

**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 the Development Coordination Manual without prior publication pursuant to 29 **Del.C.** §10113(b)(1).

The Department is revising the Development Coordination Manual to address changes to the policies and procedures regarding the payment of fees. These procedural changes authorize additional methods of fee payment and bring the established operations and procedures for obtaining payments into alignment with modern financial practices.

SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

The current regulations were enacted in March of 2015 and were amended in July of 2015. The proposed revisions address sections of the preamble to the regulations in the "Preface" of the manual that are related to fee payments for transportation improvements and reviews associated with plan submittals as well as proposed regulations that address procedural changes in the way DelDOT does business including operations and procedures for obtaining payments. The changes take into account the issues and concerns identified as needing amendment to bring payment collections procedures into alignment with modern financial practices, and allow for additional methods of fee payment. A listing of changes made as part of this revision is included in the attached table.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. DelDOT has developed revised procedures for the collection of fees and methods of accepting payments. These regulations are in substantial compliance with and necessary to, effectuate modern financial practices, and provide reasonable services to the public. The regulations reflect these procedures.

2. The proposed revisions are useful and proper and DelDOT 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 (10) days from the date of its publication in the Delaware *Register of Regulations*, in accordance with 29 **Del.C.** §10118(g).

IT IS SO ORDERED this 15th day of September, 2015.

Jennifer Cohan, Secretary
Delaware Department of Transportation

Existing Development Coordination Manual Regulations can be found in the DE Administrative Code at:

<http://regulations.delaware.gov/AdminCode/title2/2000/2300/2309.shtml#TopOfPage>

Summary of Changes to the Preface of the Development Coordination Manual

(due to the size of the actual regulations, the affected chapter is available in its entirety at the link provided in this posting)

Sec/Fig	Para.	DeIDOT Comment/Proposed Change	Justification
P.5.B	-	Add clarifying language regarding submittal of Fee Form content: "An "Initial Stage Fee Calculation Form" <u>or digital equivalent</u> must be submitted with the fee . . ."	Allows for users to provide digital copies of actual forms or complete on-line equivalent with respect to meeting DCM requirements.
P.5.C	-	Add clarifying language regarding submittal of Fee Form content: "A "Construction Stage Fee Calculation Form" <u>or digital equivalent</u> must be submitted with the fee . . ."	Allows for users to provide digital copies of actual forms or complete on-line equivalent with respect to meeting DCM requirements.
P.5	2 (Page P-7)	Add clarifying language regarding submittal of fees: "All fees shall be <u>paid using the methods described in Appendix C and in accordance with DeIDOT's current policies. Payments submitted to DeIDOT must be accompanied by the appropriate fee calculation form (or the digital equivalent), which can be found on DeIDOT's website under Development Coordination at the following link: http://devcoord.deldot.gov."</u>	Implements revised procedures and authorizes additional methods of fee payment, shifting the stated operational method of payment away from paper checks and paper submittals.
P.5	3 (Page P-7)	Add clarifying language regarding submittal of fees: " <u>If DeIDOT determines that a check or money order is the necessary form of payment for a particular project related fee, the check or money order shall be payable to the Delaware Department of Transportation. Checks submitted to DeIDOT must be accompanied by the appropriate fee form, which can be found on DeIDOT's website under the Subdivisions tab at the following link: http://deldot.gov/information/business/. Checks or money orders that are submitted requested by DeIDOT must be dated within 90 days of the submittal date submitted, to DeIDOT. All bank checks or money orders, and must include the applicable fee forms, and shall be mailed to DeIDOT at the following address:"</u>	Implements revised procedures and clarifies the operational requirements when DeIDOT authorizes paper checks as the required method of payment.

**Summary of Changes to the Preface of the Development Coordination Manual
(Continued)**

Sec/Fig	Para.	DeIDOT Comment/Proposed Change	Justification
P.5	4 (Page P-7)	Add clarifying language regarding submittal of fees: "A copy of the check payment and appropriate fee form <u>or digital equivalent</u> shall be mailed <u>uploaded</u> to DeIDOT's Subdivision Section along with the submittal package <u>using the methods described in Appendix C and in accordance with DeIDOT's current policies."</u>	Implements revised procedures and clarifies the operational requirements when Fee payments and Submittals are made to DeIDOT.
P.5.1.A	-	Add clarifying language regarding DeIDOT Policies: "Funds will be accepted and deposited in accordance with DeIDOT's- Cash Receipts Policy <u>current policies."</u>	Implements revised procedures, shifting the stated operational method of payment away from paper checks.

P.5.1.B	-	Add clarifying language regarding DeIDOT Policies: "B. All documents subject to review by the Subdivision Engineer will be returned to the applicant or <u>processed as a declined submission.</u> "	Implements revised procedures, to allow shifting the operational method toward paperless submittals and reviews.
P.5.1	2 (Page P-7)	Remove residual language regarding previous DeIDOT Policies: Only checks or money orders will be accepted and shall be made payable to the Delaware Department of Transportation.	Removes this residual language which has been superseded via the revised content in Section P.5 Paragraphs 2&3 (as included in this table)
P.5.1	3 (Page P-8)	Add clarifying language regarding DeIDOT Policies: "The date that <u>payments applications/fees</u> are received in the Division's financial management unit in DeIDOT's administration building in Dover will be used and recorded for this purpose."	Implements revised procedures, to allow shifting the operational method toward paperless submittals and reviews.

Please Note: Due to the size of the final regulation, it is not being published here. The following link to the revised part of the final regulation is provided below:

Preface (<http://regulations.delaware.gov/register/october2015/final/Preface.pdf>)
19 DE Reg. 322 (10/01/15) (Final)