



- D. WILMAPCO has federal statutory responsibility as the planning coordination entity with regard to federal transportation monies. This responsibility includes the creation and implementation of sub-regional plans. WILMAPCO, has, and continues to, develop mobility investment studies at the sub-regional level in the unincorporated areas of New Castle County. The most recent version of the sub-regional studies is found in their *Regional Transportation Plan, 2030 Update*, adopted March 22, 2007. These sub-regional plans can serve as the basis for Transportation Investment Districts (TIDs).
- E. DelDOT and NCC agree that creating TID's within New Castle County is consistent with a sub-regional approach to planning, programming, and coordinating land use policies, regulations and transportation improvements. This approach will help coordinate the timing and type of transportation improvements necessary to accompany development activity at the sub-regional level.
- F. DelDOT and NCC seek to implement a sub-regional approach to planning, programming, and coordinating land use policies/regulations and transportation improvements by adopting each of WILMAPCO's sub-regional mobility investment studies, as amended, as the basis for designating TIDs.
- G. DelDOT has recognized the need to jointly plan, program, and coordinate land use policies, regulations, and transportation system improvements at the sub-regional level in the *DelDOT Standards and Regulations for Subdivisions Street and State Highway Access* publication, Chapter 2, ("Traffic Impact Studies"). This Chapter provides, *inter alia*, for DelDOT and NCC to collaboratively and cooperatively develop TID's, by virtue of a Memorandum of Agreement.
- H. DelDOT and NCC enter into this agreement in an effort to continue to make improvements to the extent to which the traffic in New Castle County operates safely and at satisfactory levels of service while recognizing that these objectives should be coordinated with the New Castle County Code and Comprehensive Development Plan and the requirements of the State of Delaware Implementation Plan for Air Quality.

### III. AGREEMENT

- I. Specifically DelDOT recognizes and supports the New Castle County Code and Comprehensive Development Plan as they apply to traffic impact and traffic analysis as follows:
  - a) The types of development subject to a traffic impact analysis shall include major land development and rezonings (collectively "Development") as defined by the New Castle County Code.
  - b) To the extent that a Traffic Impact Study ("TIS") is required based on Level of Service ("LOS") factors of the development's nearby roadway segments

and intersections, DelDOT agrees to accept the LOS standards set forth in *New Castle County Code*, Chapter 40, Section 40.11.210, as amended (a copy of this section is attached hereto). These standards recognize DelDOT's Transportation Level of Service (LOS) distinctions drawn between developed, developing or planned development areas and rural areas while also taking into account available sewer service and capacity.

- c) To the extent that a TIS is required based on a vehicle per day ("vpd") or vehicle per hour ("vph") standard, DelDOT agrees to require a TIS as follows:
  - i) Any development that will produce more than two thousand (2,000) vehicles per day ("vpd") or more than two hundred (200) vehicles per hour ("vph") shall be required to complete a TIS except:
    - (1) Developments located in a Transportation Improvement District ("TID") as defined in the DelDOT Standards and Regulations for Subdivision Streets and State Highway Access provided that the proposed development is in keeping with the type and intensity of development anticipated by the Sub-regional Plan that is the basis for the TID.
  - ii) Any development that will produce more than four hundred (400) vpd but less than two thousand (2,000) vpd or more than fifty (50) vph but less than two hundred (200) vph shall be required to produce a TIS except:
    - (1) Developments located in TID provided that the proposed development is in keeping with the type and intensity of development anticipated by the Sub-regional Plan that is the basis for the TID. , Or
    - (2) Developments (including, but not limited to, redevelopment, work force housing, economic development, etc.) where the New Castle County Code dictates a lesser standard or exemption.
  - iii) In order to qualify for exception II (E)(c)(ii)(2) above, the applicant shall agree, via written agreement to include NCCO and DelDOT, to contribute funds equal to the amount provided for in *DelDOT Standards and Regulations for Subdivision Streets and State Highway Access*, Chapter 2, Section 2.3.2 as amended pending Legislative authorization. The applicant also understands that payment of an Area-wide Study Fee will not exempt it from funding and/or construction of its pro rata share of off-site improvements as identified in a Sub-regional study that has been adopted by NCCO and DelDOT through the WILMAPCO process.

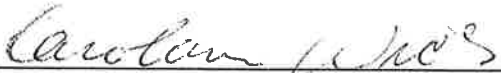
### III. BASIS

- A. This agreement has been developed by mutual cooperation and consent between DelDOT and NCC.

B. Nothing in this Agreement relates to or affects any authorities available to either agency except for those explicitly stated. Both parties reserve all rights under any other applicable laws or regulations.

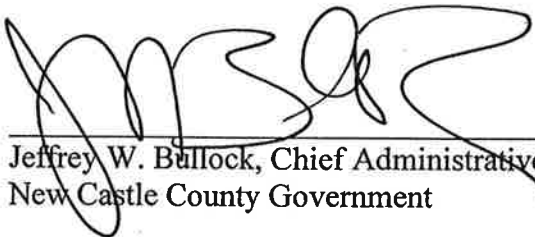
C. The effective date of this agreement shall be March 31, 2008.

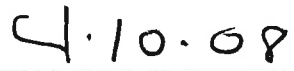
For the Delaware Department of Transportation:

  
\_\_\_\_\_  
Carolann Wicks, Secretary  
Delaware Department of Transportation


  
\_\_\_\_\_  
Date

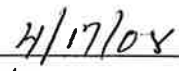
For the New Castle County Government:

  
\_\_\_\_\_  
Jeffrey W. Bullock, Chief Administrative Officer  
New Castle County Government

  
\_\_\_\_\_  
Date

ATTEST

  
\_\_\_\_\_  
Tigist Zegeye  
WILMAPCO Executive Director

  
\_\_\_\_\_  
Date

## **SECTION 40.11.210 LEVEL OF SERVICE STANDARDS**

**A. North of the C & D Canal.** The minimum acceptable peak hour level of service to be achieved and maintained on all roadway segments and intersections within the area of influence of the proposal and located north of the C&D Canal shall be as follows.

1. **Sewer service areas.** Level of service D within any publicly sewer area, except that for roadway segments and intersections located within an existing developed area or designated infill area operating at an existing level of service E, the minimum acceptable peak hour level of service shall be E, provided that level of service D will be attained through transportation and/or transit projects currently under construction or for which contracts for construction have been awarded by DeIDOT to ensure completion; or,
2. **Outside sewer service areas.** The existing level of service with no roadway segments and intersections exceeding level of service C.

**B. South of the C & D Canal.** The minimum acceptable peak hour level of service to be achieved and maintained on all roadway segments and intersections within the area of influence of the proposal and located south of the C&D Canal shall be as follows.

1. **Sewer service areas.** Level of service D within any identified sewer service area, except that for roadway segments and intersections located within a sewer area operating at an existing level of service E, the minimum acceptable peak hour level of service shall be E, provided that level of service D will be attained through transportation and/or transit projects currently under construction or for which contracts for construction have been awarded by DeIDOT to ensure completion; or,
2. **Outside sewer service areas.** The existing level of service with no roadway segments or intersection exceeding level of service C.
  - a. **Exception.** Applicants of subdivision plans being processed pursuant to Former Code provisions that have opted for three-quarter (3/4) acre lots pursuant to Section 40.22.360 (A)(2)(b), may meet the level of service standards applicable to the Sewer Service Area south of the C&D Canal as provided for in Section 40.11.210(B)(1).

*(Amended June 13, 2000 by Ordinance 00-024; amended March 12, 2002 by Ordinance 01-112)*