



**Members Present**

Nicole Majeski	Deputy Secretary
C.R. McLeod	Department of State
Jana Simpler	OHS
John Sisson	WILMAPCO
Marsha Carson	Department of State
John McNeal	DelDOT
Rich Vetter	Dover/Kent MPO
Tina Shockley	DOE
Lloyd Schmitz	Citizen Representative
Janelle Cornwell	Sussex County
Susan Moerschel	DNREC
Jonathan Kirch	AHA/ASA
Richard Killingsworth	DHSS

**DelDOT Support Staff**

Sarah Coakley	DelDOT
Drew Boyce	DelDOT
Kate Smagala	McCormick Taylor

**Members Absent**

Jim Lardear	AAA
Barbara Monaghan	DDDC
Kyle Hodges	SCPD
Paul Lakeman	Delaware Healthcare Association/Bayhealth
William Payne	Citizen Representative

**Guests**

James Wilson	Bike DE
Jennifer Pinkerton	DelDOT
Tom Nickel	DelDOT
Mila Robinson	DelDOT
Paul Moser	DelDOT
Linda Osiecki	DelDOT
Rob McCleary	DelDOT
Richard Klepner	OHS
Tigist Zegeye	WILMAPCO
John Hindman	DOJ
Matthew Cox	DSP
Darlene Cole	DHSS
Brad Herb	JMT
Philip Horsey	Pennoni



**I. CALL TO ORDER**

The meeting was called to order at 10:07 am by Co-chair Jonathan Kirch.

**II. INTRODUCTIONS**

All members, staff, and guests introduced themselves.

**III. MEETING MINUTES REVIEW (3/22/2016)**

Ms. Sarah Coakley said the only updates to these meeting minutes included more explanation of bicycling on sidewalks within the City of Newark, including an appendix with excerpts from the City's Code of Ordinances. Mr. Kirch asked Council if there were any additional comments on the March meeting minutes. Mr. Lloyd Schmitz made a motion to approve the meeting minutes. Ms. Marsha Carson seconded the motion. The meeting minutes were approved by all council members in attendance, without changes.

**IV. OLD BUSINESS**

**Subcommittee Updates**

Education and Enforcement

Mr. Richard Klepner provided a recap of the subcommittee's first meeting, held on April 25<sup>th</sup>. The subcommittee discussed the gaps between education and enforcement, mostly focusing on the education side during this first meeting due to attendance of members. A few ideas were discussed such as ADA and how to reach out to different groups of pedestrians in the state, specifically groups which seem to be involved in the trend of fatalities, such as young people and middle age males. After reviewing similar data, the subcommittee members found common areas around Delaware roadways where trends in fatalities occur. These ideas were discussed including ways to educate pedestrians and how to create a type of "toolkit" to do so. The subcommittee also noticed that motorists aren't very warned on how to interact with pedestrians. At this time, the subcommittee believes they have identified different areas of education needs. The subcommittee is looking forward to their next meeting to determine ways to enforce the discussed education methods.

Lloyd Schmitz made a recommendation that the subcommittees meet the morning of the Pedestrian Council's monthly meeting so that the subcommittees have something to report at the meeting.

Legislative and Policy

Mr. James Wilson provided a recap of the subcommittee's first meeting, held in April. He provided a one page summary handout, describing the three issues identified by the subcommittee. Mr. Wilson explained the benefits of using the elaborate research from the Pedestrian Bicycle Safety Group, to identify these three issues. Mr. Wilson then elaborated on the discussion of these three topics:

1. The State's Bus Stop Policy

Mr. James Wilson explained that the Pedestrian Bicycle Safety Group found a correlation with data related to bus stops (pedestrians traveling to/from bus stops) and the close proximity of pedestrian involved crashes. He stated that the policy has not been revised since 2000 and there has been a subcommittee request to Adam Weiser (and other DelDOT Traffic representatives), as well as, Bill Thatcher (DTC) to identify where there may be opportunities for revisions that are motivated by pedestrians. The subcommittee wants to look into helping progress these efforts.

Mr. Lloyd Schmitz said he has a meeting set up with Jeff Gropp (DTC) about midblock



crossings, bus stops, and where they should be located, etc. this Thursday, April 28th. Mr. Schmitz said he will forward his contact to this subcommittee chair James Wilson. Mr. Wilson said he believes Bill Thatcher (DTC) would be the main contact person because he is also a subcommittee member. Ms. Linda Osiecki suggested both planning and construction section at DTC be involved in the conversation. Ms. Jana Simpler asked if Adam Weiser and Bill Thatcher are aware of this topic of conversation. Mr. James Wilson said yes they are members of this subcommittee and they both committed to take the document and review it to provide feedback for next subcommittee meeting.

## 2. Pedestrian crash reporting

Mr. James Wilson said the subcommittee discussed the possibility of determining what type of information is able to be put into vehicular crash reports. Specifically, where crashes involving pedestrians occur. It appears the data is unable to identify the pedestrians' origin and destination. The subcommittee believes it would be beneficial to relay the understanding of how important this information can be in crash reports. The Legislative and Policy subcommittee would like to make this relevant. Mr. Wilson asked Lieutenant Matthew Cox if anyone from the Delaware State Police (DSP) would be willing to be involved. Lt. Cox agreed and explained to the attendees the elaborate computer based crash reports containing multiple drop-down boxes for the DSP to fill out. Mr. James Wilson said the Council could benefit from seeing what type of pedestrian information is acquired from these reports or how more information could be incorporated. Lt. Cox explained the great deal of pushback received whenever anything is added to the report. Attendees discussed the importance of knowing the origin and destination of pedestrians. Mr. Wilson asked if the subcommittee could look at the DelJIS form to see if perhaps something could be taken out to make room for additional pedestrian questions. Mr. Kirch stated that how the council frames the request can influence the response. Lt. Cox asked the council to consider if the comment field is adequate or if a drop-down box is preferable. Ms. Jana Simpler asked if this information is currently not being recorded as part of the crash reports. Lt. Cox said the information is not collected in a box that can be tabulated in a search, but sometimes it is mentioned in the narrative, although not consistently. The DSP would be open to evaluating the current reports with the Council's suggestions. The Traffic Records Coordinating Committee is cataloging the information on the form. This could be an opportunity for council feedback. Mr. Wilson stated he will coordinate with Lt. Cox. Mr. Jonathan Kirch said it is important that DSP be involved and aware of what the Council is trying to do. Mr. Kirch asked Lt. Cox if he believes it is important for DSP to review and have some feedback. Lt. Cox agreed.

## 3. Pedestrian rules of the road

Mr. Wilson led the conversation into the next topic identified by the subcommittee, because the subcommittee also believes no one would be more relevant to have input on the "pedestrian rules of the road" other than DSP. Lt. Matthew Cox said it is important for DSP to be involved and although DSP can provide training and support to enforce laws such as pedestrian rules of the road, it is still difficult to force these training efforts upon other agencies (such as county, city, etc.) to do the same.

Attendees discussed the Title 21 draft legislation, which was a topic presented by Ms. Amy Wilburn at the March Council meeting. Ms. Jana Simpler said the writing in the legislation may not actually be geared towards reducing crashes. Ms. Simpler said there was a lot of effort that went into rewriting the draft legislation but is not entirely convinced the updates would make a difference in regards to reducing crashes. Mr. James Wilson said these efforts would really benefit from the input of DSP and that the Council may not necessarily want to be backing the legislation changes if there is not buy-in from the people who would be enforcing it. Mr. John McNeal



explained that not all laws are enforced and the Council shouldn't be sending something out by assuming we need the full approval of any one group. Mr. Jonathan Kirch suggested the Council speak cohesively and the Council draft a reaction that we send together. Ms. Jana Simpler said that Senator David P. Sokola (District 8) requested the Pedestrian Council's opinion. Ms. Susan Moerschel asked if the Title 21 draft legislation is a true draft or a discussion draft, explaining true draft to mean it could very seriously go into legislation in the near future or discussion draft to mean at its current state it is less serious and just in discussion. Ms. Sarah Coakley said a letter to Senator Sokola will be an item on the agenda to be voted on at the next meeting. The Legislative and Policy subcommittee will provide the draft letter. Mr. John McNeal said the Council should provide feedback and send as a group. Council members agreed that it would be better to come up with a cohesive voice then provide opposing opinions sent separately. Mr. Richard Klepner said the Education and Enforcement subcommittee can look at the overview of enforcing the draft legislation, but it is difficult to create programs if new laws are coming. Mr. Jonathan Kirch stated that if there is problem with carrying out the laws it could be brought up in the future; it is not necessarily the Council's responsibility to foresee those issues. John Hindman, DAG, advised Council that the finalizing of a written response may not be done via email, but needs to be done and voted on at a public Council meeting. Mr. Kirch asked the Legislative and Policy subcommittee to come up with some draft language. Ms. Coakley stated the topic will be a specific item on the May agenda, for discussion and possibly a vote.

#### Built Environment

Mr. John Sisson provided a recap of the subcommittee's first meeting, held on April 5<sup>th</sup>. He said the subcommittee went over the four (4) goals provided at the last meeting. The subcommittee also discussed what was missing and identified one area they want to evaluate further; maintenance of facilities. This discussion would also be geared towards what materials are used, how facilities are built, and potentially bringing in various people to present this information to the Council, such as DelDOT Utilities (where utility poles are placed, how locations of red light cameras are determined, etc.), or Right-of-Way to get a better understanding of how farm land preservation is handled and maintaining the ability to put pedestrian facilities within the right of way. Attendees discussed the Right-of-Way acquisition process, specifically, how the state would not want to acquire Right-of-Way twice, but there could be a situation where it might not be DelDOT themselves buying the land, but maybe the county the first time and then the state. Mr. John Sisson said this topic probably belongs in the Legislative and Policy subcommittee. Mr. Drew Boyce said DelDOT requires pedestrian facilities to be built or the Right-of-Way to be dedicated for them to be built in the future, through DelDOT's subdivision process. Mr. Rob McCleary explained when property is bought; the specific rights should be identified. The rights are dependent upon how the property is bought, for example, if the purpose is to put sidewalks within the acquired Right-of-Way, it may need to be two different types of acquisition. Ms. Susan Moerschel said these types of efforts should be looked at from a long term perspective, where people live versus where they would be traveling to, and focus on investment level 1 and 2 areas of the Strategies for State Policies and Spending. Ms. Moerschel said focusing on policy where you have public lands is not simple because there are multiple factors, such as conversations with agricultural departments; therefore, it may vary for what can or cannot be built/utilized without acquisitions involved.

#### Council Budget

The meeting item was conducted out of order of the posted agenda to accommodate speaker and council member scheduling.



## Walkable Bikeable Summit

The Council opened the floor to Mr. James Wilson (Executive Director of Bike Delaware) to provide a reminder about the upcoming “Walkable Bikeable Delaware Summit” to be held on May 5<sup>th</sup> at the Legislative Green across from Legislative Hall in Dover. Mr. Wilson gave a list of presentations and presenters who would be at the event. He reminded everyone registration closes this week, register here: <http://www.bikedelaware.org/summit/>.

## V. NEW BUSINESS

### **Sidewalk responsibility and maintenance (Rob McCleary, PE, DelDOT Chief Engineer).**

Mr. Rob McCleary introduced his presentation by explaining DelDOT’s desire to create a better understanding of what is owned by and required for the state to maintain from a sidewalk perspective. He explained the answers are not as straight forward as one would think. Mr. McCleary stated findings show that the ownership and maintenance obligations are fragmented. Ms. Susan Moerschel asked the definition of maintenance. Mr. Rob McCleary said, in general, it is the responsibility to maintain a facility in a good state of repair so the facility continues to function as intended. For example, when DelDOT replaces pavement, the department then comes back every few years to evaluate the condition and make a recommendation of how to proceed, such as patching, sealing, mill/overlay, etc. Mr. James Wilson asked Mr. McCleary if the sidewalk maintenance would be less than maintenance needed for the roadway pavement. Mr. Rob McCleary said yes, sidewalks should last longer. There is a 50-70 year lifespan for concrete sidewalk versus a 7-10 year life span for hot mix pavement. Mr. Jonathan Kirch pointed out the other maintenance aspects including vegetation, roots, snow removal, etc. Mr. Rob McCleary said DelDOT has a snow removal plan for sidewalks. Mr. John McNeal discussed the potential for spending a large lump sum on a day of snow removal, when the other days of the year we may not be doing the small maintenance aspects to keep these facilities accessible. Attendees discussed the reasons someone may or may not choose to utilize a sidewalk under different conditions. Mr. Richard Klepner said it would be helpful to know, for example, if a pedestrian got hit in the middle of the road, why they were in the middle of the road and what the sidewalk conditions were, to determine if there was a reason for not utilizing the sidewalk. Mr. Rob McCleary spoke about sidewalk ownership, sidewalk maintenance, permitting and inspection, enforcement of ADA standards, ADA complaint investigation, sidewalk expansion/gap fillings, spending authority, ADA transition plan obligation, and more. Mr. Lloyd Schmitz asked who controls the CTF (Community Transportation Funds). Mr. Rob McCleary stated DelDOT controls the CTF with oversight from the Maintenance Department. He said each legislator gets \$260,000 per year and they decide where to invest it. Mr. Rob McCleary discussed a handout included as part of these meeting minutes, which is a spreadsheet showing questions/answers about various sidewalk ownership and maintenance obligations and links to Delaware Code. Mr. John McNeal asked if Mr. McCleary had any requests for the Council to do in regards to this topic. Mr. McCleary said anything the Council can do to help provide clarity would be great. Mr. John McNeal explained that the upcoming deadline to get the new transition plan approved is September 2016. Mr. Rob McCleary spoke about the subdivisions within unincorporated areas around the state, saying the developer offers the land and then someone has to accept it in order for it to be a transaction. Usually DelDOT accepts responsibility from curb to curb, and then the area from curb with sidewalk/grass may be considered common areas that are conveyed onto the Home Owners Association. There are several different scenarios of ownership and maintenance responsibility around the state, and the upcoming transition plan will help clarify these responsibilities. The transition plan from 2014 was not approved because the inventory in subdivisions was not collected. Ms. Jana Simpler asked Mr.





John McNeal and Mr. Rob McCleary to let the Council know if there is anything that would help them to meet their September deadline.

## **VI. REMAINING OLD BUSINESS**

### **Council Budget**

Ms. Sarah Coakley provided the Council with an update on the Council's Budget. Ms. Coakley stated the funds voted on last meeting in support of the Walkable Bikeable Summit have been taken care of. She stated the funding for consultant (McCormick Taylor) support was approved. Ms. Coakley asked the subcommittees to start thinking about where the Council's funds would also be beneficial and bring these thoughts to future meetings so the budget can be planned further out.

## **VII. NEXT MEETING AGENDA ITEMS**

Council members discussed potential agenda items for next month's meeting. Ms. Sarah Coakley explained the Long Range Transportation Plan update, where Bobbie Geier (Assistant Director for Regional Systems Planning section) is working on this and seeking feedback from the Council. The presentation should last 20-30 minutes. Mr. Drew Boyce explained that these efforts are just kicking off, so at this time, the Long Range Transportation Plan representatives are asking the Council for input on what elements should be studied. There will be a draft of this plan by the end of calendar year, so these efforts are time sensitive. Council members agreed this topic will be discussed at the May meeting. Ms. Sarah Coakley explained that Mr. Jonathan Kirch asked for DelDOT Traffic (Adam Weiser's group) to present the Traffic's Pedestrian Safety Audits to the Council. Council members agreed this topic will be saved for the June meeting (or another future meeting). Ms. Sarah Coakley said the Safe Routes to School presentation could also wait until a future meeting. Council members agreed that a re-cap of the Walkable Bikeable Summit would be appropriate for the May meeting.

Ms. Jana Simpler reminded the Council that meetings will continue monthly through June 2016, and then will go every other month.

## **VIII. PUBLIC COMMENT**

Ms. Jana Simpler opened the floor to public comment at 11:44 a.m. and no public comments were received.

## **IX. NEXT MEETING INFORMATION**

Tuesday, May 24, 2016 10 am to 12 pm, Dover conference room.

## **X. ADJOURN**

Mr. Lloyd Schmitz made a motion to adjourn the meeting. Mr. C.R. McLeod seconded the motion. All council members were in favor of the motion, no council members were opposed, the motion passed. The meeting adjourned at 11:45 p.m.

Meeting Minutes reported by:  
Kate M. Smagala, EI



Final version transmitted May 2nd, 2016  
Revised version transmitted May 17<sup>th</sup>, 2016

Sidewalks Located on/in	Who owns the RW?	Who owns the SW?	Who is Responsible for Building SW	Who Does Construction Inspection?	Who is Responsible for Maintaining SW?	Who/What Requires SW?	Who Enforces Safety (Sight Distance, Clear Zone) Complaints?	Who Enforces ADA Complaints?	Who Issues Permits?	Legal Authority
Maintenance Rd Numbered Highways	DeIDOT  RW, PE	DeIDOT	DeIDOT  Developers  Utilities	DeIDOT	DeIDOT  Sidewalk and Multi-Use Path Maintenance Policy	<a href="#">DCM 17 De.C. §132(f)</a>  <a href="#">Complete Streets Policy</a>  <a href="#">Executive Order No. 6</a>	DeIDOT	DeIDOT	DeIDOT	<a href="#">17De.C. §131(a)</a> <a href="#">17 De.C. §146</a>
Municipalities	DeIDOT  RW, PE	Depends on Charter  - Municipality  - Property Owner	DeIDOT  Town  Developers  Utilities	DeIDOT	Depends on Charter  - Municipality  - Property Owner	<a href="#">DCM 17 De.C. §132(f)</a>  <a href="#">Complete Streets Policy</a>  <a href="#">Executive Order No. 6</a>	DeIDOT  Can we do enforcement on infrastructure we don't maintain?	Town	DeIDOT  Can we issue Permits on infrastructure we don't maintain?  <a href="#">17 De.C. §134(c)</a>	<a href="#">17 De.C. §134 (a)</a>  <a href="#">17 De.C. §146</a>
Subdivisions in Unincorporated Areas	Developer  DeIDOT    HOA   Split Ownership?	Developer  HOA	Developer	DeIDOT  17De.C. §131(f)  Can we inspect what we don't own or maintain?	HOA  DEIDOT/Developer Agreement   Articles of Incorporation for HOA   Not DeIDOT  Not the Homeowner	<a href="#">DCM NCCo Ordinance 40.21.162</a>  <a href="#">9De.C. §503</a>	DeIDOT    Should we?	<a href="#">NCCo Code Enforcement</a>  <a href="#">NCCo Property Maintenance Requirements</a>  I think DeIDOT currently investigates ADA complaints in subdivisions, but not sure we should be unless we own the sidewalk or are responsible for their maintenance.  Should we pass along complaints to the HOA rather than investigate them ourselves?	DeIDOT   Can we exert permit authority over what we don't own or maintain?	Does 17 De.C. §146 apply to subdivisions?    17De.C. 131(f)

Sidewalks Located on/in	Who owns the RW?	Who owns the SW?	Who is Responsible for Building SW	Who Does Construction Inspection?	Who is Responsible for Maintaining SW?	Who/What Requires SW?	Who Enforces Safety (Sight Distance, Clear Zone) Complaints?	Who Enforces ADA Complaints?	Who Issues Permits?	Legal Authority
	Is the SW in no mans' land?  Who is the underlying owner?									
Subdivisions in Unincorporated Areas built between 07/01/1935 and 07/01/1951	?  RW, PE	?	?	?	?	<a href="#">DCM</a> <a href="#">17 De.C. §132(f)</a> <a href="#">Sidewalk and Multi-Use Path Maintenance Policy</a> <a href="#">Complete Streets Policy</a> <a href="#">Executive Order No. 6</a>	DeIDOT	?	DeIDOT  Should we be issuing permits?	<a href="#">17De.C. §131(b)&amp;(c)</a>  17De.C. §132(c)(2)
Subdivisions in Unincorporated Areas built between 07/01/1951 and 07/01/1975	?  RW, PE	?	?	?	?	<a href="#">DCM</a> <a href="#">17 De.C. §132(f)</a> <a href="#">Complete Streets Policy</a> <a href="#">Executive Order No. 6</a>	DeIDOT	?	DeIDOT  Should we be issuing permits?	17De.C. §131(g)&(h)  17De.C. §132(c)(2)
Sidewalks leading to schools	School District DeIDOT	School District	DeIDOT	DeIDOT	DeIDOT School plows snow	14De.C. §2305(a)	NA	DeIDOT	DeIDOT	<a href="#">14De.C. §2305(a)</a>