

# Americans with Disabilities Act

## Transition Plan – Pedestrian Facilities



City of Prattville

Prattville Planning and Development Department

December 2009

## SECTION 1 – ADA Transition Plan

### 1. A. – Americans with Disabilities Act

On January 26, 1990, the Americans with Disabilities Act (ADA) was enacted as federal law. The legislation prescribes steps for eliminating barriers to disabled persons in public facilities, private businesses, employment, communications and transportation. The legislation affects any person with major life impairment. The Act deals with five major areas as outlined below:

**EMPLOYMENT (Title I)** - This title covers all aspects of employment. It directly prohibits discriminating against persons with disabilities in application, hiring, advancement, training, compensation or discipline. All government entities should have already been in compliance with these regulations through Section 504 of the 1973 Vocation Rehabilitation Act.

**PUBLIC SERVICE & TRANSPORTATION (TITLE II)** - This title of the ADA prohibits discrimination to disabled persons in programs, services and activities of the state and local government. This includes the provision of making such services accessible through "barrier free" public facilities. This title requires state and local governments to adopt a transition plan identifying structural barriers and the changes necessary for their alteration or removal.

**PUBLIC ACCOMMODATIONS (Title III)** - This title is concerned with the provision of access to any public accommodation provided at a privately funded and operated facility.

**TELECOMMUNICATIONS (Title IV)** - This title requires telephone companies to provide voice transmission relay services for speech impaired persons and to increase the availability of telecommunication devices for the deaf (TDD). This title also requires any public service messages on television to be closed-captioned for the hearing impaired.

**OTHER PROVISIONS (TITLE V)** - This title includes miscellaneous provisions such as construction standards, attorney's fees and technical assistance.

### 1. B. – TITLE II Transition Plan

The ADA requires public entities with more than 50 employees to develop a transition plan. The Transition Plan must identify all structural modifications that are needed to buildings and facilities to ensure that programs, services and activities are accessible to people with disabilities. The Transition Plan must identify the steps necessary to complete the modifications and a time-frame for the needed modifications. The Transition Plan must:

1. Identify the physical barriers in buildings and facilities that limit the accessibility of programs, services and activities to individuals with disabilities.
2. Describe the modifications necessary to make the building or facility accessible.
3. Provide a schedule for making the modifications necessary to ensure compliance. If the modifications will require more than one year, identify the steps that will be taken to ensure that the program, service or activity is accessible.

4. Identify the individual responsible for the implementation of the Transition Plan.

In May 1992, the City of Prattville prepared a Transition Plan (Compliance Plan) for city facilities with assistance from the Central Alabama Regional Planning and Development Commission. The actions identified in the transition plan have been implemented by the City. Facilities are periodically evaluated to maintain compliance with ADA law and regulations.

Public entities with jurisdiction over streets, roads and pedestrian facilities must also include in the Transition Plan a schedule for installing curb ramps where pedestrian walks cross curbs. Priority is to be given to installing ramps along accessible routes providing access to buildings and facilities where government programs and services are located, transportation hubs, places of public accommodation, and employers. This Transition Plan addresses the requirement for curb ramps and complements the 1992 Transition Plan for city facilities.

1. C. – ADA Coordinator

The City of Prattville official responsible for compliance with this Transition Plan is Joel T. Duke, City Planner/ADA Compliance Coordinator, 102 West Main Street, Prattville, Alabama 36067, 334-361-3613, [joel.duke@prattvilleal.gov](mailto:joel.duke@prattvilleal.gov).

1. D. – Grievance Procedure.

Complaints received regarding the installation of curb ramps or this transition plan shall follow the grievance procedure defined by the City of Prattville's 1992 Transition Plan. A copy of the procedure is attached as Attachment A.

1. E. – Public Comment and Adoption.

As with the 1992 Transition Plan, the City of Prattville has made this Plan available to interested citizens and interest groups for review and comment. The Plan was available for review and comment for the period between November 12, 2009 and December 15, 2009. Notice of the availability for public comment was provided via a listing on the city web site, [www.prattvilleal.gov](http://www.prattvilleal.gov), and by direct notice to groups or organizations representing persons with disabilities. A copy of all notices and a list of comments received are included with this plan as Attachment B.

This Transition Plan was approved by the Prattville City Council by Resolution Book 2009-A Page 066 on December 15, 2009. A permanent copy of this plan and all public comment shall be retained in the records of the Prattville City Clerk.

## SECTION 2 – Review and Evaluation

### 2. A. – Existing Sidewalks and Pedestrian Facilities

*Sidewalks.* The City of Prattville contains approximately 51 miles of sidewalks within rights-of-way owned and maintained by the State of Alabama or the City of Prattville. With some exceptions, these sidewalks are generally of concrete construction at a width of 48". Prattville's sidewalks can generally be divided into three categories.

1. The first is the historic core or downtown. These are the oldest in the city and provide pedestrian access to an area south of 6<sup>th</sup> Street, east of Lower Kingston Road, north of Autauga Creek, and west of Moncrief Street.
2. The second category is sidewalks constructed prior to 1992. These sidewalks were constructed by subdivision builders as a neighborhood amenity. They are generally confined to the Silver Hills subdivision.
3. The third category is sidewalks in subdivisions approved by the Prattville Planning Commission post 1992. Commission regulations require sidewalks on at least one side of the street on all through streets and cul-de-sac over twenty lots deep. These sidewalks are located throughout the city.

Notable exceptions to the three categories are the Martin Luther King Drive sidewalk installed in the 1980's with Community Development Block Grant funds and sidewalk improvements to West Main Street completed in 2002 with federal transportation enhancement funds.

*Subdivision Regulations/Public Works Manual.* Development of streets and sidewalks in City of Prattville is managed by the *Prattville Subdivision Regulations* and the *Prattville Public Works Manual*. These regulations govern the use, placement, design and construction of sidewalks in the public right-of-way. Sidewalks are required on the one side of all local through streets and cul-de-sacs with more than 20 lots. Sidewalks are required on both sides of collector or arterial streets. Curb ramps are required by these regulations, however the regulations do not require detectable warnings

*Sidewalk Repairs – City.* The Prattville Engineering Department has selected sidewalks for repair and replacement based on their location on routes to public facilities such as government offices, schools, churches and clustered commercial entities. In addition, the Engineering Department evaluated individual sidewalk repair needs reported by the public. Repair funds are scheduled to be allocated on an annual basis.

## 2. B. – Sidewalks and Curb Ramps – Compliance with ADA Standards

As a public entity with responsibility and authority over streets, roads or walkways, 28 CFR §35.150 requires the City of Prattville to provide curb ramps or other sloped areas where pedestrian walks cross curbs. In implementing the requirements of 28CFR §35.150, the city is to give priority to walkways serving entities covered by the Act, including State and local government offices and facilities, transportation hubs, places of public accommodation, and employers, followed by walkways serving other areas. 28 CFR Part 36, Appendix A, ADA Standards for Accessible Design, Section 4.7 provides the ADA standards for the design and installation of the required curb ramps. The broad sidewalk categories identified in Section 2.A. have been evaluated against the requirements of 28 CFR §150 and 28 CFR Part 36, Appendix A. The results of the evaluation are listed below.

1. Historic Core/Downtown: While they are the city's oldest facilities, the historic core's sidewalks are generally the most heavily used. The historic core is home to not only the governmental offices for the City of Prattville, but the also the offices for the Autauga County Commission and the Alabama Circuit Courts. The historic core also has the city's highest concentration of churches and public schools. Given the age of the neighborhood, sidewalks in the historic core are the least likely to have curb ramps that comply with the location and design requirements. Notable exceptions are West Main Street, portions of South Court Street and the Autauga Creek walk where sidewalks have been added or replaced in recent years.
2. Neighborhood sidewalks – pre-1992. Sidewalks in these few neighborhoods do not have the required curb ramps. Where curb ramps have been installed, they are lacking the required detectable surface. The primary users and beneficiaries of these facilities are the adjoining residential properties. The only notable entity served by these sidewalks and covered by the ADA is Daniel Pratt Elementary School.
3. Neighborhood and Commercial sidewalks post-1992. Sidewalks in these neighborhoods all provide curb ramps as required by ADA. These sidewalks do not have the required detectable surface. The primary users in these neighborhoods are the adjacent single-family residential units.

The evaluation of pedestrian facilities indicates the following needs related to curb ramps meeting the ADA requirements and standards:

1. Sidewalks in the Historic Core provide access to the highest concentration of entities and facilities covered by the Act. These include State, County and Prattville government office and services, schools and churches.
2. Sidewalks in the Historic Core are the oldest in the city and the least likely to have curb ramps or ramps that comply with ADA construction standards.

3. The Act requires priority be given to installing or replacing curb ramps on pedestrian facilities serving covered entities.
4. Outside the historic core, the majority of pedestrian facilities lacking curb ramps serve single family residential units. The notable exception is the sidewalks providing access to Daniel Pratt Elementary.
5. Except for the absence of truncated domes, the majority of the sidewalks in the city comply with ADA requirements for curb ramps.

### SECTION 3 – Curb Ramp Replacement/Modification Plan

#### 3. A. – Installation/Replacement/Repair

To meet the requirements of 28 CFR §150 for scheduling the installation of curb ramps or other sloped areas where pedestrian walks cross curbs, the City of Prattville will undertake the following programs.

1. Accommodation for Persons with Disabilities by Request or Identified Need. The City of Prattville will budget funds for curb ramp requests on an annual basis and establish a process for receiving and addressing individual requests. Requests will be evaluated by the city's ADA Coordinator and the City Engineer. High priority will be given to requests received from citizens with disabilities who wish to travel to shopping areas, medical facilities, transportation, and other facilities or areas required for their activities of daily living. These requests will have the highest priority. This assessment will include an evaluation of the requested curb ramp as well as the entire intersection where the curb ramp is located and the accessible routes to adjacent intersections. The curb ramp and accessible route will be evaluated for usability and safety in order to provide an adequate path of travel through that intersection.
2. Installation and Repair of Curb Ramps in Historic Core. As noted in Sections 2.A. and 2.B., Prattville historic downtown core contains the sidewalks that serve the highest concentration of entities and facilities covered by the ADA. In addition, these sidewalks are the most likely to provide point to point transportation services for Prattville's citizens rather than recreational use. As indicated in Section 2.A., the City of Prattville recently allocated funds for the repair of sidewalks citywide. These and future allocations will be used by the Prattville Engineering Department to address needs in the historic core. This program will build upon previous improvements to sidewalks and curb ramps on West Main Street, South Court Street and Washington Street. Priority projects under this program will be those repairing or improving access routes to State, County and Prattville buildings, public schools and other basic needs such as grocery stores and houses of worship.
3. Street Alteration and Repair. The City of Prattville conducts a worst first street resurfacing program on a bi-annual basis. Where sidewalks are provided, but lacking

curb ramps, ramps will be installed as streets are scheduled for resurfacing. Where streets or intersections require repair, and sidewalks are present, curb ramps will be installed or existing ramps repaired. This repair schedule is consistent with the requirements of 28 CFR. §35.151.

### 3. B. – Regulation Amendments

Adjustments will be made to the *Prattville Subdivision Regulations* and *Prattville Public Works Manual* to ensure compliance with the curb ramp design standards established by the ADA. These amendments will address the requirements of the ADA by:

1. Requiring installation of curb ramps as necessary with new construction funded by the City of Prattville.
2. Requiring installation of curb ramps, per ADA standards, in each new private commercial development and subdivision.
3. Requiring repair or installation of curb ramps where existing sidewalks or intersections are disturbed by utility repair or installation.

Attachment A. – Grievance Procedure.

The City of Prattville has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing title II of the Americans with Disabilities Act. Title II states, in part, that "no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination" in programs or activities sponsored by a public entity.

Complaints should be addressed to: Joel T. Duke, City Planner, City of Prattville, 102 West Main Street, who has been designated to coordinate ADA compliance efforts.

1. A complaint should be filed in writing or verbally, containing the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
2. A complaint should be filed within 15 days after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination which occurred before this grievance procedure was in place will be considered on a case-by-case basis.)
3. An investigation, as may be appropriate, shall follow a filing of complaint. The investigation shall be conducted by the City Code Enforcement Officer. These rules contemplate informal but thorough investigation, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
4. A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by the city Code Enforcement Officer and a copy forwarded to the complainant no later than 15 days after its filing.
5. The ADA Coordinator shall maintain the files and records of the City of Prattville relating to the complaints filed.
6. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within 15 days to the Mayor of the City of Prattville.
7. The right of a person to prompt an equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as filing of an ADA complaint with the responsible federal department or agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.
8. These rules shall be construed to protect the substantive rights of interested persons to meet appropriate due process standards, and to assure that the City of Prattville complies with the ADA and implementing regulations.

## **PUBLIC NOTICE**

### **REQUEST FOR COMMENTS**

Title II of the Americans with Disabilities Act of 1990 (ADA) requires public entities that employ more than 50 people to adopt a transition plan and to evaluate their compliance with the Act. The City of Prattville has reviewed, and continues to review, the accessibility of its facilities, programs, services, and activities by persons with disabilities. A public entity, such as the City of Prattville, with responsibility or authority over streets, roads, or walkways is required to establish a transition plan for providing curb ramps or other sloped areas where pedestrian walks cross curbs, giving priority to walkways serving State and local government offices and facilities, transportation, places of public accommodation, and employers, followed by walkways serving other areas. The City of Prattville has completed a draft Pedestrian Facilities Transition Plan. The Plan evaluates existing sidewalks, pedestrian facilities and curb ramps and a program for sidewalk and curb ramp replacement and modification.

The City of Prattville is soliciting public comment on the proposed Pedestrian Facilities Transition Plan prior to consideration by the Prattville City Council. A copy of the Transition Plan may be reviewed and download at [www.prattvilleal.gov](http://www.prattvilleal.gov). Copies of the plan may also be obtained in the Prattville Planning Department at 102 West Main Street, (334) 361-3613. The City of Prattville will provide its Transition Plan in an alternate format if necessary to accommodate a disability. Comments and suggestions should be submitted no later than December 11, 2009 to **Pedestrian Facilities Plan, Prattville Planning Department, 102 West Main Street, Prattville, Alabama 36067** or [joel.duke@prattvilleal.gov](mailto:joel.duke@prattvilleal.gov) .

Jim Byard, Jr., Mayor  
City of Prattville  
November 12, 2009

Attachment C. Sidewalk Location Map – Citywide.



# CURB RAMP REQUEST FORM

City of Prattville  
Engineering Department



This form is to be filled out by or on behalf of a person with a disability requiring installation/modification/repair of curb ramps or modification of the existing accessible path leading to curb ramps within the public right-of-way.

Provide as much of the information requested as possible. Assistance with this form may be obtained by calling (334) 361-3675. Provide a written description or sketch of the location where curb ramps are needed for access to State of Alabama, Autauga County and City of Prattville offices and facilities, transportation, places of public accommodation, and employers.

Within two (2) weeks of receiving a curb ramp request, a representative of the Prattville Engineering Department will contact the person listed below. A meeting will be scheduled with the contact person, and the person needing the ramp if different from the contact, at the location where the ramp is requested or alternative site if the location is inaccessible.

<p>Date: _____</p> <p>Name of Person Requesting Curb Ramps/Modifications: _____</p> <hr/> <p>Contact Person (if different from above): _____</p> <hr/> <p>Phone: _____</p> <p>Address: _____</p> <hr/> <p>Location of your request:</p> <p>Street(s): _____</p> <hr/> <p>Adjacent Property Addresses: _____</p> <hr/>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; border-right: 1px solid black; padding: 5px;"> <p>Address/Tax Map Key</p> <hr/> <p>Street Name</p> <hr/> <p>Address/Tax Map Key</p> </td> <td style="width: 50%; padding: 5px;"> <p>Address/Tax Map Key</p> <hr/> <p>Address/Tax Map Key</p> </td> </tr> </table> <p style="font-size: small; text-align: center;">Please mark location of curb ramp(s) with an "X"</p>	<p>Address/Tax Map Key</p> <hr/> <p>Street Name</p> <hr/> <p>Address/Tax Map Key</p>	<p>Address/Tax Map Key</p> <hr/> <p>Address/Tax Map Key</p>
<p>Address/Tax Map Key</p> <hr/> <p>Street Name</p> <hr/> <p>Address/Tax Map Key</p>	<p>Address/Tax Map Key</p> <hr/> <p>Address/Tax Map Key</p>		

Describe the curb ramp installation or modification you are requesting: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Provide a brief statement concerning why this ramp is needed. (Attach additional sheets if necessary).

\_\_\_\_\_

\_\_\_\_\_

<p>Return to: City of Prattville, Engineering Department 102 West Main Street Prattville, AL 36067 (334) 361-3675 (334) 361-3677 (FAX) diane.free@prattvilleal.gov</p>	<p>Date Received: _____</p> <p>Request Number: _____</p> <p>Date Reviewed: _____ Reviewed By: _____</p> <p><input type="checkbox"/> Approved for Construction</p> <p><input type="checkbox"/> Rejected (Attach explanation)</p>
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