

Members Present

Tina Shockley	DOE
William Payne	Citizen Representative
Doug Denison	Department of State
Jonathan Kirch	AHA/ASA
Marsha Carson	Department of State
Nicole Majeski	DelDOT Deputy Secretary
John Sisson	DTC/WILMAPCO
Todd Webb	DelDOT
Jim Lardear	AAA
Jamie Wolfe	SCPD
Jana Simpler	OHS
Rich Vetter	Dover/Kent MPO

DelDOT Support Staff

Sarah Coakley	DelDOT
Sonia Marichic-Goudy	McCormick Taylor

Members Absent

Janelle Cornwell	Sussex County
Susan Moerschel	DNREC
Wayne Smith	Delaware Healthcare Association
Barbara Monaghan	DDDC
Richard Killingsworth	DPH

Guests

Fred Breukelman	DPH
Tigist Zegeye	WILMAPCO
Paul Moser	DelDOT
Karen McGloughlin	DHSS-DAH
John B. Hindman	DOJ
Adam Weiser	DelDOT
Mark Luszcz	DelDOT
Rob McCleary	DelDOT
Lenny Massotti	JMT
Tom Nickel	DelDOT
George LeCates	DelDOT (for Jennifer Pinkerton)
Chris Sylvester	Century Engineering
Richard Klepner	OHS
Drew Boyce	DelDOT
Lloyd Schmitz	Citizen Representative
Linda Osiecki	DelDOT

I. CALL TO ORDER

The meeting was called to order at 2:02 pm by Co-chair Jonathan Kirch.

II. INTRODUCTIONS

Council Members introduced themselves. Mr. Kirch welcomed the group and thanked everyone for attending the meeting on such a busy week. He also thanked Sarah Coakley and Jana Simpler for all of their hard work and dedication to the Council. Mr. Kirch explained that today's agenda is very lengthy with multiple topics for discussion and voting. As a result, he asked that today's discussions be limited to Council Members only.

III. MEETING MINUTES REVIEW (8/23/2016)

Mr. Jonathan Kirch asked Council if there were any comments on the August 2016 meeting minutes. Mr. Jim Lardear made a motion to approve the meeting minutes. The motion was seconded by Ms. Marsha Carson. The meeting minutes were approved by all council members in attendance, without changes.

IV. OLD BUSINESS

Subcommittee Updates

Mr. Jonathan Kirch invited the subcommittee chairs to provide updates.

Legislative and Policy: The subcommittee deferred updates to the recommendations section of the agenda.

Built Environment: The subcommittee deferred updates to the recommendations section of the agenda

Education and Enforcement: The subcommittee deferred updates to the recommendations section of the agenda.

Action Items (to be discussed and voted on as part of each subcommittee update)

Legislative and Policy

Mr. Jim Lardear referenced the attached handout of subcommittee recommendations (see Appendix A).

A1. Mr. Lardear read the first recommendation pertaining to bus stops. Mr. John Sisson asked the question whether the word "midblock" is an accurate word description for the recommendation. While the concern is people crossing multi-lane roads rather than at an intersection we should not preclude a bus stop from being added to a route only because it is not at an intersection. For some people this type of transportation is the only method they have for travel and there are times when the only placement of a bus stop can be outside of an established intersection so we should not make a policy that would prohibit these bus stops from being placed. Mr. Lardear discussed that the wording is softened by stating "will make every effort" which gives room for allowing midblock bus stops if that is the only option. The group also wanted clarification on what "midblock" means. The definition is a crossing "more than 200 feet from a signal". It was further discussed that the intent of this recommendation is to do what "We, The Council" can to make bus stops safer in general. Mr. Sisson also wanted to make note that all new bus stops are being constructed to meet ADA compliance.

Ms. Jamie Wolfe asked if a bus stop was eliminated would it affect the cost of Paratransit. She explained that Paratransit prices vary based on the distance to an established bus route. Mr. Sisson explained that as long as the bus route itself does not change eliminating bus stops along the route does not affect the Paratransit pricing. Mr. Kirch tabled the paratransit cost discussion to a later date because the discussion of Paratransit fees could be discussed under many of the recommendations being discussed today and it would be best served to discuss this at a later date.

Todd Webb asked if wording could be modified such that existing midblock bus stops that are not moved or eliminated would be required to be updated for safety. For example striping, ramps, or rectangular rapid flash beacons could be added to make current midblock bus stops safer. He requested adding language stating “to provide a safe, compliant crossing” so that compliance is included in the recommendation. Mr. Sisson agreed that this is reinforcement of the bus stop code but may also be redundant. The group agreed to add language specifying accessible midblock crossings.

Mr. Bill Payne expressed concern that this recommendation addressed new bus stops but not necessarily existing bus stops that may currently be inaccessible. He requested that an inventory be created of existing bus stops and their condition/accessibility. Mr. Kirch explained that through this recommendation a process will be put into place that reviews new bus stops and will automatically create a process to include existing bus stops. However, Mr. Kirch questioned whether the process would handle inaccessible bus stops properly if there was no formal enforcement of improvements mentioned. Ms. Nicole Majeski explained that DelDOT is already doing an inventory of existing bus stops and putting together a plan to address those in need of improvements.

Ms. Wolfe and Mr. Lardear suggested adding ADA language to the recommendation to underscore the intentions of the subcommittee. Ms. Wolfe made a motion to accept the recommendation with the amendment to add “accessible” between “safe” and “midblock pedestrian crossing”. Mr. Todd Webb seconded the motion and all were in favor unanimously.

A2. Mr. Lardear read the second recommendation pertaining to complete streets. There were no discussions or suggested changes to this recommendation. Mr. Lardear motioned to accept the recommendation, Ms. Jana Simpler seconded the motion, and all were in favor unanimously.

A3. Mr. Lardear read the third recommendation pertaining to design guidance for median and sidewalk barriers. There were no discussions or suggested changes to this recommendation. Mr. Sisson motioned to accept the recommendation, Mr. Rich Vetter seconded the motion, and all were in favor unanimously.

A4. Mr. Lardear read the fourth recommendation pertaining to E-Crash Reporting. This recommendation is in use and production; however, the group agreed to still take a vote on accepting the recommendation. Ms. Tina Shockley motioned to accept the recommendation, Ms. Marsha Carson seconded the motion, and all were in favor unanimously. Mr. Kirch congratulated the group on the accomplishment of successful implementation.

A5. Mr. Lardear read the fifth recommendation pertaining to the Pedestrian Safety Audit Program. The group discussed the use of the word “shall”. It was explained that the word was deliberately used because the DTC and DelDOT are committed to this recommendation. Mr.

Sisson explained that his perspective on this recommendation came from the view of someone who does not have a car and needs public transportation for their livelihood.

Mr. Payne asked if the recommendation could be expanded to say “corridors” and “feeder roads”. For example he cited how Route 1 in Sussex County has pedestrian facilities but one could find missing sidewalks fifty to one hundred feet from a Route 1 intersection. Mr. Weiser explained that part of the pedestrian safety audit already analyzes the connectivity of side roads. The group asked if the wording should be changed to make the side roads and feeder roads more explicitly stated; however, Mr. Payne and the Council were satisfied with Mr. Weiser’s explanation. Mr. Kirch encouraged Mr. Payne to send an email to the Council to begin a sidebar conversation about his specific concerns with the Route 1 corridor.

Mr. Lardear made a motion to accept the recommendation with no changes, Mr. Vetter seconded the motion, and all were in favor unanimously.

A6. Mr. Lardear read the sixth recommendation pertaining to entering private property. A discussion was initiated about DelDOT entering private property, but not compensating home owners monetarily. Mr. Rob McCleary clarified that the intent of this recommendation was, for example, the regrading, planting new grass, and seeding type temporary work that sometimes is required to put back existing conditions on the homeowner’s side of proposed sidewalk modifications. The intent was to compensate for any permanent work that was done to widen a sidewalk that would be within private property. Ms. Majeski recommended removing the line that says “absent of compensation”. Mr. Kirch expressed his thoughts that the intent for no compensation is for work that is of a temporary nature such as Mr. McCleary’s example of reseeded a side slope that is disturbed during sidewalk modifications. Mr. Sisson mentioned that the wording “to a contemporary standard” could mean widening an existing sidewalk that may be insufficient in width and this is not temporary. Ms. Wolfe added that homeowners would like to know the definition of temporary because everyone’s definition may be different. Mr. John Hindman explained that the definition of temporary would need to include the amount of time a homeowner is inconvenienced by the work. The group recommended that the wording “absence of compensation” be removed from the recommendation.

Mr. Payne asked for a discussion about the intent of crossing private property. Mr. McCleary explained that sometimes sidewalk lies beyond the existing right of way. It may straddle the right of way line, have a small portion outside of the right of way, or be wholly outside of the right of way for a certain stretch or length. The language in the recommendation allows DelDOT to cross the existing right of way line and improve the sidewalk on that property to current standards. This would include widening the sidewalk if the sidewalk was not the minimum width. The wording is broad enough to also include access to an improvement. There are scenarios where an improvement is not accessible by the public right of way. This would also include municipalities who have sidewalk for the public on private lands. This would make it easier to enter those lands and perform improvements.

It was further explained that this recommendation covers scenarios where existing pedestrian infrastructure is publically used on private lands but deteriorated, unsafe or not in compliance. A pedestrian in that area may decide to use the shoulder or road to travel and could subsequently be injured or killed. While DelDOT may have plans to improve that pedestrian route, if the property owner does not agree to the improvements DelDOT has no action that can be taken to perform

them. Mr. Sisson questioned who should be doing those types of improvements and who really owns the facility. This led to further discussion of whether this wording would allow the possibility of businesses to manipulate the recommendation to their advantage. In response, the group agreed to add the word “public” to the wording “existing pedestrian facilities” to require public use.

Mr. Webb explained that when DelDOT enters private property and makes a permanent improvement such as widening a sidewalk DelDOT has to buy that sidewalk, but this recommendation would allow easier access to property improvements that need to be done when doing work with an elevation difference such as regrading back onto a private property.

Mr. Lardear made a motion to accept the recommendation with the addition of the word “public” between existing and pedestrian, as well as, the removal of the wording “absent of compensation”. Ms. Simpler seconded the motion and all were in favor unanimously.

A7. Mr. Lardear read the seventh recommendation pertaining to land use. Ms. Majeski mentioned that the counties are already working toward this recommendation. Mr. Webb added that at times local towns or municipalities do not have the same accessibility requirements as DelDOT which can create gaps in compliance. It was suggested to change the wording from “County” to “local” to encompass more entities.

The group also discussed whether “multilane highways” was necessary or if “roads” could be used. Ms. Majeski explained that the wording in this recommendation was trying to mirror the other recommendations pertaining to complete streets. The recommendation meant multilane highways because most of the crash data pertains to them. Mr. Payne expressed his desire to also change the wording to “roads” from “multilane highways”.

Mr. Payne motioned to accept the recommendation with the change of “County land use” to “local land use” and “multilane highways” to “roads”, Ms. Carson seconded the motion, and all were in favor unanimously.

Built Environment

B1. Mr. Sisson read the first recommendation. This recommendation was already adopted and a vote was unnecessary.

B2. Mr. Sisson read the second recommendation pertaining to complete streets policy tracking.

The question was raised where the report would go once finished. Mr. Kirch suggested that the report be public and that perhaps the recommendation should add the word “public”. It was explained that this recommendation is not so much creating a report but more so tracking data. Mr. Kirch recommended that rather than a standalone silo of information it could be placed inside of a process that is used today such as the OMB budget hearing. Mr. Sisson explained that the subcommittee did not want to dictate how the information was taken. Mr. Kirch mentioned the legislators need to know this information. Mr. Lardear suggested adding the word “publicly” prior to tracking. Mr. Payne asked if a report is created will it be used and Mr. Kirch seconded those notions.

Ms. Simpler asked if DelDOT feels the intent is acceptable as is or if they suggest any changes. Ms. Majeski accepted the intent as is.

Mr. Sisson made a motion to accept the recommendation with the addition of the word “publicly” in front of “tracking”. Ms. Shockley seconded the motion and all were in favor unanimously.

B3. Mr. Sisson read the third recommendation which was already voted on and approved.

B4. Mr. Sisson read the fourth recommendation pertaining to deficiency reporting. Ms. Wolfe asked why the wording limited the recommendation to “professionals” only. The group discussed who could report a deficiency or a gap and agreed to change the wording from “professionals” to “individuals”. Mr. Sisson furthered the discussed to explain that there is currently a way for someone to say something is broken, for example a broken sidewalk portion or a non-compliant ramp; however, there is not a way to advocate for connectivity of pedestrian routes and facilities if another 50 feet of sidewalk were added for example.

Mr. Kirch would like to see a modification of this recommendation to account for connectivity training to be available to report for example, “DelDOT, I cannot get around my area, neighborhood, etc., but I could if I had another 50 feet of sidewalk”. Mr. Kirch would like to see something on DelDOT’s website that includes deficiencies in a neighborhood or area not just reporting on existing facilities that are broken. Mr. Sylvester explained that this isn’t the intent of the recommendation; however, Mr. Kirch explained that this would take the recommendation one step further.

Ms. Majeski explained that DelDOT’s website already accounts for ADA issues so this reporting could be expanded. Mr. Weiser added that under “Report a Road Condition” perhaps a dropdown menu could be amended to include sidewalk, ADA issues, and deficiencies such as needing additional or new sidewalk connections.

This recommendation was tabled for further discussion and modifications.

B5. Mr. Sisson read the fifth recommendation pertaining to sidewalk maintenance. The Department has a means to rate road conditions but no rating ability for multi-use trails, sidewalk, or other pedestrian facilities. Mr. Vetter suggested this could be a separate line item in the CTP. Mr. Sisson commented this could also be accounted for in the maintenance and operations department, but Mr. Payne suggested that a line item in the budget would allow these improvements to gain more equality and attention. Mr. Sisson added that the subcommittee did not want to define the funding mechanism because there are so many avenues for funding these improvements. The group agreed to leave the funding open ended.

Mr. Webb motioned to accept the recommendation without any changes, Mr. Payne seconded the motion, and all voted in favor unanimously.

B6. Mr. Sisson read the sixth recommendation which was the same as a recommendation in the legislative and policy subcommittee. The Council did not discuss or vote on this at this time.

B7. Mr. Sisson read the seventh recommendation pertaining to coordination within the Department. The subcommittee noted that the presentations to the Council and Subcommittee showed many resources within the Department, but not much coordination between the sections, which may result in gaps. Perhaps there should be one section that coordinates all projects to look for gaps and connectivity.

Mr. Payne asked if this included bikes. The group agreed to add “bike and” prior to “pedestrian network” and to strike “pedestrian” from the last sentence.

Mr. Sisson motioned to approve the recommendation with the “bike and” added prior to “pedestrian network” and striking the word “pedestrian” from the last sentence, Ms. Carson seconded the motion, and all voted in favor unanimously.

B8. Mr. Sisson read the eighth recommendation pertaining to the ADA Transition Plan. This is currently in progress; however, Mr. Webb explained the subcommittee wanted to have this as a recommendation to be voted on for approval to recognize that the transition plan is important and should be managed under the law.

Mr. Vetter motioned to approve the recommendation without any changes, Mr. Payne seconded the motion, and all voted in favor unanimously.

Education and Enforcement Subcommittee

C1. Mr. Klepner read the first recommendation pertaining to the funding of educational materials. Based on new federal funding requirements, safety and educational materials, such as reflectors with wording to promote pedestrian safety, are no longer allowed to be purchased with federal funds. The subcommittee was looking for a commitment from the Council to purchase safety items with the Council budget and donate them to OHS. The annual budget for the Pedestrian Council was \$20,000, \$10,500 went toward administrative support, and there is currently \$9,500 left in the budget. It is anticipated that a new \$20,000 budget will become active in the new fiscal year.

Ms. Simpler explained that the National Highway Traffic Safety Administration does not favor the state level purchasing promotional materials. However, the subcommittee feels the materials increase pedestrian reflectivity at night and provide an opportunity to discuss in person with pedestrians different safety measures with a documented method of distribution.

Ms. Majeski was supportive of this recommendation and asked the subcommittee for an estimate on how much they would like donated. One suggestion was that unspent dollars at the end of the fiscal year be used to purchase these materials, but Ms. Simpler would like to see a stronger dedication of funds. She suggested that OHS come to the Council with an estimate and discuss it with the Council in the near future.

Mr. Kirch furthered the suggestion that OHS come back to the Council and request funding as a budget request, not necessarily a recommendation for the Council’s use of funding allocations. He preferred OHS ask for an amount and detail how many items this amount would buy.

Mr. Sisson noted that this request could be made to the Council at any time by any group. Ms.

Simpler explained that the recommendation would help maintain the Council's support for this as the Council's membership changes in the future. Mr. Payne and Mr. Kirch expressed mixed feelings about the recommendation. This funding could possibly preclude other funding in the future which might make better use of the Council's funds. Mr. Payne wondered if this funding dedication could potentially take away from disability funding in exchange for educational funding without giving the Council the opportunity to weigh the two.

Mr. Lardear suggested rewording the recommendation to add wording similar to "recommend that upon request the annual council budget consider budgeting pedestrian safety and educational materials". The group discussed Mr. Lardear's suggestion and the wording was modified to "Recommend upon request that the annual Pedestrian Council budget consider including pedestrian safety and educational materials".

Ms. Shockley motioned to accept the amended recommendation, Mr. Lardear seconded the motion, Mr. Payne voted against the recommendation, Mr. Kirch abstained from voting, and the remainder of the Council voted for the recommendation. The recommendation was approved.

V. NEW BUSINESS

Draft Annual Report

The draft annual report was initially on the original agenda; however, since the recommendations were ready for voting the agenda was revised. The draft report will be ready for reviewing in early January and will be sent to the Council for review. The report will be voted on in the February meeting.

Mr. Kirch noted that Sarah Coakley and Jana Simpler are doing an excellent job meeting all deadlines.

VI. PUBLIC COMMENT

Mr. Kirch opened the floor to public comment.

Mr. Schmidt asked if there are any funds that Sarah Coakley needed for Safe Routes to School (SRTS). Ms. Coakley stated that SRTS has allocated funding and is using that funding to continue projects through the program. The program currently lacks non-infrastructure funding but has enough for right now. She explained that there is no single pot of funding for pedestrian improvements but that the recommendations voted on today will help.

Mr. Kirch thanked everyone for their service and dedication to the Council. He mentioned he would like to have a discussion in the future about Paratransit costs and how to potentially offset the costs to travel to the Council.

Mr. Kirch asked to reschedule the February 28th meeting to February 21st. The meeting would be held from 10 am to noon. Mr. Sisson motioned to the move the meeting, Ms. Simpler seconded the motion and all voted in favor unanimously.

VII. ADJOURN

The meeting adjourned at 3:49 p.m.

Meeting Minutes reported by:

Sonia Marichic-Goudy PE



Appendix A
Recommendations for
December 19 Pedestrian Council meeting

A. Legislative and Policy Subcommittee Recommendations

1. Adopt the revised bus stop policy being prepared by the Delaware Transit Corporation that contains the following language:
 1. A joint DelDOT Traffic/DTC engineering review shall be undertaken for any proposed new bus stops along multilane commercial highways that are located more than 200 feet from a signalized crosswalk to determine the appropriate means of crossing pedestrians across the highway at the midblock bus stop location before the new bus stop is constructed.
 2. If data indicates that an existing bus stop generates midblock crossings, DTC and DelDOT will make every effort to move the bus stop to a safer location within the near vicinity or provide a safe midblock pedestrian crossing at the site of the bus stop.

2. Adopt a Complete Streets Implementation Plan that contains the following:
 - More specific recommendations related to development projects, including requirements for developers along multilane commercial corridors to provide necessary pedestrian safety infrastructure to prevent midblock crossings from occurring due to development of specific parcels. Requirements for non-motorized safety improvements on these corridors will be provided by the Safety Programs Manager or designee.
 - More specific recommendations related to school projects

- Improved guidance regarding the selection of design speeds for non-freeway classified roadways that promote slower vehicular speeds and more compatibility with non-motorized road users.
- In the section “New Roads, Road Expansion & Roadway Redesign Projects”, add the following policy direction: “Widening projects will strongly consider and include as appropriate all pedestrian safety countermeasures including but not limited to signalized crosswalks, lighting, well placed bus stops and barriers to discourage pedestrian crossings at inappropriate locations.”
- More specific requirements for Department projects to extend the limits of Capital projects to include key pedestrian origins and destinations if necessary to ensure that these origins and destinations are connected seamlessly to safe pedestrian road crossing infrastructure.

In addition, DelDOT will offer, on an annual basis, training regarding Complete Streets for DelDOT and/or Municipal design, construction, maintenance staff and consultants. DelDOT will define staff required to take this training.

3. Develop guidance and design standards for pedestrian median and sidewalk barriers, and prioritize locations for their use.
4. Revise the state’s E-Crash Form so that it automatically prompts investigating officers to provide the pedestrian trip origin and destination (if known) for pedestrian crashes. It is noted that this recommendation is currently being implemented by the Delaware Criminal Justice Information System (DELJIS) and is in production as of December 2016.

5. DelDOT will prioritize, fund and expand the Pedestrian Safety Audit Program to complete a minimum of three (3) corridor audits per year. Improvements shall be programmed into the Capital Transportation Plan (CTP) within one year following the completion of the audit. One or more representatives from the Delaware Transit Corporation shall participate in all Pedestrian Safety Audit Program site visits.
6. To reduce time and difficulties encountered when DelDOT reconstructs existing pedestrian facilities crossing private property, amend Delaware Code to grant DelDOT the power and authority to temporarily trespass on private property, absent of compensation, to reconstruct existing public use pedestrian facilities to a contemporary standard.
7. DelDOT Planning liaisons with each County land use agency should promote non-motorized road user safety and accessibility concerns with the land use agency when reviewing development of parcels along multilane highways and work to incorporate necessary developer improvements to promote safe non-motorized movements.

B. Built Environment Subcommittee Recommendations

1. Recommend that DelDOT develop guidance and design standards for pedestrian median and sidewalk barriers, and prioritize locations for their use.
2. DelDOT create a method of tracking and recording progress on implementing the complete streets policy and reporting on waivers granted.

3. Recommend that DeIDOT offer, on an annual basis, Complete Streets training for DeIDOT/ municipal design, construction, maintenance staff and consultants. DeIDOT will define staff required to take this training.
4. Create a means for any professionals conducting travel training and orientation to report deficiencies in the pedestrian environment.
5. Update department's sidewalk maintenance policy to include a schedule of inspection. Dedicated funding and resources shall be made available for maintenance and repair of on and off-road DeIDOT bicycle and pedestrian facilities.
6. Recommend that DeIDOT prioritize, fund, and expand the Pedestrian Safety Audit Program to complete a minimum of 3 corridor audits per year. Improvements shall be programmed to the CTP within one year following the completion of the audit.
7. There should be one section, with appropriate resources (eg staffing, funding, etc.), within DeIDOT that coordinates various programs to ensure gaps in pedestrian network are filled and resources are maximized. This section shall be responsible for ensuring project limits include key pedestrian origins and destinations and are connected to the network at logical termini.
8. Recommend that DeIDOT complete and implement the ADA Transition Plan in accordance with FHWA requirements.

C. Education and Enforcement Subcommittee Recommendations

1. Recommend that a line item be established in the annual Pedestrian Council budget for pedestrian safety and educational materials.