



**WASHINGTON COUNTY, MARYLAND
ADA SELF EVALUATION / TRANSITION PLAN
2016 UPDATE**



CONTACTS

Questions, concerns or requests for additional information regarding the Americans with Disabilities Act (ADA) at Washington County's Government may be forwarded to the County ADA Title II Compliance Coordinator.

Name: Stephanie Stone

Title: ADA Title II Compliance Coordinator

Office Address:

100 West Washington Street
Hagerstown, MD 21740

Days/Hours Available:

7:30 AM to 4:30 PM
Monday through Friday

Mailing Address:

ADA Title II Compliance Coordinator
100 West Washington Street, Room 251
Hagerstown, MD 21740

Phone Number: (240) 313-2353

TDD: Maryland Relay 711

E-mail: sstone@washco-md.net

Website: www.washco-md.net/public_info/dis_issues.shtm

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I. SUMMARY

The Americans with Disabilities Act (ADA) of 1990 prohibits discrimination against individuals with disabilities from receiving or having access to public service. As part of the Act, state and local government entities are required to perform Self-Evaluations to identify areas not meeting ADA requirements and create Transition Plans to implement a change in meeting those requirements.

The Transition Plan falls within Title II of ADA and deals specifically with the accessibility of public rights-of-way owned and/or maintained by Washington County, Maryland. This document serves as an update to County's previous Transition Plan. This report has been prepared in a format to allow for the most up-to-date information to be available and to allow for the reassessment of priorities and update of project schedules.

Washington County took an approach implemented by other local and state governments to evaluate ADA deficiencies within public rights of way. The core document presented here addresses approaches, funding, methodologies, baseline findings, prioritization criteria, public input, and integration with existing transportation planning. The County reviewed 2011 aerial photographs combined with field investigations to capture data. This information is stored in an electronic database that can be displayed using Geographic Information Systems (GIS) software and then tailored for a specific report, user, or presentation audience. The schedule of work is also to be continually updated as projects are completed.

Specific elements are neither listed in nor attached to this report due to the high number of elements contained in the database. Information is constantly being updated based on construction of new sidewalk and ongoing projects. Information is contained in a GIS-database maintained by Washington County's Division of Engineering and Construction Management.

The plan focuses on updating County-maintained public rights of way. Within each year, the County is continually analyzing the data as it is updated to ensure the greatest needs are addressed and new requests are received. The County has allocated a capital improvement budget specifically for Transportation ADA retrofit projects.

II. INTRODUCTION

Overview of the Americans with Disabilities Act of 1990

The Americans with Disabilities Act of 1990 was signed into law on July 26, 1990 by President George H. W. Bush. The ADA is a wide-ranging civil rights law that prohibits, under certain circumstances, discrimination based on disability. It affords similar protections against discrimination to Americans with disabilities as the Civil Rights Act of 1964, which made discrimination based on race, religion, sex, national origin and other characteristics illegal, and Section 504 of the Rehabilitation Act of 1973, which ensures that no qualified individuals with disabilities are discriminated against under any program or activity receiving federal financial assistance or government agencies that receive federal financial assistance. The ADA was amended when President George W. Bush signed into law the ADA Amendments Act of 2008 on September 25, 2008. The ADA gives broader protections for disabled workers and includes a list of impairments to major life activities.

The main sections of the ADA include: Title I – Employment; Title II – Non-discrimination on the Basis of Disability in State and Local Government Services; Title III – Nondiscrimination on the Basis of Disability by Accommodations and in Commercial Facilities; Title IV – Telecommunications; and Title V – Miscellaneous Provisions.

Washington County Policy

The County is committed to providing safe, adequate access to public rights-of-way for the general public regardless of ability or disability.

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, or 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

The County is committed to upholding the intent and spirit of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 to the fullest extent possible. The 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.

It is the County's responsibility and desire that no person within the County be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity supported by the County based on their disability, as provided by the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973. It is also the responsibility of County employees to work cooperatively to achieve the goals and objectives of this statement.

The County is fully committed to the goal of achieving equal opportunity and non-discrimination for all persons in their interactions with the County.

As a requirement of the ADA, a Self-Evaluation and Transition Plan provides a method to schedule and implement ADA-required improvements. This document is designed to serve as an update to previous Transition Plans.

SELF-EVALUATION

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, and 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.

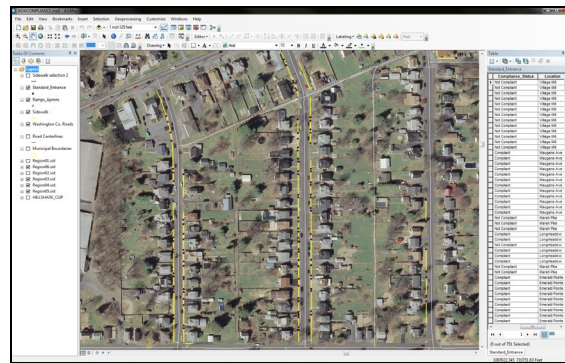


Figure 1: GIS Sidewalk Inventory Using 2011 Aerial Photographs

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 features. 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 several miles of sidewalk will have to be reconstructed. Most of the sidewalk compliance issues were due to deteriorated concrete, excessive cross slope, and narrow sidewalk width without passing zones.

The County utilized the standards developed by the State Highway Administration (SHA) when identifying non-compliant cross slopes. The SHA, with Federal Highway Administration (FHWA) 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. The County did not apply the standards developed by the SHA when evaluating cross slopes on new construction. Standard 403.3 (2% maximum allowable cross slope) was applied in these areas.

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 and 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%

III. TRANSITION PLAN

A Transition Plan is the direct outgrowth of the Self-Evaluation survey. The purpose of the Transition Plan is to ensure access by persons with disabilities to the programs, activities and services offered by a public institution. The plan has the capacity and has specifically been developed in a way that it is continually updated to ensure the ongoing needs of the community continue to be met.

As described in this document, Washington County's Self-Evaluation / Transition Plan are "living documents" that will be updated. The database of non-compliant elements is updated as new features are added and/or brought up to standard. In addition, prioritization can be updated as new information becomes available, such as public input on specific barriers to mobility or new information on pedestrian incidents. This report has been prepared in a format to allow for the most up to date information to be available at all times. Therefore, the database is referenced rather than included in a static printout of data that is only valid at one moment in time.

IV. COMPLIANCE PROGRAM PRIORITY SYSTEM

Sidewalks

The sheer number of elements needing improvement to meet full accessibility further highlights the need to prioritize projects over many years. The County has developed a prioritization system for determining where the greatest need for ADA compliance exists. The list of items in descending order of importance is:

- High risk areas where pedestrian incidents have occurred over the past five (5) years (accidents or fatalities).
- Presence of a disabled population or specific complaints and/or requests from a disabled person or advocacy group.
- High volume of pedestrians, public buildings, hospitals, senior housing, libraries, public transportation facilities, or parks.

Ramps

- Crossing locations with existing sidewalks and no ramps.
- Existing ramps which are non-compliant due to deterioration, excessive slope, or have abrupt changes in surface elevations.
- Existing ramps that are generally safe, but do not fully comply with ADA standards (no detectable warning surface).

Facilities

County buildings and facilities are assessed for ADA compliance in a separate document.

V. IMPLEMENTATION SCHEDULE

Upon review of the existing sidewalk facilities within Washington County, the estimated cost for updating the identified sidewalk issues is several million. (Note: Costs were based upon prices obtained from recent sidewalk construction and maintenance projects throughout the county.)

The schedule discussed in the ADA Transition Plan is for ADA retrofit projects being funded through Transportation ADA funding, which fall under the category of Capital Improvement Plan (CIP) projects. This funding source will allocate \$50,000 to \$100,000 per year for sidewalk improvements. Additionally, Washington County has separate CIP projects, unrelated to sidewalks, which will improve existing non-compliant sidewalk features as they are encountered.

The list is based on the prioritization and shows projects scheduled for the current year indicating the limits of each project and estimated cost.

2015 Fiscal Year Capital Improvement Project Accomplishments

Lincolnshire SRTS Sidewalk: New construction of approximately 1,228 linear feet of 5.0 ft wide sidewalk, twelve (12) curb ramps, and eight (8) standard entrances.

Yale Drive Extended: New construction of approximately 6,717 linear feet of combined 5.0 ft wide sidewalk and 8.0 ft wide shared use path. The project also includes the construction of nineteen (19) curb ramps.

Maugansville Road: Removal of a deteriorated 40-ft section of 4.0 ft-wide unconnected sidewalk.

2015 Compliance Results Based on 2015 Projects

Ramps

Total number of ramps on County roads:	410	100%
Total number of compliant ramps:	151	36.8%
Total number of non-compliant ramps:	259	63.2%

(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	93,593 feet	(17.72 miles)	100%
Total length of compliant sidewalk	72,480 feet	(13.72 miles)	77.4%
Total length of non-compliant sidewalk	21,113 feet	(4.00 miles)	22.6%
Total number of standard entrances (driveways)	386		100%
Total number of compliant standard entrances	254		65.8%
Total number of non-compliant standard entrances	132		34.2%

2016 Fiscal Year Capital Improvement Project Accomplishments

Underpass Way and Railway Lane Intersection Improvements: New construction of approximately 693 linear feet of sidewalk. The project also includes the construction of five (5) new curb ramps and one (1) curb ramp retrofit.

Compliance Results Based on 2016 Projects

Ramps

Total number of ramps on County roads:	415	100%
Total number of compliant ramps:	157	37.8%
Total number of non-compliant ramps:	258	62.2%

(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	94,286 feet	(17.86 miles)	100%
Total length of compliant sidewalk	73,233 feet	(13.87 miles)	77.7%
Total length of non-compliant sidewalk	21,053 feet	(3.99 miles)	22.3%
Total number of standard entrances (driveways)	386		100%
Total number of compliant standard entrances	254		65.8%
Total number of non-compliant standard entrances	132		34.2%

VI. PROGRAM RESPONSIBILITY

The officials responsible for implementation of the County's ADA Transition Plan in public rights of way are:

Director, Division of Engineering and Construction Management
Robert Slocum
80 W. Baltimore Street
Hagerstown, MD 21740
Phone: (240) 313-2410
Email: rslocum@washco-md.net

Director, Division of Public Works
Jim Sterling
100 W. Washington Street
Hagerstown, MD 21740
Phone: (240) 313-2252
Email: jsterling@washco-md.net

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: sstone@washco-md.net

VII. GRIEVANCE PROCEDURE

Pursuant to requirements of applicable federal regulations, the Board of County Commissioners of Washington County, Maryland, has adopted this grievance procedure to provide for prompt and equitable resolution of complaints under section 504 of the Rehabilitation Act of 1973 and amendments (the “Rehabilitation Act”), and the Americans with Disabilities Act of 1990 and amendments (the “ADA”). It is intended for use by any individual who wishes to file a complaint alleging discrimination on the basis of disability in the access of facilities or provision of services, activities, programs, or benefits by the Board of County Commissioners of Washington County, Maryland. The Board of County Commissioners of Washington County, Maryland’s Personnel Policy PR-31 governs employment-related complaints of disability discrimination.

A copy of the Grievance/Complaint Form is provided in the Appendix.

It should be used by any individual who wishes to file a complaint alleging discrimination on the basis of disability in employment practices and policies or the provision of programs, services and benefits by the Washington County Commissioners.

VIII. PUBLIC INVOLVEMENT RECORD

The ADA requires that public agencies seek public input to help identify accessibility needs and prioritize remediation efforts. The Self-Evaluation/Transition Plan, Grievance Policy, and Form are available to the public for review, and documents are posted on the County website.

On September 10, 2014 a meeting was held with Washington County's Disability and Advisory Committee to solicit their input on the ADA Transition Plan.

Two (2) public meetings were announced and held, allowing residents of Washington County to provide comments/concerns in regards to the Self-Evaluation. The comments are summarized in Table 1. No other comments have been received to date.

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

IX. CONCLUSION

Washington County recognizes pedestrian facilities as an integral part of its transportation infrastructure. The field inspections conducted for the Self-Evaluation provided a valuable baseline for measuring progress towards the goal of fully accessible pedestrian facilities within County rights of way.

The Transition Plan's sidewalk, ramp, and standard entrance inventories 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, ramp, standard entrance 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 five (5) years. The next five-year assessment will be conducted in 2024.

X. APPENDIX

- 1. GIS Map**
- 2. Grievance Procedure and Form**
- 3. Sample Data Collection Forms**

Public Right of Way ADA Compliance Survey

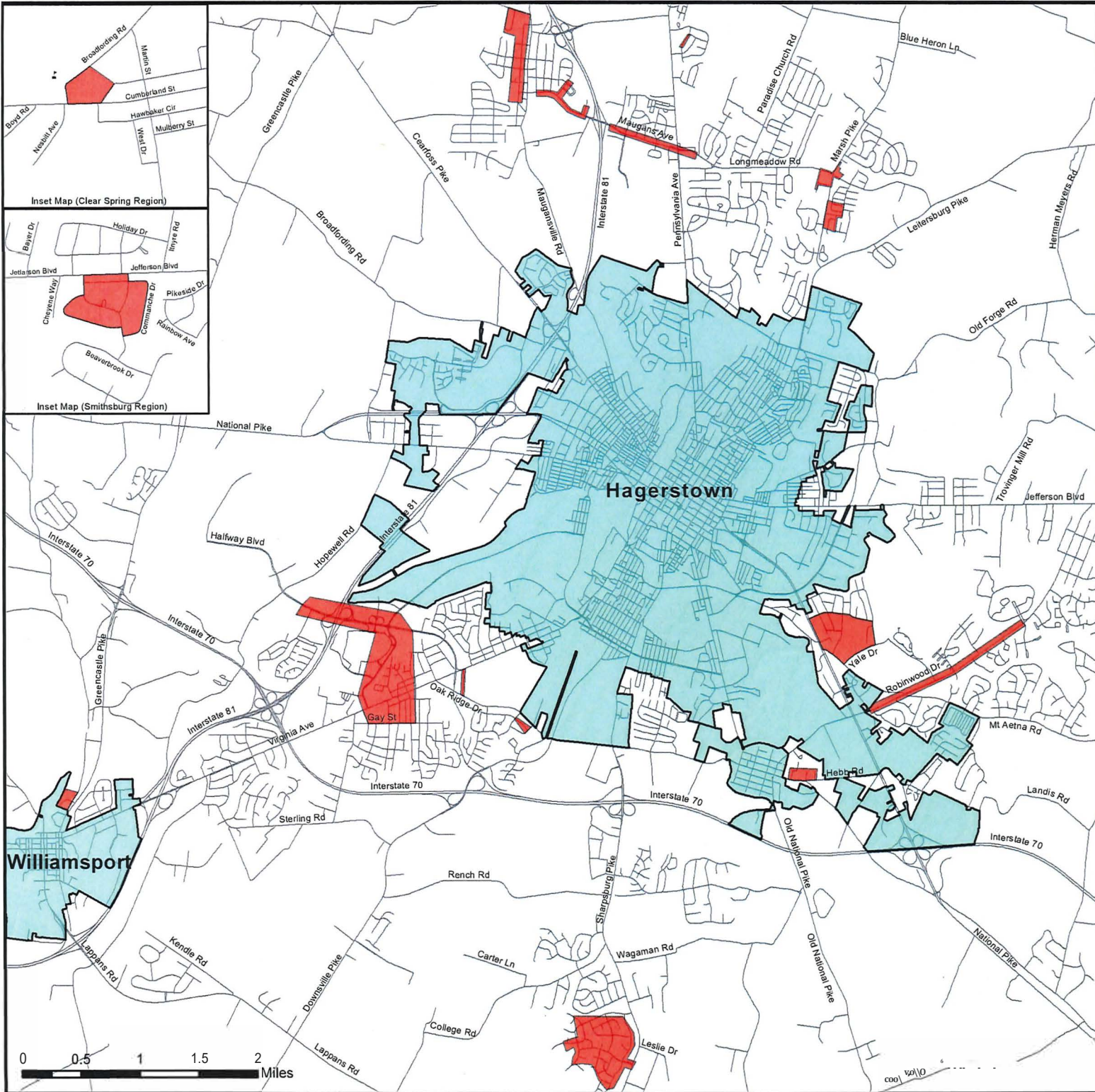
Washington County, Maryland

Division of Engineering &
Construction Management

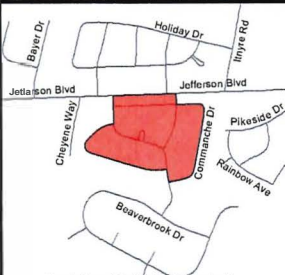
September 2014

- Sidewalk Compliance Survey Region

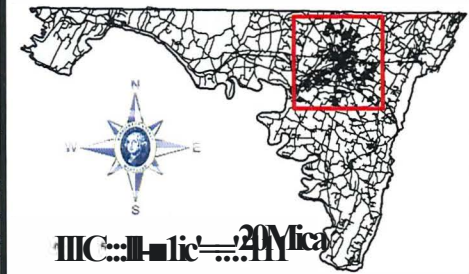
--- Municipal Boundaries



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

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.

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									
Notes									
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Notes									

Draw Diagram on Back of Form