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## **CHAPTER 7 RESIDENTIAL ACCESS**

### **7.1 PURPOSE**

This chapter describes standards and regulations associated with residential lots abutting State-maintained roadways. Access from residential lots has an impact on the mobility, safety, and efficiency of the abutting roadway. Control of these access points is necessary to maintain safety and increase efficiency of State-maintained roadways while allowing access to individual properties.

Residential access permits are issued by the Public Works Engineer in the respective county. Land owners are responsible to ensure that entrances used to access State-maintained roadways are kept in conformance with the specifics of the Residential Entrance Permit issued by DelDOT. In the event that the Land Owner does not have proof of a valid Residential Entrance Permit, the Owner is responsible to obtain one. The land owner must contact DelDOT for review of the situation and to obtain a new entrance permit or obtain confirmation of valid entrance permitting in the following circumstances:

- A. Whenever a new or expanded entrance is being requested
- B. Change of site layout or building configuration is proposed
- C. Change of location or width of entrance or access point is proposed
- D. Change of special circumstances that justified the additional access points has occurred. (See Section 7.2.3.1)
- E. If a local land use agency is issuing a certificate of occupancy (C/O) for the residence
- F. If a local land use agency has requested a DelDOT response or comments, but no valid permit is on file for the entrances serving that property

If DelDOT's review of the entrance(s) identifies safety concerns, the use of an existing entrance may require modifications and or removal of non-permitted and/or multiple access points, at the owner's expense, prior to obtaining an entrance permit for the property.

#### **7.1.1 Removal of Non-Permitted Access Points and/or Multiple Entrances**

In order to promote an orderly and manageable implementation of these regulations, to address the issues of non-permitted entrances that may already exist or may knowingly be created and to shelter landowners

from random requests for arbitrary enforcement action, the following thresholds will be used to provide a clear set of guidelines for interactions regarding non-permitted access points and/or multiple entrances:

- A. Properties served by non-permitted access points or multiple entrances constructed or modified on or after June 17, 2013, (as verified by State of Delaware Aerial imagery or equivalent digital records), are subject to entrance removal at the owner's expense, and/or closure until authorized remedy is implemented.
- B. Properties served by non-permitted access points or multiple entrances constructed or modified prior to June 17, 2013, (as verified by State of Delaware Aerial imagery or equivalent digital records), are subject to entrance removal at the owner's expense, and/or closure on the basis of: land use changes, site redevelopment activities, or upon referral to the Department by local land use agencies for confirmation of valid permitting.

Figure 7.1.1-a shows the mailing address for each county.

**Figure 7.1.1-a DelDOT Public Works Engineers**

<p><b>New Castle County</b> (DelDOT Canal District) Public Works Engineer 250 Bear-Christiana Road Bear, DE 19701 (302) 326-4679</p>
<p><b>Kent County</b> (DelDOT Central District) Public Works Engineer 930 Public Safety Blvd. Dover, DE 19901 (302) 760-2433</p>
<p><b>Sussex County</b> (DelDOT South District) Public Works Engineer 23697 DuPont Blvd. Georgetown, DE 19947 (302) 853-1340</p>

## 7.2 RESIDENTIAL ACCESS TO LOCAL ROADS AND HIGHER

Property owners of single residential lots requesting to gain access to a local road or a higher classification road according to Functional Classifications (~~see Appendix K~~ as defined in section 1.4 through 1.7), shall adhere to the following criteria detailed in this section.

### **7.2.1 Residential Access to Local Roads and Higher - Permit Application Process**

The following documentation must be provided when applying for a residential entrance permit for access to a State-maintained road:

- A. Any individual desiring to construct a new entrance, use an existing entrance or modify a previously permitted entrance to serve a new residence shall make written application to DelDOT in the District in which the construction is to take place before beginning any construction or improvements on the property. The [Permit Application](#) form is available ~~under the Doing Business section of DelDOT's website, and a sample copy is provided in the Appendix~~[online \(for more information go to http://devcoord.deldot.gov > Forms\)](http://devcoord.deldot.gov). A permit shall be obtained from DelDOT for any modification to the roadway, curb, sidewalk, or drainage ditches within the right-of-way.
- B. The applicant shall include a plan, such as a Lines and Grades Plan, for the single residential lot. The plan shall fully comply with the local land use agency's most recent recorded plan (if any) for the site. The plan shall include sufficient detail including:
  1. House location (if available)
  2. Driveway location
  3. Property lines
  4. Tax Parcel Number
- C. The applicant shall include with the application proof of ownership from the local land use agency in the form of an official document on letterhead.
- D. If the applicant is not the current property owner, ~~the a~~ power of attorney form must be attached with the application. See ~~Appendix E~~[the online content housed at http://devcoord.deldot.gov](http://devcoord.deldot.gov) for a sample power of attorney form.
- E. The property owner must identify the proposed or existing entrance location. If the residential lot is part of a minor subdivision, a copy of the recorded minor subdivision plan must be included with the application form. If the entrance location has been identified on a recorded plan, the applicant shall stake it accordingly. Otherwise, the applicant shall stake the preferred entrance location. In either case, follow the procedure below:
  1. Place two wooden stakes at the entrance. The stakes shall be visible 24 inches to 36 inches above the ground. The stakes shall be placed 24 feet apart, and as close to the roadside property line as possible, while being clearly visible from the road. The stakes shall not be set closer than five feet from the edge of pavement. If stakes are not placed, a permit will not be issued.
  2. Tie ribbons or apply yellow paint to the top of stakes to make them clearly visible.
  3. Write the property owner's last name on each stake.

Upon review and approval of the application and the actual driveway location, the Public Works Engineer shall issue an entrance permit for the construction of the residential entrance. The design requirements outlined in Section 7.2.3 must be met by the applicant.

### **7.2.2 Residential Access to Local Roads and Higher - Construction Responsibilities**

The property owner shall be responsible for all costs associated with driveway materials including furnishing drainage pipe and approved backfill materials. DelDOT will determine if any drainage pipe is necessary and notify the property owner with the size and type of pipe required [to maintain positive drainage flow](#).

The property owner shall coordinate with DelDOT for the installation and inspection of the pipe placement, if a pipe is required.

Should the construction not be completed to the satisfaction of DelDOT, the Department may seek compliance as permitted by the Delaware Code including, but not limited to, the closing or removal of the entrance. All costs associated with obtaining compliance shall be assessed to the property owner.

### **7.2.3 Residential Access to Local Roads and Higher - Design Requirements**

The following design criteria apply to residential access on non-subdivision streets and are illustrated in Figure 7.2.3.3-a.

#### **7.2.3.1 Number of Access Points**

Although DelDOT generally limits the number of access points for individual residential properties to one point of access, a second access point may be granted if the property frontage allows for the proper spacing as outlined in Figure 1.2.1-a.

If the proper access point spacing requirements cannot be met, DelDOT may grant a second point of access to individual residential lots in special circumstances on local or collector roads. These special circumstances may include:

- A. Needs of a handicapped resident to facilitate home access.
- B. No ability to provide a turn around.
- C. Access to outbuildings or features that cannot be served by the original entrance.

A field visit should be performed by DelDOT to check sight distance and any potential operational or safety concerns. All costs associated with the additional access point will be borne by the applicant.

#### **7.2.3.2 Entrance Location**

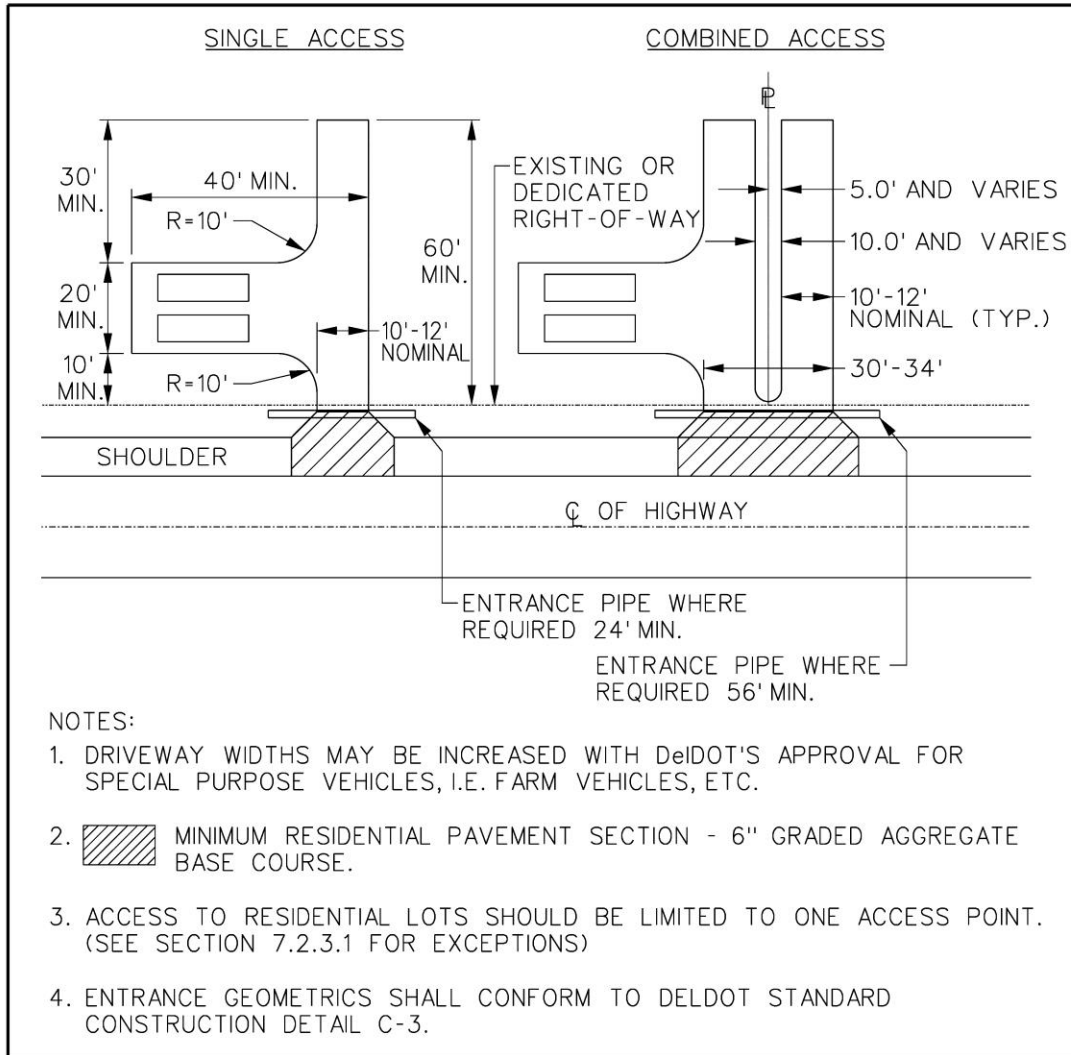
When a property has frontage on two roadways, whenever feasible and practicable, the driveway shall be located on the lower volume road. See Section 1.2 for more information on entrance policy and access spacing.

Entrance locations must take into account potential impacts on any existing or proposed stormwater management facilities, often referred to as Best Management Practices (BMPs), that may be located in or adjacent to the right-of-way. Confirmation is required prior to construction that the requested location does not impact an existing or proposed BMP as per DelDOT's [NPDES Viewer](#) inventory.

#### **7.2.3.3 Entrance Width**

A single residential entrance shall have a width of ten to twelve feet. A combined residential entrance, serving two residential properties, shall have a width of 30 feet to 34 feet. Upon written request, DelDOT may consider entrance widths larger than those listed above to accommodate larger vehicles (See Figure 7.2.3.3-a).

**Figure 7.2.3.3-a Residential Access Design Requirements**



**7.2.3.4 Entrance Profile**

Profiles of entrances shall be designed in accordance with this *Development Coordination Manual* [and manuals, guidelines and policies published by the American Association of State Highway and Transportation Officials \(AASHTO\) or other Nationally Accepted Standard \(NAS\) and AASHTO's standards](#). Maximum grades shall not exceed 10% and maximum algebraic difference in grade shall not exceed 12% to prevent vehicles from 'bottoming out'. Vertical curve transition should be provided at the intersection of the driveway profile and the cross slope of roadway shoulder extended.

**7.2.3.5 Entrance Drainage**

Pipes are manufactured in various sizes, shapes, and materials. Entrance pipes commonly used in Delaware include:

- A. Reinforced concrete pipe (RCP) or elliptical (ERCP).
- B. Metal Pipe (MP).
- C. High Density Polyethylene (HDPE).

Metal Pipes (MP) shall not be used in corrosive environments, such as areas with water tables that are tidally influenced, or other areas where MP's have performed poorly. Use of MP must be approved by DelDOT prior to use.

Figure 7.2.3.5-a shows minimum cover depths for these pipes.

**Figure 7.2.3.5-a Residential Entrance Pipes**

Material		Cover Depth*
RCP Class	III	> 1 ft.
	IV	6 in. – 1 ft.
	V	< 6 in.
HDPE		1 ft.
MP		1 ft.

\* From top of pipe to bottom of pavement

The slope from the edge of driveway pavement to the top of the pipe shall be a maximum of 6:1.

**7.2.3.5.1 Frontage Ditch Enclosures**

When a residential property owner intends to enclose a road frontage swale or roadside ditch that abuts the residential property, a DelDOT permit is required in advance of any construction activity. The following items shall be provided to DelDOT for review and approval in advance of any permit being issued:

- A. Engineered plans (signed and sealed by Delaware licensed professional engineer) with lines and grades sufficient to establish existing and proposed drainage and ensure that neighboring properties are not flooded by re-grading. Detailed Hydraulic and Hydrology reports shall be included, confirming that enclosure will not impair the drainage performance of the roadside system below operational standards.
- B. Safety and Maintenance of Traffic (MOT) submittals for all work and any materials within state Right-Of-Way
- C. Land owner will bear the full costs of the enclosure including but not limited to: design, utility relocations, materials and labor
- D. Confirmation that the requested enclosure does not impact an existing BMP as per DelDOT's [NPDES Viewer](#) inventory.

### 7.2.3.6 Entrance Apron

Upon DelDOT's review and concurrence with the items listed above, the property owner can request a permit from the Public Works Office.

Aprons shall be placed on residential driveways to facilitate turning movements. Entrance apron geometry shall be designed in accordance with DelDOT's current *Standard Construction Details*.

The area of the driveway between the edge of pavement for the State-maintained roadway and the right-of-way should be paved, but may be stabilized with graded aggregate base course as approved by the Public Works Engineer.

### 7.2.3.7 Pavement Section

Residential entrance pavement sections may be constructed using different types of materials upon approval. Figure 7.2.3.7-a specifies the minimum sections permitted for each material type.

Figure 7.2.3.7-a Residential Entrance Sections

Material	Minimum Section
Stone	6" GABC
<u>Bituminous Concrete</u> (Asphalt Pavement)	2" Type C over 8" GABC
Concrete Pavement	6" P.C.C. over 6" GABC

### 7.2.3.8 Entrance Turnaround

Driveways shall be designed and constructed to provide storage for vehicles off the State-maintained roadway right-of-way and include a provision for vehicular turnaround to enable entrance to the State-maintained roadway in a forward direction.

### 7.2.3.9 Sight Distance

Driveways shall be clear and free of obstruction. A driver shall have an unobstructed view of the adjacent roadway and the ability to view any approaching vehicles at the intersection with the roadway.

Design guidelines necessary to provide sufficient sight distance shall be in accordance with manuals, guidelines and policies published by the American Association of State Highway and Transportation Officials (AASHTO) ~~AASHTO~~ and Section 5.4 of this *Development Coordination Manual*.



### **7.3 RESIDENTIAL ACCESS WITHIN SUBDIVISION STREETS**

For residential access within subdivisions, the following criteria apply:

- A. Property owner is responsible to ensure that the proposed second access conforms to local land use agency requirements.
- B. No more than two entrances shall be allowed for each property on subdivision street type I.
- C. For subdivision street type II, no more than one point of access should be provided for each property. DelDOT may grant a second access point as outlined in Section 7.2.3.1.
- D. The area of the driveway between the subdivision street and the right-of-way shall be paved.
- E. The driveway width may vary from 10 feet to 20 feet.
- F. An apron may be placed as necessary.

For sidewalk placement across driveways see Chapter 5 and ~~the DelDOT's~~ *Standard Construction Details* (available in the "Doing Business" section of DelDOT's website).

### **7.4 MAILBOX REQUIREMENTS**

No mailbox or newspaper delivery box (hereafter referred to as mailbox) shall be allowed to exist on the State-maintained roadway right-of-way if it interferes with the safety of the traveling public or the function, maintenance, or operation of the State-maintained roadway. A mailbox installation that does not conform to the provisions of this regulation is an unauthorized encroachment.

#### **7.4.1 Mailbox Requirements - Mailbox Installation**

A mailbox installation that conforms to the following criteria shall be considered acceptable unless, in the judgment of DelDOT, the installation interferes with the safety of the traveling public or the function, maintenance, or operation of the State-maintained roadway.

##### **7.4.1.1 Location**

No mailbox shall be permitted where access is obtained from the lanes of a freeway or where access is otherwise prohibited by law or regulation.

On curbed streets the roadside face of the mailbox shall be set back from the face of curb distance between six and eight inches. On roadways without curbs or all-weather shoulders and which carry low-traffic volumes operating at low speeds, the roadside face of a mailbox shall be offset between eight and twelve inches behind the edge of pavement.

Where a mailbox is located at a driveway entrance, it shall be placed on the far side of the driveway in the direction of the delivery route.

Where a mailbox is located at an intersecting road it shall be located a minimum of 100 feet beyond the center of the intersecting road in the direction of the delivery route. This distance shall be increased to 200 feet when the average daily traffic on the intersecting road exceeds 400 vehicles per day.

#### **7.4.1.2 Structure**

Mailboxes shall be of light sheet metal or plastic construction sized to conform to the requirements of the U.S. Postal Service. Newspaper delivery boxes shall be of light sheet metal or plastic construction of minimum dimensions suitable for holding a newspaper.

No more than two mailboxes may be mounted on a support structure. Lightweight newspaper boxes may be mounted below the mailbox support.

A single 4"x 4" square or 4.5" diameter round wooden post or a metal post with a strength no greater than a 2" diameter standard strength steel pipe and embedded no more than 24" into the ground shall be acceptable as a mailbox support. A metal post shall not be fitted with an anchor plate, but it may have an anti-twist device that extends no more than 10" below the ground surface. Mailbox supports shall not be encased in concrete or brick.

The post-to-box attachment details should be of sufficient strength to prevent the box from separating from the post top if the installation is struck by a vehicle.

The minimum spacing between the centers of support posts shall be three-fourths the height of the posts above the ground line.

#### **7.4.2 Mailbox Requirements - Removal of Non-Conforming or Unsafe Mailboxes**

Any mailbox that is found to violate the intent of this regulation shall be removed by the postal patron upon written notification by DelDOT.

At the discretion of DelDOT, based on an assessment of hazard to the public, the patron shall be granted not less than 24 hours or more than 60 days to remove an unacceptable mailbox. After the specified removal period has expired, the unacceptable mailbox shall be removed by DelDOT, at the postal patron's expense.

### **7.5 RESIDENTIAL DISCHARGES**

Residential discharges into roadside drainage systems require a permit which must be obtained from DelDOT Public Works Office prior to connection/installation. Residential discharges include, but are not limited to: sump pump discharges, downspout runoff from structures, open drainage ditches and swales located on private property. DelDOT encourages groundwater recharge and preserving system capacity by requiring that residential discharges are purposely disconnected from roadside drainage systems and allowed to flow over grassed areas to promote infiltration.

Prior to requesting a permit approval to outlet residential discharges into a roadside drainage system, the property owner must provide written justification that there is no other feasible alternative. The property owner must, prove that the discharge cannot be routed to another outlet that is not located within State right-of-way, and document why the discharge cannot be contained within the parcel boundaries of the discharge source.

This justification shall be reviewed by DelDOT only after being approved (in writing) by the Conservation District, acknowledging that there is no alternative drainage outlet for the residential

discharge other than the roadside drainage system. DelDOT may agree in such cases to allow a connection of residential discharge to the roadside drainage system located within State right-of-way. Discharges that would flow across sidewalks or paved surfaces will not be allowed. The property owner must contact the DelDOT Public Works Engineer in their county to request a permit to connect to the system.