

Livable Delaware Activity

Activity/Policy/Program name: Congestion Standards – Levels of Service

Contact Person: T. William Brockenbrough

Purpose: Level of Service (LOS) is a way of telling how bad traffic congestion is. LOS A means there is no traffic congestion and LOS F means that traffic congestion is very bad. LOS is used to help governments decide whether a new development will make traffic congestion worse, and to help communities decide whether they can support the development.

Enabling Laws: 29 Del.C. § 2661, § 4961, and § 6961

Policies: Interim Revisions to Section 15 of “Rules and Regulations for Subdivision Streets” (Policy Implement Number S-14) contains the Department’s current regulations with regard to traffic impact studies.

History: In 1988, the Quality of Life Act required each county to reach an agreement with DelDOT “to provide a procedure for analysis by DelDOT of the effects on traffic of each rezoning application.” The three resulting agreements created three parallel but unique processes. In all of them, level of service D is defined as the minimum acceptable level of service. In the Kent and Sussex agreements, there was a provision for agreement on different levels of service in specific areas. In the New Castle agreement there was no such flexibility.

Significantly, the agreements did not obligate the counties to do or not do anything because of a level of service worse than D. Subsequently, New Castle County has adopted level of service standards for the approval of rezoning and land development plans. Kent and Sussex have not adopted such standards.

Level of Service in this context is a measure of how well a transportation facility operates on a scale of A through F, A being the best and F being the worst. The standard reference for determining level of service is the “Highway Capacity Manual,” published by the Transportation Research Board, which is part of the National Science Foundation.

Current Situation: In Kent and Sussex counties, level of service D remains the standard for when a highway facility is considered adequate. Level of service generally has not been an issue in the municipalities. Where there has been a need to discuss it, we have used level of service D as a standard there, as well.

In New Castle County, the current standards for level of service are as follows. In sewered areas, if a Traffic Impact Study is required, the intersections studied must all be shown to operate at level of service D or better currently and through the year that the proposed development is expected to be completed. An exception is that an existing level of service E is acceptable if improvements presently under contract will result in level of service D. In unsewered areas, their standard is the existing level of service but no worse than C.

There are at least three aspects of the situation that should be changed:

- County and local government standards for traffic congestion – New Castle County is the only jurisdiction in Delaware to regulate land use on the basis of traffic congestion. They do so using the level of service (LOS) during peak traffic hours. They determine those levels of service through Traffic Impact Studies that they require of applicants and that we review for them.

In reviewing Traffic Impact Studies, DelDOT typically refers to LOS D as the minimum desirable condition. Consequently, Kent and Sussex, and sometimes the municipalities, then look to DelDOT to stop a development when that condition does not occur. However, DelDOT has no authority to regulate land use based on LOS or any other measure of congestion. Until they pass the necessary ordinances neither do any local governments other than New Castle County. LOS standards, in the form of adequate public facilities ordinances, are essential tools that county and local governments need to manage the traffic congestion frequently associated with land development.

- Different standards for different areas - New Castle County's standards for peak hour LOS vary, depending on whether an area is sewered or not, but their lowest standard is LOS D. This practice is consistent with the "Highway Capacity Manual," which defines LOS D as being the lower limit of what a motorist would find acceptable. LOS D is not practically achievable during urban peak hours and it is not likely to be considered desirable by residents of rural areas.

Moreover, having a single standard of D promotes both congestion and sprawl. When levels of service begin to reach E in an area where the standard is D, developers move on to areas where the levels of service are better and develop land there until levels of service begin to reach E there too. Such a pattern is inconsistent with the "Strategies for State Policies and Spending" and with sound land use and transportation planning. Breaking this pattern is essential to the Livable Delaware goals of encouraging redevelopment and improving the livability of existing communities and urban areas. Therefore, it would be reasonable for New Castle County to develop more varied standards for different parts of the county and it would be only practical for other jurisdictions to adopt different standards for different areas.

Ideally, all three counties and the municipalities would vary their standards in the same way and that way would be consistent with the "Strategies for State Policies and Spending." For example, E might be the standard for Community Areas, D the standard for Developing Areas, C the standard for Secondary Developing Areas and B the standard for Rural Areas. It is more important, however, for the county and local governments to adopt their own policies than it is for them to adopt identical policies or ones based on the Strategies. Any rational system to which they will adhere is better than no system at all.

- Treatment of seasonally congested areas – Our practice with regard to the resort areas has been to require that summer conditions, usually midday on Saturdays, be studied. This practice has had two primary effects. Development projects in the resort areas, or at least the studies for those projects, frequently are delayed for several months until summer traffic can be counted. More importantly, we learn less about the effects of development in these areas because we are studying a condition in which we know the outcome: most

of the intersections are over capacity to start with and there is little that can be done to improve them.

Having all counties and municipalities adopt level of service standards will help to direct investment and future development to existing communities, urban concentrations, and growth areas (Goal #1). Presently, developers tend to avoid the jurisdictions that have such standards in favor of jurisdictions that do not. Having standards that vary according to location, to allow more congestion in urban areas and less in rural areas, will encourage redevelopment (Goal #6) and protect farmlands (Goal #2).

It is important to note that the use of the LOS (level of service) standard can exacerbate sprawl. To that end it is important that the standard in rural and preservation areas be as high as possible, while in areas being targeted for growth, the standard should be the lowest acceptable, or preferably, no standard at all. In the growth areas, however, it is very important that services and facilities be put in place to support the desired growth, irrespective of whether or not a standard exists.

Revisions/Actions Needed: An educational effort is needed, initially, to explain to county and local elected officials their role and responsibility in managing congestion through managing land use. Then the State needs to step back and act as a technical resource. Administratively, it would be better if jurisdictions had the same standards for similar areas, and the State should encourage that, but the standards must originate locally to be accepted locally.

Sussex County, with its seasonal fluctuations in traffic, represents a special case. We need them to define what traffic conditions they want to address in what locations. In the resort areas and on the roads leading to the resorts, summer weekends have considerably more traffic than summer weekdays. Summer weekdays, in turn, are busier than weekdays or weekends the rest of the year. Consequently, both the land use patterns and the transportation network needed to support traffic on summer weekends are very different from those needed to support traffic on winter weekdays.

Resources needed to create/revise: To avoid the impression of overly influencing the local decision-making process, the State needs to bring in a neutral party to educate and then to facilitate. If the Delaware Transportation Institute is used, it may be possible to do something for under \$100,000, but estimate \$300,000 on the premise that a more sustained effort and more expensive expertise will be needed. Estimate staff time to manage the effort and provide technical support at 50 to 100 person-hours.

Sussex will probably need more time than New Castle or Kent because of the seasonal issue. Estimate 30 person-hours of additional staff time.

Process for Creation/Revision: Through the University of Delaware's Institute for Public Administration or the Office of State Planning Coordination, host a conference/training session on this subject. Bring in policy experts and technical experts, at a minimum from the University of Delaware's Department of Civil Engineering, to provide guidance. Offer

them free technical and policy-drafting support through the University in this regard for the next 1 to 2 years. DelDOT should be minimally represented at the conference and available as requested thereafter

Schedule:

09/02/01 - Start drafting a request for proposal for the service to be provided.

09/16/01 - Request a proposal from University of Delaware's Institute for Public Administration.

10/31/01 - Conclude an agreement with the Institute for Public Administration to do the work.

11/30/01 - Host conference/training session; begin providing technical and policy-drafting support to county and local governments on this issue.

12/31/02 - Conclude efforts at technical and policy-drafting support.

Measures to Guide Progress: The measure of progress will be whether the counties and municipalities adopt level of service standards that vary with location with respect to the statewide strategies for investment map.

Interactions or Inter-relationships with Other Agencies or Units of Government: Interaction with the counties and municipalities is implicit in this activity in that we want them to change their codes. However, because we want them to take the active role in this regard, our role will be primarily one of technical support. The impetus for action on their part should come from the Office of State Planning Coordination.