AMERICANS WITH DISABILITIES ACT (ADA)

TRANSITION PLAN FOR
PUBLIC RIGHT-OF-WAY

Boone County Fiscal Court
Draft Date: May 25, 2016
Americans with Disabilities Act (ADA)
Transition Plan for Public Right-of-Way

Draft Completed: May 25, 2016

Final Plan Adopted:

Judge/Executive: Gary W. Moore

County Commissioners: Cathy Flaig
Dr. Charles Kenner
Charlie Walton
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I. Introduction

The Americans with Disabilities Act (ADA) of 1990 is a civil rights statute that prohibits discrimination against people who have disabilities. There are five separate Titles, or sections, of the Act that cover different aspects of potential discrimination. These include: Title I – Employment, Title II – Public Services and Transportation, Title III – Public Accommodations, Title IV – Telecommunications, Title V – Miscellaneous. Title II of the Act specifically addresses the subject of making public services and public transportation accessible to those with disabilities. Designing and constructing facilities for public use that are not accessible by people with disabilities constitutes discrimination.

The Americans with Disabilities Act applies to all facilities, including both facilities built before and after 1990. State and local government and public entities or agencies are required to perform self-evaluations of their current facilities, relative to the accessibility requirements of the current ADA accessibility standards [http://www.ada.gov/2010ADAstandards_index.htm](http://www.ada.gov/2010ADAstandards_index.htm). The goal of this process is to ensure that sidewalks, pedestrian street crossings, pedestrian signals, and other facilities for pedestrian circulation and use constructed or altered in the public right-of-way by state and local governments are readily accessible to and usable by pedestrians with disabilities.

Per the Act, public agencies are required to develop a Program Access Plan (also called a Transition Plan) to address any deficiencies that exist and to update the Plan periodically. As the Federal Highway Administration supports the use of standards identified within the Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way as published in the Federal Register on July 26, 2011, this is the basis for this plan.

The Boone County Transition Plan is intended to achieve the following:

- Identify barriers limiting the accessibility of facilities to individuals with disabilities,
- Describe the methods to be used to address those barriers,
- Provide a financial schedule for making modifications, and
- Identify the public officials responsible for Plan implementation.
The requirements of the ADA apply to all public entities or agencies, no matter the size. The transition plan formal procedures as outlined in 28 C.F.R. section 35.150 only govern those public entities with more than 50 employees. The Boone County Fiscal Court employs greater than 50 employees.

This Plan is established for pedestrian facilities in public right-of-way along the roadways in Boone County - in partnership with the State Transportation Cabinet for roadways maintained by State - and directly by Boone County for streets and roads maintained by the County. This typically includes sidewalks, pedestrian paths, curb ramps, street crossings, driveway crossings, crosswalks, median crossings, public transit stops, and pedestrian activated signal systems.

II. ADA Program

a. Responsible Official. The Boone County Transition Plan is only one component of the County’s ADA compliance strategy. The Boone County Director of Human Resources direct the committee charged with creating, monitoring and assessing County’s ADA policies and procedures. The Transition Plan is created and implemented in conjunction with the Boone County Director of Public Works/County Engineer.

b. Self-Evaluation. As required by the Americans with Disabilities Act, Boone County Public Works has planned a self-evaluation exercise of its programs, services, and activities to begin in 2016 and be completed by 2017 to insure that all that sidewalks, pedestrian street crossings, pedestrian signals, and other facilities for pedestrian circulation and use constructed or altered in the public right-of-way are accessible to and usable by persons with disabilities. To effectively facilitate this process, an ADA Evaluation Team was established consisting of the Director of Public Works/County Engineer, Engineering Services Supervisor, Sign Department Leader, Chief Building Official and Human Resource Director.

An Action Plan will be completed listing specific policy or program modifications needed, and target dates by which those changes are to be
made. All new construction and major repairs will be required to meet these ADA standards for accessibility.

c. Public Engagement. The public is encouraged to identify ADA accessibility issues and report them to the County using the citizen feedback link on the County website. In addition, a public hearing will be scheduled annually to specifically solicit comments, concerns and suggestions from the public as they pertain to the accessibility within the public right-of-way.

d. Grievances. This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services or benefits within the public right-of-way. Any citizen who believes a sidewalk, pedestrian path, curb ramp, street crossing, driveway crossing, crosswalk, median crossing, public transit stop, and pedestrian activated signal system does not meet specifications for accommodation may submit a complaint in writing that contains information about the alleged discrimination including: name, address, phone number of complainant and location, date, and description of the problem. A grievance form is available on-line at boonecountyky.org. Alternative means of filing complaints will be made available for persons with disabilities upon request.

Complaints should be directed to:

Human Resources Department  
Boone County Fiscal Court  
2950 Washington St. Box 900  
Burlington, KY  41005

A designated staff member will meet with the complainant within 10 working days of receipt of the complaint to discuss the issues and possible resolution. Within 10 working days, a statement will be issued to complainant outlining the findings and describing the course action to be followed by the County in response and consistent with this plan. Complainant shall have the right to appeal the decision to the Assistant County Administrator.
III. ADA Transition Plan Within Public Right-of-way

The Boone County ADA Transition Plan is comprised of the following elements:

1. Self-Evaluation
2. Corrective Action Program
3. Implementation Schedule
4. Funding Sources
5. Program Responsibility
6. Annual Evaluation and Updates/Public Notice

a. Self-Evaluation

The first step in preparing the Boone County ADA Transition Plan for Public Right-of-Way is to conduct an inventory of current barriers within the public right-of-way that negatively impact accessibility. The Director of Public Works/County Engineer is tasked with completing this assessment of County-maintained pedestrian access routes (curb ramps and sidewalks) and will utilize Public Works staff with the assistance of the County’s Traffic Safety Committee to accomplish the review. The self-evaluation will begin in August 2016 and will be complete no later than July 1, 2017. The Boone County ADA Transition Plan for Public Right-of-way will be updated with areas not meeting accessibility guidelines in July 2017.

Pedestrian Access Routes and Curb Ramps

The evaluation will utilize a standard of at least 4 feet wide with a maximum cross slope of 2% with transition markings to ensure accessibility in public right-of-way. Pedestrian access routes and curb ramps will be evaluated visually for potential accessibility deficiencies. The following chart illustrates potential issues that would need remediation followed by a chart indicating existing pedestrian access routes/curb ramps that were found to be deficient:
<table>
<thead>
<tr>
<th>Type</th>
<th>Issue</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sidewalk Deficiency</td>
<td>Narrow, Below Guidelines</td>
</tr>
<tr>
<td>Sidewalk Deficiency</td>
<td>Steepness, Irregularity, Variability, Warping Caused by Cross Slope</td>
</tr>
<tr>
<td>Sidewalk Deficiency</td>
<td>Obstruction (Signs, Mail Boxes, Fire Hydrants, Benches, Traffic Signal Poles, Traffic Signal Controller Boxes, Newspaper Boxes, Drainage Structures, Standing Water, Snow or Ice)</td>
</tr>
<tr>
<td>Sidewalk Deficiency</td>
<td>Surface Deterioration/ Poor Markings</td>
</tr>
<tr>
<td>Sidewalk Deficiency</td>
<td>Gaps, Drops, Steps, Missing Sections</td>
</tr>
<tr>
<td>Curb Ramp Deficiency</td>
<td>Missing Curb Ramp</td>
</tr>
<tr>
<td>Curb Ramp Deficiency</td>
<td>Misalignment of Crosswalk</td>
</tr>
<tr>
<td>Curb Ramp Deficiency</td>
<td>No Transition Warning Pad</td>
</tr>
<tr>
<td>Curb Ramp Deficiency</td>
<td>Steep Ramp</td>
</tr>
<tr>
<td>Curb Ramp Deficiency</td>
<td>Landing Less than 4 X4 Feet/ Steepness</td>
</tr>
<tr>
<td>Curb Ramp Deficiency</td>
<td>Warning System – Missing/Not Operable</td>
</tr>
<tr>
<td>Curb Ramp Deficiency</td>
<td>Traffic Signal System- Inoperable or Inaccessible Buttons</td>
</tr>
<tr>
<td>Curb Ramp Deficiency</td>
<td>Traffic Signal Not Equipped for Visually Impaired</td>
</tr>
<tr>
<td>Curb Ramp Deficiency</td>
<td>Traffic Signal Not Appropriately Timed</td>
</tr>
<tr>
<td>Curb Ramp Deficiency</td>
<td>Missing Curb Ramp Flares</td>
</tr>
</tbody>
</table>

Overview of Self-Evaluation (TBA)

<table>
<thead>
<tr>
<th>Location</th>
<th>Deficiency Type</th>
<th>Date Noted</th>
<th>Remediation Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Pedestrian Signals

Boone County maintains very few traffic lights/ pedestrian signals on County routes. Where pedestrian signals are provided at pedestrian street crossings, they must include accessible pedestrian signals and pedestrian pushbuttons.
meeting MUTCD criteria per the proposed guidelines for accessible public right-of-way.

b. Corrective Action Program

Once identified as a deficiency to accessibility, the item shall be assessed and ranked based on a prioritization schedule (provided below). Action will be planned based on a combination of the priority and funding plan.

<table>
<thead>
<tr>
<th>Priority</th>
<th>Issue</th>
<th>Deficiency Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Highest)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Missing Curb Ramp</td>
<td>Curb Ramp Deficiency</td>
</tr>
<tr>
<td>2</td>
<td>No Transition Warning Pad</td>
<td>Curb Ramp Deficiency</td>
</tr>
<tr>
<td>3</td>
<td>Obstruction (Signs, Mail Boxes, Fire Hydrants, Benches, Traffic Signal Poles, Traffic Signal Controller Boxes, Newspaper Boxes, Drainage Structures, Standing Water, Snow or Ice)</td>
<td>Sidewalk Deficiency</td>
</tr>
<tr>
<td>4</td>
<td>Steepness, Irregularity, Variability, Warping Caused by Cross Slope</td>
<td>Sidewalk Deficiency</td>
</tr>
<tr>
<td>5</td>
<td>Surface Deterioration/ Poor Markings</td>
<td>Sidewalk Deficiency</td>
</tr>
<tr>
<td>6</td>
<td>Misalignment of Crosswalk</td>
<td>Curb Ramp Deficiency</td>
</tr>
<tr>
<td>7</td>
<td>Landing Less Than 4 X4 Feet/ Steepness</td>
<td>Curb Ramp Deficiency</td>
</tr>
<tr>
<td>8</td>
<td>Gaps, Drops, Steps, Missing Sections</td>
<td>Sidewalk Deficiency</td>
</tr>
<tr>
<td>9</td>
<td>Warning System – Missing/Not Operable</td>
<td>Curb Ramp Deficiency</td>
</tr>
<tr>
<td>10</td>
<td>Steep Ramp</td>
<td>Curb Ramp Deficiency</td>
</tr>
<tr>
<td>11</td>
<td>Traffic Signal System- Inoperable or Inaccessible Buttons</td>
<td>Curb Ramp Deficiency</td>
</tr>
<tr>
<td>12</td>
<td>Narrow, Below Guidelines</td>
<td>Sidewalk Deficiency</td>
</tr>
<tr>
<td>13</td>
<td>Traffic Signal Not Equipped for Visually Impaired</td>
<td>Curb Ramp Deficiency</td>
</tr>
<tr>
<td>14</td>
<td>Traffic Signal Not Appropriately Timed</td>
<td>Curb Ramp Deficiency</td>
</tr>
<tr>
<td>15</td>
<td>Missing Curb Ramp Flares</td>
<td>Curb Ramp Deficiency</td>
</tr>
<tr>
<td>(Lowest)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
c. Implementation and Funding

Boone County has committed to the following funding and implementation schedule.

a. All new construction and major repairs that impact County right-of-way will be completed in compliance with ADA requirements for accessibility. Cost will be included with project estimates.

b. Funds will be allocated for implementation of updates needed for existing impediments to accessibility in County right-of-way as described in the chart below.

c. Boone County has two approved ADA Transition Plans. One is specific to public right-of-way and one addresses accessibility issues in all other public facilities. Funds will be allocated to address highest priority items within the Boone County ADA Transition Plan for Public Right-of-Way and the Boone County ADA Transition Plan for Public Facilities as recommended by the ADA Transition Plan steering committee and approved by the Boone County Fiscal Court.

<table>
<thead>
<tr>
<th>Project Type</th>
<th>Funding Cycle</th>
<th>Anticipated Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Construction</td>
<td>As Constructed</td>
<td>Cost of Project</td>
</tr>
<tr>
<td>Existing Compliance Issues</td>
<td>July 1, 2017- June 30, 2019</td>
<td>$100,000</td>
</tr>
<tr>
<td></td>
<td>July 1, 2019-June 30, 2021</td>
<td>$100,000</td>
</tr>
<tr>
<td></td>
<td>July 1, 2021-June 30, 2023</td>
<td>$200,000</td>
</tr>
<tr>
<td></td>
<td>July 1, 2023-June 30, 2025</td>
<td>$200,000</td>
</tr>
<tr>
<td></td>
<td>July 1, 2025-June 30, 2027</td>
<td>$200,000</td>
</tr>
<tr>
<td></td>
<td>July 1, 2027-June 30, 2037</td>
<td>$1,000,000</td>
</tr>
<tr>
<td><strong>Total Anticipated Allocation for 2017-2037</strong></td>
<td></td>
<td><strong>$1,800,000</strong></td>
</tr>
</tbody>
</table>
d. Funding Sources

Potential Sources for funding the ADA Transition Plan include, but are not limited to:

- Boone County Capital Improvement Fund
- SNK Federal Transportation Funding
- Transportation Alternatives Program
- Transportation Enhancements Program
- Congestion Mitigation/ Air Quality Program
- Surface Transportation Program
- State Transportation Funding

e. Program Responsibility

The Boone County ADA Transition Plan for Public Right of Way is administered by the Boone County ADA coordinator with assistance from the Boone County Public Works Director/County Engineer and the Boone County Chief Building Official. Coordination is provided for State and Federal roads by the Kentucky Transportation Cabinet District Office (District 6).

Boone County ADA Coordinator
Lori Zombek
Human Resources
2950 Washington Street, Box 900
Burlington, KY 41005
859-334-2100

Boone County Public Works/County Engineer
Public Works Department
5645 Idlewild Road
Burlington, KY 41005
859-334-3600
Boone County Building Department  
Chief Building Official  
2950 Washington St. Box 900  
Burlington, KY 41005  
859-334-2218  

Kentucky Transportation Cabinet, District 6  
ADA Coordinator  
421 Buttermilk Pike  
Ft. Mitchell KY 41017  
Phone: (859) 341-2700  

f. Public Notice  

Agencies are required to give notice to the public on information regarding public accessibility and compliance with ADA. Upon adoption, the ADA Transition Plan for Public Right-of-Way will be provided on the Boone County website.  

The Boone County ADA Transition Plan for Public Right-of-Way will be utilized in yearly planning of projects and funding decisions, and also will be periodically reviewed for compliance and validity. The Transition Plan should be viewed as a “living document” and updated regularly to reflect changes in the Act and to the Boone County Transportation Plan.  

Boone County will hold a public hearing annually to solicit input and comments from the public to assist with the review and update of the plan. The public hearing will be advertised to the public.  

Comments and Questions  
Boone County ADA Coordinator  
Department of Human Resources  
2950 Washington Street, Box 900  
Burlington, KY 41005  
859-334-2100
Attachment A

Sidewalk Detail
Attachment B

Grievance Form
Attachment C

Self-Evaluation Findings

TBA