

Livable Delaware Activity

Activity/Policy/Program Name: Commercial Entrance/Subdivision Street Review

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Purpose: To ensure that commercial entrances and subdivision streets are designed for safe and adequate traffic flow.

Enabling Laws: 17 Del. C. § 508, 146

Policies: “Rules and Regulations for Subdivision Streets;” “Standards and Regulations for Access to State Highways,” DeIDOT Road Design Manual

History: The latest version of the above referenced regulations is adopted in 1981 and 1983 respectively to ensure that access to state roadways and subdivision streets is designed in a safe and consistent manner. In addition to the design criteria, these manuals establish the process and regulations for bonding and street acceptance for these projects.

Current Situation: The Department, including DTC, reviews proposals for access to commercial or residential subdivisions. The Department’s regulations have specific design standards for entrances. The developer will submit a plan to our Department in accordance with our design standards referenced in the “Rules and Regulations for Subdivision Streets,” the “Standards and Regulations for Access to State Highways,” and the DeIDOT Road Design Manual. The Department will review, comment and ultimately approve the design.

Access to State Maintained Roads: For access designs our regulations consider the traffic generated from a development, the existing background traffic and the speed limit, but they do not consider the location of the development or the effect from adjacent land uses. Essentially, we review each proposal on a case-by-case basis considering very specific traffic information to guide the decision regarding the location, size and configuration of access to the site. Our Standards and Regulations for Access to State Highways do not consider the cumulative impact of commercial development along a road. While our practice is to get cross access easements from developers, in order to reduce access density, our manual does not require these easements. As discussed later in this document, the “Standards and Regulations for Access to State Highways” need to be revised.

The Department’s “Standards and Regulations for Access to State Highways” do not address the goals of Livable Delaware or the State Investment Strategies. 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.

How can the Standards and Regulations for Access to State Highways be revised to address the goals of Livable Delaware and the State Investment Strategies? The 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. For example, if a development were proposed in a Secondary or Rural Area, a traffic study would automatically be required. If the development results in a reduction in level of service at a nearby intersection (or a reduction below LOS C), then access would be denied for that proposal.

Without complimentary land use ordinances, this approach leads to the Department of Transportation regulating land use through access controls. This is somewhat backwards. 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.

Subdivision Street Review: The Department reviews subdivision street designs for alignment, width, pavement design, drainage, and construction details. Our Department's review is strictly a technical review of the street design based on the established design standards established in the Rules and Regulations for Subdivision Streets. After construction plans are approved, the Development Coordination Section holds the street bond (security) and ultimately processes the street acceptance into the state maintenance system. As discussed later in this document, the manual which guides this process, The Rules and Regulations for Subdivision Streets, needs to be completely reviewed and revised.

The "Rules and Regulations for Subdivision Streets" do not address the goals of Livable Delaware or the State Investment Strategies. The options for street design are the same in Developing Areas and Rural Areas. Our current standards allow for a street with open drainage or a curbed street. The street width is dictated by the number of houses, (which translates into a vehicular traffic volume) using the street. Requirements for sidewalks are dictated by local land use ordinances. Our standards also include an option for Mobility Friendly Design. These design standards feature narrow streets, curbs, sidewalks, and alleys for rear access (to eliminate street driveways). The Mobility Friendly Design standards are the street component of a neo-traditional community design. We will permit this in Community or Developing Areas.

How can the Rules and Regulations for Subdivision Streets be revised to address the goals of Livable Delaware and the State Investment Strategies?

The street design standards, as well as the process followed, should be consistent regardless of the location of the development. The more important aspect of residential subdivisions is the density permitted. The density will be determined by the zoning, which should vary based on the State Strategy area designations. With the street designs, the important thing is to allow some flexibility in the street type. The current standards are flexible in that they allow for open drainage, curbed roadway, narrow streets (Mobility Friendly Design), and reduced right of way

for townhouse streets. Again, as with access design and approval, the land use agency should determine the appropriate residential land use. The street design component should compliment the appropriate land use as determined by the land use agency. Without this hierarchical approach, it is the proverbial “tail wagging the dog”.

This activity supports the goals of Livable Delaware. Specifically, through our review we promote mobility for people and goods through a balanced system of transportation options. In addition, our reviews require coordination with local planning agencies.

Revisions/Actions Needed: The Department needs to update its “Standards and Regulations for Access to State Highways” as well as the “Rules and Regulations for Subdivision Streets.” Both manuals should be combined into one document. The new access regulations should address adjacent land uses and better define the standards for access. This will make for a more uniform implementation of our regulations. In addition, we need to include a policy for requiring cross access easements. The revised subdivision street standards will focus on updating the design requirements regarding drainage, pavement design, curbing requirements and in some cases the street widths. Our policy should create street design options that best match the type of community being developed. In addition, we need to include a policy for our current practice of requiring residential street interconnections. Finally, we need to update our bonding requirements and specify our maintenance responsibilities.

Resources needed to create/revise: The Department has a consultant available to revise both the “Rules and Regulations for Subdivision Streets” and “Standards and Regulations for Access to State Highways” manuals. This effort will require an internal Technical Review Committee.

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: Monitor accident and operational problems that arise from specific access decisions or subdivision street design. This can be done through annual surveys of District personnel and the HSIP project manager.

Interactions or inter-relationships with other agencies or units of government: DelDOT coordinates all subdivision reviews with County or municipal planning departments (usually through a Development Advisory Committee). The storm-water management reviews are performed by the Sussex Conservation District, Kent Conservation District, or New Castle County. DTC reviews any design details for transit facilities.