

LONC/PEC

Letter of No Contention (LONC)/Permit for Entrance Construction (PEC)

Sireen A. Muhtaseb, PE

New Castle County Review Coordinator

October 29, 2019

Project Consideration

- Existing commercial entrance
- Not vacant for 3 or more years
- No significant building expansion typically
- Generate either a reduction in traffic or typically a minimal increase
- Not required to perform Traffic Impact Study (TIS) or Traffic Operational Analysis (TOA)
- No turn lanes are required
- No Capital Transportation Program (CTP) project is occurring close to the parcel

LONC/PEC Submission

In addition to the **Permit application**, applicants are encouraged to provide:

- Site plan
- Trip Generation Diagram
- Auxiliary Lane Worksheet
- Documents relating to ROW
- Additional information

Pedestrian Compliance

- If a project generates **over 200 ADT** (existing and proposed trips),
 - ➔ Bring existing pedestrian facilities that are determined to be not adequate up to the current standards.
- If a project generates a total site **ADT between 200 and 1,999** (and is within Investment Level I or Level II Areas),
 - ➔ Pay the Shared-Use Path (SUP)/Sidewalk fee in-lieu of construction.
- If a project generates a total site **ADT of 2,000 or greater** (regardless of Investment Level Area designation),
 - ➔ Provide proof of existing pedestrian facilities, or follow the formal plan review process (LONOR/Record and Entrance Plan Approval(EPA)) and construct any Department identified pedestrian upgrades.

Right of Way (ROW) Requirement

- LONC with **199 ADT or less**, no ROW dedication is required
- LONC with **200 ADT or more**, ROW dedication is required for Major Collector or greater roadway functional classification (Minor Arterial, Principal Arterial, or Freeway Expressway)



No work required in the Right of Way – **LONC Letter**




Minimal work required in the Right of Way – **PEC Letter**

Development Coordination

Information

- o PDCA
- o Land Development
- o Commercial Entrances
- o Residential Entrance Permits
- o Residential Subdivisions
- o Roadside Stands & Farm Markets
- o Special Use Entrance
- o Email Blast Archive
- o Project Timelines
- o Presentations
- o Transportation Improvement Districts

Contact Us

Community Relations 
 302.760.2080
 800.652.5600

QUICK LINKS



GUIDANCE

FORMS





CHECKLISTS

Guidance



Critical Items for Acceptance:

-  Record Plan - 8/28/2019
-  Entrance/Construction/Subdivision Plan Set - 8/28/2019
-  LONOR-RED - 8/28/2019
-  Electronic Approval - 12/7/2018






General Notes:

-  Construction/Entrance Plans: General Notes - 08/21/2019
-  Record Plan-Red and Site Plan: General Notes - 03/21/2019
-  Record/Site Plans: General Notes - 03/21/2019
-  Maintenance of Temporary Traffic Control Notes - 03/25/2019

LONC:

-  LONC Request Process - 12/07/2017
-  Public Works Permit Application - 01/18/2017

Design Guidance:

-  Typical Entrance Diagrams
-  Intersection Design Guidance - 09/11/13
-  Intersection Sight Distance Examples
-  Critical Movement Summation How-To Guide (Formerly Appendix P)
-  Intersection Corner (Formerly Appendix S)

Traffic:

<https://deldot.gov/Business/subdivisions/pdfs/changes/LONC-Request-Process.pdf>



DelDOT – Development Coordination Process for LONC / PEC requests

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

This document reflects the content of Preface Section P.6 and P.7 of the Development Coordination Manual (DCM) which defines the process as it relates to existing commercial uses/projects that are seeking an approval to use an existing entrance facility and are proposing to re-use an existing building or make an expansion/addition to an existing building. Project eligibility is at the Delaware Department of Transportation's (DelDOT) discretion.

* If a parcel is covered under an existing Transpiration Improvement District (TID), your site is still governed under that TID Agreement.

** Waivers for any of the following conditions shall require written approval from the Assistant Director of Planning.

To be eligible for consideration:

- A. The existing business must not have been vacant for three or more years.
- B. The project scope can include site alterations, building expansions, construction or placement of new structures. If a site is to be leveled, i.e. all existing trip generating buildings are demolished; the project will have to follow the formal plan review Letter of No Objection to Recordation (LONOR) and Entrance Plan Approval (EPA) process.
- C. The proposed site must either: generate a reduced amount of vehicular traffic or generate a net increase in vehicular traffic (less than 500 Average Daily Trips (ADT) or 50 vehicle peak hour [vph]) and must not be required to perform a Traffic Impact Study (TIS) or a Traffic Operational Analysis (TOA). DelDOT may require a TOA for any project that generates a total of 200 or more ADT.
- D. If a Capital Transportation Program (CTP) Project is occurring contiguous to the parcel/project then the formal plan review process, LONOR and EPA may be required.
- E. If a project generates a total site ADT of 200 ADT or greater (including existing and proposed trips), proper Right-of-Way (ROW) dedication must be confirmed to exist or be provided via recorded plan or a deed, along a Major Collector or greater roadway functional classification (i.e. Major Collector, Minor Arterial, Principal Arterial or Freeway/Expressways).
- F. If turn-lanes are not present at the entrance and are required, then the formal plan review process, LONOR and EPA shall be required. If turn lanes are present at the existing entrance, the Subdivision Engineer may at their discretion allow the project to proceed in the LONC/PEC Process.
- G. If a project generates a total site ADT between 200 and 1,999 and is located within Investment Level I or 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 may have to follow the formal DelDOT plan review process (LONOR and EPA).
- H. 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 plan review process



DelDOT – Development Coordination Process for LONC / PEC requests

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

Application process:

1. All requests should be received through our online portal PDCA (<http://pdca.deldot.gov/>) or through the Subdivision Mailbox (Subdivision@state.de.us).
2. 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, and employees). The applicant is encouraged to submit a site plan, trip generation diagram, Auxiliary Lane sheets and documents relating to ROW. Additional information allows the Department to effectively process the application and to help avoid delays.
3. DelDOT will check safety issues such as: reviewing a minimum of 3 years of crash history data at the entrance location, adequacy of existing pedestrian facilities, the physical condition of the existing entrance and any other deficient elements within the ROW along the site frontage.
4. For projects that generate over 200 ADT (including existing and proposed trips), any existing pedestrian facilities that are determined to be not adequate must be brought up to the current standards by the applicant.
5. DelDOT will review the project for its eligibility per the LONC requirements and determine any deficiencies per the review outlined in item #3. Depending on the scope of work needed to correct any identified deficiencies, the project may be processed under the LONC/PEC process or the formal plan review process (LONOR and EPA). This determination will be made at the discretion of the Subdivision Engineer. DelDOT will make the determination if the LONC/PEC process is appropriate and if any fee payments are required within 15 business days. If more time or information is needed to process the Application, DelDOT personnel will notify the Applicant with an expected response date or request that information.

LONC/PEC Process

The **examples** provided next are intended as a general guide for issuance of a LONC/PEC letter for existing commercial projects that are seeking an approval to use an existing entrance facility

Department will check

Safety issues, existing pedestrian facilities, existing entrance, site frontage

Department verifies the proposal

- Project eligibility is at DeIDOT's discretion
- Does not create any transportation impacts
- Does not trigger entrance/access improvements
- Waivers will require a written approval from the Assistant Director of Planning

LONC Example 1

- Existing commercial entrance on a Minor Collector
- Business vacant less than 3 years
- Current ADT 140 and future ADT 150
- Existing entrance is in satisfactory condition

DeIDOT Verifies

- No safety issues
- No Auxiliary Lanes are needed
- No impact to a Capital Transportation Program (CTP) Project



LONC Letter Issued

LONC Example 2

- Existing commercial entrance on a Major Collector
- Business vacant less than 3 years
- Current ADT is 350 and future ADT is 360
- Level I investment area
- Existing entrance in need of some repair

DeIDOT Verifies

- No safety issues and no Auxiliary Lanes are needed
- Proper Right of Way exists
- No impact to a Capital Transportation Program (CTP) Project
- Minor sidewalk modifications are needed

 **PEC Letter Issued**

LONC Example 3

- Existing commercial entrance on a Major Collector
- Business vacant less than 3 years
- Current ADT is 600 and future ADT is 590
- Level I investment area

DeIDOT Verifies

- Auxiliary Lanes are needed
- Proper Right of Way exists
- No impact to a Capital Transportation Program (CTP) Project
- Minor sidewalk modifications are needed



Formal Process Required

Not a LONC Example

If the project scope includes any of the following:

- If the project is to be leveled
- Rebuilding, modifying, altering the entrance
- Changing the entrance circulation/movement
- Adding Phases
- Adjusting lot lines /creating new parcels
- The size and scope of the project
- Safety concerns
- Geometric concerns
- Operational concerns

DeIDOT determines:

Too many factors for us to support the LONC/PEC process, therefore

- The Formal Plan submission process will be required.
- Modify your submission and add all payments, forms, checklists

Thank You!



Any questions???