



MEMORANDUM

TO: HONORABLE MAYOR & CITY COUNCIL MEMBERS
FROM: LES JONES, INTERIM DIRECTOR OF PUBLIC WORKS
DATE: JUNE 4, 2013
**SUBJECT: CITY OF RANCHO PALOS VERDES ACCESSIBILITY
SELF-EVALUATION AND TRANSITION PLAN**
REVIEWED: CAROLYN LEHR, CITY MANAGER

Project Manager: Siamak Motahari, Senior Engineer

RECOMMENDATIONS

- 1) Adopt Resolution 2013- a Resolution of the City Council of the City of Rancho Palos Verdes approving the City of Rancho Palos Verdes Accessibility Self-Evaluation and Transition Plan.
- 2) Direct staff to initiate measures to construct the recommended ADA improvements consistent with the attached implementation plan (Transition Plan).

BACKGROUND

The Americans with Disabilities Act (ADA), which was signed into law on July 26, 1990, required full compliance by all public agencies by 1995. To date, public agencies, particularly cities, have failed to meet the initial deadline. Generally speaking, sanctions for non-compliance have been civil in nature. Additionally the U.S. Department of Justice (DOJ) has initiated "Project Civic Access", a random public agency audit, to encourage a more serious approach by public agencies to comply with the federal law. When problems are identified, communities often have negotiated and implemented a settlement agreement with the DOJ that will direct their future obligations to construct corrective projects.

There are two primary steps a city must follow to comply with the ADA:

1. The City must prepare a program to implement remedies that address identified physical barriers and to ensure access by persons with disabilities to the programs, activities, and services offered by the City. This program Includes

preparation of a 'Self-Evaluation' report for all City facilities with respect to accessibility, and, a 'Transition Plan' to schedule and fund implementation of corrective work to achieve ADA compliance.

2. The City must implement the plan through steps including necessary repair and/or construction.

The ADA prohibits discrimination and provides comprehensive civil rights protections to individuals with disabilities in the areas of employment, public accommodations, government services, public transportation, and telecommunications. While the ADA has five separate titles, Title II is the section specifically applicable to state and local governments and to the programs, services and activities they deliver.

During the years following Federal enactment of the ADA, the City of RPV has addressed multiple physical barriers by providing or upgrading sidewalk curb ramps, accessible restrooms, parking lots, and reception counters. These needed upgrades were often included as part of larger improvement projects and in compliance with state building codes.

However, adopting and following a Transition Plan not only represents the City's good faith effort to comply with accessibility requirements, but also gives the City a better opportunity to plan and schedule the corrective work completely, reasonably and based on available resources.

On July 20, 2010, the City Council awarded a contract to the firm BOA Architecture to prepare a citywide ADA Self-Evaluation and Transition Plan (ADA SE & TP). The consultant has prepared the reports coordinating the scheduling of the Transition Plan with Staff.

One part of the requirements for preparing the accessibility Self Evaluation & Transition Plan was to notify and invite members of the disabled community to a public outreach meeting. The purpose of this meeting is to obtain and record the community's input, questions and concerns and include them in the documents for consideration and implementation. Staff notified the community three weeks ahead of time by posting a public notice, publishing in the local newspaper and placing the notice on the City's website. This meeting was scheduled for May 4th, 2011 at Hesse Park. The meeting was convened and adjourned as there were no public attendees present.

Another ADA requirement is to assign an ADA Coordinator and, a Transition Plan Implementation Manager for the City. The City Manager has appointed the Public Works Director to be the ADA Coordinator. At this time, the Senior Engineer-Facilities will act as the Transition Plan Implementation Manager.

Upon approval by the City Council, these reports will be available on the City's website and at the Department of Public Works. Attachment 2 to this Staff Report is an electronic copy of these reports and a hard copy is made available at the meeting tonight.

DISCUSSION

The citywide accessibility Self-Evaluation report is a comprehensive survey of the City's existing facilities; it contains data for thousands of items which need to become compliant with ADA requirements. This data identifies not only physical barriers but also programs and services that may not be fully accessible. The report also addresses ADA-related aspects of the City's emergency response plans and procedures.

The Accessibility Transition Plan recommends methods to remove these barriers. This plan prioritizes removal of barriers in accordance with guidelines and recommended by the consultant, which are classified by 'severity' in the following order:

- Potential Safety Hazard (A)
- Severe or Complete Barrier to Access (B)
- Partial Barrier to Access (C)
- Minor Code Deviation (D)
- Non-Mandated Access Improvements (E) – includes items identified under draft Federal criteria (as of 2010) to be adopted into law in upcoming code cycles.

With respect to location of identified barriers, the consultant has classified barriers by priorities set by the U.S. Department of Justice (DOJ), in Title 28 of the Code of Federal Regulations, sorted in the order of access to:

1. The facility
2. Program areas
3. Restrooms
4. Other facility elements

The US DOJ defined this set of priorities to provide access to facilities that were constructed prior to the effective date of the ADA. The ADA does not specifically mandate that public entities such as the City prioritize the removal of barriers in this specific order; however, classifying identified barriers pursuant to the U.S. DOJ guidelines has led to a better understanding of the level of accessibility presently provided at specific City facilities.

Even though the order of work will start with highest priorities stated previously, there may be instances when removal of a high priority barrier will necessarily include removal of a lower priority barrier at the same location. The actual implementation plan therefore may be modified when it is found appropriate to address both high and lower priority items at the same location, thereby generating economies of scale and potential cost savings by grouping both high and lower priority improvements into discrete facility-specific projects.

ANALYSIS

The total cost of the Citywide ADA Transition Plan implementation, which consists of addressing more than 4,300 identified barriers, is estimated to be \$11,848,707 without considering the cost increase index for future years. Soft costs are included in the items

which require design and engineering. The ADA requires the Transition Plan to schedule completion dates of corrective work to eliminate barriers. Therefore, to analyze financing and scheduling of the plan, a summary breakdown of the total cost is provided below:

- 1. Road curb ramps and bus stops: \$2,639,722**
- 2. City facilities and grounds: \$9,208,985**

Implementation of the Transition Plan needs to be consistent with the City's future plans, programs and financial resources. Staff proposes the following financing methods and schedules for the City of RPV Accessibility Transition Plan implementation.

- 1. Road curb ramps and bus stops:** The City's Pavement Management System expends approximately \$14,000,000 over a recurring period of seven years. By dedicating an average of 10% of the annual pavement budget to roads accessibility compliance, the high priority barriers can be addressed in 12 years with another 4 years for completing the lower priority corrective work. Funds for this program will be provided mainly through Proposition C.
- 2. City facilities and grounds:** This work covers necessary improvements to all City buildings, parking lots and parks. Staff proposes an annual budget appropriation of \$400,000 over a period of 2.5 years to address the high priority ADA barriers. Starting from the third year, a minimum annual budget appropriation of \$150,000 is recommended for ADA compliance of low priority barriers until those are completely addressed. Staff recommends the ADA compliance of City Hall and Ladera Linda Buildings & Grounds be included in potential future improvement projects at these facilities. This strategy can result in savings through absorption of ADA compliance costs within the improvement projects.

Services and Programs

Costs to modify the City's programs and services in compliance with the ADA are associated with updating policies and procedures, and, procuring compliant telecommunications equipment. These costs are not very significant and can be absorbed by the operational or administrative budgets and staff time in each department.

Temporary accommodations as needed

Until the Transition Plan is fully implemented, alternatives to retrofit of City facilities when needed may include temporary relocation of a City activity to an accessible facility, adapting or replacing equipment, and the delivery of the service or benefit to persons with disabilities when such accommodations do not create an undue administrative or financial burden.

This approach is consistent with the City's goal to make its programs and services accessible to all persons, including persons with disabilities.

FISCAL IMPACT

The total cost of ADA transition plan estimated with today's dollar value is \$11,848,707. The cost of ADA compliance for road curb ramps, traffic signals and bus stops will be paid for through the City's pavement management budget funded by Proposition C. The fiscal impact of ADA compliance for all other City facilities for FY 13-14 is \$400,000.

Other Potential Funding Sources

There are several funding sources potentially available for various phases of the Transition Plan implementation. Some examples are Community Development Block Grant (CDBG) funds, Quimby Funds, Proposition C, and L.A. County Supervisorial grants. Staff will make a diligent effort to obtain available grants for ADA compliance projects.

CONCLUSION

Approval of Staff's recommendation is another step towards enhancing accessibility of City facilities, programs and services in compliance with applicable State and Federal accessibility requirements.

Attachments:

1. Resolution 2013 -
2. Electronic copy of the City of RPV Accessibility Self-Evaluation and Transition Plan (Original document in Public Works or available from the following link: <http://www.palosverdes.com/rpv/publicworks/ADA>)
3. Definitions of barriers' severity (levels A, B, C, D & E)