

# STATE OF DELAWARE



## EXECUTIVE DEPARTMENT DOVER

### EXECUTIVE ORDER NUMBER SIXTY-NINE

**RE: ESTABLISHING A COMMITTEE TO RECOMMEND OPTIONS FOR PROVIDING ADDITIONAL FUNDING TO, AND ACCELERATING THE CONSTRUCTION OF, NEEDED IMPROVEMENTS OVERSEEN BY THE DELAWARE DEPARTMENT OF TRANSPORTATION**

WHEREAS, the Delaware Department of Transportation (“DelDOT”) has identified significant shortfalls of funding for the Transportation Trust Fund (“TTF”) occasioned by, among other things: i) increasing demands on the State’s transportation system due to unprecedented traffic growth; ii) limited resources for the design and construction of necessary projects to improve safety and provide needed mobility; iii) substantial increases in the costs of land acquisition, labor, and raw materials required to construct and maintain a wide variety of transportation improvements; and iv) cost increasing project delays caused by layers of state and federal regulations; and

WHEREAS, predictable and sustainable funding for critical transportation projects in the State is vital to maintaining the quality of life for the State’s citizens, promoting responsible development without undue damage to environmental, historic, and cultural resources, and ensuring the State’s economic competitiveness and vitality; and

WHEREAS, in the absence of the development of increased resources for the TTF, the State will be unable to provide on a timely basis the key projects identified in DeIDOT's long-range transportation plan, including but not limited to: i) accelerated completion of safety and capacity improvements along, and connecting to, the state's limited access highways (Routes 1, I-95, I-295, I-495); ii) provision of alternate service roads and the purchase of development moderating easements along the state's major arterial network (e.g., Routes 1, 13, and 113); iii) revitalization of older residential, commercial and industrial neighborhoods, especially those adjacent to the waterways and rail lines which were the transportation precursors to the existing highway network; and iv) improvements to the quality, variety, and frequency of alternative transportation services by bus, rail, vanpool, rideshare and other methods; and

WHEREAS, it is essential for DeIDOT to maintain its current excellent credit rating by not subjecting the TTF to increased leverage through excessive borrowings; and

WHEREAS, the state has previously adopted legislation permitting DeIDOT to enter into a variety of public-private partnerships to design and/or build transportation facilities in the state; and

WHEREAS, the Federal Highway Administration (FHWA) has established both legislative authority and a pool of funds available for competitive application by states pursuing innovative financing and construction techniques, and has made these programs a high priority for the U.S. DOT program for federal reauthorization; and

WHEREAS, DeIDOT has identified and analyzed several potential options for increasing both short- and long-term resources to the TTF for the purposes of meeting the demands of DeIDOT's long-range plan, including changes to the toll structures on two

limited access highways, changes in the allocation of monies from the State's General Fund, and construction in whole, or in part, of needed improvements to I-95, SR1, and U.S. Route 301 by private sector owners/lessees; and

WHEREAS, it is appropriate and in the best interests of the State that the resource needs of DelDOT and options to undertake key transportation development initiatives be thoroughly explored, examined and evaluated, and it is appropriate that these options be studied by a small group of knowledgeable individuals capable of making comprehensive recommendations in time to permit the Governor and the General Assembly to evaluate and, if desirable, include them into DelDOT's financial plan for FY 2007 and beyond;

NOW, THEREFORE, I, RUTH ANN MINNER, GOVERNOR OF THE STATE OF DELAWARE, DO HEREBY ORDER AND DECLARE AS FOLLOWS:

1. A Transportation Development and Funding Options Committee ("Committee") is established. The Committee shall consist of fifteen (15) members, as follows:
  - a. The Secretary of the Department of Transportation, who shall serve as Chairman of the Committee, or his designee;
  - b. The State Budget Director, or her designee;
  - c. The Secretary of Finance, or his designee;
  - d. The State Treasurer, or his designee;
  - e. The Co-Chairs of the Joint Committee on Capital Improvements;
  - f. One member selected by the President Pro Tempore of the Senate;
  - g. One member selected by the Minority Leader of the Senate;
  - h. One member selected by the Speaker of the House of Representatives;
  - i. One member selected by the Minority Leader of the House of Representatives;
  - j. One member of the Governor's staff, appointed by the Governor;
  - k. A registered professional engineer, appointed by the Governor;
  - l. A representative of the Delaware Contractors' Association, appointed by the Governor; and
  - m. Two (2) additional members of the public (who shall not be employed by the State, or conduct any business with the State involving the TTF), appointed by the Governor.

2. The Committee shall examine proposals for increasing both short- and long-term resources for the TTF for Fiscal Year 2007 and future years, so as to assure the continued timely planning, development and construction of the critical projects identified in DelDOT's long-range transportation plan. Without limitation of the foregoing, the Committee is authorized and directed to consider whether and to what extent the State should pursue: i) changes in toll structures for any of the State's toll roads; ii) the construction and/or operation of any public highway or bridge under DelDOT's control by private entities, subject to the necessary oversight of the state; and/or iii) the creation of new, or adjustments to existing, taxes and fees that are directed to the TTF.
3. Staff from, or qualified consultants to, DelDOT, the Department of Finance and/or the State Budget Office shall provide support to the Committee, as needed.
4. The Committee shall meet on a regular basis, with its first meeting to occur not later than June 30, 2005.
5. The Committee shall issue a report of its recommendations to the Governor and the General Assembly not later than November 30, 2005.



Approved and adopted this 1<sup>st</sup> day of  
June, 2005.

  
Ruth Ann Minner  
Governor

Attest:

  
Secretary of State