



ADA

SELF-EVALUATION and TRANSITION PLAN

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In association with:

 **ACCESSOLOGY**

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Abbreviations

ADA – Americans with Disabilities Act

CFR – Code of Federal Regulations

CIP – Capital Improvement Program

DOJ – United States Department of Justice

EITA – Electronic and Information Technology Accessibility

FHWA – Federal Highway Administration

MUTCD – Manual on Uniform Traffic Control Devices

PROWAG – Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way

PSA – Programs, Services, and Activities

WAVE – Web Accessibility Evaluation Tool



1.0 Introduction

1.1 Legislative Mandate

The Americans with Disabilities Act (ADA) is a civil rights law that mandates equal opportunity for individuals with disabilities. The ADA prohibits discrimination in access to jobs, public accommodations, government services, public transportation, and telecommunications. Title II of the ADA also requires that all programs, services, and activities (PSAs) of public entities provide equal access for individuals with disabilities.

The City of Germantown has undertaken a comprehensive evaluation of its PSAs to determine the extent that individuals with disabilities may be restricted in their access.

1.2 ADA Self-Evaluation and Transition Plan Development Requirements and Process

The City of Germantown is obligated to observe all requirements of Title I in its employment practices; Title II in its policies, programs, and services; any parts of Titles IV and V that apply to the City and its programs, services, or facilities; and all requirements specified in the 2010 ADA Standards and 2011 Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG) that apply to facilities and other physical holdings.

Title II has the broadest impact on the City. Included in Title II are administrative requirements for all government entities employing more than 50 people. These administrative requirements are:

- Completion of a Self-Evaluation;
- Development of an ADA complaint procedure;
- Designation of at least one (1) person who is responsible for overseeing Title II compliance; and
- Development of a Transition Plan to schedule the removal of the barriers uncovered by the Self-Evaluation process. The Transition Plan will become a working document until all barriers have been addressed.

This document describes the process developed to complete the evaluation of the City of Germantown's PSAs and facilities, provides possible solutions to remove programmatic barriers, and presents a Transition Plan for the modification of facilities and public rights-of way to improve accessibility, which will guide the planning and implementation of necessary program and facility modifications over the next 25 years. The ADA Self-Evaluation and Transition Plan is significant in that it establishes the City's ongoing commitment to the development and maintenance of PSAs and facilities that accommodate all its citizenry.

1.3 Discrimination and Accessibility

Program accessibility means that, when viewed in its entirety, each program is readily accessible to and usable by individuals with disabilities. Program accessibility is necessary not only for individuals with mobility needs, but also to individuals with sensory and cognitive disabilities.

Accessibility applies to all aspects of a program or service, including but not limited to physical access, advertisement, orientation, eligibility, participation, testing or evaluation, provision of auxiliary aids, transportation, policies, and communication.



The following are examples of elements that should be evaluated for barriers to accessibility:

1.3.1 Physical Barriers

- Parking
- Path of travel to, throughout, and between buildings and amenities
- Doors
- Service counters
- Restrooms
- Drinking fountains
- Public telephones
- Path of travel along sidewalk corridors within the public rights-of-way
- Access to pedestrian equipment at signalized intersections

1.3.2 Programmatic Barriers

- Building signage
- Customer communication and interaction
- Non-compliant sidewalks or curb ramps
- Emergency notifications, alarms, and visible signals
- Participation opportunities for City sponsored events

1.3.3 Ongoing Accessibility Improvements

City PSAs and facilities evaluated during the Self-Evaluation will continue to be evaluated on an ongoing basis, and the ADA Transition Plan will be revised to account for changes that have been or will be completed since the initial Self-Evaluation. This Plan will be posted on the City's website for review and consideration by the public.

1.3.4 City of Germantown Approach

The purpose of the Transition Plan is to provide the framework for achieving equal access to the City of Germantown's PSAs within a reasonable timeframe. The City's elected officials and staff believe that accommodating persons with disabilities is essential to good customer service, ensures the quality of life Germantown residents seek to enjoy, and guides future improvements. This Plan has been prepared after careful study of all the City's programs, services, activities, and evaluations of a select number of City facilities.

The City of Germantown should make reasonable modifications in PSAs when the modifications are necessary to avoid discrimination based on disability, unless the City can demonstrate that making the modifications will fundamentally alter the nature of the program, service, or activity. The City of Germantown will not place surcharges on individuals with disabilities to cover the cost involved in making PSAs accessible.



2.0 Public Outreach

2.1 Web Survey

The City also developed a web survey open to the public. The survey was designed to help the City locate areas of greatest concern to the public and help provide better access to the community. The survey can be accessed via the following link:

https://www.surveymonkey.com/r/Germantown_ADA

The web survey was posted on the City's web page. It will remain online through the end of November 2019 and serve as a tool to solicit feedback from the public on the Transition Plan.



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3.0 Self-Evaluation and Summary of Findings

The City of Germantown's ADA Transition Plan reflects the results of a comprehensive review of the PSAs provided to employees and the public. The review identifies programmatic barriers to individuals with disabilities interested in accessing the PSAs offered by the City.

3.1 Programs, Procedures, and Policies Review

Under the ADA, the City of Germantown is required to complete a Self-Evaluation of the City's facilities, programs, policies, and practices. The Self-Evaluation identifies and provides possible solutions to those policies and practices that are inconsistent with Title II requirements. To be compliant, the Self-Evaluation should consider all the City's PSAs, as well as the policies and practices the City uses to implement its various programs and services.

To comply with requirements of the plan, the City must take corrective measures to achieve program accessibility through several methods, including, but not limited to:

- (1) Relocation of programs to accessible facilities;
- (2) Modifications to existing programs so they are offered in an accessible manner;
- (3) Structural methods such as altering an existing facility;
- (4) Policy modifications to ensure nondiscrimination; and
- (5) Auxiliary aids provided to produce effective communication.

When choosing a method of providing program access, the City should attempt to give priority to the method that promotes inclusion among all users, including individuals with disabilities.

PSAs offered by the City to the public must be accessible. Accessibility applies to all aspects of a program, services, or activity, including advertisement, orientation, eligibility, participation, testing or evaluation, physical access, provision of auxiliary aids, transportation, policies, and communication.

However, the City does not have to take any action that will result in a fundamental alteration in the nature of a program or activity, create a hazardous condition for other people, or result in an undue financial and/or administrative burden. This determination can only be made by the ADA/504 Coordinator and/or an authorized designee of the City, such as the City Mayor or his designee, and must be accompanied by a written statement detailing the reasons for reaching the determination.

The determination of undue burden must be based on an evaluation of all resources available for use. If a barrier removal action is judged unduly burdensome, the City must consider all other options for providing access that will ensure that individuals with disabilities receive the benefits and services of the program or activity. This process must be fully documented.



3.1.1 ADA/504 Coordinator (Title I / Title II)

Under the ADA Title II, when a public entity has 50 or more employees based on an entity-wide employee total count, the entity is required to designate at least one (1) qualified responsible employee to coordinate compliance with ADA requirements. The name, office address, and telephone number of this individual must be available and advertised to employees and the public. This allows for someone to assist with questions and concerns regarding disability discrimination to be easily identified.

ADA/504 Coordinator: Self-Evaluation Findings

The City of Germantown has appointed Lisa Piefer as ADA/504 Coordinator for Title I and Title II.

Lisa A. Piefer, ADA/504 Coordinator
1930 S. Germantown Road
Germantown, TN 38138
Office: 901-757-7288
Tennessee Relay: 7-1-1
Lpiefer@Germantown-TN.gov

ADA/504 Coordinator: Possible Solutions

The City of Germantown recently appointed Lisa Piefer as the ADA/504 Coordinator for Title I and Title II. This information should be prominently displayed in common areas that are accessible to all employees and areas open to the public. Also, the ADA/504 Coordinator contact information must be included in all materials that are distributed from the City. This includes posting this information on the website.

3.1.2 ADA Grievance Policy, Procedure, and Form with Appeals Process for the ADA

Title I

Title I of the ADA prohibits private employers, state and local governments, employment agencies, and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment. The ADA covers employers with 15 or more employees based on an entity-wide employee total count, including state and local governments.

The purpose of the ADA grievance procedure is to provide a mechanism for the resolution of discrimination issues at the City level, rather than require the complainant to resort to resolution at the federal level.

ADA Grievance Policy, Procedure, and Form with Appeals Process for the ADA (Title I): Self-Evaluation Findings

- The appeals process states that individuals can file an appeal to the City Administrator or his designee, but it does not provide contact information for the City Administrator or designee. In addition, the policy and procedure states that a complainant will be provided an opportunity to meet with the access review board to resolve the complaint within five working days of the receipt of the complainant's written notice of appeal. However, it is not clear if the City Administrator is part of the access review board.



ADA Grievance Policy, Procedure, and Form with Appeals Process for the ADA (Title I): Possible Solutions

- The City should add contact information for the City Administrator or designee.

Title II

Local governments with 50 or more employees are required to adopt and publish procedures for resolving grievances in a prompt and fair manner that may arise under Title II of the ADA.

ADA Grievance Policy, Procedure, and Form with Appeals Process for the ADA (Title II): Self-Evaluation Findings

- Title II grievance policy states that the City's Personnel Policy governs employment-related complaints of disability discrimination. A copy of the City's Personnel Policy has been requested for review.
- City of Germantown Grievance Procedure:
 - 60 days to file grievance after alleged violation
 - Within 15 days of receipt, meet with the City Administrator or her designee
 - Within 15 days of meeting, case decision will be rendered by the City Administrator (within 30 days if special circumstances exist)
 - Within 15 days of receipt of case decision, the complainant may appeal the decision to the City Administrator
 - Within 5 days of receipt of appeal, meet with ADA Access Review Board
 - Within 15 days of meeting with ADA Access Review Board, written decision rendered
- ADA Access Review Board includes:
 - ADA Coordinator Lisa Piefer
 - Alderman Liason
 - Resident Liason
- Policy lists title as ADA Coordinator instead of ADA/504 Coordinator
- City of Germantown ADA Grievance Notification Form:
 - Does not specify whether the form is for Title I or Title II or both
 - ADA Coordinator is the City Administrator Staff Designee
 - Does not provide an option for the grievant to suggest a solution to the complaint

Grievance Policy, Procedure, and Form with Appeals Process for the ADA (Title II): Possible Solutions

- No action required

Public Notice Under the ADA: Self-Evaluation Findings

- The ADA Notice is in accordance with the U.S. Department of Justice recommendations.

Public Notice Under the ADA: Possible Solutions

- No action required.



3.1.4 ADA Liaison Committee

The ADA Liaison Committee is comprised of representatives from each City department. These individuals work closely with the ADA/504 Coordinator to resolve issues regarding the needs of their department and the programs under their management. The ADA/504 Coordinator works closely with the ADA Liaison Committee to coordinate the implementation of plans, programs, policies, and procedures.

ADA Liaison Committee: Self-Evaluation Findings

- The City has not established an ADA Liaison Committee.

ADA Liaison Committee: Possible Solutions

- The City should establish an ADA Liaison Committee. This Committee should be comprised of a representative from each City department. These representatives are tasked with serving as the ADA contact for their department and will consult with the ADA/504 Coordinator regarding all ADA issues impacting their department. Each representative is responsible for keeping a detailed log for all ADA inquiries within their department. This log shall be shared with the ADA/504 Coordinator and shall be retained for at least three (3) years.
- The ADA Liaison Committee information should be publicized in common areas that are accessible to employees and areas open to the public. This may include posting this information on the City website.

3.2 Design Standard Review

The City of Germantown Transportation Plan, Standard Construction Details, and Traffic Specifications were reviewed for compliance with the 2010 Standards for Accessible Design and 2011 PROWAG.

Design Standard Review: Self-Evaluation Findings

Common findings include:

- Slopes are shown as ratios, which is inconsistent with PROWAG.
- Minimum sidewalk width is not specified.

A complete list of findings is provided in **Appendix C**.

Design Standard Review: Possible Solutions

Possible solutions include:

- Use design slope percentages per PROWAG.
- Add note: "VARIES; 48" MIN."

A complete list of possible solutions is provided in **Appendix C**.



3.3 Facilities Review

3.3.1 Buildings

One (1) building within the City of Germantown was evaluated. The building included in the evaluation is listed in **Table 1** and shown on the map in **Appendix D**.

Table 1. Summary of Buildings Reviewed

Buildings	
1. Germantown City Hall	1930 S Germantown Rd

Buildings: Self-Evaluation Findings

Areas that were evaluated for each building included parking lots, path of travel from the parking lot to the building, access into the building, signage, drinking fountains, telephones, bathrooms, and counter heights. A complete list of issues is provided in the building facility reports (see **Appendix E**). Common issues identified included:

- Non-compliant accessible parking
- Non-compliant exterior accessible route
- Non-compliant public access areas
- Non-complaint restrooms

Buildings: Possible Solutions

A complete list of possible solutions is provided in the building facility reports (see **Appendix E**).

3.3.2 Signalized Intersections

Forty (40) signalized intersections within the City of Germantown were evaluated. Signalized intersection evaluations cataloged the conditions and measurements along the pedestrian path of travel, which includes street crossings, curb ramps, sidewalk adjacent to the curb ramps, and pedestrian signal equipment and adjacent clear spaces.

All signalized intersections included in the evaluation are listed on a map included in **Appendix D**.

Signalized Intersections: Self-Evaluation Findings

Common curb ramp issues included excessive landing running slopes and cross slopes, excessive flare cross slopes, ponding at the base of the curb ramps or in curb ramp landings or flares, and excessive curb ramp running slopes and cross slopes. **Table 2** provides a summary of the curb ramp issues at signalized intersections.

About 13% percent of pedestrian crossings at signalized intersections did not have pedestrian signal heads or pedestrian push buttons. Pedestrian push buttons and signal heads were recommended to be installed at all signalized intersection pedestrian crossings where they did not exist. Common issues associated with the existing pedestrian push buttons included non-existent or inaccessible push button clear spaces, excessive push button clear cross slopes, push buttons installed at locations inconsistent with the current *Manual on Uniform Traffic Control Devices (MUTCD)* guidance, and push button diameter. **Table 3** provides a summary of the push button issues.



Signalized Intersections: Possible Solutions

A complete list of possible solutions can be found in the signalized intersection reports provided in **Appendix E**.

Table 2. Summary of Curb Ramp Issues at Signalized Intersections

Curb Ramp Element	Number Evaluated	Number Compliant	Percent Compliant
Curb ramp does not have traversable sides	47	44	93.62%
Curbed sides at 90°	47	43	91.49%
Curb ramp present where curb ramp is needed	202	182	90.10%
Curb ramp lands in crosswalk	107	93	86.92%
48" crosswalk extension exists	182	153	84.07%
Curb ramp turning space (landing) cross slope ≤ 2%	134	102	76.12%
Curb ramp width ≥ 48"	179	134	74.86%
Curb ramp turning space (landing) exists	182	135	74.18%
Flush transition to roadway exists	182	129	70.88%
Presence of detectable warning surface	182	125	68.68%
Detectable warning surface color contrasts with adjacent curb ramp surface	182	114	62.64%
Curb ramp turning space (landing) running slope ≤ 2%	134	83	61.94%
Curb ramp counter slope ≤ 5%	182	102	56.04%
Curb ramp running slope ≤ 8.3%	182	100	54.95%
Curb ramp cross slope ≤ 2%	182	95	52.20%
No ponding in curb ramp, turning space (landing), or flares	182	87	47.80%
Flare cross slope ≤ 10%	135	64	47.41%
No obstruction in curb ramp, turning space (landing), or flares	182	39	21.43%



Table 3. Summary of Push Button Issues

Push Button Element	Number Evaluated	Number Compliant	Percent Compliant
Push button height ≤ 48"	254	229	90.16%
Push button exists where push button is needed	290	254	87.59%
Pedestrian head exists where pedestrian head is needed	290	253	87.24%
Push button offset from crosswalk ≤ 5'	243	206	84.77%
Push button offset from curb ≤ 10'	254	198	77.95%
Push button orientation is parallel to crossing direction	254	166	65.35%
Clear space running slope ≤ 2%	179	113	63.13%
Clear space exists and can be accessed	254	146	57.48%
Clear space cross slope ≤ 2%	179	102	56.98%
Push button diameter is 2"	254	134	52.76%

3.3.5 Sidewalk Corridors

The sidewalk corridor evaluations documented conditions and measurements along the pedestrian path of travel, which includes the sidewalk, railroad crossings, curb ramps, pedestrian crossings at driveway openings, and pedestrian crossings at unsignalized intersections with cross streets. Approximately 47 miles of sidewalk, including path of travel across intersection, were evaluated. The included sidewalk corridors were selected due to their high level of pedestrian activity as well as their proximity to pedestrian traffic generators. A map of the evaluated sidewalk corridors is provided in **Appendix D**.

Sidewalk Corridors: Self-Evaluation Findings

Common issues along the sidewalk corridors were sinking or heaving, cracking, ponding, obstructions, and excessive cross slopes. Where excessive vegetation was present, field crews attempted to assess the condition of the underlying sidewalk. Where possible, the condition of the underlying sidewalk was recorded; however, the City of Germantown may find additional issues with the sidewalk once the temporary obstruction is removed.

Common curb ramp issues at unsignalized intersections along the sidewalk corridors included curb ramps having excessive landing running slopes and cross slopes, no presence of color contrast or texture contrast, excessive running slopes and cross slopes, and excessive flare cross slopes. A summary of the unsignalized intersection curb ramp issues is provided in **Table 4**. Non-compliant curb ramps, sidewalk, and pedestrian paths of travel along driveways and street crossings at unsignalized interactions were recommended to be removed and replaced.

The ADA of 1990, Section 35.150, Existing Facilities, requires that the Transition Plan include a schedule for providing curb ramps or other sloped area at existing pedestrian walkways, which applies to all facilities constructed prior to 1992. For any sidewalk installations constructed from 1992 to March 15, 2012, the curb ramps should have been installed as part of the sidewalk construction project per the 1991 Standards for Accessible Design, Section 4.7



Curb Ramp, which states, “curb ramps complying with 4.7 shall be provided wherever an accessible route crosses a curb.” For sidewalk installations constructed on or after March 15, 2012, similar guidance is provided in the 2010 Standards for Accessible Design, Section 35.151 of 28 Code of Federal Regulations (CFR) Part 35, New Construction and Alterations, which states, “newly constructed or altered street level pedestrian walkways must contain curb ramps or other sloped area at any intersection having curb or other sloped area at intersections to streets, roads, or highways.”

Sidewalk Corridors: Possible Solutions

To meet the federal requirements for curb ramp installations, the following recommendations were made:

- Where sidewalk leads up to the curb at an intersection, both parallel and perpendicular to the project corridor, two (2) directional curb ramps were recommended to be installed where geometry permitted. PROWAG requires two (2) directional curb ramps be installed during modifications unless there are existing physical constraints.
- Where sidewalk parallel to the project corridor leads up to the curb at a driveway, directional curbs ramps were recommended to be installed to serve the driveway crossing.
- Where diagonal curb ramps were installed with the intent to serve a side-street crossing only, receiving curb ramps are still required to be installed on the opposite side of the major street. However, an engineering study should be performed prior to the installation of the receiving curb ramps to determine if the major street crossing is safe to accommodate. If the engineering study determines the major street crossing is unsafe to accommodate, the existing diagonal curb ramps should be removed and replaced with directional curb ramps in addition to the other requirements noted in **Section 3.5 Federal Highway Administration (FHWA) Guidance on Closing Pedestrian Crossings**.

The following engineering judgement or best practices recommendations were made in order to maximize pedestrian safety. It should be noted that these improvements are advised but not required per federal standards.

- For all existing or implied pedestrian street crossings at unsignalized intersections where striping is not present, striping is recommended to be installed. The 2009 MUTCD states that on approaches controlled by STOP or YIELD signs, crosswalk lines should be installed where engineering judgement indicates they are needed to direct pedestrians to the proper crossing path(s). Additionally, in conjunction with signs and other measures, crosswalk markings help to alert road users of a designated pedestrian crossing point across roadways at locations that are not controlled by traffic control signals or STOP or YIELD signs.
- For pedestrian crossings across commercial driveways, detectable warning surfaces are recommended to be installed on curb ramps or sidewalk approaches on either side of the driveway. PROWAG states that detectable warning surfaces should not be provided at crossings of residential driveways since the pedestrian right-of-way continues across residential driveway aprons. However, where commercial driveways are provided with yield or stop control, detectable warning surfaces should be provided at the junction between the pedestrian route and the vehicular route.

A complete list of possible solutions can be found in the sidewalk and unsignalized intersection facility reports provided in **Appendix E**.



Table 4. Summary of Curb Ramp Issues at Unsignalized Intersections

Curb Ramp Element	Number Evaluated	Number Compliant	Percent Compliant
Curb ramp turning space (landing) width ≤ 48"	457	444	97.16%
Flare cross slope ≤ 10%	464	371	79.96%
Curb ramp turning space (landing) exists	606	457	75.41%
Curb ramp present where curb ramp is needed	1,125	633	56.27%
Curb ramp turning space (landing) cross slope ≤ 2%	457	237	51.86%
Presence of detectable warning surface	606	259	42.74%
Curb ramp turning space (landing) running slope ≤ 2%	457	192	42.01%
Curb ramp cross slope ≤ 2%	606	246	40.59%
Curb ramp running slope ≤ 8.3%	606	233	38.45%

3.4 Maintenance Versus Alterations

The United States Department of Justice (DOJ) has issued a briefing memorandum on clarification of maintenance versus projects. Information contained in the briefing memorandum is below. We recommend this clarification with regard to when curb ramp installation is required as part of a project be distributed to the appropriate City of Germantown staff.

The Americans with Disabilities Act of 1990 (ADA) is a civil rights statute prohibiting discrimination against persons with disabilities in all aspects of life, including transportation, based on regulations promulgated by the United States Department of Justice (DOJ). DOJ's regulations require accessible planning, design, and construction to integrate people with disabilities into mainstream society. Further, these laws require that public entities responsible for operating and maintaining the public rights-of-way do not discriminate in their programs and activities against persons with disabilities. FHWA's ADA program implements the DOJ regulations through delegated authority to ensure that pedestrians with disabilities have the opportunity to use the transportation system's pedestrian facilities in an accessible and safe manner.

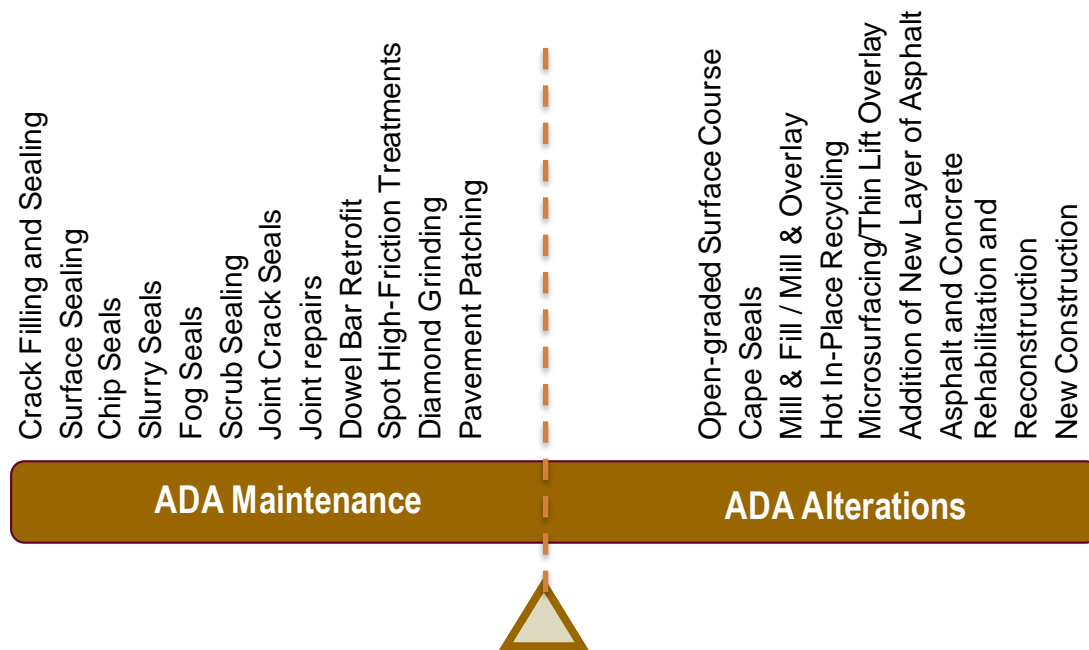
FHWA and DOJ met in March 2012 and March 2013 to clarify guidance on the ADA's requirements for constructing curb ramps on resurfacing projects. Projects deemed to be alterations must include curb ramps within the scope of the project.

This clarification provides a single Federal policy that identifies specific asphalt and concrete-pavement repair treatments that are considered to be alterations – requiring installation of curb ramps within the scope of the project – and those that are considered to be maintenance, which do not require curb ramps at the time of the improvement. Figure 1 provides a summary of the types of projects that fall within maintenance versus alterations.

This approach clearly identifies the types of structural treatments that both DOJ and FHWA agree require curb ramps (when there is a pedestrian walkway with a prepared surface for pedestrian use and a curb, elevation, or other barrier between the street and the walkway) and furthers the goal of the ADA to provide increased accessibility to the public right-of-way for persons with disabilities. This single Federal policy will provide for increased consistency and improved enforcement.



Figure 1. Maintenance versus Alteration Projects



Source: DOJ Briefing Memorandum on Maintenance versus Alteration Projects

3.5 FHWA Guidance on Closing Pedestrian Crossings

An alteration that decreases or has the effect of decreasing the accessibility of a facility below the requirements for new construction at the time of the alteration is prohibited. For example, the removal of an existing curb ramp or sidewalk (without equivalent replacement) is prohibited. However, the FHWA has indicated a crossing may be closed if an engineering study (performed by the City and not included in the scope of this Transition Plan) determines the crossing is not safe for any user. The crossing should be closed by doing the following:

- A physical barrier is required to close a crossing at an intersection. FHWA has determined that a strip of grass between the sidewalk and the curb is acceptable as a physical barrier.
- A sign should be used to communicate the closure.

The agency wishing to close certain intersection crossings should have a reasonable and consistent policy on when to do so written in their Transition Plan or as a standalone document. If safety concerns are established by an engineering study, a pedestrian crossing should not be accommodated for any user. The City of Germantown should also develop and implement a policy on how to close those crossings that are accommodated based on the existing conditions at the crossing location (e.g., existing sidewalk leading up to the curb in the direction of the crossing or existing curb ramp or crosswalk serving the crossing) but should not be due to safety concerns.

3.6 Prioritization

The following sections outline the prioritization factors and results of the prioritization for buildings, signalized intersections, sidewalks, and unsignalized intersections. Each facility type has a different set of parameters to establish the prioritization for improvements. These prioritization factors were taken into consideration when developing the implementation plan for the proposed improvements.



3.6.1 Prioritization Factors for Facilities

Buildings were prioritized on a 12-point scale, which is defined in **Table 5**. This prioritization methodology was developed by the Consultant Team to aid the City in determining how the buildings should be prioritized for improvements based on the severity of non-compliance with ADA.

Signalized intersections were prioritized on a 13-point scale, which is defined in **Table 6**. This prioritization methodology was developed by the Consultant Team to aid the City in determining which signalized intersections should be prioritized for improvements over other signalized intersections based on the severity of non-compliance with ADA.

Sidewalk corridors and curb ramps were prioritized on a 3-point scale and were given a priority of either High/Severe, Medium/Moderate, or Low/Slight based on the severity of non-compliance, which is defined in **Table 7**. After the identification of priorities for individual sidewalk segments, a sidewalk condition index is used to represent the overall condition of the sidewalk corridor based on the frequency and severity of issues. The sidewalk condition index is broken into subcategories as shown in **Table 8**.

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Table 5. Prioritization Factors for Buildings

Priority	Criteria
1 (high)	Complaint known or imminent danger present
2 (high)	<ul style="list-style-type: none"> Element is more than twice the allowable requirement. No known complaint AND (for exterior conditions) location is near a hospital, school, transit stop, government building, or other pedestrian attractor.
3 (high)	<ul style="list-style-type: none"> Element is more than twice the allowable requirement. No known complaint AND (for exterior conditions) location is not near a hospital, school, transit stop, government building, or other pedestrian attractor.
4 (high)	Issues with parking or exterior conditions (DOJ level 1) – moderately out of compliance
5 (medium)	Issues with access to goods and services (DOJ level 2) – severely out of compliance
6 (medium)	Issues with: <ul style="list-style-type: none"> Access to goods and services (DOJ level 2) – moderately out of compliance; Parking or exterior conditions (DOJ level 1) – minimally out of compliance; OR Restrooms (DOJ level 3) – severely out of compliance
7 (medium)	Issues with: <ul style="list-style-type: none"> Access to goods and services (DOJ level 2) – minimally out of compliance; Restrooms (DOJ level 3) – moderately out of compliance; OR Drinking fountains or public phones (DOJ level 4 & 5) – severely out of compliance
8 (medium)	Issues with drinking fountains or public phones (DOJ level 4 & 5) - moderately out of compliance
9 (low)	Issues with restrooms (DOJ level 3) – minimally out of compliance
10 (low)	Issues with drinking fountains or public phones (DOJ level 4 & 5) - minimally out of compliance
11 (low)	<ul style="list-style-type: none"> Client is a Title II agency; AND Elements out of compliance, but may be able to be handled programmatically or do not need to be handled unless or until the agency hires a person with a disability
12 (low)	Element is fully compliant with an older standard (safe-harbored), but will need to be brought into compliance with current standards if altered



Table 6. Prioritization Factors for Signalized Intersections

Priority	Criteria
1 (high)	Complaint filed on curb ramp or intersection or known accident/injury at site
2 (high)	Existing curb ramp with any of the following conditions: <ul style="list-style-type: none"> • Running slope > 12% • Cross slope > 7% • Obstruction to or in the curb ramp or landing • Level change > ¼ inch at the bottom of the curb ramp • No detectable warnings AND within a couple of blocks of a hospital, retirement facility, medical facility, parking garage, major employer, disability service provider, event facility, bus/transit stop, school, government facility, public facility, park, library, or church, based on field observations.
3 (high)	<ul style="list-style-type: none"> • No curb ramp where sidewalk or pedestrian path exists AND within a couple of blocks of a hospital, retirement facility, medical facility, parking garage, major employer, disability service provider, event facility, bus/transit stop, school, government facility, public facility, park, library, or church, based on field observations.
4 (high)	No curb ramps, but striped crosswalk exists
5 (medium)	Existing curb ramp with any of the following conditions: <ul style="list-style-type: none"> • Running slope > 12% • Cross slope > 7% • Obstruction to or in the curb ramp or landing • Level change > ¼ inch at the bottom of the curb ramp • No detectable warnings AND NOT within a couple of blocks of a hospital, retirement facility, medical facility, parking garage, major employer, disability service provider, event facility, bus/transit stop, school, government facility, public facility, park, library, or church, based on field observations.
6 (medium)	<ul style="list-style-type: none"> • No curb ramp where sidewalk or pedestrian path exists AND NOT within a couple of blocks of a hospital, retirement facility, medical facility, parking garage, major employer, disability service provider, event facility, bus/transit stop, school, government facility, public facility, park, library, or church, based on field observations.
7 (medium)	Existing diagonal curb ramp (serving both crossing directions on the corner) is non-compliant and should be replaced with two curb ramps, one serving each crossing direction on the corner.
8 (medium)	Existing curb ramp with any of the following conditions: <ul style="list-style-type: none"> • Cross slope > 5% • Width < 36 inches • Median/island crossings that are inaccessible
9 (low)	Existing curb ramp with either running slope between 8.3% and 11.9% or insufficient turning space
10 (low)	Existing diagonal curb ramp without a 48-inch extension into the crosswalk
11 (low)	Existing pedestrian push button is not accessible from the sidewalk and/or curb ramp
12 (low)	Existing curb ramp with returned curbs where pedestrian travel across the curb is not protected
13 (low)	All other intersections not prioritized above



Table 7. Prioritization Factors for Sidewalk Corridors and Curb Ramps

Criteria	Priority		
	1 (Severe)	2 (Moderate)	3 (Slight)
Heave	Sidewalk/ramp or multiple slabs have uplifted over a short length	> 5" over 5' (> 8%)	2.5" to 5" over 5' (4% to 8%)
Sag	Sidewalk/ramp or multiple slabs have settled over a short length	> 5" over 5' (> 8%) Will pond up to 2.5"	2.5" to 5" over 5' (4% to 8%) May pond up to 5"
Tilt	Sidewalk/ramp or multiple slabs have tilted over a short length	> 4% (> 1" over 2')	2% to 4% (1/2" to 1" over 2')
Shattered Slab	Slab/walk/ramp have two or more cracks and may be associated with settlement	Cracks > 1", noticeable settlement	Cracks 1/4" to 1", slight settlement
Transverse Crack	A crack across the width of a slab/walk/ramp	Cracks > 1", noticeable displacement	Cracks 1/4" to 1", slight displacement
Longitudinal Crack	A crack along the length of a slab/walk/ramp	Cracks > 1", noticeable displacement	Cracks 1/4" to 1", slight displacement
Fault	Vertical displacement at a joint or crack (either up or down)	> 1"	1/2" to 1"
Texture	Loss of fines, crazing, pop outs or scaling of the sidewalk/ramp surface	The surface texture is rough - aggregate exposed almost like gravel, small wheels stop rolling	Surface has lost its fines, aggregate exposed, small wheels will jam while rolling
Corner Break	The corner of a slab/ramp (greater than a 6 square inch area) has broken off or edge of walk has become ragged	Cracks > 1", noticeable settlement, edge is jagged and failed	Cracks 1/4" to 1", slight settlement, edge noticeably deteriorated
Joint Damage	The joints have opened up or loss of joint sealant	Joint is opened > 2" and weeded	Joint is opened 1" to 2" and weeded
Patching	The sidewalk/ramp has been patched or cut and patched	Patch has dropped or heaved, failed, very rough and will trap small wheels	Patch is starting to fail, rough or made from dissimilar material
Slope	The sidewalk/ramp has excessive slope	> 12.5% slope 3" in 2'	8.33% to 12.5% 2" to 3" in 2'



Table 8. Condition Index Rating for Sidewalk Corridors and Unsignalized Intersection Curb Ramps

Condition Rating	Condition Index Range
Excellent	$90 \leq \text{Condition Index} \leq 100$
Very Good	$80 \leq \text{Condition Index} < 90$
Good	$70 \leq \text{Condition Index} < 80$
Fair	$60 \leq \text{Condition Index} < 70$
Marginal	$40 \leq \text{Condition Index} < 60$
Poor	$20 \leq \text{Condition Index} < 40$
Very Poor	$0 \leq \text{Condition Index} < 20$

Table 9, Table 10, and Table 11 provide summaries of the prioritization classifications for signalized intersections, sidewalks, and unsignalized intersections, respectively.

Table 9. Prioritization Summary for Signalized Intersections

Priority	Number of Intersections
0 (compliant)	0
1 (high)	0
2 (high)	17
3 (high)	0
4 (high)	0
5 (medium)	23
6 (medium)	0
7 (medium)	0
8 (medium)	0
9 (low)	0
10 (low)	0
11 (low)	0
12 (low)	0
13 (low)	0
Total	40



Table 10. Prioritization Summary for Sidewalk Corridors

Priority	Number of Intersections
Excellent (Low)	6.9
Very Good (Low)	7.6
Good (Low)	16.7
Fair (Medium)	9.9
Marginal (Medium)	4.8
Poor (High)	1.1
Very Poor (High)	0
No Sidewalk	0
Total	47

Table 11. Prioritization Summary for Unsignalized Intersections

Priority	Number of Intersections
Excellent (Low)	4
Very Good (Low)	85
Good (Low)	332
Fair (Medium)	1
Marginal (Medium)	141
Poor (High)	37
Very Poor (High)	6
Missing Ramp where Ramp Needed (High)	492
Total	1,098



3.7 Conclusion

This document serves as the ADA Transition Plan for the City of Germantown. In developing the Transition Plan, PSAs were reviewed for compliance with ADA guidelines and a Self-Evaluation was conducted on the following facilities:

- 1 building
- 40 signalized intersections;
- 47 miles of sidewalk, including path of travel across intersections and all unsignalized intersections and driveways along the sidewalk corridors

The possible solutions were prioritized and an implementation plan was developed to provide guidance for the City's improvement projects in the coming years. Public outreach was also conducted to aid in the development of the plan.

The City is taking the actions referenced below and will continue to look for and remedy, barriers to access to ensure that Germantown citizens who are disabled are given access to the City's PSAs.

To confirm follow-up on corrective actions required under the Transition Plan, the City will institute an ADA Action Log, documenting its efforts at compliance with the ADA. At a minimum, the Action Log will identify items that are not ADA compliant and will include anticipated completion dates. After the adoption of the Transition Plan by the governing body of the City, the ADA Action Log will be updated on an annual basis. The ADA Action Log should be available upon request. See example of ADA Action Log provided in **Appendix F**.



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4.0 Facility Costs

4.1 Facilities Cost Projection Overview

To identify funding sources and develop a reasonable implementation schedule, cost projection summaries for only the facilities evaluated were developed for each facility type. To develop these summaries, recent bid tabulations from the Tennessee Department of Transportation (TDOT) construction projects, along with Consultant Team experience with similar types of projects, were the basis for the unit prices used to calculate the improvement costs. A contingency percentage (20%) was added to the subtotal to account for increases in unit prices in the future in addition to an engineering design percentage (15%). All costs are in 2019 dollars. **Table 12** provides a summary of the estimated costs to bring each facility into compliance.

Table 12. Summary of Facility Costs

Facility Type	Priority			Total
	High	Medium	Low	
Buildings	\$114,075	\$227,475	\$24,874	\$366,424
Signalized Intersections	\$1,420,000	\$1,764,400	\$0	\$3,184,400
Public Rights-of-Way Sidewalk	\$90,420	\$786,300	\$829,530	\$1,706,250
Public Rights-of-Way Unsignalized Intersections Curb Ramps	\$1,631,725	\$483,175	\$1,346,900	\$3,461,800
Public Rights-of-Way Unsignalized Intersection Pedestrian Street Crossings	\$0	\$1,448,826	\$864,074	\$2,312,900
City Totals	\$3,256,220	\$4,710,176	\$3,065,378	\$11,031,774

4.2 Implementation Schedule

Table 13 details the barrier removal costs and proposed implementation schedule by facility type for all City -owned facilities evaluated. This 25-year plan will serve as the implementation schedule for the Transition Plan. The City of Germantown reserves the right to change the barrier removal priorities on an ongoing basis to allow flexibility in accommodating community requests, petitions for reasonable modifications from persons with disabilities, and changes in City programs.

It is the intent of the City to have its ADA Coordinator work together with department heads and budget staff to determine the funding sources for barrier removal projects. Once funding is identified, the ADA Coordinator will coordinate the placement of the projects in the Capital Improvement Program (CIP) to be addressed on a fiscal year basis.



Table 13. Implementation Schedule

Facility Type	Estimated Cost	Implementation Schedule (years)	Approximate Annual Budget
Buildings	\$366,424	25	\$14,657
Signalized Intersections	\$3,184,400	25	\$127,376
Public Rights-of-Way Sidewalk	\$1,706,250	25	\$68,250
Public Rights-of-Way Unsignalized Intersections Curb Ramps	\$3,461,800	25	\$138,472
Public Rights-of-Way Unsignalized Intersections Pedestrian Street Crossings	\$2,312,900	25	\$92,516
City Total	\$11,031,774		
Total Annual Budget			\$441,271

4.3 Funding Opportunities

Several alternative funding sources are available to the City to complete the improvements in this Transition Plan. The funding opportunities include applying for resources at the federal and state level, consideration of local options, and leveraging private resources. The following sections detail some different funding source options.

4.3.1 Federal and State Funding

Table 14 depicts the various types of federal and state funding available for the City to apply for funding for various improvements. The following agencies and funding options are represented in the chart.

- BUILD – Better Utilizing Investments to Leverage Development Transportation Discretionary Grants
- INFRA – Infrastructure for Rebuilding America Discretionary Grant Program
- TIFIA – Transportation Infrastructure Finance and Innovation Act (loans)
- FTA – Federal Transit Administration Capital Funds
- ATI – Associated Transit Improvement (1% set-aside of FTA)
- CMAQ – Congestion Mitigation and Air Quality Improvement Program
- HSIP – Highway Safety Improvement Program
- NHPP – National Highway Performance Program
- STBG – Surface Transportation Block Grant Program
- TA – Transportation Alternatives Set-Aside (formerly Transportation Alternatives Program)
- RTP – Recreational Trails Program
- SRTS – Safe Routes to School Program / Activities
- PLAN – Statewide Planning and Research (SPR) or Metropolitan Planning funds
- NHTSA 405 – National Priority Safety Programs (Nonmotorized safety)
- FLTTP – Federal Lands and Tribal Transportation Programs (Federal Lands Access Program, Federal Lands Transportation Program, Tribal Transportation Program, Nationally Significant Federal Lands and Tribal Projects)

Most of these programs are competitive type grants; therefore, the City of Germantown is not guaranteed to receive these funds. It will be important for the City to track these programs to apply for the funds. Federal-aid funding



programs have specific requirements that projects must meet, and eligibility must be determined on a case-by-case basis.

Table 14. Funding Opportunities

ACTIVITY	BUILD	INFRA	TIFIA	FTA	ATI	CMAQ	HSIP	NHPP	STBG	TA	RTP	SRTS	PLAN	NHTS	FLTP
Access enhancements to public transportation	X	X	X	X	X	X		X	X	X					X
ADA/504 Self-Evaluation / Transition Plan									X	X	X		X		X
Bus shelters and benches	X	X	X	X	X	X		X	X	X					X
Coordinator positions (state or local)						X			X	X		X			
Crosswalks (new or retrofit)	X	X	X	X	X	X	X	X	X	X	X	X			X
Curb cut and ramps	X	X	X	X	X	X	X	X	X	X	X	X			X
Paved shoulders for pedestrian use	X	X	X			X	X	X	X	X		X			X
Pedestrian plans				X					X	X		X	X		X
Recreational trails	X	X	X						X	X	X				X
Shared use paths / transportation trails	X	X	X	X	X	X	X	X	X	X	X	X			X
Sidewalk (new or retrofit)	X	X	X	X	X	X	X	X	X	X	X	X			X
Signs / signals / signal improvements	X	X	X	X	X	X	X	X	X	X		X			X
Signed pedestrian routes	X	X	X	X	X	X		X	X	X		X			X
Spot improvement programs	X	X	X	X			X	X	X	X	X	X			X
Stormwater impacts related to pedestrian projects	X	X	X	X	X		X	X	X	X	X	X			X
Trail bridges	X	X	X			X	X	X	X	X	X	X			X
Trail / highway intersections	X	X	X			X	X	X	X	X	X	X			X
Trailside and trailhead facilities	X	X	X						X	X	X				X
Training						X	X		X	X	X	X	X	X	
Tunnels / undercrossings for pedestrians	X	X	X	X	X	X	X	X	X	X	X	X			X

Adapted from FHWA Pedestrian and Bicycle Funding Opportunities, Revised August 9, 2018:
https://www.fhwa.dot.gov/environment/bicycle_pedestrian/funding/funding_opportunities.cfm



4.3.2 Local Funding

There are several local funding options for the City to consider, including:

- Community Development Block Grants (CDBG)
- Community Improvement District (CID) – A geographically defined district in which commercial property owners vote to impose a self-tax. Funds are then collected by the taxing authority and given to a board of directors elected by the property owners.
- General fund (sales tax and bond issue)
- Scheduled/funded CIP projects that are funded through bonds
- Sidewalk or Access Improvement Fee
- Special tax districts – A district with the power to provide some governmental or quasi-governmental service and to raise revenue by taxation, special assessment, or charges for services.
- Tax Allocation District (TAD) – A defined area where real estate property tax monies gathered above a certain threshold for a certain period of time (typically 25 years) is to be used for a specified improvement. The funds raised from a TAD are placed in a tax-free bond (finance) where the money can continue to grow. These improvements are typically for revitalization and especially to complete redevelopment efforts.
- Tax Increment Financing District (TIF) – A TIF allows cities to create special districts and to make public improvements within those districts that will generate private-sector development. During the development period, the tax base is frozen at the predevelopment level. Property taxes continue to be paid, but taxes derived from increases in assessed values (the tax increment) resulting from new development either go into a special fund created to retire bonds issued to originate the development, or leverage future growth in the district.
- Transportation Reinvestment Zone
- Transportation User Fee / Street Maintenance Fee

4.3.3 Private Funding

Private funding may include local and national foundations, endowments, private development, and private individuals. While obtaining private funding to provide improvements along entire corridors might be difficult, it is important for the City to require private developers to improve pedestrian facilities to current ADA requirements, whether it by new development or redevelopment of an existing property.

4.4 Next Steps

The City will begin internal coordination to address the programmatic barriers identified in the Transition Plan.

The City will develop a budget to include the next 25 fiscal years. Projects identified in the ADA Transition Plan will be programmed within the 25-year budget based prioritization provided (see **Section 3.6 Prioritization**) and other factors determined by the City, such as how barrier removal can be incorporated into existing City projects identified for capital improvements.

The City also intends to adopt 2011 PROWAG to enable City enforcement of these guidelines throughout the design and construction process of pedestrian facilities in the public rights-of-way.



Appendix

Appendix A: Public Outreach

ADA Advisory Committee Meeting Notes

ADA Public Access Survey Summary

Appendix B: Grievance Procedure

Title I Grievance Procedure

Title I Grievance Form

Title II Grievance Procedure

Title II Grievance Form

Appendix C: Design Standard Review

Appendix D: Facility Maps

Buildings

Public Rights-of-Way Sidewalk Corridors

Signalized Intersections

Appendix E: Facility Reports

Buildings

Signalized Intersections

Public Rights-of-Way Sidewalk Corridors

Appendix F: ADA Action Log