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DELAWARE STATE SENATE
147th GENERAL ASSEMBLY

SENATE BILL NO. 15

JANUARY 24, 2013

A BOND AND CAPITAL IMPROVEMENTS ACT OF THE STATE OF DELAWARE AND CERTAIN OF ITS AUTHORITIES FOR THE FISCAL YEAR ENDING JUNE 30, 2014; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE; APPROPRIATING FUNDS FROM THE TRANSPORTATION TRUST FUND; AUTHORIZING THE ISSUANCE OF REVENUE BONDS OF THE DELAWARE TRANSPORTATION AUTHORITY; APPROPRIATING SPECIAL FUNDS OF THE DELAWARE TRANSPORTATION AUTHORITY; APPROPRIATING GENERAL FUNDS OF THE STATE; REPROGRAMMING CERTAIN FUNDS OF THE STATE; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN STATUTORY PROVISIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-fourths of all members elected to each house thereof concurring therein):

- 1 **Section 1. Fiscal Year ~~2013~~ 2014 Capital Improvements Project Schedule Addendum.** The
2 General Assembly hereby authorizes the following projects in the following amounts for the purposes set forth
3 in this Section and as described in the Fiscal Year ~~2013~~ 2014 Governor's Recommended Capital Budget and
4 Project Information document. Any authorization balance (excluding Transportation Trust Fund balances)
5 remaining unexpended or unencumbered by June 30, ~~2015~~ 2016, shall be subject to reversion or reauthorization.

1 **Section 72. Transportation Enhancements.** (a) It is the intent of the General Assembly that the
2 ~~Department~~ department provide notice to all State agencies, political sub-divisions within the State and
3 other parties of the availability of, and rules governing, the Transportation Enhancements program. Such
4 notice shall include, but not be limited to, the definitions of eligible projects, the requirements for matching
5 funds, and such other requirements as may be necessary to insure that any interested entity may work to
6 become a participating recipient under the program. For new projects, the Department of Transportation is
7 directed to submit a detailed list of all projects funded within the Transportation Enhancement Program or
8 its successor to the Office of Management and Budget and Office of the Controller General on an annual
9 basis. ~~The State funding for this program shall be limited to the required 20 percent match of the related~~
10 ~~Federal Authorization. The projects funded by this program shall be limited to the allowable categories as~~
11 ~~outlined by the Federal Highway Administration. Any deviation from this process must be approved by the~~
12 ~~Office of Management and Budget, Office of the Controller General and Co-Chairs of the Joint Committee~~
13 ~~on Capital Improvements.~~

14 (b) Upon the award of Transportation Enhancement Program funds and prior to the allocation of
15 funding for any Transportation Enhancement project, the Department of Transportation shall notify the
16 respective senators and representatives in which said project shall be located.

17 (c) The Department of Transportation will determine the impact of the new Transportation
18 Alternatives program, including eligibility guidelines, funding allocations for various program areas and
19 funding levels based on the MAP-21 authorized funding for Delaware.

20 (d) The Department of Transportation will report this information to the Office of Management and
21 Budget and the General Assembly as part of its capital budget request and thereafter, once approved, meet
22 the terms outlined in this section.

23 **Section 73. Grants and Allocations.** The Section 1 Addendum of this Act appropriates the sum
24 of ~~\$21,750,000~~ \$12,375,000 (State) for projects within the Grants and Allocations classification. The
25 General Assembly further defines its intent with respect to those appropriations as follows:

1 (a) The sum of ~~\$16,750,000~~ \$8,375,000 (State) shall be used for the Community Transportation
2 Fund, in accordance with the rules and regulations as adopted by the Joint Legislative Committee on the
3 Capital Improvements Program, as amended from time to time.

4 (b) The sum of ~~\$5,000,000~~ \$4,000,000 (State) shall be used for the Municipal Street Aid program
5 pursuant to the provisions of 30 Del. C. c. 51. ~~Of this amount, \$1,000,000 shall be dedicated to~~
6 ~~improvements involving respective municipalities roads and bridges and sidewalks and crosswalks~~
7 ~~associated with said projects.~~

8 **Section 7. Municipal Street Aid Eligible Expenses.** It is the intent of the General Assembly that
9 beginning with Fiscal Year 2014, expenses of law enforcement for the policing of municipal streets,
10 including, but not limited to salaries, equipment, vehicles and supplies shall no longer be an eligible use of
11 Municipal Street Aid Funds.

12 **Section 7. 3-Program.** The Delaware Transit Corporation is authorized to expend up to
13 \$1,338,064 (\$867,613 State-\$470,451 Federal) from the Transit System classification (97301) appropriated
14 in this Act for the 5310 Program, administered by the Federal Transit Authority.

15 **Section 7. Noise or Impacts on Private Property and its Owners.** When the
16 Department and/or any of its contractors determines that it would be in the best interests of the State to
17 undertake construction/reconstruction work past 9:00 p.m. or before 7:00 a.m., and such work is to be
18 conducted immediately adjacent to a residential neighborhood:

19 (a) The Department shall first ensure that residents of the neighborhood are notified in a timely
20 fashion of the Department's desire to undertake such work. It must explain the benefits and costs to the
21 State and the neighborhood of working under regular hours and the proposed extended hour schedule. Such
22 notifications shall include a description of the proposed work to be conducted, the proposed use of any
23 equipment that may cause noise, vibration or odor disruptions to the neighborhood, and an estimate of the
24 time required to complete the project. The Department may proceed with its extended hours of work if it
25 does not receive a significant number of objections from the notified residents. Pursuant to the provisions
26 of the Delaware Code, it shall offer temporary relocation to any residents who request such relocation.