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

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE SUBSTITUTE NO. 1
FOR
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:

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

§ 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 to improve safety in accordance with a Safe System Approach by implementing proven safety countermeasures, including the following:

(1) Implementing roadway reconfigurations.

(2) Narrowing travel lanes or edge line striping.

(3) Constructing raised medians, pinch points, chicanes, speed humps, speed tables, roundabouts, traffic circles, or diverters.

(4) Implementing corridor access management.

(5) Reducing clear zone conflicts.

(6) Altering the operation of signals.

(7) Other means found appropriate by the Department.

(b) The Department shall design such designated low-speed streets or roads so that they have no more than 2 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 in accordance with a Safe System Approach to meet the goals of this section, including traffic calming, diversion of motor vehicle through

traffic, and the protection of vulnerable users to reduce or eliminate safety risks on designated low-speed local streets and roads.

(c) The Department shall publish annually county specific maps and lists identifying locations of fatal and serious injury crashes in all primary 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 may accept the request for designation if the local law-enforcement agency with jurisdiction over the road approves such designation, so long as the road is not a controlled-access facility.

(e) For purposes of this section, "Safe System Approach" means a holistic and comprehensive approach to transportation safety adopted by the United States Department of Transportation. A Safe System Approach works by building and reinforcing multiple layers of protection into the transportation system to both prevent crashes from happening and minimize the harm caused to those involved when crashes do occur.

Section 2. 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.

(h) Along existing highways, the Department may exercise its authority under § 137 of this title to acquire property rights for consolidating commercial entrances or to create new commercial interconnections, when the Department determines such consolidation or interconnection would likely improve safety in accordance with a Safe System Approach, as defined in § 135A of this title. Private properties made non-conforming are exempt from variance requirements under any county or local zoning code.

Section 3. 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 or application 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 or applications if the Department determines that, based on engineering judgment, different standards or types of devices or applications are needed in order to reduce fatal or serious injury crashes or improve safety in accordance with a Safe System Approach, as defined under § 135A of this title. For purposes of this subsection, "standards" includes publications, policies, guidelines, or memoranda.

(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 4. 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.~~ xcluded, 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.

Section 5. 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.

The Department may designate and establish controlled-access highways as new and additional facilities or may designate and establish an existing ~~street or~~ highway as ~~included within~~ a controlled-access facility. The State or any of its

subdivisions shall have authority to provide for the elimination of intersections at grade of controlled-access facilities with existing state ~~and county~~ roads ~~and city or town streets~~ by grade separation or service road or by closing off such roads and streets at the right-of-way boundary line of such controlled-access facility; and after the establishment of any controlled-access facility, no highway or street which is not part of said facility shall intersect the same at grade, except as a temporary expedient, for which a separate resolution for each individual location shall be approved by a duly executed resolution of the Department. No city or town street, ~~county or~~ state highway, or other public way shall be opened into or connected with any such controlled-access facility without the consent and previous approval of the ~~agency having jurisdiction over such controlled-access facility.~~ Department. Such consent and approval shall be given only if the public interest shall be served thereby.

Ssynopsis

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.

This Substitute Bill differs from HB 247 in that it does the following:

(1) Clarifies that designated low-speed local streets and roads must be designed and operated with a Safe System Approach, as adopted by the United States Department of Transportation.

(2) Includes "implementing corridor access management" as a safety countermeasure on designated low-speed local streets or roads.

(3) Requires the Department to receive approval from the local law-enforcement agency with jurisdiction over a road before the Department designates such road a low-speed local street or road pursuant to a county or municipal government request.

(4) Clarifies that the Department has discretion to adopt various standards for traffic-control devices or applications, even if they are different from uniform state standards, so long as they reduce fatal or serious injuries or are in accordance with a Safe System Approach.

(5) Authorizes the Department to acquire property rights along highways to consolidate commercial entrances or to create new commercial interconnections when the Department determines such consolidation or interconnection would likely improve safety.

(6) Removes Section 1 from the bill, which required counties to withhold permits for buildings abutting a controlled-access facility if necessary to obtain consent for vehicle access to and from adjacent properties.

(7) Removes language that defined "full" and "partial" controlled-access facilities, and removes these terms from the rest of the bill.

(8) Removes Section 7 of the bill that authorized the Department to designate and establish partial or full controlled-access facilities in any unincorporated area where there is a high incidence of fatal crashes related to the presence of highway entrances or exits.

(9) Makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.