

City of Fife

ADA Transition Plan for Pedestrian Curb  
Ramps and Pedestrian Push Buttons

and

City Parks ADA Plan & Inventory

**Background Report**

July 20, 2019  
by Al King, PE





## Table of Contents

1. BACKGROUND / PURPOSE OF THE DOCUMENT .....	3
2. Designating an ADA Coordinator .....	4
3. Providing Notice About the ADA Requirements.....	5
4. Establishing a Grievance Procedure.....	5
5. Development of Internal Standards, Specifications, or Design Details .....	6
6. The ADA Transition Plan .....	6
List of Barriers / Self-Evaluation (Inventory).....	7
Record of Opportunity for Participation.....	8
7. Prioritizing Improvements .....	8
8. Schedule and Budget for Improvements .....	8
9. Monitoring the Progress .....	9
10. REFERENCES .....	9



## 1. BACKGROUND / PURPOSE OF THE DOCUMENT

The Americans with Disabilities Act (ADA), signed into law in 1990, is a civil rights statute prohibiting discrimination against people who have disabilities. ADA covers a wide range of disabilities, including physical disabilities that limit mobility, stamina, vision, hearing, and speech as well as cognitive disabilities, emotional illness and learning disorders.

Title II of the ADA prohibits state and local governments from excluding participation in or denying benefits of programs, services or activities to people with disabilities. Pedestrian facilities in the City right-of-way are considered a service of the City of Fife. Under the ADA, designing and constructing public facilities that are not accessible by people with disabilities constitutes discrimination.

The ADA also requires public entities with 50 or more employees to perform a self-evaluation to determine barriers to accessibility, as well as create a Transition Plan identifying how compliance will be achieved. This Plan is intended to address street sidewalk ramps and traffic signal push buttons. The City of Fife wishes to include an inventory of parks ramps and fixtures as a part of this current effort.

This document is a brief background and status report, with findings and recommendations for updating the ADA program as needed to meet the requirements of the ADA, considering the following steps:

1. Designating an ADA Coordinator
2. Providing Notice About the ADA Requirements
3. Establishing a Grievance Procedure
4. Development of Internal Standards, Specifications, or Design Details
5. The ADA Transition Plan
6. Schedule and Budget for Improvements
7. Monitoring the Progress

It is important to note that no agency, federal or state, has taken general actions to broadly enforce ADA requirements unless there is a specific federal funded project, a significant citizen complaint that the agency fails to address, or complaints of an ongoing and systemic nature. Upgrades in capital projects are, and have been for many years, routinely incorporated and documented in Public Works programming and plan documents.

Should the latter two instances occur however, the US Department of Justice typically applies the full force of the federal government to correct the issues as they see appropriate. Agreements to avoid federal prosecution are the typical outcome. Where that has occurred, it is typically without regard to cost or ability. That said, the DOJ and federal agencies continue to discuss means to enforce the various requirements on a broad basis.

More often enforcement comes in the form of a complaint that the complainant feels is not addressed, with a lawsuit following. Without sound documentation showing that the agency is



truly using its best efforts to comply with ADA, the complainant prevails. At that point the Courts again take a strong approach, and demand compliance, again with little or no consideration for cost or ability.

Clearly, the City of Fife intends to comply with the ADA and has attempted to do so when issues arise. But in order to provide clear direction, to resolve complaints quickly and efficiently, to avoid suits, and to engage City employees in an effort to comply to the greatest extent feasible, it is important to formally document its efforts and to institutionalize the required programs. Further, the City currently has no formal group that specifically addresses ADA issues, but is currently in the process of forming one.

## 2. DESIGNATING AN ADA COORDINATOR

The City of Fife currently does not have an ADA Coordinator, clearly designated with Citywide responsibility, an ADA requirement. The Assistant Public Works Director (APWD) is the default ADA Coordinator.

The City Public Works Department has responsibility for all facilities, buildings as well as streets. With that, it makes sense for the APWD to have responsibility for responding to complaints and developing appropriate plans for ADA compliance in those areas.

However, there are other elements of ADA that fall into other City Officials areas of responsibility. As a primary example, all offices will from time to time deal with people with hearing or vision deficiencies, both of which are covered under the ADA and require accommodation. While the APWD will also deal with those issues, each office should have responsibility for their own compliance.

Given that situation, it would be reasonable for the City to appoint a Citywide ADA Coordinator independent of all the offices, with primary responsibility to determine the appropriate office in the event that a complaint or problem arises that is not directed initially to the office. In addition, that person would be responsible, under the authority of the City Manager, to direct appropriate actions should compliance not be achieved. One example could be Human Resources, with existing responsibility across all offices.

Then, where compliance is a physical facility issue, likely to be the bulk of ADA issues, the responsible official is appropriately the APWD.

### **Recommendation:**

1. Appoint a City-wide ADA Coordinator
2. Designate a position within each office responsible for managing ADA complaints and compliance.
3. Formalize an ADA Committee, including desirably two or more ADA users, and define the role of the Committee.

## 3. PROVIDING NOTICE ABOUT THE ADA REQUIREMENTS

ADA rules require that an agency must provide public notice about the rights of the public under the ADA and the responsibility of the agency under the ADA. Providing notice is not a onetime requirement, but a continuing responsibility. The target audience for ADA notices is broad; examples include:

- a recipient of social services, food stamps, or financial assistance provided by the City;
- an applicant for a public library card;
- a public transit user;
- a person who uses the City's recreation facilities;
- a grandmother attending her grandchild's high school graduation in a City park;
- a member of a citizen's advisory committee;
- a recipient of a grant from the state or local government;
- a citizen who wants to participate in a City council meeting; or
- a person adopting a dog from the public animal shelter.

Fife has incorporated ADA notices into most, if not all, of their public documents, and attempts to provide a continuing notice. While a notice on an agency website lends itself to both the requirement for wide notice and the requirement for continuing notice, while there is a page that addresses accessibility, currently there is no such notice on the City website. Further, the website must itself accessible, which may require additional programming.

### **Recommendation:**

1. Formalize language for documents used to advise the public of events and issues.
2. Review all pertinent documents for notice.
3. Develop a process to maintain notice on appropriate documents.
4. Develop an ADA specific web page for the City web site.
5. Provide accessibility on the City web site.

## 4. ESTABLISHING A GRIEVANCE PROCEDURE

ADA Title II also requires that the City have a formal grievance procedure to accept, respond to, and accommodate as required. That procedure should include the following:

- description of how and where a complaint under Title II may be filed with the City;
- if a written complaint is required, a statement notifying potential complainants that alternative means of filing will be available to people with disabilities who require such an alternative;
- a description of the time frames and processes to be followed by the complainant and the City;
- information on how to appeal an adverse decision; and
- a statement of how long complaint files will be retained.

At this time the City does not have a formal adopted procedure.

## **Recommendation:**

1. Develop a City Manager/Council approved grievance procedure.
2. Provide all City staff a copy of the procedure, and all new hires.
3. Provide training for responsible parties in each Department.
4. Include a copy of the grievance procedure on the City's ADA web page with appropriate forms for the process to be used by the complainant.

## 5. DEVELOPMENT OF INTERNAL STANDARDS, SPECIFICATIONS, OR DESIGN DETAILS

The United States Access Board has developed standards for meeting the ADA. The ADA Standards for Accessible Design (ADAAG) give the minimum requirements for accessibility in buildings and facilities. The public right-of-way presents unique challenges to accessibility that are not necessarily covered in the ADAAG. To address these issues, the Access Board developed the Draft Guidelines for Accessible Public Rights-of-Way (PROWAG) to provide specific guidance for providing accessible pedestrian facilities. The ADAAG and the PROWAG were used to develop standards for curb ramps and sidewalks that are used on City projects. The PROWAG is the reference the City currently uses in addressing the ADA in the City's pedestrian facilities, but is not officially adopted as such.

The City, recognizing the substantial financial challenge to bringing all its facilities into compliance, also is considering how to best accomplish the transition through its standards.

For example, as ADA standards change on a semi regular basis, it is not uncommon to have recently upgraded facilities, perhaps within 2 or 3 years, no longer be in compliance with current standards. Should the City upgrade those facilities along with other necessary street work, or should there be an emphasis on facilities where no or much older upgrades exist? It intends to discuss with an ADA Committee currently being formed on when and to what extent those facilities should be upgraded, and to develop a prioritization for upgrades within the City's allocated budget.



## **Recommendation:**

1. Officially adopt PROWAG as the default standard for street facilities.
2. Develop standards for upgrades, dependent upon existing facilities condition, last construction or reconstruction date and standards used.
3. Develop a prioritization process for upgrades.

## 6. THE ADA TRANSITION PLAN

The ADA Transition Plan is a requirement for the City of Fife as a part of its ADA compliance program. Transition Plans are outlined in the NCHRP Project Number 20-7 (232), "ADA Transition Plans: a Guide to Best Management Practices", dated May 2009. According to that report, the Transition Plan should consist of the following elements:

1. A List of Physical Barriers in the Department’s Facilities that Limit Accessibility of Individuals with Disabilities (the Self-Evaluation),
2. A Detailed Description of the Methods to Remove these Barriers and Make the Facilities Accessible,
3. A Schedule for Taking the Necessary Steps,
4. The Name of the Official Responsible for Implementation,
5. A Schedule for Providing Curb Ramps, and
6. A Record of the Opportunity Given to the Disability Community and Other Interested Parties to Participate in the Development of the Plan.

The City to date has not developed a formal Transition Plan. However, it is in the process of developing information that will serve as the beginning of the Self-Evaluation, and record meetings of its ADA Committee proceedings. The City considers those elements the beginning of a Transition Plan, and is actively pursuing development, adoption, and implementation of a full plan that provides these elements. That plan is expected to be completed by the end of 2020.

While most elements are addressed in general terms in this report, two elements deserve more attention. The first is the List of Barriers, commonly referred to as the Self-Evaluation Inventory, and the Record of Opportunity for Participation. Both are key elements to documenting the City ADA program and Transition Plan, as well as providing the program foundation.

### [List of Barriers / Self-Evaluation \(Inventory\)](#)

The City currently routinely addresses ramps and push buttons as construction or reconstruction projects occur. It also recognizes the need to upgrade existing ramps and buttons where projects are not currently programmed.



Similarly, in its Parks program the City has already identified inadequate ramps and fixtures, and is in the process of formalizing a priority program for updates.

As a result, City Public Works staff has begun an inventory of all curb ramps within the City right-of-way by developing a Google Maps based listing and mapping of all ramps. Like curb ramps, the City is also in the process of identifying traffic signal locations for push buttons serving crosswalks at signalized intersections.

It is also considering a methodology to complete that inventory, in which each curb ramp will be rated, and specific location details noted.

However, given the size of the City and number of ramps, it is anticipated that the inventory will take a significant time and resource commitment. It is anticipating development of a process to complete the inventory over a reasonable time frame, within budgets.

Further, the City recognizes that there are a significant number of older ramps and locations without ramps, as well as relatively new ramps that do not meet current standards. It is

unlikely in any near future that the budgets will expand sufficiently to update all those locations in a short period of time. Therefore, it has also begun to consider prioritization methods that will allow an orderly and cost-effective transition.

## **Recommendation:**

1. Determine the level of detail to be inventoried, to include sidewalk inventories.
2. Develop a prioritization system for upgrades.
3. Develop an inventory completion plan, to include prioritization, maintenance of the plan, and inclusion of new facilities as they are constructed.

## **Record of Opportunity for Participation**

The City of Fife is currently creating an ADA Committee, through the Public Works Department. The City recognizes that a greater representation of users is desirable, and is working on means to encourage that participation.

As the Committee is expanded and formalized under the direction of the Mayor/Council, it will be important to also formalize the process of participation and documentation.

## **Recommendation:**

1. Develop a more formal City Manager/Council recognized Committee structure, including the City-wide ADA Coordinator as the Chair of the Committee.
2. Work to identify users from local resources, and to expand participation to include representatives of as many user groups as reasonable and feasible.
3. Formally recognize the ADA Committee on the City Web Page.
4. Maintain documentation of the ongoing efforts of the to be formed ADA Committee.

## **7. PRIORITIZING IMPROVEMENTS**

The City currently prioritizes improvements primarily as street upgrades occur, secondarily when ramps or buttons are problematic, and identified in the field through routine inspection runs. Part of this project is to propose a methodology for prioritization and implementation.

## **Recommendation:**

1. Develop a priority methodology for improvements.

## **8. SCHEDULE AND BUDGET FOR IMPROVEMENTS**

The City has routinely budgeted upgrades into capital construction and reconstruction projects, as well as routine maintenance where repairs are required, for many years. However capital funds available, based on a gross scale cost evaluation, after meeting basic City service requirements, are significantly less than would be required to accomplish upgrades in a short time frame. City staff is anticipating completing a schedule and budget, along with a prioritization plan to advance





improvements in a more timely fashion than past efforts have accomplished.

City staff is anticipating development of schedules and budgets as a part of the Transition Plan. Those items are planned to be prioritized and more formally recognized and incorporated into annual budgets going forward.

**Recommendation:**

2. No further recommendations are given.

## 9. MONITORING THE PROGRESS

Monitoring the progress of the program is more than simply documenting the ADA requirements and keeping minutes for an ADA Committee. It entails documenting complaints, response to those complaints, and corrective actions that result, all on an ongoing basis.

The Public Works Department currently documents and responds to complaints, though the record is quite sparse as such complaints are rare.

**NOTE: This currently does not address the process in other Departments.**

**Recommendation:**

1. Create a standard format and process for an annual report.

## 10. REFERENCES

City of Fife Webpages

<https://www.cityoffife.org>

28 CFR Part 35

<http://www2.ed.gov/policy/rights/reg/ocr/28cfr35.pdf>

ADAAG

<http://www.ada.gov/stdspdf.htm>

PROWAG

<http://www.access-board.gov/guidelines-and-standards/streets-sidewalks>

US Access Board

<http://www.access-board.gov/>

US Department of Justice

<http://www.ada.gov/>