

CITY OF SAN RAFAEL POLICIES AND PROCEDURES



Policy No.	120-03
Subject:	ADA- Sidewalk, Street Level Pedestrian Walkways & Curb Ramp Policy
Resolution No.	N/A
Issue Date:	January 1, 2005
Revision Date:	N/A
Prepared By	Ken Nordhoff, Assistant City Manager
Approved By:	Rod Gould, City Manager
ADA Access Advisory Committee Approval Date:	January 5, 2005
DOJ S.A.	34, 35 (Part 1), 36, 37 (Part 1)

I. PURPOSE:

The City of San Rafael is required under the Americans with Disabilities Act (ADA) to establish a Transition Plan for barrier removal. The Transition Plan must develop a schedule for installing curb ramps at various locations throughout our community.

II. RESPONSIBILITY:

Public Works Department; ADA Coordinator; employees involved with public right of way construction, alteration or improvement; employees involved in economic development, redevelopment of private development project approvals

III. DEFINITIONS:

Curb Ramps & Pedestrian Walkways -

Under the ADA, public entities that have responsibility or authority over streets, roads, or walkways must include in their Transition Plan a schedule for providing curb ramps or other sloped areas where pedestrian walks cross curbs. Priority must be given to walkways serving state and local government offices and facilities, transportation, places of public accommodation, and employers, followed by walkways serving other areas.

Newly constructed or altered streets, roads, and highways must contain curb ramps or other sloped areas at any intersection having curbs or other barriers to entry from a street-level pedestrian walkway. Also, newly constructed or altered sidewalks or paths must contain curb ramps or other sloped areas wherever they intersect with streets, roads, or highways.

IV. POLICY:

In compliance with the Department of Justice (DOJ) Settlement Agreement, entered into on August 5, 2004, the City of San Rafael is required to implement procedures for receiving input from disabled persons with respect to the accessibility of sidewalks, and street level pedestrian walkways (i.e.

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crosswalks). The City shall install or correct disabled access curb ramps where pedestrian walks cross curbs. In addition, curb ramps and pedestrian street level walkways are required to be completed within a specific time period defined in the Settlement Agreement. This Policy is intended to establish such procedures, as well as identify some guidelines for determining how specific curb ramp requests will be considered. Lastly, the Policy shall satisfy compliance components identified under the DOJ Settlement Agreement.

REQUIREMENTS UNDER THE DOJ SETTLEMENT AGREEMENT:

A. Within one year of the effective date of the Settlement Agreement, the City will implement and report to the Department its written process for soliciting and receiving input from persons with disabilities regarding the accessibility of its sidewalks, including requests to add curb cuts at particular locations.

B. Within one year of the effective date of the Settlement Agreement, the City will identify and report to the Department all streets, roads, and highways that have been constructed or altered since January 26, 1992. Paving, repaving, or resurfacing a street, road or highway is considered an alteration for the purposes of the Settlement Agreement. Filling a pothole is not considered an alteration for the purposes of the Settlement Agreement. Within ten years and six months of the effective date of the Settlement Agreement, the City will provide curb ramps or other sloped areas complying with the Standards or UFAS at all intersections of the streets, roads, and highways identified under this paragraph as having curbs or other barriers to entry from a street level pedestrian walkway.

C. Beginning no later than six months after the effective date of the Settlement Agreement, the City will provide curb ramps or other sloped areas complying with the Standards or UFAS at any intersection having curbs or other barriers to entry from a street level pedestrian walkway, whenever a new street, road, or highway is constructed or altered.

D. Within six months of the effective date of the Settlement Agreement, the City will identify all street level pedestrian walkways that have been constructed or altered since January 26, 1992. Paving, repaving, or resurfacing a walkway is considered an alteration for the purposes of the Settlement Agreement. Within ten years and six months

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of the effective date of the Settlement Agreement, the City will provide curb ramps or other sloped areas complying with the Standards or UFAS at all places where a street level pedestrian walkway identified under this paragraph intersects with a street, road, or highway.

E. Beginning no later than six months after the effective date of the Settlement Agreement, the City will provide curb ramps or other sloped areas complying with the Standards or UFAS at all newly constructed or altered pedestrian walkways where they intersect a street, road, or highway.

V. PROCEDURES:

A. *Solicitation and Receipt of Sidewalk Accessibility and Curb Ramp Requests:*

The Department of Public Works shall solicit and receive input on accessibility of its sidewalks, including requests for curb cuts, as follows:

- a) The Public Works Department shall select a designated employee to receive, evaluate and respond to request for curb ramps. Public Works shall solicit and receive written or verbal requests from persons with disabilities for installation of curb ramps. Said request may be made using a variety of communication media (i.e. e-mail; letters, phone calls, etc.)
- b) At least annually, the Capital Improvement Project (CIP) Committee, shall review public requests for sidewalk accessibility improvements and curb ramps and provide input regarding the requests to the ADA Access Advisory Committee for its review and recommendations to the Public Works Department.
- c) Written responses shall be given to members of the public who request sidewalk accessibility improvements or curb ramps.
- d) This Policy shall be sent to the DOJ by August 5, 2005 in order to satisfy a Settlement Agreement requirement.

B. *Curb Ramps tied to Street Paving*

1. By August 5, 2005, the City shall have identified and reported to the DOJ all streets, roads, and highways that have been constructed or altered since January 26, 1992.

2. The City shall provide curb ramps or other sloped areas at all intersections of the streets, roads, and highways identified in Section V(B)(1) by February 5, 2015.

- a) The Public Works Department will complete projects on a cyclical basis.
- b) The ADA Access Advisory Committee shall review and approve of the methodology for completing curb ramps on streets that were altered or repaved since January 26, 1992. Priorities for ramp completion will be

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based upon concentrated geographic areas in the City that provide services or access to the disabled community.

3. Beginning August of 2004, the City shall provide curb ramps or other sloped areas at any intersection whenever a new street, road, or highway is constructed or altered.

C. Street Level Pedestrian Walkways

1. By August 5, 2005, the City shall have identified and reported to the DOJ all street level pedestrian walkways (crosswalks) that have been constructed or altered since January 26, 1992.

2. The City shall provide curb ramps or other sloped areas at all identified street level pedestrian walkways identified in Section V(C)(1) by February 5, 2015.

3. Beginning August of 2004, the City shall provide curb ramps or other sloped areas at all newly constructed or altered pedestrian walkways.

D. Additional Curb Ramps outside of DOJ Requirements:

In addition to Sections V(C) and V(D) noted above, curb ramps may also be installed on City property, as funding allows, based upon the following priority list of locations:

- a) Public buildings, places of public accommodations and public programs (including government offices, bus stops, schools and public transportation centers).
- b) General services centers (public and private) such as hospitals, health organizations, and social service agencies.
- c) Publicly owned parking lots and spaces adjacent to commercial or retail centers.
- d) Primary pedestrian pathways (to facilities listed in a, b and c above).
- e) Secondary pedestrian pathways in residential neighborhoods.
- f) Written or verbal requests from persons with disabilities for installation of curb ramps at locations other than those listed above.

E. Additional Procedures:

1. Curb ramps shall be installed with all major street pavement rehabilitation or reconstruction projects, with the cost of the curb ramps provided from the funds allocated for the project.

2. Major street pavement rehabilitation or reconstruction projects shall not include projects which are minor repairs or maintenance activities, such as slurry seal, seal coat or patching potholes, etc.; minor repairs or maintenance activities do not require the installation of curb ramps.

3. All utility companies, (including, but not limited to, cable, electric, gas, and phone companies as well as sanitation districts) shall be required to install curb ramps if their construction activities involve performing work that would create an alteration to, or construction of, a sidewalk or a street intersection. Curb ramps for utility companies are also required when their project requires resurfacing a portion of a City street.

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4. Utility companies also shall be required to construct curb ramps when their projects require resurfacing of a City street.

Curb ramp improvements will be completed using the current Federal Standards, UFAS, or approved State standards (CalTrans) at the time the ramp improvements are constructed. City staff will modify or update ramp standards as Federal or State standards are changed.

APPROVED BY:



01/24/05

ROD GOULD, City Manager

Date