



DRAFT Seattle Pedestrian Master Plan Issue Paper: ADA Transition Plan April 9, 2009

Introduction

The following is a review of the role an American Disabilities Act (ADA) Transition Plan in creating a walkable city. The Seattle Pedestrian Master Plan examined City of Seattle policies and practices related to the pedestrian environment and experience, specifically focusing on the ADA transition plan, construction zones, lighting, intersection design, maintenance, snow and icy conditions, speed and signage, street types, and trees and sidewalks. This process was also informed by discussions with staff of the Inter-Agency Team¹ and the Pedestrian Master Plan Advisory Group².

The purpose of this document is to review the content of the Seattle Department of Transportation (SDOT) Draft Curb Ramp Installation Policies and "Transition Plan" dated September 14, 2005, in context with the guidance provided by the Americans with Disabilities Act, to apply examples from other local Transition Plans, and to identify gaps between the existing draft and what is outlined in ADA.

Applicable/Related Regulations – Guidelines

The United States Department of Justice developed the original and still current guidance for the development of Transition Plans, as printed in the Federal Register (28 CFR 35.105-35.107; 35.150(c) and (d))-7/26/91). The Department of Justice's regulation implementing title II, subtitle A, of the ADA which prohibits discrimination on the basis of disability in all services, programs, and activities provided to the public by State and local governments, except public transportation services.

ADA Title II Technical Assistance Manual (November 1993 edition),
<http://www.ada.gov/taman2.html>

ADA Title II Technical Assistance Manual (1994 Supplement),
<http://www.ada.gov/taman2up.html>

The Americans with Disabilities Act (ADA), enacted in 1990, extended comprehensive civil rights protections to people with disabilities. Title II of the ADA addresses the law's requirements of local governments in their interactions with people with disabilities.

¹ The Inter-Agency Team consists of staff from eighteen agencies and departments within the City of Seattle, King County, and Washington State.

² The Pedestrian Master Plan Advisory Group (PMPAG) is an ad hoc group appointed by the City of Seattle, consisting of twenty-three members representing various groups and organizations.

Civil Engineering
Landscape Architecture
Environmental Restoration
Planning

1205 Second Avenue
Suite 200
Seattle, WA 98101

Phone: 206.223.0326
Fax: 206.223.0125
svr@svrdesign.com



DRAFT Seattle Pedestrian Master Plan Issue Paper: ADA Transition Plan April 9, 2009

Title II of the ADA has broad applications to local governments' interactions with people with disabilities, mandating that qualified disabled individuals not be excluded from participation in, denied the benefit of, or be subjected to discrimination under any local government program or activity. The United States Department of Justice's (DOJ) regulations implementing Title II of the ADA dictate that local governments must evaluate their services, programs, policies and practices, and identify barriers that may limit accessibility for people with disabilities and develop transition plans describing how they will address identified barriers. This Self-Evaluation and Transition Plan Report is intended to outline the Agency's strategies for complying with Title II of the ADA.

The contents and requirements of ADA Transition Plans are described in the ADA Title II Technical Assistance Manual, Section II-8.300.

The Agency's transition plan should, at a minimum, contain the following:

- A list of the physical barriers in the City's facilities that limit the accessibility of its programs, activities, or services to individuals with disabilities;
- A detailed outline of the methods to be utilized to remove these barriers and make the facilities accessible;
- The schedule for taking the necessary steps to achieve compliance with Title II. If the time period for achieving compliance is longer than one year, the plan should identify the interim steps that will be taken during each year of the transition period; and
- The name of the official responsible for the plan's implementation.

Washington State Department of Transportation Highways and Local Programs outlines the following basic requirements:

- New construction and altered facilities must be "accessible to and usable by" people with disabilities. (ADA Title II and Rehabilitation Act Section 504)
- Transportation providers must evaluate existing facilities, policies, and programs for discrimination and develop a modification or transition plan that includes:
 - Methods and schedule for correction/retrofit
 - Curb ramp installation schedule
 - (ADA Title II (28 CFR Part 35.149 and 35.150)
- Individual pedestrians must be reasonably accommodated, where necessary (most common request is Audible Pedestrian Signal). (ADA Title II and Rehabilitation Act Section 504)

This review is limited to efforts within the Seattle Department of Transportation (SDOT or the "Agency") relating to access assessment within the public right-of-way (Seattle Department of Transportation, 2005).



DRAFT Seattle Pedestrian Master Plan Issue Paper: ADA Transition Plan April 9, 2009

Current Programs and Goals

SDOT has been proactive for several years in many areas to improve access including revisions to standards, new and upgraded curb ramps, responding to requests for specific treatments to improve access, signal upgrades and signage.

SDOT Draft Transition Plan (2005)

SDOT staff produced a draft Curb Ramp Installation Policies and "Transition Plan" as a step towards implementing the Title II Transition Plan Guidance. This memo lists and describes SDOT policies and standards for the installation and replacement of curb ramps throughout the city, including the definition of when alterations within the street right-of-way would trigger new construction of curb ramps. The Implementation Plan section of the document identifies five areas of routine accommodation of curb ramps, including:

1. **Capital Projects:** Capital projects that meet the definition of "alteration" must include curb ramps as a routine part of the project.
2. **Annual Programs:** Improvements made through annual programs that meet the definition of "alteration" must include the installation of curb ramps.
3. **Transit Improvements:** Improvements made for transit that meet the definition of "alteration" must include the installation of curb ramps.
4. **Public and Private Utility Work:** Improvements made through public and private utility work that meets the definition of "alteration" must include the installation of curb ramps.
5. **Private Development:** Improvements made by the private sector that meet the definition of "alteration" must include the installation of curb ramps.

As noted on page 6 of the draft Transition Plan, the Pedestrian and Elderly Handicapped Program is described as an annual program that funds the installation of 200-300 curb ramps annually, based on both citizen requests and "Priority Locations". These locations include schools, hospitals, parks, libraries and community centers. The intent will be to create a seamless system that connects transit, sidewalks and ramps to desired destinations.

Other Local Examples

Bellevue

The City of Bellevue has produced a number of Transition Plans and updates since passage of the ADA in 1990 (Benn, 2007). In 2006, the FHWA and WSDOT conducted an informational audit of the transition plan to provide



DRAFT Seattle Pedestrian Master Plan Issue Paper: ADA Transition Plan April 9, 2009

feedback on the adequacy and effectiveness of the latest Transition Plan. The audit found that the Bellevue Transition Plan was deficient in two key respects:

1. Failure to inventory existing or needed ADA improvements and deficiencies, including those located on “transportation trails”; and
2. Failure to indicate a schedule for the removal of known deficiencies.

In 2007 Bellevue began an accessible infrastructure inventory in the public right-of-way. This inventory identified existing pedestrian facilities, including curb ramps and sidewalks (presence, width). This inventory was completed in 2008. A request/complaint input section was included on the City’s accessibility webpage.

In 2007 the Transportation Department created its own inter-divisional coordinating committee known as the Transportation Action Team for ADA (TATADA). The team’s charge is to:

- Discuss ADA implementation issues.
- Monitor issues raised through the City's request/complaint processes.
- Review annual updates to the department's ADA transition plan.
- Formalize procedures and practices to reinforce ADA compliance (e.g. plan review, inspector training).
- Propose areas where policy/code modification or recommendations may be advanced.

The team has focused on improving the percentage of curb ramp retrofits meeting ADA guidelines; identifying the true cost and budget sources for ADA retrofits and additions to the system; improving the documentation of our ADA compliance efforts; and responding to accessibility requests and complaints received through the City’s website (Benn, 2007).

The City of Bellevue documented their sidewalk and curb ramp inventory utilizing specially developed equipment and software acquired through funding assistance from FHWA and King County (Lowenherz, 2008). While the project was intended to address the technical issues associated with a community-wide inventory of conditions, the project generated a number of useful products that clarify and add efficiency to the transition planning process.

Tacoma

In 2008, the City of Tacoma began development of a second generation ADA Self-Evaluation and Transition Plan to update and replace a similar effort completed in 1995 (City of Tacoma, 2008).



DRAFT Seattle Pedestrian Master Plan Issue Paper: ADA Transition Plan April 9, 2009

This report contains three parts:

- Part One includes background on Title II of the ADA, which covers local governments' responsibilities under the Act and City ADA policies and procedures.
- Part Two contains information about ADA requirements and recommended City actions for implementing a new ADA self-evaluation of City policies, programs, services, activities and events.
- Part Three contains findings of City facility, curb ramp and parks self-evaluations and the resulting transition plans for those three areas

The City's 1995 Transition Plan became outdated as technologies, case law regarding ADA implementation and City facilities and programs evolved over the past decade. In addition, the City found it difficult to consistently monitor the progress of the 1995 transition plan. The City's Self-Evaluation and Transition Plans require revision in order to reflect best practices in ADA compliance and the realities of today's implementation environment.

In 2006, the City surveyed the public areas of 74 City-owned facilities using ADA Standards (referred to in the report as current or old ADAAG). The purpose of this survey was to identify physical barriers to City program accessibility. The City produced an ADA Master Survey Report representing preliminary solutions and costs for physical facility modifications to remove accessibility barriers.

In order to draft the Self-Evaluation and Transition Plan, the City convened an ADA Workgroup to review the ADA Master Survey Report. The Workgroup was comprised of representatives of every City department that operates buildings accessible to the public (Human Rights and Human Services, Fire, Police, Public Utilities, Public Works, Public Assembly Facilities and the Library) as well as representatives from the City Legal department, Property Management and the Tacoma Area Commission on Disabilities.

The Public Works Department completed the first inventory of City curb ramps and crossings in 2005. The inventory identified the location, construction type, and condition of all City curb ramps at intersection crossings. Data about curb ramps were placed in the City's Graphic Information System database, allowing accurate mapping, evaluation, and prioritization of those pedestrian facilities currently not in compliance with ADA standards. This prioritized list will be matched against available funding to develop a strategic plan for improving access through curb ramps (City of Tacoma, 2008).

Kirkland

While Kirkland is currently in the process of developing its Title II Self Assessment and Transition Plan, it has in preparation for this effort completed a sidewalk inventory (City of Kirkland, 2008).



DRAFT Seattle Pedestrian Master Plan Issue Paper: ADA Transition Plan April 9, 2009

Redmond

Redmond produced transition plans the preliminary self-evaluation portion of the Transition Plan on November 20, 2006. Redmond is finalizing inventories of accessibility infrastructure (sidewalks, curb cuts, signals). (Redmond City Council, 2007).

Gaps/Additions/Modifications

A review of the applicable federal regulations and their local application identifies several gaps and questions to be resolved to complete an updated Transition Plan. These gaps and questions include:

- Establish responsible position in SDOT that will document the transition plan elements from the various areas of responsibility including but not limited to curb ramps, signals, lighting, signage, sidewalks connectivity and maintenance.
- Reference by date the development or findings of the required Title II self-assessment required as a precursor to the development of the Transition Plan.
- Quantify or document the specific deficiencies relating to either curb ramps or other accessibility-related infrastructure in the draft Transition Plan with data from the sidewalk inventory and Seattle Pedestrian Master Plan work.
- Identify the overall costs or revenues required to remove these deficiencies, as cited in Title II. Reference some applicable information from the Seattle Pedestrian Master Plan.
- Develop a schedule for the removal of barriers.
- The draft SDOT Transition Plan is limited to a discussion of curb ramps only. While curb ramps are critical accessibility infrastructure for those with physical disabilities, there are other conditions (blindness, hearing loss) which can be addressed within the street right-of-way. Such an inventory would include sidewalk continuity and width, presence of signals with auditory warning devices, automated detection and tactile call buttons, among other examples.
- Identify the responsible official/position for this program.
- Establish (or document) a citizen feedback/complaint mechanism.
- Document the self-assessment process called for in Title II as a precursor to development of the Transition Plan.
- Update programmatic references to curb ramp implementation programs.
- Document the annual progress made in barrier removal per Title II.



DRAFT Seattle Pedestrian Master Plan Issue Paper: ADA Transition Plan April 9, 2009

- Differentiate between the inventory of facilities in the community and the development of a prioritized list of repairs based upon that inventory
- Develop and utilize an Accessibility Assessment Form to assist in generating the prioritized list of needed repairs from inventory data.
- Develop a maintenance hierarchy for identified key elements of curb ramp and sidewalk design.
- Develop and utilize a “data dictionary” for curb ramp assessment that defines compliant and non-compliant elements and allows for consistent collection and presentation of inventory products.
- Undertake Review the following:
 - 1) The Federal Public Right of Way Accessibility Guidelines (PROWAG) that is expected to be adopted in 2009 or 2010 with respect to upcoming requirements affecting design for access within the right of way.
 - 2) The current International Building Code (IBC) as adopted by the City of Seattle may clarify requirements for the interface between private development and the public right of way.
 - 3) Chapter 11 in the Seattle Municipal Code may assist in reviewing terminology, definitions and possible revisions.
 - 4) The SDOT and DPD Director’s Rules to assess potential revisions.
 - 5) The SDOT Standard Plans and Specifications to assess potential revisions.
 - 6) The Seattle Right-of-Way Improvements Manual to assess potential revisions.

References

Jen Benn, Program Manager, City of Bellevue (2007, October 4) *Memo to Transportation Commission members re: Americans with Disabilities Act Transition Plan Update*

City of Kirkland, WA (2008), *Draft Active Transportation Plan*,

City of Redmond, WA (2007, September 4), *City Council Resolution: Adoption of Americans with Disabilities Act (ADA) Transition Plan for Sidewalks and Curb Ramps, including draft Transition Plan*,

City of Tacoma, (2008, June) *Americans with Disabilities Act Self-Evaluation and Transition Plan*

Franz Lowenherz, City of Bellevue (2008, July) *Americans with Disabilities Act Sidewalk and Curb Ramp Inventory*



**DRAFT Seattle Pedestrian Master Plan
Issue Paper: ADA Transition Plan
April 9, 2009**

National Cooperative Highway Research Program (NCHRP) (2007) *Asset Management Approaches to ADA Compliance, NCHRP 20-07 Task 249*

Seattle Department of Transportation, (2005, September) *Curb Ramp Installation Policies and Transition Plan*

United States Department of Justice, *ADA Title II Technical Assistance Manual* (1993, November), <http://www.ada.gov/taman2.html>

United States Department of Justice, *ADA Title II Technical Assistance Manual (1994 Supplement)*, <http://www.ada.gov/taman2up.html>

Washington State Department of Transportation, *Complying with Americans with Disabilities Act (ADA): Planning and Design Resources for Local Agencies*, <http://www.wsdot.wa.gov/localprograms/planning/ada.html>

(The above ADA references have the following legislative citation: (28 CFR 35.105-35.107; 35.150(c) and (d))