

FREDERICK COUNTY MARYLAND

Americans with Disabilities Act

Self Evaluation of Pedestrian Facilities within County Public Rights of Way

**Division of Public Works
June 2014**

This document is available in alternative formats upon request

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Executive Summary

Frederick County, Maryland, performed a County-wide Self Evaluation survey of pedestrian facilities within County-maintained public rights of way in the Spring of 2014. The survey inventoried all existing sidewalks and curb ramps and identified pedestrian facilities that were not accessible according to the standards found in the “Americans with Disabilities Act (ADA) Standards for Transportation Facilities”, adopted by the U. S. Department of Transportation in 2006, and field methodology developed by the Maryland State Highway Administration.

The Self Evaluation found that approximately 13 percent of the County’s 153.87 miles of sidewalks did not comply with applicable standards. Approximately 97 percent of a total of 2,296 curb ramps were identified as non-compliant.

The results of this survey will be used to develop a Transition Plan that will work towards addressing all non-compliant facilities identified during the Self Evaluation survey.

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

Organization and Contact Information

Questions, comments, and complaints should be directed to the County-wide ADA Title II Coordinator, who will then forward the matter to the most appropriate County agency. For example, issues regarding pedestrian accessibility in public rights of way under Frederick County jurisdiction will be forwarded to the Division of Public Works. Complaints will be addressed in accordance with the County's Complaint/rievance policy found on page 5 of this document.

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

Contact Information:

County-wide ADA Title II Coordinator
Division of Human Resources
Frederick County Government
Winchester Hall
12 East Church Street
Frederick, Maryland 21701

Phone: (301) 600-1747

Fax: (301) 600-2314

drudegeair@frederickcountymd.gov

Background

The Americans with Disabilities Act of 1990 (ADA) was signed into law on July 26, 1990. The ADA follows in the footsteps of previous civil rights laws that were enacted to protect individuals from infringements on their civil rights. Examples include the Civil Rights Act of 1964, which prohibited discrimination based on race, religion, sex, and national origin, and Section 504 of the Rehabilitation Act of 1973, which prevents discrimination against qualified individuals with disabilities in any program or activity that receives federal funding. The ADA prohibits discrimination based on disability in the areas of employment or the administration of federal, state and local government programs and services, and provides for accessible telecommunications, transportation, and public accommodations.

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

Title II of the ADA requires all local governments that employ 50 or more people to develop a “Self Evaluation” of the programs and services provided to the public. Frederick County conducted a self evaluation in 1992 and made improvements to County programs and facilities as a result of this effort. Policies were put into place to insure that any new construction sponsored by the County and any alterations to existing County programs and facilities would meet current standards under the ADA.

The County has become aware that its obligations in regard to the ADA extend to sidewalks and pedestrian facilities in County maintained public rights of way. These facilities were never included in previous self evaluation efforts, and had never been inventoried or inspected to insure pedestrian accessibility. To fulfill its responsibilities and obligations under the ADA in regards to pedestrian facilities within County public rights of way, Frederick County implemented a Self Evaluation of pedestrian facilities in the Spring of 2014. The results of this effort are detailed in the remainder of this document.

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

Statement of Non-Discrimination

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

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

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

Complaint/Grievance Policy

Frederick County is committed to the fair and equitable provision of programs and services to its citizens. If an individual feels that he or she has been discriminated against or has been prevented from participating in or utilizing a County program, service, or facility due to a disability, as defined in Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 and amendments, they may file a complaint or grievance with the County according to the following procedure:

1. Filing Procedure:

An individual may file a complaint or grievance with Frederick County for an alleged act of discrimination by County employees in the provision of County programs and services, or for alleged inaccessibility of County facilities or lack of accommodations by first contacting the County-Wide Title II ADA Coordinator. The complaint should be submitted in writing, by email or regular mail, and provide the grievant's name, address, telephone, email, or other contact information, with an indication of which type of communication is preferred. The complaint shall describe the alleged incident or issue, including the time and place the incident occurred or the condition was observed, and be signed by the grievant. The grievant should attempt to report any alleged incident or issue in a timely fashion, without undue delay. A sample grievance reporting form is included as Appendix I.

A grievant, or his or her designee, may file a complaint or grievance verbally over the phone, via TTY, or in person, which would then be transcribed by the County-wide ADA Coordinator, with a copy provided to the grievant for their records. If there is an error or omission, it is the grievant's responsibility to bring it to the County's attention prior to any findings by the County.

2. Initial Response:

The ADA Coordinator shall forward a copy of the complaint or grievance to the appropriate County office or agency, and will provide the grievant with a written acknowledgement of receipt of their grievance within 10 calendar days. The County will provide an estimated time for a detailed investigation and response, not to exceed 60 calendar days.

3. Investigation and Response:

The appropriate agency shall investigate the alleged discrimination or accessibility issue, and may contact the grievant directly or request a meeting to collect more information. A formal response will be prepared that details the agency's findings and plan of action, if applicable. The estimated time required to implement any remediation will be included in the response. The County-wide Title II ADA Coordinator shall receive a copy of the response and file it with the original complaint.

4. Appeal:

If the grievant is unsatisfied with the agency's response within 15 calendar days after receipt of the response, he or she may appeal to the Chief Administrative Officer (CAO), or his or her designee. The CAO, or his or her designee, shall acknowledge the appeal in writing within 10 calendar days, and will provide a timeline to address the matter, not to exceed 60 calendar days. The ADA Coordinator shall be provided with a copy of the acknowledgement for the file.

5. Final Resolution:

The CAO, or his or her designee, shall investigate the matter and may request an interview with the grievant to collect more information. A formal written response will be prepared that details CAO's determination in the matter and course of action, if any. The County-wide Title II ADA Coordinator shall receive a copy of the response to the appeal and add it to the file.

The County-wide Title II ADA Coordinator shall maintain a file on each grievance for a period of three years. Grievances may be used to develop plans for improvements and retrofits of County programs and facilities.

Individuals have the right of private action. If at any time the grievant is dissatisfied with the County's handling of the matter, he or she may seek recourse from other government agencies.

Filing Discrimination Complaints with Other Government Agencies

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

U.S. Department of Justice

950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Phone: 202-514-2000

<http://www.justice.gov/actioncenter/complaint.html>

U. S., Department of Transportation, Federal Highway Administration

Headquarters Office of Civil Rights
1200 New Jersey Avenue, SE (HCR-40)
Washington, DC 20590

Phone: 202-366-1595

<http://www.fhwa.dot.gov/civilrights/programs/iecd.htm>

U.S. Equal Employment Opportunity Commission

Baltimore Field Office
City Crescent Building
10 S. Howard Street
Third Floor
Baltimore, MD 21201

Phone: 1-800-669-4000

www.eeoc.gov

Maryland Commission on Civil Rights

44 N. Potomac Street
Suite 202
Hagerstown, MD 21740

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

Phone:

Hagerstown: 301-797-8521

Baltimore: 410-767-8600

Toll Free: 1-800-637-6247

www.mccr.maryland.gov

Frederick County Human Relations Department

Public Safety Training Facility
5370 Public Safety Place
Frederick, MD 21704

Phone: 301-600-1110

<https://frederickcountymd.gov/index.aspx?nid=1516>

Self Evaluation Methodology

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

The early stages of this effort consisted of identifying County roads with sidewalks, training staff, developing a survey methodology and documentation strategy. The State Highway Administration (SHA) was very helpful during this process, providing training and documentation samples, and offering the use of their Geographic Information System (GIS) architecture.

Frederick County had no preexisting inventory of pedestrian facilities in County rights of way prior to this effort. Staff reviewed aerial photographs flown in 2011 to develop a list of County roads that appeared to have associated sidewalks and ramps. 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.

Due to technical issues the SHA GIS architecture could not be readily implemented without significant modification. Rather than delay the project modifying the SHA GIS or developing a new one, Frederick County utilized a paper based recordation system and a “pass/fail” approach to identifying non-compliant pedestrian ramps and began field work as soon as weather conditions allowed. These choices significantly increased our rate of progress during our data collection, and ultimately the County completed the field data collection on April 29, 2014.

The data that was collected in the field was recorded on customized paper forms. The forms were later inputted into electronic spreadsheets for data processing and archival purposes. The field notes and electronic spreadsheets may be viewed by special appointment at the offices of the Department of Engineering and Construction Management, Suite 200, 355 Montevue Lane, Frederick, MD 21702, by calling (301) 600-1129. Summary tables of the results are included as Appendix III - Sidewalks, and Appendix IV - Ramps.

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 using a linear referencing system based on the distance from the last cross street. The sidewalk features documented include vertical clearance (change in level), pinch points, passing zones, protruding objects, driveway cross slope, sidewalk panel cross slope, and panel width. A “station” number, or distance from the last reference point, was assigned to all non-compliant features except panel cross slope, which were identified by a “begin” and “end” station. The resulting data provides a total number of various non-compliant features, and linear quantity of sidewalk that needs complete replacement due to excessive cross slope. In many places several non-compliant features may be addressed with a single repair. The total quantity of work required to achieve compliance will be determined at the project level, but based on the results of the survey, it is clear that a minimum of approximately 20 miles of sidewalk will have to be completely reconstructed.

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 ramp’s “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. This “pass/fail” approach contributed to the County’s ability to successfully complete the Self Evaluation field work over a 10 week period.

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

Results

The field notes generated during the survey have been transferred into an electronic format and the original paper forms have been archived. A summary of the electronic data has been included as Appendix III. 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:	2296	100%
Total number of compliant ramps:	78	3%
Total number of non-compliant ramps:	2218	97%

Number	Non-Compliant feature	standard
310	Ramps did not comply with geometry requirements per standard	406
1405	Ramps did not comply with requirements regarding landing per standard	406.4
1985	Ramps did not have Detectable Warning Surface (DWS)	406.8
337	Ramps did not have compliant landings or DWS	406.4/406.8
15	Median Crossings were absent or non-compliant	406.7

(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	812,457 feet	153.87 miles	100%
Sidewalk compliant with standard 403.3 (cross slope)	706,529 feet	133.81 miles	87%
Total number of driveway sidewalk crossings		5,270	100%
Total number of non-compliant driveways (due to cross slope)		1,177	22%

Reason for determination of non compliance	number	standard
Sidewalk Panel Cross slope	26,560	403.3
Width of Panel	5	403.5.1
Vertical Clearance (changes in level)	3,213	303.2
Pinch Point	27	403.5.1
Passing Zone	254	403.5.3
Protruding Object	248	307.5

(Please note that only sidewalk cross slope is expressed in linear feet. All other non-compliant features are expressed as points. Multiple non-compliant features can occur at the same location.)

Public Input

The ADA requires that public agencies seek public input to help identify accessibility needs and prioritize remediation efforts. As part of the County's Self Evaluation, general announcements were made to media outlets and the Frederick News-Post printed an article on the subject on April 6, 2014. A description of the self evaluation was posted to a new page on the County website. A video segment was broadcast on Channel 19, the local government cable television channel, describing the effort and requesting public input. The Frederick County Commission on Disabilities was also asked to provide input.

Several letters and emails were received during the development of the Self Evaluation. The results are summarized in Table 1. All but three of the comments received to date refer to pedestrian accessibility issues on private, city, or state roads that are not under County jurisdiction and not included in the scope of this effort.

Links:

Channel 19 feature "This Week in Frederick County":

http://frederick.granicus.com/MediaPlayer.php?view_id=5&clip_id=4347

Frederick County Website:

<http://www.frederickcountymd.gov/index.aspx?nid=5731>

Frederick News-Post article:

http://www.fredericknewspost.com/news/politics_and_government/governmental_and_political_topics/transportation/frederick-county-asks-for-public-comments-on-sidewalk-accessibility/article_4a769a73-74c9-53bc-bdb7-bd3b779c08b9.html

Frederick County Commission on Disabilities:

<http://www.frederickcountymd.gov/index.aspx?nid=3440>

Table 1: Summary of Public Comments to Date.

Name	Date	Area of Interest	Response
John Gretz	April 2012 to present	Pedestrian facilities on County roads in general, specifically lack of detectable warning surfaces (DWS) on ramps in the Villages of Urbana	Pilot program to retrofit 50 DWS, implementation of Self Evaluation and Transition Plan
William Butler	May 10, 2014	“Downtown Frederick”	Referred to City of Frederick
Eva Moore	April 10, 2014	“Old Town Frederick”, East Patrick Street in Frederick City	Referred to City of Frederick
Nancy Manthey	April 7, 2014	East Patrick Street in Frederick City	Referred to City of Frederick
Carol Feser, on behalf of the Frederick Women’s Civic Club	April 29, 2014; June 4, 2014; June 9, 2014	Offered observations regarding pedestrian facility conditions throughout County	Acknowledgement, referred some locations to City of Frederick and Walkersville
Quemzeee2	April 8, 2014	Hillcrest neighborhood	Referred to City of Frederick
Steven Stoyke	April 1, 2014	David Lane, Hillcrest neighborhood	Referred to City of Frederick
Dulcy Dutrow	May 9, 2014	Crestwood Blvd between Ballenger Creek Pike and Hannover Drive	Deficiencies have been inventoried, will be addressed in Transition Plan
Chad Cave	May 14, 2014	MD 26 bridge over Monocacy	Referred to SHA

Conclusion

Frederick County recognizes pedestrian facilities as an integral part of its transportation infrastructure. The field inspections conducted in the Spring of 2014 provide a valuable baseline for measuring progress towards the goal of fully accessible pedestrian facilities within County rights of way.

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

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

Future County-wide reassessments will reassess the condition of all existing pedestrian facilities and be used to modify the Transition Plan as needed. At this time the County anticipates that such assessments will take place every 5 to 10 years.

Public comments based on the Spring 2014 Self Evaluation will be documented and incorporated into the Transition Plan.

Copies of the Spring 2014 Self Evaluation will be made available to the public in a variety of formats. Printed copies of the Self Evaluation will be reissued when new County-wide sidewalk and ramp inspections are completed in future years.

Complete copies of the field notes and electronic database containing the detailed results of the field survey will not be distributed due to the impractical size of the document. The data may be viewed by special appointment at the offices of the Department of Engineering and Construction Management, Suite 200, 355 Montevue Lane, Frederick, MD 21702, by calling (301) 600-1129.