



# **City of Oakwood, GA**

## **ADA Transition Plan**

**Adopted by the Mayor and City Council on**

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# **I INTRODUCTION**

## **BACKGROUND**

The Americans with Disabilities Act (ADA) of 1990 is a civil rights statute (hereinafter referred to as the Act) that prohibits discrimination against people who have disabilities. There are five separate Titles (sections) of the Act relating to different aspects of potential discrimination. Title II of the Act specifically addresses the subject of making public services and public transportation accessible to those with disabilities. With the advent of the Act, designing and constructing facilities for public use that are not accessible by people with disabilities constitutes discrimination.

The Act applies to all facilities, including both facilities built before and after 1990. As a necessary step to a program access plan to provide accessibility under the ADA, state and local government, public entities or agencies are required to perform self-evaluations of their current facilities, relative the accessibility requirements of the ADA. The agencies are then required to develop a Program Access Plan, which can be called a Transition Plan, to address any deficiencies. The Plan is intended to achieve the following:

- (1) Identify physical obstacles that limit the accessibility of facilities to individuals with disabilities,
- (2) Describe the methods to be used to make the facilities accessible,
- (3) Provide a schedule for making the access modifications, and
- (4) Identify the public officials responsible for implementation of the Transition Plan.

The Plan is required to be updated periodically until all accessibility barriers are removed.

## **APPLICABILITY TO THE CITY OF OAKWOOD**

The requirements of the ADA apply to all public entities or agencies, no matter the size. The transition plan formal procedures as outlined in 28 C.F.R. section 35.150 only govern those public entities with more than 50 employees. However, the obligation to have some planning method to make facilities ADA-accessible is required for all public entities including the City of Oakwood. The development or updating of a Transition Plan is an ongoing activity. The principal challenge of this activity is the need to cope with the overall size and geographic extent of the public facilities that the City of Oakwood manages.

## **Focus**

ADA Transition Plan is required from the City of Oakwood to cover all facilities under their control. This includes rights-of-way, but also the buildings that owned by the City. One focus of this report is on City managed pedestrian facilities in public rights-of-way. This typically includes sidewalks, pedestrian paths, curb ramps, street crossings, driveway crossings, crosswalks, median crossings, public transit stops, and pedestrian activated signal systems. The accessibility of pedestrian facilities in the public right-of-way is only one aspect for providing equal access to City programs, services, and activities – but it is an aspect that affects many citizens in their daily activities. The other focus of this report is City owned buildings. Although the City owns a very limited number of buildings, a self-evaluation/assessment of each of the City's buildings and facilities will be conducted in conjunction with this Plan. Deficiencies in the City physical features of facilities (rights of way and buildings) that diminish the ability of disabled persons to benefit from the City's

programs, services and activities will be identified. A correction plan or other course of action will be noted for each deficiency, along with a schedule for completion of the correction.

## **METHODOLOGY**

The material in this report is based on information obtained through websites and guidance documents from the Federal Highway Administration (FHWA) and the Department of Justice (DOJ).

## **II PROGRAM REQUIREMENTS**

### **A. STATEMENT OF NONDISCRIMINATION**

The City shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the City can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity. The City will not place surcharges on individuals with disabilities to cover the cost involved in making programs accessible.

Compliance with the requirements of the Act regarding the accessibility of City owned rights of way and facilities involves the following:

- (1) Designating an ADA Coordinator,
- (2) Providing notice to the public about ADA requirements,
- (3) Establishing a grievance procedure,
- (4) Developing internal design standards, specifications, and details,
- (5) Assigning personnel for the development of a Transition Plan and completing it,
- (6) Approving a schedule and budget for the Transition Plan, and
- (7) Monitoring the progress on the implementation of the Transition Plan.

The following is an expansion on each of these requirements.

### **B. ADA COORDINATOR DESIGNATION**

The City must designate at least one responsible employee to coordinate ADA compliance. The benefits of having an ADA Coordinator are that:

- It makes it easier for members of the public to identify someone to help them with questions and concerns about disability discrimination,
- It provides a single source of information so questions by the City staff and from outside the City can be answered quickly and consistently, and
- It provides an individual who can focus on and who can be instrumental in moving compliance plans forward.

The person appointed to this position must be familiar with the City's operation, trained in the requirements of the ADA and other laws pertaining to discrimination, and able to deal effectively with government agencies, advocacy groups, and the public. The ADA Coordinator for the City of Oakwood is the City Manager.



### **C. NOTICE ABOUT THE ADA REQUIREMENTS**

The City must provide public notice about the rights of the public under the ADA and the responsibility of the City under the ADA. Providing notice is not a one time requirement, but a continuing responsibility. The audience of those who may have an interest in accessibility on City facilities might include a large number of individual citizens that would be not be readily identifiable. Groups that are likely to include the target audience include transportation system users and advocacy groups. A City has the responsibility to determine the most effective way to provide notice. A notice on a City website lends itself to both the requirement for wide notice and the requirement for continuing notice. The website must in itself be accessible. DOJ has provided a model that will be followed by the City. (See "Notice under the Americans with Disabilities Act" on their web page, <http://www.ada.gov/pcatoolkit/chap2toolkit.htm>, for specifics.)

### **D. ADA GRIEVANCE PROCEDURE**

The City is required to adopt and publish procedures for resolving grievances arising under Title II of the ADA. The procedures are intended to set out a system for resolving complaints of disability discrimination in a prompt and fair manner. Complaints would typically be directed to the City Manager. It is generally thought that filing a complaint with the City is an appropriate first step, in that it provides an opportunity to resolve a local issue at the local level. However, the exhaustion of a City's grievance procedure is not a prerequisite to filing a complaint with either a federal agency or a court. The City will follow the model developed by the DOJ. (See "Grievance Procedure under the Americans with Disabilities Act" at <http://www.ada.gov/pcatoolkit/noticetoolkit.pdf> for specifics.)

### **E. DEVELOPMENT OF INTERNAL STANDARDS, SPECIFICATIONS, AND DESIGN DETAILS**

The Architectural and Transportation Barrier Compliance Board (alternatively called the Access Board) has developed accessibility guidelines for pedestrian facilities in the public right-of-way. The Federal Highway Administration has recognized these as its currently recommended best practices. Development of design standards and design details within the City allows for consistency in the application of ADA requirements for new facilities. The City adopts these accessibility guidelines into their own system of standards, specifications, and design details with modifications to meet local conditions. (See <http://www.access-board.gov/prowac/guide/PROWGuide.htm> for specifics.)

### **F. THE ADA TRANSITION PLAN**

The Transition Plan (hereinafter referred to as the Plan) consists of the following elements:

1. A List of Physical Barriers in the City'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 Removing Barriers and Making Facilities More Accessible, and
6. A Record of the Opportunity Given to the Disability Community and Other Interested Parties to Participate in the Development of the Plan.

Periodic updates to the Transition Plan are required in order to ensure on-going compliance. One of the key elements to a successful plan is described further below.

**The Self-Evaluation** The first task involved in preparing an ADA Transition Plan is conducting an inventory of existing physical barriers in the facilities operated by the Department and listing all the barriers that limit accessibility. This is often referred to as the self-evaluation process. Possible inventory approaches are on-ground surveys, windshield surveys, aerial photo studies, or drawing reviews. Deficiencies very likely to be found in an inventory of facilities are:

SELF-EVALUATION CHECKLIST	
ISSUE	POSSIBLE BARRIERS
Sidewalk and Pathway Clear Width	Narrow, Below Guidelines
Sidewalk and Pathway Cross Slope	Steepness, Irregularity, Variability, Warping
Landings Along Sidewalks and Pathways	Less Than 4 feet by 4 feet
Sidewalk and Pathway Grade	Steepness, Angle Points
Materials and Finishes	Deterioration of Surfaces, Deterioration of Markings, Appropriateness of material (ex. Cobblestones)
Gratings	Grating Type, Grate Opening Orientation
Discontinuities	Missing Sections, Gaps, Drops, Steps
Detectable Warning System	Missing, Inappropriate Materials, Inadequate Size, Wrong Location
Obstructions	Signs, Mail Boxes, Fire Hydrants, Benches, Telephones, Traffic Signal Poles, Traffic Signal Controller Boxes, Newspaper Boxes, Drainage Structures, Tree Grates, Pole Mounted Objects, Standing Water, Snow or Ice
Traffic Signal Systems	Lack of Provision for the Visually Impaired such as APS, Inadequate Time Allowed, Inoperable Buttons, Inaccessible Buttons
Curb Ramp	Missing, Doesn't Fall within Marked Crosswalk, Doesn't Conform to Guidelines



SELF-EVALUATION CHECKLIST	
ISSUE	POSSIBLE BARRIERS
Curb Ramp Flares	Missing Where Required, Too Steep

Standards set for each of these issues can be found in the US Architectural and Transportation Barriers Compliance Board's *Accessible Rights-of-Way: A Design Guide*, Chapter 3 "*Best Practices in Accessible Rights-of-Way Design and Construction*". (Refer to their website at <http://www.access-board.gov/prowac/guide/PROWGuide.htm> for more information.)

The information developed through the inventory process has to be quantified and presented as a baseline so that progress can be monitored and measured. The inventory information can be presented in a variety of ways including Aerial Photos, a Database or Spreadsheet, Marked Up Drawings, or a Geographic Information System (GIS).

Self-evaluation also takes place after the Transition Plan is complete. Periodic reviews and updates to the Plan must be conducted to ensure ongoing compliance with ADA requirements. Self-evaluation activities would then consist of reviewing the Plan to determine the level of compliance, and determine if any additional areas of upgrade are needed. If deficiencies are found, these are catalogued and the Transition Plan updated to detail how and when the barriers to pedestrian access would be removed.

## G. SCHEDULE AND BUDGET FOR IMPROVEMENTS

The Transition Plan will include a schedule of improvements to upgrade accessibility. Remediation work can be presented for an independent remediation program or as an integral part of regularly scheduled maintenance and improvements project such as Resurfacing Projects, Roadway Rehabilitation and Reconstruction Projects, and Signal System Installation Projects. All new projects, regardless of funding sources, would include pedestrian elements that are consistent with the ADA guidelines.

**Funding Sources** The most immediate source of funds for remediation efforts is the incorporation of improvements into existing programmed remediation projects, incorporation into programmed signalization projects, and incorporation into programmed maintenance work. An accessibility improvement program could be developed as a stand alone project through the Transportation Improvement Program. Potential sources of funding for accessibility improvements also include the following:

- Congestion Mitigation/Air Quality Program,
- Highway Safety Improvement Program,
- National Highway System Improvements Program,
- Railway – Highway Crossing Program,
- Recreational Trail Program,
- Safe Routes to School Program,
- State and Community Traffic Safety Program,

- Surface Transportation Program,
- Transportation Enhancement Activities Program.

Additional federal funding sources for different elements of pedestrian projects and programs can be found at [http://www.fhwa.dot.gov/civilrights/ada\\_qa.htm#q30](http://www.fhwa.dot.gov/civilrights/ada_qa.htm#q30).

**Prioritization** The prioritization of improvements that may not be included in an existing programmed project can be based on a number of factors. Generally, priority should be given to transportation facilities, public places, and places of employment. Other factors to consider when prioritizing improvements may include:

- Citizen requests or complaints regarding inaccessible locations,
- Pedestrian level of service,
- Population density,
- Presence of a disabled population,
- Cost

A likely prioritization of improvements encountered is as follows:

PRIORITY	SITUATION
Highest 1A	Existing Curb Ramp with Running Slope Greater than 12% and Location near a Hospital, School, Transit Stop, Government Building, or Similar Facility
1B	No Curb Ramp where Sidewalk or Pedestrian Path Exists and Location near a Hospital, School, Transit Stop, Government Building, or Similar Facility
2A	An Existing Curb Ramp with a Running Slope Greater than 12% (Not Located near a Hospital or Similar Facility)
2B	No curb ramp where a Sidewalk or Pedestrian Path Exists (Not Located near a Hospital or Similar Facility)
3	No Curb Ramp where a Striped Crosswalk exists
4	One Curb Ramp per Corner and Another is Needed to Serve the Other Crossing Direction
5A	An Existing Curb Ramp with either a Running Slope Greater than 1 to 12 or an Insufficient Landing
5B	An Existing Curb Ramp with Obstructions in the Ramp or the Landing



PRIORITY	SITUATION
5C	An Existing Curb Ramp with any of the Following Conditions: <ul style="list-style-type: none"> <li>o A Cross Slope Greater than 3%</li> <li>o A Width Less Than 36 Inches</li> <li>o No Flush Transition or a Median or Island Crossings that are Inaccessible</li> </ul>
5D	An Existing Curb Ramp with Returned Curbs where Pedestrian Travel Across the Curb is not Permitted
5E	An Existing Diagonal Curb Ramp without the 48 Inch Extension in the Crosswalk
5F	An Existing Curb Ramp without Truncated Dome Texture Contrast or without Color Contrast
Lowest	The Pedestrian Push Button is not Accessible from the Sidewalk or from the Ramp

## H. MONITORING THE PROGRESS

In order to be effective, the Transition Plan will be utilized in yearly planning of projects and funding decisions, and also needs to be periodically reviewed for compliance and validity. The Transition Plan will be viewed as a "living document" and updated regularly to reflect changes in real world conditions and to address any possible new areas of noncompliance. Changes to a sidewalk such as the installation of a newspaper vending machine, or the relocation of a light pole, can create new access problems that were not evident when the plan was drafted. Regular updates to the plan will also result in monitoring compliance and the effectiveness of priorities set in the Plan itself.

## III. REFERENCES

There are many guidance documents available on the internet with helpful information to assist in completing and updating ADA Transition Plans. Some of those more frequently cited include:

- **FEDERAL HIGHWAY ADMINISTRATION OFFICE OF CIVIL RIGHTS QUESTIONS AND ANSWERS ABOUT ADA AND SECTION 504**, January 2008. Available, [retrieved December 2008] [http://www.fhwa.dot.gov/civilrights/ada\\_qa.htm](http://www.fhwa.dot.gov/civilrights/ada_qa.htm)
- **U.S. DEPARTMENT OF JUSTICE ADA BEST PRACTICES TOOLKIT FOR STATE AND LOCAL GOVERNMENTS** June 2008. Available, [retrieved December 2008] <http://www.ada.gov/pcatoolkit/toolkitmain.htm> .

- **UNITED STATE DEPARTMENT OF JUSTICE**, *THE AMERICANS WITH DISABILITIES ACT, TITLE II TECHNICAL ASSISTANCE MANUAL, COVERING STATE AND LOCAL GOVERNMENT PROGRAMS AND SERVICES*, November 1993. Available, [retrieved December 2008] <http://www.ada.gov/taman2.html>
- **PUBLIC RIGHTS-OF-WAY ACCESS ADVISORY COMMITTEE** and ITE Publication Special Report: *ACCESSIBLE PUBLIC RIGHTS-OF-WAY, PLANNING AND DESIGNING FOR ALTERNATIONS*. Available, [retrieved December 2008] <http://access-board.gov/prowac/alterations/guide.htm>
- **US ACCESS BOARD**, *REVISED GUIDELINES FOR ACCESSIBLE PUBLIC RIGHTS-OF-WAY*. November 2005. Available, [retrieved December 2008] <http://www.access-board.gov/PROWAC/draft.htm>
- **FHWA** *DESIGNING SIDEWALKS AND TRAILS FOR ACCESS PART 2*. Available, [retrieved December 2008] <http://www.fhwa.dot.gov/environment/sidewalk2>.
- **KRW INCORPORATED**, *ADA TRANSPORTATION ACCESSIBILITY REFERENCE GUIDE*, Project Action, National Easter Seal Society, and U.S. Architectural and Transportation Barriers Compliance Board, March 1993.

Statutes and Regulations: The Department's Title II regulations for state and local governments are found at Title 28, Code of Federal Regulations, Part 35 (abbreviated as 28 CFR pt. 35). The ADA Standards for Accessible Design are located in Appendix A of Title 28, Code of Federal Regulations, Part 36 (abbreviated as 28 CFR pt. 36 app. A). Those regulations, the statute, and many helpful technical assistance documents are located on the ADA internet Home Page at <http://www.ada.gov> and on the ADA technical assistance CD-ROM available without cost from the toll-free ADA Information Line at 1-800-514-0301 (voice) and 1-800-514-0383 (TTY).