

WASHINGTON COUNTY MARYLAND

AMERICANS WITH DISABILITIES ACT

Self-Evaluation Survey of Pedestrian Facilities
Within County Public Rights of Way



September 2014

Executive Summary

Washington County, Maryland, performed a County-wide Self-Evaluation survey of pedestrian facilities within County-maintained public rights of way. The survey inventoried all existing sidewalks and curb ramps and identified pedestrian facilities that were not accessible according to the standards found in the "Americans with Disabilities Act (ADA) Standards for Transportation Facilities", adopted by the U.S. Department of Transportation in 2006, and field methodology developed by the Maryland State Highway Administration.

The Self-Evaluation identified the sidewalks, driveways, and curb ramps that did not comply with applicable standards. The results of this survey will be used to develop a Transition Plan update that will work towards addressing all non-compliant facilities identified during the Self-Evaluation survey. This survey will be updated annually to account for changes to the County transportation network, such as the addition or deletion of streets from the inventory due to new acceptance, transfer, or closure. The annual update will also include information regarding sidewalk and ramp repair projects and new construction completed since the last update.

This document will serve as a baseline for current pedestrian facility accessibility, and may be used to monitor the County's progress towards the goal of providing accessible pedestrian facilities within County rights of way.

This Self-Evaluation and subsequent Transition Plan will serve as an update to the County's previous plan titled, *The ADA Transition Plan and Self-Evaluation, Washington County's Strategy and Approach*, dated January 26, 1993 (included in the Appendix).

Washington County's last ADA policy review occurred in March of 2012 to ensure county-wide compliance with the new ADA regulations which were issued by the United States Department of Justice in July of 2010.

Organization and Contact Information

Questions, comments, and complaints should be directed to the County-wide ADA Title II Coordinator, who will then forward the matter to the most appropriate County agency.

Questions, comments and complaints may be filed via telephone, TTY, fax, email, regular mail, on in person. Other accommodations are available upon request.

County-wide ADA Title II Coordinator
Division of Health and Human Services
Stephanie Stone
100 W. Washington Street, Room 251
Hagerstown, MD 21740
Phone: (240) 313-2353
Email: ssone@washco-md.net

Background

The Americans with Disabilities Act (ADA) is a law enacted by the U.S. Congress in 1990. It was signed into law on July 26, 1990, and later amended with changes effective January 1, 2009. The ADA is a wide-ranging civil rights law that prohibits discrimination based on disability. When the ADA was adopted in 1990, public entities with more than 50 employees were required to develop a plan for compliance by July 26, 1992. There are a total of five titles to the ADA and many requirements, regulations, and guidelines under the ADA law.

The ADA is subdivided into five sections: Title I - Employment, Title II - Non-discriminations on the basis of disability in State and Local Government programs and services, Title III - Non-discrimination on the basis of disability by public accommodations and in commercial facilities, Title IV - Telecommunications, and Title V - Miscellaneous provisions. This document is concerned with Title II.

The County has become aware that its obligations in regards to the ADA extend to sidewalks and pedestrian facilities in County maintained public rights of way. Many of these facilities have never been inventoried or inspected to ensure pedestrian accessibility. To fulfill its responsibilities and obligations under the ADA, in regards to pedestrian facilities within County public rights of way, Washington County implemented a Self-Evaluation of pedestrian facilities. The results of this effort are detailed in the remainder of this document.

Washington County is committed to providing appropriate, safe and adequate pedestrian access to public rights of way for the general public regardless of ability or disability. At the time of this writing, The County recognizes the "American with Disabilities Act Standards for Transportation Facilities", adopted by the U.S. Department of Transportation in 2006, as the applicable standard for accessible design in County maintained public rights of way. The County plans to make use of Maryland State Highway Administration (SHA) standard details whenever possible, as these documents meet or exceed existing applicable standards. The County will adopt new standards as necessary to remain in compliance with the ADA.

Statement of Non-Discrimination

Washington County does not discriminate in the provision of any of its business activities, and is committed to a policy of accessibility for citizens of all abilities. The County is committed to upholding the intent and the spirit of the ADA and Section 504 of the Rehabilitation Act of 1973. This commitment extends to all programs, services, and activities of the County, such that no qualified individual with a disability shall be discriminated against on the basis of his or her disability.

The County seeks to ensure that no individual is excluded from participation in, or denied access to benefits of any program or activity supported by the County due to a disability, as supported by the ADA of 1990 and Section 504 of the Rehabilitation Act of 1973. Every County employee is responsible for working to achieve the goals and objects of this statement.

Washington County is fully committed to the goal of achieving equal opportunity and protection from discrimination for all qualified persons in their interactions with the County.

Complaint/Grievance Policy

Washington County has updated the 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 (ADA). 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 related to the Title II of the ADA should be addressed to the Health and Human Services Department Director, Stephanie Stone (240-313-2353, sstone@washco-md.net). Ms. Stone is responsible for County-wide ADA compliance.

1. A complaint must be filed in writing and must contain the name and address of the person filing it and a brief description, including the date and location, of the alleged violation. If necessary, an alternative means of filing the complaint or receiving the response may be requested.
2. Complaints should be filed in as timely a manner as possible but no later than 60 business days after the alleged violation.
3. An investigation by the ADA Compliance Officer or designee, as may be appropriate, shall follow a filing of complaint. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
4. The ADA Compliance Officer or designee will provide a response in writing, or in an alternative format if requested, to the complainant within 30 business days after the complaint is received.
5. 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 in writing, or in an alternative format upon request, to the County Administrator within 30 business days of receiving the ADA Compliance Officer's decision.
6. The County Administrator or designee will review the complaint, conduct an additional investigation if appropriate, and respond to the complainant in writing, or in an alternative format upon request, within 30 business days after receipt of the request for reconsideration. A copy of the County Administrator's response will be forwarded to the ADA Compliance Officer.
7. The ADA Compliance Officer will maintain copies of all written ADA complaints, appeals to the County Administrator, and responses from these two offices for at least 3 years.

8. These rules shall be construed to protect the substantive rights of interested persons to meet appropriate due process standards and to assure that Washington County complies with the ADA and implementing regulations.
9. Use of this grievance process does not preclude the complainant from filing an administrative complaint with the designated federal agency or filing a lawsuit for injunctive relief and damages. An individual may choose to pursue any or all of these methods.

Filing Discrimination Complaints with Other Government Agencies

In addition to utilizing the Complaint/Grievance Policy contained in this document, persons who feel they have been subjected to illegal discrimination may want to contact the following government agencies to file a complaint:

U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Phone: 202-514-2000 <http://www.justice.gov/actioncenter/complaint.html>

U. S., Department of Transportation, Federal Highway Administration
Headquarters Office of Civil Rights
1200 New Jersey Avenue, SE (HCR-40)
Washington, DC 20590

Phone: 202-366-1595 <http://www.fhwa.dot.gov/civilrights/programs/iecd.htm>

U.S. Equal Employment Opportunity Commission
Baltimore Field Office
City Crescent Building
10 S. Howard Street
Third Floor
Baltimore, MD 21201

Phone: 1-800-669-4000 www.eeoc.gov

Maryland Commission on Civil Rights

44 N. Potomac Street
Suite 202
Hagerstown, MD 21740

Phone:
Hagerstown: 301-797-8521
Toll Free: 1-800-637-6247

Main office:
6 Saint Paul Street
Suite 900
Baltimore, Maryland 21202

Baltimore: 410-767-8600
www.mccr.maryland.gov

Self-Evaluation Methodology

Washington County conducted a Self-Evaluation of all pedestrian facilities in County maintained rights of way in the months of August and September 2014. This survey included roads constructed by developers in rights of way dedicated to public use that were subsequently accepted by the County as public rights of way, as well as roads constructed by the County, and those transferred to the County by other public agencies.

The early stages of this effort consisted of identifying County roads with sidewalks, training staff, developing a survey methodology and documentation strategy.

Washington County had no preexisting inventory of pedestrian facilities in County rights of way prior to this effort. Staff reviewed 2011 aerial photographs, using Geographic Information Systems (GIS), to develop a list of County roads that appeared to have associated sidewalks and ramps.

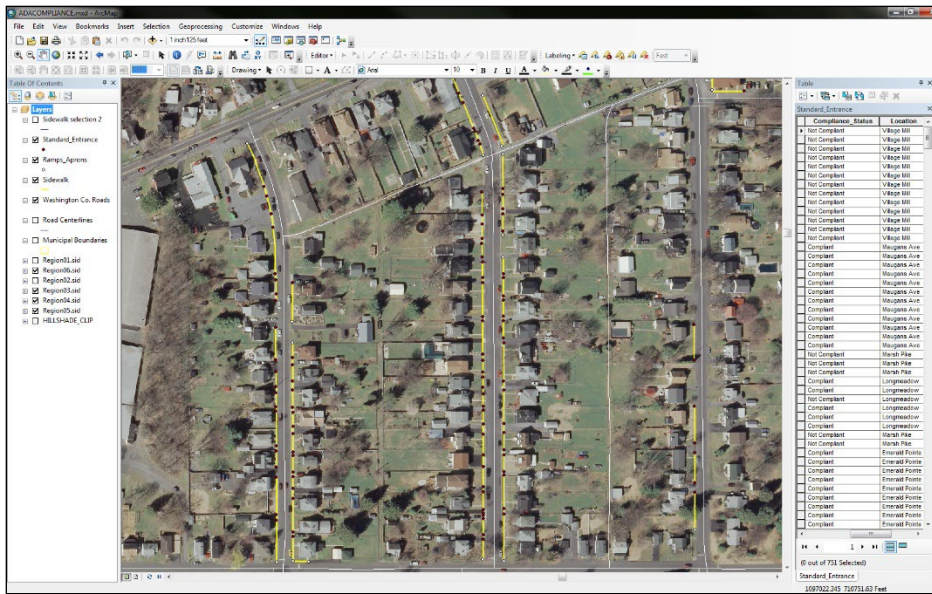


Figure 1: GIS Sidewalk Inventory Using 2011 Aerial Photographs

The existence of these potential facilities was confirmed during the subsequent field work. Roads constructed since 2011 and accepted by the County were added to the list as they were

encountered during the course of the survey. A GIS map displaying the public rights of way survey areas is included in the Appendix.

The data collected in the field was recorded on customized paper forms. The forms were later input into electronic spreadsheets for data processing and archival purposes. Sample forms used for field data collection are included in the Appendix.

Sidewalk recordation forms inventoried the length of all sidewalks in County-maintained rights of way, including those built by developers, and provided the location and extent of non-compliant. The resulting data provides a total number of various non-compliant features, and linear quantity of sidewalk that needs replacement. In many places several non-compliant features may be addressed with a single repair. The total quantity of work required to achieve compliance will be determined at the project level, but based on the results of the survey, it is clear that a minimum of 2.48 miles of sidewalk will have to be reconstructed. Most of the sidewalk compliance issues were due to deteriorated concrete, cross slope, and narrow sidewalk width without passing zones.

The County utilized the standard developed by the SHA when identifying non-compliant cross slopes. The SHA, with Federal Highway Administration approval, uses a margin of error of +/- 1% when evaluating sidewalk, ramp, and driveway cross slopes. In other words, a cross slope of less than or equal to 3% is considered compliant, while a cross slope of 3.01% or more is considered non-compliant.

Pedestrian ramp recordation forms prompt for curb height, transition length, ramp width, ramp cross slope, ramp running slope, presence/absence of a landing area and its size, presence/absence of a detectable warning surface, and presence/absence of a median crossing. If a ramp did not comply with applicable standards in one or more of these areas, it was listed as a "failing" ramp and the inspector proceeded to the next ramp. The "pass/fail" approach to data collection focused on identifying non-compliant ramps as quickly as possible, rather than documenting every feature that is regulated by ADA accessibility standards. More detailed information would not change the ramps "failed" status or the outcome of the survey. This data can be collected at a later time when specific retrofits or replacement projects are planned at that location.

Washington County noted during the survey process that a significant number of curb ramps were labeled as a "failed" status due to not having a detectable warning surface. The warning surface is a relatively recent change in the ADA regulations and can be remedied with the addition of a removable warning surface, at a reduced financial cost.

Results

The field notes generated during the survey have been transferred into an electronic format and the original paper forms have been archived. Highlights of the survey are presented below. Applicable standards listed below are derived from the Americans with Disabilities Act (ADA) Standards for Transportation Facilities, adopted by the U. S. Department of Transportation (2006).

Ramps

Total number of ramps on County roads:	379	100%
Total number of compliant ramps:	120	31.7%
Total number of non-compliant ramps:	259	68.3%

(Please note that most non-compliant ramps fail to comply with more than one standard. A single ramp could be determined to be non-compliant for more than one reason).

Sidewalks

Total length of sidewalk	85,688 feet	(16.23 miles)	100%
Total length of compliant sidewalk	64,535 feet	(12.22 miles)	75.3%
Total length of non-compliant sidewalk	21,153 feet	(4.01 miles)	24.7%
Total number of driveway sidewalk crossings	378		100%
Total number of compliant driveways	246		65.1%
Total number of non-compliant driveways	132		34.9%

Public Input

The ADA requires that public agencies seek public input to help identify accessibility needs and prioritize remediation efforts. As part of the County's Self Evaluation, general announcements were made to local media outlets on September 8, 2014. A description of the Self-Evaluation was posted to a new page on the County website. The County's Complaint/Grievance Policy and Grievance Form are also available to the public through the website.

Two (2) public meetings were announced and held, in September 2014, allowing residents of Washington County to provide comments/concerns in regards to the Self-Evaluation. Comments to date are summarized in the following table.

Table 1: Summary of Public Comments to Date

Name	Date	Area of Interest	Response
Lewis Rivers	7/16/2013	Halfway Blvd and Virginia Ave intersection. No ramps.	MDOT SHA intersection

Conclusion

Washington County recognizes pedestrian facilities as an integral part of its transportation infrastructure. The field inspections conducted in for the Self-Evaluation provide a valuable baseline for measuring progress towards the goal of fully accessible pedestrian facilities within County rights of way. An update to the County's Self-Evaluation will be provided within twelve (12) months of the publication of this information.

The next step is to update the County's Transition Plan, which is a long-range planning tool for identifying needs and prioritizing improvements while working towards the goal of fully accessible pedestrian facilities. The sidewalk and ramp inventories created during the Self-Evaluation will serve as the current basis for the County's updated Transition Plan and future County-wide reassessments.

The Transition Plan will contain sidewalk and ramp inventories that will be updated on an annual basis to account for changes to the County transportation network, such as the addition or deletion of streets from the inventory due to new acceptance, transfers, or closures. The annual update will also include information regarding sidewalk and ramp repair projects and new construction completed since the last update.

Future County-wide reassessments will investigate the condition of all existing pedestrian facilities and be used to modify the Transition Plan as needed. At this time the County anticipates that such assessments will take place every 5 years.

Public comments, based on the most recent Self-Evaluation, will be documented and incorporated into the updated Transition Plan.

Copies of the Self-Evaluation will be made available to the public in a variety of formats. Online copies of the Self-Evaluation will be reissued when new County-wide sidewalk and ramp inspections are completed in future years.

Complete copies of the field notes and electronic database containing the detailed results of the field survey will not be distributed due to the impractical size of the document. The data may be viewed by special appointment at the offices of the Washington County Division of Engineering and Construction Management, 80 West Baltimore Street, Hagerstown, MD 21740, by calling (240) 313-2460.

Public Right of Way ADA Compliance Survey

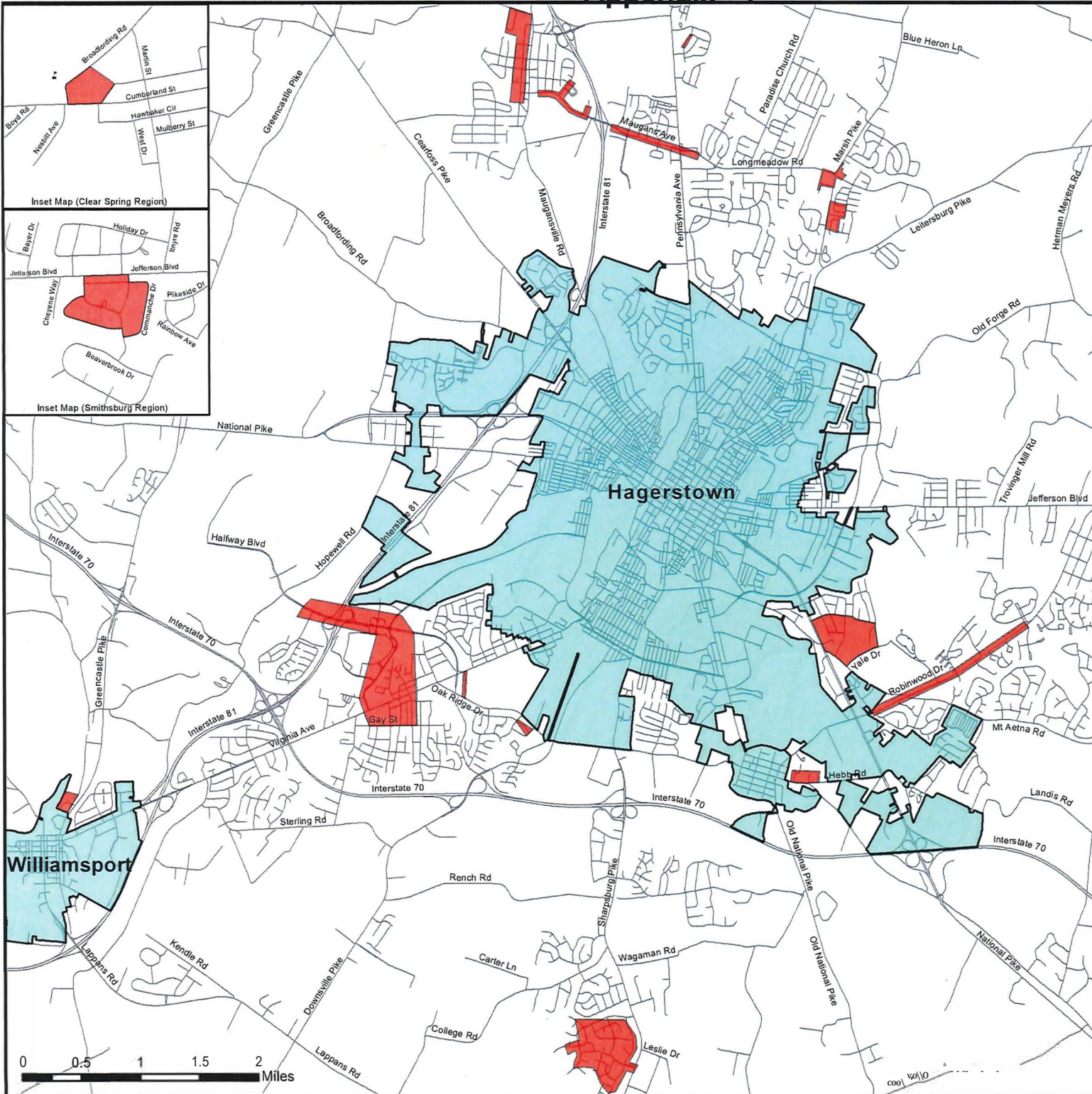
Washington County, Maryland

Division of Engineering &
Construction Management

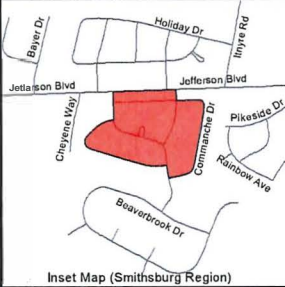
September 2014

- Sidewalk Compliance Survey Region

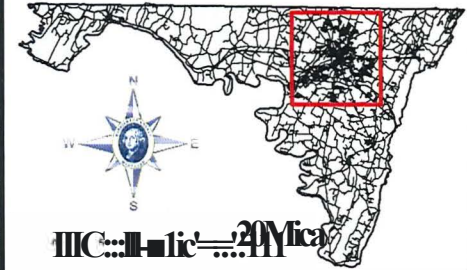
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Inset Map (Clear Spring Region)

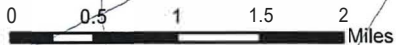


Inset Map (Smithsburg Region)



Restriction of Liability:

Washington County makes no claims, promises or guarantees about the accuracy, completeness, or adequacy of the contents of these maps and expressly disclaims liability for any errors and omissions in the contents of these documents



Appendix - 2

Complaint/Grievance Policy

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Washington County, Maryland ADA/504 Complaint/Grievance Form

Name of Complainant: _____ **Date:** _____

Name of person preparing form, if different: _____

Contact Information:

P.O. Box/Apartment/Unit Number: _____

Street: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Best means of contact: _____

Complaint/Grievance:

What is the nature of your complaint or grievance? Please include the date and location of the matter. Please attach any related documents or additional materials (photographs, etc.) that relate to your case.

Location Information

Street: _____ Nearest house number: _____

City/Community Name: _____ Zip: _____

Do you prefer any special accommodations that will assist us in contacting you? If so, specify below:

Signature of Complainant/Preparer: _____ Date: _____

Return this form to: Stephanie Stone
ADA Title II Coordinator
Department of Health & Human Services
100 West Washington Street, Room 251
Hagerstown, MD 21740

Phone: (240) 313-2253
Fax: (240) 313-2351
sstone@washco-md.net
TTY: Use Maryland Relay

Ramp Inventory

Ramp No.	Ramp Width	Ramp Cross Slope	Ramp Running Slope	Landing Area	Landing Size	Warning Surface (P/F)	Median Crossing (P/F)	Overall (P/F)	Comments
Pass/Fail									
Notes									
Pass/Fail									
Notes									
Pass/Fail									
Notes									
Pass/Fail									
Notes									
Pass/Fail									
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Draw Diagram on Back of Form