



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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The Honorable John Carney
Governor

John A. McNeal
Director

MEMORANDUM

DATE: March 25, 2019

TO: All Members of the Delaware State Senate
and House of Representatives

FROM:  Mr. John McNeal, Director
State Council for Persons with Disabilities

RE: H.B. 59 (Community Transportation Fund Reporting Requirement)

The State Council for Persons with Disabilities (SCPD) has reviewed H.B. 59, which requires the Secretary of the Department of Transportation (DelDOT) to publish information about the use of the Community Transportation Fund (CTF) to the public. For each member of the General Assembly, the Secretary must publish information about how much money is in the member's CTF account, how much is allocated to the member's CTF account in a given year, the amount of transfers to and from the account, and the "amount, purpose, and location of each expenditure authorized by the member." The bill does not affect how CTF funds are allocated or how members of the General Assembly can spend their allocated funds. It merely creates a reporting requirement so that the public can more easily see how these funds are used.

The CTF is composed of pools of money allocated to each member of the General Assembly. This money can be used to fund repairs of roads and sidewalks in subdivisions, and the individual legislators decide what projects will get funded. Because of this program, DelDOT does not take responsibility for subdivision roads and sidewalks. The money has historically been divided evenly across all of the members of the General Assembly. This has created debate that the system is unfair since some legislators' districts have a disproportionately high number of subdivisions. Additionally, because legislators can choose what projects to fund, there is no guarantee that the roads in most need of repair will be those that actually get repaired.

For a brief overview of the CTF and some of the debate surrounding it, see:

[https://www.delawareonline.com/videos/news/2017/07/31/community-transportation-fund-debate-explained/104170124/;](https://www.delawareonline.com/videos/news/2017/07/31/community-transportation-fund-debate-explained/104170124/)

<https://delawarestatenews.net/government/legislator-questions-subdivision-paving-program-seeks-changes/>

Because the existence of the CTF arguably absolves DelDOT of responsibility for roads and sidewalks in subdivisions, it potentially complicates matters when there are disability-related problems with subdivision streets and sidewalks. For example, many public schools are located within subdivisions. A poorly paved or damaged sidewalk near the entrance to a public school (but beyond the edge of the school's property) could create an accessibility problem for persons with disabilities. Attempting to get such a problem fixed (or filing a complaint or lawsuit, if necessary) is much easier if there is an agency (i.e., DelDOT) that is responsible for the sidewalk. If the responsibility lies directly with the individual legislator, it is may be more complicated to try and resolve the situation, and there are additional complications if a complaint or lawsuit needs to be filed.

The SCPD endorses the proposed legislation. The CTF and system surrounding it will continue to exist regardless of what happens to this bill, but the increased transparency will let the public see how legislators choose to spend their CTF dollars. Persons with disabilities and advocates in districts where a lack of road and sidewalk maintenance are creating accessibility problems can then engage with their legislators directly. If their projects are not funded, they will be able to see what projects the legislator believed were more important.

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our observations or position on the proposed legislation.

cc: Ms. Laura Waterland, Esq.
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council

HB 59 ctf reporting requirement 3-25-19