

DEPARTMENT OF TRANSPORTATION

DIVISION OF TRANSPORTATION SOLUTIONS

Statutory Authority: 17 Delaware Code, Section 141; 29 Delaware Code, Section 8404(8)
(17 Del.C. §141; 29 Del.C. §8404(8))
2 DE Admin. Code 2403

FINAL

ORDER

2403 Special Events Policies and Procedures—Traffic Management

Under Title 17 of the **Delaware Code**, Section 141, as well as 29 **Delaware Code** Section 8404(8), the Traffic Operations and Management Section of the Delaware Department of Transportation (DelDOT), has the authority to regulate the traffic impacts of special events that affect the safe movement of traffic on the State's transportation network, and adopted the Special Events Policies and Procedures – Traffic Management regulation. The Department seeks to adopt revisions to this regulation.

Notice of the proposed revisions to the Special Events Policies and Procedures – Traffic Management regulation was published in pages 387 to 394 of the Delaware *Register of Regulations* Volume 22, Issue 5, dated November 1, 2018. The Department took written comments on these proposed revisions from November 1, 2018 through December 3, 2018. There were no questions or comments received during the public comment period and no changes were made to the regulation as originally proposed and published.

Summary of the Evidence and Information Submitted

The proposed revisions to this regulation waive temporary traffic control costs for special events held by an organizer exempt from federal income tax under Internal Revenue Code Section 501(c)(3) or if the applicant and organizer is a State Agency, County, incorporated Municipality, school district, or accredited college or university. The revisions allow organizers not meeting the conditions above to request a waiver if proceeds to an event are donated to a 501(c)(3) organization or if the need for temporary traffic control is created by impacts associated with a Department project.

Findings of Fact

Based on the record in this docket, I make the following findings of fact:

1. The proposed revisions to the existing Special Events Policies and Procedures – Traffic Management regulation are useful and proper. The public comment period was appropriately held open for 30 days and no public comment was received.
2. The adoption of these proposed revisions to the Special Events Policies and Procedures – Traffic Management regulation is in the best interests of the State of Delaware. Having received no public comment, there is no basis upon which to further amend the regulation and it is adopted as amended.

Decision and Effective Date

Based on the provision of Delaware law and the record of this docket, I hereby adopt the amended Special Events Policies and Procedures – Traffic Management regulation, as set forth in the version attached, to be effective January 12, 2019.

It is so ordered on this 13th day of December 2018.

Jennifer Cohan, Secretary
Delaware Department of Transportation

2403 Special Events Policies and Procedures—Traffic Management

1.0 Introduction

- 1.1 Planned special events include, but are not limited to, sporting events, concerts, festivals and conventions occurring at permanent multi-use venues. They also include less frequent public events such as parades, fireworks displays, bicycle races, sporting games, motorcycle rallies, marathons, seasonal festivals and block

parties which may occur at temporary venues. A planned special event often creates the need to establish altered traffic patterns to handle the increased traffic volumes generated by the event and traffic diverted due to the event. The size of the temporary traffic control (TTC) zone associated with a planned special event can be small, such as closing a street for a festival, or can extend throughout a municipality for larger events.

- 1.2 Planned special events can have direct and indirect impacts on the transportation system. Events that have direct impacts to the transportation system are those that require full roadway or lane closures to accommodate the needs of the event. Events having indirect impacts to the transportation system are those types of events that attract large crowds affecting normal traffic flow on Delaware's roadways.
- 1.3 The purpose of this Special Events Policy is to outline the requirements for obtaining a permit to conduct a special event that will impact roadways in the State of Delaware and to describe the temporary traffic control that may be required to ensure the least impact to the traveling public and to provide a reasonably safe venue for the event. In addition, the policy identifies the requirements for developing necessary temporary traffic control plans as well as identifying the parties responsible for providing temporary traffic control and determining who pays the costs of such temporary traffic control.

2.0 Legal Authority

- 2.1 Title 17, Chapter 1, Subchapter III, Section 141 of the Delaware Code gives the Delaware Department of Transportation jurisdiction and control over all state highways outside the limits of incorporated cities and towns for the purpose of regulating traffic and for the use and operation of all vehicles thereover, and gives the Department the authority to adopt any and all rules and regulations respecting the use of such highways and the operation of all vehicles upon the same.
- 2.2 For state maintained roadways within the corporate limits of municipalities, the local government is responsible for approving the special event after consultation with the Department of Transportation. All temporary traffic control for special events inside the limits of municipalities shall comply with the requirements of the Delaware Manual on Uniform Traffic Control Devices (DE MUTCD). For those events occurring on state maintained roadways within the corporate limits of municipalities, the temporary traffic control shall be reviewed and approved by DeIDOT. DeIDOT shall also be consulted for those events that occur on non state maintained roadways, but divert traffic to state maintained roadways.

3.0 Special Event Permit Application

- 3.1 The Delaware Department of Transportation (DeIDOT) requires the organizer of a planned special event that impacts the transportation system to get approval from the Department to hold such events and to review any temporary traffic control that is necessary for the event to occur. Event organizers are required to fill out DeIDOT's *Special Event Permit Application* and submit the completed application to the Special Events Coordinator in the Traffic ~~Safety~~ Operations and Management Special Events Section. This form can be emailed by clicking the appropriate button at the top of the application. The Department's Special Events Coordinator will review the application and the location of the event and determine if temporary traffic control measures or other requirements are needed to safely conduct the event and to minimize the impacts to the transportation system. If additional information is needed, the Special Events Coordinator will coordinate that information with the event organizer. Once all requirements are satisfied, an approved copy of the *Special Event Permit Application* will be provided to the event organizer. An approved copy will be held by the Traffic ~~Safety~~ Operations and Management Special Events Section.
 - 3.1.1 The following types of Planned Special Events require a Special Events Permit from the DeIDOT:
 - 3.1.1.1 Events with a direct impact on the transportation system. These events typically require lane and/or complete road closures.
 - 3.1.1.2 Events with an indirect impact on the transportation system. These events typically occur off of the roadway but attract large crowds which could affect normal traffic flow on Delaware's roadways
- 3.2 Special Event Permit Application Procedures
 - 3.2.1 The *Special Event Permit Application* shall be filled out by the event organizer and submitted to the Department no fewer than 90 days prior to the beginning of the event. The Special Event Permit Application can be found at:
http://www.deldot.gov/information/community_programs_and_services/planned_spec_events/index.shtml
http://deldot.gov/Business/planned_spec_events/index.shtml
 - 3.2.2 The following information is required to be shown on the permit application:
 - 3.2.2.1 Event Organizer Information
 - 3.2.2.1.1 Applicant's name, address, phone number and e-mail address
 - 3.2.2.1.2 Organization name, address and phone number, if applicable

3.2.2.2 Event Information

- 3.2.2.2.1 Name and location of event
- 3.2.2.2.2 Type of event
- 3.2.2.2.3 Date of event (start and end dates)
- 3.2.2.2.4 Time of event (start and end times)
- 3.2.2.2.5 Name of a contact person that will be the Department's direct contact during the planning stages of the event. A phone number and email address should also be provided.
- 3.2.2.2.6 Name of a contact person including address and a phone number at which that person can be reached during the day(s) of the event.
- 3.2.2.2.7 Proposed routing for the event, if the event is a bike race, marathon or other on-roadway event.

3.2.2.3 Temporary Traffic Control Plan

- 3.2.2.3.1 Identify if the event will require the closure of any State maintained roadways or intersections. If yes, list the roads or intersections that will be closed.
- 3.2.2.3.2 Identify if the event will require the closure of any lanes on State maintained roadways. If yes, list the lanes to be closed on each roadway.
- 3.2.2.3.3 A temporary traffic control plan, if lanes or entire roadways will be closed. Information regarding temporary traffic control plans can be found in Section III and IV of this policy.
- 3.2.2.3.4 Detailed temporary traffic control plans shall be submitted to the Department's Special Events Coordinator no less than six (6) weeks prior to the start of the event.

3.2.2.4 Additional Information

- 3.2.2.4.1 Identify provisions for medical treatment during the event
- 3.2.2.4.2 Identify provisions for sanitary facilities during the event
- 3.2.2.4.3 Identify provisions for police or fire police assistance during the event. If a signed agreement exists between the police agency and the event organizer, a copy of the agreement should be included with the application.

3 The completed application can be electronically submitted to the Special Events Coordinator by clicking on the email button at the top of the application. If the applicant desires to mail a printed version of the application, it can be sent to the following address:

Delaware Department of Transportation
Traffic ~~Safety~~ Operations and Management Special Events Section
Special Events Coordinator
169 Brickstore Landing Road
Smyrna, DE 19977

- 4.1 Planned special events typically have impacts on the transportation system and these impacts can be classified as either direct or indirect. Some events have both types of impacts. This section describes the necessary temporary traffic control that is required for those events that have direct impacts on the transportation system. In addition, it describes how the event organizer works with DelDOT on the development of a Transportation Operations Plan for those events with an indirect impact on the transportation system. Guidelines for the use of law enforcement and the use of Portable Changeable Message Signs (PCMS) are also provided.
- 4.2 Events with Direct Impacts on the Transportation System:
 - 4.2.1 Planned special events with direct impacts on the transportation system are those events that require a lane or roadway closure in order for the event to take place. These types of events may include but are not limited to bike races/tours, marathons, block parties, parades and festivals. In order to safely and efficiently move traffic around the event area, temporary traffic control is required and shall comply with the provisions of Part 6 of the Delaware Manual on Uniform Traffic Control Devices (DE MUTCD). This information can be found at:
http://www.deldot.gov/information/pubs_forms/manuals/de_mutcd/index.shtml
http://deldot.gov/Publications/manuals/de_mutcd/index.shtml
 - 4.2.2 For events that have direct impacts on the transportation system, the event organizer shall submit a temporary traffic control plan to DelDOT for review and approval.

4.2.3 Special Events Requiring Lane or Shoulder Closures:

4.2.3.1 Planned special events with direct impacts on the transportation system may require the closure of one or more travel lanes or a shoulder on a two-lane roadway or multi-lane highway. In order to move traffic safely around the event area, temporary traffic control is required. In most situations, typical temporary traffic control cases from the DE MUTCD should be used and the applicable cases are listed below:

4.2.3.1.1 Two-Lane, Two-Way Traffic Shoulder Closure

4.2.3.1.2 Multilane, Divided, Non-Access Controlled Highways – Shoulder Closure

4.2.3.1.3 Two-Lane, Two-Way Traffic Lane Closure

4.2.3.1.4 Multilane, Divided Highways and Interstates – Lane Closure

4.2.3.2 In most situations a copy of the standard temporary traffic control case and the accompanying standard notes can be submitted for review by DeIDOT. There are some instances that may require additional temporary traffic control devices and this will be determined by DeIDOT through consultation with the applicant. Temporary traffic control plans must be submitted no fewer than six (6) weeks prior to the event.

4.2.3.3 Several of the standard temporary traffic control cases noted above allow the use of flaggers or require the use of flaggers to move traffic through the affected area. Due to the dangers associated with directing traffic, the only people allowed to perform flagging operations on Delaware's roadways are the following:

4.2.3.3.1 A person with a valid flagger registration card from the American Traffic Safety Services Association (ATSSA). That person shall have their flagger card in their possession while performing flagging duties.

4.2.3.3.2 Uniformed Fire Police

4.2.3.3.3 Uniformed Local Police

4.2.3.3.4 Uniformed State Police

4.2.3.4 All personnel performing flagging duties shall wear a safety vest in accordance with the Delaware MUTCD. All temporary traffic control devices shall conform to the requirements of the Delaware MUTCD.

4.2.4 Special Events Requiring Roadway Closures

4.2.4.1 Planned special events with direct impacts on the transportation system may require the full closure of one or more roadways. In order to move traffic safely around the event area, temporary traffic control and a signed detour route is required. Detour routes shall be determined by DeIDOT and an official detour plan with the proper approval signatures will be developed by DeIDOT for the applicant. Requests for detour plans shall be submitted to DeIDOT no less than six (6) weeks prior to the event. Depending upon the duration of the closure, law enforcement personnel may be used to direct traffic around the closure area, in lieu of providing a signed detour route. The use of law enforcement officers in lieu of a signed detour will be determined by DeIDOT in consultation with the applicant.

4.3 Events with Indirect Impacts on the Transportation System

4.3.1 Planned Special Events may have an indirect impact on the transportation system based on the number of event participants or attendees. Events that have indirect impacts on the transportation system include concerts, sporting events, fairs/carnivals and other events that attract large crowds of people. While these events may not require the closure of roads or lanes, they do create an impact to existing traffic due to the increased traffic volumes (vehicular and/or pedestrian volumes) that are experienced, sometimes on roadways that are not designed for the increased traffic or pedestrians. To mitigate these impacts, it is necessary to develop a Transportation Operations Plan to determine how traffic will be managed when patrons are arriving at or leaving the event and how the event traffic will interact with existing traffic. If in addition, to having indirect impacts on the transportation system, the event requires the closure of roadways or lanes, please refer to the previous section for additional information.

4.3.2 The development of the Transportation Operations Plan will typically be completed by DeIDOT's Traffic Operations and Management Special Events Section with input provided by Safety and Transportation Management Center staff and the event organizer. DeIDOT and the event organizer will also meet with the state police to discuss the plan. If the event is within the limits of a municipality, DeIDOT and the event organizer will also meet with the local police and other local authorities having jurisdiction. The following items are typically reviewed and determined during the plan development:

4.3.2.1 Location of event, event parking and entrances/exits to/from the event area.

4.3.2.2 Roadways surrounding the event area and expected road closures

- 4.3.2.3 Locations for traffic control points during entry and exit
- 4.3.2.4 Locations for parking payment, credential checks, etc.
- 4.3.2.5 Lane closures to accommodate entry and exit maneuvers from the event area to minimize impacts to existing traffic and to allow for free flow movements.
- 4.3.2.6 Pedestrian movements around the event area to provide reasonably safe pedestrian passage
- 4.3.2.7 Locations for portable changeable message signs to direct road users to and around the event.
- 4.3.2.8 Locations for traffic management devices such as portable traffic cameras, portable detection units, etc.
- 4.3.3 The planning process for these types of events needs to start early in order to ensure a smooth event. The event organizer shall submit the Special Event Permit Application to DelDOT no fewer than 90 days prior to the beginning of the event. Once the permit is received by DelDOT, a meeting will be scheduled with the event organizer and other applicable parties to discuss the event and any operational concerns. This meeting will be scheduled eight (8) weeks prior to the event date. The final transportation operations plan, with approved permit, will be completed four (4) weeks prior to the event date. The Transportation Operations Plan will include locations of all devices necessary to carry out the plan, including locations of all lane or roadway closures that may be necessary to facilitate event traffic around the event area.
- 4.4 Use of Law Enforcement for Planned Special Events
 - 4.4.1 Law enforcement officers (State Police, Local Police and/or Fire Police) may be needed to assist with traffic control during a planned special event. Law enforcement may also be needed to provide escorts for certain types of events such as foot races, bike races or parades. It is the responsibility of the event organizer to secure the appropriate number of law enforcement officers that are needed for the event and the costs of using law enforcement officers, if applicable, are the responsibility of the event organizer.
- 4.5 Use of Portable Changeable Message Signs
 - 4.5.1 Portable Changeable Message Signs (PCMS) are portable devices that can display a variety of transportation related messages. These devices may be useful for a planned special event to direct attendees to parking areas and to direct other road users around the event to avoid traffic delays. The use of PCMS is governed by the Delaware MUTCD and these devices may only display transportation related messages. They cannot be used to advertise the event or provide other non-transportation related messages to the traveling public as the device themselves can present a distraction to motorists if not used properly.
 - 4.5.2 DelDOT has developed an approval form that must be submitted to receive approval to use PCMS in DelDOT's right-of-way. This form can be found at:
http://www.deldot.gov/information/pubs_forms/manuals/de_mutcd/pdf/PCMS_Approval_Form.doc
http://deldot.gov/Publications/manuals/de_mutcd/docs/PCMS_Approval_Form.doc
 - 4.5.3 Additional information regarding the use of PCMS can be found in Part 6 of the Delaware MUTCD and in the memorandum titled "Portable Changeable Message Signs," which can be found at:
http://www.deldot.gov/information/pubs_forms/manuals/de_mutcd/pdf/Portable_Changeable_Message_Signs.pdf
http://deldot.gov/Publications/manuals/de_mutcd/pdfs/Portable_Changeable_Message_Signs.pdf

5.0 Event Organizer Responsibilities

- 5.1 The event organizer must ensure that the following pre-event and event day activities have been conducted:
 - 5.1.1 Pre-Event Activities
 - 5.1.1.1 Submit the Special Events Application to the Traffic ~~Safety~~ Operations and Management Special Events Section no fewer than 90 days prior to the event.
 - 5.1.1.2 Meet with representatives from DelDOT, no fewer than eight weeks prior to the event, to discuss and develop a transportation operations plan, if one is required for the event.
 - 5.1.1.3 Submit the Temporary Traffic Control Plan to the Traffic ~~Safety~~ Operations and Management Special Events Section no fewer than six weeks prior to the event.
 - 5.1.1.4 Notify the local or state police and fire companies no fewer than 60 days prior to the event regarding the proposed lane closures and event location.
 - 5.1.1.5 Notify DelDOT's Public Relations Section no fewer than 10 days prior to the event to have a press release issued notifying the public that lanes or roads will be closed within the event area. The Public Relations Section can be reached at (302) 760-2080
 - 5.1.2 Event Day Activities

- 5.1.2.1 Contact the DelDOT Transportation Management Center no fewer than one hour prior to the event to notify of the impending lane closures. The Transportation Management Center can be reached at (302) 659-4600.
- 5.1.2.2 Place all temporary traffic control devices in accordance with the approved temporary traffic control plan and the Transportation Operations Plan, if an operations plan was developed.
- 5.1.2.3 A designated person must monitor the temporary traffic control devices and adjust as needed.
- 5.1.2.4 At the conclusion of the event, all temporary traffic control devices must immediately be removed from the roadway and the roadway restored to its normal conditions.
- 5.1.2.5 Contact the DelDOT Transportation Management Center upon restoring the roadway to normal conditions to notify of the completed event and removal of traffic restrictions.
- 5.2 In the event of an emergency, the event organizer may be required to immediately reopen the roadway. Upon notification by a DelDOT official or law enforcement personnel, the event organizer shall immediately restore the roadway to normal operations.
- 5.3 The event organizer or event participants shall not erect any advertising signs or other non-traffic control signs within DelDOT's right-of-way. The event organizer or event participants shall not paint any markings on the roadway(s) within the event location.

6.0 Costs

- 6.1 As of this time, there are no permit fees for the Special Events Permit Application. In addition, there are no fees charged by DelDOT to develop temporary traffic control plans, detour plans or transportation operations plans.
- 6.2 The event organizer is responsible for the costs associated with temporary traffic control for a particular planned special event. These costs may include, but will not be limited to, the procurement of the required compliant temporary traffic control devices, the use of portable changeable message signs and labor associated with the installation and removal of temporary traffic control devices. The event organizer may request DelDOT's assistance with the deployment of the temporary traffic control plan and/or the transportation operations plan, however, the Department must be reimbursed for all equipment and labor costs associated with the event and DelDOT's support is subject to the availability of the necessary resources. If the event organizer requests DelDOT assistance, the Department will generate a cost estimate and will send the cost estimate and a concurrence letter to the event organizer for review. If the event organizer concurs with the cost estimate, the event organizer shall sign the concurrence letter and send it back to DelDOT. No charges will be incurred until after the event is completed. Upon completion of the event, the Department will contact the event organizer, review all costs incurred and then the Department will send the event organizer a bill for services rendered. The event organizer will not be responsible for the costs associated with temporary traffic control deployed by DelDOT for a particular planned special event if the organizer is exempt from federal income tax under Internal Revenue Code (IRC) Section 501(c)(3) and proper documentation of the organization's 501(c)(3) status has been provided to the Department. State Agencies, Counties, incorporated Municipalities, school districts, and accredited colleges and universities will not be responsible for the costs associated with temporary traffic control deployed by DelDOT for a particular planned special event if the event is a direct activity of the entity making application. Event organizers that do not have 501(c)(3) status or meet the conditions noted above may request a waiver for costs associated with temporary traffic control deployed by DelDOT for a particular planned special event if proceeds generated by the event are donated to a 501(c)(3) organization for which the appropriate supporting documents have been provided to the Department or if the need for temporary traffic control is created by impacts associated with a Department project.
- 6.3 If the event organizer does not utilize DelDOT forces for the deployment of the temporary traffic control plan or transportation operations plan, the event organizer shall procure the necessary devices and labor from entities that have experience with temporary traffic control. Failure to have the necessary provisions in place for the day of the event will result in the revocation of the Special Events Permit and will result in the removal of all event participants from DelDOT's right-of-way.

7.0 Coordination of Special Events

There may be instances where two or more planned special events occurring in close proximity to each other will be scheduled for the same day(s). If this is the case, the Special Events Manager for DelDOT will meet with the event organizers from each event and determine how best to manage potential conflicts between events. This may require modifications to event routes, event traffic control plans and event schedules. DelDOT reserves the right to direct these changes to prevent event traffic control and event routes from overlapping. Failure to comply with DelDOT's changes will result in revocation of the Special Events Permit.

8.0 Revocation of Permit by DelDOT

- 8.1 Failure to comply with the approved temporary traffic control plan, the provisions of the approved Special Events Permit or failure to complete the pre-event and/or event day activities will result in revocation of the approved Special Events Permit. DelDOT reserves the right to stop the event activities and restore the roadway to normal conditions if the approved temporary traffic control is conducted in an unsafe manner or if there are unforeseen traffic delays experienced as a result of the special event.
- 8.2 The event organizer or event participants shall not erect any advertising signs or other non-traffic control signs within DelDOT's right-of-way. The event organizer or event participants shall not paint any markings on the roadway(s) within the event location. Failure to comply will result in the revocation of the Special Events Permit, immediate removal of all participants from DelDOT's right-of-way.

14 DE Reg. 917 (03/01/11)

22 DE Reg. 621 (01/01/19) (Final)

The Special Event Cost Waiver Application is available in PDF format at the following location:

Special Event Cost Waiver

[http://regulations.delaware.gov/register/january2019/final/Special Event Cost Waiver.pdf](http://regulations.delaware.gov/register/january2019/final/Special%20Event%20Cost%20Waiver.pdf)