



# DelDOT – Development Coordination

## Existing Commercial Project Process for 200 ADT or More

### With Reduced Site ADT (total) or Min. Increased Site ADT (net)

Letter of No Contention (LONC)/ Permit for Entrance Construction (PEC)  
vs. Letter of No Objection to Recordation (LONOR)

This document defines the process as it relates to existing commercial projects that generate a total of 200 Average Daily Trips (ADT) or more\*, that are proposed to re-open or expand/change minimally and are seeking an approval to utilize an existing entrance facility.

\*To be eligible, the business must not have been vacant for three or more years, and the proposed business must either; generate a reduced amount of traffic or generate only a minimal net increase in traffic and must not be required to perform a Traffic Impact Study (TIS) or a Traffic Operational Analysis (TOA). Small changes in use or minimal additional services offered at an existing operational commercial site may fall under this process, at the discretion of the Subdivision Engineer or Public Works Engineer, if they result in minimal changes to site traffic and do not affect traffic flow, (i.e. addition of a mobile food cart, ancillary sales of additional merchandise, outdoor display of inventory/merchandise etc.)

1. All applicants will be required to complete and submit a [Permit Application](#) (PA) with site traffic / trip generation information (average number of daily: vehicles using entrance, customers, employees).
2. The Delaware Department of Transportation (The Department) will perform a cursory review based on the provided information to determine if formal plan review process is needed to obtain a Letter of No Objection to Recordation (LONOR) or if the project can be issued a Letter of No Contention (LONC) or Permit for Entrance Construction (PEC) (for minor modifications to the Existing Entrance(s)).
3. The Department will make a determination within 15 business days for a maximum process time of 3 weeks. If more time is needed, DelDOT personnel will notify the Applicant with an expected response date.
4. The Department will check items such as; known safety issues (by reviewing a minimum of 3 years of crash history data at the entrance location), whether an auxiliary lane is required (utilizing the Auxiliary Lane Worksheet), the general layout of the entrance facilities, the surrounding area, infrastructure and if construction is occurring in the area to determine if the formal plan review process and LONOR are required.
5. If a lack of proper ROW width is the only deficiency of the existing facility along a Minor Collector or greater roadway functional classification (i.e. Major Collector, Minor Arterial, Principal Arterial or Freeway/Expressways) then proper ROW dedication must be confirmed to exist or be provided via a deed or recorded plat.
6. If a Capital Transportation Program (CTP) Project is occurring contiguous to the parcel/project then the formal plan review process and LONOR may be required.
7. If a project is determined to be a candidate for the LONC/PEC process, generates a total site ADT between 200 and 1,999 and is located within Investment Level I and Investment Level II Areas as defined by the State Strategies for Policies and Spending maps, the applicant will be required to pay the Shared Use Path (SUP)/Sidewalk fee in lieu of construction. If the applicant chooses to construct the pedestrian facilities they will have to follow the formal DelDOT approval process (LONOR and Entrance Plan Approvals (EPA) ).



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8. Projects that generate a total site ADT of 2,000 or greater (regardless of Investment Level Area designation) must provide proof of existing pedestrian facilities or they will be required to follow the formal DelDOT approval process (LONOR and EPA) and construct any identified pedestrian facilities/upgrades. Only at the Subdivision Engineer's concurrence, (based on physical impossibility or extenuating circumstance), will such projects be permitted to pay the SUP/Sidewalk fee in lieu of construction and follow the LONC process.
9. If significant construction and/or improvements are needed to support the application, then the formal DelDOT approval process (LONOR and EPA) are required.
10. If any of the criteria above is to be waived, it will require the Director of Planning's approval.