

5 FAQs: Proposed Ordinance 19-005

A discussion regarding Transportation Improvement Districts

Since 2017, the New Castle County Department of Land Use, has sought input from transportation experts from the Delaware Department of Transportation (DelDOT), the Wilmington Area Planning Council (WILMAPCO), and the community, to examine how travel capacity is reviewed and how its guidelines and regulations are applied. Review of these regulations to ensure community character and direct economic growth have been central themes of this discussion.



Example of mixed use development - Village at San Antonio Center, Mountain View, CA

After a thorough discussion with interested parties, the Department of Land Use has asked County Council to consider legislation (Ordinance No. 19-005) which will focus how we review and apply development applications.

What is the benefit?

- (1) The Department of Land Use, DelDOT, the community, and elected officials get a comprehensive evaluation of a specific geographical area's transportation network function.
- (2) Plan an intersection or plan a transportation network. This will be a transportation and land use master plan that looks beyond the next intersection.
- (3) This is targeting a limited number of areas for economic development that use a customized land use and transportation management approach. The ordinance would enable the creation of Transportation Improvement Districts. Detailed and customized plans, formal agreements, and improvement schedules would be created in these areas, primarily for economic development. This is a proactive approach for planned development instead of the current reactive approach.

“The proposed ordinance would give County Council the authority to target economic development and secure significant payments from developers to improve the transportation system by creating Transportation Improvement Districts (TIDs)”

County Executive Matt Meyer,
News Journal Op-Ed 4/1/19

How will Ord. 19-005 help?

This ordinance provides the ability to study a defined geographical area, identify all the potential land uses, the current status of the transportation network and the functionality of the network with improvements and assign costs to the users. Development will be able to progress as improvements are made.

Our current regulations have yielded a wide variety of consequences:

- **Job loss:** Several economic development projects have been delayed or withdrawn entirely due to current regulations. Employment loss not only includes those jobs housed within a traditional office environment, but also those technical trade related opportunities created as construction commences. *The Mid-Atlantic Region (Delaware, Pennsylvania, New Jersey & Maryland) is full of opportunity and ripe for job creation and expansion. While the surrounding states outnumber us in terms of population and available government sponsored incentives, we must do all we can to compete by facilitating a job creation program that is nimble, creative and provides a level of certainty in our processes.*

- **Inefficient use of land:** New developments have been pushed away from existing infrastructure, redevelopment, and older, blighted areas where infrastructure is generally available. *It would be more efficient and cost effective for all parties (developer and government) to infill or build near areas that already have viable streets, school capacity, and water/sewer systems established.*



urban sprawl (smartgrowthamerica.org)

- **Uncertainty:** The County and the State of Delaware currently maintain separate but equally important interrelated roles with regard to transportation matters. The State controls the public roadway system while the County controls land use decisions. From time to time, the two governments may arrive at varying conclusions with regard to development, thus creating unnecessary community and developer/potential employer apprehension. *While the County and the State have always maintained a respectful and productive working relationship, the proposed legislation formally establishes a partnership between the County and the State (DeIDOT) with regard to transportation improvements.*

Key elements of Ordinance No. 19-005 include:

- Establishing code language enabling County Council to establish:
 - Transportation Improvement Districts (TIDs)
 - Complete Community Enterprise Districts
- Establishing waiver standards based upon:
 - Job creation (*Does a proposed project create viable job opportunities for County residents?>*)
 - Public purpose (*Does the general public benefit from a waiver being granted?>*)
 - Significant hardship (*Absent a waiver, will the project die due to lack of viable options?>*)
- Better coordination with DeIDOT regulatory language

What is a Transportation Improvement District (TID)?

A Transportation Improvement Districts (TID) is a specific geographic area defined to secure required improvements to transportation infrastructure (e.g. roads, streets, bridges, bicycle lanes, etc.).

TIDs:

- Focus Transportation Investments to high-priority growth areas
- Support Complete Communities
- Create an areawide Land Use/Transportation Plan, which fosters proactive planning and better-informed decision making.
- Provide for contractual written financial contributions to Transportation Improvements by the State and the developer.
- Create Market-Ready (Re) Development
- Promote Intergovernmental Coordination

Ord. 19-005 provides that the County enter into an agreement with DelDOT that:

- Establishes physical TID boundaries (e.g. natural/manmade barriers, railroads, infrastructure, etc.)
- Establishes standards for adequate transportation facilities within the TID
- Establishes a contractual agreement outlining the roles of all parties (e.g. New Castle County, the State of Delaware, and the developer), including who collects and manages the funding.

“Every TID would clearly define the transportation improvements needed in the area, when the improvements will be implemented and the formula requiring all developers within it to contribute significant payments toward those improvements. It also gives community members who will be impacted a greater voice in advocating for their needs.”

**County Executive Matt Meyer,
News Journal Op-Ed 4/1/19**

It is important to note that TIDs are a public process! Before one may be created:

- The Department of Land Use will engage in significant community outreach;
- The New Castle County Planning Board will openly discuss the issue during their public meeting; and
- The New Castle County Council will openly discuss and approve (or deny) the creation of any Transportation Improvement District. **County Council has the final say on whether a TID will be created.**

Have we talked to residents about the proposed changes?

Yes. Since late 2017, the Department has made significant efforts to engage with residents, the business community, and other stakeholders regarding the challenges of working with existing level of service standards. Three public workshops (October 2017, March 2018, and October 2018) were held, in which several transportation capacity components were thoroughly discussed. This included recognizing the value of Transportation Improvement Districts, and their corresponding community safeguards, as a key element of a successful economic development and employment growth initiative.

What about increased traffic and congestion?

As long as the population continues to grow and our reliance on motor vehicles continues, traffic congestion will continue to grow. There are two ways we can deal with the issue: 1) create more space for motor vehicles to drive (i.e. increase capacity); or 2) reduce need/demand for vehicle travel (i.e. reduce the amount of driving by making alternative modes and less driving possible or more appealing). This ordinance would create the possibility for limited areas of the county (see TIDs) to be able to use modernized, network-based methods for addressing congestion, while maintaining the standards for traffic concurrency currently in place for the vast majority of the County.

Case study – Westown (Middletown, DE) Transportation Improvement District

A TID was established as a voluntary program in Middletown, Del., as part of the Westown Master Plan, through a series of agreements with the affected land owners. Because the town, developers, and DeIDOT worked together, separate Traffic Impact Studies could be consolidated into a more efficient process that avoided piece-meal roadway improvements. Under the voluntary agreement, the town oversees general planning coordination, including provisions for sewer and electrical service, and DeIDOT oversees the traffic analysis, construction, and funding for roadway improvements. (deldot.gov)

Existing TIDs can help us understand how the network-wide approach (i.e. TID approach) enhances the transportation system. An analysis of the existing Westown TID, shown below, illustrates the projected LOS deficiencies without any of the planned TID improvements (red column) and the projected LOS improvements anticipated to result from the completion of the TID improvements (green column).

Westown TID – Comparison of LOS Conditions (prior to and with improvements)				
Intersection	Existing (2017 Base Conditions)		With Improvements (Projected, using 2017 cond.)	
	AM Peak (delay (sec/veh))	PM Peak (delay (sec/veh))	AM Peak (delay (sec/veh))	PM Peak (delay (sec/veh))
US 301 & Peterson Road / Doc Levinson Road	C (21.4)	F (80.9)	B (13.7)	D (42.2)
US 301 & Sandhill Drive / Market Place	B (10.3)	B (15.0)	A (10.6)	B (14.5)
US 301 & Bunker Hill Road/ West Main Street	C (24.2)	E (68.7)	C (24.2)	D (42.8)
US 301 & Diamond State Blvd / South Ridge Ave.	B (15.0)	C (31.1)	B (12.3)	C (29.1)
US 301 & Walmart RIRO	B (12.8)	D (29.6)	B (12.8)	D (29.6)
US 301 & Merrimac Ave	C (23.6)	F (145.3)	C (23.7)	F (115.7)
US 301 & Levels Road	E (62.1)	F (273.5)	C (24.2)	F (159.6)

Results showing (*) indicate that Synchro does not report a numeric value due to excessive delay.

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	Existing (2017 Base Conditions)		With Improvements (Projected, using 2017 cond.)	
	AM Peak (delay (sec/veh))	PM Peak (delay (sec/veh))	AM Peak (delay (sec/veh))	PM Peak (delay (sec/veh))
West Main Street & Middletown Commons	C (22.9)	F (*)	C (23.7)	F (*)
West Main Street & Industrial Drive	B (11.9)	D (45.1)	B (12.1)	D (44.3)
Bunker Hill Road & Sandhill Drive	C (17.2)	F (632.3)	C (17.2)	F (632.5)
Bunker Hill Road & Merrimac Avenue	E (47.4)	F (884.1)	A (9.7)	B (15.7)
Levels Road & Patriot Drive	F (*)	F (*)	A (8.5)	D (42.4)
Levels Road & St. Annes Church Road	B (11.6)	F (149.8)	B (11.4)	F (56.0)
SR 71 (S. Broad St.) & St. Annes Church Road	F (273.8)	F (847.0)	B (12.1)	B (19.3)
Merrimac Ave & Walmart / Texas Roadhouse	C (24.2)	F (115.7)	C (20.2)	F (111.5)
Levels Road Extension & Poole / Von Croy access (RIRO)	F (81.9)	F (*)	A (7.9)	C (22.1)
Merrimac Ave & Patriot Drive	D (28.0)	F (64.0)	D (28.0)	F (64.0)
Merrimac Ave & Industrial Drive	C (17.1)	B (12.3)	B (11.3)	B (11.4)
US 30I & Vintage Ave (Auto Mall RIRO)	B (11.4)	E (44.7)	B (11.4)	E (44.7)
US 301 & Texas Roadhouse RIRO	A (9.3)	C (16.7)	A (9.6)	C (16.8)
Merrimac Ave & Classic Drive (Amazon)	C (23.6)	E (44.1)	C (23.6)	E (44.1)
Levels Road & Westtown North Industrial Park	F (89.1)	F (*)	A (5.2)	B (15.1)
US 301 & Money's Property	C (18.5)	F (9048)	B (16.7)	F (108.7)
Bunker Hill Road & South Ridge RIRO (between Sandhill Drive and US 301)	A (9.6)	B (10.3)	A (9.6)	B (10.3)

Source: <https://deldot.gov/programs/transportation-improvement-districts/index.shtml?dc=tidsunderoperation>
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