

Livable Delaware Activity

Activity/Policy/Program name: Subdivision Manual Updates – “Rules and Regulations for Subdivision Streets” and “Standards and Regulations for Access to State Highways.”

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Purpose: Provide an up-to-date set of rules that help people understand how to design the roads in a subdivision so they are safe and easy to use, as well as design entrances from state highways. These rules include the design of entrances, and the layout and design of the subdivision street system, including the drainage system. **To preserve and enhance mobility and safety by regulating access points.**

Enabling Laws: 17 Del. C. c.1. § 131

17 Del. C. c.5. § 508

17 Del. C. § 146 permits the Department of Transportation to regulate access.

Policies: “Rules and Regulations for Subdivision Streets,” “Standards and Regulations for Access to State Highways;” Stub Street Policy; Subdivision Review Fee Policy; Inspection of Subdivision Drainage System Policy.

History: The current regulations and design standards for subdivision streets were adopted in 1981. The current access manual was adopted in 1983. The “Rules and Regulations for Subdivision Streets,” includes a description of the approval process, detailed street design guidelines, regulations for bonding, construction inspection and street acceptance as well as a Chapter covering Traffic Impact Studies. It also includes a section dedicated to the design and acceptance of Industrial Park Streets.

The “Standards and Regulations for Access to State Highways” manual, primarily contains specific design detail for commercial entrances. It also includes administrative guidance regarding application forms, bonding requirements, construction and maintenance responsibilities. There is a small section dedicated to residential driveway applications. Although the regulations have changed over time, the Department of Transportation has always regulated access to state highways. Access to roads effects the operation of the roadway in terms of safety and capacity. Therefore, it is important that the agency responsible for the roads regulates access to them. Over the last five years, the Department has been working to review this policy so it is more comprehensive and consistent. We have a proposed access management policy.

Current Situation: Both manuals will be updated and combined into one user-friendly manual. The manual will update, clarify and strengthen our current regulations.

“Rules and Regulations for Subdivision Streets:” The current regulations focus on subdivision street design standards, guidelines for traffic impact studies and administrative processes. The update will include a Mobility Friendly Design chapter, guidelines for traffic calming, clarification of the state's maintenance responsibility and our landscaping policy. It

will provide more detailed guidance regarding multi-modal designs to incorporate transit, bicycle and pedestrian travel. The updated manual will also include a policy regarding interconnecting streets both internal and external to the development.

“Standards and Regulations for Access to State Highways:” This manual is primarily a technical design manual. It does include administrative guidance for people that are submitting applications for access to state roads. The Standards and Regulations for Access to State Highways do not provide clear guidelines for acceptable access for a proposed land development. This leads to interpretation of regulations, negotiations for access and inconsistent application of our regulatory authority. They also accommodate access on a parcel-by-parcel basis without any consideration of the function of the adjacent road. With this approach, entrance spacing may vary without regard to the function of the road. However, these regulations have not been updated in 18 years and are lacking in certain areas. Specifically, they:

- Do not provide clear guidelines for acceptable access for a proposed land development. This leads to interpretation of regulations, negotiations for access and inconsistent application of our regulatory authority.
- Accommodate access on a parcel-by-parcel basis without any consideration of the function of the adjacent road. With this approach, entrance spacing is a function of the parcel frontage, not directly related to the function of the highway. A high density of entrances will increase congestion, decrease safety and travel times.

The Department attempted to eliminate these problems with the development of a comprehensive access management policy. However, the Department was unable to reach public acceptance for this approach.

The new manual will update the existing design standards as well as incorporate regulations and guidelines for the use of cross access easements for shared access. We also will provide more detailed guidance regarding multi-modal designs to incorporate transit, bicycle and pedestrian travel.

How can the “Rules and Regulations for Subdivision Streets” and “Standards and Regulations for Access to State Highways” be revised to meet the goals of Livable Delaware?

“Rules and Regulations for Subdivision Streets:” The key to the subdivision street design manual is to make it flexible and provide options for subdivision street design. It would not be wise to dictate a street standard based on a designated area (i.e. Developing or Rural). A better approach is to provide a street design option that fits with the local subdivision ordinances and the vision of the developer on the type of community. The interconnection policy could be reflective of designated areas (ie Developing or Rural). For example, in Developing Areas the Department’s subdivision street standards could be more stringent in requiring internal and external interconnections. In Rural Areas, the standards would be more permissive of cul-de-sac streets and non-interconnected developments. These standards should only exist to compliment significant changes in local land use ordinances

and zoning. The local zoning needs to be changed to reflect densities that are appropriate for Developing and Rural Areas.

“Standards and Regulations for Access to State Highways:” The entrance design standards are based on the minimum design requirements to gain safe access to a roadway. It would be unwise to reduce the design standards beyond what is safe for traffic using an entrance. However, more stringent requirements could be developed, strictly as a disincentive, for access proposals outside Community and Developing Areas. These requirements could take the form of an entrance spacing standard or a level of service standard (see Congestion Standards).

A spacing standard could make it more difficult to develop in rural areas, however, some entrances and developments which may be appropriate for the type of area, could also be excluded. The idea of creating congestion standards (or an adequate facilities ordinance) can work. However, these ordinances need to be adopted by the local land use jurisdiction. The Department of Transportation should not attempt to regulate development on its own. It should have regulations that compliment local land use ordinances. We should also work as the technical support to land use agencies to support ordinances they have adopted to address congestion created by land development. Land use control should be in the form of a Comprehensive Plan with appropriate parcel-by-parcel zoning and should be controlled by the land use agency (i.e. County or Municipality). The land use agency should determine the appropriate land use and the access decision should be secondary and made on the basis of safety and congestion management.

In the manual update, the Department should incorporate the primary goals of the proposed access management policy. The revised manual must clarify and strengthen the standards for access. A clear and strong policy will eliminate the negotiation and inconsistency in decision-making previously described. Specifically, we recommend that the revised manual require action features of entrance designs such as right turn deceleration lanes not overlap existing entrances. This will have the effect of reducing access density and encouraging shared access. This change alone could have a tremendous effect in achieving the primary goal of access management. This activity will support the goals of Livable Delaware. Specifically, the standards are designed to promote livability and mobility. In addition, our reviews are done in conjunction with local planning departments. Therefore, it promotes local government coordination.

Access Management regulations support the goals of Livable Delaware. Specifically, by managing the location of access points, mobility for people and goods is improved by requiring the adequate spacing of entrances based on a roads function. In addition, clear access management regulations will improve and streamline the regulatory process.

Revisions/Actions Needed: Both manuals need to be revised and combined into one document by the Department.

Resources needed to create/revise: The Department has a consultant available to revise both the “Rules and Regulations for Subdivision Streets” and the “Standards and Regulations for Access to State Highways.” This effort will require an internal Technical Review Committee. The revision of the manuals is estimated to cost \$250,000.

Process for creation/revision: Create a scope of work for this effort, assign the task to a consultant, and establish an internal review committee.

Schedule: This is a 24 month effort.

Measures to guide progress: The update will be completed and adopted within 24 months. For access management projects (i.e. construction projects where DelDOT redesigns the access for a stretch of road), a reduction in travel time and accident rates can be used as a measurement of success. For new development, this approach doesn’t work because the comparative measurement would be pre-development vs. post development.

Instead, it needs to be assumed that adoption of a policy will ultimately minimize the impact of development on the transportation system. The performance measurement, therefore, should be the adoption and implementation of more rigid access management regulations.

Interactions or inter-relationships with other agencies or units of government: The development of our manual will require review from the Office of State Planning Coordination, Sussex, Kent and New Castle County planning staff, and municipal planning staff. DTC will be represented on the internal review committee.