

**Draft
Development of the
Americans with Disabilities Act (ADA)
Title II Self-Evaluation and Transition Plan**

For



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I. Executive Summary

The Americans with Disabilities Act of 1990 (the ADA) has been hailed as one of the most significant civil rights laws since the Civil Rights Act of 1964. Its intent is to ensure that people with disabilities are able to participate in and enjoy the benefits of the services and activities of state and local governments, as well as most private entities, without experiencing discrimination. This is also a goal of the City of Redmond.

The year 2010 marked the twentieth anniversary of the ADA. The anniversary brought revised, expanded ADA regulations from the Department of Justice. Two years earlier, the ADA Amendments Act of 2008 had reset the broad definition of “person with a disability.” Prompted in part by these developments, and as part of its ongoing commitment to civil rights, the City of Redmond’s department of Public Works determined the need to develop the public right-of-way (PROW) section of an ADA Transition Plan. To guide the Public Works department in reaching this goal, the City retained the services of WHPacific, Inc. to complete Phase 1: *Evaluation of curb ramps in the PROW*, and a citywide department self-evaluation survey.

Evaluation of the curb ramps in the public right-of-way (PROW) began in June 2013, when the City Public Works department hired student engineering interns to complete a thorough City-wide ADA field survey of all curb ramps at pedestrian crossings. The field survey assessment began June 27 and was completed October 4, 2013. The ADA Title II Summer 2013 Curb Ramp Data Capture Report findings identified a total of 4,519 curb ramps with 112 or 3.73% of existing curb ramps as compliant and 2,883 or 96.26% of existing curb ramps as non-compliant. In addition, there are 1,524 nonexistent curb ramps which indicates curbs are a barrier to pedestrian access and have not been modified to a curb ramp. For budgetary purposes an estimated replacement cost for a non-compliant curb ramp, based on the City’s Summer 2013 construction season projects, is \$8,000. Should the 4,407 non-compliant curb ramps be modified to meet compliance, the estimated budget expenditure would be \$35.2M.

The departmental self-evaluation process included completion of an online ADA Title II Self-Evaluation Questionnaire which addressed areas of policies, practices, and facilities, to determine whether they present any barriers to the receipt of services or participation in activities by people with disabilities. The City personnel survey responses indicate a lack of awareness of the ADA civil rights law and the day-to-day application. The identified gaps in knowledge will require a City-wide commitment to address the areas and ensure ongoing compliance

with the regulations. The staff in the department of Public Works have compiled the findings and these are now available for use in future City of Redmond ADA compliance efforts. [See Attachment A.](#)

In order to ensure that State and local government entities comply with the ADA (by eliminating physical and communication barriers that prevent people with disabilities from participating fully in community life), the United States Department of Justice (DOJ) Civil Rights Division established Project Civic Access (PCA). It conducts wide-reaching reviews of each entity. Some cities are selected by size, while others are selected in response to complaints filed against the locality. The PCA program now includes over 200 settlement agreements involving 192 localities and all 50 states.

To attain City-wide ADA compliance and meet the intent of the ADA, recommendations have been identified to guide this effort. The critical needs include but are not limited to:

- Establish an official ADA Program with dedicated personnel and an ongoing source of dedicated funding.
- Develop and nurture a cultural shift throughout the City organization
- Cultivate rigorous staff dedication to apply ADA in all aspects of the City's programs, services and activities.
- Provide personnel education about the ADA and risks of non-compliance.
- Adopt and implement a City-wide Self-Evaluation and Transition Plan
- Review current policies and procedures and modify to meet ADA compliance as identified in the departmental Self-Evaluation survey.

The City of Redmond should consider issuing an ADA policy directive. As a local example, on May 14, 2012 in the City of Seattle, an Executive Order was issued directing all City of Seattle Departments and Offices that manage, design, construct, alter, maintain and lease City Facilities and properties to comply with all applicable portions of the regulations related to Title II, including the 2010 ADA Standards for Accessible Design. The Order includes: "...affirming the City's commitment to local, state and federal accessibility standards and requirements, including recent amendments to federal ADA standards and regulations as they pertain to Title II and Title III entities". The Executive Order also states that the Seattle Department of Planning and Development (DPD) "enforces accessibility provisions adopted under the local code, whereas enforcement of the ADA is a federal responsibility. Approval of a building permit does not guarantee

compliance with the federal regulations”. The Executive Order Number 01-2012 is included as [Attachment B](#).

This draft Development of the ADA Title II Self-Evaluation and Transition Plan serves as an important first step in meeting Redmond’s legal obligations set forth by Title II ADA regulations.

II. History of the Americans with Disabilities Act (ADA), of 1990

II. A. The ADA

On July 26, 1990, President George H. W. Bush signed into law the Americans with Disabilities Act (ADA), a comprehensive civil rights law which broadened the coverage of Section 504 of the Rehabilitation Act of 1973 and the Architectural Barriers Act (ABA) of 1968. The ADA broadly protects the rights of individuals with disabilities in employment, access to state and local government services, places of public accommodation, transportation, and other important areas of American life. The ADA also requires newly designed and constructed or altered state and local government facilities, public accommodations, and commercial facilities to be readily accessible to and usable by individuals with disabilities. The Rehabilitation Act of 1973 prohibited discrimination in any program or activity that received federal financial assistance, including programs and activities of state and local governments. The Architectural Barriers Act of 1968 is a Federal law that requires facilities designed, built, altered or leased with Federal funds to be accessible.

On the twentieth anniversary of the ADA, the U.S. Census Bureau announced that almost one in five people living in the United States – a total of about 54 million – have one or more disabilities, including those affecting sight, hearing, and mobility, as well as mental disabilities and learning disabilities. Most people have disabilities that are not readily visible, including disabilities such as hearing impairments, low vision, cognitive or mental disabilities, AIDS, diabetes, cancer, and epilepsy. Census Bureau data shows that people with disabilities comprise more than 19% of the people living in the United States.

Most likely, the impact of the ADA is even broader than what is revealed by the census data. The Act’s comprehensive civil rights protections extend to “individuals with disabilities,” which includes those who have, have a record of, or are regarded as having a physical or mental impairment that substantially limits a

major life activity. The ADA Amendments Act of 2008 (ADAAA) clarifies that the definition of “disability” is intended to be broadly inclusive.

Finally, the current and recent wars and conflicts in which the United States has participated have also had a profound impact on the population of individuals with disabilities. As medical procedures and military equipment have improved the survivability of what in earlier times would have been fatal wounds, a greater number of wounded veterans are returning with disabilities. One quarter of veterans nationwide have disabilities, as noted by the 2010 census.

The Key Principles of the ADA

Title II of the Americans with Disabilities Act promises full access to state and local government services and activities for individuals with disabilities.

It is based on four principles:

1. Policy and operations

Make reasonable modifications and accommodations to policies and practices.

2. Communication

Ensure effective communication with people with disabilities affecting hearing, vision, or speech, including through the provision of auxiliary aids and services.

3. Integration

Offer services in the most integrated setting appropriate to the needs of individuals with disabilities.

4. Physical access

Meet accessibility standards for new and altered buildings and ensure that programs are accessible as a whole.

Equal Opportunity underlies all the principles and requirements of the ADA. The law does not require equal treatment, which, in fact, can often lead to discrimination against people with disabilities. But it requires modifying policies or the way they are implemented, providing auxiliary aids, and ensuring physical accessibility in order to ensure that people with disabilities are offered the same opportunity as others to benefit from the City of Redmond’s programs.

II. B. Self-Evaluation and Transition Plan Requirements

The ADA requires State and local governments to evaluate its current services, policies, and practices to ensure compliance is met.

Generally, Title II requires a public entity such as the City of Redmond to make reasonable changes to policies, ensure effective communication with people with disabilities, and provide physical access to buildings, facilities, and programs, with the goal of ensuring meaningful access to all of its services and offerings. This extends to a wide variety of activities, including, but not limited to:

- Communication
- Community development
- Courts
- Events such as those relating to the arts and culture
- Furniture and equipment
- Housing
- Human services
- Licensing
- Parks and recreation
- Police, fire, and emergency response services
- Procurement
- Public assistance programs
- Public Works
- Technology and City website

28 CFR 35.105 Self-Evaluation

(a) A public entity shall, within one year of the effective date of this part, evaluate its current services, policies, and practices, and the effects thereof, that do not or may not meet the requirements of this part and, to the extent modification of any such services, policies, and practices its required, the public entity shall proceed to make the necessary modifications.

(b) A public entity shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the self-evaluation process by submitting comments.

(c) A public entity that employs 50 or more persons shall, for at least three years following completion of the self-evaluation, maintain on file and make available for public inspections:

(1) A list of the interested persons consulted;

(2) A description of areas examined and any problems identified; and

(3) A description of any modifications made.

(d) If a public entity has already complied with the self-evaluation requirement of a regulation implementing section 504 of the Rehabilitation Act of 1973, then the requirements of this section shall apply only to those policies and practices that were not included in the previous self-evaluation.

The self-evaluation measures compliance with the ADA's mandate to:

- Eliminate any policies or practices that deny an opportunity for a person to participate simply because of a disability.
- Eliminate any unnecessary eligibility standards or criteria (e.g., requiring people who have mobility disabilities to be accompanied by an attendant in a class) unless they are necessary for the provision of the service, program, or activity.
- Make reasonable modifications to policies, practices, and procedures that deny equal access, unless a fundamental alteration in the program would result. For example, the City would be required to make an exception to a rule prohibiting animals in its buildings in order to admit service animals.
- Ensure effective communication (subject to limitations concerning financial and administrative burden and fundamental alteration of the nature of the program) with people with disabilities, including providing auxiliary aids and services such as oral and sign language interpreters, captioning, and alternate formats such as Braille or large print documents and accessible electronic formats.
- Provide the same protections to people who are associated with a person with a disability. For example, the City cannot deny a position on an advisory board to a parent of a child with a severe disability because of a concern that the parent will be unreliable because of the needs of the child.
- Not impose charges on individuals with disabilities to cover the costs of necessary measures, such as interpreters and alternate formats.
- Ensure that any programs carried out by contractors or others on behalf of the City --such as processing applications or providing benefits--comply with the Act.
- Ensure that people with disabilities are not excluded from programs or activities, or otherwise discriminated against, because of inaccessible facilities. The "program access" provision of Title II requires that an entity operate its programs so that, when viewed "in their entirety," each is accessible to people with disabilities.
- Ensure that newly constructed or altered facilities meet the Department of Justice's (DOJ) accessibility standards.
- Remove physical barriers to full participation in programs and activities.
- Provide all activities in the most inclusive setting appropriate to the needs of individuals with disabilities.

The City of Redmond completed a departmental ADA Title II Self-Evaluation survey, Fall 2013.

Transition Plan

The ADA requires State and local governments to develop and implement a Transition Plan to achieve program accessibility.

28 CFR 35.150(d) Transition Plan

(1) In the event that structural changes to facilities will be undertaken to achieve program accessibility, a public entity that employs 50 or more persons shall develop, within six months of January 26, 1992, a transition plan setting forth the steps necessary to complete such changes. A public entity shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the transition plan by submitting comments. A copy of the transition plan shall be made available for public inspection.

(2) If a public entity has responsibility or authority over streets, roads, or walkways, its transition plan shall include a schedule for providing curb ramps or other sloped areas where pedestrian walks cross curbs, giving priority to walkways serving entities covered by the Act, including State and local government offices and facilities, transportation, places of public accommodation, and employers, followed by walkways serving other areas.

(3) The plan shall, at a minimum—

- i. (i) Identify physical obstacles in the public entity's facilities that limit the accessibility of its programs or activities to individuals with disabilities;*
- ii. (ii) Describe in detail the methods that will be used to make the facilities accessible;*
- iii. (iii) Specify the schedule for taking the steps necessary to achieve compliance with this section and, if the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period; and*
- iv. (iv) Indicate the official responsible for implementation of the plan.*

(4) If a public entity has already complied with the transition plan requirement of a Federal agency regulation implementing section 504 of the Rehabilitation Act of 1973, then the requirements of this paragraph (d) shall apply only to those policies and practices that were not included in the previous transition plan.

28 CFR 35.150 Subpart (c): *Time period for compliance. Where structural changes in facilities are undertaken to comply with the obligations established under this section, such changes shall be made within three years of January 26, 1992, but in any event as expeditiously as possible.*

The City of Redmond through the department of Public Works has taken the initial steps to initiate this Draft Development of the Americans with Disabilities Act (ADA) Title II Self-Evaluation and Transition Plan in an effort to meet compliance.

II. C. Requirements of Public Involvement

Per the Transition Plan 28 CFR 35.150, Subpart (d), public involvement is required as follows:

A public entity shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the transition plan by submitting comments. A copy of the transition plan shall be made available for public inspection.

The City of Redmond needs to make a copy of its transition plan available for public comment and inspection.

II. D. Grievance Procedure Requirements

A Grievance Procedure shall be established to meet the requirements of the 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 by the City of Redmond. The City's Personnel Policy governs employment-related complaints of disability discrimination.

The City of Redmond has drafted for future approval and use, a Policy and Procedure for a Grievance under the ADA. [See Attachment C.](#)

II. E. Public Notice about ADA Requirements

The Public Notice under the ADA shall be established and distributed to all its agency heads; publish the Notice in a local newspaper of general circulation serving the City; post the Notice on its Internet Home Page; and post the

Notice in conspicuous locations in the City's public buildings. The City will refresh each posted Notice, and update the contact information contained on each Notice, as necessary. The Notice will be provided to any person upon request.

The City of Redmond has designated Patrick S. Koenig as the ADA Coordinator. This information is included in the Draft Notice under the ADA, [see Attachment D.](#)

The City of Redmond should refresh its notice postings where needed.

II F. Program Access

Program accessibility refers to the extent to which people with disabilities can participate in the City's programs and is the foundation of the ADA Title II regulations. The City must ensure that people with disabilities are not excluded from programs or activities, or otherwise discriminated against, because of inaccessible facilities. The "program access" provision of Title II requires that an entity operate its programs so that, when viewed "in their entirety," each is accessible to people with disabilities. It is also important that all activities are in the most inclusive setting appropriate to the needs of individuals with disabilities.

28 CFR 35.149 Discrimination prohibited

Section 35.149 states the general nondiscrimination principle underlying the program accessibility requirements of 35.150 and 35.151.

Barriers to program access are often embedded in discriminatory policies, procedures, and practices. For example, a policy that requires a participant in a recreational program to complete a written form can be a barrier for someone who is blind, has low vision, or a cognitive impairment. It may be possible to create program access by staff offering to assist an individual over the phone or in person. Another example, of a discriminatory policy would be to require all program participants to complete a form online. However, if the City's website is not accessible to a person who is blind and uses a screen reader, or to a person with fine motor skills issues that cannot use a mouse, this policy is discriminatory. The burden is on the City to be flexible and to consider each request on a case-by-case basis.

28 CFR 35.130 General prohibitions against discrimination

Paragraph (b) (7) is a specific application of the requirement that public entities make reasonable modifications in policies, practices, or procedures where necessary to avoid discrimination on the basis of disability. The exception is when the entity can show that the modification would result in a fundamental alteration of the program.

The requirement to make reasonable modifications is perhaps the most challenging and yet the most critical aspect to ensuring program access. Every procedure, policy, and practice is modifiable. Writing a specific reasonable modification policy that addresses every situation is impossible. Well trained staff is perhaps the best method for ensuring programmatic access. Staff can often make easy and quick modifications so that qualified individuals can enjoy the benefits of a program. It is important to note, the facility where the program is held must also be accessible to meet program accessibility requirements.

The City, through the departmental ADA Title II Self-Evaluation survey has identified the need to meet program access by addressing the current procedures, policies, and practices.

III. City of Redmond's Past Compliance Efforts

III. A. ADA Program Overview

While the City of Redmond has designated an ADA Coordinator, it does not currently have a City-wide ADA Program.

- Establishing an official ADA Program with dedicated personnel and an ongoing source of funding is a critical need that has been identified.

III. B. Commitment to Equal Access

The City's commitment to ADA equal access was reconfirmed by the September 4, 2007 City Council passage of resolution 1256, in which:

“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).”

This commitment is further evidenced by the existence of a standing City Council Parks and Human Services Committee, whose charge is:

“To review, analyze and recommend policies regarding parks facilities and recreational programs; coordination of education programs and facilities; programs and facilities for senior citizens, underprivileged and **handicapped persons**, minorities and low-income families; and, generally, areas involving the preservation, protection and advancement of human concerns. “ (emphasis added).

[Reference is: Redmond.gov/Government/City Council/Committees/]

III. C. Previous Self-Evaluation and Transition Plan

Redmond’s Past Compliance Efforts

There is no central source memorializing efforts by the City of Redmond to meet compliance obligations identified in Title II ADA and the Rehabilitation Act of 1973, and Public Works staff has not found a previous ADA self-evaluation by the City of Redmond. The information that follows highlights some of the known efforts of the Public Works department. It should not be considered a comprehensive list of all compliance efforts undertaken by this or any other department.

- **1993:** Public Works Executive Assistant coordinates departments ADA effort. A project is undertaken to ensure all requirements are scheduled and completed by 01/26/1995.
- **2002:** Sidewalk Program manager administers “ADA program” for transportation with \$60k annual budget from sidewalk program. Accomplishments include developing a master plan, determining goals and objectives of program, and the design & funding of 38 ADA-complying curb ramps for constructing 2001/02.
- **2003/04:** Sidewalk Program constructs 22 ADA complying curb ramps.

- **2006:** A City-wide pavement management roadside inventory survey finds 3,151 curb ramp locations and assesses same for ADA compliance.
- **2007:** Discussion in Public Works/Transportation leads to City Council adoption of an ***ADA Transition Plan for Curb Ramps and Sidewalk***. Its intent was to meet federal requirements to have a plan in place. It set a schedule for the City to prepare and maintain an inventory of our current sidewalks and curb ramps, set priorities and guidance for how the City of Redmond would bring all City streets into compliance with ADA, and designated Transportation Services Manager (Don Cairns), as the official responsible for planning and implementation of the City of Redmond's ADA Transition Plan in respects to walkways, sidewalks, and curb ramps.

City Council Resolution 1256 expressed the City's commitment to "...provide a system of transportation infrastructure for its citizens that is barrier free..."; to "...complete the inventory of sidewalks and curb ramps and begin a prioritized program to bring all elements into compliance with ADA."; and to "...utilize developer improvements, City roadway projects and the City Sidewalk Program to accomplish these upgrades." [See Attachment E.](#)

- **2008:** A downtown Redmond curb ramp data base map was created (but has not been updated), showing some prioritization for curb ramp replacement.
- **2013:** Public Works undertakes the project memorialized by this report. One part of the effort evaluated curb ramps in the public right-of-way against current ADA compliance standards, and included creation of a GIS database and mapping. It found 4,519 curb ramps, of which 112 met current ADA standards. The second part of the effort was to undertake an ADA Title II Self-Evaluation survey of all City departments. This survey should provide information helpful to identifying ADA compliance activities, and could serve as a base-line against which future compliance efforts could be measured.
- **2013:** Through this project effort some policy and procedure draft documents have been developed but have not been adopted at the time of this printing. The draft documents include:
 - Draft Policy and Procedure for Grievance under the Americans with Disabilities Act, [Attachment C.](#)

- Draft Notice under the Americans with Disabilities Act, [Attachment D](#).
- Draft Policy and Procedure and related form for Customer Request for Barrier Removal, [Attachment F](#).
- Draft Design Exception Approval form for Curb Ramps, [Attachment G](#).
- **2014:** The City has designated Patrick S. Koenig, in the Human Resources Department, as the ADA Coordinator.

IV. The Self-Evaluation Process

IV. A. Approach and Processes

The first step toward compliance for the City of Redmond with the ADA is a self-evaluation of non-discriminatory policies and practices in programs, services and activities to identify inconsistencies with the ADA Title II requirements.

In an effort to be comprehensive and thorough, the City of Redmond has begun a two-phased approach to the self-evaluation: 1) departmental ADA Title II Self-Evaluation employee survey, and 2) physical assessments of facilities and infrastructure (accessibility of curb ramps in the public right-of-way being the first item evaluated).

1) The City departmental ADA Title II Self-Evaluation employee survey

The departmental employee survey was initiated by the department of Public Works and completed via Survey Monkey on September 2013 by representatives of every City department. The 36 page questionnaire was comprised of questions regarding program accessibility as well as policies and practices that ensure non-discrimination in communication, provision of auxiliary aids and services, physical access, eligibility, participation, testing or evaluation, and providing reasonable accommodations. The Public Works staff have compiled the findings which will provide information needed to identify ADA compliance activities. Generally, the overall responses reflect a lack of understanding and application of the ADA regulations. For example, when staff were asked “Does your department provide information to the public via the City’s website?” 85% of the responses indicated “Yes”. An additional question asked “If yes, is the information your department posts on the City’s website ADA compliant and conform to the ADA standards and

guidelines for accessibility?” 69% responded they “Don’t Know”, 6% marked “No” and the balance of the responses were shared between “Not Applicable” and “No Response”. Some departments were requested to respond to a series of questions related specifically to their departments. The Police/Fire department staff were asked a question “Are all members of your department familiar with the Americans with Disabilities Act, particularly Title II?” Zero % responded “Yes”, 3% responded “No”, 23% “Don’t Know”, 35% indicated “Not Applicable” and 39% provided “No Response”. An additional question asked of the Police/Fire staff “Do members of your department need additional training regarding the requirements of Title II of ADA?” 6% responded “Yes”, 22% responded “Don’t Know”, 28% indicated “Not Applicable” and 44% provided “no response”. These excerpts indicate a significant lack of understanding in staff’s role in serving community members with disabilities.

2) Physical/architectural access to facilities

The City has begun the required field compliance review of curb ramps by completing a City-wide PROW curb ramp assessment. The physical review of non-compliant facilities identifies barriers to pedestrians. The additional compliance assessment of the public right-of-way elements; parks and recreation facilities; and all City leased, owned, or operated facilities have been identified as needs to be addressed.

It is important to note the lack of physical access to a facility can also deny an individual with a disability the opportunity to participate in a program.

28 CFR 35.149

Except as otherwise provided in § 35.150, no qualified individual with a disability shall, because a public entity's facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.

To ensure barriers do not impede physical access to a building, public entities are required to evaluate facilities that are fully or partially owned or leased, identify barriers and develop a plan for barrier removal, which is referenced as a transition plan.

28 CFR 35.150 Existing Facilities

(d) (3) *The plan shall, at a minimum-*

- (i) Identify physical obstacles in the public entity's facilities that limit the accessibility of its programs or activities to individuals with disabilities;*
- (ii) Describe in detail the methods that will be used to make the facilities accessible;*
- (iii) Specify the schedule for taking the steps necessary to achieve compliance with this section and, if the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period; and*
- (iv) Indicate the official responsible for implementation of the plan.*

The City has designated Patrick S. Koenig as the ADA Coordinator and he will be responsible for the continued development and implementation of the Draft Title II Self-Evaluation and Transition Plan.

IV. B. Department Participants

Representatives of every City department participated in completing the Self-Evaluation.

IV C. Structure for Reporting the Findings

The format utilized to compile the Self-Evaluation survey data is MS Excel. The survey findings can be located for review on the City's network at:
N:\ADASelfEvaluationSurvey\ADASelfEvaluationSurvey-DataSheetwith graphsCOPY.xls

IV D. Overview of Strengths and Areas Needing Improvement

This item has been identified as needing to be addressed in the future.

IV E. Modifications to Policies and Practices

This item has been identified as needing to be addressed in the future.

V. Effective Communication

V. A. Elements of Effective Communication

Access to programs, services, and activities is not possible without effective communication. Members of the public, using various forms of communication, routinely contact the City to gain access to programs and information.

28 CFR.35.160 (Subpart E) Communications

(a) (1) A public entity shall take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others.

Not all methods of communication are equally accessible to everyone. One form of communication that is effective for one person may not be for another. For this reason, the ADA emphasizes 'equal' access rather than the 'same' access. For example, offering a brochure in large print may be accessible to a person with low vision but not to a person who is blind. People with sensory and cognitive disabilities face the most communication barriers. Since most methods of communication tend to cater to the 'average person,' people with vision and hearing impairments often encounter barriers. The same is true for people with intellectual disabilities, learning disabilities, traumatic brain injuries, psychiatric disabilities, and speech impairments. Offering information in a variety of formats reduces barriers and increases access.

It is important to note that effective communication applies to all forms of communication, and the City shall do whatever is necessary to ensure communication is accessible to all people with disabilities. The City departmental Self-Evaluation has identified areas which need further evaluation to ensure compliance is met.

V. B. Methods for Providing Effective Communication

Providing effective communication means offering auxiliary aids and services to enable someone with a disability to participate in all City programs, services, and activities.

In order to be effective, persons with disabilities must have an opportunity to request an auxiliary aid or service. Primary consideration must be given to the requested auxiliary aid or service. However, another method of

communication may be implemented if it is effective for the person making the request.

28 CFR 35.160 (b) General

(1) A public entity shall furnish appropriate auxiliary aids and services where necessary to afford qualified individuals with disabilities, including applicants, participants, companions, and members of the public, an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity of a public entity.

(2) The type of auxiliary aid or service necessary to ensure effective communication will vary in accordance with the method of communication used by the individual; the nature, length, and complexity of the communication involved; and the context in which the communication is taking place. In determining what types of auxiliary aids and services are necessary, a public entity shall give primary consideration to the requests of individuals with disabilities. In order to be effective, auxiliary aids and services must be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability.

The expense of making communication effective may not be charged to a person requesting the accommodation. A policy and procedure for requesting an aid or service is necessary to ensure consistency in administration and City compliance with the ADA. Several examples of auxiliary aids and services are identified in the regulations:

(1) Qualified interpreters on-site or through video remote interpreting (VRI) services; note takers; real-time computer-aided transcription services; written materials; exchange of written notes; telephone handset amplifiers; assistive listening devices; assistive listening systems; telephones compatible with hearing aids; closed caption decoders; open and closed captioning, including real-time captioning; voice, text, and video-based telecommunications products and systems, including text telephones (TTYs), videophones, and captioned telephones, or equally effective telecommunications devices; videotext displays; accessible electronic and information technology; or other effective methods of making aurally delivered information available to individuals who are deaf or hard of hearing;

(2) Qualified readers; taped texts; audio recordings; Brailled materials and displays; screen reader software; magnification software; optical readers;

secondary auditory programs (SAP); large print materials; accessible electronic and information technology; or other effective methods of making visually delivered materials available to individuals who are blind or have low vision.

Effective communication most often involves people with sensory disabilities such as hearing, vision, and speech but also includes people with intellectual, memory, and psychiatric disabilities. For example, a constituent who is deaf or hard of hearing attending a council meeting is not able to access auditory information without the aid of a sign language interpreter, FM system (amplified aural form) or real-time captioning. In addition, a person who is deaf may not be able to contact a City staff person's phone without the use of a TTY (teletypewriter) or Washington Relay Services 7-1-1. These are just a couple examples of how auxiliary aids and services ensure effective communication.

The departmental City-wide Self-Evaluation survey has identified several areas which will require modifications to the current practices of providing effective communication.

VI. The ADA Transition Plan

VI. A. Plan Overview of the Public Right-of-Way (PROW)

The physical field assessment process began with a City-wide evaluation of all existing curb ramps and nonexistent curb ramps at pedestrian street crossings to determine ADA compliance.

To complete the public right-of-way element assessments, future evaluations will need to include:

- pedestrian access routes within sidewalks;
- accessible pedestrian signals (APS) and pushbuttons;
- on-street metered and/or marked parking spaces;
- passenger loading zones; and
- Transit bus stops.

VI. B. Field Assessment Processes and Findings for:

1. Public Right-of-Way

In June 2013, the City Public Works Department hired student engineering interns to complete a thorough City-wide ADA field survey of all existing and nonexistent curb ramps.

The consultant conducted a training session for applicable staff and interns to ensure a consistent assessment process would be applied. The training included an overview of the ADA; the application and technical criteria of the Proposed Access Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG), July 26, 2011; an experiential sensitivity and awareness component; overview of the field curb ramp and photo documentation process; the review of the field assessment tools and the City's GIS asset management process.

The field survey assessment began June 27 and was completed October 4, 2013. The ADA Title II Summer 2013 Curb Ramp Data Capture Report, [Attachment H](#), findings identified a total of 4,519 curb ramps with 112 or 3.73% of existing curb ramps as compliant and 2,883 or 96.26% of existing curb ramps as non-compliant. In addition, there are 1,524 nonexistent identified curb ramps which indicates curbs have not been modified to a curb ramp and are a barrier to pedestrian access. For budgetary purposes an estimated replacement cost for a non-compliant curb ramp, based on the City's Summer 2013 construction season projects, is \$8,000. Should the 4,407 non-compliant curb ramps be modified to meet compliance, the estimated budget expenditure would be \$35.2M. Further evaluation of the curb locations will be required to determine applicability and safety issues.

2. Parks and Recreation

This item has been identified as needing to be addressed in the future.

3. Leased, Owned, or Operated Facilities

This item has been identified as needing to be addressed in the future.

VI. C. Prioritization and Implementation Plan

The City of Redmond is committed to meeting City-wide compliance for all facilities and understands this effort will require a long term strategic program. The interim step for the department of Public Works is to prioritize curb ramp improvements which will require dedicated staff and resources.

28 CFR 35.150(d)

If the public entity has responsibility or authority over streets, roads, or walkways, its transition plan shall include a schedule for providing curb ramps or other sloped areas where pedestrian walks cross curbs, giving priority to walkways

serving entities covered by the Act, including State and local government offices and facilities, transportation, places of public accommodation, and employers, followed by walkways serving other areas.

City staff must establish a priority criteria for meeting curb ramp compliance and should include:

- Receipt of community member comments including people with disabilities.
- Identified routes of travel of pedestrians with disabilities serving organizations and facilities, such as a Senior Center.
- Proximity to medical facilities, public transit stops, City Hall, libraries, parks and recreation facilities and schools.

VI. D. Funding Mechanisms and Schedule of Future Improvements

Established Funding Mechanisms:

- The City of Redmond 2013-2014 Sidewalk Improvement Program has identified \$30,000 for ADA curb ramp improvements.
- The City of Redmond Pavement Management Program- a portion of the annual approved budget of \$1.2M for 2013-2014 is applied to remedial upgrades of curb ramps within the pavement overlay area.

Other Potential Funding Mechanisms:

- Private development and redevelopment projects that require PROW improvements
- City of Redmond General Fund/Capital Improvement Program
- Grants from FHWA, Community Development Block Grant (CDBG)

1. Schedule for Implementation

This item has been identified as needing to be addressed in the future.

2. Future Financial Picture

This item has been identified as needing to be addressed in the future.

VI. E. Public Involvement

This item has been identified as needing to be addressed in the future.

VI. F. Designated Responsible Individual

The designated City of Redmond ADA Coordinator is:

Patrick S. Koenig
Human Resources
Redmond City Hall
15670 NE 85th Street, Third Floor North
Redmond, Washington 98052
PO Box 97010 Mail Stop: 3NHR
Redmond, Washington 98073-9710
Email: pkoenig@redmond.gov
425-556-2178/ Fax 425-556-2129

VI. G. Monitoring the Process

The Public Works staff is developing an ongoing process to maintain a current curb ramp inventory in the City's Geographic Information System (GIS).

VI. H. Current Improvement Practices Recommendations

This item has been identified as needing to be addressed in the future.

VI. I. Critical Steps for Meeting ADA Compliance

- Establish an official ADA Program with dedicated personnel and an ongoing source of funding.
- Adopt and implement a City-wide Title II Self-Evaluation and Transition Plan.
- Develop and nurture a cultural shift throughout the City organization.
- Cultivate rigorous staff dedication to apply ADA in all aspects of the City's programs, services and activities.
- Provide personnel education about the ADA and risks of non-compliance.
- Review current policies and procedures and modify to meet ADA compliance as identified in the departmental Self-Evaluation survey.
- Formally adopt and consistently apply the ADA Proposed PROWAG, 2011 Guidelines on all related projects as well as to all related Codes and Standards.

- Ensure MUTCD Part 6, Temporary Traffic Control Zone Activity requirements are implemented on all projects affecting PROW in order to ensure pedestrians with disabilities have a safe accessible route of travel at construction sites.
- Consider a Geographic Information System (GIS) technician be assigned to support the Public Works ongoing management of public right-of-way field needs.

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Appendices / Attachments

- A. Self-Evaluation Departmental Survey Excerpts
- B. City of Seattle Executive Order No.01-2012
- C. Draft Policy and Procedure for Grievance under the Americans with Disabilities Act
- D. Draft Notice under the Americans with Disabilities Act
- E. City of Redmond Resolution memo: Adoption of Americans with Disabilities Act (ADA) Transition Plan for Sidewalks and Curb Ramps, September 4, 2007; and City of Redmond Resolution No.1256, passed by City Council, September 4, 2007
- F. Draft Policy and Procedure and related form for Customer Request for Barrier Removal
- G. Draft Design Exception Approval Form for Curb Ramps
- H. ADA Title II Summer 2013 Curb Ramp Data Capture Report

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