



MEMORANDUM

DATE: October 4, 2007

TO: Transportation Commission

FROM: Jen Benn, Program Manager

SUBJECT: Americans with Disabilities Act Transition Plan Update

At its July 12, 2007 meeting, the Transportation Commission heard a presentation from staff and a representative from the Federal Highway Administration regarding the use of an innovative technology (a customized Segway) for documenting the city's compliance with curb ramp and sidewalk standards associated with the Americans with Disabilities Act (ADA). Data collected from this effort will be an integral element of the Transportation Department's and City of Bellevue's ADA Transition Plan Updates. At the meeting staff indicated it would return to Commission this fall to discuss the update to these transition plans.

The purpose of the presentation and discussion at your October 11, 2007 meeting is to brief Commissioners on ADA compliance work completed in the past year and to begin a conversation about key issues staff will be addressing as they finalize an Interim Transition Plan for 2008 and work to complete a full update by 2009. This memo provides a more detailed background on past ADA compliance efforts by the City and the Transportation Department.

Background on ADA

The Americans with Disabilities Act (Public Law 101-336) was enacted in 1990. The City of Bellevue is guided by Title II, which protects qualified individuals with disabilities from discrimination on the basis of disability in the services, programs, or activities of all State and local governments.

Title II requires public agencies to complete a self-evaluation of all existing facilities, services, and programs to identify barriers and inaccessible features and shortcomings in compliance. Self-evaluations must include a public involvement component and be updated periodically.

Once a self-evaluation is completed, an agency must prepare a Transition Plan to:

- Identify physical obstacles in the public entity's facilities that limit the accessibility of its programs or activities to people with disabilities;
- Describe in detail the methods that will be used to make the facilities accessible;
- Specify a schedule for taking the necessary actions to achieve compliance; and
- Indicate the official responsible for implementation of the plan (ADA Coordinator).

The law required agencies to complete initial Transition Plans by 1995.

Background on City of Bellevue ADA Compliance

As the ADA was being developed and enacted, the City proactively worked to meet the requirements of the law. Activities included:

- 1988 City conducted a self-evaluation focused primarily on Human Services Programs and then hired the Washington Coalition for Citizens with Disabilities (WCCD) to conduct an 18-month evaluation of city programs, policies, procedures, communications, and facilities.
- 1990 City funded efforts to address identified physical barriers and to revise programs to increase accessibility based on the 1988 work.
- 1991 The Department of Housing and Urban Development (HUD) issued a finding that the City's self-evaluation was not complete because of its limited focus. The Planning Department developed a citywide self-evaluation focused on personnel and policy issues.
- 1992 Citywide ADA Task Force was created.
- 1993 The Parks Department did a self-evaluation of all its publicly accessible buildings and developed an action plan, which was considered a Transition Plan for the public buildings.
- 1994 Projects to address findings in the self-evaluation were scoped and funded.
- 1995 Projects were completed as required by the ADA.
- 2004 HUD conducted a review of the old City Hall Complex and found the City to be in good compliance with only minor changes required.

The Transportation Department has been equally active in striving toward ADA compliance. Over time, emerging standards associated with the ADA have been integrated into the City's Design Manual, Inspection Standards Manual, and other procedural documents so that ADA considerations are a set element in design, plan reviews, and construction monitoring. In addition, the Transportation Department has long funded the retrofit of existing facilities through a number of Capital Investment Program (CIP) programs, such as the Curb Ramp Replacement Program, Overlay Program, Sidewalk Maintenance Program, and Pedestrian Access Program, as well as through stand-alone CIP projects. Curb ramps have been a special emphasis for the past five years as the department has worked to install truncated domes on ramps (starting 2003) and in 2005 evaluated the city's curb ramps to make recommendations for criteria to prioritize improvements.

A renewed focus on ADA compliance, and perhaps more importantly on documenting that compliance, was prompted by a May 2006 Federal Highway Administration (FHWA) Process Review of the City of Bellevue's ADA compliance. Bellevue was one of 20 agencies statewide selected for a review. The purpose of the review was to help FHWA identify issues local agencies may have in achieving full compliance with the law. Process reviews are informational only, unlike formal audits that carry the possibility of sanctions.

Reviewers from FHWA and the Washington State Department of Transportation mentioned the following compliance issues for the department to address:

- Inconsistent use of truncated domes at intersections (i.e., some but not all curb ramps at an intersection have them).
- Overuse of diamond curb ramps (should only be used when there is a physical barrier preventing a ramp in each direction).
- No inventory of needed ADA improvements – including transportation trails.
- No schedule for correcting known deficiencies.

As a result of the FHWA Process Review, the City re-established its ADA Committee with representatives from all departments. The City has been working on an updated self-evaluation that includes:

- a full assessment of policies and procedures related to the provision of its programs and services;
- hiring an accessibility consultant to assess public facilities (phase one is looking at two park facilities and access to the new City Hall); and
- the detailed curb ramp and sidewalk inventory work underway by the Transportation Department.

These individual reports are expected to be completed by Summer 2008 and will be integrated into an updated Transition Plan for the City (anticipated approval in 2009).

The Citywide Committee also added an Accessibility page to the city's internet site where people can submit a request or a complaint. The Citywide work has prompted individual departments to review policies, procedures, and documentation practices. For example, in 2007 the Police Department instituted a new policy relating to effective communication with deaf and hard of hearing persons.

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 (i.e. plan review, inspector training)
- Propose areas where policy/code modification or recommendations may be advanced

To date 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.

Developing the Transition Plan Update

The existing Transition Plan for the Transportation Department contains the policy language from the Comprehensive Plan and the Bellevue City Code associated with non-discrimination; a description of the department's ADA compliance organizational structure; and uses the seven-year CIP as the funding vehicle for improvements. During its Process Review, FHWA noted the lack of a full programmatic and system inventory and the lack of a detailed plan to mitigate barriers found by the inventory. The department plans an interim update to the Transition Plan this fall that will begin to address the identified deficiencies. A full update, incorporating the system inventory, will be timed to coincide with the completion of the Citywide ADA Transition Plan in 2009.

In the meantime, the TATADA's on-going work has produced a variety of issues that warrant thorough discussion at all levels of the department, including the Transportation Commission. The issues are summarized below; the presentation on October 11, 2007 will introduce examples from the past year.

- 1) ADA compliance standards are shifting and in some cases are becoming more stringent. For example, the standard sidewalk width for wheelchair accessibility of 36 inches is expected to increase to 48 inches in the next update to the ADA Accessibility Guidelines (ADAAG). Another standard that is different than city practice is the correction of sidewalk deviations. Streets Maintenance currently logs deviations (lips, cracks, heaves, etc.) greater than $\frac{3}{4}$ " for improvement. The ADA standards require agencies to address deviations as small as $\frac{1}{4}$ ". What is the impact of meeting these standards on project budgets and staff work loads?
- 2) The on-line accessibility request and complaint process has produced a list of requests in a format that raises expectations for immediate response. It is the practice of staff to evaluate the requests and communicate the results of those evaluations to the requesting parties within a week. The next step is to determine a process for prioritizing emerging projects, particularly those with higher safety and risk factors. When do we realign funding to meet an ADA need over an established CIP project or program need?
- 3) Tracking true ADA-related costs and identifying the appropriate funding source for retrofit and new improvements raises questions as we approach the upcoming CIP process. What are our actual ADA costs – current and projected – and how should we fund them into the future?
- 4) A variety of factors, and especially the topography of Bellevue's neighborhoods, may make achieving established ADA standards on all facilities an undue burden. We need to establish the thresholds for which we can document and approve a deviation to the standard. What circumstances and what degree of risk warrant a deviation?

Staff looks forward to beginning discussion of these issues with the Commission. In the meantime, if you have any questions or would like additional information, please contact Jen Benn at 425-452-4270 or jbenn@bellevuewa.gov.