



SPONSOR: Rep. Osienski & Sen. Hansen
Reps. Baumbach, Bolden, Chukwuocha, Cooke, Gray,
K. Johnson, Longhurst, Minor-Brown, Phillips, D. Short;
Sens. Gay, Hoffner, Huxtable, Lockman, Sokola,
Townsend

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 247

AN ACT TO AMEND TITLES 9 AND 17 OF THE DELAWARE CODE RELATING TO TRAFFIC SAFETY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 535, Title 9 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 535. Suburban community streets and roads.

4 (a) All roads and streets situated in unincorporated suburban communities throughout the State shall henceforth be
5 constructed or reconstructed in accordance with the requirements of Title 17 and any rules, regulations or standards adopted
6 pursuant thereto, except as otherwise provided in this chapter.

7 (b) If a street or road or portion thereof in an unincorporated suburban community has had a pattern of fatal
8 crashes related to the speeds of the vehicles involved in those crashes, county government may request that the Department
9 of Transportation officially designate that street or road or portion thereof as a low-speed local street or local road in
10 accordance with § 135A of Title 17.

11 (c) Whenever the owner of a property that abuts a controlled-access facility, designated by the Department of
12 Transportation with the consent of county government, makes an application for any kind of permit to the county, the
13 county shall request written consent from the owner to permit vehicle access to and from any adjacent property which has
14 either an existing vehicle entrance onto or an exit from the controlled-access facility if such written permission has not
15 previously been made. The county shall withhold the issuance of building or occupancy permits for any structure on a
16 property abutting a controlled-access facility if necessary to obtain consent for vehicle access to and from adjacent
17 properties. The county shall also immediately notify the Department of Transportation whenever the owner of a property
18 that abuts a controlled-access facility consents to vehicle access to and from an adjacent property.

19 Section 2. Amend Subchapter III, Chapter 1, Title 17 of the Delaware Code by making deletions as shown by
20 strike through and insertions as shown by underline as follows:

21 § 135A. Authority to construct low-speed local streets and local roads.

(a) The Department may plan, designate, construct, operate and maintain low-speed local streets or roads wherever there is particular danger to the traveling public of crashes caused by excessive vehicle speed, by narrowing travel lanes or edge lane striping, or by constructing raised medians, pinch points, chicanes, speed humps, speed tables, roundabouts, traffic circles or diverters, or by reducing the clear zone with appropriate landscaping, or by altering the operation of signals, or by other means found appropriate by the Department.

(b) The Department shall design and operate such designated low-speed streets or roads such that they have no more than two through-travel lanes for motor vehicles and with a goal that the free flowing eighty-fifth percentile motor vehicle traffic speeds are 25 miles per hour or less in municipalities and 35 miles per hour or less in unincorporated areas. Such designated local streets and local roads shall be especially designed for local traffic to safely access abutting properties at low speed. In addition, the Department shall develop and implement design standards for low-speed streets or roads as necessary to meet the goals of this section, including traffic calming, diversion of motor vehicle through traffic, and protection of vulnerable users.

(c) The Department shall publish annually county specific maps and lists identifying locations of fatal and serious injury crashes in all emphasis areas included in the Strategic Highway Safety Plan.

(d) Whenever a county or municipal government requests that a road or street under the control of the Department in their jurisdiction be officially designated as a low-speed local street or local road, the Department shall accept that request for designation whenever there exists a significant pattern of fatal crashes related to the speeds of vehicles on the street or road in question and the road is not a controlled-access facility.

Section 3. Amend § 146, Title 17 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 146. Access to state-maintained highways.

(e) The Department shall not issue a permit for a vehicle entrance onto or a vehicle exit from an officially designated controlled-access facility, in accordance with subchapter V of this chapter, unless the issuance of this permit includes the closure of at least one other vehicle entrance or exit to or from the facility or the property has no other vehicle entrance.

~~(e)~~ (f) The Justice of the Peace Courts shall have jurisdiction over violations of subsections (b), (c), and (d) of this section.

~~(f)~~ (g) In addition to whatever legal or equitable remedies are available, the Department may install barricades across or remove any entrance or exit constructed, opened, reconstructed, maintained, modified or used in violation of this section and the standards or regulations adopted pursuant thereto, at the expense of the property owner.

Section 4. Amend § 147, Title 17 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 147. Authority to establish standards for traffic-control devices.

(a) The Department shall adopt a uniform standard for each type of traffic-control device to be used on all highways open to the public in this State. Such standard shall correlate with, and so far as practical, conform to the standards used in other ~~states~~. states, except that the Department is authorized to adopt different standards and types of devices if the Department determines that, based on engineering judgment, different standards or types of devices are needed in order to reduce fatal crashes.

(b) The standards shall be recorded in a manual to be known as the Delaware Manual on Uniform Traffic-Control Devices for Streets and Highways. The manual shall have separate chapters setting individual standards for signs, signals and markings.

(c) Any traffic-control device erected in violation of the manual, except experimental devices erected by the Department, shall be unofficial, unauthorized and unenforceable.

Section 5. Amend § 172, Title 17 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 172. Definition of a controlled-access facility.

For the purposes of this subchapter, a controlled-access facility is defined as a highway ~~or street~~ especially designed for through motor vehicle traffic, and over, from or to which owners or occupants of abutting land or other persons have no right or easement or only a controlled right or easement of access, light, air or view by reason of the fact that their property abuts upon such controlled-access facility or for any other reason. Such highways ~~or streets~~ may be freeways open to use by all customary forms of ~~street and~~ highway traffic, or they may be parkways from which trucks, buses and other commercial vehicles shall be ~~excluded~~. excluded, or they may be multi-modal corridors where the absence or restriction of turning vehicle movements enables safer movement of people and goods via multiple modes of travel. A full controlled-access facility refers to highways where the Department intends to eliminate intersections with existing state roads by grade separation in addition to the restriction of vehicle entrances and exits connecting abutting land. A partial controlled-access facility refers to highways where the Department intends to restrict vehicle entrances and exits connecting abutting land but does not intend to create grade-separated intersections with existing state roads or city or town streets.

Section 6. Amend § 176, Title 17 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 176. New and existing facilities; grade-crossing eliminations.

82 The Department may designate and establish controlled-access highways as new and additional facilities or may
83 designate and establish an existing ~~street or~~ highway as ~~included within~~ a controlled-access facility. The State or any of its
84 subdivisions shall have authority to provide for the elimination of intersections at grade of full controlled-access facilities
85 with existing state ~~and county~~ roads and ~~city or town~~ streets by grade separation or service road or by closing off such roads
86 and streets at the right-of-way boundary line of such controlled-access facility; and after the establishment of any full
87 controlled-access facility, no highway or street which is not part of said facility shall intersect the same at grade, except as a
88 temporary expedient, for which a separate resolution for each individual location shall be approved by a duly executed
89 resolution of the Department. No city or town street, ~~county or~~ state highway, or other public way shall be opened into or
90 connected with any such full controlled-access facility without the consent and previous approval of the ~~agency having~~
91 ~~jurisdiction over such controlled-access facility.~~ Department. Such consent and approval shall be given only if the public
92 interest shall be served thereby.

93 Section 7. Amend Subchapter V, Chapter 1, Title 17 of the Delaware Code by making deletions as shown by
94 strike through and insertions as shown by underline as follows:

95 § 181. Highway safety.

96 (a) The Department shall designate and establish a partial or full controlled-access facility in any unincorporated
97 area where there is particular danger to the traveling public of fatal crashes related to the presence of highway entrances or
98 exits, except that no such controlled-access facility shall be designated within any previously designated Complete
99 Community Enterprise District, pursuant to Chapter 21 of Title 2.

100 (b) The Department shall seek the consent of county council in whose jurisdiction the controlled-access facility
101 will be located for the designation of the facility in order to secure the cooperation of county government in consolidating
102 highway entrances and exits.

103 (c) If an abutting property to a designated controlled-access facility has both an existing vehicle entrance onto or
104 an exit from the facility and one or more alternative means of vehicle access from roads or streets that are not controlled-
105 access or from an adjacent property, the Department may close all vehicle entrances and exits between the facility and the
106 property in question.

SYNOPSIS

There were 139 traffic fatalities in Delaware in 2021, the highest number of traffic fatalities since 2006. Senate Concurrent Resolution 94 of the 151st Delaware General Assembly set a goal of no more than 100 traffic fatalities per year and tasked state agencies to meet that goal by 2025. Instead of moving towards meeting the General Assembly's goal, however, traffic fatalities increased to 165 in 2022, deepening the crisis on Delaware's roads. To reverse this situation, the "Everyone Gets Home Act" makes changes to the Delaware Code to sharpen the Department of Transportation's focus on the three most common types of fatal crashes: intersection (including driveway); roadway departure; and mid-block pedestrian.

This Act clarifies the Department's authority to designate controlled-access facilities as a safety countermeasure for both intersection and midblock pedestrian crashes and, when the facility designation has received the consent of county government, requires counties to use their own authority to assist the Department in consolidating vehicle entrances and exits to and from the facility. In addition, this Act authorizes the Department to designate roadways as low-speed streets and low-speed local roads in order to address fatal roadway departure crashes related to vehicle speed, and permits counties to request such designations to meet their own traffic safety goals. Finally, this Act expands the Department's discretion to deploy new traffic-control devices in order to reduce fatal crashes.