



CITY OF POMONA COUNCIL REPORT

January 27, 2020

To: Honorable Mayor and Members of the City Council

From: Mark Gluba, Acting City Manager

Submitted by: Rene Guerrero, Public Works Director

Subject: **ADOPT THE AMERICANS WITH DISABILITIES ACT (ADA) SELF-EVALUATION AND TRANSITION PLAN FOR THE PUBLIC RIGHT-OF-WAY**

RECOMMENDATION: It is recommended that the City Council adopt the Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan for the Public Right-of-Way.

EXECUTIVE SUMMARY: Adoption of the ADA Self-Evaluation and Transition Plan for the Public Right-of-Way is required by January 2020. This Transition Plan is a living document that assesses accessibility in the public right-of-way, highlighting compliance efforts while providing a guide for future investments in completing non-compliant accessibility infrastructure. The Transition Plan is dependent on securing different funding sources which will be monitored annually through the Capital Improvement Program.

FISCAL IMPACT: Although actual capital costs to upgrade facilities in the public right-of-way are unknown at this time, it is reasonable to expect future yearly project costs of approximately \$345,000 to \$750,000.

PREVIOUS RELATED ACTION: On December 17, 2018, the City Council approved a professional services agreement in an amount not-to-exceed \$600,000 to Owen Group, Inc. for the development of the ADA Self-Evaluation and Transition Plan.

ENVIRONMENTAL IMPACT: The ADA Self-Evaluation and Transition Plan is categorically exempt under Section 15061 (b) (3) of the California Environmental Quality Act (CEQA) because it is not defined as a project.

DISCUSSION: The Americans with Disabilities Act (ADA) is a Federal law with the fundamental goal of ensuring equal access to civic life by people with disabilities. The Act is

comprised of five titles prohibiting discrimination against disabled persons within the United States. Title II of the ADA requires state and local governments to make their programs, services, and activities accessible to persons with disabilities. It also establishes physical access requirements for public facilities (buildings and sidewalks, etc.).

Included in Title II are administrative requirements for all government entities employing more than 50 people, as listed below:

- Completion of an ADA Self-Evaluation
- Development of an ADA Grievance (Complaint) procedure
- Designation of an ADA Coordinator to oversee Title II compliance
- Development of a Transition Plan to schedule the removal of physical barriers

Linda Matthews, Human Resources Director, has been designated as the ADA Coordinator and an ADA Grievance (Complaint) procedure has been developed and implemented.

The City is required to complete a self-evaluation and prepare an ADA Transition Plan, identifying existing obstacles limiting accessibility and describes steps that are to be taken to ensure that facilities and public right-of-way owned and operated by the public agency are made accessible to all individuals. The services of Owen Group, Inc. were secured to assist the City in conducting the self-evaluation and assisting with the preparation of a transition plan for the City. The ADA Transition Plan is comprised of three volumes:

Volume 1: Self-Evaluation of Programs, Policies, and Procedures

Volume 2: Self-Evaluation of City Facilities and Transition Plan of City Facilities

Volume 3: Self Evaluation and Transition Plan of Public Right-of-Way (Attachment 1)

Volume 1 consists of a comprehensive evaluation of the City's policies, programs, services, and activities to determine the extent to which individuals with disabilities may be restricted from access to City services and activities. Volume 1 guides the planning and implementation of necessary policy, program, service, and activity modifications in order to be compliant with the ADA. This evaluation is currently being reviewed by City Staff.

Volume 2 consists of a comprehensive evaluation of City Facilities (buildings, parks, parking lots, etc.) to determine the extent to which individuals with disabilities may be restricted from access to City services and activities. Volume 2 guides the planning and implementation of necessary physical modifications to City facilities in order to be compliant with the ADA. Owen Group, Inc. is in the process of completing the City facility evaluation and the Transition Plan specific to City facilities. The Facilities Evaluation and Transition Plan (Volume 2) is estimated to be completed in May 2020.

Both Volumes 1 and 2 will be presented for approval at a future City Council meeting.

Volume 3 consists of a comprehensive evaluation of the City's public right-of-way (curb ramps, sidewalks, etc.) to determine the extent to which individuals with disabilities may be restricted to access to City services and activities. Volume 3 guides the planning and implementation of necessary physical modifications to the public right-of-way in order to be compliant with the ADA. Staff is recommending the adoption of Volume 3: ADA Self-Evaluation and Transition

Plan in the Public Right-of-Way. Due to the size of the documents, the Appendices are available online at <http://www.ci.pomona.ca.us/index.php/residents-home/americans-with-disabilities-act-ada>, and a copy is available for review in the Office of the City Clerk.

Volume 3: ADA Self-Evaluation and Transition Plan for Public Right-of-Way

Staff conducted a Citywide inventory of ADA deficiencies, such as missing curb ramps, non-compliant alley approaches, lifted sidewalks, missing truncated domes, etc. This data was used as a basis for the preparation of the Transition Plan. The Transition Plan is composed of a Primary Transition Plan and a Secondary Transition Plan. The Primary Transition Plan will focus on curb ramps and the necessary physical modifications/improvements for compliance over the next 29 years. The Secondary Transition Plan will focus on other paths of travel/sidewalk barriers.

The Primary Transition Plan consists of a list of ADA curb ramp barrier locations within the public right-of-way, the schedule for modification/improvement, and the budget for the removal of these barriers.

The following order of priority has been established for implementation, as set forth by the Department of Justice (DOJ):

- Priority 1: Curb ramps serving State and local government facilities
- Priority 2: Curb ramps serving transit stops
- Priority 3: Curb ramps serving places of accommodations/employers
- Priority 4: All other areas

Based on the list of priorities, 200-yard circles were created around each one of the building or transit stop locations as identified by the DOJ. Non-compliant curb ramps that fell within these circles were sorted into the implementation phase for modification/improvement. A minimum allocation of \$345,000 per year was used as a baseline to complete the curb ramp inventory. However, an average of \$485,000 annual budget is necessary to complete all curb ramps within a 29-year period. Please refer to Appendix A for schedule and locations.

A Secondary Transition Plan was also developed for all other barriers within the public right-of-way. This secondary plan addresses all ADA path-of-travel improvements beyond curb ramps (i.e. lifted and raised sidewalks, non-compliant alley approaches, drive approaches, etc.). The same prioritization order was used for the Secondary Plan as follows:

- Priority 1: Paths-of-travel serving State and Local Government Facilities
- Priority 2: Paths-of-travel serving Transit Stops
- Priority 3: Paths-of-travel serving places of accommodations/employers
- Priority 4: All other areas

The same methodology was used to sort the implementation phase (use of 200-yard circles). Based on this methodology, an estimated minimum yearly budget of \$750,000 is necessary to complete all other paths-of-travel improvements within a 30- year period. Staff will continue to complete ADA paths-of-travel improvements through the annual ADA Path of Travel projects as CDBG funds are allocated. Staff will continue to complete all other path-of-travel through street paving projects. Please refer to Appendix A for schedule and locations.

City's Past Efforts Towards ADA Compliance

The City has made steady progress towards ADA compliance over the past several years via the Capital Improvement Program (CIP). Recent right-of-way (ROW) improvements include the ADA Path of Travel and Local Street Preservation projects, which included sidewalk, curb ramp, and alley approach replacements.

On-Going CIP Projects

ADA improvements will continue to be funded by a variety of sources either as stand-alone projects or concurrently through street improvement projects. The following projects exist in the current FY 2019-20 CIP:

- ADA Curb Ramps and Path of Travel - Citywide (FY 19-20)
- ADA Path of Travel - Citywide (CDBG) (FY 17-18 to FY 19-20)

Identified ADA improvements in the Primary Plan will be implemented through the above projects. In addition, Staff will continue to include ADA improvements into existing street rehabilitation, traffic signal, street lighting, and development projects to further address ADA barriers captured in the right-of-way survey data.

Public Outreach

An initial public meeting was held on December 12, 2019, to receive public comments. Notifications were posted at City community centers, parks, and at City Hall. Notifications were also sent to disability advocacy organizations, and also posted on the City's website and social media platforms (Instagram, Facebook, and Twitter). The draft Transition Plan was presented at the public meeting, and a number of comments were received from the public. Where possible, these comments have been incorporated into the Transition Plan.

COUNCIL PRIORITIES & GOALS: This item supports the FY 2019-20 City Council Priority 4: Infrastructure – Goal Q, Step 2: Complete the preparation of the ADA Transition Plan by December 2019 that will identify physical barriers to accessibility, and will develop barrier removal solutions and a timeline for implementation.

Prepared by:

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ATTACHMENT(S):

Attachment No. 1 – Volume 3: ADA Self-Evaluation and Transition Plan for Public Right-of-Way