

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

640A



FROM: TLMA - Transportation Department

SUBMITTAL DATE:
February 28, 2013

SUBJECT: Adopt Resolution 2013-024, Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan for Access in the Public Road Right-of-Way.

RECOMMENDED MOTION: That the Board of Supervisors adopt Resolution 2013-024:

1. Adopting the "Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan for Access in the Public Road Right-of-Way" (Plan);
2. Adopting the "ADA Complaint Resolution Procedure for Pedestrian Facilities in the Public Road Right-of-Way";
3. Authorize the Director of Transportation to appoint the Transportation ADA Coordinator to administer the Plan and to coordinate with the central Disability Access Office; and
4. Authorizing the Director of Transportation to update the Plan regularly as needed.

Juan C. Perez
Director of Transportation

JCP:pr:cmw
(Continued On Attached Page)

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2012/2013

SOURCE OF FUNDS: No General Funds are used in this project.	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

BY Tina Grande

County Executive Office Signature

FORM APPROVED COUNTY COUNSEL
BY: ELENI M. BOEVA
DATE: 2-27-13

Departmental Concurrence

Dept's Recomm.: Consent Policy

Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref. 09/01/1998 #3.40, 08/23/2005 #3.59, 02/05/2013 #3.48. | **District:** All | **Agenda Number:**

The Honorable Board of Supervisors

RE: Adopt Resolution No. 2013-024, Adopt the Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan for Access in the Public Road Right-of-Way.

February 28, 2013

Page 2 of 3

BACKGROUND:

The Transportation Department operates and maintains a system of sidewalks, curb ramps, pedestrian disability warning devices and pedestrian activated signal systems along streets within the unincorporated areas of Riverside County. It is the goal of the Department to provide safe and usable pedestrian facilities for all pedestrians and to comply with all federal, state and local regulations and standards.

To prohibit discrimination on the basis of disability, the Federal government enacted the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA). Title II of the ADA pertains to state and local governments and requires that persons with disabilities be provided with an equal opportunity to benefit from government programs, services and activities.

In the case of *Barden v. Sacramento* (2002), the court held that sidewalks constitute a service, program or activity of a public agency and that sidewalks are therefore subject to the ADA Title II program accessibility requirements.

Title II of the ADA identifies specific steps that state and local governments must follow to comply with the ADA. These include: 1) preparing a **Self-Evaluation** of programs, services and activities that may not be accessible to persons with disabilities; 2) developing a **Transition Plan** to provide for the elimination of barriers for disabled persons to access these programs, services and activities; 3) designating at least one employee as the **ADA Coordinator** to be responsible for the ADA compliance program; 4) establishing a **Grievance Procedure** to respond to complaints regarding accessibility; 5) providing **Notice** to the public of the County's obligations under Title II to prohibit discrimination on the basis of disability; and 6) providing an opportunity for interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the Transition Plan by submitting comments and making specific recommendations.

In accordance with these requirements, the Disability Access Office in the Human Resources Department prepared an ADA self-evaluation, grievance procedure and notice of non-discrimination to address access to county-wide employment, programs and services. The Board of Supervisors adopted the "County of Riverside ADA Complaint Resolution Procedure" on September 1, 1998 and the "Americans with Disabilities Act Self-Evaluation, County of Riverside" and "Disability Access and Nondiscrimination" statement on August 23, 2005. The Disability Access Coordinator in the Disability Access Office is the county-wide ADA Coordinator and provides centralized oversight and coordination of ADA compliance efforts with County departments.

The EDA/Facilities Management Department also prepared an ADA self-evaluation and transition plan to specifically address accessibility of County buildings operated by the department, including administrative centers, community centers, libraries, hospitals, sheriff stations, courts and jails. This "Riverside County ADA Transition Plan" for facilities access was completed in 1998. The Facilities Management Department has a facilities accessibility coordinator to oversee the implementation of its transition plan.

The Honorable Board of Supervisors

RE: Adopt Resolution No. 2013-024, Adopt the Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan for Access in the Public Road Right-of-Way.

February 28, 2013

Page 3 of 3

To address the needs of persons with disabilities to specifically access the public road and sidewalk system, the Transportation Department has prepared the "Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan for Access in the Public Road Right-of-Way" (Plan) (attached as Exhibit A) and the "ADA Complaint Resolution Procedure for Pedestrian Facilities in the Public Road Right-of-Way" (attached as Exhibit B). The Director of Transportation will appoint a Transportation ADA Coordinator to administer the Plan and to coordinate with the central Disability Access Office.

Since 1992, the effective date of the ADA, the Transportation Department (Department) has incorporated ADA and California Title 24 design requirements into the Department's curb ramp, sidewalk and other standard drawings. The Department routinely integrates accessibility into all new and altered improvements within the public road right-of-way. In the last 10 years alone, the Department has overseen the construction of more than 2,500 curb ramps.

Under the Department's ADA compliance program, the Department intends to bring all of the curb ramps within the public road right-of-way into compliance with current standards within approximately 15 years. The Department proposes to utilize transportation funds and competitive grant funds for the proposed expenditures. County General Funds will not be used; therefore, the program will have no net financial effect on the County.

On February 5, 2013, the Board of Supervisors adopted Resolution No. 2013-023 giving notice of the Board's intention to: adopt the "Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan for Access in the Public Road Right-of-Way" (Plan) and the "ADA Complaint Resolution Procedure for Pedestrian Facilities in the Public Road Right-of-Way"; and authorize the Director of Transportation to appoint the Transportation ADA Coordinator and update the Plan regularly as needed.

Staff recommends that the Board of Supervisors adopt the attached Final Resolution, adopting the Transportation Department's Plan and grievance procedure, and authorizing the Director of Transportation to appoint the Transportation ADA Coordinator and to update the Plan regularly as needed.

Attachments:

1. Resolution No. 2013-024
2. Exhibit A – Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan for Access in the Public Road Right-of-Way
3. Exhibit B – ADA Complaint Resolution Procedure for Pedestrian Facilities in the Public Road Right-of-Way

RESOLUTION No. 2013-024

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE
ADOPTING THE AMERICANS WITH DISABILITIES ACT (ADA) SELF-EVALUATION AND
TRANSITION PLAN FOR ACCESS IN THE PUBLIC ROAD RIGHT-OF-WAY AND THE
ADA COMPLAINT RESOLUTION PROCEDURE FOR PEDESTRIAN FACILITIES IN THE
PUBLIC ROAD RIGHT-OF-WAY, AND AUTHORIZING THE DIRECTOR OF TRANSPORTATION
TO APPOINT THE TRANSPORTATION ADA COORDINATOR
AND TO UPDATE THE PLAN REGULARLY AS NEEDED.**

WHEREAS, the federal government enacted the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA) to prohibit discrimination on the basis of disability; and

WHEREAS, Title II of the ADA pertains to state and local governments and requires that persons with disabilities be provided with an equal opportunity to benefit from government programs, services and activities; and

WHEREAS, Title II of the ADA identifies specific steps that state and local governments must follow to comply with the ADA, including: 1) preparing a Self-Evaluation of programs, services and activities that may not be accessible to persons with disabilities; 2) developing a Transition Plan to provide for the elimination of barriers for disabled persons to access these programs, services and activities; 3) designating at least one employee as the ADA Coordinator to be responsible for the ADA compliance program; 4) establishing a Grievance Procedure to respond to complaints regarding accessibility; 5) providing Notice to the public of the County's obligations under Title II to prohibit discrimination on the basis of disability; and 6) providing an opportunity for interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the Transition Plan by submitting comments and making specific recommendations; and

RESOLUTION No. 2013-024

WHEREAS, in the case of *Barden v. Sacramento (2002)*, the court held that sidewalks constitute a service, program or activity of a public agency and that sidewalks are therefore subject to the ADA Title II program accessibility regulations; and

WHEREAS, the Transportation Department operates and maintains a system of sidewalks, curb ramps, pedestrian disability warning devices and pedestrian activated signal systems along streets within the unincorporated areas of Riverside County; and

WHEREAS, to comply with the requirements of Title II of the ADA to provide Notice to the public of the County's obligations under Title II to prohibit discrimination on the basis of disability, the Board of Supervisors previously adopted the "Disability Access and Nondiscrimination" statement at its regular session assembled on August 23, 2005; and

WHEREAS, to comply with the requirements of Title II of the ADA and to address the needs of persons with disabilities to access the public road and sidewalk system, the Transportation Department has prepared the document, "Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan for Access in the Public Road Right-of-Way" (Plan), attached hereto as Exhibit A and made a part hereof; and

WHEREAS, to comply with the requirements of Title II of the ADA to establish a Grievance Procedure to respond to complaints regarding accessibility in the public road right-of-way, the Transportation Department has prepared the document, "ADA Complaint Resolution Procedure for Pedestrian Facilities in the Public Road Right-of-Way," attached hereto as Exhibit B and made a part hereof; and

WHEREAS, to comply with the requirements of Title II of the ADA to designate an employee as the ADA Coordinator to be responsible for the administration of the ADA compliance program for the public road right-of-way, the Director of Transportation will appoint a

RESOLUTION No. 2013-024

Transportation ADA Coordinator to administer the Plan and to coordinate with the County Disability Access Office; and

WHEREAS, the Plan is intended to be a living document and the Director of Transportation will need to update the Plan regularly to reflect progress and adjustments; and

WHEREAS, to comply with the requirements of Title II of the ADA, the Transportation Department has provided an opportunity for interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the Plan by submitting comments and making specific recommendations; and

WHEREAS, on February 5, 2013, the Board of Supervisors adopted Resolution No. 2013-023 giving notice of the Board's intention to: adopt the "Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan for Access in the Public Road Right-of-Way" and the "Complaint Resolution Procedure for Pedestrian Facilities in the Public Road Right-of-Way"; and authorize the Director of Transportation to appoint the Transportation ADA Coordinator and update the Plan regularly as needed.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Riverside, State of California, in regular session assembled on March 12, 2013 hereby:

Section 1. Adopt the "Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan for Access in the Public Road Right-of-Way"; and

Section 2. Adopt the "ADA Complaint Resolution Procedure for Pedestrian Facilities in the Public Road Right-of-Way"; and

Section 3. Authorize the Director of Transportation to appoint the Transportation ADA Coordinator to administer the Plan and to coordinate with the County Disability Access Office; and

Section 4. Authorize the Director of Transportation to update the Plan regularly as needed.

RESOLUTION No. 2013-024

This Resolution shall become effective immediately upon adoption.

Exhibit B

Riverside County Transportation Department

ADA Complaint Resolution Procedure for Pedestrian Facilities in the Public Road Right-of-Way



ADA COMPLAINT RESOLUTION PROCEDURE FOR PEDESTRIAN FACILITIES IN THE PUBLIC ROAD RIGHT-OF-WAY

This Complaint Resolution Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 (ADA). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits provided by the Riverside County Transportation Department for access to pedestrian facilities in the public road right-of-way by persons with disabilities.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the complainant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to the Transportation ADA Coordinator:

Cathy Wampler, Transportation ADA Coordinator
Riverside County Transportation Department
3525 14th Street, Riverside, CA 92501
Phone (951) 955-6803, Fax (951) 955-3164
cwampler@RCTLMA.org
TTY: 711

Within 30 calendar days after receipt of the complaint, the Transportation ADA Coordinator or his/her designee will contact the complainant to discuss the complaint and the possible resolutions. Within 30 calendar days of contacting the complainant, the Transportation ADA Coordinator or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, audio tape or computer compact disc. The response will explain the position of the Riverside County Transportation Department and offer options for substantive resolution of the complaint.

If the response by the Transportation ADA Coordinator or his/her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 30 calendar days after receipt of the response to the Director of Transportation or his/her designee.

Within 30 calendar days after receipt of the appeal, the Director of Transportation or his/her designee will contact the complainant to discuss the complaint and possible resolutions. Within 30 calendar days after the contacting the complainant, the Director of Transportation or his/her designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the Transportation ADA Coordinator or his/her designee, appeals to the Director of Transportation or his/her designee, and responses from these two offices will be retained by the Riverside County Transportation Department for at least three years.

NOTE: The above complaint procedure applies to pedestrian access within the public road right-of-way. Complaints regarding access to County of Riverside facilities, employment, benefits, programs, services, and activities may be directed to the Disability Access Office in the Riverside County Human Resources Department.

**To accommodate persons with disabilities,
this notice is available in alternate formats upon request.**

Exhibit A

Riverside County Transportation Department

Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan
for Access in the Public Right-of-Way