

City of Palm Bay

ADA Transition Plan



August 21, 2021

Introduction

The City of Palm Bay was incorporated on January 16, 1960, for large residential known as Port Malabar and was developed in the 1970's by General Development Corporation (GDC) with almost no sidewalks. It is the largest City in Brevard County by land mass and population as well as one of the fastest growing over the past ten (10) years. The city encompasses 88 square miles with approximately 800 centerline miles of roadways. The city has continuously been improving pedestrian access by retrofitting, replacing, and repairing sidewalks and curb ramps.

The purpose of this American with Disabilities Act (ADA) Transition Plan in collaboration with the Sidewalk Inventory Plan per the City's Comprehensive Plan is to help develop guideline policies and practices for implementing pedestrian improvements within public the rights-of-way in the City. The City's Sidewalk Inventory Plan dated June 2014 needs to be updated with the current update of the City's Comprehensive Plan. The sidewalk inventory plan was developed by identifying needed sidewalks for connectivity and for locations predominately within a 2-mile radius of schools. This is to encourage the safe walk to school for students to be able to walk to elementary schools. These sidewalk improvements were mainly identified on the high-volume classified roadways, such as arterials and collectors, and finally from requests from the public and City Council.

Currently the City has over 188 miles of concrete sidewalks and asphalt paths of varying ages. This amount continues to increase yearly as new roadway and sidewalk projects are planned, designed, and constructed. Additionally, all new commercial development within a 60-foot right of-way is required to construct sidewalks or donate to the City's sidewalk fund for the construction of new sidewalk connections. In addition, with the completion of various residential development projects, the quantity of sidewalks will increase as well.

The ADA Transition Plan will include the following:

- ADA Coordinator 28CFR 35.017a – City's Human Resource Director
- ADA Public Notice 26CFR 35.106 – City Council Presentation of the ADA Plan
- Grievance Procedure 28CFR 35.107b – Human Resource Grievance Procedure
- Design standards and specs 28CFR 35.151c – Latest Florida Building Code Accessibility and FDOT
- Self-Evaluation and Transition Plan 28CFR 35.105
- Schedule and Budget for Implementation 28CFR.105d3

2) Goal

The goal of the ADA Transition Plan, through the sidewalk inventory plan is to identify, program, construct and repair any non-standard sidewalk and to ensure these sidewalks meet ADA standards on ramps and horizontal grade. As with any asset exposed to the elements, these sidewalks and paths have with time been damaged by weathering, tree roots, vehicular traffic, and through regular use. The City's sidewalk maintenance program, administered by the Public Works Department was implemented, to regularly repair and reconstruct damaged sidewalks to ensure ADA accessibility, pedestrian safety, and ensure pedestrian connectivity on the City rights-of way. The maintenance program encompasses regular field inspections for hazards and damaged sidewalk, and the management of short-term repairs and planning to provide timely delivery of long-term replacement solutions.

The city has adopted the City's Public Works Manual dated November 2007 which references the latest Florida Department of Transportation (FDOT) design standards on right-of-way accessibility, including standard details for sidewalks, curb cuts, pedestrian ramps, truncated domes and to eliminate access barriers as per 2010 ADA Standard for Accessible Design, Title II. These standards are being adhered to on all design of roadways, bridges, sidewalks, multi-use paths, and any other pedestrian facility or pedestrian related facility being constructed, repaired, or replaced within public rights-of-way. As previously mentioned, the city continues to make a strong effort in constructing sidewalks where none currently exist. To expand the reach of sidewalks within the City and to offset the cost of repairs to meet current required standards, the City is continuously seeking grant opportunities. Per ADA Title II 28 CFR 35.151 for New Construction and Alterations, each access or part of the construction for use of a public entity shall be designed and constructed in such a manner that the access or part of the access is accessible to and useable by an individual with disabilities if the construction was after January 26, 1992.

Alterations made to provide an accessible path of travel to the altered area will be deemed disproportionate to the overall alteration when the cost exceeds 20 % of the cost of the alteration to the primary function area. Costs that may be counted as expenditures required to provide an accessible path of travel may include:

- Costs associated with providing an accessible entrance and an accessible route to the altered area, for example, the cost of widening doorways or installing ramps.
- Costs associated with making restrooms accessible, such as installing grab bars, enlarging toilet stalls, insulating pipes, or installing accessible faucet controls.
- Costs associated with providing accessible telephones, such as relocating the telephone to an accessible height, installing amplification devices, or installing a text telephone (TTY); and
- Costs associated with relocating an inaccessible drinking fountain.

3) Inventory

The City is the responsible party for all existing sidewalks and pathways located within the City owned and maintained rights-of-way as well as any easements that have been dedicated to the city. In June 2010, the city developed an overall inventory of all the existing sidewalks. Attached is Exhibit 1 of the "Overall Sidewalk Inventory" which is part of the City's Comprehensive Plan illustrating the City's sidewalk infrastructure and identifies gap deficiencies and the need for connectivity. In the process of completing the sidewalk inventory as part of the City's Capital Improvement Program, it became apparent that many of the existing curb ramps did not meet latest FDOT standards or in compliance with Federal ADA requirements (i.e., grades, transitions, alignments, and ramps). It was also recognized that some of the existing sidewalks and driveway, through on-going construction, deterioration, or acceptance under previous standards, may not fully comply with all current applicable standards.

Several methods have been utilized to identify, for tracking, potential hazards in public rights-of-way. They are as follows:

- Citywide inventory
- City Staff notes hazard while performing other duties.
- Requests or complaints by residents directly to Public Works (i.e., phone call, voicemail, email, or “Access PSL” smart phone application)
- Requests or complaints by residents through City Council or the City Manager’s Office

Types of projects necessary to implement the ADA Transition Plan are:

- Ongoing citywide sidewalk repair and replacement project budgeted in CIP annually).
- Roadway widening projects.
- Intersection improvements projects.
- New sidewalk construction projects.
- Commercial development requiring new sidewalk or sidewalk/driveway modification.
- All new residential subdivisions.

4) ADA Transition Policy

a) Sidewalk Maintenance Criteria (see attached Exhibit A):

Sidewalk hazards are defined by the following criteria:

- Type A - Vertical separation greater than ½”.
- Type B - Horizontal separation greater than ½”.
- Type C - Grade changes in sidewalk, raised, or sunken.
- Type D - Surface damage such as cracks, missing portions, or spalled areas.
- Type E - Vegetation/Foreign substance hazard/slick surfaces.
- Type F - ADA Compliance.

b) Inspections

City inspection staff continuously attend FDOT training on the latest Federal ADA requirements and standards, including measurement of sidewalks and ramps to ensure compliance with all applicable codes, standards, and regulations. City inspectors are provided with the tools such as “smart levels” to facilitate accuracy in measuring sidewalk cross slopes and longitudinal slopes. The City’s Public Works Manual on Sidewalk inspection has two inspection components:

- Proactive Inspections for ADA, sidewalk trip/slip hazards, obstructions, vegetative overgrowth and other defects.
- Reactive Inspections of sidewalk hazards generated by public complaints.

Proactive Inspection

Public Works staff conducts field reconnaissance of all existing sidewalks and ramps on city owned and maintained rights-of-way on a rotating basis. The field reconnaissance will include

updating the sidewalk inventory database with the type of hazard, priority, location, dimensions, and photographs.

a) The high and low pedestrian areas:

- 1) High volume pedestrian areas are proactively inspected at least once every two years.
- 2) Low volume pedestrian areas are proactively inspected at least once every four years.

b) Upon identification of any non-standard ADA sidewalk or hazards, City Inspection staff will input all pertinent information into the sidewalk database, alert sidewalk users of the hazard, and generate a Work Order Request (WOR) for Public Works staff to maintain and repair, or when funding is available, create a work order for contractors to complete repairs.

Reactive Inspection

In response to concerns from the public, other City Departments and/or State Agencies, the Public Works Inspectors will conduct an on-site investigation and determine the extent of the damage or obstacle and if repairs are warranted. If so, Staff follows step “b)” under “Proactive Inspections”.

c) Levels of Priority

Sidewalk repairs are limited by the funding and manpower, necessitating the need for a prioritization of sidewalk repair. The following priority levels are used for scheduling repairs:

- **Priority I** – Immediate action is necessary in areas identified as being impassable or locations where a pedestrian has tripped/slipped. Staff will remedy these hazards with short-term repairs within 10 working days of being informed of the sidewalk hazard unless resources are unavailable in response to the unforeseen condition/event.
- **Priority II** – Sidewalk defects that are considered sidewalk trip/slip hazards and are located within a high-volume pedestrian area.
- **Priority III** – Sidewalk defects that are considered as sidewalk trip/slip hazards and are located within a low-volume pedestrian area.
- **Priority IV** – Sidewalks that have encroaching vegetation, including bushes or trees.
- **Priority V** – Public complaints on sidewalk defects that are not considered as sidewalk trip/slip hazards and do not involve actual sidewalk trip/slip incidents.
- **Priority VI** – All other non-tripping/slipping hazards.

d) City Standards

The City’s procedures for the construction of new sidewalk will follow the Latest Florida Building Code for accessibility and the FDOT standards for sidewalk and pathway specifications, curb ramps, detectable warnings, and all applicable requirements of the American with Disabilities Act, Public Law 101- 336.28 Code of Federal Regulations (CFR) Part 36-Nondiscrimination based on

Disability by Public Accommodations and in Commercial Facilities and the Requirement of the ADA Accessibility for Buildings and Facilities – July 1, 1994.

The City of Palm Bay utilizes the standard Brick Red Colored Detectable Warning devices on newly constructed and/or existing concrete or asphalt walking surfaces constructed where indicated on the plans or directed by the City Engineer. When possible, the detectable warning surface is cast in place with the sidewalk or curb ramp. Curb ramp running slopes shall be no steeper than 1:12 and the cross slope shall be no greater than 2%. Transition from ramps to walks, gutter, or streets shall be flush and free of abrupt changes.

Maximum sidewalk slopes of adjoining gutters, road surface immediately adjacent to the curb ramp, or accessible route shall not exceed 1:20. When altering existing pedestrian facilities where existing site development precludes the accommodation of a ramp slope of 1:12, a running slope between 1:12 and 1:10 is permitted for a rise of 6" maximum and a running slope of between 1:10 and 1:8 is permitted for a rise of 3" maximum as allowed by the Americans with Disabilities Act Accessibility Guidelines (ADAAG). Where compliance with the requirements for the cross slope cannot be fully met, the minimum feasible cross slope shall be provided.

Under some conditions, the City may be limited in its ability or completely unable to provide curb ramps because of the existing physical or site restraints. Some examples are, underground utility vault, pull boxes or a structural support member of a bridge causing an obstruction or not sufficient public right-of-way. Under these types of circumstances, the City may invoke the defense that a curb ramp is technically infeasible or cost prohibitive to construct.

As described in in Americans with Disabilities Act Title II Regulation, 28 CFR Part 35. This plan will ensure to meet latest ADA standards for access but does not necessarily require a public entity to make each of its existing facilities to be accessible and usable by the individuals with disabilities per this program. Under this concept, the city may choose not to install curb ramps at some locations if a minimum reasonable path of travel is available even without those additional curb ramps being provided.

5) Sources of Funding

City staff will coordinate sidewalk repair work or reconstruction sidewalk projects based on priority levels, number of hazards identified in a localized area, in-house capabilities, and funding sources. It is estimated that sidewalk deficiencies will continue to be inspected and repaired throughout the City of Palm Bay annually. Currently \$50,000 is allocated annually for ADA sidewalk and ramp repairs as part of the City's annual capital improvement program (CIP). The city is anticipating increasing the amount of funding for future year CIP to construct additional sidewalks and upgrade locations to meet ADA requirements.

The city also actively seeks grant funding for the design, construction and the Construction, Engineering, and Inspection (CEI) services for future capital sidewalk and ramp projects. Some examples include, but are not limited to, Community Development Block grants (CDBG), Transportation Alternative Program (TAP) grants, Transportation Regional Incentive Program (TRIP) grants, and Safe Routes to Schools (SRTS) grants.

6) Grievance Procedure

The Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination based on disability in the provision of services, activities, programs, or benefits by the City. The City's Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request. The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to the City's ADA coordinator.

Within 15 calendar days after receipt of the complaint, the city's designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of city and offer options for substantive resolution of the complaint.

If the response by designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the City Management designee. Within 15 calendar days after receipt of the appeal, the city will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the city will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

Work Orders for sidewalk complaints, repair and requests for new sidewalk are generated through the Public Works work order process which will help in tracking and to make sure specific ADA needs are constructed and as-built recorded and then dispersed to appropriate City inspection staff to be inspected per City, Building Code and FDOT standards.

7) Self Evaluation and Transition Plan

The self-evaluation is a comprehensive review of all programs, activities, and services operated by the city. After conducting a self-evaluation, the City will develop a transition plan for structural changes and work with the city departments to modify policies and procedures. The evaluation can be done in at least four ways:

- By the ADA Coordinator
- By the ADA Coordinator and an ADA team
- By the ADA Coordinator and ADA liaisons for each department and agency
- By an outside consultant in collaboration with the ADA Coordinator

The self-evaluation will assess critical areas such as public right-of-way accessing government offices (City Hall, Building Dept and other public meeting rooms), police and fire stations, school

zones, parks, public transit and shared use trails. The methods will include; field inspections/surveys (form/checklist), walking the public areas and noting barriers and recording findings using GIS for recording locations/measurement. The field assessments will identify barriers within public right-of-way, such as: curb ramps, sidewalks, pedestrian crossings, pedestrian signals, shared use trails, parking lots and transit bus stops.

The Transition Plan is developed from the self-evaluation and facilities survey. A re-assessment of public facilities to determine if the original transition plan was followed and whether any additional access improvements are needed. Another reason to update or create a new or updated transition plan is that the current (2010) ADA Standards for Accessible Design include accessibility requirements for recreation areas such as swimming pools, fishing piers, golf courses, play areas, recreational boating areas, exercise equipment rooms, team seating and locker rooms. The Standards also specify accessible routes to and between sports fields, for example baseball, soccer, and football fields. To assure equal opportunity and program accessibility, these recreation activities need to be surveyed using the current ADA Standards and many of the recreation areas will need to be updated in accordance with the ADA Standards. A transition plan consists of:

1. A list of the physical barriers that limit the accessibility of programs, activities, or services.
2. The methods to remove the barriers and make the facilities accessible.
3. The schedule to get the work completed.
4. The name of the official(s) responsible for the plan's implementation.

8) Schedule and Cost Estimates

The transition plan will also include preliminary cost estimates to help in budgeting the funds needed to implement the plan. A transition plan will also include a schedule for implementation and construction. The ADA program will provide the essential timing for when ADA curb ramps to walkways, sidewalks and other access ways within city offices and public facilities as well as public transportation locations and places of public accommodation.

9) Summary

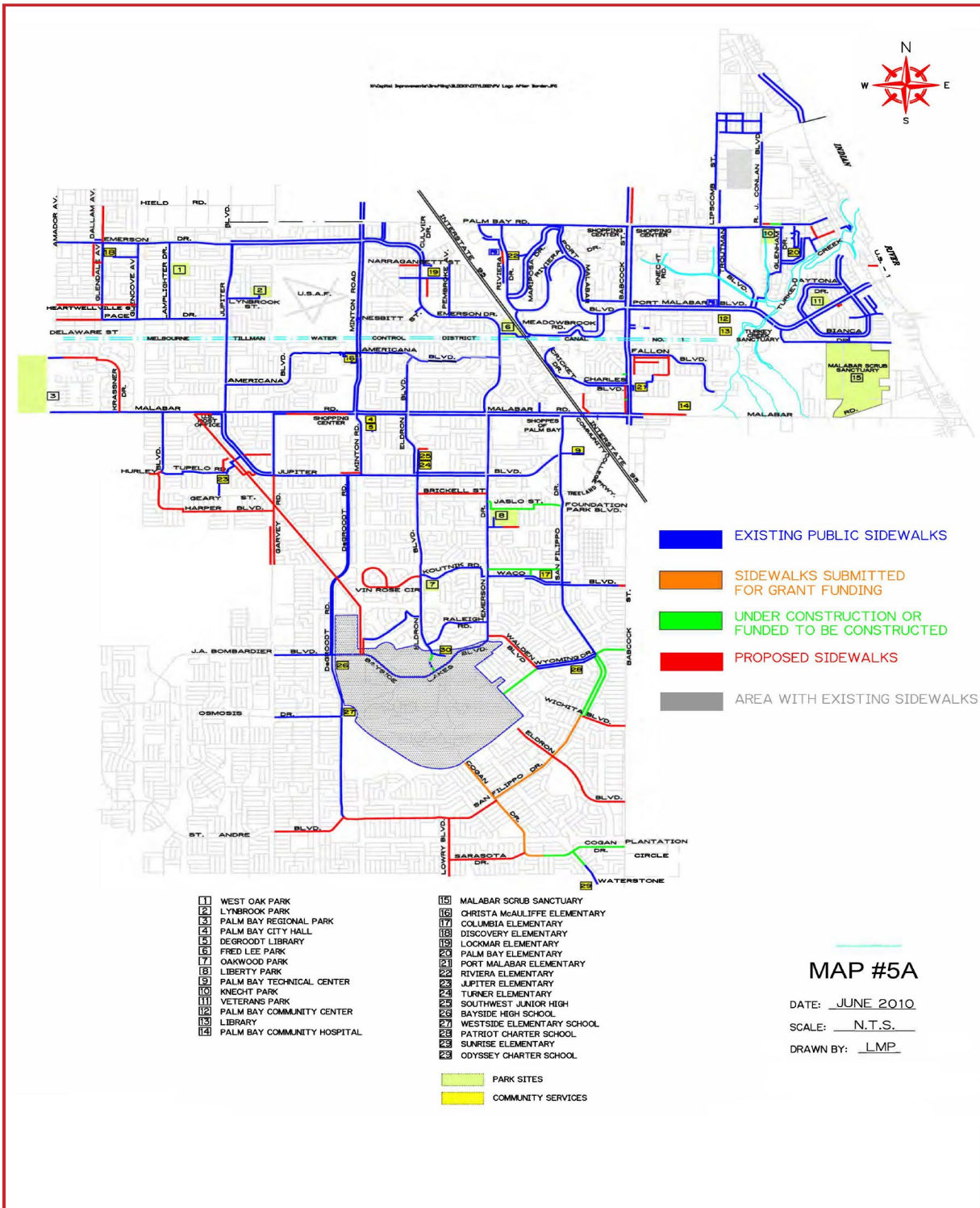
The purpose of this document is to ensure that good ideas, helpful information, and successful practices concerning the development and updating of the ADA Transition Plan are recognized by City staff and residents. The ideal conclusion to this process is the elimination of barriers and the acceptance of the requirements of the ADA standard as an everyday reality in all future work.

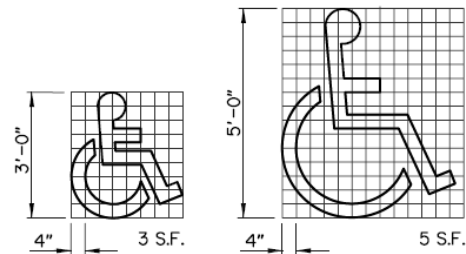
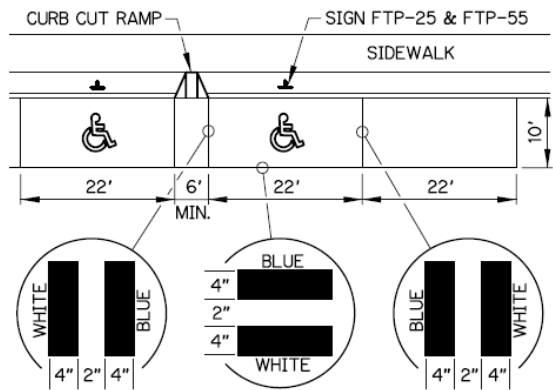
The City of Palm Bay believes that the policies and procedures presented in this ADA Transition Plan will collectively form a comprehensive program that incorporates the accessibility in a timely manner into public rights-of-way. City staff will continue to participate in attending Federal and FDOT ADA training seminars. The City will continue to ensure that all street design projects and construction contracts with provide for sidewalk improvements to include all ADA provisions for the installation of curb cuts, ramps, truncated domes, modification of noncompliant curb cuts, repairs of broken sidewalk, removal of obstructions, and construction of new sidewalks.

Exhibit 1

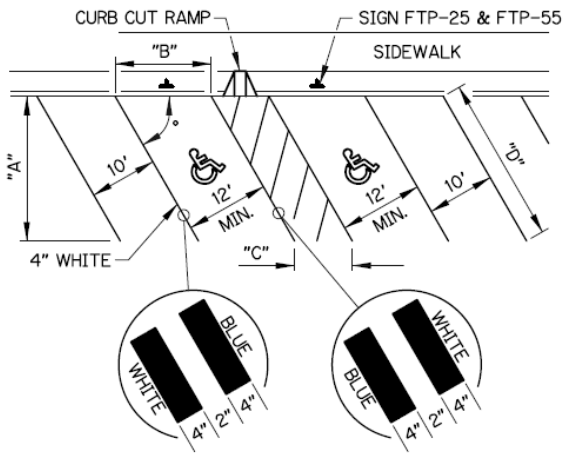
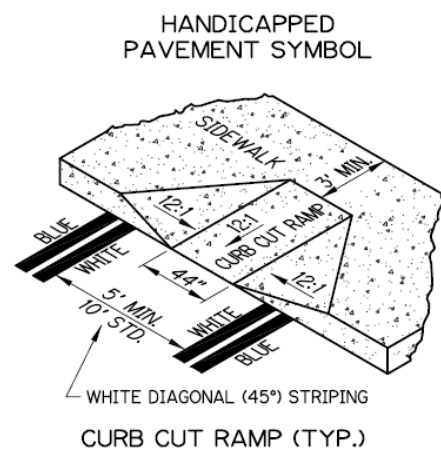
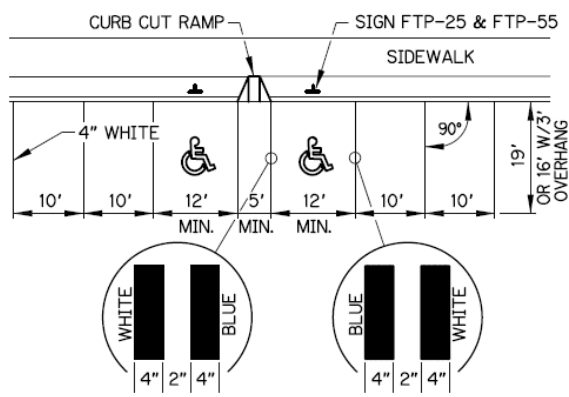
OVERALL SIDEWALK PLAN

JUNE 2010





NOTE:
 USE OF PAVEMENT SYMBOL IN HANDICAPPED PARKING SPACES IS OPTIONAL. WHEN USED THE SYMBOL SHALL BE 3 OR 5 FT HIGH AND WHITE IN COLOR.



- GENERAL NOTES:**
1. CRITERIA FOR PAVEMENT MARKINGS ONLY, NOT CURB CUT RAMP LOCATIONS. FOR RAMP CRITERIA SEE FDOT INDEX NO. 304.
 2. BLUE PAVEMENT MARKINGS SHALL BE TINTED TO MATCH SHADE 15180 OF FEDERAL STANDARD 595g.
 3. SEE SECTION 25-191 OF THE PALM BAY CODE OF ORDINANCES FOR MORE INFORMATION.
 4. ALL CURBS OR CURBSTOPS SHOWN ARE OPTIONAL.
 5. SIGN POSTS REFER TO FDOT ROADWAY AND TRAFFIC DESIGN STANDARDS INDEX 11865.

DIMENSIONS				
Δ°	"A"	"B"	"C"	"D"
45°	19'-10"	17'-0"	7'-1"	28'-0"
60°	19'-10"	13'-11"	5'-10"	22'-11"

HANDICAPPED RAMP AND PAVEMENT MARKING DETAIL

<p>CITY OF PALM BAY PUBLIC WORKS DEPARTMENT</p>	<p>STANDARD SIGN DETAIL</p>	<p>DATE: <u>AUG 2006</u></p>
	<p>SS - 03</p>	<p>APPROVED: _____</p>