

DEPARTMENT OF TRANSPORTATION

DIVISION OF PLANNING AND POLICY

Statutory Authority: 17 Delaware Code, Sections 132(e), 507, 508 and 29 Delaware Code, Section 8404(8) (17 Del.C. §§132(e), 507 & 508; 29 Del.C. §8404(8))
2 DE Admin. Code 2309

FINAL

ORDER ADOPTING REVISIONS TO REGULATIONS

2309 Development Coordination Manual

Pursuant to the authority provided by 17 Del C. §132(e), 507, and 508, as well as 29 Del.C. §8404(8), the Delaware Department of Transportation (DelDOT), adopted the Development Coordination Manual. The Department issues this Order adopting revisions to regulations regarding development coordination.

The Department published the proposed revisions in the March 1, 2018, Delaware *Register of Regulations*, pages 692-694.

The Department took written comments on these proposed revisions from March 1, 2018, through April 2, 2018. No comments were received.

Summary of the Evidence and Information Submitted

The current regulations were enacted in April of 2016. The proposed revisions to the Development Coordination Manual address procedural changes, add or modify technical requirements and clarify and amend design criteria. These collective changes are both technical and administrative in nature and serve in part to clarify the intent of the Department as enacted through these regulations. A listing of changes made as part of this revision is included in the attached table.

Findings of Fact and Conclusions of Law

1. The public was given notice and the opportunity to provide comments in writing concerning the proposed revisions.
2. The proposed revisions are useful and proper and the Department believes that the adoption of these revisions is appropriate.

Decision and Order Concerning the Regulations

NOW THEREFORE, under the above-described statutory authority, and for the reasons set forth above, the Secretary of the Delaware Department of Transportation does hereby ORDER that these revisions to the Development Coordination Manual be adopted and promulgated as set forth below.

The effective date of this Order is ten days from the date of its publication in the Delaware *Register of Regulations*, in accordance with 29 Del.C. §10118(g)

Jennifer Cohan, Secretary 4/16/18
Delaware Department of Transportation

SUMMARY OF PROPOSED CHANGES TO THE DEVELOPMENT COORDINATION MANUAL

Sec/Fig	Para.	DelDOT Comment/Proposed Change	Justification
P3-a	-	<p>“Submit Record Plan in accordance with the Gatekeeping Checklist” “Submit Record Plan in accordance with the Development Coordination Manual”</p> <p>“Submission acceptable in accordance with Gatekeeping Checklist” “Submission acceptable in accordance with Development Coordination Manual”</p>	Removing the reference to the Gatekeeping Checklist

P3-b	-	<p>“Submit Entrance/Construction Plans in accordance with the Gatekeeping Checklist.” “Submit Entrance/Construction Plans in accordance to the Development Coordination Manual.”</p> <p>“Submission acceptable in accordance to the Gatekeeping Checklist?” “Submission acceptable in accordance to the Development Coordination Manual?”</p>	Removing the reference to the Gatekeeping Checklist
P.4.2		<p>“Once the approval expires, plans will need to be resubmitted for review.”</p> <p>“Once the approval expires, plans will need to be resubmitted for review with the proper fee”.</p>	Clarification
P.4.2		<p>“Upon addressing all comments provided by DelDOT in a comment response letter, the entrance/construction plans can be submitted.”</p> <p>“Upon addressing all comments provided by DelDOT in a comment response letter, the entrance/construction plans can be submitted.”</p>	Clarification
P.4.4		<p>“For commercial sites, a Commercial Entrance Construction Permit (see Appendix E) will be issued in addition to NTP.”</p> <p>“For commercial sites, a Commercial Entrance Construction Permit (see Appendix E) will be issued in addition to NTP.”</p>	Typographical Error
P.5		Added “If all or a portion of the property subject to this fee is re-subdivided within 10 years of the payment of this fee, that subdivision shall be treated for fee purposes as if planned for 5 lots or more.”	Added Language from Title 17, Chapter 1, Section 131 for clarification
P6		Deleted and Replaced entire Section	Modified this entire section to allow more projects to be eligible for this shorter process. The revision added clarity to what was required of the projects in the process and clarified the waiver process.
P7		Deleted entire Section. P6 and P7 now combined into one.	Deleted entire Section. P6 and P7 now combined into one.
P.9		<p>Now P.8</p> <p>Updated manual references to the most current version.</p>	Clarification
5.2.9	-	Auxiliary Lane warrants	Consistent with other local and regional standards.
Ch.9	-	Removal of entire Chapter	Removed to prevent any conflict with the Administrative Procedures Act

Please Note: Due to the size of the final regulation, it is not being published here. The following links to the final regulation are provided below:

Preface (<http://regulations.delaware.gov/register/may2018/final/Preface.pdf>)

Chapter 5 Design Elements (<http://regulations.delaware.gov/register/may2018/final/Chap5.pdf>)

Chapter 9 Manual Updates (<http://regulations.delaware.gov/register/may2018/finalChap9.pdf>)

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