

**TRANSPORTATION
Americans with Disabilities Act
(ADA)**

**TRANSITION PLAN
Amendment**



**FOR
COUNTY OF SANTA BARBARA
DEPARTMENT OF PUBLIC WORKS, TRANSPORTATION DIVISION**

May 2007

Public Works Department, Transportation Division Americans with Disabilities Act Transition Plan Amendment

Adopted by:

Date: _____

BY: _____

Chair, Board of Supervisors
of the County of Santa Barbara
State of California

ATTEST:

Michael F. Brown
Clerk of the Board

BY: _____

APPROVED AS TO FORM:

Stephen Shane Stark
County Counsel

BY: _____

Date: _____

APPROVED AS TO FORM:

Ray Aromatorio
Risk Program Administrator

BY: _____

Date: _____

ADA Transition Plan Amendment

Ad Hoc Committee

Michael Ledbetter	County Council
Scott McGolpin	Deputy Director – Transportation Division
Dace Morgan	Engineering Section Manager
Charlie Ebeling	Civil Engineer Specialist
Ron Bensel	Civil Engineer
Ariana Villegas	EEO Manager - ADA Coordinator

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1. SUMMARY

1.1 Background

The Americans with Disabilities Act (ADA) was signed into law on July 26, 1990 providing comprehensive civil rights protections to individuals with disabilities in the areas of employment, public accommodations, State and local government services and telecommunications.

Title II of the ADA protects qualified individuals with disabilities from discrimination on the basis of disability in program, activities and services provided or operated by all State and local governments. The ADA defines “disability” as (1) a physical or mental impairment that substantially limits one or more major life activity; or (2) having a record of such an impairment; or (3) being regarded as having such an impairment. If an individual meets any one of these three tests, he or she is considered to be an individual with a disability for purposes of coverage under the ADA.

Title II of the ADA mandates that a public entity must evaluate its current services, policies and practices to determine whether they are in compliance with the non-discrimination regulations of the ADA. A self-evaluation is required and intended to examine programs, activities and services, identify problems or physical barriers that may limit accessibility by the disabled and describe potential compliance solutions. If structural changes are needed to achieve program accessibility, they must be made as expeditiously as possible, but in no event later than January 26, 1995.

An acceptable transition plan should contain the following:

- a) A list of the physical barriers in a public agency’s facilities that limit accessibility of its programs, activities or services to individuals with disabilities;
- b) A detailed outline of the methods to be used to remove these barriers and make the facilities accessible;
- c) The schedule for taking the necessary steps to achieve compliance with Title II of the Americans with Disabilities Act;
- d) The contact information of the ADA Coordinator.

1.2 Current Transportation Division Programs

The County of Santa Barbara Department of Public Works Transportation Division’s (County) practice is to work with disabled individuals to find a mutually acceptable way to mitigate barriers to existing programs.

The County is committed to complying with the Americans with Disabilities Act (ADA) through its existing programs such as:

1.2.1 Transportation Division Capital Improvement Program

Various Transportation Division capital improvement projects have been scheduled and funded to ensure transportation infrastructure is ADA compliant. All new Transportation Division construction involving infrastructure owned by the County is designed and built in conformance with the requirements of the applicable accessibility standards. Such projects include new construction, and improvement work in road the right-of way.

1.2.2 Leased Buildings and Facilities (Transportation Division)

For a leased transportation building or facility where the County operates programs, services, or activities accessibility is considered at the time of the lease. The responsibility and cost for mandated changes are negotiated with the landlord.

1.2.3 Alterations to Facilities

If alterations are determined to trigger the requirements for new construction, then the project will include the necessary upgrades. Refer to Chapter 3 (Right-of-Way Accessibility) for more details.

1.3 ADA Coordinator

The County Executive Office has designated the EEO Manager as the County's ADA Coordinator. This position is responsible for ensuring that all programs, services, and activities of the County of Santa Barbara are accessible to and usable by individuals with disabilities. The ADA Coordinator's contact information is as follows:

Ariana Villegas, EEO Manager
County of Santa Barbara
Equal Employment Opportunity Office
105 East Anapamu Street, Room 104
Santa Barbara, CA 93101
805-568-3402 (phone)
805-568-3426 (fax)
Email: avillegas@co.santa-barbara.ca.us

To request an ADA accommodation or file an ADA grievance, contact the above County staff and follow the established procedures outlined in Chapter 4.

2. Facilities Evaluations

2.1 Facilities Evaluation

As mandated by Title II of the ADA, County staff performed a thorough evaluation of County facilities and compiled an inventory of those areas of structural deficiency in its Transition Plan prepared in April 1994. As a result of the court decision in *Barden v. City of Sacramento*, 292 F.3d 1073 (9th Cir. 2002) the County has reviewed its procedures for applying the accessibility standards to the public road right-of-way. Chapter 3 is the result of this review.

3. Right-of-Way Accessibility

This Chapter is written to insure that activities such as construction, maintenance and repair within the public road right-of-way of any street are performed in compliance with applicable state and federal accessibility regulations.

3.1 Project Categories

Activities within the road right-of-way are categorized into two levels of projects that require different responses under the accessibility regulations, including the Americans with Disabilities Act (ADA).

a) Maintenance and Repair Projects.

These projects include maintenance and repair work that do not trigger additional path of travel work and are considered “repair in-kind/in-place.” Examples of maintenance and repair projects are crack seal, chip seal, patch repair, and slurry seal (that add less than 1 ¼ inch thickness), filling potholes, street signal LED replacement, replacement of damaged traffic signal poles, and other maintenance and repair within the roadway. These projects as a rule do not require ADA modifications beyond the scope of the work.

b) New or Alteration Projects

These projects affect the “primary function area” in the public road right-of-way in addition to impacting pedestrian usability. The primary function area within the right-of-way is defined to be the pedestrian access route, which includes the roadway, sidewalks, curb ramps, traffic signals and crosswalks. These alterations trigger ADA required work to be done beyond the initial scope of work of the project. Examples that trigger ADA modifications to sidewalks that must meet the ADA standards for new construction include street overlay projects (including a project that re-mills the street surface or resurfacing that adds 1 ¼ inch thickness or more) or similar activities that go beyond what is considered normal maintenance activity.

During any activity within the public road right-of-way that blocks a pedestrian access route, an alternative compliant path is to be provided in the interim, whenever practicable.

3.2 County’s Standards

The Department of Public Works Transportation Division has recently changed over to the State Standard Plans to include new designs of curb ramps to be consistent with the most current Caltrans guidelines (dated May 2006). The new designs require detectable warnings (such as truncated domes) to caution pedestrians with no or low vision of upcoming hazardous vehicular traffic. Newly constructed or altered projects that meet Section 3.1.b criteria shall be built to these standards. The Department will continue to use the most current Caltrans guidelines and Standard Plans.

To maintain the required minimum clearance in public right-of-way, the County utilized the guidelines contained in the ADA Accessibility Guidelines for Buildings and Facilities (ADAAG) and the Uniform Federal Accessibility Standards (UFAS). According to §4.3.3 (width) of UFAS and §4.3.3 (width) of ADAAG: “The minimum clear width of an accessible route shall be 36 inches (915 mm) except at doors.” Accordingly, the County will maintain a 36-inch minimum clearance on its public sidewalk.

3.3 New Construction and Street Overlay Projects

New street or sidewalk construction, sidewalk repairs or street overlay projects require that sidewalks be constructed to current ADA standards for new construction.

3.4 Existing Sidewalks

3.4.1 Transportation Inspection Program

This program is performed annually to eliminate trip and fall hazards. The County is divided into 5 Supervisorial Districts and then further by maintenance zones. Inspections and repairs are conducted in each zone. All maintenance zones are inspected as part of the Pavement Management System (PMS). The County’s major collectors and arterials are inspected along with one-third of the remaining roadways each year. Therefore, over a three year period, all of the County’s maintained roadway system is inspected. The roadways which require overlays are evaluated for ADA compliance. This program has been modified to include inspection for accessibility issues. Historically, dating back to 1992 the PMS overlay projects had been completed only after curb, gutter & sidewalks repairs were completed. The curb, gutter & sidewalk repairs included replacement of concrete up heaved by tree roots and the installation of current Caltrans standard curb ramps at every intersection. The sidewalk inspection form has been revised to include ADA elements (see Attachment 1 for sample of the form).

The priority for utilization of funding is as follows:

- 1. Adding curb ramps and crosswalks
- 2. Repairing existing sidewalks
- 3. Eliminating sidewalk obstructions

3.4.2 Road Maintenance Annual Plan

The County Transportation Division’s Road Maintenance Annual Plan (RdMAP) consists of the upcoming fiscal years Board of Supervisor’s approved projects listed by Supervisorial District. This RdMAP is the vehicle by which the Maintenance Section of the Transportation Division completes its mission. The mission of the Transportation Division is to “Provide a Clear Path, a Smooth Ride and A Safe Trip.”

The proposed projects identified in this document are selected using public input and requests, the MicroPaver Pavement Management program, Board of Supervisor’s priorities, and staff’s professional assessment of Transportation’s facilities and roadways. Using these sources of information a scenario is developed whereby our limited funding can best address the needs of the roadway infrastructure. After conducting public meetings for the North, Central, and South sections of the county, in which additional public input is received and incorporated into the plan, a finalized Annual Plan is presented to the County Board of Supervisors for adoption.

The document also contains a brief description of the upcoming maintenance activities (including a summary of the previous fiscal year’s maintenance activities), pavement preservation, environmental review requirements (CEQA), ADA requirements, surface treatment project timeframes, program category descriptions and an overview of project funding.

3.4.3 Priority Areas

In an effort to ensure that the County’s system of public sidewalks is generally accessible to and usable by individuals with disabilities when viewed in its entirety, this Transition Plan Amendment identifies priority areas where barriers will be removed according to a schedule. The following table depicts the County’s Maintenance Zones and the assigned priorities dictate the order of implementation for inventorying and ultimately removing barriers in the public sidewalks. These

priorities were established by choosing the most urbanized areas first, then working towards the rural areas throughout the County.

Priority	Supervisory District	Maintenance Zone	Description
3	First	1001	Other-Rural 1 st District
1	First	1011	Summerland
2	First	1021	Montecito
3	First	1031	Mission Canyon
1	Second	2041	Goleta 2 nd District
3	Third	3001	Other-Rural 3 rd District
2	Third	3041	Goleta 3 rd District
1	Third	3042	Isla Vista-3 rd District
3	Third	3051	Santa Ynez
3	Third	3052	Los Olivos
2	Third	3061	Los Alamos
1	Third	3072	Vandenberg Village
3	Fourth	4001	Other-Rural 4 th District
2	Fourth	4072	Mission Hills
1	Fourth	4081	Orcutt-4 th District
2	Fourth	4082	Orcutt (prior 5 th District)
3	Fifth	5001	Other-Rural 5 th District
1	Fifth	5091	Cuyama

3.4.4 Barriers to Sidewalk Access

The Priority 1 Maintenance Zones will be surveyed during the 07/08 RdMAP cycle to identify 1) pedestrian walks that cross curbs, 2) any other obstructions (such as newspaper boxes, benches, planters, trash receptacles and parking meter poles) that likely could be relocated without great expense or effort to widen sidewalks, and 3) structural barriers to sidewalk access that will be expensive to remove such as guy wires, telephone poles, streetlight poles, buildings and trees. The Installation of curb ramps or other sloped areas and removal of the non-structural obstacles will be scheduled within the following fiscal years RdMAP, and as funding becomes available.

The Priority 2 Maintenance Zones will be surveyed during the 08/09 RdMAP cycle to identify 1) pedestrian walks that cross curbs, 2) any other obstructions (such as newspaper boxes, benches, planters, trash receptacles and parking meter poles) that likely could be relocated without great expense or effort to widen sidewalks, and 3) structural barriers to sidewalk access that will be expensive to remove such as guy wires, telephone poles, streetlight poles, buildings and trees. Installation of curb ramps or other sloped areas and removal of the non-structural obstacles will be scheduled for within the following fiscal years RdMAP, and as funding becomes available.

The Priority 3 Maintenance Zones will be surveyed during the 09/10 RdMAP cycle to identify 1) pedestrian walks that cross curbs, 2) any other obstructions (such as newspaper boxes, benches, planters, trash receptacles and parking meter poles) that likely could be relocated without great expense or effort to widen sidewalks, and 3) structural barriers to sidewalk access that will be expensive to remove such as guy wires, telephone poles, streetlight poles, buildings and trees. Installation of curb ramps or other sloped areas and removal of the non-structural obstacles will be scheduled for within the following fiscal years RdMAP, and as funding becomes available.

Removal of structural barriers to sidewalk access belonging to the County will be included as part of the County's Five Year Capital Improvement Plan (CIP) in the year following the scheduled

inspections. Removal of structural barriers not owned by the County will be promptly taken up with their owners.

3.5 Costs for Removing Sidewalk Obstructions

Using information obtained from the construction bid summaries on file, the engineering staff will estimate the cost for removing obstructions in sidewalks once the inventories are completed. As the Transportation Division ADA Transition Plan Amendment is updated each year, Table 1 will be updated to provide the estimated construction cost for removing or relocating the identified barriers. Table 1 does not include the cost for designing, planning and managing the construction activities.

The estimated costs will be updated and be incorporated in the RdMAP and the CIP for project funding and scheduling, as well as this Transportation Division ADA Transition Plan on an annual basis to reflect updated inventories and the fluctuations in construction costs.

Table 1
ESTIMATED COST FOR REMOVING SIDEWALK OBSTRUCTIONS (*)

ITEM DESCRIPTION	QUANTITY	UNIT COST	TOTAL	NOTES
<i>Priority Area 1:</i>				
Remove street trees				
Relocate parking meter				
Remove utility (power) poles				
Relocate street light pole				
Remove utility (SCE or PG&E) box				
Total Cost for Priority Area 1				
<i>Priority Area 2:</i>				
Install new curb ramp (with truncated domes)				
Remove and install tree grates				
Relocate street light pole				
Relocated traffic signal pole				
Relocate utility (power) pole				
Total Cost for Priority Area 2				
<i>Priority Area 3:</i>				
Install new curb ramp (with truncated domes)				
Relocate utility (power) pole				
Relocate utility box				
Remove and install tree grate				
Relocate parking meter				
Total Cost for Priority Area 3				
Total Cost for Removing Sidewalk Obstructions				

(*) Cost does not include design, planning and managing the construction activities.

4. Grievance and Accommodation

4.1 Requesting an ADA Accommodation for the Public Works Department, Transportation Division Facilities

The request for a Transportation Division accommodation should be made and include the name, address and telephone number of the individual requesting the accommodation (see Attachment 2 for Department of Public Works, Transportation Division's Request for Accommodation Form). The request should contain the location of the program, service, activity or facility where the accommodation is required and a description of why the Transportation Division accommodation is needed.

Complete the form and submit it to:

Ariana Villegas, EEO Manager
County of Santa Barbara
Equal Employment Opportunity Office
105 East Anapamu Street, Room 104
Santa Barbara, CA 93101
805-568-3402 (phone)
805-568-3426 (fax)
Email: avillegas@co.santa-barbara.ca.us

Within 15 calendar days of the written request, the ADA Coordinator will be responsible to respond to the individual requesting the Transportation Division accommodation. If the response by the ADA Coordinator does not satisfactorily resolve the issue, the individual making the request may file a formal grievance with the responsible department(s). All requests for accommodation received by the ADA Coordinator will be kept by the County of Santa Barbara for at least three years.

4.2 Filing an ADA Grievance for the Public Works Department, Transportation Division Facilities

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act (ADA). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of the disability in the provision of services, activities and programs by the County of Santa Barbara.

4.2.1 Step 1 – The Written Complaint

The complaint should be in writing and contain information about the alleged discrimination such as name, address and phone number of the complainant and location, date and description of the problem (see Attachment 3 for Filing an ADA Grievance Form). Alternative means of filing complaints will be made available for persons with disabilities upon request.

Contact the ADA Coordinator to request this information in an alternate format or use the “Request for Accommodation or Grievance” form to make the request. The complaint should be submitted by the complainant as soon as possible but no later than 90 calendar days after the alleged violation to:

Ariana Villegas, EEO Manager
County of Santa Barbara
Equal Employment Opportunity Office
105 East Anapamu Street, Room 104
Santa Barbara, CA 93101
805-568-3402 (phone)
805-568-3426 (fax)
Email: avillegas@co.santa-barbara.ca.us

4.2.2 Step 2 – Meeting with the ADA Coordinator

Within 15 calendar days of the written complaint, the ADA Coordinator will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the ADA Coordinator will respond in writing or in a format accessible to the complainant. The response will explain the position of the County of Santa Barbara and offer options for resolution of the complaint.

4.2.3 Step 3 – Appeal to the County Director of Public Works

If the response by the ADA Coordinator does not satisfactorily resolve the issue, the complainant may appeal the decision within 15 calendar days after receipt of the response to the County Director of Public Works or an appointed representative.

Within 15 calendar days after receipt of the appeal, the County Director of Public Works or an appointed representative will meet the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the County Director of Public Works or an appointed representative will respond in writing or in a format accessible to the complainant of final resolutions to the complaint.

All written complaints received by the ADA Coordinator, appeals to the County Director of Public Works, and responses from the ADA Coordinator and the County Director of Public Works, will be kept by the County of Santa Barbara for at least 3 years.

4.3 Grievances and Accommodation Response

In responding to request(s) for structural improvement brought through the ADA Grievances and/or Accommodation process, the ADA Coordinator is limited to the funds in the RdMAP under “Roadway Improvements - ADA Structural Responses”, which is \$50,000 annually. In the event that these allocated funds are insufficient or already spent, subsequent improvements will be prioritized and scheduled in subsequent fiscal years.

ATTACHMENT 1 - ADA/SIDEWALK INSPECTION FORM

ATTACHMENT 2- REQUEST FOR ADA ACCOMMODATION

Department of Public Works, Transportation Division's Request for Accommodation Form

Instructions: Please fill out this form completely, using black ink or typing. Sign and send it to the address at the bottom of the page. This form is available in alternate formats by requests.

Reporting Individual.	
Name and Address:	
City, State, Zip code:	
Telephone:	Home: Business:
Service, Program or Facility Alleged to Be Inaccessible.	
Name of Service/Program or Facility:	
Address:	
City, State, Zip code	
Telephone number:	
Date:	
Describe the way in which the service, program or facility is not accessible. (Please use other attachment as necessary).	
Action Taken (for Office Use).	
Signature of Reporting Individual:	

**Please mail to: Ariana Villegas, ADA Compliance Officer, County of Santa Barbara
105 East Anapamu, Room 104, Santa Barbara, CA 93101**

For Office Use:

File No. _____

Date Received _____

Received By: _____

ATTACHMENT 3- FILING AN ADA GRIEVANCE

TITLE II of the Americans with Disabilities Act
 Section 504 of the Rehabilitation Act of 1973

Department of Public Works, Transportation Division's Grievances Form

Instructions: Please fill out this form completely, using black ink or typing. Sign and send it to the address at the bottom of the page. This form is available in alternate formats by requests.

Reporting Individual.	
Name and Address:	
City, State, Zip code:	
Telephone:	Home: _____ Business: _____
Service, Program or Facility Alleged to Be Inaccessible.	
Name of Service/Program or Facility:	
Address:	
City, State, Zip code	
Telephone number:	
Date:	
Describe the way in which the service, program or facility is not accessible. (Please use other attachment as necessary).	
Action Taken (for Office Use).	
Signature of Reporting Individual:	

**Please mail to: Ariana Villegas, ADA Compliance Officer, County of Santa Barbara
 105 East Anapamu, Room 104, Santa Barbara, CA 93101**

For Office Use:
 File No. _____

Date Received _____ Received By: _____

