

CITY OF SAN JOSÉ, CALIFORNIA
DETAILED ADA TRANSITION PLAN UPDATE FOR SIDEWALKS
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1. INTRODUCTION TO THE ADA

The Americans with Disabilities Act (ADA), enacted on July 26, 1990, provides comprehensive civil rights protections to persons with disabilities in the areas of employment, state and local government services, access to public accommodations, transportation, and telecommunications. The ADA is companion civil rights legislation with the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973. This legislation mandates that qualified individuals with a disability shall not be excluded from participation in, denied the benefit of, or be subjected to discrimination under any program or activity. The Act also provides employees with disabilities with certain protections and requires employers to make reasonable accommodation for qualified applicants and employees.

The ADA is divided into five parts, covering the following areas:

Title I: Employment: Under this title, employers, including governmental agencies, must ensure that their practices do not discriminate against persons with disabilities in the application, hiring, advancement, training, compensation, or discharge of an employee, or in other terms, conditions, and rights of employment.

Title II: Public Services: This title prohibits state and local governments from discriminating against persons with disabilities or from excluding participation in or denying benefits of programs, services, or activities to persons with disabilities. It is under this Title that this ADA Transition Plan Update has been prepared. A transition plan is intended to describe what physical changes are to be implemented to provide programmatic access to a public entity's programs and services.

Title III: Public Accommodations: Title III of the ADA requires places of public accommodation to be accessible to and usable by persons with disabilities. The term “public accommodation” as used in the definition is often misinterpreted as applying to public agencies, but the intent of the term is to refer to any privately funded and operated facility serving the public.

Title IV: Telecommunications: This title covers regulations regarding private telephone companies and requires common carriers offering telephone services to the public to increase the availability of interstate and intrastate telecommunications relay services to individuals with hearing and speech impairments.

Title V: Miscellaneous Provisions: This title contains several miscellaneous regulations, including construction practices, attorney’s fees, and technical assistance provisions.

Title II of the ADA dictates that a public entity must evaluate its services, programs, policies, and practices to determine whether they are in compliance with the nondiscrimination regulations of the ADA. The regulations detailing compliance requirements were issued on July 26, 1991. These regulations mandate that each public entity is required to examine activities and services, identify problems or physical barriers that may limit accessibility for persons with disabilities, and to describe potential compliance solutions. The entity must then proceed to make the necessary changes resulting from the evaluation, and a transition plan must be prepared to describe any structural or physical changes required to make programs accessible.

In the ADA, the term “disability” means, with respect to an individual:

- 1) a physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- 2) a record of such an impairment; or
- 3) being regarded as having such an impairment.

If an individual meets any one of these three tests, he or she is considered to be an individual with a disability for purposes of coverage under the Americans with Disabilities Act. The Final Rules of the ADA describe in greater detail the conditions included and excluded as disabilities under the ADA, and these rules should be referred to if more detailed descriptions of covered disabilities are desired.

The final Rules and Regulations of the ADA describe the requirements for implementation and enforcement (Code of Federal Regulations, Title 28, Part 35, Subpart D). As described earlier, a public entity must operate its services, programs, and activities, when viewed in their entirety, so that they are accessible to and usable by individuals with disabilities. In order to achieve this basic goal, a public entity must implement policies and procedures intended not only to remove any discriminatory practices toward persons with disabilities but also to bring about conditions that comply with policies that have become common practice.

Enforcement under the ADA is generally provided in one or more of three ways:

- 1) The U. S. Department of Justice: Any person may file a complaint with that agency, and it is responsible for investigating such complaints and resolving disputes through its own regulatory policies.
- 2) The ADA generally provides for civil litigation as a method of effecting enforcement, and any person may file a civil complaint as a result of alleged discrimination under the ADA.
- 3) Each public entity is responsible for establishing its own grievance procedures for bringing about enforcement under the ADA. Complaint and grievance procedures must follow guidelines described in the ADA. A public entity is also responsible for a continual monitoring of its policies and procedures with respect to its implementation of the ADA.

2. PUBLIC AGENCY RESPONSIBILITIES UNDER THE ADA

Public agencies, including municipal city governments, have various obligations under Title II of the ADA. Title II of the ADA is similar to Section 504 of the Rehabilitation Act of 1973, but differs in that Section 504 applies only to agencies that receive federal financial assistance. The purpose of Section 504 is to ensure that no qualified individual with a disability shall, solely by reason of his or her disability, be discriminated against under any program or activity receiving federal financial assistance. The City of San José has been subject to and operated under the requirements of Section 504 for many years.

Title II of the ADA mandates that public entities may not require eligibility criteria for participation in programs and activities that would screen persons with disabilities, unless it can be proven that such requirements are necessary for the mandatory provision of the service or program. A public entity must reasonably modify its policies and procedures to avoid discrimination toward disabled residents. However, if the public entity can demonstrate that a modification would fundamentally alter the nature of its service, it would not be required to make that modification. The lone exception to these requirements would be because of undue hardship. “Undue hardship” is defined in the ADA as an “action requiring significant difficulty or expense” when considering the nature and cost of the accommodation in relation to the size, resources, and structure of the specific operation. Undue hardship is determined on a case-by-case basis.

The ADA specifically states the intent not to apply lesser standards than are required under other federal, state, or local laws; therefore, the law that is the most stringent takes precedence. This intent has particular application with respect to the City’s obligations under the ADA, Section 504, or under Title 24 of the California Code of Regulations, which in some cases exceeds ADA requirements with respect to structural and physical changes.

A public entity is required to designate a person to be responsible for coordinating the implementation of ADA requirements, including the transition plan, and for investigating complaints of alleged noncompliance. The ADA Coordinator and the duties involved are described later in this transition plan update.

A public entity that employs 50 or more persons is required by the ADA to adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by Title II. The grievance procedures as they relate to the City's public rights-of-way and sidewalks are provided in another section of this transition plan update, and these procedures, or other existing procedures currently used by the City, may be used as deemed to be appropriate by the City.

A public agency is required to prepare a transition plan if physical or structural modifications are required to provide access to programs or services. The transition plan is limited to evaluating physical barriers; however, an analysis of the programs and services rendered by the City is also important to determine what physical changes are necessary. The transition plan documents what actions the City has taken or will take to alter its facilities. Generally, the transition plan lists existing barriers in public rights-of-way under the City's jurisdiction, and it further schedules which barriers are to be removed to provide access for individuals with disabilities to City programs.

A transition plan is required by Department of Justice regulations to address the following aspects of accessibility:

- (1) 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 pedestrian walks cross curbs, giving priority to walkways serving entities covered by the ADA, including State and local government offices and facilities, transportation, places of public accommodation, and employers, followed by walkways serving other areas.
- (2) The transition plan shall identify physical obstacles in the public entity's facilities that limit the accessibility of its programs or activities to individuals with disabilities;
- (3) The transition plan shall describe the methods that will be used to make the facilities accessible; and
- (4) The transition plan shall specify the schedule for taking the steps necessary to achieve compliance with the ADA 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.

The ADA does not designate a specific code or standard for evaluating access to existing facilities. Title II gives government agencies a choice between the Uniform Federal Access Standards (UFAS) and the Americans with Disabilities Act Accessibility Guidelines (ADAAG) as a standard for renovations. Since the ADA specifically states that it does not override requirements of other state and local requirements, the State of California Title 24 access regulations must also be applied. Therefore, for the purpose of this transition plan update, each facility or site area should be evaluated based on the most stringent requirements of the ADA Accessibility Guidelines dated July 26, 1991, or Title 24, 2007 edition (which became enforceable on January 1, 2008).

The ADA states that a public entity is required to make available to applicants, participants, residents, and other interested parties information regarding the transition plan and its applicability to the services, programs, or activities of the public entity. It is also required that the public be allowed to have an active role in the overall process. The entity is required to apprise the public of the protections against discrimination afforded to them by the Title II, including information about how Title II requirements apply to its particular programs, services and activities. A public entity is required to provide an opportunity for interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the transition plan by submitting comments and making specific recommendations. A copy of any transition plan or update should be made available for public inspection during a formal citizen review period.

3. PROGRAM ACCESSIBILITY REQUIREMENTS

The final Rules and Regulations of the ADA describe the requirements for “program accessibility” (Code of Federal Regulations, Title 28, Part 35, Subpart D, and U.S. D.O.J. Technical Assistance Manual, Section II-5.1000). A public entity may not deny the benefits of its programs, activities, and services to individuals with disabilities because its facilities are inaccessible. A public entity shall operate each service, program, or activity, when viewed in its entirety, so that it is accessible to and usable by individuals with disabilities. The ADA does not require the public entity to make all of its existing facilities accessible, nor does it require a public entity to take any action that would fundamentally alter the nature of a service, program, or activity. Also, it does not require implementation of the ADA that would result in undue financial and administrative burdens. In such cases where documentation is provided in keeping with strict procedures outlined in the ADA, there are various methods that may be appropriate for providing “program accessibility” in lieu of making actual physical structural changes to facilities.

Public entities may achieve program accessibility by a number of methods. In most situations, providing access to facilities through structural methods, such as alteration of existing facilities and acquisition or construction of additional facilities, may be the most efficient method of providing program accessibility. The public entity may, however, pursue alternatives to structural changes in order to achieve program accessibility. Nonstructural methods include acquisition or redesign of equipment, assignment of aides to beneficiaries, and provision of services at alternate accessible sites. When choosing a method of providing program access, a public entity must give priority to the one that results in the most integrated setting appropriate to encourage interaction among all users, including individuals with disabilities.

With these facts in mind, the first step in determining what structural changes to existing facilities are necessary is to develop an understanding of the specific public programs and activities occurring at existing facilities within the City. That is what this section attempts to do. It should be noted that this section is not intended to be a “self-evaluation”, as described in the ADA. A self-evaluation includes an analysis of *all* programs and services offered by a public entity, and the City has previously executed an ADA self-evaluation. This process included communications, publications, employment, and many other factors that are separate from proposed structural or physical modifications to facilities.

The activity of using the public right-of-way may be considered a program in two different ways:

- Streets, sidewalks, and curb ramps may be part of a continuous path of travel between activities, or “programs”, at various public and private facilities located on adjacent properties, such as public offices, schools, parks and recreational facilities, public service agencies, hospitals and health clinics, police facilities, and public housing uses.
- Streets, sidewalks, and curb ramps may themselves represent a “program” of public pedestrian activities that are essential to the usage and enjoyment of the City’s built environment.

The U.S. D.O.J. Title II Technical Assistance Manual points to the fact that a public entity’s programs related to streets, sidewalks, and curb ramps may be prioritized with respect to relative importance and frequency of usage. It further describes that “program accessibility” would not require all streets, sidewalks, and curb ramps to be fully accessible as required by current codes. A determination of what public rights-of-way are programmatically required to be accessible may vary from jurisdiction to jurisdiction.

Determination that a facility, including a City's public right-of-way, is accessible is primarily based on the standards of the Americans with Disabilities Act Accessibility Guidelines (ADAAG), and the criteria established by the transition plan document. The transition plan update provides the scoping requirements in place of those provided by the ADA and ADAAG for new construction and remodeling. Since the ADA specifically states that it does not override requirements of other state and local requirements, the State of California Building Code (California Code of Regulation, Title 24, Parts 2, 3, 5, and 8) access regulations must also be applied if actual construction is undertaken. Therefore, for the purpose of this transition plan, the construction work required at each facility is evaluated based on the most stringent requirements of the ADAAG, dated July 26, 1991, or Title 24, 2007 edition. Where the City undertakes new construction or modernization that is not restricted to accessibility, modifications to upgrade accessibility features that are not proposed in the transition plan may be required. Such work may also be triggered by the applicable guidelines or building code, and such work is separate from the program access requirement addressed by the transition plan.

4. INTENT OF THIS ADA TRANSITION PLAN "UPDATE"

The transition plan "update" contained in this document represents the continuation of an extended process for evaluating the City's public rights-of-way and compliance with Title II of the ADA.

The City of San José prepared a Citywide ADA Transition Plan in August, 1994. That original transition plan described a process and schedule for providing curb ramps and other public right-of-way improvements. Priority was given to walkways serving state and local government offices and facilities, transportation, and places of public accommodation, followed by walkways serving other areas. The City subsequently instituted a process for receiving requests from citizens with disabilities for the installation of curb ramps in public use, commercial residential areas. As an adjunct to that transition plan, the City has undertaken a number of access renovations at various facilities within the public right-of-way. At this point in time, in conjunction with the City's overall efforts to evaluate pedestrian elements within the City as part of the Pedestrian Master Plan, this update has been undertaken to make a final assessment of all accessibility work undertaken in response to the requirements of Title II of the ADA, and to update its transition plan appropriately.

The City of San José, Department of Transportation, Americans with Disabilities Act (ADA) Transition Plan Update for Sidewalks Project, undertaken in conjunction with the City of San José Pedestrian Master Plan Project, was begun in December, 2006. The overall purpose of the project is to update the City's policies and practices for implementing physical accessibility improvements along intersections and sidewalks within the City's public right-of-way. The main purpose of the joint project is to describe pedestrian facility needs within the City of San José, and to outline the City's procedures for implementing and scheduling work to provide a complying system of curb ramps, sidewalks, and pedestrian signals.

The overall ADA Transition Plan Update portion of the project has consisted of five major tasks:

- **Task 1**, completed in March, 2007, consisted of the compilation of City standards, policies, procedures, and practices relating to the ADA and other accessibility standards.
- **Task 2**, completed in May, 2007, involved the documentation of federal and state standards and practices, as well as an investigation and documentation of ADA standards and policies of other local public agencies similar to San José.
- **Task 3**, completed in July, 2007, was the major mechanism for recommendations for updates and revisions to City of San José's ADA policies and procedures, design standards, construction details, inventory development, capital improvement project implementation, and on-going monitoring activities, based upon the findings of the first two tasks.
- **Task 4** has consisted of on-going coordination with City departments and committees. A Technical Advisory Committee (TAC), consisting of representatives from City departments, reviewed all task products and met four times throughout the course of the project to coordinate policy development. The City's Disability Advisory Commission (DAC) had three meetings with the ADA Transition Plan Update as a major agenda item, and the commission has reviewed all reports and recommendations. The City's Bicycle and Pedestrian Advisory Committee (BPAC) also held three meetings dedicated to the overall project and reviewed all products.
- **Task 5** consists of the preparation and adoption of the final Detailed ADA Transition Plan Update for Sidewalks, including three sequential drafts for City and public review.

5. ADA COORDINATOR AND DUTIES

Under Title II of the ADA, any public entity with fifty or more employees must designate at least one employee to coordinate ADA compliance [28 C.F.R. § 35.107 (a)]. The regulations refer to this person, or persons, as the “responsible employee or employees”; this transition plan update uses the more commonly used term, “ADA Coordinator.” The ADA Coordinator is the key player in ensuring ADA compliance. The ADA Coordinator’s role includes planning and coordinating overall compliance efforts, ensuring that the implementation is completed, and receiving and investigating complaints related to discrimination on the basis of disability. To fulfill the job, the ADA Coordinator must have the authority, knowledge, skills, and motivation to implement the regulations effectively.

One purpose of this requirement is to ensure the members of the public can readily identify a person that is familiar with ADA requirements and can communicate those requirements to other key staff. It is expected that this employee will have the authority to take whatever action is needed to correct infractions. In order to ensure that individuals can easily identify the ADA Coordinator, the public entity must provide the ADA Coordinator’s name, office address, and telephone number to all interested individuals [28 C.F.R § 35.107 (a)]. Notice of the identity of the ADA Coordinator is generally combined for ease and efficiency with notice of ADA requirements.

The ADA Coordinator should oversee a variety of tasks related to implementation of the ADA regulations regarding curb ramps and the public right-of-way and organize the Department’s on-going compliance efforts. Specific duties that should be included in the ADA Coordinator’s job description include the following tasks:

- (1) Coordinate the development, refinement, and implementation of the Department's policies and plans for complying with the requirements of the ADA, as well as other disability laws. Collaborate with staff from various departments in developing and reviewing plans and policies in their areas of responsibility under the ADA.
- (2) Develop strategies for informing employees, managers, and community groups about departmental policies concerning the accommodation of persons with disabilities.
- (3) Maintain a working knowledge of architectural accessibility regulations and codes, including those in the Americans with Disabilities Act Accessibility Guidelines and the California State Building Code (Title 24) Accessibility Standards. Monitor federal and State of California legislation and regulations, rulings by governmental enforcement agencies, and court cases for developments that might affect departmental policies and procedures.
- (4) Investigate and resolve complaints and grievances alleging either failure to comply with ADA regulations or discrimination on the basis of disability.
- (5) Prepare periodic reports in response to requests by government agencies, other departments, staff, and the public.
- (6) Maintain liaison with the City Manager's Office, City Council, and the Citywide ADA Coordinator to promote coordination of departmental approaches, policies, and procedures regarding equal access and accommodation of persons with disabilities.
- (7) Oversee and monitor implementation of the final City Council approved ADA Transition Plan Update for Sidewalks, including review of physical accessibility modifications required by the Transition Plan.

The City of San José has an overall, Citywide ADA coordinator who oversees all of the City's ADA compliance efforts. Each City department also has an ADA Liaison, who coordinates the ADA compliance activities for that department. At the time of the drafting of this transition plan update, these ADA Coordinator positions are held by:

Citywide ADA Coordinator:

Steven Wing
Department of Public Works
200 E. Santa Clara St.
San José, CA. 95113-6096
Telephone: (408) 535-8326
TTY: (408) 294-9337

Department of Transportation ADA Liaison:

Linda Crabill Byrne
Department of Transportation
200 E. Santa Clara St., 8th Floor
San José, CA. 95113-6096
Telephone: (408) 975-3200
TTY: (408) 294-9337

6. GRIEVANCE PROCEDURES

ADA Title II regulations provide that the ADA Coordinator is to oversee the investigation and resolution of complaints [28 C.F.R. § 35.107 (a)]. The Title II regulation also provides that public entities must adopt and publish grievance procedures, providing for prompt and equitable resolution of complaints [28 C.F.R. § 35.107 (b)]. The public entity may use a grievance procedure that is already in place; it is not necessary to design a separate process specifically for the ADA.

A grievance procedure should include the following components:

- a detailed description of the procedures for submitting a grievance;
- a two-step review process that allows for appeal;
- reasonable time frames for review and resolution of the grievance;
- records of all complaints submitted, responses given, and steps taken to resolve the issue; and
- an alternative procedure if the complainant alleges that the ADA coordinator or other officials with responsibilities regarding the grievance procedures process are a part of the alleged discrimination.

City of San José grievance and complaint procedures are given in Appendix A. These are also provided for the public on-line at <http://www.sanJoseca.gov/ADAGrievance.asp>. A citizen grievance and complaint form has been developed to respond to specific issues involved with curb ramps and facilities within the public right-of-way, and it is also included in Appendix A.

Even though citizen requests may not specifically be considered complaints or grievances, prompt and appropriate responses to such requests are important to the overall ADA compliance efforts. As part of the ADA Transition Plan Update, forms for use by citizens to request accessibility improvements within the public right-of-way have been updated. These forms should be made available both on-line and at selected locations throughout the City.

The City's has used an Audible Pedestrian Signal Request form for several years. This form has undergone only minor updates, and a copy of this form is included in Appendix B. To date, the City has provided citizens the ability to request curb ramp construction or modifications through a telephone service. This service will be continued. However, a new Curb Ramp Construction / Modification Request form is also included in Appendix B.

7. MAINTENANCE OF ACCESSIBLE FEATURES

Under ADA Title II regulations, public entities must maintain in working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities under the ADA [28 C.F.R. § 35.133(a)]. Section 504 regulations do not contain a comparable provision concerning the maintenance of accessible features.

This particular ADA requirement would also apply to alternative programs and services that are enacted to provide programmatic accessibility in lieu to physical accessibility. For example, programs and services that provide effective communications under the ADA must be maintained in operation as required to continue the services so that they may be used by someone in the future, even though they may not be actively used at the particular time.

It should be noted that ADA requirements regarding the maintenance of accessible features do not prohibit temporary obstructions or isolated instances of mechanical failure [28 C.F.R. § 35.133(b) (Preamble)]. Isolated or temporary interruptions in service or access due to maintenance or repairs are also not prohibited [28 C.F.R. § 35.133(b)]. However, allowing obstructions or “out of service” equipment to persist beyond a reasonable period of time would violate this requirement, as would repeated mechanical failures due to improper or inadequate maintenance [28 C.F.R. § 35.133 (Preamble)].

The City should maintain improvements within the public right-of-way to assure compliance with the ADA Accessibility Guidelines and to take all reasonable steps to provide both programmatic and physical access for persons with disabilities. Physical access items should be reviewed at a general level by the ADA Coordinator and the City’s facilities and maintenance departments, who would ultimately be responsible for maintenance and repairs. It is usually recommended that a public works department or transportation department appoint a supervisory-level person within the facilities and/or maintenance departments to be responsible for maintenance and repairs of accessibility-related improvement, train personnel, order parts, and resolve details of potential or reported problems. Examples of specific conditions that should be maintained to provide physical accessibility include, but are not necessarily limited to, the following items:

- 1) Maintain exterior sidewalks and walkways and repair any surface irregularities that may become greater than 1/2” due to wear or cracking, and make other repairs to keep pathways from causing hazardous conditions (Note: The City may utilize other City regulations to require adjacent property owners to maintain such facilities.)
- 2) Maintain accessible street parking spaces to have all appropriate signage and to keep access aisles or clear areas next to the spaces clear and usable.
- 3) Maintain and replace as required all signage that would direct persons with disabilities to the accessible paths of travel.
- 4) Maintain curb ramps to be clear of appurtenances and to have any detectable warnings firmly attached to the surface.
- 5) Maintain pedestrian signals to be functional and usable at all times.

8. ADA DESIGN STANDARDS

This section describes the ADA Design Standards that are to be utilized for construction and alteration work under the ADA Transition Plan Update within the public right-of-way in the City of San José. These were developed to combine and resolve any conflicts between the Americans with Disabilities Act Accessibility Guidelines (ADAAG), published by the U.S. Architectural and Transportation Barriers Compliance Board in July, 1991, and the California State Building Code, Title 24, Part 2, of the California Code of Regulation, 2007 edition. Draft Guidelines for Public Rights-of-Way, published by the U.S. Architectural and Transportation Barriers Compliance Board on November 23, 2005, which are expected to take effect in the near future, were also considered, but not necessarily replicated, in the ADA Design Standards described in this section.

The ADA Design Standards described in this section are intended to apply to all construction undertaken with the City right-of way after approval of the ADA Transition Plan Update. This would include all new construction and all construction undertaken as part of any Capital Improvement Programs.

SECTION 1: APPLICABILITY OF CITY ADA STANDARDS

1.1 New Construction: All areas of newly designed and newly constructed facilities in the City-regulated public right-of-way should comply with these standards.

1.2 Additions in the Existing Public Right-of-way: Each addition to an existing City-regulated City regulated public right-of-way should comply with the applicable provisions of these standards. Where the addition connects with existing construction, the connection should comply with “Alterations”, as described in the next subsection.

1.3 Alterations in the Existing Public Right-of-way: Where existing elements or spaces in the City-regulated public right-of-way are altered, each altered element or space should comply with the applicable provisions of these standards.

1.3.1 Exception: In alterations, where compliance with applicable provisions is technically infeasible, the alteration should comply to the maximum extent feasible.

1.3.2 Prohibited Reduction in Access. An alteration that decreases or has the effect of decreasing the accessibility of a public right-of-way or site arrival points to buildings or facilities adjacent to the altered portion of the public right-of-way, below the requirements for new construction at the time of the alteration, is prohibited.

1.4 Dimensional Tolerances: All dimensions and numerical requirements contained in these standards are absolute and requirements have been derived taking into account construction practices and constraints, and no dimensional tolerances beyond the maximum or minimum dimensions are allowed, unless otherwise stated. It is advised that designers use numerical criteria in designs and specifications that are below the maximum or are above the minimum requirements stated in these standards, so that the final constructed improvements meet the stated requirements.

1.5 Future Applicable Federal and State Code Revisions: All future enactments and revisions to legally applicable Federal or State accessibility codes, standards, or guidelines, such as the ADA Accessibility Guidelines or Title 24 of the California Code of Regulation, should be incorporated into these ADA Design Standards to the extent that such enactments or revisions exceed the requirements contained herein.

SECTION 2: APPLICABLE REFERENCE CODES AND STANDARDS

The following codes and standards are referenced as applicable by law or statute. Nothing in the City's ADA Design Standards shall have the effect of reducing any specific requirements of the referenced standards (1) or (3), or any other codes or standards required by applicable law or statute.

(1) The Americans with Disabilities Act Accessibility Guidelines (ADAAG), published by the U.S. Architectural and Transportation Barriers Compliance Board in July, 1991, binding regulatory law in 1992, with several revisions through July, 1998. (Note: Some jurisdictions mistakenly use a revised edition of these standards dated September, 1994; this edition was never approved and should NOT be used.) The ADAAG guidelines were written to apply to newly constructed places of public accommodation. The ADAAG is an appendix to Title III of the ADA. The technical standards of the ADAAG also provide a technical definition for accessible elements. These guidelines were not written to specifically apply to public facilities, which must provide equal access to people with disabilities to all programs and services of local and state governments. Therefore, while meeting the technical requirements of the ADAAG assures owners of places of public accommodation of full compliance with the ADA, such technical compliance may not be sufficient to provide full access to programs and services for government entities.

(2) "Draft Guidelines for Public Rights-of-Way", published by the U.S. Architectural and Transportation Barriers Compliance Board on November 23, 2005. These guidelines are currently out for public review and are intended to replace the current ADAAG guidelines listed in (1) in the future. The guidelines have not been approved, but are represented to be the most current state-of-the-art with respect to accessibility in the public right-of-way. The guidelines were also written to apply to new construction. The extent to which they should be applied to major alterations and retrofits is still under review by the U. S. Department of Justice.

(3) California State Building Code, Title 24, Part 2, of the California Code of Regulation, 2007 edition, effective January 1, 2008. These code requirements apply to any actual construction work within the public right-of-way at the time that the work is constructed, but the requirements of Title 24 are limited to the actual work being constructed and do not apply to adjacent areas beyond the construction limits.

(4) Current City of San José Standards.

SECTION 3: DEFINITIONS

Accessible Pedestrian Signal. A device that communicates information about the pedestrian walk phase in non-visual format.

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

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

Cross Slope. The slope that is perpendicular to the intended direction of travel.

Crosswalk. That 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.

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.

Curb. A vertical or rolled transition from the roadway or gutter to the sidewalk or planting strip.

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

Curb Ramp. A ramp cutting through a curb.

Detectable Warning. A surface feature built in or applied to walking surfaces or other elements to warn of hazards on a pedestrian access path.

Driveway. A vehicular path serving a single parcel of private property.

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

Equivalent Facilitation. A departure from a particular technical or scoping requirement of these standards by the use of other designs and technologies, where the alternative designs and technologies used provide substantially equivalent or greater access to and usability of the element.

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

Flush Transition. See Blended Transition.

Grade. See Running Slope.

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

Land Use Zone. The land use of a particular property location, as defined by the San José Zoning Ordinance.

Locator Tone. A repeating sound that identifies the location of the pedestrian push button.

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 (Path). Any walk or path intended for pedestrian movement or activity.

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

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

Ramp. A sloping portion of a walkway with a running slope exceeding 5%.

Running Slope. The slope that is parallel to the direction of travel expressed as a ratio of rise to run, usually expressed in percent.

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.

Sidewalk Ramp. See Curb Ramp.

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

Technical Infeasibility. With respect to an alteration of an existing element, that it has little likelihood of being accomplished because existing physical or site constraints prohibit modification

or addition of elements, spaces, or features which are in full and strict compliance with the minimum requirements for new construction and which are necessary to provide accessibility.

Walk Interval. That phase of a traffic signal cycle during which the pedestrian is to begin crossing, typically indicated by a walk message or the walking person symbol and its audible equivalent.

SECTION 4: SIDEWALK AND PEDESTRIAN ACCESS STANDARDS

4.1 Scope: Where sidewalks or pedestrian access paths are provided adjacent to streets or roadways within the public right-of-way, they shall meet the requirements of this section.

4.2 Clear Width: Where a sidewalk is provided adjacent to a street or roadway, each part shall provide a minimum clear width of 48 inches, not including the width of any curb that may be present between the sidewalk and the street or gutter.

4.2.1 Exception: Where existing conditions or obstructions or reduced right-of-way widths preclude providing a 48 inch clear width, the sidewalk width may be reduced to less than 48 inches for a distance not exceeding 24 inches, but in no case shall the clear width be less than 36 inches.

4.2.2 Advised: For streets or roadways with a right-of-way width of 84 feet or greater, a minimum clear width of 72 inches is preferred.

4.3 Passing Space: If a sidewalk has less than 60 inch clear width, a passing spaces of at least 60 inches by 60 inches shall be located at reasonable intervals not to exceed 200 feet.

4.3.1 Exception: Where existing conditions or reduced right-of-way width preclude providing a 60 inch passing space, such space shall not be required.

4.4 Cross Slope: The cross slope of the sidewalk shall be 1:48 (2%), with allowances for a construction variance of 1:200 (0.5%) in either direction.

4.5 Running Slope: The running slope of the sidewalk shall not exceed the grade of the adjacent roadway or 1:20 (5%), whichever is greater. See also Subsection 4.6 below.

4.6 Level Areas on Continuous Slopes: For sidewalks with a running slope exceeding 5% for at least 400 feet, a 60-inch long landing with a maximum slope of 2% shall be provided for every 400 feet of the sidewalk length, except for roadway overpasses.

4.7 Curbs at Streets Adjacent to Sidewalks: Curbs on the street side of sidewalks shall be approximately vertical, with a height of at least 4 inches but no greater than 8 inches.

4.7.1 Exception: Where a new portion of curb is constructed within an existing system of rolled curbs and existing drainage patterns must be maintained, a rolled curb matching the existing curb may be constructed.

4.8 Surfaces: The surface shall be either Portland-cement concrete or asphalt concrete, and it shall be firm, stable, and slip-resistant.

4.9 Changes in level: Changes in level up to 1/4 inch may be vertical and without edge treatment. Changes in level between 1/4 inch and 1/2 inch shall be beveled with a slope no greater than 1 horizontal to 2 vertical. Changes in level greater than 1/2 in (13 mm) shall be accomplished by means of a 5% slope or a ramp. Multiple changes in level shall be separated horizontally by at least 30 inches.

4.10 Gratings: If gratings are located in the sidewalk surface along a pedestrian access route, they shall have spaces no greater than 1/2 inch wide in the direction of travel. If gratings have elongated openings, they shall be placed so that the long dimension is perpendicular to the direction of travel.

4.11 Protruding Objects:

The City of San José does not allow protrusions into the public right-of-way, with the exception of awnings, as stated in the San José Municipal Code.

Protruding objects shall not reduce the clear width required for sidewalks.

Objects with leading edges located between 27 inches above and 80 inches below the finish surface shall protrude no more than 4 inches horizontally into the pedestrian access route.

Free-standing objects mounted on posts or pylons shall overhang pedestrian access routes no more than 4 inches when located between 27 inches above and 80 inches below the finish surface.

Where a sign or other obstruction is mounted between posts or pylons and the clear distance between post or pylons is greater than 12 inches, the lowest edge of such sign or obstruction shall be located between 27 inches above and 80 inches below above the surface, and there shall be a bar or similarly detectable element 15 inches above the surface connecting the two posts or pylons.

4.12 Barrier Curbs at Drop-offs:

Warning or barrier curbs shall be provided at the locations described in this sub-section.

Abrupt changes in level at the edge of sidewalks, except between a sidewalk and an adjacent street, exceeding 4 inches in a vertical dimension, such as at planters or fountains located in or adjacent to sidewalks, shall be identified by curbs projecting at least 4 inches in height above the surface.

Where the downward slope behind a sidewalk is greater than 2 (horizontal) to 1 (vertical), a barrier curb projecting at least 4 inches in height above the surface shall be provided for pedestrian safety. A retaining wall or fence may be provided in lieu of the required barrier curb.

4.13 Driveway Crossings:

Where a sidewalk crosses a driveway, the minimum width of 48 inches and the cross-slope of 1:48 (2%), with allowances for a construction variance of 1:200 (0.5%) in either direction, shall be provided for the entire width of the driveway.

Each driveway shall have a 1/2-inch to 1-inch lip, beveled at 45 degrees, at the street or gutter

Driveway entries shall not be designed or used as curb ramps.

4.14 Stairs: To the maximum extent feasible, stairs shall not be constructed within the public right-of way.

4.14.1 Exception: If provided, steps or stairs shall provide 1.5 inch diameter handrails 34 inches to 38 inches above each nosing on both sides, with extensions at the top and bottom meeting all applicable portions of the California State Building Code, Chapter 11B. If provided, steps or stairs shall provide a 2" contrasting yellow color stripe at each tread and the upper approach of each staircase. The contrasting color stripe shall be yellow conforming to Federal Color No. 33538, as shown in Table IV of Standard No. 595B.

SECTION 5: CURB RAMP STANDARDS

5.1 Scope: Curb ramps shall comply with the City's Geometric Design Standards with respect to the provision of one versus two curbs ramps at a given corner. Each individual curb ramp shall comply with the requirements of this section.

5.1.1 Exception: Where pedestrian crossing in a specific direction is prohibited by a continuous raised median, barricade, or sign, no curb ramp shall be required. Where only one curb ramp is provided at a corner to serve only one direction of travel to an adjacent corner, the curb ramp shall be aligned and oriented parallel to the intended direction of travel.

5.1.2 Exception: Within residential areas and commercial areas with right-of-way widths less than 80 feet, only one curb ramp, located in the center of the curb return at each corner or directional to the path of travel, may be provided.

5.2 Perpendicular Curb Ramps: Perpendicular curb ramps are those that have a running slope that cuts through the curb at right angles or meets the gutter grade break at right angles.

5.2.1 Running Slope: The running slope of the main portion of the curb ramp shall be 1:20 (5%) minimum and 1:12 (8.33%) maximum.

5.2.2 Cross Slope: The cross slope of the main portion of the curb ramp shall be 1:48 (2%), with allowances for a construction variance of 1:200 (0.5%) in either direction.

5.2.3 Landing: A landing measuring 48 inches minimum by 48 inches minimum shall be provided at the top of the curb ramp and shall be permitted to overlap other landings and clear spaces. Running and cross slopes of the landing shall be 1:48 (2%) maximum, with allowances for a construction variance of 1:200 (0.5%) in either direction.

5.2.4 Flared sides: Flared sides with a slope 1:10 (10%) maximum, measured along the curb line, shall be provided where a circulation path crosses the curb ramp.

5.2.5 Clear Width. The clear width of the main portion of the curb ramp, excluding flared sides, shall be 48 inches minimum.

5.2.6 Detectable Warnings. Detectable warning surfaces complying with Section 6 shall be provided for the width of the main portion of the curb ramp, with the front edge located approximately 6 inches behind the curb line.

5.2.7 Grooved Border: A 12-inch wide grooved border with 1/4 inch grooves approximately 3/4 inch on center shall be provided at the top of the main slope and at the side of each side slope.

5.2.8 Surfaces: Surfaces of curb ramps and landings shall comply with Section 4.9. Gratings, access covers, and other appurtenances shall not be located on curb ramps, landings, and gutter areas directly in front of curb ramps.

5.2.9 Changes in Level: Vertical changes in level greater than those described in Section 4.10 shall not be permitted on curb ramps, landings, or gutter areas directly in front of curb ramps.

5.2.10 Gutter Slope: The counter slope of the gutter area or street at the foot of a curb ramp or landing shall be 1:20 (5%) maximum for a distance of 4'-0" from the lip.

5.2.11 Clear Space: Beyond the curb line toward the street, a clear space measuring 48 inches minimum by 48 inches minimum shall be provided within any marked crosswalk that may be present and located wholly outside of the parallel vehicle travel lane.

5.2.12 Obstructions: Curb ramps shall be located or protected to prevent their obstruction by parked cars.

5.3 Parallel Curb Ramps: Parallel curb ramps are those that have running slopes that are in-line with the direction of sidewalk travel.

5.3.1 Running Slope: The running slope of each side slope shall be 1:20 (5%) minimum and 1:12 (8.33%) maximum.

5.3.2 Cross Slope: The cross slope of each side shall be 1:48 (2%), with allowances for a construction variance of 1:200 (0.5%) in either direction.

5.3.3 Clear Width. The clear width of each side slope shall be 48 inches minimum.

5.3.4 Landing. A landing measuring 48 inches minimum by 48 inches minimum shall be provided at the bottom of each ramp slope. Landing slopes shall be 1:100 (1%) minimum and 1:48 (2%) maximum, with allowances for a construction variance of 1:200 (0.5%) in either direction.

5.3.5 Diverging Sidewalks. Where a parallel curb ramp does not occupy the entire width of a sidewalk, drop-offs at diverging segments shall be protected with a 6-inch curb or similar barrier.

5.3.6 Common Landing Width: Where two parallel curb ramps are located at a corner, the landing between the top of each side slope shall be 48 inches minimum.

5.3.7 Detectable Warnings: Detectable warning surfaces complying with Section 6 shall be provided for the full width of the lower landing between the side slopes of the curb ramp, with the front edge located approximately 6 inches behind the curb line.

5.3.8 Grooved Border: A 12-inch wide grooved border with 1/4 inch grooves approximately 3/4 inch on center shall be provided at the top of each side slope.

5.3.9 Surfaces: Surfaces of curb ramps and landings shall comply with Section 4.9. Gratings, access covers, and other appurtenances shall not be located on curb ramps, landings, and gutter areas directly in front of curb ramps.

5.3.10 Changes in Level: Vertical changes in level greater than those described in Section 4.10 shall not be permitted on curb ramps, landings, or gutter areas directly in front of curb ramps.

5.3.11 Gutter Slope: The counter slope of the gutter area or street at the foot of the lower landing shall be 1:20 (5%) maximum for a distance of 4'-0" from the lip.

5.3.12 Clear Space: Beyond the curb line toward the street, a clear space of 48 inches minimum by 48 inches minimum shall be provided with any marked crosswalk that may be present and located wholly outside the parallel vehicle travel lane.

5.3.13 Obstructions: Curb ramps shall be located or protected to prevent their obstruction by parked cars.

SECTION 6: DETECTABLE WARNING STANDARDS

6.1 Scope: Where detectable warnings (truncated domes) are required by other sections of these standards, they shall comply with the requirements of this section.

6.2 Size and Location: Detectable warnings shall be 24 inches minimum in depth and 48 inches minimum in width for the area where they are required.

6.3 Specifications: The detectable warning surface shall be prefabricated and shall have in-line, square grid pattern truncated domes 0.2 inch high with 0.8 inch minimum and 1.0 inch maximum base diameter, tapering up to a top diameter of 0.4 inch minimum and 0.5 inch maximum, with a center to center spacing of approximately 2.3 inches, measured diagonally, and with safety field dots 30 per square inch between truncated domes. The 0.2 inch height of domes shall be measured from the top of highest field safety dot to the highest point on top of the truncated dome. Detectable warnings shall be a color contrasting from the surrounding surface by at least 70%.

SECTION 7: PEDESTRIAN CROSSING STANDARDS

7.1 Scope: All controlled intersections shall be provided with marked crosswalks as described in this section. "Controlled intersections" refers to intersections with a traffic signal system or all-way stop signs. Partially controlled or uncontrolled intersections may be provided with marked crosswalks as determined by the Director. If provided, all marked crosswalks shall comply with the requirements of this section.

7.2 Width: Marked crosswalks shall be 96 inches wide minimum, as measured between the striped lines.

7.2.1 Advised: Where feasible, marked crosswalks shall be 120 inches wide, as measured between the striped lines.

7.3 Color and Size: Crosswalk stripes shall be 12 inches wide, and white in color.

7.3.1 Exception: Crosswalks serving schools shall be yellow in color.

7.4 Advised Cross Slope: The cross slope of the pavement within a marked crosswalk shall be 1:48 (2%) maximum, measured perpendicular to the direction of pedestrian travel, with allowances for a construction variance of 1:200 (0.5%) in either direction.

7.5 Running Slope: The running slope of the pavement within a marked crosswalk shall be 1:20 (5%) maximum measured parallel to the direction of pedestrian travel in the crosswalk.

7.6 Pedestrian Signal Phase Timing: All pedestrian signal phase timing shall be calculated using a pedestrian walk speed of 3.5 (with 3.0 preferable) feet per second maximum. The total crosswalk distance used in calculating pedestrian signal phase timing shall include the entire length of the crosswalk plus the length of the curb ramp.

7.7 Medians and Pedestrian Refuge Islands. Medians and pedestrian refuge islands in crosswalks shall be cut through level with the street or have curb ramps complying with Section 5. Where the cut-through connects to the street, edges of the cut-through shall be aligned with the direction of the crosswalk for a length of 24 inches minimum.

7.7.1 Width: The width of all cut-throughs shall be 48 inches minimum.

7.7.1.1 Advised: Where feasible, the width of all cut-throughs shall be 60 inches.

7.7.2 Length. Where signal timing is not designed or intended for full crossing of all traffic lanes or where the crossing is not signalized, cut-through medians and pedestrian refuge islands shall be 96 inches minimum in length in the direction of pedestrian travel.

7.7.3 Detectable Warnings. Medians and refuge islands shall have detectable warnings complying with the section "Detectable Warnings". Detectable warnings at cut-through islands shall span the full width of the cut-through and shall be separated by a 24-inch minimum length of walkway without detectable warnings.

7.8 Crosswalk Alignment: To the maximum extent feasible, marked crosswalks shall have straight alignment, with no change of direction between the terminal ends of the crosswalk.

SECTION 8: ACCESSIBLE PEDESTRIAN SIGNAL STANDARDS

8.1 Scope: Each crosswalk with pedestrian signal indication shall have a signal device which includes audible indications of the walk interval. Where a pedestrian pushbutton is provided, it shall be integrated into the signal device and shall comply with the requirements of this section.

8.2 Types and Location of Accessible Pedestrian Signals:

Accessible pedestrian signals (APS) may be either of the following types: (1) Overhead - the APS is mounted to the Pedestrian Head, or (2) Pedestrian Activated Signal Control (PASC) - the APS accessibility features is incorporated into the PASC.

All overhead and PASC accessible pedestrian signal devices shall serve the nearest crosswalk in relationship to their installation site. The speakers of all overhead and PASC APS devices shall be oriented toward the center of the crosswalk and/or the direction of travel to the maximum extent feasible. If possible due to intersection configuration, all overhead and PASC APS devices shall be separated a minimum of 120 inches from any other APS device, unless on an island or median, where space will not permit.

The audible pedestrian signals shall comply with the sounds per the California Department of Transportation Traffic Manual, Section 9-04.8. Volume measured at 36" from the pedestrian signal device shall be between 2 and 5 decibel (dB) above ambient noise level and responsive to ambient noise level change. Automatic volume adjustment in response to ambient traffic sound level should be provided up to a maximum volume of 89 dB. When accessible pedestrian signals have an audible tone, they shall have a tone for the walk interval. The audible tone shall be audible from the beginning of the associated walk interval.

Activation of the pedestrian-activated signal control shall simultaneously activate the accessible pedestrian signal. There shall be no extended button press required to activate the auditory tone feature that announces the onset of the walk interval. An extended button press shall be permitted to activate additional features (e.g. auditory announcement, "wait", "street name", etc). Buttons that provide additional features shall be marked with three Braille dots forming an equilateral triangle in the center of the pushbutton.

8.3 Pedestrian Pushbuttons: Pedestrian pushbuttons shall comply with the details described in this section.

8.3.1 Location: Pedestrian pushbuttons shall be located 60 inches maximum from the crosswalk line extended, and if possible due to intersection configuration, 120 inches maximum and 30 inches minimum from the curb line, and 120 inches minimum from any other pedestrian pushbutton at a crossing. The control face of the pushbutton shall be installed to face the intersection and be parallel to the direction of the crosswalk it serves.

8.3.2 Reach and Clear Space: A clear space measuring 30 inches wide by 48 inches deep shall be provided at each pushbutton and shall connect to or overlap the pedestrian path of travel.

8.3.3 Mounting Height: Pedestrian pushbuttons shall be mounted at a height of from 34 inches minimum to 46 inches maximum to the centerline above the lowest adjacent walking surface.

8.3.4 Operation: Pedestrian pushbuttons shall require no more than 5 pounds of pressure to operate.

8.3.5 Size and Contrast: Pedestrian pushbuttons shall be a minimum of 2 inches across in one dimension and shall contrast visually with their housing or mounting.

8.3.6 Locator Tone: Pedestrian pushbuttons shall incorporate a locator tone (one per pole) at the pushbutton. Locator tone volume measured at 36 inches from the pushbutton shall be 2 dB minimum and 5 dB maximum above ambient noise level and shall be responsive to ambient noise level changes. Automatic volume adjustment in response to ambient traffic sound level should be provided up to a maximum volume of 89 dB. The duration of the locator tone shall be 0.15 seconds maximum and shall repeat at intervals of one second. The locator tone shall operate during the "don't walk" and flashing "don't walk" intervals only and shall be deactivated when the pedestrian signal system is not operative.

SECTION 9: SIDEWALK FURNISHINGS & APPURTENANCES STANDARDS

9.1 Clear Space: Street and sidewalk furnishings shall have a 30 inch wide by 48 inch deep clear space in front of each portion used by a pedestrian and shall be connected to the sidewalk or pedestrian access route.

9.2 Facilities and Elements: Where drinking fountains, telephones, concession stands, kiosks, information counters, or public toilet facilities are provided, they shall comply with all applicable portions of the California State Building Code, Chapter 11B.

9.3 Benches: Benches and all similar sidewalk furnishings shall be set back 12 inches minimum from the required minimum width of the pedestrian access route. Benches shall be 17 inches to 19 inches from the adjacent walkway surface to the seat.

SECTION 10: TEMPORARY CONSTRUCTION STANDARDS

10.1 Scope: Where construction or other temporary conditions prohibit full access to pedestrian facilities with the City-regulated right-of-way, an alternate pedestrian route shall be provided in compliance with the requirements of this section.

10.2 Location: To the maximum extent feasible, the alternate pedestrian route shall parallel the disrupted pedestrian route, on the same side of the street. Determination of technical infeasibility shall be determined by the Director. Where technical infeasibility exists, the alternate pedestrian route may be located on the opposite side of the street as long as the distance in excess of the disrupted pedestrian route does not exceed 300 feet, and as long as all requirements of these standards are met.

10.3 Elements: The alternate pedestrian route shall include sidewalks and pedestrian access routes, curb ramps, pedestrian crossings, and all other elements included in these standards.

10.4 Width: The alternate pedestrian route shall have a width of 48 inches minimum.

10.4.1 Exception: Where technical infeasibility exists, the alternate pedestrian route may have a width of 36 inches minimum.

10.5 Barricade Protection: The alternate pedestrian route shall be protected with a solid barricade to separate alternate pedestrian route from any adjacent construction, drop-offs, openings, or other hazards. Barricades shall be continuous, stable, and non-flexible and shall consist of a solid wall or fence or a Type II or Type III barricade as specified in MUTCD Section 6F-60, with the bottom or

lower rail 1-1/2 inches maximum above the walking surface, and the top of the fence, wall or upper rail 36 inches minimum above the walking surface. Barricade support members shall not protrude beyond the barricade face into the alternate pedestrian route.

11: FURTHER ADA INVENTORY DEVELOPMENT

Over the past years, the City of San José has undertaken an extensive surveying / inventory process documenting the presence or absence of curb ramps at 12,646 intersections and 27,964 individual corners. Numerous sidewalks have also been surveyed to determine the locations where sidewalk pavement was discontinuous. The purpose of previous surveying inventory efforts was to establish a basic database of existing pedestrian facilities within the City of San José, mainly focusing on the presence of curb ramps and conditions at immediate adjacent areas. The results of these audits have been entered into a database and are updated on a continual basis when new curb ramps are constructed. These data have been used to determine what general facilities exist and their basic characteristics, and they have assisted in the development of ADA Transition Plan priorities and determinations of the need for future inventory efforts.

As part of this ADA Transition Plan Update, the City of San José has scheduled additional inventory development to establish a detailed database of sidewalks, intersections, and curb ramp data within the City. While there has been no definitive or legal ruling that specifically defines the amount of inventory necessary to comply with the requirements of 28 CFR Part 35, Section 35.150 and DOJ Title II Technical Assistance Manual, Section II-8.3000, many disability rights organizations maintain that all intersections and curb ramps existing prior to the advent of the ADA (1991) should be part of the inventory. It should be noted that curb ramps and sidewalks constructed after 1991 are not often included in inventory surveys since it is expected that they would have been constructed to meet ADA Accessibility Guidelines that came into effect at that time. However, if there are any questions regarding the compliance of such recently constructed facilities, they too should be surveyed.

The updated survey and inventory development efforts are targeted to occur according to the following schedule:

- FY 08/09: Develop a GIS mapping system displaying current inventories and locations of curb ramps and sidewalks.
- FY 09/10: Update the curb ramp inventory and conduct a sidewalk inventory in all pedestrian cores and corridors and on all arterial streets, including known locations of state and local governmental and public use facilities.
- FY 10/11: Update the curb ramp inventory and conduct a sidewalk inventory in all Neighborhood Business Districts (NBD's), in all specific plan areas, and along all identified routes to school.

"Surveying", as used in this section, refers to visiting the particular location by a trained accessibility "surveyor", and obtaining measurements, dimensions, gradients, and/or other visual determinations as may be appropriate depending on the particular location. Public right-of-way data that should be collected and analyzed include the following:

Intersection / Curb Ramp / Pedestrian Island Data:

Directional Corner of Intersection: NE, SE, SW and NW. (Note: All corners should be referred to by one of these compass points. If the street is not perfectly aligned north and south, the direction will be assigned within the nearest 45 degrees.)

Curb Type: Whether a curb is present, and if present, the type (e.g., vertical or rolled).

Number of Curb Ramps: Whether existing curb ramp(s) are present at any of the corners within the intersection.

Main Slope: Main slope of the curb ramp or level landing in percent adjacent to and perpendicular to the street, in percent.

Cross Slope: Cross slope of the main slope of the curb ramp or level landing, parallel to the street, in percent. The cross slope is perpendicular to the main slope of a curb ramp.

Flared Side Slope(s): Whether a side slope or parallel slope is present, and if present, the slope of each sloping side or flare parallel to the street, in percent.

Landing Depth: Whether a 48-inch deep landing is provided at the top of the curb ramp, or at the top of each slope of a parallel curb ramp, in inches.

Landing Slope: Slope of the landing(s) or transition(s) to the sidewalk, in percent.

Width of ramp: Width of the curb ramp or pan (bottom landing), in inches. A pan or level landing exists when there is a lack of vertical separation between the sidewalk and the street.

Gutter Slope: Slope in percent of the gutter or street transition, in percent.

Bottom Landing in Crosswalk: Whether a curb ramp is wholly contained in the marked crosswalk, if applicable.

12" Grooved Border: Whether a 12" grooved border around all sides is present.

Detectable Warnings/Truncated Domes: Whether truncated domes are present. If present, the dome location, size, type (e.g., plastic, concrete, concrete tile, brick or other) and color.

Flush Transition, or Lip: Whether a lip is present at the bottom of the curb ramp, and if present, the height to the nearest 1/4".

Common Landing: Width of a common landing between two curb ramps, in inches, if present.

Pedestrian Signals: Whether visual or audible pedestrian signals are present. If present, the size, height, and location of actuator buttons.

Sidewalk Data:

Width of Sidewalk: The width of the sidewalk, in inches, measured from the edge of pavement (including the curb) if a grass buffer is not present. If a grass buffer is present, the width is measured from the edge of the buffer to the backside of the sidewalk.

Sidewalk Obstructions: The number, type, and location of fixed (immovable without construction, for example utility poles) and non-fixed (movable features such as benches) obstacles on an existing sidewalk. Obstacles may include utility poles, street furniture, gaps, tree roots and fire hydrants. These obstacles are only recorded if they decrease the travel path width to less than 36 inches or reduce the height clearance to less than 80".

Sidewalk Obstacles: The presence, nature, and location of abrupt changes in sidewalk level of greater than one-half inch.

Curb Type: Whether there is a vertical curb and gutter, a rolled curb, or an open shoulder along the roadway segment.

These data should be maintained in a permanent database similar to the one described in the ADA Monitoring Procedures.

11. ADA TRANSITION PLAN PRIORITIES

Current City of San José policies provide for the prioritization of curb ramp installations based upon the following geographical criteria:

- Known routes used by and requests from persons with disabilities,
- Known locations in the walking route to school plans,
- Known routes to senior and community centers and around parks,
- Requests from the community groups through Neighborhood Action Committees, Strong Neighborhood Initiative meetings, and City Council offices.

While these criteria are reasonable for high priority curb ramp installations, the ADA Transition Plan Update expands these priorities so that capital improvement projects forming the ADA Implementation Plan would be similarly prioritized to determine which projects should be undertaken first. While the overall transition plan process may eventually revise some of the policies described herein, the prioritization listed below would describe the basic concepts. It should also be noted that this recommended prioritization follows ADA requirements and guidelines as contained in 28 CFR Part 35, Section 35.150 (c), (d) and 35.151 (e), and in the Accessibility Policy Statement of the U. S. Department of Transportation, dated July, 1999. These basic priorities are described below:

Priority 1: Citizen requests

The City of San José has operated a program of citizen requests for constructing curb ramps, installing audible signals, and providing other accessibility improvements for a number of years. Generally, requests for improvements have come from community members with disabilities who wish to access shopping areas, medical facilities, bus stops, transportation, and other facilities or areas to accommodate their activities of daily living. It is recommended that these requests continue to be handled as the first line of priority.

When requests come into the Department of Transportation, an evaluation for construction or reconstruction should be undertaken. If a curb ramp is requested, the evaluation consists of the requested curb ramp and the entire intersection at which the curb ramp is located. Any existing curb ramp is evaluated for usability and safety in order to determine the usable path of travel through that intersection.

Recommended processes and forms for citizens' requests are included in Appendix B.

Priority 2: State and local governmental and public use facilities

These areas are typically located along major pedestrian cores or corridors, arterial streets, or collector streets. The final exact locations of work should be determined after a review of newly developed inventory data. Included are those locations within the public right-of-way that abut or serve public and governmental agencies and offices, and these generally include the following uses, in the recommended order of priority:

- State and local governmental buildings located within the City,
- Public hospitals, health clinics, medical clinics, mental health clinics & therapy centers,
- Public housing projects and public homeless shelters,
- Police neighborhood service centers,
- Service sites of disability organizations,
- Employment training agency facilities,

- Public schools, including in the following order, but not limited to: community colleges; high school, junior high and elementary school programs with magnet programs for children with disabilities; and all other schools.

Priority 3: Public accommodation facilities

These areas include locations along routes to school, transit stops, senior centers, or proximity to community facilities and transit. The final exact locations of work should be determined after a review of newly developed inventory data. These projects should include those areas deemed to fall within the criteria established by the ADA for programmatic access to public and commercial services expected to serve persons with disabilities, and they generally include the following uses in the recommended order of priority:

- Private hospitals, doctors' offices, and medical and mental health offices,
- City parks,
- Senior facilities,
- Rehabilitation facilities,
- Major shopping malls,
- Major employment sites,
- Supermarkets,
- Large housing complexes,
- Retail strip centers.

Priority 4: Projects based on other capital improvement plans:

These types of ADA/accessibility projects would be associated with other capital improvement projects instituted for various reasons. An example would be the streetscape improvement projects recommended as part of the City's Pedestrian Master Plan, generally consisting of curb ramp and pedestrian crossing improvements necessary to meet the ADA standards and re-constructed at locations recommended in the plan.

Priority 5: Other locations.

These areas are those within the public right-of-way that abut or serve places of public accommodations which are privately owned, including, but not limited to, the following in the recommended order of priority:

- Small housing complexes,
- Single-family residential areas,
- Industrial areas
- Areas not included in any of the above groups.

Current City policies also utilize some basic considerations and evaluation factors when determining whether a curb is suitable for construction or reconstruction. In the ADA Transition Plan Update, these factors are referred to as "conditions" because they are based on the physical condition of an existing intersection, corner, or curb ramp. These factors should also be used for consideration when determining the priority of a specific item within a priority group or category list.

The most critical conditions and remedies would be to re-construct curb ramps at locations where existing curb ramps have unsafe characteristics that may cause a trip and fall. Examples are vertical displacements of curb ramps, excessively steep main or side slopes, or deteriorated surface conditions. Within a priority or category, new curb ramps should next be installed at locations

where no curb ramp currently exists to provide accessibility to the sidewalk. Next, existing curb ramps should be re-constructed when they do not meet current federal and state accessibility standards (e.g., excessive slopes, improper landings, lack of detectable warnings, etc.).

In reviewing the priorities for reconstructing existing curb ramps, criteria that separate existing curb ramps that pose a real barrier or safety hazard from those that are slightly out of specification should be established. Such a determination should be made on a case-by-case basis by the ADA Coordinator or the Director of the Department of Transportation. All of these types of non-complying curb ramps should be on the list of ADA-required work, but those curb ramps that could function well for most persons with disabilities should be shifted to the end of the list. It is recommended that such criteria for those curb ramps and related facilities that are out of compliance, but not posing a great need for quick reconstruction, could include one or more of the following:

- Main slopes greater than 8.3%, but less than 10%.
- Side flared slopes greater than 10%, but less than 12%.
- Pan or landing cross-slopes greater than 2%, but less than 3.5%.
- Gutter slopes greater than 5%, but less than 10%.
- Detectable warning surfaces missing.
- Curb ramp lips not flush, but less than 1/2”.

When a corner has one existing curb ramp and conditions allow for the construction of an additional curb ramp at the same corner, and provided that traffic controls allow for a safe path of travel, an additional curb ramp should be installed as the lowest priority related to existing conditions. This policy would most likely apply only to corners at intersections on arterial or thoroughfare streets, and it would most likely not apply to signalized locations on major streets for which the geometry of the intersection makes it impossible to install an 8-phase signal operation, or for residential or local commercial uses. At some locations, existing conflicting facilities or intersection geometry may make installation of an additional curb ramp technically infeasible.

12. EXTENT AND SCOPE OF THE ADA IMPLEMENTATION PROGRAM

An ADA Implementation Program and Capital Improvement Project List should be developed further to define the extent of the City of San José's and other participants' projects necessary to implement the ADA Transition Plan Update within the public right-of-way. This section describes the bases for such determinations, and final determinations should be made as the inventory development proceeds.

Types of implementation projects included can be generally categorized as follows:

- Curb ramp construction or replacement projects based upon citizen requests.
- Curb ramp and intersection retrofit projects, included with street overlay or other street or sidewalk construction projects.
- Curb ramp and intersection retrofit projects, in conjunction with construction by private parties.
- Curb ramp and intersection retrofit projects deemed essential for mitigation of barriers based upon a finalized ADA Transition Plan.
- Street and sidewalk construction or retrofit projects planned for the improvement of overall pedestrian facilities.
- Pedestrian signal retrofit projects.

A number of existing and potential programs and funding sources for capital improvement projects are also described in the next section. These include on-going City capital improvement and maintenance programs, as well as specific projects and funding sources. The ADA Capital Implementation Plan is envisioned as one that will utilize, to the maximum extent possible, existing and prospective funding programs and sources. The basis of plan is recommended to include specified goals for the construction of accessibility improvements. While specifying certain types of locations and scope of work, the plan is also intended to serve as a conceptual plan whereby the extent and goals of future projects can be evaluated prior to preparing detailed project scope and cost estimates. Once an overall scope of work and its financial impact is established, annual projects can be finalized and the exact number of specified improvements can be set as project goals.

The extent of work included in the ADA Transition Plan Update would include the types of capital improvements that should be made to intersections, streets, and sidewalks. The final extent of work included in the plan should be based on the overall review process that will include review and recommendations of all basic elements of the transition plan by the City of San José, the Disability Advisory Commission (DAC), and the Technical Advisory Committee (TAC). The general types and extent of ADA work that is required for the City to "transition" into compliance with the programmatic access requirements of Title II of the ADA are included in this section.

It is recommended that most capital improvements be "comprehensive" in their approach. A comprehensive approach refers to making a series of related improvements at each particular location of work in an effort to bring the entire location into compliance with the applicable ADA Design Standards. As a typical example if funds are available, at a typical 4-way signalized intersection, the extent of work could include not only the construction of curb ramps at each corner, but also the removal of accessibility barriers along the pedestrian route from any public use in the same block leading to the curb ramps, and installing accessible audible pedestrian signals, crosswalk striping; accessible islands, if required; and appropriate signage. It is probable that some capital improvement projects may, to a lesser degree, include only specific elements that represent

physical barriers that need to be removed at a particular location, or that are specifically funded by an existing program.

The typical extent and scope of work that are recommended for the most common types of capital improvements, listed from most to least comprehensive, is shown below:

- (1) Complete ADA retrofit of signalized 4-way intersection: 8 new curb ramps, 2 per corner (unless infeasible due to existing conditions such as utility conflicts or geometry); new complying sidewalk paving to meet existing sidewalks and other sidewalk improvements to provide access to public uses along the path of travel; new audible pedestrian signals with push buttons; and crosswalk striping (if not existing, including removal and replacement of crosswalk striping where in poor condition) for all crossing directions where crosswalks are required by the ADA Design Standards. The scope may include new islands with cut-throughs or curb ramps at corners, if required by the standards or at the design engineer's discretion.
- (2) Complete ADA retrofit of controlled intersection: either 4 or 8 new curb ramps, 1 or 2 per corner (depending on existing conditions such as utility conflicts or geometry); and crosswalk striping for all crossing directions where crosswalks are required by the ADA Design Standards; new complying sidewalk paving to meet existing sidewalks and other sidewalk improvements to provide access to public uses along the path of travel. The scope may include providing new islands with cut-throughs or curb ramps at corners, if required by the standards or at the design engineer's discretion.
- (3) Complete ADA retrofit of signalized T-intersection: 6 new curb ramps with 2 per corner, except only one at each "top" of each T (unless infeasible due to existing conditions such as utility conflicts or geometry); new audible pedestrian signals with push buttons; and crosswalk striping (if not existing, including removal and replacement of crosswalk striping where in poor condition) for all crossing directions where crosswalks are required by the ADA Design Standards; new complying sidewalk paving to meet existing sidewalks and other sidewalk improvements to provide access to Priority 1 uses along the path of travel. Scope may include providing new islands with cut-throughs or curb ramps at corners, if required by the standards or at the design engineer's discretion.
- (4) Installation of new audible pedestrian signals with push buttons and crosswalk striping (if not existing, including removal and replacement of crosswalk striping where in poor condition) for all crossing directions where crosswalks are required by the ADA Design Standards.
- (5) Partial ADA retrofit at 4-way intersection, single-family residential area: 4 new curb ramps (1 per corner); crosswalk striping for at all signalized or stop-controlled intersections, for crossing directions where a crossing is not prohibited.
- (6) Partial ADA retrofit at T-intersection, single-family residential area: 2 new curb ramps to cross main street at one location of T-intersection, and at least one and preferably two new curb ramps to cross secondary street.
- (7) One or more new single curb ramp where other curb ramps at the intersection comply.
- (8) Renovation of an existing curb ramp to remove hazardous conditions.
- (9) Renovation of an existing curb ramp to add detectable warnings (truncated dome panel).
- (10) Miscellaneous sidewalk or other walkway widening and leveling.
- (11) Removal of sidewalk barriers (either moving or removing the barrier or reconstructing the pedestrian walkway around the barrier, or the reconstruction of driveways).

12. CAPITAL IMPROVEMENT PROJECTS AND FUNDING STRATEGIES

There are a number of existing and potential programs and funding sources for capital improvement projects to be included in the ADA Implementation Program. A number of programs are operated by or coordinated with the City of San José Department of Transportation on an on-going, annual basis. The extent of funding levels may be fixed or may vary yearly. The City intends to continue to pursue grant funding and expand on existing programs. These programs include the following:

Department of Transportation / Traffic Capital Programs:

The following programs are currently used to operate and fund ADA-related and accessibility improvements:

(1) Curb Ramp Accessibility Program: This program identifies curbs, gutters, and adjacent sidewalks that are in need of repair or replacement and develops a priority list for their inclusion into the maintenance program. Priority is based upon such factors as citizens' requests, severity of damage, the amount of pedestrian traffic, and the proximity to schools, parks, bus stops, and hospitals. The annual budget from 2007-2011 is \$700,000. The annual estimated ADA Transition Plan Update portion of funding is \$700,000.

(2) Miscellaneous Street Improvements: This program identifies streets in need of repair or replacement, including asphalt overlays and rehabilitation of existing streets. While this program does not specifically target ADA-related improvements, roadways receiving a Street Resurfacing rehabilitation treatment will continue to include ADA compliant curb ramps and sidewalks, if not already present at corners (per U.S. D.O.J. policies in the *Kenney v. Yersusalem, P.A.* case). It is estimated that approximately 30% of these projects' funding will impact new and existing curb ramps. The annual budget from 2007-2011 is approximately \$275,000. The annual estimated ADA Transition Plan Update portion of funding is \$100,000.

(3) North San José Deficiency Plan Improvements: While this program does not specifically target ADA-related improvements, it is estimated that approximately 25% of the project's funding will impact new and existing curb ramps. The annual budget from 2007-2011 is approximately \$400,000. The annual estimated ADA Transition Plan Update portion of funding is \$100,000.

(4) Bicycle and Pedestrian Facilities Program: These programs do not specifically target ADA-related improvements, and the exact scope of work is unknown. It is estimated that approximately 30% of the project's funding will impact new and existing curb ramps. The annual budget from 2007-2011 is approximately \$750,000. The annual estimated ADA Transition Plan Update portion of funding is \$250,000.

Caltrans Construction Projects:

Caltrans construction and renovation of roadways and facilities along State highways within the City limits typically includes new curb ramps and other accessibility-related improvements. While the City of San José does not directly manage these projects, it coordinates locations and details of the work with Caltrans. The annual estimated ADA Transition Plan Update portion of funding is \$200,000.

Private Developer Construction Projects adjacent to the City Right-of Way

There is typically private construction throughout the City that has direct impact on improvements within the right-of-way. As a condition of the approval of a building permit, Contractors are typically required to construct or improve the sidewalk, including curb ramps, directly adjacent to

the subject property. For larger projects, developers may also be required to construct intersections complete with traffic signals. It is recommended that a renewed training effort for plan checkers and inspectors is recommended to assure that the full potential of the ADA Transition Plan is realized. The annual estimated ADA Transition Plan Update portion of funding is \$400,000

State Funded Programs:

Projects funded by the various State funding programs include those listed below. It is unknown at this time what funding levels will be expected to continue.

- STIP: State Transportation Improvement Program
- SR2S: Safe Routes to School Program
- TCRP: Traffic Congestion Relief Program

Federally Funded Programs:

Funding approved under the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) or the 1998 Transportation Equity Act for the 21st Century (TEA-21) is listed below. It is unknown at this time what funding levels will be expected to continue.

- CMAQ: Congestion Mitigation and Air Quality Program
- HBRR: Highway Bridge Replacement & Rehabilitation Program
- HES: Hazard Elimination & Safety Program
- RSTP: Regional Surface Transportation Program
- TEA: Transportation Enhancement Activities

Transition Plan Funding:

As part of the ADA Transition Plan Update, it is recommended that one or more ADA Transition Plan Retrofit Projects be undertaken to make up for any shortfall and provide funding for required ADA improvements. Funding may come from one or more of sales tax funds, developer fees, Santa Clara County programs, and currently unspecified Citywide sources, and not necessarily from Department of Transportation funds.

Summary of Programs and Funding

The basis of the ADA Implementation Program of the ADA Transition Plan Update includes specified goals for the construction of accessibility improvements. The exact goals take into account all of the various items of work required under the plan, including curb ramps, accessible audible pedestrian signals, sidewalk barrier removal and sidewalk installation, crosswalk markings, and other work necessary to comply with the ADA Design Standards. The ADA Transition Plan Update lays the groundwork for concepts concerning the extent of ADA work required, prioritization, locations, and potential funding sources. Until exact funding sources are finalized, the annual work and expenditures proposed are estimates. The City of San José should commit to a reasonable yet aggressive schedule to bring the City's curb ramps and sidewalks into ADA compliance. This work should include installation, repair, and replacement of curb ramps, together with other specified improvements, on an annual basis. Based upon the programs and funding sources described above, the commitment for the ADA Implementation Program is summarized below:

	Program / Funding	Est. Amount
1	Curb Ramp Accessibility Program	\$700,000
2	Miscellaneous Street Improvements	\$100,000
3	North San José Deficiency Plan Improvements	\$100,000
4	Bicycle and Pedestrian Facilities Program	\$250,000
5	Caltrans Construction Projects	\$200,000
6	Private Developer Construction Projects	\$400,000
7	State Funded Programs	\$200,000
8	Federally Funded Programs	\$200,000
9	ADA Transition Plan Retrofit Project(s) (Shortfall Funding)	TBD
	Total Projected Funding Level	TBD

Scheduling commitments include the following:

- The City will continue to fully fund direct requests from persons with disabilities.
- CIP funds are to be re-prioritized to achieve full compliance with ADA accessibility requirements for Priority 2 projects, as described in Section 10, within ten (10) years.
- The City will also seek additional funding to achieve full compliance with ADA accessibility requirements for Priority 3 projects, as described in Section 10, within twenty (20) years.

13. ADA MONITORING PROCEDURES

The City of San José is currently engaged in an on-going effort to construct and rehabilitate curb ramps and sidewalks at numerous locations within the public right-of-way. This construction activity involves several types of projects, including street overlay and rehabilitation projects, street beautification projects, utility construction projects, and other capital improvement projects in the public right-of-way. In addition, once the ADA Transition Plan Update for Sidewalks is approved and implemented, even more curb ramps and related improvements will be constructed.

Field inspections of facilities covered by the ADA are currently performed by Department of Public Works Inspection staff. Inspectors monitor construction and require that improvements be constructed per the approved construction drawings. Any necessary field revisions are required to be coordinated through the Public Works design team, and this requirement applies to any revision that may alter facilities covered by the ADA.

This section of the ADA Transition Plan Update describes potential procedures and methods for monitoring the implementation of curb ramp and sidewalk construction within the City. The scope of construction included in the monitoring includes all construction undertaken under the jurisdiction of the City of San José Department of Transportation or its contractors as part of capital improvement projects or other specialized construction projects. While it is important to assure that codes and standards used to design and construct curb ramps and related improvements are up-to-date, as described in the ADA Design Standards, it is equally important that curb ramps be constructed properly and in compliance with all applicable codes and standards. Therefore, the on-going monitoring of construction activities and the reporting of the status of improvements is important in assuring an effective overall program.

The types of projects under which curbs ramps and other improvements are or will be constructed and inspected include the following:

- curb ramp and/or sidewalk construction or rehabilitation undertaken under the jurisdiction of the Department of Transportation or its contractors as part of capital improvement projects or other specialized construction projects,
- curb ramp and/or sidewalk construction or rehabilitation undertaken by other agencies or private parties within the city limits, over which the City of San José has jurisdiction, and
- curb ramp and/or sidewalk construction or rehabilitation undertaken as part of a subsequent ADA Transition Plan for Streets and Sidewalks.

There are a number of alternative methods available to monitor right-of-way construction on an on-going basis. The City should continue to provide record drawing information for all projects with the completion of facilities covered by the ADA. These records should be imaged and made available for public review or for any future Citywide inventory database.

It is recommended that all curb ramps and sidewalks currently being constructed or renovated under the jurisdiction of the City be personally inspected by a trained inspector either employed by or in consultation with the Department of Transportation. Specific procedures for field inspections are recommended to be as follows:

- Every curb ramp constructed under the jurisdiction of the Department of Transportation should be personally inspected by a Department-approved inspector after the completion of the curb ramp construction.

- The inspector should inspect and obtain all dimensions using a tape measure to verify that all dimensions meet or exceed City standards.
- The inspector should inspect and obtain all slopes and gradients using a 2-foot long “Smart-level” or equal slope-measurement tool to verify that all slopes and gradients meet or exceed City standards.
- The inspector should inspect all other physical conditions relating to the curb ramp and related construction to verify that all construction meets or exceeds City standards.
- The inspector should inspect all physical conditions relating to the installation of all accessible pedestrian signals to verify that all installations meet or exceed City standards.
- The inspector should inspect all physical conditions relating to the installation of all sidewalks to verify that all installations meet or exceed City standards.
- If data are to be utilized in a Citywide inventory database, all details as described above should be entered on approved City curb ramp inspection forms and sidewalk inspection forms. Sample layouts for a Curb Ramp Inspection Form and a Sidewalk Inspection Form are shown in Appendix C. The City may want to develop a pedestrian signal inspection form once those criteria are finalized.
- Any exceptions to full compliance with City standards should be described on the forms and certified as a finding for non-compliance element(s) due to technical infeasibility by the inspector and approved by the Program Manager.

Once the inspections are completed, either utilizing the Curb Ramp Inspection Forms and Sidewalk Inspection Forms or other methods for each newly constructed or altered curb ramp or sidewalk, it is recommended that the data should be entered into an inventory database. It is recommended that this database should be utilized as part of the overall ADA Transition Plan Update in conjunction with the ADA Inventory Policy, and it should contain detailed data for curb ramps, intersections, and sidewalk segments constructed within the public right-of-way.

It is recommended that the computerized database or other suitable reporting method be made available to the general public, either by public access computers made available at the Department of Transportation offices, or other methods to be determined by the City. In addition, Department of Transportation staff should be available to the general public to provide updated "As Constructed" status reports upon request.

APPENDIX A: CITY OF SAN JOSÉ GRIEVANCE PROCEDURE UNDER THE ADA

It is the policy of the City of San José to provide access to its services and programs for persons with disabilities in accordance with Title II of the Americans with Disabilities Act (ADA) of 1990. This Grievance Procedure is established to meet the requirements of the ADA. It may be used by anyone who wishes to file a complaint concerning access to City facilities, services, activities, programs, or benefits.

1. The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request. The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

ADA Coordinator, City of San José
200 East Santa Clara Street, 5th Floor
San José, CA 95113
408-535-8326 (voice)
408-294-9337 (TTY)

Departments should inform the ADA Coordinator immediately of any complaint that is filed with the department.

1. Upon receipt of a complaint, the ADA Coordinator will provide the appropriate department ADA Liaison with a copy of the complaint. Within 15 calendar days after receipt of the complaint, the ADA Coordinator and/or the department ADA Liaison will then conduct an investigation that may involve meeting with the complainant to discuss the complaint and possible resolutions.
2. If an informal resolution is not reached with the complainant, within 60 calendar days after receipt of the complaint, the ADA Coordinator or department ADA Liaison will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio recording. The response will explain the position of the City and offer options for substantive resolution of the complaint.
3. If the response by the ADA Coordinator does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the City Manager or his/her designee.
4. Within 30 calendar days after receipt of the appeal, the City Manager or his/her designee will review the complaint and the determination of the ADA Coordinator and respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the City's ADA Coordinator or his/her designee, appeals to the City Manager or his/her designee, and responses from these two offices will be retained by the ADA Coordinator for at least five years.

Employment-related complaints are governed by Chapter 1.1.1 of the City's Policy Manuel, entitled "Discrimination and Harassment." Employees and job applicants may file disability related complaints with the Office of Employee Relations at 408-535-8150 (voice) or 408-294-9337 (TTY).

APPENDIX A: ADA COMPLAINT / GRIEVANCE FORM

Complainant: _____

Person Preparing Complaint (if different from Complainant): _____

Relationship to Complainant (if different from Complainant): _____

Street Address & Apt. No.: _____

City: _____ State: _____ Zip: _____

Phone: (_____) _____ Email: _____

Please provide a complete description of your complaint or grievance:

Please specify the location of your grievance (if applicable):

Please state what you think should be done to resolve the grievance:

Please attach additional pages as needed.

Signature: _____ Date: _____

Please return to: Linda Crabill Byrne, Department of Transportation ADA Liaison,
Department of Transportation, 200 E. Santa Clara St., 8th Floor, San José, CA. 95113-6096

Upon request, reasonable accommodations will be provided in completing this form, or copies of the form will be provided in alternative formats. Contact the ADA Liaison at the above address.

APPENDIX B: AUDIBLE SIGNAL REQUEST FORM

REQUEST NO. _____

Requester's Name: _____ Request Date: _____

Name of User (if other than requester): _____

Requester's / User's Address: _____ Phone: _____

Requested Intersection: _____

Specified Crosswalks: _____ Direction(s) of Travel _____ Time of Day _____

Conflicting Vehicle Movement(s): _____

Other Relevant Considerations: _____

Such as: Is mobility training being provided to user by a visually impaired support service agency?

AUDIBLE PEDESTRIAN SIGNAL EVALUATION

Y N N/A Rmk.

- | | | | | | |
|----|---|--------------------------|--------------------------|--------------------------|--------------------------|
| 1. | Is this intersection near or en route to a generator of significant pedestrian activity? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. | Are all crosswalks parallel to vehicular traffic movements, which alternatively provide helpful audible cues for a visually impaired person (V.I.P.)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. | Is the intersection laid out in such a way that the audible signals will not inadvertently provide misleading cues for an incorrect crosswalk? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. | Are crosswalks free of obstructions and bends, which could misdirect a V.I.P.? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. | Are pedestrian push buttons (PPB): | | | | |
| | Oriented on poles so as to help direct a V.I.P.? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Mounted 3' from grade per CSJ Standards? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. | Regarding pork-chop islands: | | | | |
| | Could a V.I.P. potentially access the PPB safely, avoiding any speeding/heavy RT-turn traffic? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Do RT-turning motorists have an adequately unobstructed view of approaching V.I.P.s? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Do these islands have curbed wheelchair openings, allowing negotiable access to crosswalks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. | Are there continuous, unobstructed sidewalks at both ends of all crosswalks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. | Do all wheelchair ramps have directional grooving/raised domes installed to date? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. | Does the requested crossing have a clearly marked crosswalk? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Remarks: (correlate above Item No. with comment) _____

AUDIBLE PEDESTRIAN SIGNAL REQUEST NO. _____

Page 2

Remarks: (correlate above Item No. with comment)

THE INSTALLATION OF AUDIBLE SIGNALS IS:

RECOMMENDED; INSTALL ON THE FOLLOWING CROSSWALK(S):

- NORTH
 SOUTH
 EAST
 WEST
 ALL EXISTING

TOTAL NO. OF AUDIBLE SIGNAL UNITS REQUIRED: _____

- NOT RECOMMENDED; REASON AS FOLLOWS:

EVALUATION COMPLETED BY: _____ DATE: _____

RECOMMENDATION APPROVED BY: _____ DATE: _____

DATE REQUESTER NOTIFIED OF STATUS OF REQUEST: _____

IF AUDIBLE SIGNAL INSTALLATION IS NOT RECOMMENDED, DATE DAC NOTIFIED: _____

IF AUDIBLE SIGNAL INSTALLATION IS RECOMMENDED, IS FUNDING AVAILABLE TO INSTALL?

- YES; WRITE WORK ORDER
 NO; PLACE ON WAITING LIST FOR FUTURE INSTALLATION

WORK ORDER NUMBER: _____ INSTALLATION DATE: _____

Audible Pedestrian Signal Evaluation Criteria

The Department of Transportation will evaluate each audible signal request with regard to the feasibility of the installation. The following questions are the major components in determining the installation of audible pedestrian signals at a location. All questions should be answered "Yes" in order to qualify for the installation of audible pedestrian signals.

Y N

Is there a regular need by a visually impaired person or by the visually impaired community, and/or is the intersection near generators of public pedestrian traffic, such as, a shopping center, university, hospital, library, or other public facility?

Would an audible signal improve the navigation of the intersection crossing for someone visually impaired?

Can the existing traffic signal equipment and physical configuration functionally accommodate APS installation?

Comments: (correlate above Question No. with comment)

APPENDIX B: CURB RAMP CONSTRUCTION / MODIFICATION REQUEST FORM

CURB RAMP INSTALLATION / MODIFICATION REQUEST NO. _____

Requester's Name: _____ Request Date: _____

Name of User (if other than requester): _____

Requester's / User's Address: _____ Phone: _____

Requested Intersection: _____

Specified Corners: _____ Direction(s) of Travel _____ Time of Day _____

Conflicting Vehicle Movement(s): _____

Other Relevant Considerations: _____

CURB RAMP / INTERSECTION EVALUATION

		<u>Y</u>	<u>N</u>	<u>N/A</u>	<u>Rmk.</u>
1.	Is this intersection near or en route to a generator of significant pedestrian activity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.	Are all crosswalks parallel to vehicular traffic movements, which alternatively provide helpful audible cues for a visually impaired person (V.I.P.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.	Is the intersection laid out in such a way that curb ramp will not inadvertently provide misleading cues for an incorrect crosswalk?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.	Is there a curb ramp existing at the corner?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.	Are there curb ramps existing at other corners? If yes, which corners? _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.	Are there islands in the path of travel across the street: Do these islands have curbed wheelchair openings? _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.	Are there continuous, unobstructed sidewalks at both ends of all crosswalks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.	Do existing curb ramps have directional grooving/raised domes installed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9.	Does the requested crossing have a clearly marked crosswalk?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Remarks: (correlate above Item No. with comment) _____

If curb ramp(s) are present, what modifications are needed:

THE INSTALLATION OF A CURB RAMP IS:

RECOMMENDED; INSTALL ON THE FOLLOWING CROSSWALK(S):

- NORTH
 SOUTH
 EAST
 WEST
 ALL EXISTING

TOTAL NO. OF CURB RAMP(S) REQUIRED: _____

NOT RECOMMENDED; REASON AS FOLLOWS:

EVALUATION COMPLETED BY: _____ DATE: _____

RECOMMENDATION APPROVED BY: _____ DATE: _____

DATE REQUESTER NOTIFIED OF STATUS OF CURB RAMP REQUEST: _____

IF CURB RAMP INSTALLATION IS NOT RECOMMENDED, DATE DAC NOTIFIED: _____

IF CURB RAMP INSTALLATION IS RECOMMENDED, IS FUNDING AVAILABLE TO INSTALL?

- YES; WRITE WORK ORDER
 NO; PLACE ON WAITING LIST FOR FUTURE INSTALLATION

WORK ORDER NUMBER: _____ INSTALLATION DATE: _____

APPENDIX C: CITY OF SAN JOSÉ CURB RAMP INSPECTION FORM

To be filled out for every ramp constructed in City right-of-way.
 This form should be completed within ten days of curb ramp construction.

Curb Ramp Location: _____ Project Name: _____

N/S Street: _____ E/W Street: _____

N/E N/W S/E S/W

Vertical Curb Rolled curb One Ramp Two Ramps

CURB RAMP SLOPES:

A: _____ B: _____ C: _____ D: _____

RIGHT SIDE LENGTH: _____ FT. _____ IN.

PAN WIDTH: _____ FT. _____ IN.

LEFT SIDE LENGTH: _____ FT. _____ IN.

TWO RAMPS ON CORNER (FOR 2ND RAMP):

E: _____ F: _____ G: _____ H: _____

RIGHT SIDE LENGTH: _____ FT. _____ IN.

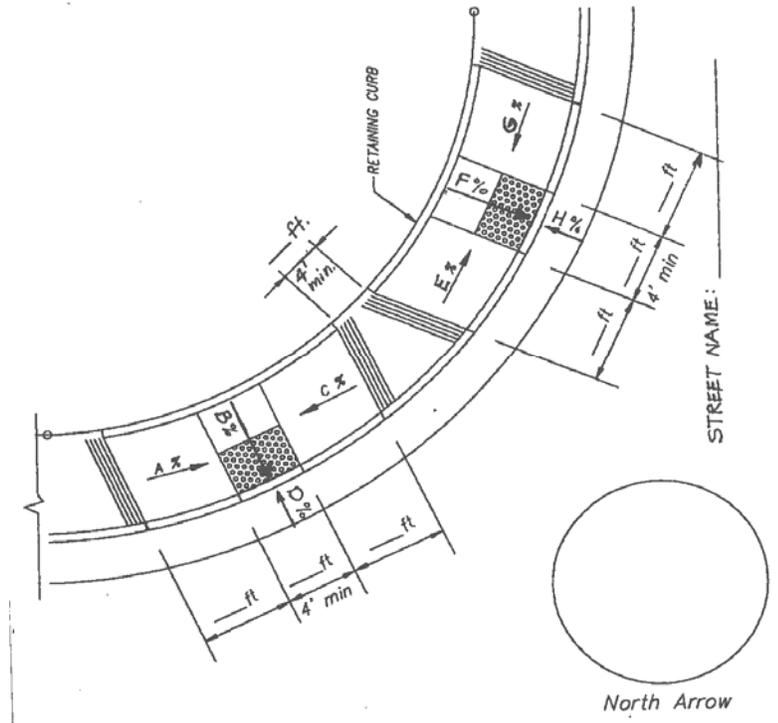
PAN WIDTH: _____ FT. _____ IN.

LEFT SIDE LENGTH: _____ FT. _____ IN.

DISTANCE BETW. RAMPS: _____ FT. _____ IN.

Inspected/measured by: _____

Date Field Measured: _____



Compliance with Standards:

All curb ramps should comply with City's current design and construction standards. Where it is infeasible to construct or reconstruct a curb ramp to current standards, the Designer or Inspector must complete the Findings for Non-compliance Element(s) section below and state what the non-compliant element(s) are and the reason for the non-compliance. After completing this form submit it for acceptance.

Findings for Non-Compliance Element(s): _____

APPENDIX C: CITY OF SAN JOSÉ SIDEWALK INSPECTION FORM

To be filled out for every sidewalk constructed in City right-of-way.
 This form should be completed within ten days of sidewalk construction.

Street: _____ Project Name: _____

Sides of Street: N E S W

Nearest Cross-Streets:

N or E STREET _____ S or W STREET _____

Vertical Curb Rolled curb No Curb Planter strip entire length Partial length planter strip

STANDARDS:

- Clear width at least 48" (not including curb) or at least 36" at obstruction (street signs, pole, bench, etc.)
- No overhead obstructions lower than 84".
- Cross-slope 2%. Running slope not greater than street or 5%, whichever is greater.
- No gaps deeper or than 1/2"; no cracks wider than 1-1/2".
- Surface concrete or asphalt, broom finish or equal slip-resistance. No drop-off greater than 4" at back.

NORTH OR EAST CROSS-STREET _____

NORTH OR WEST SIDE OF STREET:

SIDEWALK CLEAR WIDTH: A1: _____ FT. _____ IN.

A2: _____ FT. _____ IN.

A3: _____ FT. _____ IN.

PLANTER STRIP WIDTH: B: _____ FT. _____ IN.

(PUT "0" IF NO PLANTER STRIP)

RUNNING SLOPE: C1: _____ % C2: _____ % C3: _____ %

CROSS-SLOPE: D1: _____ % D2: _____ % D3: _____ %

OTHER SPECIFIC CONDITIONS: _____

SOUTH OR EAST SIDE OF STREET:

SIDEWALK CLEAR WIDTH: E1: _____ FT. _____ IN.

E2: _____ FT. _____ IN.

E3: _____ FT. _____ IN.

PLANTER STRIP WIDTH: F: _____ FT. _____ IN.

(PUT "0" IF NO PLANTER STRIP)

RUNNING SLOPE: G1: _____ % G2: _____ % G3: _____ %

CROSS-SLOPE: H1: _____ % H2: _____ % H3: _____ %

OTHER SPECIFIC CONDITIONS: _____

DRAW ALL OBSTRUCTIONS OR HAZARDS ON THE PLAN:

SOUTH OR EAST CROSS-STREET _____

Inspected/measured by: _____ Date Field Measured: _____

Findings for Non-Compliance Element(s): _____

