ADA Initiatives: City of Dunbar ADA Transition Plan
Please Note:

This presentation does not provide any formal guidance or legal advice
Topics of Discussion

- History of the ADA, PROWAG and ADAAG
- Basic components of Transition Plans/Self-Evaluations
- Overview of Dunbar’s ADA Transition Plan
Passed by Congress in 1990, the Americans with Disabilities Act (ADA) is the nation's first comprehensive civil rights law addressing the needs of people with disabilities, prohibiting discrimination in employment, public services, public accommodations, and telecommunications.
Components of the ADA:

- Title I - Employment
- **Title II - State and Local Governments**
- Title III - Public accommodations and private entities
- Title IV - Telecommunications
- Title V - Miscellaneous
Title II (State and Local Governments):

• U.S. Department of Justice (USDOJ) enforces and regulates

• Section 504 of the Rehabilitation Act of 1973 states that programs and facilities funded with federal money must be accessible

• All programs and new/alterd facilities must be accessible
Discussion

- Training sessions or seminars relating to ADA?
- Self-Evaluation/Transition Plan Timeline
- Self-Evaluations were due over 20 years ago (requirement for all public agencies)
Did You Know?

- **18.8%**: Of West Virginia’s population is disabled (the nation’s highest)
- National Average: **12%**
Did You Know?

ADA improvements benefit everyone
- Non-compliance can lead to adverse consequences
- Resources on some significant court cases can be found online

Five things required under ADA

For all governments:
- Adopt and distribute a public notice about ADA mandates.

For those with 50+ employees:
- Designate at least one staffer to coordinate compliance and investigate complaints.
- Conduct a self-assessment.
- Create a transition plan for compliance.
- Develop and publish grievance procedures.

Source: U.S. Dept. of Justice, Civil Rights Division
Legal Examples

- Barden v. City of Sacramento

- Regarding access to the city’s sidewalks, settled in 2004

- City originally agreed to settle, then failed when attempted an appeal
Barden v. Sacramento

- Failed to install curb ramps, or to maintain them
- Additionally for refusal to remove obstacles from sidewalks such as benches, wires protruding from walkways, etc.
- Refused to develop transition plan as required by law
Barden v. Sacramento

- The settlement ordered the city to dedicate 20% of its transportation funds for 30 years for ADA improvements.
- Additionally, payments of legal fees & restitution of approximately $1 million.
Project Civic Access

- Program created and enforced by the U.S. Department of Justice
- Originated in 1999, now has all 50 states, D.C. and PR
Public Right-of-Way Accessibility Guidelines = “PROWAG”
(Used as guidance for the design and construction of buildings and other facilities)
The PROWAG has not yet been adopted, it is still in Draft form. It has been in draft form since the early 2000’s, several versions have since been published.
• ADA Accessibility Guidelines, (ADAAG)
• Published in 1991
• Details scoping and technical requirements to be applied during the design, construction, and alteration of buildings and facilities covered by titles II and III of the ADA
* ADAAG does not provide guidance on modifications such as sidewalks, curb ramps, etc.
The Process

ADA Title II Action Guide for State and Local Governments

7 Steps to Implement the ADA

Step 1 - Start Implementation
Step 2 - Appoint an ADA Coordinator
Step 3 - Provide Public Notice
Step 4 - Adopt a Grievance Procedure
Step 5 - Conduct a Self-Evaluation
Step 6 - Develop a Transition Plan
Step 7 - Create an Action Plan

Self-Evaluation Forms  Sample Documents

www.ADAActionGuide.org
Self-Evaluations

• Must be readily available and on file for inspection

• Identifies existing deficiencies and necessary modifications

• Continual Process- How so?
Self-Evaluations

What is not in compliance…?

- Focus on providing maximum accessibility to the highest feasible extent
- Never interested in “minimums”
- Includes evaluating current policies and procedures
Self-Evaluations

- Were to have been initiated and accomplished by July 26, 1995
- One of the first documents that would be requested in the event of a complaint
Online Resources for Self-Evaluations

- ADA “Checklist for Existing Facilities”
  http://www.adachecklist.org/checklist.html

- FHWA - “Federal-aid Essentials for Local Public Agencies, Self-Evaluation Basics”
  https://www.fhwa.dot.gov/federalaidessentials/catmod.cfm?id=33

- wwwadata.org – Great resource for ADA guidance
Transition Plans

• Purpose: To establish necessary actions to complete modifications/alterations

• Also provides a schedule for completion

• Entails prioritization process for planned improvements
Transition Plans

- Designation of an ADA Coordinator
- Provide public notice
- Adopt a grievance procedure
- Conduct a self-evaluation
- Develop/adopt transition plan
Transition Plans

Prioritization Process:

- Modifications must be prioritized
- Criteria for this process can be found online
- Include modifications that align with planned alterations such as utility work, paving, streetscape, etc.
- “Town of Calico Rock, ADA Transition Plan”
ADA Transition Plan for the City of Dunbar, West Virginia
City of Dunbar
Sidewalk ADA Access and Repair
Dunbar Avenue to Grosscup Avenue
10th Street to 16th Street
City of Dunbar-Transition Plan

- Completed and scheduled alterations and modifications in conjunction with ongoing Streetscape projects
- Worked with city officials throughout the process
- Good influence on surrounding municipalities to take action
- The City of Dunbar recently completed and adopted their ADA Transition Plan and Self-Evaluation
- Designated City’s Mayor as ADA Coordinator, common practice for smaller municipalities
## Sidewalk Replacement and ADA Curb Access

### City of Dunbar

**Sidewalk Replacement and ADA Curb Access**

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<th>South Sidewalk Replacement</th>
<th>North Sidewalk Replacement</th>
<th>Total Sidewalk Replacement</th>
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<td>Grosscup Avenue</td>
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<td>776</td>
<td>2,059</td>
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<td>Myers Avenue</td>
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<td>15th Street (West Side of Street)</td>
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**Total linear footage of Sidewalk:** 4,186

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Totals
Example of a Type A Curb Improvement

Saw Cut Curb and Remove. Replace with Sloped Sidewalk to Meet ADA Regulations.

Install Bolt Down Detectable ADA Compliant Wear Strip in Both Directions.

Remove Sidewalk and Replace Sidewalk to Matching Width of Existing Sidewalk. Slope to Comply with ADA Regulations.

City of Dunbar

Sidewalk ADA Access and Repair
Dunbar Avenue to Grosscup Avenue
10th Street to 16th Street
Type 'A' Curb Access Detail
Example of Curb Ramp Classification
Additional Resources

- [www.ada.gov](http://www.ada.gov)
- [www.access-board.gov](http://www.access-board.gov)
- [www.adainfo.org](http://www.adainfo.org)
- [www.adadata.org](http://www.adadata.org)
Additional Resources

Link: WVDOT’s Curb Ramp and Barrier Inventory

https://gis.transportation.wv.gov/ada/crb/
Additional Resources

https://gis.transportation.wv.gov/ada/crb/