

**Attachment E
C5**

MEMO TO: City Council

FROM: Rosemarie Ives, Mayor

DATE: September 4, 2007

SUBJECT: **RESOLUTION: ADOPTION OF AMERICANS WITH DISABILITIES ACT
(ADA) TRANSITION PLAN FOR SIDEWALKS AND CURB RAMPS**

I. RECOMMENDED ACTION

Approve the resolution adopting the ADA Transition Plan for Sidewalks and Curb Ramps.

II. DEPARTMENT CONTACT PERSONS

Bill Campbell, Director of Public Works	556-2733
Don Cairns, Transportation Services Manager	556-2834
Joel Pfundt, Principal Planner	556-2750
John Nordquist, Engineer	556-2737

III. DESCRIPTION

Although the City of Redmond has done substantial work and adopted appropriate street standards and specifications related to the Americans with Disabilities Act (ADA), an official plan needs to be adopted to formalize current practices for transitioning non-compliant sidewalks and curb ramps. The City of Redmond Transition Plan for Sidewalks and Curb Ramps and accompanying resolution to adopt the plan are attached. This plan brings Redmond into compliance with the requirements for sidewalks and curb ramps. Both the Rehabilitation Act, Section 504 and the ADA, Title II requires state and local governments receiving federal funds to do a self-evaluation of their facilities and identify barriers, which prevent individuals with disabilities from accessing public areas.

City staff developed the Transition Plan for Sidewalks and Curb Ramps by reviewing the practices of other communities and in coordination with the City Attorney. The Transition Plan was then reviewed by the Planning and Public Works Committee at its June 21, 2007 meeting.

IV. IMPACT

- A. **Service/Delivery:** The ADA Transition Plan for Sidewalks and Curb Ramps includes completing a self-evaluation to identify areas not in compliance with ADA standards. The Transition Plan describes changes needed to make all required areas accessible and compliant with ADA. The ADA Transition Plan for Sidewalks and Curb Ramps is a good faith effort on the part of the City of Redmond to bring its curb ramps and sidewalks into compliance.
- B. **Fiscal:** The ADA Transition Plan for Sidewalks and Curb Ramps obligates no additional funds. The City currently corrects ADA deficiencies in two ways: 1) requires all new projects to meet ADA standards, and 2) uses a small portion of the sidewalk program funds to correct ADA deficiencies as needed. This practice will continue after adoption of the Transition Plan.

V. ALTERNATIVES

Because the Federal law requires this plan, there is no alternative to approving a resolution to adopt the ADA Transition Plan for Sidewalks and Curb Ramps. The content of the proposed plan may be modified by the City Council prior to approval of this resolution. The plan may also be modified at any time through an amendment process, which would include adoption of a new resolution. Not adopting the Transition Plan puts the City at risk of legal challenge because not all sidewalks and curb ramps meet current ADA requirements.

VI. TIME CONSTRAINTS

The adopted City of Redmond ADA Transition Plan for Sidewalks and Curb Ramps is required to bring the City of Redmond into compliance with the American with Disabilities Act (ADA). Until the Transition Plan is adopted the City is at additional risk of legal challenge regarding this issue.

Attachment A

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, APPROVING THE TRANSITION PLAN FOR BRINGING CITY SIDEWALKS AND CURB RAMPS INTO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA).

WHEREAS, the federal government has enacted the Americans with Disabilities Act (ADA) in 1990; and

WHEREAS, the ADA dictates that all public entities must evaluate their facilities and public areas to determine whether or not they are in compliance with the nondiscrimination requirements of the Act; and

WHEREAS, the Public Works Department has produced an ADA Transition Plan to outline the process for inventorying and correcting non-compliant sidewalks and curb ramps.

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The City expresses its desire to provide a system of pedestrian transportation infrastructure for its citizens that is barrier free and is designed to the latest standards adopted by the Federal Highway Administration (FHWA).

Section 2. The City expresses its intent to complete the inventory of sidewalks and curb ramps and to begin a prioritized program to bring all elements into compliance with the ADA. The City will utilize developer improvements, City roadway projects and the City Sidewalk Program to accomplish these upgrades.

RESOLVED this ___ day of _____, 2007.

Approved:

Rosemarie Ives, Mayor

Attest/Authenticate:

City Clerk

Approved as to form:

Jim Haney, City Attorney

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
RESOLUTION NO. _____

Attachment B

City of Redmond – Public Works ADA Transition Plan for Sidewalks & Curb Ramps

ADA Requirements:

The Americans with Disabilities Act (ADA) was enacted on July 26, 1990 to provide comprehensive civil rights protection to persons with disabilities in the areas of employment, state and local government services, access to public accommodations, transportation, and telecommunications. The ADA is a companion civil rights legislation to the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973. This legislation mandates that qualified disabled individuals shall not be excluded from participation in, denied the benefit of, or be subjected to discrimination under any program or activity.

Both the Rehabilitation Act, Section 504 (1973) and the ADA, Title II, (1990) previously required state and local governments receiving federal funds to do a self-evaluation of their facilities and identify barriers, which prevent individuals with disabilities from accessing public areas. The self-evaluation was to be used to develop a Transition Plan to remove those barriers with completion by 1995. Any state and local government who did not develop and implement a Transition Plan is now in noncompliance of Section 504 and ADA. Redmond did not develop such a plan and this document will bring us into compliance.

City Responsibility:

The City of Redmond has responsibilities under Title II of the ADA, which is similar to Section 504 of the Rehabilitation Act of 1973. The difference between these two Acts is that Section 504 applies only to government agencies that receive federal financial assistance. Title II mandates that public agencies such as the City of Redmond operate each service with accessibility to those with disabilities. However, as stated in Title 28 of the Code of Federal Regulations, Section 35.150(a), this does not necessarily require a public entity to make each of its existing facilities accessible to and usable by individuals with disabilities. Nor does it require a public entity to take any action that would threaten or destroy the historical significance of an historic property. If the public entity can demonstrate that a modification would fundamentally alter the nature of its service, program, or activity, or cause undue financial and administrative burdens, it is not required to make that particular modification.

Title II dictates that a public entity must evaluate its facilities and public areas to determine whether or not they are in compliance with the nondiscrimination requirements of the ADA. The regulations detailing compliance requirements were issued in July 1991. The requirements include completing a self-evaluation first to identify any areas not within compliance of the ADA standards. Next, a

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transition plan is to be prepared describing any necessary structural or physical changes needed to make all required areas accessible and compliant with ADA.

The City of Redmond's Transition plan as it relates to curb ramps and sidewalk accessibility per Section 35.150(d)(2) of the ADA Rules will include the following:

- Identify inaccessible curb ramps, and sidewalks in their existing facilities.
- Develop a planning schedule and budget for removing the barriers.
- Complete the barrier removal work.
- Include a public involvement process.

City of Redmond's Commitment:

The City of Redmond completed the preliminary the self-evaluation portion of the Transition Plan on November 20, 2006. The City will update the documentations of conditions of all sidewalks and curb ramps within the city limits by December 31, 2008. This data is stored into the City's comprehensive Public Works database where it can be prioritized and updated as work is completed. During the updating process the city will continue to construct or repair inaccessible areas through various work forces, as outlined below.

The City of Redmond completed the first inventory of curb ramps & sidewalks on November 20, 2006. The curb ramp inventory placed ramps in three categories:

1. No ramp
2. Non ADA approved ramp (compliant)
3. ADA approved ramp

The sidewalk inventory included the following:

1. Width (to nearest foot)
2. % completed (percent of segment with sidewalks)
3. Condition (was rated using a score of 1 to 3, with 3 being the best)
4. Type (Portland Cement, ACP=Asphalt)

The City of Redmond will complete an updated ramp inventory of curb ramps and sidewalks by December 31, 2008 and update periodically.

After the City completes the updated curb ramp & sidewalk inventory, the City will prioritize corrections.

After each phase of the inventory, the City will then be able to evaluate and prioritize the pedestrian facilities currently not in ADA compliance. This prioritized list will be matched against available funding to develop a strategic Transition Plan, which will include a timeline for bringing all facilities into compliance. At this time it is not known exactly how many pedestrian facilities are out of compliance, nor the costs to bring the City of Redmond into ADA

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compliance. The City has identified four specific resources in which to provide the necessary financial and intensive labor support needed to complete this Transition Plan.

The three primary sources are:

1. Private Development and Redevelopment – All required frontage improvements will be constructed in full ADA compliance.
2. City Sidewalk program – A portion of the dedicated budget for sidewalk & curb ramp construction.
3. City Capital Projects – Pedestrian facilities will be brought into ADA-compliance as needed.

Whenever capital or maintenance funds are available to be committed solely to correcting pedestrian facilities, the following priority will be followed:

1. Known frequented routes of disabled citizens.
2. Facilities near heavily used public transit stops.
3. Facilities near essential public facilities such as schools, City Hall, libraries, parks, Senior Center and recreation centers.
4. Facilities near or within urban centers.
5. Facilities along multimodal corridors.
6. Facilities along transit routes.
7. Facilities near neighborhood commercial development.
8. Facilities in residential neighborhoods.

The City of Redmond is committed in making all sidewalk and curb ramp areas accessible to all pedestrians including those with disabilities. It is the goal to work within budget and resource constraints and complete the Transition Plan work within a short time frame as possible to not only comply with the ADA requirements, but to also ensure citizens can travel safely throughout the City.

The official responsible for planning and implementation of the City of Redmond's ADA Transition Plan in respect to walkways, sidewalks, and curb ramps, is The City of Redmond's, Transportation Services Manager.

Public Involvement:

The City will make available a copy of the Transition Plan upon request to any residents, participants, organizations or interested parties. The public will be included in preparing this Transition Plan by enabling them to submit complaints, comments and recommendations and any parties on record who are interested.

Any correspondence such as complaints, grievances and comments should be submitted to the City of Redmond Public Works Transportation Services Manager, 15670 NE 85th St., Redmond WA 98052.

RESOLUTION NO. 1256

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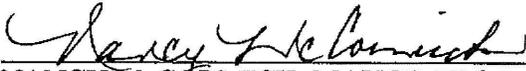
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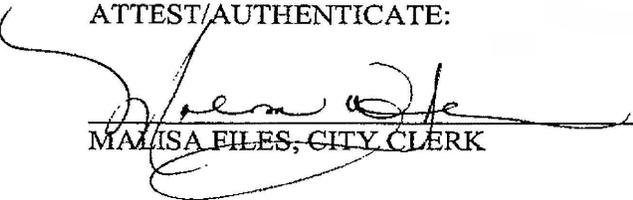
Section 2. The City expresses its intent to complete the inventory of sidewalks and curb ramps and to begin a prioritized program to bring all elements into compliance with the ADA. The City will utilize developer improvements, City roadway projects and the City Sidewalk Program to accomplish these upgrades.

RESOLVED this 4th day of September 2007.

APPROVED:


NANCY McCORMICK, MAYOR PRO
TEMPORE for ROSEMARIE IVES,
MAYOR

ATTEST/AUTHENTICATE:


MAURA FILES, CITY CLERK

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
RESOLUTION NO. 1256

August 31, 2007
September 4, 2007