

LAWS OF DELAWARE
VOLUME 84
CHAPTER 58
152nd GENERAL ASSEMBLY
FORMERLY
SENATE BILL NO. 50

AN ACT TO AMEND TITLE 2 OF THE DELAWARE CODE RELATING TO THE ADVISORY COUNCIL ON WALKABILITY AND PEDESTRIAN AWARENESS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 2 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Chapter 15. ~~Reserved.~~ Pedestrian Council.

§ 1501. Purpose.

The Pedestrian Council (“Council”) is established to assist in the goal of eliminating pedestrian fatalities and make walking a safe, convenient, efficient, and comfortable means of transportation in Delaware.

§ 1502. Appointment; composition; qualifications; term of office; removal; compensation.

(a) The Council is composed of 17 members, as follows:

(1) The Secretary of the Department of Transportation.

(2) The Secretary of the Department of Safety and Homeland Security.

(3) The chair of the State Council for Persons with Disabilities.

(4) The Americans with Disabilities Act Title II coordinator with the Department of Transportation.

(5) The Americans with Disabilities Act Title II coordinator with the Department of State.

(6) The chief executive officer of the Delaware Transit Organization.

(7) The general manager of the Department of Land Use of New Castle County.

(8) The director of the Department of Land Use and Planning for the City of Wilmington.

(9) The director of the Department of Planning Services for Kent County.

(10) The director of the Sussex County Planning & Zoning Office.

(11) The executive director of the League of Local Governments.

(12) The Governor shall appoint 6 Delaware citizens with knowledge of pedestrian matters and comprised as follows:

a. A resident of New Castle County.

b. A resident of Kent County.

c. A resident of Sussex County.

d. Three who reside anywhere in Delaware and have a physical disability, developmental disability, or visual impairment.

(b)(1) A member who serves on the Council by virtue of position may appoint a designee to serve in the member’s stead and at the member’s pleasure.

(2) At least 1 of the members appointed under paragraph (a)(13) of this section must represent the business community of this State.

(3) A member appointed under paragraph (a)(13) of this section serves for a term of 2 years. The Governor may appoint a member under paragraph (a)(13) of this section for a term of less than 2 years to ensure that the members’ terms expire on a staggered basis.

(4) A member appointed under paragraph (a)(13) of this section serves until a replacement is appointed under the same process as the member’s appointment.

(5) The Governor may remove a member under paragraph (a)(13) of this section for gross inefficiency, misfeasance, nonfeasance, malfeasance, or neglect of duty in office. A member is deemed in neglect of duty if the member is absent from 3 consecutive, regular Council meetings without good cause or fails to attend at least 50% of all Council meetings in a calendar year. The Governor may consider the member to have resigned and may accept the member’s resignation.

(c) A Council member receives no compensation but may be reimbursed the member’s actual and necessary expenses incurred in the performance of the member’s official duties.

§ 1503. Quorum; officers; meetings; staffing and fiscal support.

(a) The number of members who must be present at a Council meeting in order to have a quorum and conduct official business is the majority of members. Counting for quorum does not include member positions that are vacant.

(b) The Council shall elect a chair from among its members. A chair serves for a 2-year term.

(c) The Council shall meet at least 4 times per calendar year. The Council shall comply with the Freedom of Information Act [Chapter 100 of Title 29] and post each meeting agenda, each meeting minutes, and other meeting materials on the State Public Meeting Calendar.

(d) The Department of Transportation, through the Planning Division, shall provide reasonable staff and fiscal support to assist the Council in performing its duties under this chapter.

§ 1504. Powers; duties.

(a) The Council shall do all of the following:

(1) Advise the Secretary of the Department of Transportation and the Commissioner of the Department of Safety and Homeland Security on the following issues:

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. Designing standards for crosswalks, sidewalks, and pathways, ensuring compliance with the Americans with Disabilities Act of 1990, as amended, and considering the practicality of completing projects using the standards.

c. Implementing the Department of Transportation's Sidewalk and Multi-Use Path Maintenance Policy.

d. Reviewing of traffic rules to help support a safe pedestrian environment.

e. Accessibility and connectivity in an effort to make transit a more viable option for all Delaware residents.

f. Developing strategies for pedestrian safety education and awareness.

(2) Assist the Department of Transportation with the periodic reevaluation and implementation of the Department of Transportation's Statewide Pedestrian Action Plan and make recommendations regarding the prioritization of pedestrian infrastructure improvements, especially within Level 1 and Level 2 Investment Areas, as the areas are determined under § 9101 of Title 29.

(3) Provide advice or recommendations to other appropriate agencies or municipalities.

(4) Assist with annual pedestrian safety events and outreach initiatives.

(5) Review facts and circumstances of Delaware pedestrian fatalities on a quarterly basis. The review should identify trends, if any, and make recommendations to improve pedestrian safety.

(b) The Council may form a subcommittee or multiple subcommittees to assist in completion of the Council's duties under this chapter. A subcommittee may include members of the public or from another state agency or nongovernmental organization relating to relevant areas of expertise. A subcommittee member is not required to be a Council member.

(c) Submit an annual report of the Council's activities and recommendations to the Governor, General Assembly, and the Director and the Librarian of the Division of Research of Legislative Council. The Council shall also provide copies of the annual report to each affected state agency or municipality and make the report available on the Council's website.

Approved June 28, 2023