

**Members Present**

John Sisson	WILMAPCO/DTC
Rich Vetter	Dover/Kent MPO
Paul Moser	DelDOT
Tom Nickel	DelDOT
David Nicol	DelDOT
Linda Osiecki	DelDOT
William Payne	Citizen Representative
Todd Webb	DelDOT
Jennifer Walls	Sussex County

DelDOT Support Staff

Maria Andaya	DelDOT
Sarah Coakley	DelDOT

Members Absent

Barbara Monaghan	DDDC
Debra Young	Empower Ability LLC
Adam Weiser	DelDOT

Guests

Lenny Massotti	JMT
Tigist Zegeye	WILMAPCO

I. CALL TO ORDER

The meeting was called to order at 10:03 am by Chair John Sisson.

II. INTRODUCTIONS

All members, staff, and guests introduced themselves.

III. ACTION ITEM- APPROVAL OF THE AGENDA

Rich Vetter made a motion to approve the agenda. The motion was seconded by Paul Moser and approved by all members present.

IV. ACTION ITEM- APPROVAL OF THE NOVEMBER 17, 2016 MEETING MINUTES

John Sisson asked if any there were any changes to the meeting minutes. Tom Nickel made a motion to approve the minutes. The motion was seconded by Todd Webb and approved by all.

V. NEW BUSINESS – PRESENTATION BY LENNY MASSOTTI ON THE DRAFT 2017 PEDESTRIAN ACCESSIBILITY STANDARDS

Mr. Massotti's presentation is divided into two - first an overview of PAS and second, the changes made to PAS with regards to parking allocation as raised by Mr. Bill Payne at the last Pedestrian Council Meeting.

PAS timeline todate: 2015 created and first published in November 2015. Training was held in March 2016. Update began Spring 2016. Mr. Massotti joined the effort in August 2016. Reduced from 7 Chapters to 4 Chapters. Eliminated background information which resulted in 30%

reduction in size of the document

Reorganized remaining chapters: Appendices, sample solutions, and design examples have been removed to streamline the Standards. A user guide with practical processes and decision trees or workflows is under consideration. There was a lot of historical path from the original 1991 ADA standard all the way down to what DelDOT was planning to implement. The history took a lot of space in the document that does not actually provide help to the designer to understand what they are required to do.

Rename: The effort is to shift the thinking from minimum to optimal. Most designers when they hear a range, they design at minimum. The optimal/baseline standards are provided in tabular form.

One can see throughout the document that optimal is 60 inches but minimum is 48. This gives the designer the option to design at what is identified as optimum and float down to baseline if there are constraints and restrictions.

Inspection tolerances: Additionally, there are construction inspection tolerances that are provided in list/tabular form. These will allow for inspection tolerances to be applied following construction. The design and construction are required to meet the standard. However a variety of factors can influence the ability to get a predictable and reliable measurement at the time of inspection. Things like variation in measuring technique, technology, time, and temperature. The inspection construction tolerances are intended to help with that. But both design and construction are required to follow the standards as written. Inspection tolerance does not apply to forms or to the design.

Draft PAS identifies projects using: Scope of the identified project; impacts of the identified project; and ability to identify optimal vs baseline. This gets into the heart of how to approach scoping pedestrian improvements with regards to the project. If the project is a capital project like a new connector road that is being created and right of way is being acquired, there's the ability to go for the optimal and there should be very few places where there would be constraints that couldn't be worked around. However if someone is doing something like a pave and rehab project where there are alterations, there needs to be some latitude because there is no right of way and acquiring right of way might not be in the scope and scale of the rehab project.

Project types and examples are critical for users. DelDOT is currently reevaluating how to assign these project types to align with FHWA. There are conflicting ways in looking at similar terms. Trying to resolve that is a challenge. DelDOT is still looking at that to find a more seamless solution.

Draft 2107 PAS vs 2015 PAS: (a) Increases the new baseline of the sidewalk from 3 feet to 4 feet. That moves it more in line with the direction of the PROWAG. (b) Introduces concepts related to design balance. Facilities need to serve a broad mix of users. There are some non-compliant features that have larger impact to a broader segment of the served population. Design balance mentality should be employed in designing roadway. (c) Decreases minimum baseline curb ramp width from 5 feet to 4 feet to offer flexibility. Depending on the movement – e.g. if it is a type 1 curb ramp with continuous movement versus one that is complex with a combination of approaches and a changing of direction then that is something the designer should take into account. (d) Eliminates the duplication of requirements. Refers to MUTCD for push buttons rather than



reintroduce the topic. (e) Accessible parking provisions were modified. DelDOT is reevaluating role of municipalities. (f) Logical termini for pedestrian system modified. It's no longer a blanket requirement.

Request for practical exception: process itself is unchanged but more concisely described and relates applicability to project types. Timing - Routinely dealt with at the design stage, occasionally identified during construction, only rarely dealt with in post-construction. There are times when something is out of compliance at the time of inspection with a baseline requirement it might be appropriate to consider an RPE or something like that where it doesn't affect the path of travel but there is still a minimum amount of width appropriate for users. Approval - Assistant Director, Title II/504 ADA Coordinator, Chief Engineer (Director of Transportation Solutions).

Next steps: DelDOT's internal comments are under review. Final 2017 PAS expected in Spring 2017. It will be incorporated by reference into a variety of documents such as manuals, permits, approvals, and agreements.

Questions:

Linda Osiecki: With the construction tolerance, realistically speaking part of it you said is because of the equipment used to measure – but the digital levelers I've seen they go with accuracy from .3 - .4% even with very cold temperature, so where did the 1.5 – 2% come from?

Lenny Massotti: Some of the researches that have been done before I joined the team so I am not as fluent as to the background on that. Some of them go back to the materials themselves – concrete and asphalt have different tolerances. Concrete is more stable in many regards than asphalt. I know that some of the variations have something to do with temperature differences within the material itself. I have seen projects where changes as much as 2% over a calendar year. Temperature change, frost, heat.

Linda Osiecki: I have done inspection many times for ADA compliance I have seen where it is possible to get within even .5% whether it is asphalt or concrete. I think these construction tolerances are overdone and will not serve the disabled community.

David Nicol: I wasn't personally involved during the beginning but tolerances were done with the concurrence of the disability council. Mock-up ramps were built and they tested it.

William Payne: I would like to object to that. No concurrence was made. The letter means they were approved in principle. But they do not have the expertise to comment on them.

Linda Osiecki: Let me also add that FHWA has not approved these tolerances.

David Nicol: We have agreement with FHWA office.

Lenny Massotti: I'd like to point out that although PROWAG is being recommended as best practices there are those even with FHWA pointing out that it is still a recommendation. DelDOT at this time has some latitude to make some of these decisions.

Linda Osiecki: I acknowledge that there are projects where it is impossible to meet the requirements due to physical features but I am disturbed in trying to say that that right-of-way and



right-of-way acquisition are impediments.

Lenny Massotti: If we have a maintenance project say a surface treatment that goes too far and hits town limits and goes over a crosswalk so at that point they turned themselves from a maintenance project to alterations. They removed some features and they have to go back in. So now it is a striping project but it has the ability to look at curb ramp, barrier and things like that. Would they be obligated to acquire right-of-way to do that kind of improvement? That's the part where DelDOT is struggling.

Linda Osiecki: With regard to pave and rehab program and right of way acquisition, I think we need to make a distinction between what we choose to do and what is really an impediment, something that's making something technically infeasible.

David Nicol: That will be addressed more clearly in the standards than the original that you saw. What efforts should be made in obtaining right of way and under what circumstances.

John Sisson: In your presentation on the 5th slide, you talked about renaming the standards from desired minimum to optimal, does a developer need permission not to use the optimal?

Lenny Massotti: It's a bit of a semantics game and DelDOT is still in the process of revisiting all the internal comments received and how they're going to blend. The thought was in the 2017 draft, whoever the user or the designer is, would be required to document when they can't hit the optimal. What DelDOT is hoping to accomplish is for developers to go from 5 ft to 4.5 not directly to 4 every time. They're still working on who gets notified if they can't hit optimal.

William Payne: I have concerns as a user. My wife and I have health issues. Balance is a problem. 2% maximum then you can add on another 1% - that's a 50% increase in slope. That is fine but we have pedestrian right of way coming out and has been approved from my understanding just waiting for the financial part. When that comes you're going to have to redo everything because it states in the draft that the technical requirement for curb ramps and blended transition are contained in R304 and are adopted from the technical requirements as contained in the 2004 ADA. Nowhere does it say 2% maximum. It's always even under 2% - say 1.48%. There's even an advisory on the draft that cross slopes shouldn't exceed 1.48%. This is why I am in big disagreement with what you have.

David Nicol: Couple of things, as you know PROWAG right now is not the standard. It's been out a number of years. If and when it becomes a standard then we will comply just as we comply with ADAG because it is the standard. But we are not designing 2 - 3%. This is not allowed. But if it was constructed and we measure it and it's 2.5% we're not going to rebuild it because if we rebuild it and it ends up at 2.5 % again we will never stop. We are designing below 2% and allowing for small tolerance for the materials to settle in especially if we're talking about asphalt which is flexible material.

William Payne: There's nowhere in the original ADA guidelines that says maximum 2%

Linda Osiecki: And we do have developers designing at 1.5%.

William Payne: And that's what other states are doing. (Mr. Payne then brought up the pinch



point requirement from the PROWAG advisory)

David Nicol: The whole pinch point matter will be in the new draft.

John Sisson: Question regarding variances – is there a required length to that?

Lenny Massotti: I don't think DelDOT has a requirement for that. We don't inventory every inch of a project.

Linda Osiecki: When Joe Ellis and I would go out to inspect we would do it 3 times in one general area.

Todd Webb: The inspectors would get out and measure. If there's a conflict with their measurement and the administering department, they send them to our section and we go out and measure. A lot of times, it's just an isolated area and it doesn't make sense to rip it out. That's the process that we have. We document it.

William Payne: My issue is with curb ramps and landings. They should be level.

(In the interest of time, Mr. Massotti continued with the second part of his presentation regarding parking.)

Parking: Mr. Massotti presented some tables regarding ADA parking allocations for on-site parking, and parking on transportation sites and public sites. He emphasized that when it gets to the right of way, the changes become significant when it reaches 200 then the requirement becomes 4% from 2%.

The block perimeter approach: The block perimeter is not under DelDOT jurisdiction. It's for municipalities who have control of the system like the City of Dover. Municipalities will provide the parking facilities but they are on state right of way. DelDOT only does work on municipalities under agreements. ~~DelDOT provides sidewalk and parking is incidental.~~

Mr. Nicol pointed out that if DelDOT does a resurfacing project that's within a municipality and they have parking spaces, DelDOT is going to ask the municipality based on the agreement with them that when they re-stripe the parking, they need to be compliant with PROWAG.

Mr. Webb said that there should be consideration in spreading out the parking spaces.

Mr. Massotti said that if you provide new parking, you must provide accessible parking. But where there's no parking, DelDOT is not obligated to provide parking.

Mr. Nicol said that there's always agreement with municipalities before DelDOT can do any paving project.

VI. OLD BUSINESS

Recommendation to the council: Mr. Payne asked the group to look at land use as a safety issue and that there should be a committee to discuss land use and transportation. Ms. Walls said this



matter is a comprehensive plan issue. Mr. Sisson asked if the County should be added to Recommendation #3. Ms. Osiecki said that it is a good idea since we have many unincorporated areas.

Recommendation #4 was not approved and got sent back. Mr. Sisson recalled that part of the discussion was –whether DelDOT has a way of reporting deficiencies. He asked Mr. Webb to maybe rephrase #4 to make it easier for the public to report deficiencies.

Ms. Coakley said that DelDOT website accommodates reporting road condition but there's nothing bike-ped related.

VII. PUBLIC COMMENT

Mr. Sisson opened the floor to public comment. There were none.

VIII. ADJOURN

Mr. Moser made a motion to adjourn. Mr. Vetter seconded. Next meeting is on May 9th, 1:30 pm.

Meeting Minutes reported by:
Maria Andaya
via meeting audio recording