

City of Burlington

Vermont



Department of Public Works

ADA Transition Plan

August 2018

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1. INTRODUCTION: DEVELOPMENT OF ADA TRANSITION PLAN

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

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

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

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

- Evaluates existing policies, procedures and practices as they pertain to the City's programs, services and activities;
- Provides findings and recommendations with regard to policies, procedures and practices;
- Identifies physical obstacles in the public entity's facilities that limit the accessibility of its programs or activities to individuals with disabilities;
- Describes in detail the methods that will be used to make the facilities accessible;
- Estimates costs for mitigation solutions;
- Specifies the steps necessary to achieve compliance;
- Provides a schedule for barrier removal/mitigation;
- Sets priorities for barrier elimination; and

- Indicates the official responsible for implementation of the plan.

Per 28 Code of Federal Regulations, Part 35; Subpart D – Program Accessibility; §35.150 – Existing Facilities; (d) Transition Plan (1): The City shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the Transition Plan by submitting comments.

In order to satisfy this requirement and to gain the perspective of persons with disabilities, a public commenting period was held by the City from July 18th to August 1st, 2018. Additionally, a draft proposal of this Transition Plan was brought before the Department of Public Works (DPW) Commission in a public meeting to be approved. Information and opinions from interested persons obtained via this commenting process were taken into account in the writing of this Transition Plan, and is elaborated upon in Section 7 – Public Input.

To create a comprehensive and accurate Transition Plan, the City conducted a self-evaluation of its policies, procedures, and practices; its facilities; and its rights-of-way in addition to collecting recommendations from the public.

The City-led initiative to assess the compliance of its policies and procedures was completed in the summer of 2018. For more information regarding ADA compliance of the City’s policies, procedures, and practices, see Section 4 – Self-Evaluation of Policies, Procedures, and Practices. Assessment of public facilities was conducted in July and August 2018, and can be found in Section 5 – Access Compliance Assessments of Facilities. DPW conducted a survey of all public rights-of-way, documenting the existing condition of sidewalks, barriers to access, and overall accessibility of all City-managed rights-of-way. Metrics were developed to create a prioritized list of sidewalks in order of compliance with Title II of the ADA. Information regarding the survey, the prioritization metrics themselves, and more are covered in Section 6 – Access Compliance Assessments of the Public Right-of-Way.

Finally, a plan of implementation and maintenance was developed to bring the City towards total ADA compliance, which can be found in Section 8 – Transition Plan Implementation.

2. LIMITATIONS

The City of Burlington faces many challenges in reaching full compliance with the ADA. Most of the upgrades made to the transportation system will occur as alterations are made to the existing right of way and building facilities, and much of this work is contingent on funding and prioritization within DPW's work plan (see Appendices C, D, and E). DPW and the City must comply with laws regarding the acquisition of property rights, historic preservation and environmental considerations, and physical constraints as well. The City intends to comply with ADA guidelines "to the maximum extent feasible" but at times it is technically infeasible to accomplish a fully compliant solution. Every effort will be made to remove all barriers and provide easy access to the facilities over which the City has control. In addition, attempts will be made to work with other public right of way owners and adjacent property owners to determine the best solution for each area.

Undue Burden Analysis

In making decisions program-wide in the Transition Plan, DPW may determine whether financial and administrative burdens are undue. A public agency must consider all of that public agency's resources available for use in the funding and operation of the service, program, or activity. (28 CFR Part 35, APP. A), an undue burden can also be a change which would result in a fundamental alteration in the nature of a program, service or activity.

Cost may be a factor in determining whether to undertake a stand-alone accessibility improvement identified in this Transition Plan. For example, if an existing highway, not scheduled for an alteration, is listed in the public agency's Transition Plan as needing curb cuts, the public agency may consider costs that are "unduly burdensome."

The test for being unduly burdensome is the proportion of the cost for accessibility improvements compared to the agency's overall budget, not simply the project cost.

If it is determined that full ADA compliance is an undue financial burden, then ADA compliance is met to the best of available options. A written statement of the reasons for reaching that conclusion must be documented. (28 CFR § 35.150(a)(3)). ADA regulations require documentation that is signed by the "head" of the agency, or his or her designee, whenever an undue burden is determined.

Technical Infeasibility

DPW recognizes that there will be instances when it will be technically infeasible for some pedestrian and/or public facilities to be constructed in full and strict compliance with the requirements of ADA Standards because of physical or site constraints. In such circumstances, DPW will provide accessibility to the maximum extent feasible. Before reaching a conclusion about technical infeasibility, DPW will consider the extent to which physical or site constraints can be addressed.

3. OFFICIAL(S) RESPONSIBLE

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

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

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

While the US DOJ has acknowledged the difficulty/complexity of not only making such a determination, but also identifying the official responsible to make this decision/determination, the department's intention is clear in that the determination must be made by a high level official, no lower than a Department head, having budgetary authority and responsibility for making spending decisions.

The Official Responsible for the implementation should be able to seek funding for ADA barrier removal work over the City's Transition Planning period. As such, The City of Burlington designates Laura K. Wheelock PE as the Official Responsible for the implementation of its ADA Transition Plan. In the City of Burlington, the barriers identified in the public rights-of-way all fall in the purview of this Public Works Engineer and/or her respective Directors – i.e. Community Development, Parks & Recreation, Public Works & Engineering, etc.

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

4. SELF-EVALUATION OF POLICIES, PROCEDURES, AND PRACTICES

In addition to identifying and modifying physical barriers, Title 28 CFR Part 35, *Non Discrimination on the Basis of Disability in State and Local Government Services*, requires that a public entity evaluate its policies, procedures and practices. The following outlines the City's self-evaluation:

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

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

One such evaluation was completed in July 2018. While there were no outstandingly contradictory policies found, the City wishes that all future policies remain in alignment with ADA standards. Therefore, the Burlington Advisory Committee on Accessibility (BACA) is assigned the responsibility of periodically reviewing City policies, practices, and procedures, and bringing proposals for changes before the City Council.

The most important recommendation from the July 2018 self-evaluation of policies and practices was that the City's website should have a shortcut to an ADA page containing links to relevant documents such as the Transition Plan and its amendments. This change should be prioritized after the completion and adoption of this Transition Plan, as a key part of the ADA is the Transition Plan's availability to the public.

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

Finally, it is recommended that the City provide reasonable considerations for disabled persons on a case-by-case basis if no policy, procedure, or practice is readily defined or applicable in any situation. Examples of such considerations could be temporarily allowing service animals in public buildings where pets are prohibited, or relocating a meeting with a disabled community member to a fully accessible location.

5. ACCESS COMPLIANCE ASSESSMENTS OF FACILITIES

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

The City of Burlington conducted a self-evaluation of all of its owned and operated buildings in 2014, and is currently (July 2018) in the process of another assessment. While it is not the only object of inspection, the level of compliance with ADA standards is included in these Facility Condition Assessments and Energy Audits (FCAEA). An example FCAEA is provided in Appendix J. Information pertaining to self-evaluation of ADA accessibility can be found in section 3.2 of this appendix.

Please note that the City of Burlington is currently in the process of its Self-Evaluation of City Facilities and will seek to complete this work as soon as possible.

6. ACCESS COMPLIANCE ASSESSMENTS OF THE PUBLIC RIGHT-OF-WAY

In the public rights-of-way (PROW), where the City has either sole or shared responsibility and authority over streets, roads and walkways, the ADA Transition Plan references the Public Works and Engineering schedule for providing curb ramps or mitigating barriers in pedestrian sidewalks, giving priority to pedestrian routes serving public entities, including State and local government offices and facilities, transportation, places of public accommodation, and employers, followed by walkways serving other areas. Based on these prioritization criteria and in conjunction with City staff, 723 intersections and 130 miles of sidewalks along major streets serving City programs, services and activities were selected for inclusion in this plan.

Intersections were assessed using a data collection checklist, based on ADA and DOT requirements as well as PROWAG recommendations. Traditional measuring and smart-level equipment were used to collect measurements for the assessments specific to curb ramps and pedestrian push buttons.

Sidewalks were assessed using sidewalk profilers that were developed for the Federal Highway Administration (FHWA) and adapted for sidewalk ADA assessments. The device captures information on slopes, and surface variations and identifies deviations from the required ADA standards and other applicable requirement codes.

All data and information obtained from these access compliance assessments have been compiled into a Geographic Information System (GIS) database to be stored and maintained by the City.

Prioritization Criteria for Barrier Mitigation – Public Right-of-Way

The relative importance of each barrier, according to its impact upon the disabled population was taken into account when developing the prioritization criteria for barrier mitigation. It is important to focus first on removal of barriers which will provide the greatest impact to accessibility improvements.

Prioritization Criteria According to Barrier Location:

Since persons with disabilities utilize certain facilities with greater frequency than others, the impact of barriers identified at facilities with higher frequency of use was deemed to be greater and is signified by a higher “Activity Score” in a given area, based on location. The following criteria were used to determine the Activity Score for various barriers:

Table 1: Criteria According to Barrier Location

CRITERIA LAYER	SUB CATERGORY	WEIGHT	CATEGORY	VALUE	ADUSTED SCORE
STREETS	ARTERIAL	10	ADJACENT ARTERIAL STREET	100%	10
	COLLECTOR		ADJACENT COLLECTOR STREET	50%	5
	LOCAL		ADJACENT LOCAL STREET	25%	2.5
TRANSIT STOPS		5	WITHIN 1/4 MILE OF TRANSIT STOP	100%	5

CRITERIA LAYER	SUB CATERGORY	WEIGHT	CATEGORY	VALUE	ADUSTED SCORE
SCHOOLS	ELEMENTARY SCHOOL	12	WITHIN 1/4 MILE OF ELEMENTARY SCHOOL	100%	12
	MIDDLE OR HIGH SCHOOL		WITHIN 1/2 MILE OF MIDDLE OR HIGH SCHOOL	67%	8
	COLLEGE		WITHIN 1 MILE OF COLLEGE	42%	5
PARKS/PATH	LARGE	10	WITHIN 1/2 MILE OF PARK	100%	10
	MEDIUM		WITHIN 1/2 MILE OF PARK	50%	5
	SMALL		WITHIN 1/4 MILE OF PARK	50%	5
CITY ATTRACTORS	DOWNTOWN DESIGNATION	12	WITHIN 1/4 MILE OF DOWNTOWN AREA	100%	12
	NEIGHBORHOOD ACTIVITY CENTER		WITHIN 1/4 MILE OF NEIGHBORHOOD ACTIVITY CENTER	67%	8
PEDESTRIAN GENERATORS	SENIOR CENTER	12	WITHIN 1/4 MILE OF SENIOR CENTER	100%	12
	COMMUNITY CENTER		WITHIN 1/4 MILE OF COMMUNITY CENTER	67%	8
	EMPLOYMENT CENTER		WITHIN 1/2 MILE OF LARGE EMPLOYER	42%	5
	MEDICAL OR SOCIAL SERVICES		WITHIN 1/4 MILE OF MEDICAL OR SOCIAL SERVICES	100%	12
POPULATION DENSITY		12	CATEGORIES LOOSELY BASED ON "NATURAL BREAKS" CLASSIFICATIONS	0%	0
				30%	4
				60%	7
				100%	12
ELDERLY POPULATION DENSITY		12	CATEGORIES LOOSELY BASED ON "NATURAL BREAKS" CLASSIFICATIONS	0%	0
				30%	4
				60%	7
				100%	12

Prioritization Criteria According to Barrier Severity:

Upon completion of the access compliance assessments in the PROW, various criteria and weights were used to determine prioritization of barrier mitigation based solely on the severity of each barrier, or the degree to which the barrier is out of compliance with the ADA. The criteria and weight system for each type of barrier affecting City sidewalks, curb ramps, and pedestrian push buttons determine a “Barrier Score” for each specific barrier. The following criteria were used to determine the Barrier Score for each type of barrier:

Table 2: Criteria for Sidewalks

BARRIER TYPE	WEIGHT	QUANTITY	VALUE	SCORE
Minor Heaving	10	1-2 incidents	30%	3
		3-5 incidents	60%	6
		6 + incidents	100%	10

Major Heaving	20	1-2 incidents	30%	6
		3-5 incidents	60%	12
		6 + incidents	100%	20
Cross Slope Low	5	10' or less	50%	2.5
		> 10'	100%	5
Cross Slope Medium	10	10' or less	50%	5
		> 10'	100%	10
Cross Slope High	15	10' or less	50%	7.5
		> 10'	100%	15
Running Slope Low	2.5	10' or less	50%	1.25
		> 10'	100%	2.5
Running Slope Medium	5	10' or less	50%	2.5
		> 10'	100%	5
Running Slope High	7.5	10' or less	50%	3.75
		> 10'	100%	7.5
Puddling	25	1 incident	50%	12.5
		3+ incidents	100%	25

Table 3: Criteria for Curb Ramps – Perpendicular

BARRIER TYPE	WEIGHT	CATEGORY	VALUE	SCORE
Width of Ramp	7	≤ 21.9"	100%	7
		22" - 25.9"	75%	5.25
		26.0" - 31.9"	50%	3.5
		32.0" - 35.9"	25%	1.75
		≥ 36"	0%	0
Alignment with Marked Crosswalk	5	No	100%	5
		< 48"	60%	3
		Yes	0%	0
Slope of Ramp	10	≥ 15%	100%	10
		12.5% - 14.9%	75%	7.5
		10.0% - 12.4%	50%	5
		8.4% - 9.9%	25%	2.5
		≤ 8.3%	0%	0
Cross Slope of Ramp	5	≥ 7.0%	100%	5
		5.0% - 6.9%	75%	3.75
		2.9% - 4.9%	50%	2.5
		2.1% - 2.8%	25%	1.25
		≤ 2.0%	0%	0
Top Landing Running Slope	5	≥ 9.0%	100%	5
		5.0% - 8.9%	75%	3.75
		2.9% - 4.9%	50%	2.5
		2.1% - 2.8%	25%	1.25
		≤ 2.0%	0%	0
Top Landing Cross Slope	5	≥ 9.0%	100%	5
		5.0% - 8.9%	75%	3.75
		2.9% - 4.9%	50%	2.5

BARRIER TYPE	WEIGHT	CATEGORY	VALUE	SCORE
		2.1% - 2.8%	25%	1.25
		≤ 2.0%	0%	0
Flare (Right)	2.5	≥ 14%	100%	2.5
		12.1% - 13.9%	60%	1.5
		10.1% - 12%	40%	1
		≤ 10.0%	0%	0
Flare (Left)	2.5	≥ 14%	100%	2.5
		12.1% - 13.9%	60%	1.5
		10.1% - 12%	40%	1
		≤ 10.0%	0%	0
Top landing Length	8	≤ 32.9"	100%	8
		33.0" - 35.9"	75%	6
		36.0" - 41.9"	50%	4
		42.0" - 47.9"	25%	2
		≥ 48"	0%	0
Truncated Domes	8	No	100%	8
		Not Entire Width	60%	4.8
		Not Contrasting	40%	3.2
		Yes	0%	0
Gutter Lip	20	≥ 1"	100%	20
		0.75" - .99"	75%	15
		0.5" - .74"	50%	10
		0.1" - 0.49"	25%	5
		Flush	0%	0
Cross Slope of Gutter	5	≥ 9.0%	100%	5
		5.0% - 8.9%	75%	3.75
		2.9% - 4.9%	50%	2.5
		2.1% - 2.8%	25%	1.25
		≤ 2.0%	0%	0
Gutter Slope	10	≥ 9.0%	100%	10
		6.7% - 8.9%	75%	7.5
		5.4% - 6.6%	50%	5
		5.1% - 5.3%	25%	2.5
		≤ 5.0%	0%	0
Domes Setback	3	< 6" or > 8"	100%	3
		6" -8"	0%	0
Ramp Length	4	≤ 32.9"	100%	4
		33" - 47.9"	50%	2
		≥ 48"	0%	0

Table 4: Criteria for Curb Ramps – Parallel

BARRIER TYPE	WEIGHT	CATEGORY	VALUE	SCORE
Width of Ramp (Right)	3	≤ 21.9"	100%	3
		22" - 25.9"	75%	2.25
		26.0" - 31.9"	50%	1.5
		32.0" - 35.9"	25%	0.75
		≥ 36"	0%	0
Width of Ramp (Left)	3	≤ 21.9"	100%	3
		22" - 25.9"	75%	2.25
		26.0" - 31.9"	50%	1.5
		32.0" - 35.9"	25%	0.75
		≥ 36"	0%	0
Alignment with Marked Crosswalk	2.5	No	100%	2.5
		< 48"	60%	1.5
		Yes	0%	0
Slope of Ramp (Right)	10	≥ 15%	100%	10
		12.5% - 14.9%	75%	7.5
		10.0% - 12.4%	50%	5
		8.4% - 9.9%	25%	2.5
		≤ 8.3%	0%	0
Slope of Ramp (Left)	10	≥ 15%	100%	10
		12.5% - 14.9%	75%	7.5
		10.0% - 12.4%	50%	5
		8.4% - 9.9%	25%	2.5
		≤ 8.3%	0%	0
Cross Slope of Ramp (Right)	5	≥ 5.0%	100%	5
		2.9% - 4.9%	60%	3
		2.1% - 2.8%	30%	1.5
		≤ 2.0%	0%	0
Cross Slope of Ramp (Left)	5	≥ 5.0%	100%	5
		2.9% - 4.9%	60%	3
		2.1% - 2.8%	30%	1.5
		≤ 2.0%	0%	0
Top Landing Running Slope (Right)	1	≥ 9.0%	100%	1
		5.0% - 8.9%	75%	0.75
		2.9% - 4.9%	50%	0.5
		2.1% - 2.8%	25%	0.25
		≤ 2.0%	0%	0
Top Landing Running Slope (Left)	1	≥ 9.0%	100%	1
		5.0% - 8.9%	75%	0.75
		2.9% - 4.9%	50%	0.5

BARRIER TYPE	WEIGHT	CATEGORY	VALUE	SCORE
		2.1% - 2.8%	25%	0.25
		≤ 2.0%	0%	0
Top Landing Cross Slope (Right)	2.5	≥ 5.0%	100%	2.5
		2.9% - 4.9%	60%	1.5
		2.1% - 2.8%	30%	0.75
		≤ 2.0%	0%	0
Top Landing Cross Slope (Left)	2.5	≥ 5.0%	100%	2.5
		2.9% - 4.9%	60%	1.5
		2.1% - 2.8%	30%	0.75
		≤ 2.0%	0%	0
Top landing Length (Right)	1	≤ 32.9"	100%	1
		33" - 47.9"	50%	0.5
		≥ 48"	0%	0
Top landing Length (Left)	1	≤ 32.9"	100%	1
		33" - 47.9"	50%	0.5
		≥ 48"	0%	0
Truncated Domes	8	No	100%	8
		Not Entire Width	60%	4.8
		Not Contrasting	40%	3.2
		Yes	0%	0
Gutter Lip	15	≥ 1"	100%	15
		0.75" - .99"	75%	11.25
		0.5" - .74"	50%	7.5
		0" - 0.49"	25%	3.75
		Flush	0%	0
Cross Slope of Gutter	5	≥ 9.0%	100%	5
		5.0% - 8.9%	75%	3.75
		2.9% - 4.9%	50%	2.5
		2.1% - 2.8%	25%	1.25
		≤ 2.0%	0%	0
Gutter Slope	10	≥ 9.0%	100%	10
		6.7% - 8.9%	75%	7.5
		5.4% - 6.6%	50%	5
		5.1% - 5.3%	25%	2.5
		≤ 5.0%	0%	0
Domes Setback	1	< 12"	100%	1
		≥ 12"	0%	0
Bottom Landing Cross Slope	2.5	>9.0%	100%	2.5
		5.0% - 8.9%	75%	1.875
		2.9% - 4.9%	50%	1.25

BARRIER TYPE	WEIGHT	CATEGORY	VALUE	SCORE
		2.1% - 2.8%	25%	0.625
		≤ 2.0%	0%	0
Bottom Landing Slope	2.5	≥ 9.0%	100%	2.5
		5.0% - 8.9%	75%	1.875
		2.9% - 4.9%	50%	1.25
		2.1% - 2.8%	25%	0.625
Bottom Landing Length	2.5	≤ 36"	100%	5
		35.9" - 47.9"	50%	2.5
		>48"	0%	0
Ramp Length (Right)	3	≤ 32.9"	100%	3
		33" - 47.9"	50%	1.5
		≥ 48"	0%	0
Ramp Length (Left)	3	≤ 32.9"	100%	3
		33" - 47.9"	50%	1.5
		≥ 48"	0%	0

Table 5: Criteria for Pedestrian Push Buttons

BARRIER TYPE	WEIGHT	CATEGORY	VALUE	SCORE
Clear Floor Slope	6.5	≤ 2.0%	0%	0
		2.1% - 3.9%	25%	1.625
		4.0% - 6.9%	50%	3.25
		7.0% - 9.9%	75%	4.875
		≥ 10.0%	100%	6.5
Clear Floor Cross Slope	6.5	≤ 2.0%	0%	0
		2.1% - 3.9%	25%	1.625
		4.0% - 6.9%	50%	3.25
		7.0% - 9.9%	75%	4.875
		≥ 10.0%	100%	6.5
Button Height	6.5	> 58.1"	100%	6.5
		< 41.99"	50%	3.25
		48.1" - 58"	50%	3.25
		42" - 48"	0%	0
Button Reach	6.5	>25.01"	100%	6.5
		20.01" - 25"	75%	4.875
		15.01" - 20"	50%	3.25
		10.01" - 15"	25%	1.625
		< 10"	0%	0
Button Pressure	6.5	≥ 10 lbs	100%	6.5
		6 lbs - 9 lbs	50%	3.25
		≤ 5 lbs	0%	0

BARRIER TYPE	WEIGHT	CATEGORY	VALUE	SCORE
Button Diameter	6.5	≤ 0.5"	100%	6.5
		1.9" - 0.6"	50%	3.25
		≥ 2"	0%	0
Accessible Path	6.5	No	100%	6.5
		Yes	0%	0
Clear Floor Space	9	No	100%	9
		Yes	0%	0
Closed Fist Operation	6.5	No	100%	6.5
		Yes	0%	0
Visual Contrast	6.5	No	100%	6.5
		Yes	0%	0
Vibrotactile	6.5	No	100%	6.5
		Yes	0%	0
Audible Walk Indicator	6.5	No	100%	6.5
		Speech	50%	3.25
		Chirp	50%	3.25
		Audible Tone	0%	0
Button Locator Tone	6.5	No	100%	6.5
		Yes	0%	0
Directional Info	6.5	No	100%	6.5
		Not Tactile	50%	3.25
		Yes	0%	0
Distance	6.5	> 1.5' from curblines & > 6' from crosswalk	100%	6.5
		< 1.5' from curblines & < 6' from crosswalk	0%	0

Priority Score

The priority score is the final score that determines the order in which barriers are to be mitigated to have the most effective impact on accessibility improvements. This score combines the barrier and activity score to provide an objective idea of how important replacing each segment is. Higher scores mean segments in greater need of repair, lower scores mean less need of repair. The equation for the priority score is as follows:

a = Activity Score

b = Barrier Score

p = Priority Score

If $a \leq 2b$; $p = b + a$

If $a > 2b$; $p = b + 2b$

These criteria were used to inform decisions made in the creation of the City of Burlington Sidewalk Management Program (SMP), found in Appendix A. This program, adopted in 2016, focuses on eliminating all safety hazards present in the City's sidewalks and 'ensuring that sidewalks within the right of way meet ADA standards and PROWAG guidelines.' The budget and schedule for the improvements arranged from the SMP can be found in Appendix C.

The data on curb ramps and pedestrian push buttons was used to create the documents which make up Appendices D and E, respectively. These documents provide both schedule and budget information similarly to Appendix C. They also identify steps taken during each year of the transition period (five years) that are necessary to achieve compliance with the ADA, thus satisfying one requirement of the ADA Transition Plan.

The data from the compliance assessments performed by DPW can be found in Appendix H. The raw data in this document includes detailed information on the activity score, barrier score, and combined priority score of each sidewalk segment, as well as sidewalk width and other miscellaneous notes. For the sake of simplicity, a summary table was created providing only sidewalk location, priority score, and priority level, which was determined by dividing the sidewalk segments into four categories: priority scores under 40 were labeled Low; priority scores from 40 to 63.5, Medium-Low; scores of 63.5 to 84, Medium-High; and scores of 84 or above, High. This database provides cost estimations for mitigation solutions, sets priorities for barrier elimination, and provides a schedule for barrier removal and mitigation.

7. PUBLIC INPUT

A public meeting was held on July 18th, 2018 by the DPW Commission to take into account the opinions and suggestions of the residents of the City, including those with disabilities, and to open the City's Draft ADA Transition Plan to comments for a period of two weeks. A record of comments received from the public can be found in Appendix G.

Public Works Commission Meeting

Date: July 18th, 2018

Location: 53 Lavalley Lane – Main Wastewater Treatment Plant

Attendees

- Robert Alberry
- Tiki Archambeau
- Jim Barr
- Chris Gillman
- Brendan Hogan
- Solveig Overby

Input Received

- Clerk Gillman spoke on changes this plan will prioritize.
- Commissioner Hogan spoke on typos in the presentation and potential for penalties for non-ADA-compliant curb reconstructions.
- Commissioner Overby spoke on requirements in the Right of Way, public outreach, CIP abbreviation meaning, and vibrating pedestrian push buttons.
- No public input was received.

8. TRANSITION PLAN IMPLEMENTATION

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

The final product is a working GIS database of the City's sidewalk network within its PROW, as well as additionally including the City's curb ramp and pedestrian push button network. This product is to be a living document, to be modified and updated as barriers are removed or alterations are made. This final product will be maintained primarily through the City's Sidewalk Repair Program as detailed in Appendix A. A visual summary of the database is presented in Appendix F, and the database in its entirety is contained in Appendix H.

The City's Sidewalk Management Program satisfies one of the requirements of an ADA Transition Plan, as the program will determine a predictive work plan for the planning of long term barrier mitigation work within the PROW. The protocol for properly tracking and updating the GIS database for planned and completed barrier mitigations is detailed in Appendix B.

As a part of this process, technical infeasibility, if any, to meet necessary accessibility compliance will be documented and filed for the City's records by the Engineer-of-Record on the said project. It is also recommended to provide accessibility site audits (inspections) of on-going projects as part of the project close-out/certification. This documentation and verification of barrier-mitigation will be integrated into the City's ADA Transition Plan on a regular basis to ensure that barriers are "checked-off" and the Plan is current with a record of barrier-mitigation work.

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

For the purposes of setting an initial planning budget for this document, the City has dedicated a \$600,000 budget (subject to future change) toward general ADA upgrades and identified several CIP projects and Bond Programs already within its pipelines. With this information, an initial budget allocation plan has been projected for the next five fiscal years, which is documented in the GIS database, using the protocol described in Appendix B, as well as summarized for each type of barrier in Appendices C, D, and E.

Maintenance of Accessible Features

The Maintenance of accessible features is mandated by State and Federal Regulations and is an integral part of the City's plan to transition into a more accessible destination. Chapter 28 Code of Federal Regulation, Part 35, Section 35.133 states:

1. A public accommodation shall maintain in operable working condition those features of facilities and equipment that are required to be accessible to and usable by persons with disabilities.
2. This section does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs.

Both these sections provide that a public entity shall maintain in operable working condition those features of facilities and equipment that are required to be accessible to and usable by persons with disabilities. They require that, to the maximum extent feasible, facilities must be accessible to, and usable by, individuals with disabilities. These sections recognize that it is not sufficient to provide features such as accessible routes, ramps, or elevators, if those features are not maintained in a manner that enables individuals with disabilities to use them. Inoperable elevators are neither "accessible to" nor "usable by" individuals with disabilities.

It is, of course, impossible to guarantee that mechanical devices will never fail to operate. As such, the second paragraph provides that this section does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs. This paragraph is intended to clarify that temporary obstructions or isolated instances of mechanical failure would not be considered violations of the ADA or this part. However, allowing obstructions or "out of service" equipment to persist beyond a reasonable period of time would violate this part, as would repeated mechanical failures due to improper or inadequate maintenance. Failure of the public entity to arrange prompt repair of inoperable elevators or other equipment intended to provide access would also violate this part.

A City-wide formal policy specifically addressing the legal requirements (28CFR Part 35.133) of maintaining accessible features would be of long-term benefit to the City. When, over time, an accessible feature fails, institutionalizing organizational commitments towards protocols and maintenance ensures an appropriate action is taken.

9. GRIEVANCE PROCEDURE

The City of Burlington, and DPW have adopted the following grievance procedure to meet the requirements of Title II of the ADA and to provide prompt and equitable resolution of complaints alleging any action prohibited by the ADA. This grievance procedure 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 by the City of Burlington or a complaint alleging retaliation prohibited by the ADA. The City prohibits retaliation against persons who engage in activities protected by the ADA, including retaliation based on a person having filed a complaint or participated in an investigation provided for by this procedure.

Complaints should be addressed to the DPW ADA Coordinator:

Laura K. Wheelock P.E.
Burlington Department of Public Works
645 Pine St, Burlington, VT 05401
(802) 540-0397 LWheelock@burlingtonvt.gov

1. A complaint should be submitted in writing or verbally as soon as possible but no later than 60 calendar days after the alleged discrimination. It should contain the name, address, and phone number of the complainant and briefly provide the location, date, and description of the alleged discrimination. The complaint can be submitted by the person with a disability or his/her representative. Upon request, alternative means of filing complaints will be made available for persons with disabilities.
2. Following the filing of the complaint, a thorough investigation will be conducted by the ADA Coordinator or another impartial employee. Affected or interested individuals and their representatives may submit evidence relevant to the complaint. Additional information may be requested from the complainant.
3. A written¹ determination of the validity of the complaint and description of the remedial and corrective actions, if any, will be issued by the ADA Coordinator or other impartial employee and sent to the complainant no later than 45 calendar days after receipt of the complaint.
4. The right of a person to a prompt and equitable resolution of a complaint will not be impaired by the individual's pursuit of other remedies, such as the filing of a formal complaint with another agency.
5. All written complaints received by the ADA Coordinator, appeals to DPW, and responses from these two offices will be retained by the City for at least six years.

¹ And when appropriate, in another format accessible to the complainant.

10. CONCLUSION

The City of Burlington's Department of Public Works is committed to ensuring that our system is accessible to those with disabilities. We have a long history of providing for the needs of all modes of travel in the planning, programming, design, rehabilitation, maintenance, and construction of the City's transportation system. In partnership with municipalities, Metropolitan Planning Organizations, Regional Planning Commissions, Federal Highway Administration and other federal agencies, stakeholders, and the public, particularly those with disabilities, DPW will continue to develop and implement a safe, comprehensive transportation system that balances the needs of all users.

11. ADA/SECTION 504 DEFINITIONS

List of Acronyms

ADAAG: Americans with Disabilities Act Accessibility Guidelines

ADA: Americans with Disabilities Act of 1990

FHWA: Federal Highway Administration

GIS: Geographic Information System

MATS: Managed Assets on Transportation Systems

MPO: Municipal Planning Organization

PROWAG: 2011 Proposed Accessibility Guidelines for pedestrian Facilities in the Public Right of Way

RPC: Regional Planning Commission

RELAY 711: Telecommunications Relay Service

STIP: Statewide Transportation Improvement Program

Title VI: Title VI of the Civil Rights Act of 1964

Glossary of ADA Terms

Accessible: A facility that provides access to people with disabilities using the design requirements of the 2010 Standards. (PROWAG R106.5)

Accessible Pedestrian Signal (APS): A device that communicates information about the WALK phase in audible and vibrotactile formats. (PROWAG R105.5)

Alteration: A change to a facility in the public right of way that affects or could affect access, circulation or use of the facility. An alteration must not decrease or have the effect of decreasing the accessibility of a facility or an accessible connection to an adjacent building or site.

Americans with Disabilities Act (ADA): The Americans with Disabilities Act of 1990, as amended sets design guidelines for accessibility to public facilities, including sidewalks and trails by individuals with disabilities.

Americans with Disabilities Act Accessibility Guidelines (ADAAG): The ADAAG contains scoping and technical requirements for accessibility to buildings and public facilities by individuals with disabilities under the ADA.

Blended Curb or Transition: A curb ramp shallower than 1:20 (5%), where the sidewalk is blended into or is flush with the street.

Circulation Path: An exterior or interior way of passage provided for pedestrian travel including, walks, hallways, courtyards, elevators, platform lifts, ramps, stairways and landings.

Cross Slope: The slope that is perpendicular to the direction of accessible pedestrian travel. (PROWAG R105.5)

Crosswalk: The part of a roadway at an intersection that is included within the extensions of the lateral lines of the sidewalks on opposite sides of the roadway, measured from the curb line or, in the absence of curbs, from the edges of the roadway or, in the absence of a sidewalk on one side of the roadway, the part of the roadway included within the extension of the lateral lines of the sidewalk at right angles to the centerline.

Curb Line: A line at the face of the curb that marks the transition from the roadway to a sidewalk or planting strip between the sidewalk and the gutter or roadway.

Curb Ramp: A short ramp cutting through a curb or built up to it. (PROWAG R106.5)

Detectable Warning: A surface feature built in or applied to walking surfaces or other elements to advise of an upcoming change from a pedestrian to a vehicular way. (PROWAG R405.5)

Element: An architectural or mechanical component of a facility, space, site or public right of way.

Entrance: Any access point to a building or facility used for entering. Includes entry door or gate and hardware. (PROWAG R106.5)

Facility: All or any portion of structures, improvements, elements and pedestrian or vehicular routes located on a site or a public right-of-way.

Flush Transition: See Blended Transition

Grade Break: The meeting line of two adjacent surfaces of different slope (grade).

Island: Curbed or painted area outside the vehicular path that is provided to separate and direct traffic movement, which also may serve as a refuge for pedestrians.

Marked Crosswalk: Any portion of a roadway at an intersection or elsewhere that is distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Mid-Block Crossing: A marked pedestrian crossing on a street that is located between or away from intersections.

Parallel Curb Ramp: A system of two sloped ramps that run parallel to the curb line from a common lower landing that is approximately level with the street.

Pedestrian Access Route: A continuous and unobstructed walkway within a pedestrian circulation path that provides accessibility. (PROWAG R105.5)

Perpendicular Curb Ramp: A curb ramp with a main slope running perpendicular to the curb line and with one or more flared side slopes.

Projects: Any construction or maintenance project that disturbs the pavement by at least $\frac{3}{4}$ of an inch.

Public Right of Way: Land or property owned by a public entity and usually acquired for or devoted to transportation or pedestrian purposes.

Public Use: Interior or exterior, rooms, space or elements that are made available to the public.

Ramp: A walking surface that has a running slope steeper than 5%.

Right of Way: Denotes land, property or interest therein, usually in a strip, acquired for or devoted to transportation purposes.

Running Slope: The slope that is parallel to the direction of travel expressed as a ratio of rise to run in the public right of way. This is usually called grade and is expressed as a percentage.

Section 504: Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination in any program or activity receiving federal financial assistance.

Sidewalk: That portion of a public right of way between the curb line or lateral line of a roadway and the adjacent property line that is improved for use by pedestrians.

Street Furniture: Elements in the public right-of-way intended for use by pedestrians.

Technically Infeasible: An alteration that has little likelihood of being accessible because of site constraints which prohibit modification or addition of elements, spaces or features that are in full strict compliance with the minimum requirements of the 2010 ADA Standards.

Transition Plan: The City's transportation system plan that identifies accessibility needs, and identifies the process to integrate accessibility improvements, and ensures all transportation facilities, services, programs and activities are accessible to all individuals.

Urban Compact Area: Urban Compact Municipalities are those in which the population according to the last United States census exceeds 7,500 inhabitants, or is less than 7,500 inhabitants but more than 2,499 inhabitants, and in which the ratio of people whose place of employment is in a given municipality to employed people residing in that same municipality is 1.0 or greater, and when the municipality has not exercised the opt-out provision of this section.

Vibrotactile: A vibrating surface, located on the accessible pedestrian signal button that communicates information through touch. (PROWAG R105.5)

II. APPENDICES

- Appendix A: [Sidewalk Management Program](#)
- Appendix B: [GIS Tracking Protocol](#)
- Appendix C: [Sidewalks / Routes Budget Allocation](#)
- Appendix D: [Curb Ramps Budget Allocation](#)
- Appendix E: [Pedestrian Pushbuttons Budget Allocation](#)
- Appendix F: [Map of Burlington Sidewalks by Prioritization Criteria](#)
- Appendix G: [Record of Interested Persons and Comments](#)
- Appendix H: [Sidewalk Priority Score and Database](#)
- Appendix J: [Example Facility Assessment: Fire Station #5](#)