

**DEPARTMENT OF TRANSPORTATION**  
**AGREEMENT/CONTRACT TRANSFER SHEET**

**TO:** Lanie Thornton, Director of Finance *CAT*

**VIA:** Anne Brown, Director, Maintenance and Operations *AB*

**VIA:** Ken Feaster, Deputy Attorney General *Z*

**FROM:** Brian Urbanek, Assistant Director of M & O Statewide Support Services *bn*

**DATE:** February 25, 2022

**RE:** Agreement/Contract - Attest and Log

|  |                        |                        |                     |                 |
|--|------------------------|------------------------|---------------------|-----------------|
| <b>1. Description of Agreement/Contract:</b><br><p style="text-align: center;"><b>Right-of-Way Use Agreement</b></p>   |                        |                        |                     |                 |
| <b>2. Type of Agreement/Contract:</b> (e.g., construction*, suburban street, transit, design, planning, traffic operations, maintenance operations, etc.)<br><p style="text-align: center;"><b>Traffic Operations</b></p>  |                        |                        |                     |                 |
| <b>3. Party Agreement/Contract is with:</b><br><p style="text-align: center;"><b>Delaware State Police</b> (Contact Colonel Melissa Zebley (302-739-5911))</p>   |                        |                        |                     |                 |
| <b>4. Originating Section:</b><br><p style="text-align: center;"><b>Roadside Environmental, M&amp;O Statewide Support Services</b></p>   |                        |                        |                     |                 |
| <b>5. State Agreement/Contract Number:</b><br><table style="width: 100%; margin-top: 10px;"><tr><td style="text-align: center; width: 50%;"><u>      N/A      </u></td><td style="text-align: center; width: 50%;"><u>      N/A      </u></td></tr><tr><td style="text-align: center;">State Agreement no.</td><td style="text-align: center;">Contract Number</td></tr></table> | <u>      N/A      </u> | <u>      N/A      </u> | State Agreement no. | Contract Number |
| <u>      N/A      </u>   | <u>      N/A      </u> |                        |                     |                 |
| State Agreement no.  | Contract Number        |                        |                     |                 |
| <b>6. Monetary Figure:</b> <u>      N/A      </u><br><br>*if a construction project, please include the following:<br><br>Estimate amount: \$ <u>                    </u><br><br>Award amount: \$ <u>                    </u>  |                        |                        |                     |                 |

This form shall be attached to all agreements, including supplementals, and sent to the Director, Technology and Support Services

|   |
|---|
| <b>For office use only: DATE OF ATTEST:</b> <u>      3/2/22      </u> |
|---|





STATE OF DELAWARE  
**DEPARTMENT OF TRANSPORTATION**  
800 BAY ROAD  
P.O. BOX 778  
DOVER, DELAWARE 19903

NICOLE MAJESKI  
SECRETARY

February 18, 2022

Delaware State Police  
ATTN: Colonel Melissa Zebley  
1443 North Dupont Highway  
Dover, DE 19901

**REF: STATE OF DELAWARE  
HIGHWAY RIGHT OF WAY USE AGREEMENT**

Dear Colonel Zebley:

This is a letter **Agreement** between the State of Delaware Department of Transportation, Division of Maintenance and Operations ("**Division**"), and the Delaware State Police ("**Permittee**"), setting out the terms and conditions for a **Right-of-Way Use Permit**. This **Agreement** and the Plans and Specifications accompanying it shall constitute the "**Permit**," and the work to be performed and the limits of the work area contained in the **Permit** shall constitute the "**Project**".

This **Project** is located:

1. SR 9 at WB Memorial Drive at New Castle Avenue
2. US 13 at EB Memorial Drive at N. Dupont Highway
3. SR 9 at EB West Avenue at New Castle Avenue
4. SR 9 at WB West Avenue towards New Castle Avenue
5. SR 9 at NB SR 9 at West Avenue
6. SR 9 at SB SR 9 at Garasches Lane
7. SR 9 at NB Rogers Road at New Castle Avenue
8. US 13 at SB Rodgers Road at Heald Street
9. SR 9 at NB New Castle Avenue at Terminal Avenue

Approval of this permit is contingent upon the following provisions:

- Any devices installed by the Permittee, or an agent working on the Permittee's behalf shall be crashworthy consistent with the Manual for Assessing Safety Hardware standards.
- Any devices installed by the Permittee, or an agent working on the Permittee's behalf, shall be labeled with owner information to include the name and a contact phone number.





- The Permittee shall submit and receive a Safety Permit prior to installation of the devices. **Please contact Canal District Public Works at 302-326-4679 to request a Safety Permit.**
- Any devices that involve underground electric or communications (conduits and/or wiring) shall require that the Permittee register and submit the required underground facilities with the Miss Utility/One Call system. The Permittee, or an agent working on the Permittee's behalf must be responsive to any Miss Utility ticket and mark out requests as failure to do so within the prescribed times may result in termination of the Agreement.

**Permittee** wishes to install public safety operating systems along State roads located within **New Castle County**, consistent with federal and state policy, through the use of post mounted license plate recognition cameras, as approved by the **Division** pursuant to 17 *Del.C.* Sections 131 and 132.

The **Division** will review the initial proposal for each **Permit** and shall determine in its discretion whether more detailed plans shall be required. The **Division** shall advise the **Permittee** of its determination. **Permittee** may then be required to submit detailed specifications, describing the exact nature of the work to be performed.

The **Division's** Roadside Environmental Administrator shall review and approve the **Project** plans and specifications. The **Permittee** will not proceed with any work on any state right-of-way for the **Project** without obtaining prior written approval from the **Division**.

After acceptance of the **Project** plans and specifications and upon notice from the **Division**, the **Permittee** shall proceed to perform the work under the terms and conditions of this **Permit**. Such work shall be performed either by the **Permittee** with its own forces, or by a contract for the performance of such work. Any contracted work for the **Project** must first be submitted to the **Division's** Roadside Environmental Administrator for review and approval.

**Permittee** will notify the **Division** in writing no later than fourteen days prior to beginning the performance of **Project** work on state right-of-way. This notice provision gives the **Division** time to confirm that reasonable and proper traffic control devices and staffing will be in place for such purposes, as described in the approved plans.

**Permittee** is not undertaking this **Project** on behalf of the **Division**, and **Permittee** shall bear any and all risk, responsibility and liability with regard to any and all suits, actions or claims because of any injury or damage received or sustained by any person, persons or property, on account of the work of the **Permittee**, its officers, agents, employees, assigns, independent contractors, or the like relating to the **Project**. Nothing herein shall be construed as a waiver of Sovereign Immunity by the State of Delaware Department of Transportation and/or the **Division**. **Permittee** shall be responsible for determining its own insurance requirements and coverage relating to this risk.

**Permittee** shall require that all contracts it enters with third parties to install public safety operating systems shall include language requiring that the contractor(s) performing any work related to the installation of public safety operating systems hold harmless and indemnify the **Division**, including but not limited to, its officers and employees, from any and all claims, demands and causes of actions of every kind and character on account of the project, including but not limited to,



responsibility of the Permittee's contractor(s) to provide for the protection and safety of all persons and property.

**Permittee** shall comply with any and all applicable federal, state, and local laws and regulations in connection with the **Project**. **Permittee** shall bear any and all responsibility and all liability in connection with determining applicable laws and regulations, compliance with same, and any sanctions and/or other liability that may result with any failure(s) to comply with same.

If the **Permittee** does not comply with the provisions of this **Permit**, or if the **Division** determines within its sole discretion that the work should be suspended and /or stopped completely, the **Division** has the right to suspend and/or cancel without notice any provision of this **Permit**.

Upon completion of the **Project** work and acceptance by the **Division**, the **Permittee** shall maintain the **Project** area as a condition of **Permit** approval. The terms and conditions, maintenance requirements, and time limitations for this part of the **Agreement** shall be set forth in the approved plans and specifications for the **Project**.

All work to be performed under this **Agreement** shall conform with all applicable state and federal laws, rules and regulations, and the plans, specifications and policies of the **Division**, including the anti-discrimination provisions of federal and state civil rights laws. **Permittee** agrees that these provisions shall apply to it and/or any of its independent contractors or sub-contractors.

The Roadside Environmental Administrator shall review this **Agreement** 90 days prior to the expiration date designated in the **Permit** plans. The Roadside Environmental Administrator shall decide whether to continue, cancel, amend, or revise this **Agreement**, subject to the suspension and cancellation provisions herein or as noted on the plans.

The parties agree that the terms and conditions in this **Permit** may be affected by the subsequent adoption, repeal or amendment to any related statute, rule, regulation and/or policy. The signature of the undersigned constitutes the **Division's** consent and endorsement to the provisions of this **Agreement**.

An authorized signature of the **Permittee's** representative when affixed hereafter constitute its agreement to the terms and conditions contained herein.

ATTEST:

BY:

Lanie Thornton, Director of Finance

APPROVED FOR THE DEPARTMENT  
OF TRANSPORTATION

BY:

Anne Brown, Director, Maintenance &  
Operations

DATE:

2/2/2022





ATTEST:

  
\_\_\_\_\_  
Witness

APPROVED FOR THE DELAWARE  
STATE POLICE

BY:   
\_\_\_\_\_  
Permittee:  
Melissa Zebley, Colonel

APPROVED AS TO FORM

  
\_\_\_\_\_  
Ken Feaster, Deputy Attorney General



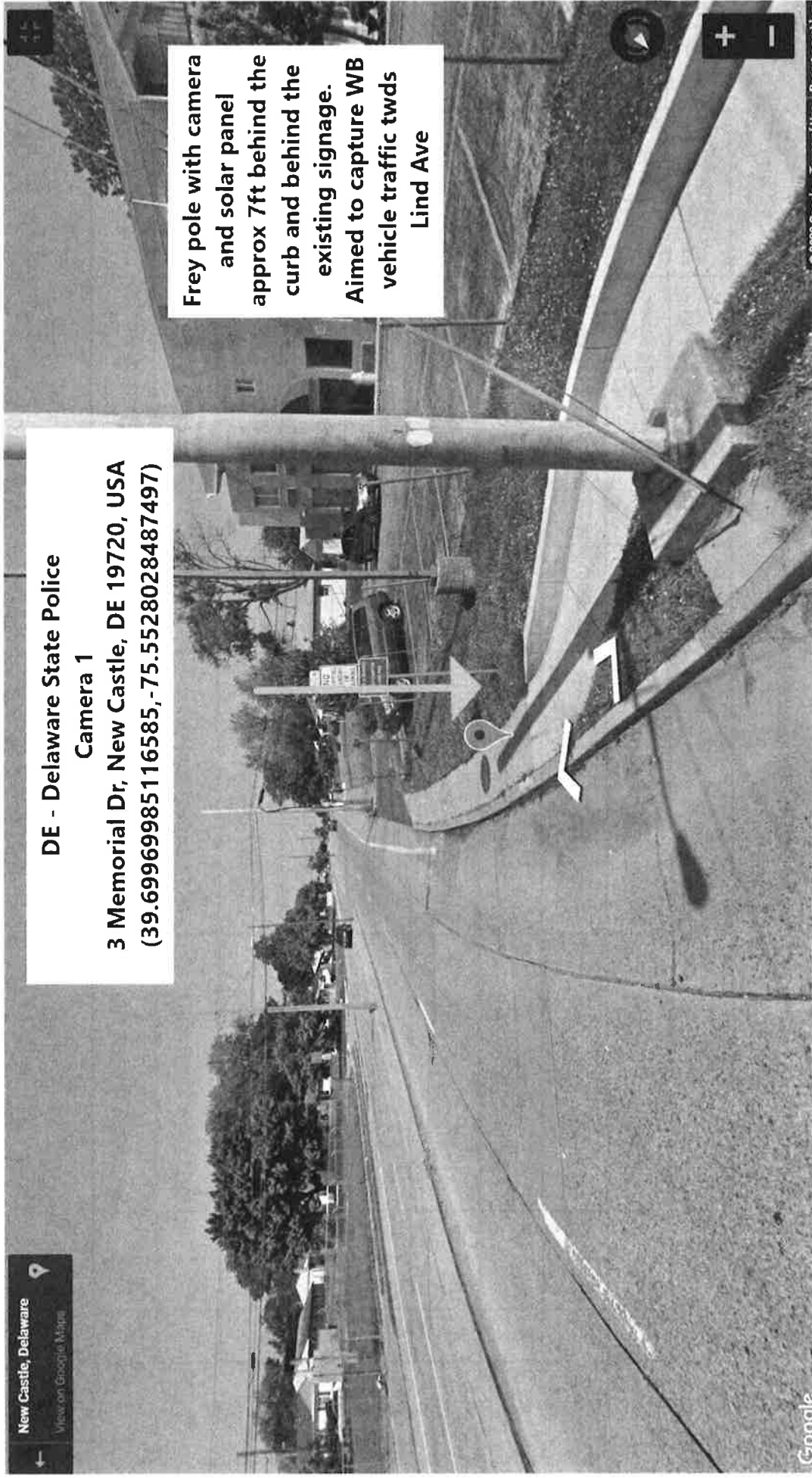
## Automated License Plate Reader Permit

Permittee: DE - Delaware State Police

State Route Locations

| No. | State Route | Coordinates        |                    | Location Description               | Distance from edge of pavement |
|-----|-------------|--------------------|--------------------|------------------------------------|--------------------------------|
|     |             |                    |                    |                                    |                                |
| 1   | DE-9        | 39.69969985116585  | -75.5528028487497  | WB Memorial Dr at New Castle Ave   | 7ft                            |
| 2   | US-13       | 39.70937166153675  | -75.56355639414903 | EB Memorial Dr at N Dupont Hwy     | 3ft                            |
| 3   | DE-9        | 39.69936669000616  | -75.5521207224271  | EB West Ave at New Castle Ave      | 11ft                           |
| 4   | DE-9        | 39.69922981642361  | -75.55136074807943 | WB West Ave towards New Castle Ave | 7ft                            |
| 5   | DE-9        | 39.699054432584795 | -75.55240028350485 | NB Route 9 at West Ave             | 9ft                            |
| 6   | DE-9        | 39.72400965552178  | -75.54450472338027 | SB Route 9 at Garasches Ln         | 3ft                            |
| 7   | DE-9        | 39.71194867160833  | -75.54873757475268 | NB Rogers Rd at New Castle Ave     | 4ft                            |
| 8   | US-13       | 39.71824008576367  | -75.5544242658453  | SB Rodgers Rd at Heald St          | 8ft                            |
| 9   | DE-9        | 39.72209448664189  | -75.54474381897978 | NB New Castle Ave at Terminal Ave  | 5ft                            |

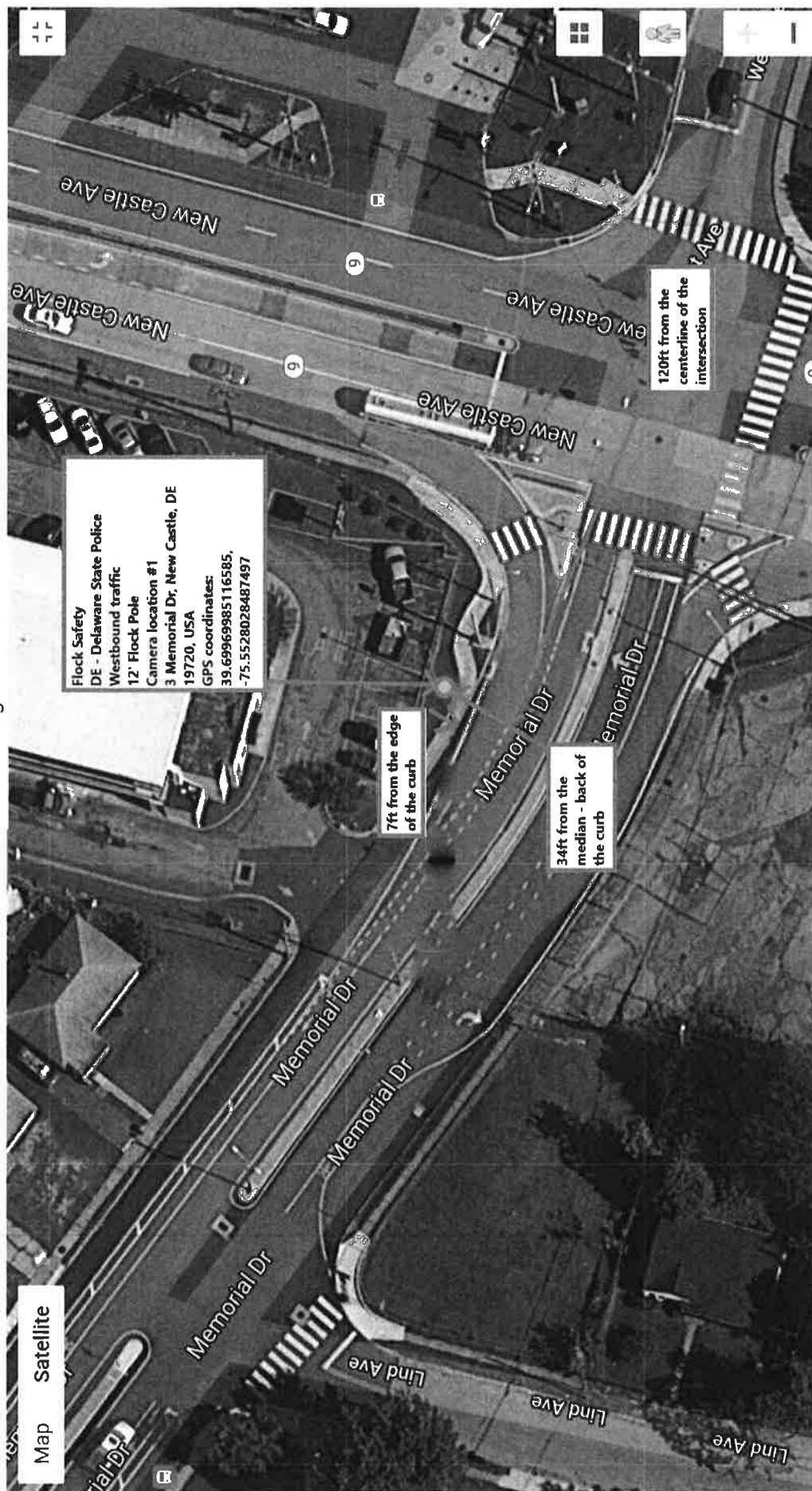
Camera 1 markup



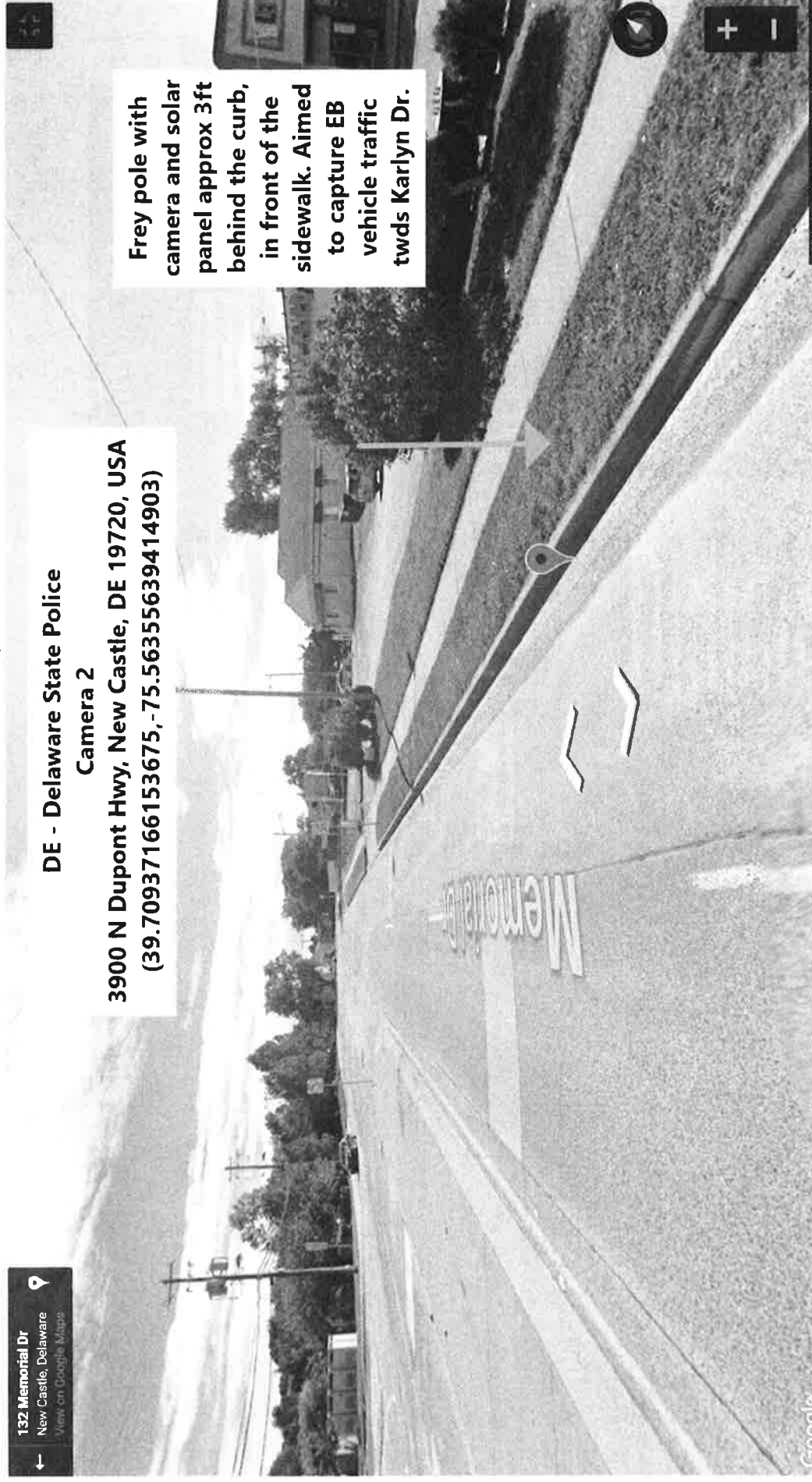
**DE - Delaware State Police**  
**Camera 1**  
**3 Memorial Dr, New Castle, DE 19720, USA**  
**(39.69969985116585, -75.5528028487497)**

**Frey pole with camera  
and solar panel  
approx 7ft behind the  
curb and behind the  
existing signage.  
Aimed to capture WB  
vehicle traffic twds  
Lind Ave**

Camera 1 diagram



Camera 2 markup



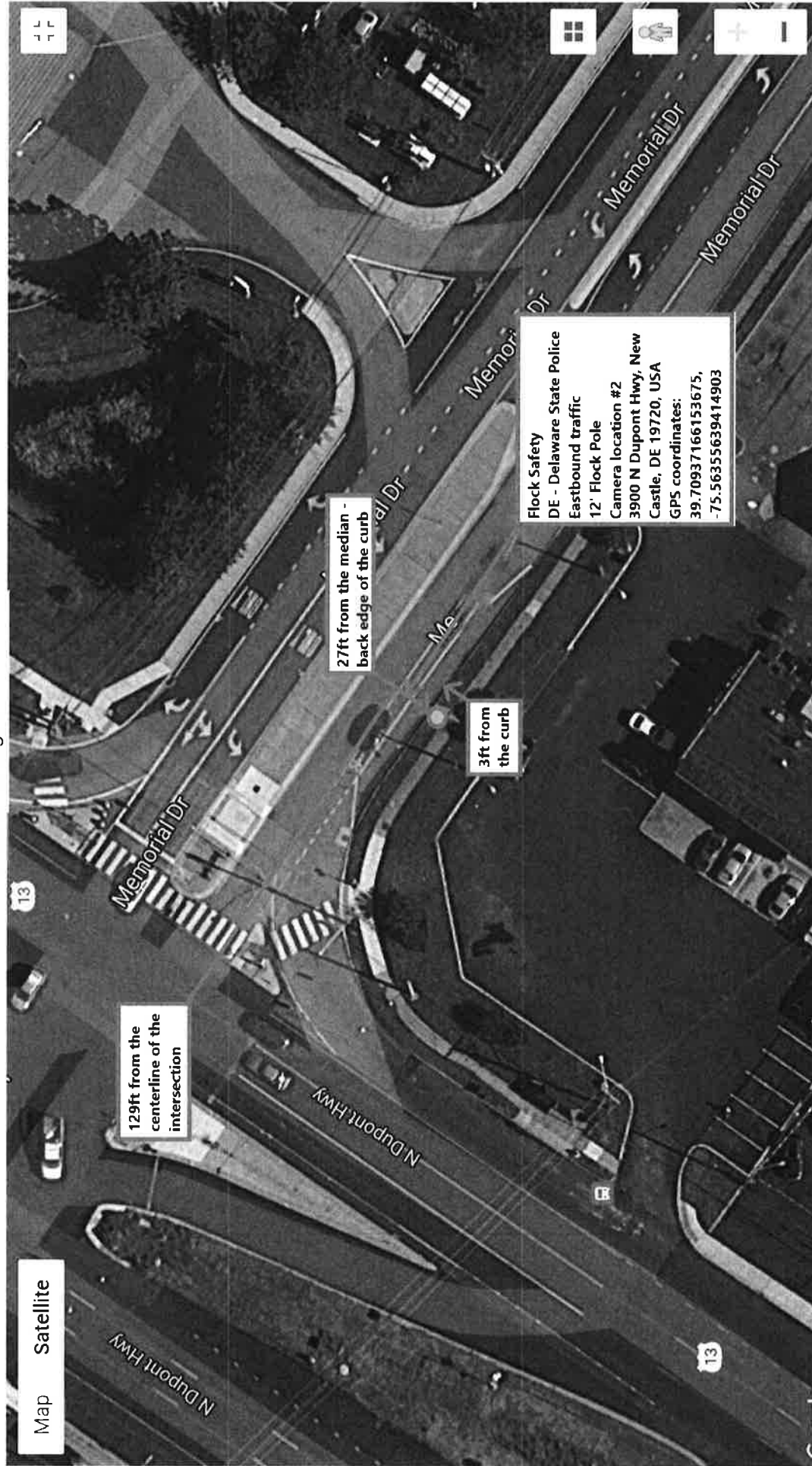
← 132 Memorial Dr  
New Castle, Delaware  
View on Google Maps

**DE - Delaware State Police**  
**Camera 2**  
**3900 N Dupont Hwy, New Castle, DE 19720, USA**  
**(39.70937166153675, -75.56355639414903)**

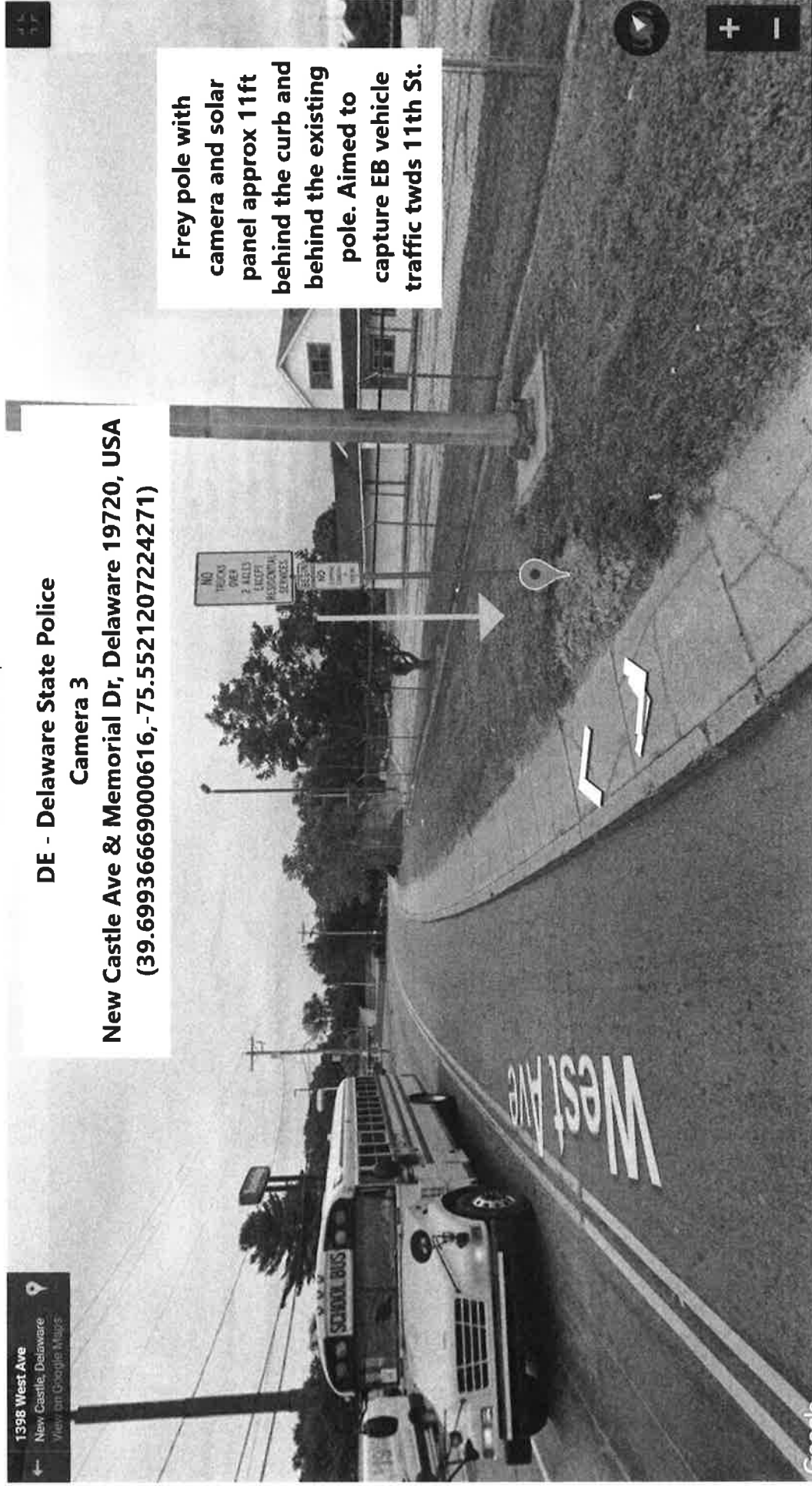
Frey pole with camera and solar panel approx 3ft behind the curb, in front of the sidewalk. Aimed to capture EB vehicle traffic twds Karlyn Dr.



Camera 2 diagram

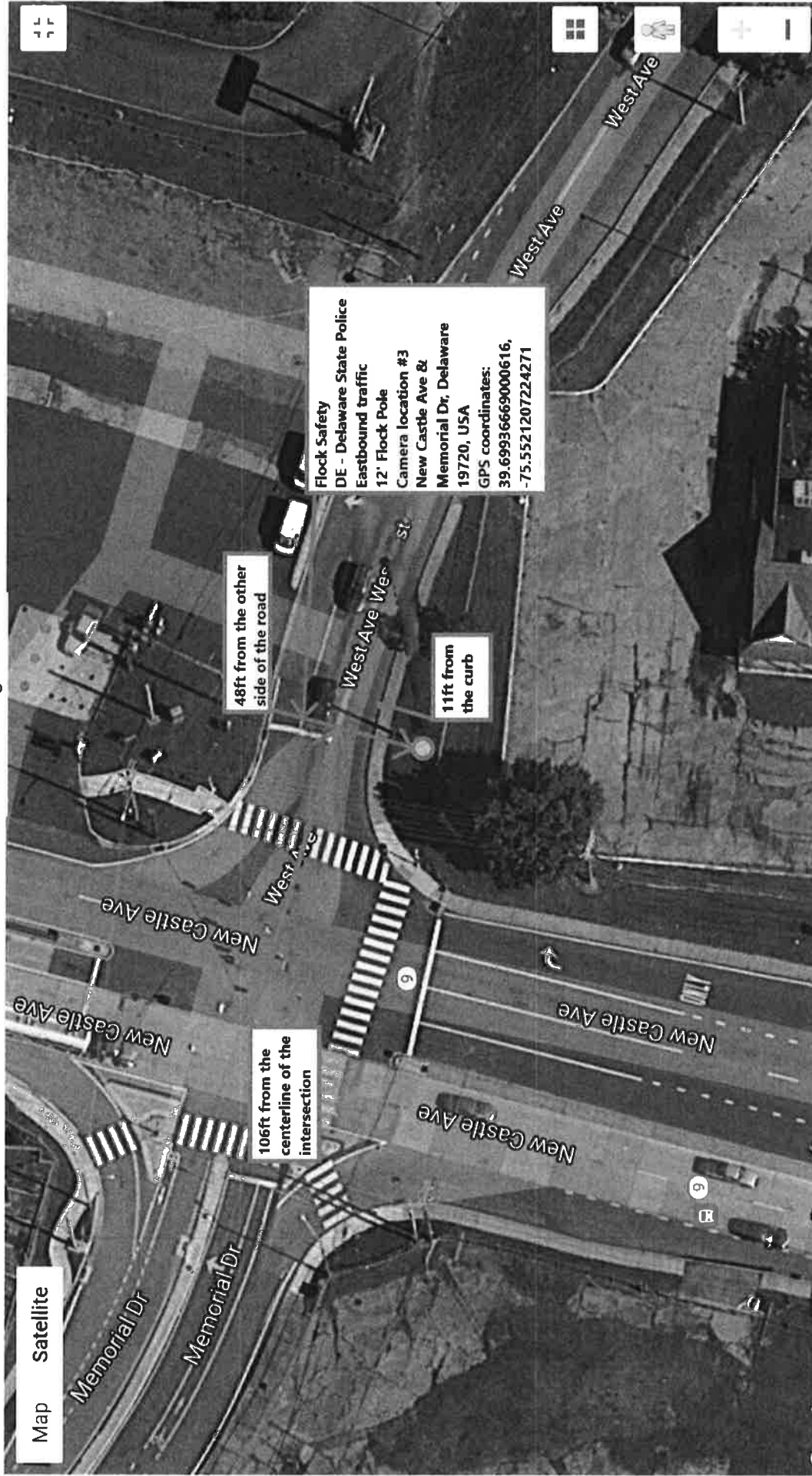


Camera 3 markup

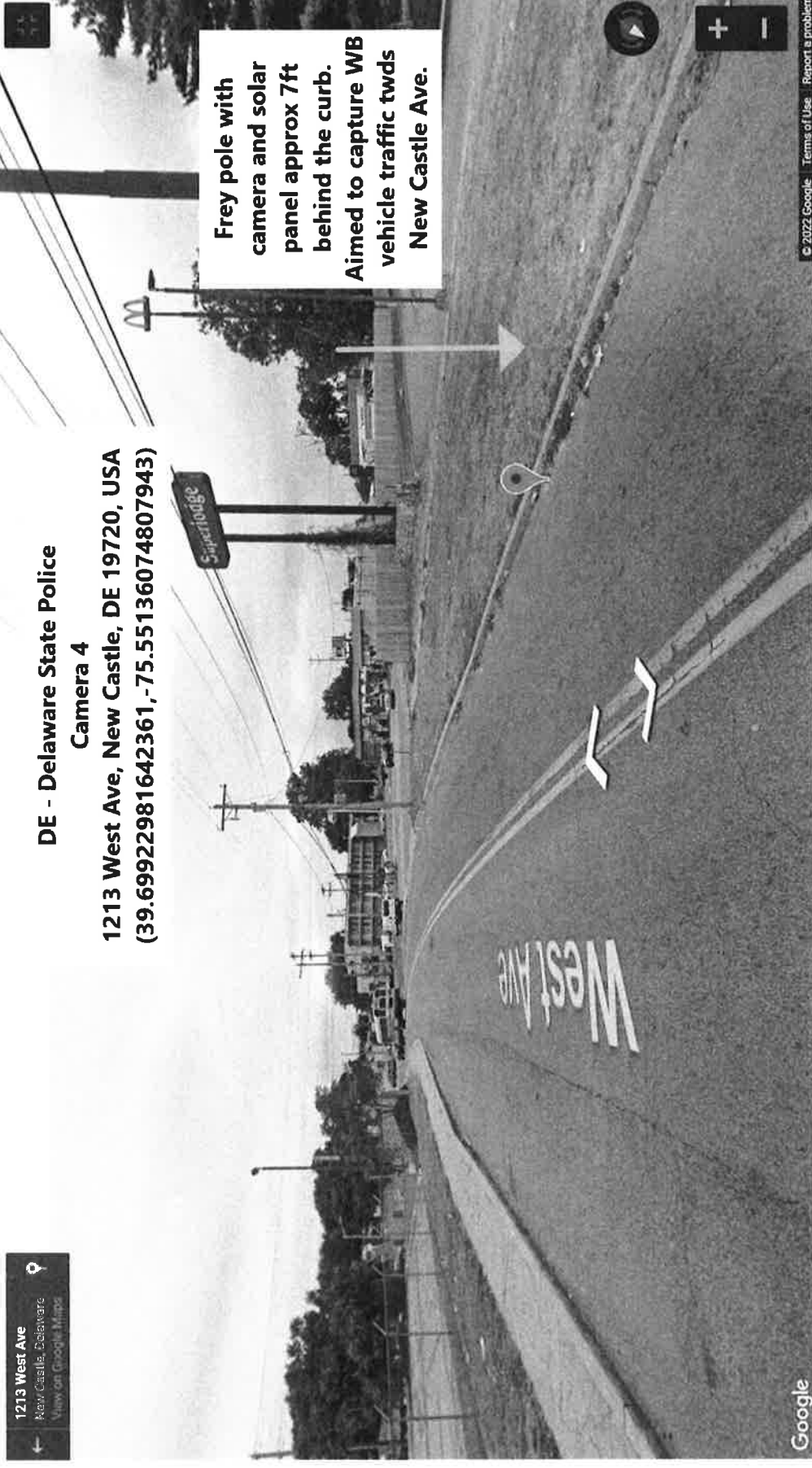




### Camera 3 diagram



Camera 4 markup



Flock Safety  
DE - Delaware State Police  
Westbound traffic  
Frey Pole  
Camera location #4  
1213 West Ave, New Castle,  
DE 19720, USA  
GPS coordinates:  
39.69922981642361,  
-75.55136074807943

7ft from the  
edge of the road

40ft from the other  
side of the road

304ft from the  
centerline of the  
intersection

Map Satellite

New Castle Ave  
West Ave  
Memorial Dr

Google

Flock Safety  
DE - Delaware State Police  
Westbound traffic  
Frey Pole  
Camera location #4  
1213 West Ave, New Castle,  
DE 19720, USA  
GPS coordinates:  
39.69922981642361,  
-75.55136074807943

304ft from the centerline of the intersection

7ft from the edge of the road

40ft from the other side of the road

West Ave

New Castle Ave

Memorial Dr

Map Satellite

Google

Map Satellite

304ft from the centerline of the intersection

40ft from the other side of the road

7ft from the edge of the road

Flock Safety  
DE - Delaware State Police  
Westbound traffic  
Frey Pole  
Camera location #4  
1213 West Ave, New Castle,  
DE 19720, USA  
GPS coordinates:  
39.69922981642361,  
-75.55136074807943

West Ave

West Ave

West Ave

West Ave

West Ave

New Castle Ave

New Castle Ave

Memorial Dr

Google

Map Satellite

304ft from the centerline of the intersection

40ft from the other side of the road

7ft from the edge of the road

Flock Safety  
DE - Delaware State Police  
Westbound traffic  
Frey Pole  
Camera location #4  
1213 West Ave, New Castle,  
DE 19720, USA  
GPS coordinates:  
39.69922981642361,  
-75.55136074807943

West Ave

West Ave

West Ave

West Ave

West Ave

New Castle Ave

New Castle Ave

Memorial Dr

Google

Map Satellite

304ft from the centerline of the intersection

40ft from the other side of the road

7ft from the edge of the road

Flock Safety  
DE - Delaware State Police  
Westbound traffic  
Frey Pole  
Camera location #4  
1213 West Ave, New Castle,  
DE 19720, USA  
GPS coordinates:  
39.69922981642361,  
-75.55136074807943

West Ave

West Ave

West Ave

West Ave

West Ave

New Castle Ave

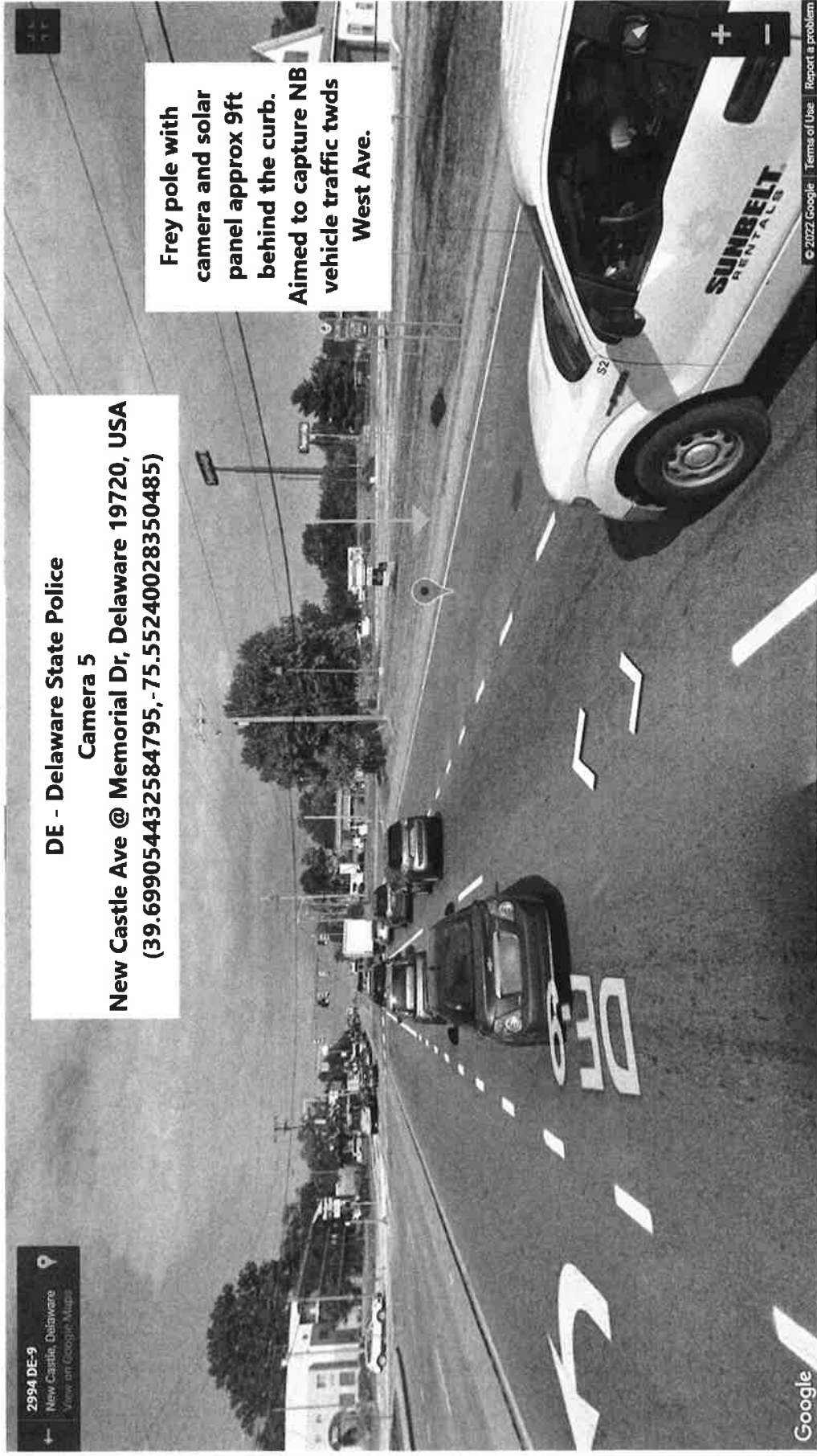
New Castle Ave

Memorial Dr

Google

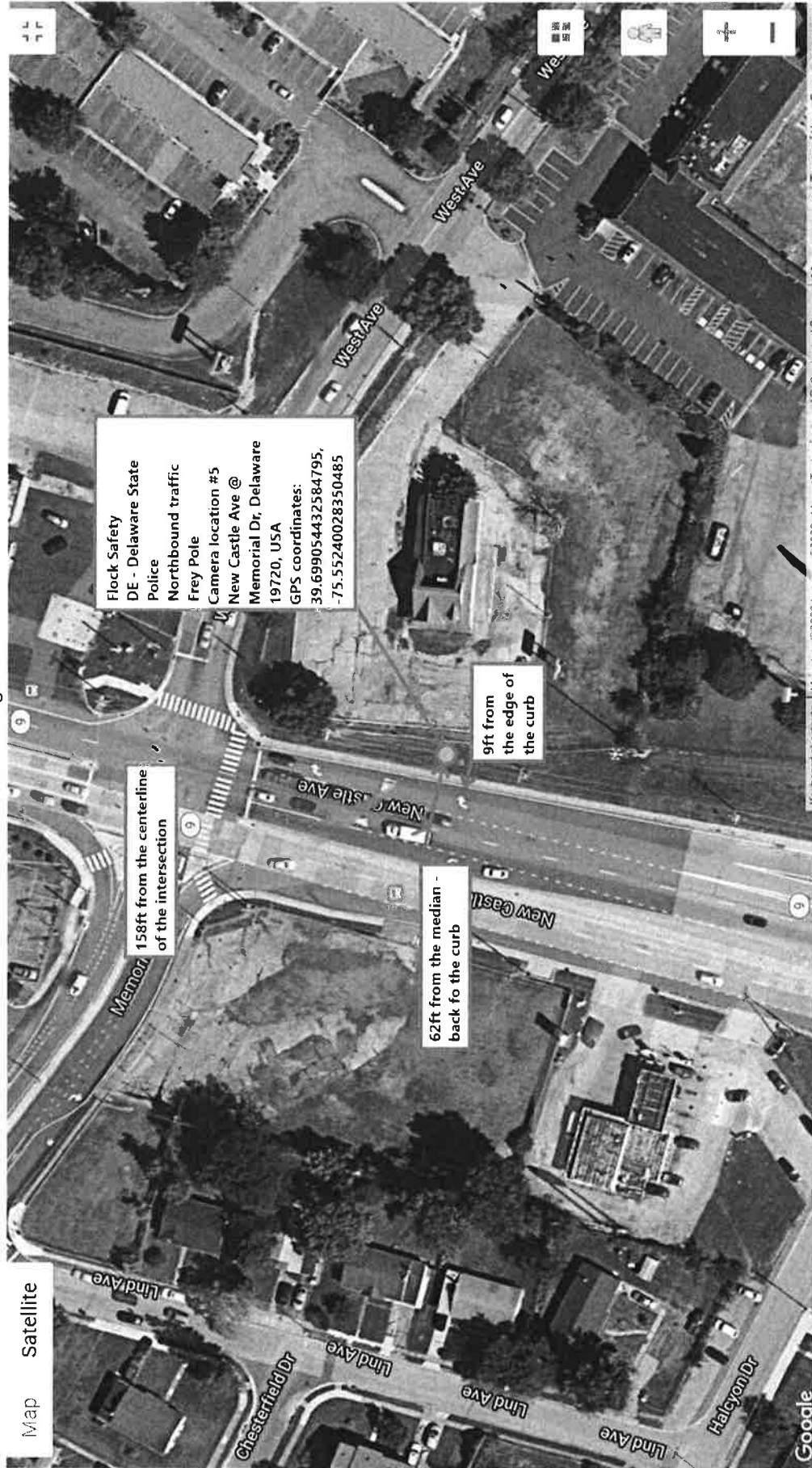
[illegible]

Camera 5 markup

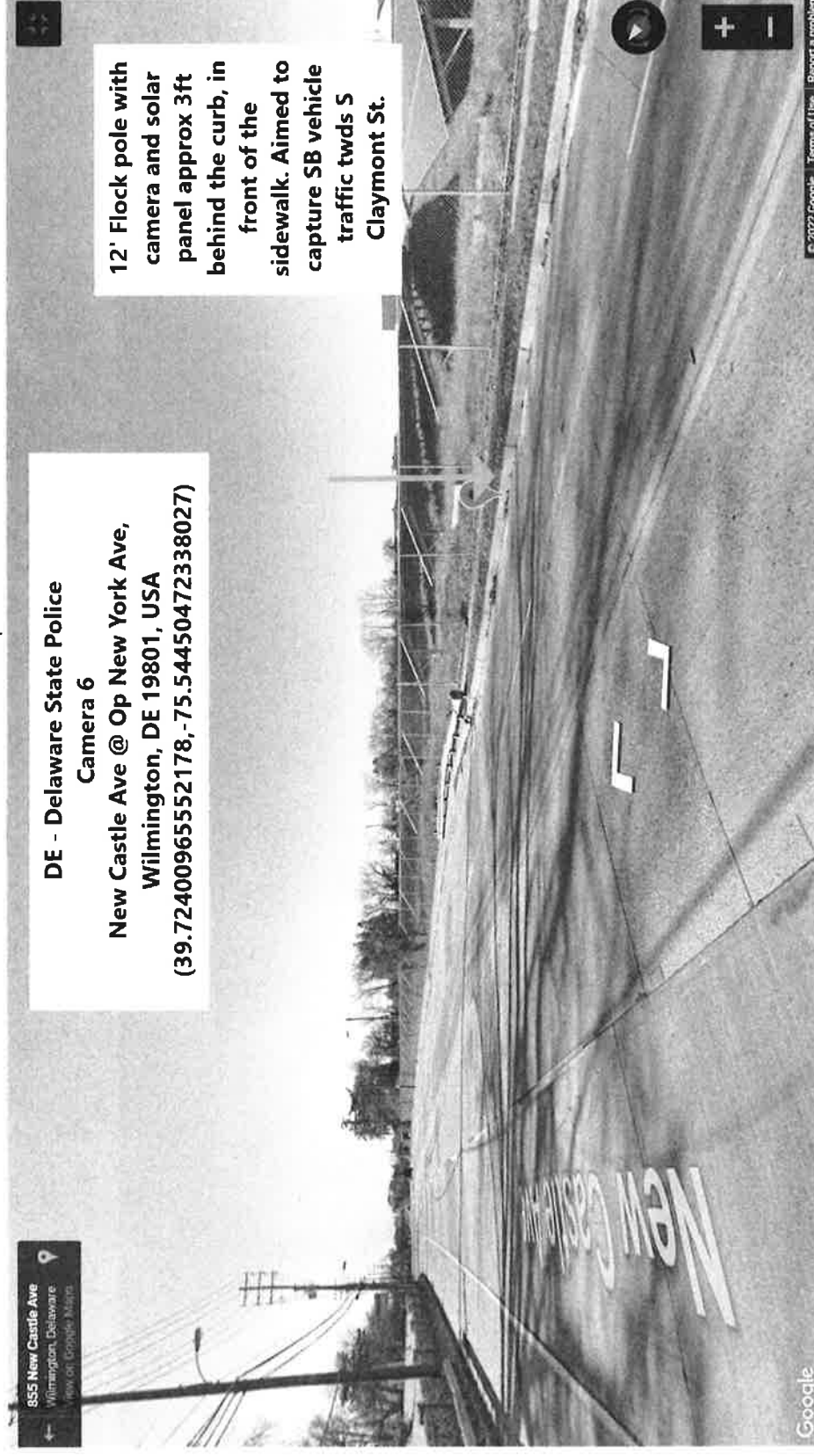




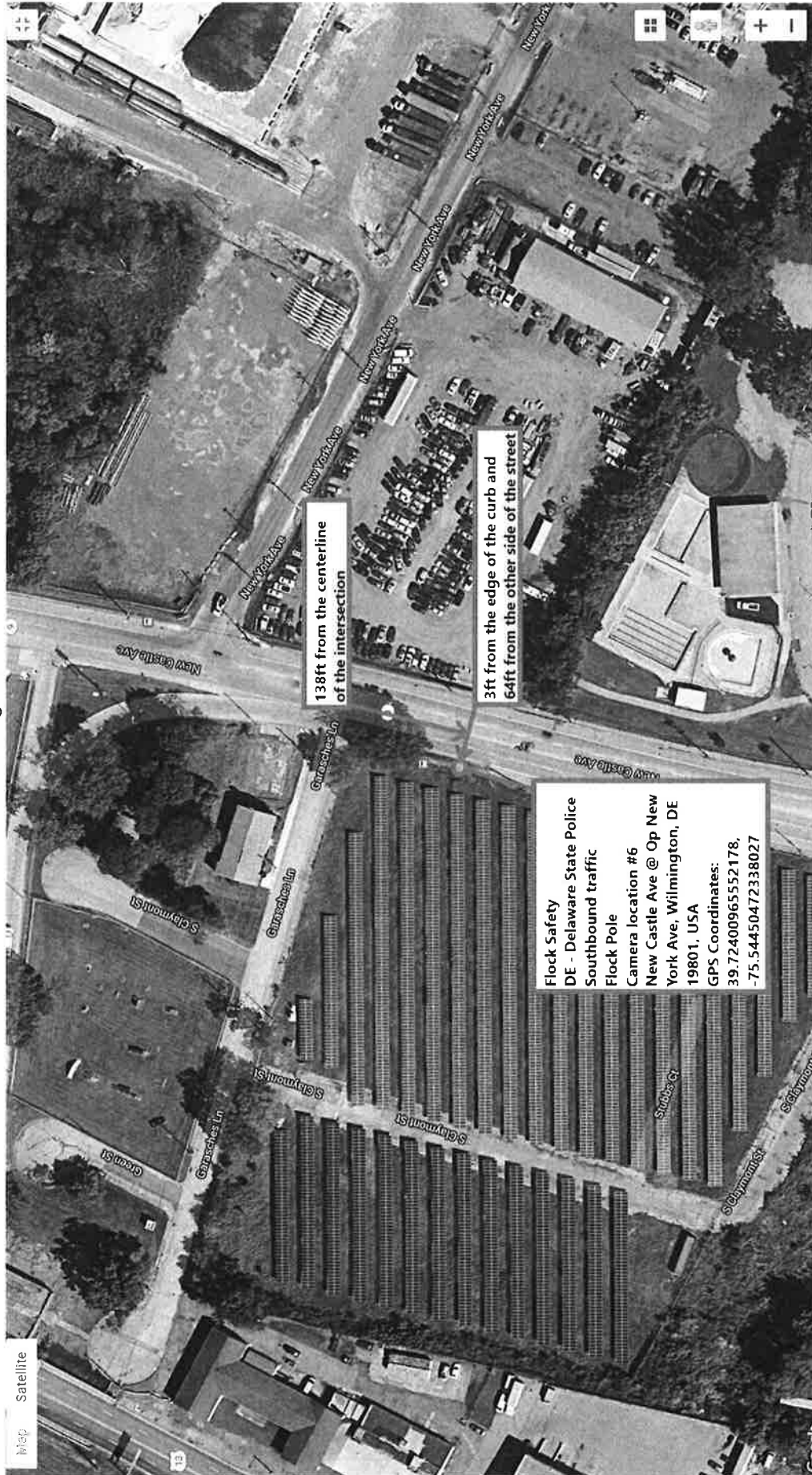
Camera 5 diagram



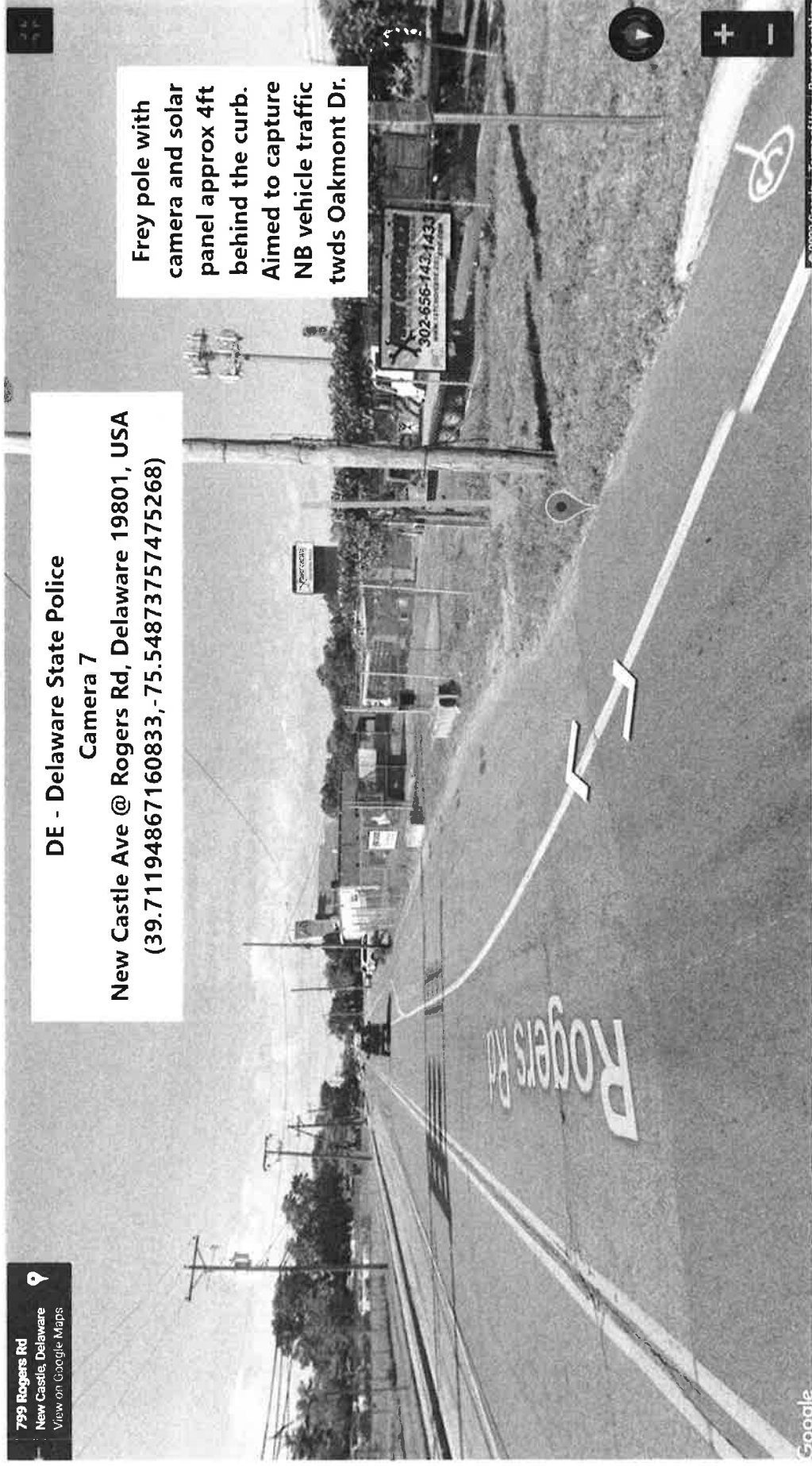
Camera 6 markup



Camera 6 diagram

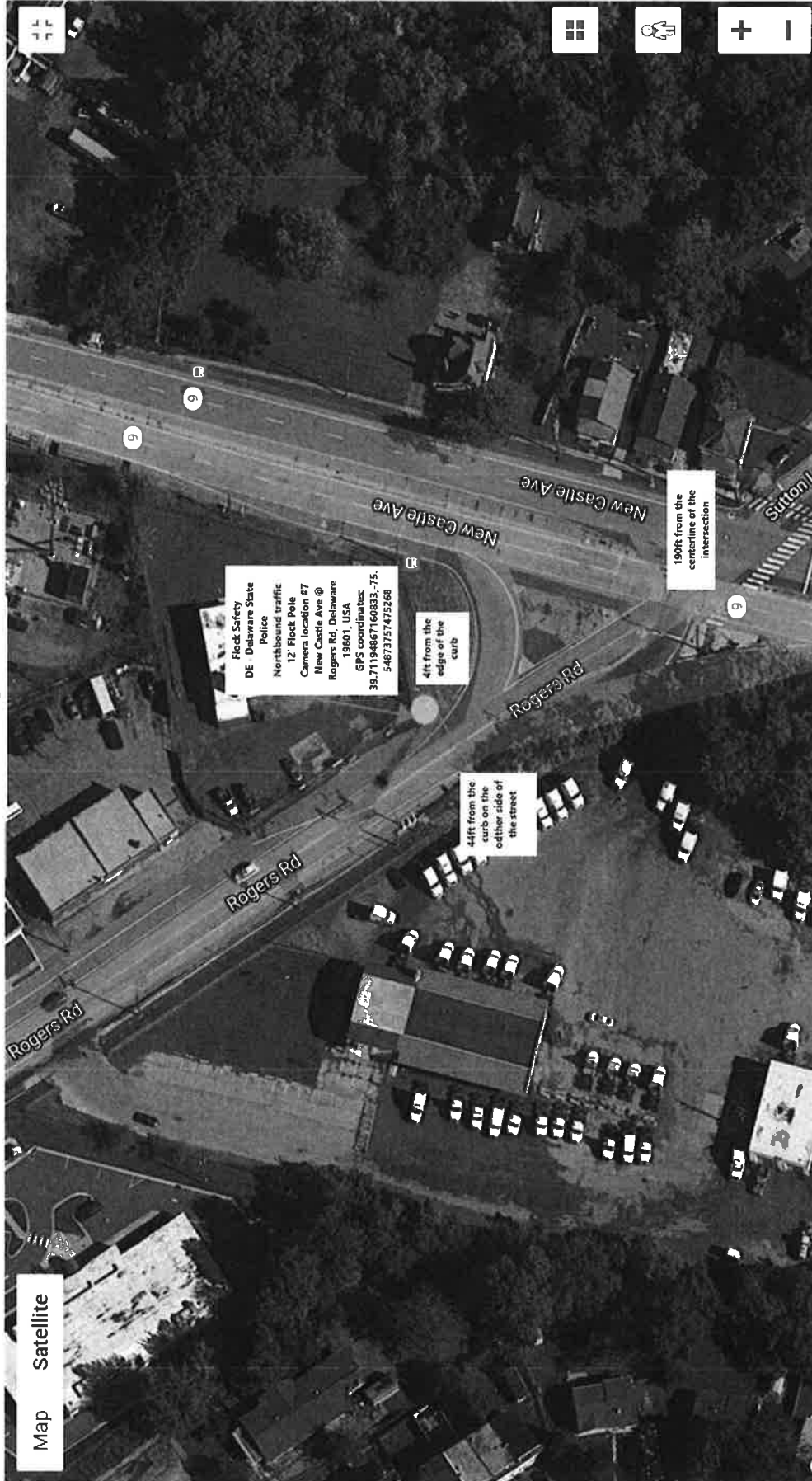


Camera 7 markup

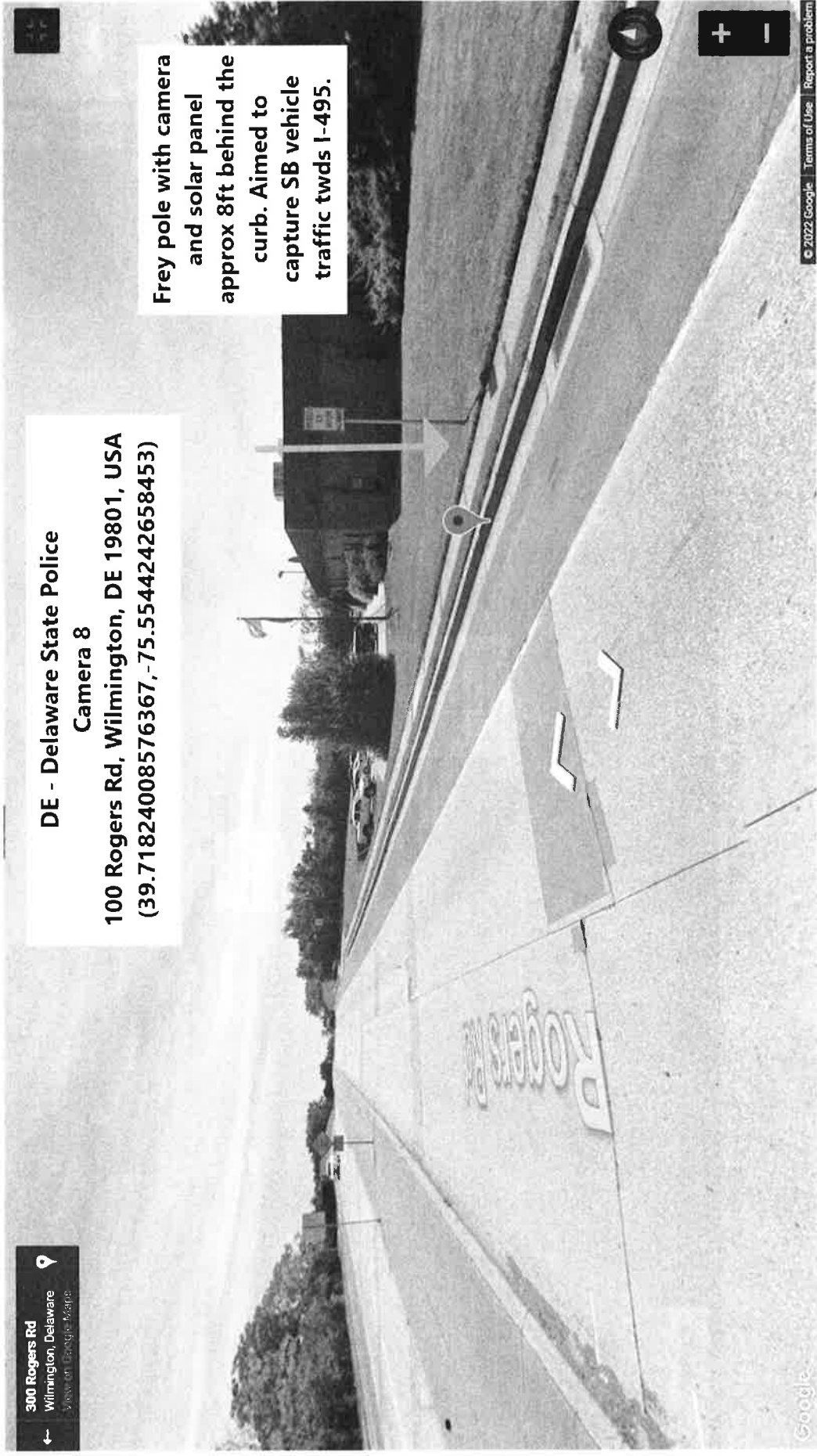




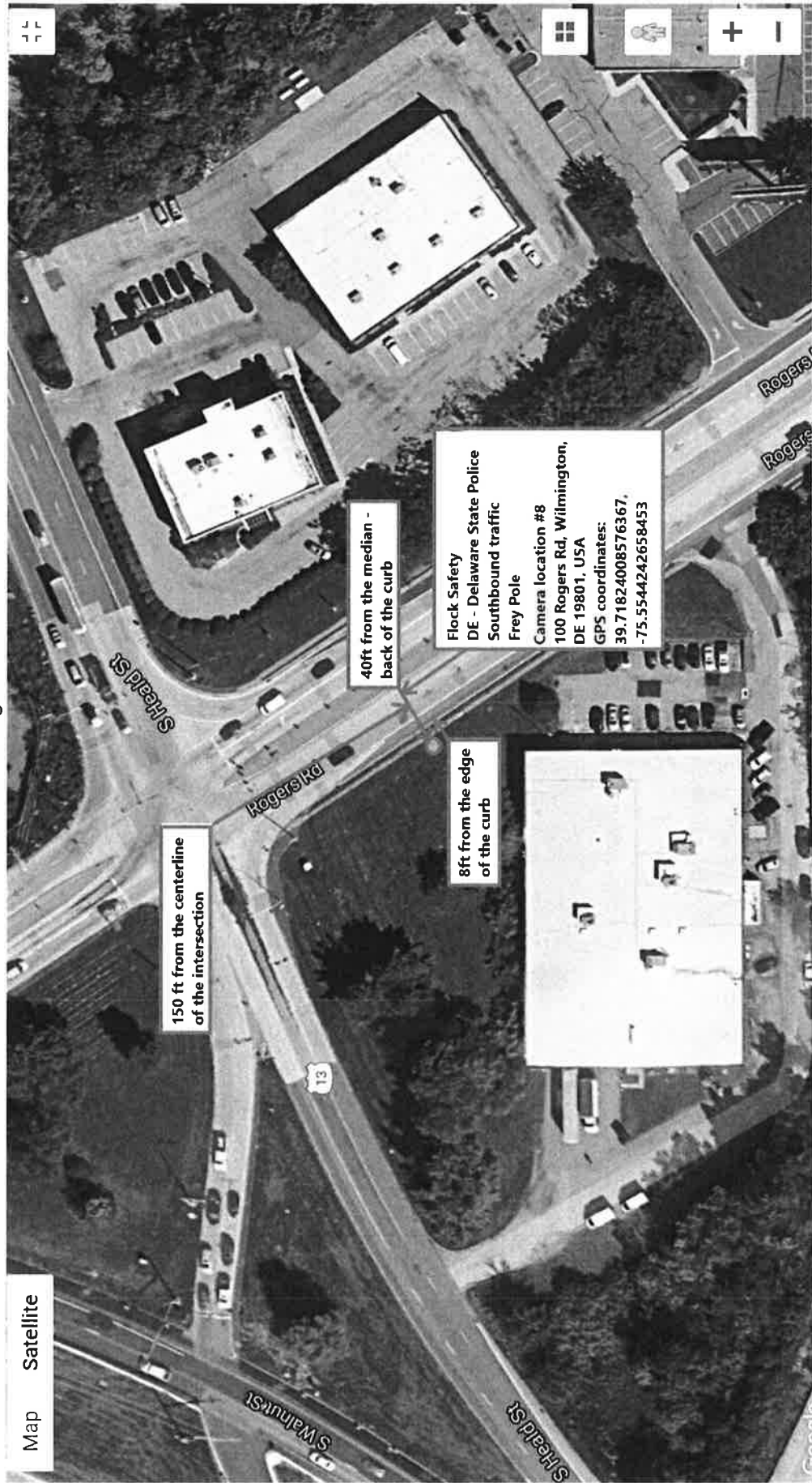
Camera 7 diagram



Camera 8 markup



Camera 8 diagram



Camera 9 markup

