

PIMA COUNTY, ARIZONA

DEPARTMENT OF TRANSPORTATION

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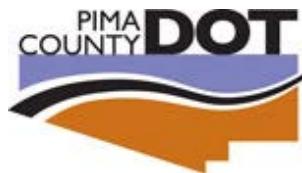
# AMERICANS WITH DISABILITIES ACT

## TRANSITION PLAN UPDATE – PHASE 2

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### Final Report

June, 2012



**PIMA COUNTY, ARIZONA**

**AMERICANS WITH DISABILITIES ACT (ADA)**

**TRANSITION PLAN UPDATE**

**Final Report**

**June, 2012**

Prepared for

**Pima County, AZ**

**Department of Transportation**

**Matthew Zoll, M.Sc., AICP**  
**Project Manager**

Bicycle and Pedestrian Program Manager  
Pima County Department of Transportation  
201 N. Stone Avenue, 5th Floor  
Tucson, AZ 85701-1215

Prepared by

**Curtis Lueck & Associates**  
5460 West Four Barrel Court  
Tucson, Arizona 85743

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# Introduction

On July 26, 1990, groundbreaking federal legislation was approved prohibiting discrimination against individuals with disabilities. This legislation was entitled the Americans with Disabilities Act (ADA). Today, more than twenty years after ADA was enacted, the effects can be seen across the country in curb access ramps, lifts on buses, designated parking areas, and many other roadway and transportation features. Because the public right of way is typically associated with roadways, ADA addresses pedestrian facilities, such as sidewalks, located within the roadway right of way. In addition, pedestrian facilities that are not associated or included in roadway rights of way, e.g., pedestrian routes and shared use paths across public lands, are also subject to ADA. The legislation requires Departments of Transportation and others to prepare and implement Transition Plans to bring their facilities into compliance with the ADA requirements.

In the publication *Special Report: Accessible Public Rights-of-Way / Planning and Designing for Alterations* (July 2007) by the Public Rights-of-Way Access Advisory Committee, the following statements are contained in the Introduction.

*The Americans with Disabilities Act (ADA) of 1990 is a civil rights statute that prohibits discrimination against people with disabilities. ADA implementing regulations for Title II prohibit discrimination in the provision of services, programs, and activities by state and local governments. Designing and constructing pedestrian facilities in the public right-of-way that are not usable by people with disabilities may constitute discrimination. Section 504 of the Rehabilitation Act of 1973 (504) includes similar prohibitions in the conduct of federally-funded programs.*

Pima County is committed to evaluating and upgrading its transportation facilities to better comply with ADA and any associated regulations for pedestrian facilities within the public rights-of-way.

This ADA Transition Plan is an evaluation by Pima County for compliance with accessibility guidelines set forth by the Federal Government. A report such as this is required by Federal law, specifically the Americans with Disabilities Act.

## Transition Plan Requirements

According to the ADA regulations contained in the Code of Federal Regulations, 28 CFR 35.150 (d), a Transition Plan “shall, at a minimum,

- i. *Identify physical obstacles in the public entity's facilities that limit the accessibility of its programs or activities to individuals with disabilities;*
- ii. *Describe in detail the methods that will be used to make the facilities accessible;*
- iii. *Specify the schedule for taking the steps necessary to achieve compliance with this section and, if the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period; and*
- iv. *Indicate the official responsible for implementation of the plan.”*

## **Early Pima County Efforts**

In the mid-1990s, Pima County formally addressed ADA issues related to roadway pedestrian facilities within the unincorporated area through the preparation of a Transition Plan. The *ADA Roadway Compliance Plan* included a methodology for prioritizing roadways for improved ADA facilities. The roadways and pedestrian facilities were prioritized for recommended ADA improvements based on a ranking system that included factors such as daily volumes, sidewalk and curb ramp availability, geometry and condition, the proximity of the facility to a residential area and land uses adjacent to the roadway.

Since the completion of the *ADA Roadway Compliance Plan* ADA deficiencies have primarily been corrected as part of the reconstruction of arterial roadways and the spot improvement of individual intersections. Improvements have included specific sidewalk retrofit improvements to satisfy ADA requirements, construction of new sidewalks, and roadway reconstruction and intersection improvement projects that include new sidewalks and ADA facilities. A wide variety of funding sources have been used to finance these improvements.

## **Current Effort**

In 2008, the PCDOT senior management staff made the decision to both update the ADA Transition Plan and develop an ongoing program to address ADA needs on Pima County roadways. This Transition Plan update is the result of this effort.

This update was divided into two phases. The first phase, which addressed the development of the ongoing program, was completed in the summer of 2010. The second phase, addressed the inventory of existing pedestrian facilities and the selection, prioritizing, scheduling, and funding of ADA improvement projects.

The primary goal of the Phase 1 effort was the development of an ongoing program to address pedestrian facility ADA needs in unincorporated Pima County within the public rights of way maintained by PCDOT. The Project Manager and the CLA staff worked with an *ad hoc* committee, the Advisory/Oversight Committee (AOC), to develop this program.

# Definitions

As used in this Transition Plan (Plan), the following terms shall have the meaning ascribed to them in this Section, which are consistent with the provisions of existing federal and state law, including the regulations promulgated there under. Except to the extent expressly stated to the contrary, any term not expressly defined in this Section or elsewhere in this Transition Plan that has an expressly defined meaning in either the ADA or the regulations promulgated there under ("Regulations") shall have the meaning ascribed to it by the ADA or the Regulations, in that order of preference. All other terms shall be interpreted according to their plain and ordinary meaning.

**ADA/ADAAG:** "ADA" means and refers to the Americans with Disabilities Act as contained at 42 U.S.C. § 12101 et seq. "ADAAG" means and refers to the Americans with Disabilities Act Access Guidelines, codified at Appendix A to 28 Code of Federal Regulations part 36 and at Appendix A to 49 Code of Federal Regulations part 37. "ADAAG Standards" means and refers to physical conditions that meet the new construction and/or alterations standards set forth in ADAAG.

**Compliance Period:** "Compliance Period" means and refers to the period of time for which this Transition Plan will be in effect. The Transition Plan shall become effective upon Final Approval, and remain in effect for up to 10 years. The County may dissolve the Transition Plan at any time upon a showing that it provides Program Access to Pedestrian Rights of Way or upon a showing that it has met or exceeded the monetary obligations specified in this Transition Plan. Alternatively, the Transition Plan will remain in effect until it dissolves automatically 10 years after Final Approval.

**Compliant Curb Ramp:** "Compliant Curb Ramp" means and refers to a curb ramp that is constructed to comply with state and/or federal law (whichever provides the higher access standard) in place at the time of construction. In the case of a location where it is Structurally Impracticable or Technically Infeasible to build a fully compliant curb ramp, or where construction of a fully compliant curb ramp would constitute a Fundamental Alteration of a service, program, or activity of Pima County or an Undue Burden on Pima County, a curb ramp that complies with access standards, or was constructed to the standards existing at the time of construction, or to the maximum extent feasible, will constitute a Compliant Curb Ramp as long as the requirements set forth in this Transition Plan for justifying the reasons for the County to avoid full compliance are met.

**Curb Ramp:** "Curb Ramp" is used interchangeably with "curb cut."

**Detectable Warnings:** "Detectable Warnings" means and refers to truncated domes which provide a tactile surface at the transition between the curb and the street, assisting pedestrians with Vision Disabilities in determining when they enter the street.

**Final Approval:** "Final Approval" means and refers to the date when the County DOT Director approves the "Americans with Disabilities Act (ADA) Transition Plan" for Pima County.

**Mobility Disability:** “Mobility Disability” means and refers, with respect to an individual, to any physical or mental impairment or condition that substantially limits an individual’s ability to move his or her body or a portion of his or her body and includes, but is not limited to, orthopedic and neuromotor disabilities and any other impairment or condition that limits an individual’s ability to walk, maneuver around objects, ascend or descend steps or slopes, and operate controls. An individual with a Mobility Disability may use a wheelchair or motorized scooter for mobility, or may be Semi-Ambulatory.

**Pedestrian Rights of Way:** “Pedestrian Rights of Way” means and refers to all sidewalks over which Pima County has responsibility or authority as well as all Curb Ramps and crosswalks serving such sidewalks and any other pathways used by pedestrians along public rights of way, including pedestrian pathways through public parking lots.

**Statutory Defenses:** “Statutory Defenses” means and refers to the County’s right to assert under this Transition Plan that removal of any barrier or installation of a Compliant Curb Ramp is not required because such barrier removal or curb ramp installation would be Technically Infeasible, or Structurally Impracticable, or that it would constitute an Undue Burden or Fundamental Alteration.

**Structurally Impracticable:** Structurally Impracticable means and refers to circumstances in which the unique characteristics of terrain prevent the incorporation of accessibility features. If it is structurally impracticable to provide full access at any location along pedestrian rights of way, the County shall comply with access requirements to the extent that it is not structurally impracticable to do so. (See ADAAG § 4.1.1(5)(a)).

**Technically Infeasible:** “Technically Infeasible” means, with respect to an alteration of a building, facility or Pedestrian Right of Way, that it has little likelihood of being accomplished because existing physical or site constraints or a lack of public right of way prohibit modification or addition of elements, spaces, or features which are in full and strict compliance with the minimum requirements for new construction and which are necessary to provide accessibility (See ADAAG § 4.1.6(1)(j)).

**Third Party Entity:** “Third-Party Entity” means an entity other than Pima County that controls certain barriers or elements of barriers in a Pedestrian Rights of Way. Transit agencies and local utilities are examples of Third Party Entities.

**Undue Burden:** “Undue Burden” means and refers to an action that, if taken by Pima County, would result in an undue financial and administrative burden. In order to demonstrate that removal of a barrier would constitute an Undue Burden, the decision must be made by the County DOT Director, or his or her designee, after considering all resources available from Pima County ADA funds, and any other source of funding identified in this Agreement available for removal of sidewalk barriers, and must be accompanied by a written statement of the reasons for reaching that conclusion. In preparing such a statement, the County DOT Director or designee may consider the usability of the existing facilities.

## **ADA Coordinator**

The current ADA Coordinator for the County is Mike Tully. This position is responsible for ensuring that all County-managed pedestrian facilities within the County public rights-of way are accessible to and usable by individuals with disabilities. Contact information for the County's ADA Coordinator is:

Mike Tully  
ADA Coordinator  
Pima County Human Resources  
150 West Congress, 4th Floor  
Tucson AZ 85701  
Phone: (520) 740-2782  
Fax: (520) 740-8253

To request an ADA accommodation or file an ADA grievance, contact the ADA Coordinator for locations within the County.

# Notice of the ADA's Provisions



## Notice under the Americans with Disabilities Act

- In accordance with the requirements of title II of the Americans with Disabilities Act of 1990 ("ADA"), **Pima County** will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.
- **Employment:** **Pima County** does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the ADA.
- **Effective Communication:** **Pima County** will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in **Pima County's** programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.
- **Modifications to Policies and Procedures:** **Pima County** will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in **Pima County** offices, even where pets are generally prohibited.
- Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of **Pima County**, should contact the office of the Pima County ADA Coordinator, Pima County Department of Human Resources, 150 West Congress, 4<sup>th</sup> Floor, Tucson, AZ 85701, (520) 740-2782 (phone), (520) 740-8253 (fax) as soon as possible but no later than 48 hours before the scheduled event.
- The ADA does not require the **Pima County** to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.
- Complaints that a program, service, or activity of **Pima County** is not accessible to persons with disabilities should be directed to the office of the Pima County ADA Coordinator, Pima County Department of Human Resources, 150 West Congress, 4<sup>th</sup> Floor, Tucson, AZ 85701, (520) 740-2782 (phone), (520) 740-8253 (fax).
- **Pima County** will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

# ADA Grievance Procedures

This 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 on the basis of disability in the provision of services, activities, programs, or benefits by Pima County. The County'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 ADA Coordinator:

Mike Tully  
ADA Coordinator  
Pima County Human Resources  
150 West Congress, 4th Floor  
Tucson AZ 85701  
(520) 740-2782 Fax: (520) 740-8253

Within 15 calendar days after receipt of the complaint, the ADA or his designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator or his 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 Pima County and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator or his 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 County Administrator or his designee.

Within 15 calendar days after receipt of the appeal, the County Administrator or his designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the County Administrator or his designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the ADA Coordinator or his designee, appeals to the County Administrator or his designee, and responses from these two offices will be retained by Pima County for at least three years.

# Internal Standards, Specifications, and Design Details

## Local Design Details

Current roadway design standards in Pima County and their association with ADA standards are described below:

### ***Pima County Roadway Design Manual (Third Edition/2010)***

The *Pima County Roadway Design Manual* requires compliance with ADA regulations in the design of roadways. Typical urban roadway cross sections include the provision of a sidewalk as a required element.

### ***Pima County Subdivision and Development Street Standards (2005)***

The *Pima County Subdivision and Development Street Standards* include guidance on the design of parking spaces for handicapped accessible spacing based on the *ADA Standards for Accessible Design*.

### ***City of Tucson and Pima County Standard Details for Public Improvements (2003)***

The *City of Tucson and Pima County Standard Details for Public Improvements* include standard design details of curb ramps, sidewalks and the interface of driveways with sidewalks based on the *ADA Standards for Accessible Design*.

## Access Board Guidelines

In 2005, the Architectural and Transportation Barrier Compliance Board (alternatively called the Access Board) developed revised draft accessibility guidelines for pedestrian facilities in the public right-of-way<sup>1</sup>. The Federal Highway Administration recognizes these as its currently recommended best practices. Pima County has adopted these accessibility guidelines into their own system of standards, specifications, and design details with modifications to meet local conditions. Development of design standards and design details within Pima County allows for consistency in the application of ADA requirements for new facilities.

In summer 2011, the Access Board released for public comment proposed final guidelines for public rights-of-way. These guidelines address access to sidewalks, street crossings, and other components of pedestrian networks for people with disabilities, including those with vision impairments. Through this rulemaking, the Board seeks to establish design criteria for pedestrian access routes, curb ramps and blended transitions, pedestrian signals, on-street parking, street furniture, and other elements that take into account constraints unique to public streets and sidewalks, including space limitations and terrain. Although these “final guidelines” have not yet been adopted, they are presented here as the best practices for the development of ADA compliant right-of-way elements. Any subsequent modifications to the final guidelines will be considered to be the official design of ADA facilities.

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<sup>1</sup> <http://access-board.gov/prowac/draft.htm>

## Summary of Technical Requirements

The United States Access Board provides specific guidance on the most common issues needing to be addressed in the right-of-way. They are summarized in the appendix and the following discussion. The following summary of technical requirement included in the proposed final guidelines that specify what design criteria elements, spaces and facilities must comply with in order to be considered accessible include the following:

1. **Pedestrian Access Routes** - Including sidewalks and other pedestrian circulation paths, pedestrian street crossings, and pedestrian overpasses and underpasses and similar structures
  - a. **Continuous Width:** 4 feet minimum (exclusive of the width of the curb), except for medians and pedestrian refuge islands where the clear width must be 5 feet minimum in order to allow for passing space.

The proposed guidelines specify a minimum width of 1.2 meters (4 feet) in order to allow for street furniture and other objects that may be located on sidewalks. Street furniture and other objects must not reduce the clear width required for pedestrian access routes.
  - b. **Passing Spaces:** Where the clear width of pedestrian access routes is less than 5 feet, passing spaces must be provided at intervals of 200 feet maximum. Passing spaces must be 5 feet minimum by 5 feet minimum. Passing spaces are permitted to overlap pedestrian access routes.
  - c. **Grade:** Where pedestrian access routes are contained within a street or highway right-of-way, the grade of the pedestrian access route is permitted to equal the general grade established for the adjacent street or highway, except that where pedestrian access routes are contained within pedestrian street crossings a maximum grade of 5 percent is required. Where pedestrian access routes are not contained within a street or highway right-of-way, a maximum grade of 5 percent is required.
  - d. **Cross slope:** A maximum cross slope of 2 percent is specified for pedestrian access routes, except for pedestrian access routes contained within certain pedestrian street crossings in order to allow for typical roadway geometry. A 5 percent maximum cross slope is specified for pedestrian access routes contained within pedestrian street crossings without yield or stop control to avoid any unintended negative impacts on the control and safety of vehicles, their occupants, and pedestrians in the vicinity of the intersection. Pedestrian street crossings without yield or stop control are crossings where there is no yield or stop sign, or where there is a traffic signal that is designed for the green phase. At pedestrian street crossings without yield or stop control vehicles can proceed through the intersection without slowing or stopping. The cross slope of pedestrian access routes contained within midblock pedestrian street crossings is permitted to equal the street or highway grade.

- e. **Surfaces:** The proposed technical requirements for surfaces apply to pedestrian access routes, including curb ramps and blended transitions, and accessible elements and spaces that connect to pedestrian access routes.

The surfaces of pedestrian access routes and the surfaces at accessible elements and spaces that connect to pedestrian access routes must be firm, stable, and slip resistant. Vertical alignment of surfaces within pedestrian access routes (including curb ramp runs, blended transitions, turning spaces, and gutter areas within pedestrian access routes) and within the surfaces at accessible elements and spaces that connect to pedestrian access routes must be generally planar. Grade breaks (i.e., the line where two surface planes with different grades meet) must be flush. Where pedestrian access routes cross rails at grade, the pedestrian access route must be level and flush with the top of the rail at the outer edges of the rails, and the surfaces between the rails must be aligned with the top of the rail. Vertical surface discontinuities (i.e., vertical difference in level between two adjacent surfaces) must be 0.5 inch maximum. Vertical surface discontinuities between 0.25 inch and 0.5 inch must be beveled with a slope not steeper than 50 percent, and the bevel must be applied across the entire vertical surface discontinuity. Horizontal openings in gratings and joints must not permit the passage of a sphere more than 0.5 inch in diameter. Elongated openings in gratings must be placed so that the long dimension is perpendicular to the dominant direction of travel.

Flangeway gaps at pedestrian at-grade rail crossings must be 2.5 inches maximum on non-freight rail track, and 3 inches maximum on freight rail track.

## 2. Curb Ramps

- a. **Perpendicular Curb Ramps:** A turning space must be provided at the top of perpendicular curb ramps. The turning space must be 4 feet minimum by 4 feet minimum, and is permitted to overlap other turning spaces and clear spaces. Where the turning space is constrained at the back of the sidewalk, the turning space must be 4 feet minimum by 5 feet minimum, with the 5 feet dimension provided in the direction of the ramp run.

A minimum running slope of 5 percent and a maximum running slope of 8.3 percent are specified for perpendicular curb ramps, and the ramp length is limited to 15 feet. A maximum running slope of 2 percent is specified for the turning space at the top of the curb ramp. The running slope is measured parallel to the direction of pedestrian travel.

A maximum slope of 10 percent is specified for the flared sides of perpendicular curb ramps where a pedestrian circulation path crosses the curb ramp. The flared sides are part of the pedestrian circulation path, but are not part of the pedestrian access route. The slope of the flared sides is measured parallel to the curb line.

**b. Parallel Curb Ramps:** A turning space must be provided at the bottom of parallel curb ramps. The turning space must be 4 feet by 4 feet minimum, and is permitted to overlap other turning spaces and clear spaces. Where the turning space is constrained on two or more sides, the turning space must be 4 feet minimum by 5 feet minimum, with the 5 feet dimension provided in the direction of the pedestrian street crossing.

A minimum running slope of 5 percent and a maximum running slope of 8.3 percent are specified for parallel curb ramps, and the ramp length is limited to 15 feet. A maximum running slope of 2 percent is specified for the turning space at the bottom of the curb ramp. The running slope is measured parallel to the direction of pedestrian travel.

**c. Blended Transitions:** A maximum running slope of 5 percent is specified for blended transitions. The running slope is measured parallel to the direction of pedestrian travel.

**d. Common Requirements:** The clear width of curb ramp runs (excluding flared sides), blended transitions, and turning spaces must be 4 feet minimum. Grade breaks at the top and bottom of curb ramp runs must be perpendicular to the direction of the ramp run. Grade breaks are not permitted on the surface of ramp runs and turning spaces. Surface slopes that meet at grade breaks must be flush. A maximum cross slope of 2 percent is specified for curb ramps, blended transitions, and turning spaces. At pedestrian street crossings without yield or stop control and at midblock pedestrian street crossings, the cross slope is permitted to equal the street or highway grade. The cross slope is measured perpendicular to the direction of pedestrian travel. A maximum counter slope of 5 percent is specified for the gutter or street at the foot of curb ramp runs, blended transitions, and turning spaces. A clear space must be provided beyond the bottom of the grade break that is within the width of the pedestrian street crossing and wholly outside the parallel vehicle traffic lane. The clear space must be 4 feet minimum by 4 feet minimum.

### 3. Detectable Warning Surfaces

**a. General:** Detectable warning surfaces consist of truncated domes aligned in a square or radial grid pattern. The detectable warning surfaces must contrast visually with adjacent gutter, street or highway, or pedestrian access route surface, either light-on-dark or dark-on-light. The detectable warning surfaces must extend 2 feet minimum in the direction of pedestrian travel. At curb ramps and blended transitions, detectable warning surfaces must extend the full width of the ramp run (excluding flared sides), blended transition, or turning space. At pedestrian at-grade rail crossings not located within a street or highway, detectable warning surfaces must extend the full width of the crossing. At boarding platforms for buses and rail vehicles, detectable warning surfaces must extend the full length of the public use areas of the platform. At boarding and

alighting areas at sidewalk or street level transit stops for rail vehicles, detectable warning surfaces must extend the full length of the transit stop.

#### **4. Pedestrian Street Crossings:**

- a. Pedestrian Signal Phase Timing:** Pedestrian signal phase timing must comply with referenced MUTCD standards and use a pedestrian clearance time that is calculated based on pedestrian walking speed of 3.5 feet/second or less.
- b. Roundabouts:** Where sidewalks are flush against the curb at roundabouts and pedestrian street crossing is not intended, a continuous and detectable edge treatment must be provided along the street side of the sidewalk at roundabouts. Detectable warning surfaces must not be used for edge treatment. Where chains, fencing, or railings are used for edge protection, the bottom edge of the treatment must be 15 inches maximum above the sidewalk to be detectable by cane.

At roundabouts with multi-lane pedestrian street crossings, a pedestrian activated signal must be provided for each multilane segment of each crossing, including the splitter island. Pedestrian Hybrid Beacons can be used at roundabouts. Pedestrian Hybrid Beacons are traffic signals that consist of a yellow signal centered below two horizontally aligned red signals. The signals are normally dark (i.e., not illuminated). The signals are initiated only upon pedestrian activation and can be timed to minimize the interruption of traffic. The signals cease operation after the pedestrian clears the crosswalk. When activated by a pedestrian, the following signals are displayed to drivers: a flashing yellow signal, then a steady yellow signal, then two steady red signals during the pedestrian walk interval, and then alternating flashing red signals during the pedestrian clearance interval. The following signals are displayed to pedestrians: a steady upraised hand (symbolizing DON'T WALK) when the flashing or steady yellow signal is operating, then a walking person (symbolizing WALK) when the steady red signals are operating, and then a flashing upraised hand (symbolizing DON'T WALK) when the alternating flashing red signals are operating.

- c. Multi-Lane Channelized Turn Lanes:** Pedestrian activated signals must be provided at pedestrian street crossings at multi-lane channelized turn lanes at roundabouts and other signalized intersections. The pedestrian activated signals must comply with MUTCD standards for accessible pedestrian signals and pedestrian pushbuttons.

# Transition Plan

The Transition Plan for County public rights-of-way (hereinafter referred to as the Plan) consists of the following elements:

1. A list of physical barriers in the County public right-of-way that limit accessibility of individuals with disabilities (the Self-Evaluation),
2. A detailed description of the methods to remove these barriers and make the facilities accessible,
3. A schedule for taking the necessary steps,
4. The name of the official responsible for implementation,
5. A schedule for providing improvements, and
6. A record of the opportunity given to the disability community and other interested parties to participate in the development of the plan.

The ADA requires that a public entity include in its transition plan a schedule for the installation of curb ramps or other sloped areas at locations where pedestrian walks (sidewalks) cross curbs. The purpose of this section is to summarize sidewalk and curb ramp needs in Pima County and to outline the recommended procedures for the prioritization, implementation and scheduling of remedial work to provide ADA compliant public rights-of-way infrastructure (sidewalks and curb ramps) within the public right-of-way in unincorporated Pima County.

## Prioritization Plan

Pima County is endeavoring to ensure equal access to the public right of way (sidewalks and crosswalks) for pedestrians with disabilities by identifying all areas of potential deficiency and by making necessary structural improvements. The assignment of priorities for curb ramp and sidewalk construction and reconstruction is intended to guide the selection of locations, to incorporate federal guidance, and to address specific concerns of the local disability community.

Soon after passage of the ADA, Pima County developed a transition plan, which evaluated arterials and collectors within unincorporated Pima County. Recommendations included in this transition plan resulted in some prioritized projects being included in subsequent County CIPs. In 2005, PAG completed the Tucson Region Sidewalk Inventory which included a prioritization of sidewalk projects based on land use, and other factors associated with traffic volumes, and ADA eligibility locations. These recommendations were also reviewed by the County and many were included in County improvement program lists.

## Priority One – Citizen Requests

The first priority will be to construct or reconstruct infrastructure within the public right-of-way on an individual basis in response to requests from qualified persons with disabilities. Generally, requests come from residents with disabilities who wish to get to from their home or work place to transportation, school, medical facilities or other areas to accommodate their activities of daily living.

The County does not have a specific list of those projects, but generally responds to them and fixes, or resolves the non-compliance as feasible. The County ADA public rights-of-way should maintain this list, and with the County DOT director, manage the implementation of these projects. These projects should be implemented from a dedicated funding source, or from a percentage of funding available for capital improvements. Other funding sources, such as Transportation Enhancement (TE) funds could be applied to some projects if this type of funding is applied for.

#### **Priority Two - Planned Sidewalk/Shared Use Path Projects**

Of these projects, thirty-two are on segments that have been programmed to be improved by Pima County in the 2011-2016 PAG Transportation Improvement Program, or in other programs. These projects are shown in the following table.

## Priority Two Projects: Planned Sidewalk/Shared Use Path

Planned Sidewalks or Shared Use Paths	Sidewalk, Both Sides	Sidewalk on One Side with Paved Shoulders	Shared Use Path	Ramps (both sides)	Planned Construction Year	Status as of 1-1-12
La Cholla, Ruthrauff to Wetmore		West Side			2013	
La Cholla, River Road to Ruthrauff	X				2011	Complete
La Cholla, Magee to Lambert			West Side		2012	
La Cholla, Lambert to Tangerine			West Side		2015	
La Cholla Boulevard/Ina Road Intersection - Sidewalk Improvements to Bus Stops	X				2014	
Mary Ann Cleveland, Nona Lane to Driscoll Mountain Drive	X				2014	
Campbell Avenue, Skyline Drive to Ina Road	X				2016	
Wetmore, 600 feet west of La Cholla to Romero	X				2013	
Ruthrauff, Davis to La Cholla	X (ramps)			X	2014	
Camino del Sol, Cotonia to Canoa		East Side			2012	
Flowing Wells, Roger to River Road	X				2011	Complete
Bear Canyon, Tanque Verde to Collier Elementary School			East Side		2011	Complete
Camino de Oeste, Valencia to Tetakusim		West Side			2012	
Magee, Thornydale to Oracle		South Side			2012	
Tanke Verde, Catalina Highway to Houghton		South Side			2011	Complete
La Cañada, River Road to Ina	X				2012	
La Cañada, Ina to Calle Concordia	X				2011	Complete
Silverbell, Grant to Ina		X	East Side		2015	
Valencia Road, Ajo to Mark		South Side			2013	
Valencia, Alvernon to Kolb	X				2013	
Shannon Road, Diamond to Rillito (both sides to Curtis, west side to Rillito)	X*	West Side*			2012	
Pantano Wash, Speedway to 5th Street			East Side		2014	
Rillito River, Hacienda del Sol to Country Club			North Side		2011	Complete
Rillito, Camino de la Tierra to La Cholla			North Side		2011	Complete
Rillito, La Cholla to Oracle			South Side		2011	Complete
Rillito, Alvernon to Craycroft			South Side		2011	Complete
Santa Cruz, Grant to Rillito (west side SUP to Camino del Cerro, east side SUP to Rillito)			West and East Side		2011	Complete
Colossal Cave Road, COT limits to Pistol Hill Road	Shoulders				2012	
Abrego, SAH limits to 1/4-mile south	Shoulders Only				2012	
Valencia Road, Mission to Camino de Oeste					2012	
Loma Alta, Via Rancho de Lago to Colossal Cave Road	Shoulders				2011	Complete
Coronado Elementary and Middle School pathway, Wilds Road to Twin Lakes; Twin Lakes to Golder Ranch Road					2014	
Esperanza, Abrego to La Cañada	X				2014	

\*Constructed as part of roadway expansion project

### **Priority Three - Non-Programmed/Planned Improvements**

Pima Association of Governments recently conducted a sidewalk inventory to identify the status of sidewalks within the PAG region, including unincorporated Pima County. PAG's sidewalk inventory evaluated the status of the following: curb ramps, landing areas at the top of ramps, missing or broken sidewalks, sidewalk width, obstructions in the sidewalks, and the materials of sidewalks.

PAG provided member jurisdictions with a list of roadways where sidewalks are missing or not complete, and estimates of costs to improve the deficiencies. Although there were several roadways with missing or partial sidewalks, PAG prioritized the improvements based on existing and potential pedestrian use. In general, roadways that were adjacent to schools, businesses, transit routes and stops were qualitatively ranked higher. Some of these improvements are included in the Priority Two list; others that should be considered as Priority Three projects are:

- Orange Grove Road between 1<sup>st</sup> Avenue and Camino la Zorrela- Sidewalk improvements, \$1.1M
- Houghton Road between Sahuarita Road and Camino Del Toro- Install sidewalks, \$940,000
- North Ajo Well No. 1 Road between Rasmussen Road and East 1<sup>st</sup> Avenue (Ajo)- Install sidewalks, \$1.2 M
- Palo Verde Road between 36<sup>th</sup> and Irvington Road- Sidewalk Improvements, \$960,000

These projects are intended to be completed over the next ten years as funding becomes available.

### **Methods to Remove Barriers**

#### **1. Street Overlays and Reconstruction**

Each time the County overlays or reconstructs a street, it will, subject to the availability of funding, ensure that Compliant Curb Ramps and/or Sidewalks are installed at each intersection as part of the overlay project. This requirement does not pertain to slurry seals, cape seals, or base failure repairs. Pima County will use ADA funding as feasible to support the construction of the curb ramps.

#### **2. Dedicated Funding**

If the County obtains dedicated funding for any additional street overlays or reconstruction, it will ensure that Compliant Curb Ramps and/or Sidewalks are installed at each intersection as part of the overlay or reconstruction project. If the County obtains dedicated funding for redevelopment work that includes complete removal and reconstruction of a section of Pedestrian Right of Way, the County will ensure that the reconstructed sidewalk is accessible,

subject to all available defenses. This work will be in addition to the work supported by the funds.

### **3. County Monitoring of New Permitted Development and Alterations**

The County will monitor all permitted construction work approved after the Effective Date of this Transition Plan affecting the Pedestrian Rights of Way to ensure that it conforms to the requirements set forth in this Transition Plan. In any location where an access feature required under the terms of this Transition Plan does not fully conform to access standards, and where the County claims that full compliance is not required due to any Statutory Defense, the County's explanation of its determination that full access is not required will be included and explained in the next Annual Report.

### **4. County Monitoring of Permitted Work to Existing Driveways**

The County will monitor all permitted work for existing driveways. The County will not approve any permit to modify an existing driveway that would create an unreasonable cross-slope or worsen an existing cross-slope within the path of travel along Pedestrian Rights of Way.

## **Reports and Monitoring**

### **Annual Report**

At the conclusion of each fiscal year until the end of the Compliance Period, the County shall provide a report ("Annual Report") to the DOT Director describing the actual work done to implement this Transition Plan during the previous twelve months and a prospective plan of projects the County plans on undertaking to improve access to Pedestrian Rights of Way in the upcoming year. The Annual Report will be completed within one hundred and twenty (120) days from the end of the fiscal year and will include:

1. A summary or listing of all written complaints or requests for removal of particular barriers received since the prior report, including information specifying whether the County has taken action to remove the barrier.
2. Summaries of work done to ensure access and/or remove access barriers in conjunction with asphalt overlay projects, projects completed with Dedicated Funds and projects completed with Pima County ADA funds.
3. A list of all barriers, if any, for which the County asserts that it has a Statutory Defense excusing installation of a Compliant Curb Ramp and/or Sidewalk or removal of an access barrier. If the County asserts that it has a Statutory Defense that limits its ability to remove a barrier or to install a Curb Ramp and/or Sidewalk that meets all current standards, the County will include in the report a written statement by the County Director (or his or her designee) providing the reasons for reaching that conclusion. To the extent that the County claims that installation of a fully compliant Curb Ramp and/or Sidewalk or removal of an existing barrier would be an Undue Burden, the written statement will include his or her consideration of all resources available from Pima County ADA Funds and any other source of funding set forth in this Agreement as available for the removal of access barriers.

4. Information regarding the removal of barriers along the Pedestrian Rights of Way from the County Director.
5. Information describing efforts made by the County or Advisory Committee to leverage additional programs or funding sources to install Compliant Curb Ramps and/or Sidewalk or remove access barriers in the Pedestrian Rights of Way.
6. Information regarding efforts at Community Outreach, and any action being taken because of such community outreach.
7. Information documenting all barrier removal efforts accomplished in conjunction with Third Parties (such as utility companies).
8. A prospective plan of projects for the upcoming year based on the priority recommendations of the County's ADA Advisory Committee; and approved by the County Director or his/her designee.
9. A Monitoring Report, as described below, for the first three years of the Compliance Period.

### **Monitoring Report**

Pima County will utilize a Registered Professional Civil Engineer who is either employed by the Public Works Department or designated by the County DOT Director ("The Director") to monitor the County's compliance with this Transition Plan for a period of three years from the date of execution. The Director will annually inspect 8-10% of the locations within the Pedestrian Rights of Way at which barriers have been removed to ensure that such barrier removal is completed properly within acceptable tolerances. Such inspections will determine whether there are remaining barriers at sites that were identified as having all barriers removed, or whether barrier removal work was completed properly. The Director will annually produce a report ("Monitoring Report") containing his or her findings to the County. The Monitoring Report may be prepared in conjunction with or as part of the Annual Report at the discretion of the County Director.