

**Delaware Department of Transportation
ADA Self-Assessment and Transition
Plan**



December 2023

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Message from the Secretary

Dear Citizens of Delaware:

It is my privilege to share with you the Delaware Department of Transportation's (DelDOT's) 2023 updated Americans with Disabilities Act (ADA) Title II Transition Plan (Transition Plan). DelDOT continues to be dedicated to upholding the intent and spirit of the Americans with Disabilities Act (ADA) of 1990 and Section 504 of the Rehabilitation Act of 1973, to the maximum extent possible. Our promise extends to all programs, services, and activities of DelDOT, whereby no qualified individual with a disability shall be discriminated against based on his or her disability.

The 2023 Transition Plan update continues DelDOT's commitments and practices to ensure DelDOT is focusing on accessibility and inclusion. These commitments are central to DelDOT's core Mission to provide *Excellence in Transportation! Every Trip, Every Mode, Every Dollar, Everyone.*

As Secretary of the Department of Transportation, I make this personal vow to the citizens of Delaware - DelDOT will uphold the vision and policies presented in this Transition Plan. I also recognize that our success at making our transportation system fully accessible depends on the coordinated efforts of all levels of government, the public, and the policies and strategies outlined in the Transition Plan. We will continue to be the leader in making sure that this coordination happens.

DelDOT will continue to place a priority on ensuring that all Delawareans have access to adequate and inclusive transportation. Working together, we can achieve our common goal of safe, accessible, efficient, and sustainable transportation for everyone.

Sincerely,



Nicole Majeski
Secretary

Preface

DelDOT's mission is to provide *Excellence in Transportation* for *Every Trip, Every Mode, Every Dollar, and Everyone!* In the effort to achieve this mission, the Department actively reviews its policies, practices, and standards to create continual process improvements. The Department's Self-Evaluation and Transition Plan (Transition Plan) is one mission toward excellence in transportation to ensure all modes of transportation are available to everyone.

In 2016, the Department was working toward a finalized Transition Plan reaching Federal Highway Administration concurrence in 2018. The Department made several commitments in the final Transition Plan including 1) a 15-year goal to remediate all noncompliant pedestrian features in the Self-Evaluation, 2) updates to remain consistent with any changing State and/or Federal policy changes, 3) a comprehensive review of the pedestrian network on a five-year basis to determine overall progress toward meeting the long-term goal. In 2020 the Department began reviewing its Transition Plan to ensure the Department's mission and commitments are upheld. This review ultimately resulted in the 2023 updated Transition Plan.

The update process began by reviewing the 2018 Transition Plan to understand the initial Self-Evaluation process and Transition Plan commitments. To give a brief background, the Transition Plan is broken into three (3) chapters, Introduction, Self-Assessment, and Transition Plan. In addition to the three chapters, there are several appendices with supporting or reference material, laws, self-evaluation tables, and program information. Performing the update looked at the Transition Plan and appendices with a decision to leave the Introduction and Self-Assessment as is since these are considered historic and relative to a baseline for and progress on the Transition Plan. This update is not a new self-assessment/evaluation but is rather a comprehensive review of baseline information and progress to gauge efforts at meeting the long-term goal to remediate all noncompliant pedestrian features within 15 years of the 2018 Transition Plan goal. The update identified changes to the Transition Plan including:

- Minor grammatical updates
- Section name/responsibility changes
- Staffing responsibility changes
- Revised appendices
- Updated progress information
- Policy changes

Changes and updates to the Transition Plan 2023 update do not change the Department's mission, intent, or goals toward excellence in transportation or the long-term goal to remediate all noncompliant pedestrian features.

The table on the following page outlines the changes and updates which are found in the respective sections and appendices.

Update from Previous Version	Section/Page
Updated language to reflect the current RPE review process	Chapter 3; Standards: RPE/Page 26
Inserted the link for the 2022 PAS guidelines to replace the 2015 version.	Chapter 3; Standards: PAS Guidelines/Page 26
Updated the Office of Performance Management to current role of Engineering Support	Chapter 3; Inspections/ Page 26/Page 31/Page 32
Updated the increase in funding for the Pedestrian Access Routes Program	Chapter 3; Pedestrian Access Routes Page 27
Transit Program information was updated to reflect current progress and funding.	Chapter 3; Transit Program/Page 29
Inserted new link for the current CTP	Chapter 3; About CTP Page 29
Policies has been added to reflect the current status	Chapter 3; Policies/Page 31
Updated the role and responsibility of the Pedestrian Coordinator	Chapter 3; Planning/ Page 32
Consolidate Maintenance Section	Chapter 3: Maintenance/Page 30/31
Public Involvement	Chapter 3: Public Involvement/Page 32
Replaced the grievance procedure with the current version	Appendix D; Page 44
Appendix F, which included initial self-assessment data has been superseded and removed from this document. Appendix N provides revised historical self-assessment data that has been reviewed in 2023 to ensure accuracy with DelDOT's current pedestrian network facilities and jurisdiction.	Appendix F; Page 48
Updated CTP/STIP Chart	Appendix H; Page 52
Replace RPE form with most current version	Appendix I; Page 67
Appendix J Updated to 2 Del Code Chapter 15	Appendix J; Page 68
Appendix K was updated to reflect current funding	Appendix K; Page 71
Appendix L has been updated with current data	Appendix L; Page 72
Insert updated Pavement and Rehabilitation chart	Appendix M; Page 73
Update chart with most current data	Appendix N; Page 78
Replace PAR existing chart with current chart	Appendix O; Page 82
General grammatical corrections throughout the document	

A formal review and update of the ADA Title II Transition Plan will occur every five years to provide the information necessary for documenting long-term progress toward achieving the goal of having a fully accessible system. The update to the Transition Plan is needed to keep pace with changes in standards and system conditions.

- The language in Chapter 3 under the Standards section on page 26 was updated to reflect the current standard and process for requesting a practical exemption.
- The Department's Pedestrian Accessibility Standards (PAS) manual was updated in 2022 from the previous version that was created in 2018. The 2022 version is located by clicking the hyperlink on Page 26 within the Transition Plan in Chapter 3 on page 23.
- The Office of Performance Management was updated to reflect the current role of Engineering Support in Chapter 3 on pages 26, 31, and 32.
- There was an increase in funding for the Pedestrian Access Routes program. This was reflected in the update in Chapter 3 on page 29.
- The CTP was updated, and the new link was provided for ease of access in Chapter 3 About CPT Page 29.
- The Policies Section was added to Chapter 3 to accurately reflect the status of each policy and follow the self-evaluation section in Chapter 2.
- The role and responsibility of the Planning Section, Pedestrian Coordinator was clarified in Chapter 3 Planning Page 32.
- The Maintenance Section in Chapter 3 on pages 31 and 32 was consolidated so snow removal and sidewalk maintenance are under one heading. Additional clarification was provided on historic actions from the 2018 Transition Plan.

- The Public Involvement Section in Chapter 3 on page 32 was updated consolidating prior 2017 meeting dates, added commentary linking the update process to Chapter 1 Transition Plan Management, and a statement the 2023 update did not change the intent of the 2018 Transition Plan so public comment was not necessary.
- The Department adopted a new process which is reflected in the updated Appendix D Page 44 that provides the current Grievance/Complaint process for DelDOT.
- Appendix F, Page 48, which included initial self-assessment data has been superseded and removed from this document. Appendix N, Page 78, provides revised historical self-assessment data that has been reviewed in 2023 to ensure accuracy with DelDOT's current pedestrian network facilities and jurisdiction.
- A new Request for Practical Exemption form was created and inserted to replace the older version in Appendix I Page 67.
- Appendix J Page 68 is updated due to Governors Executive Order now being codified under Laws of Delaware, Volume 84, Chapter 58, 152nd General Assembly (Title II Delaware Code, Chapter 15-Pedestrian Council).
- Appendix L has been updated to reflect the current data for the Transit Facilities Minor Capital Program, Page 72.
- Appendix M Page 73 the updated Pavement and Rehabilitation chart was inserted to provide the most up-to-date information.
- Appendix N has been updated to reflect the historical self-assessment data that has been reviewed in 2023 to ensure accuracy with DelDOT's current Pedestrian network facilities and jurisdiction. The table was reformatted to include a Statewide total as well as a per county breakout.
- The Department's Pedestrian Access Route Program - 5 Year Project List has been updated in Appendix O Page 82.

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Chapter 1: Introduction

The Americans with Disabilities Act (ADA), enacted on July 26, 1990, is a Federal Civil Rights law prohibiting discrimination against individuals on the basis of disability. The ADA consists of five titles providing protections in the following areas:

- Title I - Employment
- Title II - State and Local Government Services
- Title III - Public Accommodations
- Title IV - Telecommunications
- Title V - Miscellaneous Provisions

Title II of ADA pertains to the programs, activities, and services provided by public entities, such as state departments of transportation. As a provider of public transportation services and programs, Delaware Department of Transportation (DelDOT) must comply with this section of the Act as it specifically applies to state public service agencies and state transportation agencies. Title II of ADA provides that, "...no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity" ([42 USC. Sec. 12132](#); [28 CFR. Sec. 35.130](#)). A public entity may not deny the benefits of its programs, activities, and services to individuals with disabilities because its facilities are inaccessible. In other words, a public entity's services, programs, or activities, when viewed in their entirety, must be readily accessible to and usable by individuals with disabilities. This standard, known as "program accessibility," applies to all existing facilities of a public entity. Facilities include not only DelDOT buildings but also facilities used to conduct public workshops, as well as buses, bus stops, sidewalks, etc.

DelDOT's goal is to provide accessible state-owned transportation programs and systems including all transportation facilities located in the state-owned right-of-way for all persons living in, working in, or traveling in Delaware. This goal includes transportation facilities that are owned by the State of Delaware and maintained by other units of government.

Relationship to Other State of Delaware ADA Activities

The State of Delaware has several councils and boards which address the needs of individuals with disabilities across their lifespan. Membership includes persons with disabilities, family members, advocacy organizations, service providers, and state agencies. Their mission is to propose and promote legislation, regulations, and policies to improve the lives of persons with disabilities. These councils provide important feedback and invaluable real-life experience regarding how persons with disabilities use state facilities, programs, and services, including DelDOT's, and provide guidance regarding improvements that are needed. Such councils include the State Council for Persons with Disabilities ([Appendix A](#)), Developmental Disabilities Council, and the Governor's Advisory Council for Exceptional Citizens. In addition, the Elderly and Disabled Transit Advisory Committee (EDTAC) provides advice regarding the transportation programs and services provided under the Delaware Transit Corporation (DTC). Finally, the Architectural Accessibility Board reviews the standards for the design and construction of all state-owned facilities, and facilities constructed or altered with state funds, to ensure that the built environment regarding these facilities is safely accessible to, and usable by, persons with disabilities environment regarding these facilities is safely accessible to, and usable by, persons with disabilities.

Transition Plan Need and Purpose

The Transition Plan, as required by 28 CFR 35.150 (d), must include at a minimum, the following:

- Identification of the physical barriers that limit accessibility to the public entity's programs, services, or activities for people with disabilities,
- Description of the methods to be used to make the facilities accessible,
- A schedule for making the necessary modifications, including a yearly schedule for curb ramp and,
- The name and contact information for the public official responsible for implementation of the Transition Plan.

As required by Title II of ADA, [28 CFR. Part 35 Sec. 35.105 and Sec. 35.150](#), DelDOT has conducted a self-evaluation of its policies, services, activities, and buildings, and has completed an assessment of its pedestrian facilities. DelDOT has developed this Transition Plan to lay out the actions that will be taken to render the State's transportation facilities in the public right-of-way accessible to all individuals.

The purpose of this Transition Plan document is to present the Department's Self-Evaluation and identify the actions DelDOT will take in order to transition the transportation system in the State of Delaware to be accessible in compliance with the requirements of the Americans with Disabilities Act.

Transition Plan Management

This Transition Plan is intended to be a dynamic document that will be reviewed periodically and updated as needed to keep pace with changes in standards and system conditions. The reviews will occur annually in order to provide the information necessary for documenting progress toward achieving the goal of having a fully accessible system and in order to create the work program for the ensuing year as described further in this document under the heading "Progress Monitoring and Reporting." A formal review and update of the ADA Title II Transition Plan will occur every five years. The implementation of this Transition Plan will continue until all deficiencies, including those associated with pedestrian facilities, are compliant. The program is expected to continue after that for future plans and construction projects, maintenance, etc. To streamline Plan updates and keep the document current and relevant, appendices will be updated annually if new information is available and such information does not alter the intent of the Transition Plan. When an appendix update is found to alter the intent of this Transition Plan, the appendix and affected section(s) will be opened for public review and comment. This anticipated review schedule may be altered as needed in response to changes in guidance from the United States Access Board, Federal policy, and DelDOT policy. DelDOT's Transition Plan is available for continual public review through DelDOT's Website.

The ADA And Its Relationship To Other Laws

Title II of ADA is companion legislation to two previous Federal statutes and regulations: the [Architectural Barriers Acts of 1968](#) and [Section 504 of the Rehabilitation Act](#) of 1973.

The Architectural Barriers Act of 1968 is a Federal law that requires facilities designed, built, altered, or leased with Federal funds to be accessible. The Architectural Barriers Act marks one of the first efforts to ensure access to the built environment.

Section 504 of the Rehabilitation Act of 1973 is a Federal law that protects qualified individuals from discrimination based on their disability. The nondiscrimination requirements of the law apply to employers and organizations that receive financial assistance from any Federal department or agency. Title II of ADA extended this coverage to all state and local government entities, regardless of whether they receive Federal funding.

When addressing accessibility needs and requirements, it is important to note that ADA and Title II do not supersede or preempt state or local laws that may offer equivalent or greater protections.

Under Title II, State Departments of Transportation including DelDOT must:

- Operate their programs so that, when viewed in their entirety, the programs are accessible to and useable by individuals with disabilities ([28 C.F.R. Sec. 35.150](#)).
- Not refuse to allow a person with a disability to participate in a service, program, or activity simply because the person has a disability ([28 C.F.R. Sec. 35.130 \(a\)](#)).
- Make reasonable modifications to policies, practices, and procedures that deny equal access to individuals with disabilities unless a fundamental alteration in the program would result ([28 C.F.R. Sec. 35.130\(b\) \(7\)](#)).
- Not provide services or benefits to individuals with disabilities through programs that are separate or different unless the separate or different measures are necessary to ensure that benefits and services are equally effective ([28 C.F.R. Sec. 35.130\(b\)\(iv\) and \(d\)](#)).
- Take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others ([28 C.F.R. Sec. 35.160\(a\)](#)).
- Designate at least one responsible employee to coordinate ADA compliance ([28 CFR § 35.107\(a\)](#)). This person is often referred to as the "ADA Coordinator." The public entity must provide the ADA coordinator's name, office address, and telephone number to all interested individuals ([28 CFR § 35.107\(a\)](#)).
- Provide notice of ADA requirements. All public entities, regardless of size, must provide information about the rights and protections of Title II to applicants, participants, beneficiaries, employees, and other interested persons ([28 CFR § 35.106](#)). The notice must include the identification of the employee serving as the ADA coordinator and must provide this information on an ongoing basis ([28 CFR § 35.106](#)).
- Establish a grievance procedure. Public entities must adopt and publish grievance procedures providing for prompt and equitable resolution of complaints [[28 CFR § 35.107\(b\)](#)]. This requirement provides for a timely resolution of all problems or conflicts related to ADA compliance before they escalate to litigation and/or the Federal complaint process.

DelDOT's Compliance History

Following the passage of ADA on July 6, 1990, DelDOT took initial steps to identify and address Title II requirements. At about the same time, the Delaware Department of Administrative Services conducted an assessment of all state-owned and leased properties to identify barriers to be corrected by the individual agencies.

From 1992 to 1999, DelDOT's ADA efforts were largely decentralized, focusing primarily on reasonable accommodation for employees and transit, with compliance and oversight being the responsibility of individual offices and programs. In 1999, DelDOT's efforts to implement the ADA requirements, with regard to the removal of pedestrian barriers, were reviewed by the US Department of Justice. Subsequently, DelDOT entered into an agreement with the US Department of Justice regarding actions that DelDOT would take to help ensure that curb ramps would be constructed to meet the requirements during Alteration projects as described in the *Kinney v. Yerusalim* (1993) decision, U.S.3rd Circuit Court of Appeals.

In 2001, ADA became a point of focus with the Access Board's issuance of the draft rules for public rights of way and the expiration of the moratorium on detectable warning surfaces. DelDOT provided comment to the draft rules in October of 2001 but only became aware of the detectable warning requirement in July of 2002 through a Federal Highway Administration (FHWA) memorandum. A revised standard detail which included detectable warning systems was issued in 2002 and has been required in new construction, reconstruction, and alterations since 2002. In 2002, the Access Board issued a draft set of rules, titled Public Rights of Way Accessibility Guidance (PROWAG). In 2005, the Access Board issued a second draft, and in 2006 FHWA issued a memorandum directing states to use this draft as best practices. The lifting of the detectable warning systems moratorium and the publication of PROWAG was the first new guidance affecting public rights of way since the initial passage of ADA in 1990.

In 2006, an internal DelDOT ADA working committee was formed. The workgroup included representation from the FHWA and key areas of DelDOT including Planning, Maintenance and Operations, Traffic, Office of Information Technology, Transportation Solutions, DART, and Legal. The primary task of this group was to systematically evaluate DelDOT's progress with regard to complying with the requirements of the ADA and provide guidance to DelDOT management regarding accessibility program needs. The product of this group was a briefing paper completed in 2007. The recommendations incorporated in that briefing paper were transmitted to the Cabinet Secretary.

In 2007, DelDOT updated its policy and procedures to respond to requests more effectively for Accessible Pedestrian Signals (APS). Currently DelDOT responds to individual requests for APS installations. DelDOT's APS guidelines and request form are available at <http://ada.deldot.gov> or through the ADA Title II Coordinator.

In November 2010, FHWA conducted a Civil Rights Assessment to review the agency's Title II compliance and determine needs in this area as part of a larger assessment of the DelDOT's Civil Rights responsibilities. One of the conclusions of this assessment, as noted in previous similar assessments, was that DelDOT had not completed the Self-Evaluation and had not completed the

Transition Plan required by Federal law. As a result of the assessment, DelDOT took the following actions:

- Designated an Interim ADA Title II Coordinator in 2011 and hired a full time ADA Title II Coordinator in 2012.
- Appointed a Work Group tasked with completing the Transition Plan including the Self-Evaluation. ([Appendix C](#))
- Drafted a Notice of Non-Discrimination to provide information about the rights and protections of ADA to employees and applicants, as well as participants and users of DelDOT services, programs, and activities.
- Identified the state grievance/complaint process as the process DelDOT would use until it developed its own grievance/complaint policy to address or correct user concerns related to inaccessible transportation programs, services, or facilities that are under DelDOT's jurisdiction.
- Completed a Self-Evaluation of DelDOT's programs and services in June 2012.
- Submitted the document to the State Registrar's office for public review and comment in October 2012.
- Held statewide public meetings; one in each county to offer public review and receive comments.
 - Sussex County - DelDOT Georgetown Administration Building – (July 29, 2013)
 - New Castle County - Delaware Transit Corporation Auditorium, Beech Street, Wilmington (July 31, 2013)
 - Kent County – DelDOT Main Administration Building (August 5, 2013) After reviewing the public comments and making no substantive changes to the document, in May 2014, DelDOT changed the status of the document from (Draft) to (Adopted) by the Delaware Department of Transportation and published it on DelDOT website.
- On November 17, 2014, DelDOT and state DOTs (Department of Transportation) nationwide received a memorandum from FHWA Headquarters Office of Civil Rights describing a requirement for FHWA approval of all state DOT ADA Transition Plans. The new process would review all state DOT Transition Plans to ensure they met the regulatory requirements as set out in 28 CFR 35.150 (d) (3). ([Appendix G](#))
 - 28 CFR 35.150 (d) (3) states, The plan shall, at a minimum—
 - (i) Identify physical obstacles in the public entity's facilities that limit the accessibility of its programs or activities to individuals with disabilities;
 - (ii) Identify physical obstacles in the public entity's facilities that limit the accessibility of its programs or activities to individuals with disabilities;
 - (iii) Describe in detail the methods that will be used to make the facility accessible;
 - (iv) Specify the schedule for taking the steps necessary to achieve compliance with this section and, if the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period; and
 - (v) Indicate the official responsible for implementation of the plan.
- In 2015, DelDOT was notified by FHWA that the (Adopted) DelDOT 2014 Self-Evaluation and Transition Plan required additional details regarding its inventory and schedule for remediation of noncompliant features in order to gain "Approval" by FHWA.

Program Location and Staffing

Managing and implementing the DelDOT ADA Transition Plan requires a multidisciplinary approach encompassing policy development, public involvement and outreach, technical support for project development, maintenance expertise, operations expertise, and progress monitoring and reporting. These responsibilities required by [28 CFR 35.107](#) had not historically been the sole responsibility of any one individual on a daily basis but were addressed on an as-needed or ad hoc basis within DelDOT. With the hiring of a full time ADA Title II Coordinator, DelDOT demonstrated its commitment to the ADA program and monitoring compliance with all ADA laws and regulations.

The ADA Title II Coordinator is in the Civil Rights Section under the Office of the Secretary and reports to the Civil Rights Administrator. The ADA Title II Coordinator is responsible for developing policies and procedures to integrate Title II requirements into DelDOT practices to ensure that the obligations of the ADA and the Transition Plan are met. Additionally, the ADA Coordinator is responsible for tracking the overall progress of the implementation of the Transition Plan. The responsibilities of the ADA Title II Coordinator are described more fully in the Statement of Responsibility of ADA Title II / Section 504 Coordinator section found later in this document.

Grievance Procedure

The Americans with Disabilities Act affords users of public facilities and services the right to file a grievance if they believe they have not been provided reasonable accommodation. The ADA requires ([28 CFR 35.107](#)) that DelDOT adopt a Grievance Procedure. DelDOT has adopted a Grievance procedure which can be found on DelDOT's Website. The Website provides details on how to file a complaint. ([Appendix D](#)) of this report includes additional contact information for filing ADA Title II grievances.

Communications

According to [Section 35.160\(a\)](#) of the ADA, "...A public entity shall take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others." This means that DelDOT is required to provide equally effective communication to individuals with disabilities. Equally effective communication can be provided by offering alternative formats, auxiliary aid(s), and/or services upon request. For example, interpreters are hired by DelDOT as requested for individuals with hearing loss, and text materials that are accessible by screen readers are made available to users. The availability of these services is referenced in DelDOT's public notices.

Public Involvement

DelDOT believes that broad public participation is essential to the development of Delaware's transportation system. As required by the ADA and DelDOT's public participation policy, any public meeting, hearing, or comment period held by DelDOT must be accessible. Upon request, DelDOT provides qualified interpreters and will provide documents in an accessible electronic format or other alternative formats, such as large print or Braille. All public notices are required to contain contact information for accommodation requests, and how special accommodations can be requested are indicated on the meeting notice. Public meetings, training opportunities, programs, and other events are required to be in an accessible location. One of the recommendations from the Civil Rights Assessment was that DelDOT needs a Department-wide official policy that describes the process to notify the public and other interested parties that auxiliary aids are available upon request. DelDOT is currently modifying its policy to address this need.

Notice of Non-Discrimination

In accordance with the requirements of Title II of the ADA, DelDOT has developed a Notice of Non-Discrimination which is included as [\(Appendix E\)](#).

Designation of an ADA Title II Coordinator

The Section 504 regulation at 49 CFR § 27.13 and the Title II regulation at 28 CFR § 35.107 provide those recipients with 15 or more employees, and any public entity with fifty (50) or more employees, must designate at least one employee to coordinate compliance with the respective regulations. The public entity shall make available to all interested individuals the name, office address, and telephone number of the ADA Coordinator, while a Section 504 recipient, at a minimum, must inform the public of the identity of its Coordinator.

The State of Delaware has an ADA Coordinator. However, FHWA has recommended that DelDOT also designate an ADA Title II Coordinator in recognition of the specialized knowledge required to address some of the issues that are likely to arise related to the transportation system in Delaware, especially in regard to Title II. Therefore, DelDOT has agreed to designate a person to serve in this capacity. DelDOT hired a full-time ADA Title II Coordinator in May 2012. The ADA Title II Coordinator's contact information may be found in [\(Appendix D\)](#).

Statement of Responsibility of ADA Title II / Section 504 Coordinator

The ADA Title II / Section 504 Coordinator is charged with the responsibility of ensuring the agency's compliance with Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the ADA Amendments Act of 2008, and the 2010 ADA Standards for Accessible Design. ADA Title II / Section 504 Coordinator responsibilities include:

- Monitoring DelDOT's current policies and practices for implementing ADA Title II / Section 504.
 - Identifying shortcomings in compliance and developing remedies.
 - Evaluating remedial steps taken to eliminate the effects of discrimination.

- Monitoring complaint procedures that incorporate appropriate due process standards and providing for prompt and equitable resolutions of complaints filed under ADA Title II / Section 504.
 - Reviewing the use of established procedures to ensure that requested auxiliary aids are provided for persons with disabilities.
- Monitoring DelDOT's ADA Title II / Section 504 Transition Plan to ensure that all DelDOT facilities remain in compliance with applicable accessibility standards.
- Conducting and documenting annual reviews of ADA Title II / Section 504 Transition Plan implementation progress.
- Preparing a report of ADA Title II / Section 504 accomplishments and concerns for the FHWA Annual Assurance Report.
- Collaborating and coordinating with the heads of major DelDOT divisions and other State agencies to enable ADA Title II / Section 504 compliance efforts.
- Establishing and maintaining collaborative relationships with critical external stakeholders, such as disability advocacy groups and organizations.
- Providing ADA Title II / Section 504 training programs for DelDOT staff and consultants.
- Monitoring the preparation of ADA Title II / Section 504 information for dissemination to the general public, including the "Notice to the Public" offer to provide reasonable accommodation, upon request.
- Identifying, investigating, and eliminating ADA Title II / Section 504 discrimination when found to exist.
- Maintaining a "Request for Practical Exemption" (RPE) waiver documentation process and record keeping system to manage technically infeasibility requests.
 - Reviewing requests for waivers on the grounds of technical infeasibility.
 - Updating and maintaining a database of approved RPE waivers.

DTC's ADA compliance as it relates to services provided to the community is currently handled through the office of DTC's ADA Compliance and Eligibility Manager. The ADA Compliance and Eligibility Manager coordinates with all sections of DTC, as well as with DelDOT's ADA Title II Coordinator, as necessary to address issues.

Chapter 2: Self-Evaluation of Pedestrian Facilities in the Right-of-Way

DelDOT provides a variety of programs and services to the public through nine functional Divisions. In conducting the Self-Evaluation, DelDOT has taken a comprehensive approach by identifying the facilities, services, programs, and activities it offers and then analyzing each to discover the extent to which each program and service is accessible.

DelDOT's goal is to provide accessible state-owned transportation facilities located in the state-owned right-of-way for all persons living in, working in, or traveling in Delaware. This Self-Evaluation has been completed and is presented in this document in summary form. The information provided by this evaluation is the basis for the actions identified later in this document in Chapter 3. These actions are needed to bring roadways, pedestrian facilities, and policies into compliance with ADA standards. DelDOT will plan and act to ensure that the pedestrian facilities within the state-owned right-of-way are accessible to the maximum extent feasible.

The Department's facilities, services, programs, and activities are organized in this Transition Plan under the following headings:

- Design standards
- Pedestrian facilities
- Transit system
- Project development and construction
- Maintenance
- Policies
- Staffing
- Funding

Existing Conditions

Design Standards and Practices

All projects designed by, or for, DelDOT are governed by several adopted design standards that have been reviewed for compliance with ADA standards. These standards include:

- DelDOT Road Design Manual
- DelDOT Standard Construction Details
- DelDOT Development Coordination Manual [DE Adm. Code, Title 2, 2309 Regulations]
- Manual on Uniform Traffic Control Devices (MUTCD) [DE Adm. Code, Title 2, 2402 Regulations]
- DelDOT Pedestrian Accessibility Standards, Facilities in the Public Right of Way (PAS)

These standards are reviewed on a routine basis and as national standards are changed and modified to ensure that the standards by which projects are designed and constructed are ADA compliant.

Pedestrian Facilities

Title II of the ADA specifically requires the provision of curb ramps or other sloped areas for all newly constructed or altered streets, roads, and highways at any intersection having curbs or similar barriers to entry from a street level pedestrian access route. Public entities must also install curb ramps within existing sidewalks that are not otherwise being altered.

The transportation system in Delaware for which DelDOT has responsibility includes approximately 13,000 lane miles of road and approximately 230 miles of sidewalk. There are approximately another 290 miles of sidewalk identified in the DelDOT inventory that fall under the maintenance responsibility of other jurisdictions. DelDOT has employed the services of an engineering firm that has deployed two-person teams to physically walk and inspect the entire current pedestrian system that is under the responsibility of the Department of Transportation.

Project Development and Construction

DelDOT's current Project Development and Construction Process has many steps and components, but there are three major phases: (1) developing alternative solutions to a given transportation problem or set of problems; (2) completing the engineering design and creating construction documents for the preferred solution; and (3) constructing the project. This process is controlled in part by the design standards noted previously which have been reviewed and modified as needed to comply with ADA standards. If, during the design phase, circumstances are encountered that make it technically infeasible to comply with some aspect of the standards, there is formal process for documenting the condition, the subsequent review, and the further decision regarding whether to waive some portion or portions of the standards.

During the construction phase, DelDOT is responsible for maintaining the safe flow of traffic including pedestrian traffic. The technical term for this is "pedestrian maintenance of traffic," and it is intended to provide safe passage for pedestrians. The Delaware Manual on Uniform Traffic Control Devices (MUTCD) states that if construction affects the movement of pedestrians, adequate pedestrian access and walkways shall be provided. If construction affects an accessible and detectable pedestrian facility, the accessibility and detectability shall be maintained along the alternative pedestrian route. DelDOT currently has a work group that is tasked with developing best practices in this area.

Construction projects are inspected to ensure that the project is built according to the approved design and construction documents including ADA compliance. DelDOT's current practice is to conduct a review of finished projects prior to accepting maintenance responsibility. The Department is working through a dedicated ADA Team to provide technical guidance throughout design and construction, additional training, and an easy reference field guide for inspectors. DelDOT has developed a checklist that is used in conducting semi-final inspections that are intended to identify and remediate non-compliant features as cost effectively as possible.

Maintenance

DelDOT is responsible for the maintenance and operation of approximately ninety percent (90%) of the roadway pavements in Delaware. This, however, does not always include the infrastructure immediately adjacent to the roadway pavement such as sidewalks and curb. The reasons why are more fully described below. In addition to the roadways, DelDOT maintains all of the transit system in Delaware.

Outside of municipal boundaries, DelDOT will generally have both the authority and obligation for maintenance of curbs and sidewalks within State of Delaware-owned right of way. These are the areas where DelDOT maintenance policy prevails, and sidewalk maintenance can be accomplished by DelDOT including snow removal.

Within municipal boundaries, DelDOT's maintenance authority is limited by 17 Del. Code Section § 134(a), which states:

§ 134. Authority in incorporated towns and cities; construction and maintenance of highways; local authority.

- (a) The Department shall have no power, authority, or jurisdiction of the streets of any incorporated city or town, except as otherwise provided in this section, unless such power, authority and jurisdiction shall be voluntarily given and surrendered by such city or town to the Department and then only upon such terms as the Department shall prescribe.

Thus, while DelDOT may own right of way within municipalities, it has limited authority over that right of way. That authority was granted to the municipalities via the above legislation. DelDOT must get permission from a municipality prior to working within their boundaries. Permission is granted via a legal agreement, sometimes referred to as a "Town Agreement," between the municipality and DelDOT. That agreement establishes the limits of project related work and assigns maintenance responsibility for the assets built under each project. The standard agreement typically assigns maintenance responsibility for the curbs and sidewalks to the municipality, while DelDOT will be assigned maintenance responsibility for only the roadway pavement and closed drainage system under the pavement. So even though DelDOT may construct curbs and sidewalks within municipalities, the town generally does not grant, and DelDOT does not accept, maintenance authority for the curbs and sidewalks. They remain the Town's maintenance obligation. As such, within municipal boundaries sidewalk maintenance is the obligation of the municipality.

Similar to municipalities, subdivisions (outside of municipalities) pose additional difficulties in securing dedicated and reliable maintenance of sidewalks. Within subdivisions accepted for state maintenance, there are multiple areas of land made available by the developer for common and/or public use. The remaining land in the subdivision is sold as individual parcels or home sites. The footprint of land needed to build subdivision streets is made available for public use via the land dedication process. Dedication of land by a private citizen is a two-step process: an offer of land by the owner and an acceptance by another party. A transaction of real property rights does not occur without an offer and an acceptance. In subdivisions, developers will offer to dedicate a portion of their land to public use needed to build streets, sidewalks, stormwater management areas, public open space and the

like. The State, through DelDOT, typically only accepts that portion of land offered where the pavement, adjacent curbing, and closed drainage systems are placed. That acceptance is for maintenance only. The land dedication and acceptance process generally does not result in the State acquiring full ownership of the land dedicated to public use even though DelDOT accepts maintenance responsibility for a portion, including the pavement, curbing and closed drainage. In other words, the State is usually not the underlying owner of the land dedicated to public use.

Generally, the width of land dedication offered is wider than the roadway pavement width accepted for state maintenance. The roadside areas outside the limits of the street paving are not accepted by DelDOT and are outside DelDOT's maintenance obligation. Those roadside areas are typically defined as part of the subdivisions' common ground. The sidewalks within those common grounds are defined as common facilities, which typically become the responsibility of the homeowner's association to maintain at a certain percent of build-out of the subdivision.

At the time subdivisions are planned and built, the land developer is initially responsible for maintaining everything. At some point in the development process, provisions are made for the takeover of maintenance by other entities. As discussed above, the State, through DelDOT's acceptance process, will take over maintenance responsibility for the roadway pavement, curbing, and closed drainage.

The maintenance of common use areas, including sidewalks, will be transferred to the homeowner's association through an incorporation process. The creation of a private corporation by the land developer for the maintenance of common areas, and the transfer of maintenance obligations to that corporation, often precedes acceptance of the streets by DelDOT. The specific details of what real property rights and maintenance obligations are transferred from the land developer to the maintenance corporation are found in the articles of incorporation for that subdivision. The land developers themselves are often a limited liability corporation. Upon completion of the subdivision construction, transfer of maintenance responsibilities for the common areas to the maintenance corporation, and acceptance of the streets for state maintenance, the land development LLC is often dissolved.

In general, this system works. But when homeowners associations will not, or cannot, fulfill their maintenance obligations, or do not even exist, it becomes very difficult to gain compliance. That is because the land underlying the sidewalks is not owned by the State. Depending on the details in the articles of incorporation for the homeowners association, the maintenance corporation is likely the underlying owner. When that private maintenance corporation goes defunct, the maintenance responsibility does not transfer to DelDOT. Rather, it transfers to the homeowners themselves. Where such property owners fail to maintain the common areas of their subdivision, including the sidewalks, legal action may be required to compel them to fulfill their obligations. In the absence of a government entity with regulatory authority over curb and sidewalk maintenance (i.e., there are no sidewalk police) only third parties, such as private citizens, would be able to take such legal action. And the legal action would be against their neighbors, making the situation even more difficult. This is an area where additional legal authority may be needed to ensure year-round accessibility of pedestrian routes. DelDOT has no legal authority over the sidewalk in this status and therefore no standing to take legal action.

Policies

The DelDOT has six existing policies that are related to DelDOT's goal to provide accessible state-owned transportation programs and systems including all transportation facilities located in the state-owned right-of-way for all persons living in, working in, or traveling in Delaware. These policies are available upon request. Please contact DelDOT's ADA Title II Coordinator. Contact information for the ADA Title II Coordinator's is located in Appendix D. These six policies are:

- A-07 Civil Rights Complaint Procedure
- D-07 Context Sensitive Design
- DTC-05 Bus Stop and Passenger Facilities Policy
- O-02 Sidewalk Policy
- O-03 DelDOT Public Involvement Policy
- O-06 Complete Streets Policy

In particular, the Complete Streets Policy specifically identifies travelers with mobility challenges as one of the reasons for the adoption of the policy. The policy requires that all projects address the needs of these individuals by reason of the definition of Complete Streets as contained in the Policy and reproduced here as follows:

The term "Complete Streets" means a roadway that accommodates all travelers, particularly public transit users, bicyclists, pedestrians (including individuals of all ages and individuals with mobility, sensory, neurological, or hidden disabilities), and motorists, to enable all travelers to use the roadway safely and efficiently.

The DelDOT Complete Streets Policy was created and adopted in accordance with Executive Order Number 6. The Policy, which has been in effect since January 2010, requires that DelDOT produce an Implementation Plan that is intended to provide additional guidance for DelDOT personnel in their efforts to implement the policy. The implementation plan is tentatively scheduled to be completed in 2018.

Staffing

The Federal government has provided some guidance regarding their view of the appropriate staffing for addressing ADA compliance in the document titled 2009 ADA Transition Plans: A Guide to Best Management Practices, NCHRP Project Number 20-7 (232). This document states that:

"Many of the staff members in these positions (of ADA Coordinator) have backgrounds that do not match the technical requirements that are needed to successfully complete the activities required to comply with ADA. This presents a roadblock for the agencies at the outset of the process and can lead to delays in compliance . . ."

"Providing dedicated, trained staff within the Department for ADA compliance has a high correlation with successful drafting and implementation of Transition Plans, Self- evaluations, and Transition Plan updates."

DelDOT has a full time ADA Title II Coordinator whose background is fully suited “to successfully completing the activities required to comply with the ADA.” In addition, DelDOT has assigned staff to support the ADA Title II Coordinator to ensure that design plans and construction activities are ADA compliant.

DelDOT has designated staff throughout the Department whose responsibilities are either solely or in-large part dedicated to ADA.

Funding

Since 1999, all new projects have been funded to include the components and features needed for ADA compliance in accordance with our Road Design Standards and, since 2010, our Complete Streets Policy. Beginning in 1999, as the result of an agreement with the United States Department of Justice, DelDOT agreed to spend at least one hundred fifty thousand dollars (\$150,000) per year to fund the installation of curb ramps at intersections around the State that should have been included in projects the Department completed between 1992 to 1997 but were not. In addition, the Complete Streets Policy currently in effect requires that improvements or modifications be included in all new projects and in repaving, repair, and signalization projects in order to bring the ADA portion of the transportation system into compliance with current ADA standards.

Self-Evaluation Summary

DelDOT is aware of the requirements of ADA and alert to and empathetic with the needs of the persons for whom this law provides careful consideration. Having reviewed the current conditions of the facilities, services, programs, and activities for which DelDOT is responsible, DelDOT finds that in general these services, programs, and activities are accessible. What follows below is a conclusive summary assessment or evaluation of where DelDOT complies with ADA standards and where DelDOT needs further work in order to comply. It is also noted where full compliance depends on other entities meeting their obligations for accessibility. This more conclusive summary is presented under the same categories as the section above.

Project Development and Construction

The current approach to project development has been modified to incorporate related changes that were made in the Public Involvement Process and a Request for Practical Exception Documentation process has been added. Plans are reviewed for ADA compliance, and all construction is inspected using a checklist that has been developed with a goal of 100% compliance. The data from the inspections will be used to keep the pedestrian system inventory data up to date.

Design Standards and Practices

DelDOT’s design standards are in compliance with current regulations and guidance. As standards change, DelDOT will reassess and modify published standards as appropriate.

Pedestrian Facilities

The 2011-2012 evaluation of sidewalks, believed at the time to be DelDOT's obligation for maintenance, included 520 miles of sidewalk and related traffic signal components. That evaluation was finished in June 2012. About 55% of these sidewalks meet current standards while about 77% of associated curb ramps do not meet current standards. Part of the difficulty in determining the status of whether infrastructure is ADA compliant is because the standards have changed several times over the past 20 years. The most current summary of historical self-assessment inventory compliance data can be found in APPENDIX N. Detailed information is available through the DelDOT ADA Title II Coordinator.

More recently, and in coordination with the Federal Highway Administrator and the Delaware Deputy Attorney General, in 2015, DelDOT received more clarification as to DelDOT's maintenance responsibilities for sidewalks within municipalities and subdivisions. As described on pages 17 and 18 of this document, within municipal boundaries, DelDOT's maintenance authority is limited by 17 Del. Code Section § 134(a). In subdivisions, maintenance of sidewalks generally belongs to the homeowners or the homeowner's association.

Based on these clarifications, it was agreed by all parties that in 2012 DelDOT had overstated its rights and obligation to construct and maintain pedestrian facilities within incorporated cities and towns, as well as subdivisions. In September of 2016, DelDOT provided a desk audit that more clearly defined DelDOT's inventory of pedestrian facilities. The 2016 DelDOT pedestrian facilities audit identified that DelDOT has the maintenance responsibility for approximately 237 miles of sidewalk. Approximately 59% of the sidewalks reviewed meet current standards, while approximately 58% of curb ramps do not meet current standards. A table summarizing these findings can be found in [\(APPENDIX N\)](#).

Maintenance

The current approach to maintenance, particularly regarding snow removal, has been modified so that it complies with Federal code and regulation. DelDOT will need to estimate the annual cost associated with the modified maintenance program, and funds will need to be allocated accordingly.

The term "state-maintained" often refers to the pavement only and can be misleading, especially within municipalities and subdivisions. As described above, maintenance of the full pedestrian network does not rest with any one entity. Maintenance obligations are assigned via Town Agreements and anyone wishing to verify the maintenance obligations for roadways within municipalities or subdivisions needs to thoroughly review each Town Agreement. A more in-depth understanding of maintenance obligation is needed on each roadway to determine which entity is responsible for sidewalks and curbs. Those portions of the system within municipal boundaries and within subdivisions need resource commitments from the entities who are obligated to maintain them in order to ensure accessibility of the system year-round. It is either in the Town Agreement or the Town Charter.

Policies

In general, DelDOT's policies support and help provide for full accessibility. As noted above, the one area where there may be potential for improvement is in the Public Involvement Policy.

In 2015, DelDOT created the Pedestrian Accessibility Standards (PAS), which is a guidance manual to provide improved clarity for achieving ADA compliance within the DelDOT controlled portions of the public right-of-way (ROW). Implementation of clearly defined and enforced policies will lead to more consistent construction and inspection approaches and will result in decreased instances of re-work to achieve compliant features. The next step for the PAS will be to pursue promulgation as a state regulation to fill the gap until PROWAG is adopted at the Federal level through the US Access Board's planned rulemaking actions. Our goal is to promulgate the PAS Regulations in 2018.

In addition, the Complete Streets Implementation Plan needs to be completed and adopted as required by the Complete Streets Policy. Finalizing the Plan will demonstrate recognition of the fact that Complete Streets removes barriers and incomplete streets reduces the quality of life for those that live along and travel those incomplete streets.

Staffing

In other States, monitoring of ADA compliance has been the work of a specific individual or small group. In Delaware, in addition to the fulltime ADA Title II Coordinator, DelDOT has assigned staff to work on ADA Title II issues and to help manage the implementation of the Transition Plan. This team will need to be supported by dedicated clerical assistance, adequately trained construction inspectors, and road inventory technicians to document the compliance of existing and newly constructed facilities.

Funding

DelDOT currently funds and creates ADA compliant improvements to the transportation system in Delaware through the course of its normal work program, which includes paving and rehabilitation, congestion management, safety improvement, Transportation Alternatives Program (TAP), Safe Routes to School, and other capital improvement projects such as bus stop improvements funded through grants from the Federal Transit Administration.

Chapter 3: Transition Plan

DelDOT ADA TRANSITION PLAN - 2023

The DelDOT ADA Transition Plan provides for the comprehensive approach that DelDOT will take to bring the items identified as noncompliant during the DelDOT Self-evaluation into compliance with 42 USC. Sec.12132 and 28 CFR. Sec. 35.130. In addition, this document will be utilized as the guiding principle for how DelDOT addresses future programs and facilities that require compliance with Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973. DelDOT recognizes that this is a living document that is subject to policy changes at all levels of government and will require regular updating. DelDOT recognizes and commits to maintaining an up-to-date inventory as existing facilities are rehabilitated, and new facilities are added to the pedestrian network. As of 2023, updates were made to the final 2018 Transition Plan. There were no significant changes to this section.

Methods That Will Be Used to Make the Facilities Accessible

Standards

Due to competing standards and guidance at the federal level (e.g., AADAG, PROWAG, 2010 USDOJ Regs, 2006 USDOT Regs, MUTCD Regs, AASHTO Geometric Design Policy, etc.), the controlling standard to apply to public roadway rights of way is often unclear. That, combined with the unique challenge of making sidewalks and curb ramps meet standards within the existing terrain where nothing is level and existing slopes frequently exceed ADA standards, building ADA compliant infrastructure is difficult, but not impossible. Indeed, DelDOT has struggled with building curb ramps only to find out afterward that the finished surfaces were not completely ADA compliant. When this happens, it is expensive to remove and reconstruct. It undermines trust between DelDOT, and our internal and external stakeholders and it limits our ability to make improvements elsewhere on the pedestrian network. For these reasons, DelDOT has written a state-level standard intended to harmonize the various federal standards creating one clear, achievable, and consistent target for DelDOT projects.

For DelDOT designed and built facilities in the public right-of-way, design and construction will be required to meet the *DelDOT's Pedestrian Accessibility Standards, Facilities in the Public Right-of-Way (PAS)*. This is an internal design manual. DelDOT created the PAS to provide improved clarity for achieving ADA compliance within the DelDOT controlled portions of the public right-of-way (ROW). These guidelines exceed the minimum requirements prescribed in the 2006 ADAAG (i.e., sidewalk width). DelDOT's standards incorporate industry guidance and best practices established by the American Association of State Highway and Transportation Officials (AASHTO), the Manual on Uniform Traffic Control Devices (MUTCD) and the 2011 draft Public Right-Of-Way Accessibility Guidelines (PROWAG). In addition, DelDOT met with the Delaware State Council for Persons with Disabilities (SCPD) and the Delaware Architectural Accessibility Board for input and incorporates many of the suggestions offered by those for which this document will have the greatest impact. When a project is unable to meet the desired optimum requirements within the PAS, project managers must document the reasons why via a memo to the project file. In these cases, when it is not possible to meet the desired optimum PAS requirements, projects will

be required to meet the minimum federal requirement. When it is determined that ADA compliance is technically or practically infeasible due to safety, environmental conditions and/or deemed historical as defined by the 2006 ADAAG, a design waiver process is made available through the PAS. The design waiver, or *DelDOT Request for Practical Exception (RPE)* form ([Appendix I](#)), must be requested and approved for each element that is not in full compliance. The RPE must describe the methods that will be taken to ensure that the element has been designed to meet full compliance to the maximum extent feasible. The RPE will be on alteration projects that have proven that minimum requirements cannot be met and in rare cases in new construction in the rare case where the terrain prevents compliance. As of 2023, Appendix I has been updated to the most current version. The 2021 PAS manual changed the RPE form along with the process to submit and approve by the Title II Coordinator.

The PAS guidelines can be found at [DelDOT Pedestrian Accessibility Manual](#)

At this time, the PAS is for DelDOT internal use and to be utilized for guidance on DelDOT projects only. However, this Transition Plan commits DelDOT to include the PAS requirements in all permits as a condition of approval and to make the PAS a condition of acceptance of subdivision streets. Further, DelDOT will pursue development of a State-level regulation needed to apply the PAS to all work within the State rights of way whether being completed by public or private entities. In this way, Delaware will ensure consistent efforts to bring the pedestrian network into compliance with the ADA regardless of who is working in the State's right of way, such as utility companies and land developers.

Inspections

While the PAS guidelines provide a much better form of clarity, consistency and understanding for design and construction personnel as to what the Department requires for ADA compliance, additional quality assurance steps are taken to ensure the standards are practiced. All pedestrian elements within the projects performed by DelDOT or that require DelDOT oversight receive an independent ADA inspection between DelDOT's semi-final inspection and DelDOT final inspection. All pedestrian facilities are reviewed by a skilled, contracted consultant team that measures and reports the compliance status of all pedestrian elements within a given project. The consultant team is managed by DelDOT's Engineering Support section. DelDOT also has highly skilled staff ADA technicians that are available to provide guidance and oversight throughout the design and/or construction process. Any location or element that is identified to be noncompliant is added to a punch list that must be completed before the project is accepted.

Funding

DelDOT has identified several capital improvement programs in the State Transportation Improvement Program (STIP) that have been and will continue to be utilized to fund remediation of the noncompliant features identified in the self-evaluation. In addition, DelDOT will look to leverage programs such as the Community Transportation Fund (CTF) and Municipal Street Aid by encouraging the recipients of those grants and allocation funds to invest in projects that will address noncompliant ADA features.

Roadways

- Project Development and Construction Program
- Bridges Program
- Intersection Improvements Program
- Safe Routes to School Program
- Bicycle/Pedestrian Program
- Transportation Alternatives Program
- The Recreational Trails Program
- Rail Crossing Safety Program
- Pedestrian Access Routes Program*(PAR)
- Paving & Rehabilitation Program*
- Signage and Paving Markings Program
- Materials and Minor Contracts Program
- Safety Program
- Traffic Calming Program
- Transit Systems (Delaware Transit Corporation)

Grants and Allocations

- Municipal Street Aid
- Community Transportation Fund

*Of all the DelDOT capital improvement programs funded through the STIP the Paving & Rehabilitation Program along with the newly formed and funded PAR Program will have the greatest impact on improving connectivity and pedestrian mobility on a system-wide basis across the pedestrian network. The Paving Program will address the curb ramps and the PAR Program will seek to eliminate gaps, faults, pinch points, and similar deficiencies that impede use of existing sidewalks.

Pedestrian Access Routes (PAR) Program:

Funding for PAR projects will be from multiple sources including the existing line item in the CTP under the Statewide Program called Pedestrian ADA Accessibility. Funding will also come from existing program set aside, such as the paving program, for locations that were identified as a stand-alone transition plan project. These are locations that will require one or all of these attributes: utility relocation, right-of-way acquisition or any number of environmental issues that will require formal design to construct to 100 percent compliance or to the maximum extent feasible.

Funding for this program is \$4,500,000 annually from the FY 21-26 CTP/STIP. These funds are a separate line of funding in the CTP, meaning it is distinct and separate from the various other funded programs and that the PAR Program funding level can fluctuate upward as needed and/or when additional funding is available. The excerpt from the CTP item line for this program can be found in **(Appendix K)**.

Schedule

Short-term (Next 5 Years)

The DelDOT schedule for bringing the ADA features that have been identified as noncompliant and are the responsibility for DelDOT is currently under way. DelDOT has made a strong commitment to improving ADA compliance programs identified in the Capital Transportation Program (CTP) and/or the DelDOT (STIP). The current list of DelDOT capital improvement projects budgeted through the CTP for pedestrian facilities can be found in **(Appendix H)**. As of 2023, Appendix H has been updated and the link for reference is below.

About the CTP

"Per federal regulation 23 CFR 450.216 (a)-(o), each State is required to develop a Statewide Transportation Improvement Program (STIP). Delaware refers to the STIP as the CTP. This plan is developed in cooperation with Delaware's two Metropolitan Planning Organizations (MPOs), WILMAPCO and Dover/Kent MPO, and Sussex County. These entities, in turn, gather input from their local constituents so that the adopted CTP is the result of a grassroots effort. The latest federal transportation spending authorization, Moving Ahead for Progress in the 21st Century (MAP-21) requires each state to develop a STIP containing at least four years' worth of projects. Though the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) recognize only the first four years of the STIP, Delaware includes six years in order to accommodate a longer period of fiscal planning and management..." For more information about the Capital Transportation Program Development Process, go to link:

[FY21-FY26 CTP \(deldot.gov\)](https://deldot.gov/fy21-fy26-ctp)

Please refer to the information provided in the above link for more information.

Paving & Rehabilitation Program

Rehabilitation of existing pavements occurs on about a 15-year cycle, meaning most roads in the State will have work done to maintain the pavement in a good condition about once every 15 years. Since many of these are alteration projects, the curb ramps must be made accessible as part of each paving project (See 28 CFR § 35.151; **Kinney v. Yerusalim**, 9 F.3d 1067 (3d Cir. 1993), cert. denied, 511 U.S. 1033 (1994)). The scope of the paving program is to do in-kind replacement of pavement on state-maintained roadways outside of suburban developments. Subdivisions street paving and subdivision sidewalk work are paid for under separate programs.

DelDOT recently contracted 6 consulting design firms experienced in addressing the unique challenges with designing curb ramps and other ADA features to ADA compliance within the public right-of-way (i.e., right-of-way acquisition, environmental permitting drainage design, utility relocation, etc.). This hiring will coincide with an update to the State-level PAS guidelines so DelDOT can ramp up to full production capability and speed our transition to a fully ADA compliant pedestrian network. The involvement of six consulting design firms will maintain the transitional phase of the program on schedule.

DelDOT will post a list of proposed Paving & Rehabilitation (P&R) projects each year on the website www.ADA.DelDOT.gov. In addition DelDOT will forecast its goal for constructing and/or updating noncompliant curb ramps within the scope of those P&R projects. Currently DelDOT has scheduled 30 P&R projects that will include the construction of curb ramps. The goal is to have at least 100 curb ramps identified within the scope of these projects constructed in calendar year 2017 and each year thereafter. This schedule and other schedules will be updated and reported annually. A list of the DelDOT P&R projects to be advertised in 2017 can be found in [\(Appendix M\)](#). As of 2023, Appendix M has been updated to show current P&R projects. DelDOT is posting a list of proposed paving and rehabilitation projects each year at the following link, <https://deldot.gov/Business/ada/index.shtml?dc=adaInventory>. This list includes an anticipated goal for curb ramps to be reconstructed through the listed P&R projects.

Pedestrian Access Route (PAR) Program

DelDOT has instituted a transition plan project program to address complaints, gaps in the pedestrian network, and non-compliant locations that cannot be addressed within the scope of existing programs and projects. The current status of this new program is to provide staff with the capacity and expertise to address locations that require design, right-of-way acquisition, utility relocation, and drainage reconfiguration needed to convert non-compliant pedestrian facilities to ADA standards. Curb ramps and sidewalk locations that require design prior to being constructed will be accomplished under the PAR Program using the resources of all 6 consulting firms hired to support the Paving Program. DelDOT's goal is to have all of the approximate 500 of these identified retrofitted curb ramps designed and constructed within 5 years. In addition, the DelDOT PAR program has two larger scale stand-alone projects that are being coordinated. These two projects will be constructing and/or reconstructing sidewalks and curb ramps, removing barriers such as vertical differences and pinch points, as well as improving traffic signals to connect approximately 1.7 miles of pedestrian facilities. The goal is to have these two projects completed within 5 years. Active projects being addressed by the PAR program can be found in [\(Appendix O\)](#). As of 2023, Appendix O has been updated to reflect the current PAR projects. In addition, the approximately 500 curb ramps are either in construction or proceeding to construction. The 2 large scale projects are complete plus and additional large-scale stand-alone project was completed.

Transit Program

DTC is authorized to spend \$9,435,000 between FY 23 and FY 26. This funding can include building or upgrading bus stops to achieve compliance with Federal Americans with Disabilities Act (ADA) standards and requirements. An excerpt from the CTP can be found in [\(Appendix L\)](#) Appendix L has been updated as of 2023.

As of 2023, the Transit Program identified nine bus stops that will be improved or rebuilt in FY 2024. In addition to DTC's Transit Program, DTC leverages DelDOT capital projects and/or developer projects to improve or add bus stop facilities as part of commitments to achieve compliance with accessibility standards and requirements.

Long-term (Next 15 Years) Overview

DelDOT's long-term schedule for remediating noncompliant ADA sidewalk and sidewalk features is multifaceted and will begin with the utilization of programs and projects funded through the CTP to more directly link capital improvement projects to the needs of the DelDOT ADA inventory. The Department will evaluate opportunities to plan and implement capital projects that improve the existing, and strategically expand the pedestrian network. Those long-term projects will be listed in the 6-year CTP. In addition, DelDOT has a strategy to leverage the resources of the PAR program with that of the Paving program. By having the PAR Program work ahead of the Paving Program to identify gaps and barriers, design retrofit improvements, and fold those design plans into our Paving Contracts, we believe we will be implementing a more efficient and effective long-term strategy. Finally, DelDOT will continue to monitor the DelDOT Sidewalk Maintenance Policy and make changes as needed to meet our accessibility goals. As of 2023, the long-term goals are still operating as referenced in this section.

Paving & PAR Program Transition

Of all the programs at DelDOT, the paving program has the potential to have the most profound impact on Delaware's transition to a fully ADA compliant pedestrian network because it offers the opportunity to improve curb ramps to ADA Standards on all State-maintained roads. DelDOT has already transitioned its Paving Program so that the PS&E milestone will not occur on paving projects without fully signed/approved curb ramp construction plans. This ensures curb ramp construction is being completed at the same time as the paving work. DTC reviews each bus stop for compatibility to the Americans with Disabilities Act (ADA) of 1990.

We will continue to transition the Paving Program to partner with the DelDOT PAR program with the intention to incorporate remediation of additional noncompliant pedestrian features into paving projects where feasible and appropriate to create greater connectivity and mobility for pedestrians. The goal of combining these two programs when possible and applicable is to incorporate improvements to DelDOT pedestrian facilities (i.e., sidewalks, pinch points, etc.) that traditionally would not be within the scope of an alteration project. As DelDOT paving projects are typically scheduled on a 15-year cycle, utilizing this plan of action would allow DelDOT to make a significant impact on many noncompliant pedestrian facilities, but especially to the curb ramp inventory. As of 2023, these programs are still operating as referenced in this section.

Maintenance Program

The Maintenance program has made significant improvements in its sidewalk snow removal program. Since the implementation of the program in the winter of 2013-2014, the DelDOT Snow Removal Program has been able to improve its efforts and expand the program. As of the winter of 2015-2016, the Sidewalk Snow Removal Program was able to reach approximately 120 of the nearly 136 miles of "primary" sidewalk that DelDOT has maintenance responsibilities for. DelDOT will continue to identify ways to improve this program. As of 2023, the sidewalk snow removal program is still operating as referenced in this section.

While tremendous progress has been made with regards to the sidewalk snow removal program, DelDOT recognizes that there are areas in need of improvement with regards to routine sidewalk maintenance. In 2017, DelDOT made a commitment to revisit the DelDOT Sidewalk Maintenance Policy with a goal to incorporate methods to develop an annual review and repair program for DelDOT pedestrian facilities. DelDOT intended to pursue approval of a funding item line in the CTP specifically for sidewalk maintenance to support an annual schedule for sidewalk maintenance repairs. This action was one of the recommendations that were provided by the 2016 Governor's Advisory Council on Walkability and Pedestrian Safety. More details regarding the goals and responsibilities of Executive Order 54, the Governor's Advisory Council on Walkability and Pedestrian Safety can be found in [\(Appendix J\)](#). As of 2023, DelDOT has not developed an annual sidewalk maintenance and repair review program nor has DelDOT pursued specific funding to support annual sidewalk maintenance and repair. Executive Order 54 has been superseded by 2 Del C. Chapter 15. <https://legis.delaware.gov/SessionLaws/Chapter?id=41677> **Appendix J** has been updated to reflect the current law.

Policies

DelDOT has five existing policies that are related to DelDOT's goal to provide accessible state- owned transportation programs and systems including all transportation facilities located in the state-owned right-of-way for all persons living in, working in, or traveling in Delaware. Policy A-07 as referenced in the Self-Evaluation section has been retired since the complaint procedure is posted publicly on the DelDOT website. Policy O-03 DelDOT Public Involvement Policy is undergoing current revision to address accessibility as part of the public involvement process. Policy O-06 Complete Streets Policy is also undergoing revisions to better align with DelDOT current practices. The five existing policies are:

- D-07-Context Sensitive Design
- DTC-5.01 Bus Stop and Passenger Facilities Policy
- O-02- Sidewalk and Multi-Use Path Maintenance Policy
- O-03- DelDOT Public Involvement Policy
- O-06- Complete Streets Policy

These policies are available upon request. Please contact DelDOT's ADA Title II Coordinator. Contact information for the ADA Title II Coordinator's is located in [\(Appendix D\)](#).

Construction Program

Through the implementation of e-Construction technology and development of mobile applications, construction inspection staff will make real-time updates to the sidewalk inventory, which will provide for more timely reporting to the public and to the FHWA. As of 2023, the Department's office of Engineering Support conducts ADA construction compliance inspections using ADA compliance inspection application (ACIA), which makes real time updates to the sidewalk inventory. This is a quality assurance step to ensure that DelDOT is in compliance with ADA obligations.

Public Involvement

DelDOT's previous 2018 Transition Plan involved the public and public review through three meetings held on March 20, 2017, in Georgetown, Delaware, March 27, 2017, in Bear, Delaware, and March 28, 2017, in Dover, Delaware.

As noted in Chapter 1 of this document, DelDOT's intent is to update the Transition Plan annually and more comprehensively on a five-year schedule. If either of these updates change the intent of the original Transition Plan, DelDOT will open the Transition Plan update for public comment.

Since the annual updates and 2023 Transition Plan update did not change the intent of the 2018 Transition Plan, DelDOT did not open the Transition Plan for public comment or conduct any public meetings.

Staffing

Since 2012, DelDOT has made substantial changes in staff and personnel resources to support its efforts to fulfill the commitment to this Transition Plan.

- Civil Rights Section – In addition to the ADA Title II Coordinator, this Section has added to its staff two skilled and experienced ADA Compliance Technicians available to provide DelDOT designers and inspectors with ADA guidance in any phase of a DelDOT project with pedestrian facilities. Additional duties include performing preliminary investigations of constituent complaints and reviewing challenges to the findings of the OPM ADA inspections. In addition to the technical staff, a staff position was created to provide administrative and operational support.
- Office of the Secretary – In January 2015, the Secretary of the Department of Transportation moved the Civil Rights Section from its place in Support Services to the Office of the Secretary. This step was taken to heighten the importance of Civil Rights and express the urgency to meet the DelDOT goals for ADA compliance.
- The Project Development Section – In 2013 added experienced ADA personnel designated for reviewing plans for ADA compliance. In 2019 this ADA compliance role, through staffing changes, moved to the Division of Planning Section.
- Division of Planning – The Pedestrian Coordinator reviews plans for statewide consistency including ADA compliance. In 2022, the Pedestrian Coordinator (former ADA compliance role) was clarified to include the review of plans for statewide consistency including but not limited to, Pedestrian Network, Connectivity, and Pedestrian needs. In 2022, the Title II Coordinator assumed responsibility for review of plans for statewide consistency specific to ADA Compliance.
- Since the Fall of 2013, The Office of Performance Management (OPM), now known as Engineering Support, has led the post-construction ADA inspections as a quality assurance method to achieve 100% compliance with ADA. The Office of Performance Management, Engineering Support, has added skilled and experienced inspection and reporting staff, via consulting contracts, that review all DelDOT construction projects that affect pedestrian facilities for ADA compliance.

- In 2014, DelDOT initiated the Pedestrian Access Routes (PAR) program. The Department hired a PAR Coordinator to support the evaluation of the current pedestrian network, to promote inclusion of pedestrian enhancements in other DelDOT projects and programs, to administer individual projects enhancing the pedestrian network and to assist with design efforts resolving ADA complaints.
- All DelDOT staff involved with the planning, design, construction, and inspection of DelDOT facilities in the public right-of-way are provided with various forms of training. The training is provided to build on their awareness to meet existing compliance measures for accessibility as well as periodic updates that occur with changes to federal and state policies.
- DelDOT will periodically review the workload for this effort and decide whether additional staff resources are needed. In addition, DelDOT will evaluate alternative methods for keeping the pedestrian system inventory complete and up to date and then will adopt the method it deems to be most cost effective.

Goal for meeting Compliance

Through our various policy initiatives, programmatic changes, guidance development, training, and commitment of resources as described above, the Department has set a goal to remediate all noncompliant pedestrian features within 15 years. Throughout this transition, DelDOT will monitor this document and make updates as needed to remain consistent with future State and Federal policy changes. As of 2023, the Department is 5 years into the 15-year goal.

Responsible Official

DelDOT's Chief Engineer is responsible for implementing the Transition Plan.

Progress Monitoring and Reporting

The ADA Title II / Section 504 Coordinator will be responsible for creating an annual Transition Plan Work Program that covers work items not included in the actions cited in the "Funding" paragraph above and for ensuring that the applicable portion of the Transition Plan Work Program is included in the Department's budget and work program for each year. This work will include quality assurance checks that the design and construction of transportation system projects are in compliance with ADA standards. In addition, this person is responsible for creating an annual Transition Plan Progress Report including maps that depict the locations that have been remediated in the past year. The annual tabulated progress information and maps are available for viewing at the ADA Website <https://deldot.gov/Business/ada/index.shtml?dc=adaInventory>. In addition to the annual reporting, this person will coordinate a comprehensive review of the pedestrian network on a five-year basis to determine overall progress toward meeting the long-term goals contained herein. As of 2023 the goals listed above are in place.

APPENDIX A

Title 29, Chapter 82. Department of Safety and Homeland Security§ 8210. State Council for Persons with Disabilities

There is hereby established a State Council for Persons with Disabilities. This

Council shall have the following duties and responsibilities:

- (1) Promote coordination among all state programs, services and plans established for or related to persons with disabilities.
- (2) Review, on a continuing basis, all state policies, plans, programs, and activities concerning persons with disabilities which are conducted or assisted, in whole or part, by state departments, agencies or funds in order to determine whether such policies, programs, plans and activities effectively meet the needs of persons with disabilities.
- (3) Make recommendations to the Governor, the General Assembly and all state departments and agencies respecting ways to improve the administration of services for persons with disabilities and for facilitating the implementation of new or expanded programs.
- (4) Provide the Governor, the General Assembly, all interested agencies and the general public with review and comment on all state legislative proposals affecting people with disabilities.
- (5) Provide policymakers and the general public with analyses and recommendations on federal and local governmental legislation, regulations and policies affecting state programs and persons with disabilities.
- (6) Propose and promote legislation, regulations, and policies to improve the well-being of persons with disabilities.
- (7) Serve as a central state clearinghouse for information and data regarding:
 - a. The current numbers of persons with disabilities and their needs;
 - b. The location, provision and availability of services and programs for persons with disabilities;
 - c. Any other relevant information and data about persons with disabilities which the council deems appropriate.
- (8) Prepare and submit to the Governor and the General Assembly an annual report of the activities of the Council and the status of services and programs for persons with disabilities.
- (9) Serve as advisory council for the Community-Based Attendant Services program established by Chapter 94 of Title 16.
- (10) Serve as the primary brain injury council for the State. In furtherance of this role, the Council shall:

- a. Fulfill the duties and responsibilities set forth in paragraphs (b)(1) through (8) of this section with respect to persons with brain injuries;
- b. Fulfill Council duties and responsibilities identified in the Concussion Protection in Youth Athletic Activities Act, codified at Chapter 30L of Title 16; and
- c. Maintain a standing brain injury committee to facilitate prevention and centralized interdisciplinary planning, assessment, and an improved service delivery system for individuals with brain injury comprised of the following members, or designees of such members:

1. Director of the Division of Public Health;
2. Director of the Division of Developmental Disabilities Services;
3. Director of the Division of Substance Abuse and Mental Health;
4. Director of the Division of Aging and Adults with Physical Disabilities;
5. Director of the Division of Prevention and Behavioral Health Services;
6. Director of Division of Vocational Rehabilitation;
7. Exceptional Children Director of Department of Education;
8. Chair of Governor's Advisory Council for Exceptional Citizens;
9. Chair of Developmental Disabilities Council;
10. Minimum of 3 survivors of brain injury or family members of such individuals; and
11. Representatives of prevention, planning, veterans, and service delivery organizations appointed by the Council, including a representative of the state chapter of the Brain Injury Association of America and a representative of the "protection and advocacy agency" defined in § 1102 of Title 16.

(11) Serve as administrative agency for the Employment First Oversight Commission as established in § 745 of Title 19.

(a) For administrative purposes, this Council is placed within the Department of Safety and Homeland Security.

(b) This Council shall consist of the following members:

- (1) The Secretary of Health and Social Services, or a designee of the Secretary;
- (2) The Secretary of Labor, or a designee of the Secretary;
- (3) The Secretary of Education, or a designee of the Secretary;
- (4) The Secretary of Services to Children, Youth and Their Families, or a designee of the Secretary;
- (5) The following councils, committees, agencies, and organizations shall elect 1 of their members to serve as a member of the Council:

- a. The Governor's Advisory Council for Exceptional Citizens;
 - b. Developmental Disabilities Council;
 - c. Governor's Committee on Employment of Persons with Disabilities;
 - d. Advisory Council to the Division of Developmental Disabilities Services;
 - e. Advisory Council to the Division of Substance Abuse and Mental Health;
 - f. Architectural Accessibility Board;
 - g. Delaware Transit Corporation;
 - h. Council on Services for Aging and Adults with Physical Disabilities;
 - i. Advisory Council on Public Health [repealed];
 - j. Council on Deaf and Hard of Hearing Equality;
 - k. Criminal Justice Council;
 - l. State Rehabilitation Advisory Council; and
 - m. Other councils, committees, agencies, and organizations as approved by both the State Council for Persons with Disabilities and the affected council, committee, agency, or organization;
- (6) Individuals appointed by the Council to ensure that at least 50% of the total membership are individuals with disabilities or family members with disabilities. At least 33% of the total membership shall be composed of individuals with disabilities.
- (a) Any vacancy of a representative position under paragraphs (d)(1)-(5) of this section shall be filled by the respective council, committee, agency, or organization within 1 month.
 - (b) Any member who misses either 3 consecutive meetings or 4 out of any 12 consecutive meetings shall be presumed to have resigned from the Council.
 - (c) Members of the Council shall serve without compensation, except that they may be reimbursed by the Department of Safety and Homeland Security for reasonable and necessary expenses incident to their duties as members of the Council to the extent funds are available therefore and in accordance with state law.
 - (d) The Council shall elect its own Chairperson.
 - (e) The Council shall determine its meeting schedule, but there shall not be less than 4 meetings each calendar year, open to the public, held in an accessible place and with reasonable accommodations as requested.
 - (f) A simple majority of the total membership shall constitute a quorum which shall be necessary to vote on any issue.
 - (g) As used in this section, "persons with disabilities" means any person who has a physical or mental impairment which substantially limits 1 or more major life activities, has a record of such impairment.

(h) For purposes of this section, the operations, and activities of the Division for the Visually Impaired and the Governor's Advisory Council on the Blind shall be exempt from the purview of the State Council for Persons with Disabilities.

76 Del. Laws, c. 391, § 11; 78 Del. Laws, c. 60, § 1; 78 Del. Laws, c. 331, § 2; 80 Del. Laws, c. 409, § 2.;

APPENDIX B

DOJ Agreement

VOLUNTARY SETTLEMENT AGREEMENT BETWEEN THE DELAWARE DEPARTMENT OF TRANSPORTATION,
THE COMMUNITY LEGAL AID SOCIETY, INC., AND THE UNITED STATES DEPARTMENT OF JUSTICE

1. The undersigned acknowledge that the following Agreement is entered into voluntarily and sets out the terms and conditions to bring certain roads under the jurisdiction of the State of Delaware into further compliance with the Americans with Disabilities Act of 1990.
2. In accordance with the Americans With Disabilities Act of 1990, 42 U.S.C. §§ 12101 – 12134 (“ADA”), as implemented by regulations at 28 C.F.R. Part 35, the Delaware Department of Transportation (“DelDOT”), the Community Legal Aid Society, Inc. (“CLASI”), and the United States Department of Justice, by and through the United States Attorney’s Office for the District of Delaware (“USDOJ”) voluntarily enter into this letter Agreement (“Agreement”) regarding installation of curb ramps at intersections on state-maintained roads throughout the State of Delaware. Section 504 of the Rehabilitation Act of 1973 (“Section 504”) likewise prohibits discrimination against people with disabilities by recipients of federal financial assistance in providing transportation and related services, and its implementing regulations expressly direct recipients of federal transportation assistance to comply with all aspects of the ADA. See 29 C.F.R. §§ 27.7 and 29.19. The following procedures for retrofitting curb ramps at intersections, which have not previously been accessible, take into account DelDOT’s resources, the seasonal constraints of curb ramp construction, and establish a schedule for bringing all applicable state roads into compliance with the ADA and Section 504.
3. The parties agree that under the ADA, pavement rehabilitation projects, including suburban residential streets, must include the construction of accessible curb ramps. 28 C.F.R. § 35.151(e) (1-2); Barden v. City of Sacramento, 292 F.3d 1073 (9th Cir. 2002), cert. denied, _ U.S. ___, 123 S. Ct. 2639 (2003); Kinney v. Yerusalim, 9 F.3d 1067 (3d Cir. 1993), cert. denied, 511 U.S. 1033 (1994).
4. CLASI and USDOJ accept the assurances of DelDOT that DelDOT included, and continues to include, the installation of required accessible curb ramps in all new pavement resurfacing and Community Transportation Needs (CTN) (formerly known as Suburban Street Fund) projects prospectively beginning in 2001 and thereafter. The parties also agree that DelDOT retrofitted all previous projects commenced in the years 1998-2000 with curb ramps, in order to make them accessible where required.
5. In addition, CLASI and USDOJ accept the assurances of DelDOT that since 1992 DelDOT has installed curb ramps as required under the ADA for all Paving and Rehabilitation Projects with 3” or more of top material removed, and for all large re-paving projects funded with a combination of state and federal dollars. Except under limited circumstances, in addition to the retrofitting described in the paragraph 4 of this Agreement, however, DelDOT did not install curb ramps for resurfacing projects where less than 3” top material was removed, or on suburban residential streets projects, as called for under ADA regulation, 28 C.F.R. 35.151(e)(1-2)¹, at the locations where such curb ramps should have been so installed. The number of curb ramps in

Delaware that remains to be retrofitted to comply with the ADA, based on the repaving work done between the 1992 and the 1997 construction seasons, is estimated at approximately 1500. Delaware's approximate construction cost per ramp varies by contract issued pursuant to the state procurement laws but has ranged from \$800 to \$1,500 in recent years.

6. To bring its remaining roads into ADA-compliance with respect to curb ramps where required, DelDOT hereby agrees to undertake to identify and retrofit one hundred (100) additional curb ramps each year, over and above any curb ramps installed pursuant to its normal construction practices, until the estimated 1500 ADA non-conforming sites for the years 1992-1997 or their equivalent have been retrofitted, subject to the funding limitations noted in paragraph 10 of this Agreement.

7. The parties recognize that some of these ramp locations will be conformed to the ADA as the result of the ongoing and regular resurfacing cycles applicable to all state roads and streets. The parties expect that by completion of the retrofitting schedule described below, all intersections on State of Delaware roads will eventually conform to the ADA's curb ramp requirements through either routine resurfacing cycles or this retrofitting agreement.

8. DelDOT hereby agrees to use its best efforts to review its records concerning resurfacing projects from years 1997 to 1992, to identify, to the extent feasible and practical, those intersections in which accessible curb ramps have not yet been installed. Starting with June 2004 and in subsequent years as applicable, DelDOT will identify the additional curb ramp locations that will be retrofitted during the following year's upcoming construction season. To the extent feasible and practical, DelDOT will set the construction priorities for such ramps based on the following scheme:

<u>Original Construction Season Compliance Year</u>	<u>Retrofit Schedule Year</u>
1997	2005
1996	2006
1995	2007
1994	2008
1993	2009
1992	2010

If any remaining curb ramps have not been retrofitted by the year 2010, upon completion of the above schedule, DelDOT will begin this review cycle again, starting with Compliance Year 1997, until all non-conforming sites have been retrofitted.²

9. In addition, in June of each Review Year, DelDOT will post non-conforming ramp locations proposed to be retrofitted for the upcoming construction season on the DelDOT website, <https://www.deldot.gov/Business/ada/index.shtml>, over and above the ramp locations to be retrofitted under the regular resurfacing and reconstruction programs. DelDOT will collaborate with the State Council for Persons with Disabilities and its own advisory council, EDTAC, in

order to publicize this process and to facilitate public input into the prioritization of sites. In determining which sites have a higher priority, DelDOT agrees to review the public comments, and consider those comments when scheduling sites for retrofitting for that year. CLASI and USDOJ agree that DelDOT shall have the ability to adjust the above schedule to include sites they deem appropriate due to public comment in any particular year, as long as adjustments do not alter the overall pace of remedial retrofitting outlined in paragraph 8.

10. Under either procedure outlined in paragraphs 8 and 9 of this Agreement, \$150,000 in construction costs will be dedicated each year to the construction of the accessible curb ramps to be built pursuant to this Agreement. These funds are expected to provide sufficient wherewithal for the construction of a minimum of 100 curb ramps each year under this Agreement. If bid prices permit a higher number than 100 curb ramps to be reconstructed within this \$150,000 limit, DelDOT will proportionately increase the number of curb ramps to be installed in the construction cycle year immediately following the nomination process. The parties also agree that DelDOT's actual total costs under this program will exceed \$150,000 per year, but that the funding limitation relates only to the bid prices for ramp construction.

11. In return for DelDOT's agreement to conform intersections on the schedule and under the procedure above, CLASI agrees to forebear suit on ADA and § 504 violations related specifically to the installation of curb cuts subject to this agreement, absent a specific new complaint related to installation of curb ramps in state roads that are subject to this agreement. If a specific new complaint does arise, CLASI agrees to attempt to informally resolve the matter with the State of Delaware prior to the filing of any lawsuit. CLASI does not waive or otherwise agree to forebear suit on any other potential ADA, § 504, or other claim related to any other aspect of DelDOT or state activity, including without limitation, any obligation the state may have to maintain sidewalks. It is agreed that any material violation of this Agreement may result in a lawsuit by CLASI and/or a Letter of Finding issued by the USDOJ, subject to any defenses the State of Delaware may have to such litigation.

12. The State of Delaware agrees to waive any statute of limitations defenses as to the intersections covered under this Agreement. In addition, annually, and not later than March 1 each year, DelDOT agrees to issue a report to the Project Director of the Disabilities Law Program, of CLASI, one copy to Chairman of the State Counsel for Persons with Disabilities, in care of the Delaware Division of Administrative Services, Delaware Department of State. The report would provide the following information: (1) The number and location of curbs retrofitted for the prior year; and (2) a synopsis of the public comments received.

13. In entering into this Agreement, the State of Delaware does not admit that the Delaware Department of Transportation, its employees, or any entity on its behalf has violated any legal requirement of the Americans with Disabilities Act, including but not limited to any alleged violations of the curb ramp regulation, 28 C.F.R. 35.151(e) (1-2), but that this Agreement is entered into voluntarily in settlement of disputed claims. Except as provided in paragraph 12 of the Agreement, the Department of Transportation expressly reserves any and all defenses it may be entitled to assert in any subsequent litigation relating the Americans with Disabilities Act, notwithstanding the representations and commitments outlined in this Agreement, none of which may be used against the State of Delaware, its agencies and/or employees in any such proceeding.

Executed on this 16th day of July, 2004

COLM F. CONNOLLY
United States Attorney

Community Legal Aid Society, Inc.

By: _____

Paulette K. Nash
Assistant United States Attorney
The Nemours Building
1007 Orange Street, Suite 700
Wilmington, Delaware 19801
302-573-6277

James G. McGriffin, Jr.
Executive Director
100 W. 10th Street, Suite 801
Wilmington, Delaware 19801
302-575-0660

Delaware Department of Transportation

By:
Carolann Wicks, P.E.
Chief Engineer
Delaware Department of Transportation
P.O. Box 778
Dover, DE 19903
302-760-2305

Attest: _____
Martha N. Dobson
Director, Technology and Support Services
Delaware Department of Transportation
P.O. Box 778
Dover, DE 19903
302-760-2203

Approved as to form:

Frederick H. Schranck
Deputy Attorney General
Delaware Department of Justice
P.O. Box 778
Dover, DE 19903
302-760-2020

¹Section 35.151 of the Code of Federal Regulations, Title 28 states the following: “...(e)

Curb ramps

1. Newly constructed or altered streets, roads, and highways must contain curb ramps or other sloped areas at any intersection having curbs or other barriers to entry from a street level pedestrian walkway.

2. Newly constructed or altered street level pedestrian walkways must contain curb ramps or other sloped areas at intersections to streets, roads, or highways.” 28 C.F.R. § 35.151(e) (1 and 2).

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²As further discussed in this Agreement, this formula may be amended dependent upon the public comment period, at the discretion of the State of Delaware, when public comments require retrofitting out of sequence for a particular intersection(s), as long as adjustments do not alter the overall pace of remedial retrofitting outlined in paragraph 8.

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[Cases & Matters by ADA Title Coverage](#)| [Legal Documents by Type& Date](#)| [ADA Home Page](#)

<http://www.ada.gov/deldot.htm>[2/28/2014 5:22:54 PM]

APPENDIX C

ADA Workgroup Members

DelDOT Staff:

Jim Pappas – Workgroup Chair
Clayton Bedwell
Marco Boyce
Sherrie Cronshaw
Jenna Frye
Bonnie Hitch - DART
Joseph Hofstee
Alex Krajewski
Mark Luszc
Michael McCann
Brian McIlvaine
Linda Osiecki
Jennifer Pinkerton
Ralph Reeb
Sandy Roumillat
Cherrine Smith

2017 Update Contributors:

John McNeal – Former DelDOT ADA Title II Coordinator
Dave Nicol – Assistant Director, Engineering Support
Robert McCleary – DelDOT Chief Engineer
Mark Alexander – Director of Maintenance & Operations
Thomas Nickel – Pedestrian Access Route (PAR) Coordinator
Kathrina Stroud – Former Civil Rights Administrator

DelDOT ADA Title II Coordinator:

Todd Webb, ADA Title II/Section 504 Coordinator
Office of the Secretary
Delaware Department of Transportation
Dover, Delaware 19903-0778

State of Delaware ADA Coordinator:

John McNeal
State ADA Coordinator/Administrator of the State Council for Persons with
Disabilities
Margaret O'Neill Building
410 Federal Street, Suite 1
Dover, Delaware, 19901
Email: john.mcneal@state.de.us
Phone: (302) 739-3620

Appendix D
ADA Grievance/Complaint Procedure
Delaware Department of Transportation
Civil Rights Section
ADA Title II/Section 504 Complaint Policy Procedure

Title II of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act protects qualified individuals with a disability against discrimination based on their disability. Under Title II of the ADA, DelDOT is required to ensure that all of their programs, services, and activities are accessible to individuals with disabilities.

The Delaware Department of Transportation (DelDOT) does not discriminate against individuals with disabilities in any/all services, programs, or activities that DelDOT provides. Additionally, DelDOT does not exclude individuals from their services, programs, or activities.

The Delaware Department of Transportation has adopted this grievance procedure which provides for a prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations including but not limited to Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973, 42 U.S.C. 794.

Filing an ADA Complaint

Any person, by themselves or by a representative, organizations or business entities that believe they have been subjected to discrimination or retaliation prohibited by Title II of the Americans with Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973 (Section 504) may file a complaint.

Timeframe for Filing Complaints

Complaints must be filed within 180 days of the last date of the alleged discrimination unless the time for filing is extended at DelDOT's Title II Coordinator's discretion. The filing date of the complaint is the earlier of: (1) the postmark of the complaint, or (2) the date the complaint is received by any office authorized to receive complaints.

Items Not Considered a Complaint

Anonymous complaints, inquiries seeking advice or information, courtesy copies of court pleadings, courtesy copies of complaints addressed to other local, State, or Federal agencies, newspaper articles and courtesy copies of internal grievances are examples of items that are not considered a complaint, unless the item contains a signed cover letter specifically asking that the agency take action concerning the allegation.

Complaint

A. Submitting a Complaint

Complaints should be in writing and signed using the ADA Grievance/Complaint Form provided on DelDOT's website. The preferred format for submitting an ADA complaint is online using the [DelDOT portal](#). Complaints may also be submitted by mail, in person, or e-mail. If an individual is unable to provide a written statement, an oral grievance can be filed by contacting the ADA Title II Coordinator.

The complaint will be required to provide the following information:

- An explanation of what happened;
- Information necessary to contact the complainant;
- Sufficient information to understand the facts that led the complainant to believe that discrimination occurred;
- The date(s) of the alleged discriminatory act(s);
- Complainants represented by an attorney must provide a letter authorizing representation. The attorney will be copied on all correspondence with the complainant;
- Complainants may withdraw their complaint at any time. This action closes the case without prejudice.

B. Where to submit Complaints

Complaints may be submitted to DelDOT's Title II Coordinator via any of the information listed below:

DelDOT's address:

Office of Civil Rights

P.O. Box 778

Dover, DE 19903

Phone: (302) 760-2048

Email: dot.adasupport@delaware.gov

Website: <https://deldot.gov/Business/ada/>

DelDOT's Responsibilities

Complaints filed under the ADA Title II/ Section 504 will be investigated by DelDOT in accordance with these complaint procedures. The complete complaint will be reviewed within 14 calendar days for acceptance or referral to the appropriate authorized agency.

A. Reviewing Complaints

DelDOT will review all complaints under ADA Title II/ Section 504. One of the following actions may occur:

- If the complaint is unclear or incomplete, the complainant will be contacted in writing, by email, or by telephone to obtain additional information.
- After determining that the complaint will be accepted for investigation, a notification letter will be sent to the complainant and the respondent (if applicable).
- If it becomes clear that DelDOT lacks jurisdiction over a complaint, the complaint will be referred to the appropriate authorized agency. A referral letter will be sent to the agency along with the complaint and any other documents collected. A letter will also be sent to the complainant stating that the complaint has been referred to another agency and that DelDOT has closed the complaint.

B. Investigating Complaint

DelDOT will conduct a field investigation within 30 calendar days of reviewing and accepting the complaint. The complainant may be contacted to attend the field investigation to further clarify the reason for the complaint.

C. Letters of Finding (LOFs)

Based on the investigation, the analysis of information and evidence gathered, DelDOT will generate a LOF. The LOF will outline the complaint, describe the investigation process and findings, and may include general or specific recommendations and/or a formal corrective action plan with anticipated goals for complaint resolution.

D. Contact with Complainant

DelDOT's ADA Title II Coordinator, or designee, will maintain contact with the complainant during the ADA Grievance/Complaint process to provide updates and/or report progress on complaint resolution.

The goal to report complaint investigation findings will be 30 calendar days from the completion of the complaint investigation unless circumstances exist justifying additional investigative time.

E. Dismissal

The DelDOT ADA Title II Coordinator has the authority to dismiss ADA Title II/ Section 504 complaints. A complaint may be dismissed for any of the following reasons that include but are not limited to:

- The complaint is not filed in the time period stated under **Timeframe for Filing Complaints**.
- The complainant fails to respond to repeated requests for additional information needed to process the complaint, as outlined in section **A. Reviewing Complaints**;
- There is no statutory or alleged basis for the complaint, or the complainant does not allege any harm with regard to current programs or statutes;
- The complaint has been investigated by another agency and the resolution of the complaint meets United States Department of Justice and/or Federal Highway Administration (USDOJ/FHWA) regulatory standards;
- Credible information found at any time indicating that the allegations raised by the complainant have been resolved;
- The same complaint allegations have been filed with another Federal, State, or local agency possessing statutory authority to accept and process such complaints.

APPENDIX E

Non-Discrimination Statement/Assurances

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990 ("ADA") and Section 504, the Delaware Department of Transportation will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: The Delaware Department of Transportation does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the ADA.

Effective Communication: The Delaware Department of Transportation will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the Delaware Department of Transportation programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: The Delaware Department of Transportation will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, service animals accompanying individuals that require this form of assistance are welcomed in the Delaware Department of Transportation offices where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the Delaware Department of Transportation, should contact Public Relations at 302-760-2080 as soon as possible but at least 48 hours before the scheduled event.

The ADA does not require the Delaware Department of Transportation to take any action that would fundamentally alter the nature of its programs or services or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of the Delaware Department of Transportation is not accessible to persons with disabilities should be directed to the DelDOT ADA Title II Coordinator at 302-760-2467.

The Delaware Department of Transportation will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

APPENDIX F

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**APPENDIX F WHICH INCLUDED INITIAL SELF-ASSESSMENT DATA HAS BEEN
SUPERSEDED AND REMOVED FROM THIS DOCUMENT.**

**REFERENCE APPENDIX N FOR REVISED HISTORICAL SELF-ASSESSMENT DATA
THAT HAS BEEN REVIEWED IN 2023 TO ENSURE ACCURACY WITH DELDOT'S
CURRENT PEDESTRIAN NETWORK FACILITIES AND JURISDICTION**

APPENDIX G

FHWA MEMORANDUM: Submission of State ADA Transition Plans

FHWA Division Offices Approval of STA Transition Plans

Under **49 CFR Part 27**, public entities may not discriminate on the basis of disability in programs or activities receiving federal financial assistance. Specifically in **49 CFR 27.3(a)** this applies to each recipient of federal financial assistance from the U. S. Department of Transportation (DOT) and to each program or activity that receives such assistance. In effect this means that a recipient may not, directly or through contractual or other arrangements, utilize criteria or methods of administration that have the effect of subjecting qualified handicapped persons to discrimination on the basis of disability. **49CFR 27.7(b)(vii)(4)(i).**

I. Jurisdiction

By ADA regulations (**28 CFR, 35.190**) the DOT has been designated by the Department of Justice (DOJ) as the federal agency responsible for overseeing and implementing ADA compliance for all programs, services and regulatory activities relating to transportation. Under **49 CFR 27.19**, DOT recipients must comply with DOJ's ADA regulations to be considered in compliance with DOJ's regulations under Section 504 of the Rehabilitation Act of 1973 (Section 504). DOT has designated FHWA as the responsible operating administration to oversee and implement compliance with DOJ's regulations for FHWA funded projects. In doing so, FHWA Division Offices work with STAs to ensure that the ADA and Section 504 requirements are incorporated in all program activities for projects within the public rights-of-way. The Section 504 regulations at **49 CFR 27.11** require FHWA to monitor an STA's compliance with the ADA, DOJ and DOT regulations that address self-evaluation and transition plans. This includes conducting periodic program reviews of STAs highway planning, design, and construction activities so as to ensure pedestrian accessibility compliance.

II. Transition Plan a requirement under ADA and the Rehabilitation Act

Every STA is required by the DOJ's regulations at **28 CFR 35.150(d)** to have developed an ADA Transition Plan within six months of January 26, 1992. The DOT regulations at **49 CFR 27.3-7** prohibit discrimination on the basis of disability in any "method of administration," including programs that have the effect of subjecting persons with a disability to discrimination. This includes the lack of an ADA Transition Plan, which we use to ensure that existing facilities of recipients come into compliance. So, a failure to have a compliant Transition Plan would violate **49 CFR 27.7**, because it would be a discriminatory method of administration.

III. Transition Plan as part of compliance review

Under 49 CFR 27.123, if FHWA receives any information that indicates a possible failure to comply, including not having a Transition Plan that meets the regulatory requirements, the responsible Departmental official will inform the recipient and seek to correct the failure by informal means. If informal means do not correct the problem, the responsible Departmental official may recommend suspension or termination of, or refusal to grant or to continue, Federal financial assistance, or take any other steps authorized by law. **49 CFR 27.125.**

I. Requirements for approval of the ADA and Section 504 provisions.

At least every four years, the State shall submit an updated STIP concurrently to the FHWA and the FTA for joint approval. At that time the STIP or STIP amendments are submitted, the State shall certify that the transportation planning process is being carried out in accordance with all applicable requirements of the provisions of the ADA and Section 504 of the Rehabilitation Act. **23 CFR 450.218(a)(6), (10).** So, every four years the STAs certify that they meet the requirements of the ADA and Section 504, which in the planning process would include transition plans. FHWA and FTA are approving these plans and amendments as meeting all of the requirements of ADA and Section 504. However, it is possible for the Division of Civil Rights personnel to note the lack of an approved transition plan at the time of approval and certify the STIP with the deficiency noted.

Conclusion

The regulations cited support HCR's direction that Division Offices review and approve ADA transition plans. More specifically, in its review of a transition plan, a Division Office receiving "any...information that indicates a possible failure to comply" with the ADA Transition Plan requirement should work with the STA to correct that deficiency prior to approving the Plan. In addition, the regulation at **23 CFR 450.218** requires that every State submit an updated STIP to the FHWA for approval which certifies that the transportation planning process is being carried out in accordance with all applicable requirements of the ADA. A current ADA transition plan is clearly on of these "applicable requirements."

Enclosure 2



Jane Doe
CEO, State DOT
Home City, X Zip Code
Subject: ADA Transition Plan

Dear Ms. Jane Doe,

The Federal Highway Administration's (FHWA) _____ Division Office has received the Transition Plan that your State has submitted, as required by the Americans with Disabilities Act of 1990 (ADA). Based upon our analysis, it appears that your Transition Plan meets the requirements of regulations implementing the ADA at 28 CFR Part 35.

While your current Transition Plan appears to meet the regulatory requirements, FHWA Guidelines provide that... [insert plans for strengthening Plan her]. The self-evaluation portion of the Transition Plan is intended to be regularly revised and updated, as required by 28 CFR Part 27.11.

As part of our oversight responsibilities, our office will continue to monitor ADA activities and ask that you submit regular progress updates on the fulfillment of your ADA responsibilities.

Sincerely,

John Doe
Division Administrator
FHWA _____ Division (HAD-X)

cc: Nichole McWhorter, Division Manager, Coordination and Compliance Section

APPENDIX H
FY 21-26 CTP/STIP

Project Name	Description	Program
Pavement & Rehabilitation, Sussex 1, (SR 1, Forgotten Mile) 2017	The proposed improvements will consist of pavement milling, asphalt mix & concrete patching, asphalt mix overlay, improvements to the ADA facilities (curb ramps) and pavement markings.	Pavement & Rehabilitation
HSIP KC, SR 15 and SR 42 Intersection Improvements	This project proposes a roundabout at the intersection of SR42 (Seven Hickories Road) and SR15 (Brenford Road/Seeneytown Road).	Project Development South
Coastal Highway Intersection Improvements	The project scope includes the extension of the SR 1 southbound U- turn lane approaching Old Landing Road and removal of one of two SR 1 northbound left-turn lanes approaching Rehoboth Mall Boulevard. The project also includes reconstruction of the concrete median, storm drains, and ITMS as well as the addition of a CCTV camera at the SR 1 intersection with Rehoboth Mall Boulevard.	Project Development South
Pavement & Rehabilitation, North III, City of Wilmington, Broom Street, 2023	This contract will consist of 2" profile mill, bituminous concrete, and PCC patching, 2" type C hot-mix, ADA upgrades, and upgrades to pavement markings and signing throughout this location.	Pavement & Rehabilitation
Shared Use Path, S. Church St to S. Walnut St, Wilmington	A shared use path will be constructed between S. Church Street and S. Walnut Street south of the City of Wilmington's new Wetland Park.	Project Development North
Sussex County Drainage & Structure Resilience, FY23	The project involves placement of additional drainage features including a new connection to an existing outfall pipe. The drainage area is located at DE 54 Lighthouse Rd and SR1 Coastal Hwy in Fenwick Island	South District
Adams Street Sidewalk	The project includes sidewalk and curb ramp improvements along Adams Street from 6th Street to Delaware Avenue in the City of Wilmington. The work will include bringing all sidewalk network into ADA compliance, improving intersection crosswalks, upgrading curb ramp system and minor landscaping.	Planning - Active Transportation & Community Connections

Pavement & Rehabilitation, Sussex III (Milford & Milton) 2019	The proposed improvements will consist of pavement milling, bit. asphalt patching, ADA upgrades, asphalt mix overlay and pavement markings.	Pavement & Rehabilitation
Subdivision Paving, North VII, 2023	Subdivision Paving, North VII, 2023. Work to include curb and gutter, sidewalk repairs, and/or Bituminous Concrete milling and overlay.	Canal District
Munchy Branch Road Multi-Use Trail	The Munchy Branch Road Multi-Use Trail project involves the addition of a 2? shoulder, concrete curb, and an 8-foot-wide concrete bicycle/pedestrian Trail from Seaside Boulevard to Field Lane, on the southeast side of the road. Curb ramps and crosswalk striping will also be provided at intersecting side streets. The trail allows for safe pedestrian and bicycle movement along Munchy Branch Roads within the project limits. Additionally, the intersection of Munchy Branch Road, Field Lane, and Shady Ridge Drive will be modified to better accommodate the four -way stop that exists today.	Planning
HEP KC, SR15 & Andrews Lake Road Intersection Improvements	Based on the recommendations of the 2009 HEP Report, a roundabout is proposed in this location, as well as multi-modal and SWM improvements.	Project Development South
US 202, Murphy Rd to Rocky Run Blvd PAR & Sidewalk Improvements	The scope of the project includes improving the Pedestrian Access Route and Sidewalk along different sections of Concord Pike (US 202) between Murphy Rd and Rocky Run Blvd. It is important to note that the planned work is intended to take place outside of municipal jurisdictions.	Planning
N.W. and N.E. Front Street Streetscape Improvements-Milford	Reconstruction of existing curb, curb ramps, sidewalk, installation of new curb, curb ramps, sidewalks as needed, 8'-10' shared-use path, pavement mill and overlay, landscaping, and environmental improvements.	Planning - Active Transportation & Community Connections
East Coast Greenway, SR 4 Shared-Use Path Gap	Design and construct a multi-use pathway along SR4 near the SR273 interchange and provide bike/ ped crossing improvements at Augusta Drive.	Planning - Active Transportation & Community Connections

4th Street, Walnut Street to Adams Street	The 4th Street project includes improvements to the operation and safety aspects of the corridor to address needed improvements for pedestrians, bicyclists, and transit users.	Project Development North
Subdivision Paving, North III, 2023	Subdivision Paving, North III, 2023. Work to include curb and gutter, sidewalk repairs, and/or Bituminous Concrete milling and overlay.	Canal District
Irish Hill Road, Fox Chase Road to McGinnis Pond Road	This project proposes the addition of shoulders, bicycle lanes and/or multi-use paths within the project limits. The project will realign Woodlytown Road with McGinnis Pond Road and realign Peach Tree Run Road with Fox Chase Road. Roundabouts are proposed at both of the realigned intersections.	Project Development South
Community Transportation Fund, North I, 2018 Fixed Location	Work to include curb and gutter, sidewalk repairs and/or bituminous concrete milling and overlay.	Maintenance and Operations
North District Crew Quarters and Site Work, Phase 1A	The purpose of this project is to expand the existing North District Maintenance Yard at 39 East Regal Boulevard into a full-size maintenance yard with a crew quarters, two truck sheds, a drive aisle, parking lot, material storage area, and hopper racks.	Statewide Support Services
Old Capitol Trail, Newport Road to Stanton Road	The project will provide intersection improvements at the Old Capitol Trail intersections with Newport Road and Stanton Road. Improvements will include accommodations for bicycles and pedestrians.	Project Development North
NE Front Street, Rehoboth Blvd. to SR1	This project proposes the addition of shoulders, bike lanes and sidewalks and/or multi-use path along the corridor.	Project Development South
Subdivision Paving, North, 2023	Subdivision Paving, North II, 2023. Work to include curb and gutter, sidewalk repairs, and/or Bituminous Concrete milling and overlay.	Maintenance and Operations

Pavement & Rehabilitation, Sussex II, (Stein Hwy), 2023	This project will consist of patching, bituminous concrete overlay, PCC curb and sidewalk, guardrail, and upgraded signing and pavement markings.	Pavement & Rehabilitation
College Road, Kenton Road to McKee Road	The proposed improvements for this project consist of widening for shoulders, sidewalk, or multi-use path on both sides of College Road; intersection improvements to accommodate bicycles and drainage improvements. Some utility relocations will be necessary, as well as acquisition of right-of-way and easements. Additionally, the entire roadway will be overlaid with new pavement.	Project Development South
CM/GC, North Millsboro Bypass, US 113 to SR24	This project includes a new 2 lane road alignment connecting US 113 and SR 24 north of Millsboro. The new alignment will start at US 113 and extend eastward bridging over Fox Run Road, the Norfolk Southern Railroad, the Millsboro Pond, and Gravel Hill Road. The new road will connect to SR24 west of Mountaire Farms.	Project Development South
Cave Neck Road, Hudson, and Sweetbriar Roads Intersection Improvement	Project will incorporate geometric changes to the Cave Neck Road intersections at Sweetbriar Road and Hudson Road to help alleviate safety concerns. The modified 5-legged roundabout alternative has been selected to move forward in design.	Project Development South
Pavement & Rehabilitation, Sussex I, (DE16, Beach Highway), 2022	The proposed improvements will consist of pavement milling, p.c.c. patching, asphalt mix overlay and pavement markings.	Pavement & Rehabilitation
HEP, KC, US13, Lochmeath Way to Puncheon Run Connector	This project involves the addition of a third lane in each direction on US13 from Lochmeath Way to the Puncheon Run Connector. This will include roadway widening, stormwater management facilities, multiple intersection redesigns, traffic signal reconfigurations and multi-modal improvements.	Project Development South
Southbridge Streetscape Improvements Phase III	Continue TAP efforts around Southbridge area consistent with Circulation Study and Neighborhood Plan. Efforts include 1) improved overhead & ped style lighting, 2) crossings, sidewalk, and bumpout around Hicks Park, 3) new signal and crossings at C Street and New Castle Ave, and 4) bicycle striping designation on S. Claymont.	Planning - Active Transportation & Community Connections

Frederica Road Pedestrian Improvements	Design of pedestrian and non- motorized improvements in Frederica.	Planning - Active Transportation & Community Connections
Old Baltimore Pike Side Path, Phase II	Design and construction of a new side path along Old Baltimore Pike between Walther Rd and SR72. ADA improvements to be included.	Planning
HEP KC, US13 & Brenford/Big Oak Rd. Intersection Improvements	This project includes the addition of turn lanes on the side streets, improvements on US13, signal upgrades and multi-modal improvements.	Project Development South
Big Oak Road Shared-Use Pathway	This project will involve the design and construction of a shared use pathway along Brenford Road (south of Smyrna) between US13 and the railroads tracks. Facilities will be considered on both sides of the road.	Planning - Active Transportation & Community Connections
School Lane Pathway	This project will include the design and construction of a bike/ped facility along School Lane from RT273 to an intersection point with adjacent community.	Planning - Active Transportation & Community Connections
HSIP KC, Seven Hickories Rd. and Brenford Rd./Seeneytown Rd. Intersection Improvements	The intersection of Seven Hickories Rd. and Seeneytown Rd./Brenford Rd. has been identified by the HSIP and recommended installing a roundabout for safety and capacity solutions. The project will include ped/bike, drainage, and other safety improvements.	Project Development South
Double Bridges Road Multi-Use Trail Phase I	Design and construction of a multi-use trail facility along Double Bridges Road. This project will be phase I of the overall master plan. The project limits are from Muddy Neck Road to Parker House Road.	Planning - Active Transportation & Community Connections
Senator Bikeway Phase III, Mifflin Road to DHS	This project will include the design and construction of a bike/ped pathway along RT8 from Mifflin Road to Dover High School. The pathway will be an extension of the Senator Bikeway and make the connection to DHS. The pathway is proposed to be 8' wide.	Planning - Active Transportation & Community Connections

McCoy Road Pedestrian Bridge	The proposed improvements include the installation of a 40-foot-long pedestrian bridge to cross Dragon Run Creek with a 5' clear width.	Planning - Active Transportation & Community Connections
Fenwick Island Sidewalk Improvements	The project will evaluate the existing pedestrian facility to determine what improvements need to be done to make the facility safer and ADA compliant	Planning - Active Transportation & Community Connections
Edgemoor Rd Bicycle and Pedestrian Improvements, Governor Printz Blvd to Hay Rd	Improvements will include the reconstruct the existing deteriorating SUP and substandard barrier on the westbound side of Edgemoor Road to form a continuous reconstructed pathway from the intersection of Edgemoor Road at Hay Road to the east, and Edgemoor Road at Governor Printz Boulevard to the west.	Project Development North
East Camden Bypass	This project provides a connection/extension of the proposed West Camden Bypass at the intersection with US13, it will then head northeast on a new alignment to a proposed roundabout on SR10. This proposed roundabout will provide access for the new roadway alignment, existing SR10 and existing Rising Sun Road. The new alignment will then continue northeast to the existing intersection of US13 & Old North Road. The new alignment will also provide connections to the local roadway network within the project limits, will meet local road design standards and will provide multi-modal accommodations.	Project Development South
SR1 Fenwick Island Sidewalk from Lighthouse Rd. to Lewes St.	The project pertains to designing a sidewalk and ADA improvements to the pedestrian facilities within the Town of Fenwick Island.	Planning - Active Transportation & Community Connections
Denny Road and Lexington Parkway Intersection Improvements	The project will install a roundabout at the current intersection. It will accommodate vehicles, bikes, and pedestrians.	Project Development North

Capital City Trail Phase III, South State Street to US 13	The project will include the design and construction of a 10' wide multi-use trail intended for bikes and pedestrians.	Planning - Active Transportation & Community Connections
Walnut Street, 3rd Street to 16th Street	Walnut Street is a major in-bound route to the central business district. This project includes improvements to the operation and safety aspects of the corridor to address needed improvements for pedestrians, bicyclists, and transit users.	Project Development North
Market St. and Front St. Pedestrian Improvements, Seaford	Removal and replacement of sidewalk and curb ramps, installation of crosswalks, installation of stormwater BMPs due to the close proximity of the Nanticoke River.	Planning - Active Transportation & Community Connections
HEP KC, US113 & SR14 Intersection Improvements	This project will include addition/enhancement of turn lanes and auxiliary lanes, new traffic signal and bicycle and pedestrian facility improvements at the intersection.	Project Development South
HEP KC, SR15/Kenton Rd. at Central Church Rd. Intersection Improvements	A roundabout is proposed at this location.	Project Development South
Community Transportation Fund, North II, 2018 Fixed Location	Work to include curb and gutter, sidewalk repairs, and/or bituminous concrete milling and overlay.	Maintenance and Operations
West Camden Bypass	This project provides a connection on new Alignment from SR10 east of the Railroad, traversing an open area behind the Eseco Industrial Park tying into a proposed roundabout on Upper King Road. The new alignment will then traverse the King property tying into the existing signal on US13 in the vicinity of the new Grottos Pizza & Wawa store. The new alignment will also provide connections to the local roadway network within the project limits. This new roadway will meet local road design standards and will provide multi-modal accommodations.	Project Development South

Delaware Avenue Separated Bikeway	This project provides a two-way separated bicycle facility along Delaware Avenue between Orchard Rd and Library Ave that will accommodate both eastbound and westbound bicycle travel.	Project Development North
Pavement & Rehabilitation Sussex II (US113, DuPont Blvd. - N. Georgetown)	The proposed improvements will consist of pavement milling, p.c.c. patching, asphalt mix overlay, and pavement markings.	Pavement & Rehabilitation
New Castle Avenue Area Sidewalk and Streetscapes	Sidewalk replacement, missing gap connections, crosswalks, & other streetscape enhancements for the roadway/transportation corridors adjacent to SR 9/New Castle Avenue. This includes Bizarre Drive, Morehead Drive, Hillview Avenue, and Lambson Lane.	Planning - Active Transportation & Community Connections
Pavement & Rehabilitation, Sussex III, (Rehoboth Beach – Rehoboth Ave) 2023	The proposed improvements will consist of pavement milling, bit. asphalt patching, ADA upgrades, asphalt mix overlay and pavement markings.	Transportation Solutions
Subdivision Paving, North IV, 2023	Subdivision Paving, North IV, 2023. Work to include curb and gutter, sidewalk repairs, and/or Bituminous Concrete milling and overlay.	Maintenance and Operations
Subdivision Paving, North V, 2023	Subdivision Paving, North V, 2023. Work to include curb and gutter, sidewalk repairs, and/or Bituminous Concrete milling and overlay.	Maintenance and Operations
Rehabilitation of Bridges 2-356B&C on SR10 Lebanon Road	Bridge rehabilitation and adding bike lanes.	Bridge Design
Town of Hartly Sidewalk Improvements Phase II	This project will include sidewalk and ADA upgrades within the Town of Hartly along Arthursville Road from the town limits to a point near the elementary school.	Planning - Active Transportation & Community Connections
Georgetown to Lewes Trail, Fisher Road to Airport Road	This is the final phase of the Georgetown to Lewes Trail. The project will include the construction of a multi-use trail along and adjacent to the state-owned railroad as well as road intersection improvements where the rail line crosses a road.	Planning - Active Transportation & Community Connections

Pavement & Rehabilitation, Sussex I (Laurel- Market St & Central Ave) 2019	The proposed improvements will consist of pavement milling, p.c.c. patching, ADA upgrades, asphalt mix overlay and pavement markings.	Pavement & Rehabilitation
Capital City Trail, Gateway to South State Street	Design and Construction of a multi-use trail along Rt.10 from Gateway Shopping Center to South State Street.	Planning - Active Transportation & Community Connections
Laurel Ramble Phase II	Remove and replace obsolete sidewalk and pathway along Broad Creek. ADA upgrades, landscaping, and lighting. Located in Laurel, the reconstructed or new path lies along and between E. Front St. and Broad Creek approximately from N. Central Avenue to Rossakatum Creek.	Planning - Active Transportation & Community Connections
West Street Pathway	Design and Construction of a shared use pathway along West Street and New Burton Road to improve safety and mobility for bicyclists and pedestrians.	Planning - Active Transportation & Community Connections
Pavement and Rehabilitation, North I, SR4 - W. Newport Pike, 2023	This project will consist of PCC patching, joint sealing, bituminous concrete super-pave type C overlay, PCC curb and sidewalk, guardrail, and upgraded signing and pavement markings.	Pavement & Rehabilitation
US 113 at SR 20 Grade Separated Intersection	This project scope consists of a grade separation at the US 113/ SR 20 intersection located just north of Millsboro, Delaware. The grade separation includes a partial cloverleaf configuration with loop ramps in the northeast and southwest quadrants with signals at the ramp terminals, a bridge structure, drainage improvements, and multimodal facilities. Also, unsignalized median crossovers will be removed on US 113 south of the US 113/ SR 20 intersection within the project's limits.	Project Development South
Replacement of BR 3-437 on SR54 Lighthouse Road	The proposed project will replace the existing structure with precast concrete deck bulb-tee beams, resting on concrete abutments and piers. Additional work will include approach roadway reconstruction. Work will be performed under a full road closure during the bridge demolition and placement of the new structure.	Bridge Design

Pavement & Rehabilitation, Kent II, (Woodside – Main Street), 2023	The proposed improvements will consist of pavement milling, bit. asphalt patching, ADA upgrades, asphalt mix overlay and pavement markings.	Transportation Solutions
Pavement and Rehabilitation, North II, Rogers Rd PCC Reconstruction, 2023	This project will consist of the reconstruction of PCC pavement, PCC sidewalk and curb, guardrail, and upgraded signing and pavement markings.	Pavement & Rehabilitation
Pavement & Rehabilitation Sussex IV, (Greenwood Seaford Areas), 2017, Sussex	The proposed improvements will consist of pavement reclamation, pavement milling, asphalt mix patching, asphalt mix overlay, improvements to the ADA facilities (curb ramps & sidewalks) and pavement markings.	Pavement & Rehabilitation
Subdivision Paving, North VI, 2023	Subdivision Paving, North VI, 2023. Work to include curb and gutter, sidewalk repairs, and/or Bituminous Concrete milling and overlay.	Maintenance and Operations
State Road Sidewalk Improvements	Proposing to add approximately 850- feet of sidewalk along the northeast side of State Road in the city of Rehoboth.	Planning -Active Transportation & Community Connections
Subdivision Paving, North I, 2023	Subdivision Paving, North I, 2023. Work to include curb and gutter, sidewalk repairs, and/or Bituminous Concrete milling and overlay.	Maintenance and Operations
Discount Land Road, US 13A to US 13	Improvements include roadway widening, bicycle lanes and the construction of a sidewalk or multi-use path adjacent to the roadway.	Project Development South
FY24 Intersection Improvement Program	Intersection Improvement for various locations throughout the state. Improvements include but are not limited to: traffic control system modifications, new traffic control systems, all-way stops, pedestrian enhancements, auxiliary lane improvements, roadway lighting, and other devices. Individual location information is below.	Traffic - Statewide

Rapid Rectangular Flashing Beacon	Milltown Road at Pecksniff Road	Traffic
Rapid Rectangular Flashing Beacon	Milltown Road at St. John Church	Traffic
Rapid Rectangular Flashing Beacon	Milltown Road at Maclary Drive/Parris Drive	Traffic
Rapid Rectangular Flashing Beacon	Milltown Road at Dartmouth Road	Traffic
Rapid Rectangular Flashing Beacon	Valley Road and Evanson Road	Traffic
Pedestrian Enhancements	SR 54 and Mallard Lakes	Traffic
Signal Rebuild	SR 41 at Milltown Road	Traffic
Signal Rebuild	Marsh Road and Crest Road	Traffic
Intersection Control	Delaware Street and 6th Street, City of New Castle	Traffic
New Signal	US 9 and Minos Conaway Road	Traffic
Rapid Rectangular Flashing Beacon	McKennans Church Road at Pecksniff Road	Traffic
Rapid Rectangular Flashing Beacon	McKennans Church Road at Bardell Drive	Traffic
Rapid Rectangular Flashing Beacon	McKennans Church Road at Milltown Shopping Center	Traffic
FY24 MUTCD Compliance Program	US 40 at Rickey Boulevard, Installation of traffic control devices along an NHS corridor that was justified by the MUTCD criteria.	Traffic
FY25 Intersection Improvement Program	Intersection Improvement for various locations throughout the state. Improvements include but are not limited to: traffic control system modifications, new traffic control systems, all-way stops, pedestrian enhancements, auxiliary lane improvements, roadway lighting, and other devices. Anticipated individual location information is below but can change in the future.	Traffic - Statewide
New Signal	SR273/Delaware St & 9th Street	Traffic

Signal Rebuild	SR273/Ferry Cutoff & Delaware Street	Traffic
Rapid Rectangular Flashing Beacon	SR 1 at Fresh Pond South Trailhead/Heron Road	Traffic
Rapid Rectangular Flashing Beacon	SR 1 at Indian Harbor Villas	Traffic
Signal Rebuild	SR 54 and Mallard Lakes	Traffic
Signal Rebuild	US40 and Pleasant Valley Road	Traffic
New Signal	SR 20 and Iron Branch Road	Traffic
Pedestrian Enhancements	US 13 at Lepore Road	Traffic
Pedestrian Enhancements	McKennans Church Road and Mill Creek Road	Traffic
Signal Rebuild	SR 7 and Arundel Drive	Traffic
Signal Rebuild	SR 1 and Layton	Traffic
Signal Rebuild	SR 1 and Evergreen	Traffic
Signal Rebuild	SR 1 and York	Traffic
FY26 Intersection Improvement Program	Intersection Improvement for various locations throughout the state. Improvements include but are not limited to: traffic control system modifications, new traffic control systems, all-way stops, pedestrian enhancements, auxiliary lane improvements, roadway lighting, and other devices. Locations will be identified in the future.	Traffic - Statewide
FY27 Intersection Improvement Program	Intersection Improvement for various locations throughout the state. Improvements include but are not limited to: traffic control system modifications, new traffic control systems, all-way stops, pedestrian enhancements, auxiliary lane improvements, roadway lighting, and other devices. Locations will be identified in the future.	Traffic - Statewide
FY28 Intersection Improvement Program	Intersection Improvement for various locations throughout the state. Improvements include but are not limited to: traffic control system modifications, new traffic control systems, all-way stops, pedestrian enhancements, auxiliary lane improvements, roadway lighting, and other devices. Locations will be identified in the future.	Traffic - Statewide

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2020 Hazard Elimination Program - Traffic Control Devices	This project will implement the recommendations of the 2020 Hazard Elimination Program. Improvements include signing, pavement markings, signals, and lighting.	Traffic - Statewide
	Rebuild signal	Traffic - Statewide
	Rebuild signal at Buccaneer Street and pedestrian enhancements at Airport Road	Traffic - Statewide
	Rebuild signal	Traffic - Statewide
	Rebuild signal	Traffic - Statewide
	Pedestrian enhancements	Traffic - Statewide
	Rebuild signal	Traffic - Statewide
2021 Hazard Elimination Program - Traffic Control Devices	This project will implement the recommendations of the 2021 Hazard Elimination Program. Improvements include signing, pavement markings, signals, and lighting. Locations will be identified in the future.	Statewide
2022 Hazard Elimination Program - Traffic Control Devices	This project will implement the recommendations of the 2022 Hazard Elimination Program. Improvements include signing, pavement markings, signals, and lighting. Locations will be identified in the future.	Statewide
2023 Hazard Elimination Program - Traffic Control Devices	This project will implement the recommendations of the 2023 Hazard Elimination Program. Improvements include signing, pavement markings, signals, and lighting. Locations will be identified in the future.	Statewide
2024 Hazard Elimination Program - Traffic Control Devices	This project will implement the recommendations of the 2024 Hazard Elimination Program. Improvements include signing, pavement markings, signals, and lighting. Locations will be identified in the future.	Statewide

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Intersection Improvement Program but fiscal year is unknown	Signal rebuild	Traffic - Statewide
Intersection Improvement Program but fiscal year is unknown	RRFB	Traffic - Statewide
Intersection Improvement Program but fiscal year is unknown	Pedestrian enhancements	Traffic - Statewide
Intersection Improvement Program but fiscal year is unknown	Signal rebuild	Traffic - Statewide
Intersection Improvement Program but fiscal year is unknown	Signal rebuild	Traffic - Statewide
Intersection Improvement Program but fiscal year is unknown	Signal rebuild	Traffic - Statewide
Intersection Improvement Program but fiscal year is unknown	Signal rebuild	Traffic - Statewide
Intersection Improvement Program but fiscal year is unknown	New signal	Traffic - Statewide
Intersection Improvement Program but fiscal year is unknown	Signal rebuild	Traffic - Statewide
Intersection Improvement Program but fiscal year is unknown	Pedestrian enhancements	Traffic - Statewide
Intersection Improvement Program but fiscal year is unknown	Signal rebuild	Traffic - Statewide
Intersection Improvement Program but fiscal year is unknown	Signal rebuild	Traffic - Statewide
Hazard Elimination Program - Traffic Control Devices but fiscal year is unknown	Pedestrian enhancements	Traffic - Statewide
Hazard Elimination Program - Traffic Control Devices but fiscal year is unknown.	Signal rebuild	Traffic - Statewide

Hazard Elimination Program - Traffic Control Devices but fiscal year is unknown.	Signal rebuild	Traffic - Statewide
Hazard Elimination Program - Traffic Control Devices but fiscal year is unknown	New signal	Traffic - Statewide
	Accessible pedestrian signals	Traffic - Statewide
	Accessible pedestrian signals	Traffic - Statewide
	Accessible pedestrian signals	Traffic - Statewide
	Accessible pedestrian signals	Traffic - Statewide
	Accessible pedestrian signals	Traffic - Statewide



Appendix I

Request for Practical Exception (RPE) Cover Sheet and Executive Summary

RPE ID:

Contract Name:
Project Purpose:
Project Type:
Pedestrian Facility Type:
Location Description:
Non-compliant element(s):

Contract No.:

Select all of the reasons why compliance is impracticable:

<input type="checkbox"/>	Pedestrian and vehicular safety	<input type="checkbox"/>	Operational effects
<input type="checkbox"/>	Existing site topography	<input type="checkbox"/>	Right-of-way availability
<input type="checkbox"/>	Structures	<input type="checkbox"/>	Utilities
<input type="checkbox"/>	Drainage	<input type="checkbox"/>	Environmental or cultural impacts
<input type="checkbox"/>	Historic features and historic property impacts	<input type="checkbox"/>	Other physical constraints

Describe the constraints or features that made compliance impracticable:

Describe the evaluation process:

Describe the recommended alternative and summarize how the alternative will not decrease the usability of the facility:

List the required and provided measurements for all non-compliant elements associated with the feature:

Prepared by: _____ Date: _____

Reviewed by: _____ Date: _____

Approved by: _____ Date: _____

Title II Coordinator

Select all enclosures included:

<input type="checkbox"/>	Location map	<input type="checkbox"/>	Existing site photo(s)
<input type="checkbox"/>	Schematic of existing location	<input type="checkbox"/>	Schematic of proposed design
<input type="checkbox"/>	Additional written justification	<input type="checkbox"/>	Other (list below)

Future Considerations (to be completed by the DelDOT Title II Coordinator):

☐ This facility could not be made compliant within this project but should be added to the ADA Transition Plan to be made compliant in the future.

☐ The constraints causing non-compliance are not a condition of project scope. It cannot be made compliant in the foreseeable future.

Appendix J
Transportation Department
Title 2
Chapter 15
Pedestrian Council

§ 1501. Purpose.

The Pedestrian Council (“Council”) is established to assist in the goal of eliminating pedestrian fatalities and make walking a safe, convenient, efficient, and comfortable means of transportation in Delaware.

§ 1502. Appointment; composition; qualifications; term of office; removal; compensation.

(a) The Council is composed of 17 members, as follows:

- (1) The Secretary of the Department of Transportation.
- (2) The Secretary of the Department of Safety and Homeland Security.
- (3) The chair of the State Council for Persons with Disabilities.
- (4) The Americans with Disabilities Act Title II coordinator with the Department of Transportation.
- (5) The Americans with Disabilities Act Title II coordinator with the Department of State.
- (6) The chief executive officer of the Delaware Transit Organization.
- (7) The general manager of the Department of Land Use of New Castle County.
- (8) The director of the Department of Land Use and Planning for the City of Wilmington.
- (9) The director of the Department of Planning Services for Kent County.
- (10) The director of the Sussex County Planning & Zoning Office.
- (11) The executive director of the League of Local Governments.
- (12) The Governor shall appoint 6 Delaware citizens with knowledge of pedestrian matters and comprised as

follows:

- a. A resident of New Castle County.
- b. A resident of Kent County.
- c. A resident of Sussex County.
- d. Three who reside anywhere in Delaware and have a physical disability, developmental disability, or visual impairment.

(b)(1) A member who serves on the Council by virtue of position may appoint a designee to serve in the member’s stead and at the member’s pleasure.

(2) At least 1 of the members appointed under paragraph (a)(13) of this section must represent the business community of this State.

(3) A member appointed under paragraph (a)(13) of this section serves for a term of 2 years. The Governor may appoint a member under paragraph (a)(13) of this section for a term of less than 2 years to ensure that the members’ terms expire on a staggered basis.

(4) A member appointed under paragraph (a)(13) of this section serves until a replacement is appointed under the same process as the member’s appointment.

(5) The Governor may remove a member under paragraph (a)(13) of this section for gross inefficiency, misfeasance, nonfeasance, malfeasance, or neglect of duty in office. A member is deemed in neglect of duty if the member is absent from 3 consecutive, regular Council meetings without good cause or fails to attend at least 50% of all Council meetings in a calendar year. The Governor may consider the member to have resigned and may accept the member's resignation.

(c) A Council member receives no compensation but may be reimbursed the member's actual and necessary expenses incurred in the performance of the member's official duties.

§ 1503. Quorum; officers; meetings; staffing and fiscal support.

(a) The number of members who must be present at a Council meeting in order to have a quorum and conduct official business is the majority of members. Counting for quorum does not include member positions that are vacant.

(b) The Council shall elect a chair from among its members. A chair serves for a 2-year term.

(c) The Council shall meet at least 4 times per calendar year. The Council shall comply with the Freedom of Information Act [Chapter 100 of Title 29] and post each meeting agenda, each meeting minutes, and other meeting materials on the State Public Meeting Calendar.

(d) The Department of Transportation, through the Planning Division, shall provide reasonable staff and fiscal support to assist the Council in performing its duties under this chapter.

§ 1504. Powers; duties.

(a) The Council shall do all of the following:

(1) Advise the Secretary of the Department of Transportation and the Commissioner of the Department of Safety and Homeland Security on the following issues:

a. Identifying gaps in the system of pedestrian paths and sidewalks in an effort to create a system of sidewalks and pathways that is continuous and interconnected.

b. Designing standards for crosswalks, sidewalks, and pathways, ensuring compliance with the Americans with Disabilities Act of 1990, as amended, and considering the practicality of completing projects using the standards.

c. Implementing the Department of Transportation's Sidewalk and Multi-Use Path Maintenance Policy.

d. Reviewing of traffic rules to help support a safe pedestrian environment.

e. Accessibility and connectivity in an effort to make transit a more viable option for all Delaware residents.

f. Developing strategies for pedestrian safety education and awareness.

(2) Assist the Department of Transportation with the periodic reevaluation and implementation of the Department of Transportation's Statewide Pedestrian Action Plan and make recommendations regarding the prioritization of pedestrian infrastructure improvements, especially within Level 1 and Level 2 Investment Areas, as the areas are determined under § 9101 of Title 29.

(3) Provide advice or recommendations to other appropriate agencies or municipalities.

(4) Assist with annual pedestrian safety events and outreach initiatives.

(5) Review facts and circumstances of Delaware pedestrian fatalities on a quarterly basis. The review should identify trends, if any, and make recommendations to improve pedestrian safety.

(b) The Council may form a subcommittee or multiple subcommittees to assist in completion of the Council's duties under this chapter. A subcommittee may include members of the public or from another state agency or nongovernmental organization

relating to relevant areas of expertise. A subcommittee member is not required to be a Council member.

(c) Submit an annual report of the Council's activities and recommendations to the Governor, General Assembly, and the Director and the Librarian of the Division of Research of Legislative Council. The Council shall also provide copies of the annual report to each affected state agency or municipality and make the report available on the Council's website.

Approved June 28, 2023

Project Title

APPENDIX K

Pedestrian ADA Accessibility

Primavera #

Project #

Pedestrian ADA Accessibility

14-22614

Project Description

These funds are used by DelDOT to make improvements to the pedestrian system (sidewalks, trails, etc.) as by the ADA Title II Transition Plan.

Project Justification

These activities are required per the Federal Americans with Disabilities Act.

Senatorial District(s):

Statewide

Representative Districts(s):

Statewide

PROJECT AUTHORIZATION SCHEDULE
IN (\$4,500,000.00)

PROJECT NUMBER	PHASE	FUNDING SOURCE	STATE AUTH (Prior to FY23)	CURRENT ESTIMATE	FY 2023			FY 2024			FY 2025			FY 2026			STATE TOTAL	FEDERAL TOTAL
					STATE	FEDERAL	FUND TYPE	STATE	FEDERAL	FUND TYPE	STATE	FEDERAL	FUND TYPE	STATE	FEDERAL	FUND TYPE		
	Program Funding	100% STATE		27,000.0	4,500.0			4,500.0			4,500.0			4,500.0			18,000.0	
Total				27,000.0	4,500.0			4,500.0			4,500.0			4,500.0			18,000.0	

PROJECT FUNDING SCHEDULE
IN (\$000)

PROJECT NUMBER	PHASE	FUNDING SOURCE	CURRENT ESTIMATE	FY 2023			FY 2024			FY 2025			FY 2026			FY 2027 TOTAL	FY 2028 TOTAL
				STATE	FEDERAL	OTHER	STATE	FEDERAL	OTHER	STATE	FEDERAL	OTHER	STATE	FEDERAL	OTHER		
	Program Funding	100% STATE	27,000.0	4,500.0			4,500.0			4,500.0			4,500.0			4,500.0	4,500.0
Total			27,000.0	4,500.0			4,500.0			4,500.0			4,500.0			4,500.0	4,500.0

APPENDIX L

Bus Stop Improvement Program

State of Delaware

Transit Facilities Minor Capital Program

Capital Transportation Program

Department of Transportation
FY 2023-FY 2028
PROJECT AUTHORIZATION SCHEDULE
IN (\$000)

PROJECT NUMBER	PHASE	FUNDING SOURCE	STATE AUTH (Prior to FY23)	CURRENT ESTIMATE	FY 2023			FY 2024			FY 2025			FY 2026			STATE TOTAL	FEDERAL TOTAL
					STATE	FEDERAL	FUND TYPE	STATE	FEDERAL	FUND TYPE	STATE	FEDERAL	FUND TYPE	STATE	FEDERAL	FUND TYPE		
	Program Funding	100% STATE		14,650.0	3,635.0			2,100.0			1,850.0			1,850.0			9,435.0	
	C	80% FTA		562.5														
Total				15,212.5	3,635.0			2,100.0			1,850.0			1,850.0			9,435.0	

Note: When there is a Federal Spend – with no authorization/obligation listed for the FY23 Federal – Phase was previously authorized or planned to be authorized/obligated prior to September 30, 2022.

PROJECT FUNDING SCHEDULE IN (\$000)

PROJECT NUMBER	PHASE	FUNDING SOURCE	CURRENT ESTIMATE	FY 2023			FY 2024			FY 2025			FY 2026			FY 2027	FY 2028
				STATE	FEDERAL	OTHER	STATE	FEDERAL	OTHER	STATE	FEDERAL	OTHER	STATE	FEDERAL	OTHER	TOTAL	TOTAL
	Program Funding	100% STATE	14,650.0	5,496.2			2,100.0			2,025.0			1,850.0			1,850.0	1,850.0
	C	80% FTA	562.5	112.5	450.0												
Total			15,212.5	5,608.7	450.0		2,100.0			2,025.0			1,850.0			1,850.0	1,850.0

APPENDIX M

Delaware Department of Transportation

Proposed Paving and Rehabilitation Locations with Pedestrian Facilities

Fiscal Year 2024



As outlined in the Delaware Department of Transportation's (DelDOT) Transition Plan, DelDOT will post a list of proposed Paving and Rehabilitation (P&R) projects each year. The table below includes the P&R List for Fiscal Year (2024) in which the following projects are projected to have the potential to remediate up to 28 curb ramps from the Transition Plan

ROUTE	ROAD NAME	BMP	EMP	LENGTH	BEGIN DESCRIPTION	END DESCRIPTION
NC-00028	S. Heald Street	0.10	0.16	0.06	Concrete Portions of Intersection of S. Heald and Rogers Rd	Concrete Portions of Intersection of S. Heald and Rogers Rd
NC-00029	RT 13	0.00	0.08	0.08	Concrete Joint North of S. Market St	Concrete Joint North of Heald St on Ramp
NC-00029	RT 13	2.06	2.17	0.11	Concrete Joint North of Heald St on Ramp	Concrete Joint North of S. Market St
NC-00033	RT 13	5.54	5.74	0.20	Concrete Joint North of S. Market St	Concrete Joint North of Heald St on Ramp
NC-00369	ROGERS RD	0.05	0.38	0.33	PCC JOINT @ CORNELL DR/ MEDORI BLVD	NEW CASTLE AVE
NC-00369	Rogers Rd	0.37	1.13	0.76	Concrete section from Cornell Rd	Rt 13 (skipping over I-495 Overpass Bridge)
NC-00438	SR 299	0.36	0.83	0.47	RR TRACKS	CATHERINE ST
NC-00498	Broom Street	0.10	1.46	1.36	ST. ELIZABETH ST	PENNSYLVANIA AVE
KC-00014	DE 42, FASTLANDING RD	0.00	3.90	3.90	N.B. US 13	DE 9, DENNY ST.
KC-00025	SOUTH STATE ST.(DOVER)	0.04	1.04	1.00	US13	WATER STREET
KC-00048	EVERETTS CORNER	0.00	2.89	2.89	RT 300	RT11
KC-00053	CAESAR RODNEY AVE - (CAMDEN)	12.33	12.56	0.23	W. CAMDEN-WYOMING AVE	OLD NORTH RD

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ROUTE	ROAD NAME	BMP	EMP	LENGTH	BEGIN DESCRIPTION	END DESCRIPTION
KC-00054	MAIN ST - (WOODSIDE)	3.54	4.16	0.62	STEELES RIDGE RD	UPPER KING HWY
KC-00057	SR12/Burnite Mill Rd	5.66	9.35	3.69	BLACK SWAMP RD	WALNUT STREET
KC-00057	EAST MAIN ST - (FELTON)	9.35	10.00	0.65	BURNITE MILL RD/FELTON TOWN LIMITS	US13
KC-00067	SOUTHLITTLE CREEK RD	0.86	4.41	3.55	RT113, BAY RD	SR9, BAYSIDE DR.
KC-00074	SOUTHERN BLVD - (WYOMING)	0.00	0.40	0.40	W. RAILROAD AVE	W. CAMDEN-WYOMING AVE
KC-00101	PEARSON CORNER RD	2.27	3.62	1.35	RT 8	WEST DENNYS RD
KC-00125	DUNDEE RD	0.00	1.71	1.71	MAIN ST (K54)-(WOODSIDE)	DE 10, WILLOW GROVE RD (K53)
KC-00150A	PUNCHEON RUN CONNECTOR NB	0.08	2.33	2.25	HMJ AT US 13NB	HM/PCC Joint at SR1 NB
KC-00150A	PUNCHEON RUN CONNECTOR SB	2.47	4.38	1.91	PCC/HM JOINT AT SR 1 SB	US13 SB
KC-00156	COMMERCE ST/MCKEE RD	2.46	5.69	3.23	SCARBOROUGH RD	DE.42, MAIN ST. (CHESWOLD)
KC-00162	SHARON HILL RD	0.00	3.10	3.10	RT 8	DENNYS RD
KC-00163	VICTORY CHAPEL RD	0.89	1.34	0.45	RT 8	DENNYS RD
KC-00195	SOUTH RAILROAD AVE - (WYOMING)	0.00	0.49	0.49	WESTVILLE RD	MILL STREET
KC-00195	WYOMING MILL RD	0.49	2.17	1.68	MILL ST.	APPROX 2,000 BEDIRE HAZLETTVILLE RD
KC-00198	ROSE VALLEY SCHOOL RD	0.00	1.60	1.60	HAZLETTVILLE RD	SHARON HILL RD
KC-00200	YODER DR	2.56	3.73	1.17	ROSE VALLEY SCHOOL RD	NAULT RD
KC-00231	THICKET RD	0.00	0.98	0.98	RD 230 MORGANS CHOICE RD	RD 232 ALMSHOUSE RD
KC-00232	STEELES RIDGE RD	0.00	1.47	1.47	RD 54, DE 10-A, MAIN ST	DE 10
KC-00232	THICKET RD	1.47	2.47	1.00	DE 10	RD 232 ALMSHOUSE RD
KC-00232	ALMS HOUSE RD	2.47	3.97	1.50	RD 231 THICKET RD	RD 52 WESTVILLE RD

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ROUTE	ROAD NAME	BMP	EMP	LENGTH	BEGIN DESCRIPTION	END DESCRIPTION
KC-00233	PICKETT LANE	0.00	0.47	0.47	RD 232 THICKET RD	RD 53, DE 10
KC-00289	HOPKINS CEMETERY RD	0.00	1.69	1.69	RD 284 LITTLE MASTENS CORNER RD	RD 5 S.B., US 13
KC-00355	SOUTH OLD MILL RD	0.00	0.78	0.78	RISING SUN RD	DE 10
KC-00357	OLD LEBANON RD	0.55	0.82	0.27	DAFB MAIN ENTRANCE	DAFB HOUSEING ENTRANCE
KC-00357	OLD LEBANON RD	0.82	1.14	0.32	DAFB HOUSEING ENTRANCE	DAFB MAIN ENTRANCE
KC-00371	BARRETTS CHAPEL ROAD	2.90	5.86	2.96	MCGINNIS POND RD	RD 00008 (BAY ROAD)
KC-00426	PARADISE ALLEY RD	0.00	3.34	3.34	US13, SOUTH DUPONT HWY (K5)	RD 35 CARPENTER BRIDGE RD
KC-007031	PUNCHEON RUN OFF RAMP RT 13 NB	0.00	0.07	0.07	PUNCHEON RUN CONNECTOR SB	US 13 NB
KC-007033	PUNCHEON RUN SB OFF RAMP S BAY RD	0.00	0.33	0.33	PUNCHEON RUN CONNECTOR NB	S BAY RD SB
KC-007035	PUNCHEON RUN ON RAMP S BAY RD	0.00	0.24	0.24	S BAY RD SB	PUNCHEON RUN CONNECTOR SB
KC-007036	PUNCHEON RUN NB OFF RAMP S BAY RD	0.00	0.28	0.28	PUNCHEON RUN CONNECTOR NB	S BAY RD NB
SC-00015	SR1A -REHOBOTH AVENUE	0.62	1.14	0.52	REHOBOTH CIRCLE	2ND STREET
SC-00015	SR1A -REHOBOTH AVENUE	1.14	1.67	0.53	2ND STREET	REHOBOTH CIRCLE
SC-00016	SR 16	13.75	23.45	9.70	RT 113	SR1
SC-00021	SR 20, STEIN HWY	4.15	6.19	2.04	SUSSEX AVE	HMJ 100 FT WEST OF HOLLYOAK DR.
SC-00021	SR 20, STEIN HWY	6.48	7.87	1.39	HMJ 100 FT WEST OF HOLLYOAK DR.	N. PORTER RD
SC-00272B	OLD BAY ROAD	0.00	0.32	0.32	ANN AVENUE	COASTAL HIGHWAY
SC-00273	COUNTRY CLUB ROAD	0.00	0.89	0.89	WEST SIDE DRIVE	SHUTTLE DRIVE
SC-00273A	BAY VISTA ROAD	0.00	0.66	0.66	1ST STREET	COASTAL HIGHWAY
SC- 00273D	SHUTTLE ROAD	0.00	0.35	0.35	COUNTRY CLUB ROAD	COASTAL HIGHWAY
SC-00659	BAYARD AVENUE	0.00	0.57	0.57	RD 00660 (BELLEVUE STREET)	RD 00662 (CHESAPEAKE STREET)

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ROUTE	ROAD NAME	BMP	EMP	LENGTH	BEGIN DESCRIPTION	END DESCRIPTION
SC-00660	BELLEVUE STREET	0.00	0.23	0.23	RD 00659 (BAYARD AVENUE)	END OF ROADWAY
SC-00661	BUENA STREET	0.00	0.06	0.06	RD 00675 (READ STREET)	RD 00673 (MCKINLEY STREET)
SC-00662	CHESAPEAKE STREET	0.00	0.13	0.13	RD 00659 (BAYARD AVENUE)	RD 00050 (COASTAL HIGHWAY)
SC-00663	CHICAGO STREET	0.00	0.22	0.22	RD 00659 (BAYARD AVENUE)	END OF ROADWAY
SC-00664	CLAYTON STREET	0.00	0.24	0.24	RD 00659 (BAYARD AVENUE)	END OF ROADWAY
SC-00665	COLLINS STREET	0.00	0.21	0.21	START OF ROADWAY	END OF ROADWAY
SC-00666	CULLEN STREET	0.00	0.24	0.24	RD 00659 (BAYARD AVENUE)	END OF ROADWAY
SC-00667	DAGSWORTHY STREET	0.00	0.30	0.30	START OF ROADWAY	END OF ROADWAY
SC-00669	DOVER STREET	0.00	0.06	0.06	RD 00675 (READ STREET)	RD 00673 (MCKINLEY STREET)
SC-00670	HAYDEN STREET	0.00	0.06	0.06	RD 00675 (READ STREET)	RD 00673 (MCKINLEY STREET)
SC-00671	HOUSTON STREET	0.00	0.25	0.25	RD 00659 (BAYARD AVENUE)	END OF ROADWAY
SC-00672	JERSEY STREET	0.00	0.09	0.09	RD 00050 (COASTAL HIGHWAY)	END OF ROADWAY
SC-00673	MCKINLEY STREET	0.00	0.25	0.25	START OF ROADWAY	END OF ROADWAY
SC-00674	NEW ORLEANS STREET	0.00	0.24	0.24	RD 00659 (BAYARD AVENUE)	END OF ROADWAY
SC-00675	READ STREET	0.00	0.27	0.27	START OF ROADWAY	END OF ROADWAY
SC-00676	RODNEY STREET	0.00	0.23	0.23	START OF ROADWAY	END OF ROADWAY
SC-00677	SAINT LOUIS STREET	0.00	0.22	0.22	RD 00659 (BAYARD AVENUE)	END OF ROADWAY
SC-00678	SAULSBURY STREET	0.00	0.24	0.24	RD 00659 (BAYARD AVENUE)	END OF ROADWAY
SC-00679	SWEDES STREET	0.00	0.24	0.24	RD 00659 (BAYARD AVENUE)	END OF ROADWAY
SC-00680	UNNAMED STREET	0.00	0.06	0.06	RD 00050 (COASTAL HIGHWAY)	END OF ROADWAY
SC-00682	WEST STREET	0.00	0.10	0.10	RD 00050 (COASTAL HIGHWAY)	END OF ROADWAY
SC-00299	AUTUMN ROAD	1.26	1.97	0.71	BRANCH RD	FRIENDSHIP RD
SC-00304	MARYLAND CAMP ROAD	2.30	2.72	0.42	MOUNT JOY RD	WILLIAM STREET
SC-00410	REVEL ROAD	3.02	4.81	1.79	MILLSBORO HIGHWAY	GODWINS SCHOOL RD

Delaware Department of Transportation ADA Self-Assessment and Transition Plan-2023 Update

ROUTE	ROAD NAME	BMP	EMP	LENGTH	BEGIN DESCRIPTION	END DESCRIPTION
SC-00494	OLD SHARPTOWN ROAD	0.00	1.47	1.47	MARYLAND STATE LINE	ELLIS GROVE RD
SC-00527	WILSON HILL ROAD	1.70	4.86	3.16	SEASHORE HIGHWAY	STATE FOREST RD
SC-00616	TEATOWN ROAD	0.00	1.10	1.10	DEEP GRASS LANE	ABBOTT RD
SC-00617	LINDALE ROAD	0.00	1.28	1.28	HIDDEN MEADOW LANE	LINDALE RD

APPENDIX N
Revised Historical Self-Assessment Data of Pedestrian Facilities – Reviewed in 2023 Statewide Summary
DelDOT Sidewalk Inventory and ADA Assessment Summary-By County

STATEWIDE							
Category	SA Total Assessed	SA Total Non-Compliant	SA % Non-Compliant	Progress to Date (2023)	Non-Compliant Remaining at year end *** (2023)	% Non-Compliant Remaining from total Assessed (2023)	% SA Noncompliant that needs to be Remediated
Bus Stops Patron Pads	1,951	1,407	72.10%	183	1,224	63%	87%
Curb Barriers	462	459	99.40%	121	338	73%	74%
Curb Ramps	5,240	3,482	66.50%	1,215	2,267	43%	65%
Driveway Crossings	1,645	950	57.80%	105	845	51%	89%
Driveway Crossing Along Non-Compliant Sidewalk	2,230	2,228	99.90%	164	2,064	93%	93%
Vertical Elevation Difference > 1/2 inch	471	471	100.00%	51	420	89%	89%
Horizontal Gaps > 1/2 inch	202	202	100.00%	22	180	89%	89%
Median/Channelized Island	620	324	52.30%	141	183	30%	56%
Non-Compliant Sidewalk 20 Feet or Less	533	533	100.00%	66	467	88%	88%
On-Street Parking Locations	0	0	0.00%	-	-	-	0%
Path/Trail Berm Running Slope	31	30	96.80%	3	27	87%	90%
Pedestrian Signal (Pushbuttons)	1,730	706	40.80%	284	422	24%	60%
Pinch Points	297	132	44.40%	29	103	35%	78%
Railroad Crossing	44	41	93.20%	7	34	77%	83%
Sidewalk Passing Area	56	0	0.00%	-	-	-	0%
Sidewalk Stub Ends	994	508	51.10%	95	413	42%	81%
Marked Crosswalk (Number)	1,922	113	5.90%	21	92	5%	81%
Missing Sidewalk Links (Feet)	51,730	51,731	100.00%	13,014	38,717	75%	75%
Missing Sidewalk Links (Miles)	9.8	9.8	100.00%	2.46	7.34	75%	75%
Sidewalk (Feet)	1,217,638	521,093	42.80%	53,938	467,155	38%	90%
Sidewalk (Miles)	230.61	98.69	42.80%	10.22	88.47	38%	90%

Delaware Department of Transportation ADA Self-Assessment and Transition Plan-2023 Update

KENT							
Category	SA Total Assessed	SA Total Non-Compliant	SA % Non-Compliant	Progress to Date (2023)	Non-Compliant Remaining at year end *** (2023)	% Non-Compliant Remaining from total Assessed (2023)	% SA Noncompliant that needs to be remediated
Bus Stops Patron Pads	278	216	78%	22	194	70%	90%
Curb Barriers	15	15	100%	4	11	73%	73%
Curb Ramps	201	94	47%	12	82	41%	87%
Driveway Crossings	74	29	39%	1	28	38%	97%
Driveway Crossing Along Non-Compliant Sidewalk	73	73	100%	1	72	99%	99%
Vertical Elevation Difference > 1/2 inch	2	2	100%	0	2	100%	100%
Horizontal Gaps > 1/2 inch	1	1	100%	1	0	0%	0%
Median/Channelized Island	26	7	27%	3	4	15%	57%
Non-Compliant Sidewalk 20 Feet or Less	11	11	100%	0	11	100%	100%
On-Street Parking Locations	0	0	0%	0	0	0%	0%
Path/Trail Berm Running Slope	4	3	75%	2	1	25%	33%
Pedestrian Signal (Pushbuttons)	300	91	30%	17	74	25%	81%
Pinch Points	20	9	45%	0	9	45%	100%
Railroad Crossing	2	2	100%	0	2	100%	100%
Sidewalk Passing Area	32	0	0%	0	0	0%	0%
Sidewalk Stub Ends	71	38	54%	3	35	49%	92%
Marked Crosswalk (Number)	280	10	4%	3	7	3%	70%
Missing Sidewalk Links (Feet)	964	964	100%	349	616	64%	64%
Missing Sidewalk Links (Miles)	0.18	0.18	100%	0.07	0.12	64%	64%
Sidewalk (Feet)	40,286	11,804	29%	429	11375	28%	96%
Sidewalk (Miles)	7.62	2.24	29%	0.08	2.15	28%	96%

Delaware Department of Transportation ADA Self-Assessment and Transition Plan-2023 Update

NEW CASTLE							
Category	SA Total Assessed	SA Total Non-Compliant	SA % Non-Compliant	Progress to Date (2023)	Non-Compliant Remaining at year end *** (2023)	% Non-Compliant Remaining from total Assessed (2023)	% SA Noncompliant that needs to be remediated
Bus Stops Patron Pads	1,492	1,057	71%	147	910	61%	86%
Curb Barriers	429	426	99%	111	315	73%	74%
Curb Ramps	4,542	3,068	68%	1070	1998	44%	65%
Driveway Crossings	1,468	881	60%	100	781	53%	89%
Driveway Crossing Along Non-Compliant Sidewalk	2,018	2,016	100%	143	1873	93%	93%
Vertical Elevation Difference > 1/2 inch	445	445	100%	47	398	89%	89%
Horizontal Gaps > 1/2 inch	180	180	100%	20	160	89%	89%
Median/Channelized Island	543	292	54%	129	163	30%	56%
Non-Compliant Sidewalk 20 Feet or Less	493	493	100%	61	432	88%	88%
On-Street Parking Locations	0	0	0%	0	0	0%	0%
Path/Trail Berm Running Slope	27	27	100%	1	26	96%	96%
Pedestrian Signal (Pushbuttons)	1,270	543	43%	247	296	23%	55%
Pinch Points	259	118	46%	27	91	35%	77%
Railroad Crossing	42	39	93%	7	32	76%	82%
Sidewalk Passing Area	20	0	0%	0	0	0%	0%
Sidewalk Stub Ends	773	405	52%	63	342	44%	84%
Marked Crosswalk (Number)	1,398	89	6%	18	71	5%	80%
Missing Sidewalk Links (Feet)	44,938	44,939	100%	7903	37036	82%	82%
Missing Sidewalk Links (Miles)	8.51	8.51	100%	1.5	7.01	82%	82%
Sidewalk (Feet)	1,061,766	476,713	45%	48347	428366	40%	90%
Sidewalk (Miles)	200.93	90.29	45%	9.16	81.13	40%	90%

Delaware Department of Transportation ADA Self-Assessment and Transition Plan-2023 Update

SUSSEX							
Category	SA Total Assessed	SA Total Non-Compliant	SA % Non-Compliant	Progress to Date (2023)	Non-Compliant Remaining at year end *** (2023)	% Non-Compliant Remaining from total Assessed (2023)	% SA Noncompliant that needs to be remediated
Bus Stops Patron Pads	181	134	74%	14	120	66%	90%
Curb Barriers	18	18	100%	6	12	67%	67%
Curb Ramps	497	320	64%	133	187	38%	58%
Driveway Crossings	103	40	39%	4	36	35%	90%
Driveway Crossing Along Non-Compliant Sidewalk	139	139	100%	20	119	86%	86%
Vertical Elevation Difference > 1/2 inch	24	24	100%	4	20	83%	83%
Horizontal Gaps > 1/2 inch	21	21	100%	1	20	95%	95%
Median/Channelized Island	51	25	49%	9	16	31%	64%
Non-Compliant Sidewalk 20 Feet or Less	29	29	100%	5	24	83%	83%
On-Street Parking Locations	0	0	0%	0	0	0%	0%
Path/Trail Berm Running Slope	0	0	0%	0	0	0%	0%
Pedestrian Signal (Pushbuttons)	160	72	45%	20	52	33%	72%
Pinch Points	18	5	28%	2	3	17%	60%
Railroad Crossing	0	0	0%	0	0	0%	0%
Sidewalk Passing Area	4	0	0%	0	0	0%	0%
Sidewalk Stub Ends	150	65	43%	29	36	24%	55%
Marked Crosswalk (Number)	244	14	6%	0	14	6%	100%
Missing Sidewalk Links (Feet)	5,827	5,827	100%	4762	1065	18%	18%
Missing Sidewalk Links (Miles)	1.1	1.1	100%	0.9	0.2	18%	18%
Sidewalk (Feet)	115,586	32,576	28%	5162	27414	24%	84%
Sidewalk (Miles)	21.87	6.17	28%	0.98	5.19	24%	84%

APPENDIX O

PAR PROGRAM PROJECTS, FY23-FY26

Road	Begin location	End Location	Description of Work	Status
T202301101 - New castle County PAR OE contract, FY23-FY26				
WO 1. New Castle Ave, New Castle	Paper Pl/ Lambson Ln	Mansion Pkwy	PAR & Sidewalk improvements	Design, Final
WO 2. Carr Rd, Wilmington	Bellevue Pkwy	Wayne Dr	PAR & Sidewalk improvements, adding new PCC sidewalk	Design, Final
WO 3. Milltown Rd, Wilmington	Owen Dr	E Parris Dr	PAR & Sidewalk improvements, adding new PCC sidewalk	Design, Final
WO 4. Ogletown Stanton Rd, Newark	Old Churchmans Rd	Stanton Christiana Rd	PAR & Sidewalk improvements, adding new PCC sidewalk	Design, Final
WO 5. SR7, Bear Christiana Rd, Newark	Freedom Rd	Newtown Rd	PAR & Sidewalk improvements, adding new PCC sidewalk	Design, Final
WO 6. Kennett Pike, Wilmington	Brook Valley Rd	Stone Brook Ln	PAR & Sidewalk improvements, adding new brick sidewalk	Under construction
WO 7. Edgemoor Rd, Wilmington	Brandywine Blvd	Denny Rd	PAR & Sidewalk improvements	Under Evaluation
WO 8. New Linden Hill Rd, Wilmington	S Riding Blvd	Pike Creek Blvd	PAR & Sidewalk improvements, adding new brick sidewalk	Under construction
WO 9. SR 72, S Chapel Rd, Newark	Pencader Plaza, Ent 1	Pencader Plaza, Ent 2	PAR & Sidewalk improvements	Design, Semi Final
WO 10. Old Capitol Trail, Wilmington	Walmsley Dr	Delaware Park Dr	PAR & Sidewalk improvements	Design, Semi Final
WO 11. N Market St, Wilmington	36th Street	Edgemoor Rd	PAR & Sidewalk improvements	Under Evaluation
WO 12. Maryland Ave, Wilmington	Latimers Place	Mill Rd	PAR & Sidewalk improvements	Under Evaluation
WO 13. Dupont Road, Wilmington	Reamer Ave/ Valley Rd	Richardson Ln	PAR & Sidewalk improvements	Under Evaluation
T202301201 - Kent and Sussex Counties PAR OE contract, FY23-FY26				
WO 1. Smyrna Clayton Blvd, Smyrna	Wheatly's Pond Rd	N Howard St	PAR & Sidewalk improvements	Design, Preliminary
WO 2. US 13, Dover	Holiday Blvd	Rustic Ln	PAR & Sidewalk improvements, adding new PCC sidewalk	Design, Preliminary
WO 3. S Governors Ave & Webbs Ln, Dover	Rodney Village	Lynnhaven Dr	PAR & Sidewalk improvements	Design, Preliminary
WO 4. Voshell Mill Rd, Dover	Maple Ln	Star Hill Elementary Sch.	PAR & Sidewalk improvements	Design, Preliminary
WO 5. Bridgeville Hwy, Bridgeville	SR 20	Ross St	PAR & Sidewalk improvements	Design, Preliminary
WO 6. Jersey Rd, Millsboro	SR 24 & Iron Branch Rd	Millsboro Elementary Sch.	PAR & Sidewalk improvements	Design, Preliminary
WO 7. Bi State Blvd, Laurel	Horsey Rd	Laurel Middle/High sch.	PAR & Sidewalk improvements	Design, Preliminary
T202301501 - Old Baltimore Pike Side Path, Phase II - Standalone project				
Old Baltimore Pike, Newark	SR 72, Sunset Lake Rd	Walther Rd	PAR & Sidewalk improvements, adding new 2.1 miles PCC sidewalk	Design, Semi-Final
T202402601 - US 202, Murphy Rd to Rocky Run Blvd PAR & Sidewalk Improvements - Standalone project				
US 202, Concord Pike, Wilmington	Murphy Rd	Rocky Run Blvd	PAR & Sidewalk improvements	Under Evaluation
T202366304 - IDIQ, Kent & Sussex Counties Carbon Reduction Program projects, Flex				
Big Oak Rd, Smyrna	Brian Dr	Henhar Dr	New Shared-Use Path	Design, Semi Final
T202366305 - IDIQ, Kent & Sussex Counties Carbon Reduction Program projects, 5K-49K				
Fred Hudson Rd, Bethany Beach	N Brown Dr	Mcoy's way	New Sidewalk	Design, Semi Final
Holland Glade Rd, Rehoboth Beach	Epworth United Methodist Church	Sandalwood Dr	New multi-use path and PCC Sidewalk	Design, Preliminary
T202366306 - IDIQ, Kent & Sussex Counties Carbon Reduction Program projects, 50K-200K				
College Rd, Dover	Loop Rd	University Village entrance	New Sidewalk	Design, Preliminary
N State St, Dover	Compass Pointe	TD Bank, near US 13	New Sidewalk	Design, Preliminary
Forest St, Dover	Lincoln St	S west St	New Sidewalk	Design, Preliminary
T202366307 - IDIQ, Kent & Sussex Counties Carbon Reduction Program projects, Rural				
Cemetery Rd, Selbyville	Dupont Blvd	RT 113 Boat sales	New Sidewalk	Design, Preliminary

APPENDIX P

Capital Transportation Program Development Process

This document serves as a guide to the members of the Council on Transportation (COT) and the public on the development of the Capital Transportation Program (CTP). The information provided will highlight and explain the role of the COT in the development of the CTP.

Role of the COT

The COT has several roles that are established in TITLE 29 CHAPTER 84 § 8409 of the Delaware Code. One of these roles is the final approval and adoption of the Capital Improvement Program currently referred to as the CTP. The CTP is a 6-year capital plan that identifies all of the capital expenditures anticipated by DelDOT. In this role the COT will review the proposed plan and hold public meetings in each County to solicit public input on the proposed CTP. These meetings must be held prior to September 30th of each year and have a 10-day written comment period. Following the written comment period, the Council may make priority changes to the proposed CTP in an open meeting by documenting the reasons and justifications for the changes, using the approved priority formula-based process adopted by the Council. Final approval and adoption of the CTP by the COT must occur by March 1st of each year.

Federal and State Regulations

The development of the CTP is governed and regulated by both the state and federal code. Per federal regulation 23 CFR 450.216 (a)-(o), each State is required to develop a Statewide Transportation Improvement Program (STIP). Delaware refers to the STIP as the CTP. This plan is developed in cooperation with Delaware's two Metropolitan Planning Organizations (MPOs), WILMAPCO and Dover/Kent MPO, and Sussex County. These entities, in turn, gather input from their local constituents so that the adopted CTP is the result of a grassroots effort. The latest federal transportation spending authorization, Moving Ahead for Progress in the 21st Century (MAP-21) requires each state to develop a STIP containing at least four years' worth of projects. Though the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) recognize only the first four years of the STIP, Delaware includes six years in order to accommodate a longer period of fiscal planning and management. The STIP shall be developed in cooperation with the MPOs. With respect to Delaware's non-metropolitan area, it shall be developed in consultation with affected local officials in Sussex County. MAP-21 mandates that regionally significant projects be identified individually in the STIP. Other projects that are not determined to be regionally significant can be either grouped into one line item or individually identified. Per minimum federal guidelines, the STIP need only show projects receiving federal funds or requiring action by FHWA or FTA or affecting air quality in non-attainment or maintenance areas. Delaware has elected to show all projects or programs that receive capital funding in the CTP.

Each project shall be:

- Consistent with the Long-Range Statewide Transportation Plan, also known as the Long-Range Plan, or LRP;
- Included in an approved MPO Transportation Improvement Program (TIP) within the MPO areas; and
- In conformance with the applicable State air quality implementation plan if the project is carried out in an area designated as nonattainment for ozone or carbon monoxide.

The final draft STIP must be reviewed and approved by the COT, the General Assembly, and then by the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA).

What's included in the Capital Transportation Program

The CTP contains five general types of projects and programs, which are listed below:

1. Projects that represent system preservation that are excluded from the prioritization process per TITLE 29 CHAPTER 84 § 8419 of the Delaware Code. These projects are designated as State of Good Repair projects (SOGR) and include but are not limited to:
 - Bridge Management
 - Bridge Inspection Program
 - Bridge Preservation Program
 - Bridge Design Training Program
 - Dam Preservation Program
 - Materials and Minor Contracts
 - Paving and Rehabilitation
 - Rail Crossing Safety
 - Ride Ability (Rail Crossings)
 - Hazard Elimination Program
 - High Risk Rural Roads
 - Intersection Improvements
 - Signage and Pavement Markings
 - Heavy Equipment Program
 - Information Technology Initiatives Program
 - DMV Mainframe Modernization Project
 - Transportation Facilities - Administration
 - Transportation Facilities – Operations
 - Bus Shelter Glass Replacement
 - Bus Stop ADA Accessibility
 - Bus Stop Improvement Program
 - Rail Preservation
 - Community Transportation Program

- Transit Vehicle Replacement
 - CAD/AVL
 - Maintenance Equipment and Tools (Transit) Program
 - Municipal Street Aid
2. Projects and programs that receive a dedicated funding source from the FHWA or FTA that can only be spent on those types of projects. These projects are designated as having dedicated funding (DED) and include but are not limited to:
- Recreational Trails (Pass through to DNREC) *
 - Safe Routes to School*
 - Delaware Byways*
 - Transportation Enhancement*
 - Aeronautics Planning
 - Aeronautics Program Development
 - Education and Training**
 - Rail Crossing Safety and Rail Preservation
 - Local Technical Assistance Program
 - Metropolitan Planning Organization FHWA / FTA
 - Rural Technical Assistance Program
 - State Planning and Research (FHWA and FTA)
 - Disadvantaged Business Enterprise
 - On the Job training / Supportive Services**
 - Summer Transportation Institute Program**
 - Job Access Reverse Commute Program (JARC)
 - New Freedom Program Statewide 50/50 (Transit)
 - US301, Maryland State Line to SR1

** These projects are funded from the Federal Transportation Alternatives Program apportionment and have a separate prioritization process within that program.*

*** These programs are required by FHWA or FTA however there is no dedicated funding apportionment, therefore these programs are funded through available federal funding.*

3. Projects and programs that provide the ability to make small improvements that allow for the improved management and operation of the system. (MGT)
- Traffic Calming
 - Bicycle, Pedestrian and Other Improvements
 - Planning Program Development
 - University Research Program
 - Enterprise Document Management
 - Traffic Signal Revolving Fund

- Rideshare Program / Trip Mitigation
 - Transportation Management Improvements
 - Transit Vehicle Replacement 5310 Program
4. Projects that are mandated for DelDOT to complete either through a regulatory requirement, contractual obligation, legislative action, or a judicial action. These projects are designated as required (REQ) and include but are not limited to:
 - Environmental Improvements
 - Commercial Vehicle Information Systems Network (CVISN)
 - Truck Weight Enforcement
 - Pedestrian ADA Accessibility
 - MUTCD Compliance Project
 - Improvements to the Road A intersection
 - Riverfront Initiatives
 - Orange Street Bridge
 5. Projects that are prioritized using the methods established under TITLE 29 CHAPTER 84 § 8419 of the Delaware Code. These remaining projects are evaluated and ranked according to how the elements of the project meet the priorities established by the MPOs, Sussex County and DelDOT's mission, vision, and goals.

Development of the Draft CTP

The 6-year CTP plan establishes the actual spends for each project phase that is anticipated to be started in a specific fiscal year. This is a multi-step process that considers several factors including project technical score, project readiness and project funding eligibility.

1. Project Technical Score – This step evaluates the individual projects based on the established criteria to determine their technical score. Projects can then be listed according to their technical score. This is just the first step in establishing where the project will be eventually scheduled and funded within the 6-year CTP. A separate document entitled *DelDOT Statewide Prioritization Criteria and Weighting Summary* was created to explain the criteria used for the ranking process and the associated weights that have been assigned to those criteria.
2. Project Readiness – Projects usually have a life span ranging from 2 to 15 years from project conception to completed construction. This life span can stretch through several years of the CTP cycle and requires that a project be evaluated for project readiness. This evaluation is used to assess the current phase of the project and when the next phase can begin along with the establishment of a project schedule from concept design through to construction. This process does not assign specific funding or establish which years a specific phase may be funded.

3. **Project Funding Eligibility** – The next step is to determine what types of Federal or State funding each project is eligible to use. The funding that the state receives from the federal government both through the FHWA and the FTA comes in specific categories and can only be spent on those projects that are eligible within those specific categories. The process of applying the funding works down the list generated from the technical score and assigns the most restricted funding categories first utilizing the most flexible categories towards the end of the process.
4. **Assemble the Plan** – The final step is to assemble the 6-year spend plan taking into account all of the above information. The goal is to honor the ranking system to ensure that the projects at the top of the list are funded within the first four years of the program. The state funding levels used to develop the CTP are based on the latest Delaware Economic and Financial Advisory Council (DEFAC) revenue forecasts. The federal funding shall be applied in consideration of the categories of federal funding. In addition, to maximize the use of federal funds, the department generates a 4-year federal obligation plan. This plan ensures that the federal funds that are provided to the department are assigned to specific projects and obligated to be spent within the timelines established by the federal government. If the funds are not assigned and spent within the established timelines the department may have to give the funding back to the federal government. It is critical that this 4-year obligation plan be maintained as new projects are considered for the CTP or changes are considered for existing projects.

Lastly, the federal government has a 10-year rule that protects the federal funding from being spent on the development of projects that never go to construction. The rule states that if preliminary engineering funds are spent on a project, it has to move to the next phase within ten years or DelDOT may have to pay back the federal portion of the funds that were expended on the preliminary engineering.

Review and Approval of the CTP

The proposed 6-year CTP is generated early in the fiscal year and presented to the public and the COT for review and comment. If the revenue forecasts change throughout the fiscal year, the CTP may have to be adjusted to reflect the anticipated revenue. These changes, if necessary, will be reflected in the final CTP presented to the COT in late winter for approval prior to March 1st of each year. Additional changes may be necessary after the final COT approval based on the DEFAC revenue forecasts that are available prior to the General Assembly approval of the CTP.

This document is intended to provide an overview of the development of the CTP. If anyone desires additional information they can contact the Delaware Department of Transportation, Division of Planning at 302-760-2111.