Public Outreach Meeting

ADA Self-evaluation and Transition Plan Process

FRESNO AREA EXPRESS
Disability Impacts All of Us

61 million adults in the United States live with a disability

26% (1 in 4) of adults in the United States have some type of disability

The percentage of people living with disabilities is highest in the South

People living with a disability
People living with no disability
Percentage of Adults with Functional Disability Types

- **Mobility**: 13.7%
  - Serious difficulty walking or climbing stairs
- **Cognition**: 10.8%
  - Serious difficulty concentrating, remembering, or making decisions
- **Independent Living**: 6.8%
  - Difficulty doing errands alone
- **Hearing**: 5.9%
  - Deafness or serious difficulty hearing
- **Vision**: 4.6%
  - Blindness or serious difficulty seeing
- **Self-Care**: 3.7%
  - Difficulty dressing or bathing

**Total**: 13.7% + 10.8% + 6.8% + 5.9% + 4.6% + 3.7% = 44.5%
Disability is especially common in these groups:

- 2 in 5 adults age 65 years and older have a disability.
- 1 in 4 women have a disability.
- 2 in 5 Non-Hispanic American Indians/Alaska Natives have a disability.
The Americans with Disabilities Act (ADA) of 1990
Definitions of Disability

Federal ADA & California FEHA

Americans with Disabilities Act (ADA) of 1990
i. A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
ii. A record or history of such an impairment; or
iii. Being regarded as having such an impairment

California Fair Housing and Employment Act (FEHA) of 1959
i. A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
Civil Rights Law known as the Integration Mandate

- **Title I**: Employment
- **Title II**: Public Entities (Transportation, State and Local Government)
- **Title III**: Places of Public Accommodations
- **Title IV**: Telecommunications
- **Title V**: Miscellaneous Requirements
Fundamentals for Title II Public Entities

- **Public Statement**: Make a Public Statement of Commitment to achieving compliance
- **ADA Coordinator**: Designate a person to be responsible for overseeing Title II compliance
- **Self-evaluation**: Analyze policies and practices applied to programs, services and activities
- **ADA Transition Plan**: Identify physical modifications needed and methods for remediation
ADA Transition Plan Process

(Source: CA Division of State Architect)
(a) *Design and construction.*

(1) Each facility or part of a facility constructed by, on behalf of, or for the use of a public entity shall be designed and constructed in such manner that the facility or part of the facility is *readily accessible to and usable by individuals with disabilities,* if the construction was commenced after January 26, 1992.

ADA Transition Plans for existing facilities allow FAX to accomplish barrier removal over time.
ADA Transition Plan Minimum Requirements

(28 CFR § 35.150 Existing Facilities, 3(d))

i. Identify physical obstacles in the public entity's facilities that limit the accessibility of its programs or activities to individuals with disabilities;

ii. Describe in detail the methods that will be used to make the facilities accessible;

iii. Specify the schedule for taking the steps necessary to achieve compliance with this section and, if the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period; and

iv. Indicate the official responsible for implementation of the plan.
Project Overview

Compile: Programs, services and activities (PSAs) provided by ADA Title II entity

Review: Existing policies and practices for possible discrimination

Assess: Physical facilities for compliance with state and federal law

Correlate: PSAs, policies and practices with physical locations

Apply: Determine program accessibility for physical locations

Report: Develop recommendations for remediation in plan
Methodology

- Focus on Standards and Requirements
- Recommend Barrier Removal Priorities
- Use Barrier Severity Rating for Prioritization
- Develop Implementation Plan and Schedule
New construction and alterations must comply, but facilities are required to be accessible, regardless of construction date under state statutes (Civil Code §51, 52 and 54).

All buildings, structures, sidewalks, curbs, and related facilities, constructed in California with state, county, or municipal funds shall be accessible to and usable by persons with disabilities (Government Code §4450 and the ADA).

Case Law Precedent (Kinney v. Yerusalim, Fortyune v. Lomita, etc.)

1959 California Fair Housing and Employment Act (FEHA)

Section 508 of the Rehabilitation Act of 1973 (Digital Access)
Alterations to Pre-ADA Facilities

28 CFR § 35.151(b) Alterations.

(1) Each facility or part of a facility altered by, on behalf of, or for the use of a public entity in a manner that affects or could affect the usability of the facility or part of the facility shall, to the maximum extent feasible, be altered in such manner that the altered portion of the facility is readily accessible to and usable by individuals with disabilities, if the alteration was commenced after January 26, 1992.
Alterations to Pre-ADA Facilities
Exception for structural impracticability

28 CFR § 35.151(2) Exception for structural impracticability (Terrain).

(i) Full compliance is structurally impracticable only in those rare circumstances when the **unique characteristics of terrain** prevent the incorporation of accessibility features.

(ii) If full compliance with this section would be structurally impracticable, compliance with this section is required to the extent that it is not structurally impracticable. In that case, **any portion of the facility that can be made accessible shall be made accessible to the extent that it is not structurally impracticable.**
Alterations to Pre-ADA Facilities

Technical Infeasibility

(Existing Facilities)

Compliance in an alteration is not required where it is “technically infeasible.” When something that has little likelihood of being accomplished because existing structural conditions would require removing or altering a load-bearing member that is part of the structural frame; existing physical or site constraints prohibit modification or addition of elements, spaces, or features that are in full and strict compliance with the minimum requirements.

Where technical infeasibility is encountered, compliance is still required to the maximum extent feasible.
Standards and Requirements Applied

**Governing Factors**

California Code of Regulations (CCR) Title 24, Part 2, Chapter 11B, 2013 Edition

Citations (California Building Code or CBC)

2010 Americans with Disabilities Act Design Standards (ADAS)

California Department of Transportation, California Manual on Uniform Traffic Control Devices (CA MUTCD)

Public Rights-of-Way Accessibility Guidelines (PROWAG)

ADA/ABA standards for *Transportation Facilities* adopted by the US Department of Transportation
Recommended Standards

Good Practices

• *Universal Design Principles* developed by the University of North Carolina, accepted as good practice

• Industry standard measurement protocols and tools implemented by the US Department of Justice and the federal Access Board

  https://www.access-board.gov/research/building/dimensional-tolerances/#part-ii
Transit Authorities

A government agency or a public-benefit corporation created for the purpose of providing public transportation within a specific region.

A transit district may operate bus, rail or other types of transport including ferry service, or may operate other facilities.
Transit Facilities

Associated Physical Elements
Barrier Severity Ratings (BSR)

A. Rating determines when remediation is scheduled.

B. The effect that the barrier has on a person using the element is important.

C. Construction date also plays a role in determining barrier severity ratings.

Five barrier severity ratings are assigned:

1 – Necessary
2 – Recommended
3 – Hindrance
4 – Low Severity
5 – Technically Infeasible
FAX Department Findings

Bus Stops
- Locations (sidewalk, roadway shoulder, medians)
- Sidewalk Compliance
- Boarding and Alighting Space
- Maneuvering Clearance

Physical Barriers Within Vehicles
- Ramps (standard and emergency use)
- Automated vehicle annunciator (AVA) use & maintenance
- Wheelchair Resting Space (securement)

Fixed Route Bus Systems and Paratransit Service
- Vehicle space rating vs. Actual Wheelchair Space
FAX Reference Map
Implementation Schedule

Estimated Starting Balance: $9,268,903.00

Estimated Yearly Allowance: $500,000

Estimated Years to Complete: 30

Estimated Yearly Inflation: 2.5%

Parameters for Implementation Schedule Creation:

1. High-use routes serving the largest number of riders.
2. Barrier Priorities within high use routes.
Implementation Schedule
Route Prioritization

Routes serving the largest number of riders.

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<tr>
<th>Route Prioritization</th>
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Barrier Priorities in Transit Facilities

**PRIORITY 1**
Bus stop locations on arterial and corollary roadways where state and local government agencies, higher education, primary schools and medical facilities are located.

**PRIORITY 2**
Bus stop locations on arterial and corollary roadways where libraries, parks and recreation facilities are located.

**PRIORITY 3**
Bus stop locations on roadways in residential, industrial and rural areas.
Official Responsible

FAX has designated a Capital Development Specialist as the official responsible for the barrier removal process.

Please email Sandy Cetti at:
Email: FAXOutreach@fresno.gov

For further assistance please call: (559) 621-RIDE (621-7433), Option 5.
Input on ADA Transition Plan

For questions specifically about the FAX ADA Transition Plan, send an email to:

- FAXOutreach@fresno.gov

For all other FAX ADA-related questions, concerns, or grievances please visit the FAX website here: https://www.fresno.gov/transportation/fax/contact-fax/

The following options are available:

- Online contact form can be completed and submitted
- Printable complaint & compliment forms can be downloaded for submission in-person or by mail to any of the FAX office locations
- Call 621-RIDE (621-7433), Option 5, to speak to a customer service representative.

To contact the Federal Transit Administration directly, please visit the FTA website here: https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/file-complaint-fta
We Want Your Feedback!

The City is collecting information as part of the process of preparing an ADA Self-evaluation and ADA Transition Plan to update our existing documents.

Be a part of the process at: https://www.fresno.gov/transportation/plan-reports-notices/

To request an alternate format of this presentation, or should you have questions or comments specific to this transition plan, please email or call:

FAXOutreach@fresno.gov  (559) 621- RIDE (621-7433), Option 5.

Please join us at one of these meetings:

Social Service Transportation Advisory Council (SSTAC)

Tuesday, April 20, 2021  1:30 – 3:00 p.m.
Join Zoom Meeting: https://zoom.us/j/93700098434?pwd=RDFhZzJvUG1uMUFDxRdXhwZXZXQT09
Join by Phone:
(669) 900-6833
Meeting ID: 937 0009 8434
Passcode: 604273

Disability Advisory Commission (DAC) Transportation Subcommittee

Wednesday, April 28, 2021  2:00 – 3:30 p.m.
Join Zoom Meeting: https://zoom.us/s/97661554309
Passcode: DAC2021

Join by Phone:
(669) 900 9128
Meeting ID: 976 6155 4309
Passcode: 7729506
QUESTIONS?