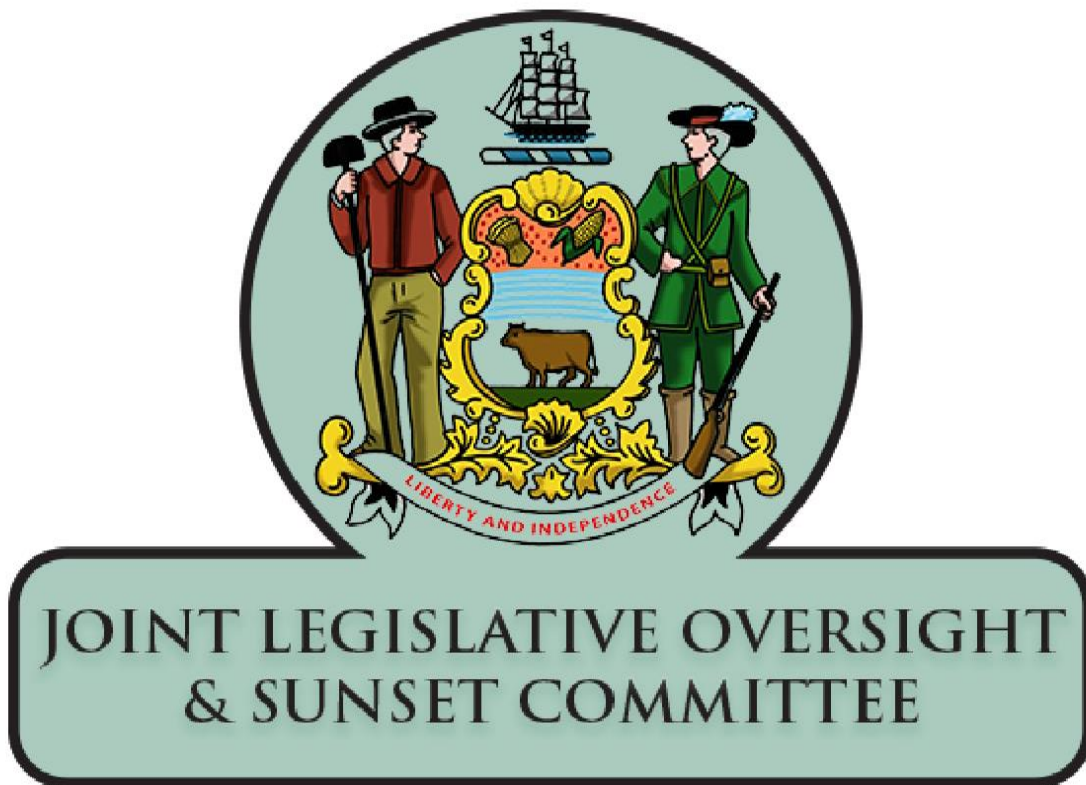


# Advisory Council on Walkability and Pedestrian Awareness Self-Report

---

*151<sup>st</sup> General Assembly*

---



*Respectfully submitted to the  
Joint Legislative Oversight and Sunset Committee  
August 2021*

# Table of Contents

## **ABOUT JLOSC AND THE REVIEW PROCESS**3

## **ABOUT THIS SELF-REPORT**3

## **JLOSC PERFORMANCE REVIEW QUESTIONNAIRE**4

SECTION 1: AGENCY HISTORY, PURPOSE, AND FUNCTIONS	4
SECTION 2: MISSION, GOALS, OBJECTIVES, & AUTHORITY	7
SECTION 3: ACCOMPLISHMENTS	9
SECTION 4: CHALLENGES	10
SECTION 5: OPPORTUNITIES FOR IMPROVEMENT	10
SECTION 6: COMPOSITION AND STAFFING	11
SECTION 7: FREEDOM OF INFORMATION ACT COMPLIANCE	18
SECTION 8: ADMINISTRATIVE PROCEDURES ACT COMPLIANCE	18
SECTION 9: COMPLAINT AND DISCIPLINARY PROCESS	19
SECTION 10: PRIOR JLOSC REVIEW	20
SECTION 11: PUBLIC INFORMATION	20
SECTION 12: ENACTED LEGISLATION IMPACTING THE AGENCY	22
SECTION 13: PENDING & PROPOSED LEGISLATION	23
SECTION 14: FISCAL INFORMATION	23
SECTION 15: LICENSING PROCESS	25
SECTION 16: RECONSIDERATION, APPEAL, SANCTIONS, REVOCATION	28
SECTION 17: SELF-REPORT AUTHOR(S)	28

## **ABOUT JLOSC AND THE REVIEW PROCESS**

The Joint Legislative Oversight and Sunset Committee (“JLOSC” or “Committee”) is a bipartisan body comprised of 5 members of the Senate appointed by the President Pro Tempore and 5 members of the House of Representatives appointed by the Speaker of the House.

JLOSC completes periodic reviews of state supported entities such as agencies, commissions, and boards following statutory criteria under [29 Del. Code, Chapter 102](#). The review’s purpose is to determine the public need for the entity and whether the entity is effectively performing to meet the need. The goal of the review is to provide strength and support to entities that are providing a State recognized need.

JLOSC performs its duties with support provided by the Division of Research’s dedicated and nonpartisan staff. JLOSC staff completes a performance evaluation of the entity under review and submits a Staff Report to JLOSC which includes analysis, key findings, and recommendations. Recommendations are not finalized until reviewed, discussed, and adopted by JLOSC with an affirmative vote of 7 members. In February 2022, JLOSC staff will schedule an in person public hearing for each entity under review to present to the Committee. For additional review information, please visit the Committee’s website at <https://legis.delaware.gov/Committee/Sunset>.

## **ABOUT THIS SELF-REPORT**

The JLOSC statute requires the entity under review to supply information and materials to facilitate a legislative oversight and sunset review. Additionally, the entity under review has the burden of showing, through the statutory review criteria, that there is a genuine public need and that the entity is meeting that need.

JLOSC staff supplies each entity under review with a Self-Report template and instructions. All questions appearing in this Self-Report are from the JLOSC staff created *JLOSC Performance Review Questionnaire* (“questionnaire”) and are the same for each entity under review. All questions appearing in the questionnaire use statutory review criteria. Throughout the questionnaire, the use of the broad term “board” refers to the entity under review, which may be a board, committee, commission, or council. The entity under review supplies review information by completing this Self-Report and is responsible for its contents and for forwarding all updates or corrections to JLOSC staff in a timely manner during the entire review period.

JLOSC staff will not edit or modify the information received in this Self-Report and only check for completeness and adherence to instructions. JLOSC members will receive completed Self-Reports and updates directly from their staff. The Committee’s website will include electronic copies of all Self-Reports and any updates received from entities under review.

# JLOSC PERFORMANCE REVIEW QUESTIONNAIRE

## **SECTION 1: AGENCY HISTORY, PURPOSE, AND FUNCTIONS**

### **Section 1-A. Please provide a summary of your board's history. Highlight any key events.**

The Advisory Council on Pedestrian Awareness and Walkability was originally established in 2006 by Governor Minner. The goal of the Council at that time was to advise the Delaware Department of Transportation (DelDOT) and assist with the development adoption and implementation of a Statewide Pedestrian Action Plan. The Plan was to address and propose solutions in an effort to make walking a safe, convenient, efficient and comfortable means of transportation.

The Advisory Council on Walkability and Pedestrian Awareness (also known as the Pedestrian Council) was reestablished in 2015 through Executive Order 54 by Governor Markell, to help address 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.

The Pedestrian Council consists of representatives from various state and local government agencies, nonprofit and advocacy groups, and other concerned members of the public.

The Pedestrian Council was reestablished with the purpose of advising the Secretary of DelDOT on ways to make walking a safe, convenient, efficient, and comfortable means of transportation. Its diverse membership was helpful in offering different perspectives in the areas of engineering, education and enforcement.

For the past five years, they have met regularly – analyzing data pertaining to pedestrian crashes, pedestrian and driver behavior, and also sidewalk networks across the state. They reviewed traffic rules and provided advice regarding implementation of DelDOT's Sidewalk and Multi-Use Path Maintenance Policy, DTC's bus stop policy and identified gaps in the state's E-Crash reporting system.

They held discussions with various parties including DelDOT engineers, project and program managers, persons with disabilities, law enforcement officers, educators, homeless shelter volunteers and guests, and many others. They reviewed existing programs and developed recommendations to help improve the condition of the pedestrian network and reduce pedestrian injuries and fatalities in Delaware.

While the Pedestrian Council is not satisfied because pedestrian fatalities have not been eliminated, the state has taken important steps in addressing the problem and making the transportation system safer and more accessible for pedestrians.

The Pedestrian Council has worked hard to fulfill the original focus and goal of providing advice to DelDOT as stated in Executive Order 54. It even went above and beyond and embarked on public campaigns for pedestrian safety awareness the most notable of which is designating October as Pedestrian Safety Awareness Month.

**Section 1-B. What are the main functions of this board? Does this board issue any advisory or policy opinions? If so, where can they be found?**

Executive Order 54, which was issued by Governor Markell, outlines the goals of the Pedestrian Council:

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

**Section 1-C. What condition(s), situation(s), and/or problem(s) existed prior to the creation of this board that directly led to its creation? Please provide specific examples.**

The Pedestrian Council was reestablished on October 12, 2015, to help address concerns related to the high number of pedestrian fatalities Delaware, in particular, is experiencing above average pedestrian fatality rates. The Pedestrian Council was charged with advising the Secretary of the Delaware Department of Transportation (DelDOT) on ways to make walking a safe, convenient, efficient, and comfortable means of transportation.

The table below shows the percentage of pedestrian deaths against total traffic deaths in Delaware for the years 2007 through 2019[1]. According to the same GHSA Report, the national average in 2018 was 17%.

Year	Total Traffic Fatalities	Pedestrian Fatalities	Pedestrian Deaths as Percentage of Total Traffic Deaths
2007	118	15	12.7

<b>2008</b>	122	22	18.0
<b>2009</b>	118	15	12.7
<b>2010</b>	103	22	21.4
<b>2011</b>	103	19	18.4
<b>2012</b>	116	30	25.9
<b>2013</b>	101	26	25.7
<b>2014</b>	125	27	21.6
<b>2015</b>	133	36	27.1
<b>2016</b>	120	27	22.5
<b>2017</b>	118	34	28.8
<b>2018</b>	111	24	21.6
<b>2019</b>	132	32	24.2

---

[1] From Jan 1 - Oct 31, 2020, Delaware reported 19 pedestrian deaths compared to 24 the same period in 2019.

**Section 1-D. To what extent has the existence and functioning of this board alleviated each of these condition(s), situation(s), and/or problem(s)? Please provide specific examples.**

While the Pedestrian Council is not satisfied because pedestrian fatalities have not been eliminated, the state has taken important steps in addressing the problem and making the transportation system safer and more accessible for pedestrians.

The Pedestrian Council has worked hard to fulfill the original focus and goal of providing advice to DelDOT as stated in Executive Order 54. It even went above and beyond and embarked on public campaigns for pedestrian safety awareness the most notable of which is designating October as Pedestrian Safety Awareness Month.

**Section 1-E. Would the condition(s), situation(s), and/or problem(s) described in question “1-C” above recur or worsen, in the absence of the board?**

Unfortunately, pedestrian fatalities occur independently of the Council’s actions. However, pedestrian safety is a primary emphasis area of Delaware’s Strategic Highway Safety Plan (SHSP) since 2006 in order to reduce the number of fatal and serious injury type crashes.

**Section 1-F. Are there any recent condition(s), situation(s), and/or problem(s) that further justify the need for the board’s existence?**

The state is responsible for transportation matter, while local governments are responsible for land use decisions. It is important that there is a partnership between the two entities. More emphasis should be placed on connectivity and making sure pedestrians have safe and accessible access around the state.

**Section 1-G. Are there any functions of this board that are outdated and no longer needed? If so, please explain and provide examples.**

The Pedestrian Council has worked hard to fulfill the original focus and goal of providing advice to DelDOT as stated in Executive Order 54 and DelDOT is working to implement those recommendations.

One of the focus areas of Delaware’s 2021-2025 Strategic Highway Safety Plan (SHSP) is pedestrian safety. The SHSP’s Pedestrian Emphasis Area identifies a strategy to initiate a Pedestrian Safety Stakeholder group with membership from appropriate state agencies, advocacy groups and the public to identify pedestrian safety and connectivity improvements, policy updates and improved collaboration between state and local agencies, consistent with the objectives of the SHSP. DelDOT has initiated several strategies provided in the SHSP in calendar year 2021.

Moving forward, efforts should shift to connectivity. It is imperative to strengthen partnership with local land use agencies to ensure that connection between developments and pedestrian networks are incorporated.

## **SECTION 2: MISSION, GOALS, OBJECTIVES, & AUTHORITY**

**Section 2-A. What is the mission of this board? Does the enabling legislation accurately reflect the mission?**

The Advisory Council on Walkability and Pedestrian Awareness (also known as the Pedestrian Council) was reestablished in 2015 through Executive Order 54 by Governor Markell, to help address 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. The Executive Order accurately reflects the mission of the Council.

**Section 2-B. Please identify and explain the board’s goals and objectives, in order of priority.** Executive Order 54, which was issued by Governor Markell, outlines the goals of the Pedestrian Council:

- The Pedestrian Council shall advise the Secretary of DeIDOT on the following issues, in an effort to make walking a safe, convenient, efficient, and comfortable means of transportation:
  - 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;
  - Providing advice regarding design standards for crosswalks, sidewalks and pathways ensuring ADA compliance;
  - Providing advice regarding implementation of DeIDOT’s Sidewalk and Multi-Use Path Maintenance Policy;
  - Reviewing traffic rules to help support a safe pedestrian environment;
  - Providing advice regarding accessibility and connectivity in an effort to make transit a more viable option for all Delaware citizens; and
  - Developing strategies for pedestrian safety education and awareness.

**Section 2-C. Please describe the internal performance evaluation system that the board uses to measure the attainment of its goals and objectives.**

The Pedestrian Council looks at the number of pedestrian fatalities and serious injuries that occur each year.

**Section 2-D. Does the board collect any data sets? If so, please identify and explain.**

The Pedestrian Council does not directly collect data. The Council receives updates from the Office of Highway Safety on the number of pedestrian fatalities at each meeting.

**Section 2-E. Does the board conduct any research? If so, please explain and provide the location of research reports (if produced).**

No, the Pedestrian Council did not conduct independent research. The Council received presentations from other organizations on research they conducted.

**Section 2-F. Has the State Auditor or any other external organization recently audited and/or evaluated the board or any of its programs? Please identify some of the major conclusions and/or recommendations. Provide links to all reports.**

No

**Section 2-G. In general, how do other states carry out similar functions?**

Most states have some form of Advisory Council on pedestrian safety matters.



**Section 2-H. Are your board's functions similar or overlapping of other state or federal entities? If so, discuss how the board coordinates its services with other state or federal entities sharing similar objectives. Please explain why the functions are best placed within this board or why you feel they should be placed elsewhere.**

Many stakeholders and state agencies play a role in improving pedestrian safety, but the main entities are DelDOT, Delaware Department of Safety and Homeland Security through the Office of Highway Safety. Both DelDOT and Office of Highway Safety provide updates to the Council on programs, projects and initiatives on pedestrian safety. The Pedestrian Council serves to advise DelDOT on these matters.

## **SECTION 3: ACCOMPLISHMENTS**

**Section 3-A. List and briefly explain the board's most significant accomplishments.**

The Pedestrian Council has worked hard to fulfill the original focus and goal of providing advice to DelDOT as stated in Executive Order 54. It even went above and beyond and embarked on public campaigns for pedestrian safety awareness the most notable of which is designating October as Pedestrian Safety Awareness Month.

The Pedestrian Council made several recommendations to educate people on pedestrian safety; identify and fill in pedestrian network gaps; and improve walkability of the state. Below are the recommendations they made. A detailed status update on each is provided in the Pedestrian Council December 2020 Status Report.

- Revise the state's E-Crash Form so that it automatically prompts investigating officers to provide the pedestrian trip origin and destination (if known) for pedestrian crashes.
- DelDOT will prioritize, fund and expand the Pedestrian Safety Audit Program to complete a minimum of three (3) corridor audits per year. Improvements shall be programmed into the Capital Transportation Plan (CTP) within one year following the completion of the audit.
- Recommend that DelDOT develop guidance and design standards for pedestrian median and sidewalk barriers and prioritize locations for their use.
- Adopt the revised bus stop policy being prepared by the Delaware Transit Corporation.
- 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.
- Recommend that DelDOT complete and implement the ADA Transition Plan in accordance with FHWA requirements.
- Adopt a Complete Streets Implementation Plan.
- To reduce time and difficulties encountered 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.
- 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.

- DelDOT create a method of publicly tracking and recording progress on implementing the Complete Streets Policy and reporting on waivers granted.
- 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.
- 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.
- Recommend that DelDOT establish and use data-driven thresholds for targeted outreach to specific schools regarding the Safe Routes to Schools program.
- 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.
- 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.
- 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.”
- Recommend upon request that the annual Pedestrian Council budget consider including pedestrian safety and educational materials.
- Declared October Pedestrian Safety Awareness Month.
- Partnership with homeless shelters to conduct safety events.
- Following the lead of the Office and Highway Safety (OHS), the Education and Enforcement Subcommittee conducted targeted outreach along high pedestrian fatality corridors and at various sports and safety events.
- Distributed reflective items and education material.

## **SECTION 4: CHALLENGES**

### **Section 4-A. List and briefly explain 3 to 4 challenges the board is currently facing.**

The Council’s role is advise DelDOT on pedestrian safety matters. The challenge is that pedestrian safety involves many stakeholders, not just DelDOT. Local land use agencies also play a significant role in pedestrian safety through the approval of development plans. There needs to be a greater emphasis placed on connectivity; are land development plans incorporating pedestrian access; is there adequate transit facilities near proposed and existing development. Currently, local land use agencies are not represented on the Council.

## **SECTION 5: OPPORTUNITIES FOR IMPROVEMENT**

**Section 5-A. List and briefly explain several opportunities for improvements. Please prioritize.**

There is a need to re-evaluate the mission and membership of the Pedestrian Council. DelDOT, DSHS, DSP and others are leading the effort to reduce pedestrian fatalities and crashes through the newly updated Strategic Highway Safety Plan. A Council could be created to look at connectivity and access to pedestrian facilities and transit services. This would need to incorporate the local land use agencies to discuss their comprehensive plans and development approval process.

**Section 5-B. In the past 5 years, have you recommended any changes to the Legislature, Governor's Office, or other State entity to improve the board's operations? If so, please explain and provide the outcome or current status?**

The Pedestrian Council has worked hard to fulfill the original focus and goal of providing advice to DelDOT as stated in Executive Order 54. It even went above and beyond and embarked on public campaigns for pedestrian safety awareness the most notable of which is designating October as Pedestrian Safety Awareness Month.

In the last Annual Report, the Council recommended that DelDOT continue to work to fully address the recommendations and monitor their implementation. Moving forward, efforts should shift to safety and connectivity and incorporate the focus areas identified in the updated Strategic Highway Safety Plan to further address how we can prevent pedestrian fatalities from occurring. It is imperative to strengthen partnership with local land use agencies to ensure that connection between developments and pedestrian networks are incorporated.

A stakeholder group with an expanded membership of those who will be involved in implementing these recommendations and the Strategic Highway Safety Plan should be developed as to collectively work to improve safety and connectivity for pedestrians.

## **SECTION 6: COMPOSITION & STAFFING**

**Membership:**

**Section 6-A. How is board membership defined? Please explain and provide the section(s). Examples include statute, regulations, or by-laws.**

Executive Order 54 defines the Pedestrian Council membership. 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:

- The Secretary of the Delaware Department of Transportation ("DelDOT");
- The Secretary of the Delaware Department of Natural Resources and Environmental Control ("DNREC");
- The Secretary of the Department of State ("DOS")
- The Secretary of Delaware Safety & Homeland Security ("DSHS);

- The Secretary of the Department of Health and Social Services (“DHSS”);
- The Secretary of the Department of Education (“DOE”);
- 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 ADA Title II Coordinator;
- The Department of State ADA Title 11 Coordinator;
- One citizen representative who has a physical disability appointed by the Governor;
- One citizen representative who has a visual impairment appointed by the Governor; and
- Such other persons as the Governor may from time to time appoint.

**Section 6-B. Are there special qualifications for board membership?**

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.

**Section 6-C. Who has member appointment authority? Where is this defined?**

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. Citizen representatives are appointed by the Governor

**Section 6-D. What is the designated term of office for board members? Where is this defined?**

There are no defined terms for the members.

**Section 6-E. How many members currently serve on this board? Are there any vacancies? If so, indicate the length of time each vacancy has existed and the reasons why. Has the board or support staff advised the Governor’s Office or appointing authority of the vacancies?**

Nineteen members serve on the Pedestrian Council. There are no vacancies although few member organizations were inactive in attending meetings or sending representatives.

**Section 6-F. Can this board create subcommittees or task forces? If “yes” please address the following questions:**

1. **Describe the process and site the board document (statute, regulations, or by-laws) that permits this.**

The Pedestrian Council established three subcommittees, by simple majority vote, to help accomplish their goals. The subcommittees are – Built Environment, Education and Enforcement, and Legislative and Policy. Chairs of the subcommittees asked stakeholders

and subject matter experts to join each subcommittee, in order to provide input to the Pedestrian Council.

**2. Provide a brief history on how many have been created in the past 5 years, and indicate where meeting documents can be found.**

The Pedestrian Council established three subcommittees, by simple majority vote, to help accomplish their goals. The subcommittees are – Built Environment, Education and Enforcement, and Legislative and Policy. All material is posted on the Pedestrian Council webpage on the DelDOT website:

[https://deldot.gov/Programs/pedestrian\\_council/index.shtml](https://deldot.gov/Programs/pedestrian_council/index.shtml)

- The Built Environment Subcommittee was tasked with reviewing existing programs and develop recommendations to help improve the condition of the pedestrian network and reduce pedestrian injuries and fatalities in the State of Delaware.
- The Education and Enforcement Subcommittee is tasked with identifying education and enforcement gaps and make recommendations to improve pedestrian safety.
- The Legislative and Policy Subcommittee is tasked with reviewing traffic rules (Delaware Code and Department Policy) to help support a safe pedestrian environment.

**3. If final reports were issued, please provide their location.**

The Subcommittees activities and recommendations are incorporated in the Pedestrian Council’s Annual Report. All material is posted on the Pedestrian Council webpage on the DelDOT website: [https://deldot.gov/Programs/pedestrian\\_council/index.shtml](https://deldot.gov/Programs/pedestrian_council/index.shtml)

**4. If there are current subcommittees or task forces currently meeting and conducting business; include information on membership, duties, and where meeting documents can be found.**

All material is posted on the Pedestrian Council webpage on the DelDOT website: [https://deldot.gov/Programs/pedestrian\\_council/index.shtml](https://deldot.gov/Programs/pedestrian_council/index.shtml)

**Section 6-G. Include a current membership roster with this Self-Report. This is a separate request from the list of supporting documents included in the Self-Report instructions. This current membership roster must indicate the following for each member:**

- **First and last name, and their city and state of residence.**
- **Position held (i.e., Chair, President, Co-Chair, Secretary, etc.).**
- **Professional or public member.**
- **Their profession or occupation.**
- **Original appointment date, expiration date, and number of terms served.**

**To satisfy this current membership roster request, you may do one of the following:**

- **Complete the included table below.**
- **Delete the included table below, build your own table, and place in this section.**
- **Delete the included table below and attach a document to the Self-Report and label in the appendices section.**

Member's Name and City and State of residence. (as of 12/31/2020)	Position Held	Professional or Public Member	Profession or Occupation	Original Appointment Date	Appointment Expiration Date	No. of Terms Served
<b>John Sisson</b> , Wilmington DE (Office)		Professional	Chair, WilMAPCO	10/12/2015	NA	NA
<b>Robin Christiansen</b> , Camden DE (Office)		Professional	Chair, Dover- Kent MPO (DKM)	10/12/2015	NA	NA
Designee: Helen Wiles		Professional	Public Outreach Manager, DKM			
<b>Nicole Majeski</b> Dover DE (Office)		Professional	Secretary, DeIDOT	10/12/2015	NA	NA
<b>Robert Coupe</b> Dover DE (Office)		Professional	Secretary, DSHS	10/12/2015	NA	NA
Designee: Jackie McDermott		Professional	Management Analyst, Office of Highway Safety			
<b>Wendy Henry</b> Dover DE (Office)		Professional	Office of Civil Rights/DelDO T ADA Title II	10/12/2015	NA	NA
<b>Ken Grant</b> Wilmington DE (Office)		Professional	AAA	04/24/2018	NA	NA
<b>Marsha Carson</b> Dover DE (Office)		Professional	DOS ADA Title II Coordinator	10/12/2015	NA	NA
<b>Susan Bunting</b> Dover DE (Office)		Professional	Secretary, DOE	10/12/2015	NA	NA
Designee: Michael Wagner			Education Associate			
<b>Shawn Garvin</b> Dover DE (Office)		Professional	Secretary, DNREC	10/12/2015	NA	NA
Designee: David Bartoo			Planner			
<b>David Morris</b> Wilmington DE (Office)		Professional	Executive Director, American Heart Asson	10/12/2015	NA	NA

<b>Jessica Welch</b> Wyoming, DE	Acting Chair	Public	Citizen representative with visual impairment	02/22/2018	NA	NA
<b>Jeffrey Bullock</b>		Professional	Secretary of DOS	10/12/2015	NA	NA
<b>Todd Webb</b>		Public	Chair, State Council for Persons with Disabilities (SCPD)	10/12/2015	NA	NA
Designee: John McNeal		Professional	Director, SCPD			
<b>William Payne</b>		Public	Caregiver	1/26/2016	NA	NA
<b>Todd Lawson</b>		Professional	Administrator, Sussex County	10/12/2015	NA	NA
<b>William Jiron Jr</b>		Public	Citizen representative with disability	04/11/2018	NA	NA
<b>Kristin Harvey</b>		Professional	For the Chair of the DE Developmental Disabilities Council	10/12/2015	NA	NA
<b>Kara Odom Walker</b>		Professional	Secretary, DHSS	10/12/2015	NA	NA
Designee: Helen Arthur		Professional	Section Chief			
<b>Wayne Smith</b>		Professional	President, DE Healthcare Assn	10/12/2015	NA	NA

### Meeting Frequency:

#### Section 6-H. How frequent are meetings held? Is meeting frequency defined anywhere such as the statute or by-laws? If so, provide document name and section information.

When the Pedestrian Council was first reinstated in 2016, the Council met monthly. Over the years, meetings were held every other month and then quarterly. On July 28, 2020, the Council met and held an election in an effort to fill the Chair position that had been vacant since February 2020. Unfortunately, nobody from the group signified interest to become Chair. At the end of the meeting, a motion was approved by the Council for DelDOT to reevaluate the goals and structure of the Pedestrian Council. No future meeting was scheduled.

#### Section 6-I. Can the board hold special or emergency meetings? If so, describe the protocol involved in requesting and holding a special or emergency meeting.

Yes, the Pedestrian Council would need to follow public meeting notice guidance as established by Delaware Code.

**Meeting Order and Quorum:**

**Section 6-J. For meeting order, does the board follow Mason’s Manual of Legislative Procedure or Roberts’ Rules of Order? Is this defined in statute, regulation, or by-laws?**

The Pedestrian Council follows Roberts’ Rules of Order.

**Section 6-K. How is meeting quorum defined and where is the definition located?**

The Pedestrian Council follows Roberts’ Rules of Order to define a quorum.

**Member Removal:**

**Section 6-L. Is there a mechanism for member removal? If so, how are members removed and who has the authority to remove a member? Using the process described, has there ever been an instance of member removal, and if so, briefly describe the nature of events that led to the member removal.**

There is no formal process outlined for removing a member.

**Member Compensation:**

**Section 6-M. Are board members compensated? If so, how are they compensated?**

No

**Member Training and Handling Conflicts of Interest:**

**Section 6-N. Are board members offered any special training opportunities? Is training required or voluntary?**

No

**Section 6-O. Has a Deputy Attorney General (“DAG”) reviewed the provisions of the Public Integrity Act with board members to ensure that they are complying with the provisions in the law? If so, what is the frequency of this review?**

When the Council was first re-established, the DelDOT DAG reviewed the FOIA law with the Council.

**Section 6-P. Please explain how board members avoid conflicts of interest.**

At any time, a Council member can ask the DAG supporting the Council a question on a potential conflict of interest. A Council member can also recuse themselves from discussion or vote if he/she feels they have a potential conflict of interest.

**Section 6-Q. Has the Public Integrity Commission (“PIC”) provided training or clarification to board members or issued any advisory opinions on board activities? If so, please explain the details. Provide a link to the information or attach relevant information to this report.**

The Public Integrity Commission has not provided a training for the Council members.



**Support Staff:**

**Section 6-R. Is there dedicated support staff *directly* assisting the board? If so, what state agency or entity supplies the support staff?**

Yes. DelDOT's Division of Planning provides staff to the Pedestrian Council.

**Section 6-S. How many employees are employed by the state agency or entity supplying support staff? (skip if not applicable)**

One employee plus a consultant as needed.

**Section 6-T. Does the state agency or entity supplying support staff offer internships? If so, do interns provide support services to the board? (skip if not applicable)**

Yes. Some DelDOT interns in the past were given the opportunity to provide support to the Pedestrian Council. This included helping with meeting materials and logistics.

**Section 6-U. What is the size of the support staff *directly* assisting the board? How many are merit, appointed, exempt, temporary, casual seasonal, or contract employees? For contract employees indicate who holds the employment contract. Highlight support staff responsibilities, indicate who performs each and the percent of staff time spent on each responsibility. (skip if not applicable).**

One merit employee assists the Pedestrian Council and its three subcommittees. Duties included: 1) developing agenda for regular meetings (20%); 2) keeping track of Council and Subcommittee plans and recommendations and their implementation (40%); 3) conducting research as maybe requested by Council and Subcommittee members (30%); 4) transcribing meeting minutes and organizing meeting logistics (10%).

**Section 6-V. Who supervises the support staff *directly* assisting the board? (skip if not applicable).**

Planning Supervisor, Assistant Director and Director of the Division of Planning of DelDOT.

**Section 6-W. How is the support staff *directly* assisting the board recruited and hired? Is there an orientation session for new hires? (skip if not applicable).**

Support staff is a regular merit employee of the State and was just assigned to assist the Council and its three Subcommittees.

**Section 6-X. What training opportunities are available to support staff *directly* assisting the board? (skip if not applicable).**

Similar trainings offered to all state employees.

**Section 6-Y. Is the effectiveness of the board hindered by a lack of staff assistance or dedicated support staff? Please explain. What steps, if any, have been taken to address any staffing issues? (all entities under review answer this question).**

Staffing of the Council has been effective and no issues have been identified.

**Section 6-Z. Please identify, list, and briefly describe any executive orders, interagency agreements, management directives, administrative circulars, or like documents that directly impact the functioning of the board. (all entities under review answer this question).**

Executive Order 54 signed by Governor Jack Markell on October 12, 2015 reestablished the Pedestrian Council. Also, every October starting in 2017, the Pedestrian Council requests the Office of the Governor to declare October as Pedestrian Safety Awareness Month and encourage state agencies and other interested organizations to work with DelDOT, Office of Highway Safety and other stakeholders to celebrate with programs and activities to promote pedestrian safety.

## **SECTION 7: FREEDOM OF INFORMATION ACT (“FOIA”) COMPLIANCE**

**Section 7-A. How does the board respond to FOIA requests?**

The Pedestrian Council has not received a FOIA request.

**Section 7-B. When and where are the meeting agendas posted?**

All meeting notices and agendas are posted on the State of Delaware Public Calendar, as well as on the Pedestrian Council webpage on the DelDOT website:

[https://deldot.gov/Programs/pedestrian\\_council/index.shtml](https://deldot.gov/Programs/pedestrian_council/index.shtml)

**Section 7-C. Are meeting minutes regularly transcribed? When and where can the public obtain copies of meeting minutes?**

Yes, meeting minutes are transcribed for each meeting and can be found on the Pedestrian Council webpage on the DelDOT website: [https://deldot.gov/Programs/pedestrian\\_council/index.shtml](https://deldot.gov/Programs/pedestrian_council/index.shtml)

**Section 7-D. Are meetings recorded? If so, indicate whether it’s an audio or video recording and is the recording posted online for the public? If the recordings are not posted online, are instructions provided to the public on how to request recordings?**

Meeting are not recorded.

**Section 7-E. Within the past 3 calendar years, has the agency conducted executive sessions or other closed meetings? If yes, please indicate the date of each and the nature of the meeting. Are minutes of executive sessions or other closed meetings available to the public?**

No

**Section 7-F. Has the agency ever received any complaints that they were violating FOIA? If so, please list and include the result of the hearing or the review.**

No

## **SECTION 8: ADMINISTRATIVE PROCEDURES ACT COMPLIANCE**

**Section 8-A. Does the board promulgate rules or regulations in accordance with the Administrative Procedures Act?**

No

**Section 8-B. Has a DAG assigned to this board reviewed the current rules and regulations for compliance with the governing statute?**

There is a DAG assigned to the Pedestrian Council.

**Section 8-C. Is the board considering any changes to its current rules and regulations?**

No

**If "yes" please address the following questions:**

- 1. What is the status and nature of the planned changes?**
- 2. Have the proposed changes been reviewed and approved by the agency's Deputy Attorney General?**
- 3. Have the proposed changes and the public hearing date been published in the Register of Regulations?**

## **SECTION 9: COMPLAINT AND DISCIPLINARY PROCESS**

**Section 9-A. Please describe in detail the complaint process utilized to resolve disputes between the board and the public, including how complaints are filed, who investigates complaints, and how long investigations proceed.**

The Council serves as an advisory role, so they do not have a formal complaint process. If an issue were to be presented to the Council by a member of the public, the Council will ask the relevant state agency to investigate.

**Section 9-B. What are some of the most common complaints received by the board? Please identify where the complaints originate (i.e., public, media, Attorney General's Office, consumer groups, etc.).**

The Pedestrian Council has not received any complaints.

**Section 9-C. Have any complaints been filed with the Attorney General's Office? If so, have they been resolved?**

No

**Section 9-D. Are there any Delaware Attorney General’s Opinions that affect the functioning of the board? If so, please provide the date and number.**

No

**Section 9-E. Are there any recent judicial decisions (state or federal) that directly affect the functioning of the board?**

No

**Section 9-F. What specific disciplinary actions were taken by the board as a result of complaint investigations? (i.e., license revocation, license suspension, formal reprimand, penalty, etc.).**

N/A

**Section 9-G. Please describe in detail the process utilized for determining appropriate disciplinary actions taken against individuals licensed, employed, or monitored by the board. Include the appeals process, if applicable.**

N/A

**Section 9-H. If applicable, provide the following complaint data for calendar years 2018, 2019, 2020, and 2021 (to date):** N/A

	Calendar Year 2018	Calendar Year 2019	Calendar Year 2020	Current Calendar Year 2021
Total Number of Complaints Received by the Board				
Total Number of Complaints Investigated				
Total Number of Complaints Found Valid				
Total Number of Complaints Forwarded to the Attorney General				
Total Number of Complaints Resulting in Disciplinary Action				

**SECTION 10: PRIOR JLOSC REVIEW**

**Section 10-A. Has JLOSC previously reviewed this board? If so, provide the year(s) of review and list all JLOSC final recommendations, indicate whether the board is complying or non-compliant with each recommendation, and explain all areas of non-compliance.**

No

## **SECTION 11: PUBLIC INFORMATION**

**Section 11-A. How does your board communicate information with the public? Does your board use a website and/or social media platform(s)? If so, please list each method of communication and supply the applicable web address, handle, or username.**

The Pedestrian Council has a website where meeting information, minutes and annual reports are posted ([https://deldot.gov/Programs/pedestrian\\_council/index.shtml](https://deldot.gov/Programs/pedestrian_council/index.shtml)). Some special events such as Pedestrian Safety Awareness Month were posted through DelDOT's Facebook Page. In October 2019, the Education and Enforcement Subcommittee partnered with the Delaware State Police to promote pedestrian safety (<https://dsp.delaware.gov/2019/09/26/pedestrian-safety-awareness-campaign/>). Some pedestrian safety events were also communicated to the offices of legislators who have jurisdiction over event venues such as past outreach events in Seaford, Dover and Philadelphia Pike.

**Section 11-B. What information or educational resources are made available to the public relating to the board's activities? Examples include newsletters, guidelines, rules and regulations, policy briefs, or other similar documents. Please indicate the method and frequency of distribution for each and identify the target group(s).**

Annual Reports from 2016 to 2020 regarding the Pedestrian Council's yearly activities are posted online. Educational materials developed by the Education and Enforcement such as brochures and flyers regarding pedestrian safety are distributed at various events across the state several times a year.

**Section 11-C. Does your board actively engage with the public and solicit feedback? If so, please explain. If the board has conducted surveys, please list all surveys conducted within the past 5 years and indicate where the public can find survey results.**

Pedestrian Council and Subcommittee members speak to the public and ask for feedback during pedestrian safety events. Some of the places where these events were conducted include: Philadelphia Pike (which is a high pedestrian crash area), Brecknock Park (Safe Summer Day), Browns Branch County Park (Middle School Cross Country Championships), Dover Public Library, Code Purple Sussex County, Dover Interfaith Mission for Housing, etc. A survey was planned by the Education and Enforcement Subcommittee but did not materialize.

**Section 11-D. Does your board have by-laws? If so, are they available for the public (include location) and what was the last date of revision?**

No.

**Section 11-E. Please complete the following 3 charts (add or delete cells as needed) with the most current information regarding interest groups, national organizations, and industry or trade publications as described in each chart heading.**

<b>Interest Groups</b> (Groups affected by board actions or represent others served by or affected by board actions)		
<b>Group or Association Name/Contact Person</b>	<b>Internet Address</b>	<b>Phone Number</b>
Delaware Bike Council	<a href="https://deldot.gov/Programs/bike/biking_in_delaware/">https://deldot.gov/Programs/bike/biking_in_delaware/</a>	302-760-2260
Bike Delaware	<a href="http://bikede.org">http://bikede.org</a>	302-722-4591

<b>National Organizations or other State Entities</b> (that serve as an information clearinghouse or regularly interact with the board)		
<b>Group or Association Name/Contact Person</b>	<b>Internet Address</b>	<b>Phone Number</b>
Delaware Office of Highway Safety	<a href="https://ohs.delaware.gov/">https://ohs.delaware.gov/</a>	302-744-2749

<b>Industry or Trade Publications</b>		
<b>Group or Association Name/Contact Person</b>	<b>Internet Address</b>	<b>Phone Number</b>
N/A		

--	--	--

**SECTION 12: ENACTED LEGISLATION IMPACTING THE AGENCY**

**Section 12-A. Did legislation establish the board? If so, what year and by what legislative bill was the agency established?**

Executive Order 54 established the Pedestrian Council.

**Section 12-B. Please list all legislative bills and other acts that have made substantive amendments to the board’s enabling legislation. Please indicate the bill number and date of enactment for each.**

N/A

**Section 12-C. Please identify, list, and briefly describe any federal laws or regulations that guide or otherwise directly affect the functions, responsibilities, and operations of the board.**

N/A

**SECTION 13: PENDING & PROPOSED LEGISLATION**

**Section 13-A. Please list any currently proposed legislation (state and federal) that, if passed, will directly impact the functions or operations of the board. Please indicate any bills that the board is supporting or opposed.**

N/A

**SECTION 14: FISCAL INFORMATION**

**Section 14-A. Complete the following chart to provide the board’s actual revenue for FY19 and FY20 and budgeted revenue for FY21. Also indicate the source of funds (i.e., general fund, federal funds, special funds, etc.).** The Pedestrian Council does not generate any revenue but funding of \$20,000 per year is provided by DelDOT. No budget was allocated for the Pedestrian Council for FY2021 since it was not certain if the Council would still meet.

**Revenue: N/A**

<b>Fiscal Year</b>	<b>Source of Funds</b>	<b>Amount</b>
<b>FY21 (budgeted)</b>		
	General Funds	\$0.00
	Federal Funds	\$0.00
	Special Funds	\$0.00
	<b>TOTAL:</b>	<b>\$0.00</b>
<b>FY20 (actual)</b>		

General Funds	\$20000.00
Federal Funds	\$0.00
Special Funds	\$0.00
<b>TOTAL:</b>	<b>\$0.00</b>
<b>FY19 (actual)</b>	
General Funds	\$20000.00
Federal Funds	\$0.00
Special Funds	\$0.00
<b>TOTAL:</b>	<b>\$0.00</b>

**Section 14-B. If the board receives federal funds, including grants, please indicate the following:** N/A

- Total amount of federal funds.
- Type of federal fund.
- State/Federal Match Ratio.
- State Share of Dollars.
- Federal Share of Dollars.

**Section 14-C. Does the board collect any fees or fines? Provide information on any fines or fees collected by the agency:** No

Description of Fine or Fee	Current Fine or Fee \$\$	Number of Persons or Entities Paying Fine or Fee	Fine or Fee Revenue \$	Where is the Fine or Fee Revenue Deposited? (i.e., general fund, special fund)

**Section 14-D. Has the board conducted a financial analysis to determine if the current fees are sufficient to cover the cost of the administrative activity related to each? Do the current fees or fines need to be updated or revised? Please explain, indicating whether the fees or charges can be changed directly by the agency or if legislative approval is required.**

N/A

**Section 14-E. Complete the following chart to provide the board’s actual expenditures for FY19 and FY20 and budgeted expenditures for FY21. Also indicate the source of expenditures (i.e., general fund, federal fund, special fund, etc.).**

**Expenditures:**

Fiscal Year	Source of Funds	Amount
<b>FY21 (budgeted)</b>		
	General Funds	\$0.00
	Federal Funds	\$0.00
	Special Funds	\$0.00





**Section 15-A. Please list each of the licenses, certificates, or approval notices issued by the board and include the following information:**

- **Indicate how many are currently licensed, and whether an individual or institution receives the license.**
- **Standard date of and requirements for renewal.**
- **Criteria for determining qualifications for licensure.**
- **Period for which a license is valid.**

**Section 15-B. Please provide the following data for each license, certificate, or approval notice issued by the board during calendar years 2018, 2019, 2020, and 2021 (to date). Include additional charts, if necessary:**

**Name of license issued by the board:** \_\_\_\_\_

	<b># of License Applications Received</b>	<b># of License Applications Approved</b>	<b># of Licenses Issued</b>	<b># of Licenses Rejected</b>	<b># of Licenses Revoked</b>
<b>Calendar Year 2018</b>	0	0	0	0	0
<b>Calendar Year 2019</b>	0	0	0	0	0
<b>Calendar Year 2020</b>	0	0	0	0	0
<b>Current Calendar Year 2021 (to date)</b>					

**Name of license issued by the board:** \_\_\_\_\_

	<b># of License Applications Received</b>	<b># of License Applications Approved</b>	<b># of Licenses Issued</b>	<b># of Licenses Rejected</b>	<b># of Licenses Revoked</b>
<b>Calendar Year 2018</b>	0	0	0	0	0
<b>Calendar Year 2019</b>	0	0	0	0	0
<b>Calendar Year 2020</b>	0	0	0	0	0

<b>Current Calendar Year 2021 (to date)</b>					
---	--	--	--	--	--

**Section 15-C. Do licenses issued by this board have reciprocity or endorsement agreements with Delaware? If so, provide a list of all states and jurisdictions that have licensing reciprocity or endorsement agreements with Delaware. Indicate if the board requires a signed agreement or endorsement from another state or jurisdiction before a Delaware license is issued?**

**Application Fees:**

**Section 15-D. Are any application fees collected by the board? If so, complete the chart below.**

Fee Type	Application Fee
Fee Type	\$0
	\$0
	\$0
	\$0
	\$0

**Section 15-E. If application fees are collected, when are fees due? Where are fees deposited? What happens if the fee is not paid? Are there any reduced fee options?**

**Section 15-F. If application fees are collected, has the board conducted a financial analysis to determine if the current application fees are sufficient to cover the cost of processing applications? Do the current application fees need to be updated or revised? Please explain, indicating whether the application fees can be changed directly by the agency or if legislative approval is required.**

**Application Process:**

**Section 15-G: Describe the application review process. Include where applications are obtained. Who reviews applications? How are applicants informed of decisions?**

**Examinations:**

**Section 15-H. If there is an examination requirement to obtain a license, address the following questions:**

- 1. Is the examination written, oral, or both?**
- 2. Is a standardized national examination used?**
- 3. Who develops and scores the exam?**
- 4. Are all aspects of the examination validated?**
- 5. Who administers the exam, where is it administered, and how often is the exam given?**
- 6. During each of the previous three calendar years, how many persons sat for an exam, and of those, how many successfully passed?**

**SECTION 16: RECONSIDERATION, APPEAL, SANCTIONS, REVOCATION****Reconsideration:**

**Section 16-A: Is there a process for application or board decision reconsideration (a process prior to a formal appeal, sometimes referred to as an administrative reconsideration)? This could also apply to reconsidering budget decisions made by the board. If so, please explain.**

The Pedestrian Council follows Robert's Rule for conducting meetings. When making a decision on a budget expenditure, a motion is made and seconded by a Council member, discussion takes place and vote happens.

**Appeal:**

**Section 16-B: Can an applicant, group, or individual appeal a board decision? If so, explain the process for appeal.**

A group can request funding of the Council that is relevant to pedestrian safety. There is no formal appeal process if a group's request is denied.

**Sanctions:**

**Section 16-C: Can the board issue sanctions? If so, explain the sanction process.**

No, the Pedestrian Council serves in an advisory role.

**Revocation:**

**Section 16-D: Does the board have a revocation process? If so, explain the process.**

No, the Pedestrian Council serves in an advisory role.

## **SECTION 17: SELF-REPORT AUTHOR(S)**

**Section 17-A: Include all Self-Report author(s) and contact information below.**

- **All Self-Report author(s) listed below certify the information supplied in this Self-Report is correct to the best of their ability.**
  
- Maria Andaya, Division of Planning, Delaware Department of Transportation
  - [Maria.Andaya@delaware.gov](mailto:Maria.Andaya@delaware.gov)
  - (302)760-2458
  
- Nicole Majeski, Cabinet Secretary, Delaware Department of Transportation
  - [Nicole.Majeski@delaware.gov](mailto:Nicole.Majeski@delaware.gov)
  - 302-760-2715
  
- **Reminder to entity under review: Any updates or corrections to Self-Report contents and entity information must be submitted to JLOSC staff in a timely manner during the entire period of review.**

**Section 17-B: This Self-Report was submitted to JLOSC staff on: August 18, 2021**