Whatcom County

ADA Transition Plan

Within Public Rights-of-Way

Prepared by

transpogroup

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Whatcom County
311 Grand Avenue, Suite 105
Bellingham, Washington 98225
360-778-5010
www.whatcomcounty.us

COUNTY ADMINISTRATION

Jon Hutchings, Director of Public Works

COUNTY COUNCIL MEMBERS

Rud Browne
Todd Donovan
Tyler Byrd
Kathy Kershner
Ben Elenbaas
Barry Buchanan
Carol Frazey

PREPARED BY

Transpo Group
12131 113th Ave NE, Ste. 203
Kirkland, WA 98034

Additional copies of this document are available online at www.whatcomcounty.us/ADATransitionPlan

This plan can be made available in an alternate format by emailing the Human Resources Manager, ADA Coordinator, at hr@co.whatcom.wa.us or by calling 360-778-5300. Persons who are deaf or hard of hearing may make a request by calling the Washington State Relay at 711.

For questions about Whatcom County's ADA Transition Plan, please contact
Whatcom County - Department of Public Works
322 N Commercial Street, Ste 210
Bellingham, WA 98225
360-778-6200

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Appendix C – Maximum Extent Feasible Template

Appendix D – Public Involvement

Appendix E – GIS Inventory

Appendix F – Cost Estimate Backup

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Executive Summary

This Americans with Disabilities Act Self-Evaluation and Transition Plan establishes the Whatcom County's ongoing commitment to providing equal access for all, including those with disabilities. In developing this plan, Whatcom County has undertaken a comprehensive evaluation of its facilities and programs within the public rights-of-way to determine what types of access barriers exist for individuals with disabilities. This plan will be used to help guide future planning and implementation of necessary accessibility improvements.

Both the Self-Assessment and the Transition Plan are required elements of the federally mandated ADA Title II, which requires that government agencies provide equal access to programs and services they offer. While the ADA applies to all aspects of government services, **this document focuses on Whatcom County Public Facilities, within public right-of-way. This includes sidewalks, curb ramps, pedestrian pushbuttons, and other public facilities.**

This document summarizes the Self-Assessment, which includes an accessibility assessment of pedestrian facilities as well as practices and procedures which relate to them, such as curb ramp design standards. It also contains a Transition Plan, which identifies a schedule for the removal of barriers and identifies how the County will address requests for accommodations in a consistent manner, see section 5.3 for schedule details.

The County's objective is to remove physical barriers associated with access to public park facilities, building interior pathways, park trails, sidewalks and curb ramps, in association with the Transportation Improvement Program (TIP). The County is committed to removing these barriers as soon as possible, the county will implement a program that will remove the highest priority barriers. In addition, the county is committed to ensuring continued ADA compliance for all capital improvement projects, permitted development, and any other right-of-way construction projects.

1 Introduction

1.1 Plan Requirements and Standards

The Americans with Disabilities Act (ADA) was enacted on July 26, 1990 and provides comprehensive civil rights protections to persons with disabilities in the areas of employment, state and local government services, and access to public accommodations, transportation, and telecommunications.

Counties and other government agencies are required to have an ADA self-assessment and transition plan when they grow beyond a threshold of 50 employees. Accessibility requirements extend to all public facilities. The scope of this plan is focused on accessibility within the public rights-of-way, selected public buildings and parks.

There are five titles, or parts, to the ADA of which Title II is most pertinent to travel within the public rights-of-way and government buildings. Title II of the ADA requires Public Entities to make their existing "programs" accessible "except where to do so would result in a fundamental alteration in the nature of the program or an undue financial and administrative burden." Public rights-of-way, public government buildings, and public parks all fall within the County's programs.

This effort was initiated by Whatcom County to satisfy the requirements of ADA Title II Part 35, Subpart D – Program Accessibility § 35.150 (d)(3) which states:

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

(iv) Indicate the official responsible for implementation of the plan.

The 2010 ADA Standards for Accessible Design (ADAS), is the standards document in which all federal ADA standards are collectively held. The 2010 ADAS and regulations from the 28 CFR Part 36 replaced the 1991 ADA (ADA Accessibility Guidelines (ADAAG)).

The Draft Guidelines for Accessible Public Rights-of-Way was first published by the US Access Board in 2005. The US Access Board's Proposed Guidelines for Pedestrian Facilities in the Public Right-of-Way, or PROWAG, was published for comment in 2011. Both the 2005 and 2011 guidelines have not yet been adopted as standards. Despite this delay, many public entities currently use the draft PROWAG as 'best practice' for features within the public rights-of-way and this practice has been endorsed by the Federal Highway Administration (FHWA) and the US Access Board. The public right-of-way facilities

evaluated under this plan were evaluated against the 2010 ADAS and PROWAG.

1.2 Background

In 1995 Whatcom County Council adopted an ADA Transition Plan and Self-Evaluation, and in 1999 an update to the ADA Transition Plan and Self-Evaluation were adopted. The initial 1995 plan included a statement of requirements, an implementation schedule, a survey of county facilities, and a self-evaluation plan. The 1999 update includes the same elements as well as transition plan notes and updated information for facilities. The transition plans identified 23 facilities for survey and barrier removal. The county removed all barriers identified in the plan and update in accordance with the plan guidelines. The previous plan and update focus on providing access to public buildings and specific programs, but do not provide a robust review of the pedestrian facilities within the public right-of-way.

1.3 Plan Structure

The structure of this plan was organized to closely follow federal ADA transition plan requirements. This includes:

Chapter 1 – Introduction

Chapter 2 – Self-Assessment Documents self-assessment findings including physical barriers as well as practices or design standards that result in accessibility barriers.

Chapter 3 – Stakeholder Engagement Documents public engagement efforts.

Chapter 4 – Barrier Removal Describes both programs and mechanisms the County will use to remove accessibility barriers and identifies a number of detailed recommendations the County should implement to remove accessibility barriers moving forward.

Chapter 5 – Implementation Outlines a schedule for the transition plan, including prioritization of projects, planning level cost estimates and potential funding sources.

Chapter 6 - Current Practices Provides the County with a location to store important and evolving plan information such as where and how this plan should be accessible, annual performance tracking, identification of the official responsible and other items that will change over time.

Best practices were identified and incorporated throughout the planning process beginning with the Scope of Work.

Several associated appendix items are included along with the plan.

Appendix A – Barrier Audit

Appendix B – APS Policy

Appendix C – Maximum Extent Feasible Template

Appendix D – Public Involvement

Appendix E – GIS Inventory

Appendix F – Cost Estimate Backup