

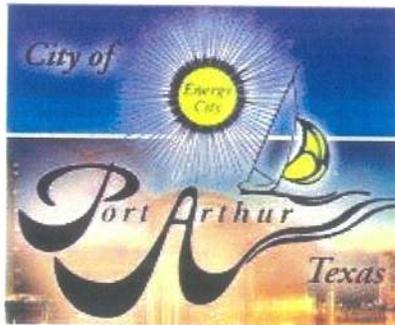
Americans with Disabilities Act

City of Port Arthur, Texas

Draft

TRANSITION PLAN

For Streets, Curb Ramps and Sidewalks



December 15, 2006

PART 1 – ADMINISTRATIVE PROVISIONS

INTRODUCTION

The Americans with Disabilities Act (ADA) was enacted on July 26, 1990 and provides comprehensive rights and protections for individuals with disabilities in the areas of employment, public accommodations, state and local government services, and telecommunications. The law was designed to ensure that persons of all abilities have equality of opportunity, economic self-sufficiency, full participation in American life, and independent living.

The ADA covers individuals with physical or mental impairments that substantially limit a major life activity, persons with a record of such impairment, and persons regarded or perceived as having such impairment.

The City of Port Arthur is committed to ensuring that all its programs, services and activities are accessible to persons with disabilities. In May of 2006, Otten Consulting Group Inc., a national consulting firm specializing in accessibility, was hired to assist the City in assessing access along pedestrian routes in public rights of way.

CITY RESPONSIBILITIES UNDER THE ADA

Access to civic life by people with disabilities is a fundamental goal of the Americans with Disabilities Act, a goal shared by the City of Port Arthur. Title II of the ADA requires city governments to ensure that each of its programs, services, and activities, when viewed in their entirety, are accessible to people with disabilities. This emphasis on access to programs, as opposed to access to buildings or facilities, distinguishes the requirements for public entities from those for private places of public accommodation.

“Program Access” may be achieved in a variety of ways: City governments may choose to make structural changes to existing facilities to achieve access; or they can pursue a variety of non-structural alternatives to achieve program accessibility. For example, city governments can choose to renovate a non-accessible building, relocate services to an accessible level of a building or to another building that is fully accessible, or to deliver services in an alternate accessible manner. When choosing among possible methods of achieving program access, however, city governments must give priority to the choices that offer programs, services and activities in the most integrated setting appropriate. In addition, all newly constructed and renovated facilities must be fully accessible to people with disabilities.¹

Program access covers the whole range of city services and programs, including access along sidewalks and at intersections in the public right-of-way. In providing access, city governments are not required to take any action that would result in a fundamental alteration to the nature of

¹ 28 C.F.R. §§ 35.149, 35.150, 35.151, 35.163.

any program, service or activity or that would result in undue financial and administrative burdens. If an action would result in such an alteration or such burdens, the City must take any other action it can to ensure that people with disabilities receive the benefits and services of the program or activity². Curb ramps and walkways at intersections and along public rights-of-way are defined by the ADA as “facilities” of the jurisdiction that has control over them.

Transition Plan

In the event that structural changes are required to achieve program accessibility, public entities must develop a Transition Plan setting forth the steps necessary to complete such changes. That plan is required to identify physical obstacles in the public entity’s facilities that limit accessibility to its programs or activities to individuals with disabilities; describe in detail the methods that will be used to make the facilities accessible; specify the schedule for taking the steps necessary to achieve compliance in making the facilities accessible; and indicate the official responsible for implementation of the plan. This document is a component of the City of Port Arthur’s more comprehensive ADA Transition Plan and addresses accessibility along walkways and at intersections, including associated curb ramps in public rights of way under the jurisdiction of the City of Port Arthur.

Where a public entity has responsibility or authority over streets, roads, or walkways, the Transition Plan is to include a schedule for providing curb ramps where pedestrian walks cross curbs, giving priority to curb ramps and walkways serving entities covered by the Act.

This Transition Plan addresses the provision of accessible curb ramps where pedestrian routes cross curbs, and incorporates by reference a survey of City intersections and sidewalks, sufficient to prioritize the construction of new curb ramps and sidewalks, or repair/replace of existing curb ramps and sidewalks. The City will construct, repair or replace sidewalks and curb ramps per the priorities set forth in this document.

Responsible Employee

The official responsible for implementation of the City’s ADA Transition Plan is Mr. John Comeaux, Director of Public Works, 444 4TH Street, Port Arthur, Texas 770640; telephone (409) 983-8182.

Sidewalks & Curb Ramps

The City of Port Arthur recognizes that pedestrian walkways or sidewalks that are the responsibility of the City often play a key role in providing access to government programs and services and to the goods and services offered to the public by private businesses. When walkways cross a curb at intersections, a ramp or sloped surface is needed. Curb ramps allow people with mobility impairments to gain access to the sidewalks and to pass through center islands in streets.

² 28 C.F.R. § 35.150(a)(3)

Whenever the City constructs new roads or alters existing roads, it is committed to installing curb ramps where public walkways cross curbs at intersections. Without the required curb ramps, sidewalk travel in Port Arthur may be dangerous, difficult, and in some cases impossible for people who use wheelchairs, scooters and other mobility aids to navigate. Likewise, when new sidewalks or walkways are built or altered, the City is committed to ensuring that curb ramps or sloped areas are provided wherever they intersect with streets or roads. The City recognizes that resurfacing a street or sidewalk is considered an alteration for these purposes.

At existing roads and sidewalks that are not being altered, the City may choose in some cases to construct curb ramps at every point where a pedestrian walkway intersects a curb, or it may chose to provide curb ramps at only select corners or at other locations if equal access to the programs served by these walkways can be ensured. Alternative routes to buildings that make use of existing curb ramps may be acceptable where people with disabilities must only travel a marginally longer route.

The City has evaluated its existing system of sidewalks and has developed a schedule to provide accessible curb ramps where pedestrian walkways cross curbs. In setting timelines for implementing this Transition Plan for existing curb ramps, the actual number of curb ramps installed in any given year is limited by the City's financial and administrative limitations. The City has established an ongoing procedure for installing curb ramps upon request in both residential and nonresidential areas frequented by individuals with disabilities³.

Policies and Standards

The policy of the City is to ensure that all newly installed or renovated curb ramps fully comply with the federal ADA Guidelines and the Texas Accessibility Standards. In areas with hilly terrain or other site constraints, the City is committed to following these guidelines and standards to the greatest extent feasible.

To ensure and maintain the greatest degree of program accessibility, the City has solicited input from the public during development of this component of its Transition Plan, and has adopted procedures for allowing the public to request curb ramps at specific intersections frequented by people with disabilities.

Grievance Procedures

The City has adopted and published grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by Title II. The City's grievance procedure and related forms for this Transition Plan are described in Attachment 1.

Complaints of alleged noncompliance and grievances concerning sidewalks and curb ramps, should be directed to John Comeaux, Director of Public Works ADA, 444 4th Street, Port Arthur, TX. 77640, telephone (409) 983-8182, or by email.

³ 28 C.F.R. §§ 35.150(d)(2); 35.151(e)

PART 2 - CITYWIDE SIDEWALK AND CURB RAMP SURVEY

INTRODUCTION

The City of Port Arthur has approximately 1,676 intersections. Otten Consulting Group was hired to assess compliance at pedestrian walkways, including sidewalks and curb ramps at intersections, along the City's public rights of way.

METHODOLOGY

Inspections were conducted during the month of June, 2006 and included visual observation, forensic measurements of select curb ramps to determine the degree of compliance with ADA Accessibility Guidelines for Buildings and Facilities and the Texas Accessibility Standards, and photographic documentation.

The overall results of the survey are maintained in a proprietary web-based database (provided and maintained by Otten Consulting Group) that was specially developed for the City of Port Arthur. The data is both voluminous and repetitive and is summarized in the text of this Report. A complete electronic copy of the report data is available upon 72-hour advance notice at the office of John Comeaux, Director of Public Works, 444 4th Street, Port Arthur, Texas, (409) 983-8182.

Accessibility Criteria & Priorities

The degree of accessibility at intersections and along pedestrian walkways (both built-up sidewalks and natural-terrain paths) is based on a four level rating system from A to D, where the meanings assigned are as follows:

- A. Accessible & Compliant
- B. Fairly Accessible
- C. Marginally Accessible
- D. Nonaccessible

Criteria used to determine an intersection's rating included the presence or absence of curb ramps at intersections where a pedestrian route (marked or not) crossed a curb; and the degree to which existing curb ramps complied with the above referenced standards.

The scope and intent of the assessment did not require a detailed inspection of each existing curb ramp or potential curb ramp location. Nor was the objective to perform a detailed assessment of sidewalks or potential sidewalk sites as neither would have had a meaningful impact on the reliability of the data gathered. This is because the City of Port Arthur has a relatively small number of existing curb ramps and a relatively limited number of continuous spans of serviceable sidewalks.

Areas of the City were identified according to the criteria established above, and are depicted graphically on maps included in this report. Maps included in this report depict information as of the date of the Report. Because compliance information will change dynamically over time, Otten Consulting Group has included a Geographical Information System (GIS) module in its web-based software that always displays current information from the database geographically on street and satellite maps of the City.

Reducing Repetitive Data

In the interest of minimizing the recording of repetitive data an effort was made to identify areas where intersections, sidewalks and curb ramps shared common ratings and assigning such ratings to the entire area. These areas (Areas 1 through 10) are identified as shaded polygons on the mapping software. Only two rating classes warranted the establishment of shaded areas of significant size: C (Marginally accessible); and D (Inaccessible). These areas are depicted as orange and pink polygons, respectively. Where public facilities, public schools, government offices, parks and bus routes are found in these shaded areas, the intersections and street segments on the perimeter of such facilities and along the bus routes are given individual attention because their proximity to these facilities likely warrants a higher priority than other intersections in these shaded areas.

Inspection Database

Sidewalk and curb ramp inspection data are maintained in a proprietary database especially developed for the City of Port Arthur by Otten Consulting Group utilizing the company's proprietary web-based *ADAPlanWare* software. The database is quite large and the contents could not feasibly be presented in this report. A full compilation of the database contents is available for public inspection at the office of the Director of Public Works, 444 4TH Street, Port Arthur, Texas, with a 48-hour advance notice requested. Summary reports describing the results of the sidewalk and curb ramp surveys are included on subsequent pages of this Transition Plan.

Inspection Data Organization

The database is hierarchically organized with the two highest levels being Sites and Facilities. The Site level of the hierarchy is used to both group inspection data and to identify the features or facilities associated with the groupings. The following groupings are employed:

- Areas
- Bus Routes
- New Construction
- PAISD (Port Arthur Independent School District)
- PF (Public Facilities)
- Typical Photographs

The PAISD designation is used as a prefix to effectively group all of the public schools together. This simplifies looking at the school as a group and makes it possible to easily use the filtering or selection capabilities of *ADAPlanWare* to view only school related data. Likewise, the PF designation is used as a prefix to effectively group all of the public facilities. The Typical

Photographs designation is used to group all of the digital photographs not specifically associated with one of the other data groupings. Photographs that are representative of intersections, sidewalk segments or sites are found within the boundary of their shaded polygons.

At the Facilities level, intersections and sidewalk segments are identified. Intersections are identified by connecting the intersecting street names with an "&" e.g., "Procter St & Waco Ave" or "W. Thomas Blvd & Herget Ave". Sidewalk segments are identified by placing the inclusive address range enclosed in parentheses preceding the name of the street of interest e.g., "(400 – 999) Procter St". In most instances it was possible to ascertain the address range for sidewalk sites or segments based on street number data associated with the adjacent street segments found on standard electronic maps of the City of Port Arthur. Where it was not possible to ascertain these street numbers, streets intersecting the street of interest were placed in the parenthesis to indicate the starting and ending points of sidewalk sites e.g., "(9TH Ave - Twin City Hwy) HWY 365" or "(Oakmont Dr - 9TH Ave) Turtle Creek Dr".

CURB RAMPS

By and large, curb ramps in the City were found to be either nonexistent or noncompliant. Where curb ramps were found to be compliant, they were generally those constructed within the last few years, although recent construction did not necessarily guarantee compliance. The City of Port Arthur requires compliance with the ADA Accessibility Guidelines for Buildings and Facilities and the Texas Accessibility Standards during design and construction of curb ramps. It is the City's policy that all newly constructed or repaired curb ramps be designed and constructed in compliance with these standards.

SIDEWALKS

While sidewalks are not explicitly required to be included in the City's ADA Transition Plan, walkways were included in the City's assessment of public rights-of-way and are an essential element in the provision of equal access to civic life for persons with disabilities. ADA regulations for cities do require that a public entity maintain in operable working condition those features of facilities that are required to be readily accessible to and usable by persons with disabilities. Providing accessible curb ramps without providing access along adjoining walkways effectively negates the benefits of such construction.

PRIORITIZATION

Prioritizing the repair and installation of curb ramps and walkways should be a fluid process, synthesizing the expressed needs of citizens with disabilities, the City's financial ability to underwrite the cost of such construction, the relative cost of construction and alterations to the overall need city-wide, and this general order of priorities:

1. Walkways and curb ramps serving government buildings and facilities;
 - 1.1. State, county and local government buildings;
 - 1.2. Public hospitals, health clinics, and medical clinics;
 - 1.3. Public schools and other educational facilities

- 1.4. Community centers, public parks, and other recreation facilities;
2. Curb ramps at bus stops and other transportation services;
3. Walkways and curb ramps serving places of public accommodation (especially in business districts);
4. Walkways serving residential areas.
5. Walkways and curb ramps that do not fall into any of the above groups.

In addition to a schedule of predetermined sidewalk and curb ramp projects and their associated costs, the Public Works Department should establish an annual contingency for unplanned requests for curb ramps and sidewalks, and for emergency repairs.

The City must also ensure that whenever a street is constructed, regarded or resurfaced, or whenever a public works project impacts curb ramps or walkways in the public right of way, that accessible curb ramps are provided along pedestrian routes, and where feasible that accessible walkways are constructed or existing walkways are made accessible.

RECOMMENDATIONS

PUBLIC PARTICIPATION

A valid Transition Plan requires participation from interested individuals. It is recommended that the City provide an opportunity for citizens and other interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the Transition Plan by submitting comments and making specific recommendations. A copy of the draft Transition Plan should be made available for public inspection during a formal citizen review period. A list of interested parties consulted during the public comment period should be maintained on file for a period of 3 years following adoption of the Transition Plan.

ADA ADVISORY COMMITTEE

It is recommended that the City establish an ad-hoc ADA Advisory Committee with representation from major stakeholder groups in the City. Stakeholders could include representatives from City departments and administration, Port Arthur ISD, Lamar State College, the Greater Port Arthur Chamber of Commerce, groups or organizations representing persons with disabilities, and other interested individuals. The ADA Advisory Committee would provide direction regarding prioritization of Transition Plan items, solicitation of input and dissemination of information between their respective stakeholder groups, and other advisory duties. The Committee would serve at the pleasure of the City Council.

TRANSITION PLAN BUDGET

The cost to bring public rights of way throughout the City of Port Arthur into full compliance with the ADA would be prohibitive, and will necessarily be an ongoing process for the foreseeable future. Developing a specific schedule for the installation and/or renovation of curb

ramps and walkways will require coordination among the ADA Advisory Committee, the City's ability to fund such construction and alterations through capital budgets, Community Development Block Grant funds, and requirements imposed by the City upon businesses, homeowners and other property owners during renovations affecting the public rights of way.

The result should be a dynamic plan that addresses each of these factors each year. *ADAPlanWare* is available as a resource to provide the tools with which this plan can be effected over the next decade.

ATTACHMENTS