DelDOT – Development Coordination

Process for LONC / PEC Requests

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

This document reflects the content in Development Coordination Manual (DCM) Chapter 1.5 which defines the process for 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.

* A parcel located within an existing Transportation Improvement District (TID) may qualify for this process, however, the site is still also governed under the executed TID Agreement.

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

*** DelDOT's LONC/PEC approval letter shall be valid for a period of 1 year. If an entrance permit has not been obtained within one year, then the project must be resubmitted for review and approval. No extensions of the approval will be granted.

To be eligible for consideration:

A. 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 may be processed under the LONC/PEC process or the formal Letter of No Objection to Recordation (LONOR) and Entrance Plan Approval (EPA) process.

B. The proposed site must generate a reduced amount of vehicular traffic or generate a net increase in vehicular traffic of less than 500 Average Daily Trips (ADT) or 50 vehicles per 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.

C. If a project generates total site traffic of 200 ADT or greater (including existing and proposed trips), proper Right-of-Way (ROW) dedication must be confirmed to exist or must be provided along a Major Collector or greater roadway functional classification (i.e., Major Collector, Minor Arterial, Principal Arterial or Freeway/Expressways) per DCM 3.2.5.

D. 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.

E. If a project generates total site traffic less than 1,999 ADT and is located within Investment Level I or Investment Level II Areas as defined by the current 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. Any existing pedestrian facilities that are determined to be inadequate must be reconstructed to the current standards by the Applicant. If the project is located in an area with contiguous pedestrian facilities or a nearby pedestrian network, the Applicant will be required to construct the pedestrian facility per DelDOT Standard Construction Details, at the Subdivision Engineer's discretion.

F. Projects that generate total site traffic of 2,000 ADT 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 (LONOR and EPA) and construct any DelDOT-identified pedestrian facilities/upgrades.

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Application and Approval Process:

1. All requests should be received though DelDOT's online portal PDCA (http://pdca.deldot.gov/) or through the Subdivision Mailbox (Subdivision@delaware.gov). For assistance with document uploads, please contact us at 302-760-2266.

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 (e.g., recorded plan or deed). Additional information allows DelDOT to effectively process the application and minimize 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/parcels that are occurring contiguous to a Capital Transportation Program (CTP) Project, DelDOT will check for project conflicts and parcel (ROW and/or easement) dedication requirements with the CTP Project.

5. If proper ROW dedication does not exist and is required for project eligibility or is warranted for a CTP Project, the applicant shall prepare for DelDOT's review and approval, a revised deed or Record Plan – RED, as necessary to dedicate proper ROW along the site frontage. The DelDOT-approved deed or Record Plan – RED shall be recorded with the appropriate recorder of deeds office prior to DelDOT's issuance of a Commercial Entrance Permit.

6. DelDOT will review the project for its eligibility per the LONC requirements and determine any deficiencies per the review items outlined above. Depending on the scope of work needed to correct any identified deficiencies, the project may be processed under either the LONC/PEC process or the formal plan review process (LONOR and EPA). This determination will be made at the discretion of DelDOT's 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.