plus a two-lane spur road
20 for two of the alternatives (Green and Purple).
21 Guardrails, retaining walls, and other roadside
22 treatments have been considered to avoid or minimize
23 impacts.

24 The roadway profile, and in particular

1 building portions of the road lower than existing
2 ground level, was considered where practicable to
3 reduce visual and noise impacts to adjacent
4 communities. Bridges have been proposed at major
5 stream crossings, and efforts have been made to avoid
6 alignments parallel and adjacent to streams.

7 Designs will comply with state stormwater
8 management regulations and utilize advanced water
9 quality treatment. Visual earth berms and landscaping
10 are proposed to screen communities from the new
11 roadway, where practicable.

12 Roadway alignments have been shifted and
13 refined, where possible, to avoid or minimize impacts,
14 when avoidance is not possible to communities and
15 environmental resources.

16 Tolls would be used to generate revenue to
17 help pay for the construction and operating costs of
18 the new US 301. Tolls would be collected on US 301
19 just north of the Maryland/Delaware line and on
20 interchange ramps to and from the north. Tolls will
21 not be collected at the north-serving ramps on the
22 spur road interchange south of Summit Bridge. A
23 motorist would only pay a toll once. Those vehicles
24 using US 301 would not pay a toll at SR 1. The toll

1 rates would be determined after financial studies are
2 completed.

3 I will now address each build alternative
4 individually.

5 The Yellow Alternative. The Yellow
6 Alternative would extend along existing US 301 from
7 the Maryland/Delaware line, state line, to the
8 Mt. Pleasant area, where the roadway would turn east
9 and parallel existing Boyds Corner Road, and
10 interchange with SR 1 just north of the SR 1/Pole
11 Bridge Road interchange, east of Boyds Corner.

12 Interchanges would be provided at Levels
13 Road and via slip ramps to and from US 301 and service
14 roads in the Armstrong Corner Road area. Service
15 roads provided between Bunker Hill Road and Churchtown
16 Road would provide local access.

17 The Purple Plus Spur Alternative. The
18 Purple Plus Spur Alternative would extend north, on a
19 new location, west of Middletown, from the
20 Delaware/Maryland state line to south of Armstrong
21 Corner Road. The Purple alignment would then curve
22 and extend northeast to SR 896 (Boyds Corner Road),
23 west of Jamison Corner Road, where the alignment would
24 again curve and extend east parallel to existing Boyds

1 Corner Road and interchange with SR 1 just north of
2 the SR 1/Pole Bridge Road interchange, east of Boyds
3 Corner.

4 Interchanges would be provided at Levels
5 Road and in the US 301/Armstrong Corner Road area.

6 A two-lane, limited access spur roadway
7 would extend from south of Armstrong Corner Road to
8 just south of the Summit Bridge.

9 The Brown Alternative. The Brown
10 Alternative would extend north, on a new location,
11 west of Middletown, from the Delaware/Maryland state
12 line to south of Summit Bridge. It will then curve
13 and extend east, south of the C&D Canal, interchanging
14 with SR 1 between Biddles Corner Road Toll Plaza and
15 the C&D Canal.

16 The Brown Alternative North Option extends
17 north to SR 15/SR 896 and then curves east on existing
18 SR 896 towards SR 1.

19 The Brown Alternative South Option extends
20 north of Churchtown Road and then curves northeast
21 between Summit Bridge Farms and Dickerson Farms,
22 passing through the northern portion of Summit
23 Airport, before curving east toward SR 1.

24 Interchanges with Levels Road, SR 896/SR

1 15 (south of Summit Bridge) and Jamison Corner Road
2 are proposed with either option.

3 The Green Plus Spur Alternative. The
4 Green Plus Spur Alternative will extend north, on a
5 new location, west of Middletown, from the
6 Delaware/Maryland state line to north of Armstrong
7 Corner Road, and then curve and extend northeast,
8 interchanging with SR 1 north of the Biddles Corner
9 Toll Plaza and south of the C&D Canal.

10 The Green Alternative North Option extends
11 northeast, passing over Boyds Corner Road about 550
12 feet east of the intersection of Boyds Corner Road and
13 Ratledge Road and continues north-northeast before
14 curving east, south of the Airmont community and
15 interchanging with SR 1.

16 The Green Alternative South Option extends
17 in a northeasterly direction 600 feet to the west of
18 the Cedar Lane schools, then passes over Boyds Corner
19 Road, extends between the proposed Village of Bayberry
20 and Scott Run Business Park at Whitehall before
21 interchanging with SR 1.

22 Interchanges would be provided at Levels
23 Road, in the existing US 301/Armstrong Corner Road
24 area and at Jamison Corner Road for either option.

1 A two-lane, limited access spur roadway
2 would extend from south of Armstrong Corner Road to
3 just south of the Summit Bridge.

4 Alignment and interchange options have
5 been developed to determine the best solutions for
6 certain areas. This involves the difficult challenge
7 of attempting to strike a balance between the
8 potential impacts to community, natural and cultural
9 resources.

10 After evaluating public comments from the
11 December, February and April workshops, performing
12 additional detailed analysis and refinement of
13 alternatives by the Project Team, and receiving input
14 from the federal and state environmental resource and
15 regulatory agencies, including the Federal Highway
16 Administration, DelDOT recommends the Green North Plus
17 Spur Road as the preferred alternative.

18 The recommended preferred alternative also
19 includes Interchange Option 2a in the Armstrong Corner
20 Road area and Spur Road Option 3B. The reasons and
21 supporting data for these recommendations are
22 contained in the DEIS, the workshop handouts, and are
23 on display at today's hearing. The public is
24 encouraged to provide comments giving reasons for

1 support of or opposition to the alternatives retained
2 for detailed evaluation, including DelDOT's
3 recommended preferred alternative and options.

4 After the public comment period for the
5 Draft Environmental Impact Statement, the following
6 steps will be completed to identify the selected
7 alternative.

8 In the spring of 2007, DelDOT will:
9 prepare Design Study Report addressing all substantive
10 comments; prepare Final Environmental Impact
11 Statements (FEIS), including comment responses;
12 receive Council on Transportation approval of
13 preferred alternatives.

14 In the summer of 2007, DelDOT will:
15 submit the FDIS to FHWA; announce public availability
16 of the FEIS; and receive FHWA approval and record of
17 decision; and receive Corps issuance of provisional
18 Section 404 permits.

19 The next portion of the presentation will
20 discuss how each alternative would affect
21 transportation in the study area.

22 Traffic forecasts for the US 301 Project
23 were developed using DelDOT's Regional Transportation
24 Planning Model. This statewide transportation model,

1 which was recently updated and expanded to cover the
2 entire Delmarva Peninsula, allows transportation
3 planners to predict and study future changes in travel
4 patterns. The model incorporates the latest approved
5 lane use and population forecasts that the regional
6 Metropolitan Planning Organization, Wilmington Area
7 Planning Council, also known as WILMAPCO, has adopted.

8 High levels of regional and study area
9 population employment growth would significantly
10 increase traffic volumes. The Travel Demand Analysis
11 indicates that even with all of the planned
12 improvements included in the No-Build Alternative,
13 travel conditions would still significantly worsen by
14 2030.

15 With the No-Build Alternative congestion
16 on local roads and intersections would increase
17 considerably, resulting in increased delay,
18 particularly at signalized intersections. Congestion
19 and delay throughout the study area would be
20 compounded by growth in truck volumes. From a safety
21 perspective, even if the accident rates stay at their
22 current level, the growth in traffic is expected to
23 significantly increase the number of accidents on
24 roads in the study area.

1 By reducing congestion on existing travel
2 routes, particularly through Middletown, all of the
3 build alternatives would reduce travel times and
4 improve travel time reliability for through and local
5 traffic.

6 The traffic analyses indicate that all of
7 the build alternatives would provide congestion
8 relief, and in turn, would potentially reduce the
9 number of accidents on most of the roadways in the
10 project area.

11 As mentioned previously, all of the future
12 traffic projection and analyses assume that tolls will
13 be collected on US 301 near the Delaware/Maryland
14 state line and on the proposed north-serving
15 interchange ramps.

16 Two different groups were formed to study
17 the impacts of these proposed tolls on local and
18 regional roadway networks. In response to the issues
19 raised by these two groups, studies conducted by the
20 US 301 Project Team found that regionally, minimal
21 shifts in traffic are anticipated between I-95 and an
22 improved and tolled US 301 because the travel time
23 savings resulting from the improvements to US 301 are
24 offset by the cost of the proposed toll.

1 Locally, there would be several potential
2 diversion routes available to motorists wishing to
3 avoid paying the mainline toll on US 301.
4 Understanding that no solution will totally eliminate
5 diversions, a series of recommendations was developed
6 by the working groups, with the goal of minimizing
7 truck and auto diversions. Most heavy trucks would
8 likely remain on US 301 due to the distance and time
9 required to bypass all restricted roads.

10 This concludes the alternatives
11 description and the effects of the project on future
12 traffic. I will now summarize the Department's Title
13 VI Program, including the significance of Title VI and
14 Executive Order 12898, the Environmental Justice Act,
15 as they relate to this joint public hearing.

16 Title VI is an amendment to the Civil
17 Rights Act of 1964, which prohibits discrimination on
18 the grounds of race, color or national origin in any
19 program receiving federal financial assistance.
20 Supplemental legislation also prohibits discrimination
21 on the basis of sex, age, and physical and/or mental
22 handicap.

23 To assure compliance with this important
24 mandate, DelDOT established a Title VI Unit. It is

1 the Title VI Unit's responsibility to make sure that
2 all phases of the US 301 Project are completed in a
3 nondiscriminatory manner from the initial planning
4 stages through the actual construction of the project.

5 The purpose of the Environmental Justice
6 Executive Order is to identify and address
7 disproportionately high and adverse human health or
8 environmental effects on minority populations or
9 low-income populations. An important objective of
10 this order is to ensure full and fair participation by
11 all communities, including low income and minority
12 populations in the transportation decision-making
13 process.

14 I request your participation in assisting
15 us with our compliance efforts to ensure that all
16 phases of the transportation process are carried out
17 successfully. If you feel that you have been the
18 recipient of any type of discriminatory treatment, you
19 may address your concerns in writing to: Mr. John
20 Eustis, Acting Civil Rights Coordinator, Delaware
21 Department of Transportation, 800 Bay Road, Dover,
22 Delaware, 19903.

23 Mr. Eric Almquist will now present the
24 environmental overview of the project.

1 MR. ALMQUIST: Thank you, Mark.

2 My name is Eric Almquist, and I work for
3 Rummel, Klepper & Kahl as an environmental planner for
4 the Project Team.

5 The environmental impacts associated with
6 each alternative are included in the Matrices of
7 Impacts, a handout available at today's hearing. A
8 thorough review of all environmental conditions and
9 impacts is included in the DEIS.

10 Communities in the US 301 study area would
11 experience both benefits and adverse impacts.
12 Although the No-Build Alternative would not cause
13 impacts such as property acquisition or changes in the
14 visual environment, it would result in increased
15 traffic congestion and decreased mobility,
16 accessibility and safety.

17 Under all four build alternatives,
18 community impacts as a result of noise, right-of-way
19 impacts and visual changes would occur. The range of
20 residential and business right-of-way impacts would
21 vary depending on the alternatives and options
22 selected. The build alternatives would result in two
23 to 128 residential displacements and four to 58
24 business displacements. Details on these impacts are

1 included in the handouts and in the DEIS. The build
2 alternatives would improve community mobility,
3 accessibility and safety, as well as provide regional
4 and local economic benefits.

5 An Environmental Justice Analysis provided
6 in the DEIS indicates that under all of the presented
7 alternatives, no low income or minority populations
8 within the study area would experience
9 disproportionately high or adverse effects.

10 A Secondary and Cumulative Effects
11 Analysis, or SCEA, was completed for the new US 301.
12 The SCEA is a comprehensive, long-term look at how the
13 construction of a new US 301, combined with past,
14 present and future planned development and other
15 transportation projects, might result in additional
16 resource impacts or contribute to the culmination of
17 impacts that might affect a larger study area.
18 Generally, the analysis concluded that US 301 would
19 likely influence the rate of growth of residential and
20 business development in the region, but that
21 development would continue under any of the
22 alternatives evaluated in the DEIS, including the
23 No-Build Alternative. Completion of any of the build
24 alternatives would not likely increase the amount of

1 development, but could influence the rate of that
2 development occurring.

3 Potential impacts to historic resources is
4 an important part of our analysis. Four historic
5 properties would be directly impacted by the Yellow
6 alternative. The Yellow alternative is the only
7 alternative that would directly impact historic
8 properties. The Delaware Department of
9 Transportation, in consultation with the Delaware
10 State Historic Preservation Office, has determined
11 that there are potential indirect (noise and visual)
12 effects to between 16 and 22 of the 31 identified
13 historic properties that are listed on or eligible for
14 the National Register of Historic Places, depending
15 upon the build alternatives.

16 Although a National Register status has
17 not been determined for archeological resources, it is
18 already known that one historic archeological site
19 will be directly impacted by the Green, Purple and
20 Brown alternatives. Additional identification and
21 analysis of potential archeological resources will be
22 conducted prior to construction of a build
23 alternative.

24 Following the hearing, a Draft Memorandum

1 of Agreement will be finalized to guide future efforts
2 in order to avoid, minimize and mitigate effects to
3 historic properties. In accordance with the Section
4 106 procedures of the National Historic Preservation
5 Act, these public hearings provide the opportunity for
6 public input regarding historic resources. Public
7 views on the resolution of adverse effects on historic
8 resources are being sought.

9 Section 4(f) of the Department of
10 Transportation Act of 1966 is a federal law enacted to
11 help preserve park and recreation lands, wildlife and
12 waterfowl refuges and historic sites. Only the Yellow
13 alternative would directly impact historic sites in
14 the study area. No public parks would be affected by
15 the four retained build alternatives.

16 Under preliminary Section 4(f)
17 consideration, the Purple, Brown and Green
18 alternatives were found to provide prudent and
19 feasible alternatives for avoiding impacts to Section
20 4(f) resources that are impacted by the Yellow
21 alternative.

22 I will now discuss the potential impacts
23 to the natural environment.

24 Direct impacts to the study area stream

1 channels would result from the placement of culverts
2 or other structures at drainage crossings. Most of
3 the larger stream crossings for the build alternatives
4 would be bridge structures, which minimize direct
5 impacts to streams. The range of stream impacts for
6 each alternative is from 14,278 linear feet to 20,708
7 linear feet. Details are provided in the impact
8 matrices handout, the information brochure, and the
9 DEIS.

10 Potential effects to surface and
11 groundwater quality would be mitigated by erosion and
12 sediment control measures during construction as well
13 as state-of-the-art stormwater management techniques
14 to treat runoff over the long term.

15 All of the build alternatives would add
16 new impervious surfaces in the affected watersheds.
17 Stormwater management facilities are proposed to treat
18 roadway runoff from storm events before it reaches any
19 surface water body and to provide for collection and
20 filtration of sediment and toxics from the roadway
21 before the water reaches the groundwater supply.
22 Stormwater management facilities will be designed to
23 satisfy quality and quantity management requirements
24 of Delaware's sediment and stormwater regulations.

1 Wetland impacts for the build alternatives
2 range between 19 and 50 acres, depending upon the
3 alternative and options selected. Surface water and
4 wetland impacts will be mitigated. New wetlands would
5 be created, which will replace the impacted wetland
6 functions and values, and satisfy the United States
7 Army Corps of Engineers' policy of "no net loss." An
8 individual permit will be required by the US Army
9 Corps of Engineers.

10 Forest impacts are expected to range
11 between 34 and 51 acres, depending on the build
12 alternative and options chosen. Consistent with the
13 State Reforestation Law, reforestation at a 1-to-1
14 ratio will be provided within the project limits, or
15 offsite within the same watershed.

16 Only one federally listed threatened
17 species, the bog turtle, has been observed in the
18 project area and may potentially be affected by the
19 project. However, preliminary studies indicate that
20 the proposed work would not likely affect this
21 threatened species. A biological assessment of the
22 project's potential effects will be conducted by
23 DelDOT to document the potential effects. The US Fish
24 & Wildlife Service must review and approve the

1 biological assessment prior to construction of the
2 project.

3 Ten state-listed rare animal and plant
4 species have been observed in the project area. Per
5 Title 7 of the Annotated Code of Delaware, adverse
6 impacts to these species are discouraged. DelDOT
7 plans to do everything reasonably possible to avoid
8 impacting these species.

9 The federal noise criteria were exceeded
10 at 63 to 108 noise sensitive areas, depending on the
11 alternative, thus resulting in noise impacts to these
12 areas. Several communities are impacted under Federal
13 Highway noise regulations and DelDOT's noise policy.
14 See the noise analysis handout available at today's
15 hearing.

16 Noise mitigation was considered and the
17 Project Team continues to evaluate measures to
18 minimize noise impacts, such as roadway profile.
19 DelDOT has committed to provide a number of earth
20 berms, where determined practicable, to provide visual
21 screening between adjacent communities and new
22 roadways. Additionally, visual earth berms can
23 provide a measure of relief from noise impacts.

24 Furthermore, analysis has shown that noise

1 mitigation is not feasible, nor cost effective, for a
2 number of communities. This has been taken into
3 consideration by DelDOT in recommending a preferred
4 alternative. Details on the noise analysis are shown
5 in the handouts and on the large display maps in the
6 workshop area.

7 A micro scale air quality analysis was
8 conducted for the US 301 study area in accordance with
9 state and federal guidelines. Carbon monoxide
10 concentrations at all study area receptor locations
11 are predicted to be below the state and National
12 Ambient Air Quality Standards for the one-hour and
13 eight-hour analysis of 35 parts per million and nine
14 parts per million, respectively.

15 This concludes the environmental overview.
16 Please refer to today's handouts for any additional
17 information.

18 I would now like to turn the presentation
19 over to Ms. Carolyn O'Donoghue of DelDOT's Real Estate
20 Section, who will discuss the state's right-of-way
21 acquisition and relocation program.

22 MS. O'DONOGHUE: Thank you. Property
23 acquisition would be managed by the North District
24 Office, which is located at 250 Bear-Christiana Road,

1 Bear, Delaware, 19701.

2 DelDOT procedures for acquiring
3 right-of-way differ from normal real estate
4 transactions between individuals.

5 UNIDENTIFIED SPEAKER: Can't hear you.

6 MS. O'DONOGHUE: DelDOT must offer
7 affected property owners the fair market value for the
8 property interests it requires. DelDOT will determine
9 this fair market value either through an in-house
10 valuation process or through an independent fee
11 appraisal. DelDOT is required to secure at least one
12 independent fee appraisal on each affected property
13 whose valuation is estimated to be over \$10,000. Each
14 property owner would be provided an opportunity to
15 accompany the appraiser when he or she inspects the
16 property. After just compensation is established, a
17 right-of-way agent would meet with each property owner
18 to discuss the acquisition and describe how the
19 construction would affect the property. At that time
20 the agent would also answer any questions and explain
21 the offer.

22 Most negotiations are resolved following
23 this procedure; however, if the state and the property
24 owner cannot reach an agreement, the rights of the

1 property owner would be protected by acquiring the
2 property rights through the eminent domain process.
3 This process provides means for the property owner's
4 point of view to be heard and permits the amount of
5 just compensation to be established by a three-member
6 commission, selected from the 11 proposed and partial
7 commissioners, nominated by the Superior Court, based
8 on testimony given on behalf of both the property
9 owner and the state.

10 In addition to the amount paid for the
11 property, the state's Relocation Assistance Program
12 would provide advisory assistance and may provide
13 certain monetary payments to tenants, homeowners and
14 businesses who meet the eligibility requirements and
15 must relocate.

16 Copies of the two handouts entitled "Your
17 Property and the Right-of-Way" and "Transportation and
18 the Right-of-Way, a Guide For Property Owners," have
19 been placed at the sign-in table. The handouts
20 explain the procedures used by DelDOT for acquiring
21 right-of-way.

22 Staff is available to answer any specific
23 questions that you may have regarding the proposed
24 acquisition of properties for this particular project.

1 See display No. 7 in the workshop area. If, at a
2 later date, questions arise, please feel free to
3 contact me in our Bear office. The address and phone
4 number may be found in the handout.

5 I will now turn the hearing back to Andrew
6 Bing.

7 MR. BING: Thank you. This concludes our
8 formal presentation. Let me review briefly with you
9 the hearing agenda.

10 Starting at 4:00 until the conclusion,
11 workshops/displays. An informational workshop for the
12 informal review of maps, displaying the alternatives
13 and options, and information summarizing the results
14 of the project development effort to date is being
15 conducted during the hearings. The Project Team
16 members are available to answer any questions.

17 From 4:00 p.m. to conclusion, testimony to
18 a stenographer. Testimony may be given to a
19 stenographer from 4:00 p.m. until the hearing's
20 conclusion. The stenographer is located upstairs and
21 can be reached by the elevator. Staff at the sign-in
22 table can direct you to the elevator where a Project
23 Team member will assist you.

24 At the conclusion, in about one minute,

