



HOUSE OF REPRESENTATIVES
STATE OF DELAWARE
LEGISLATIVE HALL
DOVER, DELAWARE 19901

January 31, 2011

Governor Jack Markell
Tatnall Building
Dover, DE 19901

Governor Markell,

Given recent events, we are deeply concerned that questions over management of the Delaware Department of Transportation have seriously crippled public confidence in the agency and impacted its ability to operate effectively.

Our apprehension involves a long and well-publicized list of missteps, miscues, and questionable deals and is highlighted by news stories that surfaced today regarding two lawsuits in which the agency is currently engaged.

The first involves action the state is taking in Chancery Court, alleging a 66-year lease NKS Distributors received from DeIDOT for a prime parcel of land along Delaware 1 was a “typographical error.” NKS, not surprisingly, is challenging that notion, contending that they have spent hundreds-of-thousands of dollars developing the site based on the long-term nature of the deal.

A second civil action involves MACTEC, a sub-contractor that provided technical information essential to the construction of two earthen approaches for the Indian River Inlet Bridge (IRIB) replacement bridge project. In its response to the lawsuit filed against it on Friday “the company claims DeIDOT hired outside counsel and two consulting claims firms to assist in the investigation at an estimated cost of \$2.1 million.”

On this second suit, we’d like to know if the claim MACTEC makes is correct. Did we spend \$2.1 million for these services? Also, we would like to know how much bonded protection the agency had required from the companies it is suing. Neither of these items should be relevant to the ongoing litigation and we’d appreciate any assistance your administration could provide to get these answers. Our repeated requests for updates on the I-R Bridge situation have repeatedly been rebuffed by DeIDOT.

The lawsuits are not DeIDOT’s only issues that have come to light recently involving the squandering of millions-of-dollars in taxpayer resources. Problems continue to plague the new ferry DeIDOT commissioned to replace the breakdown-prone vessel at the

Woodland Ferry crossing. Questionable land deals connected to the proposed U.S. 113 Bypass near Millsboro have also cast serious doubt on the agency's handling.

This latter example is perhaps the most troubling of the aforementioned list of DeIDOT's failings because it highlights the agency's seeming immunity from accountability. In the report you ordered, fingers were pointed at two DeIDOT staffers for entering into highly suspect land deals that needlessly wasted more than \$1.2 million. One of these staffers quickly announced his retirement, while the other was shuffled off to a merit employee position within the agency. This is DELDOT's unfortunate legacy. Blunder after blunder, each costing millions, comes to light and little changes except a couple of names on office doors at the agency's headquarters.

In the instance of DeIDOT's failed attempt to build the earthen bridge approaches at the Indian River Inlet, the agency continued to deny there was a problem until the sagging, bulging and stability issues – apparent to the naked eye by any motorist passing the site – became too big to ignore. Reluctantly, transportation officials were forced to recognize that the entire concept was flawed, tearing down the old mistakes and building new solid structures in their place. We suggest that DeIDOT itself can be compared to that disastrous project and respectfully suggest the time has come to fundamentally reassess the organization.

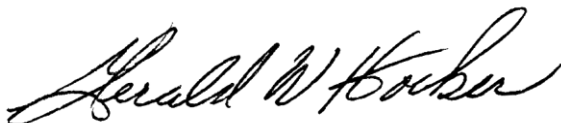
At a time when it appears the state taxpayers will soon be asked to take action to keep our Transportation Trust Fund solvent, we need to assure the public that the agency charged with setting our state's transportation priorities and spending hundreds-of-millions of dollars of their money is trustworthy of their hard-earned dollars. As our state's chief executive, it is up to you to chart a course to accomplish that objective. We urge you to do so and stand ready to support you in that effort.

We look forward to receiving your response.

Sincerely,



State House Minority Leader Greg Lavelle



State House Minority Whip Gerald Hocker