

Americans with Disabilities Act Transition Plan Public Right-of-Way Facilities



Prepared by:

LOUISVILLE METRO GOVERNMENT

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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 to 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 LOUISVILLE METRO GOVERNMENT

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.

FOCUS

ADA Transition Plans are required from all Departments to cover all facilities under their control. This includes rights-of-way, but also the buildings that may be owned by the Department such as district offices, welcome centers, rest stops, airport terminals, and other types of buildings associated with transportation activities. The focus of this report is solely on Louisville Metro managed pedestrian facilities in public rights-of-way along the Metro community's 800 miles of federal-aid roadways (420 miles maintained by the Kentucky Transportation Cabinet (KYTC) and 380 miles maintained by the Louisville Metro Department of Streets and Roads). 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 state government programs, services, and activities – but it is an aspect that affects many citizens in their daily activities.

II ADA TRANSITION PLAN WITHIN THE PUBLIC RIGHT-OF-WAY

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

- A. **Self-Evaluation:** A list of physical barriers within the public right-of-way that limits accessibility of individuals with disabilities;
- B. **Correction Program:** A detailed description of the methods to remove these barriers and make the facilities accessible;
- C. **Implementation Schedule:** A schedule for taking the necessary steps;
- D. **Program Responsibility:** Identifies the ADA Coordinator from Louisville Metro Government and the Kentucky Transportation Cabinet;
- E. **Annual Evaluation and Updates:** An evaluation of the progress in providing curb ramps; and
- F. **Public Notice:** 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.

A. SELF-EVALUATION

The first task involved in preparing an ADA Transition Plan is conducting an inventory of existing physical barriers within the public right-of-way and listing all the barriers that limit accessibility. Metro performed pilot assessments of sidewalks along 116 blocks and of 228 curb ramps (See Evaluation Forms in Appendix A). Deficiencies found in the initial inventory of facilities are identified in Tables 2 and 3.

Table 1. Sidewalk Deficiencies	
POSSIBLE BARRIERS	ISSUE
Narrow, Below Guidelines	Sidewalk Clear Width
Steepness, Irregularity, Variability, Warping	Sidewalk Cross Slope
Steepness, Angle Points	Sidewalk Grade
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	Obstructions
Deterioration of Surfaces, Deterioration of Markings, Appropriateness of material (ex. Cobblestones)	Materials and Finishes
Grating Type, Grate Opening Orientation	Gratings
Missing Sections, Gaps, Drops, Steps	Discontinuities

Table 2. Curb Ramp Deficiencies	
ISSUE	POSSIBLE BARRIERS
Curb Ramp	Missing, Doesn't Fall within Marked Crosswalk, Doesn't Conform to Guidelines
Curb Ramp Clear Width	Narrow, Below Guidelines
Curb Ramp Cross Slope	Steepness, Irregularity, Variability, Warping
Curb Ramp Grade	Steepness
Landings	Less Than 4 feet by 4 feet, Too Steep
Detectable Warning System	Missing, Inappropriate Materials, Inadequate Size, Wrong Location
Traffic Signal Systems	Lack of Provision for the Visually Impaired such as APS, Inadequate Time Allowed, Inoperable Buttons, Inaccessible Buttons
Curb Ramp Flares	Missing Where Required, Too Steep

From this initial inventory, a predominate percent of curb ramps and sidewalks were found in non-compliance with ADA Accessibility Guidelines. The following table identifies the number of ramps that were compliant, and the most common deficiencies.

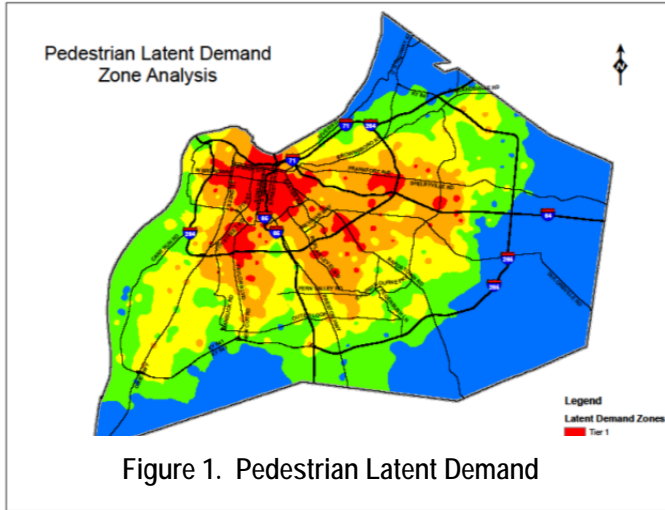
Table 3. Pilot Inventory of ADA Compliance

- Curb ramps inventoried: 228
- Curb ramps in non-compliance: 227

From this pilot inventory, 99.6% of our curb ramps were found to be in non-compliance with ADA Accessibility Guidelines. Non-compliance related to curb ramps is due to the lack of detectable warnings, excessive cross slopes at landings, depth of landings, and vertical elevation differences where the ramp meets the street.

As an overwhelming percent of facilities in the pilot inventory is outside of compliance, rather than perform a detailed evaluation of curb ramps anticipating non-compliance, a windshield survey was performed to identify

corners with connecting sidewalks and striped cross walks without curb ramps, as these locations present the largest barrier to accessibility.



Metro’s evaluation for the presence of curb ramps focused along the federal-aid roadway system within the Tier 1 and Tier 2 Latent Demand for pedestrians (Figure 1). Latent Demand quantifies pedestrian activity by evaluating population density and trip attractors (e.g., workplaces, shopping, schools, etc.) in the area. Within these regions of higher pedestrian activity, an assessment was performed to identify intersections without ramps. A visual inspection

was performed of 7,065 locations in Tier 1 and 2,792 locations in Tier 2 requiring curb ramps (See inventory, Appendix B). Ramps were identified as missing in 6% of the required locations. Table 4 summarizes the results of this visual inspection.

Table 4. Visual Ramp Inspection						
	METRO		KYTC		TOTAL	
	RAMP PRESENT	RAMP MISSING	RAMP PRESENT	RAMP MISSING	RAMP PRESENT	RAMP MISSING
Tier 1	3,147	273	3,468	177	6,615	450
Tier 2	1,284	124	1,350	34	2,634	158
Total	4,431	397	4,818	211	9,249	608

B. CORRECTION PROGRAM

The majority of existing ramps and sidewalks still provide accessibility for most users, although non-compliant with ADA Accessibility Guidelines. Therefore, the focus of the remediation efforts is on the barriers to accessibility involving crosswalks (marked and unmarked) without curb ramps and running slopes in excess of 12% within the Central Business District. The following table provides a prioritization of corrective actions to remove accessibility barriers.

Table 5. Prioritization of Corrective Actions	
PRIORITY	SITUATION
Highest 1A	No Curb Ramp where Sidewalk or Pedestrian Path Exists within the Central Business District
1B	Existing Curb Ramp with Running Slope Greater than 12% within the Central Business District
1C	No Curb Ramp where a Striped Crosswalk exists within the Central Business District
2A	No Curb Ramp where Sidewalk or Pedestrian Path Exists within Tier 1 Pedestrian Activity
2B	No Curb Ramp where a Striped Crosswalk exists within Tier 1 Pedestrian Activity
3A	No Curb Ramp where Sidewalk or Pedestrian Path Exists within Tier 2 Pedestrian Activity
3B	No Curb Ramp where a Striped Crosswalk exists within Tier 2 Pedestrian Activity
4A	An Existing Curb Ramp with either a Running Slope Greater than 1 to 12 or an Insufficient Landing
4B	An Existing Curb Ramp with Obstructions in the Ramp or the Landing
4C	An Existing Curb Ramp with any of the Following Conditions: <ul style="list-style-type: none"> o A Cross Slope Greater than 3% o A Width Less Than 36 Inches o No Flush Transition or a Median or Island Crossings that are Inaccessible
4D	An Existing Curb Ramp with Returned Curbs where Pedestrian Travel Across the Curb is not Permitted
4E	An Existing Diagonal Curb Ramp without the 48 Inch Extension in the Crosswalk
4F	An Existing Curb Ramp without Truncated Dome Texture Contrast or without Color Contrast
4G Lowest	The Pedestrian Push Button is not Accessible from the Sidewalk or from the Ramp

C. IMPLEMENTATION SCHEDULE & BUDGET

Following is the schedule and budget for remediating the lack of curb ramps, ramps with running slopes greater than 12%, and other minor deficiencies. Funding and schedule for these actions is dependent upon annual appropriations by Metro Council.

Table 6. Schedule and Budget for Corrective Actions Along Metro Roadways			
PRIORITY	SITUATION	SCHEDULE*	ESTIMATED BUDGET
Highest 1A	No Curb Ramp where Sidewalk or Pedestrian Path Exists within the Central Business District	July 2012 – June 2015	\$500,000
1B	Existing Curb Ramp with Running Slope Greater than 12% within the Central Business District		
1C	No Curb Ramp where a Striped Crosswalk exists within the Central Business District		
2A	No Curb Ramp where Sidewalk or Pedestrian Path Exists within Tier 1 Pedestrian Activity	July 2015 – June 2020	\$500,000
2B	No Curb Ramp where a Striped Crosswalk exists within Tier 1 Pedestrian Activity		
3A	No Curb Ramp where Sidewalk or Pedestrian Path Exists within Tier 2 Pedestrian Activity	July 2020 – June 2025	\$500,000
3B	No Curb Ramp where a Striped Crosswalk exists within Tier 2 Pedestrian Activity		
4A	An Existing Curb Ramp with either a Running Slope Greater than 1 to 12 or an Insufficient Landing	July 2013 – June 2035	\$500,000 annually
4B	An Existing Curb Ramp with Obstructions in the Ramp or the Landing		
4C	An Existing Curb Ramp with any of the Following Conditions: <ul style="list-style-type: none"> o A Cross Slope Greater than 3% o A Width Less Than 36 Inches o No Flush Transition or a Median or Island Crossings that are Inaccessible 		
4D	An Existing Curb Ramp with Returned Curbs where Pedestrian Travel Across the Curb is not Permitted		
4E	An Existing Diagonal Curb Ramp without the 48 Inch Extension in the Crosswalk		
4F	An Existing Curb Ramp without Truncated Dome Texture Contrast or without Color Contrast		
4G Lowest	The Pedestrian Push Button is not Accessible from the Sidewalk or from the Ramp		

*Schedule is dependent upon annual Metro Council funding appropriations.

Remediation work for Priorities 1, 2 and 3 are intended to be performed as a separate remediation program outside of other regularly scheduled maintenance and improvement projects. Remediation efforts for Priority 4 will occur as an integral part of regularly scheduled maintenance and improvements projects such as resurfacing, roadway rehabilitation and reconstruction projects, and signal system installation upgrades. All new projects, regardless of funding sources, will 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.

D. PROGRAM RESPONSIBILITY

For issues within the public right-of-way, following are the ADA Coordinators for the Kentucky Transportation Cabinet (KYTC) and Louisville Metro Government (Metro):

ADA Coordinator Kentucky Transportation Cabinet

Department of Highways, District Five
8310 Westport Road
Louisville KY. 40242
Phone: (502) 210-5400
Fax: (502) 210-5494

ADA Coordinator Louisville Metro Government

Dirk L. Gowin
Public Works and Assets
444 S. 5th Street, Suite 400
Louisville, KY 40202
Phone: (502) 574-5925
Fax: (502) 574-4129
dirk.gowin@louisvilleky.gov

E. ANNUAL EVALUATION AND UPDATES

In order to be effective, the Transition Plan needs to be utilized in yearly planning of projects and funding decisions, and also needs to be periodically reviewed for compliance and validity. The Transition Plan should 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.

F. PUBLIC NOTICE CONCERNING THE ADA REQUIREMENTS

Agencies are required to give notice to the public on information regarding public accessibility and compliance with ADA. Upon adoption, links to the various components of the ADA Transition Plan for Public Right-of-Way Facilities such as policies, compliance planning for construction and retrofits, opportunities for public participation, links to the ADA advisory committee, grievance procedures, and the schedule for implementation of the program will be provided on the Louisville Metro website at <http://www.louisvilleky.gov/>.

A Pedestrian Advisory Board meets monthly to obtain ongoing citizen input. These meetings are open to the public and held monthly at the following schedule and location:

INSERT RECURRENCE

Conference Room 101
Louisville Metro Development Center
444 S. 5th Street
Louisville, KY 40202

GRIEVANCE PROCEDURE

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits provided by Louisville Metro Government within the Public Right-of-Way. The Louisville Metro Government's Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Dirk L. Gowin
ADA Coordinator
Louisville Metro Government
Public Works and Assets
444 S. 5th Street, Suite 400
Louisville, KY 40202
Phone: (502) 574-5925
Fax: (502) 574-4129
dirk.gowin@louisvilleky.gov

Within 15 calendar days after receipt of the complaint, the Metro ADA Coordinator or [his/her] designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the Metro ADA Coordinator or [his/her] designee will respond in writing, and where appropriate, in

a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain Metro's position and offer options for substantive resolution of the complaint.

If the response by the Metro ADA Coordinator or [his/her] designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Director of Public Works & Assets (Director) or [his/her] designee.

Within 15 calendar days after receipt of the appeal, the Director or [his/her] designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Director or [his/her] designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the Metro ADA Coordinator or [his/her] designee, appeals to the Director or [his/her] designee, and responses from these two offices will be retained by Metro for at least three years.

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. See <http://www.access-board.gov/prowac/guide/PROWGuide.htm> for more information. The Federal Highway Administration has recognized these as its currently recommended best practices. Metro has adopted these accessibility guidelines into their own system of standards, specifications, and design details with modifications to meet local conditions. For standard drawings related to accessible curb ramps, see:

http://www.louisvilleky.gov/NR/rdonlyres/43FEA8DA-3D74-482B-A8C9-F7393DA08108/0/Accessible_Curb_Ramps.pdf

Appendix A
Ramp Inspection Forms

Appendix B
Prioritization of Corrective Actions
Central Business District

Appendix C
Prioritization of Corrective Actions
Tier 1 & 2