

# DRAFT

# Pathway to Transition

City of Kirkland



A living record of the City of Kirkland's Americans with Disabilities Act compliance

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# Pathway to Transition

## Introduction

One in five people, at some time in their lives, experience mobility challenges. Local, State and Federal agencies have a duty to provide equal access to all. Cities are required to provide access to the public right-of-way, buildings, parks and services.

The Americans with Disabilities Act (ADA) requires all public services, policies and practices to be compliant as outlined in Title II.

This Pathway to Transition defines the following core areas of compliance: the guidance or procedures for achieving compliance in each area of assessment, summarizes the ADA compliance requirements, identifies the document(s) that define specific ADA compliance measurements and/or criteria, and outlines the actions that need to be taken by the City of Kirkland to meet compliance under Title II of the ADA.

The purpose of this document is to establish the status of the City of Kirkland's progress with self-evaluations of City services, programs and activities, and preparation of a Transition Plan, as required under Title II of the ADA. Under Title II of the ADA, the City is required to evaluate all services, programs and activities for ADA compliance (self-evaluation). Note that this also includes the evaluation of structural facilities.

For those services, programs and activities that are not in compliance, the City is required to prepare a Transition Plan for structural improvements, as well as correct deficiencies for those services, programs and activities that are not a structural improvement. This Pathway to Transition document also identifies the actions that still need to be taken by the City to come into full compliance with ADA requirements.

## Background

In 2014, the City established an ADA Team consisting of representatives from each department. This team met monthly to discuss policies and procedures and the self-evaluation process to become ADA compliant. Checklists were downloaded from ADA site ([www.ada.gov](http://www.ada.gov)) and distributed to the corresponding departments: Human Resources, Facilities, Parks, Streets, Transportation, Emergency Management, and Information Technology (IT). These checklists provided questions for a preliminary assessment of policy, procedure and status for accessibility. Each department conducted a pre-assessment using the checklist and established a status for each area of compliance. Those items that could not be brought into compliance within a year either for

financial or administrative reasons were slated to be included in a draft Transition Plan. The original City of Kirkland document reporting out on the results from this self-evaluation is a draft document titled *2014 Americans with Disabilities Act (ADA) Compliance Pre-Assessment Report*. Since the original document in 2014 the City has continued to iterate the process and update the document with other requirements as well and implementing new regulations.

In 2016, the City of Kirkland hired a consultant team from Perteet and CH2M Hill to review the *2014 Americans with Disability Act (ADA) Compliance Pre-Assessment Report* for adherence to ADA self-evaluation requirements as well as guidance on next steps to turn the Pre-Assessment Report into a Transition Plan. The consultants recommended that because the City still had services, policies and practices that still needed to be evaluated for ADA compliance, the City generate an “action” plan that described each area to be evaluated for compliance based on Title II, and stating the status of the self-evaluation (completed, not completed or in progress). If the self-evaluation was in process or was completed the action plan would list the assessments completed and the standards used for assessment and then document the state of ADA compliance. This would become the “Pathway to Transition” document, with the purpose being to provide a guide to the City on the steps that need to be taken to complete the City-wide ADA compliance self-evaluation.

The next step would be to create a Transition Plan from those areas that have been assessed with deficiencies identified, which would include a budget and timeline for correction to full compliance. These two documents are “living” documents in the sense that they will need to be updated when new areas are assessed and current deficiencies are corrected. The “Pathway to Transition” document will be a continuous record of compliance and the Transition Plan will be the document that illustrates how the City is correcting identified deficiencies.

## Public Process

The ADA under Title II requires that the public have the opportunity to submit comments on the self-evaluation process and shall have the opportunity to participate in the development of the transition plan. The 2014 ADA Pre-Assessment Report has been distributed to the Kirkland Alliance of Neighborhoods (KAN) leadership team to share with their various neighborhood groups and specific individuals with disabilities have provided input on the document. The Pathway to Transition document as well and the Transition Plan, both in draft format, will be posted on the City’s website at <http://www.kirklandwa.gov/Help/KirklandADA.htm> for public review and comments.

## Format of the Document

The Pathway to Transition document identifies elements of ADA compliance based on the rulings from the ADA Part 35 which addresses Title II compliance for State and Local Government services. Each section will address an area of compliance and provide guidance which will identify the issue, state the ADA ruling, and address compliance criteria. Assessment results are included in a companion document titled "ADA Pathway to Transition – Appendix Guide".

Those areas that are found to be non-compliant will be assigned a cost, a date for correction and a responsible party to monitor the correction. They then will be moved to the Transition Plan document until completed.

Both the Pathway to Transition and Transition Plan documents are living documents, which will be updated annually or more frequently as programs or projects are completed such as the 6-year Capital Improvement Plan.

# Section A – Self Evaluation Completion

## Self-Evaluation

Citizens take part in many different events and functions at the City of Kirkland from neighborhood meetings to classes at the community centers to paying a water bill at City Hall. They should be able to access these events and the information that is provided about them.

*A public entity shall, within one year of the effective date of this part, evaluate its current services, policies, and practices and the effects thereof, that do not or may not meet the requirements of this part and to the extent modification of any such services, policies and practices is required, the public entity shall proceed to make the necessary modifications. (Title II ADA Section 35.105)*

In 2014, the City of Kirkland used ADA compliance checklists provided by the Civil Rights Division of the United States Department of Justice (December 5, 2006)<sup>1</sup> to evaluate services, policies and practices for the following areas:

- ADA Coordinator, ADA Notice and Grievance Procedure
- Effective Communication
- Web Accessibility
- Program Access – including City owned buildings
- Sidewalks and Ramps
- Emergency Management

These checklists were used as foundational documents to begin assessments for City facilities, programs and activities.

Some items on the initial checklists were found to be deficient and corrected right away. Other items have been upgraded or deleted from City services. The following is a general overview from the initial self-assessment from 2014 and update in 2016.

The City has established an ADA Coordinator, ADA Notice, Grievance Procedure and program for effective communication for accessibility inquiries. This information is on the City's website <http://www.kirklandwa.gov/Help/KirklandADA.htm>.

Website Accessibility needs to be re-assessed after the launch of the City's latest website revision that was completed July 2015. Also new accessibility requirements for information and communication technology from the U.S. Access Board for Section 508 were released in January 2017. The City may need to hire a consultant to assist in the future assessments of the City's

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<sup>1</sup> Americans with Disabilities Act Tool Kit for State and Local Governments (Accessed July 2014)

compliance due to the complexity of the regulations. A budget and timeline for compliance need will follow this assessment.

Program Access – ADA Team members were instructed to share with their departments the practice of making accommodations as needed for programs such as: moving classes to a more accessible location, providing hearing loops for meetings, and providing interpretive services when requested. A training program will need to be developed to provide instruction and tools for employees to best assist residents and customers with various types of disability.

Sidewalks and Curb Ramps – A sidewalk and curb ramp assessment was completed in 2015 and a rating system was used to identify compliance status. Non-compliant sidewalks and curb ramps that require corrective actions will be assigned a date for correction and will be moved to the Transition Plan.

Emergency Management – This checklist and the corresponding appendices were updated in 2018 with notes information in Section D – Program Accessibility and Appendix.

## Self-Evaluation Public Comment

Checklists and guidelines provide a base line evaluation of compliance for facilities, programs and access, however a process to acknowledge the individuals with disabilities and their needs shall also be included to provide the most complete measure of accessibility for all types of disability needs.

*A public entity shall 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. (Title II ADA Section 35.105)*

The City has provided draft copies of the 2016 Self-Evaluation report to individuals and neighborhood group leaders to review and send comments to the City's ADA Coordinator.

Feedback from these groups has been included in the creation of the Pathways to Transition document, which will be placed on the City's website for general public comment, and in addition invitations to comment will be sent to various City groups including: neighborhoods, boards and commissions, community and listserv groups.



## Self-Evaluation Public Record

The self-evaluation process must be available for the public to review.

*A public entity that employs 50 or more persons shall, for at least three years following completion of the self-evaluation, maintain a file and make available for public inspection:*

- 1. A list of the interested persons consulted;*
- 2. A description of areas examined and any problems identified; and*
- 3. A description of any modifications made. (Title II ADA Section 35.105)*

On the City of Kirkland's webpage there is a link that will allow interested persons to comment on the draft plans and remain as a record of the public process. Those individuals and groups that provided feedback on the 2016 draft Self-Evaluations have been mentioned above.

The Pathway to Transition document and the Transition Plan will be placed on the City of Kirkland's website for public review for three years as a record of self-evaluation, which will include the results and corrective actions that were taken.

## Notice

Rules and Guidelines used for assessment

*Chapter 2 ADA Toolkit - Department of Justice*

The City shall adopt a Notice of Non-Discrimination and make it available to the Public.

*A public entity shall make available to applicants, participants, beneficiaries and other interested persons information regarding the provision of this part and its applicability to the services, programs, or activities of the public entity, and make such information available to them in such manner as the head of the entity find necessary to apprise such persons of the protections against discrimination assured them by the ADA and this part. (Title II ADA Section 35.106)*

The City of Kirkland has adopted a Notice of Non-Discrimination and posted this notice at all of its facilities and on the City webpage. The notice can be found in Appendix A.

## Designation of Responsible Employee

Rules and Guidelines used for assessment

*Chapter 2 ADA Toolkit - Department of Justice*

The City shall formally designate an employee to ensure the ADA compliance responsibilities of the City are carried out.

*Designation of responsible employee. A public entity that employs 50 or more persons shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under this part, including any investigation of any complaint and communicated to it alleging its noncompliance with this part of alleging any action that would be prohibited by this part,. The public entity shall make available to all interested individuals the name, office address and telephone number of the employee or employees designated pursuant to this paragraph. (Title II ADA Section 35.107)*

The City has designated Chris Thomas as the ADA Coordinator as part of the duties as the Human Resources Director. This information and contact information are on the City's website and are listed within the ADA Notice and Grievance Procedure documents.

## Adoption of Grievance Procedures

Rules and Guidelines used for assessment

*Chapter 2 ADA Toolkit - Department of Justice*

The City shall establish a formal complaint procedure for the public. This includes establishing a formal internal process for handling complaints made by the public and making the formal complaint procedure available to the public.

*Complaint procedure. A public entity that employs 50 or more persons shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by this part. (Title II ADA Section 35.107)*

The City of Kirkland has adopted a formal grievance procedure for ADA complaints. All ADA inquiries and/or grievances are to be routed to the ADA Coordinator and are documented on an ADA Activity Report. The Grievance procedure is located in Appendix B and can be found on the City website.

# Section B – General Requirements

## General Prohibitions Against Discrimination

*No qualified individual with a disability shall, on the basis of disability be excluded from participation in or be denied the benefits of the services, programs or activities of a public entity, or be subjected to discrimination by any public entity. (Title II ADA Section 35.130)*

The City strives to have all services, programs and activities provided by the City be accessible to individuals with any disability.

The City has adopted the following procedures for requesting accommodations for events, or accessibility issues as well as requesting documents in alternative formats. A directory of resources for interpreters and alternative document formats is available to City staff to assist with requests at each department level.

In order to provide effective communication to all individuals, the City of Kirkland has established the following procedures and resources:

- Accessibility Request – See Appendix C
- Alternative Format Request – See Appendix D
- Event Accommodation Request – See Appendix E
- Alternative Format Resources – See Appendix F

## Maintenance of Accessible Features

Accessible features must be in working order to benefit those who utilize their services.

*A public entity 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. (Title II ADA Section 35.133)*

The City strives to have all services, programs and activities provided by the City be accessible to individuals with any disability. Features and equipment are part of a routine maintenance program through the Parks and Public Works departments.

The City maintains an inventory of accessible features in an asset management system associated with a maintenance program through our Parks and Public Works departments to assess, repair and replace features. Repair/replace schedules vary based upon the asset, for example, playgrounds are routinely inspected and damages to any feature are recorded and scheduled for repair, as well as undergoing a full audit monthly.

## Service Animals

Individuals utilizing the assistance of service animals shall have access to City facilities and events.

*A public entity shall modify its policies, practices or procedures to permit the use of a service animal by an individual with a disability. (Title II ADA Section 35.136)*

The City acknowledges the work of service animals as an essential part of the day to day function for individuals with disabilities. Policies for access to buildings and services and specific policies addressing service animals have been adopted. A review of all policies and practices to allow the use of service animals will begin in 2018 and can be found in Appendix G.

## Mobility Services

*Use of wheelchairs and manually-powered mobility aids – A Public Entity shall permit individuals with mobility disabilities to use wheelchairs and manually-powered mobility aids such as walkers, crutches, canes and braces, or other similar devices designed for use by individuals with mobility disabilities in any areas open to pedestrian use. (Title II ADA Section 35.137)*

A general review of building access was completed in 2014, while service policies are in progress and scheduled to be completed in 2018. These reviews will include addressing wheelchair or manually powered mobility aid access to City facilities, program and activities.

## Section C - Employment

### Employment Discrimination Prohibited

Title 1 and Section 504 of the Rehabilitation Act of 1973 address requirements for employment in any service, program or activity conducted by a public entity.

*No qualified individual with a disability shall, on the basis of disability, be subjected to discrimination in employment under any service, program, or activity conducted by a public entity. (Title II ADA Section 35.140)*

Job postings contain the anti-discrimination policy, accessibility assistance, alternative formats and TTY connections. Applicants can request accommodations when filling out their applications. Human Resources Department staff have been trained to follow up with the applicant to determine the appropriate accommodate for the hiring process including testing and interviews.

Human Resources and department management have been trained and have practice in assisting employees with ADA accommodation in the workplace.

## Section D - Program Accessibility

The following sections of the ADA Title II requirements apply to multiple facets of the City. From sidewalks to recreation programs, compliance with these requirements works to ensure accessibility to services, programs and activities for all individuals. While compliance with the ADA Title II requirements provide the foundation for accessibility assessments, different aspects of services have additional compliance requirements and guidelines for assessment such as: standards from the United States Access Board both with the ADA and the Architectural Barriers Act (ABA), Shared Use Paths and the Public Right-of-Way. These additional compliance and general accessibility requirements and guidelines followed will be listed under the corresponding assessment.

Also note more detailed rules and exceptions for compliance can be found in the full Americans with Disabilities Act Title II Regulations document from the Department of Justice at [Title II State and Local Governments ADA Regulations](#).

## Discrimination Prohibited

*Except as otherwise provided in 35.150 Existing Facilities, no qualified individual with a disability shall, because a public entity's facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of the services, programs or activities of a public entity, or be subjected to discrimination by any public entity. (Title II ADA Section 35.149)*

The City of Kirkland has adopted and posted a Notice of Non-Discrimination and has provided opportunities for accommodation requests by the public for any event or program on its website. Please reference Appendices A,C,D,E and F for these documents.

## Existing Facilities

*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 –*

- 1 Necessarily require a public entity to make each of its existing facilities accessible to and usable by individuals with disabilities;*
- 2 Require a public entity to take any action that would threaten or destroy the historic significance of an historic property; or*
- 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. (Title II ADA Section 35.150)*

## Transition Plan

*If a public entity has responsibility or authority over streets, roads, or walkways, its transition plan shall include a schedule for providing curb ramps or other sloped areas where pedestrians walk, cross curbs, giving priority to walkways serving entities covered by the ACT, including State and local government offices and facilities, transportation, places of public accommodation, and employers, followed by walkways serving other areas.*

*The plan shall, at a minimum –*

- *Identify physical obstacles in the public entity's facilities that limit the accessibility of its programs or activities to individuals with disabilities.*
- *Describe in detail the methods that will be used to make the facilities accessible.*
- *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.*
- *Indicate the official responsible for implementation of the plan. (Title II ADA Section 35.150)*

The Pathway to Transition document is a collection of all assessments of compliance across Title II regulations for the City. Compliance status, and guidelines used also reside in this document. Areas found to be not accessible that have assigned costs and timelines for correction will be moved into the Transition plan. Within the Transition Plan each item will be listed along with costs, methods/steps to make them accessible, correction schedule and responsible party. As areas are brought into compliance, items will move out of the Transition Plan and the corrections recorded in the Pathway to Transition document.

## New construction and alterations

*Design and construction - Each facility or part of a facility constructed by, on behalf of, or of 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 the individuals with disabilities, if the construction was commenced after January 26, 1992. For exceptions see 2010 ADA Standards for Accessible Design.*

*Alterations - Each facility altered or part of a facility altered by, on behalf of, or of 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 a 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. For exceptions and historic property information see 2010 ADA Standards for Accessible Design.*

*Accessibility Standards and compliance date -If physical construction alterations commence after July 26, 1992, but prior to September 15, 2010, then new construction and alterations subject to this section must comply with either the UFAS or the 1991 Standards except that the elevator exemption contained at section 4.1.3(5) and section 4.1.6(1) (k) of the 1991 Standards shall not apply. For UFAS standards 2004 please see Department of Justice Uniform Federal Accessibility Standards. For 1991 ADA Standards for Accessible Design please see 1991 ADA Standards for Accessible Design.*

*If physical construction or alterations commence on or after September 15, 2010 and before March 15, 2012, then new construction and alterations subject to this section may comply with one of the following: the 2010 Standards, UFAS, or the 1991 Standards except that the elevator exemption contained at section 4.1.3(5) and section 4.1.6(1) (k) of the 1991 Standards shall not apply.*

*If physical construction or alterations commence on or after March 15, 2012, then new construction and alterations subject to this section shall comply with the 2010 Standards.*

*For the purposes of this section, ceremonial groundbreaking or razing of structures prior to site preparation do not commence physical construction or alterations.*

*Noncomplying new construction or altered facilities or elements – see Title II State and Local Government ADA Regulations for compliance regulations.*

*Scope of coverage - The 1991 Standards and the 2010 Standards apply to fixed or built-in elements of buildings, structures, site improvements, and pedestrian routes or vehicular ways located on a site.*

*Curb ramps - Newly constructed or altered streets, roads, and highways must contain curb ramps or other sloped areas at any intersection having curbs or other barriers to entry from a street level pedestrian walkway.*

*Newly constructed or altered street level pedestrian walkways must contain curb ramps or other sloped areas at intersections to streets, roads, or highways.*

*Detention and correctional facilities - New construction of jails, prisons, and other detention and correctional facilities shall comply with the 2010 Standards except that public entities shall provide accessible mobility features complying with section 807.2 of the 2010 Standards for a minimum of 3%, but no fewer than one, of the total number*



*of cells in a facility. Cells with mobility features shall be provided at each classification level. See section 807.2 reference at 2010 ADA Standards for Accessible Design.*

*(Title II ADA Section 35.151)*

*For alterations to detention and correctional facilities see section 28 CFR Part 35.151(k)(2) - Title II State and Local Government ADA Regulations*

## Facilities

Rules and Guidelines used for assessment

*Self-Evaluation Checklist -Department of Justice*

The City of Kirkland completed an assessment of all City Facilities in 2014. This assessment was completed by Facilities maintenance staff using the Checklist from the Department of Justice. The results of the assessment can be found in Appendix H. Facilities that were found to have areas of non-compliance were listed under Status as Red or Yellow. Areas under a red status will be moved to the Transition Plan since areas of non-compliance have been identified, scheduled and financed for correction. Areas that either need re-assessment, scheduling and/or costing are listed as being in a yellow status.

## Recreation Facilities

Rules and Guidelines used for assessment

*Self-Evaluation Checklist -Department of Justice*

Recreation Facilities were included in the 2014 Facilities Assessment. Parks facilities were assessed using criteria from the Facilities checklist for accessible pathways, building access and parking. The results of this assessment can be found in Appendix I. Some areas found to be non-compliant were identified and scheduled for correction through City Capital Improvement Projects or the Parks, Recreation and Open Space (PROS) Plan and will be moved to the Transition Plan. Other areas still need to be scheduled and costed.

An assessment of recreation facilities includes assessments of the pool, docks, grandstands, etc. which may be beyond the scope of internal staff time and expertise, so a cost-benefit analysis will be utilized to determine if using internal or external assessors would be beneficial to complete the assessment.

## Emergency Management

Rules and Guidelines used for assessment

*Chapter 7 ADA Toolkit - Department of Justice*

Emergency Management used the checklist from the Department of Justice (See Appendix J). Many areas in the checklist are administered at the regional or federal level depending on the nature of the emergency. The Comprehensive Emergency Management Plan (CEMP) will be updated in 2020. Policies and procedures which are out of compliance will be updated in that document at that time.

## Sidewalks

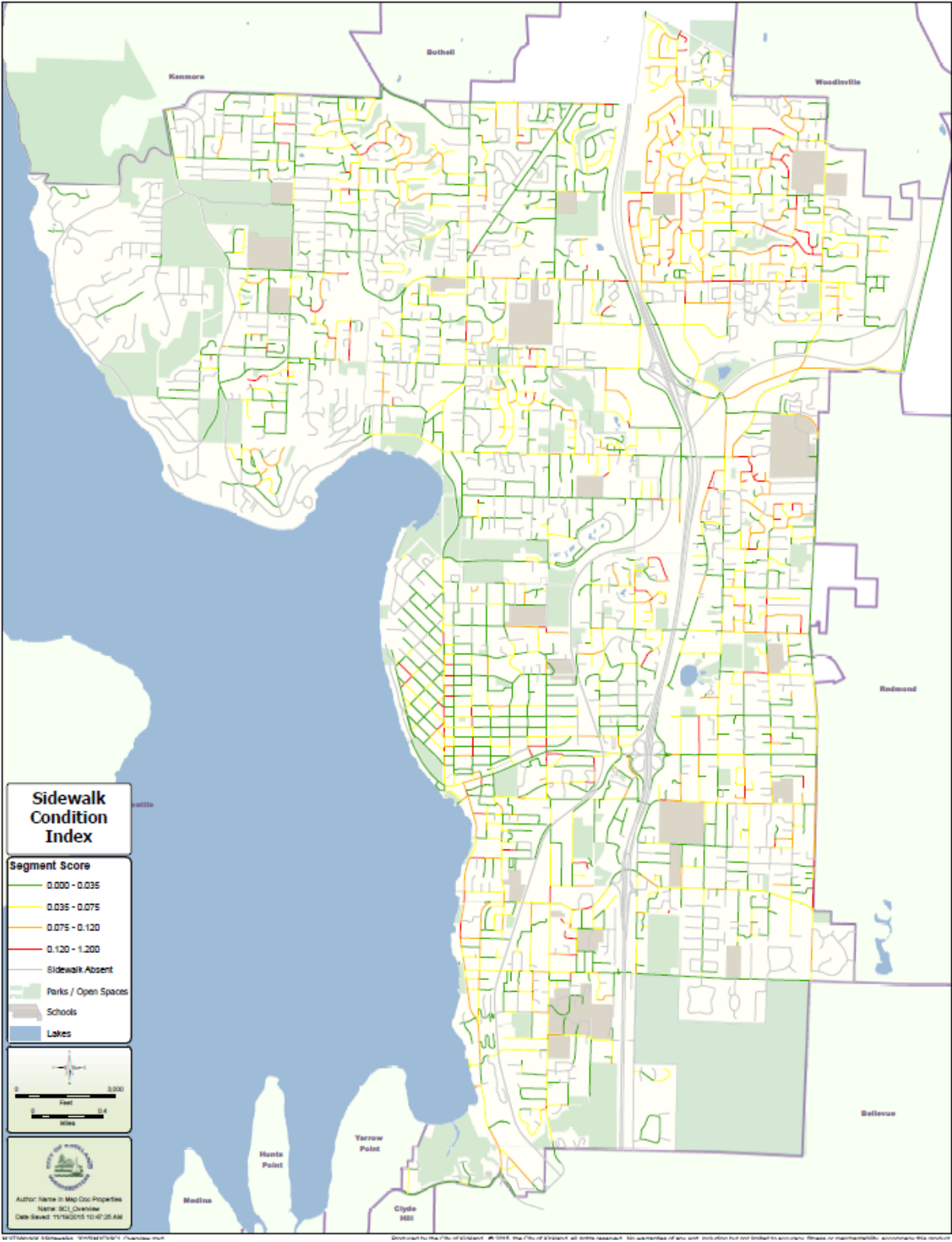
Rules and Guidelines used for assessment

*Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right of Way - US Access Board  
WSDOT ADA Field Guide 2010 – Washington Department of Transportation*

In 2015 the sidewalks in the City of Kirkland were assessed and deductions were compiled using three criteria: Offset deduction, Surface Degradation Deduction and Cross Slope Deduction. These scores were combined and then a Condition Index Score was calculated to determine whether the sidewalk was in serviceable condition, meaning it was open and usable. Figure 1 illustrates the Sidewalk Condition Index locations throughout the City. The entire 2015 Sidewalk Inventory with and ADA Status Determination can be found in Appendix K.

Sidewalk segments with a Condition Index Score below a 0.075 were considered to be serviceable and compliant with ADA regulations and guidelines. Meaning that the deductions in condition did not impact the sidewalks usability nor impede access to other elements.

Those sidewalk segments with a Condition Index Score of 0.075 and higher were considered to not be serviceable and non-compliant with ADA regulations and guidelines above. The non-compliant sidewalks that have been identified will be slated for repairs through a Capital Improvement Project (CIP) or another project and have costs associated with them. Those sidewalks that are non-compliant and have not been identified for repair or replacement will need to be addressed through future improvement projects and then added to the Transition Plan once costs and a timeline can be established.



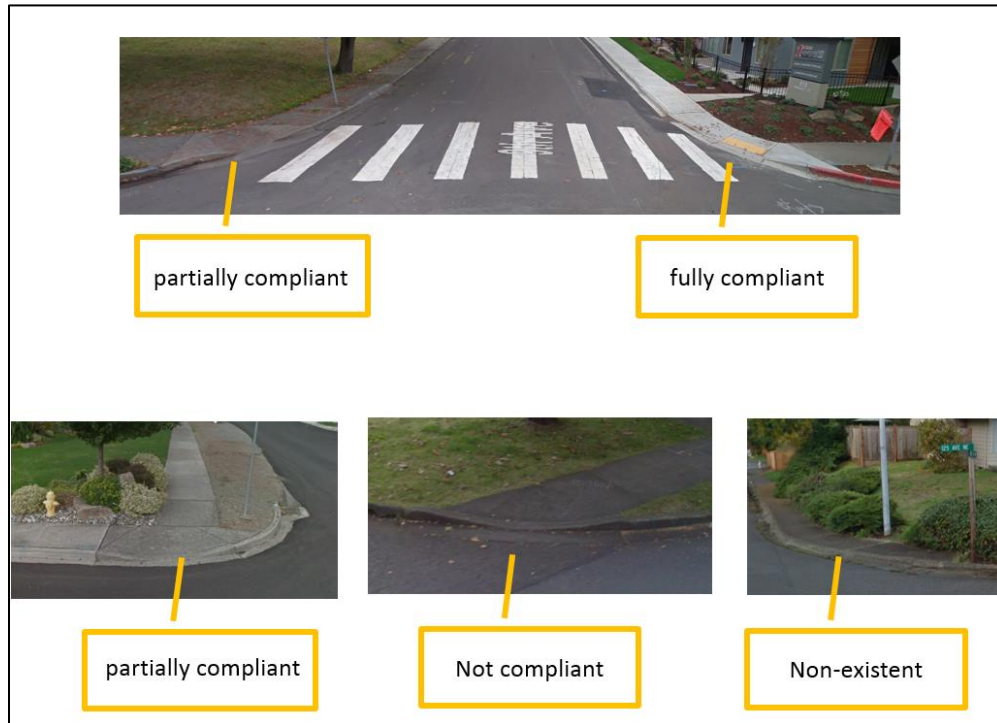
**FIGURE 1: 2015 SIDEWALK ASSESSMENT (THIS IS A MAP THAT INDICATES, BY COLOR, SIDEWALK CONDITION FROM GOOD TO POOR)**

# Curb ramps

## Rules and Guidelines used for assessment

*Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right of Way - US Access Board*

A curb ramp assessment was completed in 2015 in conjunction with a sidewalk assessment. The following images illustrates the criteria used to determine the level of ADA compliance for the curb ramps.



**FIGURE 2** IMAGES ABOVE SHOW DIFFERENT SIDEWALK CONDITIONS AND INDICATE WHICH ARE FULLY, PARTIALLY OR NON- COMPLIANT AND NON- EXISTENT

Fully Compliant	<ul style="list-style-type: none"> <li>Meets current ADA standards;</li> <li>General Guidelines:             <ul style="list-style-type: none"> <li>appropriate slope on ramp &amp; tapers</li> <li>5 foot landing</li> <li>even transition between ramp and street.</li> </ul> </li> </ul>
Partially Compliant	<ul style="list-style-type: none"> <li>Ramp is functional but does not meet one or more ADA standards;</li> <li>General Guidelines:             <ul style="list-style-type: none"> <li>ramp present</li> <li>even transition at gutter;</li> </ul> </li> <li>Most ADA ramps fall into this category.</li> </ul>
Not Compliant	<ul style="list-style-type: none"> <li>Ramp is not functional and may be obstructed by street-ramp offset, ramp width, or steepness of ramp;</li> <li>Ramp is missing most ADA standards.</li> </ul>
Absent (non-existent)	<ul style="list-style-type: none"> <li>Theoretical location for ADA ramp is not present in field;</li> <li>data point entered in current data layer</li> </ul>

## Accessible Pedestrian Signals and Pushbutton (APS) Policy

### **DEPARTMENT OF PUBLIC WORKS PRE-APPROVED PLANS POLICY**

#### **Policy R-31: Policy for Installation of Accessible Pedestrian Signals and Pushbuttons Intent:**

It is the City's intention to be consistent with the most current version of the Public Right of Way Access Guidelines (PROWAG) in the provision of and location of accessible pedestrian signals and pushbuttons<sup>1</sup> (APS) at traffic signals. Further guidance is available in 28 CFR Part 36 and MUTCD section 4E.09.

#### **Purpose:**

The purpose of this policy is to establish reasonable and consistent policy for installing APS.

#### **Scope (items presented in no particular order):**

1. Requests. Requests for APS signals from the public will be responded to in a timely manner<sup>2</sup> and the consideration for installation will be done in accordance with applicable sections of the ADA.
2. New construction: New construction of traffic signal projects requires installation of APS and associated accessible features when pedestrian signals are installed.
3. Curb ramp replacement at traffic signals: Altering or replacing curb ramps does not require installation of APS unless the curb ramp cannot be altered or replaced without the alteration, installation or replacement of any pole to which a pedestrian push button is attached. Then, installation of APS on poles in accessible locations is required (see 5. below).
4. Minor work and routine maintenance at traffic signals: Projects, including but not limited to: emergency repairs<sup>3</sup>, signal timing adjustments (including signal phasing or coordination changes), vehicular detection installation and repairs, installation and repair of CCTV or other cameras, vehicular signal head upgrades and repairs<sup>4</sup>, and repair of pedestrian detection do not require installation of APS and associated accessible features. Signal controller software upgrades and repairs and/or cabinet upgrades and repairs that do not alter the operation or display of pedestrian signals do not require installation of APS and associated accessible features.

5. Other traffic signal projects: For traffic signal improvement projects that are not new construction, minor work and routine maintenance or curb ramp replacement projects:

A. Where the project scope, includes the alteration, installation or replacement of any pole to which a pedestrian push button is attached, installation of APS on poles in accessible locations is required. Relocation of poles may be required to achieve accessibility. Construction or alteration of curb ramps is not required.

B. Where the project scope, does not include the alteration, installation or replacement of any pole to which a pedestrian push button is attached, installation of APS at existing push button locations is required. Relocation of poles, construction or alteration of curb ramps, etc. is not required.

C. Signal controller software upgrades and repairs and/or cabinet upgrades and repairs that alter the operation or display of pedestrian signals require installation of APS at existing push button locations. Relocation of poles, construction or alteration of curb ramps, etc. is not required.

D. Adding or revising pedestrian signal heads or pedestrian detectors require installation of APS at existing push button locations. Relocation of poles, construction or alteration of curb ramps, etc. is not required.

E. In addition to the areas above, APS will be installed through fulfillment of the city's obligations to complete its ADA Transition Plan.

<sup>1</sup> An **Accessible Pedestrian Signal and pedestrian pushbutton** is an integrated device that communicates information about the WALK and DON'T WALK intervals at signalized intersections in non-visual formats (i.e., audible tones and vibrotactile surfaces) to pedestrians who are blind or have low vision.

<sup>2</sup> Timely manner means, at minimum, discussing the proposed timeframe with the requestor and agreement on a date for installation of APS

<sup>3</sup> Emergency repairs include repairs such as the replacement of a traffic control signal component with a replacement component that is similar in physical appearance and operation

<sup>4</sup> All signals maintained by the City of Kirkland have countdown pedestrian signal heads.

## Transportation – Parking

Rules and Guidelines used for assessment

*Self-Evaluation Checklist -Department of Justice  
U.S. Access Board (2011) -Proposed Rights-of-Way Guidelines*

Assessment for parking in the City of Kirkland is determined by ownership of the parcel and in the right-of-way.

- Parking at City Park Property – Parks Department – Parking spaces at City Parks were assessed as compliant if the Park contained Accessible parking stalls. All Parks were found to be ADA compliant using this assessment criteria. The results of this assessment are contained in Appendix I. A more in-depth parking assessment will be included as a part of the Parks Department cost-benefit analysis on whether to use internal or external assessors.
- Parking at City Facilities – Facilities – These were assessed using the Facilities Checklist from the Department of Justice and the results are contained in the Facilities checklist in Appendix H and in Recreation Facilities Checklist in Appendix I. The criteria assessed existing general parking width, location and gradients from parking to the building entrance. A more in-depth parking assessment may be needed and a cost-benefit analysis of whether internal staff or external consultants should complete the assessment.

Parking in Right-of-Way and City Property – Transportation Dept.

This section intends to evaluate the City’s compliance in its public right-of-way, and more specifically its 1) publicly managed parking lots/garages and 2) on-street regulated parking areas (see Table 1). The assessment will be an inventory of places where physical modifications are needed to bring them into alignment with ADA requirements. The end goal is for Kirkland’s public parking lots and on-street parking to be accessible for all residents and visitors with disabilities.

**TABLE 1: COMPONENTS OF THE PUBLIC RIGHT-OF-WAY REQUIRING ADA COMPLIANCE EVALUATION**

<b>Component of public right-of-way</b>	<b>Party responsible for evaluation</b>
Sidewalks and curb ramps	Public Works Department
Pedestrian crossings and signals	Public Works Department
Shared use trails	Parks Department
Parking lots and on-street parking	PW Transportation Division
Bus stops	King County Metro’s

## Input from other government agencies

As we planned the City's Public Works parking self-evaluation, input was gathered from the U.S. Access Board, the Northwest ADA Center, and Washington State Department of Transportation (WSDOT) on how to interpret current federal standards. Reference was also made to publicly available documentation from other U.S. cities which have completed this task, such as the City of Rancho Cordova.

## Parking lots/facilities

For public parking facilities (lots and structures), the applicable federal standards are in:

- 2010 ADA Standards, Chapter 2 : Scoping Requirements, Table 208.2 Parking Spaces
- ADA Compliance Brief: Restriping Parking Spaces, USDOJ, 2015

Kirkland has X number parking lots, located at ZZZ, and one parking garage, located at YYY. Detailed information containing each parking facility's address, number of parking stalls, and other pertinent information can be found in Appendix M.

## On-street parking

For regulated public on-street parking spaces, there are no official federal implementing standards to achieve ADA compliance. However, in 2011 the U.S. Access Board published proposed guidelines which are expected to eventually become law:

- Proposed Guidelines for Pedestrian Facilities in the Public Right-of-Way, Chapter 2: Scoping Requirements, R214 On-Street Parking Spaces
- Proposed Guidelines for Pedestrian Facilities in the Public Right-of-Way, Chapter 3: Technical Requirements, R309 On-Street Parking Spaces

We received input on interpreting these standards by communicating with staff at the U.S. Access Board, the Northwest ADA Center, and WSDOT. On-street parking can be parallel, perpendicular, or diagonal. The results of the Transportation Parking Assessment can be found in Appendix M.

Next steps will take analyze the assessment in order to identify the necessary steps to complete the modifications, a schedule for completion, a staff member responsible for completion, estimated costs of the modifications, and a status column to record completion date.



## Jails, detention and correctional facilities, and community correctional facilities

### *General*

*This section applies to public entities that are responsible for the operation or management of adult and juvenile justice jails, detention and correctional facilities, and community correctional facilities, either directly or through contractual licensing, or other arrangements with public or private entities, in whole or in part, including private correctional facilities. (Title II ADA Section 35.152)*

### *Discrimination*

*Public entities shall ensure that qualified inmate or detainees with disabilities shall not, because a facility is inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of, the services, program or activities of a public entity, or be subjected to discrimination of any public entity.*

*Public entities shall ensure that inmates or detainees with disabilities are housed in the most integrated setting appropriate to the needs of the individuals. Unless it is appropriate to make an exception, a public entity –*

- Shall not place inmates or detainees with disabilities in inappropriate security classifications because no accessible cells or beds are available.*
- Shall not place inmates or detainees with disabilities in designated medical areas unless they are receiving medical care or treatment;*
- Shall not place inmates or detainees with disabilities in facilities that do not offer the same programs as the facilities where they would otherwise be housed; ...*
- Shall not deprive inmates or detainees with disabilities of visitation with family members by placing them in distant facilities where they would not otherwise be housed.*

*Public entities shall implement reasonable policies, including physical modifications to additional cells in accordance with the 2010 Standards, so as to ensure that each inmate with a disability is housed in a cell with the accessible elements necessary to afford the inmate access to safe, appropriate housing. (Title II ADA Section 35.152)*

The Kirkland Police Department has a complete set of policies in the Kirkland Police Department Custody Manual that cover all aspects of jail operations and have specific policies that address ADA compliance. A complete set of policies can be obtained upon request through the ADA

Coordinator. Below is a sample of policies that specifically address the guidelines as set forth in ADA Title II Section 35.152.

- *Shall not place inmates or detainees with disabilities in inappropriate security classifications because no accessible cells or beds are available.*

The Kirkland Police Correctional Facility has two cells equipped with ADA accessible features and have adapted other aspects of the facility as stated in the below policies (729, 602 and 216) along with other policies to address accommodation needs.

- *Shall not place inmates or detainees with disabilities in designated medical areas unless they are receiving medical care or treatment;*

Policy 729 – Upon an inmate’s arrival at the facility, the qualified health care professional, in consultation with the custody staff, should determine if the inmate has any special needs. If staff determines that an inmate has special needs, a communication form or other appropriate documentation relating to special needs should be completed and sent to the classification personnel, the Supervisor and the housing officer. This is to ensure that the inmate is assigned to a housing unit that is equipped to meet his/her special needs.

- *Shall not place inmates or detainees with disabilities in facilities that do not offer the same programs as the facilities where they would otherwise be housed;...*

Policy 602.3 - The Division Lieutenant is responsible for ensuring that the Kirkland Police Department correctional facility is designed and adapted to reasonably accommodate inmates with disabilities. At a minimum this includes:

- (a) Access to telephones equipped with a telecommunication device for the deaf for inmates who are deaf, hard of hearing or speech-impaired.
- (b) If orientation videos are used to explain facility rules to newly admitted inmates, subtitles may be displayed on the video presentation to assist inmates who have impaired hearing.
- (c) Some cells and dormitories should be equipped with wheelchair accessible toilet and shower facilities. Inmates with physical disabilities should be allowed to perform personal care in a reasonably private environment.
- (d) Tables designed for eating should be accessible to those in wheelchairs.

- *Shall not deprive inmates or detainees with disabilities of visitation with family members by placing them in distant facilities where they would not otherwise be housed.*

Policy 216.2.1 – Accommodations - As part of the compliance with the ADA and the commitment to provide access to persons with disabilities, the Department will provide reasonable accommodations in areas that include, but are not limited to:

- Vehicle parking areas that accommodate cars and vans or other vehicles with wheelchair lifts.
- Public areas that are wheelchair accessible.
- Drinking fountains that can accommodate wheelchairs and other mobility devices
- Restroom areas that are wheelchair compliant and meet ADA standards for accessibility.
- Search areas and metal detection devices, including private areas where alternative methods may be performed.
- Services and equipment for the deaf and hard of hearing.
- Visitor check-in areas.
- Visitation areas, including attorney interview rooms that can accommodate wheelchairs and other mobility devices.

Photos illustrating various Kirkland Correctional facilities' ADA compliance points are included in Appendix P.

# Section E -Communications

## General

*A public entity shall take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communication with others. For the purposes of this section, "companion" means a family member, friend, or associate of an individual seeking access to a service, program or activity of a public entity, who, along with such individuals is an appropriate person with whom the public entity should communicate.*

*A public entity shall furnish appropriate auxiliary aids and services where necessary to afford qualified individuals with disabilities, including applicants, participants, companions, and members of the public, an equal opportunity to participate in and enjoy the benefits of, a service, program or activity of a public entity.*

*The type of auxiliary aid or service necessary to ensure effective communication will vary in accordance with the method of communication used by the individual; the nature, length, and complexity of the communication involved; and the context in which the communication is taking place. In determining what types of auxiliary aids and services are necessary, a public entity shall give primary consideration to the requests of individuals with disabilities. In order to be effective, auxiliary aids and services must be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability.*

*A public entity shall not require an individual with a disability to bring another individual to interpret for him or her.*

*A public entity shall not rely on an adult accompanying an individual with a disability to interpret or facilitate communications except –*

- In an emergency involving an imminent threat to the safety or welfare of an individual or the public when there is not interpreter available;*
- Where the individual with a disability specifically requests that the accompanying adult interpret or facilitate communication, the accompanying adult agrees to provide such assistance, and reliance on that adult for such assistance is appropriate under the circumstances.*

*A public entity shall not rely on a minor child to interpret or facilitate communication, except in an emergency involving an imminent threat to the safety or welfare of an individual of the public where there is not interpreter available. (Title II ADA Section 35.160)*

The City has contracted services for language interpretation, including sign language, and has provided training to current employees on the use of the language line with residents and customers and applicants. Notification of interpretive services are posted at City facilities and each employee has been supplied with a language interpretation card and instructions on how to use this service to assist customers and residents. Public safety employees utilize language services through the North East King County Regional Public Safety Communication Agency (NORCOM). The Kirkland Court system utilizes services for interpretation, including sign language, for court services.

The City has a policy and process that interpretive services can be furnished upon request for any City meeting, event, program or activity through the City website. Employees have been trained and departments have been supplied with a resource list with approved contractors for such requests.

A hearing loop system is installed in the Council Chambers at City Hall.

## Telecommunications

*Where a public entity communicates by telephone with applicants and beneficiaries, text telephones (TTYs) or equally effective telecommunications systems shall be used to communicate with individuals who are deaf or hard of hearing or have speech impairments.*

*When a public entity uses an automated attendant system, including, but not limited to, voicemail and messaging or an interactive voice response system, for receiving and directing incoming telephone calls, that system must provide effective real-time communication with individuals using auxiliary aids and services, including TTYs and all forms of FCC-approved telecommunications relay system, including Internet-based relay systems.*

*A public entity shall respond to telephone calls from a telecommunications relay service established under title VI of the ADA in the same manner it responds to other telephone calls. (Title II ADA Section 35.161)*

All board meeting agendas contain TTY service information as well as alternative format request information.

The Parks department utilizes a TTY phone number for assistance with program registration or to request accommodations for any classes or services. This information is printed in each Parks Program Brochure and can be found on the Park website.

An assessment of the automated attendant system will need to be completed to determine compliance.

## Telephone emergency services

*Telephone emergency services, including 911 services, shall provide direct access to individuals who use TDDs and computer modems. (Title II ADA Section 35.162)*

The City's telephone emergency services are provided through a third party, North East King County Regional Public Safety Communication Agency (NORCOM).

## Information and signage

*A public entity shall ensure that interested persons, including persons with impaired vision or hearing can obtain information as to the existence and location of accessible services, activities, and facilities.*

*A public entity shall provide signage at all inaccessible entrances to each of its facilities, directing users to an accessible entrance or to a location at which they can obtain information about accessible facilities. The international symbol for accessibility shall be used at each accessible entrance of a facility. (Title II ADA Section 35.163)*

The City utilizes signage to direct individuals to accessible entrances, provide location information and identify specific services. Parks documents provide accessibility levels for all of its locations, including parking and restroom facilities. At this time no formal assessment of all of the City's signage has been scheduled, but the City remains responsive to inquiries and requests.

## Duties

*This subpart does not 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 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 this subpart 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 the public entity or his or her designee after considering all resources available for use in the funding in 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 required to comply with this subpart would result in such an alteration or such burdens, a public entity shall take any other actions that would not result in such an alteration or such burdens but would nevertheless ensure that to the maximum extent possible individuals with disabilities receive the benefits or services provided by the public entity. (Title II ADA Section 35.164)*

## Communications

Rules and Guidelines used for assessment

*Chapter 3 ADA Toolkit -Department of Justice*

*A public entity shall ensure that interested persons, including persons with impaired vision or hearing can obtain information as to the existence and location of accessible services, activities, and facilities. (Title II ADA Section 35.163)*

The City has procedures and processes supporting alternative communications and accommodations for accessibility to services, programs and activities. City of Kirkland policies state that there are resources to accommodate requests for sign language, oral and cued speech as well as alternative formats of documents, recordings and video-taped presentations and the City will provide those services at no cost to the individual. City policies and trainings specify that staff will work with individuals to find the most appropriate type of auxiliary aids or services to meet their needs. See Appendix N.

Documents that explain how individuals may request services are listed on the City webpage and training has been provided to staff on how to complete those requests. A resource list is listed in Appendix F and is available to departmental ADA team leads.

## Website

Rules and Guidelines used for assessment

*Chapter 5 ADA Toolkit - Department of Justice*

*A public entity shall ensure that interested persons, including persons with impaired vision or hearing can obtain information as to the existence and location of accessible services, activities, and facilities. (Title II ADA Section 35.163)*

The City Website and other links were assessed in 2014, prior to the launch of the new website in July of 2015. The 2014 assessment was completed using the Department of Justice Checklist and the results are listed in Appendix O. While the assessment found areas of non-compliance there remain questions about the application of these criteria to the website. Reference Appendix O "Information Notes" and "Solution or Condition Notes" for more details along with an overview of the assessment challenges that were encountered in the 2014 assessment.

The Information Technology department has also identified other online services beyond the City website that have not been formally evaluated for ADA compliance including, but not limited to: Web Mapping (GIS), Kirkland Green Trip Ride Share, Constituent Response Management Systems, blogs, social media and other web-based communication applications.



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