

## **Livable Delaware Activity**

Activity/Policy/Program Name: Corridor Capacity Preservation Program

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Purpose: To make sure that the existing regional arterial highways are able to efficiently carry regional traffic without impedance from the effects of local development.

Enabling Laws: 17 Del. C. § 145 provides the authority for the Department of Transportation to develop a long-range plan that meets the transportation needs of the State. As indicated in the Delaware Code, the purpose of the Program is to focus development toward existing locations, reduce the need for expansion of the transportation system, and otherwise advance the quality of life of Delawareans and the development policies adopted by the Cabinet Committee on State Planning Issues.

Policies: SR1 Corridor Preservation Plan (Policy Implement Number S-20)

History: The planning effort for the SR 1 Relief Route project from Tybouts Corner to south of Dover began in the 1980s. This portion of SR 1 was planned to be a limited access facility. In 1991, the Department began a pilot program to protect the remainder of the SR 1 corridor from the Dover Air Force Base south to Nassau. Together these projects would preserve one of the major north-south routes in Delaware.

In 1996, the General Assembly passed legislation (17 Del. C. § 145) enabling the Department to develop a program to protect corridors serving “predominantly statewide and/or regional travel” in the State. The legislation also called for nominations of new corridors every three years through the Department’s long-range plans. In 1997, the following corridors were formally adopted into the Program:

- SR 1 – Dover Air Force Base to Nassau (31 Miles)
- US 13 – DE 10 to the Maryland State Line (46 Miles)
- US 113 – Milford City Limits to the Maryland State Line (33 Miles)
- SR 48 – Hercules Road to Route 41 (2 Miles)

Current Situation: In December 1999, the Governor’s Cabinet Committee on State Planning Issues adopted the “Strategies for State Policies and Spending” (SSPS). This document outlines strategies to ensure that the State’s quality of life is improved in the future. As indicated in the document, “State agencies will use the strategies to coordinate state spending to revitalize existing cities and towns while protecting the environment.”

The “Strategies for State Policies and Spending” document delineates the state into 5 types of land use categories: Communities, Developing Areas, Secondary Developing Areas, Rural Areas, and Environmentally Sensitive Areas. The document describes the spending and management strategies that the state will use to guide its decisions in each of these areas. The Program takes the same approach in Community and Developing Areas. There are no

Environmentally Sensitive Areas designated on any of the current Corridor Capacity Preservation routes.

This program supports both Livable Delaware and the State Investment Strategies because it encourages and facilitates growth within the designated growth areas while discouraging growth outside of those non-designated growth areas.

As part of the Corridor Capacity Preservation Program, and in accordance with the goals of the Cabinet Committee on State Planning Issues, the Department is taking the following approach in each of the State investment areas noted above:

Communities – “State policies will encourage redevelopment and reinvestment.” (SSPS, 1999), and

Developing Areas – “State investment and policies will be targeted to accommodate existing development and orderly growth.” (SSPS, 1999):

- The Department is pursuing infrastructure investment (local road connections, access roads, road and intersection improvements, etc.) in these areas to accommodate existing and future development without degrading the capacity of the corridor. Community Areas will generally be the Department’s highest priority area in terms of funding and implementing future projects, in order to focus investment and development towards existing communities.
- The Department will form working groups with the Counties and towns to assist in the development of future local investment plans.
- For proposed developments, direct access to the corridor may be permitted if reasonable alternative access (either to an existing secondary road or through an adjacent property) is not available.
- If a property has reasonable alternative access to a secondary road, no direct access to the corridor will be permitted. In determining reasonableness, the Department will evaluate the impact of the alternative access on the functionality and the legal use of the property. If the alternative access requirement is determined to be unreasonable, direct access to the corridor may be permitted.
- If alternative access is determined to be reasonable but degrades the operation or safety of an adjacent intersection (as determined by a traffic engineering study), then direct access to the corridor may also be permitted.
- Direct access to the corridor may be temporary. At such a time that the Department constructs an improvement project along the corridor, such as a local access road, the property’s direct access may be removed, and access would be provided via the access road.
- For new developments or a change in use that requires an entrance permit, a perpetual cross-access easement will be required as part of site plan approval. The easement will provide the opportunity to allow connections to adjacent properties and/or provide for the construction of a future access road or other improvements. Agriculture, landscaping, signs, and parking may be allowed as temporary uses within the easements and right of way reserved along the corridor. Any future removal or relocation of an item placed within the easements and right of way reservation will be the responsibility of the

property owner. No structures may be built within these areas. Sufficient area must be set aside within the balance of the parcel to satisfy County or municipal requirements (parking, landscaping, signing, sidewalks, etc.) once an access road or other improvement is constructed within the reserved easement or right of way.

- The Department will concentrate its investment in Community Areas and Developing Areas by planning, designing, and constructing transportation improvement projects that maintain the capacity of the corridor. However, as part of the normal subdivision approval process, there may be instances in which developers are required to complete projects as part of their development that may be part of a future project identified by the Department as part of its Corridor Capacity Preservation Plan.

Secondary Developing Areas – “The state will promote efficient, orderly development and the coordinated phasing of infrastructure investment, consistent with the extent and timing of future growth, and within the limitations of state financial resources” (SSPS, 1999):

- The Department does not intend to focus its infrastructure investment in Secondary Developing Areas, in terms of funding projects such as access roads, local road connections, and significant road and intersection improvements. However, as indicated in the “Strategies for State Policies and Spending” document, the Department will fund projects “where state and local governments agree that such actions are necessary to address unforeseen circumstances involving public health, safety or welfare” (SSPS, 1999).
- For proposed developments, direct access to the corridor may be permitted if reasonable alternative access (either to an existing secondary road or through an adjacent property) is not available.
- If a property has reasonable alternative access to a secondary road, no direct access to the corridor will be permitted. In determining reasonableness, the Department will evaluate the impact of the alternative access on the functionality and the legal use of the property. If the alternative access requirement is determined to be unreasonable, direct access to the corridor may be permitted.
- If alternative access is determined to be reasonable but degrades the operation or safety of an adjacent intersection (as determined by a traffic engineering study), then direct access to the corridor may also be permitted by way of rights-in/rights-out access only.
- The Department will only issue entrance permits for direct access to the corridor for proposed land uses that generate 200 vehicular trips per day or less per parcel, as determined by the latest edition of the Institute of Transportation Engineer’s Trip Generation Manual (ITE Manual).
- For properties proposed to be subdivided, the Department will only issue an entrance permit for direct access to the corridor if the total trip generation for the subdivided parcels equals or is less than 200 trips per day. For example, if a property is subdivided into 3 lots, the total trip generation for the 3 combined lots cannot exceed 200 trips per day.
- For properties that are proposed to be assembled together for future development, each parcel with exclusive frontage to the corridor will be permitted a trip generation of 200 trips per day. For example, 3 properties that are assembled together as one development will be permitted a use that generates a maximum of 600 trips per day provided that each

individual parcel was large enough to support a land use that would conform with County or municipal requirements and generate at least 200 trips per day per the ITE Manual.

- In these areas, the Department's philosophy is to connect adjacent properties to reduce access points. In support of this, developers may be required to construct access roads as part of their development to ultimately provide connections to adjacent properties.
- All access locations will be considered temporary until such time that the access can be combined with the access to adjoining properties. Once contiguous properties with connecting cross-access easements have temporary entrances located within 500 feet of one another, the entrances may be required to combine into a single entrance.
- Cross-access easements (which also permit construction of a front access road by a developer) will be required as part of the site plan approval for all proposed developments.
- The Department will compensate property owners for their compensable interest in the property through the purchase of development rights, for the denial of an entrance permit for proposed uses that exceed the 200 trip per day criteria. The compensation afforded the property owner is based on an independent real estate appraisal, as described in Section V of the Policy.

Rural Areas – “State policies will encourage the preservation of a rural lifestyle and discourage new development” (SSPS, 1999):

- The Department does not intend to focus its infrastructure investment in Rural Areas, in terms of funding projects such as access roads, local road connections, and significant road and intersection improvements. As indicated in the “Strategies for State Policies and Spending” document, “transportation projects will include only necessary drainage, maintenance and safety improvements, and programs to efficiently manage regional highway facilities.” (SSPS, 1999). The Corridor Capacity Preservation Program's primary goal is to manage and preserve existing regional highways, which is in accordance with the state investment strategies.
- No new or expanded direct access to the corridor will be permitted in these areas. Access will be permitted to existing secondary roads. If alternative access is determined to be reasonable but degrades the operation or safety of an adjacent intersection (as determined by a traffic engineering study), then direct access to the corridor may also be permitted by way of rights-in/rights-out access only.

No expanded access will be permitted in these areas except as noted below:

- A single residential driveway can be expanded to serve no more than four additional residential lots. For example, a new minor subdivision may be permitted provided all access is internal to the subdivision and access to the corridor is limited to one existing residential driveway. No future subdivision utilizing this driveway will be permitted.
- Existing commercial driveways will be permitted to expand for a proposed use that generates less than 100 trips per day. For example, if expansion of an existing business or the addition of a new business is proposed to utilize an existing commercial driveway, the additional new trip generation may not exceed 100 trips per day.

- One residential driveway will be permitted to all existing lots one (1) acre or less along U.S. Route 13 only. There are currently 28 parcels located in Kent and Sussex Counties on U.S. Route 13 that are 0.25 acres to 1.05 acres in total. These parcels were previously subdivided to be developed as residential lots. The proposed traffic from these parcels would be negligible. It would be advantageous to both the Department and the Program if we allow access to these parcels on an individual basis provided they are developed residentially rather than pursuing the development rights of each parcel.

With regards to future subdivisions, our position will remain the same. We will oppose the subdivision through the County process. If a lot is created with sole access on U.S. Route 13, we will deny access and purchase the property rights. This approach may be expanded to U.S. Route 113 and Delaware Route 1 pending further analysis.

- If access to a property is not permitted, the Department will compensate the property owner for the loss of access. The compensation due to the loss of access is based on an independent real estate appraisal.

This program supports the goals of Livable Delaware. Specifically, it directs infrastructure to support new development in existing communities and planned growth areas. The result of the program will be to maintain the ability of the State's arterial highways to efficiently carry regional traffic. Therefore, it clearly promotes mobility for people and goods through a balanced system of transportation options.

Revisions/Actions Needed: Prior to the adoption of the "Strategies for State Policies and Spending," the U.S. Route 13 corridor was divided into two distinct types of investment areas: "A" and "B". "A" areas were those between settled, developed areas, where preservation of open space, agricultural resources, and environmental features was emphasized. No new access was granted along the corridor in these areas. Thus, the Department compensated the property owner for denial of access to the U.S. Route 13 corridor.

"B" areas were areas within the town or settled areas, where development had occurred or was planned to occur. The Department evaluated a variety of transportation investments in these areas, including the construction of service roads, intersection improvements, minor shifts in alignment, and providing alternative access through the use of existing secondary roads.

The Program was revised in 2000 to eliminate "A" & "B" areas and to change the program to reflect the "Strategies for State Policies and Spending" (SSPS) Investment Areas.

Resources needed to create/revise: Fill vacant position (CEPM I) in order to continue managing and developing plans for each corridor.

Process for creation/revision: Post and fill the vacant position.

Schedule: The Plan for the SR1 corridor is complete. The Plan for the U.S. Route 13 corridor is in progress and is anticipated to be complete by the end of 2001. The Plan for the U.S. Route 113 corridor is anticipated to begin in 2002 and be completed by 2004.

The next steps include workshops for each of the respective working groups followed by countywide workshops in both Kent and Sussex Counties for the U.S. Route 13 Plan.

Measures to guide progress: Once the Plan is complete for each corridor, individual projects for the respective corridor will be prioritized and implemented based on necessity.

Periodic assessments of travel times within the corridor will be made in order to ensure that congestion is not getting worse. Level of service at intersections along the corridor should not fall below level of service D. Periodic monitoring will occur to evaluate the operation of the intersections.

Interactions or inter-relationships with other agencies or units of government:

SB 239 of the 139<sup>th</sup> General Assembly formed a committee consisting of legislators and local businessmen to review requests for advanced acquisition in connection with future projects and the Corridor Preservation Program. The Corridor Preservation Program is based on maintaining rural areas, while limiting growth to those areas designated under Livable Delaware and the State Investment Strategies.

- DNREC
- Dept. of Agriculture
- The Nature Conservancy
- Kent County
- Sussex County
- Formal Working Groups with the City of Harrington, Town of Bridgeville, City of Seaford, and Town of Laurel
- Informal (Town Council Meetings) Working Groups with Felton and Greenwood