

POLICY IMPLEMENT

STATE OF DELAWARE

DEPARTMENT OF TRANSPORTATION

P.I. number: O-02

Sidewalk and Multi-Use Path Maintenance Policy

References:

Title 23 USC 116 – Maintenance

Title 28 CFR Judicial Administration; Part 35: Subpart B

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Primary Responsibility  
Director: Maintenance &  
Operations

Table of Contents

Sidewalk and Multi-Use Path Maintenance Policy

- I. Goal and Objectives
- II. Maintenance Responsibilities
- III. Justification
- IV. Effective Date

**I. Goal and Objectives**

Sidewalks are an integral part of the Department's transportation infrastructure program. (For the purpose of this policy, wherever the term “sidewalk” is used, it is deemed to include multi-use paths and pedestrian amenities.) Sidewalks can facilitate and encourage safe and convenient pedestrian travel within communities and among different land uses. They can provide safe and reasonable access to public transportation and other alternative modes of transportation, thereby helping alleviate vehicular traffic and reduce emissions. They can also reinforce the Americans with Disabilities Act by increasing the access opportunity for mobility-impaired individuals.

The incorporation of sidewalks under DeIDOT’s authority, guidelines, and provisions will assist Delaware in satisfying a better land use and transportation connection. In providing a better land use and transportation connection, sidewalks and pedestrian facilities can encourage more trips on foot, improve access to transit, improve access to adjacent land uses and communities,

conserve energy, and enhance the Department's vision of multimodal and intermodal transportation under the provisions of the Intermodal Surface Transportation Act of 1991.

By providing transportation options, the installation of sidewalks can be an effective means in reducing automobile dependence and use. It will assist Delaware's mission toward cleaner air under the requirements of the Clean Air Act Amendments of 1990.

With the addition and installation of proper sidewalks and pedestrian amenities, safety, accessibility, ridership, and more favorable perceptions of public transit service can be increased. Communities will also be able to safely link to other land uses and transportation modes, resulting in better and more desirable neighborhoods and land development practices.

The need for sidewalks in urban or suburban areas is most noticeable at points of community and urban development that result in pedestrian concentrations near or along the state's or municipality's transportation system (roads, rail, air, and water transport facilities). Such examples include: public/private transportation depots, local businesses, industrial receiving/distributing plants, corporate centers, shopping centers, malls, schools, medical centers, religious centers, hotels, or places of residence, etc.

The design of sidewalks should reflect the community or context in which they are to be placed through the choice of materials or proximity to a travelway. Buffer zones between curb and sidewalk will be encouraged, if not required, to enhance the pedestrian's perception of safety and convenience.

It is the Department's goal to ensure that all efforts have been undertaken in determining the need and justification for installing, reconstructing, improving, requiring, or extending sidewalks for its transportation projects as well as for other initiating parties in public or private development.

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## **II. Maintenance Responsibility**

The Department's sidewalk maintenance responsibility does not include the following sidewalks:

- Owned or maintained by municipalities;
- Located in Subdivisions;
- Privately owned;
- Maintained by others through an agreement or other written obligation.

For those remaining sidewalks located in the state right-of-way, DelDOT will maintain the sidewalks in operable working condition by performing the following maintenance:

- Structural Repairs
  - Elimination of horizontal gaps greater than 0.50 inches and vertical differences greater than 0.25 inches in keeping with the (draft) *Public Right-of-Way Accessibility Guidelines*;

- Repair of deteriorated pavement such as spalls and loose gravel;
- Elimination of depressions that trap water and ice.
- Vegetation Control
  - Removal of all woody vegetation and / or noxious weeds encroaching on the sidewalk to provide an 8 foot vertical clearance and 1 foot horizontal clearance.
- Snow Removal
  - In conjunction with established priorities for snow removal on roadways, snow removal for sidewalks will commence immediately after completion of roads classified as “Local” and subdivisions.
  - Sidewalks will be prioritized based on pedestrian traffic, high densities of elderly and disabled, schools, transit routes, and other high volume pedestrian facilities.

All other maintenance, such as sweeping and trash removal, will be performed as resources are available within the Department.

### **III. Justification**

Federal Code (Title 23 USC 116. MAINTENANCE) requires the State transportation department to maintain, or cause to be maintained, any project constructed under the provisions of this chapter or constructed under the provisions of prior Acts as long as it constitutes a part of a Federal-aid system.

Code of Federal Regulations (Title 28 CFR: Judicial Administration PART 35—NONDISCRIMINATION ON THE BASIS OF DISABILITY IN STATE AND LOCAL GOVERNMENT SERVICES Subpart B—General Requirements) requires a public entity to maintain sidewalks and related features in operable and readily accessible working condition.

### **V. Effective Date**

This policy shall become effective 30 days after signature by the Secretary, or, if applicable, upon compliance with the regulatory process required by the Administrative Procedures Act (29 Del.C. Ch. 101).