

# RENO SPARKS BICYCLE & PEDESTRIAN PLAN

## *ADA Transition Plan*

October 2011



FEHR & PEERS



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# Reno Sparks ADA Right-of-Way Transition Plan

## PURPOSE

One of the primary functions of local government is to provide safe and inviting pedestrian ways. Pedestrian traffic encourages interaction between citizens, strengthens neighborhoods and contributes to the vitality of the community at large. Rising energy costs and the associated environmental impacts of motorized vehicle use, safe and accessible pedestrian ways become even more important.

Most of us take for granted that we can walk to the store to pick up a carton of milk, catch the bus downtown, or access local businesses without encountering physical obstacles. Elements and conditions that typically go unnoticed by non-disabled pedestrians can pose significant impediments to disabled persons. Ambulatory pedestrians can simply walk around an obstruction in the sidewalk or step off a curb face without much notice, however for individuals who use wheelchairs that which is considered commonplace becomes a major impediment. A sighted person can duck under an overhanging tree limb, but to a blind person the presence of the limb is not readily apparent and may cause physical injury.

As compared to the general population, people with disabilities tend to be more reliant on pedestrian networks. A large portion of the disabled population does not drive and depend on self-mobility or public transportation to get around. These factors, coupled with an aging population (where disabling conditions increase dramatically) highlight the importance of pedestrian systems that will serve all populations within the community, both in the present and into the future. 2005 census data indicates that disability affects around 19% of the population.

People with disabilities need safe and accessible pedestrian system to conduct their daily activities. The Reno Sparks Americans with Disabilities Act (ADA) Right-of-Way (ROW) Transition Plan provides a roadmap to make pedestrian facilities accessible to persons with disabilities.

# Reno Sparks ADA Right-of-Way Transition Plan

## FEDERAL ADA REQUIREMENTS

Title II of the Americans with Disabilities Act (ADA) covers all services, programs, and activities provided or made available by public entities. The applicable regulations published by the federal department of Justice are contained in Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services (as amended by the final rule published on September 15, 2010) Authority: 5 U.S.C. 301; 28 U.S.C. 509, 510; 42 U.S.C. 12134.

The ADA requires that newly constructed or altered facilities be readily accessible to and usable by persons with disabilities. Altered facilities are required to provide accessibility to the maximum extent feasible. Alterations that trigger the requirement to provide accessibility includes roadway resurfacing that triggers an obligation on the part of a city or county to install curb ramps, or replace and/or upgrade existing ramps that do not meet current ADA requirements.

Existing ROW facilities (facilities constructed before 1992) must meet the standards for Program Accessibility. Pedestrian accessibility constitutes a program that must be made accessible. To provide accessibility to the ROW almost always necessitates physical changes to existing infrastructure. Some program modifications are non-structural. Examples of non-structural program accessibility changes include posting sidewalk closure information on the city website in order to people with disabilities of potential route changes, or adopting policies concerning the placement of street furniture to make sure that sidewalks are accessible. Program Accessibility requires that each program, activity and/or service is accessible when viewed in its entirety. Federal agencies have interpreted, and federal courts have held that sidewalks and other pedestrian areas constitute a program that must be made accessible.

Title II of the (ADA) and the associated regulations require that public entities having responsibility for or authority over streets, roads, sidewalks, and/or other areas meant for pedestrian use, develop a transition plan within 6 months of January 26, 1992 (by July 26, 1992). Simply put, a transition plan transitions inaccessible facilities onto environments that are accessible to and functional for individuals with disabilities.

The ADA Title II implementing regulations [28 CFR Section 35.150(d)] require that structural changes identified in the transition plan be completed within 3 years or no later than January 26, 1995. The regulations state that a ROW transition plan must include (at a minimum) an assessment of existing sidewalks and a schedule for curb ramp installations where an existing pedestrian walkway crosses a curb or other barrier. The ADA Title II regulations require state and local government entities prioritize the installation of curb ramps serving:

1. State and local government offices and facilities
2. Transportation
3. Places of public accommodation (private-sector facilities covered by Title III)
4. Places of employment.

Case law has held that ROW Transition Plan requirements must go beyond simply installing curb ramps. In *Barden v. the City of Sacramento* the court held that the use of sidewalks by pedestrians is a program or activity subject to the ADA. The settlement provides that for up to 30 years, the City of Sacramento will allocate 20% of its annual Transportation Fund to make the City's Pedestrian Rights of Way accessible to individuals with vision and/or mobility disabilities. This will include installation of compliant curb ramps at intersections, removal of barriers that obstruct the sidewalk (such as narrow pathways, abrupt changes in level, excessive cross slopes, and overhanging obstructions), and improvements in crosswalk access. In summary, for an agency to meet its program access obligations, removing right-of-way impediments must address accessibility beyond simply installing curb ramps.

# Reno Sparks ADA Right-of-Way Transition Plan

## EXISTING CONDITIONS

This section describes the public outreach process, data collection process and summarizes existing conditions.

### PUBLIC OUTREACH

Title II of the ADA requires the participation of interested persons, including individuals with disabilities or organizations that represent individuals with disabilities when developing an ADA transition plan as outlined in section 35.150 (d) 1:

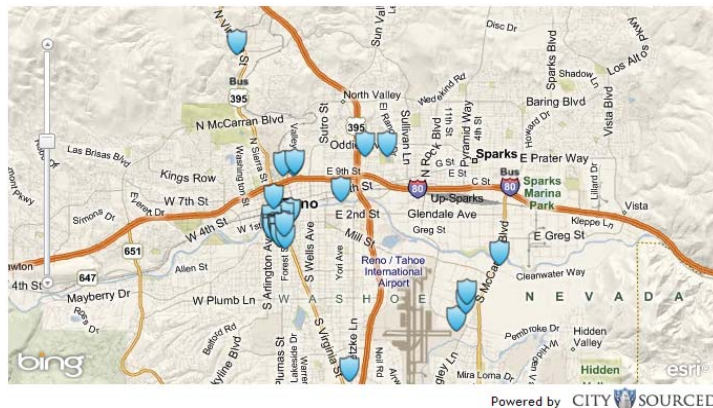
*A public entity shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the transition plan by submitting comments. A copy of the transition plan shall be made available for public inspection.*

Public participation is vital to achieving the goal of creating accessible ROW. Without stakeholder involvement, it is often not possible to identify the areas of greatest concern to pedestrians with disabilities. Public input into the transition planning process was accomplished through a variety of mechanisms described in the following sections.

#### **Project Website/Smart Phone Application**

A project website, [renosparksbpp.com](http://renosparksbpp.com), was created to give people an opportunity to leave comments and suggestions about the pedestrian network. A variety of information was housed on the website including the project schedule and announcements of upcoming events, and discussion forums where people could leave comments related to the project. The project website also included a map of georeferenced comments submitted via the smartphone app created for the project.

Fehr & Peers partnered with CitySourced to create a smartphone app to solicit public comments for the project. The app was created for iPhone, Blackberry, and Android users, and also included a web-based application for those without a smartphone. The app allowed users to report issues on the pedestrian network using the camera on their phone. The user would take a picture of the issue they wanted to report and then select from a drop-down menu of options, e.g. "Damaged Sidewalk," "Obstruction in Sidewalk". The user could also leave a specific comment related to the issue. Comments submitted through the app were uploaded to the map shown in the figure below using the global positioning system (GPS) in the phone to pinpoint the exact location of the reported issue.





# Reno Sparks ADA Right-of-Way Transition Plan

## ***Disabled Community Advisory Committee Meetings***

In October and November of 2010 Fehr & Peers staff attended and presented at the following advisory committee meetings:

- Reno Access Advisory Committee (RAAC) (October 26, 2010)
- Sparks Advisory Committee for the Disabled (November 3, 2010)
- RTC Public Transit Advisory Committee (PTAC) (November 9, 2010)

The purpose of the meetings was to introduce the project and get input on locations to survey and types of barriers that should be highly prioritized.

Specific comments that were made during these meetings are:

- RAAC
  - Both sides of Moana Lane between 395 and Plumb have pole and other obstructions.
  - Wells Avenue has a multitude of crosswalks with no lights.
  - The sidewalk on Crampton which is used to get from Wells to the VA Hospital is in bad shape.
  - Virginia Street/Rapid Transit route, sidewalks need to be made compliant.
  - Area around Renown Rehab, Gould and Model Dairy Way.
  - The need for more bump-outs at crosswalks for visually impaired.
  - The need for more audible signals. The point was made that automobiles are quieter than in the past and for hearing impaired, the need for audible signals is greater.
  - There is a ramp from the sidewalk on Riverside Drive and Vine Street that is directly opposite a corner with a curb cut, but the street has no crosswalk stripes.
  - Virginia Street/North Valleys area from Parr to Golden Valley needs sidewalk/improvements.
  - Virginia Street, by the University from 9<sup>th</sup> to 17<sup>th</sup> Street there is no sidewalk.
  - Need to consider flashing traffic lights when an emergency vehicle is passing to alert hearing impaired pedestrians.
  - Need to replace old signal push buttons because they are difficult to press and operate.
- Sparks Advisory Committee for the Disabled
  - Snow removal, excessive driveway slopes, power poles in the sidewalk, and sidewalk maintenance are the most pressing issues for the City of Sparks.
- PTAC
  - Accessible transit stops and access routes to transit stops is a high priority.



# Reno Sparks ADA Right-of-Way Transition Plan

## **Targeted Public Meetings**

During the month of June 2011, targeted workshops were held at the following four organizations, which were identified by the disabled advisory committee to represent or serve individuals with disabilities:

- Washoe County Senior Center
- Sparks Senior Center
- Center for Independent Living
- Vocational Rehabilitation Center

Participants were provided with a brief overview of the project and examples of the different ROW elements that pose impediments to accessibility. The workshop participants were asked to identify problem areas or areas they consider to be high priority.

The following are the comments received at the targeted workshops:

- Washoe County Senior Center
  - Kirman Avenue
    - Telephone poles are located in the middle of the sidewalk, obstructing the accessible route of travel.
    - Curb ramps are missing at some locations
  - Virginia Street
    - A long stretch has very narrow sidewalks
  - Glendale Avenue
    - The bus stop near the new Wal-Mart has no sidewalk
  - 7th Street/Evans Avenue
    - Vertical obstructions along the sidewalk
  - 4th Street near Senior Center
    - Sidewalk issues (received as a written comment)
- Sparks Senior Center
  - Virginia Street
    - Driveways encroaching into sidewalks
    - Cracks in sidewalks
- Center for Independent Living
  - Sun Valley area
    - Many barriers (non-specific locations)
  - 4th Street near 4<sup>th</sup> Street Station

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- The area needs curb ramps on all sidewalks in and around the bus depot, especially on Lake Street.
- The middle pathway through the bus depot (the only accessible route within the bus depot) is always blocked by the buses that come in to load and unload.
- Pyramid Highway
  - No sidewalks provided for pedestrians
- Mae Anne Avenue/Robb Drive
  - No lift deployment space at bus stops
- Newly planted trees around town
  - The tree grates need to be back filled with material or tree grates provided.
- Vocational Rehabilitation Center
  - The meeting was advertised; however no participants attended.

## DATA COLLECTION

Fehr & Peers worked with Margen + Associates to develop a protocol to survey selected areas of roadway within the Reno and Sparks area.

The areas surveyed were selected based on the ADA Title II regulations that require prioritization of curb ramp installation near government offices/facilities, transportation, places of routine accommodation, and places of employment. Specifically, regional roads (roads that carry 5,000 daily trips or more) in areas with a high density of government offices, schools, libraries, medical facilities, major retail centers, major employment centers, and transit stops were included in the survey area. In total, over 150 miles of sidewalk were surveyed. The “Surveyed Routes Overall Map” is provided in **Appendix A**.

The intent of the surveys was to identify areas and elements of the ROW that pose barriers to individuals with disabilities. The accessibility standards contained in the current Americans with Disabilities Act-Architectural Barriers Act (ADA-ABA) guidelines (ADAAG) and the Manual of Uniform Traffic Control Devices (MUTCD) were used as a benchmark for the assessment.

Teams of surveyors were trained and data was collected using handheld computers equipped with GPS. Measurements were taken using standard measuring tools. Running slopes and cross slopes were measured using standard 24” long digital levels. Width, height and distance were measured using standard tape measures. Table 1 displays each of the data elements collected, as it was listed in the GPS handheld data collection device.

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**TABLE 1  
ADA DATA COLLECTION ELEMENTS**

Element	Data Collected	Method of Collection
<b>Intersection/Mid-Block Crosswalk</b>		
Signalized	Yes, No	Observation
Pedestrian Buttons	Yes, No	Observation
Button Type	Yes, No	Observation
Button Location	Not level, Not in reach	Observation
Audible Pedestrian Signals	Yes, No	Observation
Curb Ramps Provided at Each Crossing	Yes, No	Observation
No Curb Ramp	Location	Observation
Crossing Area-Condition	Satisfactory, Unsatisfactory	Observation
Other	Text	Observation
<b>Curb Ramps</b>		
Ramp Type	Parallel, Regular	Observation
Flush Transition	Yes, No	Observation
Top Landing	Yes, No, NA	Observation
Detectable Warning	Yes, No	Observation
Terminates in Crosswalk	Yes, No, NA	Observation
Width	Feet/Inches	Measurement
Landing Depth	Feet/Inches	Measurement
Ramp Slope	Percent	Measurement
Ramp Cross Slope	Percent	Measurement
Right Flare Slope	Percent	Measurement
Left Flare Slope	Percent	Measurement
Gutter Slope	Percent	Measurement
Other	Text	Observation
<b>Sidewalk</b>		
Intermittent Sidewalk	Feet/Inches	Observation
Sidewalk Width <36"	Feet/Inches	Measurement
Passing Area >200'	Yes, No	Observation
Cross Slope	Percent	Measurement
Running Slope >8.33% (Uplifting)	Percent	Measurement
Change in Level >1/2"	Displacement, Utility Cover, Pot Hole, Tree Well, Other	Observation
Obstruction <32"	Utility Pole, Sign Pole, Signal Box, Tree, News Rack, Street Furniture, Bus Shelter, Vegetation, Other	Observation

# Reno Sparks ADA Right-of-Way Transition Plan

**TABLE 1  
ADA DATA COLLECTION ELEMENTS**

Element	Data Collected	Method of Collection
Protruding Object	Sign, Stand Pipe, Stair, Vegetation, Other	Observation
Overhanging Obstruction <80"	Tree Limb, Vegetation, Guy Wire, Other	Observation
Horizontal Opening >1/2"	Storm Drain, Tree Grate, Joint, Utility Box Cover	Observation
Driveway Cross Slope (Commercial)	Percent	Measurement
Driveway Cross Slope (Residential)	Percent	Measurement
No Detectable Warning (Flush Transition)	Median, Curb Cut, Rail Crossing	Observation
Rail Crossing - Rail Gap	Inches	Measurement
Rail Crossing Pedestrian Control	Yes, No	Observation
Other	Text	Observation
Transit Stop		
Bus Shelter	Yes, No	Observation
Wheelchair Seating Area	Yes, No	Observation
5' x 8' Landing	Yes, No	Observation
Landing Slope	Yes, No	Observation
Other	Text	Observation

Sources: Margen + Associates, Fehr & Peers, 2011

## EXISTING CONDITIONS

The surveys identified multiple accessibility problems. Examples of typical reoccurring conditions are as follows:

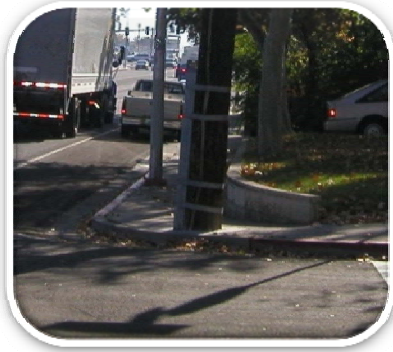
### *Curb Ramps*

Many curb ramps are too steep, or have steep gutter returns that may result in the footrest of a wheelchair catching on the roadway surface or for some wheelchairs bottoming out. Many of the ramps do not have detectable warnings (raised truncated domes) which are an important safety feature for blind pedestrians.



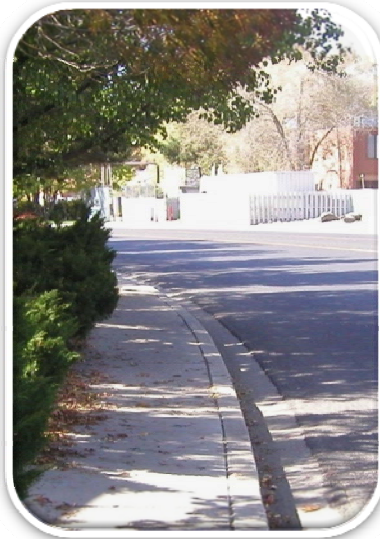
# Reno Sparks ADA Right-of-Way Transition Plan

Curb ramps are absent at a number of crossings. Missing curb ramps require people who use wheelchairs to travel in the roadway.



## ***Sidewalk Obstructions***

Sidewalk obstructions observed include vertical displacement caused by shifting soil conditions or tree roots, utility poles or sign posts placed without adequate passing width, overhanging tree limbs or protruding vegetation, intermittent sidewalks and horizontal gaps.





# Reno Sparks ADA Right-of-Way Transition Plan

At many locations, sidewalks are narrow making it difficult or impossible to maneuver through in a wheelchair.

Open utility covers or holes can catch the front wheel of a wheelchair, or crutch/walker tip.

Surface deterioration or collapsed utility boxes make it difficult or impossible to maneuver through in a wheelchair.



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## Driveways

Numerous driveways lack a level area around the back, or through the driveway apron resulting in persons using wheelchairs, crutches or walkers having to traverse significant cross slopes.



**Inaccessible Driveway Cross Slope**



**Accessible Driveway Design**

## Transit Stops

Many of the transit stops evaluated are lacking sufficient space to deploy a wheelchair lift from the transit vehicle. In some cases, transit shelters and benches lack clear floor space to accommodate individuals waiting in wheelchairs.



**Inaccessible Transit Stop**



**Accessible Transit Stop**

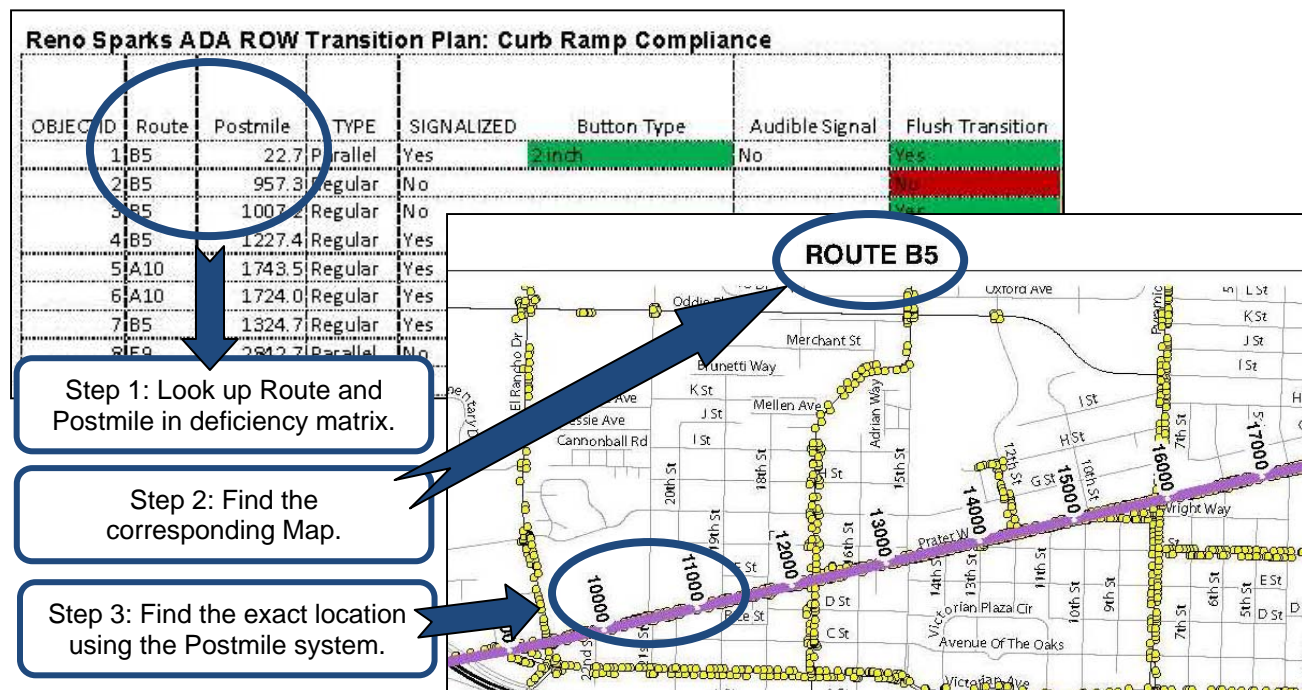


# Reno Sparks ADA Right-of-Way Transition Plan

## TRANSITION PLAN

### MATRIX OF DEFICIENCIES

The matrix of ADA deficiencies for curb ramps, transit stops, sidewalks, and driveways is provided in **Appendix B**. It is a comprehensive account of the data collected at each location and displays which measured items for each element are out of compliance. The matrix is intended to be used with the “Measured Routes Maps” provided in **Appendix C** and the “ADA Data Abbreviations/Definitions” document provided in **Appendix D**. Each map provides routes with a numbering system that corresponds to the matrix for looking up a specific deficient location.



As shown in the deficiency matrices, there are numerous barriers that range from minor sidewalk cracks to major obstructions in sidewalks. The data collection resulted in 2,100 non-compliant driveways, 2,740 curb ramp deficiencies, 3,250 sidewalk obstructions, and 290 non-compliant transit stops.

### PLAN PRIORITIES/ IMPLEMENTATION SCHEDULE

As discussed earlier, the ADA regulations prioritize the installation of curb ramps and the removal of other barriers along sidewalks serving:

1. State and local government offices and facilities
2. Transportation (including bus stops)
3. Places of public accommodation (private-sector facilities covered by Title III)
4. Places of employment

# Reno Sparks ADA Right-of-Way Transition Plan

## 5. Other Areas (this category includes residential areas)

The accessibility barriers identified in the plan have been sorted into three categories based on the above requirements.

- Category 1: High Location Priority
  - State and local government offices and facilities
  - Transportation (including bus stops)
  - Areas identified at public outreach meetings
- Category 2: Medium Location Priority
  - Places of public accommodation (private-sector facilities covered by ADA Title III) Places of employment
- Category 3: Lowest Location Priority
  - Other Areas

In addition, the barriers were sorted within these three categories based on severity. High severity barriers are those that pose a significant safety risk or are essential to provide access including the following:

- Curb Ramps
  - Missing ramps
  - Ramp slope of 10% or greater
  - Gutter Slope + Ramp Slope of 14% or greater
  - No top landing
  - No flush transition
- Transit Stops
  - No landing
- Driveways
  - Cross slope of 10% or greater
- Obstructions
  - Severe vertical displacement
  - Overhanging objects

# Reno Sparks ADA Right-of-Way Transition Plan

**TABLE 2  
HIGH PRIORITY CURB RAMP NEEDS**

Roadway	Location	Barrier	Solution	Responsible Jurisdiction
Plumb Lane	North side, 420' West of Kietzke Lane	Missing Curb Ramp	Install Curb Ramp	City of Reno
5 <sup>th</sup> Street	All 4 Corners at Leon Drive	Missing Curb Ramp	Install Curb Ramp	Washoe County
Mill Street	SE and SW Corners of Gould Street	Missing Curb Ramp	Install Curb Ramp	City of Reno
Vine Street	At 6 <sup>th</sup> Street	Missing Curb Ramp	Install Curb Ramp	City of Reno
Sierra Street	NE Corner of Galen Place	Missing Curb Ramp	Install Curb Ramp	City of Reno
Prater Way	North side, 230' West of Vista Blvd	Missing Curb Ramp	Install Curb Ramp	City of Sparks
Oddie Boulevard	NE and NW Corners of 12 <sup>th</sup> Street	Missing Curb Ramp	Install Curb Ramp	City of Sparks
Rock Boulevard	At 15 <sup>th</sup> Street	Missing Curb Ramp	Install Curb Ramp	City of Sparks
Stead Boulevard	At Norton Drive	Missing Curb Ramp	Install Curb Ramp	City of Reno

Sources: Fehr & Peers, 2011

**TABLE 3  
HIGH PRIORITY TRANSIT STOP NEEDS**

Roadway	Postmile	Barrier	Solution	Responsible Jurisdiction
Virginia Street	16382	Missing Wheelchair Landing	Add Wheelchair Landing	City of Reno
Virginia Street	34634	Missing Wheelchair Landing	Add Wheelchair Landing	City of Reno
Virginia Street	46856	Missing Wheelchair Landing	Add Wheelchair Landing	City of Reno
Mill Street	1986	Missing Wheelchair Landing	Add Wheelchair Landing	City of Reno
Mill Street	4170	Missing Wheelchair Landing	Add Wheelchair Landing	City of Reno
Mill Street	7370	Missing Wheelchair Landing	Add Wheelchair Landing	City of Reno
Prater Way	7718	Missing Wheelchair Landing	Add Wheelchair Landing	City of Sparks

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**TABLE 3  
HIGH PRIORITY TRANSIT STOP NEEDS**

Roadway	Postmile	Barrier	Solution	Responsible Jurisdiction
Prater Way	17360	Missing Wheelchair Landing	Add Wheelchair Landing	City of Sparks
Prater Way	20308	Missing Wheelchair Landing	Add Wheelchair Landing	City of Sparks
Prater Way	29971	Missing Wheelchair Landing	Add Wheelchair Landing	City of Sparks

Sources: Fehr & Peers, 2011

**TABLE 4  
HIGH PRIORITY DRIVEWAY NEEDS**

Roadway	Postmile	Barrier	Solution	Responsible Jurisdiction
Virginia Street	31536	Excessive Driveway Cross Slope	Mitigate Driveway Measurements	City of Reno
2 <sup>nd</sup> Street	1380	Excessive Driveway Cross Slope	Mitigate Driveway Measurements	City of Reno
F Street	116	Excessive Driveway Cross Slope	Mitigate Driveway Measurements	City of Sparks
Kirman Avenue	5937	Excessive Driveway Cross Slope	Mitigate Driveway Measurements	City of Reno
Plumb Lane	3595	Excessive Driveway Cross Slope	Mitigate Driveway Measurements	City of Reno
4 <sup>th</sup> Street	14552	Excessive Driveway Cross Slope	Mitigate Driveway Measurements	City of Reno
Echo Avenue	822	Excessive Driveway Cross Slope	Mitigate Driveway Measurements	City of Reno
F Street	57	Excessive Driveway Cross Slope	Mitigate Driveway Measurements	City of Sparks
Mill Street	7172	Excessive Driveway Cross Slope	Mitigate Driveway Measurements	City of Reno
Prater Way	13696	Excessive Driveway Cross Slope	Mitigate Driveway Measurements	City of Sparks

Sources: Fehr & Peers, 2011

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**TABLE 5  
HIGH PRIORITY OBSTRUCTIONS**

Roadway	Postmile	Barrier	Solution	Responsible Jurisdiction
Neil Road	2021	Utility Pole in Sidewalk	Remove Utility Pole	City of Reno
Virginia Street	34047	Utility Pole in Sidewalk	Remove Utility Pole	City of Reno
Plumb Lane	2649	Utility Pole in Sidewalk	Remove Utility Pole	City of Reno
Taylor Street	4509	Utility Pole in Sidewalk	Remove Utility Pole	City of Reno
Kirman Avenue	15890	Diagonal Overhanging Guy Wire	Hang Guy Wire Vertically	City of Reno
2 <sup>nd</sup> Street	3082	Utility Pole in Sidewalk	Remove Utility Pole	City of Reno
Ralston Street	183	Diagonal Overhanging Guy Wire	Hang Guy Wire Vertically	City of Reno
Sierra Street	4704	Diagonal Overhanging Guy Wire	Hang Guy Wire Vertically	City of Reno
Sierra Street	4070	Diagonal Overhanging Guy Wire	Hang Guy Wire Vertically	City of Reno
Prater Way	14199	Utility Pole in Sidewalk	Remove Utility Pole	City of Sparks

Sources: Fehr & Peers, 2011

In accordance with the ADA Title II requirements, the ADA Transition Plan has been written to complete all of the work within a three-year period. The priorities for each category are as follows:

- Category 1: Non-conforming items corrected in 2012
- Category 2: Non-conforming items corrected in 2013
- Category 3: Non-conforming items corrected in 2014

### ***Undue Financial and Administrative Burden***

In an ideal world with unlimited funding and resources, accessibility barriers should be removed immediately. However, when dealing with ROW issues and the fiscal realities faced by most local governments today, immediate removal is usually not possible. Congress recognized this fact when drafting the transition plan requirement in the ADA. The ADA outlines a three-year window to implement a transition plan. The three-year time period assumed that most cities and counties had already completed substantial accessibility work under prior federal requirements (Section 504 of the 1973 Rehabilitation Act) and the ADA work would be “cleanup” of past work or a small amount of new work.

If the responsible agency determines it is not possible to correct all of the problems within three years, Title II of the ADA allows a process called *undue financial or administrative burden* which may allow more time for the work. This process requires due diligence and requires that any findings be made by the head of an agency or public entity.

# Reno Sparks ADA Right-of-Way Transition Plan

## § 35.150 Existing facilities

- (a) *General.* A public entity shall operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities. This paragraph does not—

(3) Require a public entity to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. In those circumstances where personnel of the public entity believe that the proposed action would fundamentally alter the service, program, or activity or would result in undue financial and administrative burdens, a public entity has the burden of proving that compliance with §35.150(a) of this part would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the head of a public entity or his or her designee after considering all resources available for use in the funding and operation of the service, program, or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action would result in such an alteration or such burdens, a public entity shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that individuals with disabilities receive the benefits or services provided by the public entity.

### ***Interim Action(s)***

If implementing a transition plan will take more than one year, the ADA Title II regulations require that interim actions to provide accessibility be established, where appropriate.

Unfortunately, when dealing with right-of way accessibility issues, there are few options for interim actions beyond identifying key accessible arterial routes that can be used until the transition work has been completed. Some jurisdictions have successfully identified accessible interim routes and made this information available on the city's website or in mailings.



# Reno Sparks ADA Right-of-Way Transition Plan

## INDIVIDUAL CITIZEN REQUESTS FOR ACCESS IMPROVEMENTS

In addition to developing a ROW transition plan, agencies should establish a process whereby individuals can request accessibility changes on an individual basis. This additional process is usually necessary to meet the program accessibility requirements of the ADA.

Requests for repair, construction, or maintenance of pedestrian facilities should be routed to the ADA Coordinator at each agency. Requests can be made using the following contact information:

- City of Reno  
Reno Direct:  
Phone: 775-334-INFO(4636)  
TTY: 775-333-7701  
Email: [renodirect@reno.gov](mailto:renodirect@reno.gov)  
Fax: 775-334-3124
- City of Sparks  
Public Works:  
Phone: 775-353-2455
- Washoe County  
Public Works:  
Phone: 775-328-2040  
Fax: 775-328-3699

## PEDESTRIAN ROW POLICIES AND PRACTICES

### *Sidewalk Maintenance Programs*

Title II of the ADA requires that accessible features be maintained:

#### § 35.133 Maintenance of accessible features

- (a) A public accommodation shall maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities by the Act or this part.
- (b) This section does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs.

Sidewalks and pedestrian pathways need to be maintained to be accessible.

Under state law or by local ordinance, maintenance of the sidewalk may become the responsibility of the adjacent property owner, even though the sidewalk is in a city's right-of-way. This means that if a sidewalk outside of a home is broken, or is a tripping hazard, it is the homeowner's (or property owner's) responsibility to repair or reconstruct that sidewalk. If the owner fails to do so, they can be held liable if someone trips on that portion of sidewalk.



# Reno Sparks ADA Right-of-Way Transition Plan

## ***Encroachment Permits***

Encroachment permits administered by the individual agencies should be reviewed to make sure they are in conformance with the program accessibility requirements of the ADA.

## ***Standard ROW Construction Details***

Standard plans and specification for curb ramps, driveways, sidewalks, crosswalks, parking and passenger loading zones should be updated to reference and incorporate the 2010 ADA standards and the Manual of Uniform Traffic Control Devices (MUTCD).

## **FUNDING OPPORTUNITIES**

The following is a list of potential funding strategies that public entities have used for accessibility-related ROW improvements.

### ***Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21)***

Federal funds with specific set asides for pedestrian related projects. Most of the major categories of funding in TEA-21 can be used to build or retrofit sidewalks, crosswalks, and other accessible pedestrian facilities such as trails. There are also specific targeted subcategories of projects. These funds are available through the federal Department of Transportation.

### ***Community Development Block Grants (CDBG)***

CDBG funds are grants from the federal Department of Housing and Urban Development and are usually allocated at the county or city level. CDBG funds have been used for curb ramp construction by local jurisdictions for many years.

### ***Developer Impact Fees***

New developments place a strain on existing public facilities. Developer impact fees are paid by developers to help cover the costs resulting from new construction and can be used to fund pedestrian right-of-way improvement projects.

### ***Local Ordinances***

Some jurisdictions have passed local ordinances that require sidewalk improvements or curb ramp construction when the dollar value of a remodel project on a building exceeds a certain amount.

### ***Private Revenues***

Private revenue may come in many forms such as dedications, monetary contributions, corporate underwriting, etc. This can be made available to cities and counties through the use of tax-deductible donations to 501 (c) 3 non-profits "friends of" organizations.

# Reno Sparks ADA Right-of-Way Transition Plan

## ***Property Liens***

Property owners are responsible for the sidewalks directly in front of their property. Although some cities are reluctant to force this issue, sidewalk conditions can be repaired and reimbursement can be obtained from the owner through the use of liens.

## ***Local Bond Measures***

Some jurisdictions have successfully passed local bond measures for facility improvement.

## ***Public-Private Partnerships***

Larger employers are sometimes interested in partnering with cities on projects where the company can use the publicity for public relation purposes. We often see branding of sports facilities; however this concept could be extended to accessibility features, such as curb ramps that could be paid for with private funds. Also, technology companies are sometimes interested in sponsoring projects that benefit specific population groups such as orientation systems for blind individuals.

## ***Point of Sale Programs***

Programs used by some jurisdictions to require repair and or other corrections to sidewalk fronting property at the time of sale or title transfer. Model projections show that 50% of sidewalk defects could be corrected within a ten-year time period.

## **ACTION ITEMS**

This section presents a list of action items for the agencies to consider.

### ***Public Outreach Action Steps***

- The transition plan should be distributed to the regions disability organizations.
- Comments concerning the final plan should be directed to the individual agencies.
- Each agency should consult the appropriate established advisory committee in the transition plan implementation process.

### ***Data Collection Action Steps***

- The data collected should be included in the responsible agencies' data management system.

### ***Plan Priorities/Implementation Schedule Action Steps***

- Decision makers should be informed about the plan and subsequent actions required.
- The transition plan should be adopted by the governing board of each agency.
- Funding sources should be identified and allocated for implementation.
- Actions that constitute undue burden should be documented as described.

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- Progress on implementing the plan should be documented by the individual agencies.

## ***Individual Citizen Requests for Access Improvements Action Steps***

- Develop a regional formal request and/or complaint process.
- Inform the public about the process.

## ***Pedestrian ROW Policies and Practices Action Steps***

- Each agency should develop and adopt a formal policy on the maintenance of accessible features.
- Each agency should distribute information concerning the reasons why sidewalks need to be kept clear of obstructions to property owners.
- Agencies should publicize that vehicles parked across sidewalks will be cited or towed.
- The permit application process should be modified in order to let home and business owners know that the agency is prepared to modify policies and practices to allow compliance with the ADA. For example, in some circumstances it may be necessary to locate accessibility features on public ROW.
- Sidewalk café seating and street furniture permits should be modified to include a requirement that tables, news racks or other items located on agency ROW meet the ADA accessibility standards for accessible seating and other elements.

## ***Funding Action Steps***

- An internal working committee should be established within each agency to address funding and implementation issues.