SAFETY ADVISORY AND TRANSPORTATION COMMITTEE

The Safety Advisory and Transportation Committee Meeting was held on October 30, 2013, at 5:00 p.m. with Chairman Hutchison presiding. Members present were Mr. Dixon, Mr. Perza (arrived at 5:03 p.m.), Mr. Davis, and Mr. Keller.

AGENDA ADDITIONS/DELETIONS

Mr. Keller moved for approval of the agenda, seconded by Mr. Dixon and unanimously carried.

Discussion - Transportation Improvement District

Mr. Scott Koenig, City Manager, advised members that, in the spring of 2013, the Delaware Department of Transportation (DelDOT) adopted new regulations that govern how DelDOT reviews access to State-maintained roadways. He noted that the regulations require developers to conduct large scope traffic impact studies and complete all necessary improvements for potential redevelopment projects along U.S. 13, resulting in a paralyzing effect on redevelopment projects along the U.S. 13 corridor. However, the regulations also allow for DelDOT to work with metropolitan planning organizations and local governments to create Transportation Improvement Districts (TIDs). Once a district is defined, an agreement is put in place and DelDOT funds a district-wide traffic study and implementation plan. Depending on the terms of the agreement, developers within the TID would either pay their fair share of the improvements (which would be determined by the agreement) or construct a portion of the improvement. He noted that the improvements identified in the TID study would receive a higher priority in the ranking of projects in the State's Capital Transportation Plan.

Mrs. Ann Marie Townshend, Director Planning and Community Development, advised members that staff was seeking support from the Committee and Council to work with DelDOT to begin to lay out a Memorandum of Understanding (MOU) for a TID that would define the scope of the district, the geographic area, and related items and then to begin the study. She reminded members that DelDOT would pay for this study using a pool of funds that developers had paid into for area-wide studies rather than performing a Traffic Impact Study (TIS) for their projects. Mrs. Townshend indicated that staff had held one (1) meeting with DelDOT to discuss the possibility of a TID. She stated that staff felt it was important to obtain the endorsement of City Council to engage in the process since it would take significant staff time.

Responding to Mr. Hutchison regarding the amount of staff time that would be required, Mrs. Townshend estimated that meetings would be held bi-monthly.

In response to Mr. Davis regarding potential negative implications, Mrs. Townshend noted that the study would define the traffic problems and the price tag of solving them, which could be "a tough pill to swallow." She noted that moving forward was not mandated; however, she explained that currently projects were being undertaken in a piecemeal fashion that could cause potential large-scale development to halt due to the massive scope of the studies required. She advised members that developers are now required to pay an engineer to perform a large scope study, including traffic counts and modeling, that identifies improvements that must be done, and are then expected to contribute significantly toward the road upgrades identified. She explained that a proposed

re-development project at the former Berry Van Lines property, located at 741N. DuPont Highway, had caused immediate engagement in this discussion with DelDOT. At a scoping meeting for this project between DelDOT, the prospective developer, and the developer's engineer, it was determined that, based on the new DelDOT regulations, the developer would be required to study the impact on all of the U.S. 13 intersections between Scarborough Road and Division Street. She felt that developers would likely walk away from areas that the City would like to see re-developed and projects that would help economic growth because the regulations are so onerous.

Responding to Mr. Hutchison regarding the target area to be addressed, Mrs. Townshend stated that the Route 13 corridor through the City from Denneys Road in the north to the intersection at State Street in the south had been discussed with DelDOT, as well as Route 113 from its intersection with Route 13 extending to Dover Air Force Base.

Mr. Koenig indicated that the intent of the regulations was good; however, that the scoping meeting held in regard to the former Berry Van Lines property project had identified some unintended consequences. According to the developer who was interested in purchasing and developing this site, the required study would cost $100,000 - $200,000.

Mr. Koenig expressed his opinion that there was a need to define what level of traffic the City was willing to accept as the cost of doing business. He felt that a healthy, economically vibrant City would have traffic, especially at times when offices are closing and around large traffic areas such as malls. He stated that if there were no cars present at 5:00 p.m. on Route 13, this would be a large problem because it would indicate a lack of economic activity. Because an intersection fails for 30 minutes per day, he did not feel that it was appropriate to "build your way out of that," noting that he did not envision a fourth lane being built on U.S. 13. He questioned what would come of a decision to "study 16 traffic signals" and wondered if all of these signals would be upgraded or if they were being studied only because regulations direct that this occur.

Mr. Koenig advocated proceeding with the TID. He recalled that several years ago the State adopted policies that channeled development into growth zones and that the State promised to funnel funds to these areas. He noted that dollars had not matched up with these promises. Mr. Koenig felt that the State should be spending money in the capital city and that this was an opportunity to engage the State by creating a TID and using that policy framework to get the State to invest in the City. He indicated that it was distressing for him to talk to developers who expressed interest in properties but stated that DelDOT was preventing redevelopment. It was his belief that the TID could be a mechanism that would overshadow some of the current DelDOT regulations and potentially help drive dollars into the capital City, both from private investment and public dollars through DelDOT.

Mr. Koenig stated that TIDs were a relatively new concept in the State of Delaware and he was unsure how long it would take to get through the process. He felt it important to move forward on the re-development of U.S. 13 and other transportation corridors. He noted that a number of items in the City's budget were driven by growth and that revenues would not be at the levels needed for current and future years unless growth was occurring.

Responding to Mr. Davis regarding the developer's responsibility for funding transportation projects, Mr. Koenig explained that currently a private developer must fund a study on the individual project's impact. If a TID is created, DelDOT would do a comprehensive study of the district. Developers would then pay a fair share of related improvements that happen in the future.

In response to Mr. Davis regarding whether the City's funds would be impacted, Mr. Koenig stated that the City would not be committing to putting dollars into improvements or studies for private developers since this was not the current practice.

In response to Mr. Keller, Mrs. Townshend indicated that there were approximately 18 - 20 intersections in the area proposed for the TID. She believed that if the entire corridor were not included, there would be potential for a project just beyond the line selected and then the developer would be required to complete a separate TIS. She noted that, as the economy was beginning to rebound, she had talked to a number of developers who were looking at the former Playtex properties (bound by Kings Highway, Route 8, and N. DuPont Highway); however, the traffic component of those properties had continued to be an issue. It was her belief that any large property with good development/re-development opportunity would encounter this problem.

Responding to Mr. Perza regarding the potential impact of the study on existing businesses, Mrs. Townshend confirmed that it the study would be passive and involve traffic counts, modeling, land use, etc.

Mr. Hutchison suggested that the matter be brought before Council but that it not be placed on the consent agenda in order to allow for discussion.

Responding to Mr. Dixon regarding the impact on Fairview Elementary School, Mrs. Townshend stated that this location was west of the study area and would not be impacted.

Staff recommended that the City Manager and City Planner be authorized to begin negotiations with DelDOT to create a Transportation Improvement District (TID), noting that any agreement related to the TID would be brought before City Council in draft form prior to execution.

Mr. Davis moved to recommend acceptance of staff's recommendation, seconded by Mr. Dixon and unanimously carried.

Update - Dover High School Construction

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that monthly coordination meetings continued regarding the construction of the new Dover High School. She noted that those meetings had been very effective in identifying and resolving issues. She stated that the Delaware Department of Transportation (DelDOT) was designing sidewalks on the north side of Route 8 and would be would be acquiring related temporary or permanent right-of-way easements. Discussions regarding the cost of the improvements were ongoing; however, it was her belief that the Capital School District had not borne an unfair share of the cost for transportation to access the school.

Responding to Mr. Hutchison regarding the school entrances, Mrs. Townshend stated that the School District planned to construct the east entrance and had appeared before the Planning Commission to obtain a waiver to allow reduction in parking areas. The parking areas would be curbed but would be grass so that they could be used for overflow parking. The Capital School District Board of Education had stated that the east entrance was important to them.

Mr. Hutchison expressed appreciation for Mrs. Townshend's efforts in this regard, as did Mr. Davis.

In response to Mr. Keller, Mrs. Townshend indicated that the east entrance would be designed and built as a full entrance, but if the school wished to limit it to a right-in/right-out entrance they could do so.

Mr. Keller noted his observation regarding difficulties being experienced by large vehicles coming from the east and accessing the school at the west entrance. Responding, Mrs. Townshend explained that the entrance and signal were designed to manage all traffic, including buses; however, issues emerged during construction, and DelDOT and the School District were working together to see what alterations might be needed to reconfigure this area. She was unsure if it was a design problem, a construction issue, or a combination of both.

Briefing on Delaware Department of Transportation (DelDOT) Projects

DelDOT Repaving Project

No update was provided regarding this item.

West Dover Connector

Mr. John Gaines, Project Engineer, reviewed a rendering depicting the planned West Dover Connector ***(Attachment #1)***. He explained that the connector will start at the intersection of Route 13 and Charles Polk Road at Rodney Village, travel in a northwesterly direction, traversing the two (2) Kesselring farms, and terminate at the intersection of North Street and Saulsbury Road. DelDOT was currently acquiring the right-of-way for the project. There were 14 total acquisitions on Charles Polk Road, all of which had been purchased, 12 of the 14 properties had been razed, and a contract for the other two (2) was awarded during the previous week, so all demolitions would be accomplished soon. Mr. Gaines indicated that appraisals for the remaining parcels had been received and were being assigned to acquisition agents. It was hoped that the entire right-of-way would be cleared by March. Final construction plans were expected in approximately two (2) weeks and would be distributed through DelDOT for comment. According to the remaining schedule, bids would be advertised in the March/April time frame and it was hoped that construction would start late in the Summer of 2014.

Mr. Gaines noted that there were several outstanding issues with the City in regard to water/sewer lines within Rodney Village. DelDOT was coordinating with the City to ensure that improvements to these lines would be complete before DelDOT patches the roads and reconstructs the sidewalks and curb line to avoid multiple disturbances in that area, and it was his understanding that the City and DelDOT would be developing a contract in this regard. He noted that DelDOT would also be moving fire hydrants in the area.

Mr. Gaines explained that he was also working with Mrs. Ann Marie Townshend, Director of Planning and Community Development, on issues related to Federal Emergency Management Agency (FEMA) mapping in connection with Puncheon Run flooding issues. He noted that, as part of this project, DelDOT had updated the FEMA flood plain maps for the area north of New Burton Road and was working with the Department of Natural Resources and Environmental Control (DNREC) in this effort. This would not increase any flows downstream where there were flooding concerns.

Responding to Mr. Hutchison, Mr. Gaines stated that the construction that took place on South Governors Avenue was never intended to be a cure-all for the flooding problems in that area. He stated that the problem was that the houses were built in a flood plain. He indicated that DNREC and the Kent Conservation District had been working with developers in the upper reaches of the watershed on the current project. He noted that new developments, such as Eden Hill Farm and Hidden Creek, were over-managing stormwater and were being forced to manage for 100-year storms rather than ten-year storms. Mr. Gaines explained that this would ultimately decrease the flow levels downstream.

Mr. Dixon moved to recommend acceptance of the report, seconded by Mr. Keller and unanimously carried.

Meeting adjourned at 5:35 p.m.

James L. Hutchison
Chairman

JLH/TM/js/dd
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Attachment
Attachment #1 - Rendering - West Dover Connector provided by John Gaines, DelDOT Project Engineer


ATTACHMENT #1
SA&T Committee Meeting of 10/30/2013
WEST DOVER CONNECTOR
FINAL ROADWAY ALIGNMENT AND
STORMWATER MANAGEMENT FACILITIES
SCALE
0
300
600
800
FEET
N
NORTH DR.
NEW BURTON RD.
W DENEC HILL RD.
US13