

**ADA TRANSITION PLAN UPDATE
CITY OF TURLOCK**

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Access Compliance Assessments of Facilities

A. INTRODUCTION: DEVELOPMENT OF ADA TRANSITION PLAN UPDATE

The Americans with Disabilities Act (ADA) of 1990 provides comprehensive civil rights protections to qualified individuals with disabilities in the areas of employment, public accommodations, State and local government services, and telecommunications. A primary goal of the ADA is to ensure equal participation in public life for all Americans with disabilities. Title II of the Act covers programs, services and activities of public entities, such as the City of Turlock.

Under Title II, a public entity may not deny the benefits of its programs, services, and/or activities to individuals with disabilities by maintaining inaccessible facilities, which house these programs, services and activities. The City's programs, services, and activities, when viewed in their entirety, must be made accessible to and usable by individuals with disabilities, except where to do so would result in a fundamental alteration in the nature of the program; result in undue financial and administrative burdens or threaten or destroy the historic significance of a historic property.

Section §35.150 requires that each program, service or activity conducted by a City, when viewed in its entirety, be readily accessible to and usable by individuals with disabilities. The regulation makes clear, however, that a City is not required to make each of its existing facilities accessible (§35.150(a)(1)). Unlike Title III of the ADA, which requires public accommodations to remove architectural barriers where such removal is "readily achievable," or to provide goods and services through alternative methods, where those methods are "readily achievable," Title II requires a City to make its programs accessible in all cases, except where to do so would result in a fundamental alteration in the nature of the program or in undue financial and administrative burdens. The US Congress intended the "undue burden" standard in Title II to be significantly higher than the "readily achievable" standard in Title III. Thus, although Title II may not require removal of barriers in some cases where removal would be required under Title III, the program access requirement of Title II should enable individuals with disabilities to participate in and benefit from the programs, services or activities of cities in all but the most unusual cases.

To comply with the Title II requirements for accessibility to City *programs, services and activities*, this Transition Plan:

- Evaluates existing policies, procedures and practices as they pertain to the City's programs, services and activities;
- Provides findings and recommendations with regard to policies, procedures and practices;
- Identifies physical obstacles in the public entity's facilities that limit the accessibility of its programs or activities to individuals with disabilities;
- Assesses the extent of architectural barriers to program accessibility in the public rights-of-way and within the buildings, parks and other facilities operated by the City;
- Describes in detail the methods that will be used to make the facilities accessible;
- Estimates costs for mitigation solutions;
- Specifies the steps necessary to achieve compliance;
- Provides a schedule for barrier removal/mitigation;
- Sets priorities for barrier elimination; and
- Indicates the official responsible for implementation of the plan.

Per 28 Code of Federal Regulations, Part 35; Subpart D – Program Accessibility; §35.150 – Existing Facilities; (d) Transition Plan (1): The City 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. As such the City should invite the public to participate in the development of the Self-Evaluation and Transition Plan and to submit comments, questions, and recommendations.

SELF-EVALUATION OF POLICIES, PROCEDURES AND PRACTICES

In addition to identifying and modifying physical barriers, Title 28 CFR Part 35, *Non Discrimination on the Basis of Disability in State and Local Government Services*, requires that a public entity evaluate its policies, procedures and practices:

- Evaluate City policies, procedures, and practices as they pertain to the its programs, services and activities; and make the necessary modifications to those policies and practices that do not meet the programmatic requirements of Title II of the ADA
- Provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the self-evaluation process by submitting comments
- Maintain, file and make available for public inspection a list of interested persons consulted, a description of areas examined and any problems identified, and a description of any modifications made

It is recommended that the City periodically evaluate such policies, procedures and practices pertaining to communication, auxiliary aides and services, emergency response, publications, determination for undue burden, public activities, employment, and new construction of facilities, in addition to physical accessibility to City facilities.

It is also recommended that for program barrier mitigation, a detailed outline of administrative requirements and detailed requirements of needed policies be included. The policy outline would serve as a guideline upon which the City's future policies may be built.

B. OVERVIEW: ACCESS COMPLIANCE ASSESSMENTS OF FACILITIES

The transition plan is used to document the access barriers to the City's programs, services and activities. The documented access barriers identify existing building conditions that deviate from current State and Federal standards for new construction.

NO.	BUILDING NAME	ADDRESS
101	Carnegie Arts Center	250 N. Broadway Multiple levels;
102	City Hall	156 S. Broadway (Corner of Broadway & A St.)
103	Columbia Pool / Marty Yerby Center	600 Columbia St. (Columbia Park);
104	Corporation Yard (Animal Control)	700 S. Walnut Rd.
105	Fire Station #1	540 E. Marshall St.
106	Fire Station #2	791 S. Walnut Rd.
107	Fire Station #3	501 E. Monte Vista Ave.
108	Fire Station #4	2820 N. Walnut Rd.
109	Recreation Division	144 S. Broadway
110	Regional Water Quality Treatment Center	900 S. Walnut Rd.
111	Rube Boesch Center	275 N. Orange St.
112	Senior Center	1191 Cahill Ave.

NO.	PARK NAME	ADDRESS
201	BMX Bike Park	Panorama Ave.
202	Brad Bates Park	4200 Mountain V
203	Bristol Park	2500 Castlevue Dr.
204	Broadway Park	501 N. Broadway
205	Centennial Park	2101 Pinto Way
206	Central Park	115 S. Golden State Blvd.
207	Christoffersen Park	601 E. Christoffersen Pkwy.
208	Columbia Park	600 Columbia
209	Crane Park	1555 E. Canal Dr.
210	Curt Andre Park	4235 N. Kilroy Rd.
211	Dale Pinkney Park	4300 & 4400 Cherry Blossom Ln.
212	Denair Park	850 E. Main St.
213	Donnelly Park	600 Pedras Rd.
214	Ferreira Ranch Park	460 Sandy Way
215	Four Seasons Park	1401 Seasons Park Dr.
216	Gar Park	600 Marshall St.
217	Harold Markley Park	3180 N. Berkeley Ave.
218	Pedretti Sports Complex	2400 N. Tegner Rd.
219	Rotary International Park	1025 Gettysburg Ave.
220	Brandon Koch Skate Park	Starr Ave.
221	Soderquist Park	1100 Flower St.
222	Sunnyview Park	500 S. Berkeley Ave.
223	Summerfaire Park	1350 Fulkerth Rd.
224	Tot Lot	545 Clover Dr.
225	Turlock Regional Sports Complex	4545 N. Kilroy Rd.

For each barrier, this Transition Plan outlines the code deviations and requirements from the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and the Accessibility Standards in the California Building Standards Code (CBC) for the following facilities included in this phase of the plan:

In the rights-of-way, where the City has either sole or shared responsibility/authority over streets, roads and walkways, the ADA Transition Plan references the Development Services Department's schedule for providing curb ramps or mitigating barriers in pedestrian sidewalks, giving priority to pedestrian routes serving public entities, including State and local government offices and facilities, transportation, places of public accommodation, and employers, followed by walkways serving other areas.

The survey of City facilities fulfills the first requirement for the Transition Plan, by identifying physical obstacles limiting the accessibility of the City's programs and activities to individuals with disabilities. Field assessments of City buildings and parks were conducted in accordance with current accessibility regulations per Title II of the ADA and Title 24 of the California Code of Regulations; furthermore recommendations in the rights-of-way were also developed based on the Access Board's revised draft guidelines for Accessible Public Rights-of-Way.

Report Production

The following information contains the minimum data included in the Transition Plan-Assessment Reports:

- Item number of barrier and/or room numbers, corresponding to schematic site and floor plans
- Area/location of the barrier; for example room name or number
- Description of the barrier (as-built situation)
- As-is measurement/dimension
- Method of mitigation (e.g. physical alteration, purchase, program modification, equivalent facilitation, etc.)
- Detailed description of proposed solution and, if applicable, an alternative or interim solution
- Code citations, specifying the applicable sections in the State accessibility regulations, and in the federal standards
- Severity of individual barriers (three levels: 1=severe, 2=moderate, 3=mild)
- Unit and estimated unit price
- Total estimated cost for barrier removal
- Special site conditions (if applicable)

C. PRIORITIZATION CRITERIA & COMMUNITY INPUT FOR BARRIER MITIGATION

The relative importance of each barrier, according to its impact upon the disabled population was taken into account when developing the prioritization criteria for barrier mitigation.

Overall Prioritization Criteria according to programmatic functions:

- Importance of the program function
- Frequency of Use
- Program location and relation to other programmatic functions

Since persons with disabilities utilize certain facilities with greater frequency than other facilities, the impact of barriers identified at those facilities was deemed to be greater. Upon compilation of the survey results, prioritization criteria was determined for barriers identified in the survey and additional information was obtained to determine a final level of prioritization.

Prioritization Criteria for Facilities according to barrier location:

- Priority 1. Basic public access and hazardous conditions
- Priority 2. Access to program function areas.
- Priority 3. Access to public common areas that support program function areas. (such as restrooms, drinking fountains, public telephones, etc.). Provision of visual/audible signal devices connected to the existing fire alarm system.
- Priority 4. Barriers not included in priorities 1, 2 and 3:
- Priority 5. Compliant with the ADAAG. However, does not meet California State Accessibility Standards and to be addressed when the California Building Standards Code is triggered on account of an alteration project.

The prioritization of barrier-mitigation within the City buildings and parks followed a 2-step process:

1. Priorities 1 through 5 were assigned to each record or barrier identified (as described above)
2. Priority numbers 1 through 25 were assigned to each of the City parks and 1 through 12 to each of the City buildings surveyed.

The City provided the opportunity for persons with disabilities and organizations representing persons with disabilities to provide input on the above-mentioned prioritization criteria. The identified barriers were prioritized and sorted for inclusion into annual barrier-removal projects based on the City's available budget streams for these projects.

Identified in the appendix of the Transition Plan, are proposed facilities barrier-mitigation sorted and assigned by the following City programs/plans (with corresponding Officials Responsible):

- Capital Improvements Program in Public Rights-of-way (City Engineer – Development Services Department)
- Parks Improvements Program (Manager – Parks, Recreation, and Public Facilities Department)
- Building Maintenance Program (Manager – Parks, Recreation, and Public Facilities Department)

- Sidewalk Repairs & Maintenance Program (Manager - Parks, Recreation, and Public Facilities Department)

Based on the above prioritization criteria and the facilities master priority for each City facility, sidewalks within sections of mid-blocks and curb ramps at street intersections serving or connecting to City facilities are given a higher priority order.

In the public rights-of-way (PROW), where the City has sole responsibility/authority over streets, roads and walkways, the ADA Transition Plan references the City's Pavement Management Program and Street Resurfacing Program schedule for providing curb ramps or mitigating barriers in pedestrian sidewalks. In addition, the Transition Plan schedule prioritizes barrier-mitigation within pedestrian routes that serve public entities, including State and local government offices and facilities, transportation, places of public accommodation, and employers, followed by walkways serving other areas.

Prioritization Criteria for PROW according to barrier location:

- Priority 1. Pedestrian routes wherein request(s) for barrier removal by any person with mobility and/or vision disabilities seeking full and equal access
- Priority 2. Pedestrian routes serving State and local government offices and facilities
- Priority 3. Pedestrian routes serving important transportation corridors, including pathways leadings to schools.
- Priority 4. Pedestrian routes serving commercial/business zones and other Title III entities
- Priority 5. Pedestrian routes serving residential neighborhoods and undeveloped regions.

D. OFFICIAL(S) RESPONSIBLE

The ADA requires that an official be identified as responsible for the implementation of the Entity's plan.

It is the US DOJ's view that compliance with 28 CFR 35.150(a), like compliance with the corresponding provisions of the section 504 regulations for public programs, would in most cases not result in undue financial and administrative burdens on a typical City. In determining undue financial and administrative burdens, all City resources available for use in the funding and operation of City services, programs and activities would need to be considered.

The burden of proving that compliance with paragraph (a) of 28 CFR 35.150 would either fundamentally alter the nature of a service, program, or activity OR would result in undue financial and administrative burdens rests with the City. The decision that compliance would result in such alteration and/or burden must be made by the head of the public entity or his or her designee and must be accompanied by a written statement of the reasons for reaching that conclusion.

While the US DOJ has acknowledged the difficulty/complexity of not only making such a determination, but also identifying the official responsible to make this decision/determination,

the department's intention is clear in that the determination must be made by a high level official, no lower than a Department head, having budgetary authority and responsibility for making spending decisions. The Official Responsible for the implementation should be able to seek/acquire funding for ADA barrier removal work over the City's Transition Planning period. In most cities, it is the City Manager who can effectively control the City's budget line item – "ADA Transition Planning budget".

The City of Turlock will designate the Director of Development Services as the Official Responsible for the implementation of its ADA Transition Plan. In the City of Turlock, the barriers identified in Parks, Buildings and the Rights-of-Way will all fall in the purview of the Development Services Director and the respective Department Directors – i.e. Community Services, Parks, Recreation, Facilities, Public Works, etc.

Typically, the responsibility of making any particular City program, service or activity accessible to all persons, regardless of ability, rests with the official who controls the operating funds for that particular program, service or activity. To this end, the task of seeking/getting approval for funds from the governing body to make the said program accessible lies with the official responsible for the program.

Indication of the official(s) responsible for implementation of the plan fulfills the final requirement of a Transition Plan.

E. IMPLEMENTATION OF TRANSITION PLAN

The document should be maintained and updated for the duration of the Transition Planning period and a copy of the transition plan shall be made available for public inspection.

The final product is a working document to be modified as barriers are removed or alterations are made. The Official(s) responsible and project managers overseeing the barrier-removal projects will document all such ADA improvements/upgrades. Also as part of this process, technical infeasibility, if any, to meet necessary accessibility compliance will be documented and filed for the City's records by the Engineer-of-Record on the said project. It is also recommended to provide accessibility site audits (inspections) of on-going projects as part of the project close-out/certification. This documentation and verification of barrier-mitigation will be integrated into the City's ADA Transition Plan on a regular basis to ensure that barriers are "checked-off" and the Plan is current with a record of barrier-mitigation work. Annual reports of barrier-mitigation work may also be provided to City Council.

For barriers within the public rights-of-way, a 3-pronged approach to implementation is recommended:

1. The Parks, Recreation, and Public Facilities Department would be able to prepare a mitigation schedule for pedestrian access routes from the nearest fixed route (Bus Line Service of Turlock) bus stop(s) serving City offices/facilities to the site-entrance points of those facilities. If a technical infeasibility is determined, the Parks, Recreation, and Public Facilities Department would coordinate with Turlock Transit Lines on relocating bus stops along accessible route serving said City offices/facilities.
2. The Development Services Department, Engineering Division, would provide the City's Pavement Management Program (PMP) identifying street sections being resurfaced

under this program over the next few years. This division would be able to identify curb ramps that are not compliant with current ADA standards within the PMP's identified street sections. These identified curb ramps will be scheduled for upgrade to applicable standards in tandem with the improvements specified in the PMP.

3. The Parks, Recreation, and Public Facilities Department will adopt a formal procedure/policy of reviewing citizen-requests for barrier-removal within pedestrian access routes and providing the necessary services determined through the review in coordination with the City's ADA Coordinator.

It is recommended that the City adopt a formal policy and procedure for the Development Services Department, Engineering Division, and the Parks, Recreation, and Public Facilities Department to coordinate when responding to curb ramp upgrades or other sidewalk barrier-removal requests from City residents.

This is a living document and is open to modification throughout the transition period. Identified in the appendix of the Transition Plan, are proposed facilities barrier-mitigation sorted and assigned by the City programs/plans (with corresponding Officials Responsible). Also identified in the appendix of the Transition Plan, is a list of issues that will be included as part of the City's maintenance programs:

The City will continue to plan for an annual "ADA Improvements" budget. This budget will be used to plan mitigation of those barriers identified in the Plan that are not part of any CIP project or Bond program. This budget will be in addition to and separate from funds required for any ADA improvements and upgrades triggered on account of CIP projects and Bond Programs. The scope of work and budget for all such CIP and bond projects must incorporate the improvements triggered by applicable Federal, State and local accessibility regulations and codes.

And finally, the maintenance of accessible features is mandated by State and Federal Regulations and is an integral part of the City's plan to transition into a more accessible destination.