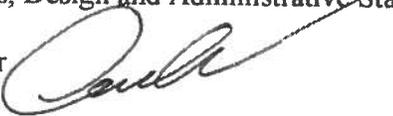




STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
800 BAY ROAD
P.O. Box 778
DOVER, DELAWARE 19903

SHAILEN P BHATT
SECRETARY

MEMORANDUM

TO: Traffic Studies, Design and Administrative Staff
FROM: Donald Weber 
DATE: March 30, 2012
SUBJECT: Signal Agreements

As many of you are aware, we have been working on changes to the signal agreement process including updates to language as well as the process used in getting signal agreements approved. The modified language is based on coordination between DelDOT's Traffic, Legal, Engineering Support, Planning and Real Estate Sections. The modified language includes some additional legal protection to DelDOT, as well as ensures that the agreements are in conformance with all applicable state and federal laws related to real estate acquisition. There are three types of basic signal agreements:

- **Type A – Off-Site Developer Agreement.** This agreement is typically used when a developer is required to contribute to the cost of a new or upgraded traffic signal or ITS device that is not located directly on the development's property.
- **Type B – On-Site Developer Agreement.** This agreement is typically used when a developer is required to contribute to the cost of a new or upgraded traffic signal or ITS device that is located on or directly adjacent to the development's property.
- **Type C – Right of Entry Agreement.** There is no cost component of this agreement. It simply allows DelDOT right of entry onto the property to install, operate and maintain



signal and ITS devices. Property owners must willingly enter into this agreement without compensation. If the property owner would like to receive compensation, then this agreement is not applicable and the full DelDOT right of way process must be followed, or the design must be redone to avoid the property impact. These agreements require a graphical representation of the area of the property in question (see attached for an example).

Each of the basic agreements are attached. Agreement language should not be modified. In the event there is need to consider modifications based on some unique condition, a draft of the modifications will need to be sent to the Chief Engineer through the Traffic Studies or Systems Design Manager, and the Assistant Director for Traffic. Prior to issuing the memorandum, the Department's assigned Deputy Attorney General should review the proposed modifications and "approve as to form."

Note that this memorandum does not address agreements that will be required for the Traffic Signal Revolving Fund. The Traffic Signal Revolving Fund basic agreement and process is currently being finalized and will be covered in a separate memorandum. Additional tracking mechanisms are being introduced to the signal agreement process as well. Please follow the process noted below:

1. Upon notification of the need for an agreement, and receipt of property owner information, fill out the appropriate basic agreement and forward to Traffic's Administrative Specialist III. Two original copies are required. Please provide the project name and/or number when applicable.
2. Traffic's Administrative Specialist III will log the agreement and send to Department's assigned Deputy Attorney General for his signature.
3. Department's assigned Deputy Attorney General will return to Traffic's Administrative Specialist III, who will then log the agreement and return to the Studies or Systems Design staff member who initiated it.
4. Mail or hand-deliver the agreements to the developer/property owner.
5. When the agreements are returned, deliver to Traffic's Administrative Specialist III who will log them and send them to the Chief Engineer for signature.
6. The Chief Engineer will sign with the Director of Technology & Support Services attesting.
7. Finance takes one of the two original agreements.
8. The remaining original agreement will be returned to Traffic's Administrative Specialist III who will log it. At this point, the agreements are officially executed. A developer's requirement to enter into an agreement is now satisfied, and DelDOT and its contractors are allowed access onto property as noted in the agreement.

Signal Agreements

March 30, 2012

Page 3 of 3

9. Traffic's Administrative Specialist III will transfer the executed agreement to Traffic's Administrative Specialist II, who once a month will record all agreements in each of the three respective counties (as necessary).
10. Upon recordation, the County will return the recorded agreements to Traffic's Administrative Specialist III, who will log them for the final time and distribute copies to the initiating staff member, the developer/property owner, and Department's assigned Deputy Attorney General.

Enclosure/attachments

cc: Natalie Barnhart
Fritz Schranck
Rob McCleary
Bill Brockenbrough