



Americans with Disabilities Act Transition Plan

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Chapter 1: Background

Americans with Disabilities Act (ADA) Legislation

ADA was signed into law Jan. 26, 1990, and became effective Jan. 26, 1992. ADA makes discriminating against people with disabilities unlawful.

ADA comprises several sections of the United States Code compiled into five subject areas referred to as titles:

- Employment (Title I),
- Public services (Title II),
- Public accommodations and services operated by private entities (Title III),
- Telecommunications (Title IV),
- Miscellaneous (Title V).

Title II has the broadest impact on the City of Marion (City), as it specifically covers programs, services, or activities relating to areas of public transportation and updating existing infrastructure. Title II requires the City to develop a transition plan to bring facilities into compliance with ADA. This document presents the transition plan the City has developed for pedestrian facilities within the right of way. It does not discuss ADA compliance for buildings.

Title II of ADA

Title II places emphasis on the accessibility of infrastructure within the public right of way. In order to achieve accessibility and consistency, public agencies are required to modify their policies, practices, and procedures to avoid discrimination without altering the fundamental nature of services, programs, or activities. Facilities required to be ADA compliant include:

- Sidewalks,
- Crosswalks,
- Bus stops,
- Pedestrian signals,
- Trails and shared use paths
- Railroad crossings
- Pedestrian ramps, and
- Any other feature related to the safe movement of pedestrians.

Defining ADA Compliance

Features will be considered ADA compliant when they meet the criteria outlined in the documents listed below.

- "U.S. Department of Justice's ADA Standards for Accessible Design" (2010),
- "Revised Draft Guidelines for Accessible Public Rights-of-Way" (2005).

Agencies Affected

All state and local governments with more than 50 public employees are required to prepare a self-evaluation of all roadways and pedestrian facilities within their jurisdiction and develop a transition plan for all noncompliant facilities.

ADA Transition Plan

The purpose of the transition plan is to identify the steps the City will take to achieve ADA compliance for pedestrian facilities. These steps are:

1. Identify physical obstacles limiting the accessibility of programs or activities to individuals with disabilities (see Chapter 2),

2. Describe in detail the methods that will be used to make facilities accessible (see Chapter 3),
3. Develop a Schedule for achieving compliance (see Chapter 4),
4. Identify the City's ADA coordinator who will be responsible for ADA compliance (see Chapter 5),
5. Develop a grievance procedure to review complaints (see Chapter 6),
6. Initiate public involvement and provide community awareness (see Chapter 7).

The first 4 steps are the minimum requirements for a transition plan as set forth by 28 CFR 35.150. The remaining steps are additional requirements for achieving ADA compliance as set forth by Title II.

In addition to the above steps, the City will track and report on their progress (see Chapter 8).

To ensure ongoing compliance with ADA requirements, the City will perform periodic reviews of the plan and update as necessary.

Chapter 2: Features Inventory

To assist with preparing the transition plan, the City used staff to identify and inventory all facilities affected by physical barriers limiting accessibility to individuals with disabilities. This inventory was updated winter of 2016/17. The City staff completed this task by compiling a database of curb ramps, and sidewalks and noting the associated features affected by ADA. Figure 1 shows the inventory locations collected. An inventory of sites is included in Appendix B.

Utilizing GIS ArcMap, and the City of Marion 2014 aerial photography the inventory provided that the City of Marion has approximately 3,491 existing sidewalk ramps. These ramps were further defined by 3 (three) conditional groups. Further investigation will be completed to investigate the possibility of additional ramps to be added to the inventory.

Chapter 3: Design and Construction Guidance

Federal code requires:

- New facilities be designed and constructed such that they are “readily accessible to and usable by individuals with disabilities.”
- Existing facilities be altered such that “the altered portion of the facility is readily accessible to and usable by individuals with disabilities.”

The focus of this chapter is on guidance to:

- Ensure new pedestrian facilities are designed and constructed to be ADA compliant, and;
- Bring existing pedestrian facilities into compliance with ADA.

This chapter also addresses ADA compliance for pedestrian facilities during construction.

New Pedestrian Facilities

To assist both designers and contractors, the City will provide guidance for designing and constructing ADA compliant pedestrian facilities.

Guidance for Designers

The City has adopted and published Chapter 12 of the Iowa Statewide Urban Design and Specifications to assist designers with designing ADA compliant facilities. The guidance is updated as new information from the U.S. Access Board, U.S. Department of Justice, and Federal Highway Administration (FHWA) as released.

Guidance for Contractors

To assist contractors with building ADA compliant facilities, the City will provide them with detailed plan sheets for laying out curb ramps and landings. In addition, the City will modify their Adopted Specifications when necessary to comply with changes to design standards.

Existing Pedestrian Facilities

Existing pedestrian facilities will be brought into ADA compliance by:

- Installing or replacing out of compliance features such as curb ramps and landings;
- Installing or replacing detectable warnings, and;
- Verifying that other features such as sidewalk widths, slopes, surfaces, and changes in level do not violate guidelines.

The same guidance provided above for new facilities will apply to improving existing pedestrian facilities. These improvements will be accomplished either as part of proposed construction projects or as ADA-specific projects. All improvements within the scope and limits of proposed construction projects will be completed with the project. ADA-specific projects will be developed based upon the funding approved by the City of Marion 5 Year Capital Improvement Program.

Part of Proposed Construction Projects

The City currently has an ongoing effort to construct and rehabilitate curb ramps and sidewalks at numerous locations within the City’s public right of way. Typically, the rehabilitation activities involve projects such as overlays and rehabilitation projects, in addition to full reconstruction, utility work, and beautification projects. During these projects, pedestrian access areas will be improved according to ADA requirements.

In order to address ADA accommodation early in the process, the project concept memorandum will include a section/paragraph on ADA accommodation requirements for the project. The project concept memorandum develops alternatives and recommends (after a two to four-week review period) a final alternative to carry forward into preliminary design. Project development begins with the completion of the project concept memorandum issued by the City of Marion Engineering Department.

ADA accommodation is considered throughout the development process beginning with the project concept and continuing through final design.

ADA Specific Projects

ADA specific projects are those specifically designed and funded for ADA improvements. ADA specific projects for public rights of way will include improvements required to eliminate non ADA compliant features.

ADA Compliance during Construction

When pedestrian facilities are disrupted during construction, a pedestrian traffic control plan should be prepared for the project. Any detour routes and open walkways (or sidewalks) should provide accessibility to at least the level of the route prior to construction.

Possible mitigation where ADA accommodations need to be provided during project construction could include:

- Install temporary hot-mix asphalt sidewalk at the required slopes.
- Install pedestal pedestrian push-buttons so they can be moved around when needed (include sound for the blind or visually impaired).
- Place temporary barriers or ADA compliant channelizing devices to channel pedestrians.
- Stage construction work on one-half of the crossing at a time.

Additional steps to consider include:

- Detour pedestrians to the next block to avoid the construction area. This could include a change order to use flaggers to keep pedestrians on the detour.
- Place closures at the sidewalks. Notify advocacy agencies of the closures as required by Section 2528 of the Standard Specifications.
- Install temporary sidewalk.
- Install traffic control devices to channel pedestrians through the construction zone when a detour is not needed.
- Stage the work to minimize the impact to pedestrians and accelerate sidewalk construction.

Chapter 4: Implementation and Schedule

Upgrades to meet ADA requirements can be part of regularly scheduled improvements or maintenance projects, or can be ADA specific projects.

The City **will** participate and provide funding of curb ramps and sidewalks:

1. If the rehabilitation\widening\reconstruction project is on public right-of-way and part of a City approved Capital Project (100%).
2. If the rehabilitation\widening\reconstruction project is on public right-of-way and associated with an annual assessment program for sidewalk extensions (50%).

The City **will not** participate and provide funding of curb ramps and sidewalks:

1. If the rehabilitation\widening\reconstruction project is on public right-of-way and associated with an annual repair program for sidewalk citations of deficiencies (0%).

Funding Sources

1. Funding for ADA associated projects will be provided by the City's Capital Improvement Program.

Priorities

The ADA improvement needs described in Chapter 2 require prioritization in order to meet budget and development restraints. The document titled "ADA Transition Plans: A Guide to Best Management Practices" was used as a basis for setting priorities. This guide was prepared for the American Association of State Highway Transportation Officials (AASHTO) through the National Cooperative Highway Research Program to provide guidance to state highway agencies for developing transition plans for complying with the ADA's administrative requirements.

The priorities as follows will be applied to the ADA deficiencies within City right of way.

Priority 1 - Non-Compliant Ramps (Red): These are ramps that do not have truncated domes. Some of these do not have a curb drop for the ramp at the street. Some of these ramps could be removed in their entirety as there is no need for multiple crossings at the same intersection. 2,427 of the 3,491 ramps are in this category (69.5%).

Priority 2 - Partially Compliant Ramps (Orange): These are ramps that at least have truncated domes. Further inspection of these ramps should be completed, as some could be moved to the compliant ramp category. Many of these were built by residential home builder contractors and so there was less inspection completed on these ramps. 466 of the 3,491 ramps are in this category (13.4%).

Priority 3 - Compliant Ramps (Green): These are ramps that were constructed in 2010 or sooner and were compliant based on the standards of that time. Some of these ramps could exceed the cross slope in the street but for the most part are compliant. These ramps were mainly done as part of City Projects, in which a City Inspector was present and so the likelihood that they are compliant is good. 598 of the 3,491 ramps are in this category (17.1%).

Implementation Plan and Schedule

Identified ADA public rights of way improvements within a project included in the approved City of Marion 5 Year Capital Improvement Program will be completed as part of such projects. Other identified ADA public rights of way improvements will be included in ADA-specific projects and prioritized based on priorities shown above, and scheduled based on the available funding.

The following implementation strategy for ADA-specific projects is proposed. Projects will generally be divided into City-wide projects.

Priority 1-3 Improvements

Within the City of Marion 5 Year Capital Improvement Program, the distribution of funding will be set by the provided funding allowable by the Annual City of Marion Fiscal Year Budget. The budget will provide for the Sidewalk Assessment Program and the Sidewalk Ramp Repair Program as well as associated costs for Capital Projects.

The following is the estimated schedule:

Fiscal Year	Funding	Remarks
FY 17-18	\$97,500	Sidewalk Assessment Program
FY 17-18	\$97,500	Sidewalk Ramp Repair Program
FY 18-19	\$100,000	Sidewalk Assessment Program
FY 18-19	\$100,000	Sidewalk Ramp Repair Program
FY 19-20	\$102,500	Sidewalk Assessment Program
FY 19-20	\$102,500	Sidewalk Ramp Repair Program
FY 20-21	\$105,000	Sidewalk Assessment Program
FY 20-21	\$105,000	Sidewalk Ramp Repair Program
FY 21-22	\$107,500	Sidewalk Assessment Program
FY 21-22	\$107,500	Sidewalk Ramp Repair Program

*Tentative, based on the City of Marion 5 Year Capital Improvement Program, to be updated annually. The Schedule will be updated accordingly to reflect new funding levels.

The schedule and priorities shall be tracked, reviewed, and adjusted as described in Chapter 8.

Chapter 5: ADA Coordinator

The Marion City Manager, or his/her designated representative, will serve as the ADA Coordinator. The contact information is as follows:

City of Marion Iowa
Marion City Manager
1225 6th Avenue, Suite 200
Marion, Iowa 52302
Office 319-743-6300
www.cityofmarion.org

Chapter 6: Grievance Procedure to Review Complaints

The City of Marion is required to adopt and publish procedures for resolving complaints arising under ADA's Title II. The procedures are intended to set up a system for resolving complaints of disability discrimination in a prompt and fair manner. Appendix A contains the form used to review complaints.

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 by the City of Marion, Iowa. The City'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:

- City Manager / ADA Coordinator
- Marion City Hall
- 1225 6th Avenue
- Marion, Iowa 52302

Within 15 calendar days after receipt of the complaint, City Manager or his designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, City Manager or his 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 the position of the City of Marion and offer options for substantive resolution of the complaint.

If the response by City Manager or his designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after the receipt of the response to the Marion City Council or its designee.

Within 15 calendar days after the receipt of the appeal, the Marion City Council or its designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Marion City Council or its 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 City Manager or his designee, appeals to the Marion City Council or its designee, and responses from these two offices will be retained by the Office of the City Clerk for at least three years.

Chapter 7: Public Involvement and community Awareness

The City has developed a web presence with information explaining the ADA accessible sidewalk program. The site will also include:

- A project list and project updates with photographs, when available;
- Contact information for the ADA compliance coordinator;
- A link to the grievance procedure that has been developed and will be maintained by the City;
- A link to City comment form;
- A link to the Title VI/ADA brochure;
- A link to the Title VI website (the Title VI website will also have a link to this ADA website).

When the website is launched, the City will distribute a news release promoting the new website.

The City will provide for the distribution the transition plan to the following for comment review:

- Department of Human Rights;
- Department of Vocational Rehabilitation;
- Department of the Blind;
- Other civil rights organizations in the state;
- Metropolitan Planning Organizations and Regional Planning Affiliations.

A cover letter will be included explaining the transition plan. Reviewers will submit their comments to the City of Marion ADA Coordinator. Comments received within 30 days will be considered for further action.

The City will include an annual notice in the Engineering Department Project News of the ADA specific projects. This will notify contractors, counties, cities, and other interested parties of the plans for the upcoming construction season. The notice will include why this effort is being made, projects to be let through the regular letting process, and anticipated letting dates for the contractors' planning purposes. The City's letting process provides for local public notification of all projects, including ADA specific projects.

The City will develop a brochure to be distributed at all public involvement meetings held by the City of Marion ADA Coordinator.

Chapter 8: Monitoring and Progress Report

The City will use the following process to monitor construction projects and track ADA compliance:

- Ensure standards are up to date according to ADA requirements for compliance defined in Chapter 1;
- Monitor construction activities or ensure they comply with applicable standards;
- Track progress.

Ensure Standards are up to Date

The City is continually reviewing design guidelines and standards and making necessary changes to comply with the ADA requirements for compliance defined in Chapter 1. When necessary, the Standard Specifications are revised to reflect changes in design guidance and standards.

Monitor Construction Activities

Curb ramps need to be constructed properly and in compliance with all applicable codes and standards. Therefore, the ongoing monitoring of construction activities and reporting of the status of improvements is important in assuring an effective overall program.

Track Progress

The City established a baseline of existing pedestrian crossing locations by documenting the types of existing curb ramps and identifying ADA compliance deficiencies. This was accomplished by field inspection or using GIS and aerial or satellite photography. This inventory is stored in a geospatial database. This allows map displays to be created to show the locations of transition areas and their corresponding level of ADA compliance.

To track progress, surveys and inspections will be continued on a regular basis and the results compared to the baseline. The goal is for inspections to be updated every two to four years depending on the need. These inspections will be based upon the most up to date ADA requirements. Information will be added to the database when new curb ramps are constructed. The tracking procedure will inventory curb ramps, signal push buttons, sidewalks, etc. and track dollars spent. The database will also provide a suitable mechanism for performance measurement.

Projects will typically fall into one of two categories; as a complete ADA-specific project, or as part of a non ADA-specific project. In the case of non ADA-specific projects, specific bid items will be used to track the work for ADA compliance. Otherwise, ADA-specific projects will be listed in the City's Five Year Capital Improvement Program.

Appendix A: Form for Grievance Procedure to Review Complaints

I. Requestor Information

Name: _____ Date: _____
Address: _____

Phone: _____
Email: _____

II. Location of Grievance of ADA Compliance Deficiencies

Street address or description of location:

Signature Date

III. ADA Coordinator Response

Name: _____ Date: _____

Signature Date

IV. Council Appeal

Date: _____

