

Receive Update and Provide Input on the City's Developing Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan

To: Honorable Chair and Members of the Recreation and Parks Commission

From: Erin Smith, Public Works Director

EXECUTIVE SUMMARY

The City of Alameda (City) is required by regulations under the Americans with Disabilities Act of 1990 (ADA) Title II to assess its services, policies, and practices as part of a Self-Evaluation; to modify any policies or practices that discriminate against people with disabilities; and to develop a Transition Plan identifying any physical changes to facilities that are necessary to achieve "program access."

In 2022, the City retained the consulting firm Bureau Veritas to perform a comprehensive evaluation of programs/services, facilities and pedestrian facilities in the right of way, and to prepare this information, with public input, as a Transition Plan to serve as the roadmap and City commitment to barrier removal.

Presented in this staff report and associated exhibits are summaries of the findings from the Self-Evaluation, public outreach and input received to date and proposed phasing for accessibility barrier removal. Staff seeks input from the Recreation and Parks Commission on the developing Transition Plan. In particular, staff seeks feedback on the prioritization of City buildings and parks in the various phases for barrier removal. In April a draft plan will be released for public comment with the intent to take the final plan for City Council endorsement in June 2024.

BACKGROUND

The City is committed to providing accessible programs, services, and facilities for people with disabilities. The City is also committed to complying with the requirements of the ADA Title II, which prohibits discrimination on the basis of disability by public entities, and that no qualified individual shall be excluded from participation in or be denied benefits of services, programs and activities. The City is mandated by ADA Title II to evaluate each service, program and activity provided, when viewed in its entirety, to be readily accessible and usable by persons with disabilities.

The City is required by regulations under Title II of the ADA to assess its services, policies, and practices as part of a Self-Evaluation; to modify any policies or practices that discriminate against people with disabilities; and to develop a Transition Plan identifying any physical changes to facilities that are necessary to achieve "program access."

In 2008 the City completed an evaluation of facilities for ADA compliance. Although some of the barriers identified were removed, the evaluation was never formally prepared as a Transition Plan or adopted by City Council. In 2022, the City retained the consulting firm Bureau Veritas to perform a comprehensive evaluation of programs/services, facilities and pedestrian facilities in the right of way, and to prepare this information, with public input, as a Transition Plan to serve as the roadmap and City commitment to barrier removal.

DISCUSSION

The ADA evaluation consists of three main parts: evaluation of City policies, procedures, and practices; evaluation of City buildings and parks; evaluation of pedestrian facilities in the right of

way (ex. sidewalks, curb ramps, accessible pedestrian signals). In addition, we heard from the community where and how they experience barriers to accessibility in Alameda and their preferences on where to focus resources to improve accessibility.

Below and in the referenced exhibits are summary overviews and results of the various components of the evaluation.

City Policies, Procedures and Practices

An interdepartmental review and assessment of City policies and practices related to the following areas was conducted:

- Community Based Programs and Activities
- Housing
- Personnel and Internal Policies, Human Resources
- ADA Coordinator
- Public Notice of the ADA
- Grievance Procedure
- General Effective Communication (Auxiliary Aids and Services)
- Website Accessibility
- Emergency Management

Exhibit 1 includes the list of findings from the accessibility of City programs and services.

City Buildings and Parks

58 City-owned facilities and parks were assessed. **Exhibit 2** includes the list of sites, their location and public amenities. The Lincoln Park and Franklin Park swimming pool sites were not assessed, as these sites are managed by the Alameda Swimming Pool Association, per a lease agreement with the City. The Alameda Swimming Pool Association is responsible for maintaining lifts at each pool as is the Alameda Unified School District at Encinal High.

A Bureau Veritas Subject Matter Expert assessed the amenities at each facility in accordance with the ADA and State of California Building Code. Both interior and exterior amenities at each facility were assessed. Examples of what are required to be accessible include:

- Parking- adequate number of vehicle/van accessible spaces, signage, etc.
- Accessible routes: sidewalks and paths, interior routes
- Space allowance and ranges
- Protruding objects
- Ground and floor surfaces
- Curb and other ramps; size, distance, slope, rails, and surface finishes
- Exterior and interior common stairs
- Platform lifts (wheelchair lifts)
- Handrails and grab bars
- Alarms (visual and audible) and warnings
- Signage, Braille, and visual

An ADA Facility Assessment Report was prepared for each site and is available upon request. Each report includes:

- A summary of findings for all amenity features (parking stalls, curb ramps, paths of travel, etc.)
- Individually recorded barriers with digital photos of observed deficiencies

- Geocoded references for the location of observed deficiencies
- Applicable ADA and State of California regulatory references
- Recommendations for viable corrective measures
- Planning level cost estimates for each barrier

A total of 2,777 barriers were identified across all sites assessed with an estimated cost for barrier removal in current dollars of \$6.2M. A summary list of barriers by facility is included as **Exhibit 3**.

Pedestrian Facilities in the Public Right-of-Way

2,862 curb ramps, 90 signalized intersections, 220 miles of sidewalk and 22.6 miles of pathways were evaluated using the Public Right-of-Way Accessibility Guidelines (PROWAG) and the California Building Code. Transit stops, crosswalks and other controlled pedestrian crossings (ex. Rectangular Rapid Flashing Beacons) will be evaluated as part of a future update.

Sidewalk and pathway data was collected using pathVu's "pathMet" sidewalk profiler, which was developed for sidewalk ADA assessments. Sidewalk cross slope, running slope, surface smoothness, and vertical changes in level were documented.

Curb ramps were assessed using pathVU's "curbMet" assessment tool. Data collected includes running slope, cross slope, flare slope, landing slope, clear width and length dimensions, the presence of detectable warning, damage, obstructions, as well as several other attributes. Also noted are locations where there should be a curb ramp but there is not.

Visual observations of each of the 89 signalized intersections in the City were made with the following documented: missing pedestrian signal heads and countdown displays, missing accessible pedestrian signals (APS) and APSs without an audible tone.

Exhibit 4 contains summary data of the barriers identified in the right of way.

Outreach and Public Input

Public input is an essential component in developing an ADA Self Evaluation and Transition Plan. The objectives for public outreach activities prior to adopting the plan include:

- Providing the public with information on the City's responsibilities regarding ADA generally and specifically on the Self Evaluation and Transition Plan development process;
- Sharing with the community the results of the evaluation;
- Learning from the community where they experience barriers to accessibility;
- Hearing from the community on how they prefer to prioritize barrier removal;
- Discussing the City's processes for removing barriers to accessibility; and
- Meeting Title II requirements for public comment opportunity;

Outreach to encourage input included a news release, social media postings, a survey, in person and online public meetings and a City web page. The public input survey had 24 questions related to where/how people experience barriers to accessibility and their preferences on prioritizing resources to improve accessibility. 271 responses were submitted to the public input survey. Summary data for each question is included in **Exhibit 5**.

The survey results were informative and used as a factor in prioritizing barrier removal in the Transition Plan. For instance, Question 16 asked the respondent to rank barrier removal priority for various building categories with a 1-5, with 1 as the most important for removing barriers for accessibility. The data demonstrated a strong opinion for Community and Recreation Centers being the top priority with the City Halls next, then the Police Station, Civic Center Parking Garage, Fire Stations and then other City Administrative Buildings.

Question 20 asked the respondent to rank categories of pedestrian facilities in the right of way as needing improvement for physical access in the City. Sidewalks came back with a resounding vote for needing attention, then curb ramps, parking, and lastly, traffic signals.

Survey respondents generally see a need for disability sensitivity training, improvements to the City's website and clarity on who to contact if they need assistance, have a concern or complaint, or need an accommodation to access a City facility, service, or event.

A community meeting was held November 14, 2023, and on March 14, 2024, staff hosted a meeting with parents/guardians and participants of the Leisure Club. City staff led an engaging conversation about accessibility and creating a safe space for open dialogue. A self-evaluation data sheet was distributed for people to share information on barriers they have encountered related to department programs and services. At the end of the meeting, the group debriefed and shared items that they would like the City to focus on.

Staff presented at the Commission on Persons with Disabilities this past December and incorporated their initial feedback on the general approach to developing the plan. Staff will seek input from the Transportation Commission later this month before returning to the Commission on Persons with Disabilities for plan endorsement. A draft plan for public comment will be released later in April and be open for comment for a 3 week period. Ultimately, staff will seek City Council approval of the plan.

Developing the Transition Plan

It is not possible to implement the recommendations to improve accessibility of City programs and policies and remove all physical barriers to accessibility at once. Programs will be developed and/or enhanced and barriers removed based on a prioritized schedule. The goal of this Transition Plan is to ultimately ensure that programs, services, and opportunities offered by the City are accessible to the community, regardless of ability, yet provide a realistic implementation plan given the City's fiscal capabilities and staffing capacity.

The Self Evaluation identified several areas where the City can enhance accessibility in our communications, community-based programs and services, ADA grievance process, internal policies and emergency management. Specific recommendations are made to address each finding. For example, the City should establish a policy to standardize investigations into all ADA complaints. And the City should regularly enlist people with a variety of disabilities to test the City website for accessibility and ease of use. Recommendations for more accessible City programs and services will be implemented over the next three years. Each recommendation and the fiscal year it will be addressed is included in **Exhibit 6**.

To ensure we have the right resources in place to oversee implementation of this important work, a vacant position in the Public Works Department is proposed to be elevated to an ADA Coordinator job classification. Assuming this gets approved in the Fiscal Year 2024/25 budget, the City will recruit an ADA Coordinator and hope to have the new hire in place in early 2024. The City's Public Works Director will continue to serve in this role in the interim. The new ADA

Coordinator will establish and lead an interdepartmental ADA Task Force that meets regularly. A primary focus of the ADA Task Force will be to address the policies and programs recommendations.

The Transition Plan will organize barrier removal at City buildings and parks into five phases with each phase's funding considered by City Council as part of City's two-year budget process. To comply with the ADA as the phases are implemented, the City will make accommodations for the disabled when requested.

The phases are intended to prioritize public amenities that are in highest demand. They consider usage levels, amenity uniqueness, site safety, social equity, public input, and other inputs. A primary goal is to optimize the use of available funds to provide access to public amenities that matter most to the public. **Exhibit 7** includes the proposed phasing for City buildings and parks and necessary funding for each phase.

Work to remove barriers identified in the public right of way will primarily take place through the City's existing Pavement Management, Sidewalk Repair and Signal Operations programs. Under the Pavement Management Program, when streets are paved, curb ramps are installed where they are missing, and noncompliant curb ramps are repaired and/or replaced. The data provided as part of this evaluation will be used to further prioritize street selections for paving.

A new program will be established and launched in fiscal year 2024/25 focused specifically on curb ramp accessibility. Funding will be from Community Development Block Grant (CDBG) funds. \$300,000 is secured for the initial year of the program. In subsequent years, the program will competitively pursue use of the City's allotment of funding for non-housing public improvements.

The sidewalk system is a vital component of the City's infrastructure and plays an essential role in City life. Safe, accessible, and well-maintained sidewalks are fundamental to mobility, accessibility, and healthy communities. While the Alameda Municipal Code identifies the adjacent property owner as being responsible for maintaining the sidewalk, curb, gutter, and driveway approaches, the City's long-standing practice is to repair sidewalk damaged by street trees, with other repairs being the responsibility of the property owner.

The City's sidewalk program currently consists of three components: 1) removal and replacement of sidewalk damaged by street trees; 2) concrete saw cutting of sidewalk damaged by street trees; and 3) notification to property owners informing them of their responsibility to repair damage not caused by street trees. Over the last few years, the City has significantly reduced the backlog of sidewalk repairs caused by street trees; however, tree roots continue to grow and cause conflict with the sidewalk. Executing sidewalk repairs as a property owner or resident is difficult for a variety of reasons – costs, finding a contractor, permitting, etc... Staff will seek direction from City Council on alternative programs that promote more sidewalk work.

Below is the proposed priority framework for improving pedestrian accessibility in the right of way. Street classifications are from the City's General Plan.

Highest Priority

- Requests from persons with disabilities experiencing a barrier
- On Main Streets, around City Sites and Parks and in Socially Vulnerable Neighborhoods:
 - Sidewalk tripping hazards greater than ¼" repaired with horizontal concrete cutting

- Sidewalks requiring removal and replacement because the vertical displacement is greater than 2" or the cross slope is greater than 5%
- Obstructions that make the pedestrian pathway less than 4' wide and 80" high
- Missing curb ramps Citywide
- Repair/replace Island and Mecartney Drive Pathways
- Missing pedestrian signal heads and/or missing accessible pedestrian signals

Next Highest Priority

- On Local Streets:
 - Tripping hazards greater than ¼" repaired with horizontal concrete cutting
 - Sidewalks requiring removal and replacement because the vertical displacement is greater than 2" or the cross slope is greater than 5%
 - Obstructions that make the pedestrian pathway less than 4' wide and 80" high
- Tripping hazards on pathways/trails greater than ¼" repaired with horizontal cutting
- Curb ramps with an accessibility score of 1-2 Citywide
- Pedestrian countdown display and accessible pedestrian signals without an audible tone.

Third Highest Priority

- On Neighborhood Connectors, Gateway and Business Commercial Streets
 - Tripping hazards greater than ¼" repaired with horizontal concrete cutting
 - Sidewalks requiring removal and replacement because the vertical displacement is greater than 2" or the cross slope is greater than 5%
 - Obstructions that make the pedestrian pathway less than 4' wide and 80" high
- Pathways/trails requiring removal and replacement because the vertical displacement is greater than 2" or the cross slope is greater than 5%
- Curb ramps with an accessibility score of 3-4 Citywide (\$11M)

Note that while the ADA code requires sidewalk cross slopes to be less than 2%, the assessment of the City sidewalks found that over 85% of City sidewalks have a slope greater than the standard. It would be economically infeasible to try to update all sidewalks. Therefore, to implement a logical and economically feasible plan towards compliance, and to implement maximum safety considerations, sidewalks with severe cross slopes greater than 5% will be addressed in as a first order of priority.

The City's ADA Transition Plan will be a living document that is regularly reviewed and updated. The City's ADA Coordinator will serve as the primary point of contact for ADA compliance and will coordinate with all City departments and members of the community. As facilities, programs, services and activities are brought into compliance, the results of those efforts will be incorporated into a future update.

FINANCIAL IMPACT

Development of the Self Evaluation and Transition Plan is estimated to cost \$401,500. Funding for this project was appropriated to the City Buildings Capital Improvement Program Project C41000 with monies allocated from the Facility Replacement Internal Service Fund and the General Fund.

City Council appropriated \$1,250,000 in the FY2023/24 and FY2024/25 budget for ADA improvements. This is in addition to funding available under other routine maintenance programs

that will address barrier removal such as, Facilities Maintenance, Pavement Management, Sidewalk Repair, Signal Modernization and Civic Center Parking Garage Improvements.

Staff will propose additional funding requests for City Council consideration as part of the next biennial budget.

MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

General Plan Policy OS-5 Accessibility For All. Continue to upgrade parks, trails, and community facilities to ensure accessibility and inclusivity for all residents.

ENVIRONMENTAL REVIEW

In accordance with the California Environmental Quality Act (CEQA), this action is categorically exempt from further environmental review pursuant to CEQA Guidelines Section 15262 - Feasibility and Planning Studies.

CLIMATE IMPACT

Transportation generates over 70% of the greenhouse emissions in Alameda. Improving pedestrian accessibility and safety not only enhances accessibility, it supports non-carbon emitting modes of transportation and the use of transit, which reduces greenhouse gas emissions from the City's transportation sector.

Respectfully submitted,
Erin Smith, Public Works Director

Exhibits:

1. Findings from ADA Evaluation of City Policies, Procedures and Practices
2. Facility List with Public Amenities
3. Summary List of Barriers at Each City Building and Park
4. Summary Data of Barriers in the Right of Way
5. Public Input Survey Data
6. Policies and Programs Recommendations
7. Phasing for Barrier Removal at City Buildings and Parks