

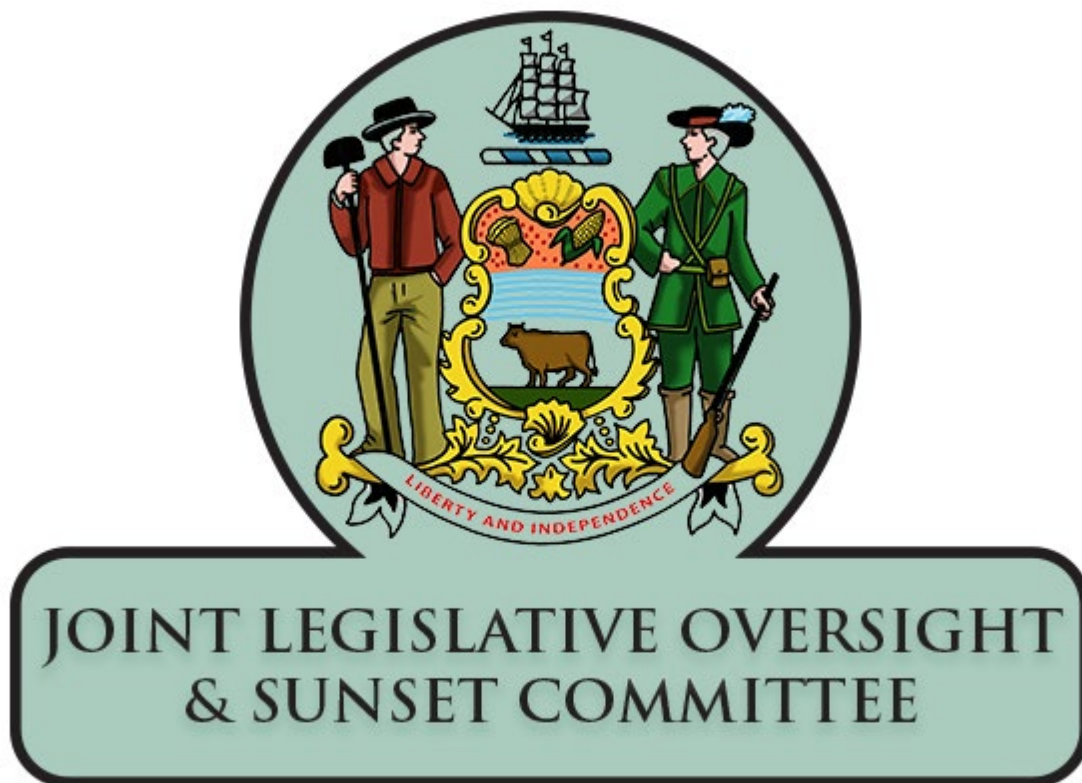
# Staff Findings and Recommendations Report

## Advisory Council on Walkability and Pedestrian Awareness

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*151<sup>st</sup> General Assembly, 2<sup>nd</sup> session*

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*Respectfully submitted to the  
Joint Legislative Oversight and Sunset Committee  
February 2022*

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The Joint Legislative Oversight & Sunset Committee (“JLOSC” or “Committee”) is a bipartisan 10-member legislative body which performs periodic legislative review of boards or commissions. The purpose of the oversight and sunset review is to decide genuine public need and if the entity is effectively performing. The Division of Research is a nonpartisan and confidential reference bureau for the General Assembly and supplies many services including staff support for JLOSC.

Special thanks: We appreciate the aid provided by DeIDOT staff in conducting this review.

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# ABOUT THIS REPORT

This is a staff findings and recommendations report (“staff report”) drafted by Division of Research staff on the sunset and oversight review (“review”) of the Advisory Council on Walkability and Pedestrian Awareness. This report has staff recommendations for JLOSC review and discussion. Recommendations are not final until discussed and adopted by JLOSC with an affirmative vote by 7 members.

The review’s purpose is to find the public need for the entity and whether the entity is effectively performing to meet the need. The goal of the review is to supply strength and support to entities that are supplying a State recognized need.

JLOSC performs its duties with support provided by the Division of Research’s dedicated and nonpartisan staff in the form of two JLOSC research analysts, a legislative attorney, legislative fellow, and administrative assistant. JLOSC staff completes a performance evaluation of the entity under review and gives a staff report to JLOSC which includes research, analysis, key findings, and recommendations. During the review process, the following is not assumed:

- There is a genuine public need for the entity under review.
- That the entity is satisfactorily and effectively meeting public need.

Rather, the entity under review has the burden of showing, through the statutory criteria for review included in its self-report and analyst requested supplemental documentation, that there is a genuine public need, and that the entity is meeting that need.

JLOSC selected the Advisory Council on Walkability and Pedestrian Awareness for review on March 25, 2021. During the review process, staff for the Advisory Council on Walkability and Pedestrian Awareness supplied information by completing a self-report which had a performance review questionnaire.<sup>1</sup>

Division of Research staff compiled the following findings and recommendations after completion of a performance evaluation which included thorough research and analysis outlined in the Objectives, Scope, and Methodology section of this report. Division of Research staff used national auditing and evaluation standards while conducting the performance evaluation. Those standards require that we plan and perform the evaluation to obtain sufficient evidence to supply a reasonable basis for our findings and conclusions based on our evaluation objectives. We believe that the evidence obtained supplies a reasonable basis for our findings and conclusions based on our evaluation objectives. The Objectives, Scope, and Methodology section discusses the fieldwork procedures used while developing the findings and recommendations presented in this report.

The recommendations contained in this report are not final until adopted by JLOSC by affirmative vote of 7 members. Under §10213(a), Title 29, the Committee must first decide whether there is a

<sup>1</sup> Self-reports available on the Committee’s website, <https://legis.delaware.gov/Committee/Sunset>

genuine public need for an entity under review. To meet this requirement, the Committee may select to continue or terminate the entity under review. JLOSC meets publicly to review and discuss its staff's findings and recommendations, and the Committee is free to change, reject, or create brand new recommendations.

The JLOSC statute authorizes the Committee to recommend 1 or more of the following:

- Continuation of the entity as is.
- Termination of the entity.
- Termination of any program within the entity.
- Consolidation, merger, or transfer of the entity or the entity's functions to another entity.
- Termination of the entity unless certain conditions are met or modifications are made, by legislation or otherwise within a specified period.
- Budget appropriation limits for the entity.
- Legislation which the Committee considers necessary to carry out its decision to continue or terminate the entity.

The information contained in this report, along with the previously published self-report<sup>2</sup>, which includes background information from the entity under review, help the Committee in conducting a review of the entity and meeting its statutory requirements under Chapter 102, Title 29. The "Staff Findings" section of this report has information to support the following staff recommendations.

### **Next Steps**

After the release of this report, JLOSC will hold a public hearing in early 2022 for each entity under review to present to the Committee and accept public comment on the scope of the review.

The Committee will discuss all information received, including the findings and recommendations presented in this staff report. Recommendations become completed after review, discussion, and an affirmative vote of 7 JLOSC members. Committee members are not bound by recommendations presented by staff and are free to change, reject, or form new recommendations. Once JLOSC adopts recommendations, the review moves to the implementation phase which may include drafting legislation.

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<sup>2</sup> Self-report available on the Committee's website, <https://legis.delaware.gov/Committee/Sunset>

# STAFF RECOMMENDATIONS

## **Recommendation #1, Option 1 – Continue the Advisory Council on Walkability and Pedestrian Awareness**

After review and analysis, JLOSC staff recommends option 1, continue the Advisory Council on Walkability and Pedestrian Awareness, subject to any further recommendations that JLOSC adopts.

Continue or Terminate (standard JLOSC recommendation).

Option 1: The Advisory Council on Walkability and Pedestrian Awareness shall continue, subject to any further recommendations that JLOSC adopts.

- OR -

Option 2: The Advisory Council on Walkability and Pedestrian Awareness is terminated, and the Committee will sponsor legislation to recommend the repeal of Executive Order 54.

## **Recommendation #2 – Codify the Advisory Council on Walkability and Pedestrian Awareness**

JLOSC should consider sponsoring a bill to codify Executive Order 54, establishing the Advisory Council on Walkability and Pedestrian Awareness in Delaware Code, renamed as the Pedestrian Council, and using this review as a guide, applying revisions to sections covering topics such as:

- **Update council composition and membership.**
  - Include other agencies and organizations such as the Office of State Planning, Delaware State Police, League of Local Governments, and local land use agencies.
- **Update purpose and goals.**
  - Include pedestrian accessibility and connectivity.
  - Reevaluate the Statewide Pedestrian Action Plan of 2007 for duplicative efforts within Delaware's 2021-2025 Strategic Highway Safety Plan and make recommendations on the prioritization of pedestrian infrastructure improvements.
  - Expand the charge of the Pedestrian Council to include giving recommendations to other stakeholders, such as the Office of Highway Safety.
  - Utilize Delaware's 2021-2025 Strategic Highway Safety Plan to ensure changes to Council mission meet policy goals.
  - Conduct annual pedestrian safety events.
  - Submit annual report of activities and recommendations to the Governor, General Assembly, and Division of Research librarian, and supply a copy to affected state agencies and local municipalities.

JLOSC and DelDOT staff will work together to develop statutory language and engage stakeholders as necessary.

## **Recommendation #3 – Release from Review**

Release the Advisory Council on Walkability and Pedestrian Awareness from review upon enactment of legislation codifying the Pedestrian Council outlined under Recommendation 2.

# STAFF FINDINGS

## Finding #1

**The Advisory Council on Walkability and Pedestrian Awareness (“Pedestrian Council”) is not currently meeting, holding 2 final meetings in January and July 2020. The outgoing Chair expressed frustration with increased pedestrian fatalities despite its work and concluded reevaluation was necessary. On July 28, 2020, the Pedestrian Council voted to assign reevaluation duties to the Delaware Department of Transportation (“DelDOT”).**

The Pedestrian Council held its last 2 meetings in 2020. At its January 28, 2020 meeting, there was substantial discussion on the Pedestrian Council’s roles and responsibilities. The Chair, Mr. McNeal, outlined the Pedestrian Council’s history, including its recreation in 2015 after a record number of pedestrian fatalities. Governor Markell’s Executive Order 54 also included his *Complete Streets* policy.<sup>3</sup> Mr. McNeal expressed appreciation for the work of the Pedestrian Council and its subcommittees but was frustrated that pedestrian fatalities increased in Delaware despite the creation of the *Complete Streets* policy and the recreation of the Pedestrian Council.

Mr. McNeal explained the importance of reevaluating the roles and responsibilities to ensure operations were in place to accomplish the main goal of decreasing the number of pedestrian deaths in the state. The Pedestrian Council agreed with Mr. McNeal that a reevaluation was needed.

At its last meeting on July 28, 2020, the Pedestrian Council held an election for chair following Mr. McNeal’s resignation. No member expressed interest and the Pedestrian Council tabled the election. Members continued the discussion on reevaluating its composition and goals and suspended future meetings by voting to delegate the reevaluation task to DelDOT.

## Finding #2

**The Pedestrian Council is not established in Delaware Code and was reconstituted by Governor Markell’s Executive Order 54. Codifying the Pedestrian Council with changes in membership to reflect current policy strategies would be beneficial to the public.**

First formed in 2006 by Governor Minner’s Executive Order 83, the original Pedestrian Council met throughout 2007 and early 2008 to develop, adopt, and implement a Statewide Pedestrian Action Plan.<sup>4</sup> Following a request from the Delaware Department of Transportation (“DelDOT”) Secretary for a new Pedestrian Council, Governor Markell reinstated the Advisory Council on Walkability and Pedestrian Awareness (“Pedestrian Council”) on October 12, 2015 through Executive Order 54.

The Pedestrian Council has not been codified and Governor Carney has not issued an executive order for the Pedestrian Council. The Pedestrian Council voted on January 28, 2020 to recommend the Governor “rewrite Executive Order 54” and designated a subcommittee to discuss the rewrite.<sup>5</sup> However, the subcommittee and Pedestrian Council suspended the work in the summer of 2020 without taking further action.

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<sup>3</sup> Governor Markell requested DelDOT to create the *Complete Streets* policy by signing Executive Order 6 on April 24, 2009. The Joseph R. Biden, Jr. School of Public Policy & Administration at the University of Delaware completed research and a report on the topic, publishing *Complete Streets in Delaware: A Guide for Local Governments* in December 2011. Information and report available at: <https://www.completecommunitiesde.org/planning/complete-streets>

<sup>4</sup> Meeting minutes not available for the original Pedestrian Council. From available Statewide Pedestrian Action Plan documents, meetings likely concluded in March 2018: [https://deldot.gov/Publications/plans/delaware\\_ped/index.shtml](https://deldot.gov/Publications/plans/delaware_ped/index.shtml)

<sup>5</sup> Governor Markell signed Executive Order 54 on October 12, 2015.

According to Executive Order 54, the Pedestrian Council is composed of no less than 18 members. The Governor has appointed 19 members:

- The Secretary of the Delaware Department of Transportation.
- The Secretary of the Delaware Department of Natural Resources and Environmental Control.
- The Secretary of the Department of State.
- The Secretary of the Delaware Department of Safety and Homeland Security.
- The Secretary of the Delaware Department of Health and Social Services.
- The Secretary of the Delaware Department of Education.
- The Chair of the State Council for Persons with Disabilities.
- The Chair of the Delaware Developmental Disabilities Council.
- The Chair of the Wilmington Metropolitan Area Planning Council.
- The Chair of the Dover/Kent Metropolitan Area Planning Council.
- The Sussex County Administrator.
- The President of the Delaware Healthcare Association.
- The Executive Director of the American Heart Association of Delaware.
- The DelDOT Americans with Disabilities Act (“ADA”) Title 11 Coordinator.
- The Department of State ADA Title 11 Coordinator.
- One citizen representative who has a physical disability.
- One citizen representative who has a visual impairment.
- Such other persons as the Governor may from time to time appoint.
  - 1 private citizen is appointed under this inclusion.

Through its work, the Pedestrian Council found that pedestrian safety matters involve many stakeholders, and its membership should reflect that. For example, current membership does not include local land use agencies. With these agencies playing a significant role in land development plans affecting pedestrian access and safety, representation should be considered.

The Delaware 2021 - 2025 Strategic Highway Safety Plan recommends implementing a Pedestrian Safety Stakeholder group with membership across state and local governments as well as advocacy groups and members of the public. This group would identify pedestrian safety and connectivity improvements, necessary policy changes, and increased collaboration between all levels of government.

In addition to membership changes, JLOSC staff recommends specifying quorum requirements. Staff has language used for other reviews to define quorum as 51% of appointed members so that vacancies do not negatively affect quorum. Additionally, standard language for removal of inactive members should be explored as well. Changes to membership, quorum requirements, and member removal will positively change the Council by reflecting the statutes and operations of other advisory bodies.

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### **Finding #3**

**Codifying the Pedestrian Council will require updates to its purpose and goals. In addition to the Delaware 2021 - 2025 Strategic Highway Safety Plan, the Pedestrian Council's 2019 annual report and 2020 meeting minutes include recommendations to consider.**

As DelDOT reevaluates the Pedestrian Council, Delaware's 2021-2025 Strategic Highway Safety Plan outlines pedestrian safety as a policy focus area.<sup>6</sup> The Strategic Highway Safety Plan's outlines the following pedestrian emphasis area strategies:

- Strategy 1: Develop and distribute consistent public information messages to educate the public about pedestrian safety.
- Strategy 2: Develop educational training programs to improve pedestrian safety awareness.
- Strategy 3: Strengthen pedestrian safety laws and enforcement efforts.
- Strategy 4: Install effective engineering countermeasures to improve pedestrian safety.
- Strategy 5: Develop policies and/or guidelines to support pedestrian safety measures.
  - Initiate a Pedestrian Safety Stakeholder group.
- Strategy 6: Improve data collection of pedestrian crashes and monitor trends.
- Strategy 7: Improve emergency services and incident management to address pedestrian safety.

When considering an update to the Pedestrian Council's purpose and goals, these 7 strategy areas offer guidance. Similarly, the Pedestrian Council's annual updates and meeting minutes can be explored for strategic ideas. For example, the Pedestrian Council's 2019 annual report included the following 4 items as "next steps":

1. Make the following recommendations to the Office of the Governor:
  - Rename the Council from "Advisory Council on Walkability and Pedestrian Awareness" to "Pedestrian Council."
  - Include other agencies and organizations in the Pedestrian Council such as the Office of State Planning, Delaware State Police, League of Local Governments, Bike Delaware, etc.
  - Expand the charge of the Pedestrian Council to include giving recommendations to other agencies, not just DelDOT.
2. Evaluate the goals of the Pedestrian Council to determine if they are being met. The goals of the Council are outlined in Executive Order 54.
3. Evaluate the Delaware State Pedestrian Action Plan.
4. Conduct more pedestrian safety events.

Of these 4 "next steps," the Pedestrian Council discussed 2 (the Delaware State Pedestrian Action Plan and the goals outlined in Executive Order 54) at its last meetings in 2020. At the January 28, 2020 meeting, the Statewide Pedestrian Action Plan was discussed and identified as a core responsibility from Executive Order 54.<sup>7</sup> However, it had not been updated since its creation by the original Pedestrian Council in 2007, and therefore should be reviewed. JLOSC staff agrees the Pedestrian Council should reevaluate the 14-year-old Statewide Pedestrian Action Plan with a

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<sup>6</sup> Delaware's SHSP: <https://deldot.gov/Programs/DSHSP/pdfs/2021-2025%20Delaware%20SHSP.pdf>.

<sup>7</sup> Executive Order 54 states that 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."

focus on any duplicative policy efforts found within Delaware’s 2021-2025 Strategic Highway Safety Plan.

At its last meeting on July 28, 2020, DelDOT provided the Pedestrian Council membership with a draft work plan for August 2020 – July 2021.<sup>8</sup> Executive Order 54 outlined the following 6 goals or areas for the Pedestrian Council to advise the Secretary of DelDOT in the interest of pedestrian safety:

1. 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.
2. Providing advice regarding design standards for crosswalks, sidewalks and pathways ensuring ADA compliance.
3. Providing advice regarding implementation of DelDOT’s Sidewalk and Multi-Use Path Maintenance Policy.
4. Reviewing traffic rules to help support a safe pedestrian environment.
5. Providing advice regarding accessibility and connectivity in an effort to make transit a more viable option for all Delaware citizens.
6. Developing strategies for pedestrian safety education and awareness.

After discussion, the Pedestrian Council concluded that it had carried out its goals outlined in Executive Order 54 by making 17 recommendations.

At both meetings in 2020, the Pedestrian Council discussed expanding its goals to include land use and minor subdivisions with a shift in focus to safety and connectivity. It was also noted that the Pedestrian Council should have the authority to send recommendations to other agencies involved in pedestrian safety outside of DelDOT.<sup>9</sup>

According to the Office of Highway safety, “Delaware has one of the highest per-capita pedestrian fatality rates in the nation.” JLOSC staff recommend a codified advisory council be reestablished with the goals and strategies outlined by DelDOT, the Pedestrian Council, and the Strategic Highway Safety Plan with the overall goal to support a reduction in pedestrian injuries and fatalities.

#### **Finding #4**

**The Pedestrian Council held a total of 23 meetings and made 17 recommendations in 2016. 4 recommendations reached a status of completed by 2018 and annual updates contained status updates through 2020.**

The Pedestrian Council held its first meeting on January 26, 2016 and reviewed the work and accomplishments of the earlier Pedestrian Council in 2007. The Pedestrian Council then created 3 subcommittees to help fulfill its mission:

- Education and Enforcement.
- Legislative and Policy.
- Built Environment.

During the period of review, the Pedestrian Council held 23 meetings and in 2016 adopted 17 recommendations presented by its 3 subcommittees.<sup>10</sup> By 2018, 4 recommendations reached a

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<sup>8</sup> Proposed draft work plan is not available on the Pedestrian Council’s website.

<sup>9</sup> The Office of Highway Safety is a division of Delaware’s Department of Safety and Homeland Security.

<sup>10</sup> Review period of January 2016 – November 2021 coincides with all meetings held by the Pedestrian Council (January 26, 2016 – July 28, 2020).

completed status. Annual updates supplied the following information on the completed recommendations:

1. Recommend that DelDOT complete and implement the ADA Transition Plan in accordance with Federal Highways Administration requirements.
  - 2018 Update: The Federal Highways Administration approved the ADA Transition Plan on July 3, 2018.
2. Adopt the revised bus stop policy prepared by the Delaware Transit Corporation (“DTC”).
  - 2017 Update: The revision of DTC's Bus Stop Policy was completed in May 2017.
3. Revise the state's E-Crash Form so that it automatically prompts investigating officers to supply the pedestrian trip origin and destination (if known) for pedestrian crashes.
  - 2017 Update: Completed on December 8, 2016.
4. To reduce time and difficulties met when DelDOT reconstructs existing public use pedestrian facilities crossing private property, amend Delaware Code to grant DelDOT the power and authority to temporarily trespass on private property to reconstruct existing public use pedestrian facilities to a contemporary standard.
  - 2017 Update: A review of the Delaware Code revealed that DelDOT already had the authority to enter onto private land to repair and reconstruct existing facilities.<sup>11</sup> As a courtesy, DelDOT will supply written notice to the landowner prior to entering the property.

The following list, obtained from the Pedestrian Council’s annual updates, covers the remaining 13 recommendations which are ongoing projects, still in various stages of progress.<sup>12</sup>

1. DelDOT will prioritize, fund and expand the Pedestrian Safety Audit Program to complete a minimum of 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.
  - DelDOT established the pedestrian/bicycle safety working group in February 2013.<sup>13</sup>
  - DelDOT conducted 16 Pedestrian Safety Audit Projects.<sup>14</sup>
    - 1 completed in 2021.
    - 10 completed 2016-2020.
    - 5 completed 2009-2015.
2. Recommend that DelDOT work with the Office of Highway Safety, Department of Education, and school districts to conduct crossing guard training prior to each school year and that the Pedestrian Council endorse the recommendation that crossing guard training be required on an annual basis for all non-law enforcement crossing guards in Delaware.

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<sup>11</sup> 17 Del. C. § 132.

<sup>12</sup> Annual updates available on the Pedestrian Council’s website: [https://deldot.gov/Programs/pedestrian\\_council](https://deldot.gov/Programs/pedestrian_council)

<sup>13</sup> Pedestrian/bicycle safety working group held 5 meetings in 2013-2015, information available at: [https://deldot.gov/Programs/DSHSP/index.shtml?dc=pedestrian\\_bicycle\\_working\\_group](https://deldot.gov/Programs/DSHSP/index.shtml?dc=pedestrian_bicycle_working_group)

<sup>14</sup> JLOSC staff is unable to determine if 3 corridor audits are completed by DelDOT per year, as recommended by the Pedestrian Council. Information available: [https://deldot.gov/Programs/DSHSP/index.shtml?dc=pedestrian\\_safety](https://deldot.gov/Programs/DSHSP/index.shtml?dc=pedestrian_safety)

- Gap exists in Kent and Sussex counties; few school districts take part in voluntary crossing guard training.
    - American Automobile Association (“AAA”) conducted a crossing guard training in Kent County at the Caesar Rodney School District on April 13, 2018.
3. Recommend that DelDOT work with the Office of Highway Safety, Department of Education, and school districts to consider including pedestrian safety education for school aged children.
    - Distributed brochures and reflective items and talked about the importance of pedestrian safety. Pedestrian safety now included in the Driver Education curriculum.
  4. Recommend that DelDOT develop guidance and design standards for pedestrian median and sidewalk barriers and prioritize locations for use.
    - DelDOT completed a study in 2017 to install barriers and other safety treatment on a high pedestrian crash stretch of US13 in New Castle - from Route 40 to Memorial Drive.
      - Project moved forward to design in 2018, scheduled to begin in 2023.
  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 DelDOT bicycle and pedestrian facilities.
    - DelDOT conducted an inventory of state-maintained sidewalks several years ago through its Pedestrian Access Route Program (“PAR”).
    - DelDOT created a Sidewalk Committee in 2018, developing strategies for ranking sidewalk construction or repairs.
  6. Adopt a Complete Streets Implementation Plan that has 6 specific recommendations.<sup>15</sup>
    - DelDOT adopted its Complete Streets Policy on January 6, 2010. Private developers are required to follow this policy. The implementation plan is still in draft form.
  7. DelDOT Planning liaisons with each local land use agency, should promote non-motorized road user safety and accessibility concerns with the land use agency when reviewing development of parcels along roads and work to incorporate necessary developer improvements to promote safe non-motorized movements.
    - Developers are required by counties to have plans reviewed and approved by DelDOT before they can be issued permits.
    - DelDOT is working with communities, municipalities, and counties to establish Transportation Improvement Districts (“TID”). A TID is a defined geographic area where land use and transportation needs are planned in detail in advance.
      - As of October 2020, DelDOT has four working TIDs in place (3 in Southern New Castle and 1 in Sussex County).
  8. DelDOT create a method of publicly tracking and recording method on progress implementing the Complete Streets Policy and reporting on waivers granted.
    - There is a waiver process that DelDOT project managers follow that requires approval from plan reviewers, Division Directors, and the Chief Engineer. Project managers must document the entire process and these documents are available to the public upon request.

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<sup>15</sup> Full list in Pedestrian Council annual updates: [https://deldot.gov/Programs/pedestrian\\_council](https://deldot.gov/Programs/pedestrian_council)

9. There should be one section, with appropriate resources (e.g., staffing, funding, etc.), within DelDOT that coordinates various programs to ensure that gaps in the bike and pedestrian networks are filled and resources are maximized. This section shall be responsible for ensuring project limits include key origins and destinations and are connected to the network at logical termini.
  - DelDOT’s Division of Planning has a bicycle-pedestrian section. This section manages 3 programs focused on statewide improvements to bicycle and pedestrian networks: Transportation Alternatives Program (“TAP”), Trails and Pathways, and Pedestrian Access Routes Program (“PAR”).
10. Recommend that DelDOT work with Delaware State Police, local law enforcement, Office of Highway Safety, and others to develop and conduct a “Share the Road Safety Class” and that the Pedestrian Council endorse the class as an educational supplement to pedestrian ticketing.
  - DelDOT referred the project to the University of Delaware’s Institute of Public Administration and can use funding through the State Planning and Research (“SPR”) Program.
11. Recommend that DelDOT establish and use data-driven thresholds for targeted outreach to specific schools regarding the Safe Routes to Schools program.
  - In 2005, the federal government created and funded the Safe Routes to School Program (“SRTS”). Funding has ended and DelDOT is looking for other funding sources to keep the program going. This recommendation is dependent on the availability of funding and labor.
12. Recommend upon request that the annual Pedestrian Council budget consider including pedestrian safety and educational materials.
  - The Pedestrian Council has purchased pedestrian safety informational materials and reflective items in the past that they distributed to state troopers, homeless shelters, libraries, and the general public.
13. Recommend that section 3.2.14 of the Defensive Driver curriculum be amended from its current language of “Pedestrian” to read “Pedestrians, including pedestrian safety, yielding to pedestrians, White Cane Law, and active traffic devices for pedestrian crossing such as HAWK signals and Rectangular Rapid Flashing Beacons.”
  - These proposed changes to the Delaware Administrative Code are awaiting public review and adoption.<sup>16</sup>

## **Finding #5**

**The Pedestrian Council conducted annual pedestrian safety events and outreach, worked in conjunction with the Governor to declare October Pedestrian Safety Awareness Month. These public activities should continue.**

The Pedestrian Council celebrated many achievements during its 5 years of work. Pedestrian safety events and outreach should continue either through the Pedestrian Council or similar agencies that support these efforts. Highlights include:

- **Online Reporting of Deficiencies in the Pedestrian Environment.**
  - In 2017, DelDOT modified its “report a condition” website form to include “pedestrian” in the drop-down list.

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<sup>16</sup> Since this 2020 annual update, these regulations were posted as final in the May 1, 2021 Register of Regulations.

- **Education and Outreach.**
  - DelDOT sent flyers on walking safely to over 250 schools in 2017.
  - As of 2017, driver education exam includes the White Cane law.
  - Pedestrian Safety Campaigns conducted at the following:
    - October 17, 2017 and October 15, 2019: Governor’s Cup 5K, Governor’s Mansion in Dover.
    - October 25, 2017, October 24, 2018, and October 23, 2019: Delaware Middle Schools Cross Country Championship, at Browns Branch County Park in Harrington.
    - June 9, 2018 and June 8, 2019: Safe Summer Day, Brecknock Park in Camden.
    - October 17, 2019: Goodwill-Claymont along Philadelphia Pike.
- **Research.**
  - In 2018, Pedestrian Council funded research on best practices across the country and other pedestrian safety programs through a contract with McCormick Taylor Associates.
    - Pedestrian Council also contracted with McCormick Taylor Associates to provide administrative support, assistance with minutes and PowerPoint presentations.
- **Funding of Reflective Items and Educational Materials.**
  - Used \$5,700 of its funding to buy reflective items and distributed at 4 public events in October of 2017.
  - Distributed reflective items at 2 public events in 2018.
  - Partnered with homeless shelters in 2019 and distributed reflective items at Sussex Code Purple in Seaford on October 3, 2019, the Dover Interfaith Mission for Housing on October 10, 2019, and in New Castle County at the Goodwill parking lot at the intersection of Philadelphia Pike and Harvey Road in October 2019.
  - Supplied reflective items to law enforcement officers to distribute to pedestrians walking at night.
- **Declared October Pedestrian Safety Awareness Month.**
  - Chosen because Walk to School Day and White Cane Safety Day both occur in October. Additionally, daylight decreases throughout the month.
  - Based on Pedestrian Council recommendation, Governor Carney declared October as Pedestrian Safety Awareness Month for the State of Delaware.
    - First declared October 2017, Pedestrian Council continued to get a yearly proclamation from the Governor.
    - Planned to get the Pedestrian Safety Awareness Month on the General Assembly's calendar.
      - Legislative and Policy Subcommittee planned to work with state legislators to pass a bill to permanently declare October as Pedestrian Safety Awareness Month for Delaware.
  - Office of Highway Safety held a public event on October 4, 2018 at the Delaware State Police Troop 6 on Kirkwood Highway, Wilmington.

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## Finding #6

**This review observed the Pedestrian Council followed FOIA overall, with improvements to be made in timely posting of meeting minutes.**

The Pedestrian Council is a public body as defined by the Freedom of Information Act (“FOIA”).<sup>17</sup> During the course of this review JLOSC staff reviewed the past 3 years of held meetings and checked for FOIA compliance on meeting notice, agendas, and minutes. Using FOIA open meeting requirements<sup>18</sup> the *FOIA Scorecard* below notes the following FOIA compliance items:

- Every meeting must be open to the public, except for valid exception under FOIA.
  - Executive session closed to the public for FOIA named purposes.
- Public notice of regular meetings posted at least 7 days in advance of the meeting.
  - Includes agenda if determined.
    - Posted within 6 hours in advance of the meeting with reason for posting delay included.
    - Posted in public location accessible to the public, including electronic posting on designated State of Delaware website.<sup>19</sup>
  - Includes date, time, and place of meeting.
    - Indicates intent to hold executive session (if applicable).
- Agenda is subject to change, changes may include:
  - Added items, including executive session.
  - Deletion of items, including executive session.
- Minutes recorded and made available for public inspection and copying as a public record. Minutes must include the following:
  - Record of members present.
  - Record by individual members of each vote taken and action agreed on.
- Final minutes posted within 5 working days of final approval.
  - Draft minutes posted within 20 working days of meeting conclusion for public bodies who meet 4 or fewer times per year.

FOIA Scorecard for January 2018 – January 2021	
<b>Total Meetings Held</b>	<b>10</b>
<b>Properly Noticed Meetings</b>	8
<b>Properly Posted Agendas</b>	10
<b>Properly Posted Meeting Minutes</b>	0
<b>Missing Agendas</b>	0
<b>Missing Minutes</b>	9
<b>Minutes Contain Required Information</b>	1
<b>Agendas Contain Required Information</b>	10
<b>Number of Executive Sessions</b>	0

JLOSC staff reviewed Delaware’s Public Meeting Calendar for all meetings held by the Council during a 3-year review period (January 2018 – January 2021). The Public Meeting Calendar (“PMC”) keeps a record of all administrative actions for a meeting date including announcement

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<sup>17</sup> 29 Del. C. § 10002.

<sup>18</sup> 29 Del. C. § 10004.

<sup>19</sup> Designated website is the Public Meeting Calendar: <https://publicmeetings.delaware.gov>

creation date and posting dates for agendas and minutes. During the review period, the Pedestrian Council properly noticed 8 out of 10 public meetings held. All meeting announcements included agendas with the needed FOIA information, and no executive sessions held. The October 22, 2019 meeting date is the only meeting date with minutes posted on the PMC and those posted minutes are in draft form, posted on January 24, 2020. It is unclear why meeting minutes are not posted to the PMC. The Pedestrian Council website does post all agendas and meeting minutes under the “information” section.<sup>20</sup> The website link included on the PMC directs the public to the main website for DelDOT, not the Pedestrian Council’s website.

The Pedestrian Council held 1 virtual meeting on July 28, 2020. The agenda for this meeting did not include virtual meeting information and instructed the public to contact an employee 1 day prior to the meeting for the virtual meeting information. JLOSC staff recommends posting the virtual meeting information on the agenda and PMC for any future virtual meetings. With the Pedestrian Council currently under reevaluation by DelDOT, JLOSC analysts do not anticipate the issues surrounding meeting minutes to be an ongoing concern and feel this review will supply the necessary reminders for compliance once the Council is restructured.

### **Finding #7**

**The Pedestrian Council met on a regular basis prior to July 2020 with 15 of 19 appointed positions having an attendance rate of 57% or higher, chronic quorum issues not seen.**

From 2016 through July 2020, the Pedestrian Council held 23 meetings and 15 of 19 appointed members or designees had attendance rates of 57% or higher. Of the 4 members below 57%, 1 attended 33% of scheduled meetings, 2 attended 26%, and 1 attend 13%. All 23 meetings had a quorum of members in attendance.

### **Finding #8**

**Positive feedback received from public outreach survey.**

JLOSC staff conducted a public outreach survey from August 9 – September 30, 2021 and received 23 responses for the Advisory Council on Walkability and Pedestrian Awareness. Overall, the survey received mostly positive feedback, with 74% of respondents voting the Council as valuable to the State of Delaware. Positive feedback indicated a necessary policy purpose to protect pedestrians, council focus on ADA representation, and advocacy for walking as an effective mode of transportation. Critical comments included high member turnover, lack of public presence, and confusion surrounding current operating status.

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<sup>20</sup> Pedestrian Council website: [https://deldot.gov/Programs/pedestrian\\_council](https://deldot.gov/Programs/pedestrian_council)



# OBJECTIVE, SCOPE, AND METHODOLOGY

## Objective

A performance evaluation conducted as required under JLOSC statute and based on the following criteria<sup>21</sup>:

1. If the agency is a licensing agency, the extent to which the agency has permitted qualified applicants to be licensed.
2. The extent to which the agency has served the public interests.
3. The extent to which the agency has recommended statutory changes, and whether those changes directly benefit the public or whether those changes primarily benefit the agency or other entities and are of only indirect benefit to the public.
4. Review the implementation of recommendations contained in the final reports presented to the General Assembly and the Governor during previous legislative sessions.

## Scope

This review covers a 5-year performance period except where noted.

### JLOSC Statutory Review Criteria #1

If the agency is a licensing agency, the extent to which the agency has allowed qualified applicants to be licensed.

### Methodology for JLOSC Statutory Review Criteria #1

The Advisory Council on Walkability and Pedestrian Awareness is not a licensing agency. This review looked at the overall process and advisory decisions the council made over the past 5 years.

### JLOSC Statutory Review Criteria #2

The extent to which the agency has served the public interests.

### Methodology for JLOSC Statutory Review Criteria #2

Executive Order 54 reestablished the Pedestrian Council to serve the State of Delaware in an advisory capacity regarding concerns related to the high number of pedestrian fatalities; lack of awareness about pedestrian laws; and the desire to improve the walkability of the state. As described in the fieldwork section of this report, this review explored the 2 main duties and responsibilities listed in statute<sup>22</sup>:

1. Serve in advisory capacity and advise on matters relating to pedestrian safety, awareness, and current policies.
2. Advise the Secretary of the Department of Transportation on ways to make walking a safe, convenient, efficient, and comfortable means of transportation.

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<sup>21</sup> 29 Del. C. § 10209.

<sup>22</sup> 29 Del. C. § 8732.

### **JLOSC Statutory Review Criteria #3**

The extent to which the agency has recommended statutory changes, and whether those changes directly benefit the public or primarily benefit the agency or other entities and are of only indirect benefit to the public.

### **Methodology for JLOSC Statutory Review Criteria #3**

This review took a closer look at recommendations provided by DelDOT staff in the completed self-report. JLOSC staff explored information relevant to these recommendations as described in the fieldwork listed in this section. For quick reference, DelDOT staff supplied the following recommendations in the self-report:

1. Re-evaluate the mission and membership of the Pedestrian Council.
2. Development of a stakeholder group tasked with implementing the strategies outlined in the Strategic Highway Safety Plan.

### **JLOSC Statutory Review Criteria #4**

Review the implementation of recommendations contained in the final reports presented to the General Assembly and the Governor during earlier legislative sessions.

### **Methodology for JLOSC Statutory Review Criteria #4**

This is the first JLOSC review of the Advisory Council on Walkability and Pedestrian Awareness, statutory criteria #4 is not applicable to this review.

### **Review Fieldwork completed**

- Reviewed all information supplied by DelDOT staff.
  - Self-report.
  - Membership information.
  - Past 5 years of meeting minutes and agendas.
  - Annual updates.
  - Budget and Fiscal information.
- All available public documents such as annual updates, Council’s website, and available news articles.
- Executive Orders.
- Council’s overall performance as it relates to the current Executive Order.
- Council’s compliance with Freedom of Information Act (“FOIA”).
  - Public meeting calendar: Council meeting notices, agendas, minutes.
- Council member size, quorum trends, and composition.
- Council member training opportunities.
- Surveyed the public to gather opinions and experiences with Council.
- Held two virtual public input sessions to collect added public comment on review.
- Held virtual meeting with DelDOT staff to discuss review.

### **Review Background**

This is the first review of the Advisory Council on Walkability and Pedestrian Awareness by JLOSC. This review began in April of 2021. Entity’s support staff completed and returned a self-report in August of 2021. JLOSC staff conducted research and drafted this findings and recommendations report.

## **Background Research Synopsis**

The Pedestrian Council was established in 2006 by Executive Order 83 and then reestablished in 2015 by Executive Order 54. The Council's purpose under Executive Order 54 is to advise the Secretary of the Delaware Department of Transportation ("DelDOT") on matters relating to pedestrian safety and general walkability.

The Pedestrian Council consists of at least 18 members, which include 15 reserved seats for holders of various State and local government positions in addition to citizens appointed by the Governor's office. This council is not codified in Delaware Code and Executive Order 83 does not define meeting frequency. The Pedestrian Council is in a period of reevaluation and has not held a meeting since July 28, 2020.

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STATE OF DELAWARE  
**DEPARTMENT OF TRANSPORTATION**  
800 BAY ROAD  
P.O. BOX 778  
DOVER, DELAWARE 19903

NICOLE MAJESKI  
SECRETARY

February 3, 2022

Mr. Mark Brainard, Jr.  
Ms. Amanda McAtee  
Joint Legislative Oversight and Sunset Analysts  
411 Legislative Avenue  
Dover, DE 19901

Subject: Report on the Advisory Council on Walkability and Pedestrian Awareness

Dear Mr. Brainard and Ms. McAtee:

Thank you for the opportunity to review the JLOSC Staff Findings and Recommendations Report concerning the Advisory Council on Walkability and Pedestrian Awareness (also known as the Pedestrian Council). DelDOT has provided staff support to the Pedestrian Council since its reestablishment in October 2015, and we believe the report thoroughly captured its many accomplishments. Below are responses to the recommendations and findings:

**Recommendation #1 – Continue the Advisory Council on Walkability and Pedestrian Awareness.** DelDOT supports this recommendation.

**Recommendation #2 – Codify the Advisory Council on Walkability and Pedestrian Awareness.** Agree. Should the JLOSC decide to codify the Pedestrian Council, we agree with the recommendation to update its goals and composition, specifically to include a focus on connectivity and accessibility. The Delaware Code section regarding the Bicycle Council could provide a good model (28 Del. C., ch. 17).

**Recommendation #3 – Release from Review.** Noted.

**Finding #1 The Advisory Council on Walkability and Pedestrian Awareness (“Pedestrian Council”) is not currently meeting, holding two final meetings in January and July 2020. The outgoing Chair expressed frustration with increased pedestrian fatalities despite its work and concluded reevaluation was necessary. On July 28, 2020, the Pedestrian Council voted to assign reevaluation duties to the Delaware Department of Transportation**

**(“DelDOT”).** We acknowledge the need to reevaluate the Pedestrian Council goals and scope of work. Executive Order 54 of 2015 tasked the Pedestrian Council to advise the Secretary of DelDOT on specific matters related to walking and pedestrian safety. We recommend that the new goals focus on matters pertaining to pedestrian network connectivity and accessibility, equity in transportation, and bridging our diverse communities. Emphasis on ensuring transportation for every mode by providing linkages of sidewalks, trails, and pathways throughout the state. DelDOT will be updating the Pedestrian Action Plan from 2007 that will encompass all our current efforts in ADA accessibility, transit, inventories, technology, innovation, education, and awareness. It is also suggested that the Pedestrian Council make recommendations to various other agencies as needed.

**Finding #2 - The Pedestrian Council is not established in Delaware Code and was reconstituted by Governor Markell’s Executive Order 54. Codifying the Pedestrian Council with changes in membership to reflect current policy strategies would be beneficial to the public.** Agree that the Council should include a broad base of technical experts, local and state government, and private citizens that reflect the diverse users of the transportation network. DelDOT will work closely with JLOSC staff to determine its final composition.

**Finding #3 - Codifying the Pedestrian Council will require updates to its purpose and goals. In addition to the Delaware 2021-2025 Strategic Highway Safety Plan, the Pedestrian Council’s 2019 annual report and 2020 meeting minutes include recommendations to consider.** We recommend that the Pedestrian Council focus on pedestrian network connectivity and accessibility, education, and awareness. DelDOT will continue to focus on pedestrian safety issues through its Strategic Highway Safety Plan.

**Finding #4 - The Pedestrian Council held a total of 23 meetings and made 17 recommendations in 2016. Four recommendations reached a status of completed by 2018, and annual updates contained status updates through 2020.** The Pedestrian Council made numerous valuable recommendations to DelDOT, and we will continue to implement them.

**Finding #5 - The Pedestrian Council conducted annual pedestrian safety events and outreach, and worked in conjunction with the Governor to declare October Pedestrian Safety Awareness Month. These public activities should continue.** The Pedestrian Council worked very hard to raise pedestrian safety awareness in Delaware. Public outreach activities should continue to be an integral part of the Pedestrian Council’s roles.

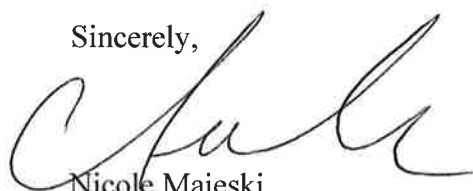
**Finding #6 – This review observed Pedestrian Council followed FOIA overall, with improvements to be made in timely posting of meeting minutes.** The lack of meeting minutes on the Public Meeting Calendar was a staff oversight and is being rectified. Rest assured that all past meeting materials are posted on the Pedestrian Council’s website at [https://deldot.gov/Programs/pedestrian\\_council/index.shtml?dc=meetings](https://deldot.gov/Programs/pedestrian_council/index.shtml?dc=meetings)

**Finding #7 The Pedestrian Council met on a regular basis prior to July 2020 with 15 of 19 appointed positions having an attendance rate of 57 percent or higher, chronic quorum issues not seen.** We would like to acknowledge and thank the members of the Pedestrian Council for diligently attending meetings.

**Finding #8 Positive feedback received from public outreach survey.** Noted and thank you.

Please do not hesitate to contact my office at 302-760-2303 or via email at [nicole.majeski@delaware.gov](mailto:nicole.majeski@delaware.gov) if you have any questions. I look forward to presenting to the Committee on February 22, 2022, to discuss this report as well as our mission and goals for the Pedestrian Council.

Sincerely,



Nicole Majeski  
Cabinet Secretary

NM:

cc: Representative Sherry Dorsey Walker, Chair  
Senator Kyle Evans Gay, Vice Chair  
Senator Stephanie L. Hansen  
Senator Brian Pettyjohn  
Senator Marie Pinkney  
Senator Bryant L. Richardson  
Representative Krista Griffith  
Representative Kendra Johnson  
Representative Jeff N. Spiegelman  
Representative Lyndon D. Yearick  
Holly Vaughn Wagner, Deputy Director, Legislative Attorney  
Elliot Gray, Legislative Fellow  
Shanté Hastings, DelDOT Deputy Secretary and Chief Engineer  
Pamela Steinebach, DelDOT Director of Planning  
Mark Luszcz, DelDOT Deputy Director, Design  
Jeff Niezgoda, DelDOT Assistant Director, Planning  
Peter Haag, DelDOT Chief of Traffic Engineering  
Anthony Aglio, DelDOT Planning Supervisor  
Maria Andaya, DelDOT Planner

## STATE OF DELAWARE

EXECUTIVE DEPARTMENT  
DOVEREXECUTIVE ORDER  
NUMBER EIGHTY-THREE**RE: CREATING AN ADVISORY COUNCIL ON WALKABILITY AND  
PEDESTRIAN AWARENESS**

WHEREAS, walking is the most fundamental mode of transportation and a simple fitness activity that can prevent disease and improve physical health and mental well-being; and

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

WHEREAS, my administration's Livable Delaware agenda promotes the walkability of communities through principles such as traditional neighborhood design, mobility-friendly design, mixed-use and infill developments; and

WHEREAS, improving the walkability of a community increases property values by making these communities more desirable places to live; and

WHEREAS, over-reliance on the automobile can worsen traffic congestion which is a disincentive to businesses choosing where to locate or whether to expand; 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, 71 percent of parents say they walked or biked to school when they were children, but only 18 percent of their children now walk or bike to school; and

WHEREAS, there is a lack of understanding of Delaware law and how motorists are expected to approach and respond to pedestrians in crosswalks,

NOW, THEREFORE, I, RUTH ANN MINNER, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare and order the following:

1. An Advisory Council on Pedestrian Awareness and Walkability (“Advisory Council”) be established to advise the Delaware Department of Transportation (“DelDOT”);
2. The Advisory Council shall assist DelDOT with the development, adoption and implementation of a Statewide Pedestrian Action Plan (“Plan”);
3. The following organizations and interests shall be represented on the Advisory Council:
  - a. Division of Planning, Delaware Department of Transportation, one representative who shall serve as chair;
  - b. Division of Parks and Recreation, Department of Natural Resources and Environmental Control, one representative;
  - c. Office of Highway Safety, Department of Safety and Homeland Security, one representative;
  - d. Delaware Greenways, one representative;
  - e. American Heart Association of Delaware, one representative;
  - f. American Lung Association of Delaware, one representative;
  - g. From each county, one representative of a civic or homeowners association;
  - h. From each county, one representative of an organization that promotes physical activity, including walking;
  - i. One representative from the Public Advisory Committee, Wilmington Metropolitan Area Planning Council;
  - j. One representative from the Public Advisory Committee, Dover/Kent County Metropolitan Planning Organization;
  - k. One representative from the Delaware League of Local Governments;
  - l. One representative of the Architectural Accessibility Board;
  - m. A citizen who has a physical disability; and
  - n. A citizen who has a visual impairment.

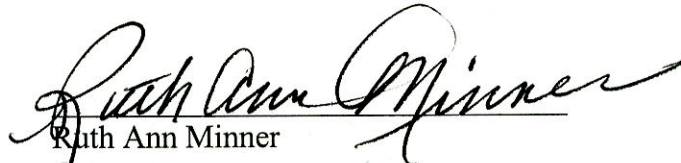
All members of the Advisory Council shall be appointed by the Governor and serve at the Governor’s pleasure.

4. The Plan shall address and propose solutions to the following issues in an effort to make walking a safe, convenient, efficient and comfortable means of transportation:
  - a. Ensuring that paths and sidewalks are continuous and interconnected where feasible;
  - b. Developing consistent design standards for crosswalks, sidewalks and pathways;



- c. Clarifying maintenance responsibility for sidewalks; and
  - d. Reviewing traffic rules and driver behavior to help support a safer pedestrian environment; and
  - e. Promoting land-use and traffic patterns that encourage walking and reduce air pollution.
5. DeIDOT, with the assistance of the Advisory Council, shall work with the citizens of Delaware to create the Plan and deliver it to the Governor no later than July 30, 2007.

Approved and adopted this 9<sup>th</sup> day of March, 2006.

  
Ruth Ann Minner  
Governor

Attest:

  
Secretary of State



## 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 12<sup>th</sup> day of October 2015

A handwritten signature in blue ink, appearing to be "R. Minner", written over a horizontal line.

**Governor**

**ATTEST:**

A handwritten signature in blue ink, written over a horizontal line. The signature is highly stylized and appears to be "C. Cooper".

**Secretary of State**