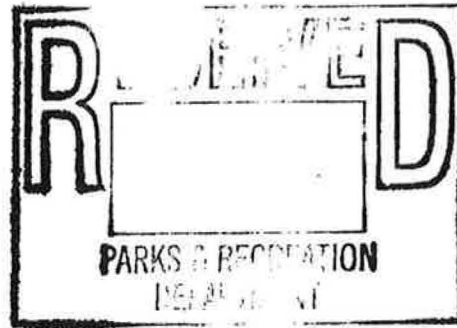




HILDA CANTÚ MONTÓY
City Attorney

March 14, 2003



MEMORANDUM

TO: Rebecca Klisch, City Clerk

RE: Americans with Disabilities Act (ADA) Amended Transition Plan

At the March 11, 2003, Council adopted the Amended Transition Plan For the Installation of Curb Ramps as required by the ADA. In doing so, Council amended one sentence in Section IV. The attached Amended Transition Plan reflects the revision made by Council. Please update your files with this document.

Respectfully submitted,

A handwritten signature in cursive script, reading "Hilda Cantú Montóy".

HILDA CANTÚ MONTÓY
City Attorney

attachment: Amended Transition Plan

c: Jim Betts, Esq.
Jerry Haynes, Interim Assistant Director-Parks/Deputy City Manager
Severo Esquivel, Interim Public Works Director/Assistant City Manager

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**AMENDED TRANSITION PLAN
OF THE
CITY OF FRESNO PUBLIC WORKS DEPARTMENT
FOR THE INSTALLATION OF CURB RAMPS**

I. INTRODUCTION

This Amended Transition Plan is intended to comply with the Americans with Disabilities Act of 1990 (ADA). A Transition Plan is required by the ADA because the City of Fresno employs more than 50 persons, and certain structural changes to curb returns located within the City are needed to facilitate accessibility. (28 C.F.R. § 35.150(d)(2).)

Prior to the adoption of this Amended Transition Plan, the City conducted public hearings, solicited public comments and provided the opportunity for interested persons, including the City's ADA Advisory Committee, to participate in the development of this Plan.

II. PHYSICAL OBSTACLES

In the years that immediately preceded the adoption of the ADA, the City required curb ramps to be installed as part of all new construction, and also retrofitted existing curb returns on a case by case basis to meet the needs of disabled citizens. However, historical construction practices did not include the installation of curb ramps.

Following the adoption of the ADA, the City conducted a Self-Assessment and determined that existing curb returns which did not include curb ramps constituted physical obstacles that potentially limited the accessibility of people with disabilities.

III. UNDUE BURDEN

In 1995, the City sought to determine the number of curb ramps which existed within the City which did not contain curb returns. The City utilized aerial photographs to sample the number of existing curb returns which did not contain curb ramps, and estimated that the City needed to install approximately 9,250 curb returns.

At the time the City implemented its original Transition Plan of the Public Works Department, the Director of Public Works determined that the total cost to construct the needed curb ramps was approximately \$9,435,000, and that the City did not have the financial resources available to immediately complete construction of all necessary curb ramps. In the years that followed, the City budgeted funds on an annual basis to construct the needed curb ramps. During that time period, the City attempted to maximize the construction of curb ramps in areas surrounding federal, state and municipal buildings and facilities, including assess routes from public transit stops, as well as areas serving public transit routes along major arterial streets. The City also relied upon its ADA Advisory Committee to recommend areas in which curb ramps should be installed.

The City has recently conducted an updated, physical inventory of all curb returns which require the installation of a curb ramp, and has determined that:

- (1) There are 15,134 curb returns in the City which require a curb ramp;
- (2) The City has installed 11,136 curb ramps in these locations; and
- (3) There are currently 3,998 curb returns within the City which require the installation of curb ramps.

At the present time, after considering all resources available for use in the funding of curb ramp construction, the Director of Public Works has determined that the immediate installation of all needed curb ramps would impose an undue financial burden on the City.

IV. SCHEDULE TO INSTALL CURB RAMPS

A. Curb Ramp Inventory

As referenced above, the City's physical inventory of all curb returns located within the City of Fresno confirmed that, as of December 31, 2002, there are 11,136 existing curb returns in which curb ramps have already been installed, and 3,998 curb returns which require the installation of curb ramps. The City will maintain and continue to update its physical inventory of curb returns, and will provide regular reports to the City's ADA Advisory Committee regarding progress made in the installation of curb ramps. The City will attempt to provide such updates on a quarterly basis.

B. Installation of Curb Ramps

During each year that this Amended Transition Plan remains in effect, the Public Works Department will continue to construct curb ramps at intersections where pedestrian walks cross curbs to the full extent of the City's annual budget for curb ramp construction. It is the City's intent that all curb ramps so constructed will comply with ADA standards.

Between 1995-2000, the City of Fresno budgeted approximately \$75,000 per year to construct wheelchair ramps at locations where they did not exist. At this funding rate, it was estimated that the City would require approximately 127 years to complete curb ramp installation. In order to expedite the construction of curb ramps, the City increased annual budgeting in fiscal year 2001 for the construction of curb ramps. At the same time, the City adopted a resolution requiring the installation of curb ramps as part of the repaving or resurfacing of City streets, a copy of which is attached as Exhibit A. Based on the current estimate of 4,200 corners in the City of Fresno requiring ramps to comply with the ADA, the City commits itself to a minimum installation of 600 ramps or cuts per year and thereby complete the construction of 4,200 curb cuts by 2010. The City cannot foresee all exigencies which may subsequently affect annual funding for installing curb ramps, which exigencies may impact the City's ability to complete ramp construction within this time frame.

Since its formation, the City's ADA Advisory Committee has provided recommendations prioritizing the installation of curb ramps. During each year that this Amended Transition Plan remains in effect, the City will continue to place substantial emphasis upon the advice of the ADA Advisory Committee for purposes of prioritizing the installation of curb ramps. However, it is the City's intention to follow the general guidelines set forth below for the installation of curb ramps:

- A. Priority Number 1 - to construct curb ramps serving federal, state and municipal buildings and facilities, including accessible routes to such buildings from Public Transit stops;
- B. Priority Number 2 - to construct curb ramps serving public transportation routes along major arterial streets;
- C. Priority Number 3 - to construct curb ramps in areas adjacent to City bus stops which are not along major arterial streets; and
- D. Priority Number 4 - all other curb ramps.

To the extent that current annual funding of curb ramp construction remains consistent, it is anticipated that the complete installation of curb ramps falling within the above referenced prioritization schedule will occur as follows:

Priority Number 1 - completed;

Priority Number 2 - completed;

Priority Number 3 - June 30, 2010; and

Priority Number 4 - June 30, 2010.

Reductions in available funding for the installation of curb ramps could substantially extend these time lines.

V. IMPLEMENTATION RESPONSIBILITY

The official responsible for implementation of this Amended Transition Plan is the Public Works Director of the City of Fresno.

Individuals who would like to request the construction of one or more curb ramps at locations where they do not exist should direct such requests to the Chairperson of the City of Fresno ADA Advisory Committee and/or the City's Public Works Department.

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