

## CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

### Study Session Worksheet

**Presentation Date:** November 27, 2018    **Approx Start Time:** 10:30 AM    **Approx Length:** 30 Min

**Presentation Title:** FY 17-18 Annual Report: Americans with Disabilities Act (ADA) Transition Plan for Public Rights-of-Way

**Department:** Transportation and Development

**Presenters:** Mike Bezner, Assistant Director – Transportation; Steve Williams, Principal Transportation Planner

**Other Invitees:** Karen Buehrig, Transportation Planning Manager

### **WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?**

No action requested at this time.

### **EXECUTIVE SUMMARY:**

In 2016, Department of Transportation and Development (DTD) began a process to prepare an updated ADA Transition Plan for the Public Rights-of-Way. The plan incorporated a full evaluation of all ADA accessibility needs within the public rights-of-way and review of DTD procedures for carrying out full implementation of all applicable ADA requirements. The plan sets forward an “Action Plan for the Next Five Years” describing the steps that should be taken to improve ADA accessibility. The ADA Transition Plan also calls for an annual report to the Board of County Commissioners that describes annual progress in moving towards full ADA compliance. Achieving full ADA compliance is a large task that will take years to complete. On-going monitoring and annual reports have been identified as a best practice that helps local governments focus attention on steady progress toward goal achievement over the long-term. This is the first ADA annual report and describes DTD accomplishments during FY17-18 compared to the “Action Plan for the Next Five Years” in the adopted ADA Transition Plan. During the past year, DTD made a great deal of progress on items identified in the ADA Transition Plan Action Plan. Highlights include:

- 90 fully compliant curb ramps were improved or added through county capital projects or development projects.
- Pedestrian push buttons were upgraded to fully compliant Audible Pedestrian Signal (APS) buttons at the intersection of Sunnyside Road and 147<sup>th</sup> Ave.
- DTD staff from all divisions worked together to make progress on revisions to DTD procedures and standards to implement full ADA compliance. Nearly all the improvements to procedures and standards identified in the action plan for the next five years were accomplished this year.
- Staff members from across DTD attended over 50 training sessions on ADA accessibility, design and construction provided by Oregon Department of Transportation.

The attached full report provides additional detail regarding the department’s accomplishments in the past year. Also included in the annual report is the department’s ADA work program for this fiscal year.

**FINANCIAL IMPLICATIONS (current year and ongoing):**

There are no financial implications.

**STRATEGIC PLAN ALIGNMENT**

The project aligns with the County Performance Clackamas Goals to:

- Build a Strong Infrastructure
- Ensure Safe, Healthy and Secure Communities

The project aligns with the DTD Strategic Business Plan goals for Long Range Planning to:

- Provide plan development, analysis, coordination and public engagement services to residents; businesses; local, regional and state partners, and County decision-makers so they can plan and invest based on a coordinated set of goals and policies that guide future development.

**LEGAL/POLICY REQUIREMENTS:**

None at this time.

**PUBLIC/GOVERNMENTAL PARTICIPATION:**

None at this time

**RECOMMENDATION:**

This is an information item for the Board, and there are no recommendations at this time.

**ATTACHMENTS:**

Department of Transportation and Development FY17-18 ADA Annual Report

**SUBMITTED BY:**

Division Director/Head Approval \_\_\_\_\_

Department Director/Head Approval \_\_\_\_\_

County Administrator Approval \_\_\_\_\_

For information on this issue or copies of attachments, please contact Stephen Williams @ 503-742-4696



# FY17-18 ADA Annual Report for facilities in the Public Rights-of-Way

Department of Transportation and Development

The following describes progress by the Clackamas County Department of Transportation and Development in improving ADA accessibility through actions identified in the ADA Transition Plan “Action Plan for the Next Five Years.”

## **Improvements to Accessible Features within the Public Rights-of-Way**

There are four types of ADA accessibility features within the public rights-of-way for which the county has primary responsibility: Curb ramps, traffic signals, medians/traffic islands, and crosswalks. The accepted guidance for ADA compliance of these facilities includes specific standards for each part of these four types of accessibility features. Under DTD’s adopted procedures, any accessibility feature that is new or altered is inspected by DTD staff for compliance with the standards, and the results of the inspection are documented on an inspection form. New or altered accessibility features are identified as fully compliant, compliant with an exception, or non-compliant. Fully compliant features meet all the relevant standards. Those identified as compliant with an exception are accessibility features for which it was not possible to meet all the standards due to some physical condition such as terrain, or other physical constraints such as adjacent buildings or environmental features, utilities, or right-of-way limitations that make it impossible to design and construct a fully compliant ADA facility. Non-compliant ADA facilities are required to be either fixed or replaced at the builder’s expense. During the course of FY17-18 the first attempt at many ADA facilities were found to be non-compliant by DTD inspectors and subsequently fixed or replaced by the builder. This situation arose because the builders in many cases were not yet thoroughly familiar with the ADA standards and the construction techniques necessary to create compliant ADA facilities. Department staff continues to work with builders in the pre-construction process to provide training on ADA standards and suggestions for ensuring compliance. We expect the percentage of ADA facilities requiring replacement to trend down in coming years.

All ADA accessibility features constructed in DTD projects or as part of new construction were fully ADA compliant, with the exception of 6 new or altered curb ramps that have been found to be non-compliant after the first inspection. DTD project managers/inspectors are working with the contractors in those cases to replace those non-compliant curb ramps with fully compliant curb ramps prior to project close out. This represents an enormous improvement over previous accomplishments and is due to a high level of focus on ADA accessibility on the part of department management and staff.

The following summarizes DTD accomplishments between July 1, 2017 and June 30, 2018 for each type of ADA accessibility feature:

### Curb Ramps:

- 51 new fully compliant curb ramps were created.
- 18 existing curb ramps were altered or replaced to achieve full ADA compliance.

- 8 new, altered or replaced curb ramps were compliant with an exception.
- 7 curb ramps were built based on older, non-compliant designs. Due to the previous approval, the department does not have legal recourse to compel compliance because ADA compliance was not identified as a condition of approval.

#### Traffic Signals:

- The traffic signal on the southeast corner of Sunnyside Road and 147<sup>th</sup> was upgraded with audible pedestrian signals (APS) push buttons through a development project.
- The signal timing on 13 intersections on Sunnyside Road was updated to accommodate a longer pedestrian crossing time recommended for pedestrians with disabilities.

#### Medians/Traffic Islands

- No new or altered medians or traffic islands were created during the past year.

#### Crosswalks

- No new marked crosswalks were created during the past year.

### **Training for DTD Staff and Customers**

The adopted ADA Transition Plan identified training as one of the actions that could be taken to begin move DTD and its customers towards full ADA compliance and training for DTD staff and customers were identified as priorities. This year, all staff members with responsibilities for aspects of ADA facilities received training appropriate for their area of responsibility. This training met the goal for DTD staff set out in the Action Plan for the Next Five Years in the adopted ADA Transition Plan.

A total of over 50 training sessions were attended by DTD staff provided either by ODOT or the ADA Coordinator:

- Managers/Supervisors – to understand ADA requirements and the steps necessary to assure that all projects resulted in ADA compliant features in the public rights-of-way. Training was provided for this group by the ADA Coordinator. In addition, managers and supervisors regularly consulted with the ADA Coordinator on specific issues or questions.
- Project Managers – to identify the ADA accessibility features that are required in each project and steps that must be taken to ensure that builders/contractors are creating compliant ADA features. All the project managers attended training courses on ADA compliance and on inspection of ADA accessibility features provided by Oregon Department of Transportation.
- Design Review – to have a detailed understanding of ADA accessibility standards and how design should be reviewed to ensure compliant designs are created. All design review staff attended the ODOT training on ADA compliance and also training on designing for ADA compliance.
- Inspectors – to have a detailed understanding of the standards for finished ADA accessible features and correctly apply appropriate inspection methods. All the inspectors attended the ODOT training course on inspection of ADA accessibility features.

Training for DTD customers was also identified as an important need. The change that has taken place among ODOT and the larger local governments in the state to require strict compliance with ADA standards was something of a shock to the customers – design engineers, developers and builders. The department has been reaching out to those groups as individuals and at various professional meetings to inform them of the changes that are taking place, and acquaint them with the resources that are available from Clackamas County and ODOT. In addition, as issues have been identified, DTD staff has worked with customers to provide specific information and guidance

### **Improvements in DTD Procedures**

The department's policies and procedures are one of the most important aspects of achieving accessibility. Due to the importance of policies and procedures, DTD management and staff placed a strong focus on this area and was able to complete all the steps identified in the Action Plan for the Next Five Years of the adopted ADA Transition Plan.

Perhaps the single most important step was to create a checklist of ADA requirements for each type of accessibility feature. A sample checklist is attached. As can be seen, there are 31 specific requirements for curb ramps and are additional requirements that apply to other types of features such as traffic signals, crosswalks, sidewalks, traffic islands and medians. It is very difficult for anyone to keep track of all the requirements. The checklists are intended to be used by the department's engineers, project managers and plan review specialist, as well as the private designers, as a prompt to ensure that all standards are reviewed and applied in an appropriate manner.

The department also updated the Clackamas County Roadway Standards to incorporate all updated procedures and requirements for both design and inspection of ADA facilities. The following sections of the roadway standards were fully updated:

- Permit Submittal - Submittal requirements for permits were revised to specify the standards that will be used, and identify specific ODOT standard drawings to be used in the design process.
- Exceptions – In some cases compliant ADA facilities cannot be designed/built at a location due to terrain, conflicting features like buildings or environmental features, utilities or right-of-way limitations. In such cases the ADA standards allow the design/construction of non-compliant features when every effort is made to achieve compliance, and the specific standards that the facility fails to meet are documented.
- Inspection – Inspections are a very important part of achieving ADA compliance. The inspection procedures used by department staff were updated to ensure that compliance could be fully documented and that in the case of non-compliant ADA facilities that specific information could be provided so that the builder could take steps to fix the issues.
- Off-site Access Standards – In general, ADA accessibility facilities are necessary on both sides of the street to ensure pedestrian safety. Revisions to the roadway standards enable development review staff to require improvements on both sides of the street when appropriate.
- Driveways – At locations where sidewalks cross driveways it is very difficult to achieve ADA compliance. The county's driveway standards were completely updated to provide ADA compliant driveway crossings.

- Temporary Pedestrian Access - The department has adopted full standards for temporary pedestrian access in cases where pedestrian access is temporarily obstructed during construction.
- Other Standards – The update to the roadway standards also updated the standards for other features such as sidewalks and paths, roundabouts, medians, traffic islands, signalized intersections and crosswalks.

### **ADA Work Program for FY18-19**

The Department will continue to take steps to improve ADA accessibility within the county's public rights-of-way, and also agency procedures.

- The Department will move forward with construction of two projects that will benefit ADA compliance. The Clackamas Regional Center Mobility Project is expected to begin construction in the spring of 2019. The Clackamas Regional Center area is the highest use pedestrian area in Clackamas County, and also the highest use area for those with disabilities. The project will replace about 75 non-compliant ADA facilities and provide a major benefit for pedestrians of all abilities. The Department will also move forward with the Oak Grove Boulevard Curb Ramp Project. This project will bring 18 curb ramps to full compliance and is the first project to move forward using the budgeted curb ramp improvement fund.
- Crosswalk Closure Standards – In some situations it is not safe to provide a cross-walk. A staff group representing Traffic Safety, Capital Projects, Development Services and the ADA have been working to develop standards for determining when a cross-walk should be closed for safety reasons and the signs necessary to notify pedestrians of all abilities of the closure.
- ODOT Certification for ADA Compliance – The Department is seeking ODOT Certification for ADA design, construction and inspections. Such certification will allow us to use county procedures for ADA design and inspection rather than submitting items for ODOT review, with the exception of projects that intersect an ODOT road. In most cases, DTD policies, procedures and materials have been adapted from those developed by ODOT. However, the ability to use our own materials without ODOT review allows the county to move more quickly through the process, reducing the time and cost burden on agency customers.
- Temporary Pedestrian Access – The department has adopted full standards for temporary pedestrian access in cases where pedestrian access is temporarily obstructed during construction. Provision of temporary pedestrian access is complex and during the coming year DTD will provide training to plan review and inspection staff on temporary pedestrian access.
- Training for New Employees – DTD has been experiencing a large influx of new employees due to retirement and turnover. The department should develop and adopt training standards for each position that has responsibilities related to ADA accessibility.
- Inspections Procedures – The department should continue to evaluate our inspection procedures to identify improvements and expect to provide further training and resources for our inspectors in the coming year.