

Delaware Department of Transportation ADA Self-Assessment and Transition Plan



January 2018

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Message from the Secretary

March 2, 2017

Dear Citizens of Delaware:

It is my privilege to share with you the Americans with Disabilities Act (ADA) Title II Transition Plan for the Delaware Department of Transportation (DelDOT). This document is the result of a collaborative effort among DelDOT, stakeholders, and advocate representatives.

The Department of Transportation pledges to provide full accessibility to all areas of its business activities. 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 on the basis of his or her disability. DelDOT is fully committed to achieving the goal of equal opportunity and inclusion for all persons in their interactions with the department.

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 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 Plan. We will continue to be the leader in ensuring that this coordination happens.

Ensuring that all Delawareans have access to adequate and inclusive transportation is one of the top goals of this department. Working together, we can achieve our common goal of safe, accessible, efficient, and sustainable transportation that provides full accessibility for everyone.

Sincerely,

A handwritten signature in black ink, appearing to read "Johan", with a large, stylized loop at the beginning.

Jennifer Cohan
Secretary
Department of Transportation

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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.

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. Yerusalem* (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 more effectively respond to requests 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 DOT's 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) Describe in detail the methods that will be used to make the facilities accessible;
 - (iii) 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
 - (iv) 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 located 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 the means by which 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 that 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 Exception"(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 for 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 grounds. The sidewalks within those common grounds are defined as common facilities, which typically become the responsibility of the homeowners 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 developer 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 home owners 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 in a position 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 that whose responsibilities are either solely or in-large part dedicated to ADA

Funding

Since 1999, all new projects are 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 are 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 regulation 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 actually ADA compliant is because the standards have changed several times over the past 20 years. A table summarizing the results of our evaluation can be found in (**Appendix F**). 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 the 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 with regard to 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 in order 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.

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 area of 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 reduce 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 - 2016

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.

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 USDOT 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 to only 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. All RPE's are reviewed and approved by the Assistant Director of Transportation Solutions and the DelDOT Chief Engineer with concurrence from the ADA Title II Coordinator.

The PAS guidelines can be found at .

<https://www.deldot.gov/Business/ada/pdfs/PedestrianAccessibilityStandardsFinal10.15.15.pdf>.

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 the DelDOT Office of Performance Management.

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 grant 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.

(NEW FUNDING) 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-asides, 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 has been increased from its historical \$300,000 annually to \$3,000,000 in FY 16 and beyond under the PAR program. 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)**.

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: https://www.deldot.gov/Publications/reports/CTP/pdfs/capital_transportation_program_development_process.pdf

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 on annually. A list of the DelDOT P&R projects to be advertised in 2017 can be found in [\(Appendix M\)](#).

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 [\(Appendix O\)](#).

Transit Program

DTC was approved for funding for bus stop improvements in 2016. The improvements in these projects, which is all state funded includes the purchase and installation of bus stop pads, passenger shelters, benches, schedule display racks, trash receptacles, shelter repairs and bus stop signs. Locations are selected through the DelDOTs prioritization process. All new stops and upgrades will be accessible in accordance with the Americans with Disabilities Act (ADA) standards. This project will enhance transit use throughout the state and encourage movement of people and goods through DART First State fixed route services. This project will help to achieve compliance with Federal Americans with Disabilities Act (ADA) standards and requirements. Funding for this program is set at \$500,000 annually for 3 years which is all State funds. An excerpt from the CTP can be found in [\(Appendix L\)](#)

This program is to continue the work that began in 2012, when a \$1.8 million State of Good Repair (SOGR) grant was awarded by the Federal Transit Administration (FTA) to DTC specifically to fund improvements that afforded improved pedestrian access to the transit system. These improvements were completed in 2015. DTC maintains and services 2,741 bus stops

statewide. DTC reviews each bus stop for compatibility to the Americans with Disabilities Act (ADA) of 1990. This grant financed bus stop alterations to make these stops ADA compliant. Bus stops without proper curb ramps, accessible paths, and landing areas can be inaccessible to passengers with mobility challenges. The anticipated goal of this project was to eliminate barriers at about 100 bus stops throughout the state. As a result of the commitment by the project leadership to aggressively pursue efficient and effective methods to utilize the funding without sacrificing quality and compliance, they were able to complete the reconstruction of 156 bus stops. In addition, 278 curb ramps and 18,569 linear feet of sidewalk were either newly constructed or reconstructed to improve access to these bus stops.

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.

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.

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.

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.

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.

Maintenance Program

As previously noted, DelDOT adopted and implemented a sidewalk maintenance policy in 2013. 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 will 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 will 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 is 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 [\(Appendix J\)](#).

Public Involvement

Copies of the (Draft) 2017 ADA Transition Plan Update will be made available online prior to public meetings. Public notice of the public meeting will be submitted through DelDOT's Community Relations. Electronic copies will be disseminated to advocacy groups and individual advocates, as well as to pertinent contractors, municipal leaders and others that may have interest in the policies, roles and responsibilities identified in this document.

Tentative Dates and Locations for the Public Review Meetings

Sussex County
DelDOT Georgetown Admin
March 20
Time: 5:30-7:30 PM

New Castle County
DelDOT Bear Offices
March 27
Time: 5:30-7:30 PM

Kent County
Kent County Levy Court Building
March 28
Time: 5:30-7:30 PM

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.
- Planning Section – The Pedestrian Coordinator reviews plans for statewide consistency including ADA compliance.
- Since the Fall of 2013, The Office of Performance Management (OPM) has led the post-construction ADA inspections as a quality assurance method to achieve 100% compliance with ADA. The Office of Performance Management 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 meeting 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.

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 will be responsible for creating an annual Transition Plan Progress Report including maps that depict the locations that have been remediated in the past year. These maps will also be available for viewing at the ADA Website https://www.deldot.gov/Business/ada/index.shtml?dc=ada_map. 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.

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 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. Yerusolim, 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 remain 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</u> <u>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 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.

[\(Return to Agreement\)](#)

[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 Luszcz
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

Grievance/ Complaint Procedure

Delaware Department of Transportation Civil Rights Section ADA Title II/Section 504 Complaint Procedure

The Delaware Department of Transportation has adopted a grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations including but not limited to Subpart B, Subsection 25.130, implementing Title II of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973.

Section 504 of the Rehabilitation Act of 1973, 42 U.S.C. 794, et seq., provides: No qualified handicapped person shall, solely by reason of his handicap, be excluded from participate in, be denied the benefits of, be subjected to discrimination under any program or activity that receives or benefits from Federal financial assistance.

Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. 12131, et seq., provides: No qualified individual with a disability shall, by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination by a department, agency, special purpose district, or other instrumentality of a State or local government.

DelDOT's complete External Equal Opportunity Complaint Procedure is published in the Delaware Register and may be accessed at www.regulations.delaware.gov/AdminCode/title2/2000/2500. For convenience, the portions of the procedure relating to ADA Title II are provided within this appendix.

Who can file a Complaint?

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

What is a Complaint?

A complaint is a written or electronic statement concerning an allegation of discrimination that contains a request for the receiving office to take action. Complaints should be in writing and signed and may be filed by mail, fax, in person, or e-mail. A complaint should contain at least the following information:

- A written explanation of what happened;
- Information necessary to contact the complainant;

- The basis of the complaint is a disability as defined by the Americans with Disabilities Act;
- The identification of the respondent, e.g., agency/organization alleged to have discriminated;
- Sufficient information to understand the facts that led the complainant to believe that discrimination occurred; and,
- The date(s) of the alleged discriminatory act(s).

While the above indicates a complaint should be in writing and signed, the receiving agency must accept complaints in alternate formats from persons with disabilities, upon request.

- The complaint may be filed on a computer disk, by audio tape, or in Braille.
- The complainant may call the agency and provide the allegations by telephone. The agency will transcribe the allegations of the complaint as provided over the telephone and send a written complaint to the complainant for signature and confirmation of the accuracy of the written complaint.
- Complaints in languages other than English will be translated and responded to in the language in which they were sent in accordance with E.O. 13166, "Improving Access to Services for Persons with Limited English Proficiency." DelDOT will provide translation services in as many languages as it has available to it.

Where to Submit Complaints

Complaints may be submitted to DelDOT or FHWA.

- DelDOT address is: P.O. Box 778, Dover, DE 19903. The DelDOT person authorized to receive complaints is the DelDOT ADA Title II Coordinator, (302) 760-2467, email: dot.adarequest@state.de.us, Website: <https://www.deldot.gov/Business/ada/index.shtml>.
- Complaints submitted to FHWA can be sent to: FHWA, Delaware Division Office, 1201 College Park Road, Suite 102, Dover, DE 19904, (302) 734-5323.
- Complaints submitted to the Department of Justice can be sent to: US Department of Justice, 950 Pennsylvania Avenue, NW, Civil Rights Division, Disability Rights Section – 1425 NYAV, Washington, DC 20530.

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 for cause. 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. An extension may be granted under any of the following circumstances:

- The complainant could not reasonably be expected to know the act was discriminatory within the 180-day period, and the complaint was filed within 60 days after the complainant became aware of the alleged discrimination;
- The complainant was unable to file a complaint because of incapacitating illness or other incapacitating circumstances during the 180-day period, and the complaint was filed within 60 days after the period of incapacitation ended;
- The complainant filed a complaint alleging the same discriminatory conduct within the 180-day period with another Federal, State, or local civil rights enforcement agency and filed a complaint with DelDOT within 60 days after the other agency had completed its investigation or notified the complainant that it would take no further action;
- The complainant filed, within the 180-day period, an internal grievance alleging the same discriminatory conduct that is the subject of DelDOT complaint, and the complaint is filed not later than 60 days after the internal grievance is concluded;
- Unique circumstances generated by DelDOT action have adversely affected the complainant;
- The discriminatory act is of a continuing nature; or
- Some complaints may be referred to DelDOT by other agencies. In the event the referring agency has the complaint in its possession for an inordinately long period of time and the complainant filed his or her complaint with that agency within the 180-day timeframe, DelDOT will automatically grant an informal extension. In these cases, the complainant will not receive notification of the extension of the filing deadline.

DelDOT Responsibilities

Complaints filed under the ADA Title II/Section 504 will be investigated by DelDOT in accordance with these complain procedures.

DelDOT may use contract investigators to conduct investigations if necessary to prevent or eliminate a backlog of complaints. All complaints will be investigated in accordance with approved complaint processing procedures.

Processing Complaints

Recording Complaints

Upon initial receipt, the complaint will be date stamped and logged in by the receiving office. Complaints filed online at www.ada.deldot.gov or submitted by email to dot.adarequest@state.de.gov will receive an electronic return receipt.

Items Not Considered a Complaint

The following 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 allegations:

- An anonymous complaint;
- 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.

Reviewing Complaints

The complaint will be reviewed within 10 calendar days of receipt to determine whether it contains all the necessary information required for acceptance. If the complaint is unclear or incomplete, the complainant will be contacted in writing or by telephone to obtain additional information. The complainant will have 15 calendar days to respond to the request for additional information.

Once the complaint is complete and no additional information is needed, the Complainant Consent/Release form and the Notice About Investigatory Uses of Personal Information form will be sent to the complainant for signature.

Complaint Jurisdiction

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.

Notification of Acceptance of Complaints

After determining the complaint will be accepted for investigation, a notification letter will be sent to the complainant and the respondent.

When the Complainant is Represented by an Attorney

Complainants represented by an attorney must provide a letter authorizing representation. The attorney will be copied on all correspondence with the complainant.

Timeframes for Investigations

ADA Title II/Section 504 complaint investigations will be completed within 90 days of receipt of the complete complaint unless circumstances exist justifying additional investigative time.

Withdrawal of Complaint

Complainants may withdraw their complaint at any time. This action closes the

case without prejudice.

Dismissals

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:

- The complaint is not filed in a timely manner;
- The complainant fails to respond to repeated requests for additional information needed to process the complaint;
- The complainant cannot be located after reasonable attempts;
- 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 USDOT/FHWA regulatory standards: e.g., all allegations were investigated, appropriate legal standards were applied, and any remedies secured meet USDOT's standards;
- Credible information found at any time indicating that the allegations raised by the complainant have been resolved, or are moot and there are no class-wide allegations or implications;
- The same complaint allegations have been filed with another Federal, State, or local agency possessing statutory authority to accept and process such complaints;
- The complainant has filed a legal action in Federal District Court with the same basis(es) and issue(s) involved in the complaint.

Resolution of Complaint

It is in the best interest of all parties involved that issues raised in a complaint of discrimination be resolved informally. Every effort will be made to pursue resolution of the complaint, even while the investigation is underway.

Based on the investigation and the analysis of information and evidence gathered, specific recommendations or a formal corrective action plan may be generated.

Complainants will be advised of their right to file their grievances with other governmental agencies possessing the statutory authority to accept and process such complaints (such as the appropriate Federal agencies, including but not limited to FHWA and DOJ).

Letters of Finding (LOFs)

The DelDOT ADA Title II Coordinator will attempt to mediate/resolve all ADA Title II/Section 504 complaints. When the ADA Title II Coordinator is unable to mediate a resolution of the complaint, the ADA Title II Coordinator will arrange a meeting with the complainant and their authorized representative(s), if applicable.

If the complaint involves additional agencies/entities, the ADA Title II/Section 504 Coordinator will attempt to coordinate the meeting to include participation of an official representative from all parties involved. DelDOT must answer the complaint in writing within 15 working days of the meeting unless circumstances arise that require reasonable extensions.

Appeals

If the complainant wishes to appeal the ADA Title II Coordinator's determination, the complaint can be submitted to the US Department of Justice, Disability Rights Section, ADA Mediation Program. The ADA Mediation Program will follow its established complaint resolution and appeal processes as are appropriate for each specific complaint.

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 2011-2012 Pedestrian Facility Evaluation Summary

Statewide Summary

DeIDOT Sidewalk Inventory and ADA Assessment Summary - By County

(Field Data Collection and ADA Assessment of Sidewalks in DeIDOT R/W in Investment Levels 1-4)

County	Category	Total Assessed	Total Compliant	Total Non-Compliant	% Compliant	% Non-Compliant
KENT COUNTY						
Kent	Sidewalks (miles)	95.24	60.76	34.48	64%	36%
Kent	Sidewalks (feet)	50,2876	32,0771	18,2105	64%	36%
Kent	Missing Sidewalk Links (miles)	2.61	-	-	-	-
Kent	Missing Sidewalk Links (feet)	13,792				
Kent	Marked Crosswalks	693	609	84	88%	12%
Kent	Curb Ramps	2,168	559	1,609	26%	74%
Kent	Curb Barriers	324	-	-	-	-
Kent	Bus Stop Patron Pads	279	51	228	18%	82%
Kent	Pedestrian Signals	329	165	164	50%	50%
Kent	Medians and Channelized Islands	153	71	82	46%	54%
Kent	Railroad Crossings	41	0	41	0%	100%
Kent	Driveway Crossings Along Non-Compliant Sidewalk	796				
Kent	Stub Ends	376	-	-	-	-
Kent	On-Street Parking Locations	66	-	-	-	-
Kent	Driveway Crossings	1,086	386	700	36%	64%

APPENDIX F

2011-2012 Pedestrian Facility Evaluation Summary

County	Category	Total Assessed	Total Compliant	Total Non-Compliant	% Compliant	% Non-Compliant
Kent	Pinch Points	149	60	89	40%	60%
Kent	Horizontal Gaps > 1/2 inch	78	-	-	-	-
Kent	Vertical Elevation Differences > 1/2 inch	223	-	-	-	-
Kent	Non-Compliant Sidewalk 20 Feet or Less	280	-	-	-	-
Kent	Path/Trail Berm Running Slope	4	0	4	0%	100%
NEW CASTLE COUNTY						
New Castle	Sidewalks (Miles)	327.79	171.18	1,546.61	48%	52%
New Castle	Sidewalks (feet)	17,30753	90,3863	82,6890	52%	48%
New Castle	Missing Sidewalk Links (miles)	12	-	-	-	-
New Castle	Missing Sidewalk Links (feet)	64,286				
New Castle	Marked Crosswalks	2,440	2,234	206	92%	8%
New Castle	Curb Ramps	7,624	1,577	6,047	21%	79%
New Castle	Curb Barriers	937	-	-	-	-
New Castle	Bus Stop Patron Pads	1,497	417	1,080	28%	72%
New Castle	Pedestrian Signals	1,827	724	1,103	40%	60%
New Castle	Medians and Channelized Islands	656	262	394	40%	60%
New Castle	Railroad Crossings	86	1	85	1%	99%
New Castle	Driveway Crossings Along Non-Compliant Sidewalk	3,568				
New Castle	Stub Ends	1,013	-	-	-	-
New Castle	On-Street Parking Locations	89	-	-	-	-

APPENDIX F

2011-2012 Pedestrian Facility Evaluation Summary

County	Category	Total Assessed	Total Compliant	Total Non-Compliant	% Compliant	% Non-Compliant
New Castle	Driveway Crossings	2,415	904	1,511	37%	63%
New Castle	Pinch Points	477	292	185	61%	39%
New Castle	Horizontal Gaps > 1/2 inch	359	-	-	-	-
New Castle	Vertical Elevation Differences > 1/2 inch	839	-	-	-	-
New Castle	Non-Compliant Sidewalk 20 Feet or Less	799	-	-	-	-
New Castle	Path/Trail Berm Running Slope			31	0%	100%
SUSSEX COUNTY						
Sussex	Sidewalks (miles)	97.10	57.85	39.25	60%	40%
Sussex	Sidewalks (feet)	51,2675	30,5405	20,7270	60%	40%
Sussex	Missing Sidewalk Links (miles)	2.37	-	-	-	-
Sussex	Missing Sidewalk Links (feet)	12,492				
Sussex	Marked Crosswalks	642	593	49	92%	8%
Sussex	Curb Ramps	2,253	698	1,555	31%	69%
Sussex	Curb Barriers	316	-	-	-	-
Sussex	Bus Stop Patron Pads	182	46	136	25%	75%
Sussex	Pedestrian Signals	165	80	85	48%	52%
Sussex	Medians and Channelized Islands	128	74	54	58%	42%
Sussex	Railroad Crossings	48	0	48	0%	100%
Sussex	Driveway Crossings Along Non-Compliant Sidewalk	1391				

Sussex	Stub Ends	407	-	-	-	-
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APPENDIX F

2011-2012 Pedestrian Facility Evaluation Summary

County	Category	Total Assessed	Total Compliant	Total Non-Compliant	% Compliant	% Non-Compliant
Sussex	On-Street Parking Locations	37	-	-	-	-
Sussex	Driveway Crossings	1126	436	690	39%	61%
Sussex	Pinch Points	157	94	63	60%	40%
Sussex	Horizontal Gaps > 1/2 inch	71				
Sussex	Vertical Elevation Differences > 1/2 inch	188				
Sussex	Non-Compliant Sidewalk 20 Feet or Less	206	-	-	-	-
Sussex	Path/Trail Berm Running Slope	2	1	1	50%	50%

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.**

IV. 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 STP 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 are certifying 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



U.S. Department
of Transportation
**Federal Highway
Administration**

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

CTP/STIP Projects with Pedestrian Improvements

Program	Contract Number	Project Title	Length	Begin Description	End Description
Bridges					
	T201507405 EBHOS-N330(03)	BR 1-148 A&B Greenbank Road over Red Clay Creek			
	T201507406 EBHOS-N355(03)	BR 1-251 on N355 on Harmony Road over White Clay Creek			
	T201303011	Brecknock Park Trail US13 Bridge to Park Entrance			
	T201607403 BHOS - N028(4)	BR 1-684 on N028 South Heald Street over Norfolk Southern Railroad			
	T201607402 BHOS - N029(6)	BR 1-686 on N029 South Walnut Street over Norfolk Southern Railroad			
	T201407105 EBRN-N006(14)	BR 1-680 on SR 141 Basin Road over U.S. 13			
	T201507402 BRN-N347(04)	BR 1-714 On N347 Chapman Road over I-95			
	T201507605	Records Pond Dam Improvements			
	T201407601 EBHOS-S013(02)	BR 3-152 on Central Avenue over Broad Creek and BR 3-161 on Poplar Street over Broad Creek			
	T201407602 EBHN-S014(13)	BR 3-150 N/S on S014 SR1 over Lewes Rehoboth Canal			
	T201507602 EBHOS-S018(13)	BR 3-154 on US 9 Savannah Road and BR 3-153 on SR-1A Rehoboth Avenue over Lewes-Rehoboth Canal			
	T201507403 EBHOS-N-027(03)	BR 1-634 on SR100 DuPont Road over East Penn RR			

APPENDIX H

CTP/STIP Projects with Pedestrian Improvements

Program	Contract Number	Project Title	Length	Begin Description	End Description
	T201407101 EBROS-N352(02)	BR 1-239 on Red Mill Road over Tributary to White Clay Creek			
	T201507103	BR 1-238 on Elizabeth Court over Tributary to White Clay Creek			
	T201607103 EBROS-N378(Bridge Replacements on SR9, BR 1-302 over Tom Creek and BR 1-304 over Gambles Gut			
	T201407103 EBROS-N291(01)	BR 1-291 on Songsmith Dr. over Tributary to Smalley's Pond			
		BR 3-162 on S466 Delaware Avenue over Broad Creek			
	T201607102 EBROS-N436(02)	BR 1-294 on N346 Walther Road over Tributary to Christina River			
	T201407403 EBHN-N050(21)	BR 1-577 on N050 Northeast Blvd over Brandywine River			
DTC					
	T200612502	Lewes Park and Ride Site Work			
	T201602202	Transit Facility Improvements			
	T201602201	Transit Enhancement			
Paving					
	T201606111	MURPHY RD	0.69	RT 202	FOULK RD
	T201606112	PLEASENT VALLEY RD	1.47	Pulaski Hwy	Old Baltimore Pike
		MAIN ST	1	BROWNS LANE	Route 273
		OLD BALTIMORE PIKE	0.79	MARYLAND STATE LINE	RD 1/00008 (PLEASENT VALLEY RD)

APPENDIX H

CTP/STIP Projects with Pedestrian Improvements

Program	Contract Number	Project Title	Length	Begin Description	End Description
		OLD BALTIMORE PIKE	4.93	S COLLEGE AVE RD 387	MAIN ST (CHRISTIANA) RD 18A
	T201606114	MAIN ST NEWARK	0.94	ELKTON RD	WASHINGTON STREET
		MAIN ST NEWARK	0.3	WASHINGTON STREET	MARROWS RD
	T201606115	CLEVELAND AVE	1.3	New London Rd	Kirkwood Hwy
	T201606116	LIBRARY AVE	0.2	DELAWARE AVE	ROUTE 273
		WRANGLE HILL RD	4.59	MABEL LANE	RT 4
		LIBRARY AVE	1.43	RT 4	DELAWARE AVE
		SUNSET LAKE ROAD	1.43	DELAWARE AVE	RT 4
		WRANGLE HILL RD	4.63	RT 4	MABEL LANE
		RT 72 WRANGLE HILL RD	1.5	RT 13	RIVER RD
	T201606117	MAIN ST	2.55	RD 1/00001 (DUPONT PKWY)	Appoquinimick River
	T201606118	LIMESTONE ROAD	3.08	Joint at Kirkwood Hwy	Route 72
		LIMESTONE RD	3.27	Route 72	Joint at Kirkwood Hwy
	T201606119	PULASKI HWY	2	Route 72	Walther Rd
		PULASKI HWY	2.25	Route 13	Route 1
		PULASKI HWY	2.24	Route 1	Route 13
		PULASKI HWY	2.78	RD 1/00346 (WALTHER RD)	Route 72
	T201606120	HARES CORNER-CHRISTIANA ROAD	2.55	RD 1/00003 (HARES CORNER- CHRISTIAN RD)	450' E OF SR1

APPENDIX H

CTP/STIP Projects with Pedestrian Improvements

Program	Contract Number	Project Title	Length	Begin Description	End Description
	T201606121	DUPONT PARKWAY	2.48	Boulden Blvd/Bacon Ave	Rogers Rd
		DUPONT PARKWAY NB & SB	1.73	JT NEAR CENTRAL AVE	JT AT ROGERS RD
		DUPONT PKWY	2.47	Rongers Rd	Boulden Blvd/Bacon Ave
		DUPONT PKWY	1.54	RAMP 621-3	RD 1/133090 (CENTRAL AVENUE)
	T201706102	Rt. 141 NB	1.19	Lancaster Pike	SR 52 (Kennett Pike)
		Rt. 141 SB	1.17	SR 52 (Kennett Pike)	Lancaster Pike
	T201706901	PORTSVILLE RD	2.66	S493 (SHELL BRIDGE RD)	.1 MILE EAST OF HOWARD ST
	Sussex Group 1	SR1 (COASTAL HIGHWAY) NB	1.25	NORTH DEWEY BEACH TOWN LIMITS	LEWES CANAL BRIDGE
		SR1 (COASTAL HIGHWAY) SB	1.07	LEWES CANAL BRIDGE	NORTH DEWEY TOWN LIMITS
	Sussex Group 2	SR1 (COASTAL HIGHWAY) NB	0.7	SOUTH DEWEY TOWN LIMITS	JNORTH DEWEY TOWN LIMITS
		SR1 (COASTAL HIGHWAY) SB	0.73	NORTH DEWEY BEACH TOWN LIMITS	SOUTH DEWEY TOWN LIMITS
	Unassigned	Concord Ave	0.77	Rd 24, Market St, US 13	Broom Street
	Unassigned	12th Street	1.05	RR Bridge	Hay Rd
	Unassigned	West 18th Street	0.97	Rd 24 Philadelphia Pike	Rd 49 Augustine Cut Off
	Unassigned	Jackson St	1.11	Rd 006164 (RD 59 SB, I-95)	Maryland Ave

APPENDIX H

CTP/STIP Projects with Pedestrian Improvements

Program	Contract Number	Project Title	Length	Begin Description	End Description
	Unassigned	Broom St	1.46	RD 114500 (Latimer Place	Rd 9 Pennsylvania Ave
	Unassigned	11th Street	0.77	Jefferson Street	Northeast Blvd
	Unassigned	11th Street	0.2	Adams St	Jefferson St
	Unassigned	Washington St	0.39	36th St	Lea Blvd
	Unassigned	Lovering Ave	0.22	Union Street	Augustine Cut-off
	Unassigned	Lea Blvd	0.95	Rd 50 Northeast Blvd	Rd 43 Washington St
	Unassigned	Lea Blvd	0.63	Rd 43 Washington St	Rd 217 Miller Rd
	Unassigned	Market St	1.47	Brandywine Creek Bridge	Lea Blvd
	Unassigned	Washington St	1.04	MLK BLVD	Baynard Blvd
	Unassigned	Spruce Street	0.47	11th Street (Begin Divided Status)	Fourth Street
	Unassigned	Fourth Street	1.84	Union Street	Rd 50 Church Street
	Unassigned	Northeast Blvd	1.65	Rd 502 Lea Blvd	11th Street
	Unassigned	Front Street	2.73	RT 141	Rd 51186 Madison Street
	Unassigned	Rising Sun Lane	0.75	Rd 9 Pennsylvania Ave	Rd 267 New Bridge Rd
	Unassigned	Adams St	0.71	Delaware Ave	2nd Street
	Unassigned	Lincoln Street	1	Sycamore Street	Pennsylvania Ave
Safe Routes to School					
	T201769004	Elbert-Palmer Elementary Phase 3			
	T201769005	Claymont Elementary Phase 2			
	T201769006	Townsend Elementary			
	T201769007	Stubbs Elementary			

APPENDIX H

CTP/STIP Projects with Pedestrian Improvements

Program	Contract Number	Project Title	Length	Begin Description	End Description
	T201769008	Downes Elementary			
Bike - Ped Trails & Pathways					
	T201601201	US 13 DOVER SIDEWALK IMPROVEMENTS			
	T201630003	SENATOR BIKEWAY			
	T201630004	Georgetown to Lewes Rail with Trail Phase II			
	T201330012	Junction and Breakwater Pathway, Rehoboth Beach Extension			
Trail Resurfacing - Maintenance					
	T201630002	OPEN END CONSTRUCTION CONTRACT, STATEWIDE TRAILS KENT AND SUSSEX COUNTY FY16-FY18			
	T201630001	OPEN END CONSTRUCTION CONTRACT, STATEWIDE TRAILS NCC FY16-FY18			
Community Transportation Funds					
	T201603101	Community Transportation Fund, North I, 2016 Open End			
	T201603102	Community Transportation Fund, North II, 2016 Open End			
	T201603103	Community Transportation Fund, North III, 2016 Open End			

APPENDIX H

CTP/STIP Projects with Pedestrian Improvements

Program	Contract Number	Project Title	Length	Begin Description	End Description
	T201603104	Community Transportation Fund, North IV, 2016 Open End			
	T201603109	Community Transportation Fund, City of Wilmington, 2016 Open End			
	T201603201	Community Transportation Fund, Central FY2016, 2017, 2018, Open End			
	T201603301	Community Transportation Funds, Open End, South 2016			
Transportation Alternatives					
	T201220011	Town of Ocean View III		Phase III involves the construction of pedestrian facilities along a 2,500' ± (0.47 mile) section of Central Avenue (S84) from Woodland Avenue (Phase I) to John West Park, a community center and park.	
	T201220004	Old Lancaster Pike Bridges		Construction of two pedestrian bridges along Old Lancaster Pike that will improve pedestrian mobility and safety. The bridges are the final piece to the recently completed streetscape project.	

APPENDIX H

CTP/STIP Projects with Pedestrian Improvements

Program	Contract Number	Project Title	Length	Begin Description	End Description
	T201220005	Midtown Brandywine		Improve pedestrian mobility and safety by replacing deteriorated sidewalk with new brick sidewalk, upgrading existing curb ramps to ADA compliance and installing decorative lighting.	
	T201220008	St. Georges Streetscape II		Improve pedestrian mobility and safety by replacing deteriorated sidewalk with new brick sidewalk, upgrading existing curb ramps to ADA compliance and landscaping improvements.	
	T201220009	Rt. 54 Sidewalks		Improve pedestrian mobility and safety by placing new sidewalk, upgrading existing curb ramps to ADA compliance and major drainage improvements.	

APPENDIX H

CTP/STIP Projects with Pedestrian Improvements

Program	Contract Number	Project Title	Length	Begin Description	End Description
	T201320001	City of Wilmington Bike Facility		This project proposes to install bike sharrows and share the road signage to develop a bicycle boulevard network within the City of Wilmington.	
	T201320003	11th Street Streetscape		This project proposes to improve safety for pedestrian use by replacing sidewalk, ADA upgrades to curb ramps, decorative lighting, improved signage and minor landscaping.	
	T201320004	North Street Enhancements		This project proposes to improve mobility and safety for pedestrian use by replacing sidewalk with brick sidewalk, ADA upgrades to curb ramps, decorative lighting.	
	T201620001	White Clay Creek Bridge		This project proposes to place a pedestrian bridge across the White Clay Creek just west of Paper Mill Road to connect Paper Mill Park and Olan Thomas Park in the City of Newark.	

APPENDIX H

CTP/STIP Projects with Pedestrian Improvements

Program	Contract Number	Project Title	Length	Begin Description	End Description
	T201620004	Bradford Street Enhancements		This project proposes to construct pedestrian facilities along a .23 mile section of Bradford Street between Loockerman St. and Division St., ADA upgrades to curb ramps, decorative pedestrian lighting in the City of Dover.	
	T201620006	Brandywine South Ped. Improv.		This project proposes to construct pedestrian facilities along South Park Drive between Van Buren St. and Jackson St. ADA upgrades to curb ramps, pedestrian signals, decorative pedestrian lighting in the City of Wilmington.	

APPENDIX H

CTP/STIP Projects with Pedestrian Improvements

Program	Contract Number	Project Title	Length	Begin Description	End Description
	T201620003	St. Georges Streetscape III		This project proposes to replace existing sidewalks with brick sidewalk and place landscaped planter boxes on Church St., from Main St. to Broad St and on Broad St. for Delaware street to Church St., replace concrete sidewalk along Broad St. from Church St. to US 13, ADA compliant curb ramps.	
	T201620002	Concord Avenue Streetscape II		This project proposes streetscape improvements along the 500, 600 and 700 blocks of Concord Ave. within the City of Wilmington between Baynard Blvd. and Madison St., to include sidewalk repair, curb and ADA curb ramps, improved signage and landscaping.	

APPENDIX H

CTP/STIP Projects with Pedestrian Improvements

Program	Contract Number	Project Title	Length	Begin Description	End Description
	T201620010	Old Brandywine Village Improvements		This project includes pedestrian and bicyclist safety improvements, accessibility and aesthetics enhancements, including curb ramps, crosswalks, pedestrian signals/lighting, landscaping and other beautification measures. Addresses 209 Walkable Community Workshops Summary Report by WILMAPCO.	
	T201620007	Wilmington Ped Improvements		This project is located within the City of Wilmington in the downtown area. Scope of work includes sidewalk and curb replacement, crosswalk improvements, ped signals/lighting.	

APPENDIX H

CTP/STIP Projects with Pedestrian Improvements

Program	Contract Number	Project Title	Length	Begin Description	End Description
	T201620005	Ocean View IV		This project is located within the Town of Ocean View and will evaluate the idea of installing sidewalk along Central and streets within the local area.	
	T201620008	Town of Townsend Phase II		This project is located within the Town of Townsend along Main St. from Edger St. to Chestnut St. Scope of work includes sidewalk and curb replacement, crosswalk improvements, lighting and landscaping.	
	T201620009	Auburn Valley Trail		This project involves the construction of a 2 mile shared use trail connection Yorklyn Village to Hockessin Village.	

APPENDIX H

CTP/STIP Projects with Pedestrian Improvements

Program	Contract Number	Project Title	Length	Begin Description	End Description
	T201620011	Southbridge Enhancements II		This project is in the City of Wilmington that will include pedestrian upgrades extending south of A St. along Heald St. and New Castle Ave., particularly at the intersection of B and C streets and along the eastern side of New Castle Ave. between A and B Streets.	
	T201620012	DE City Enhancements		Project is along Clinton Street within Delaware City that will include streetscape improvements such as sidewalks and lighting.	
	T201620013	9th Street Enhancements II		This project in the city of Wilmington includes pedestrian improvement to both sides of 9th St. between Tatnall and Orange streets, including new sidewalks, removal of existing bulbouts and replacing with new mid-block bulbouts, bike racks, ped lighting and drainage improvements.	

APPENDIX H

CTP/STIP Projects with Pedestrian Improvements

Program	Contract Number	Project Title	Length	Begin Description	End Description
	T201601202	Hartly Sidewalk Improvements		This project is within the town of Hartly and proposes sidewalk improvements, ADA curb ramps and new curbing.	
	T201620014	Walnut Street Design		This project is within the City of Wilmington and proposes to add ADA curb ramps, new concrete sidewalks with brick accents, lighting on both sides of Walnut St. between 13th and 14th Streets. Pedestrian lighting and concrete sidewalk to be installed on NE side of Kennebec St. between Walnut and Wilson streets. Traffic signal and road upgrades are proposed.	

APPENDIX H

CTP/STIP Projects with Pedestrian Improvements

Program	Contract Number	Project Title	Length	Begin Description	End Description
	T201620018	Savannah Road Planning		Concept design and cost estimate for pedestrian and bike improvements, landscaping and other beautification measures on Savannah Road, from the Canal Bridge to the entrance to Lewes Beach and spur on American Legion Rd to proposed Georgetown to Lewes Rail Trail facility.	
	T201220009	Lake Avenue Streetscape		This project involves streetscape improvements along Lake Avenue from Rehoboth Ave. to Third street. Improvements include sidewalk replacement, ADA upgrades, curb ramps, crosswalk improvements and landscaping.	
	T01620017	H. Fletcher Brown Park		This project is located in the City of Wilmington and proposes sidewalks, curb ramps, landscaping and associated work along the 1500 block of King St.	

APPENDIX H

CTP/STIP Projects with Pedestrian Improvements

Program	Contract Number	Project Title	Length	Begin Description	End Description
PD South					
	T200411209	SR 24, Mulberry Knoll to SR 1			
	T201212201	SR 24, Love Creek to Mulberry Knoll			
	T201500201	HEP, Kent County, SR 8 & SR 15 Intersection Improvements			
	T201609602	Crawford Carroll Avenue Extension			
	T200304201	Loockerman St./Forrest Avenue			
	T201112201	SR 1, N.E. Front St., Grade Separated Intersection			
	T201500202	HEP, Kent County, US 13, Lochmeath Way to Puncheon Run Connector			
	T201604501	K104, Kenton Road, SR 8 to Chestnut Grove Road			
	Unassigned	Camden Bypass, North St. Extended to SR 10			
	Unassigned	Camden Bypass, South St. to Rising Sun Road			
	T201200902	HSIP, Sussex County, SR 24 at Camp Arrowhead Rd and SR 24 at Robinsonville Rd/Angola Rd Intersection			
	T201600901	Task 3 - HEP, Sussex County, US 113 at Millsboro Town Square, 1st St.			
	T201111201	Plantations Road Improvements, SR 24 to US 9			
	T201400901	HEP, Sussex county, US 113 at SR 404/SR 18			
	T201100901	HSIP, Sussex county, US 9 & SR 5, Intersection Improvements			
	T201609601	Realignment of Old Orchard Rd at Westcoats Corner			
	T201200903	HSIP, Sussex County, SR 24 at SR5/SR23			
	T200711201	HSIP, Sussex County, SR 24 at Mount Joy Rd to Bay Farm Rd			

APPENDIX H

CTP/STIP Projects with Pedestrian Improvements

Program	Contract Number	Project Title	Length	Begin Description	End Description
	T200800903	HSIP, Sussex County, Iron Branch Rd/State St. (Millsboro)			
	T201600901	Task 4 - Rehoboth Avenue Pedestrian Improvements			
PD North					
Traffic Signals					
	Unassigned	Newport Downtown Signals (4)		This project includes some mix of curb ramps, ped signals, crosswalks, and/or accessible pedestrian signals	
	Unassigned	Rockland @ Ronald McDonald		This project includes some mix of curb ramps, ped signals, crosswalks, and/or accessible pedestrian signals	
	Unassigned	Savannah @ Gills Neck		This project includes some mix of curb ramps, ped signals, crosswalks, and/or accessible pedestrian signals	
	Unassigned	SR 4 @ Rothwell		This project includes some mix of curb ramps, ped signals, crosswalks, and/or accessible pedestrian signals	
	Unassigned	SR 4 @ MacArthur		This project includes some mix of curb ramps, ped signals, crosswalks, and/or accessible pedestrian signals	
	Unassigned	Augustine Cutoff @ 18 th Street		This project includes some mix of curb ramps, ped signals, crosswalks, and/or accessible pedestrian signals	
	Unassigned	Terminal Avenue @ Pigeon Point		This project includes some mix of curb ramps, ped signals, crosswalks, and/or accessible pedestrian signals	

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CTP/STIP Projects with Pedestrian Improvements

Program	Contract Number	Project Title	Length	Begin Description	End Description
	Unassigned	SR 2 @ Kirkwood Plaza		This project includes some mix of curb ramps, ped signals, crosswalks, and/or accessible pedestrian signals	
	Unassigned	SR 2 @ SR 7		This project includes some mix of curb ramps, ped signals, crosswalks, and/or accessible pedestrian signals	
	Unassigned	SR 2 @ SR 41/SR 62		This project includes some mix of curb ramps, ped signals, crosswalks, and/or accessible pedestrian signals	
	Unassigned	SR 2 @ Albertson Blvd		This project includes some mix of curb ramps, ped signals, crosswalks, and/or accessible pedestrian signals	
	Unassigned	SR 2 @ Sears Entrance		This project includes some mix of curb ramps, ped signals, crosswalks, and/or accessible pedestrian signals	
	Unassigned	SR 2 @ Duncan Road		This project includes some mix of curb ramps, ped signals, crosswalks, and/or accessible pedestrian signals	
	Unassigned	N. Adams Street and W. 9 th Street/I-95 NB off-ramp		This project includes some mix of curb ramps, ped signals, crosswalks, and/or accessible pedestrian signals	
	Unassigned	N. Adams Street and W. 10 th Street/I-95 NB on-ramp		This project includes some mix of curb ramps, ped signals, crosswalks, and/or accessible pedestrian signals	
	Unassigned	N. Adams Street and W. 11 th Street/I-95 SB off-ramp		This project includes some mix of curb ramps, ped signals, crosswalks, and/or accessible pedestrian signals	
	Unassigned	S. Walnut Street @ A Street		This project includes some mix of curb ramps, ped signals, crosswalks, and/or accessible pedestrian signals	

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CTP/STIP Projects with Pedestrian Improvements

Program	Contract Number	Project Title	Length	Begin Description	End Description
	Unassigned	S. Governors Avenue at W. North Street		This project includes some mix of curb ramps, ped signals, crosswalks, and/or accessible pedestrian signals	
	Unassigned	US 40 @ Church Road/Wellington Drive		This project includes some mix of curb ramps, ped signals, crosswalks, and/or accessible pedestrian signals	
	Unassigned	Airport @ Edinburgh		This project includes some mix of curb ramps, ped signals, crosswalks, and/or accessible pedestrian signals	
	Unassigned	Jackson St @ 4 th Street		This project includes some mix of curb ramps, ped signals, crosswalks, and/or accessible pedestrian signals	
	unassigned	Harvey Road @ Orleans Road		This project includes some mix of curb ramps, ped signals, crosswalks, and/or accessible pedestrian signals	
	unassigned	Newport Gap Pike @ Old Capitol Trail		This project includes some mix of curb ramps, ped signals, crosswalks, and/or accessible pedestrian signals	

APPENDIX H

CTP/STIP Projects with Pedestrian Improvements

Program	Contract Number	Project Title	Length	Begin Description	End Description
	unassigned	Foulk Road @ Grubb Road		This project includes some mix of curb ramps, ped signals, crosswalks, and/or accessible pedestrian signals	
	unassigned	Milltown Road @ Duncan Road		This project includes some mix of curb ramps, ped signals, crosswalks, and/or accessible pedestrian signals	
	unassigned	Adams St @ 10 th St		This project includes some mix of curb ramps, ped signals, crosswalks, and/or accessible pedestrian signals	
	unassigned	US 13 @ Wildel		This project includes some mix of curb ramps, ped signals, crosswalks, and/or accessible pedestrian signals	
	unassigned	Rectangular Rapid Flash Beacon Pedestrian Signal Installation		17 proposed locations	
Traffic Design					
	unassigned	SR 273 Sidewalk from Old Baltimore Pike to Eagle Run Road		Sidewalk installation	

APPENDIX I

Request for Practical Exception

APPENDIX I

Request for Practical Exception Form

Project Information			
Contract Name:			
Contract #:		Project ID:	
County:		Bridge #:	
Designer:		Project Manager:	
Location Map			
Show specific location of non-compliant feature.			
Project Type			
Type 1 Project (New Construction)		Type 2 Project (Alteration and Reconstruction)	
Construction of transportation facilities on a new alignment		Addition of New Layer of Asphalt	
		Chip Seal, Slurry Seal, etc.	
Projects acquiring right-of-way within the scope and limits of the		Cold/Hot In-Place Recycling	
		Microsurfacing/Thin Lift Overlay	
Project scope is primarily focused on pedestrian network expansion/enhancements.		Mill & Fill/Mill & Overlay	
		Open-graded Surface Course	
Other:		Full Depth Reclamation	
		Rehabilitation and Reconstruction Projects within existing ROW	
		Other:	
Facility Type (Subject of Request for Practical Exception)			
Sidewalk	<input type="checkbox"/>		
Curb Ramp			
Crosswalk	<input type="checkbox"/>		
Pedestrian Signalization			
Other:			
Basis for Request (i.e. nature of the physical constraint, public safety issue, or operational issue)			
Right-of-Way constraints		Structural	
Utility conflicts		Historic Preservation	
Existing Topography		Environmental/Permitting	
Other:			
Describe reason for non-compliance: (If necessary, add additional sheets to the end of this document.)			

Photograph: Existing Conditions

If necessary, add additional sheets to the end of this document.

Recommended Alternative

Reason for selection:

Prepared By: _____ Date: _____
(Designer)

Recommended By: _____ Date: _____
(DeIDOT Project Manager or Program Manager II)

With Concurrence: _____ Date: _____
(Assistant Director)

With Concurrence: _____ Date: _____
(ADA Title II/Section 504 Coordinator)

Approved By: _____ Date: _____
(Chief Engineer)

Alternative Analysis		
Description/Summary of Proposed Alternative:		
Maximum Obtainable Compliance		
Pedestrian Access Route		
	DeIDOT Baseline/Required Standard	Obtained
PAR Width	36" Min.	
PAR Cross-slope	50:1 Max.	
PAR Running Slope	Same as Adjoining Roadway or 5% max on Separate R/W	
Pinch Point	32" Min Width by 24" in direction of travel	
Curb Ramp		
	DeIDOT Baseline/Required Standard	Obtained
Ramp Slope	8.3% Max.	
Ramp Width	36" Min.	
Ramp Cross-slope	50:1 Max.	
Ramp Flares	8.3% Max.	
Landing Dimensions	36" wide by adjoining ramp width	
Landing Slope	50:1 Max.	
Counter Slope	13.0% Max.	
Detectable Warning System	24" X full width of ramp	
Pedestrian Signalization: Pedstrian Push Button		
	DeIDOT Baseline/Required Standard	Obtained
Distance from PAR	10" Max.	
Elevation above PAR	40" Min. to 44" Max.	
Details/Figures		

DELAWARE DEPARTMENT OF TRANSPORTATION
REQUEST FOR PRACTICAL EXCEPTION

Photograph: Existing Conditions

Recommended Alternative

Reason for selection:

Prepared By: _____
(Designer)

Date: _____

Recommended By: _____
(Program Manager II)

Date: _____

With Concurrence: _____
(Assistant Director)

Date: _____

With Concurrence: _____
(ADA Title II Coordinator)

Date: _____

Approved By: _____
(Chief Engineer)

Date: _____

Appendix J

Executive Order 54, Re-establishment of the Advisory Council on Walkability and Pedestrian Awareness

STATE OF DELAWARE



EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER NUMBER FIFTY-FOUR

TO: HEADS OF ALL STATE DEPARTMENTS AND AGENCIES

RE: REESTABLISHMENT OF THE ADVISORY COUNCIL ON WALKABILITY AND
PEDESTRIAN AWARENESS

WHEREAS, pedestrian related fatalities have been consistently high in recent years (25 deaths in 2013; 27 deaths in 2014; 26 deaths in 2015 to date); and

WHEREAS, there is a desire to eliminate pedestrian fatalities in Delaware; and

WHEREAS, my administration's First State Trails and Pathways Initiative, Executive Order No. 6, and Executive Order No. 26 promote the walkability of communities by linking communities through interconnected pathway networks, creating and maintaining Complete Streets, and focusing transportation investment in Level 1 Investment Areas of the Strategies for State Policies and Spending; and

WHEREAS, during 2014 Delaware Department of Transportation ("DelDOT") accomplished many pedestrian focused improvements along our roadways such as the installation of a pedestrian-hybrid beacon at the intersection of DE Route 8 and Heatherfield Way and upgrades to pedestrian facilities (crosswalks, pedestrian signals/buttons) at 28 intersections; and

WHEREAS, Delaware has an extensive network of greenways, trails, sidewalks and pathways for the enjoyment of its citizens and visitors; and

WHEREAS, improving the walkability of a community increases property values by making these communities more connected, linking our work, schools, parks, libraries and businesses together; and

WHEREAS, land-use and traffic patterns and a lack of interconnectivity in many suburban areas make families dependent on motor vehicles for almost every activity; and

WHEREAS, there is a lack of understanding of Delaware law relating to pedestrians and how motorists are expected to approach and respond to pedestrians in crosswalks and how pedestrians are expected to follow rules of the road.

NOW, THEREFORE, I, JACK A. MARKELL, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare and order the following:

1. The Advisory Council on Walkability and Pedestrian Awareness (hereinafter, "Pedestrian Council") is hereby reestablished. The Pedestrian Council shall consist of no less than eighteen members which shall include the following:

- a. The Secretary of the Delaware Department of Transportation ("DelDOT");
- b. The Secretary of the Delaware Department of Natural Resources and Environmental Control ("DNREC");
- c. The Secretary of the Department of State ("DOS");
- d. The Secretary of Delaware Safety & Homeland Security ("DSHS");
- e. The Secretary of the Department of Health and Social Services ("DHSS");
- f. The Secretary of the Department of Education ("DOE");
- g. The Chair of the State Council for Persons with Disabilities;
- h. The Chair of the Delaware Developmental Disabilities Council;
- i. The Chair of the Wilmington Metropolitan Area Planning Council;
- j. The Chair of the Dover/Kent Metropolitan Area Planning Council;
- k. The Sussex County Administrator;
- l. The President of the Delaware Healthcare Association;
- m. The Executive Director of the American Heart Association of Delaware;
- n. The DelDOT ADA Title II Coordinator;

- o. The Department of State ADA Title II Coordinator;
 - p. One citizen representative who has a physical disability appointed by the Governor;
 - q. One citizen representative who has a visual impairment appointed by the Governor; and
 - r. Such other persons as the Governor may from time to time appoint.
2. All members of the Pedestrian Council serving by virtue of position may appoint a designee to serve in their stead. All members shall be appointed by and serve at the pleasure of the appointing authority. The Chair shall be elected by a majority of the members of the Pedestrian Council.
3. The Delaware Department of Transportation ("DelDOT") shall provide staff and fiscal support to the Pedestrian Council as part of DelDOT's ongoing responsibility.
4. The Pedestrian Council shall advise the Secretary of DelDOT on the following issues in an effort to make walking a safe, convenient, efficient, and comfortable means of transportation:
- 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. Providing advice regarding design standards for crosswalks, sidewalks and pathways ensuring ADA compliance;
 - c. Providing advice regarding implementation of DelDOT's Sidewalk and Multi-Use Path Maintenance Policy;
 - d. Reviewing traffic rules to help support a safe pedestrian environment;
 - e. Providing advice regarding accessibility and connectivity in an effort to make transit a more viable option for all Delaware citizens; and
 - f. Developing strategies for pedestrian safety education and awareness.
5. The Pedestrian Council shall assist DelDOT with the periodic re-evaluation and implementation of the Statewide Pedestrian Action Plan and shall make recommendations regarding the prioritization of pedestrian infrastructure improvements especially within Level 1 and 2 Investment Areas.

6. The Pedestrian Council shall provide a report of its activities and any recommendations annually to the Office of the Governor and any affected state agency on a yearly basis.

7. Executive Order No. Eighty-Three, issued by Governor Ruth Ann Minner, dated March 9, 2006, is hereby rescinded.



APPROVED this 13th day of October, 2015

A blue ink signature of the Governor, Ruth Ann Minner, written over a horizontal line.

Governor

ATTEST:

A blue ink signature of the Secretary of State, written over a horizontal line.

Secretary of State

APPENDIX K

Pedestrian ADA Accessibility

State of Delaware

Capital Transportation Program
Department of Transportation
FY 2016-FY 2021

Project Title

Primavera#

Project#

Pedestrian ADA Accessibility

14-22614

Project

These funds are used by DelDOT to make improvements to the Pedestrian System (side walks, trails, etc.) as by **Description**

the ADA Title II Transition Plan.

Project

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

Justification

Funding Program

SUPPORT SYSTEMS

PLANNING

Senatorial District(s)

Statewide

Representative District(s)

Statewide

APPENDIX L

Bus Stop Improvement Program

State of Delaware

Capital Transportation Program

Department of Transportation

FY 2016-FY 2021

PROJECT AUTHORIZATION SCHEDULE

IN (\$000)

Bus Stop Improvement Program

Project Number	Phase	Funding Source	Current Estimate	FY 2016			FY 2017			FY 2018			FY 2019			State Total	Federal Total
				State	Federal	Fund Type	State	Federal	Fund Type	State	Federal	Fund Type	State	Federal	Fund Type		
	Program Funding	100% State	3,200.0	500.0			500.0			1,000.0			100.0			2,100.0	
Total			3,200.0	500.0			500.0			1,000.0			100.0			2,100.0	

PROJECT FUNDING SCHEDULE

IN (\$000)

Project Number	Phase	Funding Source	Balance as of July 1 (State Only)	Current Estimate	FY 2016			FY 2017			FY 2018			FY 2019			FY 2020	FY2021
					State	Federal	Other	State	Federal	Other	State	Federal	Other	State	Federal	Other		
	Program Funding	100% State		3,200.0	500.0			500.0			1,000.0			100.0			1,000.0	100.0
Total				3,200.0	500.0			500.0			1,000.0			100.0			1,000.0	100.0

APPENDIX L

Bus Stop Improvement Program

State of Delaware

Capital Transportation Program

Department of Transportation
FY 2016-FY 2021

Project Title:

Primavera #

Project #

Bus Stop Improvement Program

05-10501

Project Description: Improvements to these projects could include the purchase and installation of bus stop pads, passenger shelters, benches, schedule display racks, trash receptacles, shelter repairs and bus stop signs. Locations are selected through the Departments' prioritization process. All new stops and upgrades will be accessible in accordance with the Americans with Disabilities Act (ADA) standards.

Project Justification: This project will enhance transit use throughout the state and encourage movement of people and goods through DART First State fixed route services. This project will help to achieve compliance with Federal Americans with Disabilities Act (ADA) standards and requirements.



Funding Program:	TRANSIT SYSTEMS FACILITIES
Senatorial District(s)	Statewide
Representative District(s)	Statewide

APPENDIX M

Calendar Year 2017 – Proposed Paving and Rehabilitation Locations With Pedestrian Facilities

Contract/ Grouping	ROUTE	ROUTE DESCRIPTION	BMP	EMP	Length	BEGIN_DESCRIPTION	END_DESCRIPTION
T201506105	1-00458	GREEN GIANT RD	3.53	4.35	0.82	Wiggins Mill Rd	Summit Bridge Rd
T201606107	1-00018	CHRISTIANA-OGLETOWNROAD	0.38	2.84	2.46	BEGINNING OF CONCRETE (ROBERT TOLLIVER INC.)	END OF CONCRETE (AMTRACK BRIDGE)
T201606107	1-00018	CHRISTIANA-OGLETOWNROAD	5.35	6.59	1.73	BEGINNING OF CONCRETE	RUTHAR DRIVE
T201606107	1-00018	CHRISTIANA-OGLETOWNROAD	6.59	7.45	0.86	RUTHAR DRIVE	END OF CONCRETE
T201606106	1-00318	MILLTOWN RD	0.00	1.18	1.18	RD 00011 (UNION STREET)	RD 1/00280 (MILLTOWN RD)
T201606103	1-00017	NAAMANS ROAD EB	0.00	2.33	2.33	Concord Pike	Foulk Rd
T201606103	1-00017	NAAMANS ROAD WB	8.99	11.31	2.32	Foulk Rd	Concord Pike
T201606104	1-00017	NAAMANS RD EB	2.33	5.65	3.32	Foulk Rd	Philadelphia Pike
T201606104	1-00017	NAAMANS RD WB	5.65	8.99	3.34	Philadelphia Pike	Foulk Rd
T201606105	1-00207	DARLEY RD	0.00	2.12	2.12	RD 00017 (NAAMANS ROAD)	RD 24 PHILADELPHIA PIKE
T201606110	1-00056	I-95 SB	24.80	27.76	2.96	last P&R Job	SR1 Interchange project limits
T201606110	1-006035	I-95 SB Service Plaza Access Road	0.00	0.44	0.44	Service Plaza	NB I-95
T201606110	1-006036	I-95 SB Service Plaza Access Road	0.00	0.37	0.37	SB I-95	Service Plaza
T201606110	1-006037	I-95 SB Service Plaza Access Road	0.00	0.35	0.35	Service Plaza	SB I-95
T201606110	1-006038	I-95 SB Service Plaza Access Road	0.00	0.42	0.42	NB I-95	Service Plaza
T201606203	2-00038	WEST DUCK CREEK RD	0.00	0.86	0.86	RD 2/00039 (MAIN ST)	SR 15
T201606203	2-00039	WEST COMMERCE STREET	8.73	8.99	0.26	MARKET PLAZA (MARKET ST)	RD 2/00009 (EAST COMMERCE ST)
T201606203	2-00044	WEST COMMERCE ST	3.52	3.73	0.21	RD 27003 (COOPER STREET)	RD 2/00045 (COMMERCE ST)
T201606203	2-00090A	SUNNYSIDE RD	0.00	0.14	0.14	RD 2/00090 (SUNNYSIDE RD)	RD 2/00001 (SOUTH DUPONT BLVD)
T201606204	2-00003	N. GOVERNORS AVE.	3.30	3.86	0.56	RD 2/14255 (WALKER ROAD)	RD 2/00002 (NORTH DUPONT HIGHWAY)
T201606204	2-00067	MLK Blvd/Court St	0.29	0.74	0.45	LEGISLATIVE AVE	US 13
T201606202	2-00035	Carpenters Bridge Rd	0.00	7.34	7.34	S. Dupont Hwy	Johnnycake Landing Rd
T201606202	2-00384	Killens Pond Rd	7.20	9.54	2.34	Carpenters Bridge Rd	Chimney Hill Rd
T201606305	3-00024	MILLSBORO HWY	20.25	21.83	1.58	RD 00025 (MILLSBORO HIGHWAY)	RD 421
T201606305	3-00024	MILLSBORO HWY	22.57	24.89	2.32	RD 00472 (PHILLIPS HILL ROAD)	RD 3/00082
T201606305	3-00025	MILLSBORO HWY	0.00	0.92	0.92	RD 3/00024 (MILLSBORO HWY)	RD 3/00026 (NINE FOOT RD)
T201606305	3-00026	MILLSBORO HWY	0.00	4.63	4.63	MD State line	POCOMOKE RIVER BRIDGE (586)
T201606305	3-00026	MILLSBORO HWY	4.63	5.68	1.05	POCOMOKE RIVER BRIDGE (586)	RD 3/00402 (BLUEBERRY LN)
T201606304	3-00013	BISTATE BLVD	7.58	10.56	2.98	JOINT NORTH OF RD 3/28005 (BROOKLYN AVENUE)	RD 485 ONEALS RD
T201606304	3-00024	SHARPTOWN RD	0.00	7.27	7.27	RD 3/00494A (COBBS CREEK RD)	RD 3/0049 (DUKES RD)
T201606302	3-00113	RT 113 SB	38.41	41.55	3.14	Fitzgerald Rd	PCC/HM joint south of Staytonville Rd

APPENDIX N

Update – 2016 Pedestrian Facility Evaluation Summary

Statewide Summary

DelDOT Sidewalk Inventory and ADA Assessment Summary - By County

County	Category	Total Assessed	Total Non-Compliant	Total Compliant	% Non-Compliant	% Compliant
KENT						
	Bus Stops Patron Pads	93	74	19	80%	20%
	Curb Barriers	50	50	0	100%	0%
	Curb Ramps	376	217	159	58%	42%
	Driveway Crossings	85	32	53	38%	62%
	Driveway Crossing Along Non-Compliant Sidewalk	790	789	1	100%	0%
	Vertical Elevation Difference > 1/2 inch	2				
	Horizontal Gaps > 1/2 inch	2				
	Median/Chanelized Island	27	10	17	37%	63%
	Non-Compliant Sidewalk 20 Feet or Less	278				
	On-Street Parking Locations	0				
	Path/Trail Berm Running Slope	4	3	1	75%	25%
	Pedestrian Signal	318	99	219	31%	69%
	Pinch Points	149	90	59	60%	40%
	Railroad Crossing	41	41	0	100%	0%
	Sidewalk Passing Area	4	4	0	100%	0%
	Stub Ends	370	181	189	49%	51%
	Marked Crosswalk (Feet)	9	-	9	0%	100%
	Missing Sidewalk Links (Feet)	0				
	Missing Sidewalk Links (Miles)	0.00				
	Sidewalk (Feet)	59,505	9,504	50,001	16%	84%
	Sidewalk (Miles)	11.27	1.80	9.47	16%	84%

APPENDIX N

Update – 2016 Pedestrian Facility Evaluation Summary

NEW CASTLE						
	Category	Total Assessed	Total Non-Compliant	Total Compliant	% Non-Compliant	% Compliant
	Bus Stops Patron Pads	1,038	737	301	71%	29%
	Curb Barriers	462	462	0	100%	0%
	Curb Ramps	4,350	2,278	2,072	52%	48%
	Vertical Elevation Difference > 1/2 inch	80				
	Driveway Crossings	1,486	894	592	60%	40%
	Driveway Crossing Along Non-Compliant Sidewalk	2,011	2,011		100%	0%
	Horizontal Gaps > 1/2 inch	187			0%	0%
	Median/Chanelized Island	510	268	242	53%	47%
	Non-Compliant Sidewalk 20 Feet or Less	515			0%	0%
	On-Street Parking Locations	1			0%	0%
	Path/Trail Berm Running Slope	26	26	0	100%	0%
	Pedestrian Signal	976	418	558	43%	57%
	Pinch Points	265	120	145	45%	55%
	Railroad Crossing	50	47	3	94%	6%
	Sidewalk Passing Area	16	0	16	0%	100%
	Stub Ends	807	408	399	51%	49%
	Marked Crosswalk (Feet)	353	47	306	13%	87%
	Missing Sidewalk Links (Feet)	0				
	Missing Sidewalk Links (Miles)	0.00				
	Sidewalk (Feet)	1,050,139	419,179	630,960	60%	40%
	Sidewalk (Miles)	198.89	179.39	19.50	60%	40%
SUSSEX						
	Bus Stops Patron Pads	85	66	19	78%	22%

APPENDIX N

Update – 2016 Pedestrian Facility Evaluation Summary

	Category	Total Assessed	Total Non-Compliant	Total Compliant	% Non-Compliant	% Compliant
	Curb Barriers	33	33	0	100%	0%
	Curb Ramps	537	244	293	45%	55%
SUSSEX						
	Vertical Elevation Difference > 1/2 inch	13				
	Driveway Crossings	72	14	58	19%	81%
	Driveway Crossing Along Non-Compliant Sidewalk	136				
	Horizontal Gaps > 1/2 inch	20				
	Median/Chanelized Island	62	28	34	45%	55%
	Non-Compliant Sidewalk 20 Feet or Less	43				
	On-Street Parking Locations	1	1	0	100%	0%
	Path/Trail Berm Running Slope	0	0	0		
	Pedestrian Signal	54	20	34	37%	63%
	Pinch Points	15	2	13	13%	87%
	Railroad Crossing	0	0	0		
	Sidewalk Passing Area	0	0	0		
	Stub Ends	132	39	93	30%	70%
	Marked Crosswalk (Feet)	32	0	32	0%	100%
	Missing Sidewalk Links (Feet)	0				
	Missing Sidewalk Links (Miles)	0.00				
	Sidewalk (Feet)	10,8451	21,331	87,120	20%	80%
	Sidewalk (Miles)	20.54	4.04	16.50	20%	80%

APPENDIX O

Pedestrian Access Route Program – 5 Year Project List

ROAD	BEGIN LOCATION	END LOCATION	STATUS
KIRKWOOD HIGHWAY - ELSMERE	PCC HOT-MIX JOINT EAST OF ROUTE 141	ELSMERE VIADUCT	DESIGN
SILVERSIDE ROAD	CONCORD PIKE	PHILADELPHIA PIKE	DESIGN
SHIPLEY ROAD	SILVERSIDE ROAD	GRANITE WAY	DESIGN
LANCASTER AVENUE	UNION STREET	MADISON STREET	DESIGN
PHILADELPHIA PIKE	HESSLER LANE	I-495	DESIGN
COMMONWEALTH INTERSECTION IMPROVEMENTS	INTERSECTION OF COMMONWEALTH		DESIGN
PHILADELPHIA PIKE	26TH STREET	HESSLER LANE	DESIGN
OLD CAPITOL TRAIL	MONICA BLVD.	CENTERVILLE ROAD	DESIGN
NEWPORT GAP PIKE	WILSON STREET	ROSELAWN AVENUE	DESIGN
NEW ROAD	ALLEY NEAR CORPUS CHRISTI	SOUTH DUPONT ROAD	DESIGN
LANCASTER PIKE	CENTERVILLE RD	ROUTE 141	DESIGN
MITCHELL ROAD	OLD WILMINGTON ROAD	LANCASTER PIKE	DESIGN
OLD LANCASTER PIKE	ERICKSON DRIVE	LANCASTER PIKE	DESIGN
US13 NORTH DUPONT HIGHWAY NB&SB	US13/113 MERGE SPLIT	NORTH STATE STREET	DESIGN
COURT STREET/SOUTH LITTLE CREEK ROAD	US13, SOUTH DUPONT ROAD	US113, BAY ROAD	DESIGN
EAST LOCKERMAN STREET	US13	ALLEY/SERVICE ROAD	DESIGN
SOUTH DUPONT HIGHWAY	US13, PUBLIC SAFETY BOULEVARD	COURT STREET	DESIGN
US13 DUPONT HIGHWAY	ST. JONES RIVER	SCARBOROUGH ROAD	DESIGN
US13 DUPONT HIGHWAY	ST. JONES RIVER	SCARBOROUGH ROAD	DESIGN
US13 NORTH DUPONT HIGHWAY NB&SB	NORTH STATE STREET	HMJ'S AT SCARBOROUGH ROAD	DESIGN
US13 SOUTH DUPONT HIGHWAY NB&SB	ST. JONES RIVER BRIDGE	US113, BAY ROAD MERGE/SPLIT	DESIGN
CONCORD PIKE	HM JOINT 250' NORTH OF ASTRA-ZENECA	200' SOUTH OF NAAMANS ROAD	DESIGN
ROCKLAND ROAD	WEST PARK DRIVE	ROCKSPRING ROAD	DESIGN
RED LION ROAD	Dragon Run	RT 13	DESIGN
NEWTOWN ROAD	RT 7	RD 1/00345 (SMALLEYS DAM ROAD)	DESIGN
WALTHER ROAD	RT 40	OLD BALTIMORE PIKE	DESIGN
CHAPMAN ROAD	RD 348 SALEM CHURCH RD	RD 18 RT 273	DESIGN
FIFTH STREET - DELAWARE CITY	BRIDGE AT CANAL STREET	RIVER ROAD	DESIGN
HAMBURG ROAD	RIVER ROAD	DUPONT PARKWAY	DESIGN
MCCOY ROAD	DAISEY BELL LANE	WRANGLE HILL ROAD	DESIGN
MIDDLETOWN/BROAD STREET	DUPONT PARKWAY	WEST PARK PLACE	DESIGN
MIDDLETOWN/BROAD STREET	WEST PARK PLACE	CEDAR LANE ROAD	DESIGN
SUMMIT BRIDGE ROAD	1600' SOUTH OF BOYDS CORNER	HM/PCC JOINT SOUTH OF SUMMIT BRIDGE	DESIGN
CAPITOL TRAIL RT 2 EB & WB	RD 309 E.CLEVELAND AVE	RT 7	DESIGN
KENNETT PIKE	CENTER MEETING ROAD	HM JOINT NEAR MUSEUM	DESIGN
KENNETT PIKE	PENNSYLVANIA LINE	HM JOINT NEAR NORTH OF SNUFF MILL ROAD	DESIGN
KENNETT PIKE	SUNNYSIDE ROAD	I-95 RAMP	DESIGN
CHESTNUT HILL ROAD	ARBOR DRIVE	SOUTH COLLEGE AVENUE	DESIGN
BARKSDALE ROAD	MARYLAND LINE	BRIDGE ON APPLE ROAD	DESIGN
CASHO MILL ROAD	500' NORTH OF ELKTON ROAD	NOTTINGHAM ROAD	DESIGN
LOCKERMAN STREET	FORREST AVE	US13	DESIGN
EAST WATER STREET	HMJ FROM BUS DEPOT @ QUEEN ST	HMJ EAST OF LEGISLATIVE HALL	DESIGN
WALKER ROAD	HMJ @ SAULSBURY RD/MCKEE RD	NORTH SOUTH STATE ST	DESIGN
COLLEGE ROAD	SAULSBURY RD/MCKEE RD	US13	DESIGN
NORTH GOVERNORS AVENUE	WEST WATER ST	WALKER RD	DESIGN
KINGS HWY/DIVISION STREET	KINGS HWY	US13	DESIGN
FORREST AVE/DIVISION STREET	BEGINNING OF CURB	KINGS HWY	DESIGN
SOUTH GOVERNORS AVENUE	US13	HMJ @ WEBBS LANE	DESIGN
FRONT SREET/OLD NORTH SREET	RAILROAD	OLD CAMDEN ROAD	DESIGN
US13 SOUTH DUPONT HIGHWAY NB&SB	HMJ SOUTH OF DE10, LEBANON ROAD	ST. JONES RIVER BRIDGE	DESIGN
COMMERCE STREET - HARRINGTON	HMJ @ REESE AVENUE	US13	DESIGN
CAMDEN-WYOMING AVENUE	RAILROAD AVE	RD 2/00024 (SOUTH DUPONT HWY)	DESIGN
MAIN STREET	RD 00026 (CLAYTON STREET)	RD 3/00083 MITCHELL ST	DESIGN
PORTER ROAD	RD 356 DE 72	RD 26 OLD BALTIMORE PIKE	DESIGN
RUTHAR DRIVE	RD 00352 (RED MILL ROAD)	RD 1/00355 (HARMONY RD)	DESIGN
HARMONY ROAD	RD 00018 (CHRISTIANA-OGLETOWN ROAD)	RD 11 KIRKWOOD HWY	DESIGN
MARSH ROAD PCC SECTION	EDGEWOOD ROAD	PHILADELPHIA PIKE	DESIGN
MARSH ROAD BITUMINOUS SECTION	SILVERSIDE ROAD	CHESTNUT LANE	DESIGN
RT 113 NB (ramp over RT 1 in Milford)	ramp over RT 1 in Milford		DESIGN
BAY ROAD	PCC JOINT PAST FRONTAGE RD	PCC JOINT BEFORE MERGING WITH RT 1	DESIGN
DUPONT BOULEVARD	MILFORD BYPASS	FRONTAGE ROAD	DESIGN
LANCASTER PIKE PEDESTRIAN IMPROVEMENTS	WEST COURT ROAD	DUPONT ROAD	DESIGN
LIMESTONE ROAD AND KIRKWOOD HIGHWAY	EAST SIDE LIMESTONE OREGON ROAD	SOUTH SIDE OF KIRKWOOD HIGHWAY WEST OF ST. J	DESIGN
SILVERSIDE ROAD	WINDYBUSH	VEALE ROAD	DESIGN
PENNSYLVANIA AND P/O DELAWARE AVENUE - CITY OF WILMINGTON	RIISING SUN LANE	EAST OF NORTH ADAMS STREET	EVALAUTION

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 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 the 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 in 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 through 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 desired additional information they can contact the Delaware Department of Transportation, Division of Planning at 302-760-2111.