Sidewalks

DelDOT’s Ownership and Obligations
Who owns the sidewalks?

It depends...

- Where is the sidewalk?
  - On a DelDOT maintained road?
  - In a municipality?
  - In a subdivision?

- Ownership and maintenance obligations are fragmented
Sidewalk Ownership

- DelDOT Maintenance Number Roads = DelDOT
- Roads through Municipalities maintained by the State via agreement = Not DelDOT (Municipality or Homeowner)
- Subdivisions in unincorporated areas = Not DelDOT. (Dedicated to Public Use ≠ Ownership by the State)
- Leading to Schools = A mix of owners: DelDOT, School District, or “other lands or rights of way provided for such purpose”.
Sidewalk Maintenance

- DelDOT Maintenance Roads = DelDOT
- Roads through Municipalities maintained by the State via agreement = Municipality (see Charter & Town Agreement)
- Subdivisions in unincorporated areas = Not DelDOT (HOA or Homeowners)
- Leading to Schools = Schools plow snow, otherwise DelDOT via 14 De.C. §2305(a).
Permitting & Inspection

• DelDOT Maintenance Roads = DelDOT

• Roads through Municipalities maintained by the State via agreement = DelDOT (for safety)

• Subdivisions in unincorporated areas = DelDOT (for safety) via 17De.C.§146

• Leading to Schools = DelDOT
Enforcement of ADA Standards

- DelDOT Maintenance Roads = DelDOT Obligated.
- Roads through Municipalities maintained by the State via agreement = Municipality Obligated.
- Subdivisions in unincorporated areas = Unclear who is obligated, probably HOA or County.
- Leading to Schools = DelDOT & School District obligated, but we don’t know the break point between the agencies.
ADA Complaint Investigation

- DelDOT Maintenance Roads = DelDOT Obligated.
- Roads through Municipalities maintained by the State via agreement = Municipality Obligated
- Subdivisions in unincorporated areas = DelDOT can, but will turn over to HOA.
- Leading to Schools = DelDOT & School District obligated, but we don’t know the break point between the agencies.
Sidewalk Expansion/Gap Filling

- DelDOT Maintenance Roads = DelDOT Obligated
- Roads through Municipalities maintained by the State via agreement = Municipality Obligated
- Subdivisions in unincorporated areas = DelDOT can, but so can others.
- Leading to Schools = DelDOT & School District obligated, but we don’t know the break point between the agencies.
Spending Authority

- DelDOT Maintenance Roads = State and Federal $ eligible
- Roads through Municipalities maintained by the State via agreement = State and Federal $ eligible
- Subdivisions in unincorporated areas = CTF eligible. Possibly other $ is eligible depending on circumstances.
- Leading to Schools = SRTS & CTF eligible. Possibly other $ is eligible depending on circumstances.
ADA Transition Plan Obligation

- DelDOT Maintenance Roads = DelDOT Obligated

- Roads through Municipalities maintained by the State via agreement = Municipality Obligated

- Subdivisions in unincorporated areas = HOA Obligated if one exists, otherwise we don’t know who is obligated.

- Leading to Schools = DelDOT & School District obligated, but we don’t know the break point between the agencies.
Other Issues?

- Most likely there are
- There is much left to learn
- Legal actions may be needed to sort it out