

DelDOT PUBLIC HEARING

In Re: ADA Title II Self-Evaluation
and Transition Plan Public
Meetings

DTC Beech Street Auditorium
119 Lower Beech Street
Wilmington, Delaware

Wednesday, July 31, 2013
5:30 p.m.

BEFORE: JOHN McNEAL, ADA Title II Coordinator

WILCOX & FETZER
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1330 King Street - Wilmington, Delaware 19801
(302) 655-0477
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ORIGINAL

1 MR. McNEAL: We can go with some
2 questions now.

3 MS. SMITH: My name is Isheta Smith
4 and I'm a family support specialist with the
5 Division of Disabilities. I'm from DDDS. Just a
6 clarification, you said state council for Persons
7 with Disabilities, is that -- I'm not familiar
8 with that. Is that DelDOT?

9 MR. McNEAL: No. The State Council
10 is the State ADA Coordinator, Kyle Hodges, but
11 the Council is made up of community members,
12 advocacy groups who -- community members and
13 advocacy groups with the common denominator of
14 interest in disability-related issues.

15 MS. SMITH: Okay, so, they are like
16 advisory to disability?

17 MR. McNEAL: Yes, the State Council
18 advises the legislature on most policies related
19 to any disability-related legislation that goes
20 through.

21 MS. SMITH: You might have directors
22 from the disabilities represented in the Council?

23 MR. McNEAL: I don't know whether the
24 Council does or not. Just to be sure, the State



1 Council is separate from DelDOT, okay?

2 MS. SMITH: I understood that.

3 MR. McNEAL: I'm sorry, the last
4 question again?

5 MS. SMITH: The staff persons from
6 the Division of Disabilities like our directors
7 will they be represented in the Council?

8 MR. McNEAL: They may well be. The
9 Council is open to the community. I would
10 encourage you if you are interested to contact
11 Karl Hodges, the State ADA Coordinator. I'm
12 happy to give you that information whenever you
13 like it. Maybe after the meeting I'll make sure
14 you have his phone number and e-mail address.

15 MS. SMITH: Thank you.

16 MR. McNEAL: Anyone else?

17 MS. McCOOL: I'm going to come up to
18 allow space. My name is Kathleen McCool. I kind
19 of wear many hats and John knows. John and I are
20 very good friends and comrades of never do
21 anything alone, but I am on the State Council for
22 Persons with Disabilities. I know it's a big
23 name, but it is a very good Council and we are so
24 happy that we are working with John on this



1 project here. I know it's overwhelming.

2 I'm also a past chair of the EDTAC
3 committee, which is the Elderly and Disabled
4 Transit Advisory Committee, and we are an
5 advisory council. We are not a governor-
6 appointed council. I wish we were, but we're
7 not. I'm also a retired from Bank of America.
8 So, now I have the time to do everything I want
9 to do.

10 I want to make a couple of comments
11 involving the Division of DelDOT. As I said
12 earlier, it's very overwhelming and it's an
13 ongoing continual thing all the time. I've
14 noticed within the last couple years every time
15 even with my husband or while I'm on paratransit
16 there is always roadwork going on and everybody
17 says, Man, when are they ever going to get this
18 done? But, I'm happy that they're doing that
19 because I have seen vast improvement now from the
20 beginning to past.

21 I know myself when we talk about
22 pedestrian facilities and making people drive
23 better with being able to get from point A to
24 point B. Now, for example, I moved a year and a



1 half ago up to North Wilmington. They have the
2 lovely area, but they made a brand-new sidewalk
3 that is all curbed really nice that you have a
4 bike path; but, if I want to use the bus system,
5 I have to go across the street, which I can do,
6 but the sidewalk to the Main has telephone posts
7 right in the middle of the sidewalk making it --
8 sometimes I can get through. Most of the time I
9 can't because I'm going on ground, uneven
10 surfaces.

11 So, I'm sure -- and I'm not bringing
12 it up because of my needs. I'm bringing it up as
13 a universal comment. I'm also bringing it up
14 because it's not only people with disabilities,
15 but it's mothers with strollers, kids walking
16 safely, so, they do not, you know, run off, but,
17 when the pole is in the middle of the lane that's
18 not good.

19 So, I know you all are working on
20 that. I know you have consultants. I know what
21 John has just said, you know, you are working on
22 that and they will be hopefully implemented; but,
23 when a person goes and -- goes on DelDOT website
24 and they want to make a -- I hate the word



1 complaint -- but a complaint or grievance that is
2 going to be a smooth process for the consumer and
3 that I hope there will be a timely turnaround
4 time of getting back to people. Because if
5 people make a complaint, they make grievances,
6 then they want to know that they are listened to.
7 So, I think that's very important.

8 In terms of facilities in terms of
9 buildings and rest areas I'm hoping that when the
10 ADA compliance that all of DelDOT staff is, all
11 the staff from maintenance and up, that they are
12 well-educated about the ADA, Title 2, because it
13 can be overwhelming, some people don't understand
14 it. And, for example, I was at a rest stop in
15 Smyrna and I had to use the ladies room, but the
16 cleaning people who clean all the stalls put all
17 put all their equipment in the handicapped
18 bathroom. That's a real no-no. So, I had to get
19 somebody to move it, otherwise, I couldn't find
20 anyone that was staff people there to move it.
21 I'm sure that has gotten better, but those things
22 happen and hopefully on a weekly basis that these
23 things are going to be taken note of.

24 I know I had two more things. You



1 were talking about audible signals and I was
2 surprised that some people think they are a
3 nuisance. Why is that? But I went to San Diego
4 two months ago and when I was there they had
5 audible signals there. I loved it. And it
6 wasn't like it was a loud thing. It was more of
7 a chirping sound, like a bird. Like when you
8 would hear on Twitter, you know, it made that
9 noise, that's what it sounded like; but, maybe if
10 you could dictate how they sound or a more
11 balance of sound that might work.

12 The other thing is, the most
13 important thing is -- and Darlene Cole from the
14 Division of Visually Impaired is here -- but I
15 notice with my people and with people visually
16 impaired crossing a four-lane highway like Rt. 13
17 is very dangerous. I'm hoping that the flow of
18 traffic could be somewhat -- I never know the
19 name for it -- could be slowed down a little bit
20 or the traffic signal could be more delayed in
21 being able to walk across the highway.

22 When we talk about buildings, again,
23 and Delaware has done a pretty good job on making
24 their bathrooms, restrooms, more accessible, but



1 I do know wheelchairs are being made bigger and
2 better for us; but along with that when we go
3 into a stall, sometimes even though it's bigger
4 it's not big enough to get a foot pedal moved or
5 whatever.

6 Now, I know you all are thinking
7 about that too and we visited some of these
8 things that you have talked about. So, that's
9 all. Thank you.

10 MR. McNEAL: Thank you. Ms. Smith,
11 can I address a couple of the things you said?

12 MS. SMITH: Yes.

13 MR. McNEAL: With the audible
14 pedestrian signals, and I'll start with one of
15 the last ones first, regardless of what -- how it
16 bothers whether some people don't like them or
17 not if they're requested and they're needed,
18 they're installed. We get some of the same
19 things, believe it or not, some complaints over
20 things like the detectable warnings, but, you
21 know -- and there is no way to set a perfect rule
22 for every one individual, but it's a real
23 challenge to -- some of it is legitimate.

24 You know, like you can have some



1 people who have a difficult time lifting their
2 feet over a certain height. That's why it's
3 imperative that we make sure we have the proper
4 slope on a curb ramp because if the detectable
5 warning is at the wrong slope, then you may
6 actually have a tripping hazard; but, you know,
7 the law requires that they're there. If the law
8 requires it, then we will do what the law
9 requires.

10 I wanted to touch a little bit on you
11 were talking earlier about the telephone poles.
12 We call them pinch points, okay? Sounds like you
13 have come across pinch points not just in the
14 sidewalks, but in the bathrooms of some of these
15 facilities. They were one of the components that
16 were identified during the -- when we got the
17 inventory. We know they exist and it's another
18 reason why I looked forward to PROWAG because
19 PROWAG creates even a better standard for the
20 amount of space that you can have between the
21 side of the curb ramp -- the side of the
22 sidewalk and a telephone pole.

23 We know that there are a number of
24 issues out there and when you have those issues I



1 want you to be able to contact me and let me know
2 about them, particularly if it's new
3 construction. There is really no excuse for --
4 with regards to new construction --

5 MS. SMITH: I would say it's about
6 five-years old. It has been there for a while,
7 but it's new to me.

8 MR. McNEAL: That's pretty new. When
9 I talk about communication you mentioned earlier
10 of how you wanted to have a streamline. If you
11 go on-line and you fill out a grievance and you
12 make a request, it comes directly to my in-box.
13 So, we have terrific public relations people as
14 well, but if you go through the website and it's
15 an ADA issue or an accessibility issue, it comes
16 directly to me. So, I will get back to you
17 timely. That's why it's there and that's the
18 value.

19 That's what makes my job a lot easier
20 is when I have knowledgeable, well-informed
21 advocates like yourself, Kathy, in the community
22 because you know what the law is, you know what
23 the law requires and I know that I'm getting
24 something that is not just legitimate to you, but



1 something that is in the best interest of the
2 entire community.

3 We know that -- one of the other
4 things that you mentioned was mothers with
5 strollers. The great thing about accessibility
6 to a standard that makes it easier for us to
7 navigate it is if you have a compliant route,
8 it's not just easier for you and I to be able to
9 get around, it makes it easier for everybody
10 else.

11 One of the things we mentioned is
12 universal design. I know you are very familiar
13 with universal design. Universal design is
14 something that -- it's a way that I would like to
15 think of the ADA compliance. I think sometimes
16 when we think of ADA compliance everybody gets
17 myopic on the word "disability" as it only
18 addresses the community and persons with
19 disabilities, but it doesn't. It improves the
20 ability for everybody to get around and that's --
21 maybe if it was the American Pedestrian Act
22 everybody would be on board -- but, it creates a
23 little bit of a challenge, but, again, universal
24 design is just a much better way for everybody.



1 Not only that, you know, but even the
2 youngest folks in this room right now are aging.
3 So, I've heard that it gets a little harder to
4 get around. So, the more accessible we make our
5 community the better we all are for it and the
6 more well-informed and the more input that I get
7 from people like yourselves and the many people
8 that we know streamlined the faster we'll be able
9 to identify and the faster we will be able to
10 address that.

11 MS. SMITH: One more question and
12 then I'll be out of your hair. When you are
13 dealing with this and you are putting your
14 strategies and plan into place, is it going to be
15 broken down in like ten-year plan or five-year
16 plan or three-year plan?

17 MR. McNEAL: I apologize, I went
18 through the plan probably not as coherently as I
19 would have liked to as I went through this
20 presentation, but one of the things we believe
21 that we can accomplish the goals of addressing
22 the inventory within a ten-year period of time.
23 Actually, I think most of us are pretty confident
24 that we can do it ahead of that.



1 We have a lot of things -- a lot of
2 projects that are out there every day and
3 something that just recently occurred was the
4 clarification of an alteration with regards to
5 things like pavement rehab. For years most
6 Departments of Transportation were defining an
7 alteration as milling and paving. Well, that has
8 been broadened quite a bit.

9 So, our pavement rehabs now will
10 include thin overlays and micro-surfacing and a
11 number of other areas that will just broaden a
12 number of places that we will put in curb ramps,
13 but we know that putting in curb ramps are not
14 the only solution. We have to have sidewalks
15 that connect to be able to get people to and from
16 bus stops and safely around town, compliant
17 sidewalks. So, I completely understand what your
18 concerns are and we are pretty optimistic we can
19 get everything we need done.

20 That said, other things are going to
21 deteriorate, there is always going to be work to
22 do, and we'll continue to work hard to address
23 that. And, again, nobody can inform us better
24 than members of the community.



1 MS. SMITH: I did write my comments
2 and I mailed them off today, e-mailed them.

3 MR. McNEAL: It's what you e-mailed
4 me today?

5 MS. SMITH: Yes.

6 MR. McNEAL: Thank you so much.

7 MS. OSIECKI: John, I would like to
8 address about the accessible audible signals.

9 MR. McNEAL: Sure.

10 MS. OSIECKI: With the accessible
11 pedestrian signals I think some of the objections
12 people might have is there is always a constant
13 beeping called a locator tone every few seconds
14 so that someone could find that. Also, it has an
15 adjustment so that if loud trucks or loud
16 vehicles are going by it appropriately gets
17 louder too. So, if the road is loud, it will get
18 louder. If it quiets down, it should quiet down.
19 Sometimes that doesn't always work and it might
20 need to be adjusted later.

21 We have also had some challenges with
22 the sound bouncing off the buildings so you get
23 some echoing such as in Smyrna. So, there are
24 some challenges and things have to be tweaked,



1 sometimes they stop working, so, things have to
2 be looked at.

3 You mentioned using the chirping
4 sounds as they used in California. I think we
5 have gotten away from that mostly because we have
6 some mocking birds and catbirds that would
7 imitate those sounds, so, they have to worry
8 about, okay, now they're on a sign post or
9 they're on a newspaper container. So, now you
10 think the pedestrian signal is over here instead
11 of over here. So, there are reasons why it's
12 just a beeping, but we do have some that will
13 talk, will say, Walk signal is on for crossing
14 Main Street, things such as that.

15 With Silverside Road that is a
16 location that we have seen and we have identified
17 those deficiencies that you talked about and we
18 are still awaiting to see how that can be
19 corrected. Thank you very much for mentioning
20 that.

21 MS. SMITH: Thank you very much.

22 MR. McNEAL: Any other questions? If
23 not --

24 MR. LONGACRE: I'll address one,



1 John. Roland Longacre, L-O-N-G-A-C-R-E, and I'm
2 president of the Amalgamated Transit Union Local
3 842 here in Delaware. We represent the DART bus
4 drivers and mechanics. We are at a rest stop.
5 We have been transferring paratransit passengers
6 there for years and we have tried in the past to
7 address safety concerns there especially in the
8 summertime with the amount of traffic that goes
9 through there and you have folks with various
10 disabilities, wheelchairs running around and
11 drivers trying to get past from one bus to
12 another in the middle of traffic that is coming
13 through there and, like I said, we have tried to
14 address this issue through our chain of command
15 with little success.

16 I think DART has had issues with the
17 folks that run the Smyrna rest stop kind of
18 stonewalling this and I was wondering through
19 maybe your office maybe somebody could do an
20 evaluation of some kind and finally tell somebody
21 that it is some type of a safety issue, we're
22 lucky nobody has gotten hurt there, and maybe we
23 could get something done.

24 MR. McNEAL: There are a few issues



1 at Smyrna that I have to address and his name
2 escapes me at the moment, but I'll be working
3 with him as well.

4 MR. LONGACRE: The guy in charge of
5 the facility?

6 MR. McNEAL: Yes. So, what you just
7 stated is nothing new. In fact, I just had some
8 concerns, some complaints, come in about that.
9 In part, a great deal of the accessible parking
10 up front is often taken by paratransit buses who
11 could sit there anywhere from five minutes to
12 45 minutes to an hour sometimes.

13 MR. LONGACRE: Exactly.

14 MR. McNEAL: It creates an additional
15 safety issue there. I know there is conversation
16 about moving to the back of the facility. I
17 don't know if that --

18 MS. SMITH: We talked about that. We
19 talked about that very issue at EDTAC and we were
20 told that they are looking -- that DelDOT and DDT
21 are looking at this issue right now and they were
22 thinking about changing the stops, but I don't
23 know whether that is a viable option. That is a
24 dangerous area right there and particularly in



1 the summertime. It is much more busy now than
2 another time of the year.

3 MR. LONGACRE: Friday afternoon.

4 MS. SMITH: I know it has been talked
5 about, we talked about it at EDTAC State Council
6 and this has been going on. This chattering or
7 discussion has been talked about for about a
8 couple months now, but, nothing.

9 MR. LONGACRE: We brought this up for
10 years and I'm hoping maybe somebody who is
11 familiar with it might be in a position to do
12 something.

13 MR. McNEAL: About two and a half
14 weeks ago they got a heightened awareness about
15 that and I know that they are -- they have an
16 idea of what they want to do. Ideas don't get --
17 give you a good idea of what you want to do, but
18 if it's not implemented then you have gotten
19 nowhere. I will check into that.

20 MR. LONGACRE: My e-mail address has
21 not changed so you probably -- you have had it in
22 the past, so, I don't have a card with me today.
23 And my phone number has not changed. So, if you
24 need any assistance from our union we would be



1 glad to help.

2 MR. McNEAL: I appreciate that, but
3 it only makes sense. I know I've used the rest
4 stop throughout the years, the rest area, and we
5 have always known that that parking was not quite
6 perfect. To be frank with you it wasn't until
7 recently that I really gave consideration to the
8 fact that of just how much accessible parking is
9 taken up by those vehicles and that's not -- I
10 mean, again, that's representative of -- that's a
11 stopping area for people who are just passing
12 through and we don't need for somebody to get
13 hurt in order for us to have action. So, that
14 will be something I can address rather quickly
15 and get back to you on and include you in if you
16 would like that.

17 MR. LONGACRE: Yes, we would.

18 MR. McNEAL: Any additional
19 questions?

20 (No response.)

21 MR. McNEAL: Well, again, I thank you
22 very much for your time, for your patience this
23 evening. Thank you for letting me know what is
24 important to you and I look forward to working



1 with you and DelDOT will be better for having
2 your feedback and your input. Have a great
3 evening. Thank you.

4 (The hearing was concluded at 6:46
5 p.m.)

6 State of Delaware)
7 New Castle County)

8 CERTIFICATE OF REPORTER
9

10 I, Christina M. Vitale, Certified Court
11 Reporter and Notary Public, do hereby certify
12 that the foregoing record, pages 1 to 20
13 inclusive, is a true and accurate transcript of
14 my stenographic notes taken on Wednesday, July
15 31, 2013, in the above-captioned matter.

16
17 IN WITNESS WHEREOF, I have hereunto set my
18 hand and seal this 6th day of August, 2013, at
19 Wilmington.

20
21 *ORIGINAL*
22 *Christina M. Vitale*

23 Christina M. Vitale, CCR
24

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