

Public Outreach Meeting

ADA Self-evaluation and Transition Plan Process

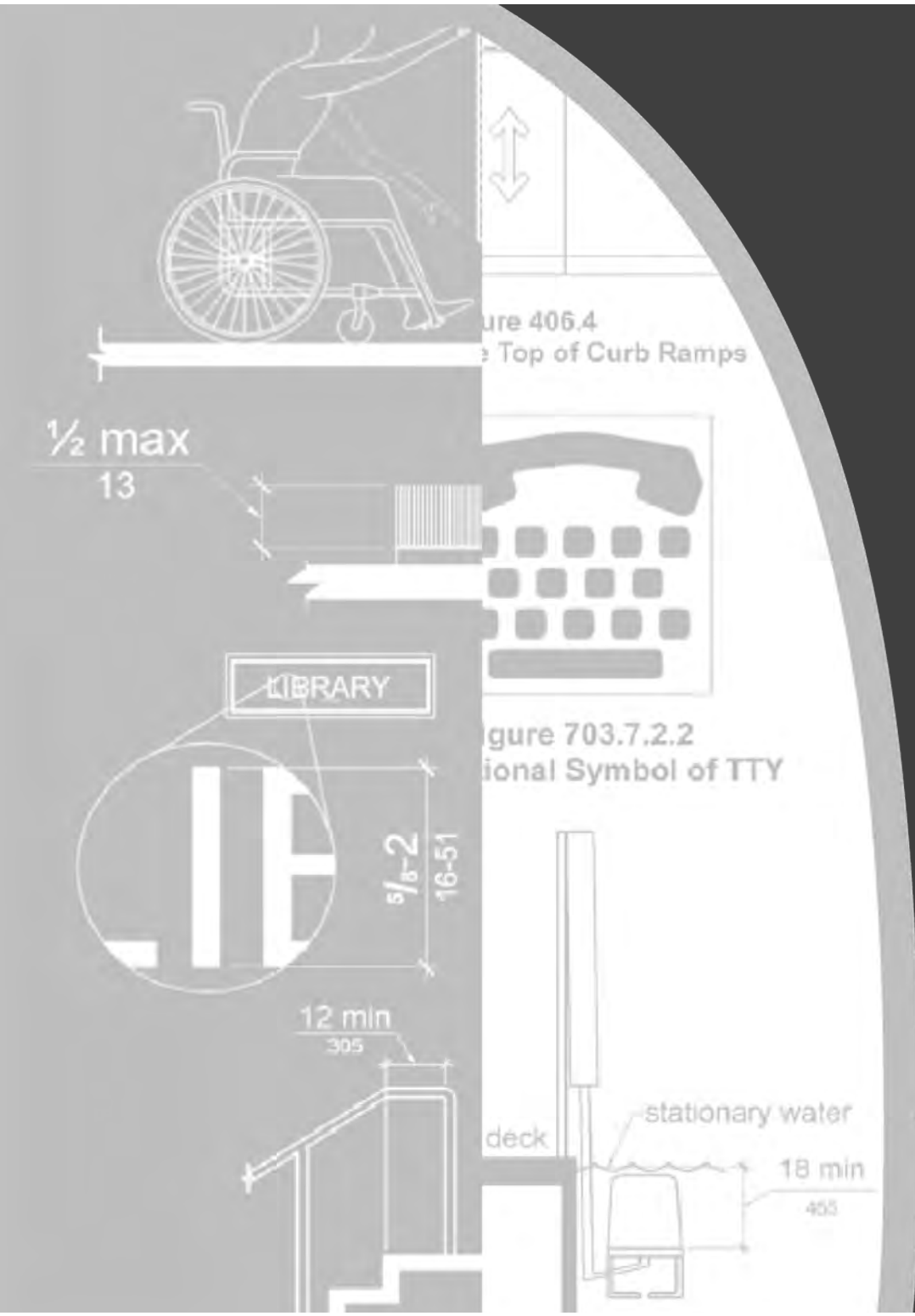
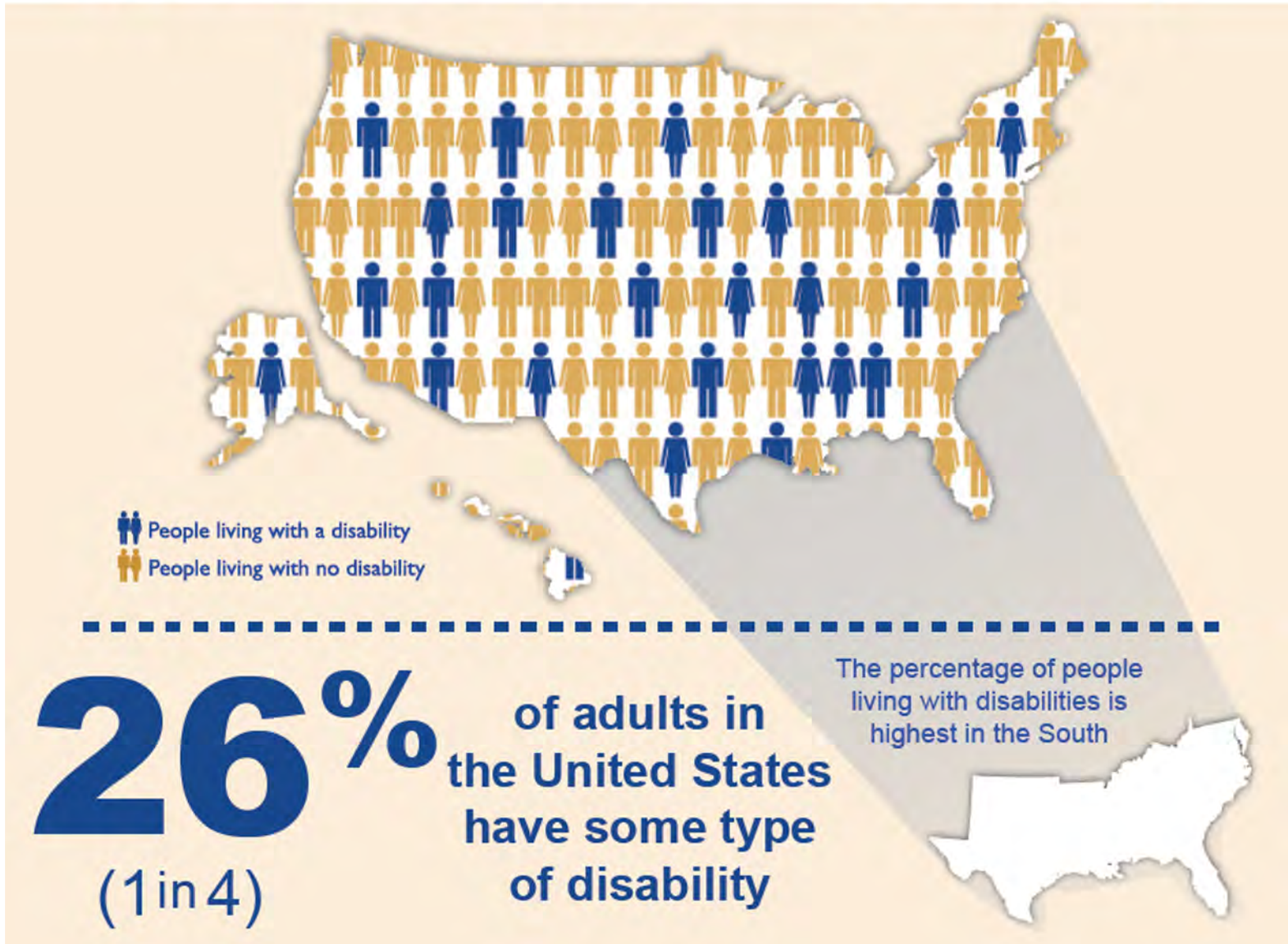


Figure 406.4
Top of Curb Ramps

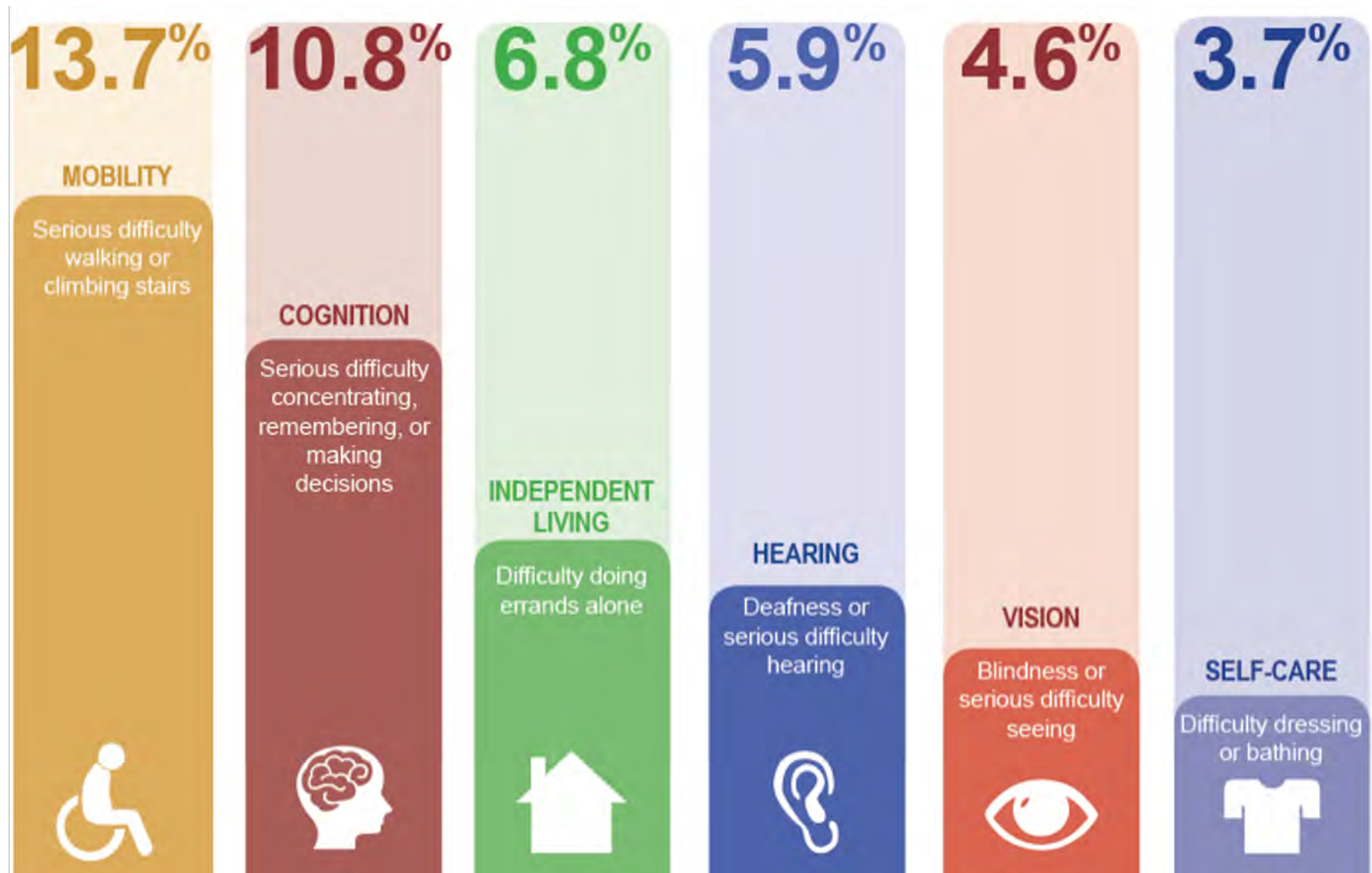
Figure 703.7.2.2
International Symbol of TTY

Disability Impacts All of Us

61 million adults in the United States live with a disability



Percentage of Adults with Functional Disability Types



Disabilities and Communities

Disability is especially common in these groups:

2 in **5**

adults age 65
years and older
have a disability



1 in **4**

women have
a disability



2 in **5**

Non-Hispanic
American Indians/
Alaska Natives
have a disability



The Americans with Disabilities Act (ADA) of 1990

Programs

Services

Activities



Definitions of Disability

Federal ADA & California FEHA

Americans with Disabilities Act (ADA) of 1990

- i. A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- ii. A record or history of such an impairment; or
- iii. Being regarded as having such an impairment

California Fair Housing and Employment Act (FEHA) of 1959

- i. A physical or mental impairment that **substantially** limits one or more of the major life activities of such individual;

Civil Rights Law known as the Integration Mandate



Employment



Public Entities (Transportation,
State and Local Government)



Places of Public
Accommodations

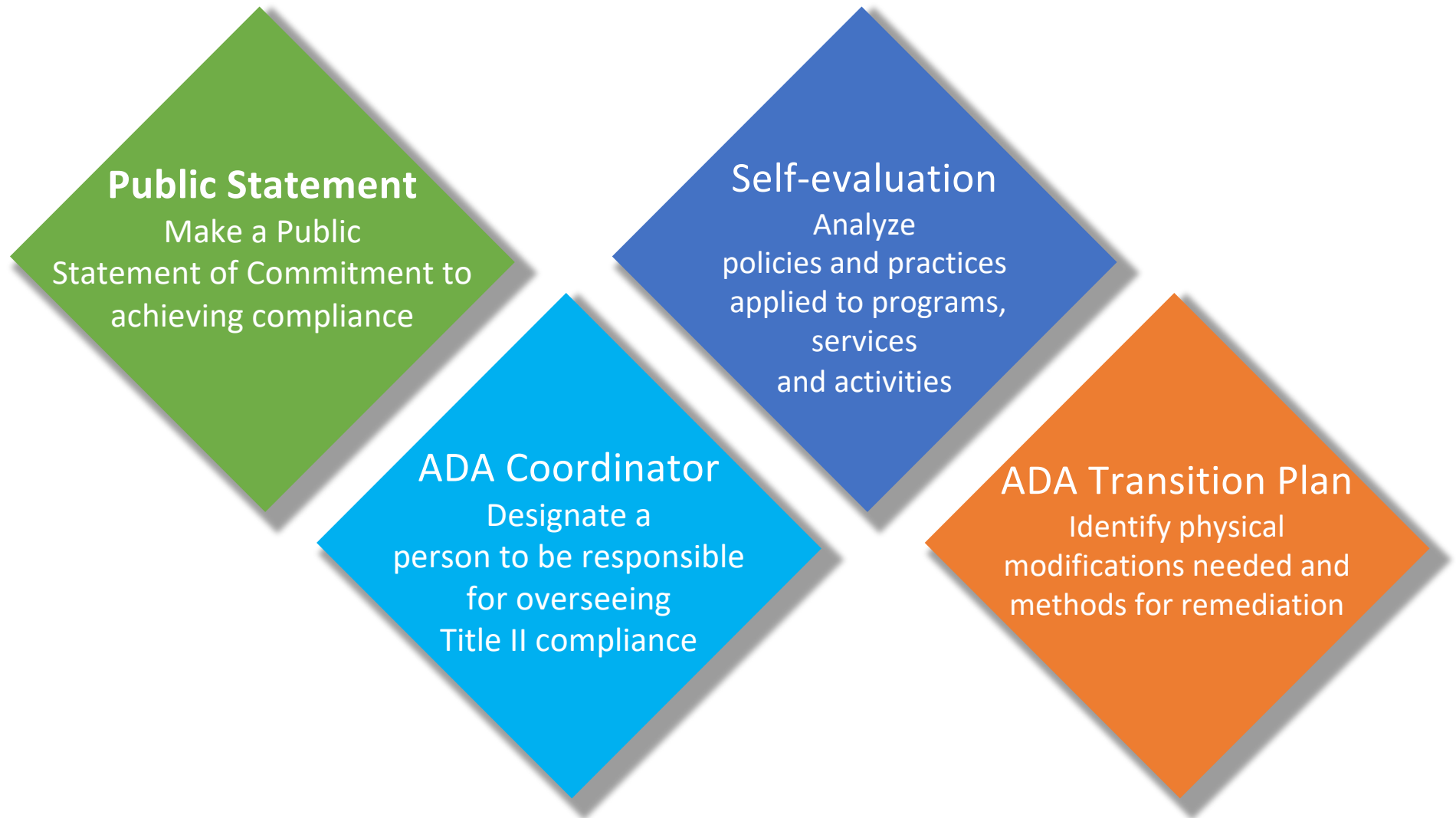


Telecommunications



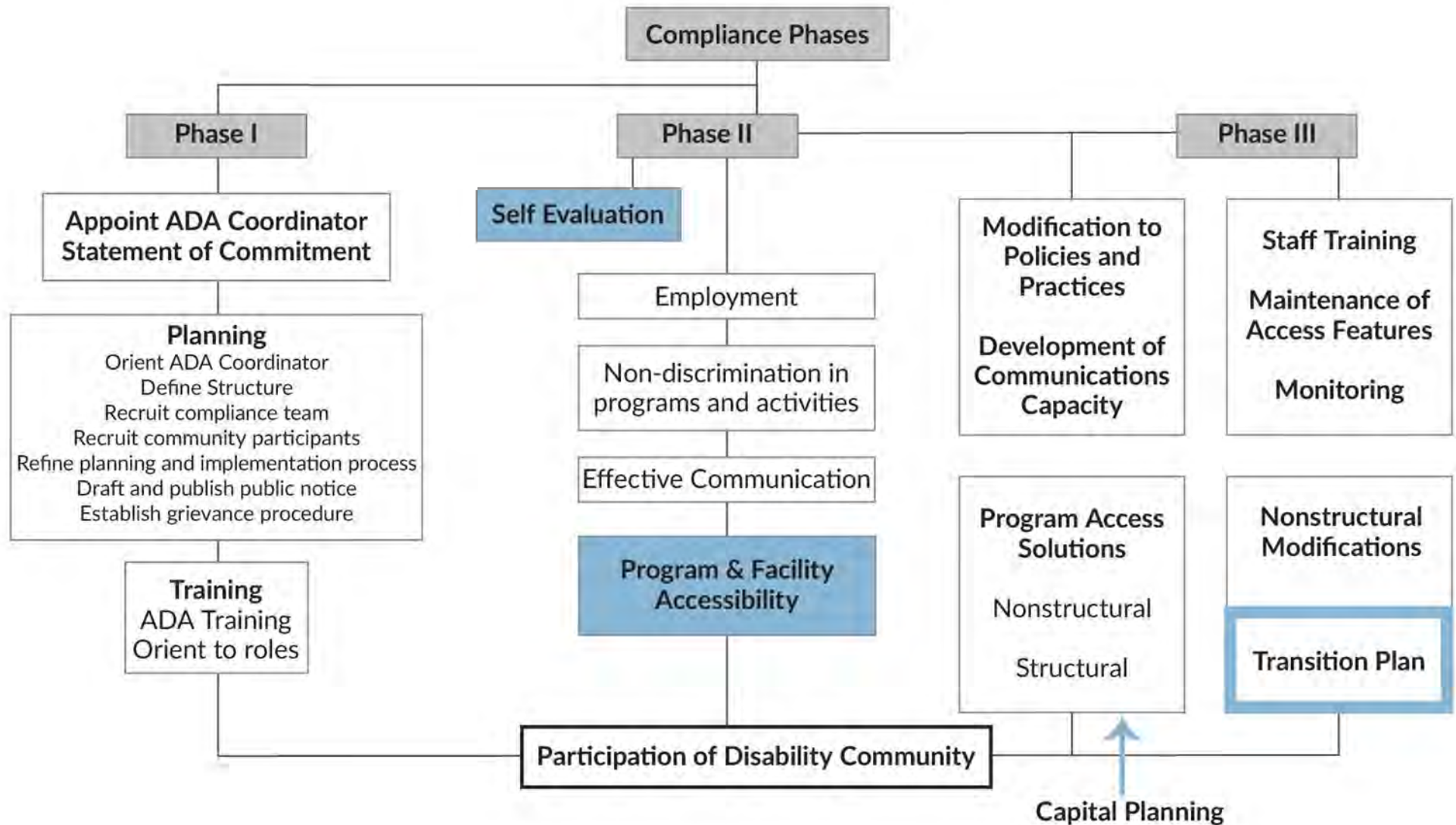
Miscellaneous
Requirements

Fundamentals for Title II Public Entities



ADA Transition Plan Process

(Source: CA Division of State Architect)



Requirements - 28 CFR § 35.151 New Construction and Alterations

(a) Design and construction.

(1) Each facility or part of a facility constructed by, on behalf of, or for the use of a public entity shall be designed and constructed in such manner that the facility or part of the facility **is readily accessible to and usable by individuals with disabilities**, if the construction was commenced after January 26, 1992.

ADA Transition Plans for existing facilities allow FAX to accomplish barrier removal over time.



ADA Transition Plan Minimum Requirements

(28 CFR § 35.150 Existing Facilities, 3(d))



i

Identify **physical obstacles** in the public entity's facilities that limit the accessibility of its programs or activities to individuals with disabilities;



ii

Describe in detail the **methods** that will be used to make the facilities accessible;



iii

Specify the **schedule** for taking the steps necessary to achieve compliance with this section and, if the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period; and



iv

Indicate the **official responsible** for implementation of the plan

Project Overview

Compile: Programs, services and activities (PSAs) provided by ADA Title II entity

Review: Existing policies and practices for possible discrimination

Assess: Physical facilities for compliance with state and federal law

Correlate: PSAs, policies and practices with physical locations

Apply: Determine program accessibility for physical locations

Report: Develop recommendations for remediation in plan



Methodology

- Focus on Standards and Requirements
- Recommend Barrier Removal Priorities
- Use Barrier Severity Rating for Prioritization
- Develop Implementation Plan and Schedule

Legislation and Case Law

New construction and alterations must comply, but facilities are required to be accessible, regardless of construction date under state statutes
(Civil Code §51, 52 and 54)



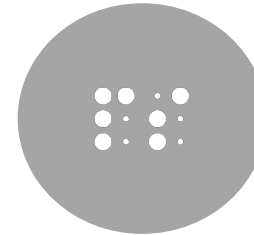
All buildings, structures, sidewalks, curbs, and related facilities, constructed in California with state, county, or municipal funds shall be accessible to and usable by persons with disabilities
(Government Code §4450 and the ADA).



Case Law Precedent
(Kinney v. Yerusalim, Fortune v. Lomita, etc.)



1959 California Fair Housing and Employment Act (FEHA)



Section 508 of the Rehabilitation Act of 1973 (Digital Access)

Alterations to Pre-ADA Facilities



28 CFR § 35.151(b) *Alterations.*

(1) Each facility or part of a facility altered by, on behalf of, or for the use of a public entity in a manner that affects or could affect the usability of the facility or part of the facility shall, to the **maximum extent feasible**, be altered in such manner that the altered portion of the facility is readily accessible to and usable by individuals with disabilities, if the alteration was commenced after January 26, 1992.

Alterations to Pre-ADA Facilities

Exception for structural impracticability

28 CFR § 35.151(2) Exception for structural impracticability (Terrain).

(i) Full compliance is structurally impracticable only in those rare circumstances when the **unique characteristics of terrain** prevent the incorporation of accessibility features.

(ii) If full compliance with this section would be structurally impracticable, compliance with this section is required to the extent that it is not structurally impracticable. In that case, **any portion of the facility that can be made accessible shall be made accessible to the extent that it is not structurally impracticable.**



Alterations to Pre-ADA Facilities

Technical Infeasibility

(Existing Facilities)



Compliance in an **alteration** is not required where it is “technically infeasible.” When something that has little likelihood of being accomplished because existing structural conditions would require removing or altering a load-bearing member that is part of the structural frame; existing physical or site constraints prohibit modification or addition of elements, spaces, or features that are in full and strict compliance with the minimum requirements.

Where technical infeasibility is encountered, compliance is still required to the **maximum extent feasible**.

Standards and Requirements Applied

Governing Factors

California Code of Regulations (CCR) Title 24, Part 2, Chapter 11B, 2013 Edition
Citations (California Building Code or CBC)

2010 Americans with Disabilities Act Design Standards (ADAS)

California Department of Transportation, California Manual on Uniform Traffic
Control Devices (CA MUTCD)

Public Rights-of-Way Accessibility Guidelines (PROWAG)

ADA/ABA standards for *Transportation Facilities* adopted by the US Department of
Transportation

Recommended Standards

Good Practices

- *Universal Design Principles* developed by the University of North Carolina, accepted as good practice
- Industry standard measurement protocols and tools implemented by the US Department of Justice and the federal Access Board

<https://www.access-board.gov/research/building/dimensional-tolerances/#part-ii>

Transit Authorities

A government agency or a public-benefit corporation created for the purpose of providing public transportation within a specific region.

A transit district may operate bus, rail or other types of transport including ferry service, or may operate other facilities.



Transit Facilities



Signage



Bus Stop with Shelter



Bus Stop without Shelter



Bus Stop with Lighting



Bus Stop on Median

Associated Physical Elements



Paratransit Vehicle



Bus Stop in Sidewalk



Bus Stop in Roadway Shoulder



Trash Receptacles at Bus Stop



Fare Vending Machine

ADA Transition Plan Process



Barrier Severity Ratings (BSR)

- A. Rating determines when remediation is scheduled.
- B. The effect that the barrier has on a person using the element is important.
- C. Construction date also plays a role in determining barrier severity ratings.

Five barrier severity ratings are assigned:

1 – Necessary

2 – Recommended

3 – Hindrance

4 – Low Severity

5 – Technically Infeasible

FAX Department Findings

Bus Stops

- Locations (sidewalk, roadway shoulder, medians)
- Sidewalk Compliance
- Boarding and Alighting Space
- Maneuvering Clearance

Physical Barriers Within Vehicles

- Ramps (standard and emergency use)
- Automated vehicle annunciator (AVA) use & maintenance
- Wheelchair Resting Space (securement)

Fixed Route Bus Systems and Paratransit Service

- Vehicle space rating vs. Actual Wheelchair Space

FAX Reference Map



Implementation Schedule

Estimated Starting Balance: \$9,268,903.00

Estimated Yearly Allowance: \$500,000

Estimated Years to Complete: 30

Estimated Yearly Inflation: 2.5%

Parameters for Implementation Schedule Creation:

1. High-use routes serving the largest number of riders.
2. Barrier Priorities within high use routes.

Implementation Schedule

Route Prioritization

Route Prioritization
1
38
9
28
34
41
32
26
22
39
35
20
45
33
3
12
58

Routes serving the largest number of riders.



Barrier Priorities in Transit Facilities



PRIORITY 1

Bus stop locations on arterial and corollary roadways where state and local government agencies, higher education, primary schools and medical facilities are located.

PRIORITY 2

Bus stop locations on arterial and corollary roadways where libraries, parks and recreation facilities are located.

PRIORITY 3

Bus stop locations on roadways in residential, industrial and rural areas.

Official Responsible

FAX has designated a Capital Development Specialist as the official responsible for the barrier removal process.

Please email Sandy Cetti at:

Email: FAXOutreach@fresno.gov

For further assistance please call:
(559) 621-RIDE (621-7433), Option 5.



Input on ADA Transition Plan

For questions specifically about the FAX ADA Transition Plan, send an email to:

- FAXOutreach@fresno.gov

For all other FAX ADA-related questions, concerns, or grievances please visit the FAX website here: <https://www.fresno.gov/transportation/fax/contact-fax/>

The following options are available:

- Online contact form can be completed and submitted
- Printable complaint & compliment forms can be downloaded for submission in-person or by mail to any of the FAX office locations
- Call 621-RIDE (621-7433), Option 5, to speak to a customer service representative.

To contact the Federal Transit Administration directly, please visit the FTA website here: <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/file-complaint-fta>

We Want Your Feedback!

The City is collecting information as part of the process of preparing an ADA Self-evaluation and ADA Transition Plan to update our existing documents.

Be a part of the process at: <https://www.fresno.gov/transportation/plan-reports-notice/>

To request an alternate format of this presentation, or should you have questions or comments specific to this transition plan, please email or call:

FAXOutreach@fresno.gov (559) 621- RIDE (621-7433), Option 5.

Please join us at one of these meetings:

Social Service Transportation Advisory Council (SSTAC)

Tuesday, April 20, 2021 1:30 – 3:00 p.m.

Join Zoom Meeting:

[https://zoom.us/j/93700098434?pwd=RDFh](https://zoom.us/j/93700098434?pwd=RDFhZzJvUG1uMUFDRExRdXhwZXZlZk9)

[ZzJvUG1uMUFDRExRdXhwZXZlZk9](https://zoom.us/j/93700098434?pwd=RDFhZzJvUG1uMUFDRExRdXhwZXZlZk9)

Join by Phone:

(669) 900-6833

Meeting ID: 937 0009 8434

Passcode: 604273

Disability Advisory Commission (DAC) Transportation Subcommittee

Wednesday, April 28, 2021 2:00 – 3:30 p.m.

Join Zoom Meeting: <https://zoom.us/s/97661554309>

Passcode: DAC2021

Join by Phone:

(669) 900 9128

Meeting ID: 976 6155 4309

Passcode: 7729506



QUESTIONS?