

DEPARTMENT OF TRANSPORTATION

DIVISION OF PLANNING AND POLICY

Statutory Authority: 17 Delaware Code, Sections 132(e), 507; 508 and 29 Delaware Code, Section 8404(8)

(17 Del.C. §§132(e), 507 & 508; 29 Del.C. §8404(8))
2 DE Admin. Code 2309

FINAL

ORDER

2309 Development Coordination Manual

Pursuant to the authority provided by 17 Del.C. §§132(e), 507, and 508, as well as 21 Del.C. §8404(8), the Delaware Department of Transportation (DelDOT), adopted the Development Coordination Manual. The Department issues this Order adopting revisions to regulations regarding development coordination.

The Department published the proposed revisions in the May 1, 2015, Delaware *Register of Regulations*, pages 853-857.

The Department took written comments on these proposed revisions from May 1, 2015, through May 30, 2015. No comments were received.

Summary of the Evidence and Information Submitted

The current regulations were enacted in March of 2015.¹ The proposed revisions address some sections of the manual that were inadvertently changed during final adoption as well as proposed regulations that address procedural changes in the way DelDOT does business, and the addition of clarifying language. The changes take into account the issues and concerns identified and addressed as needing amendment by not only DelDOT staff, but also the end users of the current regulations. A listing of changes made as part of this revision is included in the attached table.

Findings of Fact and Conclusions of Law

1. The public was given notice and the opportunity to provide comments in writing concerning the proposed revisions
2. The proposed revisions are useful and proper and the Department believes that the adoption of these revisions is appropriate.

Decision and Order Concerning the Regulations

NOW THEREFORE, under the above-described statutory authority, and for the reasons set forth above, the Secretary of the Delaware Department of Transportation does hereby ORDER that these revisions to the Development Coordination Manual be adopted and promulgated as set forth below.

The effective date of this Order is ten days from the date of its publication in the Delaware *Register of Regulations*, in accordance with 29 Del.C. §10118(g).

Jennifer Cohan, Secretary
Delaware Department of Transportation

¹One revision made in March 2015 was to change the title of the regulation from the Standards and Regulations for Subdivision Streets and State Highway Access to the Development Coordination Manual.

SUMMARY OF PROPOSED CHANGES TO THE DEVELOPMENT COORDINATION MANUAL			
Sec/Fig	Para.	DelDOT Comment/Proposed Change	Justification

P.4.2	1 st	Add clarifying language regarding No Objection to Recordation (LONOR) issuance: " <u>except in such individual cases where DeIDOT determines that the proposal does not create any transportation impacts and does not trigger entrance/access improvements that would require further review by the Department.</u> "	Allows for administrative correspondence to peer agencies when proposed site changes would pose "No Impact" with respect to DCM requirements.
P.6.B	-	Add clarifying language regarding Letter of no Contention (\leq 199 ADT LONC) or LONOR issuance: " <u>as required (or exempted) in P.4.2</u> "	Allows for administrative correspondence to peer agencies when proposed site changes would pose "No Impact" with respect to DCM requirements.
P.7.B	-	Add clarifying language regarding Letter of no Contention (\geq 200 ADT LONC) or LONOR issuance: " <u>as required (or exempted) in P.4.2</u> "	Allows for administrative correspondence to peer agencies when proposed site changes would pose "No Impact" with respect to DCM requirements.
3.4.2.F	-	Add language directing users to more information: " <u>and Appendix M for more information</u> "	Provide additional data to assist users in developing the Traffic Generation Diagram.
4.3.7.U	-	Add language directing users to more information: " <u>(see Appendix M for example)</u> "	Provide additional data to assist users in developing the Traffic Generation Diagram.
4.4.3.U	-	Add language directing users to more information: " <u>(see Appendix M for example)</u> "	Provide additional data to assist users in developing the Traffic Generation Diagram.
5.5.4	2 nd	Add clarifying language. See Section 5.5.4 for full details of the revision.	Expanded list of site-conditions provided to help explain when additional underdrain may be required.
6.4.1.G.3	-	Add clarifying language: "This requires completion of a <u>Federal W-9 form and a Delaware State Substitute W-9 form available online at http://accounting.delaware.gov/w9_notice.shtml</u> "	Text is updated to explain that a Federal W-9 Form is required along with Delaware State Substitute W-9 form.
6.5.1.E.3	-	Add clarifying language: "This requires completion of a <u>Federal W-9 form and a Delaware State Substitute W-9 form online available online at http://accounting.delaware.gov/w9_notice.shtml</u> "	Text is updated to explain that a Federal W-9 Form is required along with Delaware State Substitute W-9 form.
6.5.2.1	3	Revised Language: "Upon receipt of approved construction drawings and following review of items required in Section 6.5.1, the Public Works Engineer will evaluate the items specified in Section 6.5.2 prior to issuance of a permit for entrance construction <u>final "Notice to Proceed" letter. The permit will serve as the notice to proceed</u> , allowing the developer to proceed with permanent street construction within the subdivision."	Previous text incorrectly described a "Permit" process. Text revised to follow current practice.

6.7.1.D.3	-	Add clarifying language: "This requires completion of a <u>Federal W-9 form and a Delaware State Substitute W-9 Form online available online</u> at http://accounting.delaware.gov/w9_notice.shtml "	Text is updated to explain that a Federal W-9 Form is required along with Delaware State Substitute W-9 form.
6.7.3.B	1	Language Replaced. See Section 6.7.3.B for full details of revision.	Paragraph replaced to reflect current practice, and correct clerical error that was made during manual revisions that occurred prior to adoption.
8.2	1	Add Language to allow for more expedient resolution of improper entrance usage pending notification and actual construction process being complete. See Section 8.2 for full details of revision.	Situations occur where ongoing use of an improper entrance (or use of non-permitted access) poses traffic or safety concerns, current process results in lengthy delays pending implementation of full notification process and eventual construction work.
8.2.D	-	Add new action to listed steps for resolution of improper entrance usage. Allow for streamlined process when voluntary compliance is achieved. See Section 8.2.D for full details of revision.	When there are no physical entrance improvements that must be removed or corrected, the notification/construction part of this process adds much delay. The ability to pursue voluntary compliance provides greater benefit much more quickly.
8.5.2	-	Revise Language in this Section to resolve confusing regulation. See Section 8.5.2 for full details of revision.	The text has been revised to better define a threshold between being able to utilize a standardized improved entrance as shown in Figure 8.5.2-a vs. requirement for a full entrance plan submission.
Figure 8.5.2-a	-	Minor revisions including updates to reflect changes within Section 8.5.2 listed above. See Figure 8.5.2-a for full details of revision.	Changes to the figure's legend provide updates to reflect changes proposed in Section 8.5.2. Additionally: the term "Min." for lane/shoulder widths has been edited for consistency, and the "revised date" label has been removed.
8.5.2	-	Add Language in this Section to require an MOT Plan and a Lines and Grades Plan to allow for adequate consideration of traffic safety and constructability prior to permitting. See Section 8.5.2 for full details of revision.	Practice in the field has demonstrated there are potentially gaps in the consideration of traffic safety and constructability vs. the more detailed requirements used when completing a full entrance plan submission.

Please Note: Due to the size of the final regulation, it is not being published here. The following links to the several parts of the final regulation are provided below:

- Preface (<http://regulations.delaware.gov/register/july2015/final/Preface.pdf>)
- Chapter 3 Record Plan Design (<http://regulations.delaware.gov/register/july2015/final/Chap3.pdf>)
- Chapter 4 Construction Plans (<http://regulations.delaware.gov/register/july2015/final/Chap4.pdf>)
- Chapter 5 Design Elements (<http://regulations.delaware.gov/register/july2015/final/Chap5.pdf>)
- Chapter 6 Construction Administration (<http://regulations.delaware.gov/register/july2015/final/Chap6.pdf>)
- Chapter 8 Miscellaneous Access Guidelines (<http://regulations.delaware.gov/register/july2015/final/Chap8.pdf>)

